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EVALUATING PATRIACHY AND GENDER INEQUALITY IN AN ERA OF DEMOCRACY: CASE OF SOUTH AFRICA (1994-2012)

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Research Submitted to the Faculty of Human and Social Sciences in fulfilment of Master's Degree in International Relations at the North West University.

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DECLARATION

I declare that this dissertation/thesis is my own unaided work. All citations, references and borrowed ideas have been appropriately acknowledged. The thesis is being submitted for the Masters of Arts Degree in International Relations in the Faculty of Human and Social Sciences, in the Department of History, Politics and International Relations of the North West University: Mafikeng Campus, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

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19 - 09 - 2014
.....

Date

.....
Date

DEDICATION

This paper is dedicated to my brother, Mr Olaotse ketleetso Ketshabile aka “molaozen” and his beautiful wife Boipelo Ketshabile. You are the best ever! May God bless you and your family.

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LIST OF ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CCMA	Commission for Conciliation, Mediation and Arbitration
CGE	Commission on Gender Equality
COSATU	Congress of South African Trade Unions
DWCPD	Department of Women, Children and Persons with Disabilities
FGM	Female Genital Mutilation
GBH	Grievous Bodily Harm
GFP	Gender Focal Point
HIV	Human immunodeficiency virus
ILO	International Labour Organization
NCOP	National Council of Provinces
MEC	Member of Executive Council
NEHAWU	National Education Health and Allied Workers Union
NGM	National Gender Machinery
OSW	Office on the Status of Women
POWA	People Opposing Women Abuse
SADC	Southern African Development Community

SADSAWU	South African Domestic Service and Allied Workers Union
SAHRC	South African Human Rights Commission
SAPS	South African Police Services
STATSSA	Statistics South Africa
UN	United Nations
UDHR	Universal Declaration of Human Rights
VAW	Violence against Women
WEF	World Economic Forum
WHO	World Health Organization
WLSA	Women and Law in Southern Africa
WNC	Women's National Coalition

SADSAWU	South African Domestic Service and Allied Workers Union
SAHRC	South African Human Rights Commission
SAPS	South African Police Services
STATSSA	Statistics South Africa
UN	United Nations
UDHR	Universal Declaration of Human Rights
VAW	Violence against Women
WEF	World Economic Forum
WHO	World Health Organization
WLSA	Women and Law in Southern Africa
WNC	Women's National Coalition

ABSTRACT

South Africa is a beautiful country that is made up by different tribes, clans and races. It is truly a rainbow nation that had struggled enormously against minority rule and it was only in 1994 that the first democratic election took place. Women were a force to reckon with during the fight against apartheid and during the political negotiations that took place prior to the first democratic election. Their involvement in the negotiations led to policies and frameworks that were meant to ensure gender equality and the promotion of the rights of all women in South Africa irrespective of race and creed. Women, especially black women, had suffered a great deal during apartheid as they had to deal with the constraints placed against them by the minority regime. They also had to deal with constraints placed against them by by-products of patriarchy at home and in the society. As a result of this women wanted to ensure that the new dispensation was sensitive and aware of their needs. They wanted the new government to ensure gender equality. They stealthily fought for recognition and the right to be heard during the negotiations. Patriarchy played its hand during these negotiations as many male union members held the view that women need not be involved in these negotiations, let alone call for an addition of terms to the negotiations. Despite this, women persevered and gender sensitive policies and laws were crafted.

Under the new government South Africa has gained a reputation as a country that is committed to the promotion of gender equality. Its domestic laws and foreign policy show that it is intent on safeguarding gender equality and has a great disdain to any country, person or entity that violates women. It has established proactive national gender frameworks, allows fair discrimination as a way of advancing women, and has equality courts as well as sexual offences courts. However, despite this, South Africa is having grave difficulties in attaining a gender balanced society and furthermore she is besieged by high levels of gender based violence. Women are still exposed to human rights violations and inequalities.

This study argues that the reason why South Africa is faced with these grave challenges is because it is a patriarchal society that is divided along gender lines. There is an

emphasis on the difference between masculinity and femininity. Men are still seen as the dominant and women as inferior. Patriarchy is a permanent force in South Africa. It is a cause of grave concern as in most cases it hinders the implementation of policies and acts. It also hinders the carrying out of court orders such as the eviction and protection orders. The majority of women, as compared to men, are relegated to low income employment. They are also expected to perform domestic chores and the rearing of their children. Violence against women in South Africa is immense and this is despite the availability of laws and machineries that are meant to protect women.

This study argues that patriarchy is the main catalyst of this problem. It breeds and legitimizes all violations and discrimination against women. It teaches male South Africans what it means to be a real man, how a real man is expected to act, what privileges are in store when they act like real men and punishments for any person especially women who contravene these expectations. It also teaches South African women what it means to be real women how a real woman is expected to act, what privileges are in store when they act like real women and punishments for contravening these expectations. Due to this fact gender inequality is difficult to eradicate and is still a problem nineteen years after gaining freedom.

CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND

Gender inequality is one of the biggest challenges facing women worldwide. It is a serious challenge that hinders women from fully enjoying their rights as human beings. Not only does it have tremendous socio-economic and political consequences that heavily hamper the development of women worldwide but it is a serious problem that knows no boundaries, colour, literacy or economic status.

Despite the seriousness of gender inequality, states have still not been able to completely eradicate it and have often been blamed for allowing gender inequality to continue through unequal power-distribution, allowing harmful cultural practices, policies and laws. This unequal distribution of power between men and women has led to one sex being regarded as dominant and the other being seen as subordinate (masculinity being the dominant and femininity the subordinate). It has also led to the creation and sustenance of violent masculinities.

Thus, despite the fact that international Human Rights law prohibits discrimination on the basis of gender and calls for all states to guarantee that both men and women enjoy their rights equally, gender inequality persists today and is showing no signs of ever going into remission. For example, the United Nations states that even though the Convention on the Elimination of All Forms Of Discrimination Against Women has been in effect for the past thirty years women still do not share equal rights with men. All 186 states that have ratified it show reluctance to articles 2 and 6 which focus on young girls and women's personal and family life.

Articles 2 and 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDWA) address mainly the legal structures of states and call for the removal of laws and systems (civil, religious and cultural systems) that legally promote and condone discrimination against women.

These articles articulate clearly that gender biased constitutions and policies need to be removed and be replaced with gender balanced constitutions and policies. These will promote gender equality across all domestic and international spheres.

However, many states, both democratic and undemocratic, show great reluctance to the removal of systems that discriminate against women and as a result gender inequality continues to grow and breed freely within legal boundaries worldwide. Gender inequality is universal and women in democratic states are not immune from it. They are faced with difficult challenges and indescribable discrimination daily.

Even though a democratic state is one that aspires to enforce socio-economic and political equality to its people, in reality the inception and implementation of policies that affect women are driven by men. This could be as a result of various reasons. Patriarchy is one of the main catalysts as it gives rise to other issues such as violence against women, unfair discrimination, exploitation, women trafficking and so forth.

Patriarchy literally means the rule of the father (Heywood, 2007:236). It means that the father has complete control and power over his family in all aspects. Remy (1999:44) explains that "patriarchy traditionally meant the primacy of the father in kinship, and by extension an authoritarian and often antiquated yet paternalistic form of government, as well as 'the rule of the elders' or the rule of 'the wise old men'."

Owing to this supremacy, men have had ample, unshakable control and domination in political, social and economic avenues needed for growth and survival. Men have occupied the public sphere for time without end while women have always belonged to the private sphere. The public sphere is where important decisions that affect both men and women are made. It is where important and relevant stakeholders meet such as the government and the private sector. It encompasses of "politics, work, art and literature" (Heywood, 2007:234). It has always been a site reserved for all men. The private divide on the other hand has always been reserved for all women and girl children. It involves taking care of the family, childbearing, nurturing and keeping out of politics. "It centered on the family and domestic responsibilities" (Ibid: 2007:235).

Lerner,G.,(1986:239) defines patriarchy "as the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in the society in general. It implies that men hold power in all the important institutions of society and that women are deprived of access to that power."

The above illustrates the power and effect that patriarchy has on all spheres that affect women. Even states that have been democratic for decades and those that have impressive gender equality laws are plagued by it. They are still unable to achieve total gender equality and to gain complete gender balanced societies due to patriarchal tendencies and norms. Patriarchal tendencies and norms have been passed down from generation to generation.

Eboh (2008:333) indicates that from "...primeval times, the female cycle has defined and confined women's role. As the African woman was made to believe that her sole purpose in life was to marry and beget children, so also was American women told that their role was to seek fulfilment as wives and mothers." Fox (18:2004) contents that by the early 18th century, gender roles had been in existence for almost two thousand years. She also argues that these gender roles were robustly being taught or passed down from one generation to the other through different cultures. She illustrates this by quoting the words from a correspondence between Benjamin Franklin and his friend Catherine Ray Greene in 1755. In this correspondence Benjamin Franklin wrote: "let me give you some fatherly advice. Kill no more pigeons that you can eat. -Be a good Girl, and don't forget your cathechise- go constantly to meeting-or church till you get a good husband;-then stay at home and nurse the children, and live like a Christian-spend your spare hours in sober whisk, (or) prayers"(as quoted by Fox 18:2004).

The diagram below illustrates that patriarchy plays a huge role in how men and women relate to each other, to other men and to themselves. Patriarchy teaches gender differences to men and women from a very young age, it instils the domination and subordination general order (Nall, 2010:43). It also lays out the consequences that would occur should that order be infringed. These consequences could among others include use of physical violence, emotional abuse, and so forth. The diagram shows patriarchy, sexism and stereotypes as organizers of the society.

It also shows how men's gender role socialization to the masculine mystique and value system lead to distorted gender role schemas such as fears of femininity and fears of emasculation as well as gender role stereotypes.

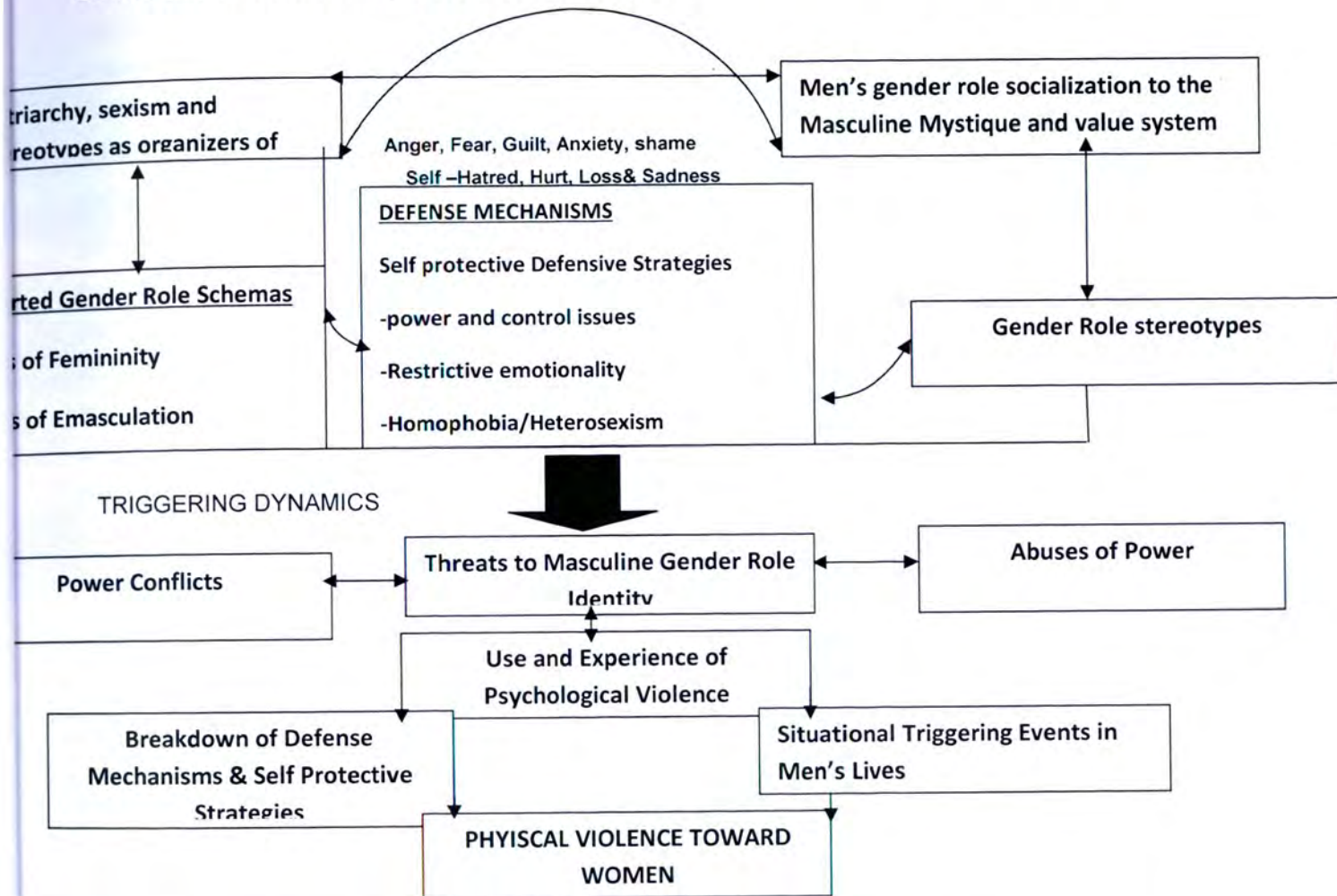


Figure 1: Predisposing dynamics (O'Neil, J and Nadeau, R. 1999:92).

Even though this diagram only illustrates how these predisposing dynamics are applied in the private sphere, often similar characteristics are also applied in the public sphere. These may not necessarily involve use of physical violence but distorted gender role schemas and gender role stereotypes may be used to remind women of their position. The way women are treated in the public divide is no different to the way women are treated in the private divide. This is because men and women cannot divorce themselves from the gender roles that have been so thoroughly programmed in them and therefore this influences how men and women relate to each other daily.

Marowa (2010:211) best exemplifies how the public sphere in Africa is gendered in the following way when he indicates that ".....the main trait of this traditional thinking is that family honour and dignity is embodied in the reputation of women which is premised on the interactions between men and women. Thus, African tradition defines the public sphere in a gendered dimension because of its understanding of the man as the breadwinner and protector of the family while the woman is the homemaker and mother. Tradition used women's productive and reproductive roles to shun them away from the public domain because it presumes that they are born with their domestic skills already." Tyson (2006:86-87) too echoed this point by stating: "I call myself a patriarchal woman because I was socially programmed, as are most women and men, not to see the ways in which women are oppressed by traditional gender roles....To cite a similar example of patriarchal programming, little girls have been (and some still are) told early in their educational careers that they can't do maths... If not told so explicitly in words (by parents, teachers, or friends), they are told so by the body language, tone of voice, and facial expression of adults and peers...because traditional gender roles dictate that men are supposed to be strong (physically powerful and emotionally stoic), they are not supposed to cry because crying is considered a sign of weakness, a sign that one has been overpowered by one's emotions".

The viewing of women as mediocre contenders in the public sphere and their limited access to the public sphere has given rise to states and societies not fully comprehending the full extent of the impact of decisions taken at a domestic and international level on women. There seems to be no realization that the drastically changing world and economy brings about many changes and challenges to human kind. Every decision that is taken has a direct or indirect impact on women whether it's the decision to go to war, to offer anti-retroviral drugs or the decision to impose sanctions. According to Helleiner (2006:172) "when countries experience international financial crises, other aspects of the burden of adjustment can also be strongly gendered. During the Asian financial crisis, incomes in the informal sector,-where women were heavily represented, fell particularly sharply and job cuts in the formal private sector often fell more heavily on women."

This inability to grasp the full extent of the alienation of women from the public sphere or of their obstructed participation in all avenues of life by the state, private sector and the society, has played a role in the moulding and preserving of patriarchal tendencies, which in-turn gave birth to hegemonic masculinities. It has resulted in gender inequality becoming a global problem. Women and their issues have remained very invisible to relevant key holders who have mostly been men.

As a result of this, the masculine and feminine traits have been simultaneously reinforced and regenerated. Consequently, gender inequality has thrived under these conditions and has made its presence felt through all forms of degradation and the continued insubordination of women.

Gender inequality and patriarchy breed gross human rights violations. Many feminists argue that gender inequality has been created by a number of issues which are interconnected. They argue that all these issues are products of patriarchy which controls all forms of resources and distributes these resources and benefits amongst men. Moser (1995:5) shows how feminism linked the absence of women in science and technology to patriarchy. This, Moser (1995) attests, "was as a consequence of patriarchy being "...determining structure in the society. Patriarchy was understood as a power system which functions within relations in reproduction, through the division of work between men and women. Patriarchy was seen as a constitutive of also other power relations and hierarchies; the suppression of women, class, ethnic groups, deviating sexualities and nature are all linked."

This has led to women being severely disadvantaged as whatever resources that are handed down to them have to be of second value and in the turn-around benefit all men. In order to ensure that the general gender order is maintained and effectively sustained in the present day, different gender roles and tendencies are passed down and enforced through the everyday running of the private and public life.

This study looks at this question thoroughly; it uses it to determine whether or not gender inequality in South Africa is still rampant despite very impressive gender laws and machineries.

The Republic of South Africa has been hailed as an excellent example of a state that pulled itself from a very difficult and trying period of apartheid. A state that was able to eradicate racial divisions among its people and implement the first democratically elected government.

Despite the racial intolerance that had existed pre-1994, South Africa was able to unite the people under one banner and dissolved the bonds of apartheid and propelled into a hegemonic and influential state in southern Africa where this country often has to play the role of chaperone to other African states that may face conflict or any other crucial matter that might threaten their legitimacy or survival of their citizens (Alden & Soko, 2005:367; Geldenhuys, 2008:1).

South Africa yearns for one thing and that is to ensure that the country never again suffers from racial segregation, human rights violations and discrimination on the basis of sex or colour. Therefore, the new elected government of 1994 came up with a very impressive constitution that was based on the notion of equality for all regardless of race, gender or sexual orientation. Equality was the founding principle of the new constitution. Women in South Africa vigorously fought for gender equality. They fought for the inclusion of provisions that would guarantee that gender equality as an issue of paramount importance was safe guarded and promoted in the new South Africa.

History teaches that women had a very active hand in the liberation of South Africa. On the 9th of August 1956 women of all races met and marched to the union buildings in Pretoria in protest against the pass laws. This is supported by Meer (2005:37) who validates the important role that women played in ensuring that gender equality was taken seriously by the new government in this way. "Through their participation, they ensured that gender equality was enshrined in the new South African constitution, and that machinery to mainstream gender equality was in place". Thus, they found themselves fighting not only against the scourges of apartheid but also against the after-effects of patriarchy and sexism. Women had to fight in order to gain recognition and to be included in negotiations. They faced massive resistance from unions and different political parties which mainly consisted of men. Women who were allowed to infiltrate the political parties and unions were often side-lined.

"Gender oppression was particularly inhuman during apartheid, where women suffered a triple oppression of race, class and gender".

“While the majority of men in the liberation organizations accepted the notion of gender equality along with worker rights and the rights of black people, they did not expect women to challenge male sexual behaviour, or their prerogative to lead. Calls for women’s representation in leadership were resisted by COSATU men, despite continual demands from women, and it was only in 1993 that COSATU had its first woman in national leadership. To this day, COSATU has resisted calls for quotas for women in leadership. Like COSATU women, ANC women found resistance from men in the ANC to their calls for increasing the numbers of women in ANC leadership. In 1990, there were no women among the six national office bearers of the ANC, and women made up only 18 percent of the National Executive Committee (NEC).”
(see Meer, 2005:39).

Despite the constant hurdles that women had to overcome, their involvement in the negotiations towards the liberation of South Africa resulted in gender equality being included in the new constitution (Meintjes, 1996:47). It also led to the establishment of tools and machineries that were to assist the new government and relevant stakeholders in ensuring that gender equality was achieved throughout the land.

Such tools included (African Development Bank, 2009; Meer, 2005):

- The parliamentary committee on the Improvement on the Quality of Life and the Status of Women established in 1996 comprise of members from the National Assembly and members from the National Council of Provinces (NCOP).
- The Commission on Gender Equality (CGE), established in 1997 constituted as one of the six state institutions listed in Chapter 9 of the South African Constitution. The CGE also has provincial offices.
- The Office on the Status of Women (OSW), established in 1998 is situated in the Office of the Presidency at national level and in the Office of the Premiers at provincial level.
- Gender focal points. Focal Units or Points in government departments also exist at both national and provincial level.

The domineering assertion and willpower of women in ensuring that gender equality is taken as a fundamental cornerstone in the achievement of total liberty for all in South Africa has greatly and overpoweringly influenced South Africa’s standing in the international and regional domain.

Her commitment to promoting gender equality radiates not only through her foreign policy but also through the regional and international conventions that she has signed and ratified. Internationally, key conventions passed are: United Nations Universal Declaration of Human Rights of December 1948, Convention on the Political Rights of Women - 31 March 1953. (South Africa signed: 29 January 1993), Convention against Discrimination in Education - 14 December 1960 (South Africa acceded: 9 March 2000), Convention on the Elimination of All forms of Discrimination against Women - 18 December 1979 (South Africa signed: 29 January 1993 and Ratified: 15 December 1995), Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention against Transnational Organised Crime - 15 November 2000 (South Africa signed: 14 December 2000 and Ratified: 20 February 2004.) and the Beijing Declaration and Platform for Action, 1995.

At a regional level conventions adopted are: The African Charter on Human and Peoples' Rights - June 1981. (South Africa adhered: 9 July 1996), Protocol to the African Charter on Human and Peoples' Rights in the Rights of Women in Africa - 11 November 2003, SADC Declaration on Gender and Development for the Prevention and Eradication of Violence against Women and Children (South Africa signed the Declaration on 8 September 1997, South Africa signed: 16 March 2004 and ratified: 17 December 2004.), and the Southern Africa Development Community protocol on gender and development (South Africa signed: 17th August 2008).

These agreements illustrate the commitment of South Africa in ensuring that it advances the plight of women, at local, regional and at the international domain. She has infused this into her foreign policy. South Africa undertakes that in-order for there to be true freedom and liberation, women need to be at par with men. In the annual report by the Department of Foreign Affairs of 2009-2010, South Africa continued to reiterate her stance on promoting gender equality for all, locally and internationally. She continued to acknowledge the serious challenges that women continue to face daily by the following statement:

"South Africa will continue to play an active role in advancing the UN Secretary-General's proposals on strengthening the UN Gender machinery. The idea is that gender issues will be mainstreamed into peace-making, peace-keeping and peace building operations of the UN. We also expect gender issues to be mainstreamed into all activities of the AU. There is no disputing the fact that the plight of women and the girl child in Africa (and elsewhere in the world) needs our urgent and undivided attention. Women of Africa, regardless of which country they originate from, seek economic, political and social emancipation.

"We remain convinced that no country is free until its women are free" Department of The Department of International Relations and Cooperation

South Africa has been praised by many other states for her sustained efforts of trying to achieve the almost impossible, including the eradication of gender discrimination and inequality. Her continued efforts have earned her position sixteen out of a hundred and thirty five countries by the Global Gender Gap report of 2012. She has also been ranked number four for the number of women in parliament and attained seventh position for her efforts in politically empowering women (Global Gender Gap, 2012:316).

However, despite the international rankings and accolades showered on her, for her attempts to eradicate gender inequality and for her impressive laws that are meant to end discrimination against women such as the Domestic Violence Act, Choice on Termination of Pregnancy Act, and Film and Publication Act, and having a progressive constitution and gender sensitive machineries, South Africa is still a deeply patriarchal state that has a deep rooted history of violence (Muthien, 2012). This too contributes to violence against women. The majority of men in this country are not only being raised in but are also exposed to the gender hierarchies that exist within the country.

A consequence of this is an astounding level of gender based violence. As evidenced by the readily available statistics and literature, violence against women in South Africa has not rescinded but has rather been escalating resulting in horrific and poignant deaths of women, young girls, lesbians, bisexual, transgender and intersex individuals. A classic example of such violence against women in South Africa is that of Anene Booysen who was found brutally raped, beaten, disfigured and mutilated or that of Sanna Supa who was shot three times while opening her driveway gate of her house.

Since gender inequality is still very much prevalent in South Africa despite her impressive laws, policies and outstanding international rankings, the present study seeks to establish whether or not patriarchy is a source of all the ills facing women in South Africa. It is in this light that the aim of this study is to critically investigate the link between patriarchy and gender inequality using the Republic of South Africa as the case study. The study takes into consideration the gender inequality that exists and looks deep into South Africa as a patriarchal state.

It also investigates whether the different social constructions could be the reason why certain men in South Africa feel that they have more privileges over women and if denied those privileges then violence and all other forms of discrimination are justified.

1.2 PROBLEM STATEMENT

This study is based on the premise that gender inequality is universal and that women in states that have impressive gender laws and policies, such as South Africa, are still faced with grave challenges of inequalities and gender-based violence. The question therefore is why? Could it be because these laws and policies are implemented by men and that South Africa is hindered by patriarchy as gender inequality can be traced to patriarchy?

Walby (1990:20) states that patriarchy is composed by six structures: the patriarchal relations in the state, patriarchal mode of production, patriarchal relations in paid work, male violence, patriarchal relations in sexuality and patriarchal relations in cultural institutions. The six structures have casual effects upon each other, both reinforcing and blocking, but are relatively autonomous.

It is important to examine the link between patriarchy and gender inequality in South Africa, as this will help all relevant stakeholders to come up with effective ways of eliminating all discrimination against women. Thus, helping South Africa to achieve a hundred per cent gender balanced state and nation.

1.3 SIGNIFICANCE OF THE STUDY

The rationale of this study is to contribute to current accounts on the challenges that women face in the constitutional democracy of South Africa and indeed in other democracies. It intends to contribute to research data that has already been conducted on how patriarchy contributes to degradation of women in South Africa. It is important that one understands why gender inequality exists before one can even attempt to eradicate it or legislate against its prevalence. This study attempts to establish whether there is a correlation between gender-based violence and the domination of one sex by the other as a direct result of patriarchy or other sources.

In a bid to investigate the paradox of women in the democratic state of South Africa, the study will attempt to provide answers the following:

- Why is gender inequality persistent in the present day South Africa?
- Why is South Africa unable to attain a full gender balanced nation even though she has impressive gender driven policies and laws?
- Is patriarchy the reason for this persistent gender inequality situation in South Africa?

1.4 RESEARCH AIMS AND OBJECTIVES

The aim of this study is to investigate the role that patriarchy plays in the perpetuation of gender inequality and how it permeates social, economic and political life in South Africa. It also attempts to determine what continues to lead to the discrimination of all women. The objectives are to investigate the cultural, legal and historical sources of gender inequality in South Africa and how they have contributed to the situation that women find themselves in.

The study will among others look at whether or not South Africa has been able to completely root out gender inequality. It will thus also analyse how effective South Africa has been in implementing the Convention on the Elimination of All Forms of Discrimination against Women, Africa and Beijing platforms for actions, Southern African Development Community, gender protocol and the UN declaration of Human Rights.

Thus, the study will:

- Critically investigate the link between patriarchy and gender inequality using the Republic of South Africa as the case study;
- Contribute to academic literature on patriarchy and gender inequality in South Africa; and
- Attempt to establish whether there is a correlation between gender-based violence and the domination of one sex by the other as a direct result of patriarchy or other sources.

1.5. HYPOTHESIS

This study seeks to establish the role that patriarchy plays, if any, in the perpetuation of gender inequality in the era of democracy, with specific focus on South Africa. The hypothesis therefore is that:

- Patriarchy remains the sole cause of gender inequality and subjugation of women in South Africa, and that if cultural practices such as patriarchy did not dominate, South Africa's progressive policies and laws aimed at gender equality would be successfully implemented resulting in genuine empowerment of women through full exercise of their rights as citizens.

1.6 CONCLUSION

Emerging from an era of apartheid and racial intolerance South Africa has made tremendous efforts in trying to unite her people and to empower those who had been previously disempowered. She has crafted impressive legislation and policies that are meant to promote gender equality as well as to offer women easy penetration of the market. Despite this South Africa is still facing tremendous obstacles in achieving a total gender equal nation. She is overwhelmed by high levels of gender based violence such as rape and child abuse. This chapter offered an insight and background to the situation of patriarchy and gender inequality in South Africa.

CHAPTER TWO

METHODOLOGY

2.1 INTRODUCTION

This study uses qualitative methodology in collecting and analyzing data. It pays careful attention to the gender differences and socializations that exist in different parts of South Africa and therefore employs a feminist approach. This is in line with the fact that socialization plays an important role in how people understand and decode gender equality. As we are all socialized differently our interpretation of gender equality, patriarchy and discrimination against women differs. It is important that we take a careful consideration of this fact as this will probably influence the response that key informants give to the research questions.

According to Neuman (1994:318)“qualitative researchers emphasize the importance of social context for understanding the social world. They hold that the meaning of a social action or statement, in an important way, depends on the context in which it appears. A qualitative researcher notes what came before or what surrounds the focus of study. It also implies that the same events or behaviour can have different meanings in different cultures or historical eras.”

This methodology has been chosen after careful consideration of the nature of this study. The period under investigation is from 1994 to 2012. It is an ideal period as this study was able to unearth whether the new government of South Africa has been able to achieve gender equality as it had promised when democracy was first incepted based on the slogan of a “free, democratic, non-sexist and non-racial society” and if not, find out the reasons for failing to do so after 19 years of democracy. It also attempted to establish whether the new government has been successful in the eradication of patriarchy, its sources and products.

The study used semi-structured interviews. The advantage of using this method of collecting data is that it allows the respondent to express themselves without any hindrance.

This is supported by Bless and Higson-Smith (in Welman et al, 2005:201) who state that “they help to clarify concepts and problems and allow the establishment of a list of possible answers and solutions which, in turn, facilitates the construction of multi-choice questions, the elimination of superfluous questions and the reformulation of ambiguous ones.”

The study drew qualitative data from both primary and secondary sources. This included relevant documents such as the constitution of South Africa, The National Gender Policy Framework on Women Empowerment and Promoting Gender Equality (2000); the Public Service Commission Report (2006); Annual Reports of the Presidency (Office on the Status of Women), 2003-2007; South African Government reports on the Beijing Platform of Action and Convention on the Elimination of Discrimination Against Women from 2000-2008; a few Annual Reports of the Commission on Gender Equality, the Status of Women reports’ from 2000-2007 and the Annual Report of the Department of International Relations and Cooperation of 2009-10.

Secondary data was drawn from books, journals, newspapers, the internet, and from magazines. The study also used a case study methodology. It evaluated the Republic of South Africa during the period of 1994 to 2012. It looked at whether patriarchy was the sole cause of gender inequality and all forms of degradation of women in South Africa. “In case study research, research is directed at understanding the uniqueness and idiosyncrasy of a particular case in all its complexity. The objective is usually to investigate the dynamic of some single bounded system, typically of a social nature such as a family, group community, participants in a project, institution and practice.” (Welman et al, 2005:25).

2.2 POPULATION OF THE STUDY

The population or sample selected for interviews will be drawn from various relevant and specific institutions in South Africa, whereby in-depth interviews was conducted with various key informants so as to strike a balance between feminist and gender advocacy groups, on one hand, and patriarchal institutions such as Contralesa.

2.3 SAMPLING AND SAMPLING PROCEDURES

The sampling technique that will be used in this study is called the purposive sampling. In purposive sampling the researcher chooses to interview or focus on certain key institutions or relevant people. According to Welman et al (2005:68) "researchers rely on their experience, ingenuity and/or previous research findings to deliberately obtain units of analysis in such a manner that the sample they obtain may be regarded as being representative of the relevant population."

2.4. DATA ANALYSIS

In an attempt to put the acquired information into a meaningful fashion, the researcher employed content analysis. This will also assist in acquiring new understanding of a phenomenon of interest which in this case is the paradox of women in constitutional democracies. Content analysis can be described as a quantitative analysis of qualitative data. Apart from using content analysis to analyse personal documents mass media material, a content analysis of open ended questions as well as the contents of unstructured interviews may also be conducted. In this way the results may be reported in a quantitative way. This can be done in addition to a qualitative analysis of the contents of an interview (Ibid: 2005:221-222).

2.5. ETHICAL CONFIDENTIALITY

The researcher assured respondents of the confidentiality of their participation. This was necessary to eliminate fear and bias among the respondents. The researcher intended not to invade the privacy of any institutions and appropriate rules that may have applied, and ensured respect for views that appeared to be in conflict with aspirations for gender equality.

2.6 CONCLUSION

This chapter elaborated on the methodology and methods used to collect data, data analysis, ethical consideration, population of the study, sampling methods and so forth. Qualitative method of research was chosen as the ideal method of research for this study. Feminist arguments were taken into consideration when this method was chosen.

South Africa was chosen as an ideal case study because it has impressive gender sensitive policies and norms which are meant to protect and promote the emancipation of women. Available literature shows that South Africa has been experiencing high levels of violence against women. This study wanted to unearth whether patriarchy and gender inequality were the cause of violence against women in South Africa and the method chosen for this study allowed the researcher to get answers to this question as well as other research questions stipulated in Chapter 1.

CHAPTER THREE

THEORATICAL FRAMEWORK

3. 1. INTRODUCTION

Issues of gender are usually equated with women, being nurturing, peaceful, non-violent or even emotionally unstable which is the direct opposite of what many may consider men to be. Many consider men to be strong, being and looking tough, emotionless, stable, and inconsiderate, and so forth. This has led to the continuation of gender, in particular issues of women being considered as rather insignificant and therefore making women and their needs invisible. Feminism challenges these notions as well as the subordination and outright shunning of women and their experiences in the public and private divide through Feminist theories. A staunchly held view by feminists is that patriarchy is the number one enemy and the ever brewing cauldron of all problems facing women worldwide. According to Bryson (2003:3) feminists have exposed patriarchy by asserting that "men's power is not confined in the public worlds of economic and political activity, but that it characterises all relationships between the sexes, including the most intimate, and that it is sustained by the whole of our culture."

Feminism calls for the inclusion of women in the day to day running of the public world as well as for the acknowledgement and rectifying of all the subjugations of women. They advocate for the inclusion of gender analysis and women experiences in the private sphere. They call attention to the disempowerment of women in all spheres of life (Zerilli, 2006:106-107). Furthermore, they call for the empowerment of women within national governments. They challenge the confinement of women to the private sphere which inhibits their contribution to key and very prominent issues that are discussed and finalised in the public sphere, for example governance and the carrying out of the economy (Heywood, 2007:235). Feminists argue that three elements need attention in order to elevate women to the same level as their male counterparts. These include public/private divide, \ patriarchy and lastly \ sex and gender (Heywood, *ibid*: 234).

In these elements they argue that since women are confined to the private sphere (being the home and domestic life) and politics take place in the public divide where men dominate, then the role of women and all of their rights be it social, economic or political are of little or no importance as their have little as their contribution is constrained. Men get to make decisions that affect women without the participation of women. As indicated by the United Nations' Department of Economic and Social Affairs in 2010, only seven of the one hundred and fifty democratically elected governments and states were headed by women. Women continue to be under represented in relevant and important political avenues. On average, only one in six cabinet ministers is a woman (see United Nations' Department of Economic and Social Affairs Report, 2010:117). Therefore, men continue to make domineering decisions on which conventions to ratify, which laws to pass, when to go to war or which country to ally itself with without the much needed input of women.

In order to ensure that gender differences are understood by both men and women as to allow supremacy of men over women, gender differences are taught to boy and girl children from a very young age. They are taught to see and accept gender divisions and differences as normal and natural (Blakemore, et al., 2009:8). The biological anatomy of men and women is not only used to illustrate the difference between them but also to justify why one gender is more dominant than the other. Differences such as men being more physically stronger than women, women being able to bear children or even menstruate are used to justify the division of labour among men and women. They are also used to relegate women to the private sphere while maintaining men in the public sphere.

Lindsey (2010:3) accrues that the "statuses of male and female are often stereotyped according to the traits they are assumed to possess by virtue of their biological makeup. Women are stereotyped as flighty and unreliable because they possess uncontrollable raging hormones that fuel unpredictable emotional outbursts. The assignment of negative stereotypes can result in sexism and the belief that the status of female is inferior to the status of male, but females are more likely to experience it because the status sets they occupy are more stigmatized than those occupied by males. Compared to males, for example, females are more likely to occupy statuses inside and outside their homes that are associated with less power, less prestige, and less pay or no pay. Beliefs about inferiority due to biology are reinforced and then used to justify discrimination directed toward females."

Even after the signing of the Beijing Declaration and Platform for Action protocol few women continue to hold high positions in sectors that have been seen as masculine or those that have been noted as dangerous such as the military. Women are often promoted in sectors such as health, education and foreign aid. This stems from the gender differences that are passed down from one generation to the other. It displays the masculine and femininity hierarchies that exist in the world today. These hierarchies also manifest themselves in the job market as men usually hold very important and influential positions. The United Nations world report on women of 2010 reports that out of five hundred largest world corporations in the world only thirteen have female chief executive officer (The United Nations world report on women, 2010:111).

To illustrate the role that feminism plays in the advancing of women and its fight against patriarchy and gender inequality the following points of view will be included: Feminism and Postcolonial Feminism, Post-Structuralist/Post-Modernist Feminism, Liberal Feminism, Socialist Feminism, Radical Feminism, Marxist Feminism and the Human Ecosystem Theory.

3.2 ANALYSIS OF THEORIES

o Standpoint Feminism

Standpoint feminism tries to locate women and their experiences within the public sphere. It argues that men and women's experiences of the world are different. Women are faced with mammoth and often dangerous obstacles every day which are influenced by their social, economic and political situations every day. Despite this, it is the experiences of men that are used to document and explain the veracities of the world as a whole. This type of feminism is against the clogging of men and women's experiences in a single bottle and instead pushes forward the need to make women the central point of investigation. Standpoint Feminism wants all relevant policy makers to make women central in whatever decisions and policies that they may or may not consider passing or ratifying. In fact the involvement of women is central to gender inequality being stamped out.

According to Lorber (2011:22), Standpoint Feminism says that "women's "voices" are different from men's, and they must be heard if women are to challenge hegemonic values. The impact of the everyday world in its experiential reality and the structures that limit, shape, organize, and penetrate it are different for people in different social locations -- but especially for women and men. Men do not recognize that the knowledge they produce and the concepts they use come out of their own experience. Rather, they claim that their scientific work is universal, general, neutral, and objective. But, women know that it is partial, particular, masculine, and subjective because they see the world from a different angle, and they have been excluded."

The roots of Standpoint Feminism are embedded in Marxism. It argues that since the society is socially constructed, that women get to offer free domestic labour irrespective of how highly educated they are and that women bear children and fully participate in their upbringing both physically and emotionally and their experiences cannot be equated with men's experience. They state that decisive attention has to be paid to the experiences of women and the girl child instead of side-lining or shelving them. Furthermore, they contend that the subordinate position of women in the world today is not natural but rather self or manmade through the social constructions, the feminine and masculine hierarchies as well as sexism and chauvinistic tendencies that are bred and passed down to the younger generations (Wood, 2012:1).

"Standpoint Theory carries with it the contention that there are some perspectives on society from which, however, well-intentioned, the real relations of humans with each other and with the natural world are not visible. This contention should be sorted into a number of distinct epistemological and political claims: (1) Material life (class position in Marxist theory) not only structures but sets limits on the understanding of social relations. (2) If material life is structured in fundamentally opposing ways for two different groups, one can expect that the vision of each will represent an inversion of the other, and in systems of domination the vision available to the rulers will be both partial and perverse. (3) The vision of the ruling class (or gender) structures the material relations in which all parties are forced to participate, and therefore cannot be dismissed as simply false. (4) In consequence, the vision available to the oppressed group must be struggled for and represents an achievement which requires both science to see beneath the surface of the social relations in which all are forced to participate, and the education which can only grow from struggle to change those relations. (5) As an engaged vision, the understanding of the oppressed, the adoption of a standpoint exposes the real relations among human beings as inhuman, points beyond the present, and carries a historically liberatory role (Hartsock, 1987:159)."

Standpoint theory emphasizes that even though women may perform certain duties and are able to bear children it does not mean they are any less important than men and therefore they should be not only heard and documented but should be involved in all decision making.

- **Postcolonial Feminism**

Postcolonial feminism is a strand of feminism that has a keen interest in the experiences of women who belong to states or societies that had formerly been colonised by imperialists or colonial rulers. Unlike other forms of feminist theories, it looks beyond the experiences of women versus men by looking solely at women and evaluating how race, ethnicity, nationalism, class and sexual oppressions shapes their experiences (Code,L; 2004:18). Postcolonial feminists are interested in finding out how nationalist and colonial forces have hindered women in post colonies from fully attaining full citizenship. They are also intrigued by how the merge between patriarchy, colonialism and nationalism in different formerly colonises have shaped the experiences to gender inequality within the states and societies that they belong to.

The colonial era was a trying time for many states that were colonised as usually the relationship was designed in a way that only benefited the coloniser. Harsh living conditions, poverty, displacement of people were the norm of the day of the colonised. Colonisers left the colonised impoverished and nearly extinct. Postcolonial feminism has a keen interest in finding out how women fared during this time and compare it to their present day conditions. Patriarchal tendencies have been alive even way before colonisation erupted and since this was a harsh period women were marginalised and bared the brunt of the effects of colonisation.

"Postcolonial Feminist criticism examines how women are represented in colonial and postcolonial literature and challenges assumptions which are made about women in both literature and society. Colonialism and patriarchy have been closely entwined historically, but an end to formal empire has not meant an end to the oppression of women in the former colonies. Postcolonial Feminists point out the ways in which women continue to be stereotyped and marginalised, ironically sometimes by post-colonial authors who might claim to be challenging a culture of oppression.

Postcolonial Feminism challenges traditional white Western feminism for the latter's association with political liberation movements. Women around the world have very different histories with respect to their postcolonial inheritance, involving such experiences as imperial conquest, slavery, enforced migration and even genocide. Thus, postcolonial feminists have argued for the rewriting of history based on the specific experiences of formerly colonized people and their various strategies for survival" (Shital,G.V.,Mahavidyalaya,S. and Ugir et al, 2012:1).

- **Poststructuralist/ Postmodernist Feminism**

Postmodern Feminism disputes the suggestion or attempt to categorise women as one and to explain their experiences from one point of view. They are of the view that different women have different impressions of the world and view the world differently. They question the very core of language, power and identity as they submit that these cannot be used to rationalise the world as they are shaped by different experiences and expectations which are not static. These experiences and expectations are guided by a person's socialization, economic, geographical and political situations. Therefore, no two people can share the same affinities about equality. They argue that the truth that has been told by history is not only fabricated on the experiences of men but has been used to explain the realities of the world, which has not been all truthful as the role that women have played in the history has always not been documented.

Poststructuralist Feminists interrogate language and its use as they believe that it helps to build our interpretation or how we perceive reality to be. As a result of how language is used the society and the world construct terms such as woman, man, gender, weak/strong, rational/emotional or dominant/inferior .These terms are then readily used to further reinforce the weak and strong divide.

"Poststructuralists believe that these distinctions have real world consequences. Dichotomous constructions denote inferiority and even danger with respect to those outside as they are also gendered and have racial implications. Feminist Poststructuralists seek to expose and deconstruct these hierarchies often through the analysis of texts and their meaning. They see gender as a complex social construction and they emphasise that the spoken meaning of gender is constantly evolving and changing with context. Deconstructing these hierarchies in order for us to see them and construct a less hierarchical vision of reality" (Dunne et al., 2010:211).

○ Liberal Feminism

Feminist Liberalism calls for equality for all and accountability by those who play a role in the carrying out the mandate of the state and in the implementation of policies. It sees all as equal and holds the notion that if all states realise or accept that they are not the only actors in the public sphere then there will be less conflict and catastrophes resulting in gross human rights violations, redundant loss of lives and less violence against women and children. Furthermore, the gap between the poor and the rich would not exist or be blamed on the state as everyone would be allowed or able to actively participate in the open market. It challenges the assumption of the state as an absolutist. Liberalism Feminism fervently challenges the view that realism holds of the world and state politics. It pushes people forward and gives reference to people. Liberal Feminism argues that the state is not the only actor, in-fact there are seemingly important figures within the state that are often ignored, such as the civil society, human rights, Non-Governmental Organizations, and so forth. Burchill et al (2009:57-68) exemplifies Liberal Feminism as a theory that "champions scientific rationality, freedom and the inevitability of human progress. It is an approach to government which emphasizes individual rights, constitutionalism, democracy and limitations on the power of the state. It is a model of economic organization which argues that market capitalism best promotes the welfare of all by most efficiently allocating scarce resources within society. Liberals believe the legitimacy of political orders is largely contingent upon upholding the rule of law and the states respect for the human rights of its citizens. If it is wrong for an individual to engage in socially unacceptable or criminal behaviour, it is also wrong for states to do so."

The major principle of Liberal Feminism is individualism. This principle is based on the notion that individual human beings are important and each holds an equal value and worth. Heywood (2007:243) debates that "individuals are entitled to equal treatment, regardless of their sex, race, colour, creed or religion. If individuals are to be judged it should be on rational grounds, on the content of their character, their talents or their personal worth. Liberals express this belief in the demand for equal rights, all individuals are entitled to participate in or gain access to, public or political life. Any form of discrimination against women in this regard should clearly be prohibited." Bryson (2003:153) also defends this statement by stating that "according to liberal theories that developed from the 17th century onwards, individuals have the right to own property, sell their labour and go about their lives within a legal framework that protects them from arbitrary interference by governments and other individuals."

Liberal Feminism sees the state as a neutral body that has over the years excluded women from its midst. Even though Classical Liberalism was very cautious of the state as it feared that it posed a threat to the individual freedom of both its female and male citizens (Bryson, 2003:153). Liberal Feminists see the state a powerful apparatus that can be used to advance women and promote them from their current position. They agree that even though the state is male dominated and that it exhibits male characteristics and patriarchal tendencies it exists independently from its institutions (Hobson et al, 2005:168). This strand of feminism denotes that all the state has to do is provide the right and conducive legal framework and constitution that would promote equal rights, individualism and fair access to the markets regardless of ones gender, social standing or race. Furthermore, the state is only entrusted with maintaining public order, domestically and internationally.

Liberal Feminism accepts and contends that women and men are naturally different and that the different gender tasks or roles performed by both sexes are done out of willingness by both parties. It does not challenge the so-called natural makeup between men and women but rather calls for equality between the two. The differences between the two sexes do not make the one more important or less significant. It calls for women to be given equal access to rights and privileges just as men.

Liberal Feminism probes the invisibility of women in predominant divisions of socio-economic and political avenues. It advocates and fights for the equal treatment of men and women by extending to them the same opportunities that are available. It calls for the experiences of women to be taken into consideration instead of relying solely on the experiences of men to document or illustrate the realities of the world. They argue that women should also be allowed to vote, to actively participate in politics, referendums, own land and property and have a say and a stake in the economy. They champion the reproductive rights of women. They also believe that if the state, and the society removed the ills of the gender bias legal and cultural obstacles that hinder the development of women then women just as men would tremendously develop and live a much safer life.

Smith and Owen (2005:281) state that "in the context of feminism, the term starts from the notion that the key units of society are individuals. These individuals are biologically determined as either men or women, possess specific rights and are equal. Thus, one strong argument of Liberal Feminism is that all rights should be granted to women equally with men. They examine how women have been restricted to roles critically important for the functioning of reproductive economies." This is further supported by Macionis and Plummer (2005:323) who state that "Liberal Feminism is grounded in classical liberal thinking that individuals should be free to develop their own talents and pursue their own interests. Liberal Feminists accept the basic organization of the society but seek to expand the rights and opportunities of women. Liberal feminists support equal rights and oppose prejudice and discrimination that block the aspiration of women. They also endorse reproductive freedom for all women."

However, Liberal Feminism has been accused of not accurately depicting the gender inequalities. Other feminists point out that even in those states that have achieved liberation, women still have great inequalities and discrimination. Feminist Liberalism has also been criticized for grouping women together and treating them as a homogeneous group that suffers from the same problems and one that needs a single measure of promotion from their current oppression. This strand of feminism is also penalised for condoning state intervention only in the public sphere and hails the distancing of the state from the private sphere. This has been seen by other feminism as a huge contribution to gender inequality persistence.

○ **Radical Feminism**

Radical Feminism emanated in the second wave of Feminism. It cropped up as feminists questioned gender differences in society. Radical Feminism took gender differences head on and criticized Liberal Feminism for having ignored gender differences as a hindrance to the liberation of women. It brought to light the difficulties bred by patriarchy and how patriarchy prevented women from developing. The Patriarchal Theory describes society in the past and present as dominated by men with women in the subordinate position. Women are regarded as the possession and property of men. This approach has been translated into laws and customs that legitimize this differential status of men and women. Feminists want the inequality to end and want women to move from the private - to the public sphere so that they can make political decisions and be allowed to freely participate in politics.

They also argue that patriarchy plays a huge role in inhibiting gender equality as women are seen as inferior to men and in need of constant male protection.

Radical Feminism blames men for the atrocities that women face every day. It argues that men have intertwined with their hard characteristic and now deem natural issues such as hardness, toughness, aggression, and so forth, as important. Therefore, they are to blame for the wars, poverty, rape, domestic violence, and so forth. If men were peaceful, nurturing, and loving then the world would be a safer place where every human being would be safe from hardship, poverty and attack. Radical Feminism argues that patriarchy equips men with methods or skills of women battering which allows them to control and oppress women. New ways of subordinating women for the pleasure and satisfaction are engineered daily such as manufacturing of drugs used for date rape.

Radical Feminism has a staunch belief that almost all men have the potential and ability to use violence against women such as rape and murder. Lorber (2011:17) highlights the commonness and rapid occurrence of date rape, wife beatings, murders of ex-wives and ex-girlfriends. She explains that pornography and prostitution, whether forced or done at free, represents women hating. Lorber (2011:17) argues that "the threat of violence and rape is the way patriarchy controls all women."

Radical Feminism further attests that until patriarchy is broken down and removed from the day to day running of the society, gender inequality will not be achieved as men will continue to be taken as dominant and women as subordinate and subservient. South Africa will continue to be haunted by grave incidents of violence against women and children. It is therefore of the utmost importance that the society and the government should acknowledge that patriarchy is a major hindrance in complete emancipation of women.

○ **Marxist Feminism**

Marxism emerged in 1848 through the writings of Karl Max. In the communist manifesto, Marx held two rigid views of the world and the society and these were 1) the rich (bourgeoisie) held all resources needed to become rich and develop while 2) the poor offered their labour for next to nothing. As a result the gap between the poor and the rich kept growing wider resulting in the oppression and exploitation of the poor.

For Rupert (2007:152) "capitalism frees workers to treat their labour as their own property. However, this freedom is complemented by a peculiarly capitalist kind of unfreedom. Insofar as means of production are under the ownership and control of a class of private owners, workers are compelled to sell their labour to members of this owning class in order to gain access to those means of production, engage in socially productive activity, and secure through their wages the material necessities of survival."

Marxist Feminism is concerned about how capitalism, the means of production and globalization breed inequality, conflict and struggle among the classes. It argues that society and government have gone all out to dominate the means of generating wealth at all costs resulting in the exploitation of the weak and poor. For example, rich states have often dominated weaker states which do not have means of production in order to expand their wealth through their foreign policies. This has resulted in sustaining and fuelling inequalities and often human rights violations as greedy owners force poor people to work long hours for very little or no pay. This has also often caused conflict between societies and nations.

Marxism Feminism argues that in order for an elite few to prosper and continue getting richer, they have to and do indeed exploit and disadvantage others. This is done by controlling and pitting the mode of production against the relations of production (ibid, 2007:152), that is, the rich (bourgeois who control the resources) against the poor (proletariat who offer the labour needed). Another major principle of Marxism is that the society is divided in different classes which are prone to conflict. This is where Marxism differs with Liberalism which contends that different social groups reside peacefully side by side within the society and indeed within the International arena. Marxism holds that the society is prone to class conflict. This conflict erupts between the rich, resource owners and the poor, labour providers (Hobden & Jones, 2005:229).

Marxist and Socialist Feminisms criticize the structure of the family and the capitalist system. They see the family as the root cause of the gender inequality and oppression of one gender by the other (men exploiting and subordinating women). They critique patriarchy and state that it causes class divisions within the family by promoting one sex over the other (ibid, 2005:229).

Men get to own the resources and skills needed to thrive. They get to make decisions on behalf of women within the family and within the political, legal, and economic sectors. The input and involvement of women within these are very minimum. As a result, women continue to be exploited and be regarded as children who have to rely on men to make important decisions for them. An example of such ideology can be found in the case of Botswana where, before the amendment of marriage act, women were not allowed to take out loans without the consent of the husband, or in the case of Uganda, where widows are disinherited of their property by their late husbands' families.

This is because "customary law views a wife as an outsider to her husband's clan, if she wishes to remain in her home with her children, she may have to submit to being "inherited" by one of her deceased husband's relatives. Inequality in inheritance is supported by both statutory law and the informal use of customary and Islamic laws in Uganda, despite the fact that the people of Uganda embraced the ideal of gender equality over a decade ago when the country ratified one of the most progressive and democratic constitutions in Africa today" (Bennett et al, 2006:453-454).

While Ssali (2010:204) argues that "demands for equality between males and females are seen as being foreign and un-African and what such advocates forget is that what they are defending is not the original but a hybrid African identity. It is a resultant of European racial and gender prejudices as opposed to African culture. Thus, the identity of the African woman that emerged was one that was stereotyped with rural areas, backwardness, and subservience to men. The African woman was also illiterate, subordinate, and unsophisticated. Where previously males and females had been considered different but complimentary, the new males considered themselves as superior. The new African males were educated; had private property; prayed to the White man's God; spoke the White man's language; worked for money and lived away from the villages. Meanwhile, the new African woman was supposed to be the custodian of culture; was considered backward since she had not adopted any of the things White men considered modern, was rural based, a mother and a subsistence farmer."

Men are considered the heads of their families and as a result can make very important decisions without consulting their wives and often this resulted in the detriment of women. Marxist Feminists also highlight unequal division of labour within the family. They argue that men only work to provide for their families while working mothers are not exempted from domestic duties and chores; irrespective of the long hours that they work. As a result of the grave material and class inequalities that exist between men and women, social conflict continues to manifest itself in different forms.

Like elsewhere in the world, women are faced with the difficult task of providing domestic care for their families and are often disadvantaged by the social structures of the society which favour men. These social structures often legitimise violence against women and the deprivation of the right to make reproductive decisions as well as the right to participate in activities or means of generating an income.

The Marxist Feminist Theory clearly articulates and outlines how patriarchy degrades women. Marxist Feminists understand gender inequality to be a form of social inequality that is rooted in the privatization of women's reproductive as well as productive labour power, the control of women's sexuality and subordination of women to male authority through a range of patriarchal institutions. Thus, gender inequality was understood in terms of the intersection of two sets of social forces i.e. capitalism and patriarchy. (Belkhir 2001:23)

This type of feminism has been critiqued for being blind to sexual differences and other differences that contributed to gender inequality such as race (Code,L.; 2003:320).

- **Social Ecological Theory**

The Social Ecology Theory shows how everything is connected to the other. It demonstrates that actions and situations are influenced by external and internal factors. How a human being reacts to certain situations is as a result of many factors. Most importantly, how a child turns out later in life is because of the environment or factors that he was exposed to while growing up. A child is exposed to four levels of interaction that helps to mould him or her either negatively or positively.

The World Health Organization (WHO, 2013) outlines these levels as the individual -, personal relationship -, community and societal level. Adults are also influenced by these factors as well as how they relate to their environment. This theory is important as it elucidates that at times violence against women and gender inequality are bred by our everyday interactions, how we relate to ourselves, other people and the community.

Our understanding and perceptions are built by experiences obtained from all these levels. It also brings a very important point to light, viz., that at times violent men are not born but are created by the experiences that are rubbed off from these four levels. It is safe to argue that what this theory propagates is that all violent - and abusive men are taught to be violent by what they are exposed to everyday and how they relate to others and their environment (Heise, 1998:267). This excludes situation where a male person is born with a mental or medical condition.

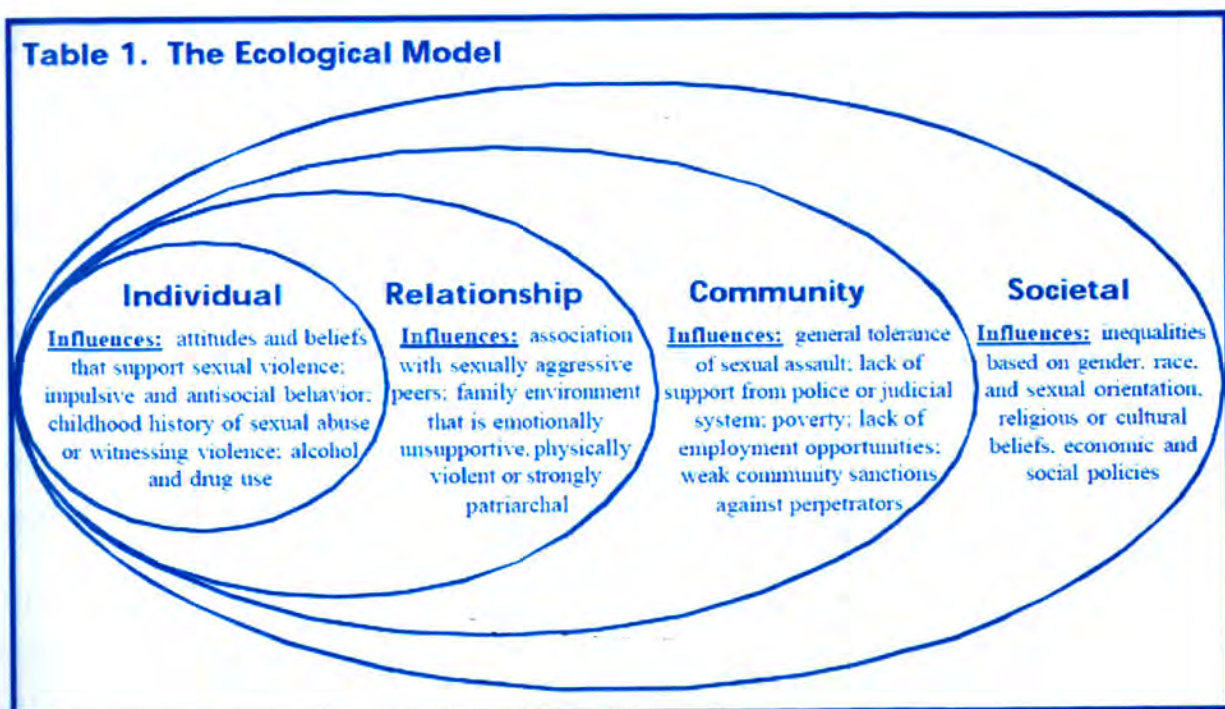


Figure.2. Adapted from the Centers for Disease Control and Prevention (2004:5)

In her article titled *Violence against Women: an integrated, ecological framework*, Heise (1998:265) demonstrates how these four levels may be blamed for violence against women. In the first level, she tells of personal experiences that are brought into relationships. These experiences shape an individual's personality and may include a history of sexual abuse, witnessing marital violence or alcohol abuse. She argues that "... violence in an adult relationship is in part a learned response of young boys who grow up in a violent home. As children, they were abused and therefore a risk marker for later relationship abuse, although the effect appears to be less stronger than that of witnessing parental violence. Boys who grow up without a consistent and available father or father figure are more prone to violent behaviour in adulthood" (Heise, 1998:265).

In the second level, she shows how the relationship with members of the family and friends may build or lead to violence. The World Health Organization (2013) elaborates that our personal relationships may be predetermining factors of whether we become victims or perpetrators of violence. Heise (1998) shows that violence against women usually happens within the family and young children are often exposed to this violence. She argues that "in multiple logistic regression, verbal and marital conflict remain significantly related to physical assault, even after controlling for socioeconomic status, husbands stress and other family variables (e.g. marital companionship and marital instability)."

The third level shows how the society's tolerance and acceptance of violence creates a cradle for gender-based violence. It also shows how the lack of support by the police and legal system allow gender discrimination and gender based violence to exist within the society.

The last level demonstrates how the society at large and its traditional perceptions of gender translate into violence against women.

This theory shows that people, their families, communities and society are inextricably connected. One has a bearing on the other. This can prove true to cases of children who are brought up in violent environment and those who are taught that gender inequality is the norm of the day.

3.3 CONCLUSION

Therefore after a careful consideration of all the theories mentioned above this study will use, radical feminism to elaborate and demonstrate how patriarchy has contributed to gender inequality in South Africa. It will argue that even though South Africa has policies and laws which are meant to empower and emancipate women, these policies are not benefiting all women as they are hindered from trickling down to women at the grassroots level. It will show how unequal opportunities, rampant violence against women and all other women subjugation in South Africa are linked to patriarchy.

Due to this fact, radical feminism will show that patriarchy is responsible for the delay of the eradication of gender based violence and the achievement of a gender equal South Africa.

CHAPTER 4

LITERATURE REVIEW

4.1 INTRODUCTION

The literature that exists focuses on products of patriarchy and not much on patriarchy. It lacks how patriarchy has been allowed to exist by the different government systems that exist. Government institutions and the society have accepted that men and women belong to different social groups. Masculinity is seen as being the direct opposite of femininity. It is seen as being strong and hard and not being soft and nurturing like femininity. Therefore, a constant and vigorous reinforcement of patriarchy through the gender roles that are assigned every day to males and females as well as through the private/public divide exists.

Feminists elaborately highlight that patriarchy is the underlying cause of the degradation that women face on a daily basis and that it is a major obstacle to the empowerment and emancipation of women worldwide. Despite geographic location, race or creed, men across the board share one common denominator and that is, they are viewed as a dominant and rational gender that has to be entrusted with the safety of the world and all that occupy it. Lindsey (2010:3) best exemplifies this when she states that "sexism is reinforced when patriarchy and androcentrism combine to perpetuate beliefs that gender roles are biologically determined and therefore unalterable. For example, throughout the developing world beliefs about a woman's biological unsuitability for other domestic roles have restricted opportunities for education and achieving literacy. These restrictions have made men the guardians of what has been written, disseminated and interpreted regarding gender and the placement of men and women in society." From this perspective the male sex has grown stronger and more prevailing throughout time and women have grown more subordinate, less empowered and have had to rely on their male counterparts for survival and emancipation.

Patriarchy is seen by many feminists as a pervasive and stubborn force that occupies all sectors of the society and a force that runs across in government and private sectors (Tyson, 2006:93).

Walby (1990:20) sees patriarchy as nothing more than a batch of socially constructed systems, practices and tendencies which are not only used by men to dominate, oppress and exploit women but are also used to legitimise and condone doing so. While Millet (in Murray, 1990:22) explains that patriarchy dominates all spheres of life, it has a strong hold on all other political, social or economic avenues. Her explanation illustrates that patriarchy is blind to the social, political and economic standing of people or states. She also explains that the family, society and the state are interrelated and are reinforcing agents of patriarchy. Due to this blindness, patriarchy does not only enable all men by legitimizing their governing and dominant power over all women but in the same breath offers women to men as tokens of their dominance. It creates an atmosphere that condones or sees women as the subjugation through political, cultural, economic and social means, structures and practices.

For years and throughout many cultures, patriarchy has taught men how to be real men and women how to be real women. Societies in all four corners of the world have designated different gender roles and all four continents have propelled one gender to the superior position while subduing the other. This has created a scenario of master and servant or the leader and those who are led.

Ballantyre (2012:471) argues that "unlike other criteria of social division, like class or ethnicity, gender differentiation has been a central organizing principle in all known societies. Since the earliest 'hunting' and 'gathering' societies, and across all cultures, it has been thought that women and men were suited for different occupations and social roles. The organization of societies along gender lines hasn't been a neutral, 'different but equal' kind of concept. On the contrary, it has been the basis for a dramatically unequal distribution of 'life chances'. There has been no known instance of a society in which women held more power than men, and in most complex societies, the power differential has been marked and the global statistics on the distribution of wealth are simply staggering."

It is important to note that patriarchy does not affect all people or states the same way, as it is determined by certain aspects. These aspects may vary and are indeed unique to different people, societies and states.

Even though patriarchy may influence certain aspects such as culture, religion, politics, economics and political stability or instability, that may present themselves from the beginning to the end of a person's life, or from the evolution to a fully-fledged status of a state, these aspects affect people and states differently and build different experiences.

For instance, the western societies have been heavily influenced by Judeo-Christian religious ideas, the Greek Philosophy and Common Law Legal Code (Fox, 2002:15). Murray (1995:121) points out that these cultures have been able to "identify patriarchal relations in Anglo-Saxon society, and feudal and capitalist England and that each of those societies have been constructed through patriarchal relations. In England class relations cannot be understood without reference to patriarchy." These three bodies saw patriarchy as natural and as such cemented the notion that men had the natural right to use violence against women as a way of installing discipline and demonstrating their dominance over women. Ray (undated) explains that even though the effects of patriarchy differ from one person to the other and from region to region in India, different women have been affected by Brahminical, tribal and Dalit patriarchs.

These patriarchs have also dictated gender differences between men and women in India. They outline privileges and entitlements accorded to men and if these privileges are tempered with in any way then violence is justified. Africa too is deeply patriarchal and puts an emphasis on the rule of the father through unequal policies and norms as well as protecting cultural practices such as Ukuthwala, breast sweeping, and female circumcision.

Ukuthwala is when a young girl is abducted by a man and his friends as a way of forcing her family to agree to give her off in marriage. "In ancient times the young woman abducted had to be in love with the man abducting her and had to have consented to being abducted". This is supported by Thornberry (2013) who demonstrates that in the past some women agreed to the practice of Ukuthwala in the following way, "Ukuthwala was as an alternative route to marriage, the term encompassed both consensual and forced marriages. In some instances, women were active and willing participants; as one woman told the local magistrate, "he is my man, I term him my husband. I went away with him. I never received my father's consent. I went with him of my own free will."

According to Maluleke (2009:16), "in ancient Africa, particularly among the Nguni, Ukuthwala was a condoned although an abnormal path to marriage targeted at certain girls or women of marriageable age but it did not involve raping or having consensual sex with the girl until marriage requirements had been concluded. Today, Ukuthwala especially in the Eastern Cape, increasingly involves the kidnapping, rape and forced marriage of minor girls as young as twelve years by grown men old enough to be the grandfathers". Breast sweeping or ironing, on the other hand, is practiced in Cameroon and predominantly the whole of West Africa. The breasts of young girls reaching puberty are flattened using a hot object which may include a grinding stone, a wooden pestle, a spatula or broom, a belt to tie or bind the breasts flat, leafs thought to have special medicinal or healing qualities, napkins, plantain peels, stones, fruit pits, coconut shells, salt, ice, and others (Tapscott 2012: i).

Tapscott (2012) explains that the actual carrying out of the breast ironing may vary by individual and by region. She goes further to state that the major underlying reason given for this practice has been the need to protect young girls from sexual advances from men who may be enticed by breasts or those who may view young girls with breasts as mature enough to solicit an affair with. It is also seen as a way of saving young girls from HIV/AIDS.

Female genital circumcision is the removal of some of or the whole a female's genitalia. It is usually done on young girls by women who had undergone the same procedure when they were their age.

Therefore, bearing all this in mind, it is clear that patriarchy is not exclusive to only one part of the world but it is a global reality. It is a common factor in women's lives and has greatly hampered the development of women worldwide. Walby (1990) explains that there are six key areas in which patriarchy manifests itself, for instance, paid work, housework, violence, sexuality, culture, and the state. It is imperative that we look at these areas and patriarchy within them, especially in the South African situation today.

Walby (1990:20) addresses the issue of paid work arguing that women are likely to not fully participate in the labour market. She acknowledges that trends indicate that unemployment affects men too.

She continues by stating that there has been a slow incline of women's participation in the economy due to the improvement in areas such as education which was traditionally reserved for boy children and all males. The lessening of laws and policies that had previously hindered the involvement of women in the public arena and in the economic market itself has contributed significantly to the development of women. Despite this slow incline women are still the least paid employees and there is a great discrepancy in the distribution of job opportunities between both sexes worldwide, with very few women holding influential positions. Walby (1990:29) points out "there have been important changes in the position of women in paid employment, but the wage gap has remained tenaciously over the last decade."

This is buttressed by the World Economic Forum's Global Gender Gap Report of 2012 which states that 135 countries (representing 90% of the world population) had made tremendous strides in closing gaps between men and women in the health and education sectors. They had managed to close 96% of the gap in health sectors and 93% of the gap in education sectors. However, the report indicates that in the year 2012 the gap between men and women in economic participation and political empowerment still remained wide as only 60% of the economic outcomes gap and only 20% of the political outcomes gap had been closed (World Economic Forum's Global Gender Gap Report, 2012:7-17).

The United Nations 2010 Report on The Worlds Women Trends and Statistics explains that women and girl children are more prone to the ill effects of poverty and their environment than men and boy children. Furthermore, even though poverty may affect female and male headed households differently, certain female-headed households are more likely to be negatively affected by poverty than male-headed households even though they fall in the same economic bracket. They are more likely to be poorer than their male counterparts. The report reveals that in Latin America, the Caribbean and the more developed regions, female-headed households have higher poverty levels than male-headed households.

The report also indicates that, in the same regions, poverty rates are higher for women than for men when living in one-person households. At the individual level, women's lack of access to and control over resources limits their economic autonomy and increases their vulnerability to economic or environmental shocks. Compared to men, lower proportions of women have cash income in the less developed regions. Existing statutory and customary laws still restrict women's access to land and other types of property in most countries in Africa and about half the countries in Asia. Moreover, significant proportions of married women from the less developed regions have no control over household spending, including spending their own cash earnings, particularly in countries from sub-Saharan Africa and Southern Asia" (Ibid, 2010:x).

The International Labour Organization (ILO) bolsters the notion that women are stalled from participating in the labour market by various factors such as discrimination in the labour market as well as gendering of occupations. It states that "labour markets remain highly sex-segregated, which reflects an unequal distribution of men and women across sectors and occupations. In 2012, at a global level, just over a third of the women were employed in agriculture, almost half in services, and a sixth in industry. Their industrial share has barely changed in the last two decades. Rather, women have been moving out of agriculture directly into services. In contrast, just under a third of men were employed in agriculture, more than 40 per cent in services, and a quarter in industry. Men's industry share has also barely inched up in the last two decades, which means that segregation in industry has persisted over the past two decades."(International Labour Organization, 2012:24Global Employment Trends for Women).

The above statements further highlight the impact of patriarchy in the lives of women throughout the world. They elucidate that gender discrimination in the workplace and in the labour market is universal. Even though it might be proper to grant that women in more democratic and in more developed states may find it a little better to penetrate the labour market, they too are still faced with insoluble challenges. South Africa has a conducive and accommodative environment for equal participation in the labour market by both sexes. This is done through her gender sensitive policies and laws which also allow trade unions to promote and arbitrate on behalf of employees without hindrance. The upholding of equality and the eradication of discrimination based on gender is enshrined in the constitution.

However, despite the lustrous policies and existence of very proactive trade unions such as National Education Health and Allied Workers Union (NEHAWU), the South African Domestic Service and Allied Workers' Union (SADSAWU) as well as state organizations such as the Commission for Conciliation, Mediation and Arbitration (CCMA), women are still the lowest paid workers in South Africa.

Cosatu demonstrates how the inequality between men and women in South Africa heavily affects women and states that "South Africa is the most unequal society in the world and observed that women are at the lowest paid levels of employment. They indicate that wage gaps are widening and therefore Cosatu resolved to revive the 'Equal pay for work of equal value' demand. In an endeavour to secure a better deal for women in collective bargaining, they want to continue the demand greater involvement of women in negotiating processes and to provide training and support for them."

Statistics South Africa (Stats SA) (1999:20) informs that "occupations in which mainly women are found, tend to receive lower remuneration than those in which mainly men are found. Casale and Posel (2009:3) support this statement by indicating that "South Africa has developed a two-tiered collective bargaining structure that includes unions bargaining at the plant level on behalf of their workers, and centralised bargaining councils that consist of unions and employer associations within a particular industry, occupation or area. Bargaining council agreements on wages and conditions of employment can be extended to non-parties by the Minister of Labour if the council represents a majority of workers and employers." This prompted Fish (2006:116) to argue that "the 1994 inception of democracy ushered a series of democratic labour policies that held the potential to protect women employed in private households and to formalise domestic work. Yet, severe marginalisation of women in this sector and a limited representation in the national union rendered these labour policies as well as the overarching ideologies of gender rights insignificant in the lives of women employed as domestic workers." Nyman (1997:12) too attests that "domestic workers are amongst the lowest paid workers and they are also excluded from the Wage Act and are only covered by the Basic Conditions of Employment Act (BCEA)."

The above exemplify how patriarchy plays a very significant role in hindering the participation of women in paid and unpaid work and their exploitation. It brews an environment that allows and legitimises gender discrimination within the labour market by the noticeable unequal wages, unequal work hours and confining one gender to certain areas or certain sectors of employment.

The quotes also demonstrate that women in democratic economies, such as South Africa, are still hugely affected by the patriarchal practices. Walby (1990:128) also brings forward the issue of male violence against women as the third component of patriarchy. She explains violence in terms of class and as perpetuated by the state as well and mentions that violence against women is often taken as a private matter that does not allow for outside interference. Furthermore, she explains that violence against women is often taken "as acts of few men on few women and with few social consequences, though with trauma caused to a few women" (ibid, 1990: 128).

Walby (1990) contradicts the above statement by explaining that one cannot begin to comprehend social structure or even attempt to analyze it without taking into consideration patriarchal social structures. Violence against women is the one common characteristic of patriarchy that has manifested itself across all states and cultures. Women are still being subjected to heinous violence that results in maiming and often the loss of lives.

This violence seems to be evolving with the developing world and technology (such as the use of Facebook and social media) resulting in new ways of luring women to unsafe places or new ways of violating women. This is elucidated by the following quote which states that "telephone and computer technologies are used by abusers to monitor the actions and movements of victims, such as global positioning systems, electronic records, web search engines, text messaging as well as social media tools such as Facebook and MySpace, allow perpetrators to harass and track their intimate partners in new ways" (Southworth et al. 2005 in Mason & Magnet, 2012). Examples of how patrons of these social media find violence against women amusing could be (1) a photograph of the singer Rihanna's bloodied and beaten face, captioned with "Chris Brown's Greatest Hits", a reference to the assault by her ex-boyfriend, (2) a photograph of a woman in a pool of blood had the caption "I like her for her brains", (3) another photograph of a man holding a rag over a woman's mouth, captioned "Does this smell like chloroform to you

Violence against women is a prominent byproduct of patriarchy as it is used to enforce male domination over women (Heise, 1998:277). It is a global problem with enormous consequences for women, societies, states and the global world. This is affirmed by a statement made by the Women Law in Southern Africa (WLSA) organization by arguing that "gender based violence is a form of violence that is a direct result of the way power relations are structured and expressed in patriarchal institutions. Men who perceive women and girl children as the weaker sex resist attempts aimed at liberating and empowering women. Even when legislative and programmatic interventions are put in place, the ideology of sexism creates an invisible institutional mechanism which serves to protect and perpetuate male power." (Women Law in Southern Africa 2000:18). The United Nations' report on The World's Women Trends and Statistics (2010) reveals that "while rates of women exposed to violence vary from one region to the other, statistics indicate that violence against women is a universal phenomenon and women are subjected to different forms of violence – physical, sexual, psychological and economic – both within and outside their homes (The United Nations' report on The World's Women Trends and Statistics, 2010: x). While Hanmer (1990:33) states that "Women are more likely to be physically and sexually assaulted in their homes or garden, on the footpath, in the street immediately in front of their homes than men. Women are most likely to be assaulted by men they know, and the closer the relationship, the more likely the assault"

The above demonstrate the huge existence of a reciprocal relationship between patriarchy and all forms of violence and discrimination against women. Pickup et al (2001:11) states that violence against women is not unusual, on the contrary, it is perhaps the most pervasive form of abuse: a universal phenomenon that cuts across all division of class, race, religion, age, ethnicity and geographical region. She indicates that violence against women is all about power and domination over women and happens to be the ultimate weapon available to men wishing to assert their masculinity or to ensure continuing control over resources and decision making at all levels of society including within the household, the market, the state, and development organizations.

Violence against women happens to be one of the biggest problems facing women all over the world.

It has been estimated that worldwide, violence against women is a serious cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill health than traffic accidents and malaria combined (World Bank, 1993 as quoted by Pickup, 2001:96).

History, culture and the legal framework have created three very important factors that play a significant role in issues of violence against women and these are: Power, domination, subordination of women and violence against women. The need for power and domination by violent males is the main cause of the violence against women, subordination of women, abuse, exploitation of women, denying women certain government and private sector opportunities as well as natural resources and in extreme cases, death and incapacitation.

According to Donaldson (1993) "the ruling class establishes and maintains its domination often through destroying other social groups. Not every member of the dominant group (men) participates in acts of violence against women but they all benefit. These impositions are done in ways that make them appear normal and natural to many segments of society including those who are subjugated. (Gilgun & McLeod, 1999:4).

The diagram below illustrates the characteristics of the public and private spheres.

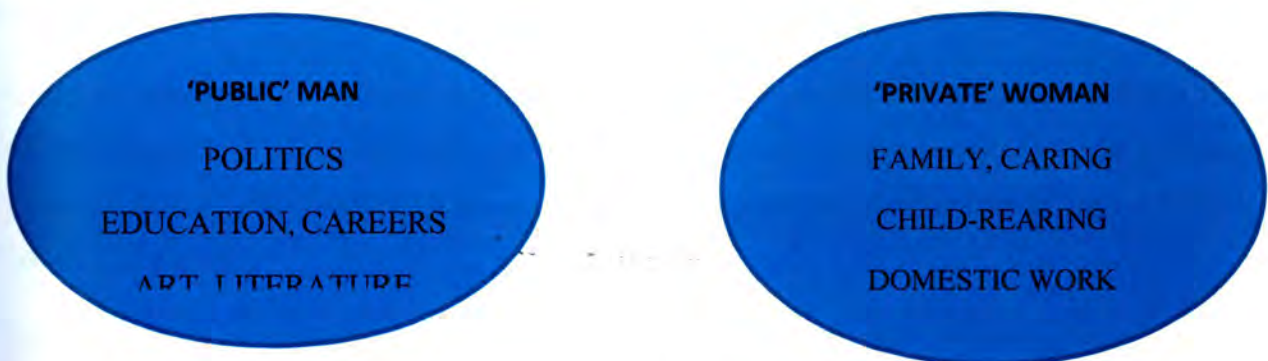


Figure3. Heywood (2007:235) demonstrates the sexual divisions of labour in both spheres.

This division of labour has been very instrumental in clearly defining the roles and positions of both men and women in the world. It has separated women and issues relating to them to the private sphere. Many have been reluctant to get involved in issues emanating from this private sphere as it is seen as interference with domestic issues.

As a result, violence against women has accelerated and has gone unabated as it is seen as a domestic issue that should be treated privately. This is supported by Douki et al (2003) who argue that "the indifference to this type of violence stems from attitudes that domestic violence is a private matter and, usually, a justifiable response to misbehaviour on the part of the wife".

This is supported by the report on rape in Botswana by the Botswana Police Service which states that "time and again the victim's statement refers to others ignoring requests for help although witnessing the victim being clapped, pulled, dragged or kicked. The ferocity of the attack mounts and culminates in rape, often repeated over several hours. This type of rape can best be understood as part of a continuum of violence and measures promoted to address domestic violence in general will have a direct impact on this type of rape" (Botswana Police Service, 1999:50).

Violence against women is seen as an issue that does not warrant interference of states (in cases of domestic conflict i.e. between spouses or family members) or international organisations (in terms of regional and international conflict i.e. between states or at times of civil unrest or coup d'états) as this infringes on states sovereignty. State sovereignty has inhibited external involvement of other states and organizations such as the United Nations and the African Union in internal conflicts. This has had dire consequences on the right of women caught at the heart of such conflicts.

A classic example is the case of Rwanda. The international and regional communities reacted slowly to the conflict taking place in Rwanda citing state sovereignty as a reason not to intervene, and that this was a domestic and internal conflict that should be left to Rwanda to settle.

This attitude is a distinctive characteristic of patriarchy as the violent and oppressive behaviour reinforced in societies in which social norms condone the use of force to settle disputes. It shows reluctance to combat violence against women (Anderson & Schlossberg, 1999:137).

This further exacerbates the cycle of violence against women as crimes such as women trafficking, rape, assault causing grievous bodily harm, domestic violence and murder including lesbicide, femicide, date rape, corrective rape, genital mutilation are some of the crimes that are causing an outcry from feminist and human rights activists worldwide. Viano (1992:4) states that "every society identifies certain groups as appropriate objects of hostility and these groups must be clearly discrete and different. Status is often used as an indicator of such dissimilarity. Violence often occurs between people whose social status is not the same with one being superior and the other being inferior. Thus, the family bestows male power over the female therefore strengthening the subordinate status of the wife and as a result increases her chances of being abused."

Viano (1992:04) also explains that other contrasting stereotypes depicting women as sexually seductive, untrustworthy and emotionally unstable are also used to justify the oppression and subjugation of women. The situation is so surreal that Seedat et al (2009) explains that the casualties caused by violence in South Africa are higher than that of a country at war. They indicate that "the extremeness of violence and injuries are the second leading cause of death in South Africa. The overall injury death rate of 157.8 per 100 000 population is nearly twice the global average, and the rate of homicide of women by intimate partners is six times the global average." This prompts Mukasa (2008:111) to argue that "South Africa has one of the highest incidents of violence against women (VAW) in the world. Statistics reveal a systematic pattern of women abuse, including sexual harassment; rape; battery; economic abuse and harmful traditional practices."

Gender-based violence in South Africa has been linked to the unemployment, drugs and alcohol abuse. It has been stipulated that women belonging to poor households or those who find themselves trapped in poverty are more susceptible to violence and abuse (Mathews & Abrahams, 2001). They may become easy targets of abuse by men they know or complete strangers. Illiteracy has also been fingered as one of the factors that contribute to violence against women in South Africa.

Feminists argue that there is an intrinsic linkage between violence against women and class. They argue that even though violence against women does not exclusively affect women who belong to a certain class, status, race or economic standing, and so forth, women in low income brackets are acutely prone to such violence (Heise, 1998:274).

This can be seen in a country such as South Africa which, despite having great laws and being a champion of gender equality, is nevertheless strated by extreme scourges of violence. It is a country that has great potential of growing to be a mover and shaker in the world but it is instead being ripped apart by violent protests against poor service delivery, xenophobic attacks on foreigners, satanic murders, rape of old women and girls of all ages. This violence goes against the very core of South Africa's founding constitution and everything it stands for.

Seedat et al. (2009) state that "poverty and inequality are crucial social dynamics that have contributed to South Africa's burden of violent injury. They are inseparably related to other key drivers such as the dominant patriarchal constructions of masculinity, the intergenerational cycling of violence, alcohol, and drug misuse, and the proliferation of firearms."

Culture has also been noted as another key component of patriarchy. It has been linked to gender inequality and a major contributor to violence against women. Worldwide women and girls of varying ages and of different, economic, racial, political and social standings have suffered discrimination and violence in the name of culture. Such violence includes genital mutilation, sati, killing of women accused of witchcraft, stoning of women accused of adultery, honour killings, domestic violence, forced marriages, child marriages, dowry related violence or murder and son preference leading to abortion or other forms of violations committed against the girl child just to name a few .

Some cultural norms have greatly enhanced gender inequality and violence against women by viewing males as dominant and women as the opposite. Cultural laws can contribute both directly and indirectly to violence against women through traditional norms and beliefs that may permit or fail to deal with violence against women. Such failure or the viewing of males as the dominant figures by traditional systems and culture can also be blamed for the moulding of hostile masculinities such as hegemonic masculinity.

Some cultures such as the Setswana culture legitimately allow a husband to use violence against their counterparts for any transgression that may have been committed by their partners.

The Setswana custom allows a man to reasonably chastise his woman if he is wronged. According to Nkomazana (2008:11) "it gives him the legal right to chastise her freely whenever she failed to fulfil her traditional obligations. Wives, however, could not reciprocate." According to Pickup et al (2001:15), "cultural norms have developed over time to justify, sustain and perpetuate men's sexual coercion of women, as well as other forms of violence towards them." Coomaraswamy (2002:7) argues that "throughout the world, there are practices in the family that are violent towards women and harmful to their health. Young girls are circumcised, live under severe dress codes, given in prostitution, denied property rights and killed for the sake of honour in the family. These practices and many others constitute a form of domestic violence but have avoided national and international scrutiny because they are seen as cultural practices that deserve tolerance and respect. The universal standards of human rights are often denied full operation when it comes to the rights of women. Cultural relativism is therefore often an excuse to allow for inhumane and discriminatory practices against women in the community."

This has led to the creation and sustenance of violent masculinities such as hegemonic masculinities. Connell, 1987 (in Morrell, 2001:7) argues that "hegemonic masculinity can be described as a type of masculinity that has greater power over and dominates other masculinities. It regulates male power over women and distributes this power amongst men. It can be seen as a cultural way of what it means to be a real man." These masculinities underpin the importance of masculinity and male domination of females. It is about power and a need to be in-control over everything and everyone at all times. Violent males enjoy many privileges and have a huge desire to ensure that their dominance is never threatened. A threat to their masculinity and dominance could result in violence. Violent men resort to violence at the slightest indication of their manhood being challenged. They use violence as a way of disciplining women and reminding them of their place in the home, in public or in the society.

This is supported by the United Nations special rapporteur Coomaraswamy (2002:7) in her report on violence against women, its causes and consequences where she indicates that in "many societies, the ideal of heroic masculinity requires acceptance of the notion of honour and the violent regulation of female sexuality. Therefore, notions of masculinity are integrally linked to policing the behaviour of women. Heroic men in these societies use violence as a means of furthering justice and the social good, but they also use violence to ensure that women behave and are subordinate to their will. These constructions of masculinity are present even within the family relationship.

The deflowering of the virgin ceremony in many societies is an example of how masculinity, violence and the sexuality of women are symbolically constructed.”

The clear definition between masculinity and femininity has been very fundamental in the erection and sustenance of gender roles that are prevalent today. A very critical way of ensuring that the general gender order and its accompanying principles are maintained and reinforced daily is by teaching these roles from one generation to the other. This indoctrination includes teaching on the differences between these genders, that one is dominant (master) and the other is subordinate (inferior) as well as laying down the consequences of infringing on the principles that accompany these distinct gender roles.

Walby (1990:93) maintains that “socialization proceeds with asset of rewards and punishments, ranging from changes in tone of voice to physical chastisement. Little girls are more likely to be told to be quiet and not to make a noise in circumstances where little boys would be expected to be boisterous. Toys and games of childhood are also gendered. For instance, little girls are likely to be given dolls while boys get train sets and lego. Little girls are expected to play at ironing daddy's hanky, while little boys play soldiers. These games differ both in terms of the level of activity where boys have more active games but also in the orientation of the object of play to adult roles - dolls are preparation of childcare, soldiers for welfare.”

Young boys are taught from a young age that they are born into the dominant and vigorous gender while young girls are taught that they are born into the weak and docile gender. State and traditional customs teach gender differences to boys and girls from a very young age. Boys are taught to be strong and to realize that they are born into the most dominant gender. They are able to learn from a very young age that they possess more power than girls through the different roles and tasks that are assigned to them in the home. Because boys grow up knowing that they are much more superior to girls and that girls are meant to serve them at all costs has created many batterers. They may not consider themselves as such because their social constructions have taught them to expect privileges and special treatment. Marin and Russo argue (1995:34) that “males are taught to expect entitlement and privilege, along with the subservience that go along together with those characteristics. These expectations may lead to patriarchal scripts for interaction that, when violated, lead to emotion of anger, and if inhibiting factors are not present, that anger in turn may lead to violence.”

Battering is a means to enforce male entitlements and manifest a batterer's sense of masculine identity. There is enough evidence that seems to suggest that masculinity means being the direct opposite of being feminine. That seems to suggest that masculinity means being strong and hard and not being soft and nurturing like females.

Macionis and Plummer (1997:312) show the difference between masculinity and femininity in the following way:

Feminine Traits	Masculine traits
<i>Submissive</i>	<i>Dominant</i>
<i>Dependent</i>	<i>Independent</i>
<i>Unintelligent and incapable</i>	<i>Intelligent and competent</i>
<i>Emotional</i>	<i>Rational</i>
<i>Receptive</i>	<i>Assertive</i>
<i>Intuitive</i>	<i>Analytical</i>
<i>Weak</i>	<i>Strong</i>
<i>Timid</i>	<i>Brave</i>
<i>Content</i>	<i>Ambitious</i>
<i>Passive</i>	<i>Active</i>
<i>Cooperative</i>	<i>Competitive</i>
<i>Sensitive</i>	<i>Insensitive</i>
<i>Sex object</i>	<i>Sexually aggressive</i>
<i>Attractive because of Physical appearance</i>	<i>Attractive because of achievement</i>

As illustrated above women are associated with only the negative things and this is what has not only been taught to young boys and girls for a long time but also been reinforced daily into adults and teenagers.

Most cultures and traditions embody some of the perceptions of masculinity and femininity listed above and as a result those cultures and traditions have become a brewing cauldron of pungent violations against women. United Nations special rapporteur Coomaraswamy (2002:9) identified the following forms of cultural practices that are being practiced in different parts of the world:

- **Female genital mutilation(FGM)**

In her report she estimated that more than 135 million girls and women in the world have undergone this practice and that every year 2 million girls were at risk of mutilation. Her report also showed that this tradition is practiced in different countries. It listed the following countries as some of the countries that still practice female genital circumcision/mutilation: Chad, Côte d'Ivoire, Ethiopia, Kenya, Mali, Nigeria, Sierra Leone, the Sudan, Uganda and the United Republic of Tanzania. In the Middle East, FGM is practised in Egypt, Oman, the United Arab Emirates and Yemen. It has also been reported in Asian countries such as India, Indonesia, Malaysia and Sri Lanka. It is the only form of mutilation to be correctly termed circumcision, but there has been a tendency to group all kinds of mutilations under the misleading term "female circumcision". She explained female genital mutilation in the following way:

- Circumcision, or cutting of the prepuce or hood of the clitoris, known in Muslim countries as sunna (tradition).
- Excision, meaning the cutting of the clitoris and all or part of the labia minora.
- Infibulation, the cutting of the clitoris, labia minora and at least the anterior two thirds and often the whole of the labia majora. The two sides of the vulva are then pinned together by silk or catgut sutures, or with thorns, leaving a small opening for the passage of urine or menstrual blood. These "operations" are done with special knives, razor blades, scissors or pieces of glass and stone. The girl's legs are then bound together from hip to ankle and she is kept immobile for up to 40 days to permit the formation of scar tissue.
- Intermediate, meaning the removal of the clitoris and some or all of the labia minora. Sometimes, slices of the labia majora are removed. The practice varies according to the demands of the girl's relatives.(See Coomaraswamy2002:9)

The reason given for this practice is that it is a cultural practice that has been done over the years and therefore should be respected. It is a rite of passage that propels a girl into womanhood and enables her to participate in issues reserved only for women who have undergone this ritual. The rapporteur links female genital mutilation to patriarchy.

It is seen as another way of men dominating women by controlling their sexuality. She argues that "FGM is also a result of the patriarchal power structures which legitimize the need to control women's lives. It arises from the stereotypical perception of women as the principal guardians of sexual morality, but with uncontrolled sexual urges. FGM reduces a woman's desire for sex, reduces the chances of sex outside marriage and thus promotes virginity. It is also deemed necessary by society to enhance her husband's sexual pleasure. A husband may reject a woman who has not gone through the "operation". Health reasons are also put forward as justifications for FGM. Unmutilated women are considered unclean. It is believed that FGM enhances fertility. It is considered that the clitoris is poisonous and that it could prick the man or kill a baby at childbirth. In some FGM-practising societies, there is a belief that the clitoris could grow and become like a man's penis. Even though FGM pre-dates Islam, religious reasons are given for the continuation of FGM in some societies (2002:10).

- **Honour killings**

These killings are usually committed against women by their male relatives as a way of righting a wrong. It might be seen as honourable way of washing away an act that is seen as dirty or one that goes against religion culture or principle that may be held by a certain family or community. These acts are usually committed by close male relatives such are carried out by husbands, fathers, brothers or uncles, sometimes on behalf of tribal councils. Coomaraswamy (2002:12) points out that "the killing is mainly carried out by under-aged males of the family to reduce the punishment. They are then treated as heroes. The action is further endorsed by their fellow inmates in prison, if they are sent there, who wash these young boys' feet and tell them that they are now "complete" men. The act is regarded as a rite of passage into manhood. Ironically, it is not unheard of for female relatives to either carry out the murder or be accomplice to it. It is not necessarily for love, shame, jealousy or social pressure that these crimes are committed. Economic and social issues also contribute to the rise in honour killings. Amnesty International claims that factors such as the progressive brutalization of society due to conflict and war, increased access to heavy weapons, economic decline and social frustration also lead to increased resort to the honour killing system. Cleansing one's honour of shame is typically handled by shedding the blood of a loved one; the person being murdered is typically a female, the murderer is typically a male relative, and the punishment of the male is typically minimal. Most significantly, the murderer is revered and respected as a true man."

- **The pledging of girls for economic and cultural appeasement:**

The report also indicates that in some places and under certain cultures young girls are pledged to temples to work as sex slaves.

It states that “young children are initiated into the process of becoming Devadasis (sex workers or handmaidens of gods) even before they attain puberty.” The report shows that this tradition is often fueled by economic pressures such as during the times of drought or war. It shows that during these times young girls fall prey to this tradition as family offer to temples and to priests. “These young girls are married off to the priest to appease gods and goddesses. This bond forbids them to marry anyone else. After a three-week-long dedication ceremony, the girl is given to her maternal uncle, who is likely to be the first among many abusers. Thereafter she leads a life of sexual slavery. Frequent pregnancies, abortions and deliveries render the majority of the Devadasi women physically weak and anaemic. Having multiple sexual partners they suffer from reproductive tract infections and sexually transmitted diseases.”

- **Witch hunting**

This is another problem that faces some women in certain parts of the world. Women, usually the elderly are accused of being witches and are blamed for everything that might be going wrong within the family or the community. These women are at times found guilty in kangaroo courts or without any due diligence and are subjected to severe violence. According to Pickup et al (2001:93), “in Bihar, witches are almost always women, while witch doctors, a symbol of power and good, are always men. These beliefs are exploited by powerful community members with ulterior motives for suggesting that a woman is a witch-to expropriate her, sexually exploit, or exact vengeance for past grievances or family feuds. The village witch –doctor (ojha or sokha) is granted power by the community to identify witches. It is in this witch doctor’s interest to charge a woman as a witch; because he can then charge her family a great deal of money to exorcise the evil spirits believe to be possessing her.”

This is supported by Coomaraswamy (2002:17) who states that another cultural practice that is found mainly in Asian and African communities is “witch hunting or witch burning. This practice is common in societies, such as India and the West Bengal region, where there is a belief in superstition and the evil spirit. When people suffer from illnesses, there is a lack of drinking water, there is a death in the family or cattle die, there is a crop failure or even if there is a natural calamity, the local magic doctor is approached. His orders are accepted unquestioningly. He usually declares a woman or women to be witches or “dayans” and suggests their elimination through death, to be rid of the evil spirit that is causing the problems. The magic doctor is paid a large sum of money for his services. In many cases, people who will inherit property by the death of the “witch” usually pay the magic doctor.

Some people believe that the death will bring rewards in terms of property and some others truly believe in the evil spirit. The women declared to be witches are then killed or ostracized from the community. Most of the deaths are caused by stabbing, slugging or burning.”

- **Caste**

Some societies are divided along distinct lines of hierarchy and class. These societies are divided into categories with the high and middle categories rigged with pecks and advantages. Those at the low category are often shunned and suffer as they are discriminated against in all levels of the economy, politics and socially. They are seen as unworthy of association and often can be seen a nuisance. As a result people especially women belonging to the lower class are more often than not ostracized and have nowhere to go when seeking remedy or intervention when they are violated by people belonging to the middle and high castes. Coomaraswamy (2002) denotes that “lower-caste women often suffer double and triple discrimination because of their caste, class and gender. They face targeted violence, even rape and death, from State actors and powerful members of dominant castes, used to inflict political lessons and crush dissent within the community; or the women are used as pawns to capture their men folk. These women are gang raped, forced into prostitution, stripped, paraded around naked, made to eat excrement or even murdered for no crime of theirs. The hypocrisy of the caste system is revealed during these crimes, as “untouchability” does not operate then. The women also face discrimination through the payment of unequal wages, or work in slave-like conditions in bonded labour. They also face sexual discrimination in the workplace. Young girls are married off at an early age mainly as protection against sexual assault from upper-caste men.”

- **Marriage**

In some parts of the world young girls are into marriage before fully experiencing childhood. They are instantly propelled into being wives often to men that they don't know or men who are old enough to be their fathers or grandfathers. This is done in the name of culture. This practice is seen as appropriate and its impact and consequences on the total well-being of these young girls is not entertained. This practice is done in some countries such as Nepal, Burkina Faso, Cote d'Ivoire and Benin (Outtara et al., 1998:28-29). Amnesty International (2013:16) states that 30% of women aged 15-19 in

least developed countries are married. If present patterns continue, in the next decade around 100 million girls will be married as children.

These marriages are arranged and facilitated by parents and guardians and are done for various reasons. However, Uttara et al (1998:29) lists some of the reasons for this practice as:

- The girls were required to provide domestic help for the boy's family;
- grandparents wanted to see their granddaughter settled before they died;
- parents believed that marriage of girls before menstruation is holiness;
- the need to remove children from a situation where there was domestic violence between the parents;
- parents feared inter-caste relationships or that their children will elope with someone who was unsuitable, and
- In some cases children were forced into marriage because of pregnancy.

While Coomaraswamy (2002:19) indicates that in some countries and states young girls are forced into marriage before they even reach puberty. She also explains that young girls face enormous pressure from the community and it could also be assumed that they also face pressure from their immediate and external families. She gives two reasons for this, one, is that it could be that the virginity of young girls is often guaranteed and secondly, the sexual and reproduction rights and ability of these young girls will be in total control of the husband and his family. This would normally lead to unwanted pregnancies on the part of the young girls who would have no say or control in child spacing or in family reproduction. She further explains that most girls are expected to go and reside at their husbands domicile among total strangers and she would have to give in to sex with an older man compromising her young undeveloped body as she would be exposed to the dangers of repeated pregnancies and childbirth.

The report on violence, its causes and consequences informs that women who refuse a suitor advances or request for marriage face chances of being disfigured by the suitor and his family. It states that in some states such as in India and Bangladesh men pour

acid on the faces of women who refuse their advances or they could both kidnap the woman and force her as well as her family to accept the marriage proposal or rape her.

Alternatively, they could resort to character assassination by spreading false accusations about the girl and tarnishing her reputation aiming at making her unmarriageable.

- **Discriminatory laws**

Most customary laws greatly disadvantage women as most of these laws view men as the dominant sex and deserving of all privileges even if these privileges oppress women and turn them into insignificant members of the society. These laws may prohibit women from inheritance, from choosing where to reside, from acquiring loans, from make decisions pertaining to family planning or the right to choose to use a condom or the right to legally complain about any violation that she could be subjected to by her husband as culture dictates that she should route her complaints through her in-laws. The Gender briefing kit of Botswana (1998:6) shows that both customary and common laws of Botswana discriminate against women, for instance, "under customary law, women lack independent legal capacity irrespective of their age they are subjected to the guardianship of their fathers, brothers and uncles when they are unmarried and to that of the husbands when they are married." Although over the years socio-economic changes have taken place and customary law in some places recognizes adult women as having legal capacity, the application of the mostly unwritten customary law is uneven and creates uncertainty in the legal status of women.

The Policy on Women in Development in Botswana (1995:6) is in agreement with the statement made by the Gender briefing kit of Botswana. It also states that both legal arms of the law in Botswana do not treat women and men equally as they discriminate against women and creating a huge limitation and hindrance of their opportunities. The policy exposes laws such as the Married Person's Property Act, the Penal Code, Companies Act, the Deeds Registry Act and the Adoption Act, as some of the laws that discriminate against women in Botswana. It indicates that "women are currently under the legal control of men, be they husbands or male relatives. A woman therefore has inadequate recourse from any coercion or violent abuse that she may receive in the home.

Instances of reported cases have indicated arising trend of domestic violence. Such violence must be prohibited. In addition steps against incest and child abuse must also be considered and urgently addressed.”(The Policy on Women in Development in Botswana (1995:6).

Some societies allow for the marrying of the rapist to his victim in the name of protecting the honour of the victim. The victim is forced into this marriage. It is seen as the next best thing and the only alternative as a girl who has been raped is considered unmarriageable. An unmarriageable daughter is something that many societies are afraid of and as a result many girls are forced into marrying men who had greatly violated them. If the perpetrator agrees to marry his victim all charges against him are dropped and he is pardoned. There is a strong belief that since the perpetrator would have soiled and spoilt the integrity of the victim he should be willing to marry her. The victim is forced into this marriage as and some penal codes allow for such remedies. States such as Costa Rica, Ethiopia, Lebanon, Peru and Uruguay have enshrined such conditions in their penal codes (Coomaraswamy, 2002:20).

In South African a case of inheritance and administration as an estate was brought before the court. The case was between Mthembu vs. Letsela (Mthembu v Letsela and Another 1998 (2) SA 675 (T). The facts of the case were that Mthembu's husband passed away and his uncle came and wanted to administer his estate and affairs as commanded by culture. Mthembu was greatly against this and argued that she was capable of administering her late husband's estate. She was also against the uncle inheriting her late husband's estate and property as she had a daughter who she felt deserved that inheritance. However, the court ruled in favour of the uncle and argued that custom expected the uncle to step in the shoes of her late husband, provide for his family and take care of his estates.

- **Son preference**

In some countries, sons are preferred over girl children mainly because boys are believed to have more value because of the unequal status of both sexes. However, the son preference has also been linked to poverty and bride price.

This is common in societies where the bride's family pay high dowry to the groom's family (Pickup et al., 2001:88). This poses a great threat to the girl children and increases unsafe abortions. Kristof (1993) quoted by Pickup et al (2001:98) explains that some of the son preference is fuelled by some state policies that dictate for one child per couple. These policies are formulated as a way of controlling the population of some states. China passed a one child policy in 1979 and this has interacted with the existing preference for sons to result in reports of the re-emergence of female infanticide, which was thought to have been eradicated in China after the communist revolution.

This statement prompts Igberase (2002:31) to inform us that son preference is very common in many societies. Girl children are not given the same opportunities as boy children. Girl children are severely denied good nutrition necessary for healthy well-being and are often hindered from obtaining a sound education which is necessary for survival and empowerment. The males are given preference and are allowed to eat nutritious meals to the detriment of the girl child. The growth of the girl child may be affected and she may not realize her optimum growth potential. This can affect her subsequently in labour with resultant cephalopelvic disproportion, obstructed labour, vesico vaginal fistula, fetal and maternal deaths. Menstrual and ovulatory disorders can also be a complication from the malnourished state. The girl child in many cultures in Nigeria is denied her rights to be educated. She ends up being an uneducated housewife with no skills and therefore not financially empowered. This becomes a vicious cycle which also is passed on to her daughters.

Coomaraswamy (2002:22) argues that certain societies go to great lengths to manipulate the determination of child birth. This is done as a way of trying to determine that the right child belonging to the right gender is born. In some culture a male child brings great honour and so parents may try to ensure that they conceive a son and not a daughter. The rapporteur mentions that religious rituals such as prayer, fasting, and pilgrimages are believed to invoke a God to influence a child's sex. Traditional medicines and ceremonial rites are also commonly used to guarantee the sex of a child.

Nowadays, with modern technology such as amniocentesis or sonograms, it is easier to determine the sex of the unborn child. This advancement of science and technology is exploited to select the sex of the child through aborting the unwanted child instead of merely monitoring the health of the foetus. Most often, it is the female foetus that is considered unwanted (Coomaraswamy, 2002:22).

The state and sexuality are fundamental components of patriarchy. The state plays a vital role in the moulding and enforcing of gender roles among the people. It is an instrumental organ that breathes life into patriarchy as it allows patriarchy to exist and operate legally within legitimate boundaries. Through state policies and laws gender inequality could either be reinforced or diminished but it is usually reaffirmed. This is mostly because women are underrepresented in policy making processes and this hinders them from influencing state policies and laws.

Most laws and policies show biasness and are tilted in favour of male dominance over women as can be witnessed by laws that prohibit women from driving, women from going anywhere without being accompanied by a male person, from voting, laws that prohibit women from inheriting or those that condone violence against women and so forth. Gender differences radiate through policies, laws and cultural practices of many African states. Practices such as bogwera or bojale (initiation schools for boys and girls) lobola (bride wealth), marriage, death rites and rituals as well as inheritance practices centre on patriarchal norms and principles.

Most African states' constitutions, policies and laws are heavily influenced by their cultures and traditions and these resonate gender inequality by legally promoting men to the supreme podium while legally portraying women as adjuncts. Ndulo (2011:1) illustrates how African states rely on their culture when formulating laws and this has an impact on the human rights of women. Ndulo (2011) argues that "the sources of law in most African countries are customary law, the common law and legislation both colonial and post-independence. In a typical African country, the great majority of the people conduct their personal activities in accordance with and subject to customary law. Customary law has great impact in the area of personal law in regard to matters such as marriage, inheritance and traditional authority, and because it developed in an era dominated by patriarchy some of its norms conflict with human rights norms guaranteeing equality between men and women".

History and culture are some of the factors that help states to develop their policies. These policies are designed according to prevailing ideologies about gender relations and the role of the family in the society. Tack-Sassoon (1987) quoted by Pickup et al (2001) argues that the state reflects prevalent societal assumptions about gender identities and reinforces these within the construction of law.

Mvimbi (2009:30) corroborates this by stating that "state institutions draw their culture from predominant cultures, and these inform their rules and ways of working. In patriarchal societies, organisations are shaped and modelled by male values and attitudes, recreating gender hierarchies and inequalities."

This is supported by Connell (1990:519) who adds that the state is constituted within gender relations as the central institutionalization of gendered power. Conversely, gender dynamics are a major force constructing the state, both in the historical creation of state structures and in contemporary politics. The state is empirically as well as theoretically complex. Actual states include local government, and regional (for example, provincial or state) and national levels, and there is even an international level of the state, found in international law and inter-governmental organizations such as the European Economic Community and the United Nations. Drawing boundaries around "the state" is not easy; taxation departments and courts are obviously state institutions. It is asked whether medical associations, welfare agencies, universities and unions could be seen as part of the state. The problem is compounded by the fact that the realm of the state as well as the form of the state changes historically.

If we exist in a society that views men as dominant and women as subordinate then this will reflect in the policies and laws that we might have in place. These policies will enforce that belief and make sure that all members of this society uphold and never forget that one gender is dominant and the other subordinate. Even though most states proclaim that all are equal before the law their legal systems tend to reflect the male bias of the state, and often fail to protect women from violence. This is often created by the fact that most policy makers are men.

Mookodi et al (2004), states that "while the constitution of Botswana stipulates that there shall be no discrimination on the basis of sex, both legal systems reflect the strong influence of patriarchy. There are no clear distinctions between female and male children according to the laws. The distinctions begin at adolescence, largely in the area of punishment. In the context of customary law, corporal punishment is used within the context of 'minor' crimes, such as petty theft, and in minor civil offenses, such as indecent exposure and the use of insulting language.

While both sexes may be sentenced to corporal punishment, it is largely practiced on male adolescents and adults. The fact that most influential power in Botswana is held by men has made it difficult for the complete removal of certain historic, cultural and legal policies and laws that favor men and subordinate women.”

Asian Development Bank Report(2002:4) argues that it is the responsibility of governments to change laws and regulations that systematically disadvantage women. This may mean amending laws that do not effectively protect women from discrimination, such as labour laws that do not guarantee equal pay for women and men; or laws that subordinate women, such as family laws that define women as being under the legal guardianship of a living male relative (such as a father or husband). In other circumstances, legal reform may require the introduction of entirely new laws, such as laws against domestic violence and sexual harassment in the workplace.

Margaret Schuler (1992) as quoted by the Asian Development Bank (2002:6) argues that there are three levels of oppression of women that have been identified as ways that the state oppresses women. These clearly illustrate how state laws contribute to the moulding of hegemonic masculinities and how the state allows these hostile masculinities to legally prevail and dominate over women. Level one is the substantive which is the actual laws themselves. This relates to how certain laws may actually protect male perpetrators. For example, the law that recognizes rape only outside the boundaries of marriage and one that declares rape within marriage nonexistent.

In the 17th century, Judge Sir Matthew Hale (in Gallo,2004:137) ruled that “a husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife has given up herself in this kind unto her husband, which she cannot retract.” Botswana’s Women’s Affairs Department’s Report on the Impact of Violence on Women in Botswana (1999) imparts that “in the Setswana culture rape within the marriage does not exist. Agreeing to marriage means the women agree to always be ready for sex with their husbands. Sex sanctioned by customary law is simply an indicator of whether the consent of the family has been negotiated, not whether the women’s consent has been given. It was also found out that rape was not applied to sex within an approved relationship, for example marriage, boyfriend and girlfriend, whether or not the women consented. If the relationship was sanctioned then it could not be rape.

There is simply no concept of marital rape once the relationship is officially approved, the husband has the right to sex with his wife even without consent.”

Such customs contribute to the oppression of women and also contribute to gender inequality as young men are taught from a very young age that force is legitimate and teaches them to treat women as objects.

The failure to realise that rape within marriage does exist especially when the marriage goes sour and sex is used as a weapon to inflict pain, turmoil and abuse.

“Rape in marriage may well be the most common form of sexual assault especially in cases where women involved in vulnerable relationships maybe especially vulnerable to being raped by their partners” (see Bergen, 1999:1). Denying that rape does exist within marriage allows violent masculinities to be preserved. Many violent husbands develop strategies and ways of inflicting pain and enjoy getting away with such acts of violence and usually express this to their female partners. This in-turn makes battered women feel that they have nowhere to turn as the law favors their male partners and in-turn choose to stay in abusive relationships.

The second level is the **structural level**, which refers to the organizations and structures that enforce the rule of law. The way the rule of law is effectively implemented and enforced is very important. Most cases of violence against women are badly handled by law enforcers. Most cases are not given the immediate attention and this often results in long periods of abuse and battering that may even lead to murder. This again can be traced back to patriarchy. Many times, implementation of the law is carried out by male officers and this may severely thwart efforts of creating a gender balanced society and eradicate violence against women.

However, it must be acknowledged that rules, laws and penalties for such violence have to be set and clearly defined to enable the police to know what gender based violence is, how to handle it and which penalties go with which act. Judges too can pose a challenge to the eradication of discrimination against women as attested by Schafran (1985:14) who states that “.....many judges still believe in different standards for men and women.

Even those who do not, often unconsciously, believe in female stereotypes which can interfere with true judicial impartiality.”

Most victims of homicide and femicide have long histories of violence and many have turned to the law enforcers for help and security often with no avail. In many rape cases, defense lawyers try to establish the sexual history of the victim. They try to find out if she is known to be promiscuous, prostitutes, acquainted to the accused, are they lovers, have they been lovers before, etc.

From all this information they build their case. Much emphasis is given to the history of the victim and this is a cause for great concern as it usually seems to suggest that if you are promiscuous then you may be raped or if you and the accused know each other then it makes the rape legal than if you were raped by a complete stranger. Allowing the history of the victim as evidenced by the courts contributes to the continuing violation of women.

According to Coomaraswamy (1997) judgments about the appropriateness of women's sexual behaviour have often become the focus of rape cases, with the result that men who attack women to display independence, or shows traces of sexual behaviour that is deemed to be improper, are less likely to face conviction. While Radford and Russell (1992:6) emphasize how the courts and the media play a huge role in issues of violence against women “... femicide serves as a means of controlling women as a sex class, and as such it is central to the maintenance of the patriarchal status quo. Femicide as reenacted in courtroom trials and as represented in the media is surrounded by the mythology of woman blaming. It is the behaviour of the woman that is scrutinized and found wanting when measured against the men's idealized constructions of femininity and standards of female behaviour. The message of the myth is clear: For women it reads, “Step out of life and it may cost you your life” while for men it reads, “You can kill her and get away with it”.

This goes to show that there exists a lot of gender inequality and this is often shown in the way the courts operate and through other factors that influence the judgments of the courts such as the social attitudes and biases that exist within different societies.

The third level is the **cultural level**. Cultural beliefs and norms often create big obstacles in the fight against violence against women.

Most cultures allow the chastisement of women. Men are allowed to physically discipline their wives. According to Singh and Dhingra (2008:168) "in all societies there are cultural institutions, beliefs and practices that undermine women's autonomy and contribute to gender based violence. Certain marriage practices for example can disadvantage women and girls especially where customs such as dowry and brides wealth are concerned." Culture also influences the way law enforcers carry out their work. Culture and traditional beliefs may create bias law enforcers or policies. In Botswana, a wife is often advised to report her abusive husband to her in-laws and elders for intervention.

The husband is often told to end his abuse and the wife is urged to go back to her husband and make their marriage work and usually the abused continues and intensifies. Even though now both husband and wife have equal say in all matters that affect the family, any decision that without the say or consent of the other is null and void.

Sexuality is another factor that can be controlled by the state and as such is linked to patriarchy. This is because state regulates and controls the reproduction of women through policies and laws that might directly or indirectly put the lives of women at risk or rob them of the right to make decision regarding their sexuality. Laws and policies that restrict women from committing abortions or banning family contraception methods are clear example of these restrictions that are imposed by certain states. This is supported by Connell (1990:529) "who indicates that marital sexuality is regulated in the name of population policy. The state in early twentieth-century Australia banned the sale of contraceptives and introduced "baby bonus" payments in order to increase the (white) population. The state in contemporary India and China is vigorously trying to restrain population growth. Much of this regulation can be read as an attempt to promote a particular form of sexuality in the conjugal family against a whole series of tendencies in other directions and can be seen as "social reproduction".

The control of sexuality by the states can be viewed as an attempt to impose its ideologies of a true family. One that produces children without any deterrent as well as building ideal societies whereby a man assumes the patriarchal role of manhood and a woman assumes her role as a true woman. Connell (1990:529) shows that "often, as population policies illustrate, the state is pursuing a re-structuring of the family or of sexuality. And there is no doubt that these policies have met a great deal of resistance.

The criminalization of male homosexuality failed to stop male homosexual behaviour, though it drove it underground for a couple of generations. The public banning of contraceptives failed to stop the early twentieth-century decline in family size, as women found other means of regulating births. Nor are third-world governments wonderfully successful in restraining population growth at present, while children remain an important asset in peasant society and are valued in urban culture."

The above literature illustrates that gender based violence is a universal problem that faces the entire world. Women worldwide are faced with intangible challenges and indeed life threatening dangers caused by their affiliation to the presumed weaker and vulnerable sex.

There is a clear demonstration that violence against women is evolving daily and that despite the problems that it poses, states are finding it difficult to eradicate it. States can be blamed for contributing to the high escalating levels of violence against women through gender biased policies, laws and their slow reaction to this type of violence.

4.2 CONCLUSION

Numerous authors have illustrated how gender inequality and violence against women are intertwined to all sectors of the society. These views cannot be divorced from any one sector, be it the political, economic or social sector. In all three sectors women are heavily and unjustly discriminated against. Furthermore, in all three sectors men heavily dominate and as a result issues regarding women are regarded as second value and not in need of urgent attention.

Worldwide women continue to be disqualified from fully participating in the labour market as women continue to be paid very little for the services that they offer. Employment continues to be strongly gendered both in the private and public sector. This can be attributed to the fact that to a large extent both sectors rely on the patriarchal divisions of labour and the principles accompanying this division of labour.

High levels of violence against women continue to be poignant, ranging from brutal beatings, femicide, mutilation, trafficking, and rape often to a point of and even beyond excessive sadism.

Harmful cultural practices that praise masculinity over femininity continue to hinder women leadership and access to equal opportunities such as access to education or their right to inheritance. These practices also expose women to stringent health risks, such as sexual transmitted diseases for instance, HIV/AIDS, cervical cancer and mutilation of reproduction organs as some perpetrators of violence may use foreign objects such as pointed steel to prod inside these organs.

The literature also demonstrates that gender based violence and discrimination are universal problems that face women throughout the entire world. Violence against women is one human right violation that is blind to wealth, location, economic, political or social standing of any woman. Furthermore, the literature identifies that all forms of patriarchy are intractably linked hence the continued resistance to gender equality and the persistent discrimination and degradation of women.

Also, culture and the state have been fingered as contributors to gender inequality through harmful cultural traditions as well as civil laws and policies that condone or justify inequality. They have also been accused of turning a blind eye to the atrocities that face women on a daily based. Through their slow reaction to violence against women as well as the refusal to pass relevant laws and to rectify conventions that could liberate their female citizens states have allowed gender inequality to be impervious.

States have also been known to be directly involved in the degradation of women by being the main enforcers of gendered violence. Women are chosen as easy targets of this gendered violence. Violence is often used as a weapon during times of turmoil, war, coup de tat or civil unrest. It is used for various reasons, some of which are to instill fear, to torture, to dominate, oppress and to embarrass. It becomes a situation of capture, dominate and conquer by all means.

The literature has shown that South Africa has a high level of violence as a nation and this creates a rather dire situation for women who are considered as easy targets and are vulnerable. If women face grave gender inequality in countries that are relatively peaceful and with less violent streaks then can only wonder how ominous is gender inequality and violence against women in South Africa.

Furthermore, one could only assume that women in South Africa are often seen as easy targets that fall prey to the need for men to reaffirm themselves and the patriarchal propaganda.

South Africa is seen as an unequal nation (Cosatu, 2012:2; Jewkes et al., 2009:1) that is still haunted by the after-effects of apartheid and as a result has adopted a culture of violence. "It is undoubtable that the current levels of violent crime and its multiple manifestations have been built on the legacy of the civil conflict of the past. The extensive nature of politicization in South Africa has ensured that a "culture of violence" has bled into the social and civic arena of society. The structural violence effected by the state through inequalities of resource and life chances in the past, coupled with repression, politicized all forms of social existence (e.g. housing, education, jobs, wages, the delivery of services, etc.). The result is that the socially sanctioned use of violence to solve problems has saturated South African life.

This manifested itself most dramatically in the 1990-1994 period prior to the first democratic election and is continuing to play itself out in the post-apartheid era (Simpson & Rauch 1991 as quoted by Hamber 1999:118).

As a result of this culture and normalization of violence in South Africa violence has continued to sky rocket and unfortunately women and children suffer momentous and monstrous violence. "Violence against children is ubiquitous. Beatings take place daily or every week. Sticks, belts, or other weapons are used and injury is common. Generally, the frequency and severity of beatings are greater for boys than they are for girls. (Seedat et al., 2009:1013). Approximately half of all South African women murdered in 1999 were killed by intimate partners. This translated into a prevalence rate of 8.8 per 100 000 women 14 years and older, or a woman killed every six hours – the highest rate yet reported by research anywhere in the world" (Mathews et al., 2004 as quoted by Tshwaranang legal advisory advocacy group).

Furthermore, South Africa still has traditional practices that make the attainment of gender equality far-fetched. Maluleke (2012:10-15) illustrates that traditional practices such as witch hunting violence against women, widow rituals, male circumcision rituals or practices that affect women, ukungena, ukuthwala and virginity testing are some of the traditional practices that poses a problem to gender equality in south Africa.

Therefore, this literature contributes a lot to unearthing whether patriarchy is a contributor to gender inequality in South Africa.

CHAPTER 5

COMPARING SOUTH AFRICA'S CONSTITUTION WITH SELECTED INTERNATIONAL AND REGIONAL GENDER INSTRUMENTS

5.1 INTRODUCTION

This chapter will pay attention to South Africa's commitment to existing regional and international key documents relating to gender. South Africa's legal framework has been intensely influenced by already standing regional and international policies and frameworks. South Africa consulted these instruments before passing its constitution and enacting gender sensitive laws and policies. This was compelled by the burning desire to promote gender equality. Mukasa (2008:121) states that "the South African constitution has incorporated many of the provisions included in the international commitments and programmes of actions in this way creating an enabling framework for the promotion of women's rights." South Africa's National Policy Framework for Women's Empowerment and Gender Equality (2000:3) states that "South Africa's engagement with gender issues at regional, sub-regional and international levels is informed by its constitutional commitment to gender equality." This has resulted in South Africa having one of the most renowned constitutions worldwide as articulated by the Southern African Development Community (SADC) Gender Protocol Barometer (2011:41) which indicates that "the South African constitution views the right to gender equality as fundamental to the struggle for a more just equitable society and is entrenched in section 9 of the constitution (Act 108 of 1996)."

It goes without saying that the constitution has paid great attention to the finer details of real issues affecting her citizens. As a result of the incorporation of the already standing articles, conventions and protocols into its constitution, there exist extensive similarities between South Africa's Bill of Rights and some instruments. Such instruments include United Nations Universal Declaration of Human Rights, the African (Banjul) Charter on Human and People's Rights (1981) and the Convention on the Elimination of All Forms of Discrimination Against Women (1979). There's also a strong similarity between her Bill of Rights and protocols that were adopted years after South Africa was liberated, which seems to suggest foresight on her part.

Such instruments include African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) and the SADC Protocol on Gender and Development (2008).

This chapter will analyse these similarities and scrutinise the wording and messages embodied in some sections of the equality clause as well as some articles of the United Nations Universal Declaration of Human rights, the African (Banjul) Charter On Human and People's Rights (1981), SADC Gender Protocol and the Convention on the Elimination of All Forms of Discrimination Against Women.

5.2. INTERNATIONAL PROTOCOLS AND CHARTERS

According to the Promotion of Equality and Prevention of Discrimination Act 4 of 2000 preamble South Africa also has International obligations under binding treaties and customary international law in the field of Human Rights which promote equality and prohibit unfair discrimination. Among these obligations are those specified in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of All Forms of Racial Discrimination.

The above reaffirms the need to demonstrate how International and regional conventions as well as protocols have influenced South Africa's gender framework. It also seeks to unearth similarities between its Bill of Rights and key international and regional documents which relate to gender that were espoused after South Africa adopted her constitution.

5.2.1. United Nations Universal Declaration of Human Rights (UDHR) 1948

"The vision that all people-women, children and men – are entitled to at least a minimum respect for their human dignity and rights emerged out of the slaughter and genocide of the Second World War and, since that time, the United Nations has worked to define and refine the rights of all human beings" (United Nations, 1993:1).

The founding instrument of the United Nations is the Universal Declaration of Human Rights.

Through this preamble the United Nations holds its member states responsible for ensuring that all people of the world are accorded the same equal opportunities.

In thirty articles, the United Nations Universal Declaration of Human Rights sets out to adjudicate for the protection and upliftment of human rights of both men and women within states and indeed within the international arena. This instrument is central to the fight against gender inequality and the degradation of women.

Articles 2 and 7 of the Universal Declaration of Human Rights orate that:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

The Bill of Rights of South Africa is in line with what the Universal Declaration of Rights is adjudicating for and hence the similarity between the two. The wording of section 3 of the equality clause is comparable to article 2 of the Universal Declaration of Human Rights while section 1 and 4 of the Bill is similar to article 7 of the UDHR. Section 3, 1 and 4 of the Equality clause state that:

- Section 3: The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- Section 1: Everyone is equal before the law and has the right to equal protection and benefit of the law.
- Section 4: No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3).

5.2.3. Protocol to Charter on Human and People's Rights on the Rights of Women in Africa, 2003.

The charter is centered on

"Recognising the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy."

Women in Africa are still faced with huge challenges, which include poverty, famine, HIV/AIDS, war and conflict and lack of access to the simplest basics needed for survival. Indeed these challenges are not exclusive to all women in Africa as women face and experience challenges differently. Despite this, gender inequality, discrimination and violence against women cannot be treated as a trivial matter worthy of shelving. Due to the need to encourage gender equality and the eradication of all forms of discrimination against women in Africa, the protocol to the Charter on Human and People's Rights on the Rights of Women in Africa was adopted 2003.

It also reflects and projects what South Africa's Equality Clause calls for as demonstrated by its Article 8 which states:

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- a) Effective access by women to judicial and legal services, including legal aid;
- b) Support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- c) The establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women;
- d) That law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- e) That women are represented equally in the judiciary and law enforcement organs; and
- f) Reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

The comparison of South Africa's Bill of Rights with the above mentioned protocol highlights great similarities between the two. Like the UDHR, this protocol also calls for equality before the law for both men and women. Even though this protocol was adopted in 2003, nine years after South Africa gained independence under majority rule, it is still relevant as it serves to illustrate the commitment of South Africa to eradicating gender inequality.

Section 34 and 35 of the Equality Bill lays down the foundation for provision of equal access to the courts as well as legal aid for both men and women. For those who cannot afford legal representation the state attains one for them. This is what is called for by the Protocol to the Charter on Human and People's Rights on the Rights of Women in Africa. Section 34 of South Africa's Equality clause states that:

"Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum."

While section 35 subsection b and c read: Everyone who is detained, including every sentenced prisoner, has the right

- a. to choose, and to consult with, a legal practitioner, and to be informed of this right promptly; and
- b. has a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly.

The Bill of Rights also provides for the right to education for all through section 29 of the Bill. This section reasons that: Everyone has the right:

- to a basic education, including adult basic education; and
- to further education, which the state, through reasonable measures, must make progressively available and accessible.

5.2.4. Southern African Development Community (SADC) Protocol on Gender and Development

The year 2008 hosted Southern African state leaders converging in Johannesburg South Africa. During this meeting the SADC Protocol on Gender and Development was adopted with the statement:

“Recognising further that social, cultural, and religious practices, attitudes and mindsets continue to militate against the attainment of gender equality and equity which are central to equality and development.”

The Southern African Development Community (SADC) recognises that the development of women in the SADC region is often hindered by social, cultural, religious practices, attitudes and mindsets. As part of the millennium Development Goals are set to eradicate gender inequality and discrimination by 2012. Article 6 of the SADC Protocol on Gender and Development commits its member states by declaring that:

State Parties shall review, amend and or repeal all laws that discriminate on the ground of sex or gender by 2015. State parties shall enact and enforce legislative and other measures to:

- a) Ensure equal access to justice and protection before the law;
- b) abolish the minority status of women by 2015;
- c) eliminate practices which are detrimental to the achievement of the rights of women by prohibiting such practices and attaching deterrent sanctions thereto; and
- d) eliminate gender based violence.

What the SADC gender protocol amongst others appeals for is the elimination of practices and laws that disadvantage women and South Africa has put in place methods of addressing this. In its Bill of Rights South Africa has included a section that provides for freedom of trade, occupation and profession as well as a section that provides for labour relations.

The Bill of Human Rights goes further to guarantee or rather afford women the right to make decisions relating to their reproductive health. Section 12 subsection 2 (a) and (b) reads:

Everyone has the right to bodily and physiological integrity, which includes the right:

- a) To make decisions concerning reproduction; and
- b) to security in and control over their body:

The above section addresses Article C of the SADC protocol on gender and development. This article calls for the elimination of practices which hinder the development of women and often than not women are denied the right to make decisions relating to their reproductive health. South Africa legislates for reproductive freedom for both men and women. Women are given the freedom to make choices that favour their reproductive health and desires.

5.2.5. Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women of 1979 is a very important and fundamental instrument that aims to ensure gender equality, and the end of discrimination against women. It also aims to hold accountable all member states who are reluctant to promote gender equality and those who allow persecution of women. It states:

“Concerned however that despite these various instruments extensive discrimination against women continues to exist;... Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women on equal terms with men in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in their countries and of humanity”.

Article 2 of this convention commands that:

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c. to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

- d. to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f. to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; and
- g. to repeal all national penal provisions which constitute discrimination against women.

South Africa has included clauses that deal with issues that have been raised by the CEDWA convention. In relation to section B of the CEDWA convention South Africa has included subsection 2 of section 9 in her Bill of Rights which reads:

“Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.”

These articles amplify the need for states to ensure the fortification of the Human Rights of their citizens and all occupants of their land. They also call for states to put in place measures of protecting women from harmful practices and tendencies that may be present and those that might be bred by patriarchy. These conventions and protocols do recognize the role that the state has to play in building gender balanced societies. They also recognize that through legislative means, policies and laws women could either be subjugated or be emancipated. Therefore, these instruments are crying for a total overhaul of outdated patriarchal civil and customary laws.

5.3. SOUTH AFRICA’S NATIONAL GENDER MACHINERY (NGM)

It is clear from the above that South Africa’s legal gender framework reveals that apart from yearning to comply with regional and international instruments such as the Beijing declaration it also seeks to promote a conducive living environment for both men and women. It is impossible to discuss South Africa’s National Gender Machinery (NGM) without highlighting the role that women played in the struggle and in the very drafting of the constitution. Women were deeply disadvantaged by the apartheid regime and wanted to ensure that the new regime would heed and safeguard their needs. They wanted to warrant that the new democratically elected government would remove all

political, economic and social hindrances that not only obstructed their liberation but their development as well.

This view is supported by a report by the African Development Bank (2009:2) that states that:

“The South African government had until 1994 consistently neglected women's rights and had done little to empower women economically and politically. The political and social system was profoundly patriarchal, privileging men in all areas. Black women were particularly affected, disempowered and neglected both in terms of skin colour and sex. The legal framework to protect or promote women's rights was extremely weak and overshadowed by deep-seated patriarchal norms that accorded most power and voice to men. Access to education and health services was equally poor. Illiteracy was very high among black women and they suffered high mortality rates caused by diseases and pregnancy complications which could have easily been prevented or treated with access to primary health care and well equipped hospitals.”(As a result of the active participation of women in the drafting of the new constitution laws and policies that are meant to ensure equality were adopted as well as supportive institutional framework.”

Their participation also led to the birth of a gender conscious state that would irrefutably try continuously to promote Gender equality and curb violence against women. This can be witnessed by the formation of specialised sexual offences courts, Thuthuzela Care Centres, Domestic Violence Courts, Family Courts, Child Protection and Sexual offences Units (ibid 2006:19).

The new democratic government (after 1994) has put in place departments and institutions that were meant to safeguard women's rights as well as advice government on issues relating to gender issues. These institutions will be discussed below and include the following:

- 1. Parliamentary committee on the Improvement on the Quality of Life and the Status of Women established in 1996**

It comprises of members from the National Assembly and members from the National Council of Provinces (NCOP).

“Given its law-making powers, Parliament has a central role in facilitating women's empowerment and gender equality. The Joint Monitoring Committee on the Quality of Life and Status of Women was

established to ensure that all legislation that is passed by the parliament is engendered" (The National Gender Policy Framework, 2000:30).

The policy also states that this committee was tasked with monitoring and evaluating progress made towards improving the quality of life and status of women in South Africa. It has been given a rather important role of acting as a territorial watch dog which jealously monitors that government's commitments specifically Beijing platform of action, Convention on the Elimination of Discrimination against women and any other applicable international instruments are effectively implemented and complied with. This committee is also expected to advise government on issues relating to women. It is expected to advise on ways to improve the quality of life and the status of women in South Africa and to make recommendations to both or either of the houses, or any joint or House committee.

2. The Commission on Gender Equality (CGE), established in 1996

The CGE constitutes as one of the six state institutions listed in Chapter 9 of the South African Constitution viz., the Public Protector, Human Rights Commission, Commission for Gender Equality, Auditor-General, Electoral Commission and the Broadcasting Authority. It is an independent institution established in terms of Section 187 of the Constitution Act no 108 of 1996 of the Republic of South Africa. Chapter 9 of the Constitution of the Republic South Africa states that:

- These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice;
- other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions;
- no person or organ of state may interfere with the functioning of these institutions; and that
- these institutions are accountable to the National Assembly, and must report on their activities and the performance of their functions to the Assembly at least once a year.

The CGE Act 39 of 1996 lays out what the commission is delegated to do. Section 11 of the Act spreads out the functions of the Commission in this way; that the Commission shall:

Monitor all organs of society to ensure that gender equality is safeguarded and promoted and will include:

- Assess all legislation from a gender perspective;
- commission research and make recommendations to Parliament and other authorities;
- educate and inform the public;
- investigate complaints on gender-related issues; and
- monitor South Africa's progress towards gender equality in relation to international norms.

The Commission's vision is to "strive" for the transformation of society through exposing gender discrimination in laws, policies and practices; advocating changes in sexist attitudes and gender stereotypes; and instilling respect for women's rights as human rights. We believe that women's emancipation is fundamental to the achievement of both gender equality and true democracy (Commission on Gender Equality Annual Report, 2008).

Summarily, the CGE is more or less similar to the Parliamentary committee on the Improvement on the Quality of Life and the Status of Women. It too is tasked with the responsibility of keeping a sharp eye on the upholding of gender equality throughout South Africa. However, it is legally obligated to reprimand all who unfairly discriminate against either men or women merely basing on their gender. It is also empowered by the law to receive and investigate all gender related complaints. It is not barred or restricted from investigating any government department, member of the civil society, non-governmental organization, private sector, or a member of the public if they contravene the nondiscrimination clause. It is also expected to assist government departments in enforcing gender mainstreaming and all gender related policies. It is important to state that the CGE is not exclusive to government and government departments only. Educating on Gender Equality is of prime importance to it and therefore it has an open door policy to all other organizations, individuals and institutions who need information, help in becoming gender cautious and sensitised.

A presentation by Joyce Piliso-Seroke explained that "the CGE is specifically charged to promote and protect gender equality, and to monitor and evaluate policies and practices of organs of state at any level, statutory bodies and functionaries, public bodies and authorities, and private businesses, enterprises and institutions, in order to promote gender equality and make any recommendations that the Commission deems necessary.

3. The Office on the Status of Women (OSW)

According to the African Development Bank the Office of the Status of Women was established in early 1997 (2009:15). It was situated in the Office of the Presidency at national level and in the Office of the Premiers at provincial level. This was one body that was meant to be the principal overseer of gender mainstreaming in all government departments. It had to expedite gender equality promotion, its implementation as well as to monitor that all government departments were in line with the National Gender Policy framework.

"The National Office on the Status of Women is located in The Presidency. It has a vital role to play as the principal co-ordinating structure for the National Machinery on gender equality. It has been constructed as the nerve centre for developing and maintaining a vibrant gender programme. It develops frameworks and monitors their implementation. It is responsible for developing national gender plans as well as national strategies to implement them" (The National Gender Policy Framework, 2000:27).

Functions of the National Office on the Status of Women include:

- To advance a national policy on women's empowerment and gender equality;
- to prioritise key concerns and initiate policy and action-oriented research Relevant to gender mainstreaming;
- to advise and brief the President, the Deputy President and the Minister;
- in the Presidency on all matters pertaining to the empowerment of women To liaise between NGOs dealing with women's and gender issues and the Presidency;
- to liaise between international bodies (e.g. United Nations) and the Presidency;
- to work with Ministries and departments, provinces and all publicly funded Bodies in mainstreaming gender in policies, practices and programmes;
- to develop key indicators for measuring the national progression towards Gender equality;
- to arrange for training in gender analysis and gender sensitisation;
- to act as a catalyst for Affirmative Action with respect to gender equality;
- to initiate and promote cross-sectoral action on cross cutting issues such as the girl child, violence against women and HIV/AIDS;
- to facilitate awareness-raising and confidence-building among women at all levels;
- to provide a co-ordination framework for the effective implementation of the Gender programme at the national, provincial and local government levels; and
- to consult and liaise with civil society and Parliament.

It also had the daunting task of coming up with phenomenal National Gender policy framework as well as reporting on South Africa's compliance to the Beijing Platform for Action and CEDAW (African Development Bank 2009:15).

"However, the OSW was disbanded due to its failure to carry out its mandate as several factors made it difficult for these entities to deliver on their mandates, in particular, inadequate financial and human resources and the low rank of the officials responsible for driving programmes"

In the year 2009, this office was replaced by the Department of Women, Children and Persons with Disabilities (DWCPD). This department is made up by three components namely, the Children Rights programme (which is regulated by Children's Act 38 of 2005) Women's Empowerment and Gender Equality (which will soon be regulated by the proposed Gender Equality Bill which is still a draft) and the Rights of Persons with disabilities. According to Kornegay (2009:2) "the DWCPD was a new ministry that was created to drive Government's equity, equality, and empowerment agenda on women, children and persons with disabilities, particularly in disadvantaged communities."

The Women's Empowerment and Gender Equality programme plays a similar role to the one that was played by the OSW. The only difference might be that it is better structured, financially empowered and with the relevant manpower. It too has been given the responsibility of facilitating South Africans national and international obligations. It has also been tasked with the duty of coming up with ways and measures of empowering women socially, economically and politically. It is also one of the important instruments that are available to South Africa, as it helps to regulate as well as empower government departments aims and efforts relating to the promotion and betterment of the status of women. It focuses on, advocacy and mainstreaming, institutional support and capacity building and monitoring and valuation.

According to the DWCPD's website accessed on the 29th August 2013 the Women Empowerment and Gender Equality programme's functions are as follows:

- **Strategic Objective 2.1**

Advocate for the empowerment of women and realisation of gender equality.

Objective statement:

To facilitate and coordinate women's empowerment and gender equality through mainstreaming Government's policies, programmes and governance processes. Baseline Integrated Mainstreaming Framework for rights and empowerment of women and people with disabilities. It included the Draft Integrated advocacy strategy, the Women Empowerment and Gender Equality Bill and the National Policy Framework on Women's Empowerment and Gender Equality (2000).

- **Strategic Objective 2.2**

Provide institutional support and coordinate capacity development for women's empowerment and gender equality.

Objective statement:

To coordinate integrated capacity development programmes and provides institutional support for women's empowerment and gender equality at all levels of Government.

- **Strategic Objective 2.3**

Monitor, evaluate and report on the realisation of the rights and empowerment of women and gender equality.

Objective statement

To monitor compliance, conduct impact assessments and report on women's empowerment and gender equality to meet national, continental and international commitments.

This department also coordinates the Gender focal points which it inherited from the Office of the Status of Women when it was disbanded. Each department of the government is expected to be in line with the empowerment of women as well as gender equality. They are expected to ensure the effective implementation of the Gender Policy Framework and to adhere to it. Gender Focal Points are designed to ensure or to assist government departments to when gender mainstreaming. They are located at national and provincial levels of government. This is so as the effective implementation of the National Gender Policy solely rests with individual government departments at national and provincial levels. It is their responsibility of guaranteeing that the department is on track with the government's efforts of promoting gender equality.

Amongst its duties are; to ensure that each department implements the national gender policy; to ensure that gender issues are routinely considered in departmental strategic planning exercises and business plans and that they report on them; to review departmental policy and planning in line with the National Gender Policy Framework; to ensure that departments provide and use gender disaggregated data in their work; to establish mechanisms to link and liaise with civil society; to co-ordinate gender training and education of all staff within departments; and to monitor departmental projects and programmes (The National Gender Policy Framework 2000:29; African Development Bank, 2009:18).

4. South Africa's Human Rights Commission (SAHRC)

The South African Human Rights Commission (SAHRC) is also one of the state organs listed in the constitution of South Africa. After years of suffering from human rights abuses and deprivation the democratic government wanted to ensure that the culture of Human rights was upheld in South Africa. It did this by establishing an independent body which will be responsible for the promotion of Human Rights, monitor that Human Rights are attained and respected by all in South Africa including government entities. To allow it to carry out its mandate with any hindrance, this organ was equipped with the legal powers to investigate any queries, complaints and suspicions of Human Rights violations. It was also given the authority to fine anyone or any department that is found guilty of violating Human Rights.

5. The Public Protector

The Public Protector is a very crucial organ of the state that reinforces democracy in South Africa. It acts as the public's shield or rather the big brother. It protects the public against unfair conduct. It receives and investigates complaints to abuse power, corruption and misuse of public funds and assets. All women across South Africa can utilize the Public Protector's office if they believe or feel that the government or any other entity has engaged in an unscrupulous behavior that greatly disadvantages them.

6. The Public Service Commission

The government of South Africa calls for the advancement of women in the public sector. It also calls for the use of affirmative action and fair discrimination if it guarantees the propelling of women to an empowered position. Even though discrimination is illegal it can be legally used to advance and elevate women in South Africa. It can be employed to give women preference over men in careers which have been previously male dominated, give them preference in funding and even make the economic and political arena a little easier and accessible for them. It is proper therefore to expect nothing less from the Public Service Commission which "is responsible for all government service administration to ensure that it promotes an equitable and unbiased public service, a broadly representative public administration and employment practices that are based on ability, objectivity, fairness and which also redresses the imbalances of the past".

5.4 CONCLUSION

This chapter outlaid the similarities of the South Africa's constitution with selected international and regional Gender instruments. It has demonstrated how South Africa's constitution and national gender framework has been heavily influenced by already existing instruments. It has also shown South Africa's commitment to adhering to articles and protocols by incorporating them into her laws and policies.

South Africa is constantly fighting to safe guard the rights of women as well as to elevate women. The adhering to regional and international protocol and instruments is of grave importance to her as it assists in her continued efforts of creating and gaining a gender balanced society.

CHAPTER 6

FINDINGS

6.1. INTRODUCTION

Patriarchy and gender inequality remain constant hurdles to the total emancipation of women in Africa. Not only do they have a stronghold on each other but also a vigorous reinforcing relationship. According to King (2009:x) "the problems facing African women in the twenty-first century are daunting. As has been the case for centuries, they continue to be suppressed in reactionary patriarchal cultures that limit their ability to thrive in both the public and private sectors. The global economic crisis is only the latest in the phenomena that disproportionately affect them and the burdens are enormous."

The conditions that are prescribed by the above quote are part of life in South Africa. It is evident that in South Africa patriarchy and gender inequality are immovable and are in existence. Even though patriarchy maybe masked by gender sensitive policies and laws, it still has a very strong hold in all avenues in South Africa and therefore breeds the gender inequality that exist today. This has consequently resulted in some women in South Africa experiencing different violations such as rape and physical violence. As Albertyn (2011:1) observed that "the hierarchies of gendered recognition result in women being relegated to a lesser status, and denied legal and practical access to rights, resources, benefits and opportunities. They also result in increased vulnerability to physical and psychological violence and to political marginalization. All women in South Africa have been affected by gendered hierarchies."

6.2. Findings

This chapter presents the empirical findings from field research on investigation of patriarchy and gender inequality in the present day South Africa.

Key respondents were interviewed and their responses to guiding questions as well as relevant literature form the basis of this chapter. It provides answers to the main questions that are posed by this study which are:

- Why is gender inequality persistent in the present day South Africa?

- Why is South Africa unable to attain a full gender balanced nation even though she has impressive gender driven policies and laws?
- Is patriarchy the reason for this persistent gender inequality situation in South Africa?

Respondents interviewed were from the following organizations and institutions:

- Respondent 1.(female activist)
- Respondent 2.(male activist)
- Respondent 3. (female respondent)
- Respondent 4. (traditional leader, male representative)
- Respondent 5 .(traditional leader, male kgosi)
- Respondent 6. (female activist)
- Respondent 7 (female respondent)
- Respondent 8 (traditional healer, male)
- Respondent 9 (female student at the North-West University)
- Respondent 10 (male student at the North-West University)

The findings of the study on these questions are discussed, bearing our literature review and theoretical framework in mind. This study commenced with a need to find out what gender equality meant to all the respondents. Different answers were given as per the responses cited below:

“Well to me, gender equality means the ability for both men and women to share equal status in everything not necessarily ko mosebetsing fela (English translation: work only) but also at home, the ability to share domestic duties. If my woman reads a paper while I do the dishes there shouldn't be anything wrong with it or vice versa, so we exchange roles. No one is seen to be on top of the other. It is the ability to share the same equal status without any reservations.”
(Respondent 2).

“Gender equality means women, men, boy and girl children being given equal opportunities. Opportunities such as education and employment. Men and women play different roles which are determined by their gender. However one gender should not be denied opportunities. Having said that however it does not mean that if I have 10 cents a woman will get 5 cents while I get the other, no, gender equality does not mean that.

Men and women play different complimenting roles but it does not take away the fact that the man is the head of the family and thus the superior member of the family.” (Respondent 5).

“Gender equality is about males and females being treated equally but acknowledging that they play different-roles to play in society. Basically they are not the same wa tthaloganya (English translation: you understand). Physically and biologically we are not the same, you cannot subject women to the same things that you would subject men to.” Therefore, they are equal but are different, wa bona (English translation: you see)” (Respondent 10).

These responses help to demonstrate the dissimilarities that different people hold in relation to what gender equality really means. Some define it by likening it to open, unlimited, unhindered and equivalent access to opportunities. They also liked it to the ability to reverse and switch society defined roles without any consequences. While others see gender equality as determined by socialisation and socially defined roles. They accept that men and women should be given the same opportunities, however, this does not mean that being given these opportunities places men and women on par with each other. As far as they are concerned being given equal opportunities does not make women equal with men, they still remain inferior and in need of constant provision and protection.

By and large, the way an individual decodes and understands gender equality is primarily influenced by the way he or she was raised under patriarchal environment. Thus, patriarchy and socialisation play an intractable part in how men and women relate to each other on a daily basis. Socialisation dictates gender stereotypes, gender roles, and also fast tracks gender inequality. This supports the argument that has been presented by Radical feminism and Social Ecological theories. Radical feminism fingers the family as the primary site that teaches gender differences. It argues that the family oversees that men and women adhere to the different divisions of labour and uptake the responsibilities that have been dictated by patriarchy. As a result, men and women see the gender differences as normal. The Social Ecological Theory on the other hand argues that how a child turns out later in life is hugely influenced by his past experiences. How he or she was brought up as well as how he interacted with his environment.

It was shown in chapter 3 that according to this theory, violence against women and gender inequality are bred by our everyday interactions, how we relate to ourselves, other people and the community. Therefore, socialization plays a very important role in the everyday interactions of people.

Bryson supports this by stating that "the family is indeed a central part of society's power structure; as such it both sustains patriarchal power in the 'public' world and is itself a source of women's oppression. Far from being a 'natural' arrangement or individual choice based on mutual love and respect in which the emotional, sexual and domestic needs of adult partners are met and their children cared for, it is a social institution in which women's labour is exploited, male sexual power may be violently expressed and oppressive gender identities and modes of behaviour are learned. Sexual division of labour could flourish in communes as well as in the nuclear family; 'progressive' men might pay lip-service to feminist principles, but in practice they too benefited from patriarchy and could dismiss women's complaints as petty and trivial; many feminist women also found that years of training in domestic skills and expectations could be hard to put aside" (Bryson,2003:176).

While the World Health Organization (2013) states that "the ecological framework is based on evidence that no single factor can explain why some people or groups are at higher risk of interpersonal violence, while others are more protected from it. This framework views interpersonal violence as the outcome of interaction among many factors at four levels—the individual, the relationship, the community, and the societal"

According to all of the key informants, socialization has had such influence that even women themselves observe and reinforce patriarchal tendencies and norms within the family. Note here some of their responses:

"Women support the patriarchy that exists in the society because of the way they were brought up. They were brought up to be women and men were brought up to be men. It is difficult for them to accept anything else. That is what they know"(Respondent 3).

"In society the way we are socialised especially ha o le (if you are) a woman and a man, a girl child, a boy child, re fiwa di role (English translation: we are given roles) stereotypes, society will give a woman or a man a role and usually these roles are unequal. I will give you an example, usually a man is expected to be strong, intelligent, a breadwinner while a woman is expected to be submissive fragile and weak.

A man is seen as a leader and a woman is seen as a follower and that is when gender inequality comes in and ha holo (English translation: a lot) it is perpetuated by society” (Respondent 1).

The influence of socialisation under patriarchy is also evident in the following responses and observations. Macionis and Plummer (2005:318) made the observation that “when there is a new born, the first question that people usually ask about a newborn (and nowadays a pre-born too!)-‘Is it a boy or a girl? - looms large because the answer involves not just sex but the likely direction of the child’s entire life. In fact, gender is at work even before the birth of a child, since in many parts of the world parents generally hope to have a boy rather than a girl. It should be noted that differences between gender behaviour are learnt, in the same way as all behaviours, through a mixtures of rewards, reinforcements and punishments. From its earliest day the baby boy is rewarded for behaving in ‘boyish’ and punished for being ‘girl-like’.”

This is supported by Lindsey (2010:2) who indicates that “all societies categorize members by status and then rank these statuses in some fashion, thereby creating a system of social stratification. People whose status sets are comprised of low-ranked ascribed statuses more than high-ranked achieved statuses are near the bottom of the social stratification system and vulnerable to social stigma, prejudice, and discrimination. To date, there is no known society in which the status of female is consistently ranked higher than that of male.”

What Macionis and Plummer (2005) and Lindsey (2010) are indicating is that gender plays a vital role in the lives of people, and it is safe to say that this stems from the family as an institution. The family has been fingered as the primary site that teaches gender differences. It oversees that men and women adhere to the different divisions of labour and uptake the responsibilities that have been dictated by patriarchy. Boy children are exposed to ‘manly’ chores and are rewarded for being masculine while girl children are exposed to womanly chores and are rewarded for being feminine. As a result men and women see the gender differences are normal.

Also telling are responses to the question that sought to establish the opinion of key informants on whether or not they believe that South Africa is divided along gender lines. Even though the answers were said in different words and expressions they demonstrated that the respondents viewed South Africa as a nation that is indeed divided along gender boundaries.

Note this response:

"Yes, yes! We live in a patriarchal society, especially nna (English translation: me) ha ke nka (English translation: if I take it at) the angle ya (English translation:of) my area of work. I work for People Opposing Women Abuse (POWA), we deal with abuse that is perpetuated on women and girl children and we believe that the root cause of this abuse on women in our country is based on patriarchy and the gender roles. The minute you give a person that role or that status that he is supposed to act strong macho, you risk that person taking advantage of that he is expected to be macho and strong, I can do whatever and get away with it" (Respondent1).

Another respondent said:

"There is still a lot of patriarchy, still a lot of challenges. As much as we try to promote gender equality, as much as we try to challenge these patriarchal issues, redefining masculinity, what it means to be a real man in this day and age, as much as we do all these things there still challenges from the side of women who are used to these gender norms, but we also still find men who are not willing to let go of privileges. With gender inequality comes privileges and therefore there is resistance from some men from time to time" (Respondent 6).

"Of course! thata le gone! (English translation: and a lot) Why? As a customary practice ke (English translation: something se setswang kgale (English translation: it's been long in existence) men play the role of being protectors and providers of their families. But today with the inception of affirmative action policies South Africa has undermined traditional gender roles as women are now seen as bread winners and playing the roles that were culturally done by men. This has had negative implications on most families as it has led to divorces and family separations" (Respondent 8).

"Yes, South Africa is divided along gender lines. Men and women played different roles that are set by nature. Children need to have both parents in order to grow up well. Boys who don't have fathers suffer the most as they are spoilt by their mothers. You can see them clinging to their mothers making irritating sounds and behaving in an irritating manner. This is because they do not have good guidance which they can get from a male figure". (Respondent 5).

This response led to a follow up question seeking to understand the respondent's view on what, in his view, is the right way of raising a boy child? Would it be to teach him to be hard or rebuke him for clinging on to his mother?

His response was:

“The right way of raising a boy child is to expose him to the roles and duties that he is expected to perform, roles that we as Africans found being performed. We are Africans, we are not Western. We grew up rearing cattle, collecting firewood, taking care of the family and making sure that the family is provided for, sure, things have changed for this new generation but ha go reye gore (it doesn't mean that) we cannot teach our children the right way of being African boys or men, which is to act like men, real men, not those who abuse women and children and say they are men. Men who provide for their families, men who offer security for their families and men who are willing to lay down their lives for their country” (Respondent 5).

Closely linked to the above question, was a question on what it means to be a real man and a real woman, to which the following responses were obtained:

“A real man is one who knows his role and responsibility in the family. He is a figure head and a custodian of the family. He offers his family protection, welfare and provide food and security for his entire family. A real woman is a teacher in the home. She has the responsibility of teaching children about their language and culture. She plays an essential role as a teacher and nurse her family, it is important that she does not outsource these from a nanny and provide them herself. The administration of the family falls on her shoulder.”(Respondent 4).

“A real man is a male person that acknowledges his differences (physical, psychological difference) he is sure about himself, ha simolole a le kwa (English translation: he doesn't start by standing there) and then not understand if he is a man or a woman. He plays the role of providing and protecting his family. A real woman is a female person that is sure and confident about her sexuality, her physical and psychological being. She acknowledges her different roles that she should play to compliment her male counterpart. We can't be two positives otherwise we will repel”(Respondent 10).

“A real man is one who provides for his family, who offers security and also participates in the development of his community and does not isolate himself. He is visible during weddings and funerals while a real woman is one who takes care of her husband and her children. She keeps the household clean and is an active member of the community. She participates in activities and functions within the community” (Respondent 9).

These responses are consistent with the points made by the president of Congress of Traditional Leaders of South Africa (Contralesa), Nkosi/Advocate Phathekile Holomisa, during a speech in Cape Town 2007 when he stated:

"In African culture there is gender equity. Everyone has his or her own place and space. None treads unduly in the space of the other. The woman nurtures the children; she prepares food for them; she teaches them proper behaviour, good morals and industriousness. The man provides the food, shelter and comfort for the family. Everything he brings to the fold belongs to all of them in undivided shares. The livestock that he acquires is to be used for the benefit of the family. He is not allowed to use it as he pleases without consulting his partner, his wife. If an animal is to be slaughtered he is required to even consult his brothers, especially if it is an ox/cow/bull. The brothers are concerned that he does not squander family resources as when destitute they will be a burden on them as well".

Similarly, the *Zambian Watchdog* (2012) reports that when the South African state president, Jacob Zuma, was interviewed by Dali Tambo in his *People of the South* Television programme, he said that:

"I wouldn't want to stay with daughters who are unmarried. You've got to have kids. Kids are important to a woman because they actually give an extra training to a woman, to be a mother"

Gender divisions and patriarchy are predominant features in the lives of South Africans as exemplified by the above quotes and the literature review in Chapter 4. This brings to light one of the most crucial questions: *Could this be the reason why violence against women (VAW) in South Africa is so high despite having gender equity laws, policies and remedies in place?*

Early this year thirty initiates died at the initiation school. The Member of Executive Council (MEC) for Health in Mpumalanga, Candith Mashego-Dlamini, was reported on the eNews Television Channel Africa (ENCA) news to have stated that she could not intervene as tradition and culture prohibited her, being a woman, from going to the initiation school to find out about this tragedy. She is reported to have said that there are certain places to which a woman could not go to, whether there are deaths or not. Her comments sparked outcry from some unions and Non-Governmental Organisations (NGO), but she was fully supported by traditional leaders.

In an interview with Mandla Khoza (2003) of IoL news, Kgosi (traditional leader) Mathupha Mokoena of the House of Traditional Leaders in Mpumalanga Province explained the MEC's responses:

"It was traditional belief that prompted provincial health MEC to say that she could 'not get involved' in the probe into the initiation deaths because she is a woman. MEC Dlamini was right; she is not allowed to enter Ingoma. She did the right thing to send a number of her officials to assess the situation with us present. They report to her daily and violation of our tradition is avoided. It's the same with a female (initiation) school; no male is allowed to go there and those are the rules that must be upheld. Uncircumcised policemen are not allowed to investigate the deaths either. No uninitiated person is allowed to enter Ingoma; not even a police officer. It doesn't matter whether you are a brigadier or major general; your firearm and handcuffs will be taken from you and handed to your superiors until you come out the day the Ingoma is finished."

He said that the only person who has a right to go to an initiation school without "qualification" is a medical doctor and a sangoma, since medical doctors are trusted because they sign agreements to uphold the secrets of the patients while the sangoma goes to check if the place is spiritually safe to perform the ritual.

This was a very important interview and has proven to be very vital for this study as it acts to demonstrate how patriarchy influences all people in South Africa, irrespective of position of authority. In this case, a very important and influential member of the government, who is empowered by the government to act on such issues, was reluctant to do so because of patriarchy and gendered views.

Despite South Africa rolling out equal opportunities to all her citizens and offering equal protection by the law, women in South Africa are faced with male-perpetrated violence on a daily basis. High numbers of rape, women abuse and harassment are reported by the media almost every day. This amplifies the argument brought to the table by Radical Feminism, in which it argues that being equal before the law, being given the same educational and work opportunities or having the right to vote which Liberal Feminism calls for is simply not enough as long as patriarchy and patriarchal norms and privileges are not tackled head on. This can be buoyed by the following statistics obtained from the South African Police services website. These statistics were documented from April

2011 to March 2012. They show a high violence incidence against women: Murder: 2286, Attempted murder: 2416, Assault GBH: 180 537, Common assault: 87 191, All sexual offences: 31299, TOTAL: 303729.

Respondents were asked why violence against women was so rampant in South Africa. One response was that:

"Violence against women could not be linked to the lack of or the availability of gender sensitive laws. It is an individual issue which depends on how a person values other people and respects a person as a person. To a certain degree VAW is caused by men feeling inferior as back in the years women were not independent and relied a lot on men. Nowadays women are independent and this causes men to feel inferior and makes them resort to violence as a way of getting recognition and control back."

Other responses were:

"Women may provoke men and push them into being violent. Women generally talk too much and may push men and may lead them to hit her."

"We have a history of violence. Apartheid gave us a history of violence, where a lot of things were resolved ka (with) violence. So when you give a person, a man the status that gore wena (that you) you have to be strong, somehow you are telling them that they can also be violent. That is why we see high levels of abuse against women and rape. I mean they say we are one of the places with the highest levels of violence against women in the world."

"Because of the lack of understanding of the different gender roles that men and women play towards achieving a common goal."

Another explanation of VAW was lack of implementation of policies and laws, including protection orders. When asked why implementation of laws and policies was such a huge challenge and whether information regarding the existence of these policies and laws actually trickle down to people at the grassroots level, the responses given were:

"Bothathake (problem is) implementation. Let me talk about the work that we do. We work with a lot of people who experience abuse and come to us asking for support. We rely on the police and the courts. Women get protection orders but the problem comes when they have to take this paper to the police to have it implemented."

Mapodisi (the police officers) must not ask questions but implement and send the men to court and let the court take its course. But the majority of the time they don't want to do that. Remember the police is male dominated and they too come from that environment of abuse, patriarchy, some of them are abusers. He has to help an abused woman but at home he is an abuser. South Africa has great laws the problem is the implementation. An example of how little abuse against women is taken in South Africa that of the accidental release of Thabo Bester who was dubbed the Facebook rapist. He had even committed murder, but he was released from prison. Reason given was that it was a mistake. How can someone make such a huge mistake?"

"We have good policies, the challenge that we must try to address is: what is the use of having a document if we can't utilize it. The main people who need to know this information are people on the ground people who are not privileged to read the Bill of Rights. As much as we can say these are their rights, how often can we say these are their rights when working with the police officers who are often reluctant to implement these policies. The Sexual Act has been revised so many times but we still see rampant sexual offences. We are good at documenting but bad at implementing."

"The South African Police Service (SAPS) is part of the problem. The police allow victims to drop cases. A rapist may offer his victim money in exchange for her to drop the charges and at times may offer the police officer handling his case some money if he or she allows the victim to drop the case."

Many argue that culture plays a huge role in the creation and sustenance of gender inequality worldwide. It is seen as one of the staunch promoters of the gender differences that exist worldwide. People openly justify violating women in the name of culture. This is supported by the statement below that goes to show prominent leaders such as President Jacob Zuma and Mandla Mandela (the grandson of Nelson Mandela) justifying violence against women on culture.

"What has prompted my interest in the culture vs. universal rights debate is an increasing use of the 'cultural defence' by political leaders in South Africa to justify certain behaviour with regards to women when this behaviour may blatantly be violating gender equality and women's rights.

During President Zuma's rape trial in 2005 (a trial that was in a sense the 'culturalization of politics') he has argued that 'in his culture' a man cannot leave an aroused woman, he has to satisfy her" (undated).

Recently, Chief Mandla Mandela has justified the abduction of underage girls into marriage (called Ukuthwala) as a cultural practice.

Maluleke (2012:7) observed that:

"Customary practices such as ukuthwala, virginity testing, widow's rituals, and others are entrenched, and in practice take precedence over equality in the villages where they are carried out. It is therefore questionable whether the constitutional protection of gender equality is making a difference to women living in communities with a strong commitment to traditional norms and practices. These compromises on women's right to equality can thus be interpreted to mean that women, as opposed to men, do not have inherent rights."

Justifications of gender inequality and patriarchy is re-enforced by African idioms. Such idioms include the following in Setswana (one of African languages in Southern Africa):

"Mosaditshwene o jewa mabogo" (the beauty of a woman is not in her looks but in her works)

"Mosadi thari ya sechaba" (a woman is a mother of the nation)

"Monna poo ha a agelwe lesaka" (you cannot set boundaries for a man)

"Ke tswa ko monna ha gabotswe"(meaning that you can't ask a man where he is coming from)

"Monna selepe oadimanwa" (a man is an axe that is often borrowed by other women),
and

"Ha enke e etelelwa ke e namagadi" (man is never led or ruled by a woman).

These idioms show that to a large extent culture decrees male leadership and infidelity. For instance, the idiom that says: "monna ke selepe oadimanwa", which likens a man to an axe which is borrowed to other people who in this case are other women. Such expression expects a woman to accept the husband's illicit love affairs.

The idiom that says that man cannot be led or ruled by a woman also shows how culture male leadership. In my opinion culture just as religion are shredded and heavily manipulated by one gender as a way of dominating, oppressing and gaining privileges over the other. As a way of testing if indeed culture intentionally sets women as targets for all oppression in South Africa, the respondents were asked if we could blame culture for gender oppression in South Africa and if culture promotes the supremacy of the father.

The influence of such cultural expressions is evident in responses such as the following:

“Culture can be good and it can be bad, ha se gore when they say culture, it means that it is all good. What we need is the positive elements of culture” (Respondent 9).

“When you talk about culture you are talking about me. It does not promote the supremacy of the father it is the way it is, the natural way of life. The father is supreme in his family. He is the head of the family but he runs the family with the help of his wife” (Respondent 5).

“Misrepresentation of culture leads to misapplication. People hide behind culture to do bad things. Culture does not encourage trafficking of children, abuse of women, it does not encourage kidnapping of any kind as is seen by people practicing ukuthwala the wrong way. It is illegal and is against our culture. Another example is how lobola (bride price, dowry) is misapplied. Lobola is a gift, a thank you gesture from the family of the groom to the family of the wife however nowadays people have turned it into a purchase price. Africans are not violent people as can be supported by African idioms which show that violence against women is not allowed by the African culture” (Respondent 4).

Contrary to the dikgosi's (traditional leaders) claim that African culture does not promote gender inequality and the oppression of women, the reality suggests the opposite. For instance, on the issue of inheritance, when dikgosi were asked if a daughter can inherit leadership from their father, their answers were overwhelmingly similar as follows:

“South Africa is still a patriarchal country and a daughter cannot inherit leadership from her father. It is an identity issue. A daughter cannot inherit from her father, that one we are clear about.

However in case a kgosi (chief) dies and her eldest child is still young to take over chieftaincy then his mother can act as a regent, but she cannot take over the chieftaincy.” Respondent 4

“A daughter cannot inherit chieftaincy but a wife can act as a regent until the eldest son is ready to take over the reins as a daughter gets married, takes her husband’s name and domicile because mosadi ha a nakgotla (a woman does not have a kraal) and her father’s name legendary will die.” Respondent 5

When asked: “What about women who never get married, can she be allowed to take over chieftaincy if not can her eldest son takes over chieftaincy?”, his answer was that a woman cannot take over chieftaincy but can act as a regent and her children cannot take over chieftaincy.

These two arguments have served to bolster what Marxist Feminism and Radical Feminism have stated in Chapter 3. Marxist Feminism criticizes the structure of the family and the capitalist system. They see the family as the root cause of the gender inequality and oppression of one gender by the other (men exploiting and subordinating women). They critique patriarchy and state that it causes class divisions within the family by promoting one sex over the other. (Hobden & Jones, 2005:229). The standpoint of the Feminist Theory shows how women are often prohibited from benefitting from certain opportunities or from being heard by policies makers. This theory wants women to be seen and to be made central in whatever decisions and policies that they may or may not consider passing or ratifying. It contends that the involvement of women is central to gender inequality being stamped out.

Even though the constitution of South Africa tries profoundly to strike a balance between common and customary laws, women who belong to patriarchal and traditional communities often feel the effects of the brunt of culture first hand. They are often disadvantaged and disempowered by certain culture practices which are outlawed by the constitution such as kidnapping and child rape which some opportunists practice behind the veil of culture. Polygamy too can be a migraine to the efforts of achieving gender equality in Africa.

It must be stated however that there might be success stories relating to polygamy but for those cases that women in polygamous marriages find themselves constrained polygamy might be a problem.

As Bafana Khumalo (2009:3), who is a co-founder of an organization known as Gender Sonke, explains: "...the practice of polygamy is generally viewed as detrimental to the advancement of women's rights and subordination which infringes on the freedom of choice and expression. This may also happen when it comes to important issues such as reproductive health, access to treatment, the right to negotiate safer and satisfying sex. This is particularly important because there is also debate about whether multiple partners within a union increases (as a result of more partners) or decreases (because men are less likely to "go outside" risk of HIV transmission".

According to Maluleke (2012:6) "the Constitution also provides for and protects the right to culture (sections 15(3), 30 and 31 of the Constitution) and recognises traditional leadership (sections 211, 212 of the Constitution), which recognition could be interpreted as protecting polygamy as well as related practices such as 'spouse inheritance', Ukuthwala and other customary practices which have the impact of undermining the constitutional guarantee of gender equality. However, the provisions protecting the right to culture explicitly include a qualification stipulating that 'no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights' (sections 30, 31(2) of the Constitution). But what does this mean in practice for a young girl in the rural areas who has to endure many harmful practices in the name of her culture?"

One of the respondents said: *"Some things in culture could be stopped completely. Some things in culture are good and some are bad. Initiation schools could be teaching patriarchy and should be encouraged to teach about violence against women and gender inequality."* Respondent 1

South Africa went through decades of minority rule. This period was full of violence, oppression and segregation. When the majority rule took power in 1994 many expected to see a rescinding of violence and an empowerment of all people in South Africa, in particular women. However, women still suffer a great deal in South Africa. Many have laid blame on the history of violence that South Africa inherited from apartheid. Could Apartheid really be blamed for all the injustices that women in South Africa are facing on a daily basis?

Could it be blamed for the violence that is perpetuated by the born frees, those who never experienced apartheid and the injustices that is caused such as violence first-hand? The Commission of Gender and Equality in South Africa showcases the similarities between patriarchy and apartheid for us in the table below. The table helps to reinforce the argument that a struggle against oppression of women is a never ceasing journey. It's a life time operation.

	APARTHEID	PATRIARCHY
Root of the problem	Unequal power relations based on race	Unequal power relations based on sex
Social attitudes	Patronising attitude of whites: "our blacks are happy/ grateful"	Patronising attitudes of men: "Our women like staying at home"
Complexes	Internalised oppression: "I am very happy working for my baas"	Internalised oppression: "My husband beats me for my own good"
Focus on the physical	White myths and stereotypes about the physicality of blacks.	Women are seen as sex objects
Stereotypes	"Blacks are loud/ Lazy...."	"Women gossip; they have nothing better to do..."
The law	Blatant legal discrimination based on race	Blatant legal discrimination based on sex
Land	87 per cent of the population (blacks) forced onto 13 percent of land	Women not allowed to own land
Education	Vastly inferior education systems for blacks; few opportunities in science and technology	Equal number of boys and girls at primary and secondary school, but huge drop out of girls at tertiary level; only small number in science and technology
The economy	Blacks confined to the lowest paid jobs; high unemployment	Black women confined to even lower paying jobs; even higher unemployment
Politics	Until 1994 blacks barred from politics	Still very unequal representation of women in politics
Violence	Very violent system; gross human rights abuses	Rape; domestic violence; sexual harassment

FIGHTING THE SYSTEM		
	Blacks in the forefront, but supported by some progressive elements from other racial groups who recognized that transformation is in their interests	Women in the forefront, but supported by progressive men who recognise that transformation is in their interests.
Self-assertion	"Black is beautiful"	"Proud to be a woman"
Strategy	Empowerment	Empowerment

Source: This table was adopted from the Commission on Gender Equality "A framework for transforming gender relations in South Africa (2000:46).

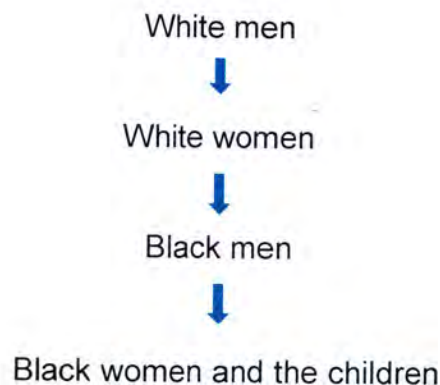
In my view this table only serves to demonstrate in a very simplified manner the similarities between patriarchy and apartheid. It does so in the hope of getting people to realize and appreciate the problem of patriarchy by likening it to this evil thing called apartheid. It does not take away the fact that patriarchy was in existence during apartheid. Women, in particular women of colour had to deal with the harshness of apartheid and still deal with patriarchal tendencies that are determined by family, community, culture and society.

Albertyn (2011:141) points out that "Apartheid resulted in the systematic subordination of black people in South Africa. Bound up with racial inequality and oppression, but also autonomous from it, was inequality on the basis of gender. South Africa was and still remains, a deeply patriarchal society in which women have been subordinated to men in public and private life. However, for black women gendered subordination has been compounded by race and class. Although black and white women were relegated to the domestic sphere, this occurred under different and unequal systems of law, and in a social context that released white women from some constraints of social reproduction by relying on black women in domestic service. Historically, colonialism and segregation meant that black women were subject to rigid racial and sexual boundaries. The law was central to maintaining these boundaries as it enforced racial and sexual segregation in public and private life."

Therefore, since women fought so vigorously for the inclusion of gender sensitive laws, policies and frameworks in the new South Africa, could the present day gender inequality be linked to apartheid? All respondents except one seem to reason as follow:

Respondent 1

"...that we are a violent nation we have a history of violence where the majority of people in this country were not given the power and respect that they deserve by the last regime. We had to take up armed struggle to eradicate apartheid and get democracy...black men were denied the respect that patriarchy says they deserve and they end up being violent. At times the person who oppresses you is viewed as powerful and you cannot retaliate directly at them and so you end up taking your frustrations at those you view as weak usually women and girl children. This thing is like so, its white men followed by white women, then black men and lastly it is the black women and children."



This was supported by another respondent who argued that:

"I wouldn't say blame it on apartheid, but there symptoms which can be linked to apartheid that helped create this situation. Particularly when a man had to go to work and was oppressed at work, when he gets home he is stressed and chances are he will take out his frustrations on his partner. These are some of the structures which I believe contributed to issues of patriarchy where because men were not able to express their anger and feelings at work take them out on their partners hence sometimes you see people who can do that to their partners turn to alcohol" (Respondent 6).

However, one respondent differed with the rest, she maintained that violence against women could not be linked to apartheid. She stated that it is an individual issue, it depends on whether you respect people and appreciate their value. *"Not all men who have experienced apartheid, rape or violate women hence I say it is an individual choice"* (Respondent 9).

One cannot shy away from the fact that gender violations are widespread now in the new dispensation. These violations are committed by young children who never experienced apartheid. Respondents were asked why this was the case. One respondent answered:

"Born frees are born within a context. We have been heavily affected by apartheid and that is how we relate to this young ones. Sometimes this happens subconsciously and we are not aware of it." Respondent 6

This was supported by another respondent who stated:

"I believe that children are a mirror image of our society. What the children are doing is a mirror image of what the society is doing. Let me give you an example of a girl who was raped in Snake Park area in Roodeport by a group of young boys, when these boys were asked why they did this, they said they were doing what they always see the uncles doing. The girl is always raped by some adult men in the community and bought off with a quarter (bunny chow). So these young boys raped her too. So born frees do not have good role models. In South Africa we don't have good role models who show a need for gender equality. People such as Kenny Kunene, our president and some influential people don't realize that there people out there who idols and imitate them. They should use their positions and influence to spearhead gender equality and shun violence against women." (Respondent 1)

"A legacy of apartheid has left huge amount social ills including intolerance and lack of social cohesion. Ke gore re (English translation: it's that we are) intolerant, we can say o seka watla go mpoletlasepe (English translation: do not come and tell me anything) and you as a woman can say kgale a ntshotla (English translation: you have been abusive to me for a long time) now is my turn, kena le lebotha jaanong (English translation: I have money now)." Respondent 10

Another respondent said;

"Young children emulate what they see at home. If a child does not have good role models at home and in the society and they are exposed to violence they will copy that. They realize that being a man comes with benefits, I don't get pregnant, someone gets to do my dishes and violence is justifiable if my partner contravenes this then this how they will live their lives."(Respondent 6)

The respondents answer to this question highlight how apartheid and colonialism has had and continues to have an impact on women in South Africa. Postcolonial feminist theory is applied here as it highlights how nationalist and colonial forces have hindered women in post colonies from fully attaining full nationality. This theory shows how patriarchy, colonialism and nationalism in different former colonises have shaped the experiences to gender inequality within the states and societies that they belong to.

Lastly respondents were asked if in their opinion South Africa will ever be a gender balanced society. In response they said:

"It will take centuries to get equality in South Africa." Respondent 6

"Never, as long as there is that division of a man and a woman. POWA has been in existence since 1979. It's been more than 30 years now, we are still fighting and violence against women is still rampant and more gruesome especially rape." Respondent 1

"It is going to take some time but I believe if we work together we can turn South Africa into a gender balanced society and if our leaders and celebrities realized that they can use their position and power to promote equality." Respondent 2

"South Africa is a gender balanced society in the making, it has done very well in promoting gender equality. They are spiritual people and I believe that one day South Africa will be a gender balanced society." Respondent 6

"South Africa will be a gender balanced society one day with the right political support and influence." Respondent 9

"South Africa has been severely affected by apartheid, which taught us that the only way of living is oppression and that violence is the only way of solving conflicts, it is sad that we are seeing gender oppression and gender based violence now. I believe that if we wipe these two elements out we will get a gender balanced society." Respondent 4

"No, patriarchy has existed for years and it will continue to exist so I don't see that happening."

Respondent 9

"There is no society that is equal, no matter the impressive laws that are in the constitution and in the Bill of Rights women in South Africa will forever be subordinated to men." Respondent 3

"Yes, we worked together to bring down apartheid, even when many doubted that one day we will be led by a democratically elected government we still fought it and won, so I believe that if we stand together we can bring down gender inequality and replace it with gender equality." Respondent 5

"I doubt south Africa is a deeply patriarchal country. I don't see it changing anytime soon. It will probably take years and years and even a miracle to make South Africa gender balanced."

Respondent 10

6.3. Summary of findings

- **Question 1:** What does gender equality mean to you? The answers given varied, demonstrating how our understanding and meaning of gender equality is influenced by our socialization and life experiences. Standpoint Feminism argues that we all experience life and its challenges differently and therefore all individual experiences must be taken seriously and into consideration.
- **Question 2:** To establish whether the respondents viewed South Africa as a society that is divided along gender lines. A 100% of the respondents articulated that yes indeed South Africa is a society that is divided along gender lines.
- **Question 3:** Respondents were asked how they would describe a real man and how they would describe a real woman. They all described a real man and a real woman along the traditional gender norms. What was common in all their description of a real man and a real woman was how they linked a man to a provider, a person who is responsible for ensuring that his family is safe and secure while a real woman was likened to a nurse, nurturer and is respectful.
- **Question 4:** In your opinion why is violence against women so rampant in South Africa? The answers given differed, with 50% of the respondents blaming the lack of implementation of laws and court orders which are meant to protect women.

Thirty per cent of the respondents argued that the adoption of European and western tendencies and culture that has been promoted in the new South Africa is to blame for the violence. 10% fingered unemployment, poverty, alcohol abuse and drugs for the high rate of violence against women. While 10% stated that current laws and policies give women too much power, making them disrespectful to their partners. It also creates a shift in traditional roles making women breadwinners and men dependents. This then creates a crisis as men develop an inferiority complex and resort to violence as a way of gaining back their dominance.

- **Question 5:** In your opinion does culture contribute to gender inequality and violence against women? A 70% of the respondents argued that culture in itself is not to blame for gender inequality and violence against women. They argued that the misrepresentation of culture leads to its misapplication. They argue that some people do illegal things and hide behind culture. They give the practice of abducting young girls and forcing them into marriage as an example of people misrepresenting culture. They argue that culture does not allow this and it is actually men raping underage girls. Thirty per cent of the respondents stated that certain aspects of culture are good while certain aspects of it are bad.
- **Question 6:** Could the present day gender inequality and violence against women be linked to apartheid? Ninety per cent of the respondents opined that indeed gender inequality and violence against women can be linked to apartheid. They argue that apartheid gave birth to a lot of social ills that are still being felt now in the present day South Africa while 10% argued that apartheid should not be blamed for present day gender inequality and violence against women.
- **Question 7:** Why are gender violations committed by young children who had never experienced apartheid? Ninety per cent of the respondents were of the opinion that apartheid had been very severe and it had created a culture of violence in South Africa that is still being felt in the present day South Africa. Therefore, young children cannot be immune from the aftereffects of apartheid. 10% of the respondents differed from the rest.

This respondent contends that these children are violent because they are not raised properly. People do not discipline their children and blame it on apartheid.

- **Question 8:** In your opinion, will South Africa ever be a gender balanced society?
Fifty per cent of the respondents were hopeful, arguing that in time and with the right support structure South Africa will one day be a gender balanced society. While the other 50% of the respondents were of the opinion that South Africa will never be a gender balanced society. They argue that as long as South Africa continues to be divided along gender lines and as long as South Africa doesn't have good role models, it will never be a gender balanced society.

There is however some optimism expressed by respondents that things would improve in the long run towards gender equity or gender balanced society

6.4. CONCLUSION

These findings show that patriarchy and gender inequality are a daunting factor in the lives of all South Africans. South Africa is divided along gender lines and has not been able to remove patriarchal tendencies and norms among her people. Years after gaining liberation women have still not gained total emancipation. These findings have demonstrated that patriarchal tendencies and norms are passed down from one generation to the other and are kept alive through social socialization. Young children are exposed to the gender differences that are alive today in South Africa. Patriarchy is accepted as normal and this even influence or hinders the implementation of progressive laws that have been implemented to protect women and children.

Distorted traditional practices such as ukuthwala are still practiced despite being prohibited by the children act. Women are barred from inheritance as well as from taking over chieftaincy. Women are still expected to teach their children morals and respect. Men are expected to provide for their families. These differences will never die

despite the impressive laws and systems that are in place hence making patriarchy and gender inequality unwavering.



CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

7.1. CONCLUSION

This chapter not only provides a conclusion to this study but offers recommendations based on the findings on how persistence of patriarchy and gender inequality in South Africa could be resolved. South Africa is still overwhelmed by productions of gender inequality and violations against women. It is besieged by issues of violence against women, more predominantly, cases of rape which are often pitiless. Women are still the least paid employees in South Africa and few hold important positions. Women in South Africa often have to battle challenges presented by socio-economic, political and cultural factors which proscribe their total emancipation. It has emerged that patriarchy is fuelling gender disparities in South Africa. Patriarchy and gender inequality have a strong consolidated marriage that continuously and simultaneously breed harsh and extreme spin-offs that have hindered efforts of attaining a gender balanced South Africa.

Patriarchy is a very forceful scourge that permeates all avenues of life. It has been linked to six components namely paid work, housework, violence, sexuality, culture, and the state. A careful overview of the current gender equality situation in South Africa today will attest to the fact that all these components are heavily encroached by patriarchy. Nineteen years after gaining democracy, women in South Africa are still the least paid, women are still expected to do unpaid housework as it is believed that it is a woman's responsibility to ensure that her household is well kept and that all domestic chores are done. This is irrespective of whether the woman has a formal job which also takes up most of her hours.

There has been a huge outcry about violence against women. It has been noted that violence in South Africa is a very disconcerting factor that often results in loss of lives. Many describe South Africa as a state that has a culture of violence and link this violence to apartheid. However, some respondents challenged this association. As a result of this culture, many disputes are solved through violence as can be witnessed by

violent service delivery protests. It must be noted that violence is not one sided and that it is not only used against women but often men turn against men and use violence as a means to an end. It has been established by Seedat et al (2009) that the number of women murdered in South Africa is six times higher than the global average. Gender-based violence in South Africa has also been linked to apartheid as well as to unemployment, drugs and alcohol abuse. Women who belong to poor households are more prone to violence and abuse. It makes them easy pickings for violent men. Walby (1990) demonstrated that violence against women is a visible piercing two sided sword that patriarchy offers to men so as to help them maintain their dominance and preeminence over women. As the need to maintain male dominance increases, some violent men in South Africa resort to the use of violence. This situation has shown no signs of ever changing for the better. This is despite the existence of impressive laws and machineries that have been established to combat violence against women and gender inequality.

South Africa has made progressive efforts in its attempts to eradicate discrimination based on gender and violence against women. It has established equality courts which are mandated to deal with disputes relating to gender discrimination, it has established sexual offences courts which are capacitated and equipped to deal with sexual offences. Furthermore, each police station has a domestic violence unit this are just some of its commendable effort strides. However, she is still overpowered by the after effects of patriarchy which are gender inequality, violence against women, high pregnancy rates leading to drop out from school, women earning low wages, a lot of female headed homes, cultural beliefs that exposed women to human right violations such as ukuthwala which is practiced on underage girls and on women who are forced into this type of marriage. Most cultures in South Africa still regard women as minors and therefore prohibit women from taking up chieftaincy and only recognize women as regents of chieftaincy. Various reasons have been given for this but the most predominant one is that a woman cannot lead a tribe as culture does not allow it. Culture has been used as a reason for keeping women in subordinate positions.

South Africa is unable to attain a full gender balanced nation even though she has impressive gender driven policies and laws. There clear divisions along gender lines and too much emphasis is placed on gender differences. Men are regarded as the heads of the families and therefore as the superior sex. They are expected to do “manly” chores while women are seen as subordinate to their husbands. Each of these genders has special tasks which are assigned to them. Masculinity is praised and ululated. Gender equality is attributed to how one was brought up and socialized. Most people in South Africa are exposed to the different gender hierarchies that exist within the country and this influences how they relate to each other. Therefore gender inequality remains persistent in the present day South Africa.

7.2 RECOMMENDATIONS

Patriarchy and gender inequality bring about the most atrocious human rights violations and deprivation of opportunities. It is important that states, communities and societies realize this and work together to uproot patriarchy and gender inequality and discard them permanently. The only way they can do this is, if gender equality is taught from a very young age in schools and in the households. The concept of gender equality must be included in school curricula. This may help to counter what children are taught about gender at home and in the community. Socialization plays a huge role in how men and women relate and value each other. Currently what children are being exposed to is the different or limited version of gender equality as in most families boys are taught and rewarded for being boys and girls. It is important that a new generation is crafted, a generation that is socially programmed to accept and promote gender equality on a basis of fifty-fifty.

Since culture and religion play a very important role in the sustenance of patriarchy it is important to involve, priests, traditional leaders and healers in the fight against gender inequality. They should be encouraged to use their position to promote gender equality. Traditional leaders and healers should teach about the dangers of gender inequality to young boys at initiation schools.

Religious leaders should preach about gender equality in church and show how God is against any form of discrimination and against any form of violence. Violence against women and children is a huge concern in South Africa that needs to be tackled head on by every single person residing in South Africa and the involvement of religious leaders, traditional healers and leaders will serve to strengthen the call for the need to build a gender blind South Africa.

The media needs to be roped into the struggle against patriarchy and gender inequality. Television and radio adverts still promote gender differences. They usually depict women doing chores that are seen as natural by the society. They show women doing the dishes, rearing children, cooking etcetera. While the show men fixing cars, cutting down trees and manual work. The media is a very powerful and useful tool that can incite or curb violence. As such it must be used to intensely promote gender equality and claim victory over patriarchy.

The implementation of government policies and laws has been fingered as one obstacle to the eradication of violence against women. Police officers and relevant officers must be sensitized on the need to impose what the law and court decree. Stringent penalties must be put in place for those who do otherwise. Station commanders and relevant key holders must take on the responsibility of educating their subordinates on this fact. Police trainees should be taught on gender equality, violence against women and the importance of implementing court orders and laws that are meant to protect women during their training and induction. The level of violence against women is very high and needs a stern approach for it to be eradicated.

Political parties and gender activists should join hands and fight patriarchy and gender inequality the same way that they collectively took on and conquered apartheid. The society of South Africa requires a radical approach if gender equality is to be achieved.

The same radical approach that was adopted when fighting against apartheid needs to be incorporated now. However, this radical approach needs to be free of violence. There needs to be the same hype around the issue of the eradication of patriarchy and gender inequality.

What we see today is a great interest and talk of gender equality during the month August which has been set aside as the month of women in South Africa as soon as this month comes to an end this hype sizzles out. It is important that we keep the hype and interest on gender equality alive and burning throughout the year without fail. Obstacles that make women susceptible and prone to gender discrimination and violations need to be tackled head-on.

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