Gendering the State: The Social Dynamics of the Gender Machinery in South Africa

Andrew Bennie and Michelle Williams
UNIVERSITY OF THE WITWATERSRAND

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Andrew Bennie and Michelle Williams
University of the Witwatersrand
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Acronyms

ANC	African National Congress
ANCWL	African National Congress Women's League
CBO	Community-based Organisation
CGE	Commission on Gender Equality
CLRA	Communal Land Rights Act
COPE	Congress of the People
DA	Democratic Alliance
GEAR	Growth, Employment and Redistribution
IPU	Inter Parliamentary Union
PR	Proportional Representation
RDP	Reconstruction and Development Programme
SADC	Southern African Development Community
WNC	Women's National Coalition

Introduction

For much of South Africa's history women have been at the forefront of struggles against racial oppression, class exploitation, and gender discrimination. It is well known that women played a central role as militant activists in anti-racial struggles against apartheid and actively participated in the male-dominated institutions and movements, but what is less well known is that they have also been self-organised forces operating independently of men in the struggle against gender oppression (Curry, 2007; Kuumba, 2002). Black women have been patently aware of their intersectional location as they experience racial oppression under apartheid, gender oppression in their families, communities, civic organisations and ruling structures, and class exploitation in their workplaces in low-skilled and low-paid jobs. Thus, women in South Africa have played vital roles in challenging systems of oppression and domination in society, the polity, and economy.

With democracy in 1994, many gender activists from women's movements moved into parliament and the state bureaucracy, which, together with new and expanded state machinery, raised the possibilities for overcoming the traditional barriers barring women's access to power. There was therefore a combination of political will, institutional development, and linkages between activists in the state and in civil society (Hassim, 2005). But, '[h]ow would this participation be translated into electoral politics and representative democracy? Would women's presence be reflected in political and material gains for women in society?' (Meintjies, 2005: 232).

This paper argues that gendering the state through a progressive, inclusionary liberal framework for advancing gender equality has not resulted in gender equality in society as measured by the material, social and political circumstances of most South African women. This lack of gender equality is due to economic, political, and organisational dynamics that work to reinforce patriarchal norms and practices in the everyday experiences of women. The economic structure of the country has intensified the negative material conditions that disproportionately affect women. The state has played a contradictory role in advancing a transformative gender agenda (including advancing anti-women policies), and the women's movement has suffered demobilisation and setbacks. In addition, this broader political economy has undermined the liberal framework for advancing meaningful gender equality in South African society.

This paper discusses the women's movement in South Africa up until 1994 and how feminist activists helped shape the terms of the political transition by focusing their aims on engendering a gendered state. It then provides a brief overview of women's representation in various levels of the state as a result of the consensus on the need for gender transformation. The paper shows that these achievements in representation have not translated into widespread material transformation of gender relations in South African society and also discusses the broader political economy conditions in which this lack of widespread transformation should be understood. The paper concludes that a political feminist women's movement, which was demobilised in the early 1990s, is necessary to reignite momentum from below to struggle for meaningful women's liberation in post-apartheid South Africa.

A Brief History of the Women's Movement in South Africa

Throughout the history of resistance to apartheid, women's movements and political actions formed a central feature. The seeds of the women's movement were sewn by apartheid's repressive legislation, and specifically women's resistance to pass laws. In order to control the flow of Africans into the cities and restrict access to labour required by industry and the state, pass laws were enacted requiring Africans to apply for passes in order to enter urban areas. Most of the required labour was male. Women were largely seen by the apartheid state as needing to remain in the rural areas and homelands where they could eke out a living from local land based livelihoods and wage remittances. Thus women would not place a 'burden' on the state or economy as their subsistence was to be ensured in the rural areas and not in urban areas. However, the pressures of survival in the rural areas pushed many women towards the cities to find work and income. With the increasing influx of women into the urban areas, in 1913 the state extended the pass laws to include women in order to curtail their entry into urban centres.

These laws severely affected African middle and working class women and so 'it was in the alliance of these two classes of women that the seeds of the twentieth-century women's movement [in South Africa] is to be found' (Hassim, 2014: 22). Women mobilised against passes by petitioning government authorities and mobilising women in communities. In the 1940s there was a groundswell of discontent in townships across the country and protest activities were frequently led by women. The ANC Women's League formed in 1912 (the same year as the ANC's formation) as the Bantu Women's League, but within the ANC itself women played auxiliary roles to men and had no voting rights (Hassim, 2014). Many of these early struggles by women against passes and over key community issues occurred alongside rather than as part of the ANC Women's League's activities. However, by the 1940s many in the ANC realised that the organisation had to keep up with changes in women's status and roles that were happening in society, and that women should therefore be allowed to become full members of the ANC with decision making rights. Women were given full membership rights to the ANC in 1943, but the Women's League remained under the control and direction of the ANC, within the framework of a centralised national liberation movement. With more political space given to women in the ANC, the Women's League more actively took up the struggle against the pass laws and played a more central role in mobilising women and advocating gender equality (Hassim, 2014).

The increasing activism of women in the ANC and Communist Party in the 1940s and 1950s opened up discussions among women about the possibility of a national women's movement. However, the ANC leadership was opposed to opening up the ANC Women's League to non-African women. The tradition of the Congress Alliance was for races opposed to apartheid to organise in their own structures but under the broader framework of the Congress (Hassim, 2014). This framework opened up the opportunity to form the Federation of South African Women (FSAW), an organisation that brought women together from across class and racial groups. Operating within the Congress Alliance, the Federation of South African Women was the first semi-autonomous women's organisation that provided for the political participation

of women outside of the restrictions of the official anti-apartheid organisations like the ANC (Kuumba, 2002). Kuumba (2002: 48) aptly describes the first actions of open resistance by the women's movement against apartheid:

> Over the next four years, the FSAW organized (*sic*) branches all over the country and linked the anti-pass movement to other campaigns and issues such as rent increases, forced removals, and inadequate education. On 27 October 1955, a contingent of more than 2,000 women marched on the Union buildings in Pretoria, South Africa. With babies on their backs, from hundreds of miles away, and in defiance of governmental measures prohibiting public demonstrations, this mass of women protested in silence and left 2,000 signed anti-pass statements on the doorsteps of the union buildings in groups of two and three. As testament to their resolve not to carry passes, the women chanted, "Now you've struck a rock. You have dislodged a border. You will be crushed!" Ten months later, on 9 August 1956, the Federation gathered more than 20,000 women in a march to the government capital in resistance to pass laws. For the next two years, the anti-pass protests and civil disobedience of the FSAW spread throughout the country and led to thousands of women being arrested and detained (FSAW, 1958).

During this period of vibrancy among women and FSAW, who were guiding the way through their demonstrations across the country, the men only slowly came to support the anti-pass initiative. Kimble and Unterhalter (1982) explain that "women clearly felt themselves ahead of their men in the struggle. In their report on the campaign the FSAW observed: 'Women await with impatience the active entry of men into the anti-pass campaign'" (Kimble and Unterhalter 1982: 27; quoted in Kuumba, 2002: 48).

Kuumba (2002) thus argues that the anti-pass campaigns that coalesced around the Federation of South African Women kick-started the anti-apartheid struggle and subsequent anti-pass campaigns.[1] The FSAW had been launched in 1954 at the First National Conference of Women, which brought together women from various organisational and racial backgrounds. However, the federation's membership was largely drawn from the ANC Women's League and so it had a significant amount of influence in the organisation (Hassim, 2014). The conference elected a National Executive Committee and produced a Women's Charter that laid out the objectives of the organisation as both national and gender liberation (Hassim, 2014; Kuumba, 2002). The charter argued that the struggle against women's oppression was as integral as the struggle against racial oppression, thus openly challenging gender hierarchies even within black communities. However, reflecting the influence of the ANCWL, the objective of national liberation still dominated (Hassim, 2014).

After the Sharpeville Massacre of 1960, the ANC and other anti-apartheid organisations were banned and their leadership forced into exile. The FSAW saw a similar fate and by 1963 the FSAW was no longer functional.[2] The shift into exile fundamentally restructured the women's movement. The ANC Women's League became the Women's Section of the ANC, and largely represented the interests of women within the ANC in exile. Rather than being a feminist

movement taking up women's equality within the struggle against apartheid, it primarily dealt with issues affecting ANC women in exile, such as harassment by male comrades, and organised services provided by women and for women, such as child care and so on. Its role within the ANC corresponded with traditional maternal roles of women. Women within the Women's Section, however, contested the direction of the movement as they sought to assert a greater and more equal role for women within the ANC in exile.

As women in the ANC in exile came into contact with feminist perspectives through international engagement, literature and conferences, the Women's Section began to make a more assertive effort to define and carve a space for gender equality within the ANC and in post-apartheid South Africa. This was often met with resistance from male ANC leaders who felt that pushing a feminist agenda was potentially divisive when unity should be ensured behind the nationalist struggle, and believed that national liberation would automatically ensure the liberation of women. However, the feminist perspective of the Women's Section strengthened through the 1980s as it saw that in other post-liberation contexts the position and struggles of women often remained unchanged without the concerted effort to insert a practical feminist agenda into the liberation struggle and in the construction of post-liberation institutions.

Upon the release of Nelson Mandela and the unbanning of the ANC in 1990, the Women's Section argued strongly for an organisation of women that would be controlled by women, would fight for women's issues in the post-apartheid agenda, and ensure that women's issues would not be subordinated in the efforts at designing post-apartheid institutions. As a result, the Women's Section re-established itself as the ANC Women's League upon its return from exile in the early 1990s with the goal of pushing a feminist agenda of women's equality within the nation-building project.

The return of the ANCWL was not uncontested as there were existing women's organisations that had been operating under the difficult conditions of apartheid throughout the ANC's exile. The ANCWL engaged in (often tense) discussion over the relationship between the ANCWL and the internal women's organisations that for many years had been advancing grassroots mobilising and organisation-building around the material realities confronting women from oppressed communities. The ANCWL's position was that all women's structures in the country should disband and unite under the banner of the ANCWL. One of their primary activities was to mobilise women across the country into the ANC. The ANC's hegemony and the euphoric mood of the time led many women's organisations to acquiesce to the ANCWL's position. In addition, many women argued that the myriad women's organisations coexisting alongside the ANCWL would overburden the organisers of the movements who would inevitably have to organise across two organisations. In a relatively short period of time key internal women's organisations took decisions to disband and incorporate into the ANCWL. Thus, the ANC Women's League, through the Women's National Coalition (WNC), became the key vehicle through which a feminist agenda was inserted into the political negotiations and the design of post-apartheid state institutions.

Crafting a Gendered Democratic State

The South African transition to democracy is unusual in postcolonial transitions in that the democratic transition paid specific attention to the representation of women in post-apartheid state institutions, laws, and policies. It was also unusual for the strong role that women's organisations played in ensuring women's needs and interests were included as a central issue in the transition (Wayley, 2007; Meintjies, 2005; Seidman, 1999). The ANC Women's League initiated the formation of the Women's National Coalition in order to unify the various organisations and facilitate the process of mainstreaming women's issues into the democratic state. The Women's National Coalition was a broad front of women's organisations, including those from other political parties, that sought to draft a Women's Charter of Equality that would gather the demands of women at all levels of society (Hassim, 2006). A two-year national campaign involving more than two million women resulted in the Charter for Women's Effective Equality, which included the demand for full and equal participation of women in representative politics. Being constituted by women from across the spectrum of political parties translated into a broad consensus among political parties of the need to ensure progressive inclusion of women candidates in the parliamentary elections. The Charter also became the blueprint for post-apartheid gender policy (Meintjies, 2005).

The main thrust of the Women's National Coalition was an inclusionary feminist politics, in which the focus was on inserting feminist concerns into existing political structures, principally the state, as a mechanism of change in societal gender relations. That is, an inclusionary feminist politics defines women's interests in relation to formal political institutions and so aims for increased women's representation in such structures (Hassim, 2006). However, the Women's National Coalition's focus on representation 'was not conceived as an end in itself but as part of a broader agenda of redistribution of social and economic power' (Hassim, 2006: 353). Hassim argues that at the time '[t]he South African women's movement thus exemplified the strongest and most progressive version of inclusionary feminism' (*ibid*). While not entirely separate in practice, Hassim contrasts this with a transformative feminist agenda, which aims to actively transform existing social and power relations directly and is illustrated by stronger social movement approaches to gender transformation.

The Women's National Coalition's inclusionary approach focused on two main components: increasing women's representation within the state, and ensuring the centrality of gender and women's interests in policy making (Hassim, 2003; Seidman, 1999). This involved constructing a national gender machinery in which state institutions are crafted to allow for increased participation by women and policy making that is sensitive to women's interests.

After the 1994 elections, key efforts were undertaken by the ANC government to pull gender and women issues from the sidelines into the mainstream of policy making. As part of constructing a 'National Gender Machinery', institutions were set up in every sphere of the government to ensure gender mainstreaming and the promotion of gender equality. After 1994 many key leaders from the women's movement moved into parliament and were able to drive a strong

women policy making agenda and reform process. The state, in its vision of an open and democratic state, welcomed civil society organisations that it saw as 'development' partners, those strengthening democracy (as opposed to social movements mobilising, 'undermining democracy') (Hassim, 2004).

As a result, the state increased the level of public participation and consultation in decision-making and women were positioned as a special constituency for policy-making inside government. A cross-party women's caucus was formed in parliament that was primarily aimed at driving the 'women's agenda' in parliament (Meintjies, 2005) and ensuring that all policy making included a gender lens. Important strides were made with regard to issues of women and gender, and a number of Acts of Parliament were passed that were situated within the aim of pursuing equality for women in terms of sexual rights, the workplace, the home and society. An ad hoc committee was also established which eventually became the Joint Monitoring Committee on the Quality of Life and Status of Women, the task of which was to monitor legislation and promote research into areas in which women were still prevented from enjoying full equality. In addition to this, gender focal persons were appointed within every department and municipality in the country, whose task was to coordinate gendered planning and implementation of programmes (Hicks, 2011). The inclusionary feminist strategy driven by the National Women's Coalition thus resulted in relatively high representation of women in the political system, which we turn to in the following section.

The Status of Women's Representation in the South African Political System

Local Government

South Africa has a three-tier governance structure of national, provincial and local government. Local government forms the primary level of democratically elected government structures, and has been tasked with the primary role of participatory local development in the country.

Since the first democratic national elections in 1994 and local government elections in 1995, representation of women steadily increased until 2006, but then registered a slight decline in 2011. In 1995, only 19% of local councilors were women, with women comprising 28% of councilors elected on the proportional representation (PR)[3] list, but only 11% of ward councilors (Potty, 2001). (See Table 1 below.) This low representation of women in local government initially was due to the fact that gender took a low priority in the original discussions and planning on restructuring and transforming local government (Morna and Ntombi, 2011). As such, the Gender Advocacy Project (GAP) raised concerns in the drafting of the White Paper on Local Government, which culminated in 1998 Municipal Structures Act recommending a 50:50 quota in local government elections rather than the original 60:40 that was proposed in the negotiations. Morna and Ntombi (2011) argue, however, that the weakness is that the Act only recommends the quota rather than legislating the quota.

The total number of women councilors increased to 28.2% of all councilors (2 271 women elected out of a total of 8 044 seats) in 2000. The ruling ANC's quota was at this point 30% women. After the ANC increased its quota of women representation within the ANC at national and local levels to 50% in 2006, the number of elected women councilors increased to 40%. Interestingly, after the 2006 elections women's representation in wards had increased to 37%, where traditionally they had not done as well as in the proportional representation (PR) seats (Morna and Ntombi, 2011). However, after the 2011 local government elections, this number decreased by 2% to 38%. One possible reason for this is that the ANC is the only party that has a 50% quota for women candidates, so other parties have a much higher proportion of male candidates than the ANC. The number of seats that the ANC won in the 2011 elections was less than what they won in 2006 and so more people were elected from parties, such as the main opposition party the Democratic Alliance (DA), which do not have as many women elected representatives. The DA, in fact, actively opposes quotas, which has led some, such as the women's advocacy organisation Gender Links, to call for a legislated quota for women in national and local government elections (Morna and Ntombi, 2011).

Table 1: Percentage of Women Local Government Councillors in South Africa

Year	% Women Ward	% Women PR	% Women Overall
1995	11%	28%	19%
2000	17%	38%	28.2%
2006	37%	42%	40%
2011	33%	43%	38%

Sources: Pottie, 2001; Commission on Gender Equality; Morna and Ntombi, 2011

It is also interesting to note that in the 2011 local government elections, no other main political parties except the ANC included gender mainstreaming in their election manifesto. Thus, as seen in Table 2 below, the percentage of women candidates in local government elections also grew. It is interesting to note that the number of candidates has grown in each election, so while the percentage of women candidates has only grown slightly in each election, the absolute numbers of women actually contesting has grown quite significantly. It is also interesting to note that despite the DA's resistance to instituting quotas and insisting on a meritocratic system of forwarding candidates, the number of DA ward seats held by women is 36% of total DA seats, while the number for the ANC is only 34% of the total ANC ward seats. This raises interesting questions about the role of quotas and whether there are multiple pathways to ensuring women's representation in elected positions. While the ANC and DA have demonstrated a significant increase in women elected representatives, the percentage of women from other main opposition parties is dismal, with the highest being 10% (Morna and Ntombi, 2011).

Table 2: Key comparative data on municipal election

Comparison	2000	2006	2011
Parties contesting	79	97	121
Party list candidates	16 573	21 507	23 278
Ward candidates	13 214	23 672	29 570
Independents	690	667	748
Total Candidates	30 477	45 179	53 596
Gender Breakdown	Male 66%	Male 65%	Male 63%
	Female 34%	Female 35%	Female 37%
Uncontested Wards	75	11	7

Source: Morna and Ntombi, 2011.

Provincial Legislatures

Moving from municipal to provincial legislatures also demonstrates a significant increase in women elected representatives. The percentage of women in the provincial legislatures significantly increased from 25.4% in 1994 to 41% in 2009. However, this dropped to 37% after the 2014 national and provincial elections (See Table 3.)

Table 3: Percentage of Women in Provincial Legislatures

Province	1994	1999	2004	2009	2014
	25.4%	29.2%	32.5%	41%	37%

Sources: CGE, 2010;
http://www.genderlinks.org.za/article/sckvr-elections-2014-05-26.

Together with parliament, and despite the drop in 2014, these numbers for municipal and provincial representatives still put South Africa among the top-ranked countries in the world in terms of the number of women in important political leadership positions (CGE, 2010). However, a worrying trend is seen in the drop in the provincial premiers from 55% of women premiers in 2009 to 22% in 2014. This dramatic decrease is due to the ANC appointing only 12% women premiers in 2014 whereas in 2009 the ANC had 56% women premiers. This suggests that the ANC is sliding backwards in terms of its commitment to gender representation in key positions in government.

Parliament

Representation of women in national parliament dramatically increased between 1994 and 2009, but similar to other levels of government showed a worrying decline in 2014. Of the 400 National Assembly seats, 27% were occupied by women after the 1994 elections, which increased to 29.7% in 1999. Women representation in parliament hovered near 30% until 2004 largely due to the ANC's informal quota of 30% (Meintjies, 2005), which it increased to 50% in 2006. The percentage of women parliamentarians increased to a high of 42.3%, but has dropped by just under 3% in 2014. Thus, presently women parliamentarians constitute 39.5% of the National Assembly, which places South Africa 7th in the world in terms of women representation in the upper house (in South Africa's case, National Assembly) of parliament (IPU, 2014). (See Table 4.)

Table 4: Number of Women Parliamentarians

	1994	1999	2004	2009	2014
% of women parliamentarians	27%	29.7%	33%	42.3%	39.5%

Sources: Pottie, 2001; Meintjies, 2005; Inter Parliamentary Union (IPU), 2014, http://www.ipu.org/wmn-e/classif.htm)

Clearly, in terms of the main representational bodies of the democratic state, women have been present and represented since 1994. However, since the last national and provincial elections women's representation at these levels dropped and while the decrease was not significant in terms of percentages the fact that it dropped in all spheres (local, provincial and national) is very worrying for women's representation. Whether this is an emerging trend and represents regression in political representation by women will be seen in the 2016 local government elections.

Cabinet Ministers

Similar to the increases in the other levels of government, women's representation in Cabinet increased considerably until 2009 where it has remained. Before 1994 women only constituted 3% of cabinet positions whereas by 2009 the number had jumped to 41%, where it remained in 2014. (See Table 5.) Again, this increase reflects the ANC's quota system, the PR elections system and the policy commitment of the ANC to gender equality (Meintjies, 2005).

Table 5: Number of Women Cabinet Ministers

	1994	1999	2004	2009	2014
% of women Ministers	27%	38%	29.6%	41%	41%

Sources: Mentjies, 2005; UNISA, 2014;
http://www.genderlinks.org.za/article/sckvr-elections-2014-05-26.

Thus, while it would seem that South Africa has registered gender transformation in the state, the picture is much more complex. While the increase in women representatives across all levels of government is significant, in the public sector women are still under-represented, with state departments lagging behind their targets in terms of women in middle and senior management positions (Hicks, 2011; CGE, 2010a). Furthermore, women are still under-represented in the judiciary – the country still does not have a woman judge-president in any of the divisions of the high court, and in 2014 of 247 judges in the country, only 79 were women (UNISA, 2014). Thus, in other key sites of state power, women are markedly under-represented, especially in leadership positions.

The lack of gender transformation in the country, however, goes deeper than simply having more women represented politically and in the state. While in most areas women's political representation is still not equal to men, it has been steadily rising and South Africa has some of the highest rates of women's political representation in the world. Such inclusion has not necessarily translated into gender transformation in South African society, as the next section details, before turning to the reasons for this lack of transformation.

Persisting Gender Inequality

Despite the gains made in post-apartheid South Africa through successful women's struggles (e.g., the principles contained in the Constitution and the progressive legislative and institutional framework), women in South Africa still face severe inequalities and hardships. As Aronsson (2012: no page number) argues, 'South Africa has some of the most progressive legislation on gender equality in the world, but there is a lack of *de facto* equality in this country'. This is reflected at different levels. At the political level, the progressive struggle for gender equality that made many gains in the 1990s is at risk with the rise of social conservatism in the ANC. The social conservatism is seen at all levels of the ANC from the local level all the way to the President and manifests in many anti-women policies, legislation, and pronouncements over the past few years. This is best typified by President Zuma's many public statements illustrating his conservative and patriarchal views on the role of women in society (in addition to his homophobic statements).

The conservative turn in the ANC has differing effects on women in rural and urban areas. We turn first to the situation of rural women in South Africa. The rise in social conservatism is linked to bolstering the political power of the ANC in government, which has increasingly turned toward traditional authorities as mechanisms of securing power in rural areas (specifically the former homeland areas, where 16 million South Africans still reside [Claassens, 2015]) and delivering election votes. A centerpiece of apartheid was ensuring the supply of cheap black labour for industry, mining and commercial agriculture. Men migrated to the urban areas to fulfill the required labour demands, leaving women in the Bantustans to subsidise cheap male labour largely through their land-based livelihoods. This system was designed so as to not 'burden' the apartheid state or employers with the reproduction needs of women and the male migrant labourers' families. This system effectively placed the burden of social reproduction on the shoulders of rural women who were governed by traditional authorities.

A key form through which the lives of rural residents, especially women in the former bantustans, are impacted is through access and control over land. Thus much of the original vision of post-apartheid land reform was to ensure that residents of the former Bantustans benefit through the democratisation of land rights. Increasing women's rights and access to land was, furthermore, an important goal in the land reform programme. Since under apartheid rural land was governed under communal tenure and traditional leaders held various levels of power, legislation focusing on land policies in these former Bantustans was seen as vital in overcoming the detrimental impact on women's lives of the apartheid system. Therefore after 1994, the government aimed to replace the powers of apartheid-supported traditional leaders with elected local government officials. Perhaps unsurprisingly, traditional leaders fiercely contested this shift and successfully retained much of their power over land (Beall, 2005). The geography, socioeconomic and land rights characteristics of these spaces remain largely unchanged in the present era (Ntsebeza, 2013) and it is women who continue to bear the brunt of this lack of transformation (Claassens, 2015).

These trends have also been reinforced by the socially conservative turn of the ANC and its attempt to bolster its power in the wake of declining hegemony. A raft of legislation since 2000 curtails women's rights to land under the institutions of traditional leadership similar to the way in which apartheid curtailed women's rights. This shift is manifested in three recent pieces of legislation aimed at replacing a 'living customary law' with a codified version that is inflexible and functional to specific political interests. These Acts effectively entrench precarity in access and rights to land and limit democracy of residents in the former homelands. The three Acts are the Traditional Leadership and Governance Framework Act of 2003, the Communal Land Rights Act of 2004, and the Traditional Courts Bill (which was promulgated in 2008, revived in 2012, and struck down by Parliament in 2014). These Acts aim to 'swing the power game in favour of traditional authorities at the expense of democracy' (Ntsebeza, 2013: 56). The implications of the such pieces of legislation are clear: they would have significant consequences for the democratic rights of 16 million former-homeland residents, and would also severely restrict their land rights, placing much more power over land in the hands of unelected traditional authorities. For example, the Communal Land Rights Act aimed to place the function of land administration in the hands of Traditional Councils, which are almost exclusively made up of elder men[4]. This trend of high male representation is enforced by the Traditional Leadership and Governance Framework Act, which allows for only 40% of seats on traditional councils to be elected seats, the remaining 60% being appointed by the chief and for which there is no gender requirement. Of the 40% elected seats, it is only required that 30% of the seats be women. Thus while formal political structures have generally seen an increase in women representation since 1994, the architecture of rule being designed for former homeland areas entrenches an opposing trend of reducing women's representation in traditional structures.

These anti-democratic Acts have therefore been contested and the Communal Land Rights Act was declared unconstitutional in 2010. Thus, the status quo remains and for the time being most land in former homelands remains under communal tenure in the hands of the state, through traditional authorities, and so rural residents lack formal rights to land. In this way the ANC is largely replicating the colonial and apartheid method of 'indirect rule' whereby traditional leaders are vested with customarily unprecedented administrative, judicial and executive power over the lives of rural populations (Mamdani, 1996; Ntsebeza, 2013) and women are once again the major victims of legislation empowering traditional leaders.

Issues of access to land are not the only area in which women face tremendous hardship. The structural subjugation of women is also reflected in relation to their health and security. South Africa has some of the worst statistics of rape and domestic violence against women in the world, leading Moffett (2006: 130) to declare that we have a 'gender civil war'. Despite the progressive legislation that is supposed to protect women and children from such violence, according to a 2009 study, 28% of men have admitted to raping a woman (MRC, 2009: 1). Annual reports of rape are between 50 000 and 60 000, but the rate of reporting rapes is only 1 in 9; the actual figure is therefore closer to 500 000. The failure to report is in part related to the fact that fewer than 10% of reported rapes lead to conviction. In terms of domestic violence, 40% of men surveyed reported to have been physically violent toward a partner (MRC, 2009: 1), and

one in four women have been beaten by their domestic partner (Moffett, 2006: 129). Sexual and gender-based violence is also a key driver of the HIV-AIDS epidemic among women (Mullick *et al*, 2010)[5], shown by the fact that of the over six million people in South Africa living with HIV/AIDS, approximately 60% are women. This is even worse among younger age groups: of those between the ages of 15-24 years who are infected with HIV/AIDS, 77% are women (Mullick *et al*, 2010).

Gender-based violence hits poor black women hardest. Race, class and gender intertwine and one reflection of this is that poor black women are disproportionately affected by sexual and domestic violence. Such violence against women is therefore also variously related to broader inequality and poverty which, again, disproportionately affects poor, black communities. It is also largely poor, black women who are hardest hit by poverty and unemployment. Although women make up 52% of the population, a lower percentage of women are employed than men (Bikitsha, 2012). Given that unemployment results in a social reproduction crisis, and due to existing gender relations such that women generally remain those most responsible for social reproduction in the household, the burden of poverty and unemployment is shifted disproportionately onto the shoulders of women (Mosoetsa, 2011).

While the women's movement was integrally involved in crafting policies and state institutions that were aimed at ensuring the rights of women were realised and that they occupied an equal place in post-apartheid South African society, the ideal of widespread gender transformation remains largely unmet. The gap between the formal gender architecture and the actual circumstances of women in South Africa is a result of the complex dynamics and interactions within and between the economy, the state and civil society. A liberal and inclusionary framework for advancing women's rights, in which the aim is to increase women's participation within existing structures of power, is insufficient for overcoming societal, economic, political and gender relations that inhibit real equality for women in South Africa. The following section turns to examining how dynamics in the economy, the state and the women's movement have inhibited meaningful gender transformation and liberation in South Africa, defined as structural transformation by overthrowing power inequalities based on gender (Hassim, 2006).

Barriers to Gender Transformation in South Africa

The State

When women organised in the form of the Women's National Coalition during the political transition to ensure that national liberation would ensure gender liberation, they largely adopted an inclusionary strategy that aimed to include women in the political arena, believing that this would translate into societal changes in women's position as a result of gendered state institutions and policies. This state-centric position made gender transformation inordinately dependent on what goes on in the state, which ultimately failed to deliver gender equality. Indeed, a number of factors since 1994 undermined the ability of the state to effect gender transformation in society.

Bureaucratic Constraints and Conflicts

As discussed, the inclusionary strategy of organised feminists was largely successful in constructing gendered state institutions and policies and increasing women's representation in elected positions in local councils, provincial legislatures, and national parliament and the state more generally. The assumption was that increasing the number of women, and in particular feminists, in positions of state power would allow for the creation of policies and their implementation that would explicitly benefit women in society. However, feminists faced significant constraints in realising this ideal through their positions in the state. Hassim (2003) discusses the difficulties that women activists within the state faced in effecting gender transformation through the state. This includes the difficulty of translating gender issues from policy into practice. There was a general lack of coordination between women ministers with gender priorities and the priorities of other departments, as well as the lack of bureaucratic procedures in all departments for mainstreaming gender.

Women activists who entered the state with a women's mandate also found it difficult to adapt to bureaucratic processes of the state as opposed to the more open, non-hierarchical forms of organisation found in the women's movement. They also faced challenges of transforming a state that largely remained internally conservative especially regarding gender issues. The appointment of bureaucrats into gender focal points with little interest or knowledge of gender mainstreaming and its importance further undermined gender mainstreaming within the state. As a result key positions within the state failed to translate gender equity commitments into meaningful programmes. The Office on the Status of Women (OSW) was set up within the presidency to coordinate and oversee a gender focus in all departments and policy making, but it lacked a sufficient budget and power to ensure gender mainstreaming. As a result, the Office on the Status of Women failed to develop a broader gender framework within which all policy making could be judged and which would politically legitimate gender equity in all policy making. One result of women having to focus so much energy on these internal state issues is that little effort was made to ensure that the state gender machinery became an important point of access for women's organisations to influence the state and policy making. That is, close connections between the state and civil society were not fostered (Hassim, 2006).

The ability of state institutions to be at the centre of fostering gender transformation in South African society was also limited by conflict over defining and operationalising approaches to 'women's interests'. This was a particularly crippling factor in the Commission for Gender Equality (CGE), as Seidman (2003) describes in detail. The CGE was established in 1996 as a Chapter 9 state institution, with the aim of advancing and overseeing gender transformation. Chapter 9 institutions are essentially state institutions that are independent of political control and are tasked with overseeing and protecting various rights embedded in the Constitution. However, by 2000 the Commission for Gender Equality was virtually non-functional, ridden with conflicts between its staff over objectives and programmes. Seidman (2003) argues that a key root of the conflict was over what the feminist vision of the Commission for Gender Equality should be: whether the CGE should be a vehicle for ensuring that women's interests are represented within the state, or whether it should mobilise women in society around a feminist agenda: '[u]nclear about its goals, immobilized (*sic*) by internal dissent and disillusion, the commission appeared to have reached a virtual stalemate. […] The institution standing at the peak of the new democracy's efforts to give women equal citizenship, declared itself unable even to coordinate activities to commemorate South African Women's Day' (Seidman, 2003: 541). The commission was thus neither in a position to mobilise women in society around a progressive agenda nor able to hold the state to account over gender mainstreaming and representation. In 2003 the Commission for Gender Equality had new management and was attempting to put its house in order, but by 2010 it was still being criticised (and constructively self-criticised: see CGE, 2010b) for failing to clarify its mandate, insufficient cooperation with civil society, and mismanagement. These problems were revealed and highlighted by intense parliamentary scrutiny in 2010, and the Commission for Gender Equality has since presented a turnaround strategy.

Technocratic and Limited Approach to Gender Transformation

Similar to Hassim (2006) we argue that the inclusionary strategy of focusing on constructing gendered state institutions employed a limited conception of feminism based on liberal notions. The ANC government's notion of gender equality has become even more limited, focusing mainly on quotas and shifting the scales in terms of representation. This limited approach to gender equality comes at the expense of deeper structural analyses of the causes of gender inequality and oppression, and subsequent interventions, such as women's relations to the economy. Although some scholars such as Bikitsha (2012) argue that the ANC's 2012 gender discussion document (part of the ANC's 2012 raft of policy discussion papers) indicates a significant step in addressing the deeper causes of women's oppression in society, Hassim (2012: no page number on html) states that the document represents 'a hollowed-out modernist liberal feminism that deals with numerical increases in female personnel without dealing with the structural inequalities that underpin women's lack of power, resources and voice.' The discussion paper fails to analyse the impacts of race and class on women, how patriarchy has been shaped by colonialism and capitalism, and the impacts of tradition and culture on women – issues that were a vibrant core to the organising and thinking of the women's movement in the 1970s and 1980s (Hassim, 2012).

The state thus appears to have adopted a limited conception of transformation and consequently a limited role in transforming the gender landscape across a broad spectrum of institutional, organisational, and civic spaces. It can be argued that this is also a lineage of the inclusionary approach of feminists in the political transition of the early 1990s. The focus on the state as a key site of gender transformation led many feminist activists into the state, where they became subject to the complexities of state bureaucracy and increasingly disconnected from the mass base of women whose interests they were supposed to help articulate and integrate into the state (Hassim, 2014).

Contradictory State Articulations

A further factor undermining the ability of the state to drive gender transformation in society is the structure of the state itself and its articulation with existing political and economic relations, which undermine the achievement of women's equal citizenship. This is well illustrated by the functioning of local government, which often contradicts national, egalitarian policies. Local government is the key locus for decentralisation of the state bureaucracy, and offers potential for advancing gender equity because it is closer to people, thus providing for a more flexible relationship in which the needs of women can be better acknowledged and incorporated into governance (Beall, 2005). Indeed, this was a key consideration in decentralising the state in the 1990s. However, Beall finds that local government in general has failed to advance women's rights. There are some cases in which organised civil society has worked together with local government to successfully advance women's interests, but these examples are few in number and almost exclusively in urban areas. In rural areas, especially in former homelands, the functioning of local government is susceptible to informal networks, institutions and relations of power that are male-dominated as a result of the historical exclusion of women from rural local government. A key element in this formulation is the role of traditional authorities in local governance, an institution that has proven itself hostile to women's rights (Ntsebeza, 2013). As Beall (2005: 269) argues, 'the elevation of hereditary chieftainship to a privileged and protected position within local governance seriously compromises rural women's access to and influence on local government.'

A further dimension through which local government has failed to advance the interests of women is illustrated through its intersection with broader macroeconomic trends and policies. In its quest for reshaping social relations in line with the free market, neoliberalism seeks to reshape the state and its role in society (Harvey, 2005). This is often advanced by transferring what were previously considered public goods into services provided through commercial exchange by privatisating state entities into companies operating on the basis of profit. Another form through which neoliberalism reshapes the state is for services that continue to be provided by the state to be done so on the basis of cost-recovery and the ability of users to pay for them. In the post-apartheid dispensation, local government was positioned as the key level of the state responsible for participatory development through decentralisation of certain functions. However, with the restructuring and commercialisation of state institutions, local government was not provided the necessary resources from the state budget, and instead had to raise a significant amount of revenue from rates and taxes and the delivery of services. Cost-recovery

policies were thus implemented, which resulted in increasing hardship for communities unable to pay for basic services such as water and electricity. The cost recovery policing also spawned protests (often violent) and the formation of resistance organisations such as the Anti-Privatisation Forum (APF). These resistance organisations have had extremely high levels of women's participation, precisely because the state's neoliberal policies have hit women the hardest in terms of their responsibility for their households' daily survival (Cock, 2007). Thus, as Beall (2005: 254) argues, 'policies addressing women's gender interests, developed in the early 1990s on the assumption of a strongly egalitarian and interventionist state, are at odds with the neoliberal framework that has characterised decentralization (*sic*) policy in South Africa since the late 1990s.'

Restructuring the post-apartheid state has also articulated with the interests of the institution of traditional leadership, as discussed above. This happens at the level of local government, as well as through national laws that bolster the ANC's power amidst declining legitimacy and hegemony (Marais, 2011). This has tremendous bearing on gender equality as the institution of traditional leadership has been notoriously at odds with the ideals of gender equality. Customary law, of which traditional leadership represents a central institution, is, however, capable of change and contestation, and thus open to collective democratic impulses. Research by Weinberg (2010) on women's initiative over land access prior and during colonialism in the Keiskammahoek area of the Eastern Cape Province shows how 'living customary law' is made and re-made through everyday practices and contestation, and how women can insert their interests into customary law as a result of their contestation and initiative. However, the various Acts implemented or proposed concerning traditional leadership codify a static version of customary law that severely limits the horizons for transformation of gender relations in rural areas. Thus while a raft of laws and policies exist to advance egalitarian gender relations, these are contradicted by other economic and political interests in the state that are advancing a conservative agenda at odds with the pursuit of the transformation of structures that perpetuate unequal gender power in the country.

Economic Barriers to Gender Transformation

There are myriad themes of how economic conditions undermine women's liberation in South Africa. Meaningful economic transformation to overcome inherited poverty, unemployment and inequality has been severely undermined by the adoption of a neoliberal growth path post-1994. The choice for a neoliberal path was a result of an 'elite compromise' in which political power was traded in exchange for the preservation of economic power (Bond, 1999; Marais, 2011). Democratic transformation was limited by the power of capital to influence the direction of the country. This adoption of neoliberal orthodoxy in policy making was cemented with the adoption of the Growth, Employment and Redistribution strategy (GEAR) in 1996, which committed the government to market-led policies for growth, job creation and redistribution, as well as fiscal austerity. It thus severely limited the extent to which women's organisations could leverage reforms from the state and limited the budgets directed at gender mainstreaming and targeting (Hassim, 2003).

Inequality, poverty and unemployment have also intensified such that jobless growth and 'permanent unemployment' have become common features of the economy. These conditions have further fed into increasing violence, often experienced by women in the form of sexual and domestic violence discussed above. Women have also borne much of the burden of poverty and unemployment, with responsibilities for continuing the reproduction of households amidst a seemingly intractable social crisis and, so, '[b]lack women are still more likely to be unemployed, to be paid less than men when employed, and to perform unpaid labour' (Hassim, 2006: 366). Thus, as women's representation in the state and positions of economic power have increased, these gains have benefitted only an elite few, surfacing a growing class dimension to gender inequality.

The Contemporary Women's Movement in South Africa

Hassim (2006: 349) defines a 'strong' social movement as one that 'has the capacity to articulate the particular interests of its constituencies, to mobilise those constituencies in defence of those interests and is able to develop independent strategies to achieve its aims while holding open the possibilities of alliance with other progressive movements.' According to this definition, she argues that South Africa has not had a strong women's movement, apart from the short period in the early 1990s when the women's movement coalesced around the Women's National Coalition in pushing a set of demands for democratic South Africa.[6] The women's movement was largely collapsed into the ANC Women's League, which was the dominant force in the Women's National Coalition.

As discussed, feminists organised under the Women's National Coalition played a strong role in the political negotiations to ensure that the new democracy would protect gender equality and that institutions would reflect gender sensitivity (Seidman, 1999). They focused on particular aspects of negotiations that would have impacts on women and called for the gendered shaping of democracy. Their focus was heavily shaped by international feminism and their own understanding of gender issues in the democratisation process (Seidman, 1999; Hassim, 2014). The inclusionary feminism and focus on increased representation of women in the state placed the state at the centre of their analysis and practice: the women's movement focused on building state institutions that incorporated gender into their work and ensured policies aimed at gender equality. As a result, grassroots mobilisation and organisation was largely abandoned in favour of constructing a gendered state (Seidman, 1999; Hassim, 2014).

However, the imperative of feminists not putting all of their gender transformation eggs into the state's basket did not go unrecognised. For example, Noziwe Madlala—who was an activist in the Natal Organisation of Women in the 1980s, which fought around immediate issues affecting women at the grassroots level, and who became a member of parliament in Mandela's new parliament—argued:

> The struggle for emancipation depends on one key tool: *organization*… We cannot assume that the government will automatically be sympathetic to our demands as women. In fact, we will have to apply our united power to ensure that the government heeds them (quoted in Seidman, 1999: 300).

Madlala thus argued for a mass-based women's movement to pressure and hold government accountable to gender transformation commitments from outside the state. However, the broader women's movement that existed outside of the ANC Women's League prior to its return from exile was largely demobilised and collapsed into the Women's League in the early 1990s. While the ANC Women's League played an important role in the political negotiations and fought to ensure gender featured prominently in all aspects of the negotiations, it subsequently focused primarily on women entering state positions. As a result, the Women's League became highly influenced by the demands (and prerequisites) of state power and lost touch with the material realities of poor South African women (Hassim, 2014). Perhaps the best indication of its distance from the vast majority of women, is the Women's League's support for Jacob Zuma despite a rape trial and his open illustrations of conservative and often misogynistic gender views.

Hassim (2006) therefore argues that the emphasis in the 1990s on engaging the state had three key consequences for the women's movement. First, creating specialised state institutions for gender shifts the issue of gender equality out of the realm of politics and into the realm of technical policy making processes. This served to further demobilise a strong women's social movement. Second, focusing predominantly on reforming the state diverts the focus away from shifting cultural norms and everyday practices, which in turn may limit the impact of legislative reforms. Third, many activists moving into the state assumed that significant resources would be directed at reducing the massive inequalities inherited from apartheid, but inequality has grown in the post-apartheid period and anti-poverty policies have been mostly ineffective.

As a result of these various dynamics, the women's movement is largely divided and weak. Constructing a unified women's movement amidst South Africa's stark race and class inequalities has proven to be extremely difficult. For example, at the Women and Gender Conference that took place in Durban in 1991, many black attendees felt that the presentations by middle class, white academics and activists were far removed from the experiences of black women and feminists, and that they were being 'told' by white presenter about their experiences as women (Lothian, 2011). Such divisions continue along class and racial lines and reflect differential experiences of poor black women (including rural poor black women) and middle class women. The statistics, for example, show that many negative social indicators are disproportionately felt by poor black women, including poverty, domestic violence, and rape. For example, for many women and activists the rape trial of then Deputy-President Jacob Zuma (who is now the President), in which he was found innocent by the judge, typified the experience of black women. The patriarchal, traditional and conservative beliefs and attitudes, and the discrimination, inequality and material and structural violence that it translates into, are part of everyday life for many poor black women.

The class divide has also recently become prominent in the Lesbian, Gay, Bisexual, Transgender, and Intersexed (LGBTI) movement. Violence against black gay men and especially lesbian women has increased over the recent years. While white and middle class LGBTI people feel and

experience marginalisation in terms of attitudes, beliefs and stigmatisation, the experience of black and poorer lesbians is harsh and violent. The incidence of black lesbians being murdered or undergoing 'corrective rape' in townships is increasing (www.oneinenine.org.za). For example, in June 2013 in downtown Johannesburg a black lesbian woman was beaten unconscious by four security guards after they saw her kissing her partner goodbye. The sharp contrast in LGBTI experience of poor and working class women versus that of the middle class is therefore materially stark. This class division erupted in conflict at the Johannesburg Gay Pride Parade in October 2012. About 20 mainly black LGBTI activists from the One in Nine Campaign lay across the road on which the Pride march was proceeding, and demanded for the march to stop and observe one minute of silence for the lesbians and gays being murdered in the townships. The march continued over them, and offences and even physical confrontation ensued. For the One in Nine Campaign, '[c]apitalist consumerism and individualistic rights claims now characterise many prides in South Africa, as they characterise most other spaces for the LGBTI community' (One in Nine Campaign, 2012: no page number). While the middle class and Pride movement celebrates individual rights, the One in Nine Campaign emphasises the structural conditions of different groups of LGBTI people:

> The numerous legal reforms and policy changes granting equal rights to members of the LGBT community – from marriage rights to official recognition of people's preferred gender identity – have not put a dent in the vicious attacks against black lesbians, bisexual and transgender people and gay men. Increased visibility has been accompanied by increasingly gruesome acts of rape, murder and torture. In the absence of social and economic justice, rights only benefit social elites and a privileged few (One in Nine Campaign, 2012: no page number).

Such divisions eventually resulted in Johannesburg Pride closing shop and splitting into two new Pride marches. One is comprised mainly of the middle class LGBTI community and now takes place in Sandton, the heart of commercial wealth in South Africa, and an alternative Pride march that takes place in Soweto.

Gender and women's civil society organisations thus organise unevenly and often in fragmented and diverse ways, the women's movement being constituted by many heterogeneous organisations rather than a single organisation (Hassim, 2004). However, Hassim (2006) argues that the movement, based on the activities and work they engage in, can be categorised by those that engage in three arenas respectively: national policy advocacy, national and regional networks and coalitions, and community based organisations.

National Policy Advocacy

Organisations such as the Gender Research Project at the Centre for Applied Legal Studies at the University of the Witwatersrand, the Gender Advocacy Programme in Cape Town, Gender Links and so on have as their primary role 'to ensure implementation and elaboration of the rights-based democratic framework' (Hassim, 2005: no page number). While these organisations play a more strategic rather than representative role and are characterised by 'moderate feminist

discourses', they engage with other allies in civil society such as lesbian and gay movements. There is the tension, however, of heightened access to decision makers and a growing distance from constituencies. Real campaigns where advocacy has been linked to strong mobilisation on the ground have been few and far between, and tensions can arise in terms of advocacy groups' upward linkages to political parties and the state, and downward linkages to movements. This particularly arises, for example, when poor women constituencies and organisations want to undertake direct action for service delivery, for example. Such direct action often brings movements into direct conflict with the state, while the choice to maintain credibility with state actors can create an 'elite bias' (Hassim, 2005) to such advocacy groups, strengthening connections with the state rather than movements on the ground.

National and Regional Networks and Coalitions

There are a number of issue-based networks that have emerged to coalesce around specific issues, such as women's reproductive rights and violence against women. While they also engage in advocacy work they have more identifiable constituencies, and have been most prominent in the urban settings of Johannesburg and Cape Town. However, such campaigns, networks and coalitions have tended to be tenuous, fragile, and difficult to hold together given the dynamics between different organisations around funding issues, areas of action, and priorities. There have been particular racial tensions arising as well, as many black activists find they come up against more experienced and well-resourced middle class white activists in such advocacy campaigns and networks. Consequently, 'such networks are the most unstable forms of organisation in the women's movement' (Hassim, 2005: no page number).

Community-based Organisations

Community-based women's organisations have always existed and indeed were at their most prominent in the 1980s when they formed a key part of liberation politics. However, in contemporary South Africa, they have become alienated from a broader politically cohesive project, and although these organisations are the most numerous in the women's movement, they are also the most invisible (Hassim, 2006). These organisations tend to be distant from the state, as well as from women's NGOs and networks that engage the state. At the community level, women have enacted a couple of forms of agency. One form addresses women's practical needs, including welfare and care work, particularly in the context of the HIV/AIDS crisis, organising and financing funerals, and mobilising the community against rapists. These struggles also occur in a context where the burden of the crisis of social reproduction in South Africa is disproportionately shifted onto the shoulders of women (see Mosoetsa, 2011). This arena also includes associative forms of women's activities, such as cooperatives and women's forums that attempt to engage in development activities as well as develop a political voice.

Hassim (2006) also mentions two other arenas of women's activities that fall outside the above categories, namely political parties and social movements. The most prominent women's organisation linked to a political party is the ANC Women's League (ANCWL). This league was a key driver of the National Women's Coalition in the early 1990s and was the key voice

calling for the National Women's Charter. It still has a strong membership and publicly rallies behind the cause of gender equality, but frames these struggles largely in terms of women's representation in decision-making structures in the form of quotas. Many people also argue that its commitment to women's emancipation and gender equality is limited by its concern with ANC party politics. For example, the ANCWL officially supported President Jacob Zuma – a patriarchal social conservative – for re-election at the ANC's 2012 elective conference. They have also defended his conservative comments about the role of women in society.[7] As Hassim (2012: no page number on html) argues 'In the past four years [in the ANC], the "women question" has been more discussed in relationship to which faction of the leadership battle the ANC Women's League will support rather than how to strengthen women's rights.'

While the above schema presented by Hassim delineates the different forms of the women's movement in South Africa, the reality is not so tidy. There are many different organisations that do not fit neatly into any one category, but rather are active across a few categories. There are also activities, actions and alliances that can sometimes occur between them. But as Hassim points out, while there are some overlaps between them, they have not collectively formed a comprehensive women's movement that:

> would work together to ensure that poor and vulnerable people are an important constituency for politicians; that there is accountability in public spending; that the constitutional values of equality and social justice are upheld; and that both the public and private spheres are increasingly governed by democratic norms (Hassim, 2006: 360).

In the transition to democracy the women's movement focused most of its attention on engendering a gendered state and many of its best leaders shifted into state positions, which severely weakened the movement outside of the state. Much hope was invested in the ability of new state institutions and policies to lead to meaningful social and economic transformation, and thus ensuring the equal citizenship of women in a democratic South Africa. However, this transformation agenda was severely weakened by the restrictions of a neoliberal macroeconomic agenda and by challenges within the state in achieving a gender transformation project in society. Due to its demobilisation into the state and subsequent class and racial divisions, a strong women's movement has not emerged that can contest gender power relations across society and hold the state to account over its role in fostering the transformation of gender power relations in society. The liberal state framework for gender equality has been limited in its ability to confront the bases of women's oppression in society amidst growing social inequality and contradictory political interests.

Conclusion: Where to Now?

To renew a feminist project for realising women's emancipation, Hassim (2006) argues that a key question is how to build a women's movement that is sufficiently mobilised to undertake a critical engagement with the state. This means moving beyond only inclusionary strategies of political representation to a transformative feminism that seeks to challenge the economic and social bases of gender inequality. Hassim therefore argues that if real economic and social transformation is to be achieved, what is required is not just increased representation of women in the state, but also increased representation and assertion of poor women in the state, together with a strong feminist movement outside of the state that ensures accountability and that the interests of poor and vulnerable women are met, but that also is not reduced to a 'development partner' with the state. In other words, what is required is a redefinition and renegotiation of women's movements' relationship to the state (Salo, 2005). However, Salo (2005) argues that Hassim's categorisations of 'inclusionary' and 'transformational' are too binary and that although she acknowledges the overlap between them, she 'fails to take fully into account the complex and multiple terrains of gendered struggles, as well as the diversity of gender movements in present-day post-apartheid South Africa' (Salo, 2005: 1). Instead, the complexity for the gender movements and the issues they face require a combination of 'inclusionary' and 'transformatory' struggles. An example of this may include women campaigning for legal rights to land in the state, while also engaging in activities that build their power on the ground, such as development activities in production and organising in associations around them that strengthen their political position relative to the demands they are making on the state.

Salo then argues that Miraftab's concepts of 'invited' and 'invented' spaces are more appropriate to understand gender activism in South Africa, 'in which feminist organisations can make use of both inclusionary as well as transformational strategies in their attempts to effect change at multiple levels of engagement' (Salo, 2005: 2). Salo therefore believes that 'the struggle for socio-economic rights still continues, in a new and often hostile global socio-economic order that has reconfigured the economic and political landscape in which women's movements operate, thereby necessitating that feminists take account of the multiple levels at which the struggle for women's substantive rights have to be waged' (Salo, 2005: 2). This argument may be extended to say that achieving broader gender transformation can rest on understanding not only the multiple levels at which the struggle for women's rights is waged, but also the levels at which women's power can be built, in the context of broader gender transformation. This helps us move beyond the liberal framework in which state power is seen as the key means for social change. State power should not be ignored, but broadening understandings of power opens up possibilities for understanding the multiple points at which women can actively construct their power.

Invented spaces in which women's needs are met and where alternative forms of provisioning take place, where women have control over decision making, production and productive assets, can represent the seeds of alternative social and economic relations that challenge the economic conditions that undermine women's liberation, and aim to democratise the state. How women

are actively organising to contest their economic marginalisation through associational and productive forms requires greater attention to the ways in which this enhances their democratic rights, well-being, and power in society. Important also is to analyse how their interactions with the state are able to realise the objectives of the state and constitutional framework for gender transformation, but which on their own have proven inadequate for achieving gender equality.

Endnotes

1. While one thinks of the ANC as a consistently powerful national liberation force, by the late 1940s and early 1950s it had suffered a severe decline in open political organisation and action. This was challenged by the ANC Youth League, led by the militant Nelson Mandela, which saw the organisation as led by elitist gentlemen disconnected from mass struggle. The ANC's response was to try and re-massify the party through a mass campaign, the Defiance Campaign against the pass laws (after the women's anti-pass demonstrations had begun).
2. The end of the FSAW was variously related to the increasing state repression after 1960, but may also partly be attributed to the tension between the ANC leadership and the FSAW, in which the independence of the FSAW was challenged in many ways by the male leadership who saw its independence as a threat to the unity of the national liberation movement, and which produced tensions within the federation.
3. The PR system in local government in South Africa is to essentially allow smaller parties who are relatively popular but not strong enough to win seats, to have representation in local government. So the elected ward councillor is then backed up by PR councillors that have been put forward by their party. Such councillors are allocated to a ward and provide support to the councillor in matters relating to the ward and ward committee.
4. There are only a few traditional councils in the country that include women.
5. For example, one study found that HIV-negative women aged between 16-25 years who reported more than one incident of violence by an intimate partner were 50% more likely to contract HIV than those who had reported no or not more than one incident of violence by an intimate partner (Mullick *et al*, 2010: 53).
6. See Seidman (1999) for an overview of how the WNC and ANC Women's League worked to influence the political negotiations in the early 1990s and secure a central place for feminist concerns.
7. Speaking about his daughter's marriage in an interview on a widely-viewed television programme, Zuma stated that 'I was also happy because I wouldn't want to stay with daughters who are not getting married, because that in itself is a problem in society. I know that people today think being single is nice. It's actually not right. That's a distortion... 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' (*Mail and Guardian*, 2012). His views such as this have been illustrated rather widely, such as at his rape trial defending himself by saying that the women was wearing a short skirt, indicating her desire for sex, and that it was against Zulu culture to leave a women disappointed.

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UNIVERSITY OF THE WITWATERSRAND