

Men Behaving Differently?

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Men Behaving Differently: South African Men Since 1994

by Graeme Reid & Liz Walker (eds.)

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More than ten years after the first democratic elections in South African history, violence against and abuse of women and children would unfortunately appear to be as endemic as ever in South Africa. But, as pointed out by Posel in her contribution to this book, it is not clear whether this is a function of changed legislative environments, higher expectations with regard to legal protection against violence and abuse on the part of black South African women, or an actual increase in violence against South African women. Niehaus' contribution to this volume would seem to point to the latter, as he identifies highly publicised rapes in his fieldwork site in the province of Mpumalanga as a function of the increasing marginalisation of men through unemployment and crime (a pattern replicated elsewhere in South Africa, as unemployment among unskilled black men has increased dramatically as a direct result of the policies of trade liberalisation pursued by a neo-liberal ANC since 1994).

There are official protestations to the effect that claiming that violence against women is more widespread in South Africa than in most countries for which reliable statistics are available, represents an attempt to stigmatise black African men as sexually deprived.¹

Nonetheless, there is no doubt among serious analysts of this problem that violence against and abuse of women, and the persistence of patriarchal attitudes and ideas which provides legitimacy to such human right abuses, represent significant developmental challenges for South Africa. It is with this background, as well as a reflection of international academic developments, that South African academics have come to take an increased interest in the topic of masculinity, as evidenced by this edited volume, which should be of interest to researchers in the fields of gender issues and development throughout the region.

The theoretical framework provided by the editors in the introduction, leans heavily on an earlier edited volume on Southern African masculinities by the historian Robert Morrell of the University of KwaZulu-Natal, namely, *Changing Men in Southern Africa* (Cape Town: David Philip, 2001). In his introduction to that volume, Morrell noted that there is no such thing as an homogeneous masculinity in Southern Africa, and this provides a basic guideline for the contributions to this book. A problem with Morrell's book, which is replicated in this volume, is that there is little in the way of theoretical consistency between the editors' introduction and the individual contributions, nor between the individual contributions themselves. For instance, in the editors' introduction to this volume ("Masculinities in Question") we find them cautioning against the popularised trope of a "masculinity in crisis", which they - in line with Posel's contribution - would appear to read as a reflection of a "moral panic" more than anything else, only to be rebutted by the empirically based findings of Sideris, Niehaus and Walker in subsequent chapters. Their findings can not be read as anything else than a reflection of masculinities in deep and profound crisis.

In her chapter, "Baby rape": Unmaking Secrets of Sexual Violence in Post-Apartheid South Africa", Deborah Posel, a Professor of Sociology at the Witwatersrand Institute for Social and Economic Research (WISER), reflects on the implications of a new legal framework provided by the South African Constitution of 1996, which in principle guarantees the rights of South African women and children to protection from the State against abuse; and changing sexual mores in a society which in terms of its purposed public morality has undergone an extremely rapid process of what one, for want of a more adequate term, may define as secularization. She analyzes the public debates around sexuality and rape of women and children perceptively, and interprets the developments in the late 1990s as part of an increased moral panic about violence and abuse of women. In the new legal framework, rape within the context of marriage and relationships has for the first time been defined as the criminal acts that they are, whereas under apartheid law, rape could not happen within the context of marriage at all, and women who laid charges of rape against their husbands were often returned to their husbands, or labelled as morally suspicious.

Clearly, there has been progress in terms of the law after 1994. But the problem, which Posel points to but otherwise fails to reflect sufficiently upon, is the simple fact that as with many of the other rights guaranteed by the Constitution of 1996, the right to be protected from violence and abuse for many South African women and children is still very much a legal fiction. This is due to inadequate police resources to enforce those rights, the persistence of patriarchal attitudes within the reformed South African Police Service (SAPS) itself, and the failure to bring more than a minuscule proportion of those charged with violence against women and children to successful convictions. In a landmark ruling, the Minister of Justice was recently held directly liable for the failure to protect a citizen, a young woman who had been raped by the three male police officers whom she had approached for assistance against a potential abuser. That story is not an isolated one, and the lack in Posel's chapter of empirical data on the relation between a changed legislative framework and gender relations at ground level (except for sourced newspaper articles, which hardly constitutes primary and unfiltered data for research) is unfortunate.

There is also a tendency among social scientists in post-apartheid South Africa, to attribute societal changes somewhat

monocausally and simplistically to the advent of a post-apartheid society; Posel's assertion to the effect that the domain of sex was "modernized and liberalized with extra-ordinary rapidity" after 1994 (p. 47) at least left this author wondering how it could then possibly be that as early as 1990, 44 per cent of all coloured babies in Cape Town were born outside of wedlock.²

More on the side of empirical research is the contribution of Professor Isaak Niehaus of the University of Pretoria, who pursued research on a small rural community in the South African Lowveld, only referred to as 'Impalahoek', throughout the 1990s. In a very disturbing and direct representation of rapes of women in this community in the 1990s, based on interviews with many of the male perpetrators, Niehaus illustrates how unemployed and marginalised young men, who fail to enact the traditional roles as male providers for reasonably stable households and families through employment in the mining sector before 1994, have used rape as a way of humiliating assertive and strong women in their community.

Where Niehaus's contribution becomes problematic, however, is when he extrapolates general theoretical considerations from the limited number of interviews he has done with this particular category of male rapists in Impalahoek. Niehaus thinks that his data raises questions about the persistence of patriarchy in such a community as an explanatory factor for male rape against women, and about the ubiquity of such notions in popular and academic representations of the problematic of rape throughout South Africa. But this is simply not a conclusion warranted by the empirical data he has at his possession. Firstly, the starting point for Niehaus has been highly publicised rapes in the community, many of which were reported in local newspapers and eventually brought to trial. A general pattern in these rapes was apparently that the perpetrator (a young unemployed, and often socially and relationally dysfunctional male) was more or less a stranger to the female victim (often assertive, powerful and financially independent women, such as teachers, nurses, ANC-counsellors) and so forth.

But the fact of the matter remains that most South African women are raped by a person whom they know very well, and most often a person they have previously been sexually intimate with, in Impalahoek as elsewhere. But at the same time, these are the rapes that are most unlikely to be talked about in public or reported to the police,³ often because of the shame entailed in such action (given that this is a patriar-

chal setting, in which women are likely to be seen as the possessions of the men they are intimate with), or (quite possibly) because marital or relational rape in this setting is so much taken for granted. What the notion of the rapist as a stranger and as a sexual predator does for this and most other communities is to provide a convenient way of exteriorizing its own problems with regards to marital and relational rape of women and children. What it manifestly fails to do, however, is to provide sufficient grounds to warrant Niehaus' conclusions in this book. The rapes committed in Impalahoek in the period took place against a background of patriarchal values and attitudes, and attempting to exclude this as an explanatory factor sets us as analysts upon a dangerous path in which some of the popular myths of rape are accepted as facts. But it is commendable of Niehaus to have attempted to link male unemployment and marginalisation to seemingly increased levels of violence against women, since this surely must count as one of several important explanatory factors in the developments of the 1990s.

Marc Epprecht is that relatively rare creature, a straight man researching homosexuality in southern Africa. In "Male-male Sexuality in Lesotho: Two Conversations", he notes that he first became interested in the topic during a stint as a historian at the University of Zimbabwe at the time at which its president Robert Mugabe lashed out against homosexuals as engaging in "un-African" acts. In this contribution, and in his book *Hungochani: A History of Dissident Sexuality in Southern Africa* (Kingston: McQueen's University Press, 2004), Epprecht provides a poignant critique of the many homophobic post-colonial Africanist scholars and politicians who have repeatedly tried to deny the existence of homosexuality in pre-colonial African societies, and blame colonialism for the importation of this so-called "ill". He does so through some informal interviews with homosexual males in Maseru, Lesotho, a socially conservative and traditionally patriarchal society in which few observers have previously noted the existence of homosexuality. Whilst lacking somewhat in methodological rigour and consistency, Epprecht proves the point that if there were anyone importing anything with regards to homosexuality in colonial Africa, it was post-colonial African leaders such as Mugabe, who imbibed many of his ideas through his schooling at colonial schools and universities heavily imprinted precisely by the Western and Victorian moralities reigning at the time.⁴

Liz Walker's chapter, "Negotiating the Boundaries of Masculinity in Post-Apartheid South Africa", based on primary research in Alexandra township in Johannesburg, charts the struggles of a group of largely unemployed, religious black men who have mostly been perpetrators of violence in their relationships with women, and who are trying to come to terms with different ways of being male in an environment of deprivation and marginalisation which would appear to put a premium on violent and promiscuous behaviour on the part of males. As a reader, one wonders, however, how much of their professed adherence to ideals of gender equality and non-violence against women are reflected in practice, and

whether their responses, commendable as they are, might not be the unintended effect of interacting with a white middle-class feminist and her NGO associates. In practice, and in my own research experience from South Africa, male violence based on patriarchal understandings may be more difficult to unlearn than what Walker seems to allow for.

"Men Behaving Differently" also contains contributions from Sasha Gear on sex and rape among male inmates in South African prisons; Mark Hunter on historical shifts in conceptualizations of masculinities among young Zulu males in KwaZulu-Natal; Tina Sideris on rural masculinities in Mpumalanga, and Graeme Reid on the gen-

der imaginaries of male homosexuals in Mpumalanga. This volume will stimulate debate and reflection among academics in the years to come, and, my caveats notwithstanding, that is perhaps as much as one could ask for in a book of this kind.

Notes

1 This was the general tenor of President Mbeki's attack on the South African reporter Charlene Smith, herself a rape survivor, in 2004. She was accused of racism, and of defining every African man as a potential rapist. In 1999, Mbeki accused her of spreading "untruths" by providing inaccurate statistics on the incidence of rape in the country. Mbeki's comments had the unfortunate effect of shifting the whole debate away from rape to racism, an explanatory category often

employed as a political tactic in contemporary South Africa. Cf. "Mbeki slammed in race row", BBC News Online 10.05.04 at <http://news.bbc.co.uk/2/hi/africa/3716004.stm>, Lisa Vetten, "Mbeki and Smith both got it wrong", *Mail & Guardian* 29.10.04 available at <http://www.csvr.org.za/articles/artvet15.htm> and Natasha Erlank, "ANC Positions on Gender, 1994-2004", in *Politikon* 32 (2) 2005: pp. 195-215.

2 Cf. Sandra Burman & Eleanor Preston-Whyte, *Questionable Issue: Illegitimacy in South Africa* (Cape Town: Oxford University Press, 1992), p. 21.

3 A national survey of female victims of violence in South Africa from 2002 found that women who had been sexually abused by people who were close to them were much less likely than those abused by a stranger to report it to the police (39 per cent of those abused by a relative did so, and 45 per cent of those abused by

spouse or sexual partner, as compared with 69 per cent of those abused by a stranger). Cf. Shahana Rasool et al, *Violence Against Women: A National Survey* (Pretoria: Institute for Security Studies 2002), p. xvi.

4 Along with post-colonial African leaders such as Nelson Mandela, Robert Mugabe was in his early youth a student at Fort Hare in South Africa, then a "Native College" closely linked to the "civilizing mission" of Anglican Christian missionaries in Southern Africa.



Nationalisme, panafricanisme et reconstruction africaine

Sous la direction de André Mbata Mangu



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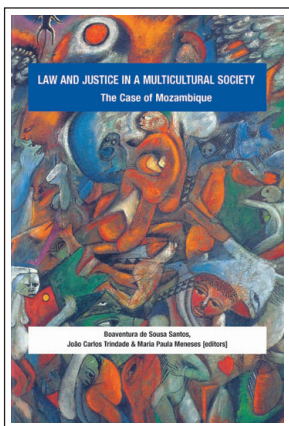
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Law and Justice in a Multicultural Society: The Case of Mozambique

Edited by Boaventura de Sousa Santos, João Carlos Trindade & Maria Paula Meneses



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Yash Ghai, Sir YK Pao Professor of Public Law, University of Hong Kong.

In socio-legal terms, Mozambique is a complex web of interlocking legal orders. Such condition, which is typical of colonial societies, has continued, in different forms, in the post-colonial period. This book aims at analyzing such legal pluralities and the ways they are managed by the Mozambican state, conceived by the authors as a heterogeneous state, a complex and conflictive institutional setting in which several distinct legal (and even political) rationalities coexist. The broad view of law and of the judicial system adopted in this book brings into the same analytical framework unofficial local or indigenous customary legal practices, state official law and courts and, as a kind of a legal hybrid, the community courts.

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