

CHAPTER SIX

Sexual Violence, Civil Society and the New Constitution

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SOUTH AFRICA HAS the worst known figures for gender-based violence for a country not at war. At least one in three South African women will be raped in their lifetime. These rates of sexual violence against women (as well as children and men), along with the signal failure of our criminal justice and health systems to curtail the crisis, suggest an unacknowledged gender civil war. Yet narratives about rape continue to be rewritten as stories about race, rather than gender. This stifles debate, demonises black men, hardens racial barriers, and greatly hampers both disclosure and educational efforts. As an alternative to racially inflected explanations, I argue that contemporary sexual violence in South Africa is fuelled by justificatory narratives rooted in apartheid practices that legitimised violence by the dominant group against the disempowered, not only in overtly political arenas, but also in social, informal and domestic spaces.

In South Africa, gender rankings are maintained and women regulated through rape, the most intimate form of violence. Thus in post-apartheid democratic South Africa, sexual violence has become a socially endorsed punitive project for the purpose of maintaining patriarchal order. One result has been to constrict and compromise women's experience of citizenship, as the promises of constitutional equality are countered by the fear of sexual violence. The 2006 rape trial of Jacob Zuma, now president of the ruling African National Congress (ANC), provided a clear demonstration of the shortfall between the rights women are guaranteed under the 1996 Constitution

and the cultural, political, judicial and social backlash women risk should they lay claim to these rights.

In this chapter,¹ I explore the ways in which sexual violence, the epidemic of rape in particular, undercuts the gender gains of the post-apartheid state almost as fast as they are made. However, while this conundrum is obvious to everyone able to read newspaper headlines, what is of particular interest here is how apartheid and colonial scripts concerning race and gender are intertwined and embedded in private spaces, where they remain apparently impervious to public efforts (by the state and civil society) to dismantle them. Worse still, as I aim to show, it seems that sexual violence has become a means of policing a society that, while egalitarian for the first time in public spaces, remains highly stratified, vertically organised and potentially violent in private, intimate and domestic spheres – a tension that does not bode well for the newly enfranchised women citizens of South Africa.

Sexual violence and the long shadow of apartheid

In the few years since South Africans queued to cast their votes in the country's first election based on universal adult franchise, the status of women in this fledgling polity has come under increasingly troubled scrutiny. Sexual violence in particular has spiralled, with a vast array of research suggesting that South Africa has higher levels of rape of women and children than anywhere else in the world not at war or embroiled in civil conflict. This claim, and the statistics that support it, are often angrily contested, with the result that yet more data are collected and yet more quantitative analysis is undertaken by yet more reputable organisations and institutes. All emerge with the same grim findings, which are regularly reported in the mainstream media: at least one in three South African women can expect to be raped in her lifetime; and one in four will be beaten by her domestic partner.² These figures emanate from credible organisations, including parastatals, such as the Medical Research Council (Wood, Maforah and Jewkes 1996; Wood and Jewkes 1998; Mathews et al. 2004), the Human Sciences Research Council and Statistics South Africa; academic initiatives, such as the Centre for the Study of Violence and Reconciliation (Vetten 1997) and the Groote Schuur Hospital Rape Protocol Project (Denny et al. 2002); international monitoring groups, such as Human Rights Watch; and private institutions, such as the Population Council.³ Findings from these studies, as well as the failure of South Africa's over-

burdened criminal justice and health systems to respond appropriately to the crisis, suggest an unacknowledged gender civil war. The high rate of rape in particular is also fuelling South Africa's HIV/AIDS pandemic, a major stumbling block to the functioning of the new state and a vibrant civil society. If we view South Africa's brave new democracy from the perspective of the millions traumatised by sexual violence, we cannot escape the staggering contradiction between the hard-won gender rights enshrined and even showcased in the public arena and women's everyday experiences of private violation.

Much of the research on sexual violence undertaken in the first ten years of South Africa's democracy has been quantitative (some examples have been cited above). Theoretical investigation has tended to fall within the ambit of masculinity studies or the field of social anthropology (see, for instance, Bhana 2005; Niehaus 2003; Morrell 2001; Vogelmann 1990). There is a growing body of work on sexualities in Africa that adds useful context to local studies of sexual violence (Arne 2004).⁴ While useful, Western aetiological models (Cahill 2001; Schwartz 1997; Scully 1994; MacKinnon 1989; Groth 1979; Brownmiller 1975) that highlight the anger, fear and inadequacy of individual men or the monstrosity of patriarchy as central to the 'story' of why men rape fail to provide sufficiently nuanced explanatory or analytical frameworks for the current South African experience of pervasive sexual violence. The present 'narratives of normalisation' surrounding sexual violence in South Africa and other developing societies are more wide-ranging and complex than those identified in Western feminist discourses of the 1970s and 1980s, which did not take fully into account the acute and complex forms of 'othering'⁵ present in societies with a history of extreme racial/ethnic conflict. It needs to be established whether there is a theoretical relation between South Africa's apartheid narratives, which were based on vigorous, even frantic principles of 'othering', and our current climate of sexual violence.

Meanwhile, we might well find insights in sophisticated post-colonial analyses of gender violence that focus on the citing of women's bodies and sexuality as political and cultural capital whenever nationalist, religious and ethnic agendas are invoked in the process of political transformation (Green 1991; Mama 1997; Jayawardena and De Alwis 1996). While it is generally recognised that during times of war, civic unrest and open political turmoil, there is a rise in rates of sexual violence (Meintjes, Pillay and Turshen 2001),

little data have been collected on the correlation between incidences of sexual violence and more benign forms of political transformation – those accompanying national independence, the overthrow of repressive regimes, and so forth. Yet it seems that there is a case for arguing that during periods of overt nationalist fervour, political regeneration, emancipation and other arguably more laudable forms of political restructuring, the rates of sexual violence against women (and children) also rise alarmingly, often for reasons that have to do with the immediate past. This has certainly been the case in South Africa.

I believe the pernicious and overtly racially ranked hierarchies endorsed and enforced during South Africa's apartheid regime continue to have profound implications for women and their experience of gender-based and sexual violence, even after these forms of social stratification are apparently dismantled or transformed in line with rights-based principles. I suggest it is vital to investigate the complex relationship between South Africa's recent history of apartheid, with its emphasis on rigid stratification and abnormal social rankings along racial lines, and the disquieting rise in gender and sexual violence in the years since the institution of democracy.

Has the first flourish of democracy simply afforded South Africans the opportunity to observe an already entrenched problem? Unfortunately, while there is no doubt that sexual violence⁶ has always been prevalent in South Africa, there is also no avoiding the fact that the first fourteen years of the new state saw a dramatic increase in sexual assaults on women, children and men. Many ask whether improved education on rights, the transformation of the courts and police force and increased reporting have not contributed to the spiralling of these figures, but while these factors may have been partly responsible for an initial jump post-1994, they do not explain the continuing steep increase. It is also worth noting that in spite of attempts to reform the overburdened and beleaguered criminal justice system, survivors of intimate violence still regularly experience discrimination and inefficiency at the hands of the courts and police, and rape in particular remains hugely under-reported.

I pose the theory that sexual violence in post-1994 South Africa is fuelled by justificatory narratives that are rooted in apartheid discourses. At the same time, discourses of race, including accusations of racism, have stifled open scrutiny of the function of rape as a source of patriarchal control. Under apartheid, the dominant group used methods of regulating blacks and

reminding them of their subordinate status that permeated not just public and political spaces, but also private and domestic ones. In post-apartheid South Africa, it is gender rankings that are maintained and women who are regulated. This is largely effected through sexual violence, in a national project that gives every indication that many men may indeed have bought into the notion that by enacting intimate violence on women, they are performing a necessary work of social stabilisation. In what follows, I will present various ‘cameo’ scenarios for scrutiny that point to the need to deconstruct our current narratives of both rape and race – a task that is vital if we are to translate gender equality from statutes into lived experience and if we are to survive as a viable democracy.

Rape narratives

There are numerous ‘narratives’ concerning rape in South Africa’s public discourses. To begin with, I will focus on two cameo examples that demonstrate how demands for gender equality (and in particular, an end to male violence) are undermined, attacked or silenced either by accusations of racism, or by backlash from sectors of society that resist holding men responsible for rape.

In 1999, with the ‘new’ South Africa only five years old, several NGOs, together with corporate sponsors, put together two short educational broadcasts on gender-based violence, featuring the South African-born Hollywood actress Charlize Theron. These were shown on terrestrial television channels during advertisement breaks and also at some commercial cinemas. The first time I saw one, I was electrified by Theron’s opening line, which ran: ‘Hey, all you South African men, here’s a question for you – have you ever raped a woman?’ The two-minute ‘ad’ went on to deliver a straightforward message on date and acquaintance rape, but what impressed me was that it was the first time I had ever seen those responsible for the problem acknowledged, much less addressed, in a public information broadcast. Never before in the history of South African educational media campaigns had rapists or potential rapists been directly addressed.⁷

Clearly, I was not the only one struck by this: the short films caused a furore, and within a matter of weeks the Advertising Standards Authority (ASA) had banned them from airing, in response to consumer complaints. The reasons given were that they were offensive to South African men, stereotyping them as ‘either being involved in rape or being complacent about it’ (Johnson

2003, 14), and script changes were advised. The appeal process overturned the ASA ruling within weeks, but the broadcasts were not screened again.

The Theron broadcasts had all the markers of a South African society transformed not only in racial but also in gender terms, reflecting the constitutional enshrinement of equality for all. Those who scripted them assumed that this amounted to a socially endorsed and cohesive view that in such a society women should not be raped, and men should be held responsible for their acts of violence. However, in assuming that the newly democratic society could grapple with the issue of rape as a marker of gender inequality only, the makers of the ad were sadly mistaken. While responsive to the crisis of intimate violence plaguing the infant democracy,⁸ they would have done well to attend the conference on Women in Post-War Reconstruction in Johannesburg in 1999, which signalled that something was terribly amiss with Africa's brand-new and most feted democracy. Activists and scholars noted that '[d]uring the transition from war to peace, or from military dictatorship to democracy, the rhetoric of equality and rights tends to mask the reconstruction of patriarchal power' (Meintjes, Pillay and Turshen 2001, 4). The new South African polity was proving to be no exception.

Five years later, against a backdrop of celebrations marking the country's first ten years of democracy, President Thabo Mbeki publicly attacked anti-rape campaigner Charlene Smith, herself a rape survivor, on the grounds that her efforts to educate South Africans about rape were racist.⁹ His rationale for doing so was that Smith had described South Africa as having the worst figures for sexual violence in the world.¹⁰ It was the second time he had publicly denounced her as a racist – for critically addressing the issue of rape – and this time it caused a public stir, as Smith's tireless and courageous efforts to educate the South African public on rape and its deadly relation to HIV/AIDS had earned her considerable public acclaim (Smith 2001). Mbeki never retracted any of these accusations, although he subsequently acknowledged that a quotation he had attributed to her (that she had described black men as 'rampant sexual beasts . . . unable to keep it in [their] pants') had in fact been authored by an American academic (Smith 2005).

Having established that efforts to critique rape lead to backlash, whether from civil society or the highest elected public official in the land, we begin to see how this might lead to paralysis, even as the problem escalates. Only weeks after the Mbeki–Smith clash (perhaps the starkest example of how a

critique of patriarchal violence can be hijacked by anxieties about racism), I attended a reading and discussion group at the home of Professor Njabulo Ndebele and his wife, Mpho. Vice-chancellor of the University of Cape Town, Ndebele is himself a celebrated writer and astute critic and social commentator. His most recent novel, *The Cry of Winnie Mandela*, had been lauded for its remarkable insight into the emotional and political terrain traversed by southern African women. Those present made up a fair representation of Cape Town's progressive intelligentsia, and included writers, activists, academics, publishers and even theologians. The guest of honour was well-known writer Sindiwe Magona,¹¹ recently returned to Cape Town after fifteen years of an exile of sorts in New York City.

Sindiwe spoke openly and eloquently of her grief and shock at returning home to discover that hers was now a society in which babies were raped on a regular basis. She was particularly outraged to discover nurses at her local clinic instructing mothers to bring in their daughters to receive contraceptive injections as soon as they began menstruating – given the extremely high likelihood that they would be repeatedly raped during their teenage years. She was appalled and bewildered by the fatalism of a society that simply accepted that it was women's lot to be raped, and saw this as a tragic cross to be endured, rather than an illegal and untenable act of violence, especially in the age of HIV/AIDS. The subsequent lively discussion focused on possible causes for this tide of sexual violence, with many of the speakers detailing the attack on masculinity conveyed by the degradation and humiliation of apartheid, the breakdown of the African family through the system of migrant labour, and so on. Sindiwe became angrier still, eventually crying out, 'I'm sick of hearing apartheid used as an excuse! There can be no excuse, no justification for this behaviour!'

Sindiwe's response is salutary, not least because it reveals the pitfalls of most discussions of rape in public and private forums that attempt to link it causally to South Africa's history of apartheid. First, they generate discourses that often begin to resemble a series of 'excuses'; second, in unproblematically detailing the degradation of masculine pride as the reason for the propensity to rape, such discourses offer no critique of patriarchal frameworks that shape such 'pride'; and third, they unwittingly lay the blame for sexual violence at the door of those who were discriminated against under apartheid. Every single contributor to the elite debate described above premised their remarks

on the unspoken assumption that rapists were black. Yet my years as a hotline counsellor in the latter half of the 1980s rapidly disabused me of the notion that domestic and sexual violence were the province of poor, black or ill-educated men. I received distress calls not only from women living in townships or ghettos, but from the wives of professional men living in Cape Town's most exclusive suburbs. I listened to women who had been sexually assaulted or beaten not only by gangsters, illiterates, alcoholics and unemployed men, but also by ministers of religion, teetotallers, university professors, doctors and lawyers.¹² Counselling women of all races and religions and classes brought home to me the truisms of sexual violence: rape, like most crimes, is intra-communal (that is, it is usually committed by 'insiders', not 'outsiders'); women are far more likely than men to be raped; and women are invariably raped by men. In other words, sexual violence (outside of wars of 'ethnic cleansing' and genocide) is an instrument of gender domination and is rarely driven by a racial agenda. In brief, if we look at the Theron and Mbeki-Smith incidents and others like them as markers of the kinds of rape narratives tolerated or disrupted in the newly democratic South Africa, we begin to see that racial accusations and assumptions like these prevent the unmasking of patriarchal violence. It is clear that the makers of the Theron ads were naive in assuming that South African society could stomach any discourse on rape that located responsibility for sexual violence with the perpetrators: men. Five years later, luminaries from the president himself to the cream of South Africa's writers and academics assume all too readily that any discussion of rape is predicated on a rapist who is always black. Therefore, certainly according to Thabo Mbeki, any critical investigation or denunciation of rape is an attack on black men, which can be demonstrated by such talk of rape being racist. Obviously, this makes it very difficult to debate the aetiology or purpose of rape.¹³

These common discursive responses to rape reveal alarming trends about the post-apartheid South African society and its inability to discuss openly issues of gender: any discussion of rape is invariably subsumed in narratives about race or class, not gender; these assumptions concerning rape, race and class are held at the highest political and intellectual levels; and the aetiology of sexual violence, while a serious concern, is almost never directly addressed.

South Africans of all races, it seems, assume that perpetrators of sexual violence are black men, no doubt because of apartheid narratives they have internalised. This leaves us without an adequate framework for critique. The

truth is that the majority of rapists in South Africa are black only because the majority of the South African population is black. Ten years of transformation have nevertheless failed to deconstruct the old apartheid narratives of sexual violence that demonise black men as incontinent savages, lusting after forbidden white flesh, with the result that open discussion of a major problem is at a standstill. I have written elsewhere about how rape narratives inscribe the rapist as simultaneously black and monstrous, noting:

It's clear that by using monster narratives that literally 'paint it black', the standard stories of rape in South Africa confirm everyone's worst fears. White women fear every man that does not belong within their community . . . white men buy guns to protect their families from the threat of the heart of darkness beyond the garden gate. Black men are outraged and humiliated at being categorised as violent, sex-crazed maniacs preying on white woman; black women are kept from reporting the violence they experience for fear of being disloyal.

The irony is that as a result, the great majority of rapes (between peer members of the same community) can never be addressed or discussed, and so the real problem of sexual violence flourishes in the dark. Meanwhile, the worst kind of racial stereotyping is kept alive, and barriers between communities harden. (Moffett 2002, 60)

Neither is this new. Davis (1983) first laid out the way rape narratives can be used to inflame racial attitudes some 25 years ago. It is clear that in a newly democratic society, the 'racing of rape' serves as a counter-transformative narrative, one that maintains and nurtures fear and suspicion in communities that are already historically or culturally divided, or prompts a return to conservative values and traditions. Public and private responses to the 'story' of rape that features a depraved black perpetrator include gloomy prognostications of the eventual collapse of the state and failure of the democratic project under black majority rule.¹⁴ They also include an array of prescriptive 'antidotes' that run counter to transformative values: re-embracing hierarchical family structures that locate men as 'heads of households' and advocate the subordination of women (a common response seen in some religious groupings), or the enthusiastic endorsement of cultural and 'tribal' rituals such as virginity testing – often couched in terms that are explicitly

sexist and homophobic. Moreover, as shown above, such anxieties and assumptions about race are both stifling open discussion of sexual violence and avoiding any confrontation with the perpetrators.

Although I have explained elsewhere that there are no logical barriers to women raping men,¹⁵ rapists are invariably male, which places any discussion of rape squarely within discourses of violent gender and patriarchal domination. Nevertheless, South African men and women find this almost impossible to contemplate. In a society battling to shake off the legacy of institutionalised racism, it may seem a bridge too far to acknowledge that gender is at the heart of this acute social problem. Instead, one hears repeatedly that apartheid and its ills (such as the migrant labour system) 'emasculated' black men, left them 'impotent' and experiencing a 'crisis of masculinity';¹⁶ and although these remarks are problematically embedded in unquestioned patriarchal discourses, they carry a grain of truth. But these explanations explicitly exclude white men, thus implying – however unwittingly – that they do not rape.

Even those who recognise that the assumption that all rapists are black is outrageous and offensive to black men nevertheless continue to insist that poverty and joblessness are key to the aetiology of sexual violence without acknowledging that such claims might also be degrading and offensive to the poor and unemployed (if only through the demonstrably false corollary that middle-class men in secure employment do not commit rape). Yet aetiological theories about substance abuse and alcohol, dysfunctional families, childhood traumas, conservative religious or cultural traditions, and so on, continue to proliferate. There is no doubt that factors such as alcohol and substance abuse, unemployment, entrenched poverty, lack of infrastructure in rural areas, the hopelessness born of lack of opportunity and joblessness, the threat of HIV/AIDS, prior history of abuse, post-traumatic stress syndrome, oppressive cultural and religious mores, gang membership, peer pressure and breakdown of the family and clan structures all exacerbate the problem of sexual violence – as they do almost any social ill.

Some of these factors are certainly more relevant than others in shaping the scourge of sexual violence in the South African context, and indeed their impact will differ within communities according to geographical, religious, ethnic, economic, linguistic or still more specific local factors: for example, young men in impoverished urban ghettos 'learn how to be a man' from

crime lords and drug dealers, with group rape a common initiation ritual in gangs. As Elaine Salo explains, 'While all men are capable of rape, the reasons why they rape are diverse, and informed by whom they rape, as well their own and their victims' structural location in society.'¹⁷

Neither is it as easy to tease out the entangled categories of gender, race and class in South Africa as I have perhaps suggested, in the interests of clarity. Race, gender, class and sexuality continually inflect each other and are often subsumed into one another, as a result not just of apartheid (which merged the categories of race and class), but also of centuries of patriarchal colonialism that made strenuous efforts to monitor and control the category of gender along racial and ethnic lines. However, none of the factors listed above – all of which might amplify sexual violence – supply an authentic aetiology; none *cause* rape.¹⁸ Neither do they fully explain the prevalence of sexual violence across every sector of South African society, including the wealthy, privileged, educated and employed classes. It would seem that it is more palatable, acceptable even, to ascribe the tide of sexual violence in post-apartheid South Africa to a discourse of apartheid 'emasculatation' or poverty. To examine the gender ideologies and identities in which it is rooted would mean acknowledging that no matter how many women sit in parliament, the goal of gender equality remains out of reach, certainly in private spaces, where sexual violence defines relations of power; it would also mean facing up to the virulence of the overlapping patriarchies that threaten even those fragile gender rights that have been established. No wonder we flinch from such scrutiny.

Like most feminists, I believe the cause of sexual violence lies in the construction of dominant masculinities found in all patriarchal social systems.¹⁹ Nevertheless, there is indeed a link between South Africa's recent history and the failure of its citizens under democracy to respect women's rights to bodily autonomy and integrity. I believe questions about the relation between apartheid's legacy and the current scenario of unchecked sexual violence must be framed – but in such a way that they do not focus exclusively on black men. This means that any discussion of the relation between the history of apartheid and the current crisis of gender-based violence requires the crafting of new paradigms that acknowledge that there are men in every stratum of South African society who enact sexual violence.

Rape and the anxiety inherited from apartheid

We have already established that the area of gender-based violence is fraught with racialised assumptions, in which rape narratives are endorsed and circulated when they feature a barbaric Other, invariably inscribed as 'darker' (literally, morally and figuratively) than the victim. Secondly, there is the problem that arises when women, rather being seen as the potential victims of a demonised Other, become the Other themselves. For over 50 years, South African society operated on the explicit principle that the Other was unstable, potentially extremely powerful and therefore dangerous, and needed to be kept in its place by regular and excessive shows of force.²⁰ Women – the current subclass – are also seen as having significant agency and therefore they pose a potential threat to the uncertain status quo. Today, as under apartheid, there is considerable social anxiety about a powerful, unstable subclass that *must be kept in its place*. In the words of sociologist John Moland: 'Both systems, the patriarchy and the race-caste system, rest upon a relationship in which the dominant or superordinate has made the dominated or subordinate "an instrument of the dominant's will and *refuses to recognize the subordinate's independent subjectivity*"' (1996, 404; my italics).

Many sexually violent men justify their behaviour in terms of the discourse that women 'ask for it'. However, closer scrutiny of the local context would suggest that this differs from Western constructions concerning supposedly provocative behaviour or dress, and is implicitly related to the project of not only refusing to 'recognise [women's] independent subjectivity', but actively punishing such 'independent subjectivity'.

A cameo that sheds revealing light on this issue was presented in a groundbreaking televised interview screened at about the same time that the Theron anti-rape broadcasts were banned. A taxi driver openly described how he and his friends would cruise around at weekends, looking for a likely victim to abduct and 'gang-bang'. His story was unselfconscious and undefended: he showed no awareness that he was describing rape, much less criminal behaviour. When the interviewer pointed out that his actions constituted rape, he was visibly astonished. What was most striking was his spontaneous and indignant response: 'But these women, they force us to rape them!' He followed this astonishing disavowal of male agency by explaining that he and his friends picked only those women who 'asked for it'. When asked to define

what this meant, he said: 'It's the cheeky ones – the ones that walk around like they own the place, and look you in the eye.'²¹

This reflects a disturbing pattern in which a woman is described as 'asking for it' because she has asserted her own will, answered back, moved around on her own, and so on. So it would appear that in some cases men are 'forced' to rape women because the latter dare to practise freedom of movement, adopt a confident posture or gait, make eye contact, speak out for themselves: in other words, when women visibly demonstrate a degree of autonomy or self-worth that men find unacceptable, they are perceived as sufficiently subversive and threatening as to compel men to 'discipline' them through sexual violence. What is more, if rape is believed to be deserved – if a woman is simply being 'corrected' or 'taught a lesson' – it is somehow not considered to be a criminal activity.

This rationale for rape – as a handy shorthand means of teaching a 'cheeky' woman a lesson – is deeply familiar to anyone who grew up under apartheid. This is the same script that was used during five decades of apartheid rule to justify everyday white-on-black violence as a socially approved and necessary means of 'showing the "darkies" their place'. This is not so much a script of flat-out racial or gender rejection, as one that is violently punitive towards those members of a subclass who reveal (through body language, visible signs of self-respect, freedom of movement) that they do not recognise or accept their subordinate status in society.

As a child growing up in a conservative farming area in the Western Cape, I heard again and again, 'I love the blacks, I get along fine with my workers, I'm like a father to them – but what I won't tolerate is the cheeky ones, the troublemakers'. Even as a very young child, I knew exactly how this 'cheekiness' was shown or 'performed' – very often in no more than a bold stare, an upright posture ('walking tall') or a refusal to demonstrate sufficiently groveling gratitude for the weekly tot of wine – and how it was punished – usually with beatings, occasionally severe enough to result in serious injury or even death.

Such behaviours followed a social and political pattern of 'keeping the blacks in line', reminding them who was 'master'. 'Subversives' or 'agitators' were singled out for humiliating or brutal treatment as a means of threatening their peers, reminding them of the fate that awaited them should they step

out of line. These acts of violence were generally random and spontaneous, and sometimes fairly low-key, aimed not necessarily at causing life-threatening harm, but at shaming and humiliating the target. In other words, these acts, while not necessarily public spectacles, nevertheless served a useful didactic and warning function to others.²² Such shows were necessary under an apartheid state that gave whites unparalleled power and relegated black citizens to a subordinate status because the latter were in the majority. Whenever a small group attempts to dominate a large group, fear becomes an important strategic weapon.

Here the parallels between blacks under apartheid and women in South Africa today become more compelling; women, in the well-known saying by Gloria Steinem, are 'a majority that are treated like a minority'. Although women's numerical majority is marginal, there is no doubt that as a group women are sufficiently numerous (compared to men) to make 'control' problematic. It could be argued that sexual violence in South Africa has thus become a form of 'witch ducking or burning' – an ordeal visited on women in order to keep them and their peers compliant with social 'norms' determined by hegemonic, powerful, yet threatened patriarchal structures.²³ The useful thing about this particular hypothesis is that it incorporates the fallout of apartheid across race groups.

Of course, this is not to suggest that women in pre-apartheid or even pre-colonial South Africa were not policed or controlled, or lived free of the fear of patriarchal violence. But the legacy of apartheid has contributed to two critical problems: our subsequent focus on race still tends to repress open scrutiny of gender issues; and the tendency of apartheid to drive violence into intimate and domestic spaces continues to fuel the epidemic of sexual violence.

In South Africa, then, some men believe that by resorting to sexual violence they are participating in a socially approved project to keep women within certain boundaries and categories (as well as a state of continuous but necessary fear). After all, the Other has historically been seen as powerful, subversive, potentially unstable, needing to be policed (even if this meant torture, detention and murder) not only 'for their own good', but also for the 'greater good' of society. This kind of hierarchical thinking (and anxiety about how to keep certain groups stable and bounded within socially prescribed and limited domains) does not disappear simply as the result of a democratic election.

This kind of ‘rationalised’ intimate violence is also often used as a ‘control mechanism’ when the group believed to be inferior is absolutely necessary to the continued comfort and survival of those in power, and an integral part of the latter’s daily lives: when they are needed not only to provide conventional labour, but to carry out domestic chores and childcare as well. The vast majority of white South Africans who vocally and enthusiastically supported apartheid entrusted the cooking of their meals and the care of their children to black servants. These and similar domestic duties involve a considerable measure of trust and exposure, and point to the paradoxical vulnerability of the dominant class being serviced.²⁴

Something else difficult to convey to those who have never lived in a society where unskilled domestic labour is cheap and plentiful is the degree of practical helplessness of many white and/or middle-class South Africans.²⁵ Similarly, it is entirely possible that a great many violent men in this country are genuinely unable to calculate a grocery budget, prepare a nourishing meal or do the laundry – and are therefore dependent on female partners or relatives to perform these chores for them. But this form of dependency generates anxiety and a need to regularly display authority to sustain the services of the oppressed, thus inflaming the propensity for violence, particularly in the intimate sphere. South Africans of all races remain familiar with social strategies that combine intimate and ongoing proximity with ongoing enactments of extreme repression.

Moreover, the complex blend of peer and societal pressures men experience regarding the need to ‘police’ feminine subversion exists against a backdrop that tells them that rape is a ‘safe’ crime to commit (and perhaps not a real crime after all); there are unlikely to be legal consequences; and that any shame attached to the act will adhere to the victim, not themselves. These socially accepted scripts concerning gender and violence were underlined by Vogelmann’s findings in his 1990 study of South African self-confessed rapists who had evaded the criminal justice system (they were often found ‘not guilty’ for technical reasons). Some of these subjects expressed indignation that an act as normative as rape should be criminalised. In short, many men rape not because they want to or are ‘tempted’, but because their social context suggests that they can (and in some cases, should) do so with impunity.

The parallels with low-level, continuous ‘punishment’ meted out by white South Africans to black South Africans under apartheid are compelling: for

instance, black workers who might be beaten by their white employers (or a black 'boss boy' authorised by his 'masters' to implement white social control) had little or no redress. While a range of violent behaviours, from assault to murder, were crimes according to apartheid statute books, there was once again a tacit social understanding that certain kinds of white-on-black violence were 'necessary' as a kind of oil that kept apartheid hierarchies running smoothly. It was certainly extremely difficult for blacks to institute criminal proceedings against whites (or the lackeys of the dominant group) who used violence against them. Both forms of violence – men's sexual attacks on women, and racist attacks shaped by apartheid ideology – reveal the anxiety of the perpetrator class about possible loss of dominance.

My interviews with local researchers investigating gender and the construction of identity (national, racial, ethnic, cultural and linguistic) are beginning to point to the possibility that South African women are policed and immobilised by fear of rape by the 'Other/Outsider'. At the same time, they are punished for attempts to break out of subordinate roles and rigidly enforced cultural or ethnic communities by covertly 'legitimised' sexual violence that takes place *within* recognised social structures: families, co-religionists, tribes, villages or neighbourhoods.²⁶ Acts of violence are therefore seen as necessary, not only to keep the unstable subclass of women in their ordained places, as discussed above, but to confirm and remind them of their membership in a specific community. As a tool of social control, sexual violence is especially effective, as it combines the literal pain and shock of physical violence with deep shame and self-blame on the part of the victim, which leads to self-punitive and self-monitoring behavioural changes by the victim (who is extremely unlikely to report her attacker or seek legal redress, particularly if he is part of her immediate circle, and who may instead become withdrawn, submissive, fearful or restricted in her movements). Such changes on the part of women, who might otherwise display autonomy, possibly serve orthodox and conservative community 'needs' in the short term. At the same time, women's entitlement to gender rights – particularly as citizens of a new democracy – is placed in jeopardy, if not destroyed, because of the power of sexual violence to circumscribe individual agency.

Rape and gender equality

Having established that appalling levels of sexual violence in South Africa are directly shaped by the legacy of apartheid, the question arises as to why,

in the post-1994 society, such violent forms of social control are still being imposed on South African women.

South Africa's new Constitution enshrined the rights of all groups in society. It had to. The spectre of apartheid – social structuring and discrimination on the grounds of the precise shade of one's skin, ancestry and so-called tribal identity, and the suffering this caused – haunted the 1996 Constitution. One of its chief aims, therefore, was to enshrine the right to equality for everyone. Like many 'peace treaties', it was driven by a sense of 'never again'. The recent history of legislated inequality was so abhorrent that rights were endorsed and guaranteed across the spectrum of race, gender, class, ethnicity, religion, language, level of ability, sexual orientation or preference. The battle for women's political rights in particular, which gathered momentum during the last two decades of the twentieth century, was especially visible, as were the efforts to enshrine the legal rights of lesbians and gays.²⁷

The ruling ANC responded to these imperatives with an admirable programme of women's representation: what amounts to one of the world's most radical affirmative action programmes in favour of women, with a stated commitment to placing women in one-third of political spaces by 2009 (Mama 2004, 2–3). The path to what might seem an unusually bold strategy was smoothed by a liberation struggle that had co-opted and honoured women in roles beyond the usual undervalued and feminised ones of supplying food, shelter and nursing care (although women undertook these duties too); their contributions as political strategists, leaders and guerrilla fighters were acknowledged and at times encouraged.

Nevertheless, these rights were crafted in a country contending not only with a legacy of racism, but also one of manifest sexism, homophobia and xenophobia. In the areas of gender and sexuality, the emergent South African nation was arguably not ready for full equality; neither did it popularly endorse such equality. To paraphrase a conclusion from one of the gender-based violence surveys, 'Violence arises when a chauvinistic citizenry is in a relationship with a liberated Constitution.'²⁸

It can thus be argued that political space (on all sides of the spectrum) for women in South Africa has invariably been carved out in ways that do not undermine the variety of interlocking patriarchies in society. In the process, the tension between validating women's rights to full citizenship and political participation without revising their social subordination has created a new

variation on the disjuncture between the private and the public realms typical of capitalist patriarchal systems. This theme is perhaps best illustrated anecdotally. Pregs Govender, former ANC MP, recounts the story of a senior male member of government who was extremely supportive of her work as chair of the Joint Standing Committee on the Improvement of Quality of Life and Status of Women, a body that made Herculean efforts to translate the equality principles of the Constitution into substantive legislation. He saw no contradiction between his enthusiastic endorsement of women's active participation in politics and his repeated insistence that at home he was the master: 'Democracy stops at my front door.'²⁹

Even if this kind of splitting between the public and private realms is not typical of all South African men (or women), it is nevertheless openly and informally reflected in social interaction. It is perhaps best summed up in the near-identical phrase, taken from an interview with a married man, cited in the title of a report on domestic violence: 'I do not believe in democracy in the home.'³⁰ It is a requirement of participation in the new South African state that one should 'believe' in democracy 'outside the home'; with the exceptions of a few extremist fringe groups, no credible political grouping in South Africa is likely to call for the withdrawal of universal adult franchise or drive women out of political structures. However, the substantial divergence between the ways in which men and women are understood to inhabit public and private spaces means that the flattened and transparent structures associated with democratic practice are eschewed in the domestic and, even more so, the sexual realms.

So it would seem that it is important that South African women are frequently reminded that their equality in the public domain does not translate into equality in the private domain, an arena that remains highly stratified and hierarchically structured. Consequently, we witness the uneasy and convoluted relation between violence and rights wrought by more than a decade of democracy. The women's movement in South Africa had done much to position women on centre stage at the moment of transition to democracy, but it had arguably failed to deconstruct the multiple overlapping and entrenched forms of patriarchy that had flourished under apartheid. Given that much of this patriarchal heritage remains intact, the newly democratic South African state can be suspected of trying to site women as holding equality only some of the time and in certain spaces. So a devil's bargain has

been struck: women are widely accepted as having equal political status, even within structures such as parliament, as long they remain subordinate in the private and domestic realms.³¹ It is entirely possible that rape covertly performs the function of *policing* this fault line.

Citizenship and the Zuma rape trial

Nowhere was this more clearly seen than in the 2006 rape trial of the ANC's then deputy president, Jacob Zuma, who was charged with raping a woman half his age while she was an overnight guest in his home. As the daughter of one of his valued struggle comrades, she was in the position of an honorary daughter to him; throughout the trial, she referred to him as 'uncle'. Zuma's claim was that the woman, who is openly HIV-positive and a lesbian, had approached him and aggressively insisted on sex, leaving him little choice but to comply. His bizarre explanation – that in his (Zulu) culture, it was necessary to satisfy an aroused woman, otherwise she would make a rape accusation – provoked perplexity and outrage, even though in the final analysis the white male judge accepted this explanation. Zuma did not use a condom, and infamously reported that he showered after the encounter to try to avoid HIV infection.

Zuma was entitled to a vigorous defence, and he received one. In the end, he was found not guilty: the judge determined that the sex had been 'consensual' and that 'Kwezi' (the accuser's nom de plume) had lied. Gallons of printer's ink have been spilt over the theatre of the trial itself – in which Zuma supporters chanted, danced, threatened women from anti-rape organisations, attacked and stoned a woman rumoured to be the accuser and burnt the accuser in effigy.

The inexplicable weakness of the prosecution, the inherent sexism of the judgment and its implications presented grave challenges to gender equality in social institutions and public processes. The fact that the accuser's sexual history (including her history of prior rapes as a child) was exhaustively uncovered and used to discredit her testimony dismayed many, as did Zuma's apparent lack of remorse at having (at the very least) acted recklessly and irresponsibly in having unprotected sex with a woman he knew to be HIV-positive, not to mention the impropriety of the sexual contact (even if consensual) itself. Zulu *izangoma* (diviners) and cultural commentators have observed that Zuma's behaviour constituted a form of social incest taboo in

the culture he vigorously appropriated to support his behaviour; indeed, if he was the '100% Zuluboy' he claimed to be during the trial, he was required to undergo cleansing rituals and pay damages.³²

Space does not permit a full discussion of the fallout of the trial, or a detailed analysis of the discourse thereof. However, what is important for the purposes of my argument is that the Zuma trial blew wide open many debates at the heart of South Africa's plague of sexual violence. The kind of rape mythologies embedded in social and intimate relations mimicking the hierarchies of apartheid were overtly present in the 'text' and 'performance' of the trial – not only in the strategy of the defence and in the judgment issued by the judge, but even in the discourse of the prosecution. The latter was marked to an extraordinary degree by absence and silence. What follows is a list of questions the prosecutor, inexplicably, did *not* ask:

1. *If you were afraid, as you testified, to leave Kwezi in an aroused state, did you ensure that she had an orgasm?* Zuma's own orgasm was a matter of public record; the complainant's sexual satisfaction or lack thereof was never raised. Was Zuma in fact admitting to being a lousy lover?

2. *Can you supply independent medical proof that you are, as you claim, HIV-negative?* Much was made of Kwezi's apparent lack of compliance with a forensic psychologist or neurologist – as if every single rape complainant in South Africa needs to submit to nebulous tests to eliminate the possibilities of hallucination and mental disorder leading to confabulation – yet the one question the prosecution asked about Zuma's medical history remained unsupported by any objective or expert independent testimony. Zuma was asked if he knew his HIV status, and he replied that he did, and that he was HIV-negative. No questioning followed that asked, for instance, how he knew this; where and when he had been tested; or whether he could supply any supporting evidence, such as receipts or the test result itself. If medical evidence (in the form of a court-ordered and independently administered test for HIV) could have been provided that disproved his statement on the witness stand, it would have had a devastating impact on the case for the defence.

3. No questions were asked about Zuma's sexual history, even though he is a much-married and indeed polygamous man, with a well-known history of

multiple adulteries. While Kwezi's sexual history was minutely scrutinised and her traumatic past probed, no mention was made of the fact that one of Zuma's former wives had committed suicide, allegedly as a result of her husband's cruelty. Kwezi's history of unreliability in her relationships with men was exhaustively rehearsed; no corresponding elaboration of Zuma's exploitative relationships with women was undertaken.

4. The most glaring omission of all was the failure to ask Zuma, *Have you ever been accused of rape before? Have you ever faced disciplinary hearings within the ANC in exile for rape or sexual harassment?*

The prosecution was not the only party to be blinded by the paucity of rape narratives and models available to the criminal justice system in South Africa. Probably the most alarming of the judge's decisions in the course of the trial was his legal blurring together of the accuser's sexual history and her history of sexual violence. These were collapsed, with Kwezi's history as a survivor of child rape used to suggest that she was unstable, emotional and disturbed – and therefore could not be trusted. The hoary old stereotypes of hysteria and neurosis were flagrantly invoked. It was clear that Kwezi had suffered profound trauma in her youth, and this was not disputed by the defence – but it was used to emphasise the 'unreliability' of her testimony.

Given that millions of women following the progress of the trial were themselves rape survivors, this was chilling. Rape hotlines reported that they were inundated with calls from survivors re-traumatised by the case – and terribly afraid that, should they be raped again (unfortunately by no means an uncommon occurrence), this would be held against them in a court of law. Not only did the discourse and narrative of the trial underline the mental fragility of rape survivors; there was also an explicit element of 'once is unlucky, twice is careless – more than that, and you have to be lying'. Given that many women in this country experience multiple rapes, the implications are deeply disturbing.

I belong to an Africa-wide listserv that connects feminist and gender scholars and activists throughout the continent. The day after the not-guilty verdict, the tone of postings on the listserv was not one of indignation, but of fear bordering on terror. Black lesbians in particular felt that they had been marked out as 'fair game'. One woman spoke for many when she observed

piteously that the judgment seemed to have handed men a licence to rape any former rape survivor again and again.

It is possible (although in my opinion highly unlikely) that Kwezi and Jacob Zuma enjoyed consensual sex on the night in question; nevertheless, the shape of the trial made it quite clear that in order to be perceived and treated as a credible witness by the criminal justice system, any woman who lays a charge of rape in the 'new' South Africa must be articulate and preferably educated; if not virginal, then clearly morally beyond reproach;³³ and possessed of impeccable mental health (the trial transcripts clearly indicate that having sought counselling or experienced any kind of trauma renders a woman disturbed and unreliable for purposes of giving testimony).³⁴ Above all, this paragon needs not to have been raped before. This eliminates, for many women, the possibility of laying charges of rape, regardless of their constitutional rights to equality and dignity before the law.

The new South Africa has led many women to believe that they have the right to justice, a comprehensive justice that cannot be denied them on the basis of race, class, gender, sexuality, health status or history. But the Zuma trial showed the extent of the backlash: the full ire of civil society was invoked against an HIV-positive young lesbian who had dared to lay a charge against the second most powerful citizen in the country. Outside the court, a pro-Zuma supporter said to the television cameras, 'How dare she? Who does she think she is?' Whatever Kwezi's thinking, she clearly believed she was a citizen who was free to press charges – and she paid a high price for doing so. Commentators from elsewhere in the developing world have observed, correctly, that this trial would never even have been able to take place in most of the rest of the African continent;³⁵ and in that respect, South Africa's Constitution and judiciary still hold out the promise of equality before the law, even in matters of sexual violence. However, as the trial showed, although women's rights as equal citizens may be guaranteed by the letter of the law, powerful elements within civil society, political organisations, government institutions and the independent judiciary mitigate against gender equality in such cases.

Moreover, none of the trial revelations concerning Zuma's reckless and sexist behaviour slowed his rise to power. In December 2007, he was elected president of the ANC – a post that holds the promise of the presidency of the country in the next national election. The ANC Women's League was among

the powerful bodies that endorsed his candidacy. It would appear that the delegates who lobbied for Zuma at one of the country's most critical political crossroads consider gender rights to be of such little importance that the notion of a chauvinist president holds no fears for them.

Conclusions

This chapter does not prove my claims. Instead, it presents a framework that might explain why rape in the new democratic South Africa is so extraordinarily widespread. I believe this framework could be useful for future research on the causes and extent of rape in South Africa. As Moolman's contribution to this collection shows (Chapter 7), organisational responses to gender-based violence must address the troubling and pervasive divides between the promises of gender rights and the prevailing social scripts that render such rights inaccessible. Future research and practical applications that use this model will undoubtedly provide new insights into sexual violence in South Africa, as well as in the field of gender-based violence.

Like Sindiwe Magona, South African women are sick of hearing that apartheid is to blame for the brutality that men mete out to them. Nevertheless, we must examine how the legacy of apartheid intersects with justificatory narratives of rape and the use of sexual violence as a tool of social control and intimate terrorism. But in doing so, we must learn to confront and deconstruct the knee-jerk response that in scrutinising the sources and purposes of rape we are engaging in a racist project. Rape is about many things, including the toxic after-effects of apartheid; but it is probably one of the few burning social issues in South Africa that are fuelled not by narratives about race, but rather by vitriolic patriarchal imperatives.

There are already signs of change in civil society discourse. In the seven years since I began this project, there has been a shift in the popular tendency to pigeon-hole sexual violence as a 'woman's problem'. (The growing rate at which men and small children of both sexes are also becoming rape victims has helped jolt the public into taking a broader view of the problem.) In spite of the danger that efforts to scrutinise men as perpetrators will be deemed racist, there are shifts towards holding men accountable for what is, after all, a problem of their making. There have been energetic efforts by men, male-aligned NGOs, civil society organisations and social institutions to tackle the problem of male violence,³⁶ especially against women and children, as reflected

in Moolman's analysis of the organisational shift towards including men in confronting prevailing constructions of masculinity in the work of Rape Crisis Cape Town. Unfortunately, many are still wrestling with patriarchal baggage. Given that the nascent 'men's movement' has roots in faith-based organisations, it is disheartening, but not surprising, that the then Anglican Archbishop Njongonkulu Ndungane headed the Men's March on National Women's Day in 2003 in which men carried placards announcing 'Hands Off Our Women', or that he was quoted as saying, '... real men don't rape women and children ... we want our women, our wives, sisters and daughters to walk freely in our streets'.³⁷ Apart from the entirely unproblematised identification of women as property, this kind of discourse reflects that South African men still posed mostly patriarchal solutions to the problem of their own violence: if they are not to be predators, they are urged to be protectors.

Meanwhile, the escalation of particularly brutal rapes, including the spate of baby rapes in recent years, has shamed the nation into asking, 'What is wrong with our men?' (Posel 2005; Pillay 2001, 43). But we cannot answer this question, or join hands in organising with men in combating the scourge of sexual violence until we have debunked the distracting and dangerous myths arising from our past that continue to hijack the debate on rape.

In the mammoth task that lies ahead – nothing less than the dismantling of patriarchies on a global scale – perhaps a helpful starting point is Albertyn's suggestion (2004) that freedom and autonomy might be more useful goals for women in South Africa's transformation process than political equality. Certainly, as the research in this chapter and throughout this collection repeatedly suggests across a number of cases, political equality alone is unfortunately insufficient to establish women as full, free and rights-bearing members of a democratic polity.

The last idealistic words belong to Kopane Ratele, a male lecturer at the University of the Western Cape, and are taken from a public letter in support of Charlene Smith, after she had written in the *Mail and Guardian* weekly newspaper about her experience of being raped:

... if the liberation struggle was meant to free us from oppression, it must have been to free us all from all kinds of oppression. If the struggle was truly for liberation, it was for all kinds of liberation. Liberation has no plural. Being an indivisible whole, liberation cannot be partitioned. It is radical. To opt for anything else is to endanger it. (Smith 2001, 211)

This serves both as a prompt to broaden the scope of the liberatory project, and a reminder of how far the South African project of democratisation has yet to go. It is up to the men and women of this country to ensure that sexual violence does not continue to deny women the freedom enshrined in our brave new Constitution.³⁸

Notes

1. This chapter is drawn from my more extensive writings on rape as a form of social control in post-apartheid South Africa, and is largely a revised and extended version of an earlier piece, previously published in 2006 as “‘These Women, They Force Us to Rape Them’”: Rape as a Narrative of Social Control in Post-apartheid South Africa’ in the *Journal of Southern African Studies* (special issue, ‘Women and the Politics of Gender in Southern Africa’) 32: 129–44.
2. These figures are supported by most of the sources cited below, but in this case are drawn from *Gender: The New Struggle*, a survey of 3 500 participants by the University of Cape Town’s Unilever Institute of Strategic Marketing (November 2004).
3. Some studies have turned up even higher figures than those cited here. For example, a 1999 survey of more than 2 000 male Cape Town City Council workers revealed that 48 per cent of them had physically abused a domestic partner at least once. This figure was expected to be significantly lower than the estimated national average, given that the study population were in secure employment. See N. Abrahams, R. Jewkes and R. Laubsher, “‘I Do Not Believe in Democracy in the Home’”: Men’s Relationships with and Abuse of Women’ (Tygerberg: Medical Research Council, 1999).
4. See also the special issues of *Feminist Africa* 5 (“Sexual Cultures”), December 2005, and *Feminist Africa* 6 (“Subaltern Sexualities”), September 2006.
5. By this I mean the ongoing, deliberate, politically and culturally endorsed creation of and emphasis of difference, with a dominant category and ‘normative’ of ‘us’, and the projection of qualities of ‘strangeness’ and ‘otherness’ onto a usually subordinate category – ‘them’.
6. The area of gender-based violence (which might include domestic violence, spousal/partner abuse, abuse of the girl child, human trafficking, as well as attacks motivated by homophobia) is too broad to scrutinise for purposes of this discussion.
7. Official (police) anti-rape education strategies in South Africa prior to this date contained standard warnings on avoiding the perils of ‘dark alleys’ and ‘short skirts’; these explicitly addressed potential victims only, not perpetrators.
8. As early as 1995, Human Rights Watch had published a damning report, *Violence against Women in South Africa: State Response to Domestic Violence and Rape*. See in particular Chapter 5, ‘The Magnitude of the Problem’, pp. 44–59.
9. At the same time, he denounced a senior UN office-bearer, Kathleen Cravero, claiming that her statement (relating to HIV/AIDS) that many African women were unable to negotiate

consent, much less condom use, stereotyped African men as 'violent sexual predators'. See 'Letter from President Thabo Mbeki', *ANC Today* 4 (39), 1–7 October 2004, available at www.anc.org.za/ancdocs/anctoday/2004/at39.htm, and Charlene Smith (2005).

10. Lisa Vetten of the Centre for the Study of Violence and Reconciliation, in a response in the *Mail and Guardian* (29 October 2004), argued that neither Smith nor Mbeki had cited the correct figures in enumerating the number of South African women who had been raped. (Mbeki, working naively on the assumption that all rapes were reported to the police, cited reported crime figures only, whereas Smith simply multiplied the number of reported rapes by a 'guesstimate' of 20.) Vetten nevertheless noted that even the most conservative of the professional surveys reflected exceptionally and disturbingly high figures for rape. Joan van Niekerk, the national coordinator of Childline South Africa, also issued an open letter to Mbeki in which she deplored the attack on Smith and debunked the watered-down statistics on rape and child abuse presented by the spokesperson for the National Commissioner of Police in the press. She went on to entreat the president and the police not to stifle efforts to discuss violence against women and children with misleading accusations of racism (posted on the GWS Africa listserv hosted by the African Gender Institute at the University of Cape Town on 11 October 2004).
11. Magona is perhaps best known abroad for her book *Mother to Mother* (Cape Town: David Philip, 1998), a fictional collection of letters between the mothers of murdered Fulbright scholar Amy Biehl and the young South African political activist who struck her down.
12. Data gleaned from crisis organisations are not usually statistically useful, given the cultural disparities and practical barriers that inform whether or not a woman is able to call a helpline. Such disparities doubtlessly explain why so many of my callers were middle-class educated women. Nevertheless, the point remains that they were not being abused or violated by impoverished strangers, but generally by their equally middle-class and educated partners.
13. This is not necessarily indicative of obtuseness; it reflects perhaps the anxieties found within a post-apartheid society facing not only the same endemic racial tensions that occur in any racially or ethnically diverse society, but also battling the demons of a recent past of institutionalised racism.
14. It is not only locally that I encounter the assumption that my work must necessarily highlight the 'barbarism' of black men. During a visit to the US in 2000, after I had assured an American academic at a respectable college that black South African men were not hell-bent on punitively raping white women (an impression he seemed to have gleaned from reading J.M. Coetzee's novel *Disgrace*), he responded, 'You mean they do this to their own kind?'
15. In 'Constructing Sexual Aggression and Vulnerability: Further Thoughts on the Body Politics of Rape', a paper I wrote for the British NGO, Womankind, I argue that rape is easily simulated: all that is required are the means of immobilising the intended victim and a penetrative or blunt instrument. It goes without saying that I do not advocate that anyone 'try this out at home'; rather, my intention is to separate the choreography of rape from the biology of penetrative sexual intercourse. Too many people assume that only those able to produce an erect penis are able to 'perform' rape, whereas a small but significant number of rape survivors report that their attackers could not sustain erections, and therefore resorted to using their hands or other instruments (see Smith 2001; Denny et al. 2002).

16. These are the very terms used in almost every public discussion of the topic, the Harold Wolpe Forum debate on 'Gender-based violence and sexuality in South Africa' being a case in point. (Summary notes of the discussion from the floor were kindly provided by Tracey Bailey of the Harold Wolpe Memorial Trust; www.wolpetrust.org.za.)
17. 'Gangs and Sexuality on the Cape Flats', *African Gender Institute Newsletter* 7 (December 2000). Available at web.uct.ac.za/org/agi/pubs/newsletters/vol7/elaine.htm.
18. In a nutshell, women who experience identical pressures and deprivations may respond in a multitude of maladaptive ways – but they do not resort to sexual violence.
19. The UCT Unilever study noted that 'conflict or violence happened mostly when a chauvinistic male was in a relationship with a woman with a liberated mind' (*Cape Times*, 15 November 2004).
20. And nearly five decades of apartheid rule were preceded by centuries of colonial rule and enslavement.
21. *Special Assignment* documentary, SABC 3, 2000.
22. It must be stressed that although the kinds of 'controlling' narratives of violence under scrutiny here were enacted by whites (or their representatives) upon blacks, they would have been internalised to varying degrees by all South Africans living under apartheid, regardless of race, class or gender.
23. Readers of my work who live outside South Africa have queried whether all South African women do indeed live in fear of rape. This is impossible to prove statistically, and of course, the degree of such fear is determined by the widely variant risks and resources presented to women (whether they travel to work by public transport or after dark, whether they can afford burglar bars and alarms, and so on). Nevertheless, visitors are often shocked by the extent to which many South African women self-regulate their movements and adopt guarded patterns of living. I regularly interact with visiting North American and European students, and am invariably struck by the untrammelled sense of freedom with which many of these young women move around and conduct themselves socially, in sharp contrast to the cautious demeanour of my female South African students. Simidele Dosekun of UCT's African Gender Institute is currently conducting research on the extent to which fear of rape dominates the social habits of young women who have not been raped.
24. Servants are of course privy to a great deal of sensitive and intimate information about their employers: digestive disorders, sexual habits, menstrual cycles, drinking problems, parenting difficulties, family conflicts, and so on. This is a well-trodden path within the field of Marxist feminism and slavery studies.
25. This 'learned helplessness' is being passed on to middle-class blacks, now the largest group in southern Africa employing domestic workers, cleaners, childminders and gardeners.
26. The relationship between construction of identity and sexual violence is an area that requires closer scrutiny than is possible here.
27. For a useful account of the way the women's movement has interacted with the state in the last 25 years, see S. Hassim's *Women's Organizations and Democracy in South Africa: Contesting Authority* (Madison: University of Wisconsin Press, 2005). N. Hoad, K. Martin and G. Reid (eds) chart the story of how sexual equality came to be included in the new Constitution in *Sex and Politics in South Africa* (Cape Town: Double Storey, 2005).

28. See note 19 above.
29. Personal communication to the author, July 2004.
30. See note 3 above.
31. When heterosexual women do enjoy equality in the family and other domestic spaces, the general perception is that they are 'permitted' to do so by a liberal partner, rather than entitled to do so.
32. See, for example, Nomboniso Gasa's presentation to the Centre for Conflict Resolution at the University of Cape Town immediately after the verdict. Gasa is a struggle veteran, academic and trained *isangoma* (traditional healer).
33. I've written elsewhere (Moffett 2002) about how standard rape 'scripts' in this country make it nearly impossible for most rapes to be acknowledged as such in South Africa. For example, rape survivors are considered credible only if their rapist is a stranger, or if the rape takes place during the commission of an additional crime (such as housebreaking or hijacking) or when severe physical violence over and above the rape itself occurs. Of course, the most credible rape victim is the one who is murdered by her assailants.
34. This sets up a classic catch-22 scenario: the chances of a South African woman escaping trauma during her lifetime are slim. But if she does experience trauma, her legal standing as a potential rape victim is permanently compromised.
35. Amina Mama, chair of UCT's African Gender Studies (who hails from Nigeria), and Rhoda Reddock, chair of Gender and Development Studies at the University of the West Indies, both made this point at the Centre for Conflict Resolution workshop immediately after the verdict.
36. For an overview of these efforts, see Robert Morrell's 'Men, Movements and Gender Transformation' in Ouzgane and Morrell (2005).
37. 'Real Men Don't Rape Women and Children', SAPA, 17 November 2003.
38. I am extremely grateful to Amina Mama, Jane Bennett, Brenda Martin, Joanne Henry, Elaine Salo and other members of the African Gender Institute at the University of Cape Town for infrastructural and collegial support provided during this research.

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