

Exploring how Women's Social Capital in Rural Areas can Inform the Development of Policy as a Source of Agency for Empowerment

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ABSTRACT

This article argues that social capital for purposes of women's empowerment is important for developing policies that are aimed to uplift women and communities in rural areas. It is widely known that South Africa has entrenched notions of gender equality and women's empowerment in constitutional law. The authors will illustrate the disjuncture between law and policy pertaining to the empowerment of women in rural areas of South Africa. This disjuncture could have a negative impact on the prospects of development for women who reside in rural areas of South Africa. The argument advanced is that the strengthening of policy for women's empowerment in rural South Africa should be in tandem with the Constitution. In doing so, framing policy on women's empowerment in South Africa should be strengthened with reference to the existing social capital held by women in rural areas. In other words, the enablement that comes with shared values and norms within women's networks should inform policy as an agency for the empowerment of women in rural South Africa. This article is written at a time when South Africa goes through law reform on land and property rights, which have an effect on women who reside in rural areas. It will therefore speak to the type of policy that needs to be developed, referencing social capital in order to give effect to women's empowerment in rural areas.

Keywords: Gender Equality; Social capital; Women's empowerment;
Rural areas; Patriarchy



INTRODUCTION

This article argues that social capital for purposes of women's empowerment is important for developing policies that are meant to uplift women in rural areas (Meena & Meena 2008:219). The Constitution of South Africa references gender equality in several sections, through formal and substantive equality. Formal equality in the context of gender arises in Section 9, while substantive equality emerges from Sections 181 and 187 (Justice.gov.za, 2018). Substantive equality as per sections 181 and 187 delve into the manner in which transposition is made of the application of gender equality. Apart from the Constitution, South Africa has also formulated the National Gender Policy Framework (NGPF) as an overarching policy directive for the intent of the state to attain gender equality. Numerous sectoral pieces of legislation also mention gender equality through different means and for different purposes (Mukhopadhyay 2016:78).

This article argues that in the existing legislation and national policy on gender equality, women empowerment does not offer an adequate reflection on women's agency as a source of empowerment for women. In recognition of the fact women are not a homogenous grouping of people, we choose to focus on women in rural areas as a reference to the arguments made. The central argument does not necessarily hinge on the geographic location of women *per se*: the issue at hand is the principle of addressing social capital as a source of agency in the policy and legislative frame work of South Africa. Even if women in urban areas were to be the focus of this article, the principle would remain the same.

Women in rural South Africa have over centuries carved and maintained their own form of social capital in the advancement of their lives and that of their communities (Cilliers *et al.* 2016:788). For example, over centuries South African women have often been engaged in forms of work parties or labour in food production in a communal setting (Stull *et al.* 2016:377). The social capital here exists through social ties that women in rural areas would have built over time. The purpose of work parties is largely to ensure that there is adequate food supply in the communal villages. Empowerment in this case would be strengthened by work parties as a source of social capital which existed through long and established social ties (McCarthy 2017:607). It is in this context that we argue that the economy and survival of villages in South Africa have to some extent been under the care of women.

The Constitution, legislation and policies of gender equality in South Africa fall short of inscribing the ideals of women's agency in the realm of women empowerment. We argue that social capital is a source of agency for women empowerment and as such its status in 'policy thought' is important.

PROBLEMATISING WOMEN EMPOWERMENT IN SOUTH AFRICA

Macro Problems – The law and policy

Based on observation, it would be difficult to tap into problems associated with women empowerment without making reference to the Constitution, legislation and policy that may have an impact on the advent of women empowerment in South Africa. In the introduction, we clearly state that the South African government carries a noble ideal of entrenching gender equality in the Constitution, legislation and policies.

In light of this, it is worth noting that the empowerment of women should occur in the context of equality (Sen & Mukherjee 2014:197). It is discernible that exclusionary practices within the economy would be contrary to the notion of women empowerment (West *et al.* 2016:185). In other words, equality between men and women as well as the inclusionary principles, serve as the basis on which women empowerment occurs (Dosekun 2015:969). Without a strong sense of equality, women empowerment would be futile. Women empowerment practices and actions would be rendered useless if opportunities are skewed towards men and not women.

The connection between gender equality and women empowerment needs further interrogation in respect of coherence between the legislation and policy related to gender issues. Section 9 of the Constitution of South Africa locates gender in the equality clause in the following manner (Justice.gov.za, 2018):

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Gender discrimination as per Section 9 of the Constitution prescribes the notion of formal equality, which amongst other things, includes gender (Nkomo 2016:91).

Sections 181 of the Constitution speaks of the need to ensure that there is an institution that dedicates its time to ensure that gender equality exists in South Africa, i.e. the establishment of the Commission for Gender Equality (Justice.gov.za, 2018). Section 187 of the Constitution prescribes the functions of the Commission for Gender Equality. By virtue of the nature of discourse around Sections 181 and 187,



gender equality in South Africa ought to occur in a substantive manner (Justice.gov.za, 2018). There is vast evidence that points to the existence of substantive equality through the mandate of the Gender Commission as well as supporting legislation. For instance, the legal function of the Gender Commission has been documented: a number of court cases have occurred where gender equality has been tested, either as a result of the Gender Commission's initiative or as a result of the cases of *amicus curiae* (Jordaan 2018).

In respect of policy, the NGPF places emphasis on the need to set goals and standards in a non-prescriptive manner. The goals of the national gender machinery as per the NGPF include the following (Unpan 2018):

- achieve equality for women as participants, decision-makers and beneficiaries in the political, civil, social, economic and cultural spheres of life;
- prioritise the needs of those women who benefited least from the system of apartheid;
- transform all national, provincial and local institutions by mainstreaming and integrating issues of women's empowerment and gender equality into their work. These include institutions of government, independent statutory organisations, the private sector, the public sector, the labour movement and organs of civil society.

From all of the above-mentioned goals, there has been progress in relation to their implementation, even though more still needs to be achieved. Nothing substantiates this more effectively than the observation that more than 20 years after the adoption of the Constitution in South Africa, about 23% of women hold decision-making positions, and out of this figure only 4% make up CEOs of companies in the private sector (Genderlinks 2018).

The Women Empowerment Gender Equality (WEGE) Bill states government's intention to enforce empowerment mechanisms for women through the assertion that 50% of women would occupy senior management positions (Juta.co.za 2018). Be that as it may, the WEGE Bill does not prescribe the manner in which quotas would compel private and public institutions to institute gender equality (Dullah OmarInstitute.org.za, 2018:09). While it is believed that quotas may be a waste of time, suggestions point to the need to have special measures to force compliance on gender equality as opposed to the institution of quotas (DullahOmarInstitute.org.za 2018:09). In other words, there is a need to ensure that more measures are put in place to ensure heightened compliance on gender equality than what is provided for by the WEGE Bill.

It is assumed that because the NGPF is an old document that probably needs review, perhaps other forms of legislation would have catered for the current state of gender inequality especially in areas where there are gaps in the NGPF. In this instance, one would have thought that at least the recent WEGE Bill would have addressed far broader issues that the national policy does not cater for, especially the circumvention of patriarchy.

A further criticism associated with the WEGE Bill is that it has not adequately catered for LGBTI communities (genderjustice.org.za 2018). The WEGE Bill also makes reference to women in rural areas in spite of the criticisms. It mentions the following in relation to women empowerment (Juta.co.za 2018):

Despite any other law, designated public bodies and designated private bodies must develop and implement plans and measures, to—(a) facilitate sustainable livelihoods and decent work for women in rural areas, largely but not solely within agriculture; (b) mainstream gender in land reform programmes to ensure more land in the hands of women in rural areas, together with the skills and financial resources necessary for them to use the land productively; (c) improve conditions for women on farms, women farm workers and women married to farm workers, to achieve a progressive realisation of security of tenure, housing and improved living conditions for women in rural areas; and (d) ensure equal representation and meaningful participation of women in traditional councils.

Even though the above aspects of the WEGE Bill may have been noble in respect of considering women who reside in rural areas, there are problems associated with the bill.

Firstly, insofar as the issue of traditional councils are concerned, women in rural areas still live under the governance of traditional leaders (Koelble & Li PUMA 2011:05). Traditional governance is in itself a conduit for patriarchal norms (Beall & Ngonyama 2009:04). The type of patriarchy discernible in traditional leadership does not infer decision-making for women due to customary practices that accompany African cultures (Ainslie & Kepe 2016:19). One would be inclined to believe that customary practices within a typical village in South Africa would confer exclusionary practices and sentiments as far as women are concerned. It is in this instance that the agency of women in rural areas would be threatened. This means that women who reside in rural areas of South Africa would not be in a position to make decisions in relation to their empowerment.

These issues are not coherent with the theory that posits that policies need to reflect the paradigm of the current societal problems and in turn, should ensure that the current paradigms of a social nature are dealt with effectively.



Constraints to women's social capital as a source of women's agency in rural areas

Women in rural areas of South Africa live and function under conditions that are determined by social norms and belief systems. For instance, there are institutions, laws and systems that govern the rural setting of South African life. Rural lives of the majority of South Africans exist under customary laws which are recognised by the Constitution of the country.

Chapter 12 (211) (1) of the Constitution recognises traditional leadership in the context of customary law especially in cases where traditional leadership is obliged to promote non-sexism and gender equality in rural areas (Commission for Gender Equality, 2017:07). Traditional Leaders in South Africa operate under the Traditional Leadership and Governance Framework, which make it possible to promote cultural diversity in rural locations (Commission for Gender Equality 2017:08). In a recent research study conducted by the Gender Commission, it transpired that issues of male dominance, gender stereotypes, gender inequality and discriminatory practices for women, are still prevalent in the traditional authorities (Commission for Gender Equality 2017:35). In the rural parts of South Africa, land is largely under the custodianship of chiefs and kings and gives traditional leaders extreme power and control over land resources (Deveaux 2003:172).

Patriarchy is a common feature within the rural areas of South Africa and it is in this context that traditionalists believe that issues of governance should be in the hands of traditional leaders for rural development (Khunou 2009:105). The past decades of governance in rural areas have spawned questions around the legitimacy of tribal authorities in the face of corruption and unaccountability during the apartheid era, coupled with notions of patriarchy (Ntsebeza 2005:26). Various women's groups have often raised objections over customary law and its prohibition on women's inheritance to the land as a form of oppression (Deveaux 2003:172). Women's agency in rural areas is arguably constrained by patriarchal institutions. South Africa's rural hinterland bears the ascription of locations that are governed under traditional leadership. This happens alongside customary law as a prescription on rural life. There are institutions within the traditional governance systems inclusive of courts, community participation methods (through Pitso) and economic systems that discriminate against women.

In several countries of the south, poor people's rights to land are inadequately provided for and this includes women (Saruchera 2004:13). Patriarchal norms were also discernible in how agrarian operations were constructed. For instance, women in rural areas

were often confined to rearing pigs than cattle, because historically, cattle rearing was considered a masculine agrarian function (Bryceson 2002:728).

The agrarian institution for women in rural areas serves as part of provision in women's welfare and empowerment (Agarwal 2003:186). There is a discernible trace of an informal economy evolving within rural areas and managed by women (Bryceson 2002:733). In recent decades, a great deal of exploration has been done by development agencies in an effort to develop new economies outside of the practice of farming (Scheyvens 2000:235).

Even though Constitutional provisions do not discriminate against women, customary laws and practices have created a diminished capacity over women's access to land (Saruchera 2004:13). The form of patriarchy existing within the rural landscape of South Africa has had an effect on women's access to land (Ntsebeza 2005:78). Under customary law, women are 'passed' from their father's authority onto the guardianship of their husband's family upon marriage (Deveaux 2003:165). In the course of marriage, customary law provides that movable assets acquired in the course of marriage should not be inherited by women but by men (Deveaux 2003:165).

The rights to land for women in South Africa are dependent on the systems of authority for their legitimacy in the sense that different legal systems apply to women's access to land depending on the geographic location. In other words, local government's systems to property rights differ from those that fall under traditional authorities (Toulmin 2009:36). The Constitution is therefore in contrast with the legislation and policies on gender rights, especially when one considers different standards for women's access to land in customary law (Rangan & Gilmartin 2002:633). For at least a few decades, women empowerment has relatively been poor due to contradictions between law and policy on land (Rangan & Gilmartin 2002:635).

The problem of poor land access to women has been addressed by donor agencies who have in the past (1970-1980s) tried to elevate the income generation of women in rural areas (Bryceson 2002:732). Some of the rural development projects span across a number of disciplines such as ecotourism, small retail and tailoring, amongst others (Bryceson 2002:732).

The inheritance of land by women has always been subject to social approval in that while there are clear signs of patriarchy, a typically patriarchal household tends to provide material and emotional support for women in rural areas (Walker 2003:63). It is for this reason that substantive empowerment for women becomes difficult in the

process of community decision-making as hegemonic practices of rural settings dictate to the spatial ordering of women, which happens to be exclusionary in nature (Mc Ewan 2005:16).

AGENCY AS A SOURCE OF EMPOWERMENT FOR WOMEN IN RURAL AREAS

Agency is sometimes referred to as empowerment in relation to decision-making (Klugman *et al.* 2014:01). There is a historical background on the agency of women, from which the nationalist party in the apartheid era dictated the political and economic agency as part of its spiritual and moral mission (McClintock 1993:71). The issue of women's agency has long been challenged through the discourse of women liberation movements prior and after the establishment of Bantu Women's League in the early 1900s (McClintock 1991:115).

A recent World Bank report on Women's Agency states that there are characteristics of women's agency and these include the following (World Bank 2018):

- The women's right to earn an income, own and dispose of their property
- Women's free movement within a society
- Women's ability to make decisions on formation of families
- As well as the freedom violence including domestic violence
- The ability for women to exercise their voice in policy-making processes

In light of the above characteristics, it may be plausible that within the context of economic growth, there are some institutions (formal or informal) that constrain women's agency and this may influence policy and action.

Mc Ewan (2005:9) argues that substantive empowerment is needed for women in terms of rights, power and agency. There are numerous international and national agencies that promote the notion of women's agency through education, and skills development in south countries (Sweetman *et al.* 2000:04).

The interface between law and social norms can be complex especially when social norms are not commensurate with the laws (Klugman *et al.* 2014:04). It is important to note that United Nations agencies have policies on women's empowerment which are derived from the Beijing Platform for Action and other declarations which aim to improve women's welfare (Sweetman *et al.* 2000:28). The intrinsic value of agency lies in the

freedom for women and the mainstreaming of development (Klugman *et al.* 2014:14). However, women empowerment and mainstreaming of development does not happen only through programmes but through policy adjustments. Women's empowerment is a process that occurs through agency of women (Kabeer 2012:07).

Even though agency of women has proved to influence certain policy frameworks, there are constraints associated with the transposition of that agency towards empowerment i.e. the control of resources as well as influence in collective decision-making processes (Kabeer 2012:08). Choices that are made within a collective have an influence in regulation of rules, assets, norms (Kabeer 2012:13). Denying women's agency through decision-making structures compromises nation building in the context of collective national life and within rights and obligations (McEwan 2003:740). Some of the things that compromise the agency of women are the norms and stereotypes related to their existence in society. This becomes apparent when women are referred to as vulnerable when they should in fact be recognised as 'abled' beings who possess capacities to improve their lives (Chant & Gutman, 2000:24). These stereotypes could best explain why certain roles of women in rural areas have remained the same throughout centuries. For instance, women in rural areas are often regarded as "hewers of wood, drawers of water and tillers of the earth etc." and nothing else (Scheyvens 2000:235).

Letsema – A practical example of women's agency in rural South Africa

Letsema (in Sesotho language), or *ILima* (in isiZulu language) is a development practice from which rural communities function to produce food for themselves (Ruysenaar 2013:219). It has been a common feature of rural life in Southern Africa over a number of centuries (Teffo 2011:24).

Letsema would occur in any rural community in the form of a work party amongst the members of a community (Kuckertz 2000:106). In the harvest period, community members would then engage in a sharecropping process where they disburse the produce amongst themselves.

Letsema has often existed under the management and custodianship of women in rural areas (Kuckertz 2000:106). It was the women who came together in a collective to work the land in the process of producing food (Kuckertz 2000:106).

In the previous epochs of rural life, *Letsema* occurred within the realm of decision-making and institutions. For instance, within various traditional systems, community-based



systems such as *Pitso* (public participation forum) as well as structural institutions such as "*Tsimo ea Lira*" exist (Prah 1989:121). "*Tsimo ea Lira*" was an institution from which material results of certain production activities were determined to be under to custodianship of the chief (Prah 1989:121). As a result of the mining boom in South Africa from the 1950s, men would leave the rural areas in droves to become labourers in the mining industry, and this in turn opened up the labour force on farming to women (Prah 1989:120; Notsi 2012:08).

It is important to note that *Letsema* is also likened to the Ubuntu philosophy whereby the practice was used as a motivation towards integrity, teamwork and wealth generation for equitable distribution of resources (Ramagoshi 2013:50). The challenge associated with *Letsema* as a communal practice is that it was often the norm that chiefs had the right to labour service on their land (Spiegel 1990:52). In the current workforce of rural areas where women still practise *Letsema* in rural areas, other forms of economic activities include collection and selling of wood for income (Turner 2005:23).

Over the past decade, it became apparent that in geographic locations where *Letsema* was practised, older women would work with their sons in agrarian activities, especially in female-headed households (Turner 2005:49; Notsi 2012:08).

In current economic outputs in villages where *Letsema* is practised, there tends to be a low outcome rate due to the labour-intensive processes (Notsi 2012:11). This challenge is also exacerbated by low crop outputs which in turn makes it impossible for women to access large markets that require bulk production and bulk sale of food (Murugani 2016:07).

It is said that *Letsema* as a practice is able to strengthen relations within a network of people, though triumph, success or even negative outcomes would be the responsibility of the entire community that engaged in the process of working the land (Reeler 2015:19).

What becomes apparent from the discussions above, pertaining to *Letsema* or Cooperatives, is that the practice is an indirect system of social capital. Social capital is the basis on which people within a specific setting are able to engage in communal relations, strengthened by social ties for purposes of survival. In the light of this information on *Letsema* or Cooperatives, it is plausible that community survival in this case would be hinging on subsistence that sustains the well-being of communities. By virtue of the fact that communities in rural areas are bound to face distress due to poor sustenance, women form collectives which arguably require skills, knowledge and

systems that make it possible for food security. We argue here that the type of social capital that exists in relation to food security, forms the basis of currency for women empowerment. It can be argued further, that given the circumstances where women manage female headed households, women could be regarded as “providers” within a village setting.

Social capital in the context of women’s agency in rural South Africa

It is clear that *Letsema* occurs in a collectivist system in rural areas (Jowah 2015:208). In other words, social capital of women in rural areas gives effect to the notions of agency.

It is important to note that *Letsema*’s existence has occurred naturally in a communal setting for the benefit of communities (Thornbush 2015:858). Even though the practice would have prevailed historically under a patriarchal system of governance and belief systems, there are certain contributors of women’s social capital in the goals and outcomes, namely, well-being of the community.

It should be noted that *Letsema* as a concept that occurs through social capital of women could be deemed a source of labour for agrarian purposes. It is the norm that collectivised systems of labour give credence to the notions of collective bargaining for worker’s benefits and entitlement, according to South African law (Samson 2010:404). The collective bargaining system endows considerable power for processes of attaining entitlements for workers in specific labour force. The social capital of women in rural areas also make it possible for the agency of women to prevail, in that the collective bargaining system through *Letsema* could be recognised as a legitimate labour system which allows women in rural areas to raise their voices on matters that affect their labour systems. In this way, the social capital of women would then give prevalence to the agency of women at times when they need to challenge inequalities within a patriarchal traditional system.

This is possible because the Constitution make it possible. For example, Section 9 of the Constitution makes provision for government to take action on gender discrimination and inequality, particularly in the workplace (Commission for Gender Equality 2017:07). Even though the “workplace” of women in rural areas may be under the jurisdiction of traditional authorities which operate under Customary law, provisions of the NGPF make it clear that customary, cultural and religious practices cannot supersede the right to equality, including gender equality (Commission for Gender Equality 2017:07). This means that subversion of gender equality under traditional authorities can be mediated

by the strength of women's agency, if women's efforts through *Letsema* were recognised as a labour system in the rural areas. Women's voices would therefore be protected with or without the existence of customary law in rural areas.

Social capital in the context of cooperatives (*Letsema*) gives women not only the power to earn an income but to possibly possess and dispose of those assets as women see fit. Joint cooperatives that occur for the purpose of women empowerment are particularly important for management of assets, thereby entrenching "ownership and disposal of assets" as a key source of women's agency. This of course can happen if there was adequate buying power for cooperatives to access markets that help grow rural economies through women's social capital. The decision-making of women in relation to assets is an important aspect in the empowerment of women in rural areas. Even though traditional authorities may subvert decision-making of women as per customary law, the state is required to help transform traditional authorities so that their functions are in line with the Bill of Rights and Constitution (Commission for Gender Equality 2017:07).

FUTURE PROSPECTS FOR POLICY DEVELOPMENT

Why should policy cater for women's agency as a source of empowerment?

In light of the discussions above, it is plausible that for decades, women in rural areas have always had their own source of agency which may not have been recognised due to patriarchal norms that are associated with women's roles in society (Campbell & Cornish 2012:849).

The specific roles that women played in the past and current epochs of rural life point to a subversion of agency in women empowerment. Empowerment becomes possible once women's agency is recognised. In other words, empowerment needs to exist against the backdrop of agency (Gutierrez 1990:150). In a patriarchal setting, it may be difficult to ascertain women's agency due to the social conditions and norms of rural societies.

There is evidently a disjuncture in how the Constitution of South Africa frames gender equality and the manner in which customary law shapes women's role in society. The battle between these two are not only subject to some form of law reform to correct the disjuncture, but there are prospects of framing women's agency through policy creation.

Theories on public policy processes entail that there should be a reflection on the social issues in as far as the social problems are concerned, but more importantly in respect of how these are to be resolved (Rappaport 2002:123). Women in rural areas should not be excluded if empowerment was to occur through agency. This in line with the notion that women need to have their voices heard, and this in turn would characterise the agency of women in policy-making processes (Parker & Fopp 2004:145). Public participation processes in the rural areas are devised in a manner that excludes women from adequate community dialectical matters (McEwan 2003:460). This is what the South African state should consider when public policy issues for women empowerment are under review or creation.

Resolving current social problems through policy requires that there be a frame of reference in respect of past issues but also issues that are a problem in the current dispensation. For instance, the NGPF clearly states all of the historical challenges associated with women empowerment in South Africa (gov.za 2018). In doing so, it mentions that patriarchy tends to be one of the stumbling blocks for the emancipation of women (Gov.za 2018). It should be noted that framing policy for development and empowerment purposes requires reconstructing historical barriers to development (Edigheji 2010:13). The issues concerning patriarchy as explored in this article, are historical in nature and as such, we must concede that patriarchy still has an effect on women's empowerment and social capital. Njøs & Jakobsen (2017:260) argue that the dynamics of social capital in development practices should take heed of particular set of circumstances that are unique to environments from which policy is to be determined.

The NGPF does not make reference to how historical and recent patriarchal tendencies ought to be dealt with, however, especially in respect of women empowerment, but also for how women reside in rural areas. It is argued that any envisioned policy directive for women empowerment would be that which women aspire to; in other words, what remains important is that the policy directive should give meaning to what women would need for their future. This is why it becomes important for public policy theorists to stress the need for coherence between policy needs and aspirations (Bell *et al.* 2005:460; Habib 2009:144). This assumption therefore indicates the need to solve historical and current social problems (patriarchy) with consideration of the policy aspirations. These issues compel women's agency to be taken into account when policy on women empowerment is reviewed. This will ensure that the disjuncture between the legislation and policy is dealt with, but more importantly, that women's source of agency is foregrounded in policy discourse as this will locate it as a priority for government and citizens.



Envisioned Policy Directives

It now becomes important to ascertain the type of policy framework that would recognise the state of women's social capital as a source agency to women empowerment policy. The envisioned policy aspects should be devised in the context of recognising women's form of self-reliance in production and trade (Agarwal 2014:1248).

The conceptual construction of social capital in policy that addresses women empowerment should to be utilised to circumvent patriarchal notions. Circumvention of patriarchy through policy-making is needed in heightening women empowerment, especially for women who reside in rural areas. The following conceptual issues may need to find expression upon review of the NGPF or in future policy on women empowerment in South Africa:

Collective bargaining as a policy provision for women in rural areas

Even through collective bargaining by conception happens to be a human resource tool, the collectivisation of women's cooperatives can be equated to a form of social capital which gives women's agency when confronted with patriarchal institutions, practices and customary law. The notion of collectivism in this instance could be a source of "power" – the "power" may need to be utilised to challenge patriarchal institutions and practices.

Recognition of women's social capital as a policy provision

Future policy or the review of the NGPF needs to take into account that historically women's social capital has always been the cause of the fight for political and social emancipation of women. This has happened through the formation of women's interest groups during the time of colonialism and apartheid. Social capital has in the past decades functioned to challenge patriarchal systems and for that reason, social capital or the purpose thereof needs to be recognised as a tool that can heighten women's social agency. The agency in this case can be found in instances where women's voices were heard in several protests against the apartheid state in the past decades. The existence of this is significant for the framing of policy on women empowerment. In essence, historical factors would be taken into account in order to ensure that the mechanisms that seem plausible for challenging patriarchy are revisited from history, in order to ensure that the future of women becomes different than the *status quo*.

Issues of Ownership

In the spirit of dealing with the disjunction between the Constitution, the legislation and policies for empowerment of women, issues of ownership for women in rural areas should be dealt with by creating coherence between an envisioned policy and the Constitution. For instance, the manner in which the disconnection can be mended between customary law and the Constitution on gender equality can be resolved by framing issues of property ownership as per the prescripts of the Constitution. In other words, future policy on women empowerment in South Africa should borrow its essence from the Constitution as opposed to customary law. The reason for this is that the Constitution will always reign supreme over any other law in South Africa. This would mean that the historical adage of the Freedom Charter, which resounds the idea that “those who work the land shall own it” could be possible for women in rural areas. Issues of ownership of property deserves a type of framing which states that the determination of ownership of property should rest with what is found in the Constitution, is an important marker in the policy-making on women empowerment. This will further empower women in rural areas to seek their protection from the Constitution in their process of advancement and redress within a patriarchal system of governance i.e. traditional leadership.

CONCLUSION

The issues covered in this article illustrate that women empowerment is possible only if obstacles are addressed. Given the historical perspective on women’s agency in rural areas, it is clear that the prevailing patriarchal system in rural areas cannot be dealt with by considering law reform and ignoring policy reform. The justification for the consideration of policy reform rather than legal reform is that the law could be adversarial rather than inquisitorial. The inquisitorial aspects in relation to women’ agency and social capital need to be explored, and we conclude that the dialectical process that comes with policy creation is suited to the envisioned changes in policy rather than legal reform. Moreover, the disjuncture that exists between the Constitution, and legislation can be resolved by strengthening policy provisions that recognise social capital and women’s agency. Policy reform on women empowerment is possible if policy can be augmented to take into account the conditions and aspirations of those it seeks to serve. Shared values of social capital over centuries are acknowledged here in the context of communities that have practised them. This is because social capital as it occurs through projects such as *Letsema*, are documented to have made an impact on local development issues. This article has highlighted that the notions of patriarchy do not necessarily subvert this practice of *Letsema* but that patriarchy may be a threat to the cause of empowerment

for women in rural areas. This is the reason why policy needs to be factored into the discourse of social capital as a source of agency in the policy framework on women empowerment in South Africa. Finally, there is clearly a need for reflection and further review of the National Gender Policy Framework in South Africa.

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