

**‘THERE’S NO SUCH THING AS GAY’: BLACK LESBIANS  
AND NATIONHOOD IN POST-APARTHEID SOUTH AFRICA**

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*Dissertation presented for the degree of Doctor of Philosophy in the Faculty of  
Arts and Social Sciences at Stellenbosch University*

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December 2019

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## ABSTRACT

Within post-apartheid South Africa, matters around lesbo-phobic rape, or what is more commonly referred to as corrective rape, have come into sharp focus. Lesbo-phobic rape may be understood as the rape of lesbian women with the intention of ‘curing’ them of their homosexuality or making them into ‘real’ women. The progressive, yet contentious, South African Constitution expressly protects the rights of everybody to freely express their sexual identity, when it forbids discrimination on the basis of sex, gender or sexual orientation. The prevalence of lesbo-phobic rape appears to go against the developing nation’s values of inclusion and equality. However, when examining lesbo-phobic rape through a critical lens, as this study does, it becomes clear that lesbo-phobic rape is at once both an affront to the nation’s values, while also playing an integral role in shaping the nation’s identity.

This study draws on and contributes to the rich body of literature around lesbo-phobic rape, by showing that within contemporary South Africa, lesbian women are construed as a symbolic threat to the national identity which is under construction. By incorporating visual activism and the narratives of the victims of lesbo-phobic rape, this study builds on the ideas of feminist standpoint theory in order to develop a Black lesbian standpoint framework. This framework allows for the social and historical conditions which lead to lesbo-phobic rape to be explored more thoroughly and meaningfully.

Consequently, this study explores the ways in which liberal and traditional ideologies simultaneously clash and coincide, the latter often within the realm of female sexuality, with the resultant effect of entrenching women’s subordination. It is within this heteronormative patriarchal social order, that lesbian women are constituted as abject. This abjection leads to lesbian women’s lives being rendered unintelligible and unreal, while at the same time it works

to reconstitute and reinforce the borders which uphold patriarchal domination. This abjection is further compounded for Black lesbian women due to the lingering effects of racist and sexist colonial ideologies. Within this socio-symbolic narrative, Black lesbian women are constituted as the ultimate threat to the nation's patriarchal identity, thus rendering them more vulnerable to rape, even as they are portrayed as 'unrapable'.

Based on this reading of Black lesbian women, this study will develop the claim that lesbo-phobic rape can be understood as an attempt to subvert the supposed threat that Black lesbian women pose to national development. As such, it is a means through which hegemonic male control is reasserted on an individual and collective level. By drawing on the understanding of lesbo-phobic rape yielded by the critical analysis afforded by a Black lesbian standpoint, this study will finally assert that lesbo-phobic rape is a power-political strategy, similar to war rape. This analogous interpretation of war and lesbo-phobic rapes helps to highlight the strategic underpinnings of rape that arise as a result of the specific symbolic meanings attached to women within a patriarchal social order.

### **Keywords**

Lesbo-phobic rape, Black lesbians, homophobia, sexual violence, abject, feminist standpoint, war rape

## ABSTRAK

In post-apartheid Suid-Afrika het die kwessie van lesbofobiese verkragting, meer algemeen bekend as ‘korrektiewe verkragting’, onlangs meer fokus begin ontvang. Lesbofobiese verkragting kan beskou word as die verkragting van lesbiese vroue met die doel om hulle te ‘genees’ van hulle homoseksualiteit, of om hulle in ‘regte’ vroue te omskep. Die progressiewe, alhoewel omstrede, Suid-Afrikaanse Grondwet beskerm uitdruklik die regte van elkeen om vrylik hulle seksuele identiteit tot uitdrukking te bring deurdat dit diskriminasie verbied op grond van geslag, gender of seksuele oriëntasie. Die wye voorkoms van lesbofobiese verkragting skyn asof dit die ontluikende nasie se waardes van inklusiwiteit en gelykheid skend. Wanneer daar egter soos hier deur ‘n kritiese lens gekyk word na lesbofobiese verkragting, word dit duidelik dat dié vorm van verkragting gelyktydig die nasie se waardes in gedrang bring, en ook ‘n integrale rol speel in die vorming van die nasionale identiteit.

Die onderhawige studie bespreek die bestaande ryk versameling van literatuur oor lesbofobiese verkragting, en dra ook daartoe by, deur aan te toon dat in teenswoordige Suid-Afrika, lesbiese vroue gekonstrueer word as ‘n simboliese bedreiging van die nasionale identiteit wat tans onder konstruksie verkeer. Deur gebruikmaking van visuele aktivisme en die narratiewe van slagoffers van lesbofobiese verkragting, bou hierdie studie die idees van feministiese standpunt-teorie uit tot ‘n Swart lesbiese standpunt-raamwerk. Met hierdie raamwerk kan op ‘n deegliker en meer sinvolle wyse omgegaan word met die sosiale en historiese toestande wat tot lesbofobiese verkragting aanleiding gee.

Die studie ondersoek dus die maniere waarop liberale en tradisionele ideologieë gelyktydig met mekaar bots en mekaar wedersyds versterk, laasgenoemde dikwels op die terrein van vroulike seksualiteit, met die gevolg dat vroulike onderwerping altyd weer stewiger veranker

word. Dit is binne hierdie heteronormatiewe patriargale sosiale orde dat lesbiese vroue gekonstrueer word as abjek. Hierdie abjeksie hou in dat lesbiese vroue se lewens as onverstaanbaar en onwerklik voorgestel word, terwyl dit terselfdertyd funksioneer om die grenslyne van patriargale dominasie te bevestig en te versterk. Hierdie abjeksie word in die geval van Swart lesbiese vroue verder vererger deur die voortslepende uitwerkinge van rassistiese en seksistiese koloniale ideologieë. Binne hierdie sosio-simboliese narratief word Swart lesbiese vroue geraam as die grootste bedreiging van die nasie se patriargale identiteit, met die gevolg dat hulle meer weerloos staan ten opsigte van verkragting, terwyl hulle in dieselfde asem as ‘onverkragbaar’ geteken word.

Die studie gebruik hierdie interpretasie van die posisie van Swart lesbiese vroue om die aanspraak te ontwikkel dat lesbofobiese verkragting verstaan kan word as ‘n poging om die bedreiging te neutraliseer wat Swart lesbiese vroue inhou vir nasionale ontwikkeling. Dit is dus ‘n instrument waardeur hegemoniese manlike beheer herbevestig word op sowel ‘n individuele as ‘n kollektiewe vlak. Deur gebruikmaking van die verstaan van lesbofobiese verkragting wat voortspruit uit die kritiese ontleding moontlik gemaak deur ‘n Swart lesbiese standpunt, stel die studie uiteindelik dat lesbofobiese verkragting ‘n politieke magmiddel is, soortgelyk aan oorlogsverkragting. Hierdie analogiese interpretasie van oorlogs- en lesbofobiese verkragtings dra by om die strategiese aard van verkragting te verhelder wat voortspruit uit die spesifieke simboliese betekenise wat aan vroue toegeken word binne ‘n patriargale sosiale orde.

### **Sleutelwoorde**

Lesbofobiese verkragting, Swart lesbiërs, homofobia, seksuele geweld, abjek, feministiese standpunt, oorlogsverkragting

## **Acknowledgments**

This project would not have been possible without funding from the National Research Foundation (NRF). This funding allowed me to focus on the PhD and attend international research forums, which greatly enhanced my PhD experience.

I would like to thank my incredible supervisor, Louise du Toit, for her encouragement, insight, and guidance. The thoughtful, constructive feedback and advice offered by Louise contributed to this study immensely. Without her endless support and dedication this dissertation would not have been possible.

To my husband, Grant Westman, words cannot express my gratitude for the patience, love, and encouragement that you provided during this journey.

Finally, thank you to my family and friends – especially my mother, Stephanie Hill, and brother, Andrew Forgan - for always believing in and motivating me, especially when this project felt overwhelming.

*For my grandmother, Dorothy Coe (1924 – 2018)*



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# INTRODUCTION

## 1. Preliminary remarks

Over the past few years, a substantial body of work has emerged around issues to do with violence, in particular rape, committed against lesbian women. This dissertation will contribute to this growing body of literature by further exploring the reasons why sexual violence<sup>1</sup> against lesbian women is so prevalent within South Africa. As part of this study, I will draw on feminist standpoint theory in order to develop a lens from which to understand how and why it is that the prevailing social, economic, and political conditions within South Africa contribute to the perpetuation of this particular form of violence. I have chosen to focus on sexual violence specifically, as this form of violence serves to ‘remind’ women that their bodies and sexuality are inferior to male bodies and sexuality. Through sexual violence, women’s bodies are marked as inferior and shameful, which ultimately impacts upon their subjectivities and senses of self. My overall goal is to show why the rape of lesbian women should be understood as a form of political violence, used in a similar way to the use of rape in war. In this introduction, I will give a brief overview of the phenomenon of ‘corrective’ rape, or what I call lesbo-phobic rape, provide a justification for why I focus on the rape of Black lesbian women specifically, mention the methods used to carry out this study, and provide an outline of the chapters.

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<sup>1</sup> According to the World Health Organisation (2014: 149), sexual violence is defined as:

any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.

Sexual violence also refers to assault “involving a sexual organ, including coerced contact between the mouth and penis, vulva or anus” (ibid.) Rape is considered one form of sexual violence, where rape is defined as “physically forced or otherwise coerced penetration – even if slight – of the vulva or anus, using a penis, other body parts or an object” (ibid.).

## 2. A note on terminology

### 2.1. *Lesbo-phobic rape*

A necessary place from which to begin a study relating to the phenomenon of ‘corrective rape’ is by problematizing the terminology used to name it. The rape of lesbian women is generally referred to as corrective rape but is also at times referred to as punitive rape or curative rape. Looking at the three names given to this form of violence, we can already see that there is some distinction between them. Corrective and curative rape both allude to the idea that the rape of lesbian women can ‘fix’ them or correct their supposedly subversive behaviour. Underlying these terms is the notion that homosexuality is unAfrican (as will be discussed in more detail throughout the dissertation) and subverts normative sexual ideologies within a patriarchal society. While, punitive rape suggests that rape is a means through which to punish lesbian women for their refusal to conform to patriarchal, heteronormative ideologies.

While these terms might seem to have differing meanings attached to them, what we can deduce is that underlying each of these terms is the notion that lesbian women are functioning outside of the confines of what is considered ‘normal’, ‘right’ or ‘allowable’ within a social order predicated on strong patriarchal and heteronormative values. While it might seem that the nuances in the terminology are inconsequential in the face of the actual violence experienced by the lesbian women who are raped, in terms of trying to uncover the motives and intentions of the rapists, these nuances become important. It is also worth noting that the terms corrective/curative and punitive can be related to rape more generally, as will be seen in the example below.

The language used to name this phenomenon has come under scrutiny due to the influence that language can have on attitudes and behaviours, in that language plays a fundamental role in shaping and maintaining beliefs and ideologies. According to UNAIDS (2015: 1) language has the ability to shape the beliefs people hold and influences their behaviour. Therefore, it is vital that we are mindful of the discourses that are used to both name and describe acts of violence, and as activists we should refrain from imposing upon victim<sup>2</sup> experiences terminology other than what they themselves use. For example, if certain victims of what researchers would consider to be lesbo-phobic rape refuse to either lay a criminal charge, or name their experience rape, or ‘corrective rape’, or refuse to self-identify as lesbian, all of these decisions should be respected.

Even apart from the question of what terminology victims themselves would use, the terminology used to name corrective/curative/punitive rape is already deeply problematic, firstly, because it could be argued that all forms of rape are aimed at some kind of ‘correction’, for example, the correction of the supposedly subversive, because autonomous, behaviour of some heterosexual women. South African author, Helen Moffett (2006: 138), for example, explains the case of a South African taxi driver who, along with friends, would drive around and look for ‘cheeky’ women – women who displayed a degree of autonomy or self-confidence

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<sup>2</sup> Throughout the dissertation I will use the term ‘victim’ to refer to women who have been sexually assaulted or raped. Some authors choose to use the word ‘survivor’ instead of ‘victim’; however, not all women do survive. I am aware that the term ‘victim’ is problematic as it reinforces the notion of victimhood and is often associated with a kind of ‘helplessness’ or ‘passiveness’ (Gupta, 2014). So, this term might be especially problematic in light of the attempt to move away from the singular representation of lesbian women as passive and helpless. However, Gupta (2014) argues that while the term ‘survivor’ celebrates the individual and her triumph in overcoming violence, the word ‘victim’ is still important in that it “recognises the enormity of the system [women] are up against, and its brutalising potential.” In other words, the term ‘victim’, while often associated with negative connotations, also points to the oppressive systems in which women often are not survivors. ‘Victim’ is also a more encompassing term as it includes both those who have and have not survived. Overall, I avoid using the term ‘victim’ as far as possible and instead prefer to use the phrase “women who have been victim to violence/rape” as this focuses more on the act of rape/violence rather than on the women as victims. However, at times, I have found it unavoidable to use this term, and so use it with the awareness that it is not ideal.

or practiced freedom of movement<sup>3</sup>. Once identified, these women would be abducted, and group raped<sup>4</sup>. Moffett explains that sexual violence such as this is “implicitly related to the project of not only refusing to ‘recognise [women’s] independent subjectivity’, but actively punishing such ‘independent subjectivity’” (ibid.), as alluded to by the term punitive rape. In other words, even in the above-mentioned case, the aims of the rapes were punitive in that the goal was to ‘punish’ women for their apparent subversive behaviour and corrective/curative in that they sought to ‘correct’ their future behaviour through fear.

However, what is also problematic is that the terms corrective, curative and punitive all suggest that “there is something pathological with the sexuality and/or sexual preferences of lesbian women” (Padmanabhanunni & Edwards, 2013: 385) and that homosexuality needs to be cured, corrected, and punished. All of these terms thus seem to buy into the logic of the rapists themselves. Hames (2011:88) claims that “[t]o correct’ means there is something wrong and by claiming these terms we pathologise ourselves”, in line with the 19th century rise in European interest in pathologising and medicalising every form of ‘sexual deviance’, in other words, every form of sexual behaviour that did not conform to bourgeois, patriarchal, monogamous reproduction. Furthermore, Hames (ibid.) suggests that “by using terms to ‘correct or cure’ our sexuality or sexual orientation is to erase our dignity and our humanness” and “if we keep on reproducing the oppressive language we will continue to dehumanise ourselves” (ibid.).

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<sup>3</sup> Iris Marion Young (1980: 152) explains that within a patriarchal culture women’s movement is confined, restricted and objectified. She (ibid.) claims that “women are not given the opportunity to use their full bodily capacities in free and open engagement with the world” as are men. The confined and restricted movements related to the feminine are, according to Young (154), as a result of the ways in which patriarchy “defines woman as object, as a mere body” (ibid.). In other words, a woman’s open movement invites the objectification of her body. Where women challenge this conception of femininised bodily motility through free movement and confidence, and the embracing of their independent subjectivity they are considered subversive.

<sup>4</sup> Most of the literature refers to gang rape; however, it is possibly more accurate to refer to rape perpetrated by more than one man as *group rape* as not all such rapes are carried out by men who belong to gangs (see, for example, Wood, 2005: 306). As such, I will refer to rape carried out by more than one man as group rape.

As such, we can see that the terminology commonly used to name this phenomenon is not neutral or objective; it is rather the case that this terminology has underlying meanings and connotations that serve to reinforce the logic behind this violence. Therefore, it is necessary to develop new terminology to refer to this particular phenomenon; terminology which will create critical consciousness around the sexual violence perpetrated against lesbian women, while at the same time moving away from language which reinforces victimhood or re-inscribes sexual pathology (Hames, 2011: 89). While there has been discussion around the problem especially with reference to the term corrective rape, this terminology is still prevalent within both public and private discourse.

A more neutral term might be ‘homophobic rape’ as used by the United Nations. According to UNAIDS (2015: 6), homophobic rape forms part of the “wider pattern of sexual violence, attacks of this kind commonly combine a fundamental lack of respect for women, often amounting to misogyny, with deeply entrenched homophobia.” They further suggest that the term homophobic rape “notes the deep-seated homophobia that motivates the hate crime” (ibid.). The term homophobic rape, according to this definition relates to the rape of, both actual and perceived, lesbian women, as well as gay men and men perceived to be gay (ibid.). This term thus focuses on the perpetrator rather than the victim and suggests the phenomenon originates with the rapist (and his irrational fears expressed as ‘phobia’) instead of locating it in the (‘deviant’) body of the victim. For these reasons, I will use the term ‘lesbo-phobic rape’ to refer to the rape of lesbian women and women assumed to be lesbian.

## **2.2. *Hegemony***

Hegemony will be referred to often throughout this dissertation, therefore, it is important that there be a clear understanding of this term from the outset. According to Rosamond (2019),



hegemony refers to “the dominance of one group over another” and is “often supported by legitimating norms and ideas.” Hegemony, in other words, is constituted by normative ideologies which render some individuals part of the dominant group and others as outside of it. These normative ideologies then work to keep certain individuals in this dominant position while rendering those outside of its confines, subordinate. Butler (2000: 14) argues that:

hegemony emphasizes the ways in which power operates to form our everyday understanding of social relations, and to orchestrate the ways in which we consent to (and reproduce) those tacit and covert relations of power.

Consequently, even those who fall outside of the hegemonic group often inadvertently re-enact or reproduce the conditions or ideologies which lead to their subordination to the hegemonic group. Such is the powerful nature of hegemony. For example, women might adhere to normative patriarchal ideologies, such as being the sole maintainers of the home, which upholds the hegemonic patriarchal status quo.

Arising from the more general idea of hegemony, is the notion of hegemonic masculinity. Drawing on the above description of hegemony, hegemonic masculinity can be understood as the dominant form of masculinity found within a particular society or community. For Brandon Hamber, a prominent author on masculinities, masculinity can be defined as the norms and expectations which govern what it means “to be a man” (Hamber, 2010: 8). The notion of hegemonic masculinity will be discussed in greater detail throughout the dissertation, particularly in Chapter Two. However, we can understand hegemonic masculinity as generally being predicated on economic, social, and political status (Ratele, 2006: 48), and as being the subordination of non-hegemonic men and women to those who successfully fulfil the criteria associated with hegemonic masculinity.

### 2.3. *Nationalism and nation building*

Within South Africa, predominantly, post-apartheid South Africa, there is a lot of reference to the idea of a unified nation, the ‘rainbow nation’. However, it is necessary to analyse the idea of ‘nations’ and ‘nationalism’ in order to come to understand how it is that lesbo-phobic rape forms an important part of South Africa’s national development. There will be a detailed discussion of this in Chapter Two, so here I will only give a brief overview of the term nation. According to the Oxford Dictionary (2019) a nation can be defined as “a large body of people united by common descent, history, culture or language, inhabiting a particular country or territory.” Alternatively, a nation can be understood as “a distinct population of people bound by common culture, history and tradition.” What can immediately be deduced from these definitions of ‘nation’ is that the members of nations are characterised as homogenous groups sharing common ideals, values, histories, and cultures.

The idea of the ‘rainbow nation’ might seem somewhat more inclusive in that it appears to elude to a nation that is an amalgamation of the many varying cultures and cultural identities found within contemporary South Africa. However, if we are to understand nations as based on unifying/common cultures, languages, histories, and traditions, it becomes difficult to see how this kind of homogeneity could be achieved within the ‘rainbow nation’. Instead, what has come to the fore within contemporary South Africa, is that certain identities, ideals, values, and individuals are representative of the nation. This is obviously not only true of South Africa but of all nation-states. As such, nations are problematic in that they are founded on exclusion and, as Visvanathan (2006: 534) argues, it is within the idea that a nation is an homogenous, unified group of people rather than an exclusionary device, that the “seeds of ambivalence and violence are rooted.” Consequently, it can be seen how calls to nationhood and nationalism can bring

about violence in an attempt to rid the developing nation of those who threaten its homogeneity and ideological goals.

#### **2.4. *Shame and Guilt***

Shame and guilt are important concepts that arise in research surrounding sexual violence. As will be seen throughout this dissertation, many survivors of rape, including lesbo-phobic and war rape, refer to both the shame and guilt that they experienced as a result of the violence inflicted upon them. Often these terms are used interchangeably; however, within psychology, these terms have two differing meanings. In terms of this project, the terms guilt and shame can also be distinguished by the ways that they relate to the punitive or corrective goals of lesbo-phobic rape respectively.

Makogon and Enikolopov (2013: 170) explain that shame and guilt are both “self-conscious emotions, evoked by self-reflection and self-evaluation; both are characterised by feelings of distress, and both aid in self-regulation.” However, despite the similarities, there are important differences between the two. The main difference as will be discussed, is that shame is related to one’s self as a person, while guilt is related to one’s behaviour or actions (Makogon & Enikolopov, 2013: 170 and Tangney et al., 2011: 708). Shame, according to Makogon and Enikolopov (2013: 170), is directed towards one’s self. In other words, “shame arises when one makes attributions about one’s self; such attributions lead to negative feelings about the global self” (ibid.). Meaning that shame relates to how one feels about one’s self as a person and one’s core identity (e.g. “I am a bad person”) and is correlated with feelings of helplessness and worthlessness (ibid.). Shame can also lead to symptoms of low self-esteem, depression, and post-traumatic stress disorders (ibid.). Tangney et al. (2011: 707) claim that shame is more disruptive than guilt because shame relates not only to one’s behaviour but rather to the self.

While shame is directed towards oneself, its effects are much more far-reaching in terms of its social effects. Thus, while it is experienced on an individual level, it can also be experienced collectively, and in this sense, shame has a regulatory effect on society. Helman (2019) claims that:

The power of shame lies in its capacity to make those who are shamed believe that they deserve to be hurt, ignored or suffering [sic.]. Shame makes [women] believe that they are responsible for being raped, it makes under- or unemployed people believe that they are responsible for being poor. It makes us all live in constant fear of being raped or becoming poor. In this way, shame distracts us from social justice, and allows inequitable structures such as patriarchy and capitalism to continue to wreak havoc.

As will be seen throughout this dissertation, shame can have the effect of making lesbian women believe that there is something inherently wrong with their selves, and for this reason they blame themselves for the violence committed against them.

From the above understanding of shame, it could be argued that shame is linked with the notion of corrective or curative rape. That is, that lesbo-phobic rape when understood as corrective or curative, correlates with the idea that there is something wrong with a lesbian woman's self or core identity. When rape is used to shame women, it has the effect of undermining their identities and leads to them feeling worthless. Tangney et al. (2011: 710) further assert that shame "motivates efforts to deny, hide, or escape [from] the shame inducing situation." Again, while this begins on an individual level, where there is a pervasive, visible shaming of similarly-placed people, shame can act on a more collective level, leading to certain groups of people denying or hiding their selves and identities, as in the case of lesbo-phobic rape. Because shame works to negate or damage the identities and thereby subjectivities of the victims, it effectively acts as one of the ways through which to expel women from the heteronormative

patriarchal social order. These effects of shame will be discussed in more detail throughout the dissertation.

Guilt, in contrast, relates to one's behaviour or actions, rather than with one's self or identity. Makogon and Enikolopov (2013: 170) claim that "guilt arises when one makes internal, specific attributions about one's actions; these attributions, in their turn, lead to negative feelings about a specific behaviour one has performed." Guilt does not arise, however, from only an internal locus, instead feelings of guilt arise from social norms which dictate what behaviour is acceptable or unacceptable. Guilt is often experienced as less disruptive or painful than shame because it is "somewhat apart from the self" (ibid.); it is not directly related to one's self as person, but rather with behaviours which are often seen as amendable. In terms of lesbophobic rape, guilt correlates more closely with the idea of punitive rape, in that punitive rape could be understood as perpetrators punishing a misdeed – a behaviour. It could be argued then that the focus is not as much on the victim's self or identity but rather on their visible behaviour, for example, openly displaying affection with a partner in public or dressing in a more masculine way. Again, as will be seen in the stories told by lesbian women, some feel guilty because they displayed behaviour or actions which they believe led to them being raped. The feelings, in this instance, are not then so much associated with their lesbian identities, but rather with their actions.

While guilt and shame might be different, what can be seen, particularly as they relate to rape, is that both serve a regulatory purpose, either in that they regulate a person's behaviour (guilt) or they lead to a person (or group of people) hiding or denying their identity as a form of self-preservation (shame).

### 3. Lesbo-phobic rape in South Africa

Lesbo-phobic rape, as mentioned above is “rape perpetrated by straight men against lesbian women in order to ‘correct’ or ‘cure’ their ‘unnatural’ sexual orientation” (Brown, 2012: 45). This ‘form’ of rape is committed against women who, based on their appearance, behaviour or mannerisms, are identified by the attacker/s as lesbian. However, it is not always the case that these women are in fact lesbian; some merely display characteristics that are more typically associated with masculinity but self-identify as heterosexual. The emphasis however is on how women are identified from the outside rather than on how they self-identify or even what kind of relationships they establish.

It is difficult to determine the number of lesbo-phobic rapes that occur within South Africa, due to the fact that many victims do not report their rapes, as well as owing to the fact that victims may choose not to disclose their sexual orientation when reporting the rapes (Padmanabhanunni & Edwards, 2013: 385). However, reports suggest that at least ten cases of lesbo-phobic rape occur per week in South Africa (ActionAid, 2009) and that the number of cases is increasing (Padmanabhanunni & Edwards, 2013: 385). A more recent estimate is that 10 cases take place in Cape Town *alone* each week (Sizwe cited in Masemola, 2017).

While South Africa is by no means the only country in which lesbo-phobic rape occurs, it does appear to have one of the highest reported incidences. This correlates with the high levels of rape more generally in South Africa, where it is reported that in 2017/2018, 40 035 rapes were reported to the police, an average of 110 per day (Africa Check, 2018). As with lesbo-phobic rape these statistics are tentative and are not an accurate measure due to the underreporting of rape. Other countries that have high rates of lesbo-phobic rape are Thailand, Zimbabwe,

Namibia, and Ecuador (Asokan, 2012). In South Africa, some high-profile cases include that of the Banyana Banyana football player, Eudy Simelane, who was gang-raped, beaten and stabbed 25 times in 2008 (Kelly, 2009). Another high-profile case was the rape and murder of Sizakele Sigasa and Salome Massooa, a lesbian couple, in July 2007 (Kelly, 2009). Simelane, Sigasa and Massooa were presumably raped and murdered because they were openly lesbian. According to reports<sup>5</sup>, these women were harassed and verbally assaulted before being tortured, raped and murdered. With many cases of lesbo-phobic rape, the perpetrators explicitly state that they are raping the victim to ‘cure’ her of her lesbianism, or ‘show her that she is a woman’ – clearly indicating that these rapes target women who are, or are assumed to be, lesbian (Human Rights Watch, 2011b and Kelly, 2009).

I have chosen to focus specifically on the rape of lesbian women in this dissertation. In so doing, I do not wish to imply that the rape of lesbian women is in some way more important than other ‘forms’ of rape, or that some rape victims are different or more important than those of other forms of rape. In other words, the intention is not to create a victim hierarchy, but rather to look at aspects that may be unique or specific to the phenomenon of lesbo-phobic rape. The focus on lesbo-phobic rape falls within the broader phenomenon of rape, where rape is understood as being related to power, control and punishment. Therefore, the insights gained from this study are likely to feed into and enrich our understanding of rape in the more general sense.

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<sup>5</sup> See, for example, Treatment Action Campaign (2007), Craven (2017) and Kelly (2009).

#### **4. The intersection of race, sex, and gender within the context of lesbo-phobic rape**

Not only will I be focussing specifically on lesbian women, but I will be narrowing this down further and predominantly focussing on violence enacted against Black lesbian women. Again, I do not wish to imply that it is only Black lesbian women that are exposed to lesbo-phobic rape, however based on the available statistics, it is Black lesbian women who are predominantly affected by this form of rape (Judge, 2018: 47; Gqola, 2015: 4). As Pumla Gqola (2015: 4) explains, at first glance it could be assumed that the reason more Black women are raped is for the simple fact that there are more Black women than White women in South Africa. However, the reason is actually not as simple as this and instead has to do with the intersection of race, sex and gender within post-colonial South Africa. Melanie Judge (2018: 51) explains that the violence experienced by Black lesbian women in contemporary South Africa results from the lingering effects of violent forms of subordination and subjection that were characteristic of colonialism and apartheid. Gqola (2015: 4) further argues that the White supremacy associated with colonialism and apartheid “created the stereotype of Black women as hypersexual and therefore impossible to rape.” In other words, it is the continuation of the colonial and apartheid constructions of race in conjunction with the hetero-patriarchal constructions of gender and sex that result in a disproportionate number of Black (including Black lesbian) women in South Africa experiencing sexual violence.

A central concern of the colonialist project was the regulation and control of Black persons’ bodies and sexualities. This focus on Black bodies and sexualities was central to the justification and legitimisation of the colonial goals of ‘civilising’ the, supposedly, savage and barbarian natives (Tamale, 2011: 15). That is, the discursive positioning of Black bodies as savage and threatening created the justification that colonialists used to legitimise the violent



regimes used to oppress and exploit Black people. Within this context, Black men and women were characterised as hypersexual, insatiable, deviant and alien (17). This characterisation was juxtaposed with the self-understanding of the White European colonialists as highly sexually conservative. Thus, in the same way that gendered power is ordered according to the binary distinction between masculine and feminine (where masculine qualities are designated superior), a hierarchical binary distinction was drawn between the purity of White sexuality as expressed in patriarchal monogamy, and the inferior sexual norms of the Black ‘savages’.

Such characterisations of Black sexuality were used as a way for the puritanical colonial population to distance themselves from, and elevate themselves above, the so-called savagery and primitiveness of the native population. In other words, “Western sexualities [have] relied on the production of the racialised non-Western [Other] such that the co-constitution of the racialised Other (as savage) and the White (as civilised) is foundational to both colonial and post-colonial discourses of sexuality” (Judge, 2018: 49). In essence, Black women faced subordination based on their gender, the racist characterisations of their sexuality, and the sexualisation of their race. We can therefore begin to see how it is that race, gender and sexuality intersected under colonialism to form an interwoven web of discrimination and subordination, such that Black women were positioned as the very antithesis of what was fully human - they were neither White nor male, and their supposed sexual appetites did not conform to those expressed through the religious ideologies of the Christian colonialists. Based on these characterisations, Black women were relegated to the very farthest margins of colonial society.

In addition to, and because of, these discursive characterisations of Black women’s sexuality, colonial and apartheid forces also used rape as a means to punish and control Black women. Consequently, Gqola (2015: 42) stresses that in order to make sense of rape within

contemporary society, we need to first understand the ways in which rape served to shape social arrangements within pre-democratic South Africa. She explains that rape was used systematically within slave-ordered societies, as well as during colonial and apartheid times in order to regulate Black women and enforce White male power. During the times of slavery, rape was carried out routinely by masters, very often with the intention of impregnating the slave women so as to increase the slave population without having to spend money (41). However, because Black women were cast as hypersexual and insatiable it was held that they could not be raped (ibid.). If rape is the crime of violating another person's sexual integrity, Black women were viewed as unrapable because they were viewed as naturally lacking in sexual integrity in the first place. That is to say, colonial forces used this stereotypical conceptualisation of Black women's sexuality as a way to gloss over the sexual crimes that they were committing, and to create a system of impunity for sexual violence committed against Black women. Additionally, masters used the notions of Black female slaves' sexual lasciviousness as a way to lay the blame for their sexual relations on the women, rather than with their own lustful desires and motivations of power and wealth (Commons in Tamale, 2011: 15). Thus, we can see the beginnings of the essentialist<sup>6</sup> characterisation of Black women and Black female sexualities and how this was used to legitimise or excuse violence that was enacted on their bodies.

The characterisation of Black women as sexually insatiable was carried through from early colonialism and slavery to the modern state of apartheid where a fixation on the regulation of Black sexuality as a means of 'population control' arose. Because of the conceptualisations of

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<sup>6</sup> Essentialist characterisations ignore "intersectional identities", "make unequivocal claims" and "weld static meaning to particular bodies" (Judge, 2018: 49). In other words, an essentialist characterisation is one which renders, for example, Black women as a homogenous group, who have singular histories, narratives and experiences. By essentialising particular groups or bodies, the diverse lived experiences and subjectivities that arise within such groups are made invisible.

Black sexuality as rampant, White ruling forces feared that if left unregulated, the Black population would, figuratively, explode and become uncontrollable (Posel, 2005a: 128). Consequently, the threat that Black sexuality posed to the purity of the White nation, and to White patriarchal control, had to be strictly policed in an attempt to ease the anxieties of the White minority<sup>7</sup>. The threat that the Black population posed to White minority dominion came to be located in Black sexuality, but more specifically Black *female* sexuality and the reproductive capacities of Black women through which the supposed threat of overpopulation would arise. African sexuality, based on these conceptualisations, was located within a discourse that essentialised it as heterosexual, and emphasised a woman's primary role as that of reproduction (Tamale, 2011: 18). Along with the attempt to tame the supposedly rampant nature of Black sexuality, the colonialist and apartheid forces also sought to more strictly regulate sexuality along conservative Christian lines. As part of this, Black women were made to cover up and hide their bodies parts (Tamale, 2011: 16), which they may have previously displayed unashamedly.

The apartheid regime with its conservative Christian ethos further entrenched heteronormative ideologies with laws that criminalised homosexuality, accompanied by “a deep-seated and widespread homophobia [which] deterred the open expression or assertion of any sexualities deemed transgressive” (Posel, 2005a: 128. See also, Gqola, 2015: 14). Judge (2018: 51) adds that “apartheid's rootedness in patriarchy installed sexuality and gender as key dimensions of social ordering and control. Race and sexual identity formations were deeply intertwined, manifest in the governance and ordering of sexual bodies and lives.” Thus, it can be seen that

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<sup>7</sup> An example of such policing under the Apartheid government was the Immorality Act of 1957 which prohibited inter-racial sexual relations (see, for example, Judge, 2018: 51; Lewin, 1960: 67 and Carolin, 2017: 113). This law was later extended to criminalise sex between men in 1966 and then sex between women in 1988 (Judge, 2018: 51).

not only did colonialism and apartheid serve to impose stereotyped, racist ideologies around sexuality on Black people, but they also served to deeply entrench heteronormativity into South African culture. The othering of Black sexuality was essential to these repressive regimes as it played into the propaganda that Black people were a threat to the (White) state and needed to be controlled through any means, including, pertinently, through sexual control.

With the inception of democracy around 1994, it might have been thought that these racist characterisations of Black sexuality would have been diminished. However, as Sylvia Tamale (2011), Gqola (2015) and Judge (2018) assert, these stereotypical notions have continued into post-apartheid South Africa and still underlie popular conceptions of Black (specifically female) sexuality as Other. Tamale (2011: 17) claims that “the colonial stereotyped images of a specific African sexuality – insatiable, alien and deviant – to this day inform Western discourses.” As will be discussed in detail in Chapter Two, many of the social problems encountered in contemporary, post-apartheid South Africa are symbolically projected onto female sexuality, and Black female sexuality in particular, such that female sexuality is seen as the source of social chaos and upheaval, rather like a scapegoating exercise. For this reason, we see attempts to control and regulate female sexuality in a professed effort to safeguard society from social ills like HIV/AIDS, teenage pregnancies and sexual violence. This is often done through regulating women’s clothing and through practices like virginity testing, which will be focussed on in Chapter Two. Clearly, then, the Black female body has retained its colonial connotations of disorder, chaos, disruption, excess and deviance, into the post-colonial social order. The means through which this chaos and disorder is controlled might have changed, but not the felt need for such control.

In addition to the racist and sexist characterisations assigned to Black women, the conservative Christian values that were introduced by the colonialists also served to negate and marginalise all non-heteronormative<sup>8</sup> sexualities. Judge (2018: 50) asserts that:

[T]he invisibilisation and stigmatisation of same-sex sexuality is intertwined with these cultures of heteronormativity and their reliance on constrained representations of African sex and sexuality. Linked to these configurations was the colonial policing of sexuality that, for example, took the form of criminalising same-sex practices and identities across the continent.

By characterising Black sexuality as rampant, it was assumed by colonial and apartheid regimes that the only form of sexuality the Black population ascribed to was heterosexuality. As Nadine Lake (2014: 70) suggests, “this essentialist view of African sexuality has influenced assumptions regarding homosexuality in [contemporary] Africa.” Within present day South Africa, the Western and colonial idea that Black people cannot be homosexual is reinforced by rhetoric that asserts that a ‘real’ African man is one who has sex with women – a heterosexual man (Ratele, 2014: 124) and a ‘real’ African woman is a mother (Muholi in Thomas, 2010: 429). Consequently, the racist colonial logic of African sexuality as singularly heterosexual has become so deeply entrenched that it has ironically led to the current prevalent notion that homosexuality is a colonial import and, thus, unAfrican.

Under the newly liberated South African democracy, Black women are still marginalised and subject to the same ideological underpinnings that contributed to their oppression in pre-democratic South Africa. For this reason, Black women are often more vulnerable to violence

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<sup>8</sup> ‘Non-heteronormative’ is, in a sense a problematic term as it reinforces heteronormativity as normative. However, it is a term that is used in much of the literature in this field. Bearing in mind the issues with this term, I will still make use of it within this dissertation. I will do so, as it succinctly refers to all forms of sexuality which fall outside of the limited expressions of hegemonic heterosexuality.

based on the intersection of various factors. Their characterisation as unrapable and the invisibility that arises from their marginalisation further contributes to their vulnerability to violence. As Gqola (2015: 53) claims: “Black women are the most likely to be raped because of these combined histories about who matters least” such that “rapists rape the women longest burdened with the assumptions of unrapability” (ibid.). It is thus because the sexual violation of Black women historically stayed under the radar of social sanction and legal consequences, that Black women are still positioned as the most easily available targets of sexual violence. This is a key colonial logic which for various reasons has not been addressed in South Africa’s political transition to democracy and Black majority rule. Consequently, Black lesbian women who are already considered to matter least based primarily on their gender and race, and thereby already face the highest threat of rape, clearly have this further compounded by their non-compliance with hegemonic patriarchal ideals. Simply put, this means that they become socially and politically positioned as particularly vulnerable to the threat of rape; with perpetrator impunity as the other side of the same coin.

It is because of the invisibility and the particular vulnerability of Black lesbian women – or women identified as such by others - that I have chosen to focus on violence perpetrated against this group of women specifically. The intersection of factors which lead to violence against Black lesbian women are specific to the current South African socio-political conditions but can be used as a framework to understand how sexual violence operates within South Africa more generally. Below I explain that in accordance with feminist standpoint theory, I believe that starting from the position and perspective of the most marginalised is an effective means through which to understand systems of oppression. Accordingly, by beginning with an understanding of how social, political and historical factors lead to the prevalence of lesbo-

phobic rape, we can see how these function to oppress women and marginalised sexualities more generally.

## **5. The use of a feminist standpoint framework**

While I will focus on violence against Black lesbian women in South Africa specifically, I do not wish to imply that all Black women experience life in the same way or that Black women are one homogenous group. Instead, I recognise that there are vast multiplicities within the diverse lived experiences of Black lesbian women. However, in spite of the differences, I will work to draw out common themes that emerge from the stories told by Black lesbian women themselves, as well as those that are brought to the fore through theoretical studies related to lesbo-phobic rape, in order to discern widely shared patterns of experience. In addition to this, I will explore the themes underlying sexual violence against (predominantly Black) lesbian women which are highlighted through the visual activism of Zanele Muholi, Jean Brundrit and Mamela Nyamza. In other words, I will use various resources to develop a framework from which the phenomenon of lesbo-phobic rape can be analysed and interpreted within the South African context, but which I would claim could speak to violence enacted against lesbian women (and especially marginalised and minority women) on a more global scale.

Here, I think it is important to mention my own positionality within this study. As a White, heterosexual, cis-gendered woman, I occupy a position that enjoys many privileges that might not be afforded to other women within contemporary South Africa. I am aware that this position of privilege means that there are many positions and lived experiences that I will never be able to fully understand. However, while I am not part of the diverse group of women who make up the broader category of Black lesbian women, as a woman I am able to understand some of the issues that affect all women within South Africa (and more globally), including gendered

oppression, the ever-present threat of (sexual) violence, and the ways in which this violence serves to regulate the actions and movements of all women. My aim is, thus, to avoid speaking for Black lesbian women – I aim not to silence their voices or reinforce colonial tropes around Black female sexuality – instead, I hope to draw on the experiences of Black women that come through in the various resources mentioned above in an attempt to reach a better understanding of the factors which marginalise women and create conditions in which violence is so prevalent and normalised. Hence, I will place the voices of Black lesbian women in the centre of my study and try to learn from their perspective on South African society. In particular, I work to obtain an understanding of the phenomenon of sexual violence aimed specifically at their bodies, through this process.

In order to respect and privilege the voices of Black South African lesbian women and so avoid imposing upon and silencing these, I will draw on the tenets of feminist standpoint theory. There will be in-depth discussions of feminist standpoint theory in Chapter One, therefore, I will only give a very brief overview of it here. The principal tenet of this theory is that in order to develop a thorough, meaningful understanding of the systems of oppression at work in a particular society, it is imperative to begin with the experiences of those who are most marginalised (Crasnow, 2009: 190). A standpoint draws on the intentional narrating of experiences in combination with social and political activism in order to develop an account of knowledge that is particular to specific moments in history, from a specific perspective, and within specific social settings, but which provide insights that can be applied more broadly. Furthermore, by looking through the lens that a standpoint creates, those who are outside of this position are able to gain some understanding and insight into what the experiences of those who occupy this position are like. Standpoint theory thus encourages and assists us in obtaining a perspective on a shared social order that is not associated with our own positionality.



That is to say, by using a lesbian standpoint, those of us who do not occupy this position are able, through active and meaningful engagement with the standpoint, to form some understanding, albeit a partial and imperfect understanding, of what it might be like to live as a lesbian woman in contemporary South Africa. In this dissertation, I will begin from the standpoint of Black lesbian women, drawing on the commonalities found within their subjective experiences as narrated by their own voices and depicted through art works, in order to develop a framework for an ontological and epistemological understanding of the oppressive forces at play in the subordination and subjection of lesbian women. In other words, I aim to develop a framework that allows for a new insight into *how* to develop our knowledge around lesbo-phobic rape, as well as a clearer understanding of *why* lesbo-phobic rape occurs. Judge (2018: 12 - 13) argues that an ontological and epistemological approach to (lesbo-phobic) violence “exposes alternative ways of being and knowing that might offer new openings through which to theorise gender and violence.” Consequently, I will use a Black lesbian standpoint as a way to uncover why lesbo-phobic rape exists within South Africa’s specific socio-political and historical context, as well as how this can be best understood by beginning from the subjective positions of women who have been exposed to this violence – hopefully opening up an alternative way through which to theorise violence against lesbian women. In doing so, I hope that the insights gathered from this study could be used in order to address the violence committed against lesbian women, and so go some way to ensuring better protection for them in future as well as laying a foundation for how an understanding of lesbo-phobic rape can contribute to our understanding of rape and sexual violence within South Africa more generally.

To close this section, I would like to borrow the words of Judge (2018: 4):

The multiplicity of my own subjectivity cannot be wished or theorised away. Rather, it offers a partial and perspectival view that – as in subjectivity itself – yields both enabling and constraining accounts of the world and those in it, serving my own interests, and hopefully in part, in the interests of why, about what, and whom, I write.

My hope is that I do not impose my own subjective experiences or knowledge onto those of Black lesbian women (while remaining cognisant of the fact that it is impossible to develop a knowledge that is free from one's own subjective situatedness), and in so doing, reassert the colonial view of Black people as passive recipients of violence or in need of saving by an outside (White) force. In line with feminist standpoint theory and drawing on suggestions posited by Tamale when engaging in research related to sexualities, I “allow for linkages between real life experiences and the phenomena under study” thus allowing me, as the researcher to get an appreciation of “the research issues within the framework of ... lived experiences and life situations” (Tamale, 2011: 29). At its best, this study will enable me – and my readers – to form new understandings of our shared existence in dialogue with subject positions importantly different from my own.

## **6. Research design and methods**

This study focuses on a theoretical understanding of lesbo-phobic rape within the current South African context. For this dissertation, I will undertake a critical hermeneutical analysis of the existing literature that informs this study. In other words, I attempt to construct knowledge around the phenomenon of lesbo-phobic rape through dialogue between various texts along with my own interpretations of these texts. I will use the shared knowledge which arises from these textual dialogues in order to check my own understandings and interpretations. I also

foreground my research in the neo-Marxist tradition / Frankfurt School. In line with a hermeneutical approach which suggests that the inquirer is part of the process of knowledge construction, the Frankfurt School has as one of its main principles the rejection of the idea that knowledge is completely objective. According to this view, “knowledge is embedded into a historical and social process” (Corradetti, n.d.). As Corradetti (ibid.) claims, “since intellectuals themselves are not disembodied entities ... knowledge can be obtained only from a socially embedded perspective of interdependent individuals.” We can understand this in a similar way to the claims made by Tamale above – that it is impossible to detach oneself from one’s intellectual endeavours, and as such, some subjectivity will always come into play in research. As will be seen in Chapter One, for feminist standpoint theorists, subjectivity is also vital to meaning-making. Consequently, I acknowledge my own social positioning and the ways in which this influences the meanings that I make; however, by using a critical hermeneutical process, I aim to ensure that the meanings I arrive at can be checked against the shared meanings which arise through the analysis of multiple sources.

Additionally, this study will engage with the work of the three South African artists mentioned previously. In so doing, I will provide an analysis of their works in line with how it might be used towards the development of a lesbian standpoint. It is important to note that I am aware of the subjective nature associated with the analysis and interpretation of artistic works which can result in different meanings for different people, within different contexts. As such, the interpretation I offer is drawn from my own analysis (especially with regards to how these can be read against the ideals of feminist standpoint theory), as well as interpretations of these works as presented by other authors. Therefore, there may be limitations to my analyses or contestations which arise as a result of them. However, by consulting other analyses and relating the artworks back to a theoretical framework, which is steeped in awareness of power

relations and systems of oppression, I hope to do justice to these works and what they might mean.

While this study will draw on empirical evidence relating to lesbo-phobic rape in order to inform the conceptual frameworks and analyses, no original empirical research or studies will be conducted. This study will draw on various sources for its evidence and data, including crime statistics, studies carried out by organisations such as Human Rights Watch, and anecdotal evidence found in the stories told by lesbian women themselves. I have chosen not to rely too heavily or only on empirical data as statistics related to sexual violence, including lesbo-phobic rape are known to be tentative at best (as discussed above). It could be argued that empirical data could be a more reliable form of evidence as it is more objective, however, all data is mediated and interpreted based on where and by whom it is produced. Therefore, it could be argued that there is no real raw data. In line with a feminist standpoint approach, I will draw on some empirical data within the study, however, I will bring more attention to the stories of lesbian women along with the representation of these through visual activism, thereby starting from the position of the most marginalised. Overall, the general norms of traditional philosophical research methodology will be adhered to. This includes the definition and explanation of concepts, philosophical argumentation, the analysis and assessment of theoretical frameworks, the identification and critique of presuppositions, and the critical-creative reinterpretation of the key contemporary literature on the research problem.

## **7. Summary of chapters**

**Chapter One** will centre on a discussion of feminist standpoint theory and how visual activism may contribute to the emergence of a Black lesbian standpoint. Here I give an overview of the main tenets of feminist standpoint theory in order to show how it is that such a framework can

help in the identification of core themes that emerge from the lived experiences of the victims of lesbo-phobic rape. In relation to this, the chapter will explore how the visual activism (through photography and dance, respectively) of Muholi, Brundrit and Nyamza, can help to develop a local (South African) lesbian standpoint. By dialogically combining the issues that emerge through their works with the voices of Black lesbian women who have been subject to lesbo-phobic sexual violence, I identify central themes, including victim shame and guilt, lesbo-phobic rape as a form of punishment, and the annihilation of the victims' subjectivities, which will become a focus of the dissertation. The aim of this chapter is to explicate the value of a specifically Black lesbian standpoint as a point of departure from which we can begin to better understand lesbo-phobic rape. Consequently, I begin the dissertation with this focus as a way to develop an epistemological lens through which we can understand why lesbo-phobic rape occurs and how it plays out in the real-life lived experiences of those who have been victim to it.

In **Chapter Two** I turn my focus to an exploration of the ways in which South Africa's political transition has led to the politicisation of sex and sexuality, including contestations around HIV/AIDS. This chapter provides part of the theoretical analysis of the particular socio-cultural context in which the Black lesbian standpoint from Chapter One has come to emerge. After I sketch the politicisation of sex post-transition, the second section of this chapter discusses the notion of a crisis in hegemonic masculinity which is said to be occurring in contemporary South Africa. Subsequently, I show how the revitalisation of traditions such as virginity testing and ritual male circumcision functions within the context of the crisis in hegemonic masculinity as a way to regulate and control (specifically female) sexuality. The overarching aim of this chapter is to highlight the ways in which sex and sexuality have become markers of South Africa's political transition and how the anxieties around sex and sexuality – particularly those

which do not conform to heteronormative patriarchal values - are related to the perceived instability of patriarchal male control in the new nation.

However, I argue that the tensions arising around sex and sexuality, as well as the anxieties related to the loss of male power are at their root bound up with colonial ideologies. In order to show this, I draw on the work of Carole Pateman who asserts that liberal contractual societies, or what we might understand as modern Western societies, are founded on a hypothetical social contract which results in the systematic subordination of women to men. To do this, in **Chapter Three**, I provide a discussion of Pateman's theory of the sexual contract focussing on her claims around women's exclusion from contracts, and the subordination of women through the marriage and prostitution contracts in particular. In this chapter, I will also explain how Joy Kroeger-Mappes' ethic of care and ethic of rights correlate with the private-public distinction as explicated by Pateman. I will also mention the work of Charles Mills who asserts that the social contract also contains a racial dimension, which ensures the oppression of Black people. The aim here is to show that what is often, within the South African context, thought of as the opposing categories of 'traditional' and 'liberal' societies are, in reality, not that different. The foundation of each is the subordination of women (and non-heterosexual men) to men who conform to hegemonic ideologies. For this reason, Western liberalism (as embodied by the South African Constitution) and the eradication of tradition is not necessarily the solution to the problem of lesbo-phobic rape, as will be shown in the critical discussion of the Constitution. The argument I posit is that social ills, such as sexual violence and homophobia, are related to colonialism and its lasting effects. Therefore, while it is often thought to be paradoxical that South Africa harbours what could be considered conservative ideals around sex and sexuality in the face of the (theoretically) very progressive (liberal) Constitution, if we understand liberal societies as being founded on the subordination and

oppression of women and non-hegemonic men, it becomes more evident as to why it is that despite this seemingly progressive Constitution, in reality women and non-heteronormative conforming sexualities (whose colonial representations and characterisations have continued into contemporary society) are still marginalised and maligned.

**Chapter Four** will turn to a more specific exploration of the ways in which the characterisations of Black lesbian women make them vulnerable to violence. This chapter will show that where heterosexual women are assumed to threaten patriarchy, this threat is intensified by lesbian women who refuse to conform to heteronormative ideologies, for example being sexually available to men or conforming to the ideals associated with gender performance. The goal of this chapter is to provide a critical analysis of the social and symbolic positioning of Black lesbian women as deviant and disruptive. In the first section of the chapter I will explain why lesbian women are made abject<sup>9</sup>. Here I argue that the abjection of lesbian women is an attempt to situate them as outside of what is normal, as threatening the development of the nation, and thus, legitimising, even inviting, violence enacted against them. One of the ways through which lesbian women are made abject is through a homophobic discourse which positions them as outside of the boundaries of what is normal and legitimate. In the second section of the chapter, I will turn to a discussion of the way that this abjection arises as a result of the assumption that homosexuality is unAfrican (see, for example, Dlamini, 2006; Muholi, 2004; Brown, 2012). I will show how the construction of homosexuality as unAfrican is instead a result of the same racist ideologies and impositions that continue to marginalise and oppress Black women.

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<sup>9</sup> Abject is a term taken from psychoanalysis. The term ‘abject’ was made popular by Julia Kristeva in her book, *The Powers of Horror* (1982). Kristeva takes this term from Jacques Lacan and Sigmund Freud, where it means something that is “immoral, sinister, scheming, and shady” (Kristeva, 1982: 4). An abject is that which “disturb[s] identity, system [and] order” (ibid). In other words, what is considered abject serves as a threat to the ordered system in which it is found, for example a community or society.

In **Chapter Five**, I will return to the themes that I touched on in Chapter One. Here I will flesh out in more detail the theoretical underpinnings relating to the effects that lesbo-phobic violence has on its victims and the functions of lesbo-phobic rape within South Africa's patriarchal culture with its attendant homophobia. In other words, I aim to explore, by drawing on a Black lesbian standpoint, the effects on Black lesbian women's subjectivity, meaning-making, and place in the world. That is, the effects of lesbo-phobic violence on women individually (on a physical and psychic level), as well as on lesbian women collectively. In this chapter I will also refer to the ways in which butch Black lesbians subvert the normative rules of patriarchal gender performance by adopting typically masculine traits, and in so doing, destabilise the ideological assumptions around masculinity and femininity which serve to maintain patriarchal control. Overall, while the previous chapters have provided the framework for understanding why it is that Black lesbian women come to be socially and symbolically positioned as abject, this chapter will explicate the real-world effects that these women experience as a result of the sexual violence that gives effect to this abjection.

Finally, **Chapter Six** explicates the commonalities found in rape carried out during times of war and lesbo-phobic rape. As part of this discussion I will explore how lesbo-phobic rape, like rape in war, is carried out with a range of specific intentions and can, as such, be understood as a strategic part of social regulation rather than just an incidental consequence of violence or social upheaval. The central themes that I will discuss in this chapter include: i) The use of rape to disrupt social bonds, ii) forced impregnation within war times and as part of lesbo-phobic rape; iii) shame and guilt as consequences of rape, and iv) how war rape, like lesbo-phobic rape, has links to fragile masculinities. The goal of this chapter is to show how lesbo-phobic rape can be understood as showing important parallels with war rape, so that it is clear that lesbo-phobic rape has politically motivated intentions and forms part of a larger goal of social



stabilisation or re-constitution of a collective such as a nation, and the reinforcement of patriarchal ideologies. Many studies have explored the strategic goals of rape in war, however, there is yet to be a study which makes explicit the links between the socio-symbolic meanings of war rape and those of lesbo-phobic rape, which is what this final chapter will do. This chapter falls within the broader framework of the dissertation which shows that sexual violence is an effective means through which to draw the symbolic borders which constitute societies and marginalise certain people. Furthermore, sexual violence works effectively to ensure that patriarchal ideologies are adhered to and upheld so that heterosexual male dominance can be maintained.

In the brief **Conclusion**, I bring together the arguments which were explicated throughout the dissertation. I conclude that lesbo-phobic rape like rape in war is a politically motivated, strategic attempt to delineate the kinds of persons who are considered legitimate within the contemporary South African dispensation. And, that it is through the development of a Black lesbian standpoint that we<sup>10</sup> can come to see, and ultimately address, the systems of oppression that make lesbian women particularly vulnerable to violence.

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<sup>10</sup> Here and throughout the dissertation, I will refer to ‘we’. This is not a mere grammatical reference but rather a reference to an ‘ideal or collective we’ as imagined through the tenets of feminist standpoint theory. The ‘collective we’ is rooted in the experiences of sexual violence committed against Black lesbian women, a position that I can never fully understand, but one I hope opens up a dialogical space in which a shared understanding of this position can emerge, and which can inform a greater understanding of the oppressive nature of hegemonic, hetero-patriarchy within South Africa (and more globally). In so doing, the ‘we’ alludes to a community of people who are meaningfully engaged with this position in order to challenge and disrupt the systems which keep all of us outside of the hegemony, but especially those most marginalised, in positions of subordination. This is obviously a work in progress – a first attempt at creating such a community – but one that should be continued and enlarged.

## CHAPTER ONE

# UNDERSTANDING LESBO-PHOBIC RAPE THROUGH FEMINIST STANDPOINTS

### 1. Introduction

Within post-apartheid South Africa, especially within recent years, the visibility of lesbian women and, in particular, victims and survivors of lesbo-phobic rape has increased. This is in part due to the increased media attention both locally and globally around the phenomenon of sexual violence against women, including lesbo-phobic violence. However, it is also in large part due to a rise in visual art, like photography and artistic performances, such as contemporary dance, that have sought to bring attention to this particular form of violence. Visual art and artistic performances give us a perspective into lesbo-phobic sexualised violence and the lives of the victims/survivors that is not generally present in the media. Authors such as Gqola and Z'étoile Imma suggest that the media plays a very large role in positioning lesbian women as hyper-visible and generally essentialises them as victims and as legitimate targets of violence – they are positioned as “safe to rape” (Gqola, 2015: 4). Thus, as we have seen also in other cases of higher visibility for rape victims, that in itself does not necessarily help to address the problem, and may even have the opposite effect (Alcoff, 2018: 24, 27 - 30). Imma (2017: 226) explains that:

The paradox of the increasingly global “corrective rape” discourse is that while it makes visible the physical violence that many Black lesbians in South Africa face and experience, it nonetheless makes invisible the complex and nuanced range of experiences and identities that shape Black queer life in South African townships.

Imma further asserts that the media portrayal and global discourse around lesbo-phobic rape “reinforce[s] a heteronormative gender binary in which women are construed as rape-able and men as rapists” (ibid.). It is in response to this kind of discourse that renders Black female sexuality passive and Black male sexuality as hyper-aggressive, that Gqola (2011: 628) argues that rather than being invisible, Black lesbian women become hyper-visible.

South African author Nadine Lake further suggests that the media often represent Black lesbians “as violated and lifeless bodies and reports focus on the brutality of the murders ... bodies are reported on as being violently entered with the result that lesbians are represented as objects” (Lake, 2017: 86). For example, the headline of Clare Carter’s well-known exposé in the New York Times (2013) about lesbo-phobic rape in South Africa, was “The brutality of corrective rape.” In the article, Carter (2013) explains that Noxolo Nogwaza, a victim of lesbo-phobic rape “was raped and stabbed multiple times with glass shards. Her skull was shattered. Her eyes were reportedly gouged from their sockets.” Lake (2017: 86), along with for example, Gqola, as discussed above, suggests that the ongoing depictions of Black lesbian women such as these in the media hinder the recognition of Black lesbian women as anything beyond victimhood, and ultimately reinforce the supposedly inherent ‘rapability’<sup>11</sup> of lesbian women, in particular, Black lesbian women. By focusing on what happens to their bodies as objects in lesbo-phobic rape rather than on their subjective experiences and understandings, such

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<sup>11</sup> There is a tension between the idea that Black lesbian women are both rapable and unrapable. Black lesbian women are ‘rapable’ in the sense that they are ‘safe to rape’ – perpetrators face very little, if any, consequence for raping Black lesbian women, therefore, the notion arises that Black lesbian women are easy targets of rape. This is often also related to the media representations of Black lesbian women as no more than violated bodies, as discussed. On the other hand, Black women are also considered ‘unrapable’ due to the colonial representations of Black women as hyper-sexual and sexually insatiable. Black women were characterised as consumed by sexuality, always the aggressors of deviant sexual encounters, and because of this supposed unquenchable sexual desire, they were always open to sex and therefore could not be raped. This characterisation of Black women has carried through to post-colonial South Africa. As will be discussed, Black women and perhaps Black lesbian women especially, are tenuously positioned as ‘safe to rape’ and yet also as ‘unrapable’. It is no wonder, then, that the rape of Black lesbian women is treated with such disdain.

reporting reinforces the lesbo-phobia that it presumes to be countering through the reports. Furthermore, such depictions enforce the racist colonial representations of Black female sexuality as passive. Black lesbian women come to be seen as passive recipients of forced sex; their own active sexual agency is made invisible, and their 'rapability' becomes central to their imposed characterisations.

Adding to this, Ashburn (1996: 13) asserts that "[l]esbians are defined through their sexual activity so lesbians become only sex. When lesbians are visible it is specifically through their sexuality;" they thus become hyper-sexualised, particularly fleshy, beings, not dissimilar to how patriarchy positions women more generally, and racism positions the Black person. Thus, Black lesbians become characterised by their sexuality and their sexuality is presented as the main reason for the violence perpetrated against them; thereby, reinforcing colonial representations of Black sexuality as deviant and hypersexual (Tamale, 2011: 15; Gqola, 2015: 44). Consequently, according to Gqola (2011: 628), Black lesbian bodies are "highly visible manifestations of the undesirable", particularly within the media.

There stands a tension here between the ways in which Black sexuality is characterised, it is at once both passive and aggressive. Recall the ways in which Black women under colonial rule were held responsible for the sexual relations that occurred between them and the White colonialists. In this instance, White sexuality was characterised as passive, while Black women were characterised as hyper-sexual; hence why it is that 'Black women are unrapable'. At the same time, Black sexuality, as discussed above is represented as passive through the depictions of raped Black lesbian women. They are passive recipients of sexual violence. Black sexuality is thus placed in an impossible position where it is both passive and active, but always deviant and objectified.

This chapter starts to address this tension, along with the problem of the hyper-visibility, and the lack of subjectivity and voice of the Black lesbian body, by turning to feminist standpoint theory. I will begin the chapter by giving, in *Feminist standpoint theory*, an overview of feminist standpoint theory so as to develop the theoretical grounding from which I will look at a Black lesbian standpoint. Here I will look to authors such as Sandra Harding (1991, 2009), Monique Wittig (1990, 1992) and Judith Butler (1988, 1993, 1999) who help to give an overview of the central tenets of feminist standpoint theory. In this section I will outline the central claim of feminist standpoint theory which is that it is possible for people from marginalised groups to have an epistemic privilege that allows them to better see the systems of oppression at play in the dominant social order.

In the next section, *The advantages of a lesbian standpoint*, I will continue to draw on the work of Harding, Wittig and Butler who claim that one of the reasons lesbian women are so maligned by patriarchal society is because their lives serve to highlight the oppression of other women and of non-heteronormative-conforming sexualities. In the first sub-section (3.1), *Lesbian women as a distinct gender category*, I explain Butler's claims that lesbian women do not fall into the normative categories of either male or female. Consequently, lesbian women can be understood as a distinct gender category, one that falls outside of what is considered normal and acceptable. In other words, lesbian women are not adhering to the norms of heteronormative patriarchy, in that their lives do not centre on the fulfilment of male sexual desire or the development of traditional families, defy the supposed 'natural' heterosexual, patriarchal, socio-sexual order. As such, in the next sub-section (3.2), *What a lesbian standpoint shows us about patriarchal oppression*, I explore how lesbian lives serve to expose the oppression faced by heterosexual women, not only through compulsory heterosexual desire formation and so forth, but also through the subjugated role ascribed to the feminine position within patriarchy

itself. Following this, in section 3.3, *The role of lesbian women in disrupting hegemonic discourses*, the focus turns to the way lesbian lives also appear as a threat to hegemonic heterosexuality as they are understood to undermine the assumed naturalness of heterosexuality (Harding, 1991: 257, 258, 261). The final sub-section (3.4), *How a Black lesbian standpoint can contribute to understanding lesbo-phobic rape*, turns its attention to the ways in which the intersection of race and gender serves to illuminate the oppression within White patriarchal ideologies even more clearly. This leads to the claim that by looking at contemporary South African society from a Black lesbian perspective, we can gain a better understanding of the conditions within which lesbo-phobic rape arises.

In section 4, *Visual Activism in Contemporary South Africa*, I give a brief overview of three contemporary South African artists, namely: Zanele Muholi, Jean Brundrit and Mamela Nyamza. Muholi and Brundrit are well-known South African photographers, while Nyamza is a dancer and choreographer. In this section I will provide some background information on these visual activists, along with an overview of some of their enigmatic works. This section will not go into great detail about specific works as this will become the focus of the rest of the chapter and form part of the dissertation more broadly. I have chosen to focus on these three artists specifically for two reasons. Firstly, because they are openly lesbian themselves. Brundrit, Muholi and Nyamza explicitly choose to make it known that they are lesbian as this forms a crucial part of their work. Brundrit, for example, thinks that being an ‘out’ lesbian artist is important as it serves a political purpose (Josephy, 2004). Secondly, these three artists have produced works which explicitly tackle the issue of lesbo-phobic violence. Again, this is not merely incidental to their work, rather it forms the very foundation of many of their works. Their goal is to create critical consciousness around the violence that is committed against Black lesbian women, but also to highlight the multiplicities found in lesbian women’s lives,

and so undo the essentialist characterisation of Black lesbian women as no more than sexualised or hyper-sexed victims.

Consequently, I argue that through their visual activism, the three artists mentioned above, make a very valuable contribution to the development of a Black lesbian standpoint, especially through the re-centring of Black lesbian subjectivity, meaning-making and knowledges. In light of this, I will in section 5, *The emergence of a lesbian standpoint through visual activism*, discuss how these artists contribute to the emergence of a Black lesbian standpoint by bringing together examples of their works with three of the main elements of feminist standpoint theory as discussed by Sandra Harding (1991, 2009). The three aspects that I will focus on are: i) feminist standpoint as arising from the perspectives and experiences of members of marginalised groups; ii) subjectivity as a crucial element of feminist standpoint theory, and iii) the possible epistemic advantage held by members of marginalised groups. While the second section of the chapter focuses on a more generalised conceptualisation of feminist standpoint theory, this fifth section will instead focus on the specific aspects mentioned above in conjunction with how these three core aspects are evident within the works of Muholi, Brundrit and Nyamza.

Finally, in section 6, *Themes emerging from these standpoints*, I will draw out the main themes that emerge (and that will form the basis for the majority of this study) within the analyses of these artworks in conjunction with the actual words and stories of women who have been victim to lesbo-phobic rape. In other words, by bringing together the voices of lesbo-phobic rape victims and the activism of the above-mentioned artists, I will identify the commonalities that form the foundation for a particular Black lesbian standpoint. Here I will focus on four themes that come to the fore through these artistic works and the voices of lesbian women. These are:

(6.1) the abjection of Black lesbian women, (6.2) lesbo-phobic rape as punishment, (6.3) the annihilation of the subject, and (6.4) lesbo-phobic rape as a social tool.

Overall, the goal of this chapter is to set the foundation from which the rest of the study will develop. While it is important to develop an in-depth theoretical insight into why lesbo-phobic rape is so prevalent within South Africa and why it affects certain individuals more than others, it is also vital to begin by respecting and listening to the voices of those who are or have been affected by lesbo-phobic rape. Valuing these standpoints is, I trust, a way to avoid essentialising Black lesbian women and their experiences, and to show that while the lives and experiences of Black lesbian women are, of course, incredibly varied and nuanced, certain commonalities can be found within their experiences, and it is in these commonalities that a, perhaps, specifically Black lesbian standpoint emerges – a lens from which we can then begin to apply a more theoretical understanding of the contexts which lead to lesbo-phobic rape.

## **2. Feminist standpoint theory**

Before going on to discuss the ways in which the visual arts can act as conduits or resources for developing feminist and lesbian standpoints, I will first give a brief overview of feminist standpoint theory. The crux of feminist standpoint theory rests on the claim that (Bowell, 2011):

certain socio-political positions occupied by women (and by extension other groups who lack social and economic privilege) can become sites of epistemic privilege and thus productive starting points for enquiry into questions about not only those who are socially and politically marginalized, but also those who, by dint of social and political privilege, occupy the positions of oppressors.



In other words, feminist standpoint theory asserts that it is possible for people from specifically marginalised groups, such as women, to more accurately understand and illuminate the structural conditions of their own oppression than are members of dominant groups, such as men, in the case of patriarchy, who benefit in general from women's oppression<sup>12</sup>. That is to say that it is possible for positions of marginalisation to accrue "epistemic privilege" through which the marginalised are more clearly able to see and understand the forms of oppression that are at work in any particular society. For this reason, marginalised people might have better insight into the specific system in which they are marginalised. Consequently, standpoint theory always starts by looking at society from the perspective of the lives of the oppressed (Crasnow, 2009: 190) or marginalised, and always takes into consideration the intersection of relationships such as, for example, sex and class (Bowell, 2016). For Harding (2009: 194), the intellectual and moral value of standpoint theory lies in its ability to bring attention to and strike at "some of the most deeply held assumptions of modern Western society" (ibid.). Further, for Harding (ibid.), viewing dominant ideologies from the standpoint of oppressed groups allows the perniciousness, as well as the mechanisms, of these ideologies and assumptions to be brought more clearly to the fore.

It is worth noting that this version of standpoint theory holds that the epistemic privilege that arises from the position of marginalised individuals is a possibility and not a given. In other words, it is not the case that people in marginalised positions naturally or spontaneously attain

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<sup>12</sup> This is not to say that listening to the justifications of oppressors offers no insights into how these systems work, but rather that any justifications offered up by those in positions of power should be read through the lens of a feminist standpoint. For example, rapists might offer up reasons or justifications for their actions, but these are usually grounded in oppressive ideologies and do not always tell us the full story behind the socio-political underpinnings of rape or how rape impacts on its victims or their communities. By looking at these justifications through the lens of feminist standpoint theory, and by attentively listening to those who have been victimised, we are able to develop a more nuanced, and richer understanding of the social, political, and ideological conditions which lead to men raping in the first place. Therefore, since listening is a core value of feminist standpoint, it is necessary that we not exclude the voices of the oppressors entirely, but that we focus our attention on the voices that are able to provide us with more useful insight and deeper understandings.

epistemic privilege by dint of their oppressed position; instead a potential epistemic privilege exists that is brought to the fore through active and meaningful reflexivity around the various structurally shared conditions which lead to this oppression and marginalisation.

One of the fundamental claims of standpoint theory is that knowledge does not arise in an idealised nexus or within an abstracted representation of the world, instead knowledge arises from the concrete interaction of agents with others and with institutions, and through experiences within the real world, thereby also resulting in real-world consequences (Rouse, 2009: 201 – 202). At the core of feminist standpoint theory is the idea that (Verwij, 2017: 6):

All knowledge originates from within a person, who is bound to their body, identity and particular location in both space and time. Transcending those boundaries and being fully objective is impossible. As such, all knowledge is both partial and biased. Feminist standpoint theory argues for the acknowledgement of these inherent qualities of knowledge in the form of situated knowledges.

Furthermore, as subjective sites of knowledge, and as part of real-world experiences, the value in feminist standpoints is that by taking them seriously real-world consequences and results can arise from them. In other words, by analysing and valuing feminist standpoints, the situations that lead to oppression and domination can be identified and hopefully better addressed. Also, the concrete, lived experience of the oppressed starts to inform more theoretical understandings and adds to the urgency of addressing social injustice.

Accordingly, Harding (2009: 195) asserts that standpoint theories “have consistently redefined epistemic standards for more accurate, comprehensive, objective, and rational production of knowledge,” precisely because of the valuing of the epistemic privilege which can arise out of the experiences of marginalised people. It is, thus, important to note that standpoint theorists,

such as Harding (ibid.), insist that standpoints are neither relativist nor value-neutral, meaning that not all knowledge claims hold the same validity or value. More specifically, the claims by members of dominant groups do not hold the same epistemic value as the knowledge claims of the members of oppressed groups because often those within dominant groups are unable or unwilling to see the hierarchical relationships or oppression that is characteristic of their group. This ignorance is no accident: the system works to keep the privileged members ignorant about the mechanisms which are necessary to uphold what is finally an unnatural system of domination. Consequently, Harding (ibid.) states that:

In hierarchically organised societies, the daily activities and experiences of oppressed groups enable insights about how the society functions that are not available – or at least not easily available – from the perspective of dominant group activity. One has to either live as a member of an oppressed group, or do the necessary work to gain a rich and nuanced understanding of what such life-worlds are like, in order to think within that group's standpoint.

The standpoints of members from oppressed groups, as such, are considered to hold a kind of epistemic privilege, because members of these groups are potentially better able to identify the oppression that emanates from the dominant groups; they live the normally hidden violences of the system on a daily basis.

From the above quote we are also reminded of the importance of the 'we' mentioned in the previous chapter. As Harding asserts, one does not have to be a member of the marginalised group but can, through thorough, reflexive work, come to an understanding of that position and think within that group's standpoint. In so doing, even one outside of a specific position can become part of the collective 'we'. It is for this reason, amongst others, that feminist standpoints hold such great value as a methodological tool for developing greater understanding and knowledge – one is not excluded from the 'we' simply because they were

not born in a particular social, political, economic, or historical position. Instead, its inclusionary values bolster the idea of an emerging collective ‘we’ that can work together to disrupt and challenge oppressive systems. This dissertation is written precisely in this hope.

A standpoint is, then, “not a social position but [rather] a discursive method of inquiry producing more objective knowledge” (Moreton-Robinson, 2013: 338). Feminist standpoint theory should be understood as a methodological point of departure for actively and meaningfully trying to understand the systems which create and sustain hierarchical relationships of oppression and domination. A feminist standpoint brings together the real-world experiences of marginalised people, such as lesbian women, and theoretical understandings of the socio-political conditions within which these experiences arise. A standpoint is thus first-person, lived experiences interpreted more structurally, in terms of objective indicators of inequality and domination – such as, for example, poverty or violence. Consequently, while a standpoint begins from a plurality of lived experiences, these are not just “conventional ethnographies” (Harding, 2009: 195). In other words, subjective lived experiences are vital to the development of a standpoint, but standpoints go beyond these experiences.

A standpoint arises from collective knowledge or shared experiences along with scientific work – working to form the collective ‘we’ - that allows one “to see beneath the ideological surface of social relations that we all come to accept as natural” (ibid.). Additionally, subjective experiences need to function in conjunction with political organisation because “the perceived naturalness of the dominant groups’ power depends upon obscuring how social relations actually work” (ibid.). That is, a standpoint arises firstly from the lived experiences of members of oppressed groups; however, these alone are not enough; they need to inform further scientific

and political work that uncovers systems of oppression. Through this combination of experience, research and organisation, feminist standpoint theory helps to develop more nuanced, and more sharply critical, knowledge from the perspective of the lives of marginalised groups precisely around issues that affect society more generally. For example, women are generally able to understand the workings of patriarchy better than men; while Black people are better able to understand systems of racist oppression than White people, while a lesbian standpoint can illuminate the heterosexist dimensions of a society that we too often take for granted or as ‘natural’, especially as heterosexuals.

Brooks (2007: 63) explains that this is because people from marginalised or oppressed groups potentially have what is called a “double consciousness”. The idea of double consciousness was coined by W.E.B Du Bois, an African-American sociologist, author, and activist. Du Bois used this term to explain what it was like to live as a Black individual within America. Du Bois (1897) asserted that being Black in America led to a tension within himself, and meant that he had no real self-consciousness, instead he only saw himself through others. He (1897) claims: “this double-consciousness [creates a] sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity.” In terms of feminist standpoint theory, Brooks suggests that a double consciousness means that those who are marginalised, for example women, can have “a heightened awareness not only of their own lives but of the lives of the dominant group (men) as well” (63). Drawing on Du Bois, it could be understood that this is because the marginalised see the world from the perspective of the other. They have an awareness of the world from their own perspective, in conjunction with a consciousness of themselves and the world enforced on them through the eyes of the dominant group. Following from this, Hoffman (2001: 197) claims that one of the grounding thoughts of feminist standpoint theory is that the way women experience the world

is different to the way that the world is experienced by men. This difference is not based on the biological differences between men and women, but rather on the experiences that women have as an oppressed group (ibid.), that is, they share with each other a relatively marginalised position within the socio-symbolic systems characterised by patriarchy. In other words, systematically different experiences of the shared world are produced through occupying a different position within the whole, in terms of what ‘the whole’ marks as significant and signifying difference. For Brooks (2007: 66) this means that while women are attuned to men’s behaviour, attitudes and experiences, as well as their own, men are not usually attuned to women’s experiences in the same way. Instead, men’s understandings of the world are situated primarily or exclusively in their own experiences as members of the dominant group (ibid.), and as such, they cannot be fully aware of or attuned to the very systems that keep them in this position of domination. Similarly, typically, a domestic worker will know much more about the lives of her employers and how their lives relate to her inferior position, than vice versa. These examples indicate the ‘wilful ignorance’ of those in positions of power towards other lives, and how the marginalised have no investment in a similar ignorance.

However, it is also important to be cognisant of the more nuanced experiences of the oppressed within any system. In other words, the way women as a social group experience the world is not uniform but instead differs depending on their specific positioning in terms of race, sexual orientation, class, disability and possibly other categories as well (Hoffman, 2001: 197). Therefore, the way a woman experiences the world is affected by the intersection<sup>13</sup> of

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<sup>13</sup> Kimberlé Crenshaw, a civil rights activist and legal scholar, coined the term ‘intersectionality’ in her 1989 paper titled: *Demarginalizing the intersection of race and sex: a Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics*. In this paper she argued that feminist and race theories were predicated on single-axis frameworks (either sex or race, but not both simultaneously) and failed to take into account the multiple forces that lead to Black women’s oppression and subordination. Because of this single-axis approach, Crenshaw argued, Black women were still marginalised to the otherwise dominant class (i.e. White women or men) and so the systems which entrenched their oppression could not be adequately addressed. She thus asserted that an

multifaceted aspects of her various roles and positions within a particular society, by the different ways in which overlapping forms of oppression position her as ‘significantly different from’ the norm. We can further draw the conclusion that it is not only the positioning of women based on their gender, class and race that affects their experiences of the world, but also their positioning in terms of their sexual identities, that is, heterosexual women will arguably experience the world differently than lesbian women particularly within a society founded on strong heterosexist ideologies.

### **3. The advantages of a lesbian standpoint**

Drawing on the idea that intersectional positions (for example, class, race and gender) affect the way one understands and experiences the world, Harding claims that lesbian women, more specifically, are able to illuminate the oppression faced within hetero-patriarchal societies because they fall outside of both, the patriarchal *and* heterosexual matrices. So, for Harding (1991: 256), a lesbian standpoint most clearly exposes the relationships of domination and subordination present within a society which naturalises heterosexual relationships, and negates and subjugates homosexual relationships, first of all by labelling the latter ‘unnatural’. In other words, lesbian women serve to illuminate the oppression of women and marginalised sexualities in relation to, what she terms, compulsory heterosexuality (257).

Harding, along with Butler (1999) and Wittig (1992), explain the concept of compulsory heterosexuality as follows: the idea that heterosexuality is natural is a myth used to create and uphold hegemonic masculinity (as explained in the Introduction to the dissertation), thus it is

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intersectional approach which takes into consideration the multiple dimensions leading to Black women’s oppression needs to be considered when analysing such oppression.

a falsehood which operates ideologically, that is, in the service of upholding social domination. Through the notion of natural heterosexuality, the ideology that anything other than heterosexual (and hierarchical, i.e. patriarchal) relationships is deviant is also created and maintained. Wittig (1992: 104) claims that heterosexuality forms the foundation of a male-dominated social order. However, she (103) adds that heterosexuality's claim to naturalness is unfounded in the sense that the material organisation of the world and accompanying symbolic, discursive frameworks which produce the sexes are in fact ideological constructs produced and reified by social institutions. We could add, they are moreover performed, enforced, and maintained through spectacular violence against deviants such as lesbian women.

Since hetero-normativity only accepts heterosexual identities, behaviours, and practices as natural or normative, and all other behaviours and identities not as alternatives within the human spectrum, but rather as deviations from and distortions of the norm, and thus as less than, there is the underlying threat of “you–will–be–straight–or–you–will–not–*be*” (Butler, 1999: 147; emphasis added). According to Butler (147):

Wittig argues that the ‘straight mind,’ evident in the discourse of human sciences, oppresses all of us, lesbians, women, and homosexual men because [it is] take[n] for granted that what founds society, any society, is heterosexuality.

However, Harding (1991:258) and Butler (1999: 155) argue, that by looking at heterosexual relationships from a lesbian standpoint the oppressive nature of heterosexuality as such becomes much more evident. That is because within heterosexual relationships the superior positioning of men is often not obvious; however, from a lesbian standpoint the positioning of men and women within heterosexuality, as well as the coercive mechanisms of a hetero-normative society and culture, become much clearer. Thus, even though lesbian women may



be furthest removed from the patriarchal order and set up as the ultimate Other<sup>14</sup>, they are also in a position to enter into ‘dangerous’ alliances with gay men and all women, since all of these categories are oppressed to different degrees and in different ways by the same system. In other words, the knowledge which becomes available through a lesbian standpoint creates a political space in which lesbian women, gay men and all women more generally can come together as a ‘we’ to disrupt the patriarchal forces which render them subordinate.

A lesbian standpoint, then, serves to undermine and threaten the very notion of natural heterosexuality by showing it up as compulsory and coercive, stretching right into the formation of the self as a desiring subject during child development, and pursuing us in every aspect of social organisation. For Harding (1991: 258) and Butler (1999: 155), it is by looking at compulsory heterosexuality from a lesbian perspective that it is possible to truly see male privilege and the oppression of heterosexual women, as from within naturalised heterosexuality these hierarchical relationships seem normal, while from a lesbian perspective the relationships of domination and subordination are much more evident. For example, from a lesbian perspective, the demand that women must be available to men sexually (as will be discussed in more detail in Chapter Three) becomes more evident. Additionally, the subordination of female desire to male desire might seem more evident. From this perspective, Harding (1991: 258) argues that it can be seen how the supposed naturalness of heterosexuality and its corresponding relationships serve to oppress heterosexual women in ways that lesbian women might be able to escape and challenge.

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<sup>14</sup> Lesbian women as Other will be discussed in detail in Chapter Four. The capitalisation of Other is important as it designates “Other” as a label. Consequently, it signifies the categorisation of a person, it does not just refer to ‘someone else’.

Ratele (2014: 125) in turn suggests that if heterosexuality were natural, then the constant struggle to defend and maintain its authoritative positioning would not be necessary; therefore, if anything, heterosexuality he claims is just as ‘unnatural’ and as ‘natural’ as homosexuality. The presence and visibility of lesbian women appears to defy the norms which define compulsory heterosexuality and thus acts as a disruption to heterosexuality’s claim to naturalness; but more than this: from the perspective of lesbian women’s lives, the oppressiveness of compulsory heterosexuality appears much more clearly and thus they also present a critical epistemology vis-à-vis heterosexual society.

Wittig (1990: 4 - 6) expands on the assumption of the naturalness of heterosexuality, arguing that, like gender, the categories of sex are social constructions, rather than natural givens. Butler (1999: 143) explains that for Wittig there is no reason to conceive of males and females as different sexes other than “to suit the economic needs of heterosexuality and lend a naturalistic gloss to the institution of heterosexuality.” In other words, from this perspective, sex is a social construction which serves to hide its own constructedness and presents the meaningful identities of male and female as naturally occurring and so makes the reproductive and other labour goals of heterosexuality seem natural. For example, the extraction of free domestic labour from women, is served by this ideology, because it repudiates women who resist its dictates as ‘unnatural’ or not ‘real’ women. Sex is, thus, a political construction that has been naturalised but is in and of itself not natural (ibid.).

Like Wittig, Butler (1993: xii) asserts that the division of sexes and meanings attached to them, performs both political and regulatory functions. The social construction of human beings into male and female serves to concretise and stabilise the political and ideological values of heterosexuality and, by extension, patriarchy. In addition, Butler (xiv) argues that the historical

contexts that led to certain definitions of ‘naturalness’ arising are often overlooked. In other words, nature is not a “blank and lifeless page” (ibid.), but rather, the conception of sex as natural, for example, is derived from an historical context, one in which certain meanings and values are assigned to those very conceptions of sex. Butler (ibid.) claims that “[t]he concept of ‘sex’ is itself troubled terrain, formed through a series of contestations over what ought to be the decisive criterion for distinguishing between the two sexes.” To put this differently, the division of sexes does not arise out of thin air or prior to conscious human existence, rather the ways in which the sexes are delineated arises from discursive constructs, rooted in power concerns, around what biological components are necessary in order to categorise one as either male or female and in turn what social meanings are associated with those categories.

While there are biological markers associated with the division of the sexes, these are, arguably, ambiguous, and tentative at best, with many individuals falling on neither one side of the spectrum nor the other but rather fitting on a continuum between the two supposedly distinct sexes in terms of their actual biological make-up (Meade-Kelly, 2015). Even these biological distinctions are, arguably then, socially constructed, in that their meaning and relevance is determined through social discourse and thus are socially and historically contingent (Haslanger, 2000: 38 - 39). From a perspective such as this, it could be argued that sex (the clear and unambiguous division of human bodies into two and only two sexual types, with their associated meanings) is a social and political construction, which is determined by a specific socio-historical context.

### ***3.1. Lesbian women as a distinct gender category***

Following on from her argument that sex (the dominant order placed on human sexuality) is not natural but rather a social and political construct, Wittig (1992: 108) argues that “a woman

is a specific social relation to a man, a relation that we have previously called servitude, a relationship which implies personal and physical obligation as well as economic obligation.” In essence, the social category ‘woman’ stands in binary and hierarchical opposition to the category ‘man’; the category denotes this relationship rather than anything inherent to persons so designated, and through this binary serves to stabilise the heterosexual matrix. One could say this is Wittig’s interpretation of Simone de Beauvoir’s famous comment, ‘one is not born, but rather becomes, a woman’. For Wittig (108), then, it would follow that a lesbian is not strictly (patriarchally) speaking a woman as, in her refusal of heterosexuality, she is no longer categorised by her oppositional and subjugated relationship to men; she refuses the relationship that would designate her the social inferior named ‘woman’. However, a tension is apparent here. The idea of ‘curative’ rape – where lesbian women need to be ‘fixed’ in order to fit into the heterosexual matrix – seemingly only arises where lesbian women are positioned as both a distinct gender category and also as *women*. In other words, through rape, lesbian women are pushed to the margins of heteronormative society and defined outside of the normative gender categories (its punitive aspect), but at the same time, rape also serves to bring them back into the heteronormative matrix (its curative aspect) by reminding them that they are *women* within a patriarchal system.

Because lesbian women do not conform to these hetero-patriarchal ideals, they do not fit into the heteronormative conception of women and so fall outside of this definition of woman. The tension between wanting to render lesbian women unreal, while also reaffirming their position as women within a heterosexual matrix has the effect of making lesbian women into something ‘monstrous’, illegible or indefinable within the system – an aspect that will be fleshed out more through the concept of abjection in Chapter Four. Their lived or perceived defiance of heterosexual norms assigns them to a category that falls outside of the naturalised norms of

both the categories of male and female. Butler (1999: 144) in explaining Wittig's position states that: "[t]hrough the lesbian refusal of those categories, the lesbian exposes the contingent cultural constitution of those categories and the tacit yet abiding presumption of the heterosexual matrix." Within dominant heteronormative discourse it is heterosexual male bodies in their role as subjects and citizens and parties to the social contract on the one hand, and female bodies – in their role as objects and resources of pleasure, procreation and labour for men – on the other, that matter.

However, for Butler (1993: xiii), it is within the very political discourse that mobilises and stabilises heterosexuality, that the dis-identification with these heterosexual norms and practices serves to materialise and valorise the mobilisation of other sexualities, particularly non-heteronormative sexualities. In other words, it is through discourse that heterosexuality comes to be organised in such a way so as to position itself as dominant, and it is also through the repeated use of this discourse that the privileged, normalised position of heterosexuality is maintained and reinforced. However, because discourse is never static, and repetitions are never identical to each other, the very discourse aiming to uphold heterosexuality is also always susceptible to a kind of vulnerability, meaning that the discourses which uphold dominant ideologies can also serve to unmake those ideologies. The dis-identification with heterosexual discourse creates the space in which the interests of, for example, lesbian women can be recognised (xvii). In other words, it is within the very confines of heterosexual discourse that the defiance of specifically heterosexual norms can lead to the disruption of the oppressive nature of compulsory, patriarchal, hegemonic heterosexuality. Butler (166) claims that:

Only the array of embodied persons who are not engaged in heterosexual relationships within the confines of the family which takes reproduction to be the end or telos of sexuality are, in

effect, actively contesting the categories of sex or, at least, not in compliance with the normative presuppositions and purposes of that set of categories.

As such, lesbian women, in their defiance of compulsory heterosexuality and the reduction of sex to its function for men, are fulfilling the role, either consciously or unconsciously, of destabilising and undermining the heteronormative discourse that keeps hegemonic masculinity in a position of authority over women and marginalised sexualities. They expose above all how patriarchal domination depends for its survival on the naturalisation of women's social subordination.

### **3.2. *What a lesbian standpoint shows us about patriarchal oppression***

Harding (1991: 256) further adds that a lesbian standpoint helps us to more clearly see the oppression faced by, particularly, heterosexual women under patriarchy. She (ibid.) claims that a lesbian standpoint makes it easier to imagine a society that does not necessarily want or need men, because lesbian lives are shaped around women's love of other women. If lesbian lives make it possible to imagine such a world, it can be seen why (mostly heterosexual and patriarchal) men are threatened by the existence and visibility of lesbians. Harding (256) claims that within heterosexual society even supposedly women's-only organisations are often governed by men. An example of men intervening in women's rights and choices was recently seen when US President Donald Trump and a group of *only* men were deliberating over pregnancy, maternity care, and abortion legislation (Forster, 2017) – an issue which directly affects women much more than men, but one in which women clearly had no say. Thus, within a heterosexual, patriarchal context, it could be argued that even matters that directly affect women are governed over by men, thereby negating the political, social, economic, and bodily autonomy of women. Harding (1991: 256 – 257) asserts, however, that lesbian lives allude to

the hypothetical existence of a society in which men would no longer dominate the lives of women and for this reason, such women are considered as defying male supremacy as bolstered by a pernicious order of sex differentiation. Harding (256) adds that for this reason lesbian women are “probably going to be severely punished by the social order for [their] impudence in presuming [their] right not to be ‘for men’.” In addition, the lives of lesbian women can help to show that women do not in fact need to choose between living autonomously and being attached to a man, and so this could “lead to new standards for heterosexual relationships” (ibid.). From this perspective, lesbian lives make the possibility of transcending male supremacy and living more autonomous, empowered lives in relationships seem probable for heterosexual women too. Lesbian women, through their defiance of hetero-normative conformity, threaten to disrupt the established patriarchal status quo.

Another reason that Harding (259) believes that a lesbian standpoint is so useful and important is that it allows women the space to construct their own sexuality and, in so doing, also centres on female sexuality for its own sake. Harding (ibid.) claims that within heterosexual relationships, female sexuality is constructed in terms of its biological function, but also, in terms of its economic and political function; as such, under liberal patriarchy, women’s sexuality is reduced to a function. Female sexuality is not seen as belonging to women or for a woman’s sexual pleasure but is rather seen as an exchangeable commodity. Female sexuality, Harding (260) argues, very often, if not always, needs to be on offer to men – especially men in dominant groups, where such sexual access to women’s sexualised bodies both attests to and serves to maintain these men’s dominance (in Chapter Three I will examine a similar idea as posited by Carol Pateman). If patriarchal heterosexuality turns women’s sexuality into a function for men and shuts down women’s sexual subjectivity, then as we have seen above, lesbian women’s sexual subjectivity tends to be even further eroded, and any attempt to address

this systematic injustice must work to restore that subjectivity, and therefore place those voices and perspectives in the centre of deliberation. We have seen how the situation for Black women under colonial and post-colonial conditions is even further exacerbated through the logic of racist depictions of Black women's sexuality.

Female sexuality, it could accordingly be argued, functions in mainstream society largely to serve a variety of male desires, such as status, procreation, wealth and lust. As Harding (ibid.) suggests, within some heterosexual relationships, women appear to have little to no sexual agency as their sexuality is for *men*; whereas lesbian women appear to have more sexual agency as their sexuality is for *themselves*, and not for men. A lesbian woman's sexuality is arguably for herself because it is not defined in its relation to or purpose for men. Instead, it is, or at least more readily has the possibility, of being part of her identity without being imposed on by a male partner. She is possibly able to more freely determine her sexual identity and imagine herself as a sexual being than are women in relationships who conform to heterosexual norms in which men's sexuality is privileged. Within the context of a lesbian relationship, a woman's sexuality is obviously not only for herself, but also for her partner. However, what we could take from Harding's claim is that without male domination and male appropriation of female sexuality, there can be a more equitable sexual exchange within a lesbian relationship, and the possibility opens up for women to be loved as subjects rather than as objects, functions, or property. However, that is not to say that lesbian relationships are free from any kind of hierarchical or oppressive elements. Presumably, though, women enter a lesbian relationship on a more even footing than do women who enter into heterosexual relationships, because there is an absence of a society-wide entrenched inequality. Consequently, a lesbian standpoint may help to expose the way in which female sexual agency has been appropriated by men. If women were afforded the right to a self-determined sexuality, this sexual agency would be actively



constructed by women themselves for themselves and could become a part of all aspects of their lives, as is male sexuality for men (Harding, 1991: 260). Within homosexual relationships, arguably, women are able to actively construct and live out their sexuality as they desire<sup>15</sup>, and in ways that defy women's second-class citizenship outside the home.

### 3.3. *The role of lesbian women in disrupting hegemonic discourses*

The overall claim made by Wittig, Butler and Harding is that the two-tiered strict division of sex is not a natural or neutral phenomenon but is rather a division created for social and political means. This division of the sexes is structured and maintained through language and discourse. Butler (1999: 151) explains that "concepts are formed and circulated within the materiality of language and that language works in a *material* way to construct the world." In other words, the language used to create the notion of the division of the sexes, through its repetitive use, serves to construct the material social division of the sexes, even to the point where male and female bodies express materially the social meanings of their sex, for example women tend to have a much more restricted, even defensive body composure and comportment (take up less space, keeping limbs closely together) than typical men's bodies (cf. Young, 1980). It is through language that the categories of male and female are created, and, furthermore, it is through language that the oppression associated with these categories is established and perpetuated (Butler, 1999: 151), with material effects in the world. However, because the categories of sex and their associated meanings are created through language, these meanings and associations are not in the final instance fixed, however well they may have rooted themselves through material effects. Butler (162) explains:

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<sup>15</sup> It is important to note that this is a generalised and idealised argument as it is clear that many lesbian women are actively denied the opportunity to construct their own sexualities and live out their sexual lives as they see fit, especially within the parameters of some patriarchal, heteronormative societies. Also, it would be a mistake to view all lesbian relationships as free from power and domination from within.

To *be* a woman, is ... to *become* a woman, but because this process is in no sense fixed, it is possible to become a being whom neither *man* nor *woman* truly describes .... [I]t is an internal subversion in which the binary is both presupposed and proliferated to the point where it no longer makes sense.

Put differently, the process of becoming a woman is a process which takes place through language, visual representations, and the repetition of a discourse which ascribes meanings and gives shape to the category of 'woman'. However, the presence of lesbian women who perform their sexuality differently within society serves to contest the stability and givenness of the very categories of male and female. Since lesbian women do not conform to the discourse that describes what it is to be a woman – particularly within a patriarchal society, they disrupt this discourse and contest the naturalness of the division of the sexes.

For Harding (1991: 263) the absence of lesbian women from traditional masculine discourse, what we might call their traditional social invisibility, paradoxically serves to position lesbian women as central figures within that very discourse. In other words, the fact that lesbian women do not figure within traditional masculine discourse serves to highlight the role that a lesbian standpoint plays in disrupting the traditional patriarchal conceptions of male and female, created through that particular discourse. Precisely that which appears as most alien or strange within any given system, symbolically exposes what lies at its heart (Ahmed, 2000: 2 – 3, 12; and 2005: 6). When the lesbian woman appears as the 'strangest stranger' (Ahmed, 2000), this shows just how relentlessly patriarchal and heterosexual the system is at its heart. Ahmed's notion of the 'strangest stranger' also further bolsters Harding's claim that it is possible for those most marginalised within a system to have the best insight into how it is structured. The most vehemently excluded kinds of persons potentially have the most accurate insight into precisely how the system distributes its violences in order to maintain, justify and renew itself.

Also important is how Butler (1999: 160) suggests that for Wittig the goal of a lesbian standpoint is not to favour the feminine side of the female/male division, but rather “to displace the binary as such through a specifically lesbian disintegration of its constitutive categories.” The goal then is not to have lesbian women fit into the female side of the divide – to become insiders in this hegemonic order - but rather to use their positions as outside of this order, to contest the very foundation of the divide, and in so doing, dissolve this binary division altogether. A lesbian standpoint, therefore, serves to contest the discourse which delineates male and female into binary categories.

For Butler (157), “if the category of sex is established through repeated *acts*, then conversely, the social actions of bodies within the cultural field can withdraw the very power of reality that they themselves invested in the category.” In other words, the social acts of defiance against compulsory heterosexuality, such as those of lesbian women, in a sense withdraw some of the power from the discourse that seeks to delineate women and men into separate, naturalised, categories. It is through language and the social actions which mirror that language that the division of the sexes arises; however, it is through lesbian women’s defiance of that language and those actions, that the pervasiveness of compulsory heterosexuality and its resultant oppressive nature, together with its claims to naturalness, can be diminished.

#### **3.4. *How a Black lesbian standpoint can contribute to understanding lesbo-phobic rape***

In order to look at heterosexual relationships from a lesbian standpoint, it is however, not necessary to actually be positioned as a lesbian, and it should be emphasised that since standpoint theorists are neither relativist nor essentialist thinkers, this is a crucial aspect of standpoint theory, and one of its particular strengths. Instead of holding an essentialist position, in other words, as expressed for example in the claim that only women can understand sexist

oppression, lesbian standpoint theory acts as a methodological tool with which to view heterosexual relationships such that they become a “powerful lens through which to evaluate society and a base from which to change it” (Butler, 1999: 63), and once construed, this lens becomes generally available. As mentioned above, even if one does not occupy this standpoint socially, the knowledge offered by this perspective can be used, in principle, by anyone, who does the work necessary to become part of the ‘collective we’, in order to gain a clearer understanding of the oppressive forces within heterosexual relationships and a society grounded in hetero-normative ideals. This goes for standpoint theory in general and applies to all matrices of oppression – that is to say that men can make use of the resources offered by women’s marginalised (and potentially epistemically privileged) standpoint within patriarchy in order to better understand what it means to live in a misogynist and patriarchal society, and White people can learn from the resources of Black people’s standpoints what it means that we all live in a society of White privilege.

Therefore, drawing on Harding’s arguments, it could be further said that a Black lesbian standpoint perhaps even more clearly shows the oppression within heterosexual relationships particularly within a society, like South Africa, which is still steeped in White capitalist patriarchal ideologies developed through colonialism and apartheid. In other words, a Black lesbian standpoint reveals how racist oppression overlaps with, and reinforces, class and gendered systems of oppression to relegate Black lesbian lives to the furthest outskirts of South African society. They are truly the ‘strangest strangers’, and therefore they paradoxically represent the heart of the system’s logic. For our purpose, in centring the subjective perspective and experiences of Black lesbian women, we deliberately ensure that the system of racial oppression still operative in post-colonial South Africa, is incorporated into the otherwise already valuable lesbian perspective.

Drawing on these ideas related to feminist standpoint theory, we can deduce that the value of a Black lesbian standpoint is particularly pertinent within discourse around lesbo-phobic rape in South Africa, but probably also in many other societies in the world. A Black lesbian standpoint can act as the starting point from which we, as a collective, can begin to understand the phenomenon of lesbo-phobic rape within a much broader context. It is interesting to note that a social position doubly or triply discounted by the broader South African society as ‘unnatural’, marginal, and exceptional, turns under standpoint theory into a highly valuable epistemic resource for diagnosing the broader ills of our society. In a similar light, Brooks (2007: 53 - 55) discusses the story of Harriet Jacobs, a Black female slave in the American South, in order to emphasise the value of standpoint epistemologies. Brooks (54) explains that through the telling of her story including the accounts of physical and sexual violence that she experienced at the hands of her master, Jacobs was able to challenge misconceptions and address the ignorance that surrounded slavery during the 19<sup>th</sup> century in the USA. Note again how the mere recounting of the experience is not enough, but it has to be interpreted within a structural framework – in this case, that of slavery. According to Brooks (54 - 55):

the heightened awareness engendered by Jacobs’s words about the horrors of slavery, and about the psychic and physical violence endured by female slaves in particular, inspired Northern white women to speak out against slavery and contributed to the growth of the Northern antislavery resistance movement.

Standpoint theory is again useful in providing us with a non-essentialist understanding of why women are particularly touched by the voice of a female slave. Women already shared with the slave the whole context and experience of patriarchal oppression, and this allowed them probably to imaginatively identify more easily with her position and then to obtain a better understanding of the lived experience of a female slave.

In this same way, the stories told by women relating to their experiences of violence and rape during, for example, the Bosnian war have been incredibly important in illuminating the violence committed during this time as well as in bringing war criminals to justice, and ultimately changing the legal categorisation of war rape (see, for example, Bergoffen, 2009: 308). These socially marginalised and thus epistemologically charged standpoints act as points of departure from which a greater understanding and knowledge of the experiences of women who have faced violence and oppression can be generated, but also a greater understanding of the gendered world of war which facilitates such violence and gives the rapes their devastating social meaning. Similarly, the lived experiences of Black lesbian women, interpreted structurally, materially, and symbolically, can act as a lens through which the oppression and injustices found within a racist patriarchal society can be viewed more generally and then also form the base from which new cross-cutting social alliances can form and social change can begin.

As mentioned, the media tend to characterise Black lesbian women as no more than victims. They become reduced to this hyper-sexualised victimhood and their lives beyond this are rendered invisible, as we have seen in Carter's 2013 New York Times article. Consequently, they are reduced to an essentialised characterisation of Black lesbians as passive, and without real agency, subjectivity or personhood. However, as indicated, one of the primary goals of feminist standpoint theory is to avoid and even undo this type of essentialising of women. Most standpoint theorists recognise that due to the intersectionality and multiplicity of women's positions within society and history, their lived experiences are unique (see, for example, Tuana, 1992: 103; Moreton-Robinson, 2013: 333 and Rouse, 2009: 202). Therefore, there can be no single understanding of the way women experience the world; instead each woman experiences the world differently depending on her interactions with others within a certain

context and time. However, as Rouse (2009: 202) also explains, even though knowers belong to non-homogenous groups, this does not mean that their knowledge is inaccessible to others. The differences that knowers articulate become the spaces in which knowledge is shared and communicated (ibid.), and another person's story may throw illuminating light on my own situation. As such, instead of seeing these differences as hindering the production of knowledge and the cultivation of understanding, we can instead see these differences as contributing to the development of a greater and richer awareness of the systems and ideologies which keep some individuals in positions of domination and others in positions of subordination and oppression.

For many White heterosexual women within South Africa, the pervasiveness of misogyny is not abundantly evident because of the privileged positions they hold over Black women and other marginalised groups and their privileged class position; however, by looking at the violence that is committed against lesbians, and in particular Black lesbian women, all women can learn about the particular shape of South African patriarchy and its overarching pervasiveness. Therefore, by engaging with various stories and standpoints, society more generally is able to develop a greater understanding of the experiences of the marginalised and thus of the objective workings of the overlapping systems of oppression. This contributes to the ability to develop a lens through which to illuminate the broader societal issues which contribute to the levels of violence committed against heterosexual and lesbian women generally, but more specifically why violence is carried out against Black lesbian women in particular. However, since the perspectives that Black lesbian women open up on South African society are so uncomfortable as a mirror for our society, we should not think that these knowledges and lenses will be easily embraced by everyone. Nevertheless, by engaging with a Black lesbian standpoint, women and society more generally can come to learn and understand more about the concrete ways in which patriarchy, racism and hegemonic masculinities serve

to overlap, mutually reinforce each other, and thereby learn how to better oppose these systems through cross-cutting alliances. At least, such is the fondest hope of the current study<sup>16</sup>.

#### **4. Visual activism in contemporary South Africa**

In this section I will continue the discussion of feminist standpoint theory, however here I will link it up with the visual activism of Zanele Muholi, Jean Brundrit and Mamela Nyamza. Consequently, I will show how and why these forms of visual activism can be understood as making a very valuable contribution to the development of a feminist, and more specifically, Black lesbian standpoint. This section will begin with a brief overview of the artists Muholi, Brundrit and Nyamza. I will then connect their work to feminist standpoint theory.

Zanele Muholi<sup>17</sup> has coined the term ‘visual activist’ to describe herself and her work. Muholi (2018) explains that her visual activism aims to:

Encourage individuals in [her] community to be brave enough to occupy public spaces, brave enough to create without fear of being vilified, brave enough to teach people about our history

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<sup>16</sup> However, it is important to be mindful that while this standpoint opens up new possibilities for knowing and understanding, it is also open to resistance in the form of testimonial injustice. According to Miranda Fricker (2007) testimonial injustice is when “a speaker receives an unfair deficit of credibility from a hearer owing to prejudice on the hearer’s part.” This might well occur in the face of the harsh truths and realities surrounding structural oppression and inequalities that a Black lesbian standpoint exposes. However, while this standpoint is likely to experience some resistance, it is hoped that it will also create the ‘collective we’ that is able to challenge even those who refuse to hear.

<sup>17</sup> Muholi was born in Umlazi, Kwa-Zulu Natal in 1972 and moved to Johannesburg, where she still lives, when she was 19 years old. She studied Advanced Photography at the Market Photo Workshop in Johannesburg, and later went on to complete a Master of Fine Art in Documentary Media at Ryerson University, Toronto (Stevenson, 2018). Muholi has won several awards including: France’s Chevalier de l’Ordre des Arts et des Lettres (2017); the Mbokodo Award in the category of Visual Arts (2017) and Outstanding International Alumni Award from Ryerson University (2016); among others (ibid.). Her work has been exhibited around the world, including, for example, at: LUMA Westbau, Zurich; Fotografiska, Stockholm; Maitland Institute, Cape Town; and Gallatin Galleries, New York. Apart from her photographic works, Muholi also co-founded the Forum for the Empowerment of Women (FEW) and has participated in conferences both locally and internationally (ibid.).



and to rethink what history is all about; to reclaim it for ourselves, to encourage people to use artistic tools such as cameras as weapons to fight back.

As a visual activist, Muholi aims to draw attention to the problem of lesbo-phobic rape, as well as making the everyday lives of non-heteronormative individuals visible where they might otherwise not be. She (in Collison, 2016) explains:

The only time [lesbians] ever make headlines is when there's been a hate crime. And even then, the headline is usually something along the lines of "another lesbian raped and murdered". It has to be dead bodies; nothing about our heritage as LGBTI people or how we just, you know, celebrate ourselves.

Consequently, she (ibid.) asserts that "the most important thing for [her] is to create visuals that will count as part of South Africa's visual and historical archives." From this we can understand visual activism as "a kind of 'intervention', meant to focus attention on a vital matter, to disrupt business as usual, if only briefly, or even, possibly, to effect change" (Bryan-Wilson, Gonzalez & Willsdon, 2016: 6); where the activist focuses on social, economic or political circumstances intentionally and with intensity (Bryan-Wilson et al., 2016: 8). Based on this understanding of visual activism, I would assert that Brundrit and Nyamza can also be termed visual activists, even if they do not apply that term to themselves.

Muholi has produced many well-known, significant works which have been showcased around the world. Included in her works are: *Only Half the Picture* (2006), *Faces and Phases* (2010) and, most recently *Somnyama Ngonyama – Hail the Dark Lioness* (2017). The *Only Half the Picture* and *Faces and Phases* series<sup>18</sup>, amongst others, specifically focus on Black lesbian

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<sup>18</sup> These collections can be viewed on Muholi's profile on the Stevenson Gallery webpage: <https://stevenson.info/artist/zanele-muholi>.

women and victims of lesbo-phobic rape. *Only Half the Picture* focuses on victims of lesbo-phobic crimes, including images with titles such as “Aftermath, 2004”, “Hate Crime Survivor I” and “Hate Crime Survivor II”. In *Faces and Phases*, Muholi depicts images of Black lesbian and transgender individuals from South African townships, but here, Muholi’s goal is to develop portraits of Black lesbian women and transgender people in various phases of transitioning from one gender expression to another. Muholi explains about this collection: “Historically, portraits serve as memorable records for families and friends as evidence when someone passes. *Faces* expresses the persons, and *Phases* signifies the transition from one stage of sexuality or gender expression and experience to another” (Muholi in Thomas, 2010: 433). Muholi’s visual activism thus aims to represent Black lesbian women and non-heteronormative individuals in ways that respect their agency and subjectivity, in particular regarding their own sexuality; while also bringing attention to the violence that they are subjected to within contemporary South Africa. Muholi does this to explicitly counter the mainstream media representations that tend to only portray Black lesbian women as passive victims of extreme violence – images, as we have seen, that prolong the association between Black lesbian women and abject violation.

Jean Brundrit is another well-known South African photographer. Brundrit, like Muholi, uses her photography as a way to bring attention to the experiences of lesbian women within South Africa (Brundrit, 2008). Brundrit’s work includes collections such as: *Portrait of a Lesbian Couple in South Africa* (1995), *Valued Families* (1995), and *Making History: Nobody Knows I’m a Lesbian* (2003), amongst many others. The goal of much of Brundrit’s photography is to “create lesbian visibility in the South African society” (Brundrit in Ngubane, 2007). Similar to Muholi, she seeks to show lesbian lived experiences that move beyond the hyper-visible association with disfiguring violence characteristic of their representation in the media.

Brundrit (in Erickson, 2014: 43) states that she wants “to show ‘real’ lesbians. By not showing anything hardcore, I’ve taken away the voyeuristic angle that might have otherwise been there for the viewer.” These works seek to undermine the notion that homosexuality is unAfrican or abnormal, or as put by Josephy (2013: 60), to “strategically use a version of identity politics to allow these works to become emblematic motifs in the struggle for gay rights in a new South Africa.”

Brundrit has also worked in collaboration with Zanele Muholi on a project called *Making Herstory*. Ngubane (2007) explains that “[t]he project trains participants to acquire basic photography skills with intentions to assist them in order to be able to archive their past, present and future.” This 2007 workshop formed part of the larger project entitled *Lesbian Story* (2006-2008). Brundrit explained that this project aimed to address the dearth of photographs of South African lesbians. She adds the aim of the collaborative project was to “gather diverse opinions and diverse experiences of what it means to be lesbian in South Africa, and to represent aspects of one’s identity visually using photographs” (Brundrit, 2010: 590). As with Muholi, Brundrit’s work seeks to bring visibility to lesbian women in South Africa, while at the same time showing the diversity in lesbian women’s lived experiences. Her photography attempts to move away from “the oversimplified binary categories of the past and presents identity as complex, personal, performed, invented and constructed, while at the same time strategically making use of the identity political category lesbian to foreground lesbian issues and visibility” (Josephy, 2013: 69). It is important to mention here that Brundrit is a White lesbian woman. However, as a lesbian woman, and with her focus on empowering lesbian women through her photography, her work makes a very valuable contribution to the emergence of a South African lesbian standpoint. In addition, Brundrit has collaborated on, for example, the *Making Herstory* project with Muholi, which aims to make visible the subjective experiences of Black lesbian

women, and in so doing has made a significant contribution towards bringing a Black lesbian standpoint to the fore. This is the case because their project focused on the perspective of Black lesbians and their active contribution of sense, meaning and value to the broader society as viewed through their own experiences. This work centres Black lesbian commentaries on post-apartheid society.

The final artist that I will mention here is Mamela Nyamza. Nyamza is a South African dancer and choreographer. The main performance by Nyamza that I am concerned with is her 2012 performance entitled *I Stand Corrected*, in which she starred, in addition to directing and co-creating. This performance deals with the fictional murder of a Black lesbian woman on the eve of her wedding, and the title obviously refers to the contentious term ‘corrective rape’. Rademeyer (2012: 277) explains: “[o]n the eve of her wedding, a lesbian (Nyamza) is raped and murdered, and the piece deals with her and her still-living partner’s attempts to connect across the life-death boundary.” Mojisola Adebayo (2012), the co-creator of this performance explains that the show was dedicated to the 30 plus<sup>19</sup> lesbian women who had lost their lives to lesbo-phobic violence at the time. Consequently, the aim of this performance was to highlight the issue of lesbo-phobic violence and rape as well as to show disdain towards the ways in which female gender is supposed to be performed within a patriarchal social order. The issue of rape is one which is particularly pertinent to Nyamza as her mother was raped and murdered. In 2009, Nyamza also choreographed a piece titled *Khuteni* (meaning ‘Why?’ in Xhosa) which was performed outside of the Johannesburg High Court as part of a protest

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<sup>19</sup> I would add, the 30 plus lesbian women who are *known* to have been raped and murdered by that time. As discussed in the main Introduction, the statistics on the number of lesbian women who are raped and murdered are tentative at best.

organised by the One in Nine Campaign<sup>20</sup>, against the repeated delays in a rape case (Human Rights Watch, 2011a).

## **5. The emergence of a lesbian standpoint through visual activism**

I have only briefly mentioned these artists and some of their most influential works. My goal is not to give a thorough analysis of their works but is rather to show how visual art and performance can contribute to the development of a feminist standpoint, allowing those positioned outside of the Black lesbian community to gain greater insight and understanding into the lives and experiences of those who belong to this community, and through that lens, a clearer understanding of how the new South African society operates. Visual art or activism is one avenue through which these more meaningful understandings can develop. While the insights it shares might not be entirely original or unique to the art alone (for example, we might also find similar insights emerging through stories), visual art provides a safe space that allows the viewer to grapple with meanings or knowledge that might not be as effectively communicated by words alone. While visual art is one avenue through which this knowledge and understanding can emerge, it also needs to be understood within a specific social and historical context. Thus, as per standpoint theory's tenets, visual art needs to be viewed in combination with other sources in order for it to become a conduit through which a Black lesbian standpoint can emerge. This will be discussed in more detail further on in this section.

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<sup>20</sup> The One in Nine Campaign is a “network of organisations and individuals driven by feminist principles and the desire to live in a society where women are the agents of their own lives, including their sexual lives”, and focuses on issues around sexual violence, HIV/AIDS and lesbian, gay and bisexual activism, amongst others (One in Nine, 2015). The Campaign was established in February 2006 at the start of the rape trial of Jacob Zuma, with the goal of showing solidarity with Khwezi (who had accused Zuma of rape). The Campaign name was taken from a statistic which showed that only one in nine rape survivors report their attacks to the police (ibid.).

### 5.1. *Muholi, Brundrit and Nyamza's works as contributions to a Feminist Standpoint*

As mentioned previously, feminist standpoint theory does not rely on theoretical or conceptual understandings of systems of oppression and hierarchy alone, but instead starts its theorising from the perspectives and experiences of people belonging to marginalised groups in order to develop a keener, more meaningful understanding of the ways in which such oppression and hierarchy functions (Harding, 2009: 194). With this understanding of standpoint theory in mind, it starts to become clear why the works by Muholi, Brundrit and Nyamza can be considered conduits through which a feminist standpoint is developed.

Firstly, each of these artists identifies as lesbian. Brundrit obviously falls outside of the more specific grouping of Black lesbian women, however, her work actively engages with Black lesbian women and she has some understanding of at least part of this position as a lesbian woman herself. As lesbian women, their work is already informed by their subjective positions and life experiences. However, just as importantly from a feminist standpoint perspective, their works do not just conceptually or theoretically tell us what it is like to live as a lesbian woman, but rather use the stories, perspectives, and experiences of more similarly positioned individuals than only themselves to inform their work. For example, in the *Lesbian Story* project carried out by Brundrit and Muholi, participants were asked to photograph their own lives and tell their own stories; to share their diverse experiences as Black lesbian women and to represent aspects of their lived experiences through photography (Brundrit, 2010: 590). This is the stuff of standpoint work, because it builds up a critical perspective or lens from diverse experiences of individuals similarly positioned within society. In *M/Other families*<sup>21</sup>, Brundrit

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<sup>21</sup> This project was done in collaboration with Natasha Distiller.

very purposefully combined photographs of lesbian-headed families with stories told in their own words (an example of this will be discussed in detail in Chapter Five). What I want to make clear here is that within these specific examples, Brundrit and Muholi did not rely only on theoretical or conceptual understandings of the participants' lives, but instead tried to develop and share knowledge by embracing the subjectivity of the participants, which as discussed earlier, is one of the ways, according to feminist standpoint theory, that more objective knowledge is produced. These individual experiences alone do not constitute a standpoint; however, the convergence of these perspectives, the identification of common experiences, the recognition of structural elements of oppression, and the activism of the photographic works, operate together to contribute towards the generation of a specifically Black lesbian standpoint.

Individual subjectivity, from the perspective of feminist standpoint theory, adds more value and substance to knowledge, and as such, feminist standpoints allow for the production of a more thorough, comprehensive and detailed form of knowledge, thereby enhancing rather than detracting from the traditional ideal of objectivity in knowledge (Harding, 2009: 195). Harding along with Catharine MacKinnon argue that traditionally objective knowledge is “simply whatever men (or dominant groups) decide it is” (Harding, 2009: 199) and is often static in nature. In addition, Harding (197) suggests that the activities carried out by research disciplines are generally complicit with forms of social power. That is to say, that very often what is taken to be objective knowledge is grounded in the dominant social orders and the concerns of dominant groups. For this reason, Harding (197) asserts that very often, research, which on its surface appears objective, has the agenda of controlling or managing people in subordinate positions. For MacKinnon (2013: 1020), intersectionality, which as discussed above is an integral aspect of feminist standpoint theory, “begins in the concrete experience of race and

sex together in the lives of real people.” As feminist standpoint theory is predicated on intersectionality, “it focuses awareness on people and experiences – hence, on social forces and dynamics – that, in monocular vision, are overlooked” (ibid.). Consequently, it is by incorporating the voices and subjective perspectives of the most marginalised – particularly Black lesbian women - that standpoint theory is possibly able to develop knowledge that moves beyond traditional conceptions of objectivity to a form of objectivity that is more inclusive and more illuminating of oppressive systems.

This is where we can again see the value of visual arts as a form of feminist standpoint. Again, looking at the *Lesbian Story* project (2006 – 2008), we can see how subjectivity plays a crucial role in the development of the project. In fact, the participants’ subjective stories and experiences are the defining feature of this project. As mentioned above, the participants of the project were provided with cameras and asked to show their everyday experiences through the medium of photographs. Were we just to try understand the position of these participants from a scientific/theoretical perspective, the more telling aspects afforded by their individual perspectives would be lost. Instead by bringing in the subjective life-experiences of the participants, it could be argued, from a feminist standpoint perspective, that the intersectional knowledge that becomes available is more thorough and objective as it comes from outside of research disciplines that (advertently or inadvertently) uphold dominant social structures.

In an example of this, Mmapaseka Letsike<sup>22</sup>, asked her young neighbour<sup>23</sup> to portray her in the photographs by dressing her in her (the neighbour’s) brother’s clothes and having her act out scenes from Letsike’s real-life experiences (Brundrit, 2008). Each of the images in Letsike’s

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<sup>22</sup> Letsike is one of the eight women who participated in the project (Brundrit, 2010: 590).

<sup>23</sup> The age of the neighbour is not disclosed, however, from the photographs, she looks to be a young teenager.



series is captioned with a narrative that explains in-brief what was occurring in her life at the time and how she felt. For example, in *Figure 4*<sup>24</sup>, the girl portraying Letsike is captured posing with three boys in a driveway outside of a house. The boys stand behind ‘Letsike’ who is crouched down in front of them with her hand on a soccer ball. In the image ‘Letsike’ is dressed in baggy jeans, a striped golf shirt, and barefoot. Based on her choice of clothing, she appears more stereotypically masculine rather than feminine. Her caption for this image reads as follows (Letsike in Brundrit, 2010: 594):

Super stars. Still loving soccer with my homies, then I learned I am going to do well in future.

A soccer star. Then got to find out I am lesbian. Which I still loved life.

This photograph gives us a glimpse into the life of a young lesbian in a township setting. The image shows us that Letsike lived a normal life, she was happy, she excelled in soccer, which made her dream about stardom, and she had friends who shared her love of the game.

Unfortunately, Letsike was raped when she was 15 years old. She tells the story of her rape through *Figure 6* in her photographic series. In this image, ‘Letsike’ is holding a toddler-aged child, who presumably resulted from her rape. She appears to be smiling, however from her caption we glean that the rape had serious consequences for her. Letsike (596) states: “Then life was messed when she was only raped at the age fifteen, then her doors were shut.” From this caption we might infer that Letsike’s life took a downward turn after her rape, and while she states that it did take her a long time to deal with the rape and still had a lot of healing to do (597), the photographs that follow in the series show that her life was not defined by her rape, she did not become a perpetual victim. However, what is noticeable in the above captions

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<sup>24</sup> Please see: *Figure 4* (Appendix A), *Figure 6* (Appendix B) and *Figure 8* (Appendix C).

is that before her rape, Letsike uses “I” to refer to herself, whereas after her rape, she uses “she” to refer to herself. Consequently, we can see that, at least for a time, the rape disrupted her sense of self. She became distanced from herself; an Other in her own body. In relation to this, the way that rape damages the subjectivity of women who have been victim to rape will be discussed in more detail in section 5.3 below.

According to Brundrit (2008), Letsike’s photographs “portray her experience of motherhood and her own material and emotional development.” As an example, in *Figure 8*, ‘Letsike’ is seen standing atop a concrete sink outside of a building. She is posed so that her legs stand on opposite sides of the sink, while her arms are reaching into the air, and outstretched widely (in a v-like shape). The way she is posed displays confidence and strength. On her face is a look of courage and defiance. She is dressed in baggy jeans, a white button-up shirt and a leather jacket – again more representative of a typically masculine appearance. The caption for this image reads: “Acceptance and still loving life. Self respect self acceptance [sic]” (Letsike in Brundrit, 2010: 598). This implies that while Letsike was exposed to rape, which obviously affected her immensely, it did not define the rest of her life.

Thus, it can be seen that individual experiences and perspectives are what this project centred around and are, further, what provide insights into the diversity within these individual lived experiences, and which clearly counter the dominant narratives of lesbian women’s lives (for example, consumed with hyper-sexuality and doomed to violent death). Through these concrete images, we who are outside of this specific social situation are able to gain an insider’s view of the diversity of real-world lived experiences of these women. Instead of the essentialist characterisations of lesbian women as developed in the discourse and media representations around lesbo-phobic violence, a discourse which often paints lesbians’ lived experiences as

being shrouded in fear, violence and misery, these images give us a glimpse into the reality of the normal day-to-day lives of these women, and their ability to create happiness within their circumstances.

Susan Sontag explicates how and why it is that art such as photography can act as a powerful tool for meaning-making and understanding. She (1966) asserts that:

art contains less ambivalence, it is relatively disinterested, and it is free from painful consequences. The experience is also, in a certain measure, more intense; for when suffering and pleasure are experienced vicariously, people can afford to be more avid.

In other words, the images portrayed in this series, for example, allow a viewer to develop an understanding of what Letsike's lived experiences might be like without the fear of painful consequences, but at the same time, because the viewer is entering these lived experiences vicariously, they are willing to develop a keen interest and some kind of investment in the images. In this way, the photographs open up a 'safe' space for the viewer to engage with and develop an understanding of these lived experiences that might not be available otherwise. As Sontag (1966) further argues, art is a means through which viewers can be "brought into contact with interesting human affairs." In relation to this, Sontag (1973: 1) specifically speaks about the power of photographs to "alter and enlarge our notions of what is worth looking at and what we have a right to observe." However, the ability to be moved or affected by a photograph is dependent on the "existence of a relevant political consciousness" (14) and the function of the photograph (18). In other words, a photograph is only able to make the viewer understand something if it serves a particular function, bound by a specific time and space.

From this understanding, the efficacy of visual activism begins to emerge. It takes place within a specific political context and transcends mere aesthetic appeal and instead functions

specifically to create awareness of the lives of Black lesbian women – the photographs serve as a kind of narration (and some include an actual written narrative), which for Sontag is imperative to their value and their ability to enable the viewer to develop an understanding of their content. Overall, for Sontag, while texts and paintings are interpretations of the world, photographs appear as pieces of the world that “anyone can make or acquire” (2). For this reason, we could understand that photographs, can act as a way to correct speech that distorts our understandings of the world. While we can read about the lives of Black lesbian women, like Letsike, the images (representing self-curated, subjective interpretations of her own life) provide us with a more intense, perhaps ‘real’ understanding of her life-world.

As discussed earlier the core of feminist standpoint theory is the idea that knowledge originates from subjective experiences that are situated within specific socio-historical contexts (Verwij, 2017: 6). While media portrayals of lesbian women tend to work from the perspective of the reporter, who might stand outside of the position of lesbian women, the projects by artists such as Muholi and Brundrit actively and very consciously work from, firstly, their own subjective positions as lesbian women, and then from the subjective positions of the participants themselves. This serves to develop a more nuanced, detailed understanding and knowledge of these subjective positions. As an outsider, understanding these positions based on subjective portrayals is made more tangible and thus more accessible than if we are to merely focus on a theoretical understanding of them.

One of the primary goals of visual activism, as can be ascribed to the works of Muholi, Brundrit and Nyamza, is to make these works a kind of political lens from which the marginalised and violent spaces assigned to lesbian women can be undermined. Thomas asserts that Muholi’s photographs, for instance, “claim a place for queer subjects in the field of visual art. Through

this act of ‘claiming,’ her work testifies to the complexity of queer experience in post-apartheid South Africa and at the same time constitutes a demand for political recognition” (Thomas, 2010: 434 – 435). This is an attempt to reconstitute the agency of lesbian women outside of the objectifying colonialist gaze which imposes a singular identity on Black women, and an even more restrictive one on Black lesbian women. Muholi, for example, in her *Faces and Phases* series depicts sixty individuals in separate photographs, and in so doing introduces the viewer to a new person and narrative in each one of the portraits. Additionally, she titles each of the photographs using the names of the individuals depicted therein (for example, *Amanda Mapuma*, *Siya Mcuta*, etc.). Erickson (2014: 30) claims that this recognition and portrayal of the multiplicities in Black lesbian identities “counters anonymous renderings of the lesbian subject and instead acknowledge[s] her nuanced individuality.” We could add that the lesbian subject is personalised, concretely embodied and shown as a subject within the world, thus bringing meaning and value into the world that we as onlookers share with her.

For Harding (2009: 195), feminist standpoints are “an achievement, not an ascription;” meaning that in order to for a standpoint to emerge much work is required both scientifically and politically. That is to say that a standpoint is not the same as an experience and is, as discussed previously, not simply attributed to someone based on their belonging to a particular group. As mentioned earlier, a standpoint does not arise because of individual experiences alone. It is by combining individual experiences that are purposefully highlighted and exposed, with social and political activism that a standpoint becomes a possibility (ibid.). Similarly, one does not necessarily have an understanding of a standpoint simply by occupying a position within a marginalised group. Instead, it is through conscious and reflexive efforts, in dialogue with others similarly placed, that one can begin to understand or achieve a standpoint. It is for this reason that Harding (2009: 196) argues that a standpoint is an achievement, and one which

is primarily a collective achievement rather than just an individual achievement. Thus, if it is necessary even for someone within the group of say, Black South African lesbians, to work dialogically to achieve the standpoint, it is clearly an even stronger imperative for someone not positioned within that group that they should work hard and struggle to achieve the standpoint in dialogue with multiple persons within the social position. Also, this difficult work is never fully achieved, never complete. Yet at the very same time, standpoint theory with its insistence on the fundamental accessibility of standpoints, never holds the fairly popular position that one simply cannot understand the perspective of a different social position. Through attentive listening it is possible for outsiders to any particular position to gradually learn to see the shared world from the standpoint of insiders. It is for this reason that even those who are not within a particular marginalised position can gain an understanding, albeit limited, of this position.

While visual activism does not work to *scientifically* debunk claims regarding the naturalness of heterosexuality or queer subjection, it does work to do this *politically*. Gqola (2011: 624), in relation to Muholi's work, explains that while

[h]omosexuality is often demonised as abnormal because it is not 'natural', as though the natural is easily discernible and desirable [,] Muholi's normalising of Black lesbian sexuality positions it as part of the continuum of women's sexuality at the same time that she plays with notions of what is natural and normal

Muholi's work questions what is considered normal, and by making a space that legitimises Black lesbian sexuality, she undermines the ideological assumption of Black lesbian sexuality as abnormal and unnatural<sup>25</sup>.

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<sup>25</sup> The idea of homosexuality as unnatural, particularly within the African context, will be discussed in detail in Chapter Four.

If we turn to the *Faces and Phases* series, we can again see this. Within a discourse that situates homosexuality as unAfrican, Muholi provides a counter narrative by creating portraits of women who are Black, lesbian, and South African (Erickson, 2014: 33). In so doing, she challenges the assumption that Black sexuality is only heterosexual, and subsequently challenges the viewer to question normative ideologies that situate heterosexuality as the only 'normal,' universal or legitimate sexuality. Consequently, the photography of someone like Muholi functions very clearly within Harding's conception of what a feminist standpoint means. She challenges the ideological assumptions which uphold heterosexuality's dominant position by starting from the subjective lived experiences of lesbian women. In so doing, her work functions on a political level to disrupt oppressive gendered systems. Thus, we can understand that visual activism is not necessarily about aesthetic appeal but more about the political spaces it opens up for questioning and challenging ideological assumptions and supposedly natural claims to power.

As political spaces, these artworks become sites of contestation that enable the viewer to engage with different perspectives and challenge their own beliefs. A clear example of the ways in which this type of art can become contentious was seen when Minister of Arts and Culture, Lulu Xingwana, was asked to speak at the *Innovative Women in Arts* exhibition held at Constitution Hill in 2009. When Xingwana saw Muholi's photographs, she walked out of the exhibition without even presenting, claiming that the photographs were immoral, offensive, and went against nation-building (see, for example, Thomas, 2010; Smith, 2010 and Van Wyk, 2010). Xingwana received much backlash for this especially from rights organisations, who argued that as a person in a position of authority, Xingwana's claims that images of lesbian women were immoral served to reinforce homophobia rather than maintain the Constitutional

ideals of respect for and protection of gay and lesbian rights (see, for example, Smith, 2010 and Van Wyk, 2010).

What this example illuminates, is that art, as a form of political expression, can cause tension and unease within its audience. Artistic works can make the audience feel awkward and uncomfortable, and as Rademeyer explains, cause a kind of dis-ease<sup>26</sup> within the viewer. This role of art, Rademeyer explains, is a productive one as it becomes a “locus from which one can create dis-ease around dominant notions of sexuality, gender, selfhood, kinship, queerness and African-ness” (Rademeyer, 2012: 270). It is in this space that those who fall outside of the hegemonic social order “can then start to imagine new ways of being” (ibid.). However, it can also work to have those who fall within the hegemonic order question and challenge the assumptions around their understandings of those outside of this order as well as how this order oppresses themselves too. A ‘reader’ of the photographs who rejects this challenge, for example Xingwana, refuses to see the order from that challenging perspective and responds by defending that very order. Muholi (in Van Wyk, 2010) herself explains that “[p]eople forget that issues such as prejudice, HIV, rape and hate crimes affect the lesbian community. My photographs are the starting points for dialogue about these issues.” Accordingly, these art forms actively work to create a critical consciousness around issues like lesbo-phobic rape and the othering of Black lesbian women by creating a space in which this dis-ease can arise, merely by showing the shared world from the lived experience of Black lesbians living their daily lives<sup>27</sup>.

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<sup>26</sup> Rademeyer takes the idea of dis-ease from Butler (2004a), where dis-ease is a play on the word ‘disease’. Rademeyer explains that those who occupy positions outside of intelligibility, such as lesbian women, hold a ‘diseased’ position within patriarchal, heteronormative society. However, from this position, there is also the possibility to challenge – create dis-ease – around these dominant ideologies. Dis-ease then is about using one’s ‘diseased’, unintelligible position to disrupt hegemonic systems of oppression and redefine the social order.

<sup>27</sup> It could be interesting here to look at the way in which visual activism relates to epistemic bubbles and echo chambers. I will only mention this very briefly as a detailed discussion of this is beyond the scope of this study.



Clearly then, these works function within the framework of feminist standpoint theory by enabling a conducive space that potentially allows the audience to grapple with their own notions around sexuality, gender performance and gendered power relations. Thomas (2010: 427) states: giving “myself up before a photograph is also to occupy a subject position beyond or outside of my own.” Sontag (2013) explains that to give oneself over to art entails detaching oneself from the world. However, she (*ibid.*) asserts that while one detaches from the world in order to become involved with a work of art, “the work of art is also a vibrant, magical and exemplary object which returns us to the world in some way more open and enriched.” This is a clear indication that, from this perspective, visual arts and artistic performances can function as resources for the development of feminist and lesbian standpoints from which challenges to hegemonic ideologies and discourses can begin.

The final connection I will make between these works and feminist standpoint theory relates to the notion that standpoints are neither relativist nor value-neutral. As discussed earlier, feminist standpoint theory asserts that it is possible for certain people possess an epistemic privilege in that their positions within society allow them to more clearly identify systems of oppression, thus to more clearly or objectively see the functioning of the system. It is possible then that the standpoints that arise from marginalised peoples are able to illuminate these

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Epistemic bubbles and echo chambers are both social epistemic structures which result in exclusion. Nguyen (2018: 2) explains that epistemic bubbles are social structures that arise from our connection with like-minded people and our communities. Epistemic bubbles are formed with no ill-intent, but their result is that we gather our news and opinions from sources that generally hold the same or similar views to our own, leaving out contrary views, thereby “illegitimately [inflating] our epistemic self-confidence” (*ibid.*). An echo chamber, on the other hand, is a “social epistemic structure in which other relevant voices have been actively discredited” (*ibid.*). In other words, sources outside of the echo chamber are actively excluded and discredited in an attempt to reinforce the shared beliefs of its members and create an over-reliance on information that comes from within the chamber (*ibid.*). In terms of the above discussion, it could be suggested that people who are drawn to Muholi’s work, for example, are people who are already open to the work and who already share similar views to Muholi – they are already inside of the epistemic bubble. However, from Xingwana’s response to Muholi, it could be argued that Xingwana is within an echo chamber. She actively discredited Muholi’s work in an attempt to reinforce the ideas of those who share similar political and social views to hers. Consequently, the intended effect of Muholi’s activism – to make visible the lives of Black lesbian women – could be hindered by the presence of echo chambers which actively seek to discredit her voice while reinforcing their own heteronormative, heterosexist ideologies.

oppressive forces for society more generally, and in so doing work to challenge these systems of oppression. The visual activism of Muholi, Brundrit and Nyamza, can be understood to function then within the greater context of exposing how heteronormativity serves to undermine and invalidate non-heteronormative sexualities, as well as exposing the ways in which patriarchal heteronormativity is also a burden on women who self-identify with the heterosexual matrix.

This is because the standpoints of the most marginalised are often able to illuminate oppressive forces that may not be immediately evident to those who live within that system. For example, heterosexual women may not be able to clearly see the forces that render them oppressed within a patriarchal social order simply because they have been born into and conditioned by that very social order. It could be said that oppressive forces or normative ideologies, for example around sex, reproduction, and marriage, have become so normalised as to appear natural and compulsory (as we have seen regarding Butler's arguments around gender and compulsory heterosexuality). However, when looking at these from an outside perspective and through a feminist standpoint lens, it can be seen that the same systems which marginalise and oppress non-heteronormative individuals lie at the heart of patriarchal social orders and so underpin many of the dynamics with heterosexual relationships too.

As an example of the epistemic privilege that can be afforded by a lesbian standpoint we can look to Nyamza's performance in *I Stand Corrected*. In this performance, Nyamza, portraying the slain lesbian woman, tries to 'perform' her female sexuality as expected by patriarchal society in order to show a mocking disdain for the oppressive notions of femininity as espoused by patriarchal ideals. Rademeyer (2012: 277) explains the way in which Nyamza acts out this performance of 'proper' femininity:

she mocks the notion of ideal femininity (as portrayed in magazines) with exaggerated, comedic poses. Following this ... as an imagining of what it might be like if corrective rape actually worked, Nyamza (wearing a pair of women's sunglasses and one high-heeled shoe) performs overtly feminised movements (such as swaying her hips and arms, and pushing her breasts out) as she 'learns' femininity. As the sequence progresses her movements become more and more exaggerated, violent, uncontrolled and grotesque, her breathing becomes audible, she loses the shoe she is wearing - she fails at, and becomes a ridiculous parody of, [patriarchal] femininity and its expectations.

Drawing from this we can see that the expectations placed on female bodies within the heterosexual matrix are burdensome not only for lesbian women, but also for women more generally. Women are supposed to perform their gender in ways that conform with the expectations of patriarchal society; however, for many women, especially women who identify as butch<sup>28</sup>, this ideal is unattainable but more importantly, does not form part of their own gendered identity. Arguably, this lesbian standpoint serves to disrupt the ideological and natural assumptions created by patriarchal discourse, and to expose the complicities between patriarchy and heteronormativity, and as such is valuable for illuminating the ways in which these patriarchal assumptions affect all women. The lesbian-centred exposure of the complicity between patriarchy and heteronormativity opens up into a more general feminist standpoint and enriches its understanding of the working of the patriarchal system.

In a similar way, Brundrit's series called *M/Other Families* hopes to challenge the normalised constructions of family as seen within heteronormative societies. In this series she photographs lesbian women/couples and their children. In this way she attempts to undermine the notion

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<sup>28</sup> The term "butch" is one which some lesbian women ascribe to themselves. This identifier relates to the ways they dress, act and express themselves. There will be a more thorough discussion around this in Chapter Five.

that it is only within the confines of heterosexual relationships that families can develop. She explains (in Josephy, 2013: 62):

I wanted to talk about the constructedness of the family, that the family is not some kind of natural entity but something that is consciously (more or less consciously) constructed. There are various notions that I have considered about who makes up my family beyond, or as an extension of, or instead of, my biological family. And I don't imagine that this is particular to me as a lesbian.

These images that seek to normalise the idea of lesbian women as naturally founding and belonging to families, as women, daughters, lovers and mothers, also serve the greater purpose of exposing the limiting beliefs and expectations around the nuclear family created by patriarchal heteronormative discourse. And it strongly challenges the notion that only traditional patriarchal families are 'real'. Again, this is just one example of the ways in which visual art, such as photography, serves to bring attention to and disrupt dominant ideologies (Harding, 2009: 194) in a way that conforms to the ideals of feminist standpoint theory. As forms of activism, visual arts and artistic performances become, to return to the quote by Rouse (2009: 63), a "powerful lens through which to evaluate society" and a base from which to change it, and thus are clearly valuable resources for the development of a lesbian standpoint.

## **6. Themes emerging from this standpoint**

What we can draw from the notion of the visual arts and artistic performances discussed so far is that it is through a dialogic engagement with the commonalities – identified through the recurring themes and narratives - portrayed in each that a Black lesbian standpoint starts to emerge. We have seen, from the discussion above, the ways in which these visual activists' works expose and challenge some of the ideological notions related to gender and its

performance, by placing lesbian subjectivities at the centre and listening to them speak. For example, Muholi's photographs highlight the ways in which the traits associated with masculinity come to be inscribed on characteristically female bodies; Brundrit has dismantled notions around who and what constitutes families, and Nyamza has shown the absurdity related to ideological notions around the correct 'performances' of femininity. However, beyond challenging ideological conceptions of sex and gender, these photographic and dance works also highlight the physical, psychological, and social harms associated with lesbo-phobic violence and rape, for example, in Muholi's *Aftermath, 2004*, which is part of Muholi's *Only Half the Picture* series, we see a woman with a large scar running down her leg – a representative image of the aftermath of violence committed against her. While in Nyamza's *I stand corrected* performance, she is seen as a body inside of a dustbin - a symbol of the violent discarding of women's bodies after being raped. While these display the violence experienced by women as a result of rape, they importantly do so in a way that is more subtle and nuanced and so expose the viewer to the effects of rape without turning lesbian bodies into spectacularly violated and thus mute, objects. Instead, we see a dignified woman living her ordinary life as the subject of that life, but yet being scarred by her violation. Additionally, these serve as an important means through which those not exposed to such violence can gain greater insight into how this kind of violence affects someone on a very individual, subjective level.

From the voices, experiences, and stories of Black lesbian women we can also identify and draw on particular themes that appear to be common, even within their nuanced, diverse lived experiences. It is by drawing on shared themes of lived experiences and actively challenging them socially and politically that a shared standpoint, such as Black lesbian standpoint, begins to emerge. As mentioned previously, it is important that a standpoint is not drawn just from an individual perspective but instead creates a shared or collective standpoint – that a 'collective

we' emerges. It is through the lens of this shared understanding that the forces which keep some in positions of domination over others is best illuminated and then best challenged and disrupted.

This section aims to look at some pertinent moments/pieces in the artistic works mentioned above read together with the words of Black lesbian women who have been victim to lesbo-phobic violence. This will be done so as to identify some of the core themes that will become the theoretical focus of the rest of the dissertation and will form the foundations of specifically Chapters Four, Five and Six. The themes that emerge for me and that I will discuss in more detail are: (6.1) the abjection of Black lesbians (6.2) lesbo-phobic rape as punishment for, supposedly, transgressive behaviour; (6.3) the annihilation of the subject within lesbo-phobic rape, and (6.4) lesbo-phobic rape as a social tool.

In this section, I will not go into these themes in detail, as each of them will be dealt with in much greater detail throughout the dissertation. However, my goal here is to show that by looking at lesbo-phobic rape on the more subjective level of the victims, an aspect which is vital within the framework of standpoint theory, we can develop a more nuanced understanding of the ways in which lesbo-phobic violence operates. As explained by Brooks (2007: 202) in relation to homogenous standpoints, "it is precisely within the distinctive characteristics of a particular standpoint, or the uniqueness of a particular woman's experience, that we can hope to find new knowledge." In light of this, I hope that by looking at various stories, a more thorough, more broadly shared, understanding of the underlying structural reasons for lesbo-phobic rape can also emerge.

### 6.1. *The abjection of Black lesbian women*

Muholi's *Only Half the Picture* series is one which brings the physical and psychological harm associated with lesbo-phobic violence, as well as the stigmatisation and re-victimisation experienced after such crimes, to the fore. In this series she depicts a number of women who have been victim to such crimes, as well as images such as *Case Number* which relate to the resulting effects of lesbo-phobic crimes. In her analysis of this series, Thomas (2010: 429) explains that *Case Number*, which is a photograph of a hand-written case number and details of a rape and grievous bodily harm case is juxtaposed with the photograph which follows it – *Hate Crime Survivor I*<sup>29</sup>. In *Hate Crime Survivor I*, only part of a woman's body, wearing striped pyjama pants and hospital wrist bracelets, is shown. For Thomas (ibid.), the striped pyjamas are reminiscent of a prison uniform, while the bracelets signify handcuffs. Additionally, she explains that the way in which the woman is positioned in the photograph – hands clasped before her – is, too, reminiscent of the way in which prisoners stand with their hands bound and heads bent. Thomas (ibid.) explains that the juxtaposition between the case details and the depiction of the victim as reminiscent of someone guilty of committing a crime, serves to highlight the ways in which lesbian women, particularly Black lesbian women, are often re-victimised when they report the crimes committed against them, and are often treated as guilty of their own violation by their communities and the justice system. She (ibid.) adds:

The juxtaposition of these two photographs makes visible the ways in which those who are subject to rape are also often accused of having brought violence on themselves. The concept of 'corrective' or 'curative rape'<sup>30</sup> is often read as premised on the idea that lesbians have done

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<sup>29</sup> To view *Case Number* and *Hate Crime Survivor I*, please go to: <http://archive.stevenson.info/exhibitions/muholi/muholi.htm>.

<sup>30</sup> As seen in the discussion, in terms of my argument, corrective or curative rape is more closely correlated with shame, while guilt is more closely aligned with punitive rape.

something wrong to begin with and that rape is that which will set things right, restoring ‘the natural order’.

This is a sentiment that is echoed by many women who have been victim to lesbo-phobic rape (Muholi, 2004: 118; Human Rights Watch, 2011b: 33 & 40).

This is not only the case for lesbian women but for women who report cases of sexual violence or rape more generally, who are often blamed for the violence committed against them for reasons such as: what they were wearing at the time, if they had been drinking, or if they were travelling on their own late at night. A difference that seems to come to the fore here is that women more generally are blamed for the violence against them because of their actions or things they have done (punitive rape), they are not necessarily blamed because of who they inherently are, which is often the case with lesbian women (corrective rape). Lesbian women are blamed based on their very beings, their sexuality, which is inseparable from them as persons. Obviously, any blame placed on the victims is ludicrous and deflects attention away from the actual perpetrators of violence, so I do not wish to insinuate that this is worse for lesbian women, but I think it is noteworthy that there might be an underlying distinction to this attribution of guilt for a lesbian woman’s behaviour, and shame for who she essentially is.

An example of the way in which lesbian women are treated as standing outside of the protection of the law, even in a country where discrimination on the basis of sexual orientation is expressly prohibited by the Constitution<sup>31</sup>, can be found in the words of Mvuleni Fana. Fana was an avid football player and well-known within her community. At the age of 16 she was raped and assaulted by four men near a football stadium in Daveyton, South Africa where she belonged

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<sup>31</sup> Constitution of the Republic of South Africa (1996). See also, for example, Human Rights Watch (2011: 1 – 2).



to the women's football team (Schaap and Gim, 2010). She explains that when she reported the incident to the police, the response she received was this: "She deserved everything. How can she pretend to be a guy [sic]. Why, she's a girl [sic]. There's no such thing as gay. A woman is a woman, and a man is a man" (Fana in Schaap and Gim, 2010). This is just one example in a litany of claims by lesbian women that the police do not take such matters seriously, or re-victimise them following the rape, very often leading women to not reporting the crimes that have been committed against them (Gqola, 2015: 16). As I will discuss in detail in Chapters Four and Five, this stigmatisation and victimisation can be understood as arising from the abjection of lesbian women. An abject is something or someone that is deemed out-of-place, dirty or contaminating (Kristeva, 1982: 4). The abjection of lesbian women sets them up as a threat to the fabric of society and as out of place within the dominant social structure. This has the resultant effect of legitimising their victimisation and rendering violence against them a legitimate way to deal with the threat they pose to society<sup>32</sup>.

Another one of the common experiences that can be gleaned from the stories of victims of lesbo-phobic rape is the shame associated with the crime. Like with the attribution of guilt, shame is also something that is experienced by women who have been raped more generally. However, for the purposes of this dissertation, I will focus specifically on how this pertains to lesbo-phobic rape. Again, we can read Fana's words to understand the effect that lesbo-phobic rape can have on its victims. Fana (in Schaap and Gim, 2010) asserts that "[i]t changed me from a jolly person [...] it made me an animal to myself. I used to think I was dirty and everything. I didn't deserve to be alive." Fana claims that after many years she learnt not to blame herself, but initially she believed that she deserved to be raped, that it was her fault

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<sup>32</sup> This will be discussed in much more detail in Chapters Four and Five.

because she is a lesbian. Here we can see the effects of shame as discussed in the main Introduction. Fana was made to feel shame about her inherent self and her identity as a lesbian woman.

Gqola (2015: 38) explains that shame functions within the realm of oppression. She states that “shame is the product of dehumanisation, and all systems of violent oppressive power produce shame in those they brutalise” (ibid.). This clearly links to the notion of abjection. Through the violence enacted against her, Fana was dehumanised, and thus made abject, even to herself. This shame could be understood as a result of the norms surrounding gender performance and sexuality. Within the South African context, norms around gender and sexuality are still firmly rooted in racist patriarchal heteronormativity, and so, within this context, as Muholi (in Thomas, 2010: 429) claims “curative rapes, as they are called, are perpetrated against us to make us into ‘real’ and ‘true’ African women – appropriately feminine, mothers, men’s property.” Again, this reverts back to the understanding of gender as a performative social construction, with strict guidelines for how the genders are performed.

Du Toit succinctly explains why it is that rape victims, including rape victims in general and victims of lesbo-phobic rape, come to feel a sense of shame around their violations. She (2009a: 81) explains that through the process of rape, the victim is reduced to an object, to nothing more than her body. In the process, the victim is dehumanised. Because the victim’s body becomes the site through which the objectification takes place, she becomes unwittingly complicit in her own objectification (ibid.). The act of rape renders her passive and renders her an object in a world in which she was once a subject (82). The shame arises as a result of the victim being complicit in this process of dehumanisation, despite the fact that she is a passive victim. Many rape victims feel ashamed that they were rendered passive, or that they did not

fight back. However, as Gqola (2015: 38) asserts the irony is that “those who behave badly should feel ashamed of themselves, the opposite is true.” In Chapter Five, I will provide a more detailed account of how the act of rape creates shame in its victims, while at the same time bolstering the self-esteem of the perpetrators - in other words, creating confidence and self-assuredness when it should instead create shame.

## **6.2. *Lesbo-phobic rape as punishment***

Drawing on Fana’s words above (“How can she pretend to be a guy [sic]. Why, she’s a girl [sic]”) and Nyamza’s performance in *I stand corrected*, it seems clear that when gender is not ‘done’ correctly, the bodies of non-conforming individuals become sites of violence and punishment. Within the patriarchal matrix, women should be available to men sexually – arguably, a condition of the sexual contract as I will explain in detail later - however, non-heteronormative individuals defy this foundational aspect of patriarchal culture. Therefore, lesbo-phobic rape, as stated by Gqola (2015: 9),

is about ‘punishing’ women who lie within the sexual eligibility window for heterosexual male consumption, but they ‘dare’ not to be available – hence the belief that they deliberately choose to make themselves ‘unavailable’ to male sexual gratification, and can therefore be punished and/or violently recovered.

This is a very important theme that comes up often in the discourse around lesbo-phobic rape. The notion that lesbian women subvert the supposedly ‘natural’ heterosexual rules around female sexual availability to men. For Judge (2018: 21), sexual violence is a disciplining strategy that delineates “the contours of what ‘real men’ and ‘real women’ should be, and what happens to them if they are not.” In this sense, sexual violence performs an important function in policing and regulating sex and sexuality. It delineates what kind of sex is acceptable and

who it is acceptable to have sex with. This is a theme that will be discussed in detail throughout this dissertation, as it is arguably this that forms the foundation of the logic behind rape more generally, but also of lesbo-phobic rape more specifically.

### 6.3. *Annihilation of the subject*

A third theme that I want to highlight is the way in which rape, including lesbo-phobic rape, functions to annihilate the subject. This is one of the most fundamental ways that rape functions within the greater context of all rape - to strip its victims of their subjectivity and thus, ultimately, their humanity. In Nyamza's performance, the first 15 minutes of the show are performed within a dustbin. This is in reference to the bodies of lesbian women who have been found in dustbins, thrown away like rubbish, stripped of their humanity – literally and symbolically turned into nothing but waste. In this sense, lesbo-phobic rape<sup>33</sup> physically, psychologically and symbolically strips an individual of their humanity and unique personhood.

Thomas (2010:424) argues that “Muholi's concern with securing a place for lesbian experience within “the women's ‘canon’” signals that what constitutes lesbian subjectivity is by no means decided. Her words testify to the ontological insecurity of the category of being that is ‘lesbian’ in a context where ‘corrective rape’ is ‘practiced’. While this subjectivity is, as Thomas argues, not defined, it is also under threat due to the effective erasure of subjectivity as a result of lesbo-phobic rape. Similarly, Butler explains that the project of becoming a person is a never-ending

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<sup>33</sup> I will refer specifically to how rape functions to annihilate the subject within lesbo-phobic rape, merely to narrow down the focus for the purposes of the dissertation. However, much of what can be said in this regard relates to rape much more broadly. See, for example, Du Toit's in-depth discussion around the ways in which rape serves to annihilate the subject in: *A philosophical investigation of rape: The making and unmaking of the feminine self* (2009).

one as persons are always developing and changing with this development and change affected by our coming into contact with other beings (Butler, 2011: 384). This project is at its core a social one and it is one that is constituted through the body, according to Butler. Rademeyer (2012: 272) in explaining Butler, asserts that the body,

is a site at which we are not only dependant on each other, but also vulnerable to each other. We can find pleasure, desire, passion and communitas in others, but due to the body's proximity to other bodies, it is also always vulnerable to 'unwilled contact' – like coercion, constraint, injury or illness – that could threaten the very existence of the body.

The body and the self, as developed through our interactions with others, are always, ontologically, in precarious positions. Our self, subjectivity and humanity are developed in conjunction with others and are thus at least partly defined by others and through our relations with them, and thereby we are constitutively vulnerable and exposed to others.

Yet, for Butler, precarity, which should be distinguished from precariousness which is an ontological category<sup>34</sup>, refers to the ways in which some groups of people are made politically and thus contingently more precarious or vulnerable than is called for by the ontological conditions of personhood (Butler, 2004a: 134 – 135, 139 and 2011: 383 - 386). Thus, that same subjectivity and humanity can be denied and stripped away by those very same others who are otherwise bringing our subject status and personhood into being. This is true for all persons. However, it is perhaps even more true for Black lesbian women who are already in a position

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<sup>34</sup> Butler (2004a: 130 – 135) explains that precariousness is something that all humans share; it is the human condition which makes us vulnerable to others and to the larger world, and through which we come to be constituted. This state of precariousness means that we have to constantly negotiate exposure to those we know and those we do not know (Butler, 2011: 386). Consequently, this state of precariousness while leaving us exposed and vulnerable to others, is a condition which affects everyone. Precarity, on the other hand, arises through political arrangements which render some as more vulnerable than others. Butler (383), explains that “the liveability and grievability of lives are distributed differentially”, and as such some are deemed “destructible” and “ungrievable” within certain social orders (ibid.).

that renders them ‘monstrous’ and unintelligible. While all individuals are in a state of precariousness due to the human condition, Black lesbian women are exposed to precarity based on their social and political situatedness, arguably making their subjectivity even more vulnerable. Lesbo-phobic rape is one of the ways through which this precarity is cemented and this stripping away of subjectivity is carried out. The violence is carried out on the body, but its effects are felt on multiple levels both bodily and psychically.

In other words, rape generally, including lesbo-phobic rape, has much more far-reaching consequences for its victims than just of those of a physical nature. Many victims of rape face the ultimate act of physical violence – death. However, for those that do survive, they are likely to face a kind of psychic or symbolic death which makes it difficult for them to continue with a normal life after the violence. Du Toit, in talking about rape more generally but which can certainly be applied to lesbo-phobic rape, suggests that for rape victims:

Their self, their life story, and their bodily autonomy all become undone or unravelled by the rape and there is a destruction of the core attitudes necessary for psychological survival, such as ‘basic trust’ and ‘primitive omnipotence’. Rape victims have to rebuild or recompose a self and a life story compatible with their experience of violation (Du Toit, 2009: 80).

As for all victims of rape, for victims of lesbo-phobic violence, the world becomes a more threatening place. However, due to the already triply-marginalised position of Black lesbian women, the threat of the world around them might become particularly pronounced. Consequently, many of these women, as Du Toit suggests above, lose basic trust in the world around them.

A study carried out by Human Rights Watch (HRW) in 2011 titled: “*We’ll show you you’re a woman: Violence and discrimination against Black lesbians and transgender men in South*

*Africa*”, which interviewed 121 individuals in South Africa over the course of 2 years, shows that this loss of self and world are expressed by victims of lesbo-phobic rape (Human Rights Watch, 2011b). I will mention two of these interviews here to corroborate the theoretical understanding of the effects of rape on its victims.

Nosizwe<sup>35</sup> was raped in 2002 at the age of 15 by four men when returning from a sports trip. After her rape, Nosizwe explains that: “I felt like I’m not a human being. I didn’t leave home for days. I thought ... it will happen again” (Human Rights Watch, 2011b: 34). A second example is that of Dumisani. Dumisani was walking near her home in the Eastern Cape, when a man dragged her into the bushes, beat and raped her. She was 17 years old, and this was to be the first time that she was raped (36 – 37). Dumisani’s words testify to the overarching effects that the rape has had on her. In her interview, she stated that (37):

I really hated myself then ... Even to this day, I can’t move on. I can’t forget. When guys come to talk to me, it reminds me of what happened. Something clicks, and I get angry. I’ve got this anger in me. I get so stressed that I fall sick ... I don’t want to be around people, I just want to drink to forget everything.

What we can draw from the words of both Nosizwe and Dumisani is that the experience of rape is one which, as discussed above, often affects the victim much more profoundly on a psychological level, than it possibly does on a physical level, although physical effects such as unwanted pregnancy, HIV infection and injury may all also have psychological effects, of course. Each of these women refers to the psychological damages that have remained with them long after the rapes have taken place.

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<sup>35</sup> In the report all of the interviewees were given pseudonyms.

As can be seen in the stories of Dumisani and Nosizwe, the rapes they endured caused them to feel a kind of dehumanisation and self-hatred – “I felt like I’m not a human being” (Nosizwe); “I really hated myself then” (Dumisani). In these violations, their sense of identity, their sense of being a subject in the world, was severely undermined by the ways in which the rapists objectified them. Thomas (2010: 430) explains that the effect of lesbo-phobic rape is an “ontological erasure, the annihilation of subjectivity.” She adds that lesbo-phobic rape does not serve to “make” the victim into a ‘proper’ woman, as is the supposed goal of lesbo-phobic rape, but rather serves to “altogether [unmake] her as a subject” (ibid.).

#### **6.4. *Lesbo-phobic rape as a social tool***

From the stories of lesbian women, it is clear that lesbo-phobic rape works not only on an individual level, but also on a collective level. It serves as a threat to all lesbian women, and so even without having actually been raped, the mere, yet pervasive, threat of rape serves to create a world in which lesbian women are afraid of others and leaves them with a world that they cannot trust. Sibiniso, another Black lesbian, has not been raped but can attest to the fear created by the threat of rape: “I don’t stay late [in public places]. I don’t trust straight men, also straight women—they have boyfriends or other male friends. They can rape me, they will rape me” (Human Rights Watch, 2011b: 44). From this the idea that lesbo-phobic rape is not necessarily a crime against an individual but rather a form of social project, of social control, arises, along with the complicity of women.

Here I would like to return briefly to Thomas (2010: 430) who states that “the [lesbo-phobic] rape of lesbians restores absolutely nothing at all, [instead it shows] the emptiness at the centre of the fiction that animates all forms of gendered being.” What can be taken from Thomas’ quote is that lesbo-phobic rape does not ‘restore’ lesbian women to heteronormative gendered



ideals. Instead, it serves to remind us that at the centre of these gendered ideals is the fiction that women's sexuality should be for the service of men, and that rape is an instance of the violent and forceful enactment of patriarchal power. It is ultimately a tool for socialising all women to conform to the ways of patriarchy, and the brutality of the rapes testify to patriarchal entitlement in a way many straight women probably seldom see.

This brings us back to one of the main functions of feminist standpoint theory which is to use standpoints as a way to show how the oppression meted out by dominant groups serves to function towards not only those outside of a group but also those within a group. In other words, lesbo-phobic rape serves not only as a threat to lesbian women, who through their non-compliance with heterosexual norms become direct targets of violence, but also sends a message to all women (and men) that failure to comply with the gendered rules created and enforced by patriarchy will lead to punishment. It is a way to 'educate' erotic desire by turning rebels into scapegoats. A lesbian standpoint, which draws on the experiences of lesbian women, along with the activism around the oppression of lesbian women, thus serves to show us how patriarchy functions more broadly.

## **7. Conclusion**

To conclude, feminist standpoint theory has been demonstrated to be a useful methodological framework for understanding the lived experiences of members of other groups more clearly and thoughtfully. Feminist standpoint theory is premised on the central idea that the voices of people from marginalised groups can be more illuminating epistemologically speaking, when it comes to analyses of the systems of oppression, than are those of members from dominant groups (Crasnow, 2007; Bowell, 2011; Harding, 2009). At the same time, feminist standpoint theory also has the goal of avoiding essentialising the experiences of groups (see, for example,

Rouse, 2009) by considering the diversity of subjective experiences. In other words, through the recognition and respect of the many voices of women that come from within particular groups, and in fact by centring them as privileged epistemic sources, feminist standpoints serve to encourage and respect the multiplicity and diversity of individuals within groups, without falling into a relativism which denies the possibility of distilling meaningful patterns from the complex fabric of individual experiences. Therefore, from a feminist standpoint perspective more credibility and value should be afforded to the voices, stories and experiences of victims themselves, with the aim of legitimising the agency and subjectivity of Black lesbian women.

Where the media often portray, especially Black, lesbian women as (un)rapable, as perpetual victims, artistic works like those of Muholi and Brundrit's photography and Nyamza's dance performances, serve to present much more nuanced perspectives on the full reality of Black lesbian women's lives, including the pervasive threat of lesbo-phobic violence. Although many diversities come to the fore when engaging with these artistic works and the lived experiences of Black lesbian women, there are also certain common threads that emerge, as I have indicated in section 6. Included in these common threads are notions around 'proper' gender performance within a patriarchal society, the victimisation faced by victims after the violence itself due to social understandings of legitimate sexuality, and the symbolic harms associated with lesbo-phobic rape. I have drawn on and explored some of these within this chapter as a starting point for this dissertation. It is these themes, amongst others, that will be analysed and discussed at length throughout the dissertation.

I have chosen to start the dissertation by looking at the experiences that are relayed through the visual activism of Muholi, Brundrit and Nyamza, as well as by analysing some of the stories and experiences of victims of lesbo-phobic rape as a way to show respect to these experiences.

However, as feminist standpoint theory asserts, it is vital that we not only listen to the voices of people from marginalised groups, but that we also actively try to understand how and why it is that dominant groups are able to keep others in positions of subordination. Therefore, it is necessary to not only respect and value these experiences but to also try to develop a more detailed, and perhaps broader theoretical understanding of why it is that lesbo-phobic rape is so prevalent in a country like South Africa where the rights of lesbian women should be protected under the Constitution. As such, it is necessary to take a step (or a few steps) back and analyse the socio-cultural, political climate in which this violence occurs. This is what I will now turn to in the chapters that are to follow. In so doing, I will not only ascribe to the feminist standpoint ideal of engaging with the experiences of women outside of my own socio-cultural positioning, but also bring these experiences together with the broader theoretical analysis of South Africa in order to develop a thorough understanding of lesbo-phobic rape within this particular context.

## CHAPTER TWO

### SEXUALITY IN POST-APARTHEID SOUTH AFRICA

#### 1. Introduction

The previous chapter drew on the ideas rooted in feminist standpoint theory as a way to show that it is not always necessary to occupy the same position as another in order to gain an understanding (albeit a limited one) of this position and the experiences and perspectives that arise from within this position. In other words, I claimed that through respecting the perspectives and experiences of Black lesbian women, which come to the fore through their own stories as well as through visual activism that listens to, and takes up their voices, someone such as myself (who, as mentioned previously occupies a privileged position in terms of my race and sexuality), can become aware of and sensitive to the lived experiences of these women and the differences and commonalities that can be found therein. Although feminist standpoint theory is premised on the notion that knowledge should begin from subjective experiences, these alone are not enough. Instead these experiences need to feed into a more adequate understanding of the structural socio-political conditions which result in such experiences. The goal of this chapter is to provide the larger context from which to understand the prevalence of lesbo-phobic rape. In particular, this chapter is focused on the ways in which issues around sex and sexuality became central preoccupations of South Africa's democratic government after the political transition. This is because the symbolic meanings attached to gender, sex and sexuality have emerged as integral to conceptions of the new South African nation.

This is not unique to only South Africa but seems to become a central preoccupation of any country that is in some kind of transitional status (be that social, political or economic) or facing some kind of crisis. A very recent example is the centrality of gender, sex, and sexuality in the

United States of America, where there has been a revival of attempts to control women and their bodies through antiquated anti-abortion laws and calls to defund contraceptive pills, along with the banning of trans gender individuals from the military. On the face of it, these issues seem to be about sex and sexuality, but underlying these is seemingly the intent to reinforce or secure patriarchal, heteronormative power and its supporting ideologies. Consequently, while the centrality of gender, sex and sexuality is not unique to only the South African context, the preoccupation with these within post-apartheid South Africa will be focussed on specifically within this chapter.

Within the first section of the chapter, *HIV/AIDS and the politicisation of sexuality*, I discuss key areas around which politicisation has arisen, namely, the area of sex and sexuality, including HIV/AIDS discourses. The contestation around sex and sexuality tends to be particularly pertinent within a nation in political and social transition as “the discursive constitution of sexuality is enmeshed with a wider matrix of moral anxiety, social instability and political contestation” (Posel, 2005b: 241). It is these specifically heated public debates around matters of sexuality that have led Deborah Posel to the assertion that sexuality in post-apartheid South Africa has been politicised, meaning that sexuality has become a site around which there is intense controversy, confrontation and unease (ibid.). Within the South African context this politicisation has taken place mostly around issues such as HIV/AIDS, sexual violence, and the revitalisation of traditional practices, such as virginity testing and ritual male circumcision. This contestation has arisen due to the perceived reinforcement of colonial tropes around Black sexuality.

The understanding of these areas of contestation becomes particularly pertinent when framed within another prominent public discourse, namely the ‘crisis in hegemonic masculinity’

discussion, which will be the focus of section 3, *Masculinity in crisis*. Proponents of the idea, including for example, Kopano Ratele (2006 & 2014), Brandon Hamber (2010) and Tina Sideris (2005) claim that this crisis results from colonial ideologies and practices which served to emasculate Black men and entrench deep socio-economic, race and gender inequalities which have carried through to post-apartheid South Africa. Along with these, the crisis in hegemonic masculinity relates to the political and economic failings of the democratic government. In other words, within South Africa - a nation which has undergone rapid political, economic and social transformation, and one which is strongly influenced by, seemingly, competing ideals and ideologies - the goals of hegemonic masculinity are especially difficult to achieve because these goals are always shifting and contradictory and are moreover currently still rooted in South Africa's racialised history. Consequently, I will argue that the politicisation of sex and sexuality, along with the revitalisation of traditional practices which centre on matters of sex, should be understood within this context as ways through which South African men (specifically heterosexual men) seek to deal with this crisis and reconstitute and reaffirm patriarchal dominance. I explain the perceived crisis in hegemonic masculinity as a result of the lingering effects of colonialism and apartheid, the unrealised expectations associated with democracy, and the perceived loss of male power as a result of an increase in the visibility and rights of women and non-heterosexual people enshrined by the Constitution.

Finally, in section 4, *Revitalisation of traditional practices*, I will show that the revitalisation of traditional practices, including virginity testing and ritual male circumcision, is clearly tied up in the nation building project which at its core seeks to re-stabilise patriarchal male control through the regulation and control of sex. I argue in this section that the politicisation of sex within contemporary South Africa functions to reinforce very specific notions of gender and sexual performance. These notions are clearly correlated with patriarchal conceptions of sex

and gender and are reinforced in an attempt to stabilise the seemingly tentative hold on power possessed by males within the new dispensation, thus, to ensure the patriarchal nature of the new South African nation in development. I will also argue that while the goals of developing a new national character founded on, supposedly, pre-colonial traditions are an attempt at decolonisation, what instead results from this is the unwitting reinforcement of colonial ideologies and characterisations of sexuality. Consequently, while these practices form part of different cultures, there is an underlying cross-cultural foundation to these practices. As such, it starts to become clear that not only is there a link between these so-called traditional practices across African cultures, but there is also a link here between Western ideologies and contemporary African ideologies, with the underlying foundation being patriarchy.

The overarching goal of this chapter is to provide an understanding of the specific South African socio-political context in which lesbo-phobic rape takes place. This is important as it shows how sexuality has become a vital marker for the health of the nation; within this narrative, it is clear that it is only certain versions of sex and sexuality that are accepted as legitimate, while other non-conforming sexualities are constituted as a symbolic threat to the very fabric of the nation and its identity. Through understanding this context, we can better understand why it is that Black lesbian women, especially, are positioned as deviant and threatening, and subjected to violent retributive measures.

## **2. Nationalism in the postcolony**

Much of the rhetoric that shapes a country relates to the ideas of nationhood and nationalism. As mentioned in the main Introduction, the idea of a nation or nationalism is, however, problematic in that it is generally founded on exclusionary ideals of who falls within the

boundaries of what is acceptable to that nation. Therefore, nationalism is always predicated on the abjection of some (as will be discussed in much more detail in Chapter Four) and the inclusion of others into the inner-fold of the national identity. Authors such as Mahmood Mamdani argue that the idea of nationalism is particularly problematic in countries that are in a state of post-colonialism. Mamdani refers specifically to the cases of African countries that were colonised and separated legally and politically along racial and ethnic lines. He (2001: 654) suggests that:

The colonial state divided the population into two: races and ethnicities. Each lived in a different legal universe. Races were governed through civil law. They were considered as members, actually or potentially, of civil society. Civil society excluded ethnicities.

Civil law was the domain of rights and it is what set limits to power (ibid.). This was the domain of ‘non-natives’, in other words, the European colonisers. On the other hand, ethnicities were governed by customary law, meaning that ‘natives’ had to live according to rights as determined by their specific ‘tribe’. This, Mamdani (ibid.; emphasis in original) argues, “*enabled* power instead of checking it” and meant that “no rule of law was actually possible”. In this way, civil society was the domain of those considered civilised, while those considered uncivilised were excluded from civil society and governed by a multiplicity of rules that were determined by each separate tribe. For Mamdani, this is especially clear in the case of South Africa where apartheid segregation was premised on an attempt to deurbanize the urban African population primarily through the use of forced removals. Because civil rights were associated with the urban population – the civilised – while customary laws were associated with rural communities founded on supposed ethnicities, these forced removals and deurbanization were in effect an attempt to concretise civil rights as the domain of the colonisers.



While my aim here is not to give a comprehensive account of nationalism in terms of colonial and apartheid rule, it is to show that the bifurcation of society, particularly in the context of this dissertation, relied on the division of the society into a civil, rights-based legal order (associated with the West) and authority based on customary laws (associated with rural ethnicity; i.e. the Black population). Since the inception of democracy, South Africa in particular, still incorporates both of these legal orders, which seems to suggest that, rather than moving away from colonial ideologies, it still incorporates these into its new social order. Mamdani (2001: 657 – 658) explains that while post-apartheid / postcolonial nationalism attempts to deracialise contemporary society, it (inadvertently) reproduces the bifurcation of colonialism by introducing civil rights for all citizens but retaining customary rights for the Black majority – hence retaining the idea of the ‘native’ and the ‘settler’. While the recognition of different types of customary rights and legal orders might appear inclusionary, if these are understood as explicated by Mamdani (1996: 22), then in actuality customary authority is the product of externally enforced colonial customs which were defined by those who created them – the colonialists. Thus, for Mamdani (24), every movement against the enforced colonial ideologies bears “the institutional imprint of that mode of rule” and “is shaped by the very structure of power against which it rebelled.” For this reason, the new national order in South Africa is a tenuous one because rather than moving away from colonial ideologies it is founded on these very ideologies, as will be discussed in more detail throughout this chapter. Therefore, the idea of an inclusionary national identity becomes hard to imagine when that nation is already built upon exclusionary structures of power.

Apart from the problematic dual-structure of contemporary South Africa’s legal order, Mamdani asserts that colonialism not only divided society along racial lines, where the White minority had privilege over the Black majority, but it also “fragmented the majority as so many

custom-driven ethnicities” (1996: 663). To return to the idea of nation as explicated in the main introductory chapter, a nation is the (imagined) unification of people with common histories, cultures and languages (cf. Anderson, 1983). In South Africa, where colonialism and apartheid actively worked to fragment these, it seems obvious that creating one unified nation within post-colonial, post-apartheid South Africa seems near impossible. Visvanathan (2006: 533) suggests that attempts to establish objective criteria for what constitutes a particular nation usually fail because while congruency between a multitude of people, histories and territories seems possible theoretically, in reality this congruence is highly problematic. Consequently, the idea of nationalism becomes a way through which to discipline and homogenise the population of a country, or as Gellner (in Visvanathan, 233) states: “homogeneity is an inescapable imperative of a nationalist-industrial system.” What can be taken from this is the idea that in order to be part of the nation – to be considered a legitimate citizen - one has to conform to the limiting characterisations which form this homogenous ideal. Those who do not conform to the ideals of the homogenous nation, become strangers within the nation. In this light, nationalism can be seen as a political tool used to determine who is and is not a legitimate member of society and to marginalise the Others. Thus, calls to nationalism and national identity are used to garner support for a hegemonic ideology, such a patriarchal heteronormativity, at the expense of those who do not conform to its restrictive and discriminatory logic.

In order to create a congruent political community, based on a more inclusive foundation, Mamdani (2003: 149) suggests that there needs to be a:

Commitment to build a common political future under a single political roof. This recognition should be an important step to creating a single political community and citizenship from diverse cultural and historical groups and identities.

However, in a country like South Africa that is arguably still founded on a separation in terms of legal order and on ethnic lines, as evidenced by the distinction between a singular civil law and the multitude of customary rights – which seem to clash, particularly in relation to the rights of women and non-heteronormative individuals (as will be discussed in detail in this chapter and in Chapter Three), developing a common political future does not appear to be a possibility, at least not currently. Therefore, it seems clear that appeals to a singular, unified national identity, such as those seen in contemporary South Africa, are always going to be at the expense of certain individuals, which in this particular instance includes lesbian women<sup>36</sup>. This idea of nationalism becomes important when looking at the issues faced in contemporary South Africa, particularly in relation to its ideals around sexuality, tradition, and masculinity, as this chapter will now do.

### **3. HIV/AIDs and the politicisation of sexuality**

Following the end of the apartheid era and the move to democracy, it was thought that South Africa would go through a period of immense political and social upheaval. However, as Posel (2005a: 125) explains, the political transition to democracy was not as difficult as had been expected. She asserts that what was remarkable about the post-1994 period, particularly the first ten years following the start of the new democratic regime, was the “seemingly low incidence of racial violence, the degree to which problems in service delivery have been

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<sup>36</sup> For a discussion around the ways in which the imaginary construction of South Africa as a ‘rainbow nation’ is reliant on a post-apartheid narrative that constructs women as mothers of the new nation, see Meg Samuelson’s book titled: ‘Remembering the nation, dismembering women?’ (2007). Samuelson (2007: 18) argues that through post-apartheid narratives “the nation is (re-)remembered through women who are disremembered and even dismembered, as their wombs are fetishized and detached from their speaking selves.” As will be discussed throughout the dissertation, women in post-apartheid, post-colonial South Africa, are representative of the developing nation and are symbolically positioned as birthing the nation. The characterisation of the ideal, heteronormative women is central to the development of the patriarchal national identity. For this reason, women’s roles in the anti-apartheid struggle and the emergence of a post-colonial, post-apartheid South African society have been (re-)remembered through their silencing and their exclusion from post-apartheid narratives in an attempt to reconstitute women’s roles as carers and mothers of the nation.

tolerated by the communities affected ... and the still rather limited social and political mobilisation around the issue of poverty”<sup>37</sup> (ibid.). In other words, it could be said that the move to a democratic society was fairly smooth and peaceful, particularly during the first ten years following the end of apartheid.

In contrast, however, according to Posel (ibid.), an area in which contestation and politicisation began to be focussed from early on in South Africa’s transition, and which is still ongoing is in the realm of sexuality. Whilst sexuality is always a political phenomenon, in that the regulation and disciplining of sexuality are used as political strategies and occur differently in varying political dispensations (Posel, 2005a: 127 and Ratele, 2013: 140), sexuality is “only intermittently politicised, in the sense of becoming the site of heated public argument, mobilisation and conflict” (Posel, 2005a: 127). In other words, while the politics relating to sexuality are a common feature of modern societies, the politicisation of sexuality relates to particular historical moments in a nation’s development, and can, therefore, be understood as an important aspect of nation-building<sup>38</sup>, which as discussed above is always problematic in the first place.

Any country moving from a political dispensation as regulated and restrictive as apartheid, to a newly-formed democratic dispensation is bound to go through many changes, making its development fragile and unstable. Therefore, the politicisation of sexuality becomes an

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<sup>37</sup>It is clear that there is, currently, increasing disaffection relating to poverty and inequality, as has been seen through service delivery protests, and in particular, the *Fees Must Fall* protests. However, while this relates back to the deep inequality caused by colonialism and apartheid, it also relates to the failings of the democratically-elected ANC government.

<sup>38</sup> An example from another context is the historical Anita Hill – Clarence Thomas case in the USA in 1991. Hill accused US Supreme Court nominee Thomas of sexual harassment in what became a key moment in US national self-understanding. The similarity with the 2018 sexual attack complaint by Christine Blasey Ford against Supreme Court nominee Brett Kavanaugh is striking (see, for example, Hill, 2018; Baker & Hulse, 2018), and in so far as neither of the complaints affected the appointments, disappointing in what it tells us about the sexual dimension of US society.

important marker of these changes and is often seen as a way through which a newly-developing nation can reassert and reaffirm itself. Ratele (2013: 140) suggests that “cultures unfailingly employ sexuality to define themselves, draw borders, and define custom.” Within post-apartheid South Africa, there has consequently been renewed focus on, and revitalisation of, traditional practices, which Rankhotha (2004: 85) explains are seen as a way to “demonstrate one’s commitment to one’s cultural roots.” As such, the current contestations around sexuality arise due to the tension between on the one hand, the desire to adopt or conform to a liberal, rights-based dispensation (in line with our liberal Constitution), which accepts diversity within gender identities and sexual expression, and on the other hand, the wish to ‘return’ to traditional values and ideals that are free from colonial influence. In other words, while this fragile nation-building project is influenced by the recognition of contemporary, liberal ideals, it is also influenced by the revitalising of practices steeped in pre-colonial, pre-apartheid tradition (Vincent, 2008a: 87).

One of the primary areas in which the contestation around sex and sexuality has arisen is in HIV/AIDS discourses. The dramatic increase in the rate of HIV/AIDS infection in post-apartheid South Africa after the transition immediately pushed the sexual domain to the heart of the public stage and turned sexual behaviour into a central political concern. According to Posel (2005a: 133), the problem of HIV/AIDS has been a predominantly post-apartheid one. This is because the rates of HIV/AIDS infections remained relatively slow during apartheid but increased dramatically after the inception of democracy (ibid.). The global epidemic of HIV/AIDS began in the 1980s when doctors and scientists in the United States first noticed a new illness which weakened immune systems, while the first cases of HIV in South Africa were reported in 1982 (Hodes, 2018: 2). Following these first reported cases, the number of cases of HIV increased dramatically and, as Simelela and Venter (2014: 249) explain, by 1990,

0.8% of South Africa's population were living with HIV, while in 1994 this percentage had increased fairly dramatically to 4.3% of the population. According to UNAIDS (2018), in 2017 there were approximately 7.2 million people living with HIV in South Africa (around 14% of the population). As can be seen, there has been a substantial increase in the number of HIV infections since the transition to democracy.

Kaarsholm (2005: 135) suggests that HIV/AIDS is associated with “a ‘moral panic’ that is connected to experiences of unemployment, disintegration of families, and a crisis of parental control over youth” (ibid.). In other words, the increase in the number of people living with HIV/AIDS is perceived to be strongly linked to issues associated with modernity and urbanisation, such as unemployment, and the failings of traditional familial structures. As such, the HIV/AIDS epidemic can be seen as one of the fundamental challenges faced within democratic South Africa and has been intrinsically connected to the wider social problems associated with the transition from apartheid to democracy. The financial and racial disparities encountered due to the social order created by both colonialism and apartheid, as well as, the unrealised expectations of democracy have contributed to conditions in which HIV/AIDS has reached epidemic proportions and has also come to be seen as a marker or index of failure.

In light of the dramatic increase in HIV/AIDS, many NGOs, campaigns, and even television programmes, have sought to create an open dialogue around the causes, prevention and treatment of HIV/AIDS. These interventions have focussed on developing healthy sexual lifestyles, through making responsible choices; empowering specifically women and girls; and linking sexuality to a positive self-esteem (Posel, 2005a: 134). Such interventions aim to normalise dialogues around sex and sexuality, and to present sexuality “as a site of rational, individual choice and agency – an opportunity for empowerment and ‘healthy positive living’”

(ibid.). Within this discourse, sex and sexuality become important markers of post-apartheid individual freedom and rights.

These developments are understandable responses to the ways in which sex was highly regulated and controlled under apartheid, in order to control the supposed rampant sex drives of Black individuals and the growth of the Black population (Tamale, 2011: 17 - 18). The colonial and apartheid forces used the regulation of sex and sexuality as one means to assert their control over the Black population (ibid.) and deny them full citizenship. Therefore, the freedom to engage in appropriate sexual relationships freely and to express one's sexuality as one sees fit, is one of the ways that the burden of colonial and apartheid rule can be shed. A tension arises as a result of this though. While people should be able to engage in sexual relationships and express their sexuality freely, in a time of HIV and AIDS, precisely such freedom becomes a cause of anxiety. Also, because sex and sexuality are such important symbolic markers of the health and identity of a nation, personal sexual expressions again need to be managed responsibly and safely. As such, sex becomes entangled with notions of morality and self-restraint, which are intimately tied into hegemonic conceptions of gender and sex. In this way, sex is seen to be one of the ways to shed the oppression of apartheid but at the same time it is considered to be the locus of, both, individual and collective health and self-control.

Sex has, therefore, lost nothing of its gendered and racialised meanings, and the anxiety around controlling sexual behaviours within a time of nation-building has remained the same or has perhaps intensified due to the emergence of HIV and AIDS. Arguably, it is only the content of the anxieties that has changed but not the felt need to control sexual behaviour in the national interest. Within this context, HIV is seen as “a signifier of ‘bad’ sexuality – rampant and polluted” (Posel, 2005a: 134), and is associated with moral shame and a lack of self-control.

This harkens back to colonial ideas around, specifically, Black sexuality which was seen as uncontrollable, rampant, and dirty, and, so morally inferior to White sexuality – as discussed in the main Introduction. It is in such a context that people with HIV and AIDS come to be demonised and dehumanised, and that sexual identity and expression come under close scrutiny.

The contentious nature of the HIV/AIDS discourse was particularly pertinent during the presidential rule of Thabo Mbeki (1999 – 2008). The two primary claims asserted by Mbeki were, firstly, that AIDS, rather than being a disease specifically related to sexual activity, is a disease related to poverty, inequality and malnutrition; and, secondly, that given the epidemic proportions of AIDS, if it is sexually transmitted then its consequences for the developing democratic nation are unbearable (Posel, 2005a: 142). In other words, because sex is the marker of a healthy nation, if it is ‘illegitimate’ sexual relations leading to such an epidemic, then clearly the underlying foundation of the nation is deeply unhealthy. Thus, to deny the connection between sex and HIV/AIDS as Mbeki tried to do, is to deny that the foundations of the newly democratic nation are diseased.

Related to these implications about the interconnectedness of sex and the health of the nation, was also Mbeki’s claim that the debates around AIDS were deeply racialised and based on a colonial view of Black male sexuality as being voracious and violent (ibid.). This implying that the discourse around HIV/AIDs served to reinforce colonial views of Black sexuality within the democratic nation. Therefore, from this perspective, the crisis of AIDS becomes located specifically within the Black male body and sexuality. For Mbeki, who was one of the main proponents of the shedding of colonial burdens through an ‘African Renaissance’, the implication of a ‘rotten’ foundation was detrimental to the development of the nation. From



this standpoint, to admit that sex and sexuality was the cause of AIDS was to revitalise colonial notions of Black sexuality as ravenous and rampant (Posel, 2005a: 148) – precisely the notions that Mbeki was trying to move away from with the call for an African Renaissance. Mbeki’s denialism around the association of AIDS and sexuality, in fact goes beyond issues of sex itself, and becomes more deeply rooted in the symbolic construction of the new nation and “becomes a reflection on the identity and values of the national subject, along with the moral character of the nation” (142). Because sexuality, masculinity and race are so fundamental to the new nation-building project, to locate the problem of AIDS in the sexuality of Black men, would be to imply that the very foundation of the project was tainted and unstable.

While highlighting the reinforcement of racist colonial tropes, Mbeki’s discourse around HIV/AIDS served to hamper the many measures that were, and still are being, implemented to address the spread of HIV/AIDS. George (2008: 1453) suggests that Mbeki’s scepticism around HIV being the cause of AIDS “created public confusion and fostered a climate of misinformation;” thereby, undermining the many efforts that were being put in place mainly by NGOs to address the spread and treatment of HIV. However, it is not only Mbeki’s HIV/AIDS discourse which has caused contestation. There have been other contentious moments in the arena of the HIV/AIDS debates, including claims by former minister Manto Tshabalala-Msimang that the best way to treat HIV is to eat beetroot and lemons (Fearn-Banks, 2016:175); or more recently, when President Jacob Zuma claimed that he showered so as to prevent the contraction of HIV after engaging in ‘sexual intercourse’<sup>39</sup> with an openly HIV-

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<sup>39</sup> The claim that Zuma engaged in sexual intercourse with Fezekile Ntsukela Kuzwayo (‘Khwezi’) is a contentious one, as Khwezi actually accused Zuma of rape. In 2005, Khwezi laid charges of rape against Zuma, who was ANC deputy president at the time. Zuma was a close friend of Khwezi’s family. In 2006, Zuma was acquitted of the rape charges. Khwezi faced extreme backlash for her claims against Zuma. She and her mother were offered asylum in Holland after their house was burnt down by Zuma-supporters in violent retribution of her claims against Zuma. Kuzwayo died in 2016 after having lived under the pseudonym of Khwezi for 10 years due to the vilification and abuse she suffered (Thamm, 2016).

positive woman (Wilkinson, 2014). These incidences attest to the enormity of the literal and metaphorical effects of HIV/AIDS on the nation-building project. Within this discourse, the health of individuals, especially their sexual health, is seen as intimately connected to the health of the nation as a whole. Therefore, a disease with epidemic proportions, such as HIV/AIDS, is seen as a clear threat to the development of a healthy nation. However, to admit to the underlying causes and effects of the rapid spread of HIV/AIDS – of which male control over female sexuality is central - would be to admit to the fragility of the developing nation and to the threatening forces found within the nation itself (Posel, 2005a: 149).

When understood in this light, it is clear that HIV/AIDS has become particularly politicised due to what it represents for the nation as a whole, imagined as a clearly gendered whole with Black men making up the most dominant group within national leadership, and for the project of building a stable, decolonised, unified nation, which we have seen is predicated on shaky grounds from the outset. The politicisation of sex and sexuality evidently points to matters beyond just concerns for the health of the nation, however, and instead has much to do with the forging of a new identity in which sex and sexuality should be expressed in ways which are congruent with the nation's ideological values. In this sense, “the disciplining of sexual energies, and the constitution of a productive and life-giving sexuality, inhere in the idea of a stable, orderly and unified nation” (Posel, 2005a: 145), while sexual promiscuity and sexual deviance are “signifiers of the atrophy of national character and the moral dissolution associated with it” (ibid.). Reminding us that the development of a national identity is foregrounded by the privileging of certain ideologies, especially related to sexuality, race and gender.

#### 4. Hegemonic masculinity in crisis

One of the primary reasons a number of authors such as, Kopano Ratele (2006, 2014), Brandon Hamber (2010) and Robert Morrell, Rachel Jewkes and Graham Lindegger (2012), suggest for the politicisation of sexuality, the denials around HIV/AIDS, and the call for an African Renaissance are due to a supposed crisis in South African hegemonic masculinity<sup>40</sup>. Masculinity, according to Hamber (2010: 8) can be defined as: “the widespread social norms and expectations of what it means to be a man.” More specifically, Morell et al. (2012: 20) state that “hegemonic masculinity is the form of masculinity which is dominant in society.” This dominance is not based on the number of men that conform to this masculinity; it is instead related to “cultural domination” (ibid.). Consequently, for Morrell, hegemonic masculinity oppresses women, while also silencing and subordinating other masculinities (ibid.). While Morrell acknowledges the existence of multiple masculinities, he argues that the concept of a dominant hegemonic masculinity “provides a way of explaining that though a number of masculinities coexist, a particular version of masculinity holds sway, bestowing power and privilege on men who espouse it and claim it as their own” (ibid.).

The crisis in masculinity can thus be understood to be a crisis in the dominant masculinity which allows certain men to retain power not only over women but also over some other (non-heteronormative) men. In other words, it is a crisis related to the ability of the dominant form of masculinity to hold sway over women (both hetero- and homosexual) and heterosexual men who either do not adhere to or are unable to achieve the gendered ideals of masculinity, and

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<sup>40</sup> There obviously exist multiple forms of masculinities, or as MacInnes (in Hamber, 2010: 6) claims: “there are as many masculinities as there are men”. However, I will be using the term ‘masculinity’ in its singular form. This is because the crisis in masculinity seemingly refers to a crisis in a dominant form of hegemonic masculinity which attempts to retain power at the expense of women and other marginalised groups.

over homosexual men who deviate from dominant (heterosexual) masculinity based on their sexuality. The crisis in hegemonic masculinity is, on the one hand, specifically related to the racial, class and sex/gender inequalities created by, firstly, colonialism, and then further entrenched by apartheid, as well as the failings of the democratically-elected post-apartheid government. While, on the other hand, it is seemingly also related to the increase in rights for women and marginalised sexualities.

As is commonly known, colonialism and apartheid served to create deeply entrenched hierarchical divisions, leaving Black South Africans in positions of vast inequality vis-à-vis White South Africans. With the introduction of democracy, it was posited that the inequality of apartheid would start to be redressed, and Black South Africans would start to attain positions of power and authority. While this is true for some, for the majority of those suppressed under apartheid, the democratic ANC government has not lived up to its promises and most South Africans still live in conditions of inequality and poverty. They might have the vote, but this has not made a marked difference to their ability to obtain markers of male social status, as I will explain below. This non-realisation of the promises of equality and economic gain has added to the tension and uncertainty within the fragile developing nation, and has further intensified the insecurity felt by men who are unable to achieve the goals associated with hegemonic masculinity. Ratele (2014: 125) argues that this is specifically true for many young South African men who lack the traditional markers of patriarchal privilege including age-related respect, and an income.

Sideris (2005: 100) explains that for men, the crisis in masculinity “reveals intense expressions of insecurity and anxiety, which can be described as a sense of ‘crisis’ about themselves as men.” As Hamber (2010: 20) asserts, though:

male cries of insecurity do not come out of thin air but ... they are the product of a social and political context in which gender is integrally linked with power and changing power relations in a myriad of ways.

Moolman (2013: 96) argues that this intense anxiety and insecurity, is now, however, not related so specifically to racial divisions but rather to divisions along socio-economic lines. Yet, as discussed in the main introduction, the racist ideologies that underpinned colonialism and apartheid shaped the deeply embedded contours of South African society and as such continue to be felt within post-apartheid South Africa. Therefore, while there might not be such obvious racial divisions as there were under these previous oppressive dispensations, some of the material and symbolic effects of racist colonial ideologies remain. These racist ideologies, along with unrealised economic gains and the greater equality afforded to women and non-heteronormative individuals, mean that the anxieties around male control come to be played along racial, gendered, and class lines.

It is important to clarify that I do not think the crisis in hegemonic masculinity is one which only affects Black men. This 'crisis' is arguably felt to some degree and intensity by men of all races and on a global scale where there is a 'threat' to patriarchal dominance<sup>41</sup>. However, I would also argue that in some instances this threat seems intensified due to the intersection of various factors. Within South Africa it would seem that it is the intersection of the emasculation of Black men under colonial and apartheid rule, along with the prevailing socio-economic

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<sup>41</sup> This is perhaps why we see such outcries when certain masculine behaviour or forms of masculinity are called out or challenged. For example, in the very recent case of the Gillette advert which aimed to call-out toxic masculinity and its associated behaviours. This campaign received enormous backlash from (some) men across the globe who feel as though they are being emasculated and 'picked on'.

conditions which make it seem as though this crisis is only felt by Black men, however, I think it predominantly an issue related to socio-economic insecurities.

If we look to Erlank (2003), for example, we see that some of the anxieties found within contemporary South African men stem largely from the centrality of the emasculation of Black masculinity during the apartheid regime. Erlank (2003: 663) explains that the apartheid government, through disenfranchising Black men, stripped them of their masculinity, particularly because nationalist political rhetoric defined masculinity in relation to political representation. However, the White nationalist discourse that rendered Black men ‘political children’ was re-appropriated and became central to African nationalist discourse (ibid.). Within this rhetoric, a clear distinction was made between the public and private realm, where “political representation was viewed as a masculine affair” (667). Because of the disenfranchisement and emasculation faced under apartheid, the African nationalist discourse placed emphasis on regaining the masculinity and “African manhood” (661) that was so undermined. This rhetoric held that the marker of masculinity was the ability to participate in the political sphere, but also control over women, and the exclusion of women from political life (665 & 668). Masculinity was predicated on the dominance over women in the private sphere, which can assumedly, also mean sexual domination, along with political and economic power. Ratele (2006: 48) similarly argues that the developing hegemonic masculinity in South Africa, much like the rest of the world, is predicated on economic, social and political status. However, despite men now having the possibility (through political freedom) to attain economic, social and political status, in reality South Africa’s socio-economic conditions mean that for many men, these central goals of hegemonic masculinity are highly unattainable.

Within a capitalist economy it is primarily through wealth acquisition that people are able to gain and maintain positions of power and status but in a country with such high unemployment rates this creates a tenuous situation for those who are unable to attain gainful employment. In South Africa, as of the first quarter of 2018, there was an unemployment rate of 26.7%, with the youth (15 – 24 years old) making up 63.5% of the total number of unemployed (Statistics South Africa, 2018). This evidences that a large proportion of men, especially young men, are left in positions of subordination to those men who do have economic power, as well as to women who have employment. In other words, changes in work and wealth accumulation have impacted greatly on traditional conceptions of masculinity and predominantly Black men are increasingly struggling to realise the status and image of hegemonic masculinity. As a result, this fundamental role of masculinity is disrupted, meaning that one of the pivotal roles used to maintain a position of domination is undermined. This places hegemonic conceptions of masculinity in a very fragile, insecure position and leads to many men questioning their masculinity and trying to find new ways through which to assert their masculinity.

In addition to the crisis that income and employment create for a hegemonic conception of masculinity, the constitutional and legal rights granted to women also undermine traditional (both African and Western) conceptions of manhood. Sideris (2005: 103) claims that within the context of the social and political changes within South Africa, men face two challenges to their masculinity in relation to women. She (*ibid.*) states that:

In the first place, the constitutional order that constitutes women as independent legal entities, challenges men to recognise the women with whom they are involved, as separate persons. Consequently, they are confronted with their dependence on women who are positioned by new legal regimes as beyond their control. Secondly, the gender rights discourse combines with the

presence of increasing numbers of women in public positions to defy the idea that women are weak and dependent.

This makes clear the idea that the crisis in hegemonic masculinity is not only located in economic terms, but also arises at the very foundation of patriarchal power – the control of women. In a country like South Africa that has gone through social and political upheaval, and where many women have roles within the public sector, the crisis in hegemonic masculinity is intensified. According to Tina Sideris (104), there is still a widely held belief that the status of manhood is dependent upon being the head of a household - having a wife and child over whom one has authority – very heteronormative values. As seen in the previous chapter, lesbian women pose a major challenge to these heteronormative values through their refusal to be available for men as sexual partners or wives, and when they create non-heteronormative families by having children within the confines of a lesbian relationship/marriage.

Furthermore, due to changing economic and social circumstances many men are not able to marry (one reason for this is because men do not have the necessary resources to pay lobola – see for example: Kaarsholm, 2005: 143), or self-sufficient women are choosing not to marry. Subsequently, this conception of masculinity is challenged and thereby the fragility of the foundation upon which men base their sense of self and their ability to exercise absolute control over another is exposed (Sideris, 2005: 104). Hamber (2010: 20) similarly argues that:

as power relations begin to shift and struggles intensify, or when new and powerful discourses of equality emerge, as in the South African case, there will be different responses. Some men acquiesce (reluctantly), other men embrace change and still others resist.

For many men, the inability to gain social, political or economic power, coupled with changing household and familial structures, creates intense anxiety. While some men, as Hamber



suggests above, acquiesce to or embrace such changes, others resist these changes and often do so through violent means. Hamber (2010: 14) suggests that “some of the advances in the security of women, in social, political and egalitarian terms, even if not completely realised have led to other physical insecurities for them.” That is, while many women have gained some legal and constitutional rights, within both the public and private sphere most women are still subject to male domination and control, which is often enacted violently (ibid.).

While it seems evident that there is a kind of crisis in the developing hegemonic masculinity based on the factors mentioned above, I think we need to be cautious that this crisis is not used as an excuse for social ills such as sexual and domestic violence, or misogynistic tendencies. The crisis in masculinity seems particularly intensified in South Africa due to an intersection of issues related to class, unemployment and socio-economic exclusion; however, the crisis in hegemonic masculinity seems to stem, not only from socio-economic problems, but also from socially constructed ideals related to masculinity and male control. In order to address this crisis, the ideologies which devalue and subordinate women and marginalised sexualities, and those which dictate what successful, hegemonic masculinity looks like need to be reassessed and reconstructed. In this regard, a Black lesbian standpoint is particularly useful in illuminating the fact that the crisis in hegemonic masculinity is an effect of heteronormative patriarchy enforcing specific ideologies around ‘successful’ masculinity onto men.

By drawing on this understanding of the crisis in hegemonic masculinity it becomes clearer as to why lesbo-phobic rape has come to be so prevalent within post-apartheid South Africa, where this masculinity is threatened by the visibility of sexualities that challenge its dominance, along with the increased legal and political rights afforded to women and marginalised sexualities. From the discussion in Chapter One, it became clear that Black lesbian women are

symbolically positioned as the quintessential threatening force to hegemonic masculinity in their refusal to be ‘for’ men, their subversion of heterosexual ideologies, and often their appropriation of masculine traits. In a time when certain men already feel a great sense of insecurity, the ‘challenges’ posed to their masculinity by Black lesbian women appear to cause intensified anxiety and so come to be dealt with through violent measures like lesbo-phobic rape.

## **5. Revitalisation of traditional practices**

In light of the crisis in hegemonic masculinity, men are looking for new (or perhaps not new, but rather intensified) ways to assert their control. One of the most prominent means through which this is currently being done within South Africa is through the revitalisation of traditions which seek to re-stabilise the patriarchal social order that was disrupted by colonialism and apartheid. Sideris (2005: 104) suggests that appeals to culture and tradition, specifically those related to the private sphere of familial and sexual relations, become particularly prominent when there are threats to male domination, such as those characterised by the crisis in masculinity. Consequently, one of the areas in which the politicisation of, and contestations around, sexuality have figured very strongly relates to the revitalisation of the traditional practices of female virginity testing within Zulu culture and male circumcision within Xhosa culture. It is argued that the aim of these traditional practices is to suppress disruptive forces, which are usually understood to be modern, foreign, and Western (Ratele, 2013: 148). In other words, in efforts to reassert power, particularly, heteronormative, hegemonic, masculine power within the fragile nation-state, traditionalists seek to revitalise traditional practices that set them apart from colonial influences, create an alternative source of power, and which reinforce patriarchal rule. Therefore, the development of this specific national-identity relies on the promotion of certain values and ideals related to virginity, sexuality and masculinity, meaning

that only certain people can become legitimate (African) citizens within South Africa, while those who do not conform to these values and ideals are marginalised or punished.

This section will go on to discuss the reasons purported for the revitalisation of virginity testing and male circumcision. It will also argue that both of these practices have deeper cultural and social meanings – meanings which tie into the crisis of masculinity and the control of women. The revitalisation of these traditional practices ties into the politicisation of sexuality in that they relate to the control of sexuality, specifically, female sexuality, and have led to much contestation, as will be discussed. In this section I will draw on the valuable works of authors such as Kevin Behrens (2014), Louise Vincent (2006) and Suzanne Leclerc-Madlala (2003). I will use the insights gathered from these authors, amongst others, to draw out the socio-cultural implications of virginity testing and ritual male circumcision within the context of nation-building and decolonisation. While doing this, however, I remain cognisant of the fact that these traditional practices hold varying meanings for those within the cultures and for those who take part in the practices.

My primary intention here is to show how the patriarchal ideals around sex and sexuality which underlie the revitalisation of these traditional practices link to the ideologies which render lesbian women and other marginalised individuals inferior, abnormal and threatening.

### **5.1. *Virginity testing***

The practice of virginity testing, which is predominantly found within Zulu culture, has existed in Africa since the 19<sup>th</sup> century (Kaarsholm, 2005: 147). In pre-colonial South Africa, virginity testing formed an important part of lobola negotiations, with virgin brides receiving a higher lobola amount than non-virgins (Durojaye, 2016:2 and Curran & Bonthuys, 2004). Mkasi and

Rafudeen (2016: 120) also explain that virginity testing was an important part of community rituals, or cosmology, which positions the female body as well as its offspring as being not self-owned but instead belonging to a wider order. Within such an order virginity testing is understood “as an element among elements in [a] wider interplay – one believed to be conducive to the maintenance of cosmic well-being” (ibid.). Therefore, virginity testing was an important part of communal relations that extended beyond the human realm to the greater cosmic realm, including gods and ancestors<sup>42</sup>. Thornberry (2015: 131) also explains that within pre-colonial virginity testing practices, women played a central role in the regulating of sexuality, not men. However, the practice lost prominence and was rarely practiced by the 20<sup>th</sup> century (Behrens, 2014: 178). With the end of apartheid and the increase in HIV/AIDS infections, the practice gained renewed impetus (Behrens, 2014: 177 and Vincent, 2006: 18) and was reinstated as an annual event by Zulu King Goodwill Zwelithini in 1984 (Firenzi, 2012: 422).

It is argued by contemporary proponents of virginity testing, that this practice is a means through which the spread of HIV/AIDS, issues of sexual abuse, and the prevention of unwanted teenage pregnancies can be addressed (Rankhotha, 2004: 85). In addition to this, it is argued that virginity testing helps to increase the self-esteem and self-respect of the girls who take part in the practice (Buthelezi cited in Kaminju, 2007), while also creating a sense of community and camaraderie amongst the girls involved – an important part of African Humanism. Many commentators, including human rights organisations, take issue with the practice of virginity testing, claiming that it infringes upon the rights to privacy and bodily integrity of the girls

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<sup>42</sup> It is important not to romanticise the practice of virginity testing, however. Pre-colonial virginity testing, as explained by Thornberry (2015: 142 – 143) “subordinated female consent to familial control” and so still contained elements of the control of women and their sexuality. The form it took was, perhaps, not as pernicious as it is in contemporary society.

involved. Against this, those who support the practice assert that this argument is based on an understanding of sexuality from a Western, individualistic viewpoint rather than from a community-based African viewpoint (Behrens, 2014: 179 - 180). In other words, it could be argued that a more Westernised view sees persons as atomistic selves who cannot consent to be violated and have their dignity infringed upon (through virginity testing), as the self's "essence is freedom and autonomy, [and] it is here that its dignity resides" (Vincent, 2006: 26).

However, from a more traditional African viewpoint the focus is not on individuals and their isolated selves, but rather on the constitutively relational selves within, and part of, a community and, thus, "virginity testing can be seen as part of the realisation of the fundamental humanity of the participants rather than its violation" (27). Virginity testing, from this view, is an important marker of belonging, and adherence to this practice is one of the ways through which group cohesion is enhanced. The importance of female fertility is communally acknowledged and celebrated through virginity rituals such as testing. Thus, for proponents, virginity testing, rather than violating individual rights, is an important means through which to develop women's social status, self-esteem and rights within a communitarian culture.

Therefore, it becomes clear that the practice of virginity testing goes beyond that of being a means through which to address contemporary issues; in the post-colony it actually forms part of the larger nation-building project in that it aims to reclaim a cultural practice (Rankhotha, 2004: 85). From a traditionalist perspective, virginity testing is an important facet of the moral regeneration campaign, or African Renaissance, ostensibly, occurring within South Africa (Mudaly, 2011: 228). In this sense, virginity testing forms part of the goal of reinvigorating or reinventing traditions that have been corrupted by European influences (Kaarsholm, 2005: 147 and Vincent, 2006: 28); traditions which form an integral part of African cultures, and so aid

in developing a decolonised, inclusive, contemporary South Africa in which all cultures are respected equally. Vincent (2006: 27) states this very succinctly:

to go back is to be renewed, to slough off the burdens of colonialism and its imposed ways and to find healing and wholeness in a pristine, imagined past. Reinstatement of virginity testing is characterised within this narrative as part of a broader move for the revival of 'indigenous knowledge systems' suppressed during the Apartheid era.

Thus, we can see that the ideals linked to virginity testing form part of a much larger project; one which aims to address what are seen as corrupting forces from the West (Kaarsholm, 2005: 144), including HIV/AIDS and sexual promiscuity. However, perhaps more importantly from a proponent's view, virginity testing is seen as part of the move to reinvigorate traditional practices that were suppressed by both colonialism and apartheid, and so it is an important contributor to the supposed moral regeneration of the nation, and the identity of South Africa as a post-colonial, post-apartheid democracy.

From this perspective, the practice of virginity testing seems a noble one. Whilst it might not align with everyone's ideals relating to privacy and bodily integrity, it is performing a larger function in stabilising and developing a new South Africa and giving equal recognition to its diverse cultures. However, it is important to question how this practice has changed over time, and perhaps more importantly, whose ideals and values are being reinvigorated and reinforced through this practice. Leclerc-Madlala (2003: 16, 19) and Vincent (2006: 28) argue that the current appeal to virginity testing is based on a romanticised and idealised notion of culture and tradition, such that contemporary virginity testing is practised differently and is a distorted form of pre-colonial practices. In addition, Ratele (2013: 148) asserts that the passing-down of tradition always results in an interpretation of that tradition, with traditions borrowing from other cultures. As such, although the aim of virginity testing seeks to 'return' to an (imagined)

past, it cannot remove itself from the context in which it currently finds itself. There can, therefore, never be an untainted revival of the pre-colonial virginity testing practice, as it is performed within the context of a more modern, and constitutionally liberal South Africa.

As authors such as Thornberry (2015: 134) argue, the precolonial practices of virginity testing did offer benefits for protecting young women against sexual coercion, while also affirming the position of older women as experts in female sexuality. However, with colonial rule and Christian missionary influence the custom changed dramatically, which has often led to an increase in the power that men can exercise over women and children (133). In other words, the world-view in which virginity testing was practiced pre-colonially was vastly eroded by colonial and Christian influences around sexuality and sexual practices. As I will explain in the discussion which follows this, within pre-colonial South Africa, there was a more relaxed approach to sex, with boys and girls engaging in non-penetrative sexual acts (136). However, as part of colonialism and the Christian missionary crusades, much more puritanical values around sexuality became instilled. As discussed in the main Introduction and Chapter One, these values were focussed on quelling the supposedly ravenous Black sexual appetite. With the influence of these conservative Christian values the meanings assigned to sex and the pre-colonial sexual practices were inevitably altered. Therefore, because the world-view in which virginity testing was practiced pre-colonially has been influenced and eroded by these Western values, it is inevitable that its revival in contemporary South Africa will be a distortion of the original practice. The meanings of the practice will have invariably changed in light of the ways in which sexuality and sexual practices have changed. Again, that is not to say that pre-colonial virginity testing was free from concerns; however, it is to say that the version of virginity testing practiced in contemporary South Africa has been more strongly affected, even distorted, by colonial and Christian influence than is often recognised by its defenders.

With this in mind, in a Constitutional democracy it is important that the reclaiming of traditions be done with the welfare of everyone in mind and with an understanding that there can never be a return to an untainted version of pre-colonial practices. So, it is important that feminist interpretations of virginity testing take into consideration the varying meanings of the practice; in other words, the role it plays in developing communal bonds, while also bearing in mind the protection of the dignity of individual girls, and the meanings and functions that it obtains within a capitalist, liberal state. It is thus by no means only the intentions of proponents of the practice that count, but also what its effects are in a world(-view) far removed from the pre-colonial. It is against this background that the criticisms against the practice should be understood.

In the rest of this section, I will focus on eight criticisms levelled against virginity testing. These criticisms are as follows: i) virginity testing reinforces patriarchal ideals; ii) it reinforces colonial characterisations of female sexuality; iii) racist ideologies around female bodies and the policing thereof are reinvigorated through this practice; iv) virginity testing places a large burden on female sexuality; v) it promotes the idea that women should be sexually available to men; vi) virginity testing can lead to social and physical harm against both virgins and non-virgins; vii) the practice has become distorted by being linked to material gains and punishment; and viii) virginity testing can lead to the threat of rape.

The first criticism against virginity testing I will consider is that it forms part of the larger project of controlling women's sexuality and in so doing reinforces patriarchal ideals. It is suggested by those critical of virginity testing that this practice serves to locate South Africa's current moral crisis in female sexuality and thus to one-sidedly hold women responsible for the crisis (see for example: Behrens, 2014; Leclerc-Madlala, 2003 and Kaarsholm, 2005). It is



thought by proponents that through the (mostly male elite) monitoring and control of female sexuality, the predominant social ills plaguing South Africa can be addressed. The control of female sexuality has a much broader meaning and more far reaching implications, though. In essence, by locating the, supposed, moral degeneration of South African society within female sexuality, the notion that female sexual desire is a corrupting force and that women/girls are responsible for social ills, such as HIV, unwanted pregnancies and sexual violence, is bolstered. Women's citizenship status is thereby negatively impacted. It moves the responsibility for these social problems away from male sexuality, thereby perpetuating the patriarchal myth that male sexuality should take priority over female sexuality, and that men are not complicit in these problems. According to Leclerc-Madlala (2003: 19), "a girl's developing sexuality and pre-marital sexual behaviour has probably always been a social preoccupation of patriarchy ever since its historical development in Africa." She (ibid.) further adds that it is through this deeply entrenched interest in female sexuality that practices such as virginity testing gain their legitimacy as traditional methods to address contemporary issues. In other words, it is precisely because of the very nature of patriarchy and its inherent anxiety around female sexuality and its interests in stabilising male identity that virginity testing can be seen as a legitimate practice, also by many women who buy into patriarchal value systems.

The actual effect of virginity testing is therefore, in the second place, that it often reinforces particular, devaluing notions of female sexuality that were developed through specifically colonial characterisations of female sexuality. Through the reinforcement of these values, the subordinate position of women is maintained. Thornberry (2015: 135 - 136) explains that although virginity testing was pre-colonially overtly used to control female sexuality and was a part of determining the size of the lobola, it was in fact much more related to ensuring the health of girls and avoiding unwanted pregnancies and therefore fell within a framework that

allowed for pre-marital sexual play without penetrative sexual intercourse. It had the effect of opening a safe space for young girls within which to explore their budding sexuality. She (136) adds that it was very likely that when girls were determined to be non-virgins, this was not necessarily disclosed. As such, there seemed to be a more relaxed approach to sexuality and virginity testing than is seen currently. The rigid norms and shame that are associated with contemporary virginity testing are presumably the result of conservative Christian-colonial values, and much more related to the control of women's bodies *by men*, in ways largely unthinkable in the pre-colonial world.

Here, in the third place, we also see that rather than moving away from colonial conceptions of Black sexuality, the re-appropriation of this tradition has the unintended effect of reinforcing colonial and racist ideologies around female bodies and, specifically, Black female sexuality which is perceived to be wild and insatiable. Ironically, then, whilst virginity testing is positioned as a tool for decolonisation within the African Renaissance discourse, it instead retains the colonial goals of policing female sexuality wielding a highly conservative Christian ethos. It starts to become noticeable here that there is a link between contemporary interpretations of African traditions and Western ideologies, with the seemingly underlying foundation of both being patriarchal control over women's sexuality – an idea that will be explored in more detail in Chapter Three.

The virgin status of girls across the world has many symbolic and cultural meanings attached to it. According to Leclerc-Madlala (2003: 23) and Mudaly (2012: 228), virgins in the South African context represent health, vigour and fertility, not only for themselves, but also for the community at large. Therefore, “protecting virginity is about protecting the future” (Leclerc-Madlala, 2003: 23) – the future of the individual, as well as the future of the community and,

more broadly, the future of the nation itself. Metaphorically, then, the fate and status of the emerging nation is tied into the status of young, female sexuality. This idea, even if only metaphorical, in the fourth place, places a large burden on female sexuality and the maintenance of this virginal status; especially when the message girls/women receive is so contradictory. On the one hand, women are supposed to shun male advances in order to retain their virginal status, while on the other hand they are also supposed to make themselves available and appealing to men sexually. This is exemplified by the traditional reed dance ceremony, where virgin girls perform dances and are paraded sexually in front of, for example, King Goodwill Zwelithini and all bystanders (Firenzi, 2012: 422 – 423). These girls are celebrated for their virginal status, but at the same time their sexuality is put on display. This contradiction places girls/women in an impossible position. Mudaly (2012: 233) suggests that due to this conundrum, there has been a revival of the tradition of non-penetrative thigh sex, a form of sex which privileges male sexual gratification. Once again, this exemplifies the idea that female sexuality and sexual desire is subordinate to male sexual desire and that females should succumb to male sexual dominance. Clearly, indicative here is a tension in the way girls and women should behave. They should remain virginal, but at the same time they should succumb to male sexual dominance and be sexually available to men, as mentioned above, putting them in an impossible position.

Leclerc-Madlala (2003: 18) suggests that the practice of virginity testing is most prominent in societies that are organised along patrilineal descent and patriarchal values - this is not surprising if one recognises the ways in which this practice serves to maintain and reinforce patriarchal dominance. Mudaly (2012: 229) adds that the politicisation of sexual practices, such as virginity testing, shows the resilience and adaptability of patriarchy throughout different eras of colonisation and decolonisation. In other words, patriarchy uses social disguises, whether

traditional, Christian or modern sexual practices, to re-stabilise itself, and in this instance, it uses the social guise of health and wellness – achieved through female sexual self-control – in order to achieve this re-stabilisation. Consequently, whilst virginity testing rituals are purported to increase young women’s self-esteem and self-respect, they seem to, conversely, do little to “inculcate notions of human rights in relation to personhood or imbue girls with a sense of ownership over their bodies and their sexuality” (Leclerc-Madlala, 2003: 21). Instead, virginity testing seems to teach girls that their bodies should be on display and that they should become accustomed to having their bodies touched and examined by strangers (ibid.).

This practice, therefore, and in the fifth place, reinforces the notion that women should be sexually available to men and subservient to society and culture as well as perpetuates the idea that women should be submissive, respectful, and obedient (Behrens, 2014: 183), and above all, should vigilantly police their own sexuality. In other words, this practice could be said to encourage subservience and submission, which is contrary to the notion of female empowerment (Leclerc-Madlala, 2003: 21), which some proponents claim it is meant to enhance. It can, as such, be argued that virginity testing hampers the sexual development of women as individuals, as well as, the social and political development of women as a collective. It, arguably, also serves to reinvigorate the idea that women who do not conform to this logic are deviant, leading to violent punitive measures being carried out against them. This also reinforces the notion that women who are subject to sexual violence / rape are responsible for these crimes as they did not police their bodies or sexuality closely enough. As seen in the previous chapter, this leads to shame and guilt on the part of women, as well as fear in even those who have not experienced such violence – effects that go completely against the notion of female self-empowerment. Therefore, the notions reinforced by virginity testing feed into

the larger heteronormative ideologies which lead to violence being committed against women, especially those who defy heteronormative ideals such as lesbian women.

Sixth, if viewed from the perspective of opponents it could be argued that not only is virginity testing developmentally harmful and subjugating, it also leads to both social and physical harm for the participants, including stigmatisation and rape. It is reported (see for example Leclerc-Madlala, 2003: 20 and Kaarsholm, 2005: 143) that many girls claim that they want to participate in the virginity testing ritual, with Kaarsholm (2005: 143) stating that in a survey conducted in Amaoti (an informal area in KwaZulu-Natal), 78% of female interviewees were in favour of virginity testing. However, this approval of virginity testing needs to be understood in the context of the environment in which these girls reside. Within these social settings, girls who do not choose to take part in the virginity testing ritual are very often automatically considered to be non-virgins and face the social consequences thereof, such as shame and ostracisation.

In the seventh place, it could be argued that in a capitalist world, virginity testing is further distorted through being linked with material gains or punishments. An example that points to the controversy around the willingness of girls to partake in the ritual relates to the awarding of scholarships to virgin girls. The 'Maiden Bursary' was awarded to 16 girls who had been confirmed as virgins. One of the recipients of the bursary explained that this was the only way she would be able to attain a tertiary education as her parents could not afford to send her to university. However, this scholarship has since been ruled unconstitutional on the grounds that it is discriminatory, and that any funding that is based on female sexuality upholds patriarchy and inequality (Reuters, 2016; Beachum, 2016). Rights groups also spoke out against the bursaries on the grounds that there is no correlation between studying and having sex, and that

a practice such as this serves to control and police female sexuality (Reuters, 2016). What can be taken from this is that for some girls, while they might appear to willingly participate in the virginity testing ritual, it might instead be that they are coerced into it by the economic incentives and social sanctions involved.

Behrens (2014: 182) and Mudaly (2011: 229) argue, furthermore, that girls who are determined, either correctly or incorrectly, to be non-virgins are susceptible to harmful social consequences, such as social stigmatisation and public humiliation. This is especially true because the testing generally takes place in large community gatherings and certificates are awarded for virginity status (Behrens, 2014: 182). Therefore, even though the testing itself might take place in private or semi-private, it is almost impossible for participants to keep their sexual status unknown. Girls who are deemed to be sexually active are thought to bring shame to themselves and their families, they are considered disgraces, and their marriage prospects are affected. If a girl's/women's marriage prospects are affected, this can also have dire consequences for her future financial wellbeing. Thus, it is clear that the label of 'non-virgin' has more far-reaching consequences than it just being a label.

In the eighth place, a perhaps even more detrimental consequence of virginity testing is the threat of rape that is associated with being found to be a virgin. Leclerc-Madlala (2003: 22) argues that "the public declaration of a girl's virginity puts young women directly at risk for both rape and HIV." This is for two reasons. Firstly, girls who have been tested and 'certified' as virgins are often considered, by other girls and boys in the society, to be "too proud; an expression of haughtiness" (ibid.). These girls are considered to be too self-assured and confident, and so, in the light of the crisis in hegemonic masculinity, could be thought to be a threat to the patriarchal status quo. As such, it is thought that these girls need to be taught a

lesson (ibid.), because their virginity proves that they have failed to make themselves available to men. This ‘lesson’ often comes in the form of rape. What is also alarming is that girls who do not participate in the virginity testing rituals, or who are deemed to be non-virgins, sometimes become complicit in these rapes, often encouraging their brothers, friends or neighbours to commit the acts of rape, or even arranging circumstances in which the rapes can take place (ibid.). This is a clear consequence of how the old checks and balances that in pre-colonial society helped to regulate and make sense of the practice of virginity testing, have fallen away and led to a travesty of the earlier practice.

The second reason that “certified” virgins are so at risk for rape is due to the belief that sex with virgins can help to cure HIV/AIDS. Consequently, when a girl’s virginity status is publicly known, that girl faces the risk of being raped for her “special healing powers” (ibid.). In addition, it would again seem that the responsibility for the sexual health of individuals and the nation as a whole is seemingly located in young female sexuality. But instead of that sexuality being protected by the society as a whole, it is now usurped with impunity by individual men.

To sum up, while the goal of these tests is to be deemed a virgin, for some girls this classification also has physical and psychological harms associated with it, irrespective of the outcome. Within the context of a society so afflicted with insecurity and fragility (especially relating to masculinity), sexual violence, and the belief in the curative powers (for individuals and the nation-building project) of virgins, as well as a context saturated with Christian obsessions with ‘sexual purity’ quite alien to the pre-colonial cultures, the ostensible benefits of virginity testing need to be very strongly weighed against the harms that virginity testing can cause the participants.

Overall, virginity testing, while still being practiced prior to democracy, has gained increasing popularity since the inception of the newly democratic South African state based on the idea that it can assist in dealing with contemporary issues such as decolonisation of society, unwanted teenage pregnancies and the curbing of the spread of HIV/AIDS. However, the practice, in its contemporary form at least, seems to operate on one level to locate the responsibility for these major societal concerns in female sexuality and reinforce patriarchal control. In other words, virginity testing is a means through which to control female sexuality, which is, arguably, one of the foundational techniques of patriarchy. This links back to the notion that only certain forms of sex and sexual expression are viewed as legitimate and acceptable. Female sexuality, as a corrupting force, needs to be monitored and policed ostensibly to ensure the safety of the nation. In the self-same way, the corrupting force of Black lesbian sexuality needs to be kept in check in order to protect the dominant social order. Virginity testing can then be understood, within the light of the supposed crisis of masculinity in the fragile, newly-formed democratic South Africa, as a way through which masculine dominance can be reaffirmed and reasserted.

## **5.2. *Ritual male circumcision***

As with virginity testing, ritual male circumcision – a ritual practiced predominantly within the Xhosa tradition – has gained renewed popularity in post-apartheid South Africa. Along with Zulu virginity testing, this practice is seen as a way to stabilise the fragile nation, in light of the upheaval caused by “apartheid, forced removals, the migrant labour system and urbanisation” (Vincent, 2008b: 441). In other words, the revitalisation of this practice is considered an important means through which to resist the changes brought about by colonialism and apartheid, and to address some of the problems of masculine status associated with modernity.



Ritual circumcision is promoted on the basis of the notion that circumcised men are at less risk of contracting HIV. As a result, the practice of ritual circumcision, like virginity testing, is seen as a way to assist in combating the spread of HIV/AIDS (Rankhotha, 2004: 80).

Ritual circumcision is physically and emotionally challenging for the initiates, and if done in the traditional manner, takes place within the bush and away from urban settings. The rituals and challenges, including pain and loss of blood, associated with circumcision are thought to teach boys how to be 'men' and so circumcision is an important developmental milestone in their transition from boyhood into manhood. Through this process, boys (who, figuratively, become men) have privileges and duties within the community conferred upon them, they acquire knowledge they would not otherwise gain, and they are afforded the right to marry (Vincent, 2008a: 79). In other words, the circumcision ritual leads to not only a physical change, but also a cultural and social one. Initiates gain access to cultural knowledge, which differentiates them from non-circumcised men, and thus the act of circumcision informs a part of the initiates' identities (83) and determines their status within their community. Consequently, like virginity testing for women in Zulu culture, male circumcision is an important marker and milestone for men within Xhosa culture, which is founded on communitarian values, where uncircumcised men are widely disrespected and not allowed to occupy positions of power.

Ritual circumcision has become renowned as a dangerous practice, leading to many injuries and deaths, particularly when performed in unlicensed initiation schools. According to the Human Sciences Research Council (HSRC), between June 2006 and June 2013, 5035 initiates were admitted to hospital with circumcision-related injuries, 453 initiates died, and 214 initiates had to undergo penile amputations (Douglas, Maluleke, Labadarious, Hongoro &

Nyembezi, 2016). Due to the risks associated with ritual circumcision, some initiates opt to have their circumcisions performed in hospitals. This, however, poses problems for traditionalists. This is primarily because hospitals represent, precisely, the Western modernity which traditionalism hopes to resist. Vincent (2008a: 81) argues that for liberal individualists, circumcisions which take place in the relative safety of a hospital are preferable to circumcisions that take place within traditional initiation schools. However, she (ibid.) adds that:

Advocates of hospital circumcision fail to take seriously the fact that ritual circumcision is not simply about the removal of a piece of skin. For one thing, hospital circumcision employing anaesthetic ignores the important part that pain, suffering and risk play in the ritual as part of the process of demonstrating manhood and fitness for the respect and communal privileges that go along with that approbation.

In addition, other aspects which are vital to the traditional form of ritual circumcision are overlooked within the hospital setting, including that initiates should not have any contact with women (82). It is important for women to be excluded from this practice as it is a way through which men create bonds. Additionally, all of the initiates endure the same type of pain and suffering, which could lead to the formation of bonds which create a kind of brotherhood. Rankhotha (2004: 54) argues that rituals, like circumcision, are important tools in creating a sense of identity and belonging.

Ritual circumcision is a way for Xhosa men to mark themselves as different to other groups, including uncircumcised boys, women, and other cultures who have abandoned the tradition of circumcision – like the Zulu culture (ibid.) which discarded the practice under King Shaka in the 19<sup>th</sup> century. The risk of pain and suffering are considered important aspects of this identity-making and belonging, as the ritual traditionally aimed to prepare men for warfare and the pain

and suffering they might face there (ibid.). It also confers on them the respect of the community for having endured this suffering and further confers on them the right to marriage and procreation. Consequently, a modernised, perhaps Westernised, form of circumcision serves to negate many of the important social and cultural aspects that legitimise and validate the ritual and the corresponding transition into manhood.

Another way in which the circumcision ritual is said to have changed is in its social effects. According to Vincent (2008b: 436) initiation rites traditionally taught boys about their history and culture, how to behave within a marriage, and, importantly, the “social expectations of responsible and restrained sexuality” (ibid.). As such, traditional circumcision was an important socialising tool, teaching boys about their roles and responsibilities within society, as well as marking them as belonging to a specific social group – those who have been circumcised. Rankhotha (2004: 59) adds that the reason ritual circumcision is clung to is “because of [a] fear of losing hetero-patriarchal privileges, in the traditional, rural and deprived context, as well as in the face of changes that have, more than any other time in history, affected gender relationships.” Consequently, circumcision relates to the fear of losing patriarchal power, and as such becomes a means through which to address this fear and retain control over tradition, over its interpretation, and ultimately over women. In light of the crisis in hegemonic masculinity, the rights afforded by ritual circumcision practices can be viewed as an alternative route to masculine status.

However, the masculine entitlement bestowed by circumcision now seems to go further than it did traditionally. Vincent (2008b: 436 – 437) argues that in light of the crisis in masculinity, initiation is now seen as an avenue through which to access sex. Vincent (441) further states that “the acquisition of rights as a result of traditional circumcision, including the right to

marriage, has become subverted into a right to sex and other material resources.” As such, circumcised men are afforded more access to material goods and more rights within their communities - one of these rights being the right of sexual access to women. The sexual access that circumcised men are granted to women is a result of the very rigid social structures which recognise the authority and status of such men. ‘Boys’ who have not been circumcised, and thus no matter their age are not considered as fully-fledged humans or ‘men,’ do not have access to the same rights and responsibilities as those who have been through initiation. It is for this reason that many boys under the age of 18, who legally require consent in order to be circumcised – another paradox arising from the postcolonial attempt to reconcile traditional African practices and worldviews with a constitutional democracy based on the individual rights regime of the West - defy their parents’ non-consent and attend initiation schools (Vincent, 2008b: 440). The need to be conferred with the rights and privileges, most notable of which is sexual access to women, is so overwhelming that boys are willing to face the multitude of risks associated with ritual circumcision.

There is, however, harm associated with both being circumcised and not being circumcised, as there is for females who are virgins and non-virgins. For those who are circumcised the risks are mostly physical, whilst for non-circumcised boys the risks are both physical and social. Non-circumcised boys are subject to discrimination, stigmatisation and abuse (emotional and physical) at the hands of circumcised men who are considered to have legitimate authority to restrict the access of non-circumcised boys to resources (441). Non-circumcised boys are, consequently, often denied access to women by those who have been circumcised. In an example of how this plays out in the real-world, I turn to a report on Xhosa ritual circumcision compiled by the World Health Organisation (WHO, 2008). The report includes the experiences

of men and boys around the initiation ritual. In this report, one anonymous uncircumcised boy reports on his experience of approaching a woman:

At [sic] one afternoon myself and colleague were enjoying ourselves in the veranda of the community shop. A beautiful girl of my age came passing by and I followed her with the intention of proposing love. I did not notice that there were men following behind us. They stopped us and attempted to take the girl away from me. I retaliated but to no avail. They beat me up causing gross bodily injuries. When I reported this at home, my elder brothers continued where those men left chasing me out of the house. This beating was due to proposing [sic] a girl [sic] belong to men and for retaliation to [sic] those men (Participant 12 in World Health Organisation, 2008: 26).

The WHO explains that “the question of the precise status of a person is very important in Xhosa communal relations because what might rightly be expected of a person and how that person is correctly to be treated is highly dependent on what their status is” (24). Within this social structure, “the uncircumcised is likened to a dog and therefore there is no expectation that social obligations that form part of mutual humanity, extend to him” (ibid.). In other words, the rigid social structures of the Xhosa culture uphold a hierarchical access to rights, including the right to access women sexually. This is not only upheld by men within the culture, but also by women who adhere to these normative values. This can be seen in the words of an uncircumcised boy: “[Girls] would respond to your proposal for love by using embarrassing statements such as ‘I don’t fall in love with a barking dog that has a long tail’” (Participant 2). Consequently, the same ideologies that deny uncircumcised boys’ access to women and sex are reinforced by the men and women of the culture.

Uncircumcised boys, therefore, face not only social and physical consequences, but this lack of sexual access to women, arguably, plunges them into a deeper crisis of masculinity as they

are being denied the very pinnacle of patriarchal power. It can be seen from this that through the value placed on circumcision and the initiation process, a hierarchy is formed in which circumcised men have power and authority over non-circumcised boys, as well as, over women who should ostensibly be sexually submissive and available to them. I think it is important, though, to be mindful of the ways that perhaps urbanisation and modernity might affect how rigidly these rights are enforced outside of cultural settings<sup>43</sup>.

Sexual access to women is seen, within this context, as an “incontrovertible male right” (Vincent, 2008b: 443) and so sex is often attained through violence. The idea that violence is acceptable is reinforced through the initiation rituals themselves which use beatings to ensure that initiates adhere to initiation protocols. Initiation rituals thus seem to initiate young men into violence as an acceptable aspect of manhood. In addition, the elders who lead the initiations and who should act as role models for the initiates outside of the school are, themselves, often involved in violent or coercive sexual relationships (437); consequently, one might reasonably expect that their teachings to the boys would also be anti-feminist in this respect, further entrenching the notion that violent or coercive sex is not only permissible but also acceptable. This could be contributing to the endemic prevalence of sexual violence within South Africa, and instead of achieving the goal of decreasing the incidence of HIV, could instead actually be contributing to it. Hence, ritual male circumcision, the outward goal of which, is to re-establish a social order that was disrupted by Western forces, including colonialism and apartheid, and of protecting men from contracting HIV and AIDS, seemingly

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<sup>43</sup> Further research would also need to be done into how much choice women are able to exercise with regards to entering into sexual relationships with uncircumcised boys, however that is beyond the scope of this study.

has the surreptitious goal (but in any case, has the clear effect) of reinforcing heteronormative patriarchal ideals.

Within the context of the crisis in hegemonic masculinity, this can be seen as a way of maintaining a very particular social order, one which situates non-conforming males, and more specifically, females, as subordinate to a specific male authority, in this case circumcised males. Therefore, it can be argued that within the contemporary world-view both virginity testing and ritual male circumcision primarily serve to reinforce and perpetuate the subjugation of women and non-conforming men, and, consequently, do not serve merely to address contemporary societal ills. They are seen as important within the decolonisation project, as they create a space for the practice of traditions that were seen to have been steam-rolled by colonial and apartheid forces. In this way, they are seen as important markers in the reclamation of an identity that is more congruent with the many cultures present within South Africa in the post-apartheid era. As indicated, however, the contemporary interpretations of these practices and their specific deployment in post-colonial society are very different from the original and should be scrutinised from an African feminist point of view.

Overall, what can be drawn from an analysis of these practices is that they act as more than just tools for the decolonisation project. Instead, they can be understood as practices which function within the larger project of national identity building, and more particularly, patriarchal national identity building. Whilst virginity testing is a Zulu traditional practice and ritual male circumcision forms part of the Xhosa tradition, both practices share similar goals and principles – the regulation of sexuality and the maintenance of hierarchical social orders based on sexuality and gender. Both then play into the ideologies which render female sexuality subordinate to male sexuality, and the legitimisation of some bodies and sexualities as superior

to others. Understood in this light, it could be argued that the ideologies which both underpin and arise through these practices reinforce the beliefs around sex, sexuality and gender performance which make Black lesbian women especially vulnerable to sexual violence.

## **6. Conclusion**

In conclusion, the politicisation of sexuality, which takes place in a specific context and at a specific historical moment, has been a more defining issue within South Africa's early phase of transition to democracy than have issues relating to the political and economic failings of the democratic government. Within this context, there has been much debate and mobilisation around issues relating to HIV/AIDS and the revitalisation of traditional practices, including virginity testing and ritual male circumcision. It appears that what is at the core of this politicisation and contestation is actually the crisis in hegemonic masculinity that has developed due to the effects of colonialism and apartheid, as well as the unmet promises associated with the newly democratic nation.

For a large proportion of men, this conception of masculinity is unattainable due to post-apartheid socio-economic conditions leaving them in poverty and without political power. This creates a duality in that within the private sphere these men may have control over women, however, within the public sphere they are dominated by other men and in some instances, women. Additionally, the entrenchment of rights for marginalised sexualities and the increase in rights for women, appear to intensify the insecurities felt by certain men. The extension of rights to all citizens regardless of race, gender or sexual identity, has created a felt-need for hegemonic men to reassert their control and dominance. This vulnerability is perhaps the driving force behind the revitalisation of traditional practices in an effort to maintain some alternative form of control, and to re-stabilise a patriarchal social order. At the core of the



appeal to return to traditional values is the maintenance of a social order that subordinates women and perpetuates their domination by men.

If we use the lens of a Black lesbian standpoint to analyse the politicisation of sexuality and the supposed crisis in hegemonic masculinity, the gendered and discriminatory values which underlie the anxieties surrounding these come clearly into view. We can see that the call for the revitalisation of traditional practices, the anxieties around sexual identity and expression, and the fear hegemonic men experience in the face of equality and the mobilisation of rights for women and marginalised sexualities, are grounded in heteronormative patriarchal masculinity that feels threatened by those who do not conform to its logic or those who challenge its dominant position. By understanding the prevailing social and economic conditions, as I have explicated in this chapter, it becomes clearer as to why violence like that committed against lesbian women has become so prolific.

However, it would be incorrect to assume that it is only traditional cultures (in their diverse, and often colonially-altered forms) that seek to reassert and maintain patriarchal ideals and control or that this is a symptom only of decolonising goals. Instead, it is important to understand the ways in which the sexual and gendered dimensions underlying liberal society work similarly to ensure the retention of patriarchal dominance. As such, the next chapter will focus on Carol Pateman's ideas around the patriarchal sexual contract and how this contract can be seen as underlying modern liberal society. In this light, I will also argue that the supposed dichotomy between traditional and liberal sexual values in South Africa is not actually as clear-cut as it is often made out to be. It is rather that these are both founded on heteronormative patriarchal ideologies and seem to have mutually reinforced each other on the South African social stage.

## CHAPTER THREE

### THE SEXUAL CONTRACT IN CONTEMPORARY SOCIETY

#### 1. Introduction

The previous chapter examined how the politicisation of sexuality, through debates around HIV/AIDS and the revitalisation of traditional practices, has been a marked feature of South Africa's move to democracy. From this it would seem that an intensified tension has developed between what are considered traditional and what are considered liberal values, especially around sex and sexuality. The Constitution has seemingly adopted more liberal (or Western) values in its recognition of non-heteronormative sexualities and its conferral of substantive rights to such sexualities and to women (Constitution of the Republic of South Africa, 1996). Traditional values, on the other hand, are often positioned as in binary opposition to this, with critics of traditional practices claiming that these practices and ideologies devalue women, limit their rights and freedoms, and protect only the rights of heteronormative individuals. Thus, it is often asserted that liberal ideologies are much more progressive and open-minded, in comparison with traditional ideologies.

In this chapter, by drawing on Carole Pateman's critical notion of the 'sexual contract,' I argue, however, that the distinction between liberal and traditional societies is not as obvious or clearly evident if we consider the gendered dimensions which characterise both of these. In other words, if traditional and liberal dispensations are viewed from a gendered perspective, it becomes clearer that underlying both is the strict enforcement of a gendered hierarchy that positions men as superior and maintains women's subordination. As is the case within the traditional practices discussed in the previous chapter, one of the ways that patriarchal domination is similarly maintained within liberal societies is through the controlling of women

and their bodies. The means or practices through which gendered hierarchies are secured within liberal and traditional societies respectively might differ, however, the devaluing of female sexuality and the subordination of women is clearly present in both.

What also becomes clear through a critical examination of, so-called, traditional ideologies within South Africa, is that many of these have been strongly influenced by Western culture, and despite calls to revitalise pre-colonial practices, these are imbued with racist colonial characterisations of sexuality and gender, and as a result are at times a re-appropriation of colonial views rather than a move away from them<sup>44</sup>, as was also discussed in relation to the adoption of both civil and customary rights within one nation-state. Accordingly, we can understand that what is discursively positioned as traditional is an amalgamation or coalition of traditional African ideologies and Western ideologies, both of which are founded on patriarchal heteronormativity. In order to more clearly see the link and similarity between these, supposedly opposing socio-political dispensations, it is important to understand the strongly gendered foundations of liberal, or Western, society. In this chapter I will show the links between liberal ideologies and contemporary claims to tradition so as to build on to the previous chapter's assertions that many of the current social issues present in South Africa have their roots in colonial and apartheid ideologies. While I focus specifically on Pateman's notions of

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<sup>44</sup> Oyèrónké Oyěwùmí (1997) and Ifi Amadiume (1987), among other African feminist theorists, explain that within pre-colonial societies, sexual morality was much less gendered and hierarchical. Oyěwùmí, for example, explains that within the Yoruba culture (of Western Nigeria) social hierarchy was not determined by body-type (Oyěwùmí, 1997: xii), instead people were arranged into social roles that depended on their role within society (e.g. hunter, ruler, etc.) and the kind of person they were (Coetzee, 2017: 30). Oyěwùmí further asserts that the category of 'woman' did not exist in Yoruba culture (Oyěwùmí, 1997: xii). Similarly, in relation to the Igbo society of Nigeria, Amadiume (2015: 3), claims that there was a flexible gender system, which made it possible for women to be present in economic, social and political institutions. Within this system, gender and sex were separate, meaning that daughters could become sons, even acting as husbands (males) to wives. Women also played an important role in leadership, economic development and politics (2). For Oyěwùmí and Amadiume, it was the colonial imposition of a binary gender system that led to the rigid and hierarchical distinction between males and females being adopted into certain African cultures. It was through this imposition that the social, gendered category of women came to be defined in relation to men, and through this became positioned as subordinate to men. We can thus see, that what poses as 'traditionally African' in post-colonial Africa, is strongly influenced by Westernised patriarchal arrangements that were forced upon African communities.

the sexual contract, by combining this with the framework of a Black lesbian standpoint a richer, more thorough critical analysis of the foundation of civil society as rooted in heterosexist, racist patriarchal undertones, emerges. By using this Black lesbian standpoint to critically assess both liberal and traditional societies, it also becomes clearer that these are both founded and maintained through the subordination of women.

Social contract theory has had, and arguably still has, a major influence on the shaping and dominant understanding of social relationships and liberal society as a whole. According to Richardson (2007: 402), classic “social contract theory, with its image of free and equal persons creating a society based upon rules that all can consent to has been a major influence on political theory and ethics.” The notion of social contract is a type of thought experiment meant to explain and justify the choice of individuals to exchange their natural freedoms for obedience to a governmental authority, and to show why this is reasonable. This imaginary construct forms the basis of legitimacy for modern liberal state formation; hypothetically, each free member of society has always already consented to be ruled by the government of the state into which s/he was born. While social contract theorists, like Thomas Hobbes (1651) and John Locke (1690), claimed that contracts are able to be entered into freely and have mutual benefit for the parties involved, many schools of thought, including critical race theory and feminist theory, argue that contractual relations are in fact one of the ways through which relationships of domination and subjection are created and sustained. Consequently, an understanding of social contract theory can help us to see how modern liberal institutions and political arrangements have developed and evolved over time.

There have been various subsequent theories put forth related to Social Contract, including by David Gauthier, Robert Nozick and John Rawls. However, my aim in this chapter is not to give

a comprehensive overview of Social Contract Theory itself, but instead to explicate the ways in which a hierarchical gendered division of society, as arising from the sexual contract, underpins modern, liberal societies and how this leads to women's oppression. I will at times briefly mention aspects of Hobbes' and Locke's' classic social contract arguments as they pertain to my discussion.

Pateman takes issue with the notion of contractual thinking, particularly with the assertions of classic contract theorists such as Hobbes and Locke who claimed that contracts could be freely and equally entered into and were of mutual benefit to both parties as I will show in the third section of this chapter, titled *The social-sexual contract*. For Pateman the main issue with contractual views of society is that they serve to entrench and justify the subjection of *women*. The central thesis of Pateman's argument is that the stories of the original contract exclude or gloss over an important dimension of the historical development of the idea of socio-political contract, namely the development of modern fraternal patriarchy (which will be discussed in further detail later in section (3.3) and with it what she calls the *sexual contract*. This section will focus on four key elements of Pateman's argument: (3.1) the form patriarchy takes in modern society; (3.2) women's exclusion from contracts; (3.3) the idea of property in the person; and (3.4) the marriage and prostitution contracts. From Pateman's perspective, the hypothetical social contract emphatically and deliberately excluded women from its terms, and entrenched women's subordination through the hidden sexual dimension of the covert political contract. It is through the sexual contract and the bonds between men as men, rather than men as fathers (thus, through the recognition of men as each other's equals, at least formally), that Pateman claims, the subjection of women is maintained, and that this new-found fraternity of men are all individually ensured sexual access to women.

From here, in section 4, the discussion will turn to a critique of the social contract from the perspective of Charles Mills. Mills, one of the foremost thinkers on critical race theory, argues that contracts serve to reinforce the hierarchical relationships between people of different races, specifically the domination of non-White<sup>45</sup> people by White people. Mills (1997: 1) states that a specifically White supremacist political order, originating in contract, has shaped the world into what it is today. He (3) claims that the original contract is in fact a *racial* contract, because “the social contract tradition, that has been central to Western political theory, is not a contract between everybody (“we the people”) but between just the people who count, the people who really are people (“we the White people”)”. For Mills (3), the stories of the original contract, and the ideologies around contract created through these stories, obscure the nature of contracts as they exist in reality. As such, even though the stories told by social contract theorists may be political fictions, they arguably serve to create and legitimise existing institutions and ideologies that embody and perpetuate racial inequality and that have shaped modern (perhaps, specifically, Western) political society. Together, then, Pateman and Mills argue that the cornerstone of modern liberal politics, namely the social contract, in spite of its universalist pretensions, explicitly excludes women and Black people from the processes of social contracting and thus works to ensure White male supremacy within the liberal order.

As part of this chapter, and in line with this thinking, in section 5, *The South African Constitution as a liberal contract*, I will provide a critical discussion of South Africa’s Constitution. I will explain the contestations surrounding the Constitution, specifically the opposing views of the Constitution as one of the hallmark achievements of the democratic government, and the view that the Constitution actually upholds oppressive structures (such as

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<sup>45</sup> “Non-White” is a term used by Mills. This term creates some unease as it repeats whiteness as normative, and refers to other races in relation to whiteness. However, in keeping with Mills’ argument, I will use this term.

patriarchy) because of its inability to create substantive change. My goal in presenting this critical examination of the Constitution is to show that the Constitution while in some ways is a kind of social contract, it also goes beyond the liberal contract by asking more of us – it asks us to work towards equality and freedom for all – thus being more aspirational than liberal contracts. However, while it does this theoretically, in practice the Constitution has not addressed the conditions which keep the majority of the population socially and economically oppressed, nor does it eradicate the gendered dimension (a kind of sexual contract, perhaps) that upholds women's oppression. Instead, it seemingly (inadvertently) appropriates the sexist and racist dimensions (similar to the notions posited by Pateman and Mills) of the colonial and apartheid social orders and repackages them in a document that asks for but can never truly deliver freedom and equality for all.

Before turning to a discussion around the gendered, sexual dimension underscoring liberal social orders, it is important to acknowledge that there have been many critiques against Pateman, including that Pateman's focus on the, supposed, sexual dominance of women overlooks or ignores other factors, such as class (Boucher, 2003), and the influence of social norms and customs (Jacquette, 1998 :215) that might also lead to women's subjection. Drawing on Mills' insights, one may also want to add that she ignores the role of race and colonisation in the emergence of social contract theory. The first section of this chapter (section 2) should therefore be devoted to an overview of the most important points of criticism that have been raised against her theory.

## **2. Critiques of Carole Pateman**

Pateman has been criticised for holding a fairly one-dimensional critique of the liberal order, instead of acknowledging the ways that multiple factors might intersect to compound the

subordination of certain people, as we have seen in the case of Jacquette, Boucher and Mills. In this regard, Nancy Fraser (1993: 173) argues that Pateman, incorrectly narrows women's subordination down to a master-subject relationship in which individual women are subject to oppression at the hands of individual men. Fraser suggests that by relating women's oppression to this master-subject relationship, Pateman overlooks the more impersonal culture and institutional structures which work to maintain a gendered hierarchy (180). Pateman, however, asserts that criticisms against her such as these, are based on a flawed understanding of her central claims. She (in Thompson et al., 2018: 94) asserts that her focus was not on individual relationships of domination and subordination that arise through contract, but instead of the larger structural subordination that arises from institutions like marriage and employment. She thus claims that employers or husbands and wives should be understood as social or political categories (ibid.). In other words, Pateman seems to agree that the problem is not necessarily about subordination that occurs on an individual level (although this of course contributes to the development of structural subordination) but rather subordination that arises through institutions such as marriage which maintain and reinforce the gendered dimension of liberal social orders. I agree that women's oppression and subordination need to be understood from a more intersectional approach than Pateman's critique of the division of society as only or necessarily founded on the sexual contract allows for. However, there is clearly a gendered dimension present in most if not all modern, civil societies, and I think Pateman's ideas around the sexual contract serve as a useful starting point from which to begin to examine these.

Fraser along with Susan Moller Okin (1990: 666) further criticises Pateman on the grounds that her view of contracts fails to consider the legitimacy of differing contracts or the ways in which contracts can also be emancipatory. Okin (667), for instance, argues that distinctions need to be drawn between different kinds of employment contracts in order to have a more nuanced



understanding of the ways in which these can be legitimate from a feminist perspective. For example, she highlights the distinction between apartheid South African mine workers, forced to work under very oppressive conditions, and unionised workers who have much more protection and a more equal stake within their employment contracts. In a similar vein, Fraser (1993: 176) suggests that rather than only being oppressive, employment contracts can liberate some women from the pervasive need to enter into marriage contracts in order to gain financial protection. In other words, she asserts that because of the possibility of employment, women are able to enter into contracts that give them some freedom apart from men. These women might be subordinate to men in their employment contracts, however, outside of work they may have access to more freedom than are women who enter into marriage contracts instead of employment (ibid.). In fact, earning a wage “functions as a resource and source of leverage” (ibid.) within the capitalist/consumer market and within the domestic sphere where many women engage in unpaid labour. Thus, there is a constraint or limitation placed on the contracts. While it could be argued that Pateman has provided a very restrictive view of contracts, one that sees no redeeming features to contracts, I do not think that this necessarily undermines the overall claim that can be drawn from her argument: that liberal social orders are founded on a gendered social order, which has at its heart the control of women by men, particularly around matters of sex and sexuality.

Another critique against Pateman is that there are instances that serve to undermine her claims, including that some women are breadwinners (Dean, 1992: 129). In addition, it could be argued, that women are now much more freely able to enter the workforce and be involved in political affairs, and thus, ironically, that Pateman’s analysis is somewhat static and a-historical, unable to reflect what is possibly a growing inclusion of women within the social contract. However, as Pateman (cited in Pateman & Mills, 2007: 158) claims: “women do 66%

of the world's work, earn 10% of the income and own less than 1% of the property." Therefore, it is clear that whilst women may have made some head-way towards achieving a more equal status, they are still, in fact, in a very unequal position, globally. The fact that the prostitution market is predominantly female, and that rape in marriage has until recently not been criminalised (and is still not in all liberal jurisdictions; and even where it is, marital rape is still very often not prosecuted), shows that women are also still largely dominated by men in sexual terms. Pateman (in Thompson et al., 2018: 193) also states that:

By the time I was writing the book ... women were, more or less anyway, equal citizens. But in fact ... you couldn't ever forget that you were a women. We're not these individuals in exactly the same way that men are.

In a similar vein as Dean, Fraser (1993: 180) argues that Pateman's conceptions of masculinity and femininity are presented as static and unchanging. However, for Fraser (ibid.) "the categories of masculinity and femininity are [instead] precisely sites of cultural contestations." As has been discussed in Chapter One, it is through the challenging of the conceptions of masculinity and femininity (through, for example, visual activism) that these come to alter and adapt. Therefore, these categories are not static or unchanging, but are rather culturally contingent and reconceptualised within different historical times and contexts. However, what could possibly be argued is that it is inherently problematic that these categories exist in the first place, as it is through these that women come to be defined as in opposition to men, and therefore men's inferiors. This gendered binary which is so pervasive in all areas of society is precisely what maintains women's subordination, and which Pateman says is created and maintained through the sexual contract. As Pateman attempts to do, feminists must also account for the remarkable tenacity of oppressive sex and gender categories over centuries, even as we acknowledge that these categories are not natural, static or a-historical.

Overall, Pateman herself also asserts that her theories are not all encompassing and that the ideology of the original contract and the accompanying sexual contract, is part of a larger problem with the intrinsic nature of contracts as they have evolved within modern western political theory. In other words, she acknowledges that there are other issues that are also influential in creating hierarchical relationships within contracts; thus, she views contracts not as enhancers of equality in society (thus as they are presented), but instead as serving to strengthen and uphold pre-existing inequalities and situations of domination. According to Pateman (2013: 96):

the various classic stories about this agreement tell us something important about the shape and structure of the institutions within which we live ... the stories embody ideas and claims that have helped shape the power relations that have structured our major institutions.

Yet, within the more general critique of contract as a form of institutionalised relationship, Pateman identifies the sexual contract as the most salient and basic form of contractual subjugation. This is why her work attempts to shed light on why it is that, despite changes in legislation and efforts to empower women within liberal dispensations, many (if not most) women still remain in some form of subjection to men, be it economically, sexually or politically, or a combination of these. Despite the criticisms against her, her ideas remain useful for my purposes here, namely to critically compare the gendered dimensions of traditional African and liberal political dispensations.

### **3. The social-sexual contract**

For Pateman, social contract discourse ignores, or even intentionally hides, the logic of subjection which for her is inherent in contracts. She is particularly concerned with the subjection of women to men and the way in which contracts serve to enforce and maintain male

domination. In this section I focus on three central and specific objections that Pateman holds against the notion of social contract. More specifically, I am going to look into Pateman's ideas regarding the sexual side of the social contract, her claim that women cannot be parties to contracts as they, according to some theorists, do not possess the capacities necessary to enter into contracts, and her criticism of the notion of property in the person.

### **3.1. *Modern patriarchy***

According to Pateman, underlying the fiction of the social contract, is a hidden contract, namely the sexual contract. Pateman (1988: 8) argues that so-called mutually beneficial contracts actually serve to legitimise subjection and are only beneficial to some. Pateman asserts that the freedom and equality which is supposedly granted to all within civil society is fictitious; it is rather the case that through contract, relationships of domination and subjection are created, maintained over time, and also legitimised. This is for her especially true of the employment, marriage and prostitution contracts<sup>46</sup> (ibid.). Her claim is that freedom is *not* universal within civil society; civil freedom as arranged according to classical social contract theory is, instead, a “masculine attribute and depends upon patriarchal right” (2). In other words, in Pateman's view, liberal contract serves as the antithesis of freedom for some, especially women.

Pateman's fundamental claim is that the (hypothetical) original social contract was understood by its male theorists as created by and amongst men, who explicitly and intentionally excluded women (5). She says this based on a critical reading of the works of, specifically, classic social contract theorists, such as Hobbes and Locke. Only men were understood to be included in the

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<sup>46</sup> This claim will be discussed in greater detail in section 3.4 of the chapter.

original contract (Jaquette, 1998: 203; Pateman, 1989: 459) and, thus, only men were afforded the benefits that were associated with a civil society founded on contract. Consequently, through the original contract and the exclusion of women, men's freedom was secured, and women's subjection was reinforced (Pateman, 1989: 2). This is reminiscent of the way in which Mamdani (2001: 654 – 658) argues that colonialism used the distinction between civil law and customary law as a way to exclude Black people from citizenship. The exclusion of women from the original contract – the civil order – appears to function to exclude women from citizenship in much the same way as the distinction between a civil, rights-based order and customary laws did to Black people, as discussed in Chapter Two. In both these instances, a hierarchy was created which rendered some individuals as citizens while relegating others to a realm outside of the public, civil order.

The original contract arguably served to legitimise a hierarchy in which men developed and continue to maintain a position of dominance and control over women. Pateman's claim is, thus, that the exclusion of women from the foundational social contract, and thereby from full citizenship status, was neither a simple oversight nor accidental to its logic (in the same way that the bifurcation of colonised societies was neither accidental nor an oversight on the part of the colonisers). The way in which the original theorists picked out men as 'heads of households' to enter the contract and excluded women from doing so, has inscribed into the liberal order a constitutively necessary sexual hierarchy with far-reaching consequences that still reverberate throughout the order itself, similar to what has been seen in terms of the way that the colonial bifurcation of South African society still underscores the post-colonial social and political orders. Overall, social contract theory places men's domination as a pre-existing fact within the state of nature and thereby hides its own complicity in constructing the liberal

family as patriarchal and women's position within the family as excluding them from full citizenship and a public-political persona.

In order to understand how Pateman reaches this conclusion it is necessary to examine her explanation of the modern form of patriarchy, namely fraternal patriarchy, which she claims underlies theories of the original contract. From a perspective such as Pateman's, liberal contractual relations do not serve to create equality between men and women, but rather, "the fiction of the original contract hides the reality of coercive power beneath all contracts, just as the social contract hides the coercive gender relations that make it possible" (Jaquette, 1998: 203). The gendered dimension that underlies the social contract is what Pateman means by the sexual contract, such that the sexual contract is a contract made amongst men that explicitly excludes women from contractual positions. Richardson (2010: 60) explains that the social-sexual contract "appears to work by simultaneously instantiating both a social contract and a hidden sexual contract." In other words, the sexual contract is an integral part of the social contract. By glossing over this gendered dimension of the original, foundational contract, classic social contract theory allows the subordination of women to be entrenched even while appearing natural and pre-political.

According to Pateman (1998:19), traditional patriarchal theory and patriarchal right were thought to have become irrelevant towards the end of the 17<sup>th</sup> century with the dismissal of the influential notion of Sir Robert Filmer's<sup>47</sup> classic patriarchal right. Filmer's understanding was that male dominance was a natural, paternal right (Pateman, 1989: 448). For Filmer, father-

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<sup>47</sup> Sir Robert Filmer (c 1588 – 1653) was an English political theorist. His most famous work was *Patriarcha* (1648). Filmer's views of patriarchal power were representative of the social structure which characterised Europe until the Industrial Revolution. However, his views were vehemently criticised by Locke and Hobbes (Encyclopaedia Britannica, 2018).

right emerged out of the creation of Adam. Adam was granted monarchical power by God, which was then passed on to all subsequent fathers and sons. Sons were born into patriarchal subjection but would gain their own dominion through fatherhood. Schochet (1998: 220) explains that Filmer's theory:

rested upon an extremely oppressive, patriarchal conception of familial authority ... He argued from a divinely ordained inferiority of women manifested in their natural status as wives and the equally natural and divine subjection of children and servants to their natural male superiors – husbands, fathers and masters.

In other words, men's dominance and women's subjection was natural, in fact, these hierarchical relationships were ordained by God and expressed in His cosmic order.

However, with the advent of more prominent contractual thinking, as espoused by, for example, Hobbes, there was a move away from the belief that any dominance, in particular that of fathers, was natural, to a belief that only through contract one could willingly and freely submit to the will of another, and so any form of subjection was construed as voluntary and conventional. This change was brought about by the European Enlightenment which in general proclaimed 'man's' maturity, individual self-reliance, and the rejection of religious authority. Therefore, on the surface it would appear that within the story of the original contract, patriarchal right was overcome by the universal bonds of contract; however, according to Pateman this was not entirely true; instead, ancient patriarchy adapted and took on a new form.

Pateman (1988: 22) asserts that although the classic patriarchal notion of father-right was abandoned, a modern form of patriarchy was established in its place. This form of patriarchy, which Pateman (1989: 451) terms *fraternal patriarchy*, is understood to be contractual not natural and to embody *masculine* right, not father right. Pateman (1988: 3) claims that one of

the ways that it is possible to ignore or hide the dimension of subjugation underlying the original contract is precisely by framing illegitimate patriarchy as strictly paternal, rather than fraternal. In the stories relating the original contract it is claimed that civil society formed when sons were able to overthrow their fathers. It is here, with the overthrow of father-right, that patriarchy is thought to have ended, as the father is replaced by a civil, democratically elected, representative, government, under which all members of society are supposedly equal (ibid.). However, from Pateman's understanding, once the fathers were overthrown politically, the sons created bonds as 'brothers', thus forming relations that would transcend blood ties and would see the creation of a civil society based on contract with each other, rather than on familial relations. This was done so as to allow for universal bonds that could be created and chosen freely, within a civil society where all men were governed by common rules and laws.

These bonds essentially created a universal fraternity in which men were united as brothers; thereby forming relationships between men across the world, not just within one's own family or society (Pateman, 1988: 80). The universal fraternity, however, is an abstract concept and can lead to men feeling isolated. This would explain why smaller fraternities such as all male clubs, for example sports teams, are created that help men have closer bonds, almost as though they were family (81). The place of women within both the larger civil fraternity and within the smaller fraternities is limited if not non-existent, and herein lies part of the problem with modern patriarchy-as-fraternity, from this understanding.

Within modern civil society, political right thus belongs to masculinity, not paternity (36). In other words, the right that previously belonged to fathers is now shared amongst all men (ibid.), and that is the real political legacy of the European Enlightenment. Pateman explains this by discussing the notion of modern conjugal right, as opposed to ancient father-right. She (1989:



450) suggests that the idea of conjugal or sex-right was glossed over by Filmer, who instead focussed on patriarchal right as stemming from fatherhood. However, for Pateman, before men can gain political dominion as fathers, they first gain dominion as husbands or men. In other words, before Adam gained dominion as a father, he first had to be granted dominion over Eve as a husband. Essentially then, “sex-right or conjugal right must necessarily precede the right of fatherhood; the genesis of political dominion lies in Adam’s sex-right, not in his fatherhood” (ibid.). As such, it is this sex-right or conjugal right, which is granted to men as *men* rather than men as fathers, and which allows men dominion over women, which was not abolished when father-right was removed. Goatcher (2005: 229) in his reading of Pateman explains:

Following the liberal replacement of paternal rule with rule by the sons ... women became politically problematic. They were no longer, metaphorically, children held in the confines of the family by the authority of a father (or the queen, mother). Women had become a disorderly political presence that the social/sexual contract helped to contain.

Civil society is thus, most fundamentally, founded on contracts created by men *as men*, not as fathers, and for this to become possible, the systematic exclusion of women had to be safeguarded first. This systemic exclusion positions women as problematic and potentially unruly, ‘disorderly’, ‘outsiders within’ the liberal system – they are adults but without the status to contract freely. Perhaps, this goes some way to explaining why Black women are still characterised as disorderly in South Africa today. Under colonial and apartheid dispensations Black women were denied rights which effectively rendered them political children. Under the new democratic dispensation, where women are now afforded rights and their political presence is visible, their presence is disruptive and threatening to the social order. One of the ways through which their threatening presence is managed, as I have explained in Chapters One and Two, is through means including sexual violence and other practices which police female sexuality.

Boucher (2003: 24) explains that for Pateman “modern patriarchy is, therefore, based upon a *fraternal* pact which binds all men together in their mutual domination of women.” From this it could be said that social contract theorists were, possibly, correct in saying that a contractual society would make all men free and equal, but the problem is that it is just that – it makes *men* free and equal, while at the same time excluding and thereby subjugating *women*. For Pateman (1988: 2) it is contract theory, specifically, that constitutes the ideological means through which the modern version of patriarchy is constituted and legitimised, and through which women’s subjugation and male political right is ensured (Jaquette, 1998: 202). However, in retellings of the original contract this conjugal right, or sexual contract, is systematically hidden within the notion of universal equality and so social contract not only serves to disguise male sex-right, but also serves to legitimise the subjugation of women seemingly by placing it beyond contract and in nature (see Boucher, 2003:24 and Jaquette, 1998: 202). Again, we see similarities here with the ways in which Black women (and men), under colonial and apartheid dispensations, were conceptualised as natural and in opposition to the rationality and reasonableness of White men. Stemming from this they were excluded from political life and their subjugation was ensured – they were confined to the feminised private realm which entrenched their place as wives and mothers.

Boucher (2003: 24) argues that, according to Pateman, “the specific purpose of the [hidden sexual] contract is to consolidate ‘the law of male sex-right<sup>48</sup>’ which ensures men’s access to women’s bodies” (ibid.). In other words, the purpose of male sex-right is to ensure that all men would have sexual access to women. However, if there were unending competition among men for sexual access to women, it could create disorder and disharmony and so a hypothetical

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<sup>48</sup> Male sex-right refers to “male sexual mastery and conquest as the basis of conjugal right” (Boucher, 2003: 31).

agreement was developed to ensure that men still had access to women's bodies, while at the same time maintaining the harmony and sense of unity that had been established amongst the men. This law of male sex-right "ensures that there is an orderly access by each man to a woman" (Pateman, 1988: 109). Through this sex-right all men, as members of the universal fraternity, have sexual access to, and control over women. The fraternal nature of this social order is, therefore, imperative to the success of this male sex-right, and vice versa, and so it is clear, from this perspective, that modern patriarchy relies on the bonds between men as men, rather than on the relationships between fathers and sons.

On my reading of Pateman, it seems clear that it is not all men who are party to the original contract; rather it is only heterosexual men. Similarly, Butler refers to the notion of a heterosexual contract. Butler argues that the heterosexual contract arises as the result of the naturalising and normalising of the sexual and reproductive goals of heterosexuality – an idea that was explored in Chapter One. In addition, Pateman's "ideas were practically tethered to assumptions about family, work, heterosexual sex and childbirth which were, and remain, central to cultural constructions of womanhood" (Thompson, Hayes, Newman & Pateman, 2018: 95). Consequently, drawing on Butler and Pateman, it can be gathered that if the goal of the sexual contract is to ensure that all men have access to women sexually, then men who have no desire to have access to women become excluded from this contract, and as such do not form part of the fraternity. Correspondingly, because this contract is formed solely between men (and man is defined as the person who has access to and control over female sexuality), women become the object of the contract rather than being one of the parties to the contract, while lesbian women who refuse to be available to men, and men who do not conform to these fraternal, heteronormative ideals are excluded from the contract.

If we consider the sexual contract from a lesbian standpoint, we can become more acutely aware of the ways in which the social contract, with its sexual dimension, works to ensure the continued domination of men over women, but also over both men and women who do not conform to heterosexual norms. This feeds into Butler's claims (explicated in Chapter One) that lesbian women (and men) fall outside of the conceptions of men and women, and consequently are not considered 'real'. By analysing Pateman's notion of the sexual contract using the framework of a lesbian standpoint, it seems evident that lesbian women do not figure in the sexual contract, and hence cannot be considered as 'legitimate' members of patriarchal civil society; an issue which will be explored more deeply in Chapter Four.

### **3.2. *Women's exclusion from contracts***

One of the reasons that modern, fraternal patriarchy was able to develop, from Pateman's view, is because women were actively excluded from the creation of the original contract, irrespective of whether we view the narrative as descriptive or merely hypothetical and normative. Pateman asserts that it was only (heterosexual) men who entered into the original contract, and it is for this reason that the original contract is a patriarchal contract (Jacquette, 1998: 203). To show that the exclusion of women is not accidental to the understanding of the social contract, she notes that according to, for example, Locke and Rousseau, women do not possess the capacities necessary in order to be considered full individuals and therefore they cannot enter into contracts (other than those involving the sexual contract<sup>49</sup>). Whilst this notion might not be as prevalent in modern society, it could be argued that this kind of thinking was, historically influential in determining the place of women within liberal society and their

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<sup>49</sup> This will be discussed in more detail as part of this section and section 3.3.

participation in the public sphere, and it has an enduring legacy in some ways, in perhaps a similar way as the continuation of colonial logics around race and sex into the postcolonial state.

Pateman's (1989: 450) argument is that because women were not able to enter into the original contract, and thus the public realm of civil society, they were relegated to the private realm and so considered irrelevant to, and potentially disruptive of, public life. On Boucher's (2003: 25) reading of Pateman, "women are conceptualised as belonging to and remaining in a natural, pre-political world as men enter into civil society." For Pateman, it is through the hidden sexual contract that society is specifically and deliberately divided into the public and private spheres. The sexual half of the original contract story is suppressed in order to avoid drawing attention to this finally indefensible, arbitrary division within society, set up with the aim of domination (Pateman, 1988: 11). In other words, "[f]or Pateman, the public sphere of individual rights and political equality, guaranteed by the social contract, is inextricably intertwined with the private sphere of men's rights over women, male sex-right, guaranteed by a sexual contract" (Dean, 1992: 125). In terms of the hypothetical original contract, men are present in both the public *and* private spheres of society; however, women are confined to the private sphere and as such become politically insignificant (Pateman, 1988: 3).

Political society is characterised by masculinity, while women and their feminine attributes are seen as politically irrelevant, or even disruptive of political life (Pateman, 1988: 89). Importantly, the patriarchal conception of the division of civil society sees the state and the economy (the public realm) being juxtaposed to the sphere of personal life, home and the family (the private realm) (Dean, 1992: 125). Therefore, women's role within society is to remain in the private sphere and uphold the family and sexual life, while men should participate in the

political realm, and contribute to the maintenance of an organised civil society. Nature and justice seemingly stand in opposition to one another, also because civil society is created in opposition with ‘the state of nature’, and because women are seen as having a closer connection to nature and the family, they are seen as standing in opposition to what characterises justice and morality – the qualities necessary for citizenship and political engagement.

The enduring effects of the initial exclusion of women must be understood against the background of the way in which the social contract instituted the division between the masculine public sphere and the feminine private sphere. Not only are feminine and masculine ideals and virtues attached to their different roles within these different spheres and thus become internalised through pervasive cultural formation, it is also the case that in fact, the existence of the masculine public sphere of free and equal men who may move atomistically and freely contract with each other, is materially and symbolically dependent upon the existence of the feminine private sphere and its marginalisation. Pateman (1988: 4) asserts that the public and private spheres are at the same time both separate and inseparable and patriarchy is present in both. She (6) explains that:

[t]he private, womanly (natural) and public masculine sphere (civil) are opposed but gain their meaning from each other ... What it means to be an ‘individual’, a maker of contracts and civilly free, is revealed by the subjection of women in the private sphere.

From Pateman’s (1988: 12) viewpoint, women in Western politics and philosophy are relegated to the private sphere only, while men are capable of moving between both spheres, thereby allowing them to participate in both family and political life. Schochet (1998: 240) claims that Pateman’s ideas around the separation of the public from the private are very important as it is this separation that allows the continued oppression of women and their exclusion from political life to be continued and maintained. That is not to say that there should not be a private

realm that is separate from the public realm of civic life and politics; instead the problem with the public-private distinction is the ways in which these are gendered and contribute to women's oppression. The gendered separation of the private and public spheres, arguably, goes beyond the supposed aim of maintaining political order, to the greater interest of protecting and upholding the law of male sex-right and the sexual contract and therefore, modern civil society is reliant upon fraternal patriarchy. The problem then is not that the private-public distinction exists – without a private realm, we would arguably be exposed to a totalitarian regime – instead it is that the public-private divide serves a very specific purpose. If the underlying structures of these two realms were changed, and women and men were both equally part of each, then this distinction would not be as problematic.

As mentioned in the critique of Pateman, her ideas around the sexual contract provide a starting point for understanding the gendered division of the liberal social order. Her ideas around the exclusion of women from contracts illuminate the ways in which society is divided into the public and private realms and how this division serves to subordinate women by relegating them to the private sphere. One way to further understand the division between the gendered nature of the public and private realms and how this affects women currently, is to examine Joy Kroeger-Mappes' distinction between the ethic of care and the ethic of rights. She (1995: 110) explains that the ethic of rights relates to individual rights which are seen as primary and universal (sex-neutral). In addition, individuals are considered as separate and as engaging in relationships with each other through contracts which are freely determined and entered into (ibid.). However, Kroeger-Mappes argues that within an ethic of rights, individuals are positioned as opponents in contests of rights, and as a result, violence might ensue (ibid.). The ethic of rights, according to Kroeger-Mappes, is the domain of those considered to be legitimate civilians of the social order; which is generally only specific to men. In a sense, we could

understand the ethic of rights as belonging to the public realm and similar to the notions explicated by social contract theorists.

Conversely, an ethic of care is predicated on relationships and connections with the aim of alleviating “trouble in the world” (ibid.). Within the paradigm of the ethic of care, “individuals need to respond when they recognise that others are counting on them and when they are in a position to help” (ibid.). Furthermore, within this ethic of care, moral principles are based on the responsibility to help oneself and others and conflict should be settled non-violently (111). The ethic of care is the domain of women and, as such, could be considered part of the feminised private realm as it relates to the care of children, elderly and the sick. This ethic entrenches the ideology that women are obliged to “care for others either inside the home or outside the home in service jobs” (114) – what would from Pateman’s perspective be considered the feminised private realm. A woman’s role as care-giver is based on the idea of womanly virtues, which includes patience, sensitivity, cheerfulness and gentleness (115). Kroeger-Mappes claims that these virtues which women are obliged to possess are ideal to keep women subservient and ensure their obedience to men (ibid.)

For Kroeger-Mappes the distinction between the ethic of care and the ethic of rights is important because it contributes to the division of men and women – men as only belonging to the realm of rights and morality, while women are also bound by the ethic or rights as individuals within the social order, but furthermore have to go beyond the public ethic of rights in order to fulfil their obligations within the privatised ethic of care. The ethic of care and the ethic of rights, while two distinct ethics, form part of one societal system, which, according to this perspective, would not survive if founded on an ethic of rights only. If society were only based on an ethic of rights, and people were purely self-serving, able to freely choose who they



entered into relationships with and when those relationships ended, then it is likely that there would be no one to care for those who needed it, and so, society would not survive (ibid.). Consequently, an ethic of care is the foundation of an ethic of right but creates obligations for women that extended beyond those expected of men who are set free to only involve themselves in an ethic of rights. Kroeger-Mappes (114) argues: “in order for any semblance of a decent society to be maintained in the face of one segment of society [men] acting solely on the basis of the ethic of rights, another segment of society [women] must act in accordance with the ethic of care.” For Kroeger-Mappes, it is this very distinction, and the fact that women are obliged to engage in an ethic of care – what she calls supererogation (going beyond one’s necessary duties or obligations) – that women’s subordination is entrenched.

Obviously, women currently do enter into the workforce and the world of rights and politics – the public realm – or as Kroeger-Mappes puts it, they form part of the ethic of rights. However, she says that an undue moral burden is actually placed on women because of this. It is not that being able to enter into the domain of men is seen as some kind of privilege for women or a form of empowerment, instead, women are, according to Kroeger-Mappes, subject to a “moral madness” (116) because of this. She asserts that this is because an ethic of rights, with its supposed gender-neutrality, has become so universalised that it has become the standard for moral human behaviour, when it is instead a male-centred morality (ibid.), characterised by the absence of caring obligations. Therefore, women are subject to a system which finds their actions at once both morally praiseworthy and morally blameworthy (ibid.). In other words, women “can either be morally deficient as women when we adopt men’s ethic of rights or morally deficient as human beings when we adopt women’s ethic of care” (ibid.). Just as we have seen in the previous chapter, women are held to incongruent standards relating to sexuality – they should remain virgins while at the same time they should make themselves sexually

available to men. Similarly, Kroeger-Mappes argues that society expects women to be mothers but this itself creates a double bind. If women are ‘full-time’ mothers, they are considered overbearing, but if they are mothers and have work outside the home, they are considered neglectful. As Kroeger-Mappes (118) points out, throughout history many psychological or behavioural difficulties experienced by children (and adults) are related to the behaviour and actions of their mothers. This relates clearly to the idea that women are the bearers of the nation, literally and symbolically and, as discussed in Chapter Two, that many social ills are associated with women.

The ethic of rights is fundamentally seen as the ethic of men – i.e. citizens, while the ethic of care is the realm of women, or what Kroeger-Mappes refers to as “citizens’ wives or potential wives” (120). This is similar to the way in which Pateman argues that the public realm is that of men who are considered full citizens, while women are relegated to the private realm or even when they are ‘allowed’ into the public realm it is not as full citizens or as women as such, but as inferior or part-time ‘men’. Within Kroeger-Mappes’ argument women are similarly placed – their primary domain is that of the ethic of care. Although they are also subject to the ideologies and moral standards which govern the ethic of rights they can never fully participate in this domain nor are they fully outside of it. Where they do engage in an ethic of rights it is always from a place of lack – the lack of morality required to be part of this ethic and at the same time the lack of morality necessary to fulfil their obligations within an ethic of care. For Kroeger-Mappes it is this distinction and this moral burden that is placed on women that maintains a system of subordination. She (120) says this is particularly true for those who do not belong to dominant groups – white, heterosexual, capitalist men as a dominant group, for example. Those who fall outside of the dominant order are always required to go beyond what is required of the dominant group in order to be considered moral, although, as Kroeger-

Mappes states, it is often the case that members of non-dominant groups (for example, lesbian women) are seen as displaying such moral lack that this inadequacy becomes insurmountable (ibid.). Women and non-dominant groups are thus simultaneously included and excluded from the civil social order and as such cannot be full citizens or moral agents – full citizenship is reserved for hegemonic men.

While Pateman and Kroeger-Mappes might approach women's positions and the public-private divide from slightly differing viewpoints, what can be deduced from both is the relegation of women to the feminine private sphere. This is again reminiscent of the traditional notions of women's primary roles being reproduction and care. There is, therefore, a congruency or similarity between the supposedly purely opposing positions of liberal and traditional societies; within both, women are characterised primarily by their life-giving capacities, the literal bearers of future generations and the symbolic bearers of the nation, rather than by their inherent worth as women. In both symbolic orders, women and men are also positioned as in binary and hierarchical, yet mutually sustaining, opposition. Thus, Gqola (2015: 39) argues that masculine and feminine are set-up as opposites such that when the masculine is celebrated, the feminine is made inferior.

Based on this reading of the social contract, we can also understand why it is then that a crisis in hegemonic masculinity has developed in South Africa when women, non-heterosexual men, and other non-traditional sexual identities have seemingly been granted more rights through the Constitution and when women have become more active within the public realm. The presence of women within the public realm and the questioning of the traditional roles assigned to both men and women serves to threaten the dominant position of men and the gendered hierarchy that maintains this domination. Kroeger-Mappes (1994: 125) succinctly argues that:

The real reason for stiff sanctions against women who seriously question their lot in word and deed is that, if women were to fail to perform their traditional functions, society would be radically changed and the dominant group as such would be in peril. Hence the call for women (by both women and men) to fulfil their traditional role even while women are encouraged to enter and succeed in traditionally male fields.

In the case of South Africa, where the liberal and traditional African social orders are moreover in tension with each other, what is effectively obscured is how their patriarchal undertones overlap and reinforce each other, with the effect that all the alternative sexual identities and positions become doubly oppressed. As Kroeger-Mappes (117) further argues, the existing social order is critically flawed, “but it is possible to ignore the crisis because the problem is not experienced by those in positions of power, those relatively advantaged.” However, by viewing these seemingly opposing dispensations through the lens of a Black lesbian standpoint, and thus from the position of the most marginalised, the effects of the overlapping of the liberal and traditional gendered orders with their accompanying oppression seems to become more evident – this is arguably so because Black lesbian women are positioned as furthest outside of political life in both traditional *and* liberal discourses based on their multi-fold oppression (as ascertained in Chapter One).

### **3.3. *Property in the person***

One of the primary reasons that women could not enter into the original contract, according to Pateman is that they supposedly lacked property in the person. Pateman draws this idea from Locke who argues that property in the person is the fundamental capacity necessary to enter into contracts (Boucher, 2003: 31). The notion of property in the person holds that people possess certain abilities or attributes as if these are pieces of property that can be owned, alienated and exchanged for a wage (Richardson, 2007: 407). For example, a sportsman can

contract out his sporting talent in exchange for compensation without having to contract out the whole of his person. In the case of a labour contract, similarly, a man may hire out his labour power/services for a certain duration of time and receive payment for doing so. From this perspective, a person is able to alienate certain capacities in order to use these in an exchange, without detriment to the rest of their being; this capacity, therefore, testifies to an individual's self-determination and autonomous, rational decision-making.

Boucher (2003: 31) explains that “all men are constructed as individuals by Locke by virtue of their possession of property in the person, whereas women are denied this basic attribute and relegated to the private sphere of the household.” In other words, because women supposedly did not possess the necessary basic capacity of property in the person, they were not capable of entering into contracts that took place within the political realm<sup>50</sup>. Richardson explains that in order for someone to possess property in the person, they must be able to exercise “some form of jurisdiction over the self free from the control of others” (Richardson, 2010: 31). With this conception of property in the person, we could understand that women did not possess property in the person because they were not free from the control of others; they were not individuals as they were under the dominion of men. They were not self-determining and autonomous, since they lacked in rationality and self-control; rather, therefore, they were naturally subordinate beings<sup>51</sup>.

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<sup>50</sup> Women did occupy certain positions within the wage labour market at the time of Locke's writings. However, these were primarily in roles such as cleaners and nurses. The roles that women occupied were roles related to the 'natural' predispositions of women as nurturers, carers and only capable of undertaking tasks related to the private sphere. In other words, it could be assumed that women were able to enter into wage labour as long as it was in some way related to the functions of women within the private sphere.

<sup>51</sup> Pateman draws on the ideas of Freud and Hegel to provide some substantiation for this claim. For example, for Freud (1961: 14), “women represent the interests of family and sexual life”, while “the work of civilisation has become more and more men's business; it confronts them with ever harder tasks, compels them to sublimations of instinct which women are not easily able to achieve.” Consequently, Freud (ibid.) believed that women created discord and were antithetical to political life. Similarly, Hegel suggests that women are too emotional to participate in the political domain, and thus their “substantial vocation is in the family” (Hegel, 1991: §166).

However, for Pateman one of the primary problems of contract itself lies in the notion of property in the person. For Pateman, the notion of self-proprietorship, and the idea that capacities, powers and freedoms can be alienated from the body and the person as a whole, forms one of the most fundamental problems with contract theory (Boucher, 2003: 25). It is important to note that Pateman's concerns with property in the person do not only relate to women. Instead, Pateman is critical of the notion of property in the person as it relates to both men and women, and as such, instead of claiming equality between men and women by extending the idea of property in the person to women, she instead thinks that it should be denied in relation to men, too. For Pateman, the crux of property in the person, which is the idea that services can be contracted out as though they are separate to the body or to an individual as a whole, is in fact the root of large-scale social subordination. In other words, Pateman takes issue with the contract theorists' notion of property in the person as an alienable capacity. In contrast, she asserts that one's skills, talents and capacities cannot necessarily be separated from the person as such (Pateman, 1988: 147).

Pateman distinguishes between two different types of property in the person. The first category of property in the person *is* alienable from the person; this category includes things such as sperm and organs which can, in some cases, be completely detached from the owner without detriment to their integrity as a person. The second category relates to skills, talents and capacities (Pateman, 1999: 59). For contract theorists all property in the person may be contracted out, while for Pateman it is only possible to separate the first category from the person as such, but it is *impossible* to separate the second category from the person to whom they belong (Pateman, 1988: 147). For example, the wage labourer is unable to separate his labour from himself, and so, when the labourer sells his labour to an employer, he is in actual fact selling the command over the use of his body and himself (151), thereby compromising

his autonomy and self-determination. Consequently, Miriam (2005: 277) suggests that such contracts do not involve an exchange, but rather an alienation of the “worker’s (situated, embodied) freedom.” While it seems that for early theorists such as Locke (Boucher, 2003: 31), there was a gendered dimension to property in the person, in that it was only men who possessed these capacities, what can be taken from Pateman, is that for both women and men, property in the person as an alienable capacity is at least sometimes an ideological falsehood used in the service of actual subordination.

Pateman suggests that through the employment contract, the employee still becomes subordinate to the will of the employer (152). She (1999: 59) adds that:

Masters are not interested in the disembodied fiction of labour power and services. They contract for the use of human embodied selves who can provide the required labour, be subject to discipline, give the recognition, and offer the faithful service that makes a man a master.

In other words, those who contract the use of a person’s property in the person, do so not to only have a say over a particular skill or capacity; rather, they do so in order to have domination over the person as a whole, with all characteristics of personhood intact, including all cognitive and emotional capacities present, according to Pateman’s understanding. As such, the supposed fiction of property in the person forms the basis for the relationships of domination and subordination that take place within many (if not all) contracts, and this domination is tied up for her with the final inalienability of core aspects of our personhood. Her critique of the concept and assumptions of property in the person is consequently an integral part of her critique of contract as such.

Richardson (2007: 416) explains that for Pateman it is the fictitious construct of property in the person that serves as justification for the unequal relationships present within contracts that

involve the contracting out of one's skills or talents. Such contracts therefore involve the exchange (mostly temporarily) of aspects that are much more intrinsic to one's being, sense of self and social status, than actual property. Since actual or literal property is in fact at once removed from one's sense of self, the metaphor of property in the person in most cases forges a poor comparison and a false analogy for what is at stake in such contracts. In these kinds of contracts, the person contracting out their skills or capacities always enters into the contract from a position of subordination, as their person becomes the 'good' exchanged and thereby becomes subject to the will of the other party, very often an employer. Contracts, thus, "cover over the fact that workers cannot be separated from their abilities and must 'turn up' and be told what to do" (408). As such, from Pateman's view, within contracts that involve property in the person, it is not a skill or capacity that is being utilised; it is rather a fully-fledged human being that is being rented.

As explained, classic social contract theorists argue that contracts are, generally, entered into by two equals for mutual benefit. However, Pateman (1989: 454) explains that even some classic contract theorists, specifically Hobbes, suggest that an element of coercion exists in contracts, and that contracts are valid no matter the reasons for entering into them, or the circumstances under which they are entered. In other words, whether a contract is entered into under duress or after careful deliberation does not matter, all that matters is that the terms of the contract are agreed to and upheld. Therefore, the notion that contracts take place between two equal parties who freely contract for mutual benefit is a very idealistic view; in reality, contracts are very often entered into by parties who have very few options available to them and, as such, will agree to terms that are not always to their benefit. For example, within South Africa with its very high rate of unemployment, a worker has very few, if any, options for employment. Therefore, if an employer offers the worker any kind of employment contract, no



matter how unfair the terms, the worker is likely to enter into the contract as it is his or her only option. The worker has, thereby, become subordinate to the will and demand of the employer, and this may in turn lead to exploitation of the worker.

In other words, in an idealised version of the world, contracts would be entered into in which both parties benefit equally and mutually, but in reality (according to Pateman's view) contracts generally always favour the stronger of the parties, whilst placing and keeping the other party in a position of subordination for the duration of the contract. This subordination is also then regulated and enforced through the court and legal processes, so that even the unfavourable terms of the contract are upheld (Richardson, 2007: 416). Contracts are, thus, a systematic and legal means through which relationships of domination and subordination are created, or at least maintained and further reinforced.

This has the further impact, according to Pateman, of infringing upon a person's ability to fully participate within a democracy. Richardson (417) explains that for Pateman, "the exchange of property in the person for wages teaches workers not to have a voice in their everyday lives, which is then inconsistent with full respect for personhood." In other words, contracts that involve the renting of humans "represent training in subordination that stymies active citizenship" (408). These contracts are said to hamper one's ability to develop the skills and confidence which are necessary to actively participate within a democracy, thereby, infringing upon one's opportunity to fully engage in the political realm and be a full member of society.

Since Pateman denies the assumption of classic contract theory that the ability to carry property in the person means that one's autonomy remains untouched when such property is contracted out, she would say that the type of service contract she has in mind precisely produces a

diminished sovereignty and self-determination in the contracted individual over time. If we recall Mills' and Pateman's exposure of the sexist and racist dimensions of the liberal social contract, the effects that Pateman worries about, might be especially true for Black women who are positioned as outside the social contract and public-political sphere due to both their gender and race. According to this view, Black women are systematically excluded from meaningful participation in South Africa's liberal democracy.

From Pateman's position, it could then be argued that contracts involving property in the person, not only serve to create relationships of domination and subordination, within, for example, the home, or the workplace, but also serve to create relationships of political domination and subordination, where only some members of a society are truly capable of participating actively within the political realm. Thus, only some members of society, specifically White men, can be considered as having full personhood, by virtue of being active political citizens capable of relatively freely contracting into the original and fundamental social contract, and therefore, only men are able to legitimately enter further contracts within the public realm.

Over the past few decades, women's capacity to enter into contracts within liberal regimes has grown vastly, as Pateman (in Thompson et al., 2018: 193) herself argues. Therefore, on the face of it, it seems that Pateman's arguments around women's abilities to enter into contracts are false. However, what Pateman's argument highlights are the ontological structures and ideological assumptions which make domination and subordination through contract possible, and which serve to reinforce patriarchal control over women. Consequently, while women are able to enter into contracts, if we draw on Pateman's arguments we can see that these contracts begin from a problematic place. As discussed in the previous chapter, it is also the case that

where women are seemingly afforded more rights in the public realm, they face an often-violent backlash in the private realm in an effort by men to retain their power over women.

### **3.4. *The marriage and prostitution contracts***

For Pateman there are two main contracts through which women's oppression is entrenched and through which men are able to enforce the law of male sex-right, namely: the marriage and prostitution contracts. Due to their sexual nature, these contracts belong to the private realm – the realm of sex, family, and women (despite the prostitution contract actually being part of the capitalist market). These contracts form the foundation of the sexual contract as the purpose of each is to secure men's access to women sexually. Boucher in explaining Pateman (2003: 25) asserts that

the suppressed sexual contract signals the division of society into two separate spheres: the private/natural and the public/political. The private is relegated to women and considered irrelevant to public life, which is then constructed as an exclusively male domain. Women are thereby conceptualized as belonging to and remaining in a natural, pre-political world as men enter civil society.

Pateman (1989: 459) argues, that women are able to enter into these contracts as they form the foundation of the private sphere or more specifically, the sexual dimension of the social contract, which is what Pateman calls 'the sexual contract'. This sexual dimension of the original contract is crucial in giving shape to and differentiating the public and private spheres, as well as in relegating women to the private sphere.

I will begin here by examining Pateman's critique of the marriage contract. According to Pateman (ibid.), the marriage contract, while seemingly a contract relegated to the private

sphere, actually creates the distinction between private and public domains and is thus a political mechanism that ensures that all men “gain the sexual and domestic services of a wife, whose permanent servitude is now guaranteed by the law” (ibid.). In other words, the marriage contract creates and secures a conjugal right that ensures that men have access to women sexually, emotionally and physically. The marriage contract, thus, serves as the mainstay for the sexual contract, and the foundation from which the domination of men and the subordination of women are upheld. However, even if the ultimate goal or main intention of the marriage contract is not sexual conquest and domination, this contract, from Pateman’s perspective, serves to subordinate women to the will of men, both economically and sexually. Again, from this we can see that the sexual contract is in fact a heterosexual contract in that it regulates the social order in terms of the subordination of heterosexual women to heterosexual men within the confines of a heterosexual marriage, and the latter is a cornerstone of the social order as a whole.

Dean (1992: 128) argues that within modern society there are instances that undermine Pateman’s claims, especially regarding women’s economic roles and their positions within the marriage contract. One particular example Dean (ibid.) uses is that of women as the main income-earners within families where “men have proved themselves incapable or unwilling to provide financial support, or in working-class families where wives have long substantially contributed to family income.” Richardson (2007: 409) for one contends against this type of criticism against Pateman. Richardson asserts that Pateman recognises that the sexual contract no longer operates in exactly the same way as it did in its ‘original form’, and she concedes that changes have clearly taken place within the labour market and the home, as discussed earlier. However, it could be argued that these changes have not occurred universally nor completely, or that they only change the fundamental structures of liberal society in superficial

ways. In contemporary society many women do engage in paid employment and many might even be considered more financially secure than men, however, there is also still a large proportion of women who for a variety of structural reasons remain dependent on the economic protection afforded to them by men within the marriage contract.

Some of these structural reasons are as follows: women are predominantly still the primary or only care-givers to children, the sick and the elderly and, for this reason, may have to remain in the private domain of the family (as discussed in relation to the ethic of care), thereby being dependent upon the economic support of a man. In some instances, there are still many women and girls who are denied access to an education for traditional or cultural reasons (see for example: Rembe and Odeku, 2009), or, according to Prinsloo (2006: 305) because they face sexual harassment and violence at school (specifically in South Africa), and as a result are inadvertently forced to leave school. This, in turn, makes it very difficult for some women to enter into the work force, especially one in which there are such high levels of unemployment as in South Africa. It is also worth noting that globally, women still get paid less than their male counterparts, so that might also imply relative dependency on men for economic assistance.

As Gqola (2015: 64 – 65) argues, the idea of women's empowerment, in South Africa at least, only applies to women when they are in the “official ‘public space’”, while within the private space they are still required to adhere to “very limiting notions of femininity.” She (63) further adds that women are empowered into the working world rather than the working world, or public sphere, actually transforming to be more accessible, and structurally hospitable, towards women. As such, women within the public realm are thought of as ‘honorary men’, while in the private sphere they must still “prove that they exhibit traditionally feminine traits” (65). In

other words, even when women seem to be able to access and participate in the public realm, this is under the pretences of a flawed version of women's empowerment, one in which women appear to be empowered in public but are not in reality, especially in private spaces. Whilst society may have changed in some ways and there may, in fact, be some cases which undermine Pateman's argument, there are also many structural arrangements in place which uphold it. This helps to explain why, even though under the democratic dispensation women are afforded more rights, they are still subordinated within South Africa.

In addition, Pateman takes issue with Kant's claim that within the marriage contract "husbands and wives contractually acquire for their exclusive use their partner's sexual properties" (Pateman, 1988: 154). Pateman instead argues that it is a much less symmetrical affair, such that within the marriage contract *men* in actual fact have complete access to their wives' bodies and, in turn, have complete control over their wives, because, as we have seen, one's self-determination gets undermined over time if one is not in control of how the 'property in one's person' is disposed of. Pateman (185) argues that "[i]n modern patriarchy, masculinity provides the paradigm for sexuality; and masculinity means sexual mastery. The 'individual' is a man who makes use of a woman's body (sexual property)." Because the only 'individual' in the marriage contract is the husband, it must then be, from my understanding of Pateman, that the husband gains sexual mastery over his wife, and not the other way around. Pateman (123) adds that "[t]he husbands' conjugal right is the clearest example of the way in which the modern origin of political right as sex-right is translated through the marriage contract into the right of every member of the fraternity in daily life." According to Martin, Taft and Resick (2006: 330) marital rape is still a "serious societal issue and public health problem that has received limited attention ... until relatively recently". In South Africa, it was first criminalised in 1993 (Chakamba, 2016), and some 20 other African countries followed suit. In Nigeria, Ethiopia and

Kenya, it is still not criminalised (Chakamba, 2016). In the USA, the criminalisation was similarly late: it took until 1993 for the last two states (Oklahoma and North Carolina) to take the step; however, it is also important to note that these laws “differ from state to state in their definitions, sentencing, and prosecutorial practices” (Martin et al., 2006: 331).

The exemption of marital rape from punishment can be traced back to the 17<sup>th</sup> century when Sir William Hale<sup>52</sup> (in Martin et al., 2006: 331) stated that “the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract.” Hale’s take on matrimonial consent links back to the idea of property in the person, in that it assumes that a wife’s sexual services can be separated from the rest of her person (“hath given herself up in this kind”). This phrase seems to imply that a wife has contracted the use of her sexuality to her husband as though she (her personhood) and her sexuality were not intricately and irrevocably interlinked. The sexual contract derived through the matrimonial contract, from Hale’s perspective, is also permanent and irreversible (“which she cannot retract”). This seems to contradict the notion of liberal contracts which are supposedly entered into freely, by parties of equal standing, and can be exited from under certain conditions if one party no longer agrees with the terms of the contract. In this instance, then, it is clear that within the marriage contract, a woman entered in an already subordinate position, was not able to negotiate or renegotiate the terms of the contract and was forced to be sexually available to her husband at all times.

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<sup>52</sup> Sir William Hale was an English Chief Justice. Hale’s ideas that a wife completely submitted herself to her husband and forfeited her right to autonomy became known as the Hale doctrine. The Hale doctrine “set a precedent in English law that was carried over to the English colonies of North America” (Martin et al., 2006: 331). The Hale doctrine declared that married women could not be raped and was officially accepted into the American legal system in 1857 (ibid.).

It is only recently, that marital rape has been criminalised or acknowledged, and thereby started to overturn the age-old belief in a man's conjugal right. However, Randall and Venkatesh (2015: 157) argue that despite significant and progressive law reforms in this regard, the sexual abuse of women by their husbands remains a taboo and misunderstood issue. They (ibid.) add that "sexual violence in intimate relationships is still among the more privatized and least remedied forms of gendered violence and an insufficiently recognized human rights problem." In fact, in some countries, such as Nigeria (see Chika, 2011), marital rape is not recognised as a crime and not labelled as rape, since rape can only occur between two people that are not husband and wife, in essence then, marital rape is legalised. Nigeria is not exceptional in this regard; in fact, this has been the legal status quo for most of the history of liberal politics and has only recently started to change and only in some liberal states. Thus, although advances in women's positions within society and, more specifically, marriage have been made, the purported underlying notion that men have a superior social status to women, and that women should acquiesce to men's sexual demands seems to remain and lay the foundation for one of the pivotal contracts between men and women. Consequently, from Pateman we can deduce that the marriage contract, as a sexual contract, is fundamental to the maintenance of modern, patriarchal society and the upholding of the male sex-right.

The other contract that Pateman insists reinforces the law of male sex-right is the prostitution contract. The prostitution contract is very clearly a sexual contract in that it is precisely sex that is being traded as a commodity. Unlike the employment contract, where employers are interested in the profits and gains made through the use of a labourer's property in the person, the only interest men who enter into the prostitution contract have is *the prostitute* and her body (Pateman, 1988: 203). Catharine MacKinnon (2010: 505) also takes serious issue with prostitution. She asserts that:



prostitution and pornography feed off of, exist because of, and promote the combination of sex-based poverty and gender-based violence. Women need to be kept poor so that they will be compelled to be available for money to any man who want to buy them for sex.

She (*ibid.*) further argues that women need to be seen as sexual objects so that their sexual use becomes normalised. In other words, from these perspectives, prostitution plays an important role in ensuring the access of men to women, sexually, as well as entrenching women's subordination.

As discussed earlier, Pateman (1999: 60) asserts that certain property in the person (notably inalienable property in the person) cannot be separated from the person as such; this is for her especially true of sexuality. She (Pateman, 1988: 60) claims that "the self is not completely subsumed in its sexuality, but identity is inseparable from the sexual construction of the self." This view is supported by other authors, for example Cornell (1995: 6), who claims, "sex is so basic to who we are that when we imagine ourselves, sex is always already in the picture;" in other words "we live as sexed beings" and sexual identity is always already a central part of our self-conception. Sexuality forms the foundation from which people understand themselves, the personae they create for themselves, and the way they act and orient themselves in the world. In other words, sexuality is, arguably, one of the most fundamental and formative aspects of the human personality and the development of one's identity. As such, unlike some skills, capacities and talents that might, arguably, be separable from oneself, sexuality is completely inseparable and inalienable, as it is at the core of a person's identity and self-image.

From this understanding, within the prostitution contract, it is not possible to separate a woman's sexuality from herself and so the woman's body, and sexual access to her body are the subject of the contract (Pateman, 1999: 203). From Pateman's standpoint, the prostitution

contract looks, therefore, very much like a slave contract because the prostitution contract ensures that there are “bodies for sale in the market, *as bodies*”, as do slave contracts (Pateman, 1988: 204, emphasis added). Similarly, MacKinnon (2010: 506) argues that “sexuality is the perfect vector for male supremacy...this hierarchical dynamic fundamental to male supremacy defines girls as for sexual use, boys as sexual users.” Thus, sexuality becomes the means through which men are able to assert and constantly reassert their domination, while co-opting female sexuality for their own ends. Consequently, the very existence and indeed wide-spread prevalence of female prostitution within liberal social orders serves to publicly affirm the law of male sex-right, and publicly acknowledge and work to position men as women’s sexual masters (Pateman, 1988: 208).

Some contractarians such as Ericsson (1980: 341), argue against Pateman, claiming that a prostitute does, in fact, only contract out a service, as do any other labourers within an employment contract, with the prostitute contracting out a specifically sexual service or activity. The contractarian position suggests that the prostitution contract is the same as the employment contract in that women can choose to enter into the contract and receive some form of benefit from this contract, such as payment, as do wage labourers (Pateman, 1988: 191). However, as with the marriage contract, the prostitution contract is typically entered into by a woman who is already subordinate to a man. In addition to this, her body and her sexuality are the objects of the contract – this serves to make the subjection of the prostitute even more pronounced than that of either the labourer or the wife. In other words, whilst the capitalist employer, as mentioned before, is interested in obtaining mastery over another human, his main concern is with the outcome of that contract, in this case the work provided by the employee, not the employee’s body as such. The client in the prostitution contract, on the other hand, is not necessarily interested in the outcome of the contract (i.e. the service provided) but rather in

the use-value prostitute and her embodied self. Pateman (199) insists that “the exemplary display of masculinity is to engage in the sex act and...the institution of prostitution ensures that men can buy ‘the sex act’ and so exercise their patriarchal right.”

Pateman, in spite of her wanting to broaden the category of inalienable ‘body property’, nevertheless still wants to distinguish between hiring out one’s labouring body and hiring out one’s sexual body. She asserts that prostitution itself has no clear reason to exist, other than merely serving to reinforce male dominance and patriarchal control (198). In other words, prostitution, Pateman claims, is not about fulfilling sexual needs or desires but “is [rather] part of the exercise of the law of male sex-right, one of the ways in which men are ensured access to women’s bodies” (194). For her then, as for MacKinnon, the prostitution contract serves to cement and reinforce male sex right, i.e. the exclusion of women from political equality and men’s assertion as sexual masters, so it serves to reinforce gendered power, much more than it responds with a supply for a good (sexual intercourse) that is in demand.

Pateman (1999: 59) supports this view by explaining that a “market exists for substitutes for women’s bodies in the form of inflatable dolls”; and more recently, the burgeoning market for sex robots, and therefore, the prostitution market is not actually needed if all men are interested in is the satisfaction of sexual desires. These desires could also be satisfied through other means, such as self-pleasure, but the fact remains that there is an extremely large demand for women, who are *embodied* and *feeling*, to, supposedly, fulfil this function. Consequently, unlike the employment sector, where a machine can replace an employee and still fulfil the role to the employer’s satisfaction, a doll or self-satisfaction cannot replace the sentiments and recognition of the subjugation of a woman (59). Through the prostitution contract, a man can gain domination over the prostitute herself, and thereby gain acknowledgement of his sexual

mastery, at least for the duration of the contract. It could be argued that a man might also hire a prostitute for the fantasy of intimacy. In other words, he might gain pleasure from the 'exchange' as it creates the illusion, however brief, of an intimate relationship. Furthermore, a man might be interested in the actual pleasure (physical or psychological) that he receives from the 'exchange'. In this way, it could be that pleasure and mastery become intertwined such that the pleasure a man experiences in this instance moves beyond a physical sensation and becomes a psychological pleasure gained through his control over a woman. Overall, what can be taken from both Pateman and MacKinnon's claims is that the prostitution contract is not a contract about fulfilling a specific service, but rather a contract which has the aim of creating and performing clear relationships of domination and subjection, and to confirm for men their sexual mastery over women.

Moreover, contractarians argue that the prostitution contract is a universal, gender neutral contract (Pateman, 1988: 192); however, Pateman (1999: 55) suggests that the majority of prostitutes are female, or are homosexual males, who, she argues, in terms of patriarchal contract, are the same as – or similarly placed to – females, with very few prostitutes actually being heterosexual males serving women sexually. She (Pateman, 1988: 189 – 191) asserts that the reason the majority of prostitutes are female, relates back to the notion contained within the supposed sexual contract, namely that women must be made sexually available to men, and that this availability undergirds and secures the fraternal patriarchy where all men are equal to each other, but all women are excluded – a state of affairs strikingly attested to by the pornography and prostitution industries. Therefore, from this standpoint, the prostitution market makes women's sexuality available to all men, whilst also serving to ensure that there is not undue competition between men over women – thus upholding one of the central tenets

of the sexual contract. In other words, prostitution, arguably, aids in the maintenance of fraternal relationships and patriarchal capitalism.

What can be ascertained from Pateman's arguments relating to the marriage and prostitution contracts, is that the ideologies which relegate women to the private sphere are ultimately upheld and maintained by contracts that ensure male domination over women. We also see through these contracts that female sexuality comes to be undermined and devalued – it is not seen as a subjective sexuality belonging to women but is rather viewed as something to be used by men. This kind of thinking around female sexuality links clearly to the notions of female sexuality discussed in Chapters One and Two. In a patriarchal symbolic order, whether that be predicated on 'traditional' or 'liberal' values, the control over women and female sexuality becomes a central concern, particularly when male dominance appears threatened or challenged. Pateman's ideas around fraternal patriarchy, property in the person and the contracts which make up the sexual contract help to illuminate the systems of oppression that underpin such a patriarchal social order. In light of this, and contrary to the criticisms against Pateman, Miriam (2005: 282) asserts that what Pateman does is illuminate:

an ontological condition, one that structures worldly relations in such a way that it continues to make men's political right of access to the physical, emotional, and sexual use of women seem 'intelligible' and taken for granted, even as particular practices expressive of this alleged right are removed.

By drawing on Pateman's arguments in combination with the insights gathered thus far from the Black lesbian perspective, the enduring effects of the gendered (and racist) systems of oppression that underscore society and leave women vulnerable to violence begin to emerge clearly. We can also see how these coincide with the oppressive foundations of a 'traditional'

social order. Both coincide in a way that continues to entrench women's subordination and the devaluing of female sexuality.

#### **4. The racial contract**

While my main focus here is on the sexual contract and how an understanding of this can illuminate the gendered subordination found within both liberal and traditional societies, I will briefly also touch on the racial contract as explained by Mills in order to show how Black women, in particular, are made subordinate within the contractual relationships underlying the liberal order. This provides an important layer to understanding why this dissertation focuses specifically on Black lesbian women. Mills' arguments around the subordination of Black people clearly ties back to the colonial othering of Black women and how this contributes to their continued subordination in post-colonial society. Adding on to Pateman's ideas around the gendered aspect of contracts, Mills (1997) explains that contractual relations as understood and instituted in liberal politics, also involve a hierarchical race relationship. According to Mills, classic social contract theory, especially as espoused by Hobbes and Locke, presents a normative, rather than a descriptive, story of the development of society and contractual relationships. A normative view of contractual relationships holds that contracts are entered into by two equal individuals and are of mutual benefit to both, so that both parties are better off as a result of the contracting. Contracts also serve to create civil societies in which all men, supposedly regardless of race, are equal. However, Mills (1997: 11) asserts that the realities of contractual relationships are very different from this normative view, and that within contractual relationships there is a dimension of racial exclusion.

Mills' (12 – 13) argument stems from the notion that White colonisers viewed their newly-discovered lands as ungoverned and uncivilised, in other words, in a state of nature. The

colonisers, therefore, took it upon themselves to develop these so-called uncivilised communities, incapable of self-rule, into civilised societies. Mills (13; emphasis in original) claims that:

The establishment of society thus implies the denial that a society already existed, the creation of society *requires* the intervention of white men, who are thereby positioned as *already* socio-political beings. White men who are (definitionally) already part of society encounter non-whites who are not, who are ‘savage’ residents of a state of nature characterised in terms of wilderness, jungle, wasteland.

From this perspective, because Black or indigenous peoples did not live in what were considered ‘civil’ societies according to Western standards, they were considered as not possessing the capacities, such as logic or rationality, necessary to enter into civil life, and consequently needed to be presided over by White men who did possess these capacities. We are again here reminded of Mamdani’s (2001: 654) claims that civil society was the realm of the ‘settler’ – the civilised, White colonisers. The resultant effect of this was that colonised peoples were not included in the development of society or the contractual relationships that arose from this – like women, rather than being subject to contracts, they became the objects of contracts. This is possible because of their placement outside of contract on the basis of a lack (of reason, self-control, or whatever) supposedly located within their natural bodies, designating them naturally unsuitable for full participation in contractual society. The designation of Black peoples to this subordinated position created the conditions under which their resources, bodies and land could be exploited, while also ensuring that they did not have access to the same socio-economic or political privileges as White men (Mills, 1997: 11).

The Racial Contract<sup>53</sup>, as Mills terms it, is ultimately, from this perspective, a contract between White men over ‘non-White’ men, in the same way that Pateman argues the sexual contract is a contract between (heterosexual) men over women<sup>54</sup>. This exploitation and subordination inherent in the Racial Contract were clearly not only hypothetical but were instead very literally entrenched in colonial and (in South Africa) apartheid law which stripped Black people (women and men) from full citizenship, including voting rights.

Drawing on both Pateman’s and Mills’s arguments, it can be seen that women and non-Whites, in their characterisations as closer to nature (in a sense timelessly stuck in the ‘state of nature’), uncivilised and unable to control their sexual urges, were considered as irrational and a potential danger to civil and political life. Their subordination to the authority and supposed rationality of White men could be understood, from a White man’s perspective at least, as a way to protect society and ensure the continuation of civil order. The White man as the only human fully capable of self-rule, was therefore also the only proper citizen; Black and White women as well as Black men, were incapable of ruling themselves and therefore could only attain the status of subject. However, clearly, these views of the White Man’s ‘others’ were a smokescreen used to legitimise the actual relationships of domination and subordination that were and, arguably still are, created through contract.

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<sup>53</sup> Mills capitalises the term “Racial Contract”; in keeping with his work, I will do the same.

<sup>54</sup> Mills (1997: 6) explains that he drew inspiration for *The Racial Contract* from Pateman’s analysis and critique of social contract theory. In their book *Contract and Domination* (2007), Mills and Pateman present an interconnected analysis of the way that social contract theory serves to subordinate women and ‘non-White’ individuals.



## 5. The South African Constitution as a liberal contract

One might argue that the end of colonial and apartheid rule, and the creation of a new democracy in South Africa led to the development of a new contractual society, one in which all people now had the ability to enter into contracts freely and equally. This is at least the radical promise underlying the country's seemingly progressive Constitution. However, as Gqola (2015: 64) suggests:

Freedom from apartheid was seen as synonymous with freedom from the burden of race, from racist oppression and persecution. Yet the legacy of apartheid continues to be felt by the vast majority of the Black poor, who are written out of capital and most victimised.

The Constitution might be thought of as a kind of social contract between the citizens of the newly democratic state - one that entrenches the equal rights and value of all South African citizens. However, the Constitution can be considered a normative project or, according to Gqola (2015: 57), an “aspirational document”, in that it says how we should all be treated and act in relation to each other but in reality, the Constitution can do little to change racist and sexist attitudes on an individual or collective level. At the same time, it is near impossible for the Constitution to be adequately implemented when those who are meant to uphold its values such as politicians and the police go against its very tenets in their attitudes towards and treatment of those traditionally marginalised in South African society, for example, lesbian women. In other words, the enduring legacies of colonialism and apartheid were not erased with the inception of democracy; instead they endure into contemporary South Africa and inform much of the thinking, attitudes, behaviours, and many of the relationships found herein.

The Constitution, like the original contract, aims to address the suffering that individuals were exposed to prior to its implementation. As stated in the Preamble to the Constitution of the

Republic of South Africa (1996), the Constitution aims to “recognise the injustices of our past” and “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.” Thus, the Constitution shares a logic with social contract, but it asks for more from us. On a positive reading of the Constitution, it works to undo the racist and oppressive nature of apartheid and colonialism by focussing on dignity, diversity, and difference (Davis, 2018: 362). However, as has been argued, the Constitution does not do enough to address the structural and social practices which underlie racism and sexism. Some authors go so far as to say that the Constitution is, in fact, a hindrance to the goals of decolonisation and the development of a post-colonial society (cf. Ramose, 2007 and Delport, 2014). Davis (2018: 365) explains that those opposed to the Constitution in its current form argue that:

The current constitutional dispensation invariably subordinates African customary law to the Constitution, promotes a Western legal paradigm and discourse that alienated indigenous law and culture ... and represents a clear obstacle to the substantive transformation of the economic structure of South African society.

Consequently, for the denigrators of the Constitution, the ideals purportedly espoused by the Constitution, in reality, do little to alter the structures that lay at the foundation of colonialism and apartheid. Therefore, the Constitution does not adequately address historical injustices, instead it rearranges the unjust systems characteristic of previous social orders (364) and presents it as a path to freedom and equality for all. This means that oppressive structures that characterised colonialism and apartheid have been re-appropriated by the new South African dispensation and packaged in a slightly different way but still retain their perniciousness. For these authors, it is precisely because of the underlying structures of discrimination and oppression that there has not been any substantive change in the social or economic positions

of the majority of people within South Africa or that the oppression of Black persons has not been adequately redressed.

It can be seen that there is a clear divide between those who see the Constitution as one of democratic South Africa's greatest achievements and the way through which equality can be achieved, and those who view the Constitution as representative of the "perfection of colonial conquest" (359). However, as Davis argues, perhaps it should instead be seen somewhere on a continuum between these two points – an aspirational, yet not completely effective document. Christiansen (2016: 614) suggests that the protections afforded to lesbians and gay men, for example, by the Constitution are "important markers of the progressive human rights reach of the post-apartheid Constitution" (ibid.). In a similar vein, Coetzee (2013: 20) claims that the recognition of women's and non-heteronormative rights within law are vitally important because without such legal recognition and protection both symbolically (in the way it assigns value to women and non-heteronormative individuals) and in actual legislation, change on a societal level would be virtually impossible. However, at the same time (and has been mentioned previously), "change through judicial rulings without popular affirmation may be fleeting, ineffective or merely symbolic" (Christiansen, 2016: 614). In other words, without a drastic change in underlying social and political structures, the Constitution cannot live up to its initial promise in ways that are probably inherent to law everywhere.

Similarly, Du Toit (2016: 45) claims that forms of oppression that have continued over time need to be recognised and acknowledged. She states that: "though the familiar faces of the oppressor and oppressed might have changed, the same logic could still be in place, repeating similar oppressive circumstances as in the apartheid past" (ibid.). Du Toit explains this particularly in relation to sexual violence and the limitations of the Constitution in preventing

sexual violence. As has been discussed, the oppression of women and the sexual violence enacted against women is not new to contemporary, democratic South Africa but is a continuation of the gendered division underscoring South Africa's colonial and apartheid patriarchal regimes. Thus, Coetzee (2013: 20) asserts that:

The law remains riddled with masculine bias and ... the patriarchal foundations of our society cannot be dislodged if it remains firmly entrenched in the legal system, which arguably reflects an ideal normative framework toward which society aspires.

Overall, it becomes clear that while the Constitution seemingly aims to overcome the inequalities of the past and prevent future suffering, this is not what it does in reality. The problematic foundation of the Constitution – in terms of its adoption of racist and sexist legacies arising from the liberal social contract, as critiqued by Pateman and Mills – means that it neither redresses nor overcomes the oppression that it hopes to. Thus, to return to Gqola, the Constitution could be seen as an aspirational document as its overarching ideals of equality, freedom and dignity are things we could seek in the future. However, without altering the deeply entrenched oppressive systems and structures – particularly patriarchal oppression – on which it is built, it cannot achieve the substantive change that is required of it.

In this way, while the Constitution appears at odds with Pateman's claims that liberal society is founded on fraternal patriarchy, it instead seems that without the necessary substantive changes, the Constitution inadvertently reinforces the same kind of patriarchal logic. That is, although the Constitution aims to overcome the gendered dimensions characteristic of liberal and traditional orders and their concomitant oppression, it is not able to achieve this. Thus, South Africa's current political, legal, and social dimensions are all submersed in a gendered order that privileges (especially hegemonic) men (a fraternity of sorts) to the detriment of all who do not conform to its heteronormative, patriarchal logic.

To sum up this section, drawing on Pateman and Mills, it could be argued that the ability for Black men to enter into contracts within an historically White capitalist market in which their subordination is not already predicated on lingering racist colonial ideologies which render them already subordinate, is perhaps a privilege only a few Black men in positions of social, political, or economic power yet enjoy. Further to this, the ability for Black women to enter into contracts in which they are not already always in a position of subordination to a White (male or female) or Black male counterpart is even more unlikely. Looking at the arguments put forth by both Pateman and Mills, it could be argued that Black women are further excluded from contracts and are subjected to even greater discrimination and subordination within contractual relationships due to the intersection of their gendered and raced positions. The racist and sexist ideologies developed by colonial forces around, for example, Black female sexuality have endured into modern and even post-colonial South African thinking, policy, and practice, where for example the policing of female sexuality takes place through ritual practices like virginity testing. Furthermore, the pre-inclusion of women into the private realm and ethic of care makes women's place within the new South African liberal legal dispensation problematic from the outset. Their already-affirmed place within the dispensation is not undone by the Constitution but is instead arguably further entrenched as the systemic logic and social structures which create and sustain this oppression are not adequately addressed by constitutional or legal processes.

Gendered subordination apparent in South Africa is often attributed to traditional values, while liberalism claims to be more gender neutral and to support women's empowerment; however, it is clear that the gendered hierarchy (termed 'the sexual contract' by Pateman) is a foundational feature also of liberal society, which means that women's oppression in South Africa, where both social codes are kept alive, is doubled. The Racial Contract and the sexual

contract, instead of being read as two separate entities, should instead be understood as working together to illuminate the peculiar forms of oppression found within contemporary South African society.

## **6. Conclusion**

In conclusion, Pateman is extremely critical of many of the tenets put forth by classic social contract theorists. The central claim of classic social contract theory is that through contract and the abandoning of the state of nature, a civilised, political society can be created, in which all people are able to enter into contracts which have some form of mutual benefit. Within civil society, all people's rights and interests are protected in equal measure by a sovereign entity or government which ensures that the terms of contracts are upheld, and in so doing helps to maintain peace, order and private ownership within society. From this understanding of social contract theory, it would seem that contracts are ideal – they create peace and equality, they ensure people receive protection and they help to ensure that the civil society runs smoothly.

However, when examining social contract from a more critical perspective, such as Pateman's, it could be said that contracts are not ideal, and do not serve to create the utopia suggested by proponents of contract. Instead, firstly, women are excluded from contracts as they were, according to Pateman, explicitly excluded by the classical theorists as parties to the original social contract. Secondly, the creation of contractual society also served to create a modern, fraternal patriarchy. The establishment of a fraternal patriarchy through the original contract, Pateman argues, was structurally dependent upon a hypothetical sexual contract which subjugated all women to all men, expressed in male sex right or male access to women's sexualised bodies. The main contracts through which the sexual contract functions or is expressed are the marriage contract and the prostitution contract. These contracts, being the

two main contracts that women are able to enter, ensure that men maintain domination and control over women sexually and ensure that men have guaranteed sexual access to women. They thus serve to institutionalise and legitimise women's sexual subordination to men. Women enter these contracts out of a position of prior inequality and exclusion in the hopes of bettering their situation, for example financially, however they pay for this through sexual subjugation.

Furthermore, we have seen with Mills that there is also a racial element to contractual relationships. The subordination of Black persons to White men was a formative element of colonial societies. However, if this is understood in conjunction with the sexual contract, we can see that Black women are excluded from entering contracts legitimately based on a two-fold oppression; namely due to their race and their gender. In this case, Black women become particularly vulnerable to exploitation in contractual relationships.

Overall, what can be taken from the notions of the sexual and racial contracts, if read together with the revitalisation of traditional practices and politicisation around sexuality discussed in Chapter Two, is that liberal and traditional societies, while perhaps differing in means and instruments, have the same underlying patriarchal structure which seeks to control female sexuality, relegate women to positions of subordination, and ensure the continuation of male supremacy. Consequently, while so-called liberal and traditional symbolic orders are mostly juxtaposed and set-up as binaries, the underlying foundation of both is a gendered, heteronormative hierarchy that seeks to reinforce and maintain hegemonic ideologies. In South Africa, where these two orders openly vie for dominance, neither allows women to become full parties to the social contract, in other words to become full citizens on an equal footing with

men. Women at best have the option to choose between two versions of patriarchal control; at worst, they bear the brunt of the overlap.

From the discussion in Chapter Two, it seems evident that while the revitalisation of varying ostensibly traditional ideologies and practices related to sexuality is considered a way to reconstitute South African society and shed the racist ideologies which characterised the colonial and apartheid eras, it is instead the case that these traditional practices often reappropriate and reinforce these self-same racist ideologies, with particularly dire effects for the women within these revitalised regimes. Additionally, while liberal (Western) ideologies are purported to be more gender and sex inclusive, and, so, more progressive than traditional (African) ideologies, we can see that they are in fact similarly constituted upon patriarchal norms which subordinate and marginalise women and non-heteronormative sexualities. Consequently, it could be argued that the distinction between these two, assumedly, opposite socio-political dispensations, especially with regard to women's status, fades when viewed from women's perspectives. From a woman's standpoint, especially a Black women's standpoint in South Africa, the distinction between traditional and liberal is largely inconsequential because under both she is made subordinate and her sexuality valued only in and for its uses for men.



## CHAPTER FOUR

### THE ABJECTION OF LESBIAN WOMEN

#### 1. Introduction

The previous chapter explored how the distinctions which arise from the liberal and traditional discourse appear less consequential when viewed from the perspective or standpoint of women. By using a Black lesbian standpoint as a framework from which to analyse these dispensations it becomes clear that what underpins both are systems of oppression rooted in heterosexist and racist discourses. In effect, this means that even though South Africa has through its Constitution adopted what are considered more liberal values with regards to the rights of women and persons of varying sexual identities, these values are themselves problematic as they are grounded in patriarchal political ideology. And similarly, we can see that while the African Renaissance, and with it the revitalisation of traditional practices, can be seen in a positive light in terms of how it functions as a decolonising force and so works towards liberation from colonial oppression, in terms of a feminist standpoint, this project (which is itself influenced by colonial forces) can be seen as further entrenching a hegemonic hetero-patriarchal interpretation of tradition which does not serve women's freedom and self-determination.

This chapter will claim and defend the idea that despite claims to equality for all under the liberal Constitution, and despite traditional attempts at the affirmation of African values, the effects of these moves are not greater freedom for Black lesbian women in particular. Instead, in combination and conflict, these systems work to render Black lesbian women abject. The term of abjection and how it functions within this claim will be made clear in the chapter. This move of abjection serves a double function – it positions lesbian women (especially Black

lesbian women) as outside of what is normal, while at the same time using their bodies to draw or demarcate the borders which constitute who *are* legitimate members of society. In this manner, the process of abjection plays a fundamental role in national identity development, in the sense that the abjection of Black lesbian women is a constitutive move in the establishment and maintenance of what it means to be a South African citizen.

The first major section of the chapter, section 2, *Abject Citizens*, will explain what is meant by abjection in my argument, through a focus on notions relating to abject Others as discussed by authors such as Julia Kristeva (1982), Tina Chanter (2008) and Sara Ahmed (2005). This section will be broken up into two sub-sections; namely: (2.1) *What it means to be abject* and (2.2) *The interplay between socio-historical contexts and what is abject*. This exposition of the abject will show how and why it is that I can claim that in contemporary South Africa, lesbian women are made abject, and how this abjection process relates to the violence they are exposed to.

Accordingly, in *What it means to be abject*, I will start with an explanation of what is meant by an abject Other. Here, I will make use of works by various authors, including Kristeva (1982), Chanter (2008), and Josh Dohmen (2016) to explain the psychoanalytic grounding of the notion of the abject. From a psychoanalytic perspective, as I will discuss, abjection takes place during the process of the splitting off of an infant from its mother. During this process, the abject is a pre-subjective given that needs to be violently expelled in order for the infant to draw a border between itself and an Other, and so create and affirm its subjectivity as other-than. The infant can only become subject by casting out that which it designates as the Other in a process that creates a psychic border between itself and the Other. While the precise identification of the abject is highly idiosyncratic, for the psychoanalysts this is a process that

accompanies every instance of subject formation, and thus the process of abjection lies in a sense in every person's unconscious, and is associated with aggressivity, anxiety and other pre-rational and pre-subjective affects.

Following this, in the section titled: *The interplay between social and historical contexts and what is abject*, I will delve into the interconnectedness of history, social ideologies and the designation of what is abject. In other words, who or what is experienced as abject in any particular social context arises as a result of historical influences, along with social, cultural and religious ideologies. These influences determine who is deemed abject by any particular collective, but in a kind of reciprocal relationship: the characterisation of some as abject also serves to uphold the ideologies which have abjected them in the first place. Therefore, abjection moves from the individual level where it plays a role in subject identity formation, to a societal level where it influences the formation and maintenance of the community's collective identity, and back again to an individual level. Consequently, the process of abjection not only categorises some as 'Other' but also concretises the privileged position of those who have the power to determine who becomes Othered within the dominant socio-symbolic system, and thus gets expelled from it. Collective abjection is influenced by conscious and unconscious beliefs, attitudes and ideologies, as will be discussed in this section.

In the next major section (section 3), *Homosexuality in Africa*, I will look at how the characterisation of homosexuality as unnatural and a colonial import plays a large role in the way that lesbians are conceived of and treated in the South African post-colony. Within many South African cultures, homosexuality is considered a colonial import and unAfrican (Ratele, 2013: 143; Brown, 2012: 51 and Muholi, 2004: 119). However, many authors have noted (see for example, Ratele, 2013; Brown, 2012 and Muholi, 2004) that forms of homosexuality were

in fact present in pre-colonial Southern Africa (Muholi, 2004: 119; Ratele, 2013: 144). Consequently, it is argued, that it was actually the colonisation of South Africa and the accompanying Christian missions' sexual morality that demonised homosexuality. In line with this, Dlamini (2006: 131) argues that rather than homosexuality being unAfrican, it is *homophobia* that is unAfrican. As a parallel to what we have seen in Chapter Two, also in this regard, there is severe contestation around which aspects and interpretations of African culture/s should be reinstated in the post-colony, and moreover there seems to be a clear conflict regarding the position of women and homosexuals in pre-colonial African societies. Consequently, the condemnation of non-heteronormative sexualities as unAfrican and the violence inflicted upon those who identify as such did and still does serve to relegate them to marginalised spaces and thereby renders them either invisible (Lake, 2014: 70) or hyper-visible (Gqola, 2015: 4) – concepts which were touched on in the Introductory chapter and Chapter One.

It is, therefore, not that lesbian women (like gay men) do not or did not exist; it is rather that they might not live openly as lesbians because they have seen that those who do so are subject to punitive measures in the forms of extreme violence, rape, and death. Lake (2014: 71) suggests that:

The black lesbian body ... stands in direct opposition to prefigured nationalist, racist, and patriarchal ideals and the subversive nature of her body also reflects onto broader issues. Black lesbian sexualities are considered transgressive in a country promoting nationalist discourses that prescribe motherhood as a central feature of being an African woman in this new democracy.

Lesbians, therefore, serve to disrupt the sexual and gender order (Ratele, 2013: 141), as well as the development of a traditional interpretation of the national identity as sought through the

African Renaissance and the creation of a new South African nation, as I have discussed. Drawing on these understandings of the symbolic challenge Black lesbian women pose to national identity development, I will show in section 4, *Abjection as it arises through homophobia*, how it is that the abjection is a result of racist, sexist and discriminatory ideologies linked to heteronormativity and exclusionary nation-building practices. Here I draw on the ideas of abjection to illustrate how it is that through the process of abjection, lesbian women come to be symbolically designated as “matter-out-of-place” (Ahmed, 2005: 103) within a cultural discourse that privileges heterosexuality.

This leads into the fifth and final major section of the chapter: *Abjection and the constitution of national identity*. This section builds on the idea of the abject as defining and determining borders and explains how abjection serves to presumably create a community of like individuals (a communal or collective identity) and consequently aids in determining the character of a nation. Included in this will be a discussion relating to how the ideas around abjection can be related to lesbian women more specifically. This section will focus on the idea that lesbian women, especially Black lesbian women, are conceptualised as a threat to the nation and its development particularly in South Africa where this development is still in its fledgling stage. From this it becomes evident why violence is committed against lesbian women.

In this chapter, I am going to show how abjection links firstly with the maternal body, then the bodies of women more generally, finally making the connection between abjection and Black lesbian bodies. I do this to show how identity formation always begins with the abjection of the mother and women more generally, but how within the specific socio-historical context of South Africa, the abjection of Black lesbian women comes to play an integral role in protecting

a national identity predicated on patriarchal values. Overall, this chapter aims to provide a contextual understanding for the reasons that lesbian women are made abject and exposed to violence in societies in which masculinities and patriarchal control are considered fragile and under threat. The primary goal of this chapter, as such, is to provide a hermeneutic understanding of how the interplay between the ‘subversive’ behaviour of lesbian women and the abject status assigned to them serves to increase the violence that is committed against them.

## **2. Abject citizens**

### **2.1. *What it means to be abject***

Julia Kristeva argues that in order for one to become a stable or semi-stable subject, it is necessary, to use Dohmen’s (2016: 768) term, for the “not-yet-subject” to distinguish itself from an Other. Kristeva (1982: 47 - 48) draws on Lacanian psychoanalysis to explain that this distinction is a pre-Oedipal process that involves the splitting off of a child from its mother. Through this separation between mother and child, an initial boundary is set up between the subject (the child) and the object (the mother), thereby forming a tentative subjectivity for the child (Chanter, 2008: 18). The child comes to see itself as an ‘I’ through its distinction from the mother. In other words, the formation of the ‘I’ is not done in isolation, it is only possible to develop the sense of the ‘I’ in relation to, and simultaneous differentiation from, another. This separation and distinction also serves to set the mother up as an object of abjection. It is necessary for the child to distance itself from the mother in order to become a subject, but at the same time, the child is still drawn to the mother as an object of desire (Kristeva, 1982: 18). The mother, or object of abjection, thus, becomes both an object of disgust *and* an object of desire (ibid.). The abject both fascinates and repels us. Consequently, the child goes through a

process of separation, in which s/he is not yet a subject, but at the same time, s/he is still connected to the mother.

It is, however, only through this process of separation that the child is able to develop into a stable subject. Dohmen (2016: 768) explains that it is the “vacillation between abjection and identification with a third” that the child is able to become a subject. He adds that “[t]he resulting triad (the maternal, the not-yet-subject and the third) form the ‘narcissistic structure’” (ibid.). The third that Dohmen (ibid.) is referring to is an imaginary father<sup>55</sup> who becomes a site of identification for the not-yet-subject and who assists the child in the process of individuation. DeArmitt (2014: 59) explains that the space opened up by the identification with the third, is a space in which imagination, perceptions and representations create the fictions that allow the central identity of the child to form. It is, consequently, through this process that the infant’s individual subjectivity emerges. The violent expulsion of what is abject (the mother) is, therefore, a crucial aspect of identity formation and is especially powerful in child development, without losing its affective power altogether in adult life. In other words, following from Lacan, Kristeva (1982: 8) asserts that the self is never fully stabilised, and so the fear and desire of the abject remains with us into adulthood.

Our response to the abject, as Kristeva describes it, is first and foremost visceral, embodied: it is our nauseous rejection and expulsion of that which threatens our bodily and psychic integrity.

Although initially, or in a primary way, the maternal body is experienced as abject, we also

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<sup>55</sup> The imaginary father, from this perspective, is language. In other words, it is language, or the imaginary father, that opens up a space for the possibility of subjectivity, and for a world shared with others to emerge. Zakin (2011) explains that “the advent of language, the promise of the father, offers reparation and life with a world of others, so that words can provide the nourishment that the breast previously had. The father makes it possible to fill the void with language and the formation of signifying bonds.” As such, the father is not a literal person, but the language that makes it possible for the infant to separate itself and its desire from the mother and go through a process of individuation.

experience other matter as abject, such as bodily fluids that lie on the border of the body and problematise the body border, the clear distinction between inside and outside, the purity and cleanliness of the body border and therefore the integrity of the ('proper') body as such. In a sense the determined and often violent expulsion of that which is experienced as abject produces the psyche and body image, rather than the other way around. The threat the abject poses is primarily due to the notion that the abject does not respect borders, positions or rules (Kristeva: 1982: 4); the abject is matter out of place, that which threatens the purity of distinctions and borders. Or, put differently, the abject "is a sign of a prior animal existence that threatens our identity as humans" (116). The abject threatens our identity formation and so, as part of the perpetual process of identity formation and protection, the subject must continuously expel those things which threaten it while aligning with those which reaffirm its subjectivity. This goes some way to explaining why the process of abjection continues into adulthood and how it comes to manifest itself on a collective level, as will now be explored.

According to Kristeva (4), abjects are considered "immoral, sinister, scheming, and shady" and serve to "disturb identity, system [and] order." In other words, what is considered abject serves as a threat to the ordered system in which it appears, for example a community or society; and as the threat that is violently expelled, it paradoxically lies at the heart of that system, safeguarding the integrity of the system through its expulsion. Within the process of abjection on a collective level, the individual subject chooses to align itself with a third or imaginary father, while abjecting or expelling anything that threatens its identity. Chanter (2008: 45 – 46), explains that the imaginary father is not necessarily a physical being but is rather "any socially sanctioned script endowed with the capacity to render some individuals as inferior to others." In other words, the imaginary father is the socially and historically contingent context and discourse which allows the process of individuation to take place, and which allows one the



space to become an individuated, stable subject. Or, put differently, it is a social and cultural discourse that determines who can become a subject and who can become an Other, with an Other representing what is abject and, thus, threatening the imaginary boundaries and positions created through this dominant discourse. The discourse serves to shape and form the society in that it brings together certain individuals, while expelling others.

This process of abjection on a collective level does not then always take place on a conscious level, it is rather as a result of “unconscious determination” (Kristeva, 1993: 50). When we are born into a particular community, the social script or dominant narrative that underlies that community already exists and helps to determine who we align ourselves with. By then aligning ourselves with those deemed worthy within our social narratives, we serve to reinforce and uphold those narratives. Consequently, Ahmed (2005: 95) asserts that “it is how bodies come into contact with other bodies that allows the nation as collective bodies to emerge.” This is not a literal, physical contact (although physical contact with someone deemed abject can cause repulsion and disgust) but rather how bodies align themselves with some and distance themselves from others based on subconscious readings of some bodies as legitimate (deemed worthy within the socio-cultural narrative) and others as threatening. “The abject or anything seen to represent it constantly threatens a fragile symbolic” (Brown, 2009: 11) which is why it must be violently expelled, for the sake of the collective identity.

As will be seen in the discussion to follow, in “patriarchal societies, a woman’s place ... is as the Other;” (Brown, 2009: 15) she is pushed to the margins and “must constantly struggle for her place within” (ibid.) the dominant social order. This is particularly true for Black lesbian women, who, as discussed in the dissertation thus far, are pushed to the very furthest margins of contemporary South African society.

## 2.2. *The interplay between socio-historical contexts and what is abject*

For Ahmed (2005: 103), as for Kristeva, something or someone is not deemed abject based on some inherent quality or characteristic, but it is rather that what becomes considered abject is determined through its contact with Others that have already been considered disgusting before the encounter takes place. The abject thus follows a logic of contamination, in that one becomes abject through one's association with something or someone who has already been cast as abject. What is considered disgusting is based on a "perception that relies on a history that comes before the encounter" (102). In other words, what is already considered disgusting is based on social and historical contingencies that have previously designated some person or object as threatening, dirty or disgusting. Consequently, just as the abject is highly idiosyncratic in the individual infant, it is highly situational or contextual in the case of collective identity.

What is designated as disgusting or abject is based on the perceived threat they pose to the identity of the subject or the character of the nation, as mentioned above. Yet, in an important sense, the 'threat' of the abject and the subsequent process of expulsion or abjection, precedes and facilitates the formation and identity of the subject and nation, as we have seen is the case also for individual subject formation. It follows that it is obvious that something or someone cannot be deemed abject in isolation; this process of abjection takes place within a societal context and abjection characterises a relation, not a thing, substance or person. Chanter (2008: 2) explains that "[s]ubjects are abjected by identificatory regimes<sup>56</sup> that preclude them or render them unintelligible. Striving to establish or maintain their personal or collective integrity,

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<sup>56</sup> Identificatory regimes can be understood as symbolic orders which set-up and enforce certain normative ideals or conditions. For example, a hetero-patriarchal symbolic order could be considered an identificatory regime, as it sets-up and enforces ideological notions which render male heterosexuality as the privileged normative position, thereby rendering heterosexual men as intelligible.

subjects abandon others to abject states, often in an attempt to consolidate boundaries that are threatened.” That is, what is considered abject is determined by the hegemonic (or rather constantly and dynamically hegemonising) forces within the particular culture or society (Dohmen, 2016: 771). In light of this, within a heterosexual patriarchal symbolic order, the lesbian body becomes unintelligible and illegible. The lesbian body is read as strange and threatening and is abjected in a move to protect the boundaries that establish and order the patriarchal symbolic order.

One of these hegemonic forces, according to Kristeva (1982: 65), is religious rites which serve to create borders which determine the identity of the society and those deemed ‘clean’ and proper by excluding ‘filth’ (matter out of place). One here might think of hegemonic religious and cultural taboos that determine what is considered pure or impure, clean or dirty. For example, to return to the discussion on virginity testing, in some religious and cultural communities, non-virgin females are considered as impure and dirty, while virgin females are considered pure and clean. Therefore, the contact between a virgin and a non-virgin may be experienced as threatening, as symbolically able to taint the purity and cleanliness of the virgin. As discussed previously, non-virgins might, for this reason, be ostracised as a way of preventing their ‘filth’ from contaminating the rest of the community. Virginity testing, in this context, can be understood as a type of purification ritual to ward off the threat that the vagina poses to the masculine social order (Brown, 2009:12).

In line with this, Brown (2009: 10) argues that within a patriarchal culture a woman’s value lies not in herself as a whole but in her value as an economic and political commodity. This, as has been discussed in Chapter Three, relates to the idea that within both liberal and so-called traditional societies, a women’s value is not inherent but rather lies in her use-value for men.

Therefore, women are not valued as whole beings but are instead valued for their parts, and in particular the vagina and the womb (Brown, 2009: 8). Brown (ibid.) claims that “the vagina is mobilised metonymically: it stands not just for a real body part but also for the notions and practices that imbue this part with culturally specific meanings.” She (ibid.) further suggests that in certain cultures, and particularly within Christianity, the vagina is valued negatively and considered a taboo. Brown (ibid.) thus claims that the conceptualisation of the vagina as a taboo relates back to the process of abjection in which an infant is symbolically split from its mother. Recall that during this process the mother becomes both an object of desire and an object of disgust. The vagina, consequently, becomes symbolic of the abject in that it symbolises both desire and, at the same time, the threat of dissolution (12). As such, “[a]t once inside and out it transgresses the borders and binaries that constitute the masculine symbolic. The horror or dissolution becomes more pronounced where the symbolic order, particularly a patriarchal one, is under threat” (ibid.).

Consequently, the threat of the vagina relates in particular to non-virgins, perhaps as symbolic of (or even literal) mothers. Leclerc-Madlala (2002: 16) claims that this is because the non-virginal vagina is thought of as dangerous, contaminating and ‘dirty’, but at the same time, as filled with sexual pleasures and delights. The non-virgin vagina is, like the mother, both an object of desire and disgust, something which repels and yet also fascinates. The non-virgin vagina represents the threat of female sexuality which needs to be controlled in order to protect and maintain the dominant social order, but at the same time is desired.

A recent example of the abjection of females based on sexuality relates to Tanzanian president, Dr. John Magufuli, stating that teenage mothers will not be allowed to return to schools as their presence will encourage other young girls to engage in sexual activity (The Citizen, 2017). He

further stated that if NGOs were insistent that teenage mothers should be allowed to return to school, the NGOs themselves should build schools exclusively for teenage mothers (The Citizen, 2017). This is a clear example of the idea that the non-virgins would contaminate and sully the assumed virgins, hence why they should be ostracised and avoided. Magufuli's argument shows his concern to lie with the health and integrity of the in-group or young, 'unspoilt' females belonging to, and sexually serving, the patriarchal nation. In order to more clearly shape patriarchal femininity in this context, teenage mothers have to be abjected and expelled from the body politic.

Chanter (2008: 7) further explains that if subjectivity is determined by the separation of oneself from an Other (as through the separation of the child from its mother), then it is through the constitution of some as Others that one sets up the boundaries necessary to gain and stabilise one's subjectivity. In other words, Chanter (2008: 7, emphasis added) claims:

[w]hether it is a matter of subjects identifying their subjectivity, or communities cementing what binds them by way of expelling that which comes to be constituted as radically other, the movement of expulsion is *constitutive of* subjects and communities.

The process of abjection is a social, relational project in which the boundaries of the community are set-up and its identity secured through the, often violent, repulsion or ejection of those deemed abject.

For Ahmed (2005: 104, 107) this process of alignment with some and the movement away from others creates the "skin of the community." Her assertion is that the movement of bodies either towards each other or away from each other redefines and reconstitutes social interactions as it does bodily integrity (105). Abjection, consequently, serves to bring us closer to some and move us away from others; it serves to form the contours, the inside and outside

of a community; it defines 'us' through that which we expel. These movements also help to structure the internal hierarchies of the community; meaning that internal hierarchies or structures and processes of expulsion serve to define and shape each other. On this understanding, for example, patriarchal societies will expel abject female bodies read as illegible, bodies that refuse their patriarchal scripts. At the same time, however, Ahmed (ibid.) further explains that the skin of the community does not magically appear, instead we inherit the histories of our communities in which this skin has already been determined and is already in place (Dohmen, 2016: 770), and thus, why the abject status of some is historically predetermined.

Furthermore, according to Ahmed (2005: 99), within a community some members are always already recognised as strangers and not belonging, while others are already set-up as subjects. As mentioned earlier, this is based on culturally and historically pre-determined notions of what/who is pure or impure, or what/who is acceptable or not acceptable. Such an historical understanding, the duration of socio-symbolic orders through time, helps to explain how, for example, colonial systems of racist patriarchy can endure into the post-colony, in spite of being challenged by a seemingly liberal constitution. Accordingly, it is not that anyone simply becomes abject, it is rather that "some bodies are already read as more hateful and disgusting than other bodies" (106). It is clear that due to colonial and apartheid ideologies, Black bodies, especially Black female bodies, were historically, and are still today, read as more disgusting and, so, less acceptable.

A clear example of the colonial abjection of African women is the case of Saartjie Baartman. Baartman was a "Khoikhoi woman who was taken to Europe from Cape Town in 1810 and exhibited as the 'Hottentot Venus'" (Arnfed, 2005: 64). Baartman was put on display in

Piccadilly Circus and made to walk, stand and sit by a 'keeper' who used threats of violence to keep her compliant (ibid.). Baartman was later taken to France despite a court case which aimed to have her set free. Baartman died when she was not yet 30 years old. After her death, it is alleged that her genitalia were removed and kept in a glass jar, while a plaster cast mould of her body was made and kept on display in Paris until 1974. Posters of Baartman depicted her as the epitome of the primitive, lascivious Black body. Her body was sexualised and animalised with attention being concentrated on her large buttocks and her elongated vaginal lips (ibid.). As Arnfred (64 -65) explains, these sexualised aspects of Baartman were not considered attractive; instead, they were examples of the abhorrence White Europeans (especially men) felt towards the Black female body. Thus, Strother (cited in Arnfred, 2005: 65) explains that while highly sexualised, Baartman could never become an erotic threat. The example of Baartman speaks to the abjection to which she was subjected based on the perceived differences between the civilised male Western body and the primitive female Black body. The Black body became characterised as a site of excess and lasciviousness. Consequently, the pathologising and abjection of Baartman can be understood as stemming from the existing racist colonial notions around Black bodies, while at the same time also reinforcing the White, European male's superiority and civilisation to himself.

An abject can thus be understood as an indistinct object<sup>57</sup> which is experienced to undermine culture and identity (Diken & Laustsen, 2005:117), while at the same time also being constitutive of society. An abject does not exist in and of itself, instead it is something which is experienced as out of place which threatens the identity of those borders that societies and

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<sup>57</sup> As Ahmed (2005: 103) explains, "the abject is never about an object that appears before the subject; the abject does not reside in an object as either its quality or matter." Instead, it is through the threat that an object poses to the subject that it comes to be abject (ibid.). In this way, an indistinct object is, then, a symbol of something or a "sign, for something else, which comes from somewhere else" (102). The indistinct object is not in itself disgusting, it is rather that it symbolises a threat to the subject or social order and in so doing is designated abject.

cultures are most deeply affectively invested in. In other words, what is considered abject is not related to the content of the abject, but is solely related to its social position (Ahmed, 2005: 103). In the case of the corporeal abject, for example, when blood is inside the body it is considered normal and necessary, however, as soon as it crosses through the borders of the veins and flesh, it is considered abject; it is out-of-place, threatening, possibly fascinating and also repulsive. The abject, therefore, has an important function in meaningfully ordering the world based on hegemonic ideologies and discourses.

That which is experienced or positioned as abject threatens the dominant cultural, religious and traditional discourses along with those who are in the position to designate who becomes Other/abject. However, through the process and performance of the abjection of this threat, the hegemony of the order is re-established and reinforced. Chanter (2008: 3) explains:

Any discourse that claims for itself a foundational status by exempting from its orbit those it designates as other at the same time as appropriating what it can from them conforms to the logic of abjection. Whether the language of appropriation is sexist, colonialist, or imperialist, meaning and value is established through absorbing what can be assimilated, and relegating to some unthinkable region that which does not conform to the dominant values.

In other words, through sexist and colonialist language, some people come to be symbolically positioned as outside of what is normal; through the combination of sexism and colonial racism, Black South African lesbians' position as abject is doubly or triply overdetermined. As I will explain in more detail in the section that is to follow, Black lesbian women are relegated to the unthinkable region Chanter refers to through hetero-sexist and racist language which renders them Other, while at the same time being made abject or unthinkable through the maintenance of colonial thinking which positioned them as threatening and abhorrent. It is clear that within a society founded on colonial and heteronormative patriarchal ideologies, Black lesbian women



are rendered abject. The formation of the Other helps to determine the boundaries between the Other and the subject, and so contributes to the development of the identity of both the subject and the society. The formation of the Black lesbian body as abject, not only serves to influence the identity of Black lesbian women, it also serves to create the identity of the hegemonic society which renders them as Other.

### **3. Homosexuality in Africa**

One of the specific ways through which the abjection of Black lesbian women arises in the current South African context is through the misguided designation of homosexuality as un-African and a colonial import. As previously explained, throughout the colonial and apartheid regimes, Black bodies were set-up as threatening to the Western symbolic order; and homosexuality or other forms of same-sex intimacy were designated un-Christian and uncivilised. Lake (2014: 70) explains that historically Black bodies have been Othered and defined in relation to Western bodies. This was clearly evident during colonialism and under apartheid; however, Lake (ibid.) suggests that this Western (and Christian-heteronormative, patriarchal) conception of African bodies has been uncritically adopted by African nationalism. This is an example of how what is considered abject may change and adapt to new circumstances. Presumably the homosexual or lesbian body's appearance as abject arose with colonialism and has been reinforced with the rise of African nationalism after decolonisation. Lake (ibid.) further suggests that within the colonial discourse Africans were defined as 'natural' rather than civilised, and thus less than human. As discussed earlier, it is the Western conception of women as being closer to nature that has also led to the portrayal of women as irrational and unable to possess the capabilities necessary to be fully human. Black sexuality has also been characterised as rampant (Ratele, 2013: 139) and in opposition to White sexuality

which has historically been considered as pure and morally superior (Lake, 2014: 73). It is for all of these reasons that under colonialism and apartheid Black sexuality was closely regulated in an attempt to prevent the ‘rampant’ sexual practices associated with Black sexuality.

Consequently, Lake argues that due to the assumptions around the natural and uncivilised nature of Africans, it was further assumed that Africans “could not possibly be anything but heterosexual” (70). Recall in Chapter Three the critical discussion about how Western contract theorists naturalised patriarchy by positing it as arising out of the state of nature and thus giving it a pre-political and unchanging status. The idea of homosexuality as ‘unnatural’ can be traced back to precisely this ideological naturalisation of patriarchal heterosexuality. Dlamini similarly states that since Africans were considered primitive and ruled by natural instincts, it was assumed that their “sexual energies and outlets [were] devoted exclusively to their ‘natural’ purpose – biological reproduction” (Dlamini, 2006: 132).

A central tenet of this essentialist discourse is the notion that there is a singular African sexual identity (Judge, 2018: 50). Within this singular characterisation of sexual identity, the normative African sexual identity is heterosexuality, while homosexuality is characterised as deviant and arising from Western influence (Judge, 2018: 50 and Van Zyl, Gordon & Gouws, 2018: 3). It is arguably from this colonially-imposed conception of a singular African sexuality that the notion of homosexuality as unAfrican has arisen. However, Dlamini (2006: 129) asserts that homosexuality has always existed in Africa, including South Africa. Dlamini explains that there are “well developed and unique patterns of homosexuality in Africa” (ibid.), and that these are evidence that “homosexuality has always been part of African culture, cosmology and spirituality” (ibid.). Muholi (2004: 119) adds to this by saying:

What is conveniently forgotten is that African cultures have historically accommodated same-sex desires and relationships. More recently, lesbian sangomas are claiming their lesbian identities and their sexualities publicly to highlight the fact that their culture and their spirituality has not always been based on heterosexism and that their traditions have not always been restricted to the homosexual/heterosexual binary.

Thus, contrary to the common and widespread assumption that homosexuality is unAfrican<sup>58</sup>, it is in fact homophobia which is deeply alien to Africa, and a colonial import (Dlamini, 2006: 129). For many of those who believe that homosexuality is unAfrican, they also believe that homosexual individuals are betraying their own cultures and are trying to mimic White or Western culture (Muholi, 2004: 119).

It is, presumably, these ideas around homosexuality which have made lesbian women particularly vulnerable to violence, especially within a nation in which the national character is founded on heteronormative values that characterise women as bearers of the nationalist future, both literally and symbolically. Because of the tenacity of historical prejudices, Black women's bodies are already read as more disgusting and threatening than White women's bodies, even within contemporary South Africa.

As discussed above, religious ideologies have a very strong influence on what is considered normal and abnormal, and it is very often through religious ideologies that certain people come

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<sup>58</sup> See, for example, former Zimbabwean President Robert Mugabe, who asserts that homosexuality is only practiced by "a few whites" in Zimbabwe and that homosexual individuals are "worse than dogs and pigs" (in Moyo, 2017). Similarly, former Namibian president, Sam Nujoma claims that homosexuality is "a borrowed sub-culture, alien to Africa and Africans" (in Rukweza, 2006). In relation to the idea that homosexuality is abnormal, Ugandan President Yoweri Museveni wrote a letter to his Parliament claiming that: "You cannot call an abnormality an alternative orientation. It could be that Western societies, on account of random breeding, have generated many abnormal people" (Museveni in Wild, 2015). From these examples it can be seen that homosexuality is associated with Western culture and is portrayed as unAfrican.

to be considered abject. Brown explains that “European missionaries inundated Africans with preachings from the King James Bible which specifically condemns homosexuality” (Brown, 2012: 52). Additionally, Judge (2018: 51) explains that “Christian nationalist ideology affirmed the sexual ‘purity’ of the White nation and denounced homosexuality as immoral.” Therefore, it is argued by Brown (2012: 51) and Dlamini (2006: 131) that it was through the Christian assertion that homosexuality was an abomination, and the resultant criminalising of homosexuality, that homophobia arose within African communities. We can see this echoed in the voices of Naledi and Nonyameko<sup>59</sup>, when relating the taunts they receive for being Black lesbian women:

People say, “Why look like a boy when you are a girl. God didn’t make women and women; he made Adam and Eve.” Guys drinking on the street say these things. I keep walking; I don’t say anything (Naledi in Human Rights Watch, 2011b: 27).

People would say, “It’s not our tradition to be like this. You should be with men. At this age, why don’t you have children? Why are you not with a man?” (Nonyameko in Human Rights Watch, 2011b: 27).

What is also important to note from these two quotes is that traditional and Christian values seem to intersect and enforce the same ideals, therefore perhaps showing how formative the influence of Christian colonial values have been on contemporary traditional ideologies.

This conservative colonial-Christian ideology carried through to apartheid era South Africa where homosexuality was criminalised (Isaack, 2005: 55), and remains criminalised in some post-colonial countries, including, for example, Malawi (Ratele, 2014: 125). Due to the

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<sup>59</sup> Naledi and Nonyameko are two lesbian women who were interviewed as part of the Human Rights Watch report referred to in Chapter One. As with the names of the interviewees in Chapter One, these are pseudonyms.

religious influences on sexuality and the criminalising of homosexuality, homosexuality still remains fairly invisible in many African countries – it is relegated to the margins of society. Ratele claims that this invisibility is not because homosexuality does not exist, but rather because it is “prohibited by society and legally criminalised” (ibid.). Despite South Africa prohibiting discrimination against homosexuality through its Constitution, because of the social stigma attached to homosexuality, many homosexual people still remain fearful of ostracization and thus invisible within South African society. Ratele explains that within South Africa homophobia is horizontal, meaning that it is reflected in everyday interpersonal and psychological interactions, rather than vertical homophobia which emanates from “socio-political structures and institutions, including but not limited to Constitutions, penal codes, laws, and government policies” (Ratele, 2014: 114). As such, within South Africa while the open expression of homosexuality is protected legally or vertically, it is still condemned socially or horizontally. One might also say that in the absence of formal legal condemnation, individuals take it upon themselves to police and criminalise homosexuality, and to affect the abjection associated with it.

For Muholi (2004: 117) it is particularly due to the physical and sexual violence committed against homosexuals that non-heteronormative individuals are encouraged to remain invisible and silent as can be seen from the quote by Naledi above. While she is taunted for her sexual identity, she remains silent and essentially invisible. I would argue that this ‘forced’ silence and invisibility not only serves to negate the sexual autonomy and agency of lesbian women, but also serves to reinforce the idea that homosexuality is an anomaly or abnormal, it effectively abjects lesbian bodies and excludes them from the social order, and thereby works to maintain the patriarchal heteronormative status quo.

Consequently, it can be understood that some dominant contemporary views around homosexuality draw strongly on colonial views, values and understandings. Homophobia arose with colonialism, especially with Christian missions aiming to ‘civilise’ Africans by focusing on their sexual practices, but it has been carried through to contemporary South Africa and has now been recast as though it is an African value. It is important, however, as Judge (2018: 50) cautions, that pre-colonial alternative African sexualities not be romanticised as this would erase the gendered hierarchies that were likely present in pre-colonial African relationships. Nevertheless, what is important is to be cognisant of the ways in which colonial conceptions of sexuality have mapped onto contemporary post-colonial conceptions of sexuality and the ways in which these continue to render African women’s sexual agency invisible (ibid.).

#### **4. Abjection as it arises through homophobia**

One of the main themes that has emerged from the lesbian standpoint in Chapter One is that the constitution of lesbian women as abject plays a very important role in the development of social identity and its stabilisation. As discussed previously, the fate of the nation is intricately tied to the individuals who make up that nation. It is the coming together of some, and the moving apart of other individuals, as explained by Ahmed (2005: 104), which determines the identity and character of the nation. Therefore, despite South Africa’s Constitutional promises – which we have seen in Chapter Three are from the outset problematic - and the legal or vertical acceptance of non-heteronormative sexualities, these sexualities are relegated to abjection within many everyday encounters in a horizontal dimension. We can understand this horizontal violence as serving an important role in the maintenance of a hetero-patriarchal national identity. As Chanter (2008: 16) notes, heteronormativity is:

established through a socially induced prohibition that discards homosexuality as an improper mode of sexuality. The symbolic authority of heterosexuality therefore accrues from a discrimination that has deposed homosexuality as inferior to itself, while at the same time using it as a counterbalance to itself, precisely as other.

Through homophobic discourse, homosexuality and other ‘deviant’ sexualities are abjected in a move to create a boundary between the ‘impurity’ of these sexualities and the ‘purity’ of heterosexuality – to create a specific skin for the community, connected with hierarchies of power within the community. In this way, not only are non-heteronormative sexualities relegated to the outskirts of the legitimate community, but the assumed superiority of heterosexuality is also bolstered and the characterisation of the nation’s symbolic body as heterosexual reasserted.

Within this context, the heterosexual body is seen as the ‘body-at-home’, while the lesbian body, for example, is seen as the stranger (to the nation) whose “body [is] out of place” (Ahmed, 2005: 105). The distinction between the body-at-home and the body-out-of-place, allows for the strangeness of the body-out-of-place to be reduced to dirt or matter that should be avoided (ibid.), in other words, made abject. Or, as explained earlier, the abject body is rendered somehow illegible or unintelligible. According to Ahmed (103) the conception of the stranger as dirty is important as it is symbolic of “matter out of place”. Drawing on this, we can understand that the lesbian body comes to matter in its symbolic form as ‘matter out of place’ in a heterosexual society. The bodily encounters between the body-at-home (the heterosexual body) and the stranger’s body (the lesbian body), most often in the form of detachment or expulsion, come to re-form and re-constitute the bodily integrity of the body-at-home, while harming the psychic and bodily integrity of the stranger’s body, as well as affecting the social meanings ascribed to both parties. We can understand how the lesbian body

comes to stand as matter-out-of-place by referring back to Butler's claim that within the dominant two-gender; two-sex, heteronormative symbolic order, the lesbian body falls outside of what is designated as normal – it is neither male nor female, therefore it is unreal and unintelligible. The lesbian body stands as an indistinct object in a symbolic order that has no way of clearly categorising it. As discussed in Chapter One, because lesbian women fall outside of both gender categories, they threaten the symbolic order which sets heterosexuality up as natural. By challenging the very foundation of society (and, so, national identity), lesbian women, and more specifically Black lesbian women, are pushed to the margins of this social order in an attempt to deal with the threat they are assumed to pose.

I want to briefly return to the words of Fana from Chapter One as reminder of the way that abjection undermines psychic and bodily integrity. Fana stated that she was: “changed from a jolly person ... it made me an animal to myself. I used to think I was dirty and everything. I didn't deserve to be alive” (in Schaap and Gim, 2010). Through rape – the bodily interactions between her out-of-place body and the at-home body of her male rapist – Fana's abjection was entrenched. The result was that her sense of identity and bodily integrity were dramatically undermined, and possibly even destroyed. Not only was her body positioned as out of place within society, her body now no longer felt like home to herself. The rape served to make her into a thing, an object, by denying her subjectivity and personhood. As will be discussed in greater detail in Chapters Five and Six, rape serves to concretise abjection by unmaking the victim's sense of self and their understanding of the world around them, and by reinforcing the idea that within a patriarchal symbolic order, women's bodies should be for men. The rape of a lesbian woman seems to have a dual role in terms of abjection. By raping Fana, her rapist by implication attempted to both expel her from the social order to which she does not conform, while at the same time trying to bring her back into the heteronormative patriarchal fold by



reminding her that her body and sexuality should be available to men simply because she is a woman within this order.

As was also discussed in Chapter One, the abject status of lesbian women also serves to create further stigmatisation and revictimisation when they have been raped. Raped women are often ostracised and shunned from their communities, thereby further reinforcing their abject status. This makes clear that the process of abjection or violent Othering and expulsion is a kind of circular or spiralling process. The relegation of some to abjection makes them vulnerable to violence; this violence reconstitutes them as abject on a social level as well as making their own bodies abject, which again makes them vulnerable to more violence, with the further potential to contaminate those who stand in solidarity or friendship with them. Through the performative abjection of lesbian women, heterosexual males are re-constituted as the ultimate body-at-home and their domination is thereby buttressed.

## **5. Abjection and the constitution of national identities**

As discussed above, Ahmed (2005: 108) suggests that the movement of bodies towards and away from each other works to create boundaries and facilitate the constitution and reconstitution of the character of the nation. As discussed in Chapter Two, the constitution of a national identity is thus always predicated on an exclusionary regime. Only those that are considered legitimate citizens are included into the nation, while those considered disruptive of national ideals or a threat to the national imaginary are excluded or abjected. Through accepting those who are the same and avoiding those who are different, a community of likeness is created and proliferated, while those who are abject, are included into the community only as that which is violently excluded. The initial acceptance of the abject and then subsequent relegation to the very margins of society are what defines the borders that

maintain the legitimacy and superiority of those who are seen as conforming to hegemonic values. Through their inclusive exclusion, abject bodies such as those of Black lesbians, fulfil a crucial function for the community that excludes them in a way: their bodies form the borders of the community and thereby give it its shape. For example, within South Africa people of all sexualities are legally recognised as full citizens, however, in everyday encounters many lesbian women very obviously face abjection and rejection. The bodies that are already privileged and act as the hosts of the nation (ibid.) determine “who gets let into the nation, either through intentional acts of legislation or policy formation, or more every day and inter-corporeal forms of encounter” (ibid.). As indicated, since in South Africa the hosts of the nation have failed to secure legislation or policy that would criminalise homosexuality, they police the nation’s borders instead in everyday and informal, ‘inter-corporeal encounters’. Abjection, ultimately, then, serves the purpose of i) establishing and reasserting the authority of privileged members of the community, and ii) defining the character of the nation itself.

Consequently, while it is clear that who or what is positioned as abject is culturally and historically contingent, it is also the case that who or what is deemed abject serves to reinforce and uphold a particular culture and identity. Diken and Laustsen (2005: 117) claim that cultures, traditions and communities are determined not only by what they accept but also by what they reject. In other words, the abjection of Black individuals serves to uphold racist White culture and identity, in the same way that the abjection of women’s bodies serves to uphold patriarchal male identities. Seen from this perspective, Black lesbian bodies in post-colonial South Africa are in a sense ‘perfectly’ placed or positioned by the ‘perfect storm’ to be expelled as the abject of the national body, given the confluence of male anxieties (Chapter Two), deeply entrenched patterns of racist abjection (Chapter Three) and emerging concerns about the ‘sexual health’ of the nation. One can now, with the insights added about the

functioning of abjection in the stabilising of group and individual identity and integrity, also better grasp why the Black lesbian body is targeted with so much destructive and aggressive energy and emotion. We are never neutral about the threat posed by that which we identify as abject, as Kristeva has shown.

The visible presence of Black lesbian women in South Africa is interpreted as challenging the image the nation has of itself (Ahmed, 2005: 98). However, from the perspective opened up above, we can see that the Black lesbian body in its visible and multi-dimensional 'transgressions' of the national social order, through its violent abjection and expulsion from the national body, actually stands at the very heart of this nation, this body politic, and defines its essence. This body in its abjected state defines how the new nation understands its own identity, precisely through the former's most definite exclusion and punishment. Chanter (2008: 3) explains that "abject moments can be used to shore up identities whose stability has been threatened in the wake of breaching boundaries that might have been assumed to be unassailable." As such, the positioning of lesbian women as abject serves an important function within the context of the crisis in hegemonic masculinity (discussed in Chapter Two). The abjection and exclusion of lesbian women works to reinforce the national identity as heterosexual and patriarchal. In so doing, it in particular works to shore up the identity of men who feel that their hold of power is tenuous, whether due to poverty, racism, or other impediments to their living up to the ideals of normative masculinity.

It is, arguably, for this reason that the violence committed against lesbian women in South Africa is so prevalent. By making, in this case, lesbian women abject, male sexual violence is able to relegate them to a place of inferiority and position them as outside of what is normal and acceptable. This not only serves to banish lesbian women from the social order, it also

serves to create the boundaries that maintain and reinforce who is considered fully human and thereby included in the political space as citizens. Subsequently, the abjection of lesbian women “reduces respect for their dignity as people and legitimises assaults against them as a targeted group” (Nelson, 2005: 166). We have seen that such a positioning easily leads to a spiral of violence against these women. For example, if they are raped they are punished again by being disbelieved, thought to have brought the violence upon themselves, and/or being further ostracised by community and family members.

## **6. Conclusion**

The abject status ascribed to lesbian women means that they stand as a perceived threat to heteronormativity and patriarchal power; at the very same time, their threat offers proponents of this power the opportunity to eliminate the threat and to thereby re-inscribe, not only the structure of patriarchal power, but also their individual place within it as ‘hosts of the nation’. In a nation, like South Africa, in which the hold on patriarchal power is already tentative at best and a crisis in hegemonic masculinity seemingly abounds, the threat posed by lesbian women is, arguably, magnified. Lesbian women, within the context of a patriarchal society, are often made abject in an attempt to ostracise them from the community and to send the message that the defiance of heteronormativity will not be tolerated and does not form part of the nation’s imaginary.

The abjection of lesbian women constitutes them as dirty, impure and a danger to the development of the nation. At once desired by men because they are women, and at the same time repulsive to men because they refuse to be for men, lesbian women are read as illegible and unintelligible, and relegated to the margins of society. If the goal of abjection is to stabilise patriarchal power, then it can be seen how both heterosexual and lesbian women can come to

be made abject. However, as discussed, lesbian women face a ‘double-abjection’ in that they are made abject on the grounds that they are women and based on their sexuality. Therefore, lesbian women could arguably be said to pose more of a threat to heteronormativity and patriarchy than do heterosexual women. Black lesbian women face a ‘triple-abjection’ based on their race, sexuality, and gender. Based on this, they are relegated to the very furthest margins of contemporary South African society. Their abjection plays a vital role in determining who stands as the body-at-home and who stands as matter-out-of-place. In this way, their abjection is an integral part of the shaping of the developing national identity. However, at the same time they are also likely to have a much clearer understanding of the exact shape and size of patriarchal, heterosexist social organisation, and so, to return to my claims in Chapter One, a Black lesbian standpoint can most clearly illuminate the systems of oppression at work in contemporary South Africa’s patriarchal social order.

One of the ways through which abject others are ‘dealt’ with is through cleansing or purification rituals. Virginity testing is an example of a ritual used to quell the threat of the abject, which in this case is the vagina, but more specifically the non-virginal vagina and actively owned and exercised female sexuality. This ceremony allows the control of female sexuality and ensures that the patriarchal norm of remaining a virgin is communicated to women and girls in the society. Controlling female sexuality and ensuring that the role of female sexuality is only the satisfaction of male sexuality, is one of the means through which men seek to assert their dominance over women. Female sexuality is seen as threatening in both its allure and its threat of annihilation of the subjectivity of men.

Another means through which men assert their dominance over women, and which could be considered a form of cleansing or purification ritual is gender-based and sexual violence.

Sexual violence is used as a systematic and systemic means through which power and control are maintained. The ever-present threat of sexual violence helps to ensure that women do not deviate from or transgress heteronormative ideals; it can thus be seen that sexual violence has a clear political function; it distributes power in an inter-corporeal, everyday way, which at first appears in conflict with the Constitution, but on closer inspection is in fact entrenched by the underlying patriarchal structure of the Constitution. As such, while the Constitution seemingly aims to ensure the protection of all, as was discussed in Chapter Three, this is unattainable when the social and political structures which uphold men's domination go largely unchallenged or unchanged. I argue that it is for this reason that violence against lesbian women is so prevalent in South Africa. This specific form of violence as social control will become the focus of the next chapter.

## CHAPTER FIVE

### LESBO-PHOBIC VIOLENCE AS A MEANS TO SUBVERT THE THREAT POSED BY LESBIANS

#### 1. Introduction

The previous chapter discussed the notion of the abject in order to formulate a philosophical claim about the characterisation of lesbian women as abject. This abject status serves to explain violence against lesbian women since they are regarded as a threat to the community and national development. This chapter will draw on those ideas to further show how it is that sexual violence against lesbian women serves as a means through which to reinforce patriarchal values and a particular national identity, thereby highlighting why lesbo-phobic rape is so prevalent particularly within a nation founded on patriarchal values that have been unsettled by social and political transition.

The overarching focus of this chapter, *Sexual violence against lesbian women* in section 2 links the theoretical understandings for lesbo-phobic rape back to the themes that emerged in Chapter One. As part of this discussion, in the section (section 3) titled: *Lesbian women as a threat to the national character*, I will focus on the threat that South African lesbians pose to the African Renaissance and the national development goals within the current social and political context. My particular focus here draws on the discussion developed in Chapter One around the symbolic positioning of women as bearers of the nation. In light of this I will argue that lesbian women, who do not adhere to the sexual and reproductive norms associated with heterosexuality, are seen as threatening not only the collective national identity, but also the future of the nation itself. As discussed in Chapter Two, nationalism and the development of a national identity are from the outset problematic due to the exclusionary nature of such a social

construct. However, in South Africa, where there is seemingly both a tension and overlap (particularly in the areas of sex and sexuality) between traditional ideologies and the liberal order based on a sexual contract, national development is arguably even more tenuous and exclusionary, especially for those who fall outside of the patriarchal, heteronormative matrix. It becomes clearer then why certain individuals, such as Black lesbian women, are subject to violence and abjection within this nation-building project.

We are also reminded here that while the Constitution seems to be at odds with Pateman's idea that society is premised on a fraternal form of patriarchy which creates a gendered hierarchy and privileges men as men (not men as fathers), it is possible instead that the Constitution also has an underlying gendered foundation which allows men as men (although particularly hegemonic men) to remain in positions of domination. While the Constitution aims to overcome this gendered dimension which entrenches men's domination, without substantive changes to the social and systemic structures through real challenges to the patriarchy, this cannot be achieved. Therefore, South Africa's social, political and legal system retains a gendered hierarchy which is detrimental to all women but especially to those who fall outside of its heteronormative confines.

In the fourth section, *Lesbo-phobic rape as a form of social control*, I argue that butch lesbian women pose an even greater threat to patriarchal ideologies than do lesbian women generally because of their refusal to conform to normative performances of their gender. In other words, the appearance and behaviour of those lesbian women who identify as butch or masculine (Muholi, 2004: 118) are more in line with traditionally masculine physical features and mannerisms rather than with those that are considered traditionally feminine traits. Here I will use the specific example of butch lesbian women to further illuminate the ways in which the



appropriation of masculinity is punished with the use of sexual violence. However, this discussion still falls within the broader sub-set of Black lesbian women, as the focus will be on Black lesbian women who identify as butch. A large proportion of Black lesbian women who live in lower income township communities identify as Butch and it is often these women who are most exposed to lesbo-phobic rape (ibid.), as will become evident in the discussion which follows. Where Black lesbian women are considered subversive, butch Black lesbian women could be considered even more subversive and threatening as they do not conform to heterosexual norms around sexuality, while at the same time they very openly (through manner and appearance) subvert the traditional conceptions of femininity and masculinity by appropriating aspects of masculinity for themselves.

Through lesbo-phobic rape, as discussed in Chapter One, the subjectivity of the victim is targeted for annihilation. I will develop this idea in section 5, *The annihilation of subjectivity*, to show that not only does rape negate the subjectivity of lesbian women, it moreover aims to render their lives unintelligible and unreal, to the extent that their very existence is denied. In a kind of cyclical process, the rendering of lesbian lives as unintelligible and unreal designates them as non-human which invites violence against them – violence is used to diminish the threat their abject status poses to the community. At the same time, sexual violence committed against lesbian women entrenches their lives as unreal and their existence as abject.

Finally, in *lesbo-phobic rape as punishment*, I will come back to focus on the notion of lesbo-phobic rape as a form of punishment for subversive behaviour in more detail. One of the main consequences of adopting masculinities for themselves is that Black lesbians, and especially butch lesbians are very susceptible to lesbo-phobic violence and rape. Muholi (2004: 122) asserts that the “rape of Black lesbians reconsolidates and reinforces African women’s identity

as heterosexual, as mothers, and as women.” This meaning that rape is used to remind Black women that their position in society is within the private realm where their roles are primarily sexual and reproductive – an ideology which we have seen is doubly enforced by the combination of traditional and liberal values. Attempts to deviate from this or disrupt the patriarchal foundation are met with violent retribution in the form of rape. Rape, therefore, is used to police women’s sexuality. Overall, it is clear that even when the Constitution theoretically protects the rights of lesbians, these are not respected and protected within the actual social and cultural domains of everyday existence. As discussed in Chapter Three this is partly because the Constitution while aspirational has remained ineffective at changing the social structures which uphold the subordination of women, especially since these very constitutional ideals are predicated on patriarchal domination.

## **2. Sexual violence against lesbian women**

It was discussed in Chapter Two that the move to democracy was relatively peaceful, particularly in the first ten years following the end of apartheid. Specifically, during these years, there appeared to be relatively little violence or unrest resulting from the abolishment of apartheid, despite the expectation that this could be a tumultuous time in South Africa’s history. Because the transition did not result in a civil war, this transition is often considered remarkably peaceful (Thomas, Masinjila & Bere, 2013: 522). However, although this political transition did not result in a civil war that is not to say that other forms of everyday, interpersonal, violence have not reached epidemic proportions within South Africa. Violence, and in particular, gender-based and sexual violence are considered common features of a nation undergoing political and social transformation (Moffett, 2006: 131), and these have arguably become hallmarks of South African society particularly since the inception of democracy. According to Rape Crisis (n.d), for example, in 1993, 27 056 rapes were reported, while

between April 2004 and March 2005, 55 114 cases of rape were reported. Crime Stats SA (2018) indicates that between 2009 and 2017, there were 550 021 incidents of sexual violence reported.

For Moffett (2006: 132) sexual violence can be understood as a form of social violence as it contributes to the maintenance of social structures, including the gendered hierarchy through which women are made subordinate to men. In the face of the crisis in hegemonic masculinity, where women are symbolically positioned as threatening, violence against women becomes viewed as a useful way through which to reassert male control and re-stabilise the dominant patriarchal order. Moffett explains this trend by saying that the maintenance of social structures is “largely done through sexual violence, in a national project in which it is quite possible that many men are buying into the notion that in enacting intimate violence on women, they are performing a necessary work of social stabilisation” (ibid.). Similarly, Sideris (2005: 106) argues that when men are “confronted by the contradiction between their actual lives and their socially invested fantasies of absolute control, these men tend to convert women into threats.” One of the ways in which men ‘deal’ with this threat is through the use of, specifically, sexual violence. Thomas et al. (2013: 526) argue further that sexual violence during political transition serves to stabilise and reinforce existing power systems. As such, gender-based and sexual violence are important components in expressing and reasserting relationships of power and may become so widespread as to become normalised (ibid.). However, the sexual violence which is characteristic of contemporary South Africa is not only a result of South Africa’s social and political transition. While gender-based and sexual violence might be more prominent during times of transition, this violence relates to the pre-existing patriarchal culture as well as to the imagined threat posed by the transition to the dominant masculinity.

Within traditional patriarchal conceptions of masculinity, it is the submission and compliance of women to their male counterparts which constitutes successful masculinity (Swarr, 2012: 966); thus, female subjugation is essential to the definition of successful masculinity. Again, this could be seen as finding expression in the hetero-sexual contract underlying the liberal social contract, which asserts that women should be compliant, submissive and available to men. “African women who do not conform to the ideal that they should be sexually available to men or submissive [are] considered subversive and in need of punishing” (Ratele, 2013: 139). Therefore, to quell the threat ‘non-conforming’ women pose to hegemonic masculinity, as well as for the stabilisation of the fragile nation state, sexual violence is used as a way through which to bolster men’s power and self-esteem, and (re)assert their dominance (Swarr, 2012: 965). This is particularly true in the face of the increasing social and political rights and freedoms granted to women and non-heterosexual individuals. In line with this, Thomas et al. (2013: 521) claim that political transition did not put an end to sexual and gender-based violence that existed prior to democracy. In other words, while sexual violence is not a new phenomenon, it also was not tempered by the new democratic dispensation granting more rights to women. In contrast, it could be argued that the granting of these rights intensified sexual violence. Swarr (2012: 965) agrees that the means of “normalisation and control intrinsic to masculinity have taken many forms and have continued to the present, bridging colonialism, apartheid, and the transition to democracy.”

As discussed previously, within the current social and political dispensation, violence is used as a means to correct and punish subversive behaviour that threatens the development of a specific national identity. This violence is aimed at both heterosexual and non-heterosexual individuals, and as such, Ratele (2013: 123) suggests that violence against women in general and violence levelled at lesbian women is ultimately not very different, in that the violence

against both is a means through which men seek to establish or stabilise their fragile masculine subjectivities. However, what has become evident, as explained by Padmanabhan and Edwards (2013: 385), is that lesbian women are more vulnerable to violence than heterosexual women. As discussed in Chapter One, this can be understood based on the idea that lesbian women pose a bigger threat to masculinities. As Swarr (2012: 963) claims lesbian women threaten: “heterosexuality (through their relationships with women), ... gender norms (through their expressions of masculinities and disregard for femininities), and ... sex (through challenging expectations surrounding somatically female bodies).” This threat can, perhaps be clearly understood through the idea that contemporary South Africa is founded on a gendered (sexual) contract that serves to uphold patriarchal domination. Where women refuse to comply with the norms of this contract, they threaten the locus from which male power arises.

It is also clear that the type and amount of violence that Black lesbian women are exposed to is not only based on the intersection of their gender and sexual orientation alone, but also the intersection of these with their race, and socio-economic and cultural positionings, as has been discussed throughout. According to ActionAid (2009), “Black lesbians from townships – who lack sufficient support systems and are already disadvantaged by cultural, economic and social discrimination – are particularly at risk [of lesbo-phobic rape].” As such, considering the intersection of race, sexual identity and gender, as well as other issues related to social and economic status, in conjunction with the symbolic positioning of women within a patriarchal society, it becomes clear why the rate of sexual violence committed against Black lesbian women is higher than that committed against White lesbian women, at least that is how it appears based on the cases that are reported to the police<sup>60</sup> and in the media. According to Lake

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<sup>60</sup> The reasons that White lesbian women might not report their rapes to the police are presumably much the same as the reasons that Black lesbian women do not report rape – fear of revictimisation, reports not being taken seriously, or not disclosing that they are lesbian.

(2017: 87) there is a particular dearth of media reporting on the rape of White lesbian women. However, that is not to say that White lesbian women are not raped, but perhaps this speaks more to the ways in which it is possible that the media portrayals of raped Black lesbian women function in the service of particular political ideologies. That is, it is possible that the widespread, problematic reporting of the rapes of Black lesbian women, as discussed in the Introduction to the dissertation, feeds into the strategic motives of reminding Black lesbian women that their presence will not be tolerated and that if they refuse patriarchal, heteronormative ideologies, they will face punishment. Thus, aiding in maintaining the invisibility of Black lesbian women through fear.

Overall, however, the intersection of all of the factors mentioned above contribute to a kind of perfect storm in which Black lesbian women are positioned as the ultimate threat to patriarchal dominance. It is because of these multiple intersecting positions of subordination that a Black lesbian standpoint is a particularly rich perspective from which to gauge the systems of oppression and their accompanying violence present in South Africa.

As mentioned in the general Introduction, it is difficult to say how many cases of lesbo-phobic rape occur as many women do not disclose their sexual identity when reporting their rapes (often for fear of further persecution) and many choose not to report their rapes at all (Padmanabhanunni & Edwards, 2013: 385). According to statistics compiled by ActionAid (2009),

[i]n a poll of survivors of homophobic hate crimes in the Western Cape, 66% of women said they did not report their attack because they would not be taken seriously. Of these, 25% said they feared exposing their sexual orientation to the police and 22% said they were afraid of being abused.

These statistics are particularly worrying as they show that lesbian women are afraid of openly declaring their sexual orientation for fear of the consequences, presumably at the hands of the police and their communities. These statistics also point to the revictimisation that many (especially Black) lesbian women face when reporting crimes committed against them. From these statistics it is clear that when lesbian women are subject to violence there is very little chance for recourse as the police are often complicit in further victimising and abusing them. Another alarming statistic from a study carried out by OUT LGBT Well-being (2016: 11), found that of the 2130 individuals interviewed in their study, 41% knew of someone who had been murdered due to their sexual orientation. It is clear then, that violence against Black lesbian women in particular is a grave concern within South Africa, and so why it is important that the intersection of varying factors which lead to lesbo-phobic rape be analysed. It is important to note that the discrepancy between the number of Black lesbian women and White lesbian women who are raped could also be related to the demographics of the country, where Black women make up 47 % of the country's population, while White women only constitute 4% of the population (Evans, 2018).

### **3. Lesbian women as a threat to the national character**

One of the primary reasons for the prevalence of lesbo-phobic rape is the symbolic positioning of lesbian woman as a threat to the national character, as discussed throughout. Within the current characterisation of a healthy nation (see Chapter Two for a discussion of nationalism), women are seen as “the symbolic bearers of the nation” (Lake, 2014: 71). Eavan Boland (in Visvanathan, 2006: 537) asserts that “once the idea of nation influences the perception of a woman, then the idea of woman is suddenly and inevitably simplified. She becomes the passive projection of a ‘national ideal’.” Consequently, the role of women in terms of the nation, as such, is to give birth to new members of the nation on a material level, but also to birth the

healthy (patriarchal) nation on a symbolic level. Rademeyer (2012: 272 – 273) explains that women’s life-giving capacities are an important symbol of the future of the nation. Women give birth to the symbolic Child that stands as a guarantor of the nation’s future. However, this symbolic Child is implicitly dependent upon a heterosexual family that produces a heterosexual child. Similarly, Lake (2014: 71) explains that:

Women’s bodies are employed in transitional cultural moments to represent an idea of unity and stability in forging the new nation. A woman’s reproductive role is therefore seen as central to her function in the nationalist narrative. The [B]lack lesbian body however stands in direct opposition to prefigured nationalist, racist, and patriarchal ideals and the subversive nature of her body also reflects onto broader issues.

A lesbian standpoint challenges the naturalness of heterosexuality (Harding, 1991: 257, 258, 261) and thus also challenges the goals of heterosexuality, including reproduction. Therefore, it “disrupt[s] traditional and patriarchal notions of sexuality” (Lake, 2014: 81), and the idea of women as bearers and nurturers of the symbolic Child. Consequently, lesbian women not only threaten hetero-patriarchal values, or individual men’s fragile masculinity; they also symbolically threaten the future of the (patriarchal-masculine) nation itself.

Here we can return to the example of Brundrit’s *M/Other families* project (2011) as mentioned in Chapter One. This project serves as an example of the way in which lesbian women not only challenge the reproductive goals of heterosexuality but also re-appropriate those goals within a non-heteronormative setting. In the photograph titled *N and L’s family*<sup>61</sup>, for example, a lesbian<sup>62</sup> couple and their two sons are shown. In the photograph N and L (the mothers) sit with

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<sup>61</sup> Please see Appendix D for the photograph and accompanying story.

<sup>62</sup> This is a White lesbian couple. Obviously, these women do not fall into the category of Black lesbian women. However, their positioning as lesbian mothers certainly challenges the hegemonic ideals around what families



their toddler-aged son between them, while one of the mothers (it is not indicated who is N or L), holds the baby. N and L, along with the toddler, are smiling, while the baby gazes off to the side. Accompanying the photograph is the story told by N and L about the process of conceiving their sons and, briefly, what the experience of being lesbian mothers is like. The photograph and the accompanying story allow a visual narrative to emerge, one which challenges the notions that families only arise within the confines of nuclear/heterosexual relationships. This very clearly, then, contributes to the development of a lesbian standpoint which disrupts hegemonic heteronormative values.

In this way, lesbian women not only challenge the heteronormative conceptions of the family, they threaten the very notion of the future as reliant upon heterosexuality, and therefore the very stability of the dominant heterosexual discourse, which underlies both traditional and liberal social orders. Lesbian women, and more specifically Black lesbian women, are therefore not only a threat to masculinity on an individual level but are also an imagined threat to the future of society. However, this threat is only understandable if it is based on the arguably false assumption that heterosexuality and its associated ideals are natural. With the goals of the African Renaissance being the reinvention and re-stabilisation of the post-apartheid nation through measures such as the revitalisation of traditional practices – which bolster patriarchal gendered values - it becomes clear how the sexual violence perpetrated against lesbian women could be seen as a strategic and socially sanctioned means through which to deal with the threat that lesbian women pose to this project, and to ‘remind’ them of how women should behave within a hetero-patriarchal society.

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should look like. Their stories and experiences can richly add to the emergence of a South African lesbian standpoint.

As has been explained, however, it is the privileging of heterosexuality and the subordination of all other ‘non-conforming’ sexualities that has come to characterise the developing nation. As Lake argues, the idea that has remained is that “lesbian sexualities are unnatural and should not feature as legitimate accounts of sexuality in South African society today” (Lake, 2014: 80). Within the new dispensation, despite the progressive, yet elusive, rights afforded to all through the Constitution, the privileging of some bodies over others, and some sexualities over others remains (as discussed in Chapter Three, this is more clearly understood when the gendered foundation of the Constitution is illuminated). It is for this reason that Ratele claims that “homophobia, as well as gender-based violence, has its ‘uses’ in Africa, as a kind of explanation (or better still displacement) of the impossibility of attaining and maintaining traditionally hegemonic African masculinity” (Ratele, 2014: 118). In other words, non-conforming sexualities are used as a scapegoat for the inability of men to achieve the goals of hegemonic masculinity, and where the promises of the ruling democratic party have not come to fruition (119). Ratele (119) adds that:

People’s sexual desires, relationships, and identities quite often are put to use toward socio-political and economic objectives by governments and societal leaders when they cannot live up to their promises to their people or own up to their own failures.

Matters around sex and sexuality are a key means through which nations characterise themselves (as discussed in Chapter Two), therefore, it is important for nations to have members who conform to the ideals the nation aspires to; in this case heterosexuality; and maybe just as important that they be able to identify and spectacularly expel those who do not conform.

Furthermore, as I have argued, by drawing on Pateman in Chapter Three, the nation, in both its liberal and traditional manifestations, appears to have at its core a kind of sexual contract.

While the notion of the sexual contract is contentious, it does help to illuminate the idea that at the core of most societies (South Africa included) is a very clear gendered hierarchy which leads to and entrenches women's subordination and places an emphasis on the sexual availability of women to men. Consequently, the contemporary South African national identity, while still in the process of emerging, is premised on a patriarchal heterosexual contract to the exclusion and detriment of those who do not conform to its rationale. In line with this, Ratele (2014:116) asserts that "homosexuality and non-heteronormative sexualities, along with homophobia and homophobic acts play a significant role in the practices, identities, constructions and social reproductions of hegemonic African masculinity." Thus, it is important to bear in mind that homophobia does not arise within a vacuum, and nor is it self-sustaining. Instead, homophobia arises and is sustained within a social context that renders some sexualities as legitimate and others as abject within a larger context of imagining nationhood. Within this context, homophobia becomes useful for the legitimisation of violence to punish and subdue those positioned as threatening Other. The process of abjection, which at its core is a socially constitutive process, ensures that violence against Black lesbian women is legitimised as an attempt to protect the values of society and its future development. This process as Ratele says, serves to scapegoat and performatively punish and exorcise the Black lesbian body from the national body, as the perceived cause of men's failure to attain certain hegemonic patriarchal ideals.

#### **4. Lesbo-phobic rape as a form of social control**

Women who identify as 'butch' play a major role in disrupting the hegemonic discourses and the historical conceptions of what it means to be a 'woman' and a 'man'. As was seen in Chapter One, Butler (1988: 522) asserts that the gendered constructions around what it means to be a woman are not a fact but rather a project that assigns cultural signifiers or meanings to

the conceptions of gender and sexuality. Thus, Butler (ibid.) argues that the category of ‘woman’ is not a natural fact based on a particular set of physical bodily criteria, but rather a historical idea that leads to the encoding and enforcing of social constructions around the way ‘woman’ should be performed. Butler (ibid.) further asserts that:

because gender is a project which has cultural survival as its end, the term ‘*strategy*’ better suggests the situation of duress under which gender performance always and variously occurs. Hence, as a strategy of survival, gender is a performance with clearly punitive consequences. Discrete genders are part of what ‘humanizes’ individuals within contemporary culture; indeed, those who fail to do their gender right are regularly punished.

It is for this reason that it can be understood why most of the victims of lesbo-phobic violence and lesbo-phobic rape are women who identify as masculine or ‘butch’ (Swarr, 2012: 967).

We are also reminded, here, of Harding’s claims that a lesbian standpoint makes it easier to imagine a society that does not necessarily want or need men. As discussed in Chapter One, if lesbian lives make it possible to imagine such a world, it can be seen why men are threatened by the visibility of lesbians. Butch lesbian women, who are particularly visible, are perhaps a more constant reminder to men that a world without them is possible and that their dominant place in the social order and the family is fragile. More feminine-presenting lesbian women may not pose such an outward threat because they still adhere to some of the social norms around heteronormative conceptions of femininity. Butch lesbian women defy these norms in a very visible, tangible way, thereby making it, perhaps, more difficult for men to maintain the absurd notion that lesbians are just heterosexual women who need to be convinced/reminded that their role is as sexual servants to men – a mainstay of the sexual contract, and both the liberal and traditional ideological social orders.

Muholi explains that in interviews she carried out with 47 lesbian women, 31 identified as “butch lesbians or as lesbian men” (Muholi, 2004: 118). Muholi explains that she undertook this project in order to let lesbian “women speak and represent themselves in their own languages and their own words” (ibid.). As an aside, the purpose of, and way in which these interviews were carried out, reminds us of how Muholi makes an incredibly valuable contribution to the emergence of a Black lesbian standpoint, not only through her photographs but also through her other academic endeavours. While Muholi does not specifically attribute any significance to the majority of the interviewees identifying as butch lesbians, at least not explicitly, I believe that this is an important statistic to consider in that it illuminates one of the reasons that lesbian, especially Black lesbian women in township settings, are targeted for violence.

According to Swarr butch lesbians “challenge the idea that women must be feminine and heterosexual and that only people with male bodies can strongly express their masculinities” (Swarr, 2012: 968). For many lesbians, claiming a form of masculinity for themselves allows them to “assert agency, claim masculine privileges, and declare romantic desires” (967). However, this expression of butchness, while empowering and serving the larger purpose of hegemonic discourse disruption, also constitutes a source of danger because these appropriations of typically masculine traits go against the socially accepted performances associated with female bodies. My aim here is not to categorise butch lesbian women as a separate category from lesbian women more generally or even a separate category from ‘feminine lesbians’. Perhaps, however, because of the overt challenge (through their mannerisms and appearance) that butch lesbian women pose to dominant conceptions of masculinity, they become the more likely targets of violent retribution, not least because they are more easily ‘identifiable’ than ‘feminine lesbians’.

Often when women, both those who identify as lesbian as well as those who do not, openly and overtly defy the traditional conceptions of femininity and instead perform in ways more consistent with traditional conceptions of masculinity (through behaviour, speech or appearance) they are exposed to violence. In other words, these women are usually targeted because they “act in a manner inconsistent with typical gender roles [such as] acting in seemingly masculine ways” (Brown, 2012: 48). To add to this, Chanter (2008: 16) suggests that heteronormativity requires that there be only two sexes (male and female) and only two genders (masculinity and femininity), and perhaps, more importantly I would argue, that bodies designated as female conform to a feminine gender, while those designated as male conform to masculine gender ideals. Thus, as Chanter (16) states: “the causal lines of heteronormative desire require that unambiguously male bodies underlie masculine gender and construe themselves as desiring subjects in relation to unambiguously female bodies that underlie feminine bodies.”

As was seen in the themes that arose in Chapter One, lesbo-phobic rape is used to punish subversive behaviour and so acts as a normalising tool. Consequently, butch lesbians are punished for not performing their gender correctly, and thus, symbolically appearing as a threat to the survival of the hegemonic culture. Lesbo-phobic violence, consequently, acts on both an individual and a social level by reinforcing the notion that genders should remain discreet, that is, women should perform their gender according to the traditional, socially accepted norms of femininity or risk punishment. When this violence takes the form of sexual violence or rape, there is an added dimension to this violence, that, arguably, more emphatically aims to remind women that their bodies should be available for sexual consumption by men, an integral part of normative conceptions of ‘woman’ and the sexual contract.

However, when these clear-cut gendered lines are not adhered to, a sense of tension or anxiety emerges. Therefore, according to Moffett (139) and Nelson (2005: 166), sexual violence and the pervasive threat of sexual violence, can be understood as a socially sanctioned control mechanism which works to keep not only the women who are exposed to the violence, but rather *all* women, compliant within a social structure determined by hegemonic patriarchy. Drawing from this, it is evident that lesbo-phobic rape serves the function of stabilising the heteronormative ideologies of the two-sex and two-gender models, and normative values around gender performance. From this perspective, it can also be seen that violence against lesbian women does not disrupt the socio-political order or governing of a society, it is rather *part* of the governing of society.

## **5. The annihilation of subjectivity**

Within the current terms of heteronormative recognition<sup>63</sup> lesbian women become vulnerable to violence not only on a physical level but also to a kind of violence on a more symbolic level. On the physical level, it is clear that Black lesbian women are subject to high rates of extreme violence. However, Butler argues that on a symbolic level, lesbian women are rendered unrecognisable, ungrievable, destructible and unintelligible (Rademeyer, 2012: 272). It is through these conceptions of lesbian women that they are ultimately cast as non-human (abject), while those who conform to societal norms and values are recognised as human. For Butler, lesbians, within current systems of recognition are resigned to the realm of the unreal. For her (2004b: 30; emphasis in original) the unreal means that:

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<sup>63</sup> Heteronormative recognition refers to the symbolic order which recognises those who conform to the logic of hegemonic heterosexuality as humans, while casting as less-than-human or even non-human those who refuse to adhere to its ideologies.

[t]o find that you are fundamentally unintelligible (indeed, that the laws of culture and of language find you to be an impossibility) is to find that you have not yet achieved access to the human, to find yourself speaking only and always *as if you were* human, but with the sense that you are not, to find that your language is hollow, that no recognition is forthcoming because the norms by which recognition takes place are not in your favour.

Butler's sentiments seem particularly pertinent when read in conjunction with the racist and sexist colonial ideologies which objectified Black women thereby making them unintelligible and unreal. Black lesbian women are further rendered unreal in a patriarchal social order which denies that homosexuality exists within African cultures or practices, as discussed in Chapter Three. Within a discourse that denies their very existence, Black lesbian women are not recognised as real or fully human.

Furthermore, in a setting that renders Black lesbian lives unreal, there can be no real call for rights, as rights are attached to those who have already been recognised as human (Butler, 2004b: 32). If their personhood is unreal, then so is their suffering. They have been 'thingified', and this makes extreme violence against them possible, even called for. This thingification might be tied back to the problem of representing images of violence against lesbians, and the danger of repeating this logic of turning their bodies into spectacular objects, further depriving them of personhood, even in death. This sentiment is echoed in the many stories of lesbian women who have been told that their rapes are impossible because there is no such thing as a lesbian, especially a Black lesbian (see for example Fana's story in Chapter One – "There's no such thing as gay. A woman is a woman, and a man is a man"). Within this context, lesbian women, according to Butler (33) are struggling merely to be conceived as persons. This conception of lesbians as persons is a necessity if social change is to occur. However, this conception can only come about through the disruption of the hegemonic discourses that render



lesbian women unintelligible and unreal. In a kind of ironic twist, it is Black lesbian women who are best able to disrupt hegemonic patriarchal orders, but at the same time, a disruption is needed for them to be rendered real. Herein lies the value of a Black lesbian standpoint – the social and political work and activism associated with a standpoint can act as a starting point for the disruption of this hegemonic gendered social order; it can open the way for a disruption that creates a space for lesbian women within this social order (a primary goal of Muholi’s work, as she explains in Chapter One).

Drawing on Butler’s claims, it is clear that in heteronormative settings, lesbian women are considered an impossibility – it is not possible for them to exist in a discourse that insists that a woman’s value lies in her function for men - a discourse which denies her subjectivity, and in some instances her very existence. Within this discourse, lesbian women are often misconstrued as heterosexual women who are simply confused and need a man to show them how to be ‘real’ women. The story of Munashe, who accompanied her friends to the police station to report their rapes, attests to this (Human Rights Watch, 2011b: 48):

One policeman said, “You have to fight because you’re a guy.” We said to the police that we had been attacked (for being lesbians) and beaten up. The police told us, “You are crazy. Just go to sleep. There’s nothing like that. There’s no woman who will sleep with another woman.”

For Munashe’s lesbian friends, not only was their sexual subjectivity completely devalued in this encounter, their very existence was denied and erased, and the space foreclosed within which they could have laid their complaint and made their accusation. This also clearly links back to the ways in which lesbian women are subject to revictimization and stigmatisation as a result of rape, and as such, why most lesbian women do not report their rapes.

For violence committed against butch lesbians, the discourse around being taught that they are not men and need to be shown how to be a 'real' woman is especially prominent. Matebeni (in Ratele, 2014: 125) claims that "butch lesbians in particular are targeted because their visible masculinity disrupts the gender hierarchy by symbolically claiming male privilege." Swarr further explains that "butchness has come to encompass physical and social manifestations of masculinities that bridge sexual orientation and gender identification" (Swarr, 2012: 969). However, what can be drawn from the above is that lesbian women, in their defiance of the 'correct' performance of their gender, fall into the realm of the unreal. They are neither real as women, nor real as men. They fall into an in-between space that renders them unintelligible, ungrievable, and inhuman, to draw on Butler's terms, within the particular system which is the patriarchal, heteronormative nation. What is important to note though, is that the dehumanisation of lesbian women that takes place through sexual violence is a continuation of their dehumanisation and abjection which already exists in many contemporary social settings. In other words, because lesbian women do not fit into an existing framework of 'human' along typically gendered or sexual lines within a heteronormative society their "lives are not considered lives" (Butler, 2004b: 25). Consequently, they are dehumanised at the social level.

As discussed in the previous chapter, we can understand this as abjection – they are considered non-human, dirty and a threat to the very fabric of society. This dehumanisation or abjection leads to violence being committed against them "that in some sense delivers the message of dehumanisation which is already at work in the culture" (ibid.). This is in line with Du Toit's argument (refer to Chapter One) that rape serves to negate the subjectivity of the victim; in this instance, it serves to reinforce the objectification and dehumanisation of lesbian women that already functions on a symbolic level within the social imaginary. However, for butch lesbian

women, masculinity is paramount to their subjective lived-experience, their visibility as lesbians as well as their sense of identity and pride (Swarr, 2012: 967). Therefore, despite the obvious danger associated with butchness, for many lesbian women this is a vital aspect of the expression of their sexual identity and is ultimately an integral part of their subjectivity.

Within this context, lesbo-phobic violence can be understood as a continuation of violence that arises as a result of the devaluing of female sexuality and sexual subjectivity as such (in its various forms) which are constantly and consistently undermined by patriarchal society (Du Toit, 2009a: 83). In this sense, it could then be argued that female sexuality and women generally (not just lesbian or subversive women) are seen as a threat to the patriarchal national collective identity as much as for individual men, and for this reason are characterised as threatening or abject. From this we can gather that a woman's existence while fascinating and desirable to men, also threatens male subjectivity. Yet, at the same time, the negating of a woman's subjectivity serves to reinforce the subjectivity of the male. There is thus something fundamentally ambiguous about the female subject position within contemporary patriarchy, and which gets exacerbated when female subjects explicitly disrupt the unstable (non-)place that patriarchy reserves for the feminine subject. Lawless (2003: 251) suggests that:

as the object of male desire and loathing, [a woman] is kept prisoner in the semiotic, which enables [a man] to successfully manoeuvre his own symbolic subjectivity at the expense of her own. He can incorporate the abject at the same time he rejects it as outside his own body, as only embodied in hers.

Du Toit further explains that the threatening otherness of a woman is destroyed through acts of violence and, in turn, affirms the "self, truth and world of the aggressor" (Du Toit, 2009a: 87). In other words, through acts of sexual violence in particular, the sense of self of the perpetrator is affirmed and strengthened. Du Toit (87) states that "[b]y forcing her implied

acknowledgement that she is inferior femininity because he is superior masculinity, both his sense of self and of his (place in the) world are affirmed, extended and expanded.” Consequently, sexual violence not only serves to bolster the sense of self of the perpetrator but also and at the same time, serves to negate a women’s subjectivity. She becomes an object for men – an example of the “desubjectified feminine of patriarchy” (83).

Lesbian women, while fascinating to men (and often fetishized through pornography, for example) are also perceived as repulsive due to their out-of-place-ness in the heterosexual setting. A lesbian woman, in her refusal to conform and be for men, is perceived as threatening to male subjectivity and the symbolic order of patriarchy. Rape is, therefore, used as a means to destroy her subjectivity, reinforce her position as man’s inferior, restore patriarchal control, and bolster the subjectivity of the perpetrator. Her objectification through rape, cements her abjection and reminds her<sup>64</sup> of her inferior status.

Through sexual violence and the negating of the woman’s sense of self, the woman who is targeted may in fact come to believe that the violence inflicted upon her is warranted and that it is she who has brought this violence upon herself (Lawless, 203: 251). We are reminded, here, of the voices we heard in Chapter One, where, for example, Fana who blamed herself and believed that she deserved to be raped because she was a lesbian. Implicitly, a lesbian existence gets criminalised, if only informally enforced. Similarly, there were the claims by Nosizwe and Lefu around their loss of sense of self and the way in which the rape desubjectified them – made them feel ‘dirty’ and like an ‘animal’. These stories all testify to the politically effective

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<sup>64</sup> I use the phrase “reminds her of” here rather than “brings to her awareness” her inferior status, because lesbian women are very often made aware of their inferior status on an ongoing basis through the stigmatisation, abuse and ostracisation that they encounter from family and community members. Therefore, rape is usually not the first time they will have been “made aware” that they are considered inferior. Instead, the rape will often have been preceded by other forms of abuse and discrimination.

desubjectification and abjection that arises in victims as a result of rape. If such experiences are persistent or traumatic enough, chances are victims will internalise their abject status.

Ultimately, as stated by Thomas et al. (2013: 528 – 529), “sexual violence is used to enforce gender norms about what constitutes masculinity and femininity – including being heterosexual.” Lesbo-phobic rape serves to negate the subjectivity of the victims while bolstering the self-esteem of the perpetrators, and thus plays a critical role in gendering the nation in heterosexual, patriarchal ways and to regulate the relations of power between men and women. In addition, the constant threat of rape to all women means that many lesbian women will conform to patriarchal ideals, or at least do so in public spaces, as a way to avoid being subject to such violence. The self-blame and behaviour monitoring associated with rape help to ensure that, not only lesbian women, but rather all women conform to the patriarchal ideals of the nation (living and performing as women who are for men) and so rape becomes a systematic means through which to achieve the goals of establishing and reaffirming a certain masculine national identity. However, this is at the expense of the subjectivity of women, the valuing of female sexuality only as an end in itself, and the affirmation of women’s rights to freedom of choice, movement, and, ultimately, personhood.

## **6. Lesbo-phobic rape as punishment**

Finally, I want to return to the argument that lesbo-phobic rape acts as punishment for subversive behaviour. Here I want to bring attention to an aspect related to butch lesbian women which, presumably differs from that of more feminine lesbians. That is that butch lesbians, while visibly and symbolically defying heteronormative ideals are also considered competition for straight women’s affection, according to Swarr (2012: 979). Nontle (Human Rights Watch, 2011b: 27) states that when she is with her girlfriend in public, she is verbally

harassed and abused. She explains: “They say they will stab us, [because] we are taking their girlfriends.” Swarr (2012: 979) further asserts that many butch lesbians engage in relationships with both other lesbian women and with women who identify as straight. It might seem contradictory that women identify as straight while engaging in lesbian relationships; however, Swarr (979) explains that:

Straight women often find butches to be sensitive and may prefer relationships with lesbians, whom they see as less violent and more loving [than men]. But these straight women also find social affirmation through heterosexual relationships. Concurrent relationships may lead directly to violent competitive conflict over specific straight women.

As such, not only are butch lesbian women inaccessible to men sexually, they additionally appear as competition for heterosexual women. Butch lesbians, as a result, pose a clear threat to the traditional conceptions of masculinity and heteronormativity. In addition, they break the rules of compulsory heterosexuality by implicitly prohibiting men from access to their bodies for sexual purposes. Swarr (981) asserts that a very dangerous prevailing assumption is one which decrees that all women have a sexual need for men, and that this should be forced on them if necessary. This read in conjunction with the heterosexual contract illuminates the extent to which lesbian women defy the rules associated with heteronormativity and patriarchy.

To tie this into the idea of a lesbian standpoint, we can see that while lesbian women very often live in defiance of the norms which characterise heteronormative, patriarchal society, it is clear that butch lesbians who reconceptualise what it means to be masculine live in, possibly, even greater defiance of these norms. Ratele (2014: 144) states:

Gay masculinities and lesbian masculinities ... embody a rebuttal of the traditionalist male privilege to women's bodies but also the embodiment of masculinity in males that tends to characterise hetero-masculinist patriarchy.

Within the context of the crisis in hegemonic masculinity, the claim of lesbians to their own specific forms of masculinities appears to further jeopardise the already fragile hold that men have on the power gained through their masculine identities. Swarr says that "far from imitating men, butches exploit conceptions of masculinities for which there are no ideal models or originals, constantly redefining what it is to be masculine" (Swarr, 2012: 968).

Referring back to Butler's claim that lesbian women fall outside of the categories of 'man' and 'woman', discussed in Chapter One, it is clear that butch lesbians are recreating and redefining conceptions of masculinity. This is particularly problematic for men due to the fact that not only are butch lesbians resisting typically feminine qualities, they are also appropriating and reconceiving of qualities that are typically associated with masculinity, thereby undermining traditional conceptions of masculinities, and in turn what it means to be a man. Similarly, we can look to Kroeger-Mappes' distinction between the masculine sphere of rights and the feminine sphere of care for further understanding of why butch lesbian women are considered so threatening. Butch lesbians are presumably both caring in their roles within the private domain, while at the same time being publicly strong. They refuse to exist in only the realm of female (care) labour, and instead also assert their strength and presence within the masculine realm of rights. In so doing, they threaten male privilege that is predicated on the relegation of women to the realm of care. Lesbo-phobic rape is, therefore, used as a means through which to punish this subversive and disruptive behaviour and subvert the threat posed to hegemonic masculinities and patriarchal dominance.

Evidently, Black lesbians are often targeted for their appropriation of masculine traits, with the violence against them reported by perpetrators as being an attempt to correct them for “wanting to be men” (Lake, 2014: 79). Evidence of this can be read in the stories of Dumisani and Nosizwe<sup>65</sup> – two lesbo-phobic rape victims who identify as butch:

When they were raping me, one guy said, “You think you’re so tough, you think you’re guys, you lesbian shit” (Dumisani in Human Rights Watch, 2011b: 37);

“This is a girl. Let me show you it’s a girl.” They came after me, grabbed me; started hitting me ... They raped me – three or two or all of them, I don’t remember (Nosizwe in Human Rights Watch, 2011b: 37).

Clearly from these, it can be seen that in the lesbo-phobic rape scene itself there is a clear discourse around gender performance and expression, as well as a discourse around punishment and being taught how a ‘real’ woman should behave, and also be treated (as sex object).

Lesbian women who have been raped have also reported that they have been told, for instance, that this is what happens when you pretend to be a man; after being raped they will become straight girls; they will be “shown how to be real women” and “what a real man tastes like” (ActionAid, 2009: 5 – 12). The general message we can draw from such discourse is that lesbian women are not considered *real* women, and that rapists believe that somehow experiencing sexual intercourse with a ‘real’ man might ‘cure’ a lesbian woman of her homosexuality. It is precisely the illegibility of the lesbian body and identity within a relentlessly patriarchal social setting that the violent perpetrators find unsettling and try to dispel by enforcing legibility onto these bodies, this comes more sharply to the fore in instances

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<sup>65</sup> Please refer back to Chapter One for a reminder of Dumisani and Nosizwe’s stories.



where lesbian women are forced to marry their rapists or bear children unwillingly, as will be discussed in the next chapter.

## **7. Conclusion**

To conclude, lesbian women could be considered to represent (irrespective of their conscious political aims or orientation) the ultimate defiance against patriarchal heterosexuality, as they refuse to be sexually available to men, thus, subverting the norms associated with compulsory heterosexuality and patriarchy. Their very existence and the violent response to it, which aims to destroy, eradicate, and deny their existence, thus serves to sharply illuminate the pervasive and core nature of patriarchy to the South African political and social context. Without this violence, it would be easier to remain blind to the investment of South Africans in patriarchal power, partly because of the supposedly liberal Constitution, and partly because patriarchy is so successfully naturalised in our context.

In this chapter, I have aimed to explain that it is because lesbians are considered such a great threat to patriarchal dominance that they are subject to such high rates and severe forms of sexual violence, including lesbo-phobic rape. Lesbo-phobic rape, like the rape of women more generally, sends a message to the lesbian community that their sexuality is unnatural and unwelcome within a heteronormative patriarchal society. Lesbian women symbolically threaten patriarchal control as well as the development of the national identity. In a country that has been through major social and political upheaval, the regulation of sexuality is seen as important in that the healthy expression of sexuality is symbolic of a healthy nation. However, it is evident that religious and cultural norms that arose during colonialism and have continued to the present cast homosexuality as unnatural and dangerous to this national development.

Additionally, the characterisation of lesbians as abject and threatening serves to create the impression that violence against them is acceptable and even warranted.

The sexual violence perpetrated against lesbians often serves to negate their sexuality and render them invisible. If we consider the measures taken to render non-heteronormative forms of sexuality invisible, it becomes clear why Wittig, Butler and Harding argue that we can think of heterosexuality as compulsory within a patriarchal setting. We can also then understand how it is that the subversion of compulsory heterosexuality is deemed subversive and therefore worthy of punishment and correction. This rings particularly true in the case of lesbians who identify as butch or masculine. Apart from denying men sexual access to their bodies, they also act as competition for the affections of heterosexual women.

Where lesbian women's lives are considered the ultimate defiance of heterosexuality, it is possible that it is in fact more specifically butch women who stand as the complete antithesis of feminine ideals from a patriarchal understanding. The redefining of masculinity that takes place within the context of lesbian masculinities also serves to destabilise and undermine traditional conceptions of masculinity. The fragility and tenuousness of masculinities likely becomes all the more illuminated when masculinities can be inscribed on what would ultimately be considered a female body. The visibility of lesbian women, as Harding says, makes it possible to imagine a world where men are not wanted or needed. The very visible expression of lesbian identities as expressed by butch lesbian women through their behaviour and appearance, allows for an even greater imagining of a world not founded on patriarchal, heteronormative ideals. Thus, butch lesbian women arguably present a more tangible threat to male dominance in their subversion of, and appropriation of, patriarchal conceptions of femininity and masculinity, respectively. Rape carried out on lesbians is a way to not only

assert power and control, to deny or erase their existence, but it is also an attempt to change the gender and sexual orientation of these women.

Overall, sexual violence and in particular rape are used systematically and strategically in order to regulate and control the sexuality of women, to enforce the goals of heteronormativity, and to ensure that patriarchal control is reinforced. Sexual violence and rape, thus, serve as a threat to all women and function as a form of mass control (Swarr, 2012: 974). The next chapter will build on the ideas that have been focussed on here in order to determine if and how lesbophobic rape and rape during times of war are similar. I do this in order to show that lesbophobic rape can be understood as having a strategic underpinning in the same way as can rape during times of war.

## CHAPTER SIX

### THE CONTINUITIES BETWEEN LESBO-PHOBIC RAPE AND RAPE IN WAR

#### 1. Introduction

Thus far, the dissertation has delved into the ways in which the specific South African socio-political environment creates conditions in which violence against women, including the rape of specifically Black lesbian women, prevails. Drawing from the notion of the sexual contract as underlying both liberal and traditional societies, we can see that the foundation of modern societies, including South Africa, retains patriarchal, misogynistic tendencies. This, coupled with the crisis in hegemonic masculinity brought about by the unrealised goals of the democratic government, along with the lasting effects of the colonial othering of Black women, has led to a rise in sexual violence against Black lesbian women.

This chapter builds on the discussion from the previous chapters to show how and why it is that lesbo-phobic rape should be regarded as a socially and politically motivated strategy by comparing it to the clearly identified strategic underpinnings of rape carried out during times of war. It is important to understand the strategic underpinnings of lesbo-phobic rape in order to adequately understand how it functions as a form of social control. It is through this understanding of lesbo-phobic rape that the symbolic order that contributes to the perpetuation of lesbo-phobic rape can begin to be disrupted.

In order to develop the claim that lesbo-phobic rape and rape in war share many commonalities, I will draw on the rich and substantial body of research related to war rape. Rape during times of war has gained much attention, particularly after the rulings by the International Criminal

Tribunal for Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) declared rape to be a war crime and a crime against humanity (see for example, Bergoffen, 2009: 307 – 309). Prior to this ruling, rape was often a much-ignored aspect of war, with it being considered merely incidental to the other violence that forms part of conflict settings (307). However, with this ruling, the use of rape as a systematic strategy within war was recognised. This ruling has been very important in acknowledging the systemic use of war as a weapon of war, as well as determining the kinds of punishment meted out for this offence.

In addition to drawing on the vast body of literature around war rape, I will again draw on the important themes that emerged from a Black lesbian standpoint in Chapter One, that is: rape as a form of social control, including objectification, stigmatisation and the instrumentalization of female sexuality; the shame and guilt associated with rape; and the connection between rape and subjectivity. These themes illuminate my initial claim that a Black lesbian standpoint can help us to understand rape in its many other ‘forms’ more clearly. In bringing together the literature on rape in war and the themes that emerged in Chapter One I aim to explicate how the strategic underpinnings found within war rape and lesbo-phobic rape have detrimental effects on an individual as well as a societal level.

In the section that follows this introduction, section 2, *The gendered nature of rape*, I will argue that it is the gendered lines of oppression which are present in society, no matter its state (i.e. state of war, peace, or transition), that underlie rape. In this section, I will begin by pointing to one of two dissimilarities that are found between lesbo-phobic rape and war rape. I argue that a point of difference between the two is the way that heterosexual women and lesbian women are valued differently. Lesbian women are not seen to be the symbolic bearers of the nation as are heterosexual women. However, despite this difference, I will still contest that both war rape

and lesbo-phobic rape are underpinned by gendered norms which are foundational to times of both war and peace. In this light, both war rape and lesbo-phobic rape intentionally seek to send messages centred around control and dominance to particular communities – the enemy men in the case of war rape and lesbian women in the case of lesbo-phobic rape. Thus, while the content of these messages might be different, they are similar in intent. The understanding of the gendered nature of rape forms the foundation for the rest of the discussion that follows in the chapter.

The next section, section 3, *Rape as a form of social control*, highlights how war rape is often used as a means of genocide or ethnic cleansing. This section will be broken up into two parts, namely: (3.1) *Ethnic cleansing and social death* and (3.2) *Abjection through forced impregnation*. In the first sub-section *Ethnic cleansing and social death*, I will explain how war rape is used to diminish the ties of a community by ‘tarnishing’ the women of the community, leading to what Lindsay Card (2003: 73) calls “social death.” For Card (63), social death relates to the loss of “relationships, contemporary and inter-generational, that create an identity that gives meaning to life.” On the one hand then, social death occurs on an individual level, where the individual loses their ties to their communities, but this can also have an effect on the community more widely as it affects the relationships that tie a community together. In this section, I will again point out a dissimilarity between rape in war and lesbo-phobic rape. This will be the second of the two major dissimilarities that I have identified between war rape and lesbo-phobic rape. Again, however, I will show that while there is a discontinuity between war rape and lesbo-phobic rape, which relates to the forced (war rape) and voluntary (lesbo-phobic rape) complicity of family and community members in each, ultimately, war rape and lesbo-phobic rape function similarly as a means of social control that is played out on women’s bodies.

Then in *Abjection through forced impregnation*, I will go on to explore the use of rape and forced impregnations as ways to, not only harm the current community, but to affect future communal ties and in so doing, affect the future of the community. In this section I will show that rape stems from the socio-symbolic meanings attached to women. As has been discussed previously, in many cultures and societies, heterosexual women are considered to be the “cultural and biological repositories” (Das, 2008: 291) of their communities, where women stand as symbols for the nation. Consequently, rape is committed purposefully and systematically against women as a means through which to humiliate men, destroy the socio-cultural ties of the community, and as such damage the worlds and identities of the enemy community. Diken and Laustsen (2005: 111) accordingly explain that rape in war is a very clear example of an asymmetric war strategy. As stated by Diken and Laustsen (111):

In war rape, the enemy soldier attacks a civilian (not a combatant), a woman (not another male soldier), and only indirectly with the aim of holding or taking a territory. The prime aim of war rape is to inflict trauma and thus to destroy family ties and group solidarity within the enemy camp.

War rape can therefore be understood as a gendered form of violence in which the attacks are intended not only as a violation of individuals but also of the social body and its internal ties (Sideris, 2000: 43). War rape is thus not best understood as (merely or only) an individual crime but rather as a political act linked to socio-cultural identities, political motives, and national projects. In this way, we can understand lesbo-phobic rape to be a similar act to the act of war rape, which I will make clear in this section. For example, I will show how the use of war rape as a means of ethnic cleansing can be related to the way in which lesbo-phobic rape serves to terrorise a community and destroy the worlds and bonds of lesbian women, therefore in essence contributing to the social death of the lesbian community in a similar way to war rape.

In the fourth section, *Shame and guilt as consequences of rape*, and again drawing on the themes that came to light in Chapter One, I will analyse the guilt and self-blame felt by many victims of war rape. Here again I will show how the consequences of lesbo-phobic rape are much the same as those of war rape, in that the victims of lesbo-phobic rape (and as a point of fact, all rape) often blame themselves for the rape, feel they are deserving of the rape, and experience both a sense of shame and a sense of guilt. In this part of the chapter, I will turn to the work of Louise du Toit and Debra Bergoffen to show how rape goes far beyond physical harm and is much more pertinently a “spirit injury” (Du Toit, 2009a: 81) and a harm on a phenomenological-existential level (Bergoffen, 2009: 311). This shame, again, is clearly linked to the dehumanisation and objectification of women as the rapes serve to negate their identities and senses of self. The abjection of women serves to legitimise violence against them, and, in turn, violence against them further entrenches their abjection. Therefore, war rape and lesbo-phobic rape can be understood as detrimental on a psychological-symbolic level as they contribute to the annihilation of the subjectivity of the victims.

The fifth section, *Rape and subjectivity*, will centre on the role that socio-cultural constructions of masculinity play within war and lesbo-phobic rape. This section will explore the ways in which masculinity is often constructed around the role of men as protectors – a role that becomes very pertinent during war. War rape in this instance is used as a means to negate men’s roles as protectors of (their) women and their community. In essence, war rape is used as a means to humiliate enemy men and at the same time prove the potency of the perpetrators. This ties into the idea that war rape is not only destructive but also constructive. War rape is destructive in that it breaks down communal bonds and the enemy men’s masculinity, but constructive in that it acts as a form of male-bonding and socialisation on the side of the perpetrators. In this sense, the socialisation of men which forms part of military initiation and



training creates a form of “hyper-masculinity” (Gqola, 2015: 154), which can be understood as an intensified version of patriarchal masculinity, which leads to overt displays of aggression, strength and sexuality (ibid.). The socialisation and group complicity involved in war rape can lead to the development of a “brotherhood of guilt<sup>66</sup>” (Diken & Laustsen, 2005: 112). The ‘brotherhood of guilt’, as I will explain in this section is a symbolic bond that develops between men who have perpetrated rape or particularly violent acts, usually within a group rape context (124). Similarly, within the context of lesbo-phobic rape, it is the conceptions of masculinity in the South African setting which contribute to the prevalence of lesbo-phobic rape. Additionally, the perpetration of lesbo-phobic rape by groups of men works to cement the bonds of loyalty between the men.

Before going further into this chapter, it is important to make mention of the phenomenon of male on male rape within the context of war. I will not go into this in detail as it is beyond the scope of this study. However, it is important to be cognisant of the fact that male rape is a feature of many wars. According to Hogg (2018: 42) male rape is reported to have taken place within “at least 22 countries during armed conflict or in forced displacement.” Hogg adds that the rape of men and boys is used “to punish, humiliate, terrorize and repress individuals and their communities” (ibid.). Similarly, Onyango and Hampanda (2011: 237) claim that sexual violence against men is also used as a form of ethnic cleansing, in that violence is targeted at men’s genitals in an attempt to render them unable to produce children. This is similar to the effects of war rape for women, as will be discussed in section 3.1, where one of the primary motivations of such rapes is ethnic cleansing, or to use Card’s term, “social death” (2003: 73). Consequently, it could be argued that many of the functions of war rape are similar when

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<sup>66</sup> As discussed in the main Introduction, guilt is associated with behaviour or actions. Thus, the brotherhood of guilt can be understood as relating to the actions of the men within the brotherhood, rather than with feelings men have in relationship to their selves or their identities (shame).

committed against both women and men. It could be said that within both contexts the rapes function as a way for the rapist men to exert control over women and other men through their victimisation and emasculation, thereby proving their own masculinity.

Another point to note is that at times women are complicit in the orchestration or carrying out of rapes during war times. According to Onyango and Hampanda (2011: 237) a study carried out in the Democratic Republic of Congo found that women were “reported to have been involved in perpetrating 10% of the conflict-related sexual violence towards men,” while Cohen (2013: 384) similarly explains that female combatants in Sierra Leone’s civil war were implicated as either assisting in the perpetration of rape (for example, by holding the victim down) or as the actual perpetrators of the rape of both men and women (by means of inserting objects into the victims). Another example is the role that women played in the Rwandan genocide. A prominent figure in the orchestrating of rape and violence during the Rwandan genocide was Pauline Nyiramasuhuko, the former minister of Family Affairs and Women’s Development (Hogg, 2010). Nyiramasuhuko was sentenced to life in prison in 2011 for the role that she played in the Rwandan genocide. Nyiramasuhuko was, in fact, the “first woman to be charged with genocidal rape at an international criminal court.” According to testimonies she wore a military uniform, carried a gun, and supervised killings (ibid.). In addition, she orchestrated and enforced the rapes of Tutsi women by military troops as well as by her own son (ibid.) and “establish[ed] a system of sexual slavery” (Whyte, 2017). Similarly, as shown in Chapter One and as will be seen later in this chapter in the case of Pearl Mali, women are also at times complicit in lesbo-phobic rape. This might be understood in lights of Gqola’s (2015: 68) argument that some women act as the “foot soldiers” of patriarchy. These women, Gqola asserts, believe that by defending violent men and disowning women, they will receive a reward from the patriarchal system. Perhaps, this reward is the withholding of violence

against them. In a similar sense, perhaps female combatants, immersed within a hyper-masculine militarised setting, appropriate violent tendencies typically associated with war masculinities and inflict these upon others in an attempt to gain control over others and avoid violence or violation of themselves. Sjoberg (2013: 235), in line with this argues that women are able to enter into the military not because militaries “have questioned or changed their privileging of masculine values” (ibid.) but rather because female combatants are willing to adopt the (hyper)masculine values necessary to be part of a military culture.

What we can draw from the above is that the gendered nature of wartime violence plays itself out against both women *and* men, where hyper-masculinity becomes exemplified through displays of violence (especially violence of a sexual nature). Consequently, the rape of both women and men appears to stem from the meanings attached to masculinity and femininity that underlie patriarchal societies whether at peace or in a state of war. The primary functions of male and female rape can then be understood to be similar; however, as will be explained throughout this chapter, the rape of enemy women has much to do with their social and symbolic positioning as repositories of culture and their community’s future. This, perhaps, adds a different meaning to the rape of women and it is for this reason that I will focus on the rape of women during war specifically.

Overall, this chapter will show that there is much continuity between the use of rape as a weapon in war and the use of rape as a weapon against lesbian women, particularly within times of socio-economic and political transformation. Each of these ‘forms’ of rape serves to send a message to the broader society, and not only to the direct victims. During times of war the message is aimed at the enemy community and particularly the enemy men, while lesbophobic rape sends a message to the lesbian community and the homosexual community at large.

The message sent through lesbo-phobic rape, like war rape, serves to reinforce and maintain certain ideologies around gender and sexuality.

## **2. The gendered nature of rape**

To begin to understand the effectiveness of rape used as a weapon of war, it is necessary to understand the gendered nature of war and the socio-symbolic meanings assigned to women within the narratives of war. According to Kirby, “sexual violence [is] shaped by cultural idioms, embodied in a *habitus* of masculinity or the expression of long-standing schemas of the body and gender” (Kirby, 2012: 811, emphasis in original). In other words, sexual violence, including rape, can be understood as relating to the meanings ascribed to masculinity and femininity and the socio-cultural contexts in which rape occurs. The meanings ascribed to gendered bodies within the context of conflict serve to underpin the use of strategic violence; however, at the same time, violence serves to shape and reinforce particular identities and cultural practices. In other words, rape can be understood as an identity-producing practice (ibid.). The symbolic meaning of rape goes beyond its instrumentality as an economic tool, and beyond its meaning as an outlet for frustration (ibid.), to a deeper level, in which rape comes to be understood as a tool for both destroying and creating communities.

Rape functions on a symbolic level to determine who is and who is not ‘allowed’ within a community or nation. Rape functions to determine the “skin of the community” (Ahmed, 2005: 104 & 107) – it constitutes who belongs within the community and who falls outside of the legitimate borders of the community; who must be repelled as abject from the boundaries of the body politic. From a perspective such as this, rapists come to be understood as “performers of socio-cultural rituals” (Kirby, 2012: 811); rituals which are deemed appropriate by the prevailing socio-cultural context in which the rapes take place. In the case of lesbo-phobic rape

this often involves societal complicity and at times even familial complicity, which support and reinforce the rapist's belief that he is committing an act for the good of society. Rape is thus not only or necessarily best understood on an individual level, but rather on a collective level, where the responsibility for rape lies not only with the individual perpetrators but rather with the social context which deems the perpetration of rape appropriate (May and Strikwerda, 1994: 137). Thus, for Kirby "rape is a weapon of war because it is selected as appropriate behaviour by a social group which sets the self-understanding of perpetrators" (Kirby, 2012: 811).

Before moving onto exploring the more specific similarities between war rape and lesbophobic rape, it is imperative that I highlight one of the *dissimilarities* between the two, which relates to the very different symbolic values assigned to heterosexual women and lesbian women. Within conflict, as within times of peace, a predominant reason for the prevalence of rape is the symbolic meaning assigned to (heterosexual) women. Bergoffen (2009: 317) explains:

In war time rape the gendered body is essential to the intended strategic effects. Perpetrators of rape as a weapon of war rely on the fact that there are communities where a woman's body carries the honor [sic] of her community. Her raped body shames and humiliates the body politic; for insofar as the honor [sic] of the woman's community is carried on/in her body, her honor [sic] is both her responsibility and the responsibility of the community's men: she is charged with guaranteeing it, they are charged with protecting it.

For Card (1996: 11), women are specifically targeted for sexual violence during conflict because of the cultural meanings assigned, by men, to women as well as to rape as a means of dominance. Raped women, as metaphors for the community, are the means through which dominance comes to be displayed. In other words, war rape not only sends a message to women

regarding the dominance of men over them, but it also sends a message to the enemy men regarding their inability to protect the women of their own communities (ibid.). In essence, women stand as symbols for the nation which is to be destroyed or punished (Kirby, 2012: 811 and Buss, 2009: 148), and raped women, more specifically, symbolise very concretely the defeat of the community (Diken & Laustsen, 2005: 116).

Raped women symbolise the tainting of the community and the failure of the men within the community; they thus testify not only that the community has been attacked from the outside, but also that the interiority of the community has been successfully tainted, contaminated, diseased, and degraded. Death and destruction have come to be lodged within the inner sanctuary and is no longer just superficially injuring the body politic on its outside borders. Sjoberg (2013: 200) explains that “states often (consciously or unconsciously) see ... women as the symbolic and material centers of their collectives.” Women represent the fragile interior of their communities. Raped women in war context often quite literally carry the seeds of destruction within their own bodies in the form of children resulting from the enemy rapes. Accordingly, war rape seems to aim at long-term, internal construction of the enemy community. It could be argued, however, that this conception of women is not one that only arises during times of conflict, instead it is a characterisation of the female body that originates in times of peace, but is, perhaps, intensified during times of war as it is in times of socio-economic or political transition. Within this characterisation women are set-up as means to an end, as without individual agency or subjectivity, and as commodities for use by men. Perhaps, more pertinently the rape of a community’s women stands as the ultimate prize for enemy men, and a signal of the complete defeat of the community’s men (Sjoberg, 2013: 201).

Gendered conceptions do not, however, only have an effect on women. Men too, are affected by gendered conceptions, in that men are characterised as the protectors of the nation, of defenders of their group's women's honour. Thus, the conceptions of both men and women in these contexts serve to position women as the most efficient means through which to strike at the dignity and honour of enemy men. Like rape during times of transition which is enacted against women with the purpose of (re)enforcing a specific national identity and upholding male power in the face of changing social dynamics, war rape can then be understood to be not merely incidental to the general violence and disorder associated with war conflict but is rather carried out with a specific purpose and aimed specifically at women, thereby making war rape gendered.

While lesbo-phobic rape must be understood as stemming from a gendered societal foundation, it is clear that lesbian women are not seen as cultural repositories or as bearers of the nation as are heterosexual women during times of war *and* peace. It is because of lesbian women's defiance of these symbolic positionings that violence is enacted upon them. The rapes carried out against lesbian women are not aimed at the men to whom they 'belong' as is the case with war rape. It is rather that lesbo-phobic rapes are performed with the intent to send a message to the rest of the lesbian (or other 'non-conforming') community. This message stems precisely from the fact that lesbians are not seen as 'belonging' to any men in particular. Lesbo-phobic rape is thus a form of violence which aims to ensure that all women within the inside group do belong to the masculine collective in this sense, and in this sense acts as a form of social control.

It is clear, however, that like war rape, lesbo-phobic rape is about sending a message to the lesbian community based on socially coded gender norms and values. The message is not only that lesbian women are a disruptive threat within a heteronormative society, but also that 'real'

(heterosexual) women need protecting and protection from men (and possibly from the contaminating force of lesbian women, too). Consequently, Card (1996: 7) claims that civilian rape has the intention of creating female heterosexual dependency on men. She adds that civilian rape creates a society of “females who feel bound to those they serve [men] through misplaced gratitude for ‘protection’ which is mostly only a withholding of abuse” (ibid.). Kirby (2012: 812) adds that “[j]ust as women can function as symbols within a war system, so too can sexual violence serve to reproduce systems of patriarchy.”

As such, it could be argued that lesbo-phobic rape has as one of its (maybe unconscious) intentions and clear results the goal of sending a message to lesbian women that it is only through conforming to heterosexual ideals that they will be protected or, at the very least, have violence against them withheld<sup>67</sup>, and it is partly through this discourse that systems of patriarchy are created and maintained. In essence, then, war rape and lesbo-phobic rape both serve the function of maintaining patriarchal systems of power and control, through the symbolic positioning of women as metaphors for the community.

Therefore, while we see a dissimilarity here in the social and symbolic values assigned to (heterosexual) women with in war contexts and lesbian women in South Africa’s transitional context, it is still evident that underlying both are gendered norms which are present in both peacetime and wartime settings. Furthermore, both wartime rape and lesbo-phobic rape serve to send messages to particular communities, which, while different in content, are similar in their effects and their functions as measures of social control, which I will now go on to explain.

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<sup>67</sup> Although, we do know, of course, that even women who do conform to the logic of hetero-patriarchal ideologies are still subject to violence.



### 3. Rape as a form of social control

#### 3.1. *Ethnic cleansing and social death*

It has been widely argued that one of the primary goals of war rape is genocide or ethnic cleansing (see for example, Buss, 2009; Das, 2008; Card, 1996 & Diken & Laustsen, 2005 and Bergoffen, 2009). Ethnic cleansing can be understood as the “complete annihilation of the other” (Das, 2009: 291) or, according to Salzman (in Diken & Laustsen, 2005: 113):

An act intended to render an area ethnically homogenous by removing members of a given group through the use of concentration camps, torture, sexual violence, mass killings, forced deportations, destruction of private and cultural property, pillage and theft, and blocking of humanitarian aid.

What war rape does, essentially, is to destroy cultural and social bonds, and in such a way that it also serves to undermine national identities (Card, 1996: 8) (however, bearing in mind that as rape does this, so too does it strengthen bonds between rapists and in some ways also creates or strengthens alternative national identities – this will be discussed in more detail in section five). Matusitz (2017: 835) adds that as women stand as symbols for the community, the rape of enemy women is symbolic of the raping of the identity of the community.

The goal of ethnic cleansing through rape is not to physically annihilate the enemy through death, but rather to create a form of social-symbolic death (Das, 2009:291 & Card, 2003) or as discussed previously, annihilate the subjectivities of the enemy women, leading to their dehumanisation and a disintegration of social ties. Card (2003: 73) suggests that social death is often as harmful as physical death in that social death leads to the loss of social vitality, where social vitality relates to one’s connection with one’s community, heritage, practices and institutions. In other words, social death is “a loss of one’s identity and consequently a serious

loss of meaning for one's existence" (63). A survivor of the Mozambican war (cited in Sideris, 2000: 42) states that:

So that was a terrible thing to happen to us. What has happened to us - our properties have been damaged, our bodies have been damaged. Everything - our life and community has absolutely changed because of Renamo. The spirit has been damaged.

From her words it is clear that the act of rape goes far beyond physical violence on an individual level and instead destroys the spirit and cohesion of the individual victim, but also of her community. One of the primary goals of war rape can consequently be understood as destroying social and cultural bonds that contribute to identity both on an individual and communal level, and to have this disruption continue on through the coming generations, thereby destroying these bonds on an inter-generational level too.

One of the means through which the harming of social bonds is magnified in war rape is through the involvement of family and community members in the rape, such that family or community members are often forced to perform the rapes or to be witness to the rapes. Sideris (2000: 40 - 41) explains that during the Mozambican war husbands were used as 'mattresses' in that they were forced to lie beneath their wives while they were raped. In addition, during the Rwandan genocide, husbands were forced to watch their wives being raped, and sons were forced to rape their mothers (see for example Wolfe, 2014). Similarly, during the Bosnian war, husbands and sons were forced to rape family members, and women were group raped in front of family members (Diken & Laustsen, 2005: 122 & Matusitz, 2017: 836). In all of these (and many other) instances, the rapes were carried out publicly so as to ensure that the rape was not only an individual violation but also a familial and communal one. Sideris (2000: 42) suggests that:

when one woman was raped, the rape was felt by the whole community. When individual women were raped those present were also dehumanised. Relatives and compatriots, who were drawn into the public degradation of the rape victim by their witness to the attack and their participation in the assault, were shamed and humiliated.

As such, the rape of individual women has a much more far-reaching meaning on a socio-symbolic level. By forcing family and community members to participate in and be witness to the rapes, the social ties were fragmented even further. In this way, war rape serves to diminish social bonds and distort the identities of not only the individual victims but the society as a whole. This is, therefore, one of the reasons that war rape is understood as a means to genocide. It is very important to note here that this is one of the major discontinuities between war rape and lesbo-phobic rape. In war rape the involvement of the community or family has detrimental effects on those forced to commit the rapes, as well as the victims. Through this forced complicity, men often become secondary victims. Whereas, in lesbo-phobic rape, families and communities are often willingly complicit (Muholi, 2004: 119) as lesbian women are seen as deserving of the rape.

We might understand this difference to be because the lesbian woman is seen as the enemy of the community or the nation from inside her group, and lesbian women in their refusal to conform to heterosexual norms are not considered to be the valuable symbolic repositories of the nation as are heterosexual women. While enemy women are seen as the bearers of the future and the cultural repositories of their communities, lesbian women are instead considered a threat to the nation and its future, and as such, violence against them is condoned. Family members and friends presumably become complicit<sup>68</sup> in these crimes as a way to reinforce

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<sup>68</sup> The voluntary complicity of friends and family members in lesbo-phobic rape appears reminiscent of the practice of 'streamlining'. Streamlining is a form of rape perpetrated by a group of men, where men will take turns

gendered norms and protect their own status within communities. Therefore, in as much as men are complicit in raping enemy women during war times, family and community members are often complicit in raping the enemy women – lesbians – within lesbo-phobic rape. What could be argued, is that while the motives for rape might be different, women are raped in both contexts because of the symbolic significance attached to the female body within a patriarchal gendered order.

While the above discussion points out the second dissimilarity between rape in war and lesbo-phobic rape, we can, however, again also see similarities between the two. A similarity that we do find here is that lesbo-phobic rape, like war rape, often involves public displays of rape against Black lesbian women. In a similar way to rape in war, this is used as a form of social control by sending a message to the Black lesbian community. This marks an important shift between the rape of individual women in an attempt to ‘cure’ them, and the sending of a message to the community. With regards to the violent nature of wartime rape, Meger (2010: 126), explains that some of the violence involved includes the shooting of women’s vaginas, the piercing and subsequent padlocking of women’s labia after rape, and the insertion of hot sticks and bayonets into women’s vaginas. Meger argues that “this intensity of violence constitutes more than simple assault and is rather a systematic means of terrorising the civilian population” (ibid.). Examples of the extreme and public nature of lesbo-phobic rape include those of Sizakele Sigasa and Salome Masooa. Sigasa and Masooa were raped and murdered, and their bodies were displayed in a very public way on a football field. A more recent lesbo-phobic rape and murder saw the body of the victim left in a public area with a glass bottle protruding from her vagina and her breasts removed (Dana, 2012). The extreme levels of

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committing the rape, while the other members of the group look on (Jewkes and Abrahams, 2002: 1239). In section 6 of this chapter, there will be a more in-depth discussion of the functioning and effects of group rape within the contexts of lesbo-phobic and war rape.

violence and public nature of these rapes is arguably a means through which the perpetrators seek to send a message to the other members of the Black lesbian community, as is done with war rape.

The extreme levels of violence enacted during the rape of Black lesbian women move beyond mere assault and rather point to an enactment of deep disgust and hatred (Kirby, 2011: 809) in an effort to terrorise the Black lesbian community. We are also reminded, here, of the depictions of lesbo-phobic rape survivors found in Muholi's *Only Half the Picture*. In these images we see scars, hospital beds and police case numbers, all related to the violence inflicted upon lesbian bodies. Thomas (2010: 430) asserts that these images show that "the act of [lesbo-phobic] rape is fundamentally tied to a desire to murder." Thus, when a lesbian is raped and not murdered, the possibility of her murder is nevertheless invoked through her scarring and injuries. This opens the question of whether murder is possibly the horizon of every rape, but this question will not be pursued here. Through the visible, public nature of lesbo-phobic rape, this murderous desire is communicated to all women, especially Black lesbian women, or women who are tempted to enter lesbian relationships, all of whom dare to transgress the rules of patriarchal heteronormativity. However, in terms of the link between lesbo-phobic rape and war time rape, it is clear that this is not necessarily a physical death but rather a socio-symbolic death in which the subjectivity, agency and personhood of the victim are erased along with their future being and belonging.

The nature of these rapes and murders also leads to fracturing within the community as a whole as it leads to fear and mistrust not only on the part of the victims but on the part of the wider community. Individual victims of rape develop a deep mistrust of others and the world around them, where the world around them turns into a hostile place (Du Toit, 2009a: 94 - 95). This

distrust, however, is also felt by other members of the community, here specifically the Black lesbian community, wherein Black lesbian women become distrustful of others for fear that they will also be targeted for violence based on their sexual identities (Tshabalala, 2008). Nombeko (Human Rights Watch, 2011b: 44), a Black lesbian woman claims:

I'll get raped because I'm a lesbian. My girlfriend stays alone. Everyone knows this. For sure, they are planning something. It's just that the day hasn't come yet. I don't want guys in my community to know when I'm [at my girlfriend's house]. They will come when I'm there. They will rape both of us.

Therefore, like war rape, the rape of Black lesbian women does not only have an effect on the individual victims, but also has a wider societal effect.

Individual lesbian women become symbolic of the lesbian community at large, and the rape of one lesbian woman stands as a metaphor for the rape of all lesbian women. Black lesbian women are forced, through fear, to live their lives as lesbians underground, to disappear as lesbian – to become invisible, an issue I have touched on before. Such effective disappearance then again feeds into the claim that ‘there is no such thing as gay’, that claiming a gay identity and lifestyle is a farcical choice, a self-deception and aberration of nature, and therefore that gay victims of rape bring that ‘punishment’ upon themselves. As Gqola (2015: 79) claims, this constant threat of violence reminds women that “they are not safe and that their bodies are not entirely theirs” (Gqola, 2015: 79). Gqola terms this “the female fear factory” (78). She (79) asserts that rape:

Is an exercise in power that communicates that the man creating fear has power over the women who is the target of his attention; it also teaches women who witness it about their vulnerability

either through reminding them of their own previous fear or showing them that it could happen to them next.

Consequently, rape becomes a very effective means through which to “keep women in check” (ibid.) and often leads to them changing their behaviour or movement so as to avoid inviting violence (Gqola, 2015: 79 & Judge, 2018: 39). Through the many stories of women who have survived rape and those who are affected by its ever-present threat, we can clearly see the functioning of rape on a much larger, communal scale<sup>69</sup>.

### ***3.2. Objectification and abjection through forced impregnation***

A further means through which ethnic cleansing is committed in relation to war rape is the forced impregnation of enemy women. Das explains that mass rape, forced pregnancies and abduction for forced marriages are means through “which the complete annihilation of the other as a collective community is sought in projects of ethnic cleansing and genocide” (Das, 2008: 291). The forced impregnation of enemy women has a very particular socio-symbolic function within certain nations and forms an important part of ethnic cleansing. Diken and Laustsen (2005: 115) explain using the example of the war in Bosnia:

In the Balkans, the family name follows that of the father regardless of his religion or ethnicity. If an Albanian male rapes a Serb woman who then becomes pregnant and gives birth, the child would be considered Albanian, even though genetically speaking it is half Serb.

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<sup>69</sup> The ‘indirect harms’ of rape, such as the policing of women’s behaviours and movement and the distrust of others, affect most if not all women particularly where rape is carried out on as large a scale as it is within South Africa. For the purposes of this study, I have here referred specifically to how it affects lesbian women, especially those from the Black lesbian community. However, we must remain cognisant that these effects can be applied to women who have been raped more generally.

As such, it is clear that the forced impregnation of women is aimed at diminishing the ethnic composition of the enemy group and destroying the community's future lineage. For Card forced impregnation is a "tool of genetic imperialism" (Card, 1996: 7) which leads to the undermining of social solidarity.

Forced impregnations during wartimes often took place in rape camps, particularly during the Bosnian war (Diken & Laustsen, 2005: 111). Within these camps, women would be raped repeatedly until they were confirmed to be pregnant<sup>70</sup>. They would then be held in the camps until such time that an abortion was no longer viable. As Diken and Laustsen (ibid.) claim, the presence of rape camps and the organisation of forced impregnations would have taken much planning. From this we can infer that this was not an incidental part of war, but rather a calculated, strategic manoeuvre which must have had some kind of institutional or political backing in order for it to be carried out effectively. In fact, according to Fisher (1996: 125) commanders and government officials knew about, and in some instances, gave direct orders to soldiers to carry out rapes with the intent to forcibly impregnate enemy women.

Fisher (123 – 124) asserts that there are three particular harms that come to women who have been forcibly impregnated. Firstly, they face psychological harms associated with being raped and carrying an unwanted child. Secondly, they might face physical harm not only through the repeated rapes but also due to a lack of proper medical attention. Often because of this lack of medical care, women's reproductive organs are damaged. This can lead to women who do want to bear their own children in future (outside of the war context) not being able to do so, thereby harming their identities and their futures. Thirdly, women who have been forcibly impregnated

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<sup>70</sup> Some women were raped up to ten times per day, for at least twenty-one days – see, for example, Fisher (1996: 112).



face a kind of social harm in that they might be considered ‘damaged goods’, dirty or contaminated, thus abject, and therefore considered as not worthy of marriage and ostracised from the community. This third point harkens back to Card’s claim that one of the most destructive consequences of war violence is the loss of one’s connections to one’s community.

As with any rape, there is very often physical harm involved. However, what is perhaps more damaging is the psychological and social harms that arise as a result of the rape. When a woman is forcibly impregnated she is dehumanised and objectified, her body is reduced to an “incubator, ensuring the reproduction of male genes” (Diken & Laustsen, 2005: 115); her sexuality becomes objectified and reduced to its uses for men. Du Toit claims that through rape a victim is “often alienated from her body, reduced to helplessness and isolated from others” (Du Toit, 2009a: 80). This is perhaps even more salient for women who are forcibly impregnated. They are at once both objectified and reduced to helplessness through the forced carrying of the enemy’s babies. Her value as a symbolic incubator of the future becomes forcibly imposed on her, thereby reinforcing the idea that her body is not her own, her body is instead purely instrumental in its uses for men.

As Diken and Laustsen (2005: 112) claim, forcing a woman to carry a child conceived through rape is an incredibly cruel form of torture. Not only does the woman have to endure the psychological, spiritual and physical harms associated with rape, but in addition she has to carry an abject Other inside of her. It is obviously not always or necessarily the case that women see the foetus as an abject Other, but this is one of the consequences that does arise for many women. As discussed in Chapter Four, the abject is seen as something dirty and polluting; something which is never fully outside nor fully inside – an indistinct other. For women who are forcibly impregnated the foetus is often seen as abject (113) in that the child is never truly

her child and at the same time she feels polluted by it, and so it is “an alien and disgusting object” (ibid.). The woman is forced to “perform the most intimate and life-altering work imaginable: the gestation of her captor’s child” (Goldstein in Fisher, 1996: 122). Her body is reduced to a kind of matter and her subjectivity annihilated through her objectification and dehumanisation.

The woman is, consequently, forced to perform a highly symbolic, meaningful act – the act of life-giving – but in the process her subjectivity and identity can become further stripped from her. Here we can look to Du Toit (2009a: 80) for a succinct explanation of how this might affect the woman:

Survival of rape [and in this case forced impregnation] is often accompanied by a profound sense of a loss that is global, in the sense that it is the loss of a whole, meaningful world or symbolic universe, sustained by and sustaining of an integrated, if fluid, self.

As Bergoffen (2009: 309) further explains, rape is a denial of a woman’s bodily integrity and right to sexual self-determination. However, forced impregnation can be understood in the same way. Forced impregnation is perhaps the ultimate denial of bodily integrity and self-determination. A woman’s very body and life-giving capacity are used as a weapon against her and her community, with life-long effects. Her body becomes a tool through which communal bonds are destroyed, her own future is jeopardised, and social and cultural connections of future generations are jeopardised. As Fisher notes, the tactic of forced impregnation is therefore “figuratively and literally nothing less than a military occupation of the womb” (Fisher, 1996: 124).

Again, similarly, lesbian women are, in some instances, forcibly impregnated and, in such instances, are often made to carry the babies to term. For example, Carter (2013) relates the

case of Pearl Mali, whose mother orchestrated her rape by an older man from her church. The man raped Pearl – with her mother’s approval – over several months, where after Pearl’s mother invited him to live with them and become Pearl’s ‘husband’. This man raped Pearl repeatedly while she was between the ages of 12 and 16, until she fell pregnant. Pearl’s child was taken by her mother and Pearl is now refused access to him by her mother because she is ‘still’ lesbian. In other words, the mother thought that by having a man rape and impregnate Pearl, her ‘lesbianism’ would be ‘cured’, and she would become heterosexual. However, because this did not happen, and Pearl is still lesbian, she is not allowed to have any contact with her child. In this instance, we might see her impregnation as a systematic way of forcing her to conform to the heteronormative ideal that *real* women are wives and mothers. Not only does this mean that a woman is impregnated and made to carry a child against her will, but also that a woman is now responsible for raising the child conceived through rape. This can have serious social and psychological consequences for the woman as well as for the child. Children conceived through rape are, as mentioned above, often considered abject in that they are a constant reminder of the trauma the woman endured, and so while the woman might have desired to have a child, the child conceived through rape might also be repulsive to her. The child could thus represent the duality of an abject Other – at once both desirable and repulsive. The child might also face ostracisation by its mother and the community, as is often the case with children born through forced impregnations in times of war (Thomas et al., 2013: 527). Again, bearing in mind that this is not necessarily the case with all instances of impregnation through rape.

Whether systematic or incidental, what is pertinent is the consideration of the consequences associated with these impregnations. As with the women impregnated during conflicts, lesbian women who are impregnated are often ostracised by their families and the community (Meger, 2010: 127). They are regarded as damaged goods and unclean; thereby further increasing the

social stigma attached to them and their own abject status, in that they are, firstly ostracised for the fact that they are lesbian, and then further ostracised based on the fact that they are ‘tainted’ through rape.

In addition, as with war rape, cultural and religious ideologies affect the way raped and forcibly impregnated women are treated. For women who are raped and impregnated during conflict, one of the consequences they face is the prospect of not being able to enter into a marriage due to having been raped or having carried another man’s child (Fisher, 1996: 123). This is particularly true in cultures that place a strong emphasis on virginity before marriage, such as, possibly, the Bosnian Muslim culture (ibid.). For lesbian women, the prospect of not being able to marry a man would not be something that would be detrimental to them. However, within some South African cultures there is also a strong emphasis placed on virginity and marriage, as can be seen through the value placed on, for example, virginity testing in Zulu culture. Therefore, the detriment lies not in being considered as unworthy of marriage, but instead what is possibly far more damaging with regards to rape and forced impregnation for lesbian women is being forced *into* marriage with their rapists. These forced marriages would presumably also be related to religious values that rest on the idea that women who are sexually active or have children should be married. Consequently, in the cases of some lesbian women who are raped and impregnated their families attempt to marry the victims to their rapists as a means through which to protect the families’ honour and to ‘cure’ them of their lesbianism (see for example, Carter, 2013).

For lesbian women, as with victims of war rape, impregnation and forced marriage is not only a violation of their right to bodily integrity and sexual self-determination, but also impacts extremely negatively on their identities (including sexual identity) and thus their ability to

develop their personhood. Du Toit (2009a: 98) explains that rape leads to a disruption between one's body and one's soul. This clearly also relates to forced impregnation, where:

the victim [...] has her home destroyed in the attack where her home stands for both a safe place and for feeling at home in one's body, as well as for the ability to project oneself in the world (to be a subject in the full sense of the word) because one has a secure place to stand from where one can project oneself outwards (ibid.).

Again, through this as through war rape, a woman's own body is used as a weapon against her, thereby diminishing her capacity to 'be-in-the-world' and to 'be-with-others-in-the-world'. She becomes cut off from herself and the world around her. Furthermore, she may feel complicit in her own objectification, thereby leading to shame and guilt, an idea which will now be explored.

#### **4. Shame and guilt as consequences of rape**

As explained previously, one of the major consequences associated with rape in general, and so too with war rape and lesbo-phobic rape, is the shame, and guilt experienced by the victims. As a reminder, and as was discussed in the main Introduction, shame is focussed on the self, while guilt is focussed on one's actions or behaviour. Du Toit (2009a: 80) states that in the aftermath of rape, victims may feel a deep sense of self-blame and self-hatred, this is evidenced by the stories of both the war rape survivor and the lesbo-phobic rape survivor below:

I had just finished bathing and saw that military men had arrived at my house. They forced open the door and forced me into the main room. Then the rape started. I wanted to defend myself. I asked why this was happening to me. I was beaten by one while the other raped me. My children cried. The soldiers forced us to be silent and threatened to kill us. I am ashamed and want to die but I also want to protect my children (Anonymous in Wolfe, 2014).

They said to me, “we’ll show you you’re a woman” ... [sic] I thought maybe by telling my cousin, by saying openly I was a lesbian, I provoked them... [sic] They believe women should be with men (Puleng in Human Rights Watch, 2011: 39).

For victims of war rape shame and guilt are partly to do with their unwilling role in their own abjection and objectification, and partly to do with their involuntary role in diluting the ties of the community. The shame of the rapes leads women to believe that there is something inherently wrong with their subjective selves, while guilt leads them to believe that their actions lead to the rapes (as seen in the story of Puleng, above). Both however, work to affect the way these women see themselves and their communities, and how they view their complicity in their rapes. Du Toit (2009a: 80) explains that the victims’ responses to rape show that the harms of rape go far beyond mere physical harms and instead involve the collapse of the victims’ coherent worlds. The harms associated with rape are, according to Bergoffen (2009: 312) also related to the connection between one’s materiality and one’s subjectivity. She (312) states:

Since the values I bring to the world are always articulated through my embodiment; and since they always exist in the materialities of the world, that is, since they are specific expressions of my ambiguity, it is as the embodiment of certain values that I am targeted for bodily abuse. As ambiguous, my body can never be reduced to a mere thing in the world. It is, however, vulnerable to being used by others as a thing. When this happens, my integrity is threatened; for when my body is used as a thing the meanings it brings to the world are destroyed.

Through rape one is reduced to an object, a thing, for the rapist’s use. The meanings one’s embodied subjectivity brings to the world are destroyed, but since one’s subjectivity and materiality are inextricably linked, the rape destroys one’s connection to the world, the way one experiences the world, and the subjective meanings one brings to the world through their embodied being. In other words, they are made to feel shame about themselves as persons.

Bergoffen (ibid.) further explains that human dignity is destroyed when one's body is reduced to a useful object by another and when one's meaning making capacities are stripped from one or used to destroy one. Within rape generally, the victim is turned into an object by and for the rapist, and her body is used to strip her of her dignity or destroy her. Going back to Pateman's claims around property in the person, rape thus functions not to make use of the sexuality of women, but instead to enforce mastery over women as whole beings. This is particularly pertinent, Du Toit (2009a: 82 & 2008: 147) claims, in a symbolic order in which the feminine and women's achievement of sexual subjectivity is already systematically undermined. This is what Du Toit (2008: 147) refers to as the "wound of femininity." Within patriarchal societies, as has been discussed previously, female sexuality and subjectivity is constantly undermined and devalued, such that a woman's worth is only seen in the value that it contributes to the development of male subjectivity and the fulfilling of male sexual desires. In such instances, a woman's body and sexuality are used to destroy her subjectivity and sense of self.

Through rape the victim becomes unwittingly complicit in her own objectification and her reduction to materiality where she becomes nothing more than a body (Du Toit, 2008: 147); she becomes dehumanised – a phenomenon Du Toit (2009a: 81) refers to as a "spirit injury." Like Bergoffen, Du Toit suggests that a spirit injury relates to the way in which the victim's body becomes useful for the rapist – the way in which it is "turned into an object for the use, the gaze and the enjoyment of another" (ibid.). The rape act renders the victim passive and through the act she becomes an object in a world in which she was once a subject (82). Although the victim is forced into the objectification of herself, she feels a sense of shame as having been complicit in her own desubjectification (Diken & Laustsen, 2005: 121). Sideris adds that "[t]he sexual content which implies familiarity and communion, leaves the victim of a sexual attack, feeling like a participant in a repulsive sexual interaction" (Sideris, 2000: 42).

The victim is thus forced into her own violation, and is often left questioning her behaviour, reviewing decisions she had made that led to the rape, and considering her own role in the perpetration of the rape (Diken & Laustsen, 2005: 122). This shame, as explicated by Du Toit, relates to “her own powerlessness and thingification, her complete exposure to the will of another, her loss of self” (Du Toit, 2009a: 83). Furthermore, the shame is compounded by the way in which the victim’s feminine self and sexuality are used as an object (*ibid.*), such that the rapist uses her sexuality – a crucial aspect of her identity - to humiliate her and to diminish her ties with her community (Bergoffen, 2009: 315).

Despite the fact that the victim is rendered completely passive she often feels like an accomplice in the objectification and dehumanisation of herself. This is exacerbated by the communal responses to her rape – her abjection - but also by the social myths around both female and male sexuality. Diken and Laustsen (2005: 122) and Sideris (2000: 43) claim that within a patriarchal society, women are considered to be active in the seduction of men, whilst men are portrayed as being helplessly susceptible to seduction by women. We have seen this clearly in relation to Black women, who under colonial impositions were characterised as insatiable seductresses, while colonial men were rendered blameless for engaging in sexual relations with women, when very often these sexual relationships were actually rape. Through these ontologically unjust characterisations of sexuality, women are made responsible for sexual violence against them, while men are merely considered “victims of their sexual instincts” (*ibid.*). These social myths often leave victims feeling as though it was through some fault of their own that they were raped, leading to shame and guilt.

For a succinct explanation of the self-blame experienced by victims, I again turn to Du Toit (2009a: 91 – 92):



Victims often experience that it must have been something in themselves, something inherent to their being, that had caused or triggered the rape, and so their moral disgust with themselves is often greater than their disgust with their attacker. One could even think of one's attacker as otherwise a decent man who was polluted or infected with one's sexual presence.

However, this feeling of shame is contingent upon the societal attitudes held towards the nature of female sexuality supposedly 'inviting' rape, even if unconsciously (Diken & Laustsen, 2005: 122). Where women are cast as sexual seductresses and where female sexual purity is held in high regard, the sense of shame experienced by rape victims is likely to be intensified. In these instances, women will often be held responsible for causing the rape, and as such will be ousted from their families and their communities (Meger, 2010: 128). In the case of lesbian women, the societal attitudes around homosexuality often further exacerbate feelings of shame in that these women are made feel to as though their 'unruly' sexuality makes them deserving of rape, overlapping and reinforcing societal attitudes that view lesbians as responsible for their own 'degeneracy' and deserving of rape (see for example, Padmanabhanunni and Edwards, 2013). This is of course, exacerbated for Black lesbian women whose race, gender and sexuality intersect within a patriarchal symbolic order still informed by colonial misrepresentations, to position their sexuality as, perhaps, the pinnacle of 'unruly' sexuality.

To reiterate, the feelings of guilt and shame associated with rape are relevant to all 'forms' of rape, including lesbo-phobic rape and war rape. However, Sideris (2000: 43) asserts that in war rape there exists an added element to the shame which is related to its impact on the community. She (43, emphasis added) states that such "[v]ictims respond to the lived experience of a discrete incidence of violence *and* to the social destruction of which it is an integral part." In other words, such victims do not only hold themselves accountable for the violence committed against them as individuals, but also for the ways in which this violence affects their

communities. Bergoffen further asserts that the strategic use of war rape “exploits [the victim’s] subjectivity by transforming her meaning giving powers from anchors of her people’s communal bonds of intimacy into tools to destroy the ties that sustain the integrity of her community” (Bergoffen, 2009: 315). Du Toit (2009b: 3), explaining Bergoffen, asserts that it is through seeking intimacy and pleasure with others that the sensate body comes to create communal bonds. And, it is thus, in phenomenological terms, how sensuality comes to be the site for the foundation of relational and communal ties (ibid.). For Bergoffen (2009: 315), within a patriarchal society it is particularly through the conscious or even sub-conscious recognition of female sexuality as the symbolic site of community bonding that female sexuality comes to be used as a weapon against both women and men as a way to destroy those bonds and ties of trust, intimacy, and community. In other words, it is this symbolic meaning assigned to women’s bodies, along with the power men wield over women’s bodies, that create the conditions that make war rape so effective. Consequently, within war rape the violation is committed against both the individual body-self and the body politic, in which women stand as a metaphor for the community (Sideris, 2000: 41).

What can be deduced from this is that sexual violence committed against women during conflict can be seen as a continuation of the attitudes held towards women and female sexuality in times of peace (Meger, 2010: 121). Accordingly, it is not that sexual violence committed against women arises out of thin air during times of conflict or political transition; it is rather that this violence is a continuation of misogynistic attitudes which form the foundation of the society even in peace-time. This is a similar sentiment as that discussed by Thomas et al. in the previous chapter in relation to the intensified levels of violence during times of social and political transition. Here we can also think about Pateman’s arguments around the sexual contract. If we understand modern contractual society as founded on the sexual contract

through which men come to have dominion over women, we can perhaps see how it is that women become the symbolic site through which men develop and maintain their status. Within the sexual contract, women are designated as objects to be traded amongst men and come to indicate a man's status amongst other men. It is specifically the allocation of women to men that underlies this hypothetical contract. Thus, it can be argued that the strategic underpinnings of war rape can be understood within the context of peace-time rape too, particularly within nations in socio-political transition and particularly within nations where women's subjectivity and feminine sexuality is undermined by the dominant masculine social order.

## **5. Rape and subjectivity**

Another important feature of war rape is its relation to masculinities and the socio-cultural constructions of masculinities. As previously discussed, the link between the development of the new national identity and the crisis in hegemonic masculinity within South Africa contributes to the prevalence of lesbo-phobic rape. Conceptions around what constitutes a 'real' man, the inability to attain hegemonic masculine ideals, and the heterosexist nature of many (if not all) South African cultures contribute to the violence, including rape and murder, perpetrated against lesbian women. Similarly, within conflict situations the mobilisation of specific masculine ideals seems to be at the core of the perpetration of war rape.

Within patriarchal conceptions of masculinity, men are portrayed as protectors of women; it is through the paradoxical combination of their domination over women and their protection of women that their masculinity is created and affirmed. This conception of masculinity does not arise only in times of conflict; it is instead a pre-existing conception that attaches the concept of male honour to control over women and sexuality (Meger, 2010: 120). It is this conception of men that contributes to the effectiveness of war rape. Sideris (2000: 44) explains that war,

while creating an environment of hyper-masculinity for some (which will be discussed in more detail later on), also serves to threaten traditional conceptions of masculinity. She (ibid.) asserts that in times of war many men are unable to act out their conceived roles as protectors of their wives and daughters, thus leaving them with a diminished sense of masculinity. Hence, she claims that “war leaves men with an eroded sense of manhood or with the option of a militarised masculine identity with the attendant legitimisation of violence and killing as a way of maintaining a sense of power and control” (ibid.). This could arguably be similar to the diminished sense of masculinity men face in post-apartheid South Africa. Within this context, as within war, men are unable to fulfil the traditional roles associated with masculinity, thus affecting their understanding of themselves and their place in society. In these circumstances it could also be the case that men themselves feel physically threatened. Consequently, it is not just that they are unable to protect their wives and children, they could possess an anxiety around their ability to protect themselves, too. In the face of this insecurity and fear, it could be that men develop an over-inflated sense of masculinity as a kind of pre-emptive defence mechanism. Part of the development of this hyper-masculinity also stems from the socialisation which takes place in military settings, as I will discuss shortly.

In some instances, men display what could be termed hyper-masculinity as a way to deal with the diminishing of their masculinity in other ways. Gqola explains that hyper-masculinity “is a heightened claim to patriarchal manhood, to aggression, strength and sexuality. It is effectively manhood on metaphoric steroids” (Gqola, 2015: 154). Within theatres of war, hyper-masculinity comes to the fore in the overt expressions of aggression and strength on the battlefield but also within the more private (civilian) realms outside of the battlefield where these expressions of power and aggression are displayed through sexual violence. Similarly, throughout South Africa’s transition, violent masculinities are manifest through overt displays

of aggression and violence in the public realms (for example during violent protests) and in private realms through gender-based and sexual violence. Gqola (152) thus suggests that “violent masculinities create a public consciousness in which violence is not just acceptable and justified, but also natural and desirable.” Clearly this is the case during times of war where violence is seen as heroic and just, but it is also as evident in times of peace where violence becomes glamourised as a means through which to deal with subversive behaviour and societal transgressions<sup>71</sup>. Additionally, war contexts leave men with a tension between becoming emasculated by war and unable to carry out their roles of protectors or developing a sense of hyper-masculinity which comes to the fore through overt displays of violence and aggression. What is important is that underlying all of this are the conceptions of masculinity that are developed and governed by hegemonic, hetero-patriarchal ideologies.

In this context, the use of rape in war is used as a fundamental strategic manoeuvre to humiliate enemy men and to emphasise their impotence (Diken & Laustsen, 2005: 118 & Borer, 2009: 1171). Card (1996: 6 – 7) claims that rape in war, like civilian rape (including lesbo-phobic rape), has two targets. The first target is a sacrificial victim who is used to send a message to a group and the second is the group at whom the message is aimed (6). In the case of war rape, the sacrificial victims are the raped enemy women, while the second target is the enemy men who should be protecting the women. This can be compared to lesbo-phobic rape in that there is a sacrificial victim – the individual raped lesbian woman – and a group to whom the message is aimed – the lesbian community.

Where masculinity is constituted by the ability to protect the women of one’s community, the rape of women in war is seen as the negation of the enemy men’s masculinity and the

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<sup>71</sup> Here we could think of the ways in which very public displays of violence are carried out against assumed criminals, in for example the form of ‘mob justice.’

confirmation of the conquerors' virility and masculinity. This is especially pertinent in cases where the enemy men are forced to either watch or partake in the rape of the women from their communities and as such to witness the destruction of themselves as men (Bergoffen, 2009: 318). Das adds, however, that the rape of the community's women is such an effective affront to the men because "[w]omen are treated as the property of men so that rape comes to be defined not as an offense against the woman's bodily integrity but as an offense against the property rights of the man who is her guardian" (Das, 2008: 291). In other words, from this (the enemy man's) perspective, the fundamental harm of rape lies not in the violation of the women themselves, but rather in fact that their property (women) has been violated, and through this their sense of self, as defined by social conceptions of masculinity, have been diminished. Again, it can be seen that the rape of women in the contexts of war and lesbophobic violence, rests on the socio-symbolic meanings attached to women, particularly their instrumentality in male identity-formation.

War rape, however, moves beyond being just a tool for the humiliation of the enemy men. War rape also plays a fundamental role in the bonding and cohesion of men within war. May and Strikwerda (1994: 137) suggest that while rape is committed by individuals within conflict, it is not best understood on an individual level but rather as a crime of the collective. Very often within the context of war, rapes are carried out by gangs or groups of soldiers. Kirby (2012: 812) suggests that the proclivity for rape perpetration amongst soldiers relates to the institutional culture of the military and the socialisation that takes places therein. Military training involves a form of socialisation that emphasises an extreme form of masculinity – displays of masculinity that prove that one is a good soldier and that one despises all 'feminine' values and attitudes such as care, empathy and fear – along with an acceptance of violence and

hostility towards women (Borer, 2009: 1170) such that violence and aggression become inextricably linked with hegemonic masculinity (Meger, 2010: 122).

Within this context, soldiers are under constant pressure to prove their manhood (Matusitz, 2017: 837) and conform to the hegemonic ideals of masculinity; it is here where hyper-masculinity plays an important role. Matusitz (ibid.) claims that in order to prove their manhood, soldiers must display overtly aggressive tendencies which often includes acts of violence, including rape. He, therefore, claims that “war rape is a sexual manifestation of manhood” (ibid.). Hyper-masculinity is, arguably then, a necessary part of the hegemonic ideals of soldier masculinity during war. As noted above, hyper-masculinity is ‘masculinity on steroids’, to use Gqola’s expression, meaning that hyper-masculinity is ultimately not that different from masculinity as displayed during times of peace. It is founded on the same features of male domination but is just exaggerated during war when men need to prove their masculine prowess.

It is important to bear in mind that different contexts will define masculinities in varying ways, often dependant on culture, religion and class (Meger, 2010: 124). As such, the levels of violence, including rape, perpetrated within conflict contexts or by different military groups can and do vary. Therefore, as with rape in peace-time contexts, the propensity for some men to commit rape in higher degrees than others, is often related to the intersection of varying factors. Despite this, what is notable is that the socialisation of men within military contexts coupled with the already misogynistic attitudes characteristic of many societies seems to give rise to a higher propensity for rape. In addition, the socialisation carried out within the military often functions to break soldiers down and strip them of their identities, leading to a

diminishment of individualism and greater social cohesion (Wood, 2009: 138). Wood (ibid.) clarifies how this process of socialisation works:

the powerful experiences of endless drilling, dehumanization through abuse at the hands of the drill sergeant, and degradation and then “rebirth” as group members through initiation rituals typically meld recruits into combatants whose loyalties are often felt to be stronger than those to family.

This might go some way to explaining why rape becomes so prolific even when soldiers come from varying backgrounds. However, while the proliferation of rape might vary to some degree, it is clear that rape is a common feature of most wars.

As mentioned earlier, many rapes in war times are carried out by men in groups. This is seemingly not incidental but again a fairly tactical part of the greater war strategy. Apart from its strategic value in destroying enemy bonds, group rape ironically has the function of strengthening social cohesion and group bonding amongst perpetrators (May & Strikwerda, 1994: 137). In this context, rape can be seen as a rite of initiation and a sign of allegiance to the group (Matusitz, 2017: 840). According to Alison “[group] rape cements a sense of loyalty between men and those who might not rape individually but *do* rape collectively in a group assertion of masculinity” (Alison, 2007: 77; emphasis in original). Additionally, Wood (2005: 306) asserts that “gang<sup>72</sup> rape is best understood as an ‘irrevocable’ and brutal group bonding ritual that is made possible through deeply sexist and discriminatory assumptions about women's sexuality and autonomy that operate in the broader heterosexual culture.” Similar to lesbo-phobic rape, within groups men are often spurred-on to commit the rape; through the

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<sup>72</sup> Wood (2005: 306) has here used the term gang rape; however, she is careful to note that she prefers the term group rape as this form of rape is predominantly carried out by groups of friends and not necessarily gang members only.



group they gain the support and encouragement they need in order to carry out the rape, and participation strengthens their standing within the group; the group display behaviour is therefore an important part of the logic of group rape.

Rape is also made easier within the context of military groups as through the hyper-masculine, misogynistic socialisation, women are objectified, vilified and set-up as the 'other' from which military men need to distance themselves (Alison, 2007: 77). In line with Ahmed's ideas around the skin of the community, the carrying out of rape in a group, in a way, determines who falls within the dominant community (the male rapists) and thus who falls outside of it (the women and non-raping men, who get feminised thereby). Within this narrative, men also believe that it is their duty to protect the nation and that one of the ways to subdue the enemy is through raping the women of their community – thereby arguably creating a sense of justification for the rape of the enemy women.

As Alison (*ibid.*) asserts, the greater function of group rape is that it creates a kind of symbolic brotherhood in complicity – what has also been termed a brotherhood in guilt (see for example, Diken & Laustsen, 2005: 124). Rana's story is an indication of how this brotherhood in guilt works – one of the men commits rape while the other two look on.

One of them told me to undress but I said no. He hit me and pushed me to the ground. It was the same man who had set fire to my house. Then he raped me. The other soldiers stood around and watched. He told them to rape me too and so I was raped again. Twice. (Rana in Turton, 2017).

In their viewing of the rape and non-intervention thereof, these men have already become complicit in the crime. They are then further forced/coerced/encouraged (it is not quite clear from the narration) to partake in the rape too, thereby compounding their complicity. Their

symbolic brotherhood has been affirmed and their bonds as partners in the crime leads to a kind of social cohesion that reaffirms their masculinity and power; the moral transgression is a key aspect of the bonding that takes place.

If this is to be understood along the lines of Pateman's arguments relating to the sexual contract, it could be said that essentially the militarisation of men leads to a kind of fraternal patriarchy, where men are united as men within a brotherhood, and then use this position to enforce a certain kind of control, either over women or over men who fall outside of the bonds of this brotherhood. Simultaneously, their bond or brotherhood is enacted and cemented through their violent transgression against the out-group. They express and strengthen their masculine identities in each other's presence, through shared exploitation of a female body treated as a non-subject. Consequently, while the sexual contract might not explicitly advocate the use of violence, the assumptions held regarding women and their sexualities (and their exclusion from the socio-political contract) might entail that sexual violence becomes one of the means through which the sexual contract is enforced and through which the bonds of fraternity are strengthened. Sexual violence is then the concrete performance of the terms of the contract, and a way of renewing the order that it founds.

The brotherhood in guilt can act as a compelling force for some men who are willing to rape but are apprehensive to do so, as mentioned above; however, this brotherhood also, at times, forces men to commit rape against their will. Some men during the Bosnian war, for example, were forced to rape women at pain of their own violation or death if they refused (Diken & Laustsen, 2005: 124). For fear of punishment or their own deaths, some men unwittingly carry out acts of rape and are forced into this brotherhood of guilt. Within the brotherhood, the guilt associated with having raped is diminished; however, once one leaves the group that guilt

relating to their actions might turn to shame about who they inherently are (e.g. they might start to question if they are inherently a bad person; instead of being an inherently good person who committed a bad action) and become intensified (ibid.). In this way, the act of group rape serves to create long-term bonds of loyalty between the group members as a whole, but it also serves to keep men loyal to the group (Alison, 2007: 77). It also serves to enforce the superior position of those within the group who can then use this position to dominate other men; thereby either forcing men into their brotherhood or forcing them to recognise its power from outside.

Thus, on a symbolic level, rape serves to destroy the world and the communal bonds for the victims, but it serves to create and strengthen the bonds of the perpetrators - primarily men. This is then one of the ways that rape serves to both make and destroy worlds. Group rape serves a similar function in the case of lesbo-phobic rape. The rapists become bonded in the act of rape, whilst their masculinity and heterosexuality are reaffirmed. The rape thus serves to destroy the world of the victim and destroy her sense of self, while affirming the sense of self and dominance of the rapists. Perhaps, we can even understand group rape as a kind of sexual contract in that the brotherhood, or fraternal patriarchy, is founded on the very violent manifestation of sexual control over a woman and the guarantee for the men of the group to the sexual access of women. The use of rape, consequently, is seen as a necessary regulating tool. This can be seen in the story of Katlego:

“If I had a crew of guys, I would take you out of your house and take you to [a busy part of the township] and rape you and kill you.” Katlego stays at home to avoid “these things.” The men who raped Katlego’s friend did not hide or deny what they did; instead, they flaunted their crimes, arguably serving as role models for other men (Human Rights Watch, 2011b: 31).

For many men, the use of rape is a legitimate social tool and one that they are not ashamed to use. If other men are complicit in rape, then it is justifiable. This is why some rapists believe

that they are role models to other men. The rapes they commit might encourage others to perform rape as a supposedly necessary social function too.

## 6. Conclusion

To conclude, war rape is a systematic and strategic tool used to send a message to enemy men, destroy communal bonds in the longer term and even on an intergenerational level, and symbolically destroy a community through its women. War rape is often carried out very violently thereby showing that it is grounded in the disgust and hatred of the enemy women based on their identities and the socio-symbolic meanings attached to them in the same way that lesbo-phobic rape is carried out publicly and violently because of the abjection of lesbian women within a hetero-patriarchal society. Lesbo-phobic rape and war rape display many continuities, however overall what can be gathered from the contexts of both lesbo-phobic rape and rape in war is that the problem underlying both are problems related to the ideological construction of hegemonic masculinities, the devaluing and subordination of female (and non-heterosexual) sexuality, and the construction of women as metaphors for their communities.

We have seen that within many societies female sexuality is subordinated to masculine sexuality and desire; however, it is women and female sexuality that are seen as the symbolic representation of the nation. Therefore, the violation of women is seen as the violation of the nation. Rape serves the function of, both, violating women and the nation, as well as punishing those seen as a threat to the nation. In this way, war rape and lesbo-phobic rape function similarly on both an individual and a communal level, as well as on a physical and a symbolic level. Rape serves to violate the individual body-self, as well as the body politic. It also serves to inflict physical trauma on the individual victims in conjunction with symbolic trauma on the individual *and* the community. Evidently, while rape serves to damage the worlds of the

victims and their communities (the enemy women and lesbian women), it also serves to strengthen and create the worlds of the perpetrators and their communities.

War rape and lesbo-phobic rape can, consequently, be read together as forming part of a more wide-reaching social project. This is a project that feeds into ideas around nation building (and destroying), patriarchal dominance, and women (in particular female sexuality) as a repository for culture and symbolic of the nation. In terms of war rape, the violation of women is seen as a way to destroy the societal bonds and undermine the masculinity of enemy men; while for lesbian women, lesbo-phobic rape serves to destroy their socio-symbolic world and their subjectivity in the world. Furthermore, lesbo-phobic rape can also be understood to destroy community bonds, as lesbian women become fearful of the world around them, they mistrust others, and they at times, avoid relationships altogether or have to hide them, for fear of the repercussions. They are shunned from their communities, and through rape, shown that unless they submit to hegemonic patriarchal ideals, they will not be welcomed into the community. Evidently, war rape and lesbo-phobic rape appear to be more similar than they are different. Both target the meaning-making capacities of their victims and their ability to interact with themselves, others and the world. While this is true for 'ordinary' rape, an aspect which might be unique to war rape and lesbo-phobic rape is the fact that the victims are very strategically and systematically targeted.

## CONCLUSION

This dissertation aimed to explore the connection between the current social, political, and economic conditions of contemporary South Africa and the prevalence of lesbo-phobic rape within this context. It also aimed to show how lesbo-phobic rape is similar to rape carried out during times of war. In order to do this, I undertook a philosophical study of literature pertaining to the symbolic positioning of women within patriarchal societies and how this contributes to the enactment of sexual violence, the supposed threat that lesbian women pose to patriarchal ideologies, and the intentional use of rape as a weapon of war. Drawing on a critical hermeneutical analysis of this literature, I have developed the claim that lesbo-phobic rape is carried out intentionally and with strategic motives within contemporary South Africa. Lesbo-phobic rape is used as a tool to punish lesbian women for transgressing heteronormative ideals and so more broadly serves as a threatening reminder to all women that these ideals should be adhered to, while also contributing to the larger project of the development of a new patriarchal national character. These strategic meanings of lesbo-phobic rape moreover indicate that the perpetrators enjoy a high degree of criminal impunity and implicit societal support for their actions, in spite of South Africa's formal guarantee of gay and lesbian rights. In light of this, I have also argued that lesbo-phobic rape shares many similarities with rape that is carried out within theatres of war, and that a comparison of these two types of rape casts more light on the nature, meanings and functions of both types.

In the Introduction chapter, I analysed the ways in which the colonial representations of Black sexuality served to marginalise Black women, while setting them up as impossible to rape. In this vein, the legacy of apartheid ensured that Black women's oppression was further entrenched through laws which effectively erased their political agency, and which rendered them less than human. Remnants of these characterisations have carried through to post-

colonial, post-apartheid South Africa and still underlie much of the treatment of contemporary Black women. Additionally, the colonial conquests served to erase the multiplicities found within African sexuality and reduced these to a singular version of this sexuality in which Black men and women were deemed to be hypersexual, deviant, and lascivious. This erasure of African sexual identities and subject positions, and the indoctrination of puritanical values, led to the prevalent notion that no forms of sexuality other than heterosexuality existed in pre-colonial Africa. Therefore, the intersection of race, gender and sexuality has meant that even within democratic South Africa (with its, theoretically, very progressive Constitution), Black lesbian women face multiple levels of oppression and discrimination, leading to their marginalisation and vulnerability to violence. Black women's lives are systematically still less well protected than White women's in post-colonial South Africa. This explains my emphasis on *Black* lesbians in South Africa. They often are pressed to respond to comprehensive threats by hiding their lesbian identities and families, and this further feeds into the common highly oppressive notion that 'there is no such thing as gay', or alternatively, that there are no African women who are gay. It is for this reason, that I have focussed intentionally and specifically on lesbo-phobic rape.

To better explicate why I focus on Black *lesbian* women in particular, I examined the central notions of feminist standpoint theory which asserts that in order to understand systems of oppression and their multitude of consequences, it is imperative to begin from the position or perspective of those who are marginalised, because these starting points provide particularly powerful epistemological resources. In other words, by beginning from the standpoint or position of Black lesbian women, it becomes clearer as to how heteronormative patriarchal ideologies work to oppress all women and persons of non-heteronormative sexual identities. However, what is perhaps equally as important as this, is the ability of a Black lesbian

standpoint to facilitate the development of an informed agency for the women who occupy this standpoint. Therefore, in order to avoid silencing or speaking on behalf of lesbian women, I highlighted the benefits of using a Black lesbian standpoint as a framework from which to view lesbo-phobic violence. In line with this, I argued that the visual activism of Muholi, Brundrit, and Nyamza, in conjunction with the actual words and stories of lesbian women, contributes greatly to the development of a South African lesbian standpoint. From this I drew out themes that were common to the visual works and stories, including the stigmatisation and victimisation felt by victims of lesbo-phobic violence, the shame and guilt associated with rape, the use of rape as a means of punishment (guilt) and rape as a way to annihilate the subject (shame). These themes also became central to the discussions in later chapters (i.e. Chapters Four, Five, and Six). The recognition of this Black lesbian standpoint was an attempt to go beyond my own subjective position and use the voices of lesbian women to better understand the reasons why lesbo-phobic violence is so prevalent particularly within South Africa.

However, as mentioned in Chapter One, a standpoint cannot be developed through stories and experiences alone. These need to be brought together with theoretical foundations that allow for a more thorough analysis of the social and power-political conditions that underpin this violence. Consequently, having given space to the voices and experiences of lesbian women in Chapter One, I turned to a more theoretical understanding of the causes of lesbo-phobic violence in Chapters Two and Three. In Chapter Two, I provided a critical analysis of the broader politicisation of sexuality that was particularly intense during the first ten years after South Africa's transition to democracy, but which is still ongoing. In this chapter I drew on the wealth of literature around the contestations that have arisen in South Africa related to the HIV/AIDS debacle (as most prominently featured during the presidential rule of Thabo Mbeki), as well as how issues around sexuality and race play an integral role in the emergence of a



national character predicated on the health of the nation and the healthy expression of (especially reproductive) sexuality.

Part of this contestation has been situated in debates around the revitalisation of traditional practices which focus on sex and sexuality. However, as I have argued, these contestations need to be understood in the context of a nation in which there is a crisis in hegemonic masculinity due to the lasting effects of colonialism and apartheid, the shifting power dynamics between men both intra- and inter-racially, the increase in rights afforded to women and marginalised sexualities, and the unfulfilled socio-economic promises of the democratic government. Therefore, the focus on sex and sexuality and the healthy expression thereof is directly related to the reinforcement and re-stabilisation of patriarchal control, which is grounded in heteronormativity and gendered oppression.

By recognising that sex and sexuality are central to the identity of a nation we can see how it is that their regulation and control become necessary. However, it would be remiss to believe that the gendered ordering of contemporary South African society is related to the decolonisation movement and renewed impetus placed on traditional values alone, as might be purported by liberal commentators who denounce traditional practices, for example, based on the supposed gendered oppression found therein. While some of these practices are problematic as outlined in Chapter Two, the gendered oppression found within contemporary South Africa has its main foundations in colonialism and the liberal political order, as I have argued in Chapter Three. That is to say that the oppression of women and non-heteronormative sexualities is not symptomatic of democratic South Africa alone, but is rather also a lingering characteristic of, so-called, liberal contractual societies which are typically associated with the Western world. Thus, I suggest that instead of positioning the liberal and traditional political

orders as in binary opposition as is so often done, we should instead see them as two sides of the same coin, with the foundation of both being the subordination of women to male patriarchal control. Here I drew on Pateman's idea of the sexual contract to show that both Western *and* traditional societies have at their core the hypothetical sexual contract which ensures that females are available, sexually, within both the private and public realms. To add to this, I have made the argument that the sexual contract can be further understood as a White, heterosexual contract. Consequently, it can be seen that many of the social ills faced within South Africa are rooted in colonial racism, which has survived the transition into democracy, and not only or necessarily related to the renewed focus on traditional ideologies.

I further claimed, in Chapter Four, that the characterisation of Black lesbian women as abject is one of the ways that violence against them comes to be legitimised and even condoned. When Black lesbian women are made abject, violence against them comes to be seen as appropriate and even necessary in order to protect the nation itself. In this way, the symbolic characterisations of, specifically, Black lesbian women serve to undermine the strides made in gaining rights and recognition for lesbian women within the Constitution. It can be seen however, that a lesbian standpoint, while making women vulnerable to violence, is also an effective means to disrupt hegemonic discourses and systems of oppression. In this vein, the works of artists like Nyamza, Muholi and Brundrit are important tools to highlight and challenge the systems which create the conditions of violence in South Africa. While there is a vast body of work relating to feminist standpoint theory, I have contributed to this literature by making a clear link between the threat a lesbian standpoint poses to patriarchy and the way that this can result in lesbo-phobic violence. I have also linked the notions of a lesbian standpoint and abjection to the Black lesbian standpoint framework that was developed in Chapter One.

In Chapter Five, I returned to the themes that emerged in Chapter One. I used these as a framework for my argument that lesbo-phobic rape is related to the idea that homosexuality is unAfrican (an idea that oppresses Black lesbians in particular), as well as to the ways that butch lesbian women, in particular, seem to subvert and challenge the notions of hegemonic, socially-constructed gendered performances. In other words, I discuss the ways in which the bodies of butch lesbian women assume what are traditionally masculine traits, and in so doing undermine the notions that certain gendered traits can only be performed by certain bodies. Again, this links to the threat that lesbian women pose to patriarchy and as such are met with intense resistance specifically in the form of the brutal and overt displays of violence carried out against Black lesbian women. Again, the lesbian standpoint that emerged in Chapter One became an important lens through which we could understand the ways in which lesbo-phobic rape affects its victims on social, psychological, and epistemological levels.

Building on the work of various feminist authors, I showed how lesbo-phobic rape serves to affect the ways that women are able to interact with the world around them, the shame that arises as a result of their complicity in the act of rape, and the fear that affects all lesbian women – even if they have not been raped. Furthermore, I argued that lesbo-phobic rape is at once both destructive and constructive. Destructive in that it destroys the worlds of its victims and disrupts their ties to their communities, and constructive in that it helps to bolster the self-esteem of the rapists, while at the same time, creating what Ahmed calls the skin of the community. In this way rape serves to legitimise some members of a society while relegating others to the margins of the society – they become positioned as ‘dirty’ or ‘contaminating’, abject, and are expelled outside of the community’s skin. Lesbo-phobic rape thus functions on a much more socio-symbolic level by designating some as persons that matter and others, to return to my point from earlier, as unreal and less than human.

Finally, in Chapter Six, I further built onto the themes that emerged from the lesbian standpoint to show that the social, psychological and symbolic consequences of rape in war possess many similarities to those that arise from lesbo-phobic rape. My aim here was to clearly explicate the ways in which war rape and lesbo-phobic rape share many of the same foundational underpinnings, such as the use of rape to destroy the world of the victims but make the world of the rapists, the use of rape to destroy and constitute societies, and the use of rape as a tool for social stabilisation. This whole argument was unfolded in order to support the main claim of this chapter, namely that lesbo-phobic rape should be understood as a strategic tool with political motives in the same way that war rape is. There is a very rich and vast body of work relating to rape during times of war. However, this dissertation made an original contribution to this body of work by clearly explicating the commonalities between war rape and lesbo-phobic rape. I believe this is an important connection to make as it shows that lesbo-phobic rape is not incidental to the current socio-political milieu of South Africa but is instead instrumental in the development of a very specific national discourse and identity which privileges heterosexuality and reinforces patriarchal control to the detriment of women and marginalised sexualities. As with rape in war, I also aimed to show that despite legal strides made in protecting women (for example, by legally designating war rape as a crime against humanity, and the legal protection of women and all sexual identities in the Constitution), these legal rulings mean little in the face of the actual violence and oppression that are faced in reality by women in times of war and Black lesbian women in our transitional context.

This dissertation contributes to prevailing literature in the field by providing a philosophical analysis of the causes and consequences of lesbo-phobic rape. An important part of this study was the recognition of the Black lesbian standpoint that emerges when visual activism around the lived experiences of lesbian women, the recognition of their agency as more than just

victims, and the highlighting of lesbo-phobic violence is read in conjunction with the actual voices and experiences of lesbian women who have been victim to lesbo-phobic rape. Various South African authors, including Thomas, Gqola and Rademeyer, have discussed the important role that visual activism plays in disrupting hegemonic ideologies and creating a space for lesbian women to move beyond the confines of heteronormative patriarchal ideologies. However, my contribution to this field relates to the important correlation between the specific works of visual activism by Muholi, Brundrit and Nyamza and feminist standpoint theory, which has not explicitly been done before.

In this dissertation I have started an analysis of the connection between visual activism, the emergence of standpoints and how this can help us to understand systems of oppression better, however, I think that this could be an important area for further study. The link between the ways in which visual activism and standpoints challenge prevailing hetero-patriarchal norms could be an important means through which to address the normative assumptions and stereotypes which place lesbian women specifically, but all women more generally, in such precarious positions and renders them so vulnerable to violence. Clearly, advances in the rights for women and marginalised individuals as represented in legislation have not affected change in the social or symbolic positioning of women, therefore, it is imperative that means to address these be identified. Perhaps the focus on a lesbian standpoint is one of the ways do this.

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## APPENDIX A



Figure 4. Super stars. Still loving soccer with my homies, then I learned I am going to do well in future. A soccer star. Then got to find out I am lesbian. Which I still loved life.  
© Mmapaseka Letsike.(Brundrit, 2010: 594)

## APPENDIX B



Figure 6. Then life was messed when she was only raped at the age fifteen, then her doors were shut. © Mmapaseka Letsike. (Brundrit, 2010: 596)

## APPENDIX C



Figure 8. Acceptance and still loving life. Self respect self acceptance.  
© Mmapaseka Letsike. (Brundrit, 2010: 598).

## APPENDIX D



### *N and L's Family.*

*From the M/Other families project in collaboration with Natasha Distiller. 2011. ©Jean Brundrit*

N: One of the reasons getting pregnant was so unpleasant is because, it's a fertility clinic and the whole medical system is set up for people with problems. Where there's something wrong that has to be fixed. I don't have a fertility problem. What's wrong and needs to be fixed is that I'm gay. So, I went through the whole thing with this feeling like, you know, the things that's wrong her, or the thing that isn't right, or the thing that needs intervention is my sexuality.

L: I'm just thinking at the same time, if you gonna go with that metaphor, what you're fixing is the fact that I can't put sperm in you, that's what you're fixing, and, you know that's, ja, I mean, that is a weird thing for me, because I do believe that the biology thing - gay's not natural - is bogus, but when it comes to the thing of having children, biologically, you need the sperm.

And I was very adamant that I actually didn't want the same sperm across both children, because for me that made the donor more significant, and I really wanted the donor to be kind of irrelevant in our lives. But then I actually had an interesting shift after the birth of J. When he was one year old, I just suddenly realised he's not insignificant, the donor. I had this feeling of gratefulness towards the donor, and that was quite a shift for me.

L: You know, for me, it's right that you should work very, very hard to get a child, because it needs to be that much of a considered process. Pretty much I'm glad that it was a considered and difficult process, and maybe that's the way it should be for everyone.

N: We really, really wanted these kids. You have to really [laugh] want them to go through it.

L: There's no blaming the child in this instance because you know they had absolutely nothing to do with the fact that they're here, you know, you very much invoked them.

L: I had a connection with J, I honestly believe, long before he came out of the womb. That's been the same with both the boys. I'm very, like, I'm able to engage and be there and whatever and, ja, so I am a mother. You have made this conscious decision, and now it's your job to make sure that this child is safe from all the bad things in the world as they can be, as it is every person's job, every parent's job. So, there is this huge responsibility.

You end up having to say over and over, you have to declare who you are and that's tiring, that's very tiring, but you also have to do it for the sake of the children, 'cos you don't want them to feel invisible, or hidden or that your family's invisible or hidden. It goes against my personal grain of who of I am, 'cos I'm private and quiet.

Once I took J to the doctor when he was about eight months old or so, and we were sitting in the waiting room, and the receptionist looked and, "Oh cute" you know how they always coo and, and she said, "He's so his mother's son, it's unmistakable". I let, I let it slide you know, it's like I passed.

N: You know, I used to think it was weird to talk about "my wife", and I used to think it was aping something and used to be quite hostile, like it's not something I'd ever want to do, but actually L is my wife, that feels like what she is, and I often want to say "my wife" and I don't because I'm worried that people will laugh at us. I mean it seriously, and I don't want it not to be taken seriously, I don't want people to think it sounds weird, so that's why I tend not to use it except to people who I know will take it seriously.