THE FAMILY AND WOMEN'S EMANCIPATION IN SOUTH

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*7This paper is extracted from earlier work by the author on fis
(See hibliography) :

INTRODUCTION

There is general consensus on the important role Third World women

play in liberation struggles against imperialism and colonialism, and also in post-independenceâ\200\231 reconstruction periods. Whilst accepting that the overall victory of libepation struggles, and /or class struggles for that matter, have a positive impact onâ\200\231 women = in such societies, this paper raises a need to look further at a whether struggles and reconstruction, per se, necessarily : transforms the woman's, social position in society. This question will be addressed in relation te the African population in South Africa with this central thesis: African women's oppression in South Africa is embedded in relations within the family which have been entrenched by versions of traditional ideology, colonialism, capitalism and apartheid policies. A sustainable liberation and emancipation of these women is therefore located in changing

conditions of their material position within the family.

@-:- a background, it is important to clarify two theoretical and political positions of the paper. Firstly. this paper subscribes to the understanding of feminism as an awareness of subordination, exploitation and oppression of women within the family, at work and in society, and a conscious action by both women and men to positively change the situation (Jayawardena, 1986). It is therefore a concept of feminism that identifies itself with a transformational process of society, that cannot contradict either

the national struggle or the class struggle. Secondly, the paper

will explicitly address itself to working class African women in

south Africa because it â\200\230is in their families that tripple

oppression is enacted.

The paper will takes the following format. Part 1 proposes a broad
definition of the family and argues why analysis of the family is
crucial to the woman question f5 South Africa Part 2 traces
historically the interplay between colonialism, capitalism,
aparthied and traditional ideology in moulding the contemporary
"African family" in South Africa and relations within it. Part 3
looks at the ANC's stated position on the family and relations
within it. Part 4 presents some theoretical and political
conclusions from which guidelines for policy formulation and
implementation in post-apartheid South Africa can be drawn.
Emphasis is on how stal policies could redefine relations within

the family and hence contribute to a sustainable emancipation of

African women.

what is the family?

The only attempts at defining and analysing the concept of the
family appear in feminist literature, hence views are as many as
existing strands of feminism. A working definition for

will be that "the family" is socially constructed, complex and 1is
neither static nor monolithic. Rather it is consistently changed
and maintained by forces outside itself, especially state

intervention through economic, political and social policies. It,

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therefore, cannot be a private institution but a public one. This

leads to why analysis of the family is important for us.

At a political level analysis of the family raises awareness on the
subordination, exploitation and oppression of women. It can only

be through such an analysis that the true meaning of a "triple

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oppression" can be understood. At an ideological level
understanding the multifaceted ideological meanings of the family
throws light into various social processes in South Africa and the
resultant relations. At a planning level understanding the family
might help us review the legitimacy of using it (the family) as the

smallest planning unit.

It is important to emphasise that relations within working class
class families and such families' relation to the political economy
of South Africa are more important than the family form itself. A
family form is ideologically constructed only in as far as it
articulates specific relations. This argument will be explored in

i$ some detail in the following section.

PART 2

This section outlines conditions regulating the present day African family. Comments are then made on its relation to the precolonial period, colonialism and the rise of capitalism, and apartheid

policies. Attempts are made to bring out some of the complexities

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of the family as a site of women's subordination, economic

exploitation and national oppression.

The Legal Framework of the African Family

The legal framework of the African family in RSA is based on the so-called dual system of administration of law, that is, customary and common law. These are further complicated by race based apartheid legislation. Examining these, Julyan (1987) identifies three problem areas for African women : problems arising from her personal status; problems flowing from the marriage regime; and

problems in the workplace.

SA common law grants majority status to men and women upon reaching twenty one or upon marriage. By contrast customary law, which only applies to Africans, deems women perpetual minors subject to guardianship of a male (Black Administration Act 38 of 1927 ; Natal . Code of Black Law). The KwaZulu Act on the Code of Zulu Law 6 of 1981 grants majority status to unmarried, divorced and widowed women over twenty one, but section 29 (3) subjects a married woman to the guardianship of her husband. Majority status for an African

woman in KwaZulu, therefore, ends upon marriage. Other bantustans

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â\200\230Related to personal status are laws regulating African marriages
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A married African woman whether governed by the :
Administration Act or Kwa zulu Code, 1s subject to her husbandâ\200\231
marital power and is effectively a minor. The Matrimonial: Property –

Lact of 1984 introduced the accrual system and abolished the marita

power, vet excluded almost totally the marriages of Africans from
}its operation, since most are Customary unions. An African wena
entering into a civil marriage therefore is still denied the
Benefit of automatic community of property, vet she remains subject
to marital power. Furthermore the fact that customary union is not
recognised, because of its potentially polygamous nature,
disadvantages customary wives, in that they are not entitled toi

marriage privileges; support and also guardianship. of their .:

children.

$ Another important area of legislation affecting a woman's position
within the family relates to her position in the workplace. Labour
law as it stands encourages exploitation of women as cheap and
reserve labour whilst preserving the ideclogies of domesticity and
–motherhood. As will be illustrated later, among African working
class women economic necessity generates a fusion of the mother/
worker role, with approximately 30% of such women heading
households and 78% with preschool children (Cock et al 1986). In

this area Julyan (1987) identifies two interrelated issues:

and prohibiting discrimination on the basis of sex; and protective

legislation for women as the 'weaker sex'.

Until 1983, labour legislation in RSA contained protective

provisions for women. The Factories, Machinery and Building Work
Act of 1941 regulated working hours for women by prohibiting night
work between 18h00 and 6h00, limiting overtime to a maximum of two.
hours per day on not more than three consecutive days and not more
than sixty days a year, prohibiting women from employment a month
before giving birth and two months after confinement. However,
these provisions did not apply to domestic and agricultural rural

workers, but only to workers covered by the Industrial Code

Agreement.

In response to the growing mother/worker tensions, the state in
1977 appointed the Wiehahn Commission to look into Labour Acts. On
the basis of the Commission's recommendations, the state enacted
the Basic Conditions of Employment Act of 1983, which by making no
distinction between men and women, enables women to work in
industry at night. At an ideological level this seems to guarantee
women's right to work, but in reality this legislation only meets

the needs of production hy availing of women's cheap lahour.

Regarding maternity rights, the Commission recommended an increase
of confinement period, maternity leave renumeration and guaranteed

right to reinstatement after maternity leave and protection from

dismissal on account of pregnancy. These recommendations were no implemented, aid therefore according to current legislation, pregnancy still jeopardises employment.

In line with the state's response, a survey of major employers undertaken by Cock et al (1986) highlights. that while wotherhood is central to the management's pancepeion of women as temporary and intermittant workers, policy and practice do not recognise its implications. For example, childcare provision is seen as either Â®.. individual's or the state's responsibility. In 1983, of four million African preschool population, only 0.37% had access to creches and these were predominantly funded by fees and subsidies from private welfare groups. Although the Wiehahn Commission did recognise childcare as linked to a woman's participation in the labour sariet this was not taken up by either the state or capital. On the contrary, the De Lange Commission set up by Human and Science Resources Council to investigate educational reform, viewed child care purely in instrumental terms relating to the cost @ :Â¢ benefits that such intervention would have on the formal education system. They therefore recommended a one year bridging programme in existing schools instead of nurseries and preschools (Cock et al 1986). This, of course, was based on the assumption that preschool children are cared for at home and are a

responsibility of the family.

Laws regulating the femily in South Africa therefore clearly

discriminate against African women. Either women do not benefit

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from laws which elevate the status of women generally (e.

Matrimonial Property Act 88 of 1984 which does benefit women of

other race groups); or they are specifically disadvantaged as

African women (e.g. Black Administration Act 38 of 1927); or the
law in question while not overtly discriminatory affects a group
â\200\230composed predominantly of African women as an exploited class (e.g.

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Basic Conditions of Employment Act of 1983) (Julyan 1987).

Having identified personal status, marriage laws and position in
the workplace as problems facing African women, these will be
contextualised within broad historical processes. Here an analysis
of the precolonial family is important as the basis of a wider

ideological , economic and political battle in RSA.

Precolonial African Family

South Africa has always comprised of a number of language groupings
with variations in customs, so this analysis can only be a broad
generalisation. The precolonial African society was strongly
patriarchal, descent patrilineal, marriage patrilocal, inheritance
in succession passed in the male line and family authority
patripostestal (Olmesdahl, 1987). Although there is general
consensus on the existence of a sexual division in these societies,
conflicting analyses prevail in the literature as to whether such
division was a reflection of gender relations or just an arbitrary
allocation of tasks. Also whether by having the status of family

head, the man had sole power over other family members.

custody and control of the family wealth. However he had

obligations to provide a bridewealth of cattle for his sons and was
a ritual intermediary with ancestors. He goes on to argue that the
father had unchallenged monopolistic control of legal relations
both within the household to maintain order and to represent the

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family in its relations with other groups. Guy (1988) asserts that

the fact that women were oppressed in precapitalist societies is

indisputable, because they lacked control of their reproductive

lives and the appropriation of the value created by their labour.

on the other hand, Simons (1968) argues that the family rather than
any individual, had full legal capacity. Each member had a clearly
defined position which recognised claims and obligations, but the
household constituted an integral whole as a production and
consumption unit. Women, according to Simons, therefore had more i
rights as regards both their personal status and property than have
been conceded to them by alien courts. Supporting her, Walker
i (1982) writes that women in these societies had a clear economic
function which gave them a degree of economic independence and

hence a relatively high personal status.

– This paper argues for an analysis of the precapitalist gender
relations within the broader social, economic and political context
of the time. Only such analysis, it seems, would inform us of the
social meaning of, say, household head and sexual division of

labour in that particular period, which was invariably different

from a household head in a nuclear family located within â\200\230a

Af capitalist society today. Such a conceptualisation, Manicom (1986)

correctly argues, has implications not only for understanding how

capitalist relations were extended, but for considering the
mobilisation of the ideological construction of the traditional
African family by missionaries, capitalism and the apartheid state.
Colonialism and the rise of capitalism

Up till late 19th century, the African family was a production and
consumption unit based on a polygamous social organisation. The
family did not only consist of blood relations but all those
prepared to pull together resources and labour. Each wife was a
productive worker involved mainly in agriculture, with childcare
not necessarily her sole responsibility, but of the extended

family.

Political developments resulted in the conquest of land by white

settlers, a process that transformed African rural production in

@ i: late 19th century. It is important to stress regional

differentiation in this process. At the same time, the discovery
of diamond (1867) and gold (1886) precipitated a desperate need for
cheap labour. In this process of proletarianisation of African
farmers. missionaries played an important ideclogical role. They
inculcated a family model based on a male breadwinner, dependent
housekeeping wife and dependent school-going children (Gaitskell
1983). Missionary schools promoted domesticity and a subordinate

status for women through domestic science, social welfare projects

marriage with a woman as the lynch pin of the family.

legislation which perpetuated the ambivalent status and image of ge

housewifery through its association with compulsory labour for the

dominant race, that is, migrant labour. "â\204¢

one of the most significant measures to enforce migrancy was the

1913 Native Land Act which delineated specific areas for Africans

totalling 13% of the total RSA land mass. At the same time was the
consolidation of antisquatter legislation which outlawed
sharecropping and transformed former squatting peasants into labour
tenants. The result of these developments was an acute shortage of

land and an attack on the base of traditional economy.

There are diverse opinions on why it was men and not women who were
drawn into migrant labour. Bozzoli (1983) is of the opinion that
this indicated that traditional African societies possessed a
capacity to subordinate women. She relates this to existing
patriarchal relations hetween men and women, and between women and
chiefs in those societies. Maniconm (1986) argues that the gender
and generational structuring of the mine labour force was effected
in part by prevailing gendertyping of work on the mines and local
taxation procedures which designated the male head of household as

responsible for payment.

Both Bozzoli and Manicom therefore suggest that capitel

ideology, Gaitskell asserts, was mirrored in policy making ana

accumulation in RSA developed through the distortion and harnessin

of certain aspectsâ\200\231 of the African patriarchal institutions. Fo example, the 1923. Natives (Urban Areas) Act provided a abour TT allocation system linked with the chief's administration of labour recruitment. To complement this the 1927 Black Administration Act denied women both legal and economic independence. This promoted â\200\234their dependence on migrant renitttances, which were low, on the

assumption that the family was subsisting in the reserves.

These economic and political developments brought a strain on conjugal stability whilst intensifying women's reproductive and productive roles in the reserves. As a result women's migration increased from 19% in 1911 to. 25% in 1921 (walker 1982). The bulk of these women were employed in domestic work (65%) and white farms (19%). This sex-typing of jobs, with women involved in domestic related wage labour, was significant in these early stages of capitalist development in RSA. Throughout this period there was thus a subtle interplay between ideological construction of African motherhood within a specific family form by missionaries, and on the other .hand reliance on patriarchal control over womensâ\200\231 reproductive capacity in terms of her physical movements as well

as her labour.

It was in this period of increasing contradictions and mobilisation for the political ideology of segregationism, Manicom (1986) submits, that social anthropology as a study of traditional

societies, assumed significance as an academic discipline linked

moral outrage, 1930 ana 1940 ethnographic research referred to it 5

as "rightful, good, pure and natural" (Wilson in Manicom) . This

ideological construction of the traditional African family was

reemerging at a time when the basis of â\200\230the system of traditional
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tribal patriarchy was being undermined % political and economic

conditions related to migrant labour and land shortage.

Manicon identifies three assumptions which underlay this
reconstruction. Firstly, there was an acknowledgment of social
change, but only as generated extraneously by cultural contact with
European civilisation. Secondly, the nuclear family was treated as
autonomous from the other essential social institutions like the
economy, political policies and religion. Thirdly, although focus
was on women, as though family equalled women, gender relations
were not problematised. African women's responsibility for a broad
category of domestic work, childcare and sushsistence production
KA was viewed as natural and biological. This ideological construction
of the family and the role of women within it, it will be argued,
formed the basis of apartheid political, social and economic

control after 1948.

The Apartheid Era
After defeating the United Party government, the National Party
(NP) took power in 1948 with a clear ideology of white supremacy

which was to be maintained through a system of rigid social,

political, and residential racial Zegregation. The state controlled over the reproduction and distribution of the black labour force whilst redirecting black political aspirations into the reserves. Contradictions were however deepening as in the 1940s rapid growth in the manufacturing industry needed a stable workforce, whilst white farmers, an important political base: of the NP, conplaineds;

of labour shortage. Also the reserves could no longer contribute.

to the subsistence of the migrant labourer, but instead were sites

of abject poverty, overpopulation, overgrazing, and land shortage.

All these hit the reproductive role of women. In Keiskamahoek, for example, infant mortality was 453/ 1000 births and 70% of the babies were underweight in 1949 (Walker 1982). To fulfil their practical gender needs, women were forced into urban areas, also as the secure tribal and familial institutions that had supported their families collapsed. This social and economic reality clashed

with the implementation of apartheid policies.

For the government, controlling womens reproductive function was Â» the key, as evident in Vorvosdis 1956 assertion that women are "makers of homes and not producers of wealth. Their presence (in urban areas) leads to the growth of permanent, stable communities".

In the same tone, Steyn did not "want the Bantu women here (urban

areas) simply as an adjunct to the procreative capacity of the Bantu population" (both quoted from Simons 1968). The enactment

of Pass Laws for women in the 1950s was therefore an

acknowledgement by the state of the collapse of the tribal

patriarchal control over women. For women this was a direct attack

thier need to earn. in order to support their families.
By obiance of â\200\230this â\200\230need evidenced by widespread protests wh Â¢h =
encompassed wider political issues. The period 1960 to 1970 sav |

massive state efforts to reverse this inevitable urbanisation of

women. Besides Pass Laws, housing policy was and still is
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important in restructuring the African urban family.

Economic policies and apartheid legislation therefore have had a
direct influence on the social structure of the African family.
simkins (1986) argues that housing shortage transforms simple two
generation families into extended two and three generation ones.
social conditions of overcrowding and economic deprivation have
resulted in a high incidence of illegitimacy, and on increasing
number of female-headed households of two and three generations.
For example, in 1980, the illegitimacy rate for Africans was 43%.
compared to 5% for whites. This growth of female headed households,
30% in metropolitan areas, 47% in homeland urban areas and 59% in
4 homeland rural areas (Simkins) confirms that the oppression of the
African weman is integral to sustaining African national

oppression and economic exploitation

- How have working class women themselves responded to their position

within their families, and their families' relations to the South

African economy?

Working class olen have, through their struggles, consistently pointed to the contradictory nature of relations within the family: itn Crossroads squatter settlement women were crucial in the resistance against forced removals ahd it was in fact their | struggles that finally led to the vresrivaly and upgrading of the settlement (Cole, 1987). In Uitenhage women formed Uitenhage women

Congress (UWCO) as a response to the police massacre in the

township in 1984. The spokesperson for UWCO asserts "We decided we had had enough. It was time the women united against the brutality our families face...". As workers women were involved in the congress of South African Trade Unions (COSATU) "living wage campaign". Commercial and Catering Allied Workers Union of South Africa (CCAWUSA) fought for won maternity benefits and BMW workers

won childcare facilities.

The above accounts raise several questions in relation to women in

$ the South African struggle. Does the nature of these struggles reinforce womensâ\200\231 subordinate position and the sexual division of labour within the familv? To what extent can these struggles be fought outside the national struggle? What are the implications of

. these struggles and demands being subsumed within the national struggle? Are there any contradictions thrown up by these struggles

in terms of existing social relations?

Defining practical gender needs, Moser (1987 p.29) writes:

wpractical gender needs are those needs which arise from the |

gender, within the sexual division of labour. Within these,
needs are fundamentally by women themselves, in response to the

such as these are required by all the family, especially
children....At the same time it is important to recognise that
such needs are in no sense "feminist" in content".

TL can therefore be argued that South African woman's struggles f 1"

are practical gender needs. Howevess, the extent to which they,

necessarily reinforce her position within the family and the sexual

division of labour , will depend on the context within which they

are fought. Such struggles, therefore do have the potential of

being conservative politically and sexually as has been shown by
Hassim (1988). She shows that in the Inkatha Womens Brigade, the
role of a "good mother" is equated to controlling and disciplining
the youth. On the other hand, this paper suggests that women's
struggles Â«can adopt politically progressive and feminist
directions. The liberation movement has a role in "harnessing" this
potential, depending on its conceptualisation of the woman

question.

This leads directly to the second question. The struggles that
women are fighting are, in every respect, political and therefore
national. For example the struggle in Crossroads was fundamentally
against influx control, the bantustan system and Africans as a
source of cheap labour. Women therefore were fighting to reverse
the process by asserting the permanency of their residence in Cape
Town. The struggle of Chesterville women adainst vigilantes was

against tribalism and the socalled "black-on-black" violence as

concrete conditions of womens' positioning, by virtue of their

living conditions which they face....In reality practical needs

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perpetuated by the RSA regime. The struggle of UWCO women inti
â\200\230Uitenhage was against militarianisation and state violence against
the black population. The struggle of trade union women is against

class exploitation.

The nature of these struggles asserts the broad nature of the
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struggle that South African women are fighting, hence the need fori ii

a different approach. It sharpens existing unequal gender relations

within the family. Economic and political conditions demand that is. is

women participate fully in the national and class struggle, as the
ANC president confirmed when he dedicated 1984 as The Year of
women: "In our beleaguered country, the woman place is in the
battlefront of struggleâ\200\231 (ANC, 1984). However, the reality is that
woman's reproductive role is placing limitations on the time she
can spend on political activities, and invariably defines the type
and level of activism the bulk of women can participate in. It is
at this point that it becomes important to examine how the ANC

conceptualises these limitations in relation to the family and

o relations within it.

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Family relations and the African National Congress

A broad assertion will be advanced in analysing the ANC's position
–on the family. Whilst recognising and acknowledging the centrality

of womens' role in the struggle, contradictions that her triple

oppression (race, class and gender) throw into the struggle are not

being fully analysed. This shortcoming characterises the naticnal

liberation's almost static view on the family.

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To substantiate the above statement iecessitates a historical

approach to the analysis. From 1912 when it was formed up till *
: twenty five years later, women in the ANC were only afforded an
auxiliary status. This fitted neatly with family relations where
the father represented the family inâ\200\230 its relations with other

Olme: sdahl, 1987). condemning pass laws being introduced on
i women in the. orange Free State in 1913, the ANC's argument was that
the family was sacred – the jail would seperate (women) from

their families – (whilst) women had a special role in maintaining

(the family's) integrity" (gouted from ANC, 1987a).

At organisational level, the ANC during this period reflected
Jayawardena's (1986) observation that women's movements were only
SRsirting their menfolk in their (men's) struggle againvt
colonialism. Calling on African women, Seme (ANC president at the
time) said: "No national movement can be strong unless the women
volunteers come forward and offer their services to the nation"
@Â® (quoted from Kimble & Unterhalter, 1982). The ANC therefore saw

women as volunteers belonging in the family whilst men in politics.

In the 1940's a change in tone is detected as the economic and

. political conditions have a stronger impact on women's performance in her reproductive role. Walker (1982) asserts that it is at this point that the ANC recognises women as a significant part of the groundswell of discontent and resistance that rumbled through the

township, in response to food crisis, transport crisis,

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as well,

 funonplovment and increasing repression. Orcanisationallv,
â\200\230the ANC in the late 1940's was reformulating itself as a national
movement under the influence of the Congress Youth League, who saw
themselves as an organisation "where African men and women will
_ meet and â\200\230exchange ideas in an atmosphere pervaded by a common

hatred of oppression" (quoted from Kimble & Unterhalter, 1982).

The 1940's can therefore be characterised as a period when the ANC
@Â° women as having an important role in agitating against
OpPressibn as it manifested itself in women's specific terrain, the
family. The family was taken on as a mobilising tool on the basis
that it was being destroyed by apartheid and capitalism. Within the
family, motherhood was politicised around issues such as better
wages, pass laws, housing. The family as a unit and relations
within it were however not problematised. This is important as
contradictions of women's involvement in the struggle begin to show

at this juncture.

Qi: is borne out by women activists forming the Federation of
south African Women (FDSAW) in 1954, a political body that would
provide a stronger voice for women involved in the Congress, and
hence their drawing up of the Women Charter. The demands set up in
4+he Women Charter were mainly around practical gender needs and
equality with men. This paper argues that it is the contradictory
position they found themselves in that led women activists to draw
the Charter as a statement urging the liberation movement to pay

attention to areas of their special concern. Although very broad,

It was these demands that women put forward to the Congress of the

People in 1955, which drew up the Freedom Charter. Eversince, thet ®

Frãadon Charter has been a guiding manifesto of the ANC and nas

Of importance to this paper is the extent to which the Freedom
Charter itself addresses the woman question.

Put in its correct perspective, the Freedom Charter is addressing

the nwhole struggleâ\200\235 in entirety. It visualises a land governed by
all the people, with the national wealth restored to the people,
the land shared among those who work it, all enjoying human rights,
housing, security. education and peace. It is however this very
broad nature of the Freedom Charter that leaves it open to the

problem of defining exactly what it does and does not address. For

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example the Cuban constitutional principle of guaranteed employment
for all is interpreted in practice to mean men and women heading
households. Married women still largely remain as dependents and
o reserve labour (Nazzari, 1983). It is the conceptualisation of the Th
woman question by the ANC, in terms of the "whole struggleâ\200\235, that od
is crucial to women in South Africa. The fact that not enough

research is being done on the family as a "very central site where

. (womens') oppression is acted out (and) the place of the family in
social relations in generalâ\200\235 (Marcus, 1988) is and will prove
problematic to achieving a substantial redefinition of gender

relations in the future. For example, at the Luanda Second ANC Â»

women Conference in 1987 one of the papers reads:

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â\200\234The most important unit of society, the family, is shaken.
The African family cannot be properly located in the social
structure of South African society. The separation of men
from their families by migrancy has broken families. The
instability becomes fertile grounds for the mushrooming of new
family forms" (ANC, 1987b)
At one extreme the state atomises the family from society, that is,
the social, political and economic conditions within which it is
located. This is borne out by the stateâ\204¢Â® 1985 Proposed National
Family Programme (PNFP). At the other extreme, the ANC, in using
the family as a mobilising tool, subsumes it under the national
struggle, and therefore fails to analyse it consistently. This, as
confirmed by the position of women in other post independence

countries, imposes limitations on a sustainable liberation for

women.

The final section of the paper proposes some guidelines to redress
this problem and urges the ANC to consistently analyse the family

as a site where women's oppression is enacted.

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Theoretical and political conclusions
This paper has raised the question of what is the family in south Africa. This is not only relevant to the African population.

Addressing the question is also not just a-planning task either.

Political theorists in the country oraspiing with the national ; question, seem not to consider the question of the family (see ie attempted to allocate different socialisation tasks to families of different race groups. Working towards South Africa as a "slngle nation" with a specific "South African culture", it seems, needs rigorous theorisation of the family. This is a political challenge that should of necessity "force" scholars and

activists to examine the woman question as the two (women and the

family) have historically been made inseparable.

More research on family structure by race, geographical location @ class is also needed, otherwise planning will be based on false assumptions. Such research will throw light into precisely what forms the basis of different family forms (e.g. housing shortage, family property and its usufruct, meagre resources, political repression etc.), and would be useful for projecting into the

future, given different objective conditions.

Ideologically it 1s important to clarify what is meant by the

family. For example the Proposed Constitutional Guidelines (ANC,

articles in van Diepen, 1988). Apartheid legislation and policies Ce

5 different is that it srvests! to "tribal chauvinism" nein]

asee) ana gender subordination. The state in its 1985 PNFP also
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political and econonic crisis through depoliticisation of conflicts

(Gwagwa, 1989).

The family in South Africa is therefore a site for ideological
battles. It is these complex and sometimes conflicting functions
– of the family that articulate Third World feminism as distinct from

the western version. For South African women the family has not

just a site for their oppression, but also a site for progressive

struggles which they simultaneously wage against national

oppression, economic exploitation and gender subordination.

Policy Guidelines

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This paper has shown that any development policy and law has an

effect on the family and relations within it. To change gender
relations in South Africa it is suggested that both strategic and

practical gender needs be addressed at the level of both Â§

reproduction and reproduction, simulteneously. Therefore the answer
to Molyneux (1983) whether there should be a "change (of) objective

or subjective elements, men or structures, laws, institutions or

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interpersonal power relations – or all of them simulteneously
(p.4) becomes obvious. Four policy areas are examined in this

regard: legal framework; production; childcare; â\200\234decision making =

process.

i) Legal framework: The Proposed Constitutional Guidelines propose
vail re

that "women shall have rights in'all spheres of public and private
life and the state shall take affirmative action to eliminate

inequalities and discrimination between sexes" (ANC,1988 p.4).

Observing newly independent Southern African countries (Zimbabwe,
Angola, Mozambique), such a clause usually covers legislation
redefining relations between sexes (e.g. equal access to education,
employment, land rights, equal pay, inheritance), and also
legislation to abolish and erode customs contributing to womens'
unequal status within the family (e.g. lobola, forced marriage,

polygamy). These tend to be strategic gender needs.

Given the discussion on the existing laws governing the African
woman's personal status and marriage in South Africa, attention
needs to be put on basing the legal standing of married women on
their position as individuals rather than their marital status.
This would also have positive effects on women heading households
women who have to support their families independently. This is
where the question of the Family Code becomes relevant. This paper
submits that a Family Code probably has some useful contributions
in family relations. One, however, has to be careful because on its

own it is definitely useless. It has to be located within a whole

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| geries of interventions at both production and reproduction Yor

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the existing dual system or one particular system is implemented.

In Zimbabwe for exauple the 1983 Legs] Age, of Majority Act (Ncube;

1987) did â\200\230not affect the adoniEy of marriages because mos

marriages were still customary and therefore did not go thitough the,

$ common â\200\234law procedures. on the other hand the implications of

regulating marriage through customary law whilst all other aspects
of life are governed by commomn law, seems to present

uncertainities and confusion.

It is therefore suggested that a simple system where women are
clear of their rights be adopted. Otherwise the legal reforms will
only mitigate the position of those who are able to mobilise the
law, that is, the educated. A strategy adopted in Botswana, where

a hooklet written in venacular simply outlines women's personal and

Â® marriage rights is recommended. This could be popularised through

women orgamisations and in adult literacy classes.

Legal reform, while providing a useful institutional framework,

* can never on its own produce equal familial relations. Giving

majority status under the law without altering the material and
ideological foundations upon which minority status is based can
only mask the realities of social inequality based on gender.

Development policies determine whether women actually remain

economically and materially dependent on men, either becau

their control of or â\200\230better access to productive resources. AE

ii) Production policies: Drawing women into production on its own,
as classical Marxists suggest, cannot solve the woman question. ;
This paper suggests four areas that should guide policy formulation

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in production. Policies should have the capacity to minimise sexual

division of labour, increase women's bargaining power within the

family, minimise women's double shift, and increase women's earning

capacity. All these do cover COSATU Women Congress demands.

ACCONDAnYinY land reform, socialist countries adopt
collectivisation ana communal farm agricultural systems.
Conflicting reports on these policies are evident in the
literature. Croll argues that in China, household based
renumeration has not improved women's bargaining power within the
family. Urdang (1985) suggests that collectivisation and state
farms in Mozambique have opened up employment opportunities for
@ oven. It therefore seems that more research is needed in this area
in order to determine what system would be suitable for which

family form in South Africa.

Another important area for women is the informal sector. Most
countries adopt women's only income generating projects. Feldman
(1983) points out that such projects in Kenya only serve to

reinforce sexual division of labour and women's subordinate

position within the family. Policies on the informal sector in PASA

will however be relevant to many women. Tt is suggested that these

be linked to mainstream development and not lock women dnto iu

subordinate positions within the family and the economy at large.

Protective legislation and maternity benefits have been an

important mobilising area for COSATU WORE. Such legislation in
% PASA should cover all workers and not just those involved in the

manufacturing industry. The state should take positive steps to

; @o ensure its blanket enforcement, especially that the Constitutional

Guidelines propose a "mixed economy with public sector, a private

sector, a co-operative sector and a small scale family sector".

Protective legislation and benefits are however frought with
problems in terms of minimising sexual division of labour and
increasing women bargaining power. Whilst it is true that Parental
Rights (as opposed to maternity rights) won by CCAWUSA in 1986 have
a potential to transform gender relations in working class

families, the productive and reproductive system within which

Â® families exist, determines whether such a transformation is

possible. Nazzari (1983) illustrates how Cuba's drive for socialist
development of the country's productive forces made an otherwise
progressive maternity law conterproductive to transforming familial
â\200\234relations. This perpetuated dependence on men and invariably worked
against equal sharing of childcare and housework as decreed by the

1975 Family Code.

Finally affirmative action should be taken by the state to minimise

gon-typing of jobs. Molyneux (1985) -points out that in nos!
socialist societies'sexual division of labour in production is seen

as essential during the reconstruction phase. Such practice however *
perpetuates a situation where women are in low paying jobs which
not only decrease married womens' bargaining power within the

family, but women headed households earning capacity as well.

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iii) childcare: Childcare is intimately related to women's

participation in productive activities and is both a practical and

strategic gender need. This paper suggests a universal programme
of daycare and nursery centres for preschool children. This will
have an impact not just on womens' productive role in terms of
minimising the double shift, but also on child health and
education. It could be implemented through a combination of
voluntary organisations, employers taking it as a social
responsibility for the benefit of the employee's family, community, .

and the state.

® The private sector however could discriminate against women
employees on the basis of differential labour costs by sex if
compelled to provide childcare facilities, as with other henefits.

It is therefore suggested that childcare provision not be linked

. to the mother, but rather be standardised on the basis of worker
ratio regardless of sex. Cock et al (1926) point out that childcare
goes beyond workplace and the household, to raise fundamental
questions on how the society is structured. It involves shifting

boundaries between private and public spheres. It is therefore

important to women that it gets conceptualised in political te

iv) Decision making process: The struggle in "South Africa isâ\200\231 erticulating progressive decision making processes. Women's

; organisations have been formed around practical gender needs which

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are linked directly to more strategic needs –of national liberation. This is line with Dawn's (1987) identification of the empowerment of women through organisation as the key to achieving the goal of Third World feminism. Women's organisation should be given space to enter the definition of development and policy choices. Such self– definition of issues, priorities and strategies will allow struggles against women's subordination, economic exploitation and national oppression, to be waged from relations within the family to relations between nations.
Scarce resources during the reconstruction phase usually limit the provision of practical gender needs. Womens' participation in prioritising their needs therefore will be crucial. Such structures 4 have already been articulated by struggle at local, regional, national and international level. There are local and regional organisations affiliated to the UDF, the COSATU Women Congress, the ANC Women Section, and the Pan–African Women's Organisation
. {Southern African Region) of which the ANC Women Section is a member. These organisations have the potential to fight for and safeguard women's emancipation through policies that empower women

within the family and in post-apartheid South Africa society at

large.

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