

New Nation

**BUILD
ORGANISATION TO
DEFEND
DEMOCRACY**

THE talks this week should hopefully see some of the obstacles to negotiations removed and, for the first time this century, the prospects of peace for our people have never been so encouraging.

In spite of the great hope the talks have given the majority of our people, there are those who have tried to trivialise the event. These represent that cynical fringe that has a vested interest in continued apartheid rule.

They also represent those whose claimed leadership may in the not too distant future be put to the test and found wanting.

We understand the anxieties, but the advancement of our struggle cannot be contingent on the political egos of opportunists. Those who have no political constituencies are not responsible to anybody and can therefore say and do as they please.

Those who have thus far condemned the talks have clearly failed to see that the government has been pushed into its current position by struggles that have been waged over decades at great cost to the people. To fail to recognise this is to fail to understand that there has been a revolution in progress.

The other important thing about the talks is that they have achieved what numerous apartheid statutes tried to derail, a meeting of a broad range of South Africans from different backgrounds coming together to talk about the future of their country.

Shoulder to shoulder were clerics, communists and Afrikaner nationalists brought together by a realisation that they have a common destiny. This is indeed a promising foundation for a democratic South Africa.

The talks will not in themselves automatically catapult us to democracy. That is something we have to continue to strive for.

We in the democratic movement have never claimed to be the sole voice of the people. We have, however, asserted a self-evident reality that we are the authentic voice of the people by virtue of our history in struggle, experience and our political programme that takes into account the realities and interests of all South Africans.

Certainly the progressive alliance of our people has by far the most superior political programme of any political formation now in existence.

If these talks succeed, they will mark an end of one era and the beginning of another, which will shape the character of a future democracy.

To ensure that the nightmares of the past do not return, and to secure the future, we will all need to build strong organisation. It is only through organisation that each individual can help to influence the direction of our country.

Now the clarion cry has once more sounded: let us build our structures that will ensure that our movement remains the pulse of our people.

Women

WOMEN IN A FUTURE SOUTH AFRICA



A student states her point during a meeting.

THE following is a discussion and report on that paper, and a second one by Sachs on the role of women in a future South Africa.

NO institution has suffered greater damage under apartheid than the family, but apartheid is not the only aggressor against the family.

"Nowhere are there more contradictions - courageous freedom fighters who are tyrants at home. People who respond actively to the needs of the masses and yet deny that those with whom they share their most intimate activities even have needs (freedom fighters during the day and fascists at night), and, conversely, people capable of great tenderness in the family at night who are torturers by day," writes Albie Sachs, the ANC's constitutional law expert.

He maintains that the anti-apartheid struggle has the role of

"What apartheid society has never done is to allow people to choose for themselves how they wish to lead their lives ... The removal of apartheid requires not simply the rewriting of obnoxious laws but the repairing of millions of damaged families," writes Albie Sachs in a new draft paper on "The Constitutional Position of the Family in a democratic South Africa".

"helping to create the conditions for the pursuit of happiness in its most intimate and personal of forms."

Sachs says apartheid has been particularly devastating to the rights of women of all races and dismantling apartheid would require the undoing of many laws and practices that subordinate women. "The struggle to create a non-sexist South Africa will be even more difficult than the fight to create a non-racial one," he

writes.

"To restore the family in such a way (as) to constitutionalise male tyranny, whether benevolent or brutal, would be to eliminate one of the effects of apartheid while strengthening another." Therefore the rights of women cannot be seen as separate from the rights of families, or vice versa.

Sachs, who lost his right arm two years ago in an assassination attempt in Maputo, is presently studying the constitutions of 167

countries to draw on ideas for the ideal constitution for South Africa.

FAMILY DESTRUCTION

He writes that the destruction of the family in South Africa was a consequence of deliberate policy. Firstly, in the Dutch slave-owning settlements the culture of slaves was disallowed; they lost control of their families and even their names.

Later in the colonial period, Afri-

ALBIE Sachs writes in his paper, "Judges and Gender: The Constitutional Rights of Women in a post-apartheid South Africa": "Amongst the multiple chauvinisms which abound in our country, the male version rears itself with special and equal vigour in all communities."

The authoritative "Kultuurskiedenis van die Afrikaner" published in 1945 has this to say: "This patriarchal tradition of the household is one of the most beautiful national legacies of the Afrikaner In (the household) the father was the highest authority. Since every authority structure can have only one head, the woman was under the authority of her husband. The mother, on the other hand, was pre-eminently the loving and understanding party who cared and served in silence."

Inkatha reflects another attitude in its 1987 "Ubuntu-Botho: Good Citizenship": "In the family the man is head. The woman knows she is not equal to her husband. She addresses the husband as father, and by so doing the children also get a good example of how to

Women to hold freedom in

behave. A woman refrains from exchanging words with a man, and if she does, this reflects bad upbringing on her part."

The world of men and their families, therefore, is most ideally seen as a dictatorship. The man is never to be questioned, but only to be served quietly and submissively in a similar way in which many religions suggest we should worship.

Sachs writes: "Thus, to challenge patriarchy, to dispute the idea that men should be the dominant figure in the family and society, is to be seen not as fighting against male privilege, but as attempting to destroy African tradition or subvert Afrikaner ideals or undermine civilised and decent British values."

He says a future constitution should speak directly to women. Equality should also give women the right to be different in certain ways - men and women are equal in their right to vote or hold public office, but different in terms of

child-bearing and whether they have historically been victims of gender discrimination or abuse.

Sachs believes that a Charter of Womens Rights should fall under the general umbrella of a Bill of Rights, but form a separate document.

A Cosatu spokesperson said that while women's rights had been on union agendas since the days of the Federation of South African Trade Unions, they were attracting greater attention in recent times as more women entered the labour force. In the clothing and textile industry alone, 86 percent of unionised workers are women.

Some Cosatu unions have won significant agreements for maternity and paternal leave. Before black women became unionised, they often lost their jobs when they fell pregnant. Now unions like the SA Catering Commercial and Allied Workers' Union (Saccawu) have won recognition that child care is the joint responsibility of both par-

ents.

They have won significant maternal and paternal rights. Women get paid time off to go to ante-natal and post-natal classes and maternity leave ranges from nine months (at Pick 'n Pay), to two months (at Checkers) and six months at Southern Sun hotels. Similar agreements have been signed between employers and employees in the chemical, food, engineering, industrial and motor vehicle sectors.

Some factories have also been encouraged to get involved in health care education too. Clinics for family planning that give par smears, contraception advice and basic gynaecological education are run by either unions or employers at increasing numbers of factories, particularly in the food sector.

But these are only a few of the manifold problems women face in the workplace. The Cosatu spokesperson listed:

Women



Women lead the way in a recent protest march in the streets of Johannesburg.

can customs came under attack as being heathen, hut-taxes were imposed and lobola became monetarised.

"The tax system, the pass laws, the establishment of compounds for mine and farm labour, the creation of what were called black locations on the periphery of the urban areas, were all designed to split African families and compel the menfolk to work for the whites on the basis of single person wages."

In most instances women could not join, or even visit, their migrant worker husbands, although some "indent magistrates", Sachs records, gave them authorising documents permitting them to visit their husbands for "biological reasons".

Migrant labour underpinned the destruction of family life in South Africa. Both Cosatu and the ANC are particularly concerned about the impact of migrant labour and

the hostel system on parental, recreational and children's rights.

Hostels are still common in the construction and food industries, mines and railways. Until recently, hostel-dwellers were not permitted to have their wives or children live with them. Even though this is permitted in most cases now, the living conditions are not conducive to healthy marital relations or positive child-rearing.

SOCIAL DISEASES

Social diseases are rife among hostel-dwellers and so too are fights about women. Researchers have discovered that, because of the terrible accommodation problems in the townships, many women seek lovers in hostels to ensure a bed and a place to stay. The power the men have over them in terms of determining whether or not they have a roof over their heads makes them submissive to

the men and quarrelsome with other women, whom they see as a threat to their territory.

There is a complete breakdown of normal marital relations and men are often more abusive than usual to these women.

Sachs sees other serious consequences of the hostel system - "the denial for decades that Africans living in the towns had a right to decent housing". A future South Africa needs to guarantee, as a first step, houses with accessible safe water, then at a next stage furnish clean, piped water and electricity or gas.

In addition, adequate social services were never provided for African families because it was believed they "existed outside of the normal norms and expectations of modern industrial society".

One of the consequences was contained in a recent Black Sash report detailing the terrible conditions pensioners live under, particularly in the bantustans. The pension situation in Lebowa, as an example, is so serious that pensioners are on a waiting list and only qualify for a pension when someone already receiving one dies.

Sachs notes that white pensions are generally higher than those for blacks and they receive greater protection in terms of unemployment insurance and workmen's compensation.

A critical issue Sachs deals with in both his papers on the family and women, is the "woman's right to choose", particularly with regard to the subject of fertility.

DECENT RIGHTS

"Those who are against birth control or against abortion, will have the right to argue their views and work towards finding alternative approaches, but will not have the right to impose their position on others who hold different opinions." He says that all women should have the right to abortion or contraception if they want it, but at the same time will not have the right to force their views on other women who may disagree.

Technically husbands will, therefore, also be unable to force their wives to use, or not to use, contraceptives or abortion.

The state, Sachs writes, should provide facilities for both clean, safe, abortions and also adoption for those who wish to carry their pregnancy to full term. There is a need for education about feminine hygiene, contraception and help with infertility.

Sachs is very critical of the lack of creches, kindergartens and schooling for black children. He also condemns the suspension of school-feeding for African children in rural areas.

MARRIAGE

Marriage is an area that Sachs gives considerable attention to. Millions of people are living in families that the law does not even regard as families.

Sachs suggests that a future SA could recognise a multiplicity of marriages from traditional to Muslim, Hindu, Christian and others, requiring the partners to agree to a few set-down principles and rights, but essentially allowing people to organise their family lives as they wish, subject to restrictions against domestic violence and child abuse for example.

To ensure that family laws are properly complied with, Sachs says the entire nature of the judiciary will have to be changed so that it is not only non-racial but also non-sexist. In rural areas courts could be more informal and largely oral in character, while they would be more formal in the cities.

The range of issues that have to be addressed for women in a future South Africa is daunting.

Sachs lists: equal pay; discrimination in hiring; promotion and firing; the allocation of jobs on a gender basis; maternity and paternity leave; safety in relation to reproductive capacity; nursing rights; child care; flexible hours; sexual harassment.

"Similarly there are acute gender-related questions pertaining to health and control of one's body and reproductive capacity.

"Another set of questions relates to violence against women, both physical and mental, direct and indirect. This would include rape and domestic violence, but also sexual harassment in its manifold forms, the demeaning use of women in advertising and, many would argue, the degradation of women in pornography.

"There are also sharp issues related to gender-biased use of language and gender stereotyping in public documents, educational material, the media and advertising."

A Cosatu spokesperson asked about women's rights, said she believed they had not been prioritised because women are less involved in political organisations. However, she adds that women in their multi-faceted roles as wives, mothers, workers and housekeepers are often simply too exhausted at the end of the day to get out there and fight for their rights.

She also noted that political meetings - even of women's groups - rarely have childminders.

In Japan, where women's oppression is supposed to be severe - and in reality is often less than that of Western women - there is not a public meeting that does not have space and someone with crayons and paper set aside to care for children.

Perhaps this has something to do with the paternalism in our society that still encourages the belief that a woman's place is barefoot, and with a baby on one hip in the kitchen - after she has returned from work.

In fact, this was very much the profile of the African woman until the migrant labour system increasingly converted them into agricultural cultivators when men left to work on the mines and factories in urban South Africa.

Between 1921 and 1946, the proportion of women to men in the African urban population grew from one woman for every five men to one for every three men. Increasingly they were converted into wage earners and, 1951, 7 000 women worked in the urban manufacturing sector. This represented one percent of the total workforce in this sector.

Today women constitute just over 40 percent of the South African workforce. A very large proportion are, however, still employed in homeland factories. For example, 48 percent of all workers employed in kwaZulu are women. This figure was said to be increasing at a rapid rate as more and more male workers are forced into the migrant labour system. Factories in the homelands, which have become havens for profit barons, prefer women workers because they are regarded as more "controllable and cheaper". The figures are not very different for Qwaqwa, where almost 100 percent of the homeland's male workers are either commuting workers or migrants employed in "white" South Africa. The local workforce is almost exclusively women.

WOMEN WORKFORCE

And in kwaNdebele, about half of the local workforce is made up of women. Women also make up around 60 percent of the unemployed population in the homeland.

In Lebowa, an estimated 80 000 of the 186 000 locally employed workers are women, while a negligible number were said to commute to surrounding areas. The bulk of the 80 000 are employed in the agriculture and service sectors, which are among the lowest payers.

Venda, which is among the poorest of the homelands, is characterised by a slightly different pattern. It earns about 50 percent of its income from wages earned by domestic and other servants employed outside the homeland. Most of these are women.

their own hands

● Job discrimination - means that women are usually placed in lower grade jobs at lower pay than their male counterparts.

● Shift work - often means problems with transport, child care and their health, as they often work long hours through the night.

● On-the-job training - the necessary skills upgrading to progress in a career is usually given to men.

● Sexual harassment - is a major problem in the workplace. The University of Cape Town has taken the lead by establishing a committee to monitor incidents of sexual harassment and to give counselling to victims. If the harasser does not stop, he may be approached by the counsellor or even have disciplinary action taken against him.

Sometimes, the Cosatu spokesperson said, sexual favours are expected in the workplace for a woman to keep her job. This most

often happens to domestic workers, who are also the women who experience the most physical violence in the workplace.

Cosatu has drafted a questionnaire which it has sent to all its affiliate unions, who represent over a million workers, asking for their suggestions for a charter for women workers. It covers issues from job equality to child care, contraception to sexual harassment.

However, being equal, Sachs writes, does not mean identical the biological roles of men and women make them uniquely different. "The constitution should, therefore, in this area, permit what might seem the surprising doctrine of equal but separate."

Ultimately, however, both Sachs and women's activists affirm that women will be protected by as many rights, and in as relevant a manner, as they pressurise for women to hold their freedom as citizens and as a gender in their own hands.