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► To cite this version:

Elaine Dubourdieu. Accentuate the Positive? Affirmative Action for South African Women. Alizés : Revue angliciste de La Réunion, 1997, Women in Multicultural South Africa, GRAS International Seminar 1996, 14, pp.221-235. hal-02348357

HAL Id: hal-02348357

<https://hal.univ-reunion.fr/hal-02348357>

Submitted on 5 Nov 2019

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Accentuate the Positive? *Affirmative Action* *for South African Women*

*A*t a time when Affirmative Action is increasingly criticised in the United States, where the policy has been in widespread use since the 1960s, it is interesting to note a diametrically opposed trend in South Africa, where Nelson Mandela's government has recently started putting this policy into practice.

In the United States and Britain this policy has been associated essentially with minorities, whereas in South Africa the policy is to be aimed at the majority and high on the list of disadvantaged groups who will benefit, is that of South African women, who make up 51.2%¹ of the population. Why have South African women been singled out for this special treatment? What form is this policy taking? And how is it viewed in the country itself?

The situation of South African Women

It is misleading to refer to South African women as if they represent one homogeneous group. There are tremendous differences within this one category — not only the obvious differences of colour or ethnic group, but also major differences which stem from class and geographical location. There is a big urban/rural divide; women outnumber men predominantly in rural areas with poor economic prospects,² and black rural women are the most impoverished group in South African society.

¹ According to figures provided by the Development Bank of Southern Africa (DBSA), quoted by the South African Institute of Race Relations AIRR: 1996 6).

² DBSA, South Africa's Nine Provinces: a Human Development Profile (*ibid.*).

Other differences such as religion or affiliation to political parties could also be mentioned.

Figures for 1993³ reveal that there were more unemployed women than men in all the population groups,⁴ and that black African women were by far the hardest hit, with an unemployment rate of 43.9% (31.6% for African men), 26.4% for "coloured" women (21% for "Coloured" men) 23% for Indian women (12.5% for Indian men) and 12.9% for White women (5.3% for White men). Nor can this be considered as the complete picture, as many more women are not taken into account for these figures, since they are active in the *unpaid* workforce (especially in subsistence farming, home-making and child-rearing) and it should not be forgotten what a contribution unpaid labour makes to the creation of wealth of a country, although this has not been calculated by most economists, starting with Adam Smith. Only two-fifths (39.4%) of the *paid* workforce are women,⁵ who tend to be concentrated in the lowest paid sectors: 68.4% of all service workers are women, of whom 73.3% are domestic workers, and a study in 1991 revealed that the average wage per month of domestic workers in urban areas was Rd 160 and Rd 80 in rural areas.⁶

Though over-represented in the service sector and domestic work, women are seriously under-represented in other areas where there is now a wide range of statistics which testify to this fact: only 3.1% of judges are women, 9.6% of magistrates and only 1.3% (49) of the directors of Johannesburg Stock Exchange's 657 companies are women. A further survey in 1995 revealed that only 3.14% of all executives in the companies polled were female.⁷

³ Figures from CENTRAL STATISTICAL SERVICE (CSS) *October Household Survey*, Statistical Release, PO 317, 23 May 1994 (quoted by SAIRR: 1996 488). These figures exclude the former "independent" homelands.

⁴ Includes people of 15 years of age and older who were not in paid employment or self-employment, were available for such employment and had the desire to take up employment.

⁵ These figures from the 1991 census also exclude the former "independent" homelands.

⁶ Survey conducted by University of Transkei Lecturer Ms Gobodo-Madikizela in 1991 (Dube).

⁷ Survey conducted by the Quest Personnel Group (Efrat 15).

More detailed statistics for the Public Service revealed that 85% of senior managers were White men, 10% were African men, 2% were White women, while African and Indian women accounted for 0.6% each: Coloured women were not represented at all (SAIRR 486).

Thus white women have undoubtedly suffered from gender discrimination, but it should also be remembered that generally they do have access to better paid, higher status jobs, whereas Indian, coloured and African women tend to be concentrated in the lower paid, menial jobs. For example 77.6% of all the women in managerial, executive and administrative posts are white, whereas only 5% of white women work in the service sector.

The 1991 census also revealed much lower levels of education and higher rates of illiteracy for women and here again the breakdown of the figures show important differences between the groups: 14% of White women had certificates in Higher Education (post-matric, standard 10), as opposed to 4% of Indian women, 2% of Coloured women and 1% of African women.

It is the African women, and especially those living in rural areas who have the least education and are the most likely to be illiterate (SAIRR: 1994, *Fast Facts*).

What form is the policy taking?

In the introduction to the White Paper on the Reconstruction and Development Programme (RDP) there is the following statement:

Our history has been a bitter one dominated by colonialism, racism, apartheid, sexism and repressive labour practices. . . . Women are still subject to innumerable forms of discrimination and bias (*White Paper*, vol. 353 7).

First and foremost, and in line with this statement, the clear intention of the government has been to end these "innumerable forms of discrimi-

nation and bias.” For up until the 1990s not only were there widespread legal limitations on women of all races, but there was also a notable lack of legislation to protect women, whether it was in the workplace or in the home. Women were legally discriminated against as regards pension rights, in certain civil service departments women who married or became pregnant were automatically dismissed (as happened in Britain up till the Second World War), equal work frequently brought home unequal salaries; certain jobs (in mining for example) were closed to women, there were numerous forms of discrimination against women under customary law and in some civil marriages the husband had power over the wife’s property.

In the transitional period from 1993 to 1994 there was a marked attempt to abolish all forms of discrimination against women and to promote equality, with the passing of the Abolition of Discrimination against Women Act, the Promotion of Equal Opportunities and the Prevention of Domestic Violence Act.

The principle of gender equality is enshrined in the new Constitution, which declares that the Republic of South Africa is to be founded on four values, one of which is “non-racialism and non-sexism” (*Constitution*: 1996, 1b) and the Bill of Rights (chapter 2) guarantees freedom from discrimination on the grounds of sex.

It should also be noted that chapter 9 of the Constitution creates the Commission for Gender Equality, whose role it is to “promote respect for gender equality and the protection, development and attainment of gender equality” (*Constitution*: 9 187).

Thus the clear intention of the government is to end discrimination, but the question then arises: will equality before the law automatically put South Africa’s women on a par with men and rectify the disadvantage and discrimination that they have suffered for so long?

The government made it plain from the start that they did not intend to stop there, but had every intention of establishing a “proactive programme which will serve to eradicate racism, gender inequality and other forms of inequality” (*White Paper* 33). Indeed in their 1994

election manifestos, both the ANC and National Party contained promises of using affirmative action and the acceptability of the practice of affirmative action is now actually enshrined in this new Constitution, in the Bill of Rights, (Chapter 2), under the heading "Equality" where we find the following:

9. (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

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

((4) Contains the same injunction as regards individuals⁸) And finally:

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

The government has obviously tried to cover all eventualities and to protect itself, through this last paragraph, against the type of litigation brought in the United States against the practice of affirmative action, usually by white males, who felt they were the victims of discrimination.

Affirmative Action in What Form?

The government sees the transformation of the Public Service as a priority. In 1995 the Department of Public Service and Administration⁹ published a "White Paper" on the Transformation of the Public Service which reiterated the importance of representativeness, declaring it to be "one of the main foundations of a non-racist, non-sexist and democratic

⁸ No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

⁹ The Ministry for Public Service and Administration had been given the overall responsibility for coordinating the transformation of Government Departments.

society” and that it was also “a necessary precondition for legitimising the public service” (*White Paper*: 1995, 10.1). It declared that:

Within four years all departmental establishments must endeavour to be at least 50 per cent black at management level. During the same period at least 30 per cent of new recruits to the middle and senior management echelons should be women (10.6).

The term “affirmative action” itself was defined as:

laws, programmes or activities designed to redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, colour, gender or disability (10.3).

It also defined those groups who were to be the main beneficiaries of affirmative action, that is to say “black people¹⁰, women and people with disabilities” (*White Paper* 10.4) although it is recognised that the factors that continue to discriminate against these groups are not uniform, “the effects of patriarchal values and other forms of gender bias and discrimination, for example, is clearly something that does not disadvantage black males” (*ibid.*).

This 1995 “White Paper” also called for a change in the rather narrowly defined, culturally determined and exclusive view of qualifications, experience and achievement, rather than on a broader and more inclusive view of relevant competencies (*ibid.*, 10.2). Thus there is to be a shift in recruitment policies, with the stress being put on potential, rather than on formal qualifications which many black candidates simply do not have and if the government were to continue to demand the same formal qualifications as in the past this would simply “have the effect of perpetuating discrimination” (*ibid.* 5.2.3). There is also a call for accelerated and intensive training of those affirmative action candidates that have the potential, but not the necessary qualifications or experience to be appointed, as well as advertising campaigns to promote the Public Service as a career amongst these under-represented groups.

¹⁰ The term is used here in the same way that it was employed by the ANC during the struggle against apartheid, *i. e.* to designate members of the African, Indian and Coloured communities.

Beyond Public Service

The South African government's ambitions for affirmative action for women obviously extend well beyond the confines of Public Service and the government has been encouraging, indeed putting pressure on the private sector to adopt affirmative action programmes, which include education and training schemes as well as affirmative action appointments along the same lines as those defined for the Public Service.

Like the American federal government, and some British local authorities, they have also used lucrative government contracts as a lever to persuade firms to set up affirmative action programmes (see Dubourdieu). Finally the Employment and Occupational Equity Act which should come into effect soon creates the obligation for employers to establish statistics and "report on employment and training in terms of race and gender, so that society can monitor the success of these policies in transforming employment."

South African Opinion

To have a sample of South African political views on this question, a letter was sent out in May 1996 to all political parties and organisations as listed by the South African Embassy in Paris, asking for their view on affirmative action and especially regarding its use in favour of women.

Broadly speaking, the opinions expressed in South Africa over this policy are very similar to those which have already been aired elsewhere in the world in similar affirmative action/positive discrimination debates; there are however certain South African variations on the theme, and the protagonists of course are different.

Pro

The Women's National Coalition (WNC),¹¹ for example, has argued that if equality is to be effective, then difference has to be taken into account — article one of their Charter for Effective Equality states: "similar treatment of women and men may not result in true equality. Therefore the promotion of true equality will sometimes require distinctions to be made."¹²

"Becoming "honorary men" would prove to be unacceptable to the members of the Coalition and from the outset it was stressed that although the abolition of discrimination was necessary, this would not be sufficient" (Sadie & van Aardt). This argument is reminiscent of Lyndon Johnson's speech at Howard University in 1965 where he declared:

Freedom is not enough You do not take a person who, for years has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, "You are free to compete with all the others", and still justly believe that you have been completely fair. . . . We seek not equality as a right and a theory, but equality as a result.¹³

Indeed this notion appears to be a fundamental premise for affirmative action; it was repeated in 1996 by the South African government who insisted that the repeal of discriminatory laws in employment:

will not, by itself, end the disadvantages they generated. Social and economic forces have taken their place in perpetuating that order. In these circumstances, government must embark on programmes to foster equality, which include measures for employment equity (Department of Labour 10).

¹¹ This is a coalition of women's organisations of various types — trade unions, political parties, religious groups, etc.

¹² Article 1 of the Women's Charter for Effective Equality adopted during the Women's National Coalition's national conference in June 1994 (quoted in Sadie & van Aardt 80-90).

¹³ Speech by President Lyndon Johnson at Howard University, 1965, as quoted by Wanda Warren Berry (1106-07).

The ANC is a firm supporter of this policy in general, and also when it is used for women in particular¹⁴, as are other parties in the government of National Unity. The Inkatha Freedom Party (IFP) "believes that gender equality [is] . . . of paramount importance in the whole process of Affirmative Action. Our women folk in the entire country and in every sector of our society need to be empowered more than ever before, and the Government of National Unity in this country has already embarked on this very vigorously."¹⁵

Anti

All sorts of arguments against affirmative action for women have also been expressed. The Freedom Front¹⁶ considers it to be unfair:

We are against the replacement of a white person by a black person, just because the black person is regarded to be "under privileged." Affirmative action must be based on merit — this also applies to the appointment of women.¹⁷

In a press statement Duncan du Bois of the Freedom Front said: "apartheid in the form of affirmative action is alive and well in the new South Africa and is severely retarding the economy."¹⁸

The Right Party¹⁹ blames affirmative action directly for many of the ills that it considers to be afflicting South African society.²⁰ It

¹⁴ See *Affirmative Action and the New Constitution*, an undated policy document, issued by the ANC via Internet: (gopher://gopher.anc.org...O/anc/policy/affirm.act).

¹⁵ Letter from M.J. Bhengu, MP, IFP Affirmative Action Coordinator, 18 July 1996.

¹⁶ The Freedom Front has nine seats in Parliament and represents right-wing Afrikaners who still hope for a geographically separate homeland, and for what they consider as the "self-determination of the Afrikaner people."

¹⁷ Letter from P. D. Uys, Deputy Secretary of the Freedom Front, 5 August 1996.

¹⁸ D. L. du Bois Press Statement "Unfair Affirmative Action "Unconstitutional," 18 June 1996.

¹⁹ The Right Party has no seats in Parliament.

believes that women have been the chief beneficiaries of this policy, however, George Sinclair, leader of this party goes on:

Whether or not they will benefit from it in the long term in a country which is steering for disaster is a question which you will have to work out for yourself. By nature unfortunately, I believe, women will never fully be given the same opportunities as men in all aspects of society, but then, as you are well aware, they have so many wonderful qualities that make them unique (*ibid.*).

Other replies were received to this letter; some were not quite so clear cut. For example, although the South African's Women Party (SAWP)²¹ has opposed the introduction of affirmative action which it feels to be counter productive and not in the interests of the economy, nevertheless it declares:

So far, we have not seen a massive endorsement of Affirmative Action favouring women, but hope that it will happen soon, as, after all our Party's aim is to improve the lives of women (*ibid.*)

A Highly Emotive and Controversial Policy

The government is clearly aware of all these arguments: chapter 10 of the 1995 White Paper on the Transformation of the Public Service lists the potential problems and negative reactions that affirmative action programmes will undoubtedly face. These range from "the danger of "tokenism," and the criticism that affirmative action is merely

²⁰ The Right Party declared that some of the consequences of affirmative action are as follows:

- "1. South Africa has moved from a first world country to a third world country.
2. The South African Rand has depreciated substantially.
3. Crime and corruption has escalated.
4. Educational and medical standards have dropped.
5. Interest rates and taxes are of the highest in the world."

Letter from George L. K. Sinclair, Leader of the Right Party, 18 August 1996.

²¹ The SAWP was set up at the beginning of 1993 and has no representatives in parliament. It declared that it was "in a very delicate situation as traditionally the SA society has enjoyed a patriarchal point of view. We boast about a membership of 100 only, but the few of us dedicated will carry on against all odds" (Letter from Georgina Erb, SAWP, 10 June 1996).

a numbers game," the danger of "possible alienation of non-target groups" in the public service, and the risk of "reverse discrimination" (*White Paper* 10.5) and the possible conflict between affirmative action and other constitutionally or legally guaranteed rights such as equality and non-discrimination.

The White Paper suggests that care should be taken to explain the purpose of these programmes, that they should be portrayed as being part of a "holistic approach that empowers people hitherto marginalised and enables them to succeed" (*ibid.*); the Department of Public Service recommends "awareness raising and training strategies designed to promote a positive view of affirmative action and to discourage tokenism and the stereotyping of beneficiaries" (*ibid.* 10.7). And above all, affirmative action programmes themselves should be "planned in a feasible, sensitive yet unapologetic way" (*ibid.*). Obviously the government is holding firm in the face of opposition and sticking to this policy.

The Results

To determine the results of such policies, monitoring and evaluation will be essential and plans for this were also outlined for the Government departments in the White Paper. Although it is too early to have a clear overview of the situation, statistics are starting to emerge from various sources. For example the Education Department declared in August 1996: "to give you an idea of the move towards equity, of the 318 filled posts in the National Department of Education in May 1996, over half are held by Blacks, and females are in the overall majority. Steadily, more Blacks and women are being appointed in management positions."²²

Directors for Representativity have been appointed in all government departments, with the responsibility for ensuring that all appointments of staff follow the government guidelines on representa-

²² Letter from Mrs N. V. Mahanjana, replying on behalf of the Minister of Education, Professor S M Bengu, Department of Education, Pretoria, 2 August 1996.

tiveness in all departments, and at the moment, Gender Equity Units are also being set up there.

As for the private sector it would appear that the large, high profile corporations have been using affirmative action — a number of them started well before the 1994 elections. Richards Bay Minerals (KwaZulu-Natal) finance training programmes, not only at work, for their own employees but also sponsor a number of local schools and a technical college which “serve almost exclusively people who were discriminated against in the past.”²³

BMW in Pretoria not only has training and education programmes, but has also a self-imposed hiring quota of 70:30 in favour of previously disadvantaged groups which they define as black, coloured and Asian men and women, as well as white women.²⁴

However the picture is much less clear in small and medium-sized companies, that are not so exposed to public scrutiny; here it is difficult to ascertain what is going on. Dr Kgaphola of the University of the North, has argued that not a lot has changed, and that the black people who have been appointed are only to be found in relatively progressive organisations where they “are stacked in the public relations and related departments” (Kgaphola).

Dr Kgaphola also argues that the primary beneficiaries of affirmative action will be those “who may have had the advantage of being insiders before — the ‘old boys,’ as it were” (ibid.). Which obviously begs the question: what about the “girls” (old or otherwise) in all this?

Will this be sufficient? Will affirmative action as it has been envisaged in South Africa — in the form of education, training schemes and job appointments — not simply help those who are already better off? Will it have an impact on the majority of South African women?

²³ Letter from D. H. Barnes, General Manager Personnel, Richards Bay Minerals, 13 September 1996.

²⁴ Letter from Riana Bernard, BMW SA Organisation Specialist, 30 August 1996.

In the American context, Professor William Julius Wilson argued that affirmative action there had only really benefited the black middle class;²⁵ it had done nothing for what he called the "underclass,"²⁶ the truly disadvantaged. This argument has been frequently put forward in the South African context (see Shubane); however one wonders how truly applicable it is to this situation, for it should also be remembered that the middle class in South Africa is extremely compressed. According to the World Bank (*World Development Report: 1995*), there is an unusually skew distribution of income in South Africa, where the middle 60% of the population receives substantially less than the norm for Third World countries, and far less than in the newly industrialising economies. Therefore there would appear to be an argument for inflating this unusually compressed middle class, and thereby encouraging balanced economic growth and social development.

Conclusion

Nevertheless, beyond the consideration of the middle class, rural black South African women do remain as the true underclass, where many do not have access to clean water, electricity or adequate sanitation. Some observers such as Dr Yolande Sadie²⁷ have argued that affirmative action should now be directed towards this most disadvantaged group in South African society, to provide them with basic necessities.

Yet one wonders if it is judicious to mention affirmative action in this respect. Should providing women with water, sanitation or indeed the possibility of owning land be termed "affirmative action?" Is

²⁵ "At the beginning of the 80s the accomplishments of the civil rights struggle were clearly registered in the rising numbers of blacks in managerial, technical, professional and administrative positions. Progress was evident also in the increasing enrolment of blacks in colleges and universities and the growing number of black home owners. Increases that were proportionately greater than those for whites" (Wilson : 1990).

²⁶ For a precise definition of this category, see Wilson: 1980 156.

²⁷ Dr Yolande Sadie of the Department of Political Studies at the Rand Afrikaans University, Johannesburg (Sadie 180-85).

it really necessary to take race and sex into account and run the risk of giving the impression that South African women are, in some way, being given preferential treatment? Is it really advisable to open up the whole emotive and highly controversial topic of affirmative action in this respect?

No political democracy can survive and flourish if the majority of its people remains in poverty, without land, without their basic needs being met and without tangible prospects for a better life (*White Paper* 1.2.7 7). The question simply remains of finding the best way of achieving this end.

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