

GENDER, DEMOCRACY AND FREEDOM.

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Introduction

The idea of gender rights in relation to the concepts of democracy and freedom has acquired something of an official status in our discourse. Certainly the rhetoric of gender rights is part of everyday language, and the language of national communication seems to reflect a shift, which is definitely in line with the many laws, which entrench the constitutional rights of equality and non-sexism. At this point I want to digress and explain my understanding of the term gender. I use the Commonwealth Secretariat (2002) definition, which defines gender as *the socially constructed roles of women and men ascribed to them on the basis of their sex whereas sex refers to biological and physical characteristics*. Gender roles are learned and vary widely within and between cultures and can change. Gender is socially and culturally constructed and determines the ways in which men and women relate to each other. Women are not a homogenous grouping - race, class, sexual orientation, whether you live in a rural or urban area are all factors, which impact on lives of women.

Democracy and Freedom: One and the Same?

It is generally accepted that by democracy we mean the right of all people in a country to elect representatives through a process of one-person one vote. In South Africa the system of one person one vote is seen as the marker of breaking with the apartheid regime and heralding in the new democratic state, i.e. South Africans now enjoy democracy.

Whilst preparing this paper I often thought of a slogan we used as youth activists, namely “*Freedom or death victory is certain*”. The issue of freedom also brings to mind an interview by Mahmood Mamdani in his new book entitled: *Good Muslim, Bad Muslim* of a twenty-two year old Palestinian so-called suicide bomber, who remarks that death, his death, is the only way forward for him, as death is preferable to a life without freedom.

More often than not the words democracy and freedom are understood and used as if they are one and the same concept. For example, Desmond Tutu stated that democracy means that people are free, they have broken free from the shackles, they have the freedom “*to do*” what persons have not been able to previously do.

A number of progressive pieces of legislation and policies, which address and secure gender equity, have come into existence over the past 10 years. However, does the right to vote, freedom of association, democratic and gender equitable laws, the existence of national gender machinery such as the Commission for Gender Equality, the Office of the Status of Women, in reality mean that women are free?

The crisp issue is: *What do we understand by freedom and more specifically gender freedom, and what are the obstacles to freedom?*

I am of the view that we use the word freedom very loosely, and that freedom means different things to different people, largely depending on the context within which it is used. For the purposes of this paper I will use the notion of freedom espoused by the Indian economist

Amartya Sen. In his text entitled *Development as Freedom* he identifies the following forms of freedoms:

1. Political freedoms (in the form of free speech and elections);
2. Economic facilities (in the form of opportunities for participation in trade);
3. Social opportunities (in the form of education and health facilities);
4. Transparency guarantees; and
5. Protective security.

Each of these distinctive types of freedoms serves to compliment each other, and also serve to advance the capability of a person. I take the liberty of aligning certain of his understandings of freedoms in making a similar argument for gender freedoms within the South African democracy. He argues that for freedom to be a reality there needs to both processes or put differently a legislative framework in place which allows freedom of action and decisions but there also need to be **opportunities** and social circumstances for people to achieve what they minimally would like to achieve.

He further argues that *anything, which impacts on the ability of an individual to enjoy freedom, is an unfreedom*, which can arise both through inadequate processes (restrictive laws, violation of political rights) or through inadequate opportunities. The liberalisation of South African laws in terms of women's rights is absolutely essential for protecting the potential freedoms, which women enjoy. However, many forms of gender unfreedoms exist. If freedom is what democracy advances, then the major sources of gender unfreedoms need to be removed.

Forms of unfreedom for Women in South Africa

The inequality between men and women severely affects, and sometimes prematurely ends the lives of millions of women, and in different ways severely restrict the substantive freedoms that women enjoy. In the examples of gender unfreedoms the statistics speak for themselves. These examples are:

The Domestic sphere

Within the domestic sphere gender unfreedoms are particularly alive and well. A recent study by the Centre for Violence and Reconciliation found that of all solved murders of women; half of the perpetrators were intimate partners of the murdered women. In another study on violence against women conducted by the Medical Research Council the following quote by one of the participants probably reflects the undemocratic and unfree nature of women's' lives in the home. The participant (a male) stated: "*I do not believe in democracy in the home*". **Domestic violence leads to gender unfreedoms.**

“Private sphere”

In the private sphere the inequality between men and women and the resulting power relations prevent women from negotiating condom usage. By women to negotiate condom usage, be it in a committed or commercial sex relationship, men expose women to STIs and potential death. Amartya Sen talks about missing women - missing women in the sense of being dead. In South Africa we would be making a huge mistake if we do not recognise the gendered nature of the HIV/AIDS epidemic- the missing women are **missing largely** due to the gendered nature of the epidemic.

Health sphere

The Termination of Pregnancy Act of 1996 allows for women to have access to a safe abortion. I have published a paper, which shows that poor women do not easily access this freedom. In state hospitals few nurses have chosen to be trained as TOP providers, and those who are trained are ostracised and labelled baby murders. The people doing the labelling are the managers and people working in the system. As a result women are resorting to back street abortions and statistics indicate the huge numbers of women who are missing because of these backstreet abortions. Lack of access to healthcare gives rise to unfreedoms.

Anti-choice arguments predominantly hinge on the basis that controlling fertility is a Western freedom and is therefore unAfrican. Helen Bradford's research which indicates that for years women in African societies have been controlling their fertility with herbs.

Sexual orientation sphere

Our constitution is the first in the world to recognise gay rights and same sex couples are now allowed to jointly adopt children. However, last year a human rights watch report criticized the government for not speaking out abuses and failing to ensure that gays and lesbians fully enjoy their rights.

Also, in a report a Black women (Keba) who identifies herself as lesbian says she was raped by a man she had considered a friend, simply because she revealed that she was a lesbian and therefore challenged traditional sexual roles. South Africa's laws, which protect sexual orientation, are unprecedented on a continent where many regard homosexuality as taboo and unAfrican. Yet the same legislation fails to protect women like Keba, who suffer unfreedoms at the hands of male rapists.

Legislation that could entrench Unfreedoms

New legislation entrenching the powers of traditional leaders in the form of the traditional Leadership and Government Framework Act 2003, and the Communal Land Rights Act 2004 impacts directly on the lives of rural women. Gender activists and others have raised criticisms about the act. One of the criticisms is its wholesale adoption of customary law without examining practices, which are in conflict with women's rights of equality. Researchers in the HSRC are embarking on a study, which will explore the effect of the legislated powers of traditional authorities on rural women's rights in South Africa.

Numbers, Democracy and Gender Freedoms

The appointment by the president of senior women to cabinet and other posts should be applauded. Women in this government and also in the previous one have been appointed to posts not traditionally viewed as women's portfolios. Many of the women appointed have a history of gender activism, but a gender agenda will not only be addressed by biology - it is mainly about ideology. One merely has to look at Condoleeza Rice to confirm that it is about ideology and not biology.

However, I want to argue that all ministers (both men and women) should be held accountable in terms of promoting gender freedoms – as this is government policy-so why should only women be monitored? In the month that heralds Women's Day, as well as the rest of the year, I would like to see the media interviewing not only women but men in government on how they are addressing issues of gender in their personal lives as well as in their constituencies. Civil society should be holding both men and women to account for gender unfreedoms.

Agency, Gender, Democracy and Freedom

The issue of women as active agents in changing their lives and not as passive recipients has been dominant in literature over the past few decades. Women as a group should not be treated as passive recipients of welfare-enhancing help but as active agents of change, the dynamic promoters of social transformation that can alter the lives of both women and men. However, the active agency of women should not detract from the urgency of rectifying many inequalities that blight the well-being of women and subject them to unequal treatment - the agency role cannot ignore women's well-being. Similarly any practical attempt at enhancing the well-being of women cannot but draw on the agency of women themselves in bringing about such a change. Thus the well-being aspect and the agency aspect of have a substantial intersection.

Concluding remarks

Whilst we must recognize the importance of democratic institutions, they cannot be viewed as mechanical devices for achieving gender justice or freedoms for women. Their use is conditioned by our values and priorities and by the use we make of the available opportunities of articulation and participation. The role of civil society groups is particularly important in this context. Public debate and discussions, permitted by political freedoms, play a major part in the formation of values. For example, less marginalised discussion on gender issues/violence against women is not only good for women and children but is also important to the health and functioning of the democratic system itself. Whilst it is important to emphasize the need for democracy, it is also crucial to safeguard the conditions and circumstances that ensure the range and reach of the democratic process. Valuable as democracy is as a major source of social opportunity, there is also the need to examine the ways and means of making it function well, to realise its potential. The achievement of social (gender) justice depends not only on institutional forms (including democratic rules and regulations), but also on effective practice.

In trying to achieve gender justice or gender freedoms, it is important to focus not only on the basic needs such as assistance to poor women, or encouraging boys to wear condoms, but also addressing unequal power relations. The president of Haiti, currently a visitor in our country has said: *“When you have a bicycle, a car and then and an airplane that means progress”*. But no one can enjoy that progress without freedom. In South Africa we have progress as regards gender and democracy, but large numbers of women are not enjoying the progress because certain freedoms are not theirs. I wonder if during the next 10 years men and women from civil society will realise that legislation does not automatically mean gender freedoms and would the slogan freedom or death: victory is certain be revived in terms of gender justice?