

Standpoint

The Women's Movement and Lesbian and Gay Struggles in South Africa

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In my experience, I have found that women all over the world in all kinds of settings remain silent about sexual orientation when it does not tally with predominant heterosexist experience. In South Africa, with its progressive constitution, women tend to search for "relatively safe spaces" before they feel comfortable enough to acknowledge their homosexual orientation. I have found this silence frustrating because many of the settings that I operate in are feminist and extremely woman-centred. The crucial questions for me therefore are: Why is it so difficult to acknowledge one's sexual orientation even in contexts that appear to support all women's rights? and Why is it so difficult for women's organisations to actively campaign around and include the issues of lesbians and transsexual or transgendered people?

My work experience falls within both an academic environment and Non-Governmental Organisations (NGOs) that focus on women's interests. I work with certain anomalies in both contexts. While both show evidence of attempts to "empower women", neither area actively supports the view that lesbian concerns are women's concerns. The inadequacies of educational curricula and teaching are especially striking. Courses in sexualities are often camouflaged within the areas of Gender and Women's Studies, English and Psychology, with Lesbian and Gay Studies often becoming part of a highly intellectualised and separatist discourse, which many lesbian women students and teachers find alienating.

Women's organisations and academic programmes in South Africa have steadily moved towards education, research and training in the field of masculinities, a pattern which tends to reinforce the biases of a heteronormative world. At the same time, lesbian and gay studies are increasingly found on the backburner, a trend indicating that lesbian and gay issues are far less important than the issues affecting heterosexual men and women. It is also revealing that the inclusion of lesbian and gay issues is often left to organisations that deal only or mainly with concerns of sexual orientation.

The absence of radical public discussion around sexual orientation in South Africa can be explained in terms of deeply entrenched homophobia at different levels of society. The state, organised religion, worker's unions and civil society have all been sites of extreme oppression: lesbians and gays have been vilified in extremely abusive ways, while the institutions and individuals who perpetrate heterosexist abuse are rarely held responsible for violating the rights and dignity of others.

Despite South Africa's progressive constitution, deep prejudices against lesbians and gays persist in certain political parties, in organised religion, in educational institutions, and even in certain women's organisations. We see a marked silence about lesbian and gay rights even in the very latest repositioning of the "women's movement". For instance, the African National Congress Women's League (ANCWL) has committed itself to rebuilding a mass-based women's movement and systematically addressing emerging forms of gender-based oppression. It has, however, remained consistently silent about the structural, social and economic discrimination confronted by lesbians. Animosity towards lesbians and gays is often countenanced within organisations and institutions (including those widely considered to be "progressive") that play an important part in shaping public opinion and popular consciousness. The result is a spiralling pattern of prejudice - often expressed as systematic and culturally "sanctioned" physical violence.

Attacks on homosexuality in the name of preserving African "authenticity" are a prime example of the license enjoyed by homophobes at the cost of the dignity of lesbians and

gays. When sections of society or representatives of the state claim that homosexuality is not African, I tend to wonder whether they really think Christianity is. Informative research, including the work of Murray and Roscoe (1998) and recent research on sangomas and their same-sex relationships in South Africa, totally explode the myth that homosexuality is a "betrayal" of African identity.

When we consider how the rights of homosexuals are marginalised in civil society, it is revealing that the lesbian, gay, transgendered, transsexual and bisexual community has little recourse, other than litigation, to pursue their constitutionally protected rights. This route was taken because lesbians and gays were aware that the movements fighting for socio-political rights and gender justice did not specifically address their concerns. They also realised from the start that their rights would never be properly addressed by being mainstreamed through the insertion of vague and token clauses about inclusiveness. But the reality is that mindsets cannot be changed by litigation alone. The real challenge is for continuous education and sustained consciousness-raising and activism on all levels.

In identifying the importance of education, consciousness-raising and activism, I am particularly concerned about the lack of a substantive feminist contribution to the struggle for the constitutional rights of homosexuals and, in particular, lesbians since the promulgation of the 1996 Constitution. Why was it necessary for the Lesbian Gay Transgender Transsexual and Bisexual (LGTTB) community to organise and litigate separately to ensure that the equality clause in the 1996 Constitution included same-sex rights? Why did the "broad women's movement" not vigorously pursue the rights of lesbians after the inclusion of the sexual orientation phrase in the 1996 Constitution? Why have lesbians been regarded as "other" by organisations, organs or individuals who seem to advance the rights of women in general?

Lesbian and gay struggles in South Africa have generally been marginalised in organisations, movements and discourses that ostensibly focus on struggles for human dignity, equality and justice. I have emphasised the especially disturbing point that lesbian struggles are largely ignored within the women's movement. I now briefly review the constitutional mechanisms to which lesbians and gays have recourse in the absence of a supportive context for their struggles within civil society. I argue that even here, lesbians and gays have had to engage in ongoing battles to ensure that their rights are fully addressed by the institutions and legislation set in place by the Constitution.

South Africa's Constitution is often seen as one that provides a legal basis for the non-discrimination of gays. Article 9 (3) specifically states: "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" (my emphasis).

But the LGTTB community came to the realisation that the inclusion of "sexual orientation" did not automatically ensure the recognition of their individual and group rights because some of the discriminatory laws inherited from apartheid remained on the statute books. Furthermore, new legislation proposed after 1996 did not automatically include or acknowledge the rights of lesbians and gays.

LGTTB activists have in some instances built partnerships with the Human Rights Commission and the Commission for Gender Equality to connect their political rights to those of the broader socio-economic landscape. The Lesbian and Gay Equality Project, concerned about the way that the rights of women as a whole seemed to be addressed separately from those of lesbians, has made obvious the links between women's concerns and lesbian concerns. The Equality Project has had to fight for the overturning of laws that

directly violate the constitution, and has identified the silences around connecting lesbian rights and women's issues. The very fact that it has been pointed out that being lesbian does not exclude one from being a woman is a matter of great concern.

Policies, regulations and resources at national, provincial and local levels very rarely include the recognition of same-sex partnerships. In many instances, justice has resulted from the actions of brave individuals who have taken their employers to task. In a number of landmark cases, individuals in same-sex partnerships have challenged the homophobic biases concerning access to socio-economic rights embedded in the Constitution, and have won the same access as those in heterosexual relationships. Significant gains have also been made through interventions by LGTTB activists. These have led to the inclusion of the rights of LGTTBs in the Labour Relations Act (1995); the Employment Equity Act (1998); the Medical Schemes Act (1998); The Rental Housing Act (1999) and the Domestic Violence Act (1999). These activists took the legal route to ensure the repeal of existing discriminatory laws and the inclusion of their rights as citizens in the promulgation of new legislation. The vigilance of LGTTB activists meant that the nominal "recognition" they were accorded within constitutional discourse was translated into legislation that guaranteed their socio-economic and political rights, as well as their rights to live with dignity as citizens of South Africa.

Overall, there are two main reasons why constitutional mechanisms provide limited foundations for ensuring lesbian and gay rights. On one level, lesbian and gay activists have continually needed to fight for the comprehensive safeguarding of their rights through laws and institutions for which the constitution makes provision; the lived realities and experiences of people that have a different sexual orientation from that of the dominant heterosexist "malestream" have not been fully recognised by the "progressive" Constitution. On another level, the formal rights that may be guaranteed through the Constitution do not automatically affect public culture and the mindsets of individuals.

In this context, feminist activism and the women's movement have an extremely important role to play. First, this would allow lesbian struggles to be actively taken up within civil society - through women's organisations, gender activism and feminist intellectual work in particular. Secondly, it would mean that the feminist emphasis on challenging patriarchal prejudices and discrimination would be extended to include an interrogation of heteronormative culture generally. It is my firm belief that both women's organisations and the academy need to create more space for exploring feminism and womanism that directly intersects with lesbianism.

Overall, lesbian and gay rights are seldom, if ever, addressed by the "broad women's movement" in South Africa. It is as though it has been left to the Constitution (which poses enormous challenges regarding litigation) to address homophobia in all its manifestations. The women's movement needs to take on the responsibility of embracing lesbian concerns as part of the struggle for women's equity. After all, to be a lesbian is to be a woman.

References

Murray, S. and Roscoe, W. eds. 1998. *Boy-wives and Female Husbands: Studies of African Homosexualities*. New York: St Martin's Press.

The Constitution of South Africa, Act 108 of 1996.

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