

**Rape as Rooted in Patriarchy:  
A Philosophical Perspective on Rape in South Africa**

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## **DECLARATION**

I declare that

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**Signature**

**Dr Monique Whitaker**

**(Supervisor)**

## DEDICATION

To my dear self, I am proud of you Banele.

## ACKNOWLEDGMENTS

I am deeply indebted to my supervisor, Dr Monique Whitaker for her kindness, patience, professional support and for making this project possible.

This endeavour would not have been possible without me. For being patient and kind with myself and for persevering from the beginning to the end. Words cannot express how proud I am of myself. I am grateful to my loving family for their endless love, care and support. Mama KaMasiphula, Baba Mageba, Mrs Buu, Mrs Gazu, Bhut'omdala, Mzo, Khu, Chweps, Dijani, Popo, Ratii, Pumba all my nieces and nephews, thank you.

Thank you.

## Abstract

The main purpose of this paper is to establish the relationship between rape and patriarchy in the context of South Africa. Primarily, the paper argues that rape can be construed as a tool used to perpetuate patriarchal control. South Africa is recognised as a democratic state with a well-functioning judicial system; despite such a strong system, the prevalence of rape and gender-based violence suggests otherwise. In post-apartheid South Africa, women still grapple with serious security fears; they must think carefully about where they are going, with whom, at what time, and whether their garments have a potential to “provoke” a man. The primary question, ‘Why does rape persist in our society?’, is what this paper seeks to address by contending that it survives to keep patriarchy intact. The paper argues that patriarchy is connected to other systems of oppression, and sexualised violence is a deliberate tool they use to assert dominance over the subordinate groups. The argument that rape is a tool for patriarchy (the number of men raping women is overwhelmingly higher than that of women raping men; Stellings 1993) finds antecedents in the fact that rape and gender-based violence are systemic tools used to assert dominance or as a tool for control.

Keywords: rape, patriarchy, colonialism

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## Introduction

The topic of, and reports of rape are pervasive in everyday debates and on the news, the topic of patriarchy, far less so. However, the reality is that despite not being a daily topic, patriarchy pervades all aspects of life, as every girl and boy is socialised into patriarchal gender roles of femininity and masculinity. That is, they are raised in a patriarchal society by patriarchal parents. They are taught the patriarchal gender roles at home, by society, in public institutions such as schools and churches, and by mass media. To underscore patriarchy as a tool of rape, hinges on the fact that in South Africa, despite the existence of an extensive body of laws against rape, rape (and other forms of gender-based violence) is still very prevalent (Gqola 2015). Beyond that, in some cases, a rapist may be granted bail and repeat the offence. In one case, man was accused of kidnapping, murdering, and then mutilating a four-year-old child, while out on bail after he was accused of raping a nine-year-old. The father of the raped and mutilated four-year old said that he believes if the law worked in South Africa, his daughter might still be alive (Notho 2022).

This paper explores the claim that rape can viewed be as a tool of patriarchy used to perpetuate patriarchal control and dominance. Essentially, this study parses out the connection between rape and patriarchy especially in the context of South Africa. The main claim of this paper is rape is rooted in patriarchy. South Africa has been declared by the Interpol as the rape capital of the world. A pertinent question to ask is why the poignant reality of rape persists despite an array of legal mechanisms that seeks to guarantee the protection of the country's citizens.

This study critically underscores the fact that rapists are part and parcel of society, we live with them, we may or may not know them and sometimes we might have played a complicit role in protecting them from being punished for the crime. This is evident in the case of Simphiwe Thandeka, from Pietermaritzburg was 13, and a “tomboy” was “correctively” raped three times. She was raped at age 13 by an uncle who did not approve of her “boyish” ways. “I didn’t know at the time it was rape, because I was only 13,” she said. The next morning, she awoke bleeding and in severe pain. She spoke to her mother and grandmother, who insisted it was a family matter and was not to be spoken of again. (Carter 2013). The law of rape amendments, arrests of rapists, the harsh and longer sentences, all that has proven to be non-effective in preventing or ending the scourge of rape and gender-based violence. As the study argues, the reason for the waxing rather than waning of such scourge is because of the role or the patriarchal need for dominance and subjugation. In effect, to end rape or to find effective preventive measures, we need to delve deep into the language and the nature of patriarchy and how it perpetuates ills like rape and gender-based violence.

The first chapter aims to elucidate the nexus of rape and patriarchy. The chapter critiques rape as a tool of patriarchy, discussing the work of the feminist scholar Gqola (2015). To begin with, I will introduce the general underlying assumption society has of rape (and the rapist) as something that is isolated in the rapists, they are bad people who must be removed from society. The underlying assumption society has is that if the legal system was efficient and effective at punishing rapists and incarcerating these bad men who rape, then society would likely be free of rape. Essentially, this chapter will show that all these measures would not be enough to eliminate rape or make it very uncommon because rape is a tool of patriarchy. The individual men who rape may be removed from society, but society will keep generating more rapists because there are deeper nuances that makes rape a tool used to perpetuate patriarchal control



and dominance. I will explain rape and patriarchy using the work of radical feminists like Susan Brownmiller (1976) and Kate Millet (1977), and modern feminist Simone de Beauvoir.

In Chapter Two, I will start by introducing the massive cost of rape for the South African state and the victims of rape, to show how damaging and deleterious rape is. In this chapter, I argue that rape is bad, and ask the question, it is so bad, why do we let it persist in our society?' I seek to answer this question by showing that rape is used to keep patriarchy in place. Society has created chaotic mechanisms such as rape culture and street harassment to reduce the gravity of rape, by effectively shifting blame from the rapist to the victim and belittling the dangers and damage of rape. The claim is that these mechanisms work to normalise rape. Patriarchy controls and limits the movement of those it seeks to oppress through rape, and fear of rape (Gqola 2015). I also seek to show that as much as patriarchy advantages men more, it does not mean that the disadvantages for men are not substantial too. There are psychological disadvantages when enacting patriarchy and patriarchal norms. But men are taught to value dominance more and suppress their emotions, which only benefits the system of patriarchy. I will also look at a theory of misogyny to explain how rape survives to keep patriarchy intact, that it serves as a powerful mechanism to control men's and women's behavior. This section will consider ideas of Gqola (2015), Digby (2014) and Manne (2017).

The third chapter will show how rape is connected to the social systems of colonialism, slavery, racism, and apartheid in South Africa. I will explain how these too are social structures of inequality (just as patriarchy is), that they are about asserting power over a subordinate group, and that they serve to remind 'subordinates' they are in a powerless position. I will show how, although these are divergent social structures, they are connected in their underlying nature. The first section will explore colonialism. I will explore colonialism and the culture of dress of indigenous population in depth, with the aim of showing that the coloniser's view of dress culture of indigenous people contributes to the distorted beliefs of rape culture (women wearing minimal clothing are asking for sex). I show this by discussing how upon arrival, the European coloniser's in their ignorance they interpreted the scantily dressed natives purely through the lens of their own culture, taking the semi- nudity as a sign of indecency, impurity, being lustful, and insatiable sexual appetites. The next section explores the view of the philosopher Hegel of colonialism and discuss how views such as his are the same views held by most perpetrators of corrective rape. I discuss slavery, race, racism and show how rape is a deliberate and inseparable part of these systems of oppression. The section will look at Fanon (1963), Hegel (2001), Clark (1998), Haslanger (2019), Gqola (2015), and Glasgow (2019).

Chapter Four serves as the conclusion to this dissertation. I will provide my recommendations on the issues raised. In particular, I propose that doing away with gender domination through tackling the social system of patriarchy (hooks 2004), may serve as a far more effective response to the social problem of rape and gender-based violence. I propose that society ought to be collectively responsible for the safety of women, and the dismantlement of the system of patriarchy.

## CHAPTER 1

### Rape is rooted in Patriarchy

#### Introduction

Regardless of the deleterious physical and psychological effects rape has not only on its victims but the whole of society, and the stipulations in South African law against rape, particularly the criminalisation of rape, rape is still pervasive in South African society. In the first chapter of her work titled *Rape: A South African Nightmare* (2015), Gqola describes rape as a recurring nightmare that you come across everywhere you turn in South Africa. No matter how many public discussions on rape are held or how many anti-rape campaigns are run, the ‘nightmare’ just will not stop. Rape has been around throughout human history, but there is still marginalisation and stigmatisation of rape victims.

The general underlying presumption about rape and rapists is that: The problem is just the individual men who rape; they are rotten apples monsters who need to be harshly punished (Writer 2017) and got rid of from society through longer jail sentences, more reporting, arrests, and convictions and society will be safe from rape; the ‘nightmare’ will be over. This underlying presumption is further present in the judicial and political responses to addressing the country’s high levels of rape. One of many ways this presumption is evident is in the way the policies that are set out to deal with rape are developed to form the idea that rape is a purely individual act that certain men commit, and that these individual men alone create the rape problem. Therefore, developing harsh policies that seek to deal with these rotten apples will help to diminish rape and gender-based violence.

This presumption is reflected in some of the political and judicial responses to rape. In 2018, the African National Congress (ANC) Women’s League proposed that individuals found guilty of rape be chemically castrated (SABCNews 2022). This proposal was later restated at an ANC policy conference in 2022 by the Tourism Minister and Chair of the ANC Subcommittee on Social Transformation, Lindiwe Sisulu, when she said, “So, we would allow the normal judicial processes to go through, then when we discover that in fact there was a rape and the verdict is a guilty verdict, only then we would propose that there should be chemical castration of that particular person, so that this does not happen again.” (SABCNews 2022). The words *so that this does not happen again* suggest that the problem, the act of rape is contained within the perpetrator. Chemically castrating this individual prevents him from committing rape again. Thus (through desexing him; depriving him of sexual qualities that cause him to commit rape), society is saved from rape.

Another similar suggestion about punishing the rapist with chemical castration was made by Supreme Court Justice Dipak Misra in a 2016 court case. And commenting that rape perpetrators have “monstrously behaved with [...] small girls,” (Writer 2017, 1). This view suggest that the problem is rapists, who are monsters, and in whom rape and the dehumanisation it comes with are contained.

In the South African quarter one crime statistics report by police minister, between the period of April and June 2022, 9 516 rape cases were opened with South African Police Service (SAPS 2022). In terms of the prosecutions of rape, out of the 286 rape convictions, 46 of the rapists were sentenced to life behind bars, 16 offenders involved in 65 serial sexual offence cases were imprisoned. They will be serving a total of 20 life and 886 years imprisonment. The minister continued to say that serial rapists are stopped in their tracks and such sentences ensure these

‘heartless’ rapists never rape again (SAPS 2022). Again, this response suggests that the problem just is with the individual rapists.

My main aim in this chapter is to argue that rape is rooted in patriarchy rather than being a problem of bad individuals. I will show that even if those individual men were removed from society, given harsher punishments through chemical castration, and regardless of the criminal law amendments the legal system makes relating to the issue of rape and sexual violence, the rape problem still will not go away. That is because rape is an act of sexualised violence which is rooted in patriarchy and used by patriarchy as a tool to enforce male dominance over women. This paper does not seek to argue for or against the use of harsher punishments as means to deal with the crime of rape, nor does it in any way deny that the rape is a monstrous act. Rather, its aim is to show that there are deeper systemic factors at play that instil and maintains this behaviour in society, and that this is why even in the presence of these sentences that remove rapists from society for longer periods, rape still abounds.

This chapter is separated into two main sections, the first half of will discuss patriarchy in detail. The other half will discuss rape. It is important to start with patriarchy and follow with rape to show that the act of rape has its roots in patriarchy. I will show that patriarchy is characterised by power and the use of violence to assert dominance. I will proceed to show that rape is a language of domination, it is sexualised violence used by patriarchy to assert power and dominance over subordinate groups.

In the section that follows, the traditional view of patriarchy is discussed. I refer mainly to Aristotle’s view on the biological inferiority of women and superiority of men to explain this. This view of patriarchy is important as it strongly influences the concept of biological determinism. Biological determinism is an important school of thought to discuss as it is used to justify the traditional inequality between men and women. One of the many ways patriarchy seeks to uphold this inequality is through sexualised violence, as this paper argues.

I then provide the view of patriarchy as a socially constructed system that seeks to dominate women, undermining the claims of biological determinism. I will discuss this using the ideas of radical feminists Susan Brownmiller (1976) and Kate Millet (1977), and modern feminist Simone de Beauvoir. The pertinence of exploring the work of the aforementioned philosophers is to support this study’s claims as to the construction, understanding and deployment of patriarchy in explaining the connection between rape and its continuous metastasis in society.

Finally in this section, I discuss how the socially constructed structure of patriarchy utilises the process of socialisation to create social roles and differences to keep men in power and women subordinate. I will explain how patriarchy manifests in private and public structures and how different women experience oppression in these spaces. The last part will outline how patriarchy is characterised by power and dominance, and how different forms of violence, such as rape, amongst others, are used to assert dominance.

In the second half of the chapter, rape is discussed. I introduce this concept and explore rape as originally a crime against property. This is important to show how rape communicates inferiority. I also explore the South African practice of *ukuthwala* as one of the cultural elements that perpetuates the idea of women as men’s property. This section also discusses the origin of rape as a crime never intended to protect the victim’s freedom of sexual choice. Discussing this is significant in showing how rape has evolved and how the legal system keeps amending the law in attempt to fight rape, as discussed in detail in section 2.1.

Following this, I discuss the common-law definition of rape. It shows that the definition was constructed to leave out other forms of rape, such as male rape, to perpetuate the patriarchal structure. I then discuss how the legislature has amended the definition of rape from being a

crime of property to a crime against the victim. I also discuss the new, far more inclusive definition of rape. What becomes clear is that, regardless of these inclusive amendments to the definition of the crime of rape, rape still obviously has not gone away or even diminished.

The final part of this chapter provides more detailed evidence of how common the notion of rape as being contained in the rapist is, with news reports of judicial verdicts of rapists given harsher sentences with comments that suggest the rapist is the problem; pictures which show people protesting rape and suggesting that there should be no mercy for rapists, they should be hanged. Lastly, it explains how rape is rooted in patriarchy by showing that, irrespective of the position the legal system takes on rape as a crime and on punishing the perpetrators, rape remains because it is a tool of patriarchy to violate and dominate the supposedly subordinate groups.

## **1.1 Patriarchy**

Literally speaking, the word patriarchy means the rule of the father, or the patriarch and it was initially used to describe a specific form of male-dominated family, a large family led by a patriarch which consisted of women, junior men, children, slaves, and domestic workers all controlled by this dominant male. It is now more generally used “to refer to male domination, to the power relationships by which men dominate women, and to characterise a structure whereby women are kept inferior in many ways” (Bhasin 2006, 3). Part of how the concept of patriarchy is used in the present by feminist scholars is to help us better understand and make sense of challenges women encounter every day. Such as rape and other forms of sexual violence at home and in public, sexism, and patriarchal relations in paid work. As Walby explains it “[I]n the working world, women suffer from discriminatory pay, unfair treatment, and often find themselves in less demanding roles than their male counterparts” (1990, 20).

### **1.1.1 Traditional view of patriarchy**

The traditional view of patriarchy is that men are born to rule and women to be ruled by men. They claim that this hierarchy has always been there and will continue, and, like other principles of nature, cannot be altered (Sultana, 2010). For example, people breathe; there is nothing wrong or right about it, it is natural, it is inevitable, you do not even need to try to breathe – it is automatic. It has always been like this for humans and will continue to be. Biological determinism, which will be covered shortly is the key part of the traditionalist view.

In philosophy, Aristotle put forward similar ideas and called males active, females passive. From his perspective, female was “mutilated male”, somebody who does not have a soul. From his perspective, the biological inferiority of a woman makes her inferior too in her capabilities, her capacity to reason and so, her capacity to make decisions. Since man is predominant and woman subordinate, he is born to rule and she be ruled (Sultana, 2010). He argued that “the boldness of man is shown in commanding of a woman in obeying” (Lerner 1989, 8). In this belief system, men are superior to women and women are men’s property, so women ought to be controlled by men.

### **1.1.2 Biological determinism**

Biological determinism is the idea that men and women are naturally different because of their biology or bodies and, therefore, have distinctive gender roles. It suggests that biology determines your gender role; how men and women should and should not behave. It suggests that “each individual man is always in a dominant position and each woman in a subordinate one” (Walby 1990, 20), and that that is the function of biology, gender roles are natural, and they are inevitable. Patriarchy insists that it is natural for women to be subordinate and men dominant, and that, because it is natural, it is inevitable. This is the key concept to justify the traditionalist view, the inequality between men and women. It justifies that inequality is natural and cannot be changed.

### **1.1.3 Patriarchy is socially constructed**

According to Walby (1990), the system of patriarchy is socially constructed. She defines patriarchy as “a system of social structures and practices in which men dominate, oppress and exploit women” (1990, 20). This is a challenge to the idea of patriarchy as a result of nature, following that the understanding of patriarchy as a social system undermines biological determinism. As just discussed above, we can see how Walby (1990) explains that patriarchy is socially constructed, how it is a system of social practices in which men dominate. The explanation of patriarchy as a social system is significant because it helps to show that biological determinism is false. It helps us understand that the gender inequality, the unequal distribution of power and the division of labour is socially constructed and therefore can change.

Radical feminists, Brownmiller (1976) and Millet (1977) are against the idea of biological determinism and traditionalists, they do not accept that patriarchy is natural or that it has continuously existed and will proceed to do so. Brownmiller (1976) argues that the fundamental conflict is between the sexes, and Kate Millet’s theory of subordination argues that women are a dependent, second sex class under patriarchal domination (Millet 1977). Simone de Beauvoir, a modern feminist agrees with them in her theory when she argues that men see women as fundamentally distinctive from themselves, and because of that, women are decreased to the status of the second sex and consequently subordinate (Beauvoir 1974). In this way, to keep women under men’s control, patriarchy operates a few social traditions, conventions, and social roles by socialisation process as discussed in the subsequent section.

Patriarchy created ‘masculine’ and ‘feminine’ characteristics by gendered socialisation process. Men and women behave, think, and aspire differently because they have been taught to think of masculinity and femininity in ways which condition difference. Patriarchal system shows or claim that men have, or should have, one set of qualities and characteristics, and women another. Such as males must have ‘masculine’ qualities (control, strength, bravery, fearlessness, dominance, competitiveness etc.) and women must have ‘feminine’ qualities (caring, nurturing, love, timidity, obedience etc.).

Socialisation process is considered to take place primarily during childhood, when boys and girls learn the suitable conduct for their sex. All operators of socialisation process such as the family, religion, the legal system, the financial framework and political framework, the educational institutions and the media are the pillars of a patriarchal framework and structure. In a social system that is male-controlled, male-centred, masculinity and masculine traits will inevitably be valued over femininity and feminine traits. In such a system, men (and women) are encouraged to regard women as beings suited to fulfil male needs because men are viewed as dominant and women as subordinates.

#### 1.1.4 Patriarchy in different spheres

Women confront patriarchy in different spheres in society, private and public sphere (Walby 1990). Some women have had to deal with both private and public patriarchy, depending on where they spend most of their time. The main form of oppression in a society where women are mostly within the family is called private patriarchy. Women are exploited, controlled and dominated through being prevented from taking part in public life. One marker of private patriarchy is the occurrence of women locked in in full-time 'home duties' instead of in paid work. In what Walby calls the "patriarchal mode of production" (1990, 20), housewives are the producing class, while husbands are the expropriating class. Housewives' back-breaking, endless and repetitive labour is not considered work at all, and they are seen to be dependent on their husbands (Walby 1990). In the home, a woman must work for free under the expectations of her husband. In private patriarchy, women's unpaid domestic labour such as childcare and housework is expropriated by their husbands and other patriarchs who reside within that household.

As men are seen as superior to women and women as part of men's property, the man, the patriarch dominates and oppresses the controlled women within the family. In the household, property and the title are inherited by only the male lineage. Gupta and Sharma explain patriarchy in the private realm as,

Subordination of individual interests to the welfare of the family; gender differentiated family roles with women being associated with the private sphere; gender differentiated family authority structure (with authority of same generational men over socially equivalent women, such as husbands over their wives and brothers over their sisters); family control of marriage arrangements; patrilineal descent; inheritance and succession; patrifocal residence, with daughters shifting allegiance to husband's family after marriage; and an ideology of appropriate women behaviour that emphasises chastity, obedience and behaviour (2002, 902).

On the other hand, women who spend most of their time in the labour market, politics and education experience public patriarchy. Public patriarchy is found in public settings, in institutional structures such as place of work, church, school and the state (Walby 1990). It is not domination by a dominant individual man (the father), instead it is collective. Men as a social group collectively dominate, oppress, control and exploit women as a social group through segregation from power, wealth, and status (Soman 2009). Patriarchy in the public sphere is manifested in women who are in the labour market being excluded from certain types of work, in women being paid lower salaries for similar work as men, in unequal expectations, in patterns of rape and other forms of sexual harassment in the workplace (Walby 1990).

Men hold power in the important institutions of society while women are denied of access to such power. This does not mean that "women are either completely powerless or completely denied rights, influence, and resources" (Lerner 1989, 239). They do take part in politics and the labour market but as just discussed, women are not offered the same and equal opportunities as men, the leadership and more influential positions are secured by and for men. In addition to that, in instances where men and women perform the same labour, women receive lower salaries.

The patriarchal system is characterized by power, dominance, and hierarchy; with men constructed to have power and dominance. Patriarchal ideology overstates biological contrasts between men and women, making sure that men continuously have the prevailing, or masculine, parts and women continuously have the subordinate or feminine ones. Patriarchal

values limit women's freedom so that more power and dominance in the family, the society and the state remain within the hands of men. In the system of patriarchy, distinctive sorts of violence may be used to control, dominate, and oppress women, such as, rape and other shapes of sexual abuse – which the next section will focus on.

## 1.2 Rape

Typically, rape includes the victim being penetrated by a penis of a perpetrator or an object in the victim's genital, anal, or mouth without the victim consenting to the act of penetration or through coercion by the perpetrator (Hall 1988). This is how rape is understood in everyday context. Rape is a form of sexual assault, but not all sexual assaults are rape (RAINN 2020); rape specifically includes the sexual act of penetration by the perpetrator without the victim's consent to it.

Rape has not always been legally defined or viewed the way it is currently. "Rape is not a new phenomenon... neither is it a new topic to investigate" (Hanel 2018, 9), and the legal system has been continuously making amendments on the definition of rape to be able to deal with the ever-rising issues of sexual assault. Regardless of those amendments, rape and rape culture are still very much alive till date.

## 1.3 The origin of the word and rape as a crime of property

The term rape is derived from the Latin word *rapere* which means to steal, seize or to snatch away by force, and it is no coincidence that it was used to describe the sexual assault of a woman. Rape has been considered a crime of property – a man stealing from another man's property (Wald 1997). MacKinnon states, "Women's sexuality is, socially, a thing to be stolen, sold, bought, bartered, or exchanged by others. But women never own or possess it, and men never treat it, in law or in life, with the solicitude with which they treat property" (1989, 172). According to Wald (1997), Women in the eighteen century, a woman's value was reduced to that of property, she was a property of his father, husband, or any patriarch in her family. And "a crime committed against her body became a crime against the male estate" (Brownmiller 1970, 17). The patriarch (husband or the father) is the one who could essentially accept costs for the rape of a woman in whom he held a property interest.

Hall writes;

For centuries, rape was a species of property crime, the theft of virginity perpetrated against the victim's legal guardian who was the only person entitled to claim compensation for the rape. The victim herself had no claim as she was personally not conceived to be the one injured by the assault... this system reflects a conception of women sexuality as a property of men, that is, a legal object capable of being owned and controlled by those who have the legal power over the victim, whose consent or non-consent was an irrelevant consideration (Hall 1988, 79).

### 1.3.1 Why rape was seen as crime of property

The sexuality of a woman was something to be stolen, sold, bought, bartered, and exchanged by others. As Brownmiller writes, one civil and acceptable way of acquiring the wife, other

than the chaotic way of capturing the bride by force, was through payment of the bride price by the husband to the father of the bride (1970). “And so, the bride price was codified, at fifty pieces of silver. By this circuitous route the first concept of criminal rape sneaked its tortuous way into man's definition of law” (Brownmiller 1970, 18). From the view of a patriarchal father, criminal rape was disrupting the way of doing business, “it was, in a phrase, the theft of virginity, an embezzlement of his daughter's fair price on the market” (Brownlimmer 1970, 18).

Rape was considered a crime of property because it was about a woman as a machine to generate legitimate heirs for her husband so he can pass on his inheritance and keep the patriarchal inheritance going. It is about her purity, her virginity and that is why she is not allowed to have sexual intercourse with anyone but her husband because if she gets pregnant, she will be worthless for marriage. And even if she is raped it counts as sleeping with someone else and the husband will not be sure if he is the father. It is about being sure that the woman will only bear her husband's heir and extend his bloodline.

Religion can be argued to support rape as a crime of property and using rape to assert dominance over women and uphold patriarchy. The Bible of the Christian religion teaches that

“If a man happens to meet in a town a virgin pledged to be married but not yet sent to her husband's house, and sleeps with her, you shall take both of them to the gate of that town and stone them both to death. The young woman because she was in a town and did not scream for help when the man slept with her – and the man because he violated another man's wife. You must purge the evil from among you’ (The Holy Bible: Deuteronomy 22, 23-24).

Three things can be extracted from this passage: first being that this teaching overlooks the existence of other forms of coercion the rape perpetrator may use on the victim that may prevent her from screaming. According to it, not screaming equals consent. It undermines the psychological shock the event may expose the victim to that may prevent her from screaming. It also, deliberately ignores the fact that the woman may have screamed for help, and no one heard her. The decision to stone the woman to death is founded on the argument of ignorance. Secondly, the use of the word sleep in this text is questionable; how did the man ‘sleep’ with the woman? If the sexual intercourse was consensual, is there a need for the woman to scream for help? the screaming for help signifies that there is some sort of coercion present in the event – would rape not be then an appropriate word to describe the event?

Much of the physical properties used for a normal sexual intercourse are already present in the act of rape – but the two events are not one. Rape is sexualised violence and ought to be called out and addressed as one. Thirdly, it is clear from the passage that the only reason the perpetrator is stoned to death is because he violated another man's wife. This shows how rape has been a crime of property for the longest of time. The woman here is reduced to nothing but the property of a man, which the man who raped her must be punished for violating. This law has no consideration for the harm rape causes the victim. Rape has nothing to do with the suffering the woman goes through, but the loss suffered by her husband. If the woman is not stoned to death, she will have no value to be traded for and that is a loss for her father, the husband needs to be sure the woman carries only his sons to pass on patriarchal values of the family to, rape risks her wife having an illegitimate child.

### **1.3.2 The South African practice of ukuthwala (bride abduction) perpetuates idea of women as men's property**



*Ukuthwala* plainly translates to ‘carry something by head’, it is a custom practiced in some rural regions in South Africa, especially in Eastern Cape (Rice 2014). This tradition is performed through abduction of a woman (bride) by a man with intent to customary wed her. During this practice a woman is snatched by physical force to the man’s home without her consent. Following this abduction event, the family of the man then visits the family of the abducted woman to discuss the marriage arrangements whilst the woman is held hostage at the man’s home. While in some snatchings it is said that the women and the man arranged it privately, reports show that in forced marriages adolescent girls are raped, emotionally and psychologically abused (Kheswa and Hoho 2014).

If at the heart of rape is consent and communication, the custom of *ukuthwala* carefully ignores this factor. The families get together to discuss marriage arrangements, with total disregard of the woman’s consent to marry the abductor (Karimakwenda 2021). Both the family of the man (which accepts the abducted wife into their home), and the woman (which accepts the bride price) ignores consent as the most prominent factor of sexual relation. The woman’s family accepts the lobola and marry off the woman, whether she wants to marry the abductor is not considered, let alone if she wants to marry at all. A woman is here reduced to a property, is objectified, and treated as something that cannot decide for itself, the patriarch in her family is the one that communicates and consents on her behalf through the process of marrying her off. A woman has no power over her sexuality.

In a 2015 case of *Jezile v S and others* that happened in Eastern Cape, when asked if the escape of his abducted wife did not raise any concerns, the man accused of practising this custom replied “This is a normal thing, always when a makoti is a newlywed, normally she does do those things of running away and coming back, running away and they bring her back, but when the time goes on, she settles down and stay...” (Karimakwenda 2021, 1). In practising this custom, women’s consent and choice is something the whole community has seemingly accepted as an unimportant issue and can be overlooked in the name of ‘custom’. Even when a woman shows apparent signs of being against this arranged customary marriage by trying means to escape from the man’s home where she is kept, it is considered ‘normal’ for her to want to go back home, but she will later get used to the husband’s home.

This practice upholds patriarchy through taking away from the women freedom of choice, the right of sexual freedom, and freedom to choose if the woman wants to marry and who she wants to marry. The family patriarch makes the marriage decision on her behalf because a woman is treated as property of her father. This custom takes away from a woman her right to say ‘no’ to both the marriage and the man that has abducted her. How is she supposed to say no when she is locked up in a man’s family and both families are planning a wedding, she has not been granted the freedom to give her consent on. In addition, that, it carefully ignores the most essential feature that qualifies the act as rape, which is consent. The absence of consent to marry yields higher chances of absence of consent to sexual intercourse.

### **1.3.3 The origin of rape as a crime was never intended to protect the victim’s freedom of sexual choice**

Following that rape was never considered as harm against the victim but his father, rape law never intended to protect the victim’s freedom of sexual choice or serve justice for the trauma the sexual assault could have possibly and is most likely to cause the victim. According to RAINN (2020), 94% of women who have been raped experience symptoms of post-traumatic stress disorder for two weeks following the assault, 13% of women attempt suicide and 33%

think about committing suicide. About 70% of rape victims suffer mild to severe distress, which is a larger percentage than any other violent crime. Brownmiller writes,

The ancient patriarchs who came together to write their early covenants had used the rape of women to forge their own male power—how then could they see rape as a crime of man against woman? Women were wholly owned subsidiaries and not independent beings. Rape could not be envisioned as a matter of female consent or refusal; nor could a definition acceptable to males be based on a male-female understanding of a female's right to her bodily integrity (Brownmiller 1970, 18).

From this, it is clear that even when rape was considered as a crime, the law never had the victim's best interests at heart but the father's proprietary interests. Even though the act of rape was regarded as a crime in the eyes of the law, Hall argued in the *South African Law Journal* that "...the origin and development of the rape law demonstrate that it was never intended to protect the victim's freedom of sexual choice but for the proprietary interests of her legal guardian" (1988, 79).

## 1.4 Common-law definition of rape

From the distorted understanding of rape as a crime of property, the common-law definition of rape was birthed. The South African common-law definition from Hunt and Milton (cited in Hall 1988), rape was referred to as the act of unlawful and deliberate sexual penetration by a man against a woman who is not his wife, by force or threat and without her will or consent. The element of women as men's properties in this common-law definition of rape appears. Following that the common law-definition of rape views sexual act committed by a man to a woman whom he is not married to as the only type of rape, it assumes generally that married women cannot be raped by their husbands. This because they are the property of their husbands since he has taken over ownership from her father or guardian, therefore it is impossible for the husband to rape his wife.

Not only does the common-law recognise the act of sexual penetration by a man against a woman who is not his wife as the only type of rape, but it also deems unmarried women as objects, the property of her father or legal guardian which is any man in her family. This law shows that rape law has never intended to consider the woman as the victim, it only cared about the proprietary interests of the father or legal guardian of the woman.

It is clear from this law how it has codified the idea of women as men's property. The fact that the law recognises only the sexual penetration by a man to a woman whom he is not married with as the only form of rape, is because it is not about the woman being violated – it is about a chance of her being pregnant and having a legitimate child. That is why this is the only important definition of rape.

### 1.4.1 Common-law definition of rape as minimal because it leaves out other forms of rape that takes place

"The common-law definition of rape was criticized as problematic by feminists because it is too narrow and excludes many aspects but includes little when it comes to sexual offenses and excludes the possibility of a husband raping his wife" (Hall 1988, 68). Common-law left out other forms of rape that exist such as marital rape, male rape and other forms of penetration

that may be used to sexually violate a person. Following that only unlawful sexual intercourse owns the ability to be categorized as rape, interspousal rape and male rape is legally infeasible.

Other forms of rape were left out because they do not affect men's property. As outlined initially that the idea of whether the woman is harmed or not was not important, but the most important thing is the woman producing the legitimate heirs for her husband. Rape as a crime of property threatened the chance of a woman producing legitimate heirs, and other forms of rape do not threaten that, so they do not matter. Males were left out of the definition of rape as rapeable because keeping the patriarchal inheritance going is more important than men. The agenda of pushing and retaining the patriarchal structure, passing on the patriarchal inheritance was more important than the men involved. This shows that the common law definition of rape was not accidentally minimal, it was serving the patriarchal system and used as a way of dominating women, using them as men's properties, and using men to retain the patriarchy by passing it down to their heirs.

Disappointment with the capacity of the legal system to deal with other issues of rape and sexual violence, serve justice to the women who was raped and to show suitable concern for the victims of rape gave rise. As a response to that, the South African law on rape has changed dramatically over the past years.

## 1.5 The judicial response in the issues of rape

### 1.5.1 Rape as a crime against the victim

Society's understanding shifted from rape being a crime of property to understanding that rape is a violation of a woman. Women are not men's properties and therefore rape is harmful to her, her body. Women are seen as valuable human beings who are capable of making their own sexual choices. Society shifted and viewed women and men as more important than the structure of patriarchy. In responding to the ever-rising social issues of rape and sexual violence, the South African legal system made amendments in the criminal laws on rape. The revised criminal laws on rape reflect the shift in the society's values on valuing men and women as human beings rather than the patriarchal system. Amendments included giving new definitions to the phenomenon of rape, adding new sexual offences, making sexual offences gender neutral, and increasing penalties for perpetrators of sexual crimes.

### 1.5.2 Revised rape law – new definition of rape

Society's view of rape as a crime against the victim birthed a revised definition of rape as follows: Section 3 of the South African Criminal Law (Sexual Offences and Related Matters) Amendment Act defines rape in the following terms: 'Any person ('A') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of rape.' Penetration includes penetration of the genital organs, anus or mouth of a person and includes penetration by an object (Spies 2016). Unlike in common law of rape, the focus is now shifted from the propriety interests of the legal guardians of the victims to the victims themselves. This rape law seeks to protect the victim's freedom of choice to have sexual intercourse or not. The victim is perceived to be the one who is injured and, therefore, the one to be compensated for the assault suffered.

### 1.5.3 The new rape law aims protect the sexual freedom, equality of the victims and is inclusive

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 is now fully operational. It aims to address the high incidence of sexual violence in the country and specifically contains an inclusive definition of the crime of rape. In addition, rape offenders have been subjected to harsher sentences in terms of the Criminal Law Amendment Act 105 of 1997.

One of the reasons, perhaps the most important one, why the legislature decided to change rape from being a common law crime and create a new definition of rape is to deal adequately, effectively and in a non-discriminatory manner with many aspects relating to... the commission of sexual offences and also to give greater recognition to the right of equality enshrined in the Bill of Rights (Synman 2021, 308).

### 1.6 Against the underlying assumption (Monster theory)

The underlying assumption is that the problem just is the bad individual men who rape, if the legal system can get better at punishing these bad men, getting rid of them, give them harsher and longer sentences, lock them away and remove them from society then society will be free from rape. It is assumed that rape is contained in the rapist, isolated in the bad individual men who rape – rather than that they are a product of the patriarchal society. Here are a few examples of this conception from the news, people on social media, and the streets reflecting this assumption of rape.



(i) *Al Jazeera*, 2020, Bangladesh.

The image shows the people protesting and fighting against rape by proposing that there be “No mercy to rapist”.

## **‘He deserves to rot in jail and never see the light’**

*THE 30-old-man from KwaSwayimane near Wartburg accused of raping a 94-year-old woman in front of her two great-grandsons was worse than an animal and deserved to be locked away for the rest of his life, protesters said yesterday...*



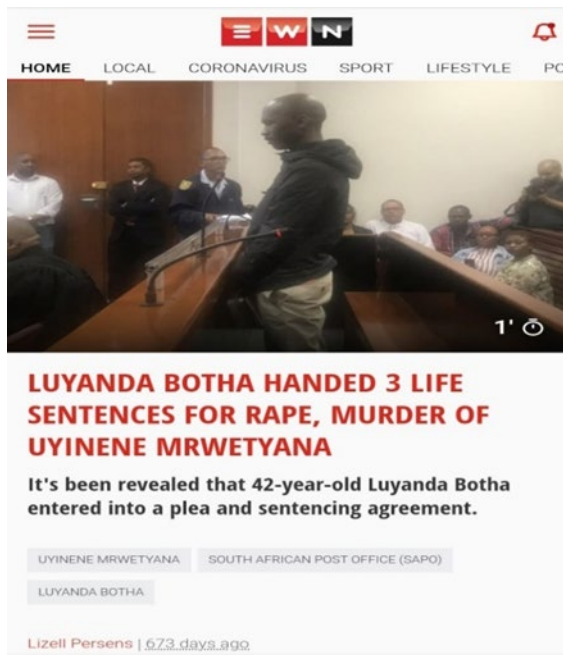
(ii) *The Witness*, 2012, South Africa.

The image shows the comments of protesters against the person accused of raping a 94-year-old woman in front of her two great-grandsons. Protesters think that the rapist is “worse than an animal and deserves to be locked away for the rest of his life.”



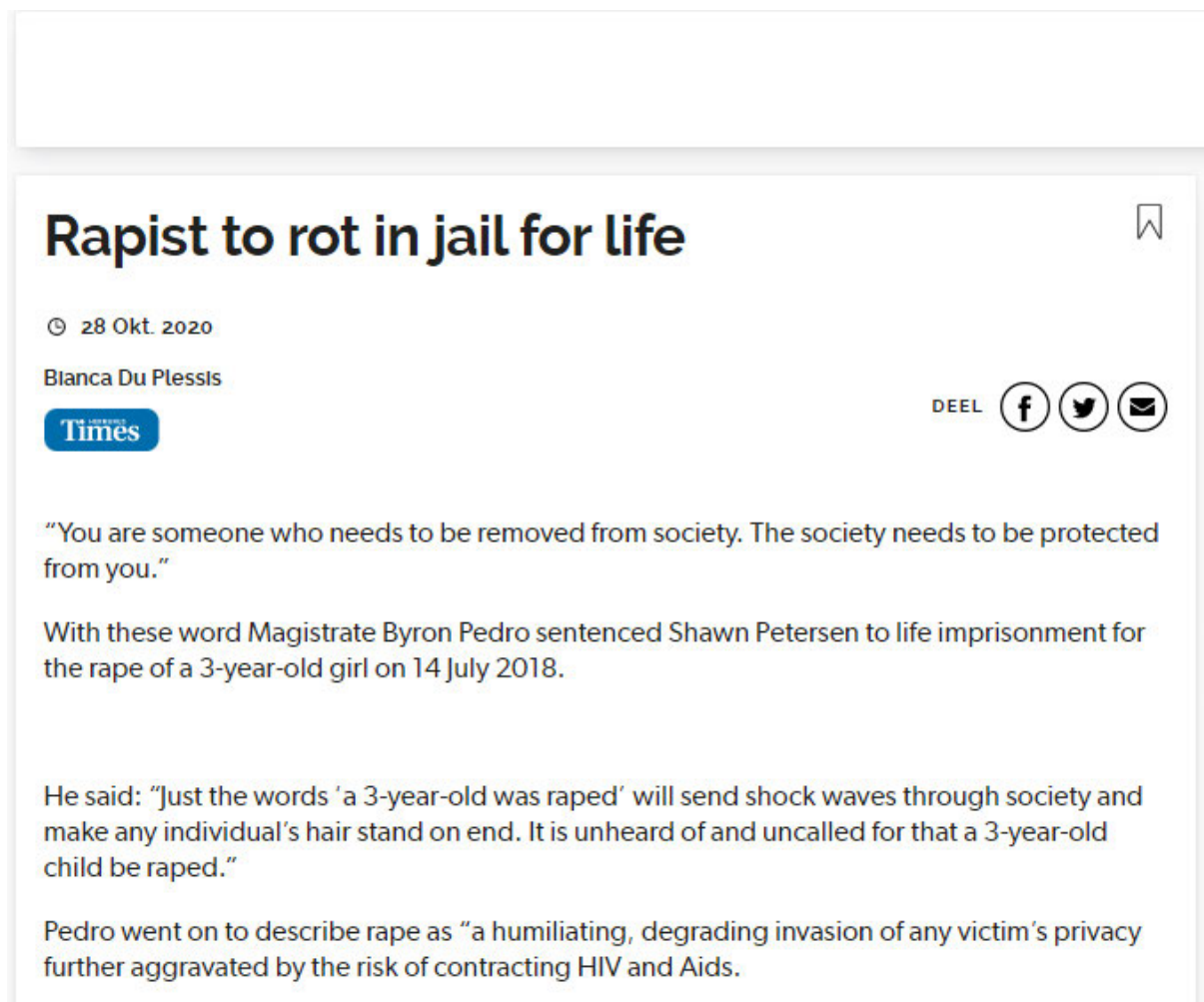
(iii) *ABC NEWS*, 2020, Bangladesh.

The picture shows people protesting that rapists should be hanged as a penalty for rape.



(iv) *Eyewitness News*, 2019, South Africa.

The image shows a rapist has been given three (3) life sentences for raping and murdering a woman at a local post office.



(v) *Hermanus Times*, 2020, South Africa.

The picture shows the words of a magistrate after sentencing the rapist to life imprisonment for raping a 3-year-old girl. He made a comment that raping a 3-year-old child is uncalled for and is shocking for the society, and that to keep people protected such a person needs to be removed from society.

The images above, taken from the internet and social media represent, show how prevalent the view is that rape is an isolated act, contained in the individual who commits the crime, and the remedy is to give them harsher and longer punishments by removing them from society for a long time or hanging them. Regardless of all the inclusive and equality amendments in the legal system in attempt to alleviate the social problems of rape and sexual violence, rape is still very much alive to this day. Regardless of the legal system's attempts to protect the society by having perpetrators of rape subjected to harsher and longer sentences, locked away and removed from the society, rape survives. The underlying assumption about rape that this approach is based on is incorrect and I aim to show why in this section.

While society has placed its focus solely on the individual men who rape and on finding ways to get rid of them, the central problem is that our patriarchal society makes these men. Even when those individual men are removed from the society, the problem of rape will not go away – the 'South African recurring nightmare' remains. Society will just keep generating more rapists and giving them the opportunity to rape.

### **1.6.1 The assumption 'Rape is contained in the rapist' births shock**

From the assumption that rape is contained in the rapist, people get terrified by certain rape cases rapists have committed. Gqola explains this when she writes,

Every now and then, our national newspaper or television announce news of a gruesome rape that involves an old woman, a baby, or a very small child. The entire nation seems to go into shock. Many call in to the radio stations to discuss again and again the devastating and incomprehensibility of such barbarity... "how can a grown man be aroused by a baby? What kind of a man is this? (2015, 125).

People get shocked from the stories of child rape; they question what kind of a man would rape a child or be aroused by a child or an old woman because they hold the assumption that rape is contained in the rapist. The rapist is the problem, the monster who causes harm to the society. Hence, taking the rapist away will take rape away. This is evident in the comments made by the Magistrate in figure (v) above after sentencing a rapist who raped a 3-year-old child to life imprisonment and, commenting that the rape of a 3-year-old child is shocking and uncalled for, it is shocking for the society and a person who rapes a 3-year-old child needs to be removed from society to keep it safe from rape.

Focusing solely on those individual men who rape by assuming that rape is isolated in the rapist rather than that they are a product of a patriarchal society is a highly individualistic way of looking at and trying to resolve the issue of rape – and it has proven itself to be futile because rape is still one of the major ever-increasing social issues in South Africa. The most important questions to ask are, where do these men spring from? Who makes these men? Is it not society? They are definitely not monsters from an unknown universe, society know them, raise them, make them, groom them and therefore they are the product of a patriarchal society which upholds patriarchal norms.



Instead of using only an individualistic approach to this, another appropriate approach is societal. Rape is not more a thing contained in an individual than it is a thing deeply embedded in a patriarchal society. The ideas central to traditional African thinking about humans and society such as “I am because we are”, “it takes a village to raise a child”, show that a larger part of how rapists are, is because of the society they live in, the patriarchal society they grow up in make them this way. No one is born a rapist (or a racist – this to be covered on the race section), the patriarchal society children are born and raised in is the one instilling patriarchal norms on them from tender ages.

Africans believe that an individual is not an independent entity but is dependent on the community because he is identical with it. So, the difference in individual material appearance does not matter in the understanding of a person (Shutte 2001). Shutte continues to say that in the African context persons are unlimited, which means they are capable of doing a variety of things under different circumstances. Be that as it may, the unlimitedness of a person depends on the incorporation of the community in the individual’s own life through the realisation of the community (2001). Not everyone is or may be a rapist, but many people may hold a rapist mentality – which evinces a rapist resembles his community. This will be covered in length in the rape culture section in chapter two and in the connection between different systems of oppression section in chapter three.

This answers the question of where these rapists spring from? It highlights that a patriarchal society makes these rapists; they are the product of the patriarchal society they live in. Rape is not just something that is contained in the rapists alone, but it is deeply rooted in the patriarchy of society. If there are so many rapists, and they are male (Hanel 1998) – it is what society has made. Even if the individual men who rape were removed from society, rape will not go away because society will keep breeding more rapists.

Another reason for the child and old woman rape shock from society comes from the misguided idea that rape is sex rather than that it is sexualised violence. Rape is not sex, rape is not “distasteful sex it is sexualised violence” (Gqola 2015, 21) As much as the components of rape are already present in normal sexual intercourse, “rape is not the polar opposite of normal sex, but it is an extreme form of it. Its deviance lies in its extremeness, not in its ‘otherness’” (Hall 1988, 72). Society holds an understanding of rape as sex, and insist on holding the view that

... the essence of rape is sexual intercourse, and that the presence of violence, duress, or fraud does not alter the nature of the act from 'normal intercourse' to something else. The only legally significant factor which changes the nature of the act from normal sexual act to rape is the state of mind of the victim: the crucial question of her consent (Hall 1988, 84).

The thinking of rape as sex leads to people being shocked when they hear stories about child rapes because as they understand it, “the rapist wanted to have sex with someone (which stems from the assumption that rape is contained in the rapist)” (reference) But then, society thinks it is inappropriate to have ‘sex’ with a child or an older woman. Which means that some rapes are sometimes acceptable, okay and normal, but some are more brutal than the others, so they are not okay.

A recent rape case in Western Cape, South Africa, 100 men were arrested following the gang rape of eight women, one woman was raped by one man. As a response to this case the Minister of South African Police Services Mr Bheki Cele said that one woman was lucky to have been raped by only one man as opposed to the ones who were gang raped (Masinda, 2022).

In a society where we think that sometimes rape is okay, some rapes are better than others (see minister Bheki Cele’s comment above) – shock when there is a new brutal reported rape case



is inevitable. Rapes that are considered more brutal than others are those of people society construct as not erotic, gang rapes and violent rapes. Non-erotic rapes are those such as child rape and older women rape. Hence, the shock and the question of “how can a grown man be aroused by a baby, rape a child? What kind of a man ‘sleeps’ with an old woman?” The shock and these questions all result from the understanding of rape as having inappropriate sex with a baby rather than that rape is sexualised violence.

Gqola explains that rape is not just “a moment, a singular event” (2015, 22). Rape is not just an individual act of brutality and therefore we have a duty of looking at rape beyond as such. This not to mean empathising with the victims is not necessary, but “every time we read a rape as an isolated, enigmatic event we move further away from transforming gender power. And so, the nightmare recurs” (Gqola 2015, 22).

According to Hall (1988), rape is deeply rooted in the power imbalance between men and women in society. The gender power imbalance favours men. Men rape women to violate and control them. The study by researchers in RAINN (2020) found that husbands who rape their wives use the act of sexual assault to express anger and reinforce power, control, and dominance over their wives and families. Men use rape to express dominance and control over women. Hall explains this where she says that “it seems that men always control female sexuality” (1988, 81). This seems to be a way of men exercising control and dominance over women’s bodies and their freedom to have a choice in their sexuality and sexual affairs.

Hanel writes “besides the interpersonal harms and moral injury caused by rape, rape perpetuates social and structural injustice, particularly, gender inequality” (Hänel 2018, 13). Rape is an act of domination, power. Rape forms part of a patriarchal society where men rape to enforce patriarchal norms and maintain power inequality. Hall agrees with this when she writes,

“Rape is not one form of attack, but it is a category of structurally generated behaviour (by the power imbalance which favours men between the sexes) and culturally sustained (in a male supremacist ethos). Rape constitutes one of many forms of violence against women” (Hall 1988, 81).

Rape is the “communication of patriarchal power, reigning in, enforcing submission and punishing defiance” (Gqola 2015, 21). Although rape is part of our daily talks, we are trying to fight against it, creating anti-rape campaigns, social media awareness, write and read about it, it is always on the news – it seems we cannot make rape go away. That shows that really the problem is that rape is a question of patriarchy of society. The legal amendments and means to enforce the law, give victims longer and harsher sentences to remove rapists from society are futile if patriarchy of society is not attended to.

## Conclusion

In this chapter, I have given detailed definitions of patriarchy and rape, the legal history of rape and the new amendments regarding the definition of rape. I have thoroughly explained how the South African legal has responded to the issue of rape by giving a new definition of rape to address the high incidence of sexual violence in the country and how in addition, it tries to protect society by giving rape perpetrators punishment and have them being subjected to harsher sentences in terms of the Criminal Law Amendment Act 105 of 1997. I have shown that the general underlying assumption that the problem of rape is the individual men who rape, that rape is contained in the rapist, therefore removing rapists from society will end rape is not

correct. I have shown that these individual men could be removed from society, but the problem still would not go away because rape is a question of patriarchy, it is rooted in patriarchy.

## CHAPTER 2

### Rape Survives to keep patriarchy intact

#### Introduction

In the previous chapter, it is outlined that regardless of the amendments that the justice system of South Africa makes to deal adequately and effectively with rape and other sexual offence related matters, by giving the perpetrators longer and harsher sentences, the ‘nightmare’ does not go away. The individual men who rape may be removed from society and locked away for a very long time, but the problem of rape still would not go away and that is because rape is rooted in patriarchy. In this chapter, I aim to answer the question why does rape survive? I will answer that question by showing the terrible impacts of rape in society. I will show that rape is bad and why it is bad. Also, I will explain that as bad as rape is, it is also normal– rape culture normalises rape. As normal as rape is, society still get shocked or frightened by reports of some rape cases. This response is evidence that although there is this distorted culture which normalises rape, rape is still bad. Thereafter, I will answer the question, if rape is so bad, why is it made normal; why does it survive? I seek to answer the question by showing that rape does a major work for patriarchy and therefore survives to keep patriarchy in place.

The first section of this chapter discusses the aftermath of rape. In doing this I will discuss the negative costs of rape in society. I will first discuss the psychological effects of rape, thereafter the economic costs for providing services for victims of sexual violence. This is important to show rape is bad because of its negative effects in society. The subsequent section will explore how rape is normal in society, notwithstanding the detrimental effects it has. In attempt to do this, the section will provide statistics for the victims of rape who do not describe their experience as rape and others who do not even acknowledge it was rape. The section will show how rape is made normal through rape culture which undermines the seriousness of rape.

In the chapter that follows I discuss why is there a culture that normalises rape and helps keep rape around. This leads to the section which addresses the main claim of this chapter, I provide that rape culture helps keep rape around because rape is a tool used to keep patriarchy in place. In subsequent section I discuss how fear of rape and rape are tool used to enforce patriarchy on women. I will explore violent masculinity and show that violent masculinity is part of a broader context of patriarchy. I seek to show how patriarchy teaches men violent masculinity, which prepares them for extreme violent acts such as rape. This is important as it outlines how violence is not an inherent feature of masculinity, rather patriarchy teaches it to men as a way to perpetuate more patriarchy.

In the section that follows I discuss misogyny; I show that it is a tool patriarchy uses to control and police both men and women. Thereafter, I explore how rape is used as tool to enforce patriarchy for men. Later, I discuss how patriarchy disadvantages men through rape. This is important to discuss to as it highlights how patriarchy uses men (as means) to remain in place, through rape.

## 2.1 The aftermath of rape – why rape is bad?

In the aftermath of rape or a sexual assault, survivors can face extremely difficult and painful emotions and experiences. According to RAINN (2021), The psychological effects of rape or sexual violence include depression, flashbacks, fear and severe anxiety, suicide, social adjustment issues, and post-traumatic stress disorder. Other effects may include sexually transmitted infections/diseases, pregnancy, substance abuse and low self-esteem (RAINN, 2021). The duration in which the victim may suffer from these psychological effects vary for each survivor as each survivor responds differently. According to RAINN (2021), some victims of sexual violence suffer from posttraumatic stress disorder their whole lives, some recover after a few years or months with relevant assistance. And if the psychological effects are left untreated, the victim is likely to suffer for a long term or for the rest of their lives.

### **2.1.1 Economic costs for providing services for victims of sexual violence in South Africa**

The ever-rising social issues of sexual offences has a negative impact on society, on the state and the South African economy not just its victims.

“South Africa has high levels of gender-based violence, in particular of domestic violence and sexual offences. South Africa has legislation that seeks to address these crimes. However, despite the presence of legislation, gender-based violence persists at great expense to the women who suffer it, and to the State” (Thorpe 2014, 4).

The South African Police Services, the Department of Justice and Constitutional Development (DOJ&CD), the Department of Health (DOH), the Department of Social Development (DSD), and the Department of Correctional Services (DOCS) – have a responsibility to implement legislation when issues of rape and sexual violence are being reported. These government departments incur costs to provide services to the victims and the perpetrators of rape. Such as among others, the cost of rape kits which is a vital tool in prosecuting rapists. In the study conducted by Thorpe (2014) rape kits cost R189 each according to responses by the SAPS in 2013; The minister of SAPS announced in the parliament “the government contract to provide

evidence collection kits for rape cases to police stations across the country was awarded to Acino Forensic at a cost of nearly R500m” (Makinana 2020).

Cost of legal aid to victims of violence against women is R4372.66 per case in 2013/14 (Thorpe, 2014); Forensic specialists for the collection of evidence from the victim’s body in the case of a sexual offence; STI medicines; HIV and STI counselling; Transport costs from the court/SAPS station to the facility; The cost of incarcerating perpetrators; Rehabilitation programmes for offenders; Medical costs for prisoners; Cost for education and awareness about rape and sexual violence. All these services incur costs to the government departments. Using a conservative evaluation, gender-based violence costs South Africa between “R28.4 billion and R42.4 billion per year – or between 0.9% and 1.3% of GDP annually” (KPMG 2022). Rape does not only negatively affect the victim, but it also costs the state a lot of money.

## 2.2 Rape is bad, but normal

As bad as rape is, rape is normal. It is so common that many rape survivors do not acknowledge or define their rape experience as rape. Surveys suggest a large number of women have experienced rape that they label as a misunderstanding. This is evident in a 2016 Meta-Analysis of 28 studies of almost 6,000 women and girls aged 14 or above who had experienced rape, found that 60.4% of sexual violence survivors do not describe their experiences as rape but instead use more gentle descriptions, such as “bad sex” or “miscommunication.” (Miller and Wilson 2016). The analysis found that the prevalence of unacknowledged rape among participating college students compared to non-students was notably higher. These results supported that more than half of all female rape survivors do not acknowledge that they were raped (Miller and Wilson 2016). Another study found that women are more likely to acknowledge that they have been raped in the event that they experienced extreme level of violence during the rape (Bondurant 2001).

The clinical director of The Teddy Bear Foundation reported that most male victims they deal with do not see the acts committed against them as rape (Shange 2019). In the 2020 medical study of 209 men and children younger than 18 years of age, it is found that more child than adult victims were assaulted inside domestic settings by family members (Ruxana et al, 2020). While the highest proportion of adult rape took place in the institutional settings such as prison, with rapists being fellow inmates. Survey also suggests that there is a small proportion of reports by men who have experienced rape. Due to the probability of under-reporting by male victims in South Africa, it is nearly impossible to work out the extent of male rape within the country.

1 in every 10 victims of rape is male (RAINN, 2020). A study according to RAINN (2021) using college students and non-college students found that transgender students are at a higher risk of being raped; 21% of TGQN (transgender, genderqueer, nonconforming) college students have been sexually assaulted, compared to 18% of non-TGQN females, and 4% of non-TGQN males. Hanel (2018) claims that two things can be deduced from the statistics and nature of rape; one being women and gender non-conforming people are at the greatest risk of rape, and, secondly, most perpetrators of rape are male. These are the two groups who commonly experience rape. This not to mean men do not experience rape, statistics show that rape perpetrators of male rape are mostly men (Ruxana et al 2020: RAINN 2020).

### 2.2.1 Rape is made normal through rape culture

Rape culture is a theory used to refer to social settings where sexual violence is normalized and, therefore, tolerated (Herman 1988, as cited in O'neal and Hayes 2019). Rape culture continues when people accept that sexual violence is inevitable, general, and a normal part of everyday life (Buchwald, Fletcher, & Roth 1993). Rape culture shapes the attitudes of society towards the victims of rape. Rape culture enforces the myth that men cannot be raped – because of this, male victims of rape are less likely to report their rape because they are afraid of not being believed. The victims who come out and report sexual victimisation are often surrounded by negative social misguided attitudes. These negative social attitudes are commonly supported by rape myths, attitudes about what caused the sexual attack, what triggered the offender to rape, and attitudes about victims of sexual violence. Sexual violence against women and girls, shift of responsibility of sexual violence from the offenders to victims, is justified by rape myths; for instance, victim blaming (Frohmann 1991). In a rape culture, it is considered a victim's responsibility to avoid being raped, and in the event that they were raped, they take the blame for it.

Society's attitudes surrounding sexual assault victim involve understandings such as intake of alcohol and intoxication, walking alone at night causes rape, that the manner women dress somehow triggers rape, and that victims who take part in troublesome conduct are asking for rape (Walklate 2008, Workman & Orr 1996). These general convictions are created and replicated through well-known culture counting television, movies and writing. In what Frohman (1991) refers to as "typifications of rape", these representations send people messages with respect to what a sexual attack victim, suspect, and occurrence "should" look like. If the occurrence, the suspect, and the victim does not meet the standards of what society understand it should look like, it may have a negative impact on the victims and end up not reporting the crime due to fear of being marginalised.

These attitudes about rape, victims and the perpetrators of rape are what keeps rape around. The underestimating of sexual assault ("Boys will be boys!"); the blaming the victim ("She asked for it!"); teaching women to avoid getting raped by avoiding certain places and activities at certain times; the assumption that men don't get raped or that only weak men get raped, are what makes rape normal and not considered serious. Rape culture helps keep rape around by making it a norm and reducing its seriousness.

### **2.2.2 Why rape is normalised**

Minister Bheki Cele's comment that a woman was lucky to have been raped by one man (Masinda 2022) is one example of how even though rape is bad and frightful to hear of, is normalised and accepted as part of our everyday life so much that if you are raped by one person you are considered lucky. Which is quite a disturbing response to make on rape as it not only undermines the trauma and all the lifelong detrimental psychological, mental effects of rape on the victim but gives the impression that some rapes are more tolerable than others. A few weeks before the minister made this comment on rape, he had addressed the nation that the sexual offences statistics have risen by 13.7%, that in the first three months of 2022, there has been 10 818 reported rape cases. He went on to reveal that of that 10 818 reported rape cases, 4 653 rapes happened in the victim's or the rapist's place (News24, 2022).

If the aftermath of rape is so detrimental to the victim; costs the state so much; upsets the lives of the victims and the lives of people around them and it is distressing to the whole society, why do we live in the society that speaks of rape and views it as a something that just is part of it? If it is a traumatic experience that affects the survivor in a psychological, sociological, and physical way; if the detrimental psychological issues it has proven to have not only in its

victims, but society proves that rape is bad; if whenever one hears about a rape case, it is upsetting and damaging; why then rape is so common and normal? Why is there a chaotic mechanism of rape culture that helps to undermine, downplay rape, and make fun of it and its victims?

### **2.2.3 Rape keeps patriarchy intact**

Rape is tolerated, normalized and accepted as part of society because it has a function in our patriarchal society that society do not want to lose, which is to keep patriarchy in place. As bad as rape is, society value keeping patriarchy in place more than it does not want rape around. Rape keeps happening because it is terrible, because it causes harm, and its psychological effects are detrimental. It keeps happening because it is such a powerful way of controlling women's behaviour and limiting their movement. As Gqola explains,

“Rape is not a south African invention, nor is it distasteful sex. It is sexualised violence, a global phenomenon that exists in vast periods of time in human history. Rape has survived as long as it has because it works to keep patriarchy intact. It communicates clearly who matters and who is disposable. Those who matter are not afraid of being raped because they have been taught not to fear sexual assault, they have been taught safety. Rape is a communication of patriarchal power, reigning in enforcing submission and punishing defiance (Gqola 2015, 1).

As I have shown in Chapter one, this is all part of patriarchy. Rape is rooted in patriarchy. Rape is a crime that has had women living in fear. It is terrible when people talk about it, but rape and fear of rape are doing some work for the system of patriarchy and that is why society keeps rape around. Rape is one way in which the rule of the father is maintained because in order for a rule of oppression to work, those who are oppressed have to be kept in place. And the most effective way in which patriarchy keeps those who are subordinates in place is to terrify those that it seeks to control, oppress, and minimise (Gqola 2015).

## **2.3 Oppression through female fear factory**

Patriarchy uses rape and fear of rape to keep those it seeks to oppress, women in place. Brownmiller explains rape as a process of fear like this,

For if the first rape was an unexpected battle founded on the first woman's refusal, the second rape was indubitably planned. Indeed, one of the earliest forms of male bonding must have been the gang rape of one woman by a band of marauding men. This accomplished, rape became not only a male prerogative, but man's basic weapon of force against woman, the principal agent of his will and her fear. His forcible entry into her body, despite her physical protestations and struggle, became the vehicle of his victorious conquest over her being, the ultimate test of his superior strength, the triumph of his manhood. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear. (Brownmiller 1970, 4).

Again, rape can be argued to be a tool used to keep women in fear. Women live in fear of being raped and daily, women must take measures on how to minimise their danger of being raped and avoid making the ever-rising statistics of rape. Women must take the safest route home,

not walk at night, if they do, then they must walk in groups; they have to carefully choose what clothes to wear so they do not appear as a target, they have to be careful not to be too drunk, lest they end up being the next victim of rape. Fear of being raped keeps women in place by limiting their mobility.

### **2.3.1 Fear of rape and rape as a tool to enforce patriarchy for women**

Fear of rape and rape is a way of policing women and punishing those who are defiant (Manne 2017; Gqola 2015). If you live in fear of the possibility of rape, you help the system of patriarchy keep you in place because you spend an enormous amount of time modifying your own movements, places to and not to go to, times that are likely to be safe for you to be outside (you do not go out at night), people to be and not to be around – you live to regulate your movements because of the fear of rape, which becomes the possibility of rape (Gqola 2015).

Knowing and fearing that there is a possibility you could be raped, limits your movements and that is how the system of patriarchy achieves its goal of controlling you by keeping you in check. The threat of rape is an effective way to remind women that they are not safe and that their bodies do not belong to them. It is exercising power that communicates that the men creating fear has power over women who is the target of his attention and also teaches women who witness it about their vulnerability. Either through reminding them of their own previous fear or showing them that it could happen to them next (Gqola 2015). This is evident in the women's social media campaign #Am I Next? where they express their fear of being the next victim of rape. Female fear factory is one way patriarchy ensures the psychological and physical control over women. It's a way of controlling their movements, thoughts, and psyches.

Women have ever-present fear of being sexually attacked. They encounter this constant unwelcomed attention from men in public spaces, which masquerades as complimentary attention, but really it communicates fear. This kind of public harassment is also known as street harassment. According to Carol Gardner, author of *Passing By: Gender and Public Harassment* (1995),

“Public harassment is that group of abuses, harrings, and annoyances characteristic of public places and uniquely facilitated by communication in public. Public harassment includes pinching, slapping, hitting, shouted remarks, vulgarity, insults, sly innuendo, ogling, and stalking. Public harassment is on a continuum of possible events, beginning when customary civility among strangers is abrogated and ending with the transition to violent crime: assault, rape, or murder” (1995, 4)

Public or street harassment makes you feel intimidated, uncomfortable, sexualised, powerless and embarrassed. Imagine a woman is walking down the road from or to the shops, home, school, at the public transport taxi rank, and a group of men start giving her unwelcomed attention like cat calling or sexual names (psssst... seeexy), whistling, gestures like sticking out the tongue and blowing kisses, following her around, persistent requests for her name, cellphone number and home address even after she had said no. Refusal of a woman to engage in receptive ways to that attention often times lead to direct communication of threat; and that threat could be a beating, violent touching and most often the possibility of rape. Society has made a home for street harassment, it is considered as compliments and something that is normal for someone who is a woman to encounter – men whistling, hooting and shouting at you.

The pertinence of looking into street harassment is because it communicates harm to the body of a woman through rape, the same way that cat calling, sexual names and the following around already communicates harm emotionally and psychologically. It is a way men remind women that they are not in control of their bodies. Street harassment is another way in which patriarchy is upheld and kept intact. Street harassment limits your mobility as a woman and forces you to adjust your behaviour in an attempt to minimise the possibility of rape or being psychological, emotionally and physically harassed. It communicates control over women's bodies and harm when women respond in a way that challenges the power of the men performing the act; women defying this kind of attention from men, most likely will experience bodily harm or rape. Rape is a threat and a tool at the same time – it creates fear to control women and give men power, but it also disadvantages men. The next section seeks to expand on this claim.

## 2.4 Violent masculinity and misogyny as factors used by patriarchy to control men's behavior and shape their masculinity

At the heart of the most rape and gender-based violence cases, one thing that is common in all of them is South African men committing acts of extreme violence. Sexual violence towards women, girls, boys, and other men. A question may follow from these findings; does being masculine mean being violent? Most sexually violent acts are committed by men, towards men, women, and children (Stellings 1993). This section will explore how violent masculinity and misogyny are tools of patriarchy used to police and control both men and women to perpetuate patriarchy.

### 2.4.1 Violent masculinity as a tool to keep perpetuate patriarchy

Violence is a tool the system of patriarchy uses to control men through teaching them that to be masculine is to be dominant, and to show or prove their masculinity they ought to use extreme forms of violence such as sexualised violence. Boys are taught from a young age that,

For a man to be an effective warrior, and for a man to be continually ready as a potential warrior, what is most crucially required is this: he must be able to manage the capacity to care about suffering. That is, he must be able to focus selectively, and sometimes suspend altogether, the capacity to care about the suffering of others, but also his own suffering. In short, he must be emotionally tough. The warrior must be able to kill another man without consideration of the suffering of the persons who loved and depended upon that man. In some cases, he even has to do that as those loved ones watch (Digby 2014, 54).

The following is something that is said to boys and men to 'toughen them up', *man up! boys don't cry, don't be a sissie* – this to give them a message that to be a man is to master the ability to suppress your feelings and disregard other people's suffering.

Digby outlines how during boys' initiation into manhood, boys must perform practices such as the Sambia bloodletting. During this practice, boys are taken away from their mothers and put in a group where there are only males. In initiating boys, grown men whip boys on their back and do not stop until blood runs down, "sharp blades of grass are thrust up into their noses to cause copious nose bleeding" (Digby 2014, 63). The significant of these bloodletting practices is to make boys into men and ready them for violence which will require bloodletting during war.



To be deemed a girl or woman is not only a sign of failure as a man, but also a sign of having fallen to a status that is implicitly understood to be profoundly inferior. To be female is to have a status that is deeply despised—and feared—by boys and men. That is why misogyny is such an effective means of culturally policing their lives (Digby 2014,62).

Being seen to be like a woman is demeaning. Patriarchy denigrates both women and children. Men are made to be fearful to be women or being associated with anything from that supposedly inferior group, and this is a form of mechanism used to control men's behaviour. The next section will explore how misogyny functions in a patriarchal system, how it is used to police or control men's behaviour through making them fear being like women.

## 2.5 How misogyny functions in a patriarchal system

To explain misogyny in terms of its social functions, not psychological functions, the section will mostly refer to Manne (2017). Misogyny can manifest in many ways but for this research I will look at rape and gender-based violence experienced by women and the LGBTQI+ group in South Africa, and how patriarchy uses misogyny to control the behaviour of South African men.

Manne (2017) writes, “misogyny ought to be understood as the system that operates within a patriarchal social order to police and enforce women's subordination and to uphold male dominance.” Misogyny is not just men hating women merely because they are women. Misogyny is not about men expressing brutality and hatred towards women merely because they are women. However, misogyny forms part of a patriarchal society where men use misogyny to enforce patriarchal system, including men staying in power and women being subordinate.

According to Manne (2017), misogynists need not hate all women all over the world or even hate women in general for no reason other than that of them being women; misogynists can love their mothers, their wives, their sisters, and even their daughters and secretaries. For this reason, then, misogyny should not be understood as being about men hating women merely because they are women.

Women who challenge the order of the patriarchal system, patriarchal norms and expectations, experience misogyny. Manne explains it best when she writes, “misogyny need not target women across the board; it may instead target women selectively – for example, those who are perceived as insubordinate, negligence or out of order” (Manne 2017, 76). Further she says that:

Those who experience misogyny normally include women entering places of power and authority over men, and women who avoid women- oriented service roles to choose male-oriented service roles. Women who do not conform to traditional gender norms or challenges them, “Among others, its natural targets will be feminists” (Manne 2017, 76).

Someone can be a misogynist and still be married and have children and not be aggressive or hostile towards them, but instead protect them because ‘men are protectors.’ He is serving his social role as a man, and his wife is serving her social role as a woman by bearing and birthing children for him and, by doing this, she is not rebelling against the structured patriarchal social order. Therefore, she should not be the direct target of misogyny. If any woman diverts from her social role, patriarchy is the force that drives men to believe they have power over women's

bodies and a duty to correct her, and even go as far as punishing her through rape or other forms of extreme violence for straying from her role.

As Manne says, “Misogynists need not hate women universally or even very generally, they tend to hate women who are outspoken among other things” (Manne 2017, 52). Women who are loving, caring, soft, and attentive are not the targets of misogyny as they are willing to fulfil their social role assigned to them as women. Which in return upholds the patriarchal system.

Other groups who are not targets of misogyny do experience rape as well, even when they are not direct targets of misogyny. For example, marital and date rape. If rape is the absence of consent and it is true that misogynists may love and protect their wives and daughters, but they also seek to uphold the patriarchal order even in their role of protecting their families. Upholding orders of patriarchy require being against outspoken women – this means that a woman who is fulfilling all the traditional social norms and expectations, may not be a target of misogyny, but may, however, still experience rape, as there is a greater chance of women's non-consent being disregarded.

Misogyny should be understood as the structure that polices and enforces the patriarchal social order, norms and expectations – and punishes those going against these norms. Rape is one form of mechanisms used by misogynists to do the policing and punishing.

In a patriarchal system,

Women may not be simply human beings but positioned as human givers when it comes to the dominant men who look to them for various kinds of moral support, admiration, attention, and so on. She is not allowed to be in the same ways as he is; she will tend to be in trouble when she does not give enough, or to the right people in the right way, or the right spirit. Moreover, if she errs on this score or asks for something of the same support or the same attention on her own behalf, there is a risk of misogynist resentment, punishment, and indignation. (Manne 2017, 76).

The brutality and rape of lesbian women in the hands of men is the work of misogyny where men enforce the patriarchal standards and punish defiance. The possible question that may arise from this may be: If misogyny does not target all women but those defiant against the patriarchal order,

*how can the rape of women who are not direct targets of misogyny and most importantly, rape of children who have no understanding of patriarchy and therefore, cannot defy the patriarchal standards be explained?*

As a response, misogyny may not target all women only those who are defiant to the patriarchal norms however, women in general, are at a greater risk of being victims of misogynist's intimidations and punishments. This is because,

Misogyny's grasp may also exceed its reach because it tends to try to restore patriarchal order by treating some women as stand-ins or representatives for others, as well as 'punching down' behaviour – that is taking other frustrations out on her since she is available and may lack recourse (Manne 2017, 77).

That explains the rape of some women who are not targets of misogyny. Misogynists may rape women who are not targets of misogyny in attempt to restore patriarchal order and treating some women as substitutes for the direct targets. So other women are raped because they are paying for the supposed sins of other women who are direct targets of misogyny.

A five-year-old girl may not be even aware of patriarchal order, and therefore unable to rebel against it, but she may still get raped. Misogyny allows for this kind of rape because misogynists are trying to restore patriarchal order by treating some women – or in this case girls – as substitutes for the direct targets of misogyny. They express their resentment towards women who are direct targets of misogyny through other women – who are not direct targets of misogyny, so the compliant group is paying for the rebels' supposed sins by misogynists treating them as substitutes for the rebels since they are the ones available. This behaviour also serves as a warning to the compliant group to fear rebelling against the patriarchal order.

Also, men possess this general need to always prove their masculinity (Digby, 2014). Men are taught to dominate women, in order to display their masculinity. This explains why misogyny allows for men to rape a five-year old girl who may not be rebelling against a patriarchal order.

Wives may be targets of misogyny. A misogynist may perpetuate gender inequality by using rape to express dominance and control over his wife. Also, as misogynists seek to uphold and enforce patriarchy's order, a woman's consent is not of any importance to him. (Manne, 2017). However, his wife's non-consent may be important because if she does not consent, a husband may exercise his dominance and express his masculinity by disregarding her autonomy, right to sexual freedom, and right to her body. The husband may do this to keep the wife in line. If rape is mainly about absent consent, then misogynists are most likely to commit marital rape.

Misogyny is characterized by hostility, punishment, aggressiveness, and resentment in behaviour towards women that it targets. Rape is one of the ways used by men to express resentment, punishment, hostility, and aggression towards women. The more women see and fear the hostility that the 'rebels' receive as a punishment, the more they fear disobeying the patriarchal order and traditional gender roles. This is how misogynist's police and control women.

### **2.5.1 Misogyny control men's behaviour**

The way misogyny is used to control men's behaviour is through fear of being like a woman, fear of being called a 'sissy' or being associated with anything feminine. When one says to a man 'give him his menstrual pad', 'do not be a mami' that is the biggest insult – and the only way to respond to it is to be extremely violent (Digby 2014). This to prove he is not feminine but masculine. Dominant and not submissive. In his book entitled *Love and War*, Digby dedicates a chapter 'how to make a warrior' to outline how misogyny functions to control men and boys emotionally in militaristic societies.

The way misogyny control masculinity is evident in the way men behave when they are assembled in a group (Digby 2014). Men find satisfaction for the respect they receive from other men for degrading and subjecting, it is not the kind of respect a noble man receive rather a respect for being a man – meeting the patriarchal misogynistic standards of being a man just by degrading and disrespecting women. The cat calling in public places when a woman passes by a group of man, the blowing of kisses, sleeping with plenty of women so you could gloat to other men, sharing of women (sexual partners) nude pictures in public or showing them to your friends – all these acts of degradation of women earns a man respect from other men for being good at being a man.

Degrading women, placing them in an inferior position makes it easier for men to dehumanise them and not care about their suffering, it makes it easier for men to be misogynistic. It is not a coincidence to strip away humanity or personhood of a woman, it is one of the techniques to help men suppress their feelings of suffering of those they are causing harm.

## 2.6 Rape as a tool to enforce patriarchy for men

Rape is an extreme way in which men are taught to be dominant and take on the warrior role. To rape one ought to disregard the harm and trauma the victims suffer and will suffer probably for the rest of their lives. The ability to suppress caring about one's victims, to be violent, not care about yourself and your wellbeing, not care about women and children is the way men are taught to be dominant – and this is an essential feature of patriarchy. Rape is a tool to enforce male dominance over those patriarchy seeks to oppress and those that it seeks to ensure remain dominant.

### 2.6.1 Rape and violent masculinity disadvantages men

Although patriarchy disadvantages women through fear and possibility of rape to control them and give men power – it also disadvantages men who rape. Being a rapist comes at the expense of men. As Digby writes,

“If cultural expectations call for one of the genders (between men and women) to be dominant over the other, presumably the advantages for that gender outweigh the disadvantages, but that does not mean that the disadvantages are not substantial” (Digby 2014, 52).

Men are disadvantaged because ultimately patriarchy seeks to generate more patriarchy it is not to make men's lives better. The freedom men have is only a certain type of freedom – you are only free to be a dominant, strong, emotionless violent uncaring man. A man has that patriarchal power and freedom, but it is not genuine freedom. Men value dominance, not being emotional, power over others – and in making them value all that it is harming men. Men cannot show themselves as needing emotional help and “some suicides result from a man's unwillingness to seek help out of concern that being seen doing that would undermine his masculine image of toughness” (Digby 2014, 53). Which evinces that patriarchal values disadvantages men by making them disregard their own emotions and value power and dominance.

The documentary titled ‘the mask you live in’ by Newsom (2015), shows that men are programmed from the tender age to be emotionally tough as a required trait to fit into the man category. How having to constantly suppress their feelings of fear in order to be not referred to as weak is hard for them. The same thing goes for women as well regarding their traits. The film also speaks about the stress on boys to live up to violent masculine ideals. This film reinforces how not inherent these traits are on both genders. Thus, these traits are evitable.

### 2.6.2 Patriarchy simultaneously disadvantages men and keep them dominant over women

Patriarchy disadvantages men but also keeps men dominant. Men have much more freedom, they don't have to worry about what they wear, where they go, or they hang out with. Men are taught safety; they do not have to fear being raped and therefore limit their mobility (Gqola 2015). The system of patriarchy aims to generate more patriarchy, retain a violent society through rape.

## Conclusion

In this chapter, I have answered the question if rape is so detrimental, then why does it survive? I have answered that rape survives to keep patriarchy in place. I have shown rape is bad by providing the negative impacts of it in the psychology of the victim, and the economic costs of rape in the state of South Africa. I have sought to show that as bad as rape is, it is normal – rape culture normalises rape. Normalising rape helps keeps it around. I have provided how rape and fear of it is a tool used by patriarchy to enforce dominance on women and men. I showed that rape survives to keep patriarchy intact; how it creates fear to control women and give men patriarchal dominance, but also disadvantages men because ultimately patriarchy does not seek to make men's lives better, whether they are black or white. Its goal is to create more patriarchy, which exists by means of subjugation of women and men through violence, to maintain a violent society.

## CHAPTER 3

### Rape is connected to colonialism, racism, slavery, and apartheid in South Africa

#### Introduction

In this chapter, I will argue that rape is connected to the history of colonialism, slavery, racism, and apartheid in South Africa.

Rape is inherently colonialist, racist, and tied to violence. Rape is not just something bad that happens it happens *because* it is bad. In the same way, colonialism, racism, slavery, and apartheid are not terrible events that happened (and continue to in various forms); they happened because they are terrible. Rape as a tool to enforce patriarchy relates to colonialism and racism which are violent in nature – therefore it is not surprising that rape is used to keep patriarchy replicating itself. This chapter seeks to show how rape is connected to the history of colonialism, slavery, and racism, and how it stretches beyond the boundaries of apartheid in South Africa. I will explain how these are all social structures of inequality (just as patriarchy is). They are about a dominant group's assertion of power over a subordinate group, and they serve to remind these 'subordinates' that they are in a powerless position. I will explain how these are different social structures but connected in nature.

In the first section of this chapter, one social structure rape serves to perpetuate, colonialism will be discussed. I give a definition of colonialism in light of the idea of Franz Fanon (1963) and Kortright (2001). This is important as it highlights the meaning of colonialism. In this section, the purpose and nature of colonialism will be discussed. This is important to show that colonialism is about dominance and asserting power through extreme forms of violence such as sexualised violence.

In discussing the nature of colonialism, I highlight how it uses the doctrine of cultural hierarchy and supremacy to dominate other states. I show that dress was one way used to colonise and dominate other states. In doing this, I provide a sketch to show how this has manifested particularly in the South African context. I choose to focus deeply on dress culture over other cultural ways colonialism has manifested in because dress is one of the controversial aspects in the rape discourse as I have shown in the previous section on rape culture. I aim to show that the fallacious colonial perspective on dress culture of indigenous people (minimal dress as a sign of being 'hypersexual') influenced rape culture (wearing minimal clothing is asking for rape). I continue to show that minimal clothing was an appropriate way of dress for indigenous people the same way a tie is an appropriate decent way of dress in another culture.

The section that follows shows the connection between patriarchal understanding of women as men's property and colonialism. I introduce Hegel's idea of colonialism with an aim of showing how such ideas justifies women objectification and corrective rape. In doing this I discuss curative rape and provide a few curative rape cases with an aim of showing connection between the perspective of the perpetrators of curative rape and Hegel's perspective on colonialism, and how that serves to uphold patriarchy. Lastly, I explore colonial rape and show how rape is inherently colonialist and can be understood as rape of the nation.

The next system of oppression the paper will explore is slavery. In the first section I provide introduction of slavery. I show that rape is the core feature of slavery. I discuss the stereotype of blacks as hypersexual and unrapable and show that the coloniser constructed this stereotype to legitimize slave rape. In the last section of slavery, I explore slavery and rape as core

mechanisms of dispossession. I show how rape is an essential part of slavery and how slavery, rape and colonialism are interdependent forms of violence.

The last system of oppression the paper will discuss is race. Race is a controversial topic and there are different philosophical views on the question of what race is and the metaphysics of race – if race is even real. Given that the paper does not seek to deeply explore the different views on race, the view of race I will use and discuss is of race as socially constructed. I will also use the idea of the ordinary conception of race as explained by Glasgow (2019) to show what race means in an ordinary discourse and to reinforce that race is a social structure that seeks to explain unequal distribution of power over different races. This section aims to show that race is a social structure of oppression that is constructed through rape. As I have shown how rape is rooted in patriarchy in the first chapter, in this section I continue to show that racism is rooted in white supremacy, which is rooted in patriarchy – and all these systems of oppression use rape as a tool to control the subordinates.

### 3.1 Colonialism

As I have mentioned above, in order to heal our society from the issue of rape, we must understand its origins and what structures rape serves to perpetuate and maintain. This section seeks to explore one such structure rape serves to perpetuate, the social structure of colonialism. The process whereby the state expands its power over other nations is called colonialism. As a political theorist of anticolonial liberation struggle, Fanon (1963) defines colonialism as a form of domination used to restructure the world of those who inhabit that particular place. Fanon considers violence to be a key aspect of colonialism, “the natural state” of colonialism (1963, 61), as colonial rule is imposed and maintained through violence. There are many forms of violence that are used, but for the purpose of this paper I seek to explore sexualised forms of violence. The coloniser views the colonised as ‘objects’ rather than humans – colonialism ‘dehumanises’ the natives (1963, 42), that is to say it denies human subjectivity.

As Kortright puts it, colonialism is,

The domination by a metropolitan centre which rules a distant territory through the implanting of settlements. It is the establishment and control of a territory, for an extended period of time by a sovereign power over a subordinate and ‘other’ people who are segregated and separated from the ruling power. Features of the colonial situation include political and legal domination of the ‘other’ society, relations of economic and political dependence, and institutionalised racial and cultural inequalities. To impose their [dominant] physical force through raids, expropriation of labour and resources, imprisonment, and objective murders; enslavement of both the indigenous people and their land is the primary objective of colonisation (Kortright 2001,1).

Here Kortright outlines how the true purpose of colonialism is domination and how it uses physical force, enslavement, and expropriation of land resources to impose dominance over the colonised. Segregation and hierarchy are some of the key tools of colonialism. Memmi writes, “The colonial situation manufactures colonialists, just as it manufactures the colonized” (1965, 56). Chapter One clearly lays out that the system of patriarchy is another form of domination that is socially constructed, how it creates patriarchal structures and institutions and aims to produce more patriarchal structures to keep patriarchy going.

Hooks states that “most men have not consciously chosen patriarchy as the ideology they want to govern their lives, their beliefs, and actions. Patriarchal culture is the system they were born within and socialized to accept” (2003, 106). Men are born with their identities in society already planned out, with patriarchal masculinity as the only masculinity they observe and are groomed to conform to. The system of patriarchy creates the gendered identities of both men and women. Any form of oppression creates identities for people, and people are categorised either under the dominant group or the subordinate one. Said explains this when writes,

If we are to look at how colonization created the identities of both the colonized and the colonizer, we must recognize that historical situations are created by people, but people are in turn created by these situations. The way a person sees the world, both geographically and culturally, is dictated by their abstract understanding of the world. Although culture does exist as a tangible entity, it is the abstract ideologies of comparison between cultures that create cultural identities situated in social, economic, and political hierarchies. It is in this abstract world of ideas that the colonizer, by creating the “other” which was to be colonized, created his own identity in opposition to that of the colonized. (Said 2000, 71–74)

Stoltenberg reinforces this where he writes,

‘The notion of oppressive categories is cogent only so long as it appears to create an “identity” for the class of people in each (as Baldwin said: “If you insist upon being white, I have no alternative but to be Black”), but the identity being created most unequivocally is only ever the dominant identity—the whiteness, the manhood, the heterosexuality, the normal, the whatever identity that would expire without a subordinate category to otherize (Stoltenberg 2000, xxi).

Colonialism survives by means of a rigid dichotomy between the supposedly superior and inferior groups. As Kortright rightly puts it, “colonisation is based on the doctrine of cultural hierarchy and supremacy” (2001, 1). As explained in the previous chapters, this dichotomy means constructing an illusion of one group as naturally superior and the other as naturally inferior. The doctrine of cultural hierarchy is one of the strategies the colonialists use to conquer the targeted colony through dismissing the cultural patterns of the natives as inferior. Colonialism with the aim to control and exploit the natives, intentionally causes a distortion in the indigenous population’s culture.

The ‘naturally’ superior group imposes its own culture over the indigenous population, from religious and education systems, to language, to the way people dress and run their daily activities. It is these things (dress, language, education, and religion systems), which were a normal, civil way of life for the natives before colonialism that after the invasion are seen as primitive, backward, and inferior. The indigenous people’s culture comes to mark them as naturally primitive and inferior and explains the need for their colonisation. Colonialism theorises them as in need of the culture of the ‘naturally’ superior group to civilise them (Kortright 2001). For this project to be a success, the indigenous population’s culture ought to be dismantled by the supposedly superior group and co-opted by the culture of the superior group.

It is through colonisation, terrorisation, oppression that the supreme group obtains and maintains its superiority. Men gain their superiority over women through systemic male dominance (patriarchy). It is also only through acts of systemic oppression and violence that



white supremacy exists and is maintained. Without the acts of systemic oppression and violence, superiority and inferiority of races would not be sustained.

### **3.1.1 A sketch of how the culture of the natives is stripped away and, how this relates to patriarchy and rape.**

African traditional attire is still worn today. Observe most African tribes when performing their traditional ceremonies, or just most Africans wearing their African dress – and you will see the revealing attire of both men and women. Women wear short skirts, the animal skin used to make them is cut just long enough to cover the genitals and bottoms. Breasts are mostly bare; if covered, again the animal skin, beads, or cloth used to make the top is cut long enough to cover the bust area and does not cover the stomach below this. The rest of the body is completely bare or accessorised with beads. Children's attire covers only the genital area. The rest of the body is bare, as it is normal for children to go completely naked. The cultural event infamous as *Umkhosi woMhlanga*, the Zulu Reed Dance is a perfect depiction of this point of in Southern African cultures.

*Umkhosi woMhlanga* takes place every spring season at KwaZulu- Natal KwaNongoma, at the Royal place where the Zulu King resides. This sacred ritual takes place every Spring season where the Zulu maidens gather at the royal palace and perform traditional dances carrying the reed. During this ritual, you witness the 'civil' traditional dress of the indigenous people, which relative to European culture is considered 'provocative.'

## **3.2 How the coloniser's standard of dressing was imposed on indigenous population**

Aris writes that, "In different ways, power is represented, constituted, articulated, and contested through dress" (2007, 1). Dress is a representation of power, and it is through dress that different cultural groups establish members' sense of belonging. There are various cultural groups in Southern Africa and one can easily identify which cultural group an individual is from and what stage are they in, child, puberty, adult or an elder, by the traditional attire they have on. Fanon explains this when he writes,

The way people clothe themselves, together with the traditions of dress and finery that custom implies, constitutes the most distinctive form of a society's uniqueness, that is to say the one that is the most immediately perceptible. It is by their apparel that types of society first become known, whether through written accounts and photographic records or motion pictures. Thus, there are civilizations without neckties, civilizations with loincloths, and others without hats. The fact of belonging to a given cultural group is usually revealed by clothing traditions (Fanon 1967, 35).

In 1997, the missionaries Jean and John Comaroff explained that through the lens of a missionaries "the lubricated wild man of the African desert" was declared to be the direct opposite of a "clean, comfortable, and well-dressed believer, as did the filthy animal fat and hides to the cotton manufactures of Europe" (1997, 225). For this reason, the missionaries in Southern Africa tried to amend 'barbaric', 'seductive', 'lustful', 'impure', and 'revealing' African clothing by imposing and enforcing the contemporary European dress code on them.

Municipal laws were imposed, at the behest of European missionaries, that denied women access to town centres if they were bare-breasted, although

this had been the tradition for thousands of years. This sudden imposition of values, that did not align with African traditional religion or spirituality, shocked the fashion systems and structures that already existed in these countries. African women were no longer allowed to be topless and thus were conditioned to the fact that they must conform to European notions of modesty, apparent self-respect, and innocence, or be punished (Janz 2022, 1).

Minimal clothing meant something completely different to the indigenous people from what the European colonisers made of it. The passage from Janz, above, shows the roots of the distorted culture prevalent in societies called rape culture. Just as European missionaries made laws that denied African women to walk bare breasted in public and they were punished if they went against these laws, the colonial perspective on dress is one of the driving forces society has this culture which believes that women who are wearing minimal clothing are asking for rape (rape culture). In some cases, women wearing minimal clothing are punished for it.

While dress was one of the tools the colonisers used to assert power over the indigenous people of conquered territories, dress was also one way that indigenous people used to rebel against the colonial powers ruling them. African men for instance, as Comaroff explains, “many Africans would wear a button-down shirt only, or trousers alone, which came as a great disappointment to the mission” (1997, 240). Dressing this way was not in accordance with the dictates of Western norms, African men deliberately dressed wrongly so to express defiance.

Through dress, colonial power was also asserted over indigenous people through employment. White employers insisted that Black people wear clothes that depicted their subordinate position and had uniforms that were only for Africans (Aris 2007). For example,

An African man in domestic service, irrespective of his age, was generally made to wear a shirt, a pair of shorts, and an apron. Since shorts were associated with immature boys and aprons were associated with women’s work, this uniform met with deep feelings of resentment. Likewise, African servants and policeman were forced to work bare-footed, a trademark of childhood. Thus, whites who were not inclined to see Africans as equals used clothing as a means of maintaining inequality and asserting dominance (Aris, 2007, 5).

Post-colonialism in South Africa, which is the world we see today created by the system of colonialism, the culture of the colonised indigenous population has been restructured to fit the cultural norms of the coloniser. A skirt the same length as that of indigenous people’s proper traditional dress is labelled revealing and provocative. This is a clear depiction of how the indigenous cultures are dismantled through colonialism. The ‘appropriate’, non-provocative way of dressing is that which is imposed by the colonialists.

Dress is a code, and each culture has one of their own. Dress holds different values and meanings for each cultural group. As Aris writes, “dress is a code that is often not mutually intelligible across cultures. Thus, while fashion may be a language spoken everywhere, it is never a universal language. It was, and remains, deeply vernacular” (2007, 3). One of the factors that influences dress is the climate. In Southern Africa, due to the largely warm climate, not much clothing is necessary for warmth or protection hence, traditionally minimal clothing.

When the European colonisers arrived in Africa and witnessed scantily dressed people and their tribal dances, in their ignorance they interpreted these purely through the lens of their own culture, taking the semi-nudity as a sign of indecency, impurity, being lustful, and insatiable sexual appetites. African women “are described by William Smith as ‘hot constitution’d

Ladies' who "are continually contriving stratagems how to gain a lover" (White 1999, 29). The tribal dances in semi nudity were seen as evidence of their uncontrollable sexual desire and attempts to seduce men.

It is completely normal to wear minimal clothing in public, and to be considered not half naked but appropriately dressed because this type of clothing in this culture and place is perfectly appropriate dress. In the same way that, a tie or pants is appropriate dress in a particular place and culture but is not typically given that qualifier – because those places and that culture is unmarked. It is only relative to traditional European dress that traditional African dress becomes "revealing" and takes on the moral judgment of that term.

### **3.2.1 Connection between patriarchal understanding of women as men's property and colonialism**

Arguably, the patriarchal mentality of women as men's property, a territory they own, control, and constantly seek to impose dominance over through sexualised violence – is the same mentality that colonialism holds, the coloniser and the colonised territory. Both colonialism and sexualised violence have the same primary objective, to enforce dominance through violence. The owner of a woman's body is surely the woman herself – but patriarchy says otherwise. The rightful owners of land and resources are surely the indigenous people of that area – but colonialism says otherwise.

The enslavement exploitation, oppression, and violation of indigenous people in their own land is a mentality (though it is not an inherent or very common aspect of rape) largely delineated in some reported rape scenarios. Where sexual violence takes place at a victim's home, the perpetrator invades her private space and not only sexually violates her but also loots all the valuable resources he finds in her home. Or the victim and the perpetrator share the private space, but the one with power imposes dominance over the subordinate through sexualised violence. These instances present the expression of power and dominance. The coloniser/rapist terrorises, exploits, and oppresses women and land through violence/sexualised violence. The colony becomes the territory the colonialist owns, control and constantly seek to impose dominance on through all forms of violence, mostly sexualised violence.

## **3.3 Hegel on colonialism**

A philosopher, Hegel, in his *Philosophy of World History* with respect to colonialism considers freedom to be present and practised in modern European and Christian society and all other races and societies do not have freedom and civilisation (2011). He thinks colonialism as means to impose civilisation is something that is necessary for races that are non-European. Even though colonisation denies freedom to colonised people, Hegel (2011) believes it is necessary because it is the only way in which the backward uncivilised nations can get freedom in the long run. For Hegel, colonialism is justified. To deny people freedom is a way of giving people freedom and civilisation. This kind of reasoning is the one that justifies slavery, women objectification, patriarchy, corrective rape and other forms of violence.

### **3.3.1 Curative rape and Hegel's idea of colonialism**

This section involves a discussion on the connection between curative rape and Hegel's idea of colonialism. Curative rape, also normally called homophobic or corrective rape, is the rape

of gay men and lesbians to “correct” or “cure” them of their sexual orientation (Gaitho 2021). According to Mwambene and Wheal corrective rape is: “a form of sexual punishment by men towards lesbians to ‘cure’ them of their sexual orientation.” (2015, 58). A more direct description of curative rape connected to South African situation says that it is, “sexual punishment by African men towards black African lesbians for being homosexual and violating traditional gender norms” (mwambene & wheal 2015, 60).

All lesbian women in South Africa are affected by corrective rape. regardless of their social and economic status, regardless of race. Due to their sexual orientation, all lesbian women in South Africa run the risk of becoming the victims of sexual assault. A Cape Town-based support group reported in 2014 that they were dealing with 10 new incidents of corrective rape every week in 2009 (Strudwick 2014).

Most reported reason for gays and lesbians’ rape is that ‘they need fixing’, they deserve to be sexually violated in order for them to be straight and conform to the patriarchal sexual, gender standards of the ‘naturally’ superior group which is heterosexual. Because the heterosexual romantic relationship is the only one that is natural. Below are the real-life stories of curative rape experienced by South Africans which depict the “corrective” mentality.

### **Curative rape cases:**

Case 1: In December 2009, Zukiswa Gaca who was lesbian, at a party was asked out by a man whom she told she is lesbian and does not date men. Then man seemed to understand then led her to his friend’s house. This is where then he said to her “you know I hate lesbians and I am about to show you that you are not a man, as you are behaving like a man”. When Zukiswa tried to reason with him that she did not say she is a man, she is only a lesbian. The man replied “I will show you that I am a man and I have more power than you.” After he said this, he went on to rape her. His friend was watching while Zukiswa was being raped. (Mabuse 2011, np).

Case 2: In 2007, Hlengiwe Hlengwa was repeatedly raped by her uncle, whom she depended on financially. He told her that by forcing her to have sex with him, he was trying to change her.

Case 3: In November 1994, Thamsanqa Mdluli, right, was gang raped. During the attack, one of the men told Thamsanqa that they were raping him to restore his manhood. (Carter 2013).

Case 4: In June 2010, Lindeka Stulo was attacked by a man while walking home. He slammed her head into a nearby wall with a heavy crate. Two weeks later, the same man struck her on the back of the head with a bar. “You are a girl, not a boy,” she remembers hearing. “I am going to beat you until you stop what you are doing with other girls.” (Carter 2013).

Case 5: Simphiwe Thandeka, a tomboy, was “correctively” raped three times. She was raped at age 13 by an uncle who did not approve of her “boyish” ways. “I didn’t know at the time it was rape, because I was only 13,” she said. The next morning, she awoke bleeding and in severe pain. She spoke to her mother and grandmother, who insisted it was a family matter and was not to be spoken of again. (Carter 2013).

Case 6: In 2004, Pearl Mali was raped for the first time by an elderly man whom her mother brought home from church. She was 12 years old. The man raped her in her bedroom almost daily until she was 16 years old. “My mother did not want me to be gay so she asked him to move in and be my husband. She hoped it would change me.” (Carter 2013).

In all these reported curative rape crimes, the victims are told that they are being ‘cured’ from their sexuality. The perpetrators believe the necessary means for correcting the victims’ sexual

orientation is extreme violence, and sometimes, murder. This kind of reasoning is present in Hegel's idea of colonialism. Hegel's thoughts on colonialism that *the primitive and backwards black African people ought to be colonised and denied freedom in order for them to be civilised and gain freedom* is the same mentality of the rapist that the gay/lesbian person deserve to be raped for them to be able to rise up to the standard of nature, sexualised violence can 'fix' them.

### **3.3.2 Patriarchy as the main factor behind the extreme violent rape and murder of homosexual women in South Africa.**

Corrective rape can be thought of as the perpetrator assuming himself a position of power and duty to 'correct' and change the lesbian women. In case 5, the uncle's actions are evidence that rape happens because it is bad, it is a planned-out mechanism used deliberately to enforce and uphold patriarchy. The perpetrator believes the lesbian women is not conforming to the traditional patriarchal perspectives of gender norms and therefore he has a duty to make her conform to the correct standards of gender. He uses sexualised violence to enforce those traditional gender norms and punish the lesbian women for rebelling against them. All this the perpetrator does out of duty to uphold the patriarchal standards of gender.

This is evident in the uncle's reasons for raping his nephew, he did not approve of her 'boyish' ways. He believes he has power over a woman's body so much that he felt he has a duty to correct his nephew's sexuality as early as the age of 13 and has a right to punish her for her boyish ways he does not approve of.

The male attackers of lesbian women who seek to use violence to sexualised violence and beatings to prove their masculinity and the lesbian woman's femininity utter words such as "*You think you're a man, but I'm going to show you, you're a woman. I am going to make you pregnant, I'm going to kill you*" (Mwambene & Wheal 2015, 64).

The perspective that homosexuality is a disease that is curable is also found in some churches where it is believed that homosexuality is unnatural and can be prayed away. This is a similar mentality the rapists and attackers of the LGBTQI+ community hold. Patriarchy is the main factor that motivates the rapists, attackers, church and other people from society who exerts negative energy towards homosexuals – to believe that they hold power over homosexual individuals, and they have duty to correct their sexuality back to how it *naturally* ought to be.

Rape is one-way men try to attack the threat posed by people who do not conform to the traditional gender roles. Because they challenge the myth that these things (patriarchal gender norms) are natural and cannot be changed, rather than socially constructed. They are a threat to traditional, toxic masculinity because they suggest that men dominance and power are not just their natural right. If they (LGBTQI+) can exist outside these social norms, then that shows those norms are chosen. And society could then choose to be different and not have men on top, dominating (Digby 2014).

For this social group, rape is also an act of expressing dominance and control over other men. The act of rape is all about showing dominance over the victim, and it is about power, an attack against the victim using sexual violence. Men use rape to express dominance and control over other men they consider to be weaker, and their non-consent is disregarded. I may even go as far as saying that, looking at the nature of rape and what it stands for, a man who rape other men does this because he fears he is not in power, and then he uses rape to express his dominance over other men, and assert his own masculinity (Digby, 2014).

The corrective attitude that is held by perpetrators of corrective rape is much akin to that of the oppressors. Masters of colonialism and other forms of oppression believe that they have a duty

to be superheroes and uplift the subordinates. The superior group treats the subordinates like children, and believes the only way to uplift, civilise the backwards subordinates is through violence.

The same way the beating of children is used by some parents to correct undesired behaviour, as a form of discipline, the oppressor assumes himself as having a duty to teach his 'children' (the subordinates) and correct their behaviour and even punish them for it by means of causing them pain. Just as children, the subordinates understand not any other language but violence. It is easier to believe that the subordinate understands only violence since in his mind he has denied that the subordinate has an ability to reason, and he tries to keep them from using their reasoning capacity. As children, they have to be taken care of since they cannot reason for themselves, and it is therefore his duty as an oppressor to lead them to the right path and punish them if they stray away.

### **3.3.3 Colonial/slave rape**

Rape and colonialism are both about power, control and violence. When a nation is colonised, the natives are deprived of power and control over their own land, their valuable resources are looted, and the natives are enslaved. Rape was one of the ways colonisers used to gain control and power over the native societies and the natives. Take note of the stories of rape, victims of rape and the perpetrators of rape. Normally, perpetrators have power of some kind. Be it physically, financially, power by a position at work, colonial power and they use sexualised violence to extend that power (then make justification for their act – exactly like the masters of colonialism; she asked for it 'they are backwards and deserve to be denied freedom through colonialism to gain freedom').

Colonial rape of the native land and rape of the natives was both used to colonise the nation. Women of conquered nations were raped and blamed for being raped since they had insatiable sexual desire. In the same breath, rape culture uses victim-blaming and dehumanization of survivors to justify or excuse rape and other forms of assault and harassment (she asked for it).

### **3.3.4 The coloniser as a rapist/Colonialism as rape**

If rape is inherently colonialist, colonisation can arguably be understood as rape of the nation. The coloniser as the rapist; the nation, its populations and resources as the victim/women. During colonisation, "rape performed on the body what guns and cannons enacted on the conquered territory" (Gqola 2015, 41). In her work entitled *Colonialism/Postcolonialism*, Loomba proclaims that representations of colonialism "encode the rape and plunder of colonized countries by figuring the latter as naked women and placing colonizers as masters/rapists" (1998, 90).

Gqola agrees that rape is colonialist in nature when she notes how Loomba in his work after studying colonial writings from different parts of the colonised world writes of,

the manner in which consistently in the European colonial imagination, the coloniser was represented as rapist and the discovered/conquered land as the naked woman. Here, we see that the Empire imagines itself as rapist of land and people. Therefore, the centrality of rape as weapon of colonial war is not an accident. Rather, rape occupies pride of place in colonial artillery (Gqola 2015, 49).

Yvette (1996) echoes this when she writes of how the Spanish colonialists celebrated the conquest of the land by raping the native women of America.

### 3.4 Slavery

#### **Introduction to slavery**

In his work titled *Slaves and Slavery*, Clarke defines slavery as “the reduction of fellow human beings to the legal status of chattels, allowing them to be bought and sold as goods” (1998;). The most spoken about, recent slavery in Africa is the Trans-Atlantic Slave trade by the Europeans that took place five hundred centuries ago. However, slavery in Africa dates way back to the Muslim slave trade, later known as the Arab slave trade, where Arabs in Middle east enslaved countries in North and East Africa (Clarke 1998). The Arab slave trade took place centuries prior to the Trans-Atlantic slave trade. The Arab slave trade went on for more than thirteen centuries, it initially came into existence in the early seventeenth century and went on until the twentieth century (Gakunzi 2018). This is evident in one the African states, the state of Mauritania, where “slavery was officially outlawed only in august 2017” (Gakunzi 2018, 40), which is fourteen years ago and way after the slavery by Europe.

To be a slave is to be reduced to the status of object, dehumanised and denied will and self-ownership. It is to be layered with dishonour. Under these conditions, bodily autonomy is an impossibility, inducing further shame. Slaves’ bodies belonged to those who had captured or bought them (Gqola 2015, 41).

#### **3.4.1 Slavery and Rape**

Gqola writes that during slavery “rape was a core facet of enslavement” (Gqola 2015;41), those who are enslaved were objects of their owners, they had no freedom to their bodies, their sexuality was controlled by their owners, and they had a duty to provide sexual labour – this forms part of what I had mentioned above as Slavery and Forced Labour Model. Women slaves were a property of their slavers, and therefore could not be legally raped. Gqola also mentions how the European invaders constructed the African hypersexuality stereotype. This stereotype is a deliberate misinterpretation of the Bantu African culture, their dress code, their celebrations and the tribal dances that require lots of energy they performed.

In South Africa, rape played an important role in the success of developing and maintaining a slavocratic society.

The rape of slaves was an integral part of the architecture of Slave-ordered Cape society. Note the place naming of The Slave Lodge in Cape Town. Built in 1679, it served as housing for a total of approximately nine thousand slaves owned by the Dutch East India Company, prisoners and mentally ill people between 1679 and 1810. It was also known as the first brothel and “the company slave women, prostitutes. As slave status passed through the maternal line, all of the children produced by these unions were enslaved from birth regardless of their paternity” according to Mary Caroline Gravens (Gqola 2015, 42).

Rape is a core feature of slavery. Since the slave women were the property of their slave masters and mistresses, the rape children they produced were also the property of the slavers. This assisted in increasing the number of slaves for the slavers – which explains why the routine rape of slave women as means to increase the number of slaves was necessary. Hence, rape of slave women was not only widespread but authorised and institutionalised.

### 3.5 African Hypersexuality during slavery

The stereotype of Africans as hypersexual was constructed to legitimize colonisation and colonial sexual violence, to justify slavery and slave rape. African hypersexuality served as a justification of slave rape by the slave masters. Slave masters used this stereotype to justify enslaving blacks and institutionalising slave rape. It is from this stereotype of African hypersexuality (amongst others) that the black men were rendered potential rapists and a danger to white women, because unlike black women, white women were associated with sexual purity (Gqola 2015). This (sexual purity of white women) is the same strategy used in racial purity which will be detailed in the next section of rape and race. As black women were hypersexual, they were rendered by the Roman Dutch law as unrapable and black slave men as “dangerously sexual, with a ravenous sexual appetite better suited to slave women, but with a particular danger to white women” (Gqola, 2015, 43). Unrapable does not mean to say that black women were not raped, Gqola explains,

The stereotype held that slave women could not be raped since all Africans were excessively sexual and impossible to satiate. Therefore, not only were slave women objects and legally incapable of being rape they were constructed as hypersexual and therefore, would not have been rapable even when free. This meant that even when freed slaves could not be raped (Gqola, 2015, 43).

This mean that because blacks were constructed as hypersexual, they therefore were always ready to be raped, there is nothing wrong with raping them. If the Bantu were inferior and were less of human beings as asserted by the colonist, why then would the colonists have ‘sexual’ interaction with such primitive beings?

The possible objection to this would be slave women were not entirely forced to provide sexual labour, there were times where they consented to sexual interaction with their slavers. Slavers would promise reduced labour to slave women if they consented to sex. The appropriate response would be to first look at the realities of slave women and the options they had. The slavery institution had already rendered them unrapable due to the constructed Bantu African hypersexuality. According to D’Emilio and Freedman, “the rape of a female slave was probably the most common form of interracial sex” (1988, 102). It can be observed from this sentence that rape was somehow disguised as ‘interacial sex’ which was common amongst slaveholders and slaves. This shows that slavers did not see slave women rape as rape but sex because slave women had this insatiable sexual desire and white men were just giving them sex that they cannot say no to. D’Emilio and Freedman echo Gqola’s sentiments with regard absence of consent. If those were the realities of slave women in the slavery institution, according to their slavers they could never say no, therefore consent was always present. To slavers, slave women rape was ‘consented sex’ and there was nothing illegal with it because slave women were unrapable, always lustful and available.

According to Gqola, ‘when you are owned, chattel, consent is impossible’ (2015, 41), slaves could not have said to have given consent to any form of interaction with their slavers. This means that because they were properties of their masters and as discussed in chapter one that



women who are rendered as men's properties were considered unrapable because they have a duty to provide sex. Also, as Gqola had mentioned, 'slaves were unrapable even when free' (2015, 43), even if they were not slaves, merely because of African hypersexuality they cannot be raped. A slave woman said, "When he makes me follow him into de bush, what use me to tell him no? He has strength to make me" (D'Emelio and Freedman 1988, 101). This shows the power the master has on his slave, how slavery, like patriarchy serves to remind the subordinates, in this instance slave women that they are in a powerless position. They are forced to provide sexual labour to their masters. It is no surprise then that no white man was ever arrested or hanged for the rape of a black women 'yet the crime of black women rape by white men was common' (White 1999, 188).

Here we can see the common thing slavery has with patriarchy and rape – it objectifies women (people). The common law definition of rape discussed in chapter one, has one major feature in common with the institutionalisation of slave rape, and that is rendering women as properties of men and leaving out the possibility of male rape. It denies human subjectivity and treats women as objects. Slavery rendered slave women as legally unrapable and properties of their slavers just as the patriarchal common law of rape rendered women as properties of men. Rape is deeply embedded in construction and maintaining these different systems of oppression.

### **3.5.1 Rape and slavery as mechanisms of dispossession**

Rape, slavery, and colonialism are interdependent. Rape is an inevitable part of slavery and colonialism is an inevitable part of slavery. Yvette explains this in his paper *Was Eva raped?* when he writes,

If we conceive of resistance as broader than the concept of armed struggle, I reasoned, than we need to think of conquest in the same way, as an assault on the psyche as well as a conquest of land. In reconsidering the process whereby, the Khoisan came to lose, not only their land, but also much of their culture and history, it seemed to me that slavery and rape were two explanatory mechanisms (Abrahams 1996, 6)

In all forms of oppression and violence, rape is one part that is inevitable. It is one major tool that is used to execute oppression of any form. Rape, slavery, and colonialism works in entangled and mutually reinforcing ways. As Fanon's definition of colonialism explains the necessity of violence to maintain colonialism, sexualised violence and slavery are major tools used to establish, execute, and maintain colonialism. Sexual colonial violence was expressed in the form of rape. "The rape of slave women was a routine part of slave societies from the Cape to the Americas as much literature on slavery has shown" (Gqola 2015, 41). At the time the acts were not publicised as they are today and hardly shocked people – rape was a normal act especially by its perpetrators (Gqola 2015). Colonialism was constructed through sexualised violence, in the same breath, it is through it that it was maintained. Sexual violence in colonialism and slavery is not accidental, it as a deliberate plan to aid in the success of colonialism just as it is in any other form of oppression.

## **3.6 Race, racism, and rape**

### **3.6.1 Definition of race as a social construct**

Social constructionists argue that race, as all systems of oppression discussed in previous sections, patriarchy, colonialism, and slavery is socially constructed. As Haslanger explains, “a social constructionist account proposes that the conditions for being a member of a racial group are to be given in social terms, rather than in physical, biological, or other non-social terms” (2019, 33).

Here, Haslanger explains how according to a social constructionist account race is viewed as a way of grouping members according to their social status rather than non-social terms such as physical or biological. Race is not just a way of ordering people and putting different individuals into different categories according to their appearances, that is a recent way of defining race. Gqola explains this when she writes, “the idea of race as a way of seeing, defining, experiencing, and ordering the world is a fairly recent one in human history (2015, 37).

### **3.6.2 Defining race in an ordinary discourse**

According to Glasgow, to define what race is, the most important thing is what the term means and not what we think it means: there is a conception of race out there that we use, and he wants to find out what that conception actually means and not what we think it means. That what it actually means is the operative meaning of the term race, the meaning that directs how we make use of the term race and act in accordance with it even when we are unconscious of it. In his attempt to provide what he thinks is an ordinary operative definition of race he says that: the ordinary meaning of race is that race is meant to be large groups of people who are categorized on the basis of having particular perceptible biological features, such as skin colour (Glasgow, 2019). If these visible traits disappear or the traits still exist but the individuals are not grouped based on their visible similar traits, then these groups are not races.

I argue that Glasgow’s ordinary meaning of race is too minimal to define what race means in an ordinary discourse. The ordinary conception of race does have social standards of hierarchy in it besides the perceptible biological features. The important aspect to look at is: what is this perceptible biological feature associated with? The black skin colour is associated with primitiveness, inferiority, backwardness, lack of reason to lead an autonomous life. Black race (biological black skin colour) is a race that carries the tag of natural inferiority and the white race with superiority, ability to reason and civilisation.

In an ordinary discussion, when one says they are white, they mean their skin colour and social status. White is associated with superiority. In practice, go to any rural area and observe what the black race refers to black people with superior positions, be it at work or in that community – they call you *uMlungu* which means you are white. Not because your skin colour is white, but because you have white privileges even when you are not a white person in colour. In an ordinary discussion, when you say you are white – you are perceived as/ to be superior. White supremacy is a social construct. Race then is socially constructed to justify the unequal distribution of power over the races. Some races are supposedly ‘naturally’ superior and others ‘naturally’ inferior. Race is not just a way of ordering people according to their biological features, which is naturalising race when it is a social structure of inequality.

### **3.6.3 Race and rape**

When Gqola wrote, “patriarchy creates an inferiority complex in women that also depends on hatred for the feminine and therefore self-loathing. Consequently, women spend more energy fixing themselves since the full human is the masculine” (2015, 39). It is much the same process

with racism, colonialism, slavery and all other forms of oppression. The oppressor creates an inferiority complex in the oppressed subjects that they are backward, barbaric and naturally inferior to the coloniser. Consequently, the oppressed (inferior race) spend energy fixing themselves through obedience to the oppressors instead of fighting against racism or any form of oppression at that time. One way the oppressor does and justifies that is through denying that the oppressed subject has the ability to reason and tries to prevent them from using this ability. He believes that the inferior race naturally lack reason.

For Hume, some races naturally have higher levels of mental capacities than the others and some naturally have lower levels of mental capacity than the other. In his notorious footnote in *Of National Characters* He writes,

I am apt to suspect the negroes and in general all other species of men (for there are four or five different kinds) to be naturally inferior to the whites. There never was a civilised nation of any other complexion than white, nor even any individual eminent either in action or speculation (1882, 252).

According to Hume, there is inferiority that is natural. The black race, and all other non-white races are naturally inferior to the white race. Civilisation came with the white nation and all other races are backward and inferior. Those who defended slavery and other racist people referred to this footnote (Immerwahr 1992) and used the polygenesis theory to defend slavery. Polygenesis theory claims that all races come from different species and therefore they are all created differently. It holds that the only race that belongs to the human being's species is the white race, all other races that are non-white are not human beings.

Polygenesis holds that non-whites are permanently and hopelessly inferior to the white race. This right here is evidence of how the systems of oppression work by rendering inferior the other groups that exist. Just as patriarchy renders superior masculinity and inferior femininity. Another theory that depicts this is called degeneracy theory; it holds that as much as all races are human species, non-whites have lost the qualities of being able to reach higher civilisation like the white race (Immerwahr 1992). It has degenerated because of the environment and education. This evinces the how non-white races are considered inferior.

One of the great philosophers, Kant, share the same sentiments as Hume on his theory of race. Kant writes that humans are classified into four different classes: at the highest position are the white Europeans, next to them are the yellow (Mongols) Asians, followed by black Africans, and at the least are the red American Indians. "From a psychological or moral standpoint, within Kant's classification, the American Indian, the Africa, the Asia, and the Hindu appear to be incapable of moral maturity because they lack talent—a gift of nature" (Eze 1997, 115). According to Kant, from these four classes of race, rationality and morality is found in the white race which is at the highest position. Kant writes,

‘Humanity is at its greatest perfection in the race of the whites. The yellow Indians do have a meagre talent. The Negroes are far below them and at the lowest point are a part of the Americans people’ (Kant 1756, as cited in Eze 1997, 118).

Race is a social structure that communicates clearly who matters and who does not – the same language rape uses to assert power and domination. Kant reflects that when he makes a clear delineation of the races according to their value. According to Kant, the perfect race in all humanity is the white race. To see what perfect humanity is, is to look at the white race. Aristotle, as I have highlighted in chapter one, that a woman is a mutilated body of a man, a man is naturally superior to a woman. Spot the link between the system of patriarchy and

colonialism – naturalising superiority and inferiority to validate dominance of the oppressing group.

To understand the impact of racism and colonialism in the mind of the coloniser and the colonised, just as rape – we ought to understand the nature of colonialism. In his work titled *Black Skin, White Masks*, Fanon tackles the matter of racism and colonialism on the black person living in the colony of a white imperialist from the psychoanalytic standpoint rather than a sociological viewpoint. He argues that a black person living under the white person's system is constantly trying to assimilate his master and his master constantly trying to convert the black man into being like him. It is the white men's legal system that rendered black women and women as unrapable, as the ones with insatiable sexual appetite – if the subject (black men) is constantly trying to assimilate his master, think, talk and behave like he does then it is safe to say black men rape black women because they are 'unrapable'.

Because black men have this sexual desire best suited for the black women, as per the colonialist's deliberate misrepresentation of black women. This idea may also be the reason there is a delineation of rape cases, some thought of as worse and inhumane than others – the element of rape as a justifiable act is still present in this modern day. I have highlighted in chapter one how Gqola echoes this when she writes how a child who is months old comes as a shock to people, but not the rape of an adult woman who was wearing 'provocative' garments and a male who was drunk. The latter cases are 'justifiable' – they were asking for it. People who ask for 'it' are unrapable.

Gqola echoes this when she writes,

Black women are the most likely to be raped because of these combined histories about who matters least, not because of specific essences of Black men. It still bears noting that across categories of men, not just white colonist men, rapists rape women longest burdened with assumptions of unrapability (Gqola 2015, 53).

As much as all women are in danger of rape, amongst many reasons why black women are most likely to be raped is because of the deliberate misrepresentations of black women as unrapable with an unsatiable sexual desire. If rape is a communication, a language that communicates who matters and who does not, the histories show that black women carry the tag of unrapability.

“As a result of a legacy of economic vulnerability and violence perpetuated by discriminatory and prejudiced structures and institutions in the country's history, black women in South Africa are still the most vulnerable to incidents of gender-based violence (GBV)” (Vallabh 2022, np).

In South Africa, the problem of rape is not a recent post-1994 problem as the rise in rape statistics over the post-independence years may seem to suggest. Again, as Gqola (2015) writes, it is not a South African invention, and it is not a new phenomenon. In her work, Gqola dedicates a whole chapter explaining how race has “everything” to do with rape (2015, 37).

To explain how rape has everything to do with rape, Gqola outlines the history of rape. She discusses how rape was an integral part of the colonised Cape Society. She further highlights how during slavery the rape of black slave women was legalised and normal for they were perceived as having this unsatiable sexual desire, that even when the slave was free, she was unrapable. Slaves were sexualised in art, regulation, and stereotypes (2015,43). Black bodies have always been viewed as resources to be used up, and this is a perception that has stretched

beyond apartheid, it has not changed. It may seem rape is increasing over the post-independence years because rape is only starting to be taken as a crime against people from all races, more people are reporting rape. Also, the definition of rape was too narrow all along, leaving out other forms of rape. Now that its broad and inclusive of gender and race more rape cases are bound to be reported – hence, the rise in statistics.

Racism was used to legitimise colonisation, land theft, sexual violence, slavery, and dehumanisation of the indigenous people. The above sections explored how the deliberate misinterpretation of African people as hypersexual was used to legitimise conquest. It is the same method the racist oppressor uses; he deliberately and strategically misinterprets the Black race to legitimise their dehumanisation. Rape of Black women is, as shown connected to the history of colonialism, slavery, and racism. And it is a legacy of the past that went above the boundaries of apartheid. Women, regardless of race are in danger of rape, the same way men are.

### These systems of oppression are all connected

These are different structures of oppression, but they are all connected in nature. Arguably, the slavers, colonisers, masters of apartheid and racism all use the technique of dehumanisation, hierarchy, inferiority and superiority to prosper. The way in which these form oppressions manifest may differ, but the basic form of oppression is the same. The myth created on the superiority and inferiority of other races, masculinity and femininity makes it easier for the oppressor to oppress the supposedly inferior subject or social group.

Digby explains this through outlining how taking away humanity of a woman is also a misogynistic desire, it is a way of weakling and making women depend on men for all their needs. If an ideal woman is characterised by beauty pageants and always smiling, he writes, “becoming the ideal woman means not burdening a man with your actual humanity; it means, effectively, becoming a non-person.” Being an ideal woman means not living the reality of your life and the practicalities of being a human (that would burden him) but be present to satisfy the misogynistic desires of your and by being weak and depending on him.

It is easier to dehumanise someone whose personhood has been taken away. It is easier to legalise slave rape in the attitude that they have insatiable sexual desire and even if they were free, they still could not be raped. The body of a black woman can take any number of men, anytime who wishes to have sex with her for she is degraded and reduced to being an object whose sexual desire is out of this world that no man can satisfy. Black men reduced to these monstrous beings whose sexual desire is not suited for humans, white women cannot handle the black man – only black women can. To the degree men dehumanise slave black women, it becomes easier to not care about their suffering, likewise – it becomes easier for the slaver to suppress his suffering.

As outlined in the dress code section – the coloniser designs shorts as a uniform for black men to wear, shorts being the symbol of ‘boy’. Reducing black men to the status of being boys makes it easier for the coloniser to treat black men as children, beat them up as children and ‘take care’ of them as children who are dependent on him for everything. Stripping away the status of being a man from black men makes it easier for the coloniser to suppress his feelings towards the suffering of black men. It is a colonial desire to have men of the conquered nation believing they are children and must depend on their colonial masters for all their civilisation needs.

Same thing goes out with race, the racist reduces the other races to the status of being inferior and non-human. De Montesquieu (1748) said that it is hard to be believed that God who is a wise being, should place a soul especially a good soul in such a black ugly body. The belief that the black race is inferior makes it easier for the supposedly superior race to play hero and have itself believe it is 'helping' the inferior race by making its people suffer. Having created the illusion that, the race is inferior and not in the standard of being called humans, makes it easier for the racists to not care for the suffering of the people, and it helps him suppress his feelings. Dehumanisation of people is a strategy to help the men who commit violent acts suppress their care for the suffering they are causing the people.

During slavery, biological fallacies were used to justify the enslavement and torture of Black people. Blacks were deemed immune to pain; some illnesses and their bodies had the ability to heal faster than of white people (Villarosa 2019). Some would be injured to inflict immense pain on their bodies leaving scars, deliberately as an experiment and not be given painkillers because they were believed to have this peculiar gene make up that makes them immune to pain. With that attitude, black people would be made to work hard in hot sunlight because their bodies could handle hard labour, they have high tolerance of the heat and have weak lungs that could be strengthened through hard work (Villarosa 2019). That level of dehumanisation is quite similar to black slave women as unrapable and black men with high sexual energy not suitable for human woman, but another non-human slave woman like him.

## Conclusion

In this chapter, I have shown how patriarchy, slavery, colonialism, and racism are all different social systems of oppression, but they are all connected in nature. In the first part of this chapter, I have explored the nature of colonialism. I have provided a sketch of how through colonialism, dress culture of indigenous people was stripped away, and a new dress imposed upon them. I showed how this was a way to express dominance and power over indigenous people, and how the coloniser's distorted views on the dress culture of indigenous people influenced rape culture. I further argued that minimal clothing culture of indigenous people is a normal and an appropriate way of dress the same way a tie is appropriate in a certain culture. I have also explored the social system of slavery. I showed how rape is an inevitable part of slavery and how the stereotype of black people as hypersexual was used to legitimise slave rape. In the last section, I discussed race as a social structure that seeks to explain the unequal distribution of power over the races. I explored how the histories of colonialism, slavery and race is one of the factors that contributed to the rape of black women as much as all people run a risk of being raped. I have shown that all these social structures seek to assert power and constantly show the subordinates that they are in a powerless situation through rape. I have shown that all the social structures of oppression are connected, and rape is an inevitable part of them.

## CHAPTER 4

### Conclusion

#### Elimination of the system of patriarchy as a response on rape and gender-based violence

This chapter is the conclusion of this paper. It seeks to explore factors which may help in the alleviation of the issue of rape and gender-based violence in South Africa. The chapter will explore how the elimination of dominance and hierarchy may serve as an effective response against rape. The previous chapter explored in detail how different systems of oppression are connected and rape is an inevitable part of them all. This chapter follows on from this, to propose that doing away with rape requires the dismantling of those forms of domination mentioned in the previous chapter. It will also explore the issue of choice and consent, which is at the heart of rape. I propose that doing away with rape, as well as dismantling the system of patriarchy more broadly, should be a collective responsibility and not fall only on women.

Awareness campaigns against rape and gender-based violence, and harsh punishments measures to hold the perpetrator accountable and prioritise the victim have proven to be relatively ineffective. This is evident in the recent rape and gender-based violence statistics provided in the first chapter, introduction section. The previous chapters have highlighted how rape and gender-based violence is intensified by forms of systemic oppression that include patriarchy, colonialism, slavery, and racism. The paper has discussed how rape is a tool of patriarchy to assert dominance. How rape is not something that is contained within those individual men who rape but rooted in patriarchy. High levels of rape will continue until more attention is put on fixing the patriarchal society these rapists are born and raised in, instead of the rapists themselves. The few individual men who rape may be removed from society, but the patriarchal society will keep generating more rapists

Justly, rape is a malevolent conduct. It is a very damaging act, and it is only fair the perpetrator be held responsible for it. But I propose that attention also be put on the reasons behind rapist's actions, rather than simply seeing the rapist as a monster, separate from society. If no one is born a rapist, from where do rapists learn this violent behaviour? How is it instilled in the rapist? The former question may be answered by looking at where these individuals grow up. They are born and brought up in a patriarchal society. This will then take us to answering the latter by looking at the norms and traditional roles they are taught in a patriarchal society.

In a society where men are taught to assert their masculine power and dominance through extreme violence, their ability to suppress their feelings and not care for their suffering and that of others whether they caused the suffering or not, the terrible act of rape is inevitable. A patriarchal society that teaches men to lose touch with their emotions grooms them to behave in detrimental ways, such as to rape without caring about (1) the terrible act itself, (2) their feelings towards the suffering of the victim and, (3) the suffering of the victim. This further supports the claim that getting rid of the individual men who rape, is and will continue to be futile given that the hostility, dehumanisation, and assertion of power inherent in sexualised violence are the product of our patriarchal society and not just the individual men themselves. Only doing away with patriarchal norms and socialisation of boys into violent masculinity will effectively address the rape problem.

This paper proposes that the following may contribute to the alleviation of rape and gender-based violence.

#### 4.1 Women safety as a collective responsibility

Chapter Two discussed how fear of rape controls women's mobility. It discussed how in society women are responsible for their own safety, how they must make sure to take safety precautions when they are both at their homes and in public. How they must try to find and take the safest route home, avoid certain places at certain times, and avoid walking alone to protect against rape in public spaces. However, these precautions are not helpful in reducing rape as rape and gender-based violence statistics (SABC News 2022) show that more of these crimes happen within the victim's home and the perpetrator is normally an acquaintance. Society has a



responsibility to collectively make homes and public spaces a safety place for women and children.

This is possible through education from a young age. Getting rid of patriarchy in communities, teaching boys to respect girls. This would result in less street harassment and violence, where men in groups express misogyny by means of degrading and humiliating women, cat calling and giving women frightening attention. When communities collectively instil these kinds of teaching to children, it may contribute to safety of women.

In her book *Rape: A South African Nightmare*, Gqola asks that we stop ignoring the fact that the reason for gender-based violence in South Africa is the patriarchal society that we live in, one that promotes and celebrates violent masculinities (2015, 67). The fact that South African women do not feel safe in most places, including their own homes with their own relatives shows that there is a broader systemic factor (patriarchy) that sets the trend for what eventually lead to rape. Women safety ought to be prioritised by the whole society by denouncing violent masculinity in every form.

## 4.2 Separating violence from masculinity

In a patriarchal society, males are socialised to believe that violence is one of the features of masculinity (Digby 2014). Understanding that masculinity and violence are separable allows us to define masculinity without violence. Consequently, sexualised violence, gender-based violence, domestic violence, and all other forms of violent acts men commit to prove their masculinity may be alleviated.

Patriarchy understands that values and ideas children are conditioned to in their formative years help to direct their behaviour throughout their lives. The patriarchal ideas of violent masculinity instilled in boys from earliest childhood shapes their adult actions. In this way, even men who might not themselves be rapists, often still participate in or tacitly endorse misogynistic behaviour, where men humiliate, degrade, and disrespect women. This gains them respect from other men through demonstrating traits of violent masculinity.

It is easier to educate children out of patriarchy than to change the patriarchal ideas men have been conditioned to have. Boys ought to be taught from a tender age that they do not have to prove their masculinity. In a society where boys are taught to be in touch with their feelings, care about their own suffering and that of others, and express their emotions rather than suppressing them, society will not have the problem in future of men trying to prove their masculinity through extreme forms of violence such as rape.

Eliminating violence as a supposedly natural feature of masculinity when defining masculinity and in socialising boys may help in the alleviation of rape and gender-based violence. Patriarchy teaches men that violence is an inherent trait of masculinity so it can control men and perpetuate patriarchy through violence. It seems patriarchy is committed to naturalising things that are not natural and going against those that are natural, labelling them as unnatural. If being masculine means being able to suppress your suffering and not caring about the suffering of others – would it be necessary to teach and instil such traits in young boys? Should it not be something that comes naturally to them as these traits are inherent to men? Why go through so much to turn boys into something that they already are, something they will

eventually grow to be or trying to teach them traits that will show for themselves naturally, effortlessly as boys develop into being older men?

Men being taught violence and the need to prove masculinity through violence should be evidence that it is not an intrinsic trait. It seems traits men are conditioned and socialised to suppress are in fact the ones that are more natural.

Sexualised violence and other forms of violence may be alleviated through men being allowed to in touch with their emotions. If during the process of socialisation, boys are being taught the ability to suppress one's feelings and not care about the suffering of himself and others – then if men could be in touch with their emotions and they would not commit violence. They would feel the pain and suffering causes in society, and care enough about people's suffering to make it stop. Violent masculinity is not natural, otherwise it would not be shoved down boys' throats in attempt to make them men. If violent masculinity is taught to boys, it can be unlearned, and its teaching can stop.

Research shows that male teachers in Foundation Phase experience difficulties due to the stigma of male as 'sexual predator', and other people view them as 'feminine', 'gay', or 'not real men' because they are doing the work of 'nurturing' and teaching children which is considered feminine (Moosa and Bhana 2019). This study also highlights how there are not a lot of male teachers in the foundation phase, and this can be attributed to South African history of violence, division and inequalities brought by Apartheid and the nation's colonial past (Bhana and Moosa 2016).

A healthy Masculinity can be taught and displayed amongst young boys and girls through increasing the number of male teachers in the Foundation Phase (Bhana and Moosa 2016). This affords children an opportunity to experience the version of masculinity that is not violent, dominant, and not caring about other people's emotions. If children are exposed to the nurturing form of masculinity, they are most likely to grow and perpetuate the nurturing traits of masculinity.

#### 4.3 understanding consent

If at the heart of rape is consent, a lot of misconceptions and miscommunications, then it is important to look at practices such as *ukuthwala* in agreeing to what consent is. In this practice, it seems there is assumed consent from the bride, sometimes prior communication by both families and the communities in which this is practised. The abducted wife escaping from her husband's home where she is kept should be a sign of her disapproval, her no.

There is a link between the belief that it is something 'normal' for a woman to try and escape from her husband's home, but that does not mean she is against the marriage, with the rape culture that teaches men that when a woman says 'no' she does not really mean no, but yes. You just must keep going and disregard her no.

Doing away with rape and sexual violence also requires that society is educated on how consent works. Children ought to be educated from tender ages about consent. They ought to be taught that consent is communicated freely and clearly. If any form of coercion used to manipulate consent, that consent is not given freely therefore is not regarded as consent. One may change their mind anytime and withdraw consent anytime they feel uncomfortable. Withdrawal of consent can be communicated verbally or through physical clues. For instance, in a case where the kidnapped wife had privately, with her husband given consent, her escaping from her husband's home where she is kept communicates withdrawal of consent. It is not normal.

In the investigation of nations with high predominance of violence against women it was observed that nations that were colonized are 50 times more likely to have high prevalence of intimate-partner violence against women (Brown et al, 2022). When a patriarchal society is combined with history of colonialism, the risk of abusive behaviour at home increases. This is also why communication is important in romantic relationships, and misconceptions on sex be straightened out. Misconceptions such as women enjoy being strangled during sex (imagine you are having a sexual intercourse with your partner and suddenly he starts strangling you) – that comes across as physical violence to partner who has not consented to this act. It is important to communicate about boundaries and expectations with your partner before engaging in a sexual intercourse.

#### 4.4 Consensus on clothing

The South African community ought to do away with double standards with regards to culture of dress. At an event such as *uMkhosi womhlanga* and other traditional ceremonies, women wearing traditional minimal clothing are not considered ‘asking for rape’ or ‘provocative revealing dresses’ and are not cat called in the streets. However, the opposite happens and is said when a woman is dressed in minimal European fashion which is the contemporary dress culture in South Africa, how then does society describe provocative clothing?

Society must either accept both the Eurocentric and traditional African minimal clothing as appropriate or inappropriate. We cannot pick and choose when the minimal clothing is provocative and when it is not. The reason why clothing seems to be controversial in the issues of rape is because rape is not about clothing, however, rape culture which seeks to uphold patriarchy makes clothing relevant in rape to shift the blame from the rapist to the victim and her choice of dress.

Reaching consensus on what counts as appropriate dress does not mean women will have to conform to that standard of what clothing is appropriate or inappropriate. It is to shed off some light on the double standards of society when it comes to which clothing counts as provocative and asking for rape. To show how society inadvertently perpetuate rape culture. And to show that doing away with rape means doing away with cultures that seeks to keep it around. Society has no right to decide for women that their minimal clothing is inappropriate and provocative. Having women decided for which clothing to wear is taking away their freedom of dress. Who decides minimal clothing is inappropriate and provocative? And what affords them the right to decide on the clothing of women? Whom does it provoke? how and why is it provocative?

Accepting minimal/revealing clothing as provocative is going back to giving in to men’s belief of entitlement over women’s bodies. Accepting minimal clothing as provocative is accepting that women who get raped wearing minimal clothing were asking to be raped. This argument forms a post hoc ergo propter fallacy because the two events are not at all related. A woman leaving her home wearing minimal clothing and then later gets raped, does not mean minimal clothing caused rape. Minimal clothing does not cause rape, but the patriarchal need to subjugate women and express power and dominance over them through extreme violence causes rape. It is the mindset of the man viewing women wearing minimal clothes as provoking and asking for rape that ought to be cured. It is a mindset of entitlement over women’s bodies, power, violent masculinity, and dominance that motivates the man to commit rape. All these are attributes of patriarchy.

#### *Women on perpetuating patriarchy*

The curative rape case (5) of Simphiwe discussed in second chapter section 3.3.6 could be argued to show that to a certain degree, some South African women inadvertently contribute to upholding patriarchy through protecting the male perpetrators of rape and gender-based violence. It could be argued in response that this happens because both men and women were born within this system, it is shoved down their throats and compliance to it is what they have been mostly conditioned to. It is part of how a patriarchal system works. However, it could also be argued that if we are upholding the patriarchal values, we will never see the end to the ever-rising statistics of rape and gender-based violence in South Africa. Ergo, education on various ways patriarchy manifest is vital to avoid inadvertent perpetual of it.

There is a connection between different kinds of violence and different kinds of oppression. Many people could claim that they are against violence against women, rape, but not understanding that in some ways they are inadvertently perpetuating rape culture or just some form of violence. They may be opposed to rape but promote and support the idea that ‘real men pursue, and real women do not make themselves available immediately even when she wants to - she says no when she really means yes. Thus, when women say no, they do not really mean no, but yes and real men do not take no for an answer’.

The same could be contented in a case with some women, who may be said to oppose rape and support the campaign #NoMeansNo but holds a belief that a man must chase a woman, she does not have to make herself available immediately, and so she says no even when she does not mean it and thereafter expects a man to disregard her no and pursue her. In this way she is unknowingly supporting the motive that leads to rape, that when a woman says no to sexual intercourse, she means yes and that means a man must disregard her no and proceed to have a sexual intercourse with her. Paradoxically, the very same society that marches on the streets chanting ‘real men do not rape’ is the one that says, ‘real men do not take no for an answer’. These are practices which people engage in not knowing they are perpetuating rape and violence. In response, the argument may be, women in a patriarchal society are conditioned, taught and brought up to not be always available, not make the same move so men could take up space. These fallacious beliefs are the fruits of the teachings of a patriarchal society. It is evident, that these teachings seek to benefit men, while making women feel responsible for the violence they suffer on the hands of men.

#### 4.5 Men as victims

Society needs to make space for men to be victims too, of sexual violence from other men and of both gender based and domestic violence from women. It is true that there are less reported cases of male sexual violence – that may take away the focus from men as victims for it may to some people imply that less men are victims of sexual assaults as statistics show. Men ought to be seen as victims too not just perpetrators. The number of reported male rape cases between October and the end of December 2021 was revealed by the police minister Bheki Cele to be 42 (Shange 2022).

In a country that has a well-functioning legal system with laws that protect its citizens against rape, this is not a number to celebrate. This is an alarming figure, given that this number indicates only the number of those few male individuals who were brave enough to defy the patriarchal societal expectations of being a man and had enough faith in the legal system to report their rape experience. This number does not include the cases of rape out there that are left unreported for various reasons. SA Male Survivors of Sexual Abuse (Samsosa) executive director Rees Mann reported that men are less likely to report sexual violence against them (Tswanya 2022).

Amongst other reasons why men are not likely to report the crime of rape is because to show any signs of weakness, or to snitch on another male is out of alignment with the codes of masculinity. The stigma and shame that comes from being raped makes it hard and prevents men from reporting rape. Men who report sexual violence are laughed at by other men, made fun of when going to report rape at police stations (Tswanya 2022), and joked on about being gay now that they have been raped (it is considered their masculinity has been taken away) – or their statements are not taken. And another reason is that they are avoiding going through the secondary trauma of rape, the trauma of reporting rape for victims is worse than rape itself.

#### 4.6 Dismantlement of patriarchy as a collective responsibility

In her work entitled *Feminist theory: from margin to center*, hooks advise a new definition of feminism, one that does not merely fight for the equality of women and men but of a movement that fights to end sexist oppression and exploitation without neglecting other forms of oppression such as racism, classism, imperialism and others. Each of these forms of oppression are interrelated and inseparably connected to each other through interlocking webs of oppression (1984, cited in Biana 2020, 1).

It is not the will to change that prevents men from changing and letting go of domination, it is the fear of change, losing power (Hooks 2004) and ‘women will dominate’. Men fear losing their patriarchal place in society. Therefore, it ought to be clear that calling for dismantlement of patriarchy does not mean to advocate for matriarch, domination of women – but equality. Dismantlement of the system of patriarchy is not only men’s job, but that of the whole society. All things start with domination. If reverse domination is in the minds of many- we are far from doing away with sexual violence. Dominance of one group requires violence to express power to those it seeks to oppress.

In conclusion, this thesis has given a perspective of rape in South Africa. It argued in chapter one that that rape is not something that is contained in the rapist, that rape is not the work of a few individuals, “bad apples”, such that if we could rid society of these individual bad men, we would have solved the problem of rape. The project argued that rape is the product of a pervasive patriarchal culture.

In chapter two, the thesis answered the question if rape is so detrimental, then why does it survive? And argued that rape is detrimental but survives to keep patriarchy in place. Thesis has sought to show rape is bad by providing the negative impacts of it in the psychology of the victim, and the economic costs of rape in the state of South Africa. It also sought to show that as bad as rape is, it is normal – rape culture normalises rape. Normalising rape helps keep it around. Thesis provided how rape and fear of it is a tool used by patriarchy to enforce dominance on women and men.

In chapter three the thesis argued that patriarchy, slavery, colonialism, and racism are all different social systems of oppression, but they are all connected in nature. Thesis explored the metaphysics of colonialism, provided a sketch of how through colonialism, dress culture of indigenous people was stripped away, and a new dress imposed upon them. Argued that this was a way to express dominance and power over indigenous people, and how the coloniser’s distorted views on the dress culture of indigenous people influenced rape culture. Further, the thesis argued that minimal clothing culture of indigenous people is a normal and an appropriate way of dress the same way a tie is appropriate in a certain culture. The paper explored the social system of slavery and argued that rape is an inevitable part of slavery and how the stereotype of black people as hypersexual was used to legitimise slave rape. In the last section, the paper discussed race as a social structure that seeks to explain the unequal distribution of power over

the races. The paper argued that all these social structures seek to assert power and constantly show the subordinates that they are in a powerless situation through rape.

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