

## **Notes on rape, women's citizenship and the university as masculine space<sup>1</sup>**

*Karin van Marle*

*Head, Department of Jurisprudence, University of Pretoria*

### *The normalisation of rape within a context of patriarchy and domination*

My starting point is that 'normalisation' of rape, in the sense of being seen as an everyday 'fact of life' for women, is a problem: in a context of patriarchy and male domination, the frequent occurrence of rape is not 'exceptional'. Rape is normalised because the dominant systems of patriarchy, sexual oppression and subjugation of women are normalised. In a context where male dominance is seen as normal, rape and sexual violence against women will be seen as normal. So it becomes important to unearth those indirect but continuous and pervasive attitudes, behaviours and actions that underlie rape and the subjection of women.

### *Women's exclusion from full citizenship*

I want us to look at the connection made by South African feminist philosopher Louise du Toit between rape and how women have continued to be excluded from enjoying full citizenship. Du Toit (2005: 253) has illustrated the link between the continuation of sexual violence and women's incomplete citizenship. In a monograph focused on a philosophical investigation of rape, Du Toit (2009: 1) argues for a philosophical investigation of the 'meaning of rape'. She explains that the reason for focussing on the meaning of rape is to insist on the humanity of the rapist in order to resist the idea that rape is an exception to 'normal' humanity. Significant about du Toit's approach is that she is concerned about the 'event' of rape itself and not only the statistics or numbers (although she concedes that the statistics could help in revealing the systemic nature of the occurrence of rape).

Du Toit (2009:3) places rape within 'the patriarchal symbolic order of western understanding.' She draws a direct relation between rape and an unequal monosexual symbolic order – an order in which women are not only unequal and excluded but also unseen and unheard. Her argument is that rape takes place in a context in which women's selfhood and subjectivity goes unrecognised. 'The rape of

---

<sup>1</sup> These notes were the basis for an input to a panel discussion hosted by the Gender Research Group at the University of Pretoria (GR@UP) on 11 August 2016

women is so devastatingly effective, because it reminds women of something they have always known, namely the sex-specific fragility of their selfhood' (Du Toit 2009: 5).

Addressing the South African Truth and Reconciliation Commission, Du Toit argues that, because of its failure to substantively hear the submissions of women, especially around the use of rape as a political tool, it failed to provide a new starting point in which women could be present as embodied beings, political subjects and citizens,. Her argument is important for a reflection on the equality of women and their substantive citizenship 20 years after the adoption of the new Constitution. We should remember that the TRC had its origin in the epilogue to the 1994 Constitution and therefore embodies the spirit of the negotiated order that came to life by way of constitutionalism and human rights.

However, I am of the view that, just as the TRC failed to construct the foundation of and possibilities for something radically new, the new Constitutional order also failed to do so – and this, despite the Equality Clause's inclusion of gender and sexuality as grounds for non-discrimination. For Du Toit (2009: 12, see also Du Toit 2007: 185) 'the TRC [and, I add, the order of constitutionalism and human rights] set the tone for a "new" South Africa in which sexual difference could not be acknowledged, nor be allowed to make a difference. In other words, it entrenched a single-sex [male-focused] model of politics, that is, one in which masculine agency and victimhood, as well as masculine-biased concerns and vocabularies still pose as the universal.'

The effect of this single-sex model of politics is that women's being and becoming are absent from the shared socio-symbolic order. In the chapter in which she contemplates the possibilities of rape, Du Toit offers a feminist response to address the flaws of the present symbolic order. By way of a phenomenological reading, she identifies six elements of damage or loss in the stories told by rape victims: 1) spirit injury; 2) victim complicity; 3) loss of voice (or silencing); 4) loss of moral rage; 5) homelessness (dereliction) or displacement and 6) alienation.

Without reducing the specificity of Du Toit's investigation I want to pose these examples of loss also as possible ways in which women experience the negation of full and substantive citizenship. Below I highlight a few thoughts on the failure of the TRC to include women, the continuance of a single-sex model of politics and the university as masculine space.

#### *The continued exclusion of women by the new order*

- The exclusion of women from the TRC (largely except when speaking in relation to the loss of their family members, rather than for themselves) was not innocent, not a simple oversight but reflective and constitutive of the continuance of patriarchy on all levels.

- By excluding women from the TRC the TRC set the tone for a new or transformed SA in which sexual difference could not and cannot be acknowledged. (Du Toit 2007:187)
- Antjie Krog (1996), in her work on the TRC notes how militant women were raped and tortured; they were not regarded as militants but as whores as result of a view that real women should be outside of politics (Du Toit 2007:194), at home, looking after families: “a responsible woman does not have an independent, mature or autonomous political identity, but only a private, sexual and supportive one.’ (Du Toit 2007:194)
- Rape was used in the past and is used in the present as a way to exclude women from politics (Du Toit 2007:192)
- The inability of the TRC to view rape as a political act of women’s subjugation relates to the extent to which the TRC failed to encourage women’s voices to develop within and in response to the national and political processes of reconciliation (Du Toit 2007:193)
- Women lack a philosophical and political home. Ironically women as ‘home-makers’ because they are required to provide a home for men, end up ‘home-les’, without a symbolic and a physical space in which they feel at home.

*Women’s sense of self, single-sex model of politics and much needed disruption*

- The problem of rape is intimately tied up with women’s sense of self in a new SA ( Du Toit 2007:186)
- The new order since the mid-nineties entrenched a single-sex model of politics, masculine agency, victimhood, masculine concerns and language seen as universal, a model in which there is no space for women’s specificity, women’s being and becoming. (Du Toit 2007:187)
- In SA, as in other liberal democracies, there is no space for truly sexually differentiated politics and symbolic order. (Du Toit 2007: 187)
- The liberal order by merely including women can never do justice to women. Women cannot be simply included — what is needed is a thorough disruption of the very structure of the political, its borders (feminine) and its centre (masculine). This must be part of what is meant with the call for a decolonisation of the curriculum and the university.

*The university as masculine space*

- The university as masculine space is a space that not only allows but supports patriarchy — it is in fact a space where patriarchy, male hegemony and misogyny can flourish.
- The pervasiveness and dominance of masculine values, voices and ways of doing and the marginalisation of feminine values, voices and ways of doing have become stronger with the growth of neoliberal knowledge in the neoliberal university.(See for example Brown 2011)

- Academia is underpinned by the archaism of male domination, an entrenched patriarchal power nexus at universities and a cultural climate that favours men, and the masculine.
- Women do not merely tell stories of individual experience of discrimination but insist on the presence of subtle institutional or cultural forms of discrimination; it is important that women see these experiences as political and not personal ones for which they bear responsibility. (Monroe et al 2008: 218)
- It is interesting to note how often a position is minimized/ devalued when held by a woman, for example a position of Research co-ordinator or Head of Department is often cast in the 'service mode' and not the 'power mode' when held by a woman. (See Monroe et al 2008:216)
- We should note the extent to which traditional European/ Western distinctions between mind/ body together with other stereotypes have been carried to African universities. (Barnes 2007)
- Linked with the idea that learning is a combative and aggressive process, the experience of intellectual combat is intrinsic to intellectual life and production and the worthy candidate is one who survives attackers,. (Barnes 2007)
- Universities in SA are masculine spaces where confrontation and the strong are hailed, the weak pushed out; knowledge production privileges a certain kind of maleness: the prevailing old boys culture; ever-present possibility of institutional leadership (university management) forming an alliance with the state to discipline unruly women staff and students at the university over issues which seemingly threaten patriarchal control or symbols of patriarchal control. (Barnes 2007)
- Women are quite often expected to take responsibility for family care, a fact that goes unrecognised.
- Also as far as the production of knowledge is concerned South African universities privilege a certain kind of masculinist power over other forms of knowledge.

### *To conclude*

Rape as a phenomenon in society, and rape culture on campus, are serious and complex problems that should be addressed and reflected on and protested against. My aim here is to underscore the idea that the phenomena of rape and rape culture are part of a culture of patriarchy and women's subordination. This is true also for university culture. In SA since the institutional shift to democracy and the adoption of constitutionalism and human rights, and despite the adoption of policies protecting women and women being included in structures, patriarchal domination continue. As noted this is as true on university campuses as in other spaces.

As a feminist, I would like to highlight the notion that our task is not to stabilize but to destabilize (Hassim 2015). As university staff and students we should actively challenge and deconstruct masculinity on all levels, but also actively construct

spaces and knowledge that could counter the masculine and could serve as a 'home' for women/the feminine. This should include also men who are excluded by dominant male structures and knowledge.

## **Sources**

Barnes, T 2007 'Politics of the mind and body: gender and institutional culture in African Universities' *Feminist Africa* 8-25

Brown, W 2011 'Neoliberalized knowledge' *History of the present: A Journal of Critical History* Vol 1 no 1 113-129

Du Toit, L 2005 'A phenomenology of rape: Forging a new vocabulary for action' in Gouws A (ed) *(Un)thinking citizenship. Feminist debates in contemporary South Africa* Cape Town: UCT Press

Du Toit, L 2007 'Feminism and the ethics of reconciliation' in Veitch S (ed) *Law and the politics of reconciliation* Aldershot: Ashgate

Du Toit, L 2009 *A philosophical investigation of rape. The making and unmaking of the feminine self* New York: Routledge

Krog, A 2006 *Country of my skull* Johannesburg: Random House

Monroe et al 2008 'Gender equality in academia: Bad news from the trenches, and some possible solutions' *Perspectives on Politics* Vol 6 215-233