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Miniskirts and Kangas: the Use of Culture in Constituting Postcolonial Sexuality

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On the 6th March 2006, South African Deputy President, Jacob Zuma pleaded not guilty to raping a 31 year old family friend, Khwezi, at his home on the 2nd of November 2005. During the highly publicised trial that followed, Zuma claimed that he and the complainant had consensual sex. Zuma told the court that in adhering to Zulu cultural norms, he had been obliged to have sexual intercourse with the complainant because she was sexually aroused. Had he walked away from the complainant when she was in this state, Zuma said, in Zulu culture his actions would have been tantamount to rape. As the trial progressed, Zuma's supporters, male and female, grew in numbers. When the verdict was delivered - that the state had not proven beyond a reasonable doubt that Zuma raped Khwezi - Zuma's supporters, who had gathered in their thousands, cheered and sang 'Awuleth umshini wami' (bring me my machine gun).

In South Africa the Zuma rape trial sparked a public debate about the notion of culture and constitutional rights - such as women's rights and rights on the basis of sexual orientation - of citizens in post-apartheid South Africa. Men and women equally supported Zuma's return to 'traditional' values that contradict the government's investment in women's rights and the legislative commitment on gender transformation as embodied in the post-apartheid constitution. The media simplistically portrayed this discussion as being about tradition versus modernity. Those who appealed to culture were portrayed as 'traditionalists' and those who appealed to constitutional rights as 'modern'. The Zuma rape trial presents a unique vantage point to examine the ways in which the notion of culture is invoked to lend authority to a particular definition of gender and sexuality in post-apartheid South Africa.

Let me begin by saying that the trial was not about whether Zuma and Khwezi had sexual intercourse, that was a given. What was at stake was whether Zuma had raped Khwezi. In his defence, Zuma strove to make the case that he and Khwezi had consensual sexual intercourse. He did this by invoking the notion of culture. As Steven Robins speculates: 'Zuma's lawyer, Kemp J. Kemp, no doubt advised him that this approach [the appeal to culture] was strategic and effective in making the case that sex had indeed been consensual'.¹ Moreover, this strategy allowed Zuma not only to make the case about consensual sex, but it also allowed him to garner support for himself by exploiting the tensions between amaZulu and amaXhosa regarding the next ANC presidency. More significantly, this strategy enabled Zuma to make particular statements about Zulu culture and consequently, about Zulu sexuality.

During the trial Zuma performed 'Zuluness'. He spoke only in isiZulu using Zulu idioms. For example, he referred to his accuser's private parts as *isibhaya sika bab'wakhe* - her father's *kraal* - and referred to a condom as *ijazi ka mkhwenyana* - the groom/husband's coat. The use of these idioms marked him as a 'real' Zulu man, or a '100% Zulu boy'.² According to Robins, Zuma's situated performance of Zuluness was effective because in South Africa 'reified conceptions of African culture carry considerable clout in the court and on the streets'.³ The performance of Zuluness enabled Zuma to effectively make the case that his everyday actions were influenced by his Zuluness. Zuma presented himself as a cultural automaton - following the rules of his cultural heritage.

In claiming that by having sexual intercourse with Khwezi, he acted in accordance with Zulu cultural norms, Zuma insinuated that the charge of rape was a result of miscommunication or a misunderstanding between himself and Khwezi. During the trial, Zuma testified that on 2 November 2005 after he had given Khwezi a massage they had sexual intercourse. Zuma claimed that Khwezi had given him sexual signals which included wearing a knee length skirt and wearing no underwear under her *kanga* (wrap). Zuma's justification for having sex with Khwezi was that he could not walk away from a sexually aroused woman, because in Zulu culture leaving a woman in a state of arousal is tantamount to rape. If Zuma the 100% Zulu boy acted in accordance with cultural norms, then by accusing him of rape, Khwezi was then not a 'real' Zulu woman. If Khwezi had been a 'real' Zulu woman, it is implied in Zuma's statements, she would not have accused him of rape and furthermore, she would have remained silent and submitted to his advances.

Zuma's statements during the trial are based on a particular understanding of sexuality which Zuma through his performance of situated ethnicity puts forward as Zulu norms. His strategy of redefining rape - as what a man does not do to a sexually aroused woman - reinforced an idea of manhood as being about sexual prowess and being in control of one's own sexuality. Womanhood, it was implied, is to submit to the male's advances and to remain silent. Zuma testified that when he asked if he could ejaculate inside the complainant, the complainant did not respond and so he did so. Having admitted during the trial that he had not used a condom, even though he knew Khwezi was HIV positive, Zuma (the then-president of the South African National AIDS Commission) argued that he took a shower immediately afterwards to minimize his chances of becoming infected.⁴

Throughout the trial Zuma's wives remained glaringly silent. Laura Miti, an independent columnist, draws attention to this: '[w]hat do they have to say about a husband who confesses to having unprotected sex with an HIV positive woman outside of his polygamous marriage and who testifies that he will not leave a sexually aroused woman wanting?' she asks.⁵ Zuma's wives' silence spoke volumes. Indeed, the complainant's mistake, which earned her the wrath of Zuma's followers, was that she did not remain silent. Before either the accused or the complainant's testimony was considered, it became clear that Khwezi had broken a norm. She had accused a Zulu man of rape. Indeed, from the first day of the trial Zuma's supporters hailed abuse at Khwezi carrying posters with the words: 'How much did they pay you, *nondindwa* (bitch)?' and set alight to pictures of her whilst chanting 'burn the bitch'. As the trial progressed the defence mounted a campaign of discrediting the complainant's credibility. They painted her as emotionally and psychologically unstable and presented Zuma as a model Zulu, a shining example of a man who is in touch with and supported by the masses.

Zuma's defence of culture and use of tradition as a resource played into a political battle within the African National Congress (ANC) concerning the next ANC president. Pro-Zuma supporters viewed the trial as an orchestrated conspiracy to discredit Zuma and thus jeopardize his chances of becoming the next ANC President. The lines were drawn in terms of ethnicity - Zuma representing Zulus and the anti-Zuma camp supporting Xhosa leadership as so far represented by Nelson Mandela and Thabo Mbeki. In such circumstances Zuma's tactic in strongly aligning himself with culture was a productive political strategy. At every level, those who supported Zuma during the trial, including those who believed his pronouncements about Zulu culture, did so out of political allegiance. The direct link between the rape trial and the ANC leadership battle was made at the ANC conference in Polokwane in December 2007 where both Zuma and Mbeki were nominated for the position of President. As an immediate reaction to Zuma's victory, high profile ANC members sang 'Awuleth umshini wami'. The connotation of the machine gun and the penis has been pointed out by a number of scholars.⁶ As the new ANC President, Zuma is now in the best position to become the third President of post-apartheid South Africa in 2009.

Zuma's statements during the trial, however, did not go entirely uncontested. They outraged many South African citizens, especially feminist activists, gay and lesbian activists, and AIDS activists. Zuma's statements made mockery not only of the bodies that he headed but also of the gender and sexual rights enshrined in the South African constitution.⁷ Many people, some of whom identified themselves as Zulu, challenged the idea that Zulu culture dictates that an aroused woman needs to be sexually satisfied. They drew attention to the idea that culture is not static nor is it homogenous. In other words, that what is defined as Zulu culture constantly changes and that there are multiple understandings of what constitutes Zulu culture which are themselves contested.

So although post-apartheid South Africa silenced the discourses of tradition and culture, to a large extent the legal rape case against Zuma highlighted that there is still a great tendency to return to so-called traditional and cultural values in order to restore a particular gender regime. This gender regime constructs men as being in the dominant and public position within society; it continually allows violence against women and imposes 'traditional' systems of controlling women in the post-colonial nation-state. In fact, it seems as if women's rights as inscribed into the constitution are now associated with Mandela's and Mbeki's presidency while Zuma is linked to the discourse of culture and tradition in relation to the question of what women wear.

The issue of women's clothing has also arisen in two other incidents subsequent to the Zuma trial, where men have again violated women's bodies. In July 2007 25 year old Zandile Mpanza was attacked by four men in Durban as a result of her non-compliance with a ban which stipulates that women are not allowed to wear trousers in Umlazi's T-section. She was stripped naked and forced to walk through the streets. Her assailants destroyed her home and belongings and she was forced to move out of the

township.

In February 2008, 25 year old Nwabisa Ngcukana was sexually assaulted by taxi drivers at the Noord Street taxi rank in the Johannesburg Central Business District (CBD) for wearing a miniskirt. In this incident which occurred on the 17th of February 2008, some taxi drivers poured alcohol over Nwabisa's face and yelled obscenities at her, while others inserted their fingers into her vagina. The taxi drivers said that they were teaching her a lesson. A crowd gathered and cheered. A few days after the incident 600 commuters marched to the Johannesburg CBD in protest. The protesters were met by a group of taxi drivers who screamed at them that women who wear miniskirts need to be taught a lesson. Confronted by protesters dressed in miniskirts, the taxi drivers 'striped naked in retaliation' and sang the song made famous by Zuma supporters, 'Awuleth umshini wami' This reference to the rape trial not only demonstrates a widespread belief in men's entitlement to women's bodies, but also a sense of their impunity.

Interestingly, in the Noord street incident, women again played a crucial role in justifying the behaviour of the male perpetrators. In this case older women hawkers were the ones who invoked culture as a justification of the actions of the taxi drivers, stating that miniskirts are against culture. The arguments were that young women need to be taught a lesson about how to conduct themselves in a sexually and morally acceptable way. This argument draws attention to intergenerational and socio-economic antagonisms. By defending the very public assault of young women like Nwabisa, women hawkers are attempting to assert their power to define appropriate ideas of womanhood in post-apartheid South Africa where their roles as mothers, elders and moral educators are increasingly being threatened.

In this instance, however, the use of culture as a defence did not hold up. This may have to do with the fact that it was not made clear which 'culture' was being referred to. Furthermore, the National House of Traditional Leaders openly condemned the actions of the taxi drivers stating that the incident has nothing to do with culture since short skirts were often worn in traditional ceremonies. Referring back to Robins' statement about the power that reified concepts of culture carry on the street and courts in South Africa, this particular incident signals a shift away from culture being an acceptable justification for behaviour that violates an individual's constitutional rights. While it remains distressing to see that there are continued efforts to define heterosexual masculinity in relation to the sexual violation of women's bodies, the outright rejection of culture as a defence in the Noord street incident points to a changing attitude to the antagonistic pull between defending women's rights and cultural rights. The actions of the protesters visibly drew attention to how women feel about the conditions under which they are expected to live.

Notes

1. Robins, S. 2006. Sexual rights and sexual cultures: reflections on the 'Zuma Affair' and 'new masculinities' in South Africa. *Horizontes Antropológicos* 12 (26):164. [□]
2. During the trial his supporters wore t-shirts emblazoned with the slogan 100% Zulu boy to show their support for Zuma and to endorse his self-representation as a 'real' Zulu. [□]
3. Robins, S. 2006. Sexual rights and sexual cultures: reflections on the 'Zuma Affair' and 'new masculinities' in South Africa. *Horizontes Antropológicos* 12 (26):165. [□]
4. This statement obviously was a serious setback to the work of AIDS activists throughout the country. However, it also gave material for a range of satire – Zapiro, the cartoonist for the weekly *Mail&Guardian*, for example, draws Zuma with a shower sprinkler attached to his head ever since. Needless to say that Zuma filed a lawsuit against him. [□]
5. *Daily Dispatch* 13.05.2006 [□]
6. See, for example, the work of Klaus Theweleit 1987. *Male fantasies*. Cambridge : Polity. [□]
7. At the time of the trial, Zuma was president of the Moral Regeneration Campaign and of the South African National AIDS Commission. [□]

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