

Fort Hare Papers
Volume 16, 2010

Fort Hare Papers, Volume 16

ISSN no 0015-8054

First published in 1945

This volume published in September 2010

Publisher

Govan Mbeki Research and Development Centre

University of Fort Hare

Private Bag X1314

Alice 5700.

Subscriptions

Subscriptions, orders and enquiries should be sent to:

The Editor: Fort Hare Papers

c/o Govan Mbeki Research and Development Centre

University of Fort Hare

Private Bag X1314

Alice 5700.

Phone & Fax: 040 602 2319

E-mail: rflanegan@ufh.ac.za

CONTENTS

Editorial Committee.....	4.
Prolegomena.....	5.
Being human: Perspectives of a Christian humanist.....	7.
<i>John W. de Gruchy</i>	
The new Green Revolution for Sub-Saharan Africa: Can it alleviate Sub-Saharan Africa's food insecurity?.....	17.
<i>Remigios V. Mangizvo and Steven Jerie</i>	
Reproductive right or reproductive fallacy? The extreme provisions of the Choice of Termination of Pregnancy (CTOP) Act 1996 in South Africa.....	28
<i>F.A.R. Adeleke Esq</i>	
'Dying in silence': Date rape and masculinities in Sub-Saharan Africa.....	44.
<i>Fainos Mangena</i>	
The resilience of academics at Fort Hare amid rapid transformation.....	56.
<i>Abie Sumbulu</i>	
Book review	70
Zimbabwe's development experiences since 1980: Challenges and prospects for the future <i>J. Matunhu</i>	

Editorial Committee

Professor Gideon de Wet - *Chairman*

Professor David Williams

Professor Nasila S. Rembe

Professor Sylvanus Ikhide

Dr. Xolisa Mtose

Dr. Abbyssinia Mushunje

Professor Abiodun Salawu - *Editor*

PROLEGOMENA

Fort Hare Papers: Fulfilling its mandate

Fort Hare Papers is back again. In the face of all challenges, the 65-year old multidisciplinary journal remains resilient and continues to serve as an enduring platform for the dissemination of knowledge. Really, it has not been easy for the journal to remain alive. This is evident by the fact that the current issue is the 16th volume for a journal that was first published in 1945.

There is now a renewed resolve to make this journal vibrant and let it continue to serve the purpose of ‘disclosing knowledge’ both within and outside South Africa. Disseminating research results has been a passion for scholars since the ancient times. This matter has been crucial to scholarship down the ages. Thus, scholars always seek for avenues to share their ideas and know about peers’ research efforts. In the olden days, such platforms included correspondence which was usually read out during meetings of scholars (such as in Royal Society) and further transmitted by word of mouth. Others were almanacs and calendars of the period. In those days, scholars in Europe also used to traverse some distance to consult a society’s library where they could have access to journals (Meadows, 1974). Copies available were not many.

However, the advent of printing technology, and much later the Internet, changed the face of all this. Now, it is much easier to have scientific knowledge disseminated. However, granted that these technologies are available now, without specific platforms to serve as vehicles for knowledge dissemination, communicating research results will still be a daunting task. This must be what led the founding fathers (and mothers) of *Fort Hare Papers* to think of establishing a journal that would help researchers, particularly the upcoming ones to get their research results published.

The cliché of *publish or perish* within the academic circles always prompts academics to undertake research, write out their research reports and get them published. So, academics – both established and upcoming – always look for platforms for the dissemination of their research. The upcoming particularly need to do this to move up the ladder of their profession.

The multidisciplinary nature of *FHP* makes it possible for it to accept articles from all fields of learning, without tampering with the orientation and paradigmatic concerns of each discipline. The approach is “a non-integrative mixture of disciplines in that each discipline retains its methodologies and assumptions” (<http://en.wikipedia.org/wiki/Multidisciplinarity>). This is what gives the journal its integrity. The fact of its multidisciplinary does not mean mediocrity for various disciplines. Experts in disciplines concerned assess each paper for their publishability through a process of blind refereeing. For this issue, papers have come from Philosophy, Social Work, Law, Theology and Sociology. This attests to the eclectic nature of the journal.

While the journal maintains its multidisciplinary nature, it also seeks for more interactive cooperation among disciplines (Augsburg, 2006). In other words, the journal equally

appreciates interdisciplinarity and transdisciplinarity i.e. the crossing of disciplinary boundaries and sharing of concepts and methods among disciplines in order to create a holistic approach for the purpose of solving problems (Mittelstrass, 2003).

In furtherance of its avowed mandate to serve as a platform for knowledge dissemination, *Fort Hare Papers* hopes to be appearing twice a year. Besides, the frontiers of the dissemination apparatus will also be extended as the contents of the journal begin to appear online.

We want to appreciate the contributors and reviewers of papers for this issue. To the contributors, thank you for finding *FHP* good enough to be a platform for the dissemination of your research. To the reviewers, thank you for your time and your scholarly inputs. The Editorial Committee of the journal is also appreciated for their support and candid advice. We are also grateful to the Executive Dean of Research, Professor Gideon de Wet and the staff of Govan Mbeki Research and Development Centre for crucial assistance rendered to ensure the success of this effort. We also need to express gratitude to everyone who has helped in the technical production of this issue: Mitchell Kavhai, Arthur Sitebe and Richard Scott. Thank you all.

References

- Augsburg, T. 2006. *Becoming Interdisciplinary: An Introduction to Interdisciplinary Studies*. New York: Kendall/Hunt Co.
- Meadows, A. J. 1974. *Communication in Science*. England: Butterworth Group.
- Mittelstrass, J. 2000. Transdisciplinarity – New Structures in Science. Paper presented at the Conference Innovative Structures in Basic Research. Schloss Ringberg. 4 October.
- Wikipedia. Multidisciplinarity. <http://en.wikipedia.org/wiki/Multidisciplinarity> (Retrieved September 13, 2010).

Professor Abiodun Salawu (Editor)

Being human: Perspectives of a Christian humanistⁱ

John W. de Gruchy*

Abstract: This essay provides an overview of the argument which is developed in my book Being human: Confessions of a Christian humanist but focuses more specifically on the challenge of leadership ethics in South Africa. In the first part I provide reasons why it is important for us today to critically retrieve the historical legacy of Christian humanism in a way that reflects historical experience. I explore what this might mean by emphasizing our common humanity as that which binds humankind together without denying difference. Becoming more truly human, which for me is what being a Christian is about, is a work in progress in which we become ethically responsible. As a guide to this process I briefly develop four themes which derive from the Christian humanist legacy: a desire for practical wisdom; a commitment to truth; a critical patriotism; and a creative spirit.

Keywords:

Christian humanism, Common humanity, Ethical responsibility, Practical wisdom, Commitment to truth, Critical patriotism, Creative spirit

My book *Being human: Confessions of a Christian humanist*ⁱⁱ has had a remarkably good reception, particularly in South Africa and the United States. In fact, I have been amazed and deeply gratified by the responses. For that reason I am offering this brief account of some of the main themes that I deal with in order to generate further and wider discussion on the theme of 'being human.' It is a theme that is fundamental to the struggles we face in South Africa around the issues of racism, justice and reconciliation. But before I get into the substance of that theme, allow me to comment on the subtitle of my essay: 'Perspectives of a Christian humanist.'

Christian humanism: retrieving a legacy

When I started working on *Being human* and endeavoured to explain what I was doing to interested friends, both Christian and secular, many of them expressed puzzlement and surprise. Could one be both a Christian and a humanist, they would ask? Can the term Christian humanist be meaningfully retrieved today, whether within our global or any particular local context? Is there any reason for attempting this? Given the history of humanism in general is it not too confusing, misleading, and generally unhelpful, especially with a Christian prefix? Has not the church been more against than supportive of humanist values? In short, for secularists, the term 'Christian humanist' is an oxymoron; for religious fundamentalists it is a betrayal of the gospel; and for many of us, 'isms' hold little attraction.

Although what we call Christian humanism existed long before the European Renaissance, the term is historically identified with a loosely knit group of Renaissance scholars. A common denominator amongst them was the revival of learning through the study of the Bible, the church fathers, and classical texts in their original languages. In this way Christian humanists sought the transformation of a moribund medieval scholastic culture and the

*Adjunct Professor, Centre for Leadership Ethics in Africa, University of Fort Hareⁱⁱⁱ

renewal of the church. This, in turn, prepared the ground for the Protestant Reformation. Christian humanists were not only scholars and church reformers, but were also deeply involved in public life, working, as we would now put it, for justice and peace in society.

Following the Reformation, not much was heard about Christian humanism by that name, but the phrase resurfaced in the twentieth century, notably in the writings of the French Catholic philosopher, Jacques Maritain, for whom it provided an alternative to the dehumanising totalitarian ideologies of his day.^{iv} And after the Second World War, as nations were seeking to find a way towards democratic reconstruction as we are now in this post-apartheid era, the topic of humanism was widely discussed, and there was as much disagreement as there was agreement about its meaning.

The demise of apartheid, hailed by some as a victory for humanism, has led to much discussion about the need for a continent wide African Renaissance. Within South Africa itself there are voices advocating a critical humanism that builds on a 'politics of hope' able to face the challenges ahead. Such a humanism, it is argued, must affirm both human dignity and obligation, seek to overcome past hatreds as well as present challenges that threaten human existence, accept others beyond national borders, be committed to the reconciliation of sameness and difference in the realm of law, and recognise both the risks and opportunities of the new global connectedness that we presently experience.^v Whether such a critical humanism has, in the long term, the capacity to achieve its goals, it signals a recognition that the future depends on the recovery and affirmation of values and concerns that are humanist in character and quality.

But what about 'Christian humanism' in Africa and South Africa? It is interesting to note that Kenneth Kaunda, former President of Zambia, described himself as a Christian humanist in a book published in 1966 entitled *A humanist in Africa*. He spoke of a humanist revolution spreading across Africa which aimed at restoring the dignity and national pride of the peoples of the continent who, for so long, had been dehumanized by the forces of slavery and colonialism.^{vi} He wrote as an African, deeply rooted in its culture and tradition; he also wrote as a Christian, the product of a missionary education. The humanism of which he spoke was not the secular humanism of the West; it was Christian, not one based on a Christianity that contributed to the misery and enslavement of African people but to the renewal of the continent. But perhaps no one has encapsulated the term more, both in terms of his theology and his life, than Desmond Tutu. His theology of *Ubuntu* is precisely what a genuine Christian humanism is about, and his life of courageous struggle on behalf of human dignity and rights, irrespective of ethnicity, religion or gender, has been a beacon of compassion and sanity.^{vii} Such humanism, I suggest, is an antidote to the religious fundamentalism that plagues our contemporary world, and it is also an antidote to the rampant secularism that has lost connection with moral values.

At a time when many secular people are aware of the pitfalls of modernity and are turning elsewhere for meaning and hope, it may well be that the insights of a critically reworked Christian humanism provide both the language and the perspective for which they are searching: a humanism that affirms genuine human well-being rather than one that promotes religiosity or fundamentalist ideas and values; a humanism that affirms what is true, good, beautiful and human, and seeks the transformation of all that is false, bad, ugly and

inhuman.^{viii} This is not a humanism that disregards people of other faiths and traditions. Indeed, if I were to draft a preliminary manifesto of such a Christian humanism, the very first affirmation I would make is that we are human beings first, in common with all others, and only Christian, Muslim, Hindu or African, European or Asian or whatever, by choice. The biggest threat to the world derives from a refusal by so many, to honour this common humanity and therefore to respect difference. This is demonstrated in every sphere of life from global economic and environmental policies to gender relationships, from international affairs to the way we relate to the disabled. So let me share some thoughts on what I mean by our common humanity, and how this relates to questions of identity and difference.

A common humanity

Experiences of common humanity have occurred in many times of crisis and struggle, especially when facing natural disasters such as the Asian Tsunami that occurred on Sunday 26 December 2004, killing hundreds of thousands, displacing millions, and creating massive devastation. The terrifying power and fury of a surging ocean unleashed on those Indian Ocean coastlines, the scale of the disaster and extent of the destruction, were almost beyond comprehension. But it was the immensity of the suffering, anguish, and pain of injury and death, and the loss of loved ones, livelihood and future that was overwhelming and called forth unprecedented humanitarian aid motivated by a profound sense of human solidarity and compassion. Did it really matter that some were Hindu, others Buddhist or Christian, and yet others secular Westerners on holiday?

Like the Lisbon earthquake of 1755 that resulted in a huge death toll, sending shock waves through European society and shattering the optimism of Enlightenment elites, the Asian Tsunami revealed much about our common human nature, not least its frailty within a cosmic and natural order that both sustains and destroys life. We were also reminded that such disasters bring out the best in people. The Tsunami demonstrated the human capacity for courage and heroism, for survival and, against enormous odds, the determination to rebuild shattered lives and communities. Within a week of the disaster babies were born into a new year, one of them named Tsunami, a sign that even that dreaded name could become a symbol of new life and new hopes. It therefore seems churlish to note, though we must, that amidst this abundance of human good, was evidence of twisted minds, trafficking in children, corruption, and profiteering from the plight of others. This is part of the mystery of being human: the heights to which we can reach, and the depths to which we can sink. As we pondered the Tsunami many of us thought, by way of contrast, of those regions and countries engulfed in violent struggles, and especially of the war in Iraq. If only the billions of dollars that were being poured into weapons and acts of human destruction could be channeled into instruments of human well-being, not just in times of disaster but as a matter of daily policy, the world would be transformed. But this requires a vision of being human that is sadly lacking in many centers of power and terror. It demands a 'will to serve the common good' rather than the 'will to power'.

It is tragic that some people lose the ability to recognize others as human, or human life as sacred. One of the most telling moments in the hearings of the Truth and Reconciliation Commission (TRC) in South Africa came when the lawyer for the family of one of the victims of torture asked the defendant: 'Did you not think that what you were doing was inhuman?' The security policeman's reply said it all: 'I do now!' Black people, so apartheid ideologists propounded, did not have the same needs, feelings and aspirations as Europeans,

so they could be paid less, endure more pain, and be educated in an inferior way. There was little acknowledgement that sharing a common humanity bound people together rather than separated them by race and religion, that denying the humanity of others inevitably leads to a denying of one's own humanity, or that dehumanising others dehumanises oneself. We learnt this in the struggle against apartheid. As long as some people are not free, all are in bondage. Thus it was that the liberation of black people from oppression paved the way for the liberation of white people from being oppressors. Not all white people grasped this opportunity of grace and freedom, which is one reason why racism persists in our society as recent events at the University of the Free State have shamefully demonstrated.

The stories told to the TRC remind us that crimes against humanity, in this age of human rights, are by no means something of a past dark age. World wars, the Holocaust, apartheid, ethnic cleansing and genocide were twentieth century realities, and the new millennium has not started well in this regard. We are confronted daily by examples of the human propensity for acting inhumanely; deflating any notion we might have of inevitable moral progress. Each time we are tempted to believe that the world is morally improving, calamity strikes, and violence spirals into terror and war. The 'will to power' and the inclination to choose what is not in the interests of the common good are everywhere apparent, continually threatening human well-being and the future of our planet. Acts of sheer brutality, in which the human capacity for evil is so evident, so perennial and so universal, is evidence of something gone radically wrong. We sense our own entanglement in a history of human failure, and know we have an inherent tendency to choose what is neither good nor right for others or us. So to understand what it means to be human we have to recognise this dark shadow side that too often erupts in our personal and corporate lives.

The fact is that sometimes human beings can become the embodiment of evil, people who represent and express the cumulative power of the demonic that has been gestating in the womb of a nation or ethnic group, perhaps over centuries. That is why we should always deal timeously and rightly with past violations of human dignity and rights. The way to combat terror is not to wait until it explodes in our faces, but to constantly deal with its causes; not to exacerbate it through accelerating the spiral of violence, but to undermine its potency through pursuing justice.

Daily, as we watch TV newscasts or read the papers we are reminded of human fallibility and folly, selfishness and pride, of selfless service and sacrifice, resilience, hope and holiness – all dimensions of being human, some of them sobering, others encouraging and sometimes simply astounding. Coupled with what we know about the human body and mind, about the processes of evolution and the achievements of culture, we are amazed by the complexity of being human. By the range of difference that enriches life and yet produces conflict. By the sameness that is evident in our shared fears, foibles and failures. And by the solidarity that unites us in compassion and motivates deeds of courage and kindness. In all this we recognise bonds that bind us together as human beings despite differences that sometimes tear us apart.

Individualism, difference and being human

The post-Enlightenment emphasis on the individual in the West was necessary in the struggle for human rights against the dehumanising injustices of authoritarian and totalitarian cultures and regimes. Today we rightly applaud individual initiative and creativity, the taking of individual responsibility for our actions, and protest against anything that makes us simply part of a mass, cogs in a giant wheel, controlled from above. We often say of someone that

she or he is a real individual, by which we mean that they stand out in a crowd, they go against the stream, they 'do their own thing' rather than obey convention. But such individualism is ambiguous. It may well express a laudable spirit of nonconformity; it may also show little concern for others. Individual rights, a necessary term in law, can be misused in ways that defend unjust structures and policies, as we have discovered in South Africa where such rights can be abused in denying the more basic rights of others both as human beings and persons. Such individualism betrays that essential element of being truly human, namely being in relation to others.

On the other hand, individualism is fraught with dangers for society as it is for us as human beings. Being a person certainly captures part of what we mean by individual, but it is a much richer term as it implies relationships that make us human and help define who we are. And this brings us back to what we mean by being human. Being human does not mean that differences do not matter. The fact that I may be an African or a European or an Asian does make a difference – as does the fact that I may be a Christian, or a Muslim or a Hindu, or male or female. These differences are to be respected not rejected, affirmed not denied. Yet they do not contradict our common humanity in the way individualism does.

'Being human' expresses a commonality that has been and continues to be variously described; but whatever the terminology and discourse used, we discern common propensities in all humans. Each of these may be understood and described differently, and they may be displayed in various ways and to varying degrees from person to person, and especially from culture to culture. We are all aware of the human capacity to love and to hate, to share and to greedily hoard, to speak the truth and to lie, to serve and to dominate, to hope and despair, to express joy and sadness, to embrace and shun others, to feel guilty or ashamed, and to relish acceptance and forgiveness. In this sense, we all share a common humanity, even though we all have distinct personalities in and through which that humanity is expressed.

To affirm the distinct ways in which our humanity is embodied in us as persons is not to reject the sameness that unites us, but to recognise that every human being is also different *and that these differences matter*. They define who we are as human beings. We have names, a sense of where we have come from and where we belong. Many also have titles to demarcate identity and establish status, differentiate us from others, and identify us with peers, colleagues, or other social and cultural groups. We define ourselves, and others may do so as well, in terms of family, religion, culture, gender, nation, business, education, occupation, as well as in terms of interests, sport, or hobbies. We are not disembodied souls, and these dimensions of our existence make a difference to who we are as persons. The fact that I am a white male South African is part of who I am, and also who I have become in the process of my life. A major indicator of our well-being or wholeness is the extent to which we have become integrated personalities, that is, persons in whom the various elements that make us who we are, are embodied in a way that enables meaningful relationships with others who are different from us.

Apartheid became a crime against humanity because it made personal identities and differences absolute, thereby denying a common humanity and, in the process degrading the identity people had – in short, dehumanising them. Segregating people into racial groups defined by physical appearance and cultural difference, then codifying this in identity documents that determined where people could live, what kind of education they could

receive, what work they could do, and who they could marry, both depersonalised and dehumanised the other. But it all began by a refusal to accept that all shared a common humanity. The Black Consciousness Movement, led by Steve Biko in South Africa, was an affirmation of a common humanity through recovering an identity that had been abused. Biko's vision was for a humanity in which difference was respected, but one in which our commonality as human beings was affirmed just as strongly. For this reason we may say that being human is always a work in progress, we are always, or should be, becoming more truly ourselves, more fully human. Ethics is all about our formation; it is a work in progress, as human beings in relation to the world and each other.

A work in progress

Becoming more human has to do with the development of our capacity to love, to trust, to forgive, and to be angry when it is right to be so, even if these are expressed in ways that are different. Alongside these is the deepening of the capacity to imagine, to experience awe, to sense injustice, to recognise beauty, to distinguish wisdom from knowledge, to discover joy, to laugh, to live responsibly, and to risk vulnerability. Human well-being has to do with the development of such human capacities in each person, in ways that are appropriate to that person, ways that enrich life, enable self-worth, heal, restore and promote mental and bodily health, and develop a sense of connectedness to the earth. I like Alison Webster's description of human well-being:

It has to do with the interweaving of the psychological, the physical and the spiritual; it includes an element of how we inhabit our personal histories and how we negotiate these in our present; it depends upon our inter-relationships with others – relationships which offer the possibility of harm and of flourishing – and, finally, it involves questions of identity. Well-being must be about naming oneself, not being named by others; naming our limitations as we understand them, not as others do. And living with them, while also extending ourselves in ways that do not undermine our naming.^{ix}

Becoming more truly human, and in the process becoming more truly ourselves, is largely about changes, some great and others imperceptible. It is learning to know ourselves, recognising strengths and weaknesses, and knowing how to deal with both in ways that enable maturity. 'To live', wrote John Henry Newman in another connection, 'is to change, and to be perfect is to have changed often.'^x Becoming more truly human, then, is a life-long task, like learning a craft. We are given our humanity in the womb, but the project of becoming more truly human, and therefore more truly ourselves, of achieving well-being, remains with us to the end. If being human is something given, becoming more truly human is a 'work in progress', something 'we are always about' as Snyder put it. And this is inextricably bound up with our development as persons.

We do not have control over all the changes that take place in our lives. Other people, outside factors, the social environment in which we live, and our own bodies keep on changing us. Ageing, for example, is part of being human, and there is not a great deal we can do to prevent it from happening even if we can slow the process. We can remain, as some would say, 'young at heart and in mind', an art that Ross Snyder himself perfected. So while we cannot prevent growing older, we can learn to handle change better. Personal growth towards maturity is about learning from past mistakes and making better choices, of learning about

our strengths and weaknesses, and learning to master our wills rather than being at their mercy. Privilege is about having more choices than most others, and the resources to pursue those made. It carries with it greater responsibility for what we do with our lives.

Privileged people, and I count myself amongst them, are not necessarily the most adept at becoming more truly human, despite all the opportunities available to them. In fact, it is quite often the reverse, for becoming more truly human is about character not status, wisdom not degree certificates, relationships not self-made or inherited wealth. So it is often people who are disadvantaged, people who struggle against great adversity, who help us to discern best what it means to be truly human. Examples of this abound in South Africa where suffering and struggle have so often brought out the best in people, and where so many have demonstrated such a remarkable capacity to be truly human without privilege, and become wonderful people.

The German word *Mensch* helps capture something of the sense of what I am getting at. When we say of someone, that he or she is a genuine human being, a *Mensch*, we are not denying their personality, we are affirming a quality of being that we can discern in all such people, a quality of being that shines through and shapes who they are in themselves. Referring to someone as a genuine *Mensch* indicates a special quality of being human that is embodied in that person. I can think of several people I know well who are, for me, genuine human beings, even though they are all very different people. Yet while their common humanity is expressed variously, there is an almost tangible, luminous quality they have in common, the quality of truly being a *Mensch*. So let me now, in a concluding section, return to Christian humanism and suggest some of the dimensions from that tradition which have to do with becoming more fully human and which are relevant for developing an ethic in our context.

Four dimensions of being fully human

Let me briefly mention four dimensions or themes related to being fully human. These are: a desire for practical wisdom; a commitment to truth; a critical patriotism; and a creative spirit.

A desire for practical wisdom: Education and learning should help us develop wisdom for living and enabling the transformation of society, in ways that make human flourishing possible. This is practical wisdom. Such wisdom is not dependent on a formal education, but on a genuine education in the humanities, as the Renaissance humanist scholars insisted, and should foster wisdom and make us truly more human and our societies more humane. A genuine education in the humanities is not simply meant to stimulate critical thought, but form people equipped with wisdom and insight, moral value and commitment, aesthetic appreciation and judgment, historical memory and understanding, and creativity.

Moral issues relating to technological and bio-medical progress, the meaning, interconnectedness and value of life within the cosmos as a whole, the struggle for peace in a world increasingly torn apart, human consciousness and the quest for a spirituality adequate to the challenges of a post-modern world, are some of the key areas in which the humanities have to rediscover and, in some measure, are rediscovering their reason for existence, in relation to a world in need of justice. At the same time, the humanities as such cannot do this independent of or in competition with the natural sciences. Human well-being is organically related to the well-being of the world in its entirety, but human well-being requires more than

physical good health in a sustainable environment. We are increasingly aware, for example, that people with disabilities may be more 'whole' as human beings, than those who do not have such disabilities. We also know that the healing of the body through medical science without taking into account other dimensions of what it means to be human, is short sighted and problematic. With this in mind, it is essential to recognise that human well-being in its varied dimensions should also be the concern of the natural sciences, just as the environment in which we live, or nature, should be a concern of the humanities, for human beings are embodied in nature. The truth is that, all disciplines, whether they belong to the physical or biological sciences, the social or behavioural sciences, or the humanities in all their variety, are ultimately concerned about human well-being and activity embodied in nature in different, yet interlocking ways. The embodied human, in other words, is a major intersection where all scholarly disciplines should converge.

Standing for truth: How do we express a genuine respect for difference rather than a condescending tolerance towards others, while at the same time standing for the truth in which we believe in our multi-faith and multi-cultural world? Standing for the truth does sound arrogant in an age where the idea of absolute truth has given way to relativism. Yet, I suggest, absolute relativism is a contradiction, for it makes the relative absolute, that is, it turns relativism into an ideology. What is important is to distinguish between absolutes that are evident in moral claims such as 'love your neighbour' or 'do justly and love mercy,' and the various attempts that have been made over the centuries to say what such moral imperatives mean, that is, recognising that there is a difference between the claim that there is truth, goodness and beauty, and the ways in which we apprehend and articulate truth, embody goodness and perceive beauty.

While respect for other people as human beings, irrespective of their views, is always necessary, an uncritical tolerance for their opinions is not always a virtue. Tolerance can become an excuse for ignoring what is reprehensible and overlooking what is hurtful to others, thus resulting in reinforcing what is evil. We cannot be tolerant of racism, sexism and exploitation: we can be tolerant towards people, recognising their weaknesses and sins, as we acknowledge our own.

Respect for difference is an essential virtue in a secular democratic society such as South Africa has become. In the early days of the re-birth of South Africa after 1994 I participated in many discussions about the challenge facing Christianity in a secular democracy. The fact that, numerically speaking, Christianity is far more prevalent than any other religious tradition in the country does not mean that Christianity should have state support or preference in a way that prejudices others. Christianity, I believe, is usually truer to the gospel when it is not linked to the state or given preferential treatment. People of all faiths, along with secular and Christian humanists, can be true to their convictions and join hands in defending values they share in common that promote human flourishing and the well-being of the environment. This also gives Christianity the freedom to be true to its prophetic calling as a critical partner in seeking the welfare of the nation and global peace and in encouraging its adherents to be critical patriots.

Critical patriotism: Patriotism is too often motivated by sectional or even individual self-interest, rather than by a commitment to the people who comprise the nation and to global

society irrespective of nationality and difference. No one has symbolised this genuine love for his nation and the wider world better than Nelson Mandela, who for multitudes has become the icon of the struggle for justice for all, and reconciliation with former enemies. His aim was not to liberate South Africa at the expense of some, but to set it free for all. It was not to make South Africa strong at the expense of other nations, but as a beacon of hope for all. Mandela would not claim that this was Christian humanism, but there are few better models of this when it comes to love of country.

Few South Africans who witnessed the inauguration of Nelson Mandela as President on 10 May 1994 were unmoved by the unfolding of the liturgy in the amphitheatre of the Union Buildings in Pretoria. As the inaugural hours went by, so, for once, everything seemed pure and sparkling fresh. Something remarkable happened. Disparate groups divided by centuries of racism, hatred, fear, and everything we associate with apartheid, suddenly felt as though they were being melted down and remoulded as one nation. At long last truth, human rights, justice, and the human struggle for dignity were victorious. We were proud when the flag was unfurled because it represented the achievement of moral struggle, and the birth of a new nation as yet untainted by the failures which time inevitably brings. We had national symbols of which we could be proud, precisely because they had the potential to unite rather than to divide and, in that brief liturgical space, they did unite.

As patriots of the new South Africa we gladly salute and respect the flag and sing the anthems, and such action help foster a common sense of identity and purpose. But like all national symbols, they too can turn sour and become the servants of national idolatry. For this reason we need to be constantly reminded that at best they represent penultimate loyalties – in themselves they are not bearers of the truth, they cannot achieve justice, equity or freedom. The building of a national culture requires far more than symbols of nationhood and nation-building, however worthy and appropriate. It requires a vision of a new humanity, something expressed in the historic Freedom Charter in South Africa, and the vision of those who speak of a new, critical humanism. But it also requires courageous prophets who are prepared to be unpopular in reminding us of the demands of justice, equity and freedom – prophets who speak the truth out of love for the nation and its peoples to whom they are committed. They will not be surprised if they experience rejection, they are the best patriots because they know better than most what a country really needs, what true peace and reconciliation require, and above all else, they know about the righteousness that exalts a nation. Being a Christian humanist, a true patriot, does not permit me to say ‘my country right or wrong’; it requires that I exercise critical judgment as a responsible citizen.

A creative spirit: There are many people in all societies whose poverty keeps them in bondage to ugly environments that crush their creativity just as it crushes their bodies, and whose lack of resources and education prevent them from developing an appreciation for art. At the same time, through discovering their creative abilities, people are enabled to rise above their circumstances and contribute not only to their own well-being but also to the healing of their communities, helping restore dignity and humanity.

Artists of stature have often expressed great sensitivity to the moral order that arises out of their aesthetic sense. Artists, from musicians to sculptors, from poets to painters, played an important role in the struggle against apartheid, and they continue to play a critical role in the building of a new democratic South Africa. They inject into the social fabric a creative spirit

that challenges and heals, overturns hypocrisy and builds community. We are profoundly blessed in South Africa with remarkable artists, and it is vital to our well-being as humans and society to nurture the arts and those who provide leadership in them.

Artists help awaken our awareness to the present reality in all its pain and hope, thereby enabling transforming vision. Such artists are not necessarily the professionals, but those of our own communities who can discern beyond the surface to the depths of being-in-the-world, indeed, to discern the Spirit at work in our midst. And just as there are important points of contact between Christian and secular humanists, so there should be a common bond between all who believe 'in justice and truth, mercy and love, in art and poetry and music' for these are indestructible.^{x1} And without these we cannot be truly human nor can society be humane.

End Notes

¹ This overview essay was first presented as a seminar paper at the Centre for Leadership Ethics in Africa, University of Fort Hare, on 26-27 March 2008

³ De Gruchy, J. W. (2006). *Being Human: Confessions of a Christian Humanist*. London: SCM.

² Also Emeritus Professor of Christian Studies, University of Cape Town and Extraordinary Professor in Theology, University of Stellenbosch

4Maritain, J. (1938). *Integral Humanism: Temporal and Spiritual Problems of a New Christendom*. London: Bles.

⁵ Mbembe, A. and Posel, D. (2004). 'A Critical Humanism'. *The Wiser Review*, July 2004/1

⁶ Kaunda, K. D. (1966). *A Humanist in Africa: Letters to Collin M. Morris*. London: Longmans.

7Battle, M. (1997). *Reconciliation: The Ubuntu Theology of Desmond Tutu*. Cleveland, Ohio: Pilgrim Press.

8Küng, H. (1976). *On Being a Christian*. London: Collins.

9Webster, A. (2002). *Well-being*. London: SCM.

10Newman, J. H. (1973). *An Essay on the Development of Christian Doctrine*. London: Penguin.

11Bell, G.K.A. (1940). *Christianity and World Order*. Harmondsworth, England: Penguin.

References

Battle, M. (1997). *Reconciliation: The Ubuntu Theology of Desmond Tutu*. Cleveland, Ohio: Pilgrim Press.

Bell, G.K.A. (1940). *Christianity and World Order*. Harmondsworth, England: Penguin.

De Gruchy, J. (2006). *Being Human: Confessions of a Christian Humanist*. London: SCM.

Kaunda, K.D. (1966). *A Humanist in Africa: Letters to Collin M. Morris*. London: Longmans.

Küng, H. (1976). *On Being a Christian*. London: Collins.

Maritain, J. (1938). *Integral Humanism: Temporal and Spiritual Problems of a New Christendom* (Tr. M.R. Adamson). London: Bles.

Mbembe, A. and Posel, D. (2004). 'A Critical Humanism', Editorial, *The Wiser Review: July 2004/ No 1*. Johannesburg: Wits Institute for Social and Economic Research.

Newman, J.H. (1973). *An Essay on the Development of Christian Doctrine*. London: Penguin.

Webster, A. (2002). *Well-being*. London: SCM.

The new Green Revolution for Sub-Saharan Africa: Can it alleviate Sub-Saharan Africa's food insecurity?

Remigios V. Mangizvo* and Steven Jerie**

Abstract: For many decades Sub-Saharan Africa has experienced poor agricultural productivity. It failed to adopt the Green Revolution of the 1960s, which could have catapulted it out of hunger and poverty. The Alliance for a Green Revolution in Africa (AGRA) has elected to launch a uniquely African Green Revolution to solve Africa's agriculture related problems. Because Africa differs from Asia in both physical and social characteristics, failure to consider salient issues pertaining to Sub-Saharan Africa will render the programme doomed. The new Green Revolution in Africa should not only be cereal based, but must include local crops such as tubers and roots, as well as livestock. The programme should be participatory and avoid imposing crops and technology on the people. Successful implementation of the Green Revolution would improve the lives of the people and come as a relief to all who have known hunger and poverty.

Keywords: Alliance for a Green Revolution in Africa, Sub-Saharan Africa, food security, new Green Revolution for Sub-Saharan Africa.

**Doctoral student, Fort Hare Institute of Social and Economic Research, University of Fort Hare*

***Lecturer in Geography and Environmental Science, Midlands State University, Zimbabwe*

Introduction

For many years poor agricultural productivity has been Sub-Saharan Africa's main problem. In 2006, with funding from the Rockefeller and the Bill and Melinda Bates Foundations, the Alliance for a Green Revolution in Africa (AGRA) was launched (AGRA, 2009). This was a response to calls by African leaders to chart a new path for prosperity by spurring on the continent's agricultural development. It aims to help reverse decades of relative neglect in funding for agricultural development for Africa. It strongly endorses the vision laid out in the African Union's Comprehensive Africa Agriculture Development Programme (CAADP), which seek a six percent annual growth in food production by 2015 (AGRA, 2007). It is apparent that African leaders are aware of the need to develop agriculture on the continent, as it is one sure way to ensure food security. Once this has been achieved, it follows that money previously used to import food can be channelled into other developmental projects.

The new Green Revolution for Africa is an African initiative intended to boost agricultural productivity, increase incomes and build better lives on the African continent. It aims to do this by developing farmers' access to certain inputs such as improved seed varieties, fertilizers and reliable water management systems, as well as to output elements like crop storage, processing, transport, functioning markets and finance (Dochas, 2008). In 2007 the former United Nations Secretary General Kofi Annan was appointed as AGRA's first chairperson (AGRA, 2007). This was intended to give the Alliance respectability and clout as a reputed international organization and to enable the Alliance to garner the necessary financial, material and logistical support from international organizations such as the Rockefeller and the Bill and Melinda Bates Foundations.

In 2004 Kofi Annan called for a new uniquely African Green Revolution (AGRA, 2007). This stemmed from his awareness that most of Sub-Saharan Africa's poor, particularly its women, depend on farming for food and income. He saw this revolution as long overdue, and one revolution that would help the continent in its quest for dignity and peace. In 2006, Africa is the only continent in the world that was yet to have its own Green Revolution (Adesina, 2007; Johnson, et al, 2003). This paper, which is a review of literature, argues that although Africa is in dire need of a Green Revolution, it may fail to achieve this as a number of obstacles still stand in its way. The same negative conditions which mitigated against Africa joining other continents in the first Green Revolution in the 1960s still exist. In the context of this paper Africa refers to Sub-Saharan Africa.

It is pertinent at this juncture to define the term 'Green Revolution': a vast and technically complex pattern of agricultural modernization aimed at increasing productivity of land by means of the introduction of a science based technology (Brinkmann, 2009). The technological package consists of seeds of new high-yielding varieties in conjunction with the capital intensive utilization of chemical fertilizers and insecticides, disease-control measures, agricultural machinery and soil and water management (Brinkmann, 2009). Historically it has been an agricultural transformation of less developed countries, which was driven by the USA's philanthropic Rockefeller and Ford Foundations and devoted to solving problems of world hunger after World War II (Brinkmann, 2009).

Why Sub-Saharan Africa needs a Green Revolution

Africa is characterized by persistently poor agricultural performance, widespread poverty and

a growing population. Many Sub-Saharan African countries are vulnerable to food insecurity (Dochas, 2008). Africa is the only continent where per capita food production has been declining for the past three decades and an estimated third of the continent's population suffer from hunger (Adesina, 2007). Food security is very unsatisfactory in Sub-Saharan Africa and the number of people suffering from hunger has dramatically risen (Carvalho, 2006). Food insecurity in the region is caused by a number of factors which include regional conflicts, political instability, wars, droughts and shortage of water supply, abandonment of agriculture by migrant population and desertification (Carvalho, 2006). These factors have made it difficult for Sub-Saharan Africa to develop its agriculture. In most cases these problems work simultaneously to keep Africa entangled in a deprivation trap.

African countries are particularly vulnerable to climate change because of their dependence on rain-fed agriculture, high levels of poverty, low levels of human and physical capital and poor infrastructure. The negative effects of climate change are especially pronounced in Sub-Saharan Africa, as in most countries the agricultural sector accounts for a large share of the GDP, export earnings and employment, and the majority of poor people reside in rural areas and are dependent on agriculture for livelihoods (IFPRI, 2009). Most crop models project that in 2050, due to climate change, Sub-Saharan Africa's average maize, rice, and wheat yields will decline by up to 5%, 14%, and 22% respectively. The loss projected ranges from 25 billion to 194 billion US dollars, with the most pessimistic forecast originating from experimental simulation data suggesting that African countries may lose 47% of agricultural revenue due to global warming (Mendelsohn, et al, 2000).

Due to climate change in Sub-Saharan Africa, irrigation water supply reliability and the ratio of water consumption to requirements are both expected to worsen. If it were not for climate change, food production would be expected to increase. It is therefore imperative to have additional investments, such as irrigation, to mitigate against the adverse effects of climate change. Sub-Saharan Africa also needs to invest in rural roads as a way of improving its agriculture.

The vast majority of Africa's 200 million hungry people suffer the 'silent crisis' of chronic hunger – an ongoing or seasonal lack of sufficient food or nutrients – as opposed to the more visible and acute crisis of famine (UN Millennium Project, 2005). Cereal yields in Africa are the lowest in world. Even though Sub-Saharan African yields have shown recent improvement they remain the lowest in the world at 1.3 tons/ha, compared to 2.6 tons/ha in South Asia, 3.5 tons/ha in Latin America and 4.7 tons/ ha in East Asia (de Janvry, 2009). Africa therefore, has a serious development challenge as it strives to feed the majority of a poor and vulnerable population. Introduction of the Green Revolution can help avert mass starvation. Hunger retards development as resources are diverted to meet food imports. Hunger often leads to malnutrition which in turn leads to poor agricultural productivity. Malnutrition alone is estimated to reduce individual lifetime earnings by 10% and the GDP by 2-4%. In heavily affected countries, malnutrition is the underlying cause of over half of all child deaths (Shekar, 2007). If it does not move to improve its agricultural productivity, Africa will remain caught up in this unacceptable poverty-hunger web.

Africa is the poorest continent in the world. The prevalence of hunger worsens the poverty levels of Africa's inhabitants. According to World Economic Forum (2008) hunger is an extreme form of poverty. In the past 15 years the number of Africans living below the

poverty line (\$1/day) has increased by 50 percent and per capita food production has declined. In the past five years alone, the number of underweight children in Africa has risen by about 12 percent. A root cause of this entrenched and deepening poverty is the fact that millions of small-scale farmers – the majority of them women working farms smaller than one hectare – cannot grow enough food to sustain their families, their communities, or their countries (AGRA, 2007). Over 70 percent of Africa's population derives its livelihood from self employment in farming and makes agricultural contributions of around 20 percent to the GDP (Borlaug, 2000; Moyo *et al.*, 2009). According to the International Food Policy Research Institute, in Moyo *et al.*, (2009) over the past four decades the value of agricultural output increased by 2.5 percent per year in Africa, but per capita production over the last 20 years declined by two percent a year. Poverty and vulnerability to famine in sub-Saharan Africa has, to a large extent, been due to low agricultural productivity (von Braun, 2003). In order to be food secure, small farmers need to have access to yield-augmenting technologies such as the Green Revolution.

Africa's population growth rate has remained high, expanding at the rate of 3% per annum, even though globally, population rates are slowing down (FAO, 1998). In Africa, food production continues to grow more slowly than population. This is in contrast to every other region of the world. Per capita food production has declined since the 1970s and it is estimated that 40% of the total population of Sub-Saharan Africa goes hungry (FAO, 1998). Population growth is compromising land expansion for cereal production, and land is becoming scarce faster in Sub-Saharan Africa than any other region in the world (de Janvry, 2009). Insufficient growth in African agriculture as population continues to rise, rapidly results in an increase in rural poverty that will make the Millennium Development Goal of halving the poverty rate by 2015 simply unreachable (de Janvry, 2009). Population growth needs to be checked as it is burdensome to households that do not have adequate food.

Challenges affecting the rolling out of a new African Green Revolution

Efforts by the Alliance for the Green Revolution to implement the new African Green Revolution are affected by a number of challenges. The prevailing conditions which promoted and favoured the initiation of the Green Revolution in Asia in the 1960s and 1970s are not present in Africa today. Considerable homogeneity of production conditions existed over extensive areas of irrigated land with similar agro-ecological conditions and cropping patterns dominated by only a few crops, mainly rice and wheat (de Janvry and Sadoulet, 2008). Markets were largely in place for factors and products, as well as basic institutions for financial services. The state was supportive and prices for commodities made it possible to put in place a Green Revolution. These conditions allowed the trigger of technology (high yielding seeds, fertilizers, agro-chemicals and irrigation) to unleash rapid adaptation and create large productivity gains (de Janvry and Sadoulet 2008). In Sub-Saharan Africa the situation is quite different. Agriculture is rain-dependent; many different crops are produced under complex farming systems. There are multiple ethnic groups, each with its own social relations and traditions. There are several small countries with different institutions. There is a need for regional collaboration to achieve economies of scale in providing many public goods. The region has many different agro-ecological conditions and highly fragmented social systems. Heterogeneity of context is high and this requires differentiated approaches with technological and institutional innovations tailored to local contexts (de Janvry and Sadoulet 2008; de Janvry, 2009). The state of affairs simply makes the Green Revolution in

its original form impossible to implement. It is necessary for unique schemes to be tailor-made to suit individual conditions.

The conditions for the success of a Green Revolution are demanding. Soils are generally exhausted, infrastructure (roads and water) weak, and levels of education and health among farmers low. The private sector in value chains is incipient, and the investment climate is frequently uninviting. To add to the plethora of negative conditions, the Green Revolution has been missed or delayed in Sub-Saharan Africa because of factors which were not compatible with Green Revolution technologies. These include complex traditional farming systems, shifting cultivation, land tenure systems, rainfall patterns and poor infrastructure.

The traditional shifting cultivation is simply not compatible with Green Revolution technologies and the situation is exacerbated by the diverse and complex farming systems, and the high population pressure on the land. The traditional rule of inheritance of land has led to serious land fragmentation which makes it uneconomical to operate. Most of the land that is held by smallholder farmers is either communally owned or farmed by tenancy arrangement. The rainfall pattern in Africa has greatly changed in the last twenty five years. The absolute amount of rainfall has declined and the timing of rains has become very unpredictable in all agro-ecological zones of Africa. This makes rain-fed agriculture very risky, as improved crop varieties cannot produce at their full potential.

Most countries in Sub-Saharan Africa depend on erratic rainfall rather than irrigation for staple food production (Eicher, 1995). The Southern African region can expect droughts of varying severity two to three times per decade (Tschirley, et al, 2004). White maize production is highly intolerant to drought and the frequent occurrence of drought leads to food insecurity. Sub-Saharan Africa therefore needs irrigation if it is to embark on a Green Revolution. Unfortunately the region is severely handicapped by a lack of irrigation which limits opportunities for multi-cropping. Many countries in the region are already using irrigation 'fossil' water pumped from deep aquifers that may be exhausted in 20 to 30 years (UNEP, 2005). Only 4% of agricultural land is irrigated, with arid and semi-arid regions existing in the Sahel and Sub-Saharan Africa, as well as in parts of Southern Africa (Botswana and Namibia) having especially low irrigation coverage (UN-DESA, 2008). Sub-Saharan Africa would need roughly a billion dollars a year in irrigation investment to make substantial progress towards achieving Millennium Development Goal 1 (Fan and Rosegrant, 2008). Against this background it is clear that Sub-Saharan Africa cannot expect a Green Revolution to move along as in the Asian Green Revolution, which had abundant water supplies.

Lack of infrastructure is one of the main reasons for the low profitability of agriculture for the poor farmer (von Braun, et al, 2003). Poor roads limit marketing opportunities, and inadequate electrification constrains the growth of agro-processing and non-farm enterprises. A shortage of grain silos and crop storage facilities, as well as cold rooms for livestock and fisheries products, result in high rates of spoilage and post production losses (UN-DESA, 2009). Africa's food is wasted, putting a dent on AGRA's initiatives to re-launch the Green Revolution in Africa. African farmers lose 15% to 25% of their crop in the field and another 15% to 20% after harvest to pests (FAO, 1998). This is attributed to poverty. Farmers lack the means and skills to protect food crops in the fields, and after harvest, through proper processing and storage. Farmers therefore do not have the incentive to produce if they cannot

transport their goods to the market. Poor infrastructure is the reason why transaction costs remain extremely high in sub-Saharan Africa. It is also common knowledge that poor infrastructure constrains input availability, the total input amounts for farmers being so exorbitant that it does not make any economic sense to continue farming.

Africa's soils are the poorest and most depleted in the world (Adesina, 2007; Machuka, 2001). In the semi-arid zones, soils tend to be sandy and prone to soil erosion and degradation. Soils lack important nutrients such as sulphur and phosphorus, and have very low organic content. African agriculture therefore requires fertilizers to improve its soils. However, fertilizer input is low and this worsens the situation. Green Revolution requires the use of fertilizers (Dossani, 2008) yet Sub-Saharan Africa's agriculture is characterized by a strikingly low level of fertilizer use. On average, 9 kg/ha is used, compared to 107 kg/ha for all developing countries (UN-DESA, 2009). Low fertilizer usage is due to a combination of currency devaluations and the phasing out of fertilizer subsidies as part of the Structural Adjustment Programmes (SAPs) across Africa, which caused fertilizer prices to rise even before the steep energy price increase of 2008 (Dossani, 2008; UN-DESA, 2009). Consequently Africa's agricultural productivity is very low, averaging 300 to 500 kg/ha, as compared to 2.5 tonnes /ha in the United States of America. Low yields are a result of poverty, lack of access to improved seeds, fertilizer and pesticides, as well as knowledge and information to use these effectively and efficiently (FAO, 1998).

The HIV and AIDS pandemic further debilitates AGRA's move to introduce the Green Revolution to Sub-Saharan Africa. The HIV and AIDS pandemic is disproportionately affecting agriculture relative to other sectors (de Waal and Tumushabe, 2003). The pandemic is prevalent in the 15-50 year age group. These are the people who are supposed to provide labour and ideas that should push a Green Revolution forward. Sub-Saharan Africa's rural labour force continues to be weakened and rural societies decimated by the effects of HIV and AIDS and other communicable diseases such as malaria (UN-DESA, 2009). The structure of the smallholder sector is such that it is much less able to absorb the impact of the human resource losses associated with the pandemic. The impact of these losses is significant as over 70% of the population depend on the sector for their livelihood (de Waal and Tumushabe, 2003). If no concrete measures are taken to tackle the pandemic head on, its impacts will hinder the smooth adoption of a Green Revolution in Sub-Saharan Africa.

Most of Sub-Saharan Africa suffers from a lack of political will, poor policies and inadequate resources. These factors inhibit initiatives such as the Green Revolution from developing into successful programmes. African agriculture has suffered from decades of neglect by both governments and the international donor community (Adesina, 2007). Support for agriculture through public budgets and overseas development assistance (ODA) has declined steadily over the last 20 years (de Janvry, 2009). The share of world ODA given to African agriculture fell from 5% in 1990 to about 1% in 2004, while the share of African rural poverty in world poverty continued to rise from 15% to 20% over this period (de Janvry, 2009). The lukewarm attitude by governments has caused the region to sink into a vicious cycle of poverty. Africa has become poor due to unfavourable terms of trade and large external debt burdens which have affected economic performance. In addition, domestic constraints such as political instability in Zimbabwe, and civil wars in Sudan and the Democratic Republic of Congo do not encourage the inception of the Green Revolution.

The introduction of the new Green Revolution in Africa may suffer a serious jolt if AGRA fails to take cognizance of local indigenous knowledge systems. Previous development programmes had a tendency to ignore and exclude the voices of the African farmers (Burkett, 2009). This led to serious failures of such programmes. The locals have at hand vital knowledge of their land and what food to grow.

It is not clear whether genetically modified crops will be part of the AGRA. Although Kofi Annan seemed to indicate that they will not be introduced in the new Green Revolution scheme, it seems they have been quietly included (Dossani, 2008). The introduction of expensive GMO seeds, pesticides and chemical intensive practices will not boost the African Green Revolution, but will allow seed companies like Monsanto and Syngenta more profits and control (Burkett, 2009). There is a feeling that the World Bank, Gates Foundation and Monsanto, who are advocating a 'new Green Revolution' in Africa, could be approaching the whole scheme with altruistic motives, yet some are bent on making a profit under the guise of saving Africa. According to Dossani, several NGOs, foundations and other altruistic actors represent the same interests as the private sector, and many of the foundations hold considerable investments in biotechnology companies (Dossani, 2008). Their motive is not to save Africa.

GMOS are under fire from African scientists and the general public, who are concerned about the unforeseen ramifications of adopting them (Dossani, 2008). Most of Sub-Saharan Africa exports its agricultural products to Europe, which is against genetically modified crops. It follows that if Africa adopts GMOs it may lose its markets in Europe. Nearly all the genetically modified crops developed for the African agricultural market are not oriented towards the needs of the small scale farmers and only 1% of GM research is aimed at crops used by poor farmers in poor countries (Dossani, 2008). Furthermore, GMOS are displacing local systems, such as the use of manure, as well as local indigenous knowledge. Some pesticides that are being introduced are killing some predatory insects that are vital to the ecosystem. Some of the recently introduced pesticides require a cocktail of inputs that farmers must purchase. Most farmers in Sub-Saharan Africa cannot afford these inputs.

The way forward

Governments in Sub-Saharan Africa must commit themselves to a new African Green Revolution, as it will help to boost agricultural productivity, food production and national food security (Commission on Sustainable Development, 2009). Their roles, as those of the civil society in support of agriculture for development, need to be redefined.

However, it is important to appreciate the uniqueness of this revolution. Attempts to follow the examples of Asia and Mexico will not yield positive results. Sub-Saharan Africa is addressing challenges that did not exist at the time of the Asian Green Revolution. These include sustainability and environmental friendliness as a process (de Janvry, 2009).

A Green Revolution must go beyond a seed-fertiliser-water package and extend towards agro-ecology, agro-forestry and conservation agriculture. It must go beyond cereals to encompass locally specific food crops such as roots, tubers and banana plantations, as well as high value activities such as fruits and vegetables, livestock and fish. Agriculture should be

country specific to suit local environments. The use of the single approach normally used in heterogeneous contexts will not work. AGRA should appreciate the diversity of cultures, traditions and environments in its endeavour to introduce the new Green Revolution for Africa. AGRA should try a multiplicity of models that are locally defined and optimized due to Africa's deep heterogeneity.

AGRA should not simply replicate the Asian Green Revolution. Instead the new Green Revolution for Africa must address brand new challenges, such as climate change and forces of globalization. These are currently suffocating efforts by African farmers not empowered to deal with the vicissitudes of drought and competition from more established systems such as the European Union.

Governments need to use subsidies to support their smallholder farmers who constitute between 70% and 80 % of African farmers. Africa needs an affirmative input programme that involves the private sector as a full partner. In the event that the private sector is unwilling to take the risk, the public sector should jumpstart the system. Malawi recorded impressive agricultural outputs after it went against the SAP prescriptions of not subsidizing agricultural inputs. Malawi used government targeted subsidies to help small farmers to afford fertilizers and other key inputs, and it met with considerable success in boosting food productivity and achieving food security (AGRA, 2008).

Investment in infrastructure (roads, refrigeration, electricity and storage) leads to longer term impacts. India and China experienced poverty reduction due to the expansion of the road network (IFPI, 2002). Sub-Saharan Africa's quest to introduce the Green Revolution could be boosted by the construction of roads. These would facilitate the supply of inputs to remote rural communities, and at the same time enable farmers to transport their produce to market. It should also have rural electrification as a top priority. Other forms of energy, especially renewable energy, should be developed to achieve sustainable development.

A Green Revolution requires a participatory approach which takes on board the central government, non governmental organisations, civic societies and local communities. AGRA should listen to the voices of African farmers and include their knowledge and practices in a new Green Revolution. Local people should feel empowered and able to own the programmes.

Conclusion

It is very clear that Sub-Saharan Africa needs a Green Revolution in order to be able to provide food for its people. The Green Revolution would take Africans out of poverty as they become able to market their outputs. AGRA should not endeavour to introduce the recipe that was used for the Asian Green Revolution. Africa has its own shortcomings that hamper the success of a Green Revolution designed the Asian way. The revolution must be tailor-made to suit the physical and social conditions of Sub-Saharan Africa. AGRA should desist from prescribing to communities what to grow, and how to grow it. Instead, there is need to adopt a participatory approach in implementing a Green Revolution in Sub-Saharan Africa. It should be extended to include non cereal crops, livestock and fisheries.

References

- Adesina, A. A. (2009). *African Agriculture in the 21st Century: Meeting the Challenges, Making a Sustainable Green Revolution*. Keynote speech presented at high-level meeting convened by the UN Commission for Sustainable Development, Windhoek, Namibia, 9-10 February 2009.
- Adesina, A.A. (2007). Speech presented at the congressional Black Caucus Annual Legislative Conference, Alliance for a Green Revolution in Africa, The Rockefeller Foundation, Washington D.C, 28 September 2007.
- AGRA. (2008). *African Green Revolution Conference*, Radisson SAS Scandinavian Hotel, Oslo, Norway, 28-29 August 2008. Newsletter, Washington D.C,
- AGRA. (2007). *Alliance for a Green Revolution in Sub-Saharan Africa appoints Kofi Annan, Former Secretary-General of the United Nations, Chair of the Board*. Alliance for a Green Revolution in Africa. The Rockefeller Foundation Newsletter, Washington D.C, 14 June 2007.
- AGRA. (2009). *What is the Alliance for a Green Revolution in Africa?* Alliance for a Green Revolution in Africa. The Rockefeller Foundation. Newsletter, Washington D.C, 20 September 2009.
- Borlaug, N.E. (2000). *The Green Revolution Revisited and the Road Ahead*. Presented at Special 30th Anniversary Lecture, The Norwegian Nobel Institute, Oslo, 8 September 2000.
- Brinkmann, M. (2009). 'Fighting World Hunger on a Global Scale: the Rockefeller Foundation and the Green Revolution in Mexico' <http://www.rockarch.org/publications/resrep/brinkmann.pdf/>. Accessed 13 October 2009.
- Carvalho, F.P. (2006). 'Agriculture, Pesticides, Food Security and Food Safety'. *Environmental Science and Policy*, 9(7-8): 685-692.
- Commission on Sustainable Development. (2009). *Windhoek Ministerial Declaration on Sub-Saharan African Agriculture in the 21st Century: Meeting the Challenges, Making a Sustainable Green Revolution*. Paper presented at Economic and Social Council 17th Session, 4-15 May 2009.
- Crawford, E., Kelly, V., Jayne, T.S. and Howard, J. (2003). 'Input Use and Market Development, Sub-Saharan Africa: An Overview'. *Food Policy*, 28: 277-292.
- de Janvry, A. (2009). *Agriculture for Development: New Paradigm and Option for Success*. Paper presented at Elmhirst Lecture, IAAE Conference, Beijing, 16-22 August 2009.
- de Janvry, A. and Sadoulet, E. (2008). *Agriculture for Development in Sub-Saharan Africa: Business as Usual or New Departures?* Paper presented at the Sub-Saharan African Economic Research Consortium Meeting, Entebbe, Uganda, 1 June 2008.

de Waal, A. and Tumushabe, J. (2003). *HIV/AIDS and Food Security in Africa*, A report for DFID, 1 February 2003. <http://www.sarpn.org.za/documents/d0000235/P227>. Accessed on 14 October 2009.

Dochas. (2008). *The New Green Revolution for Africa: Threats and Opportunities for Small Farmers*. Proceedings of an Open Forum held by Dochas Food Security and Livelihoods Working Group, Irish Aid Volunteering and Information Centre, Dublin, 29 May 2008.

Dossani, S. (2008). *Human Need and Corporate Greed: Understanding the Call for a New Green Revolution in Africa*. Africa Action Special Guest Paper Series, Africa Policy Information Centre, Washington D.C., 28 August 2008.

Eicher, C.K. (1995). 'Facing up to Africa's Food Crisis'. *Foreign Affairs*, 61(1): 151-174.
Fan, S. and Rosegrant, M.W. (2008). 'Investing in Agriculture to Overcome the World Food Crisis and Reduce Poverty and Hunger'. *International Food Policy Research Institute Policy Brief*, 3, Washington D.C., June 2008.

IFPRI (2002). *Sound Choices for Development: The Impact of Public Investments in Rural India and China*, Washington, D.C.: International Food Policy Research Institute.

IRPI (2009). *Climate Change: Impact on Agriculture and Cost of Adaptation: Food Policy Report*. Washington D.C.: Consultative Group on International Agricultural Research.

Food and Agricultural Organisation. (1998). *Knowledge and Information for Food Security in Sub-Saharan Africa: From Traditional Media to the Internet*. Paper prepared by the Communication for Development Group Extension, Education and Communication Service. FAO Research, Extension and Training Division. <http://www.fao.org/sd/CDdirect/CDan0017.htm>. Accessed 14 October 2009.

Kydd, J., Dorward, A., Morrison, J. and Cadish, G. (2002). 'Agricultural Development and Pro-poor Economic Growth in Sub-Saharan Africa: Potential and Policy'. *Oxford Development Studies*, 32(1): 37-57

Machuka, J. (2001). 'Agriculturally Biotechnology for Africa: African Scientists and Farmers must feed their own people'. *Plant Physiology*, Volume 126: pp. 16-19.

Mendelsohn, R., Nardhaus, W. and Shaw, D. (2000) 'Country Specific Market Impacts from Climate Change'. *Climate Change*, 45: 553-569.

Moyo, S., Chamabti, W., Murisa, T. and Suca, A. (2009). *Assessing the Alliance for the Green Revolution in Africa*. ActionAid Report. http://www.actionaid.org/doc/aaireport_assessing%20agra.pdf. Accessed 14 October 2009.

Shekar, M. (2007). *Repositioning Nutrition as Central to Development, A Strategy for Large-Scale Action*. World Bank : Washington D.C.

Tschirley, D., Nijhoff, J.J., Arlindo, P., Mwinga, B., Weber, M.T. and Jayne, T.S. (2004). *Anticipating and Responding to Drought Emergencies in Southern Africa: Lessons from 2002-2003 Experiences*. Paper presented at NEPAD Regional Conference on Successes in Sub-Saharan African Agriculture, Nairobi, Kenya, 22-25 November 2004.

UN-DESA/DSD and UNEP. (2009). High-level Segment of the 17th Session of Commission on Sustainable Development Round Table 2. Realizing a Sustainable Green Revolution in Africa, Discussion paper. New York, 4-15 May 2009.

UN Millennium Project. (2005). *Halving Hunger: It Can Be Done*. Final report of the UN Millennium Project Task Force on Hunger, 2005. Earthscan, London
United Nations Environmental Programme. (2005). *Geo Year Book 2004/5. An Overview on Changing Environment*, Nairobi: United Nations Environmental Programme.

von Braun, J., Hazell, P., Hoddinott, J. and Babu, S. (2003). *Achieving Long Term Food Security in Southern Africa: International Perspectives, Investment, Strategies and Lessons*. Keynote paper presented at Southern African Regional Conference on 'Agricultural Recovery, Trade and Long-term Food Security', Gaborone, Botswana, 26-27 March 2003.

Voortman, R. L., Sonneveld, B.G.J.S. and Keyzer, M.A. (2003). African Land Ecology: Opportunities and Constraints for Agricultural Development. *Ambio*. Vol. 32, No. 5 pp. 367-373

World Economic Forum. (2008). *The Business Role in Achieving a Green Revolution for Africa*. A report presented in Geneva on 18 Janua

**Reproductive right or reproductive fallacy?
The extreme provisions of the Choice of Termination of Pregnancy (CTOP) Act 1996 in
South Africa**

F.A.R. Adeleke Esq*

Abstract: Various international human rights instruments have promoted abortion as a reproductive choice for women which every state or country must not only respect but also make available. Abortion as women's reproductive right embodies two basic principles: first, women's right to reproductive freedom and second, women's entitlement to safe abortion services by the government. Against this background, many countries have made changes from their abortion laws by moving away from the restrictive to liberalised abortion laws and policies. South African Termination of Pregnancy Act was enacted in 1996 to fulfil these two principles. However, this article briefly reviews certain provisions of the Act (herein also referred to as statute) which are considered anomalous and which in the name of guaranteeing women's rights have the tendency to affect other protectable rights and interests e.g. parental control over their pregnant minors, right and interest of the husband or male partner in abortion decision and the right of the foetus/unborn that are unjustifiably killed in the process of exercising reproductive rights.

Keywords: Abortion, unsafe abortion, reproductive rights, over-liberalisation, abortion decisions.

**Doctoral Student, Faculty of Law, University of Fort Hare*

Introduction

This introductory section attempts to set the scene by explaining the concept of reproductive rights.

Reproductive rights comprise a constellation of rights, established by various international human rights documents, and related to women's abilities to make decisions that affect their sexual and reproductive health.^{xi} Women's reproductive rights are an integral part of the development of international human rights laws. This fact is self-evident considering the various existing treaties and conventions, including conferences which have been held over the period, aimed at the protection of the rights of the women. State parties to these international instruments have been enjoined and in fact are under the obligation to honour the obligations arising from those treaties or conventions. State parties are also obliged to take appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning.^{xi}

As rightly noted by Lynn Freedman and Stephen Isaacs,^{xi} reproductive rights became a subject of international legal concern for the first time at the international human rights conference held in Teheran in 1968.^{xi} The Final Act of the Teheran conference included a provision stating:

The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect.^{xi}

Since then, the recognition of reproductive and sexual rights of women as separate and special human rights at the international level has become prominent.^{xi} Similarly, the World Population Plan of Action which was adopted by the consensus of the 137 countries represented at the United Nations World Population Conference at Bucharest in August 1974^{xi} stated that 'All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so ...'^{xi}

The fourth World (Beijing) Conference on Women held in 1995 also affirmed that the basis of reproductive rights lies on the recognition of the basic rights of all couples and individuals to decide freely and responsibly on the number, spacing, and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health.^{xi} The conference urged participating states to enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses; and also to enact and strictly enforce laws concerning those things that are incidental to marriage.^{xi} Furthermore, the International Conference on Population and Development (ICPD) 1994 provides *inter alia* that reproductive rights imply among others '... the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth ...'^{xi}

No human rights instrument encapsulates the issue of abortion as a woman's right more than the Protocol on the Rights of Women in Africa,^{xi} Article 14 of which provides thus:

State parties shall ensure that the right to health of women, including sexual and reproductive health, is respected and promoted. These include:

- a) the right to control their fertility;
- b) the right to decide whether to have children, the number of children and the spacing of children;
- c) the right to choose any method of contraception'

Specifically, the protocol in its Article 14, clause 2(c) declares that 'State parties shall take all appropriate measures to protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.'

The interest of international law in the abortion issue

The interest of the international human rights law in the abortion campaign is twofold: firstly, to ensure reproductive freedom of women and secondly, to prevent unsafe abortion. The general belief is that in any country where abortion is a crime and punishable by law, in a bid to run from being caught by the arm of the law, women resort to illegal, backstreet or self help abortion. This often leads to a high mortality and morbidity rate. In the same vein, where abortion is illegal, governments do not provide safe abortion services as part of their health component in public hospitals, thereby creating an environment conducive to unsafe abortion with its disastrous consequences. It is a fact that unsafe abortion poses a great challenge for women's reproductive health in the world. Unsafe abortion is a significant yet preventable cause of maternal mortality and morbidity in developing countries.^{xi}

Unsafe abortion is defined as a procedure for terminating an unwanted pregnancy either by persons lacking the necessary skills or in an environment lacking the minimal medical standards, or both.^{xi} The World Health Organisation (WHO) estimates that unsafe abortion is responsible for 13% of all maternal deaths globally. About 70 000 women die each year from complications of unsafe abortion even though the vast majority of these deaths are preventable.^{xi} Millions of women suffer from debilitating complications and illnesses resulting from pregnancy termination. The most common abortion complications are incomplete abortion, tears in the cervix, perforation of the uterus, fever, infection, secondary infertility, septic shock, and severe haemorrhaging.^{xi} International human rights activists have consistently advocated that one of the best ways to reduce recourse to unsafe abortion is through access to a wide range of effective contraceptive options, to prevent unintended pregnancies in the first place, and to provide all women with access to safe abortion services. Unfortunately, these are not made available by various states, particularly in Africa.

As a result of unwanted pregnancies, unsafe abortion and high levels of maternal mortality in Africa continue to cause irreparable harm to women, their families, communities and societies. Research has shown that the African continent has the highest mortality ratio in the world with a 1 000 deaths per 100 000 live births. The WHO confirms that approximately 13% of these deaths are attributable to abortion complications.^{xi} According to WHO experts,

it is estimated that on average, every African woman will experience unsafe abortion in her reproductive lifetime. Young women, including adolescents, suffer disproportionately, with 40% of all unsafe abortions occurring in women between the ages of 15 and 24 years. Yet these premature deaths and injuries are easily preventable if safe effective technologies for contraception and pregnancy termination/abortion are available and utilised.^{xi}

In Nigeria, abortion is a criminal offence that attracts up to fourteen years imprisonment as maximum punishment,^{xi} and contraceptive devices and services are not adequately available. The reports and outcome of many researches and available statistics in Nigeria indicate that abortion is the leading cause of maternal mortality, accounting for about 46% of maternal deaths.^{xi} Abortion in Nigeria has also been implicated as a cause of secondary infertility,^{xi} ectopic pregnancy,^{xi} mid-trimester spontaneous abortion and preterm labour.^{xi} Similarly, in Ghana, unsafe abortion remains a major cause of maternal mortality and morbidity.^{xi} Ghana has one of the highest maternal mortality rates in the West African region, with 540 deaths per 100 000 live births.^{xi} South Africa also experienced the pandemic of unsafe abortion prior to the change in its abortion law in 1996.^{xi} A brief reflection on the historical context of abortion law in South Africa prior to the 1996 abortion law reform will highlight reasons why the country needs to exercise caution in the implementation of the new law.

Abortion law in South Africa prior to legal reform

Abortion used to be a crime in South Africa, this being the legal heritage of both Common Law and Roman Dutch law.^{xi} The history of abortion in South Africa is closely linked with the apartheid political regime of White domination over Black which operated between 1948 and 1994. During apartheid, the Afrikaner dominated government in South Africa operated three separate policies for Blacks, Coloureds and Whites. A system of repressive and racist laws, denying basic rights to the majority Black population was developed and strictly enforced. The health care services were equally set up along racial lines.^{xi} Blacks and Coloureds were not allowed to be treated in most urban hospitals. The White ruling elite nursed the fear of an increasing black population, as opposed to the slow population growth rate of the White. There was concern that high Black and Coloured population growth was becoming a burden to the government while, in contrast, the White population was stagnating.^{xi}

The apartheid government started the initiative of promoting contraceptive use for Black and Coloured citizens to slow their population growth, while the White population was encouraged to procreate. White citizens in South Africa were encouraged 'to make sacrifice by procreating and have enough children to ensure the country's continued existence as a Christian and Western country on the continent of Africa.'^{xi} The idea of abortion for the White was not supported by the apartheid government which rather believed that Whites should continue to procreate in order to maintain their supremacy.^{xi} Whites occupied all the important political and economic positions in the country, thereby giving them the opportunity to possess economic power. Ten years in prison was the sentence for abortion during this period. White women who needed to procure abortions were able to patronise some skilled private medical practitioners willing to provide abortion services for money.^{xi} This was easier for Whites because of their economic power as well as the fact that they lived in urban areas where many private hospitals and clinics were available.

The women in Black and Coloured communities, on the other hand, could not afford to secure abortion from private medical practitioners; they therefore looked for backstreet abortionists or carried out self help by procuring abortion themselves with the risks associated with such practice.^{xi} Consequently, admission into gynaecology wards in hospitals increased substantially due to non-White women faced with incomplete abortions.^{xi} During the period between 1960 and 1970, Groote Schuur's Annual Reports (GSAR) showed that public hospitals were constantly overcrowded by women suffering from what were medically termed 'septic incomplete abortion'. In 1960 alone, the report gave the figure of 1 304 women in admission owing to abortion related health problems.^{xi} Thousands of non-White women lost their lives and many suffered gynaecological disability due to the consequences of unsafe abortion.

In early 70s an association known as Abortion Reform Action Group (ARAG) emerged. It spearheaded the struggle for a change in the South African abortion legislation. This became necessary in view of the pandemic of unsafe abortion which had led to the high and uncontrollable mortality and morbidity rate in the country. In 1973, the South African government enacted a new law titled the Abortion and Sterilisation Act No 2 of 1975.

Abortion and Sterilisation Act No 2 of 1975

Under this statute, abortion remained a criminal offence punishable by five years imprisonment. However, Section 3 of the statute permitted abortion on five grounds. Abortion was permitted where the continued pregnancy constituted a serious threat to the pregnant woman's physical or mental health, in case of foetal deformity, pregnancy resulting from rape, incest, and 'illegitimate carnal intercourse'. The following three questions arose some years after the implementation of this statute:^{xi}

- a) Whether the statute was appropriate in the control of women exercising their reproductive autonomy;
- b) Whether the aims and goals set out by the statute had been achieved;
- c) And whether those aims and goals were representative of the views of the majority of the affected group.

It was obvious that the answers to the above questions were negative due to various challenges that surfaced in the course of implementation of the law. Judy Merkel observed that the statute failed women on three counts:^{xi} it denied women their reproductive rights; its implementation resulted in women seeking back-street abortions, thereby creating a major public health concern; and it denied South African women equal access to safe and legal termination. In some instances, women again resorted to various unsafe abortion practices which consequently led to serious health risks and post-abortion complications. The number of clandestine and dangerous self-induced abortions became very high, ranging between 120 000 to 250 000 per year during the period from 1975 to 1996.^{xi}

Therefore the enactment of the Choice on Termination of Pregnancy (CTOP) Act (Act No 92 of 1996, as amended by CTOP Act No 1 of 2008) that would guarantee women reproductive rights and ensure safe abortion was welcomed as a great relief. The CTOP Act no doubt fulfils the obligations arising from international human rights instruments regarding abortion or family planning by legalising abortion, provides safe abortion to women free of cost and at the same time prevents unsafe abortion. However, the new law is too elastic and it has over-liberalised abortion. It has opened a floodgate for criticisms from pro-lifers, moralists,

religionists and liberalists who share different viewpoints regarding the issue of personhood of the foetus or embryo. In what follows below, some of the grounds under which abortion could be procured under the 1996 statute are examined.

Choice on Termination of Pregnancy (CTOP) Act No 92 of 1996 as amended by CTOP Act No 1 of 2008

Under the 1996 CTOP statute, a pregnancy may be terminated in the following circumstances:^{xi}

1. In the first 12 weeks of gestation, without advancing any reason, a woman may request an abortion if she so wishes.
2. Abortion is allowed from the 13th to the 20th week of the gestation period if a medical practitioner, after consultation with the pregnant woman, is of opinion that one or more of the following is pertinent:
 - a) The continued pregnancy would pose a risk of injury to the woman's physical or mental health;
 - b) There exists a substantial risk that the foetus would suffer from a severe physical or mental abnormality;
 - c) The pregnancy resulted from rape or incest;
 - d) The continued pregnancy would significantly affect the social or economic circumstances of the woman.
3. After the 20th week of the gestation period, abortion is permitted, if a medical practitioner, after consultation with another medical practitioner or a registered midwife, is of the opinion that the continued pregnancy:
 - a) Would endanger the woman's life;
 - b) Would result in a severe malformation of the foetus;
 - c) Would pose a risk of injury to the foetus.

Four anomalies are noticeable in this statute:

1. The law makes abortion available to a minor without parental consent.
2. It allows a woman abortion without the notification or consent of the spouse/husband.
3. Abortion is permitted on socio-economic grounds.
4. The law allows abortion on demand without reason, excuse or justification.

These four anomalies will be discussed below:

A person below the age of 18 years is, in most cases, regarded as a minor in law and is presumed to be incapable of taking certain decisions on his or her own as he or she may not realise the nature and extent of the consequences of his or her action. In such a situation, the law expects him or her to involve the parents or guardian. With regard to an abortion decision, it is often a legal requirement that a minor cannot take a unilateral decision to have abortion without the involvement of the parents or guardian. The objective of the law is to see that a pregnant unmarried teenage girl seeks advice from a responsible adult before taking the decision to abort.

Parental involvement with regards to abortion laws has three basic features. Firstly, it is binding only on an unmarried minor pregnant woman. Secondly, it requires, at the minimum, that minors notify their parents before an abortion is performed. Thirdly, it may require express consent from the parents. Parental involvement law has been justified on the basis that it ensures that pregnant teenagers get support and guidance from their parents in taking

such an important decision. It is also useful in cases of pregnancy resulting from sexual abuse. Abusers may secretly take their victims to have an abortion without the knowledge of the victims' parents; requiring parental consent could therefore help to uncover such cases of abuse.^{xi} It gives parents a chance to counsel their teenage daughters about the possible consequences of abortion. It has also been established that parental involvement abortion laws reduce the number of teenage abortions.

Antagonists of the parental involvement abortion law on the other hand, have presented the arguments that in some exceptional cases, for example, where she has been sexually abused by her father or a close member of the family, or where telling them would present a serious foreseeable threat to her safety, it may be inappropriate for a child to tell her parents that she is pregnant. They also contend that seeking parental consent or notification before accessing abortion infringes on the right of reproductive autonomy of the pregnant minor and runs contrary to her right to privacy constitutionally guaranteed. The South African CTOP Act ultimately gives a minor the right to abort without recourse to her parents unless she chooses to inform them. Section 5(2) of the statute provides thus: 'Notwithstanding any other law or the Common Law, but subject to the provisions of Subsections 4 and 5, no consent other than that of the pregnant woman shall be required for the termination of pregnancy.' The law is categorical on the exclusion of parental consent or notification by providing thus:

In the case of a pregnant minor, a medical practitioner or a registered midwife, as the case may be, shall advise such minor to consult with her parents, guardian, family members or friends before the pregnancy is terminated. Provided that the termination of the pregnancy shall not be denied because such minor chooses not to consult them.^{xi}

In the South African case of *Christian Lawyers Association v Minister of Health (2)*^{xi} the plaintiff instituted an action seeking an order declaring the above provisions of the law, Section 5(1) and the definition of a woman^{xi} in the statute to be unconstitutional and an order striking down those sections and to declare them as inconsistent with the Constitution. The plaintiffs contended that the totality of those provisions in the CTOP Act in effect allow women under the age of 18 years to terminate pregnancies without consulting their parents or guardians or seeking parental consent or control. The plaintiffs contended further that girls under 18 years are not capable of making informed decisions which could serve their best interests without the assistance of parents and/or guardians and/or counsellor. The defendants noted an exception to the plaintiff's summons.

After listening to the arguments of both parties, the court held *inter alia* that the plaintiff's blanket approach that anybody below 18 years could not make an informed consent was too rigid in that there are persons under the age of 18 years who are mature while there are many who are above 18 years who are not mature.^{xi} The court held further that the legislation under challenge was constitutional as the rights of every woman to choose whether to terminate her pregnancy or not are enshrined in Sections 12(2)(a) and (b), 27(1)(a), 10 and 14 of the Constitution and everyone, including young girls under 18 years, are entitled to those rights.^{xi} The court finally held that the plaintiff's claim did not disclose a cause of action, therefore the defendant's exception was upheld and the plaintiff's action dismissed.

The argument here is that the right of parents over their minor pregnant daughters has not

only been whittled down but has actually been considered irrelevant in South Africa. Comparatively, the position of the US Supreme Court appears better than that of the South African Court. For instance, in *Bellotti v Baird*,^{xi} the state of Massachusetts enacted a law requiring minor women to seek parental consent before having an abortion but where the parents refuse her permission and she is dissatisfied, she can seek judicial authorisation for the procedure. The law was challenged on the basis that it infringed on the right of privacy of the pregnant minor and discriminated against her in that an adult pregnant woman is not required to notify her parents or anybody at all before accessing abortion. The US Supreme Court, after a long analysis, invoked the traditional understanding of parental authority over the children. The court ruled thus:

Deeply rooted in our nation's history and tradition, is the belief that the parental role implies a substantial measure of authority over one's children. Indeed, constitutional interpretation has consistently recognised that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society^{xi}

The US Supreme Court therefore concluded that states may require a teen or minor to obtain parental consent before having an abortion, but in recognition of the minor's constitutional right to decisional privacy, such states are required to provide for an alternative procedure, termed judicial bypass, whereby authorisation for the abortion may be obtained through court. Consequently, in the US, abortion laws in most states involve a mandatory requirement of one of two types of parental involvement – consent and/or notification – before a minor could obtain an abortion.^{xi} It is submitted that the position of the United States is better than that in South Africa because the court can act as a third party to see whether or not, under the circumstances, the minor is qualified to abort without parental notification or consent.

In the abortion debate and controversy, the right of the father features occasionally. The question is whether the court should place the right of the pregnant woman above that of the male partner or spouse with respect to taking the decision to abort? It is both a logical and biological fact that pregnancy entails the involvement of both man and woman. Should a woman be allowed and given the right to terminate the pregnancy without considering the interested male partner? In certain situations, a father may wish to preserve the life of his child, thereby refusing to allow abortion of the pregnancy. It is not in doubt that genetically half of the foetus is the father's.

The provision of CTOP Act does not recognise the right of the male spouse in an abortion decision. It states in Section 5(2) that no consent other than that of the pregnant woman shall be required for the termination of pregnancy. Some jurists have contended that abortion is ultimately a woman's decision and that the husband has no rights regarding being notified, and does not need to give consent to the act. Sillah Eisenstein (1998) while advocating the right of women to abort without informing the spouse, made the following remark in her book:

Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman's decision to terminate her pregnancy ... A woman's right to make that choice freely is fundamental.^{xi}

Similarly, Nkomo advocated that the decision should be the sole responsibility of the woman. He reasoned as follows:

Certainly in a healthy family setting, there is no doubt that a woman would seek the consent of her spouse ... however, if you have to have an operation that improves your health, you are not obliged to discuss it with anyone else. Enforcing consultation would be discriminatory.^{xi}

Kenneth Marrison submitted that requiring the pregnant woman to seek consent or inform her husband before she could abort would amount to placing unnecessary limitations on the woman's freedom to decide on her body's destiny.^{xi}

In countries of advanced constitutional democracy, the argument or debate on whether the man should be involved in an abortion decision has always been controversial. For instance, in England, Mr Paton failed to prevent his wife from procuring abortion in the Family Division.^{xi} He took his case to the European Commission on Human Rights and was similarly unsuccessful. It was held that the right of the mother prevails over that of the father because the woman is the person primarily affected or concerned with the pregnancy and its continuation. The court held the same position in the Canadian case of *Daigle*,^{xi} where the husband had secured an injunction to restrain his wife from obtaining abortion based on the fact that the husband was considered as a potential father. On appeal, the Supreme Court of Canada overturned the lower court's decision and set aside the injunction granted to restrain the wife from obtaining abortion. The court reasoned further, that the right of a potential father does not exist, and that the husband could not prevent his wife from obtaining abortion.

In *Planned Parenthood of Missouri v Danforth*,^{xi} the US Supreme Court ruled that the state was not required to notify or obtain permission from the husbands of women seeking abortion. In the case of *Skinner v. Oklahoma*,^{xi} another US Supreme Court case, it was canvassed in argument that a man has right to father children and to enjoy the association of his offspring, on the basis of which he should have a say in an abortion decision. The view of Mr. Justice Blackmun, while delivering the judgement of the majority in the case was that 'since it is the woman who physically bears the child and who is the more directly affected by the pregnancy ... the balance weighs in her favour.'

However, it is interesting to note that the Committee on the working of Abortion Act 1967 in Britain rightly advised that it is proper and advisable that the husband be involved during the counselling and ascertaining of the wishes of the woman taking the abortion decision. The committee expressed the view that:

Once a woman's real wishes with regard to abortion have been ascertained as far as possible, we consider it important to involve others who will be affected by the abortion decision ... There are numerous cases where doctors will be anxious to ascertain a husband's wishes and to obtain his agreement to an abortion being carried out. There is no legal obligation to do this and there may be cases where he refuses to be involved or where it is unwise to consult him. But we desire to emphasise that much unhappiness may be saved if the decision is made jointly by both parties.^{xi}

It is respectfully submitted that the view of the Lane Committee is to be supported in that it takes care of the interest of the male spouse in the abortion decision. To say that a man has

no right to object to termination of pregnancy even though he is involved in its conception is untenable. Ironically, the law imposes on the father the liability for child support on the basis that he was involved in the conception. It is suggested that the state should acknowledge mutual respect and the relationship existing in the institution of marriage by precluding a married woman from taking a unilateral decision to terminate a pregnancy. The same argument holds for unmarried couple who are involved in pre-marital or non-marital affairs. In view of the fact that the conception involves both partners, the interest of the male partner should be respected equally.

In addition to the right of the male spouse in an abortion decision not being recognised, the CTOP Act permits abortion on socio-economic grounds. A pregnant woman can access abortion based on the projection of her economic capability. Abortion can be accessed if her economic status shows that she will be unable to provide or cater for the baby when it is born. Termination of pregnancy on socio-economic grounds in South Africa is allowed and provided up to the 20th week of the gestation period. The ultrasound image of a 20 week old foetus reveals obviously that a complete human being is already formed.^{xi} Killing this baby on socio-economic grounds is, to say the least, inhuman and callous. It is contended that a foetus should be granted some special value. To terminate a five month old pregnancy would strike most people as unjustifiable disregard for the value of developing human life. It is morally reprehensible.

The CTOP Act allows abortion to be provided in all public hospitals and clinics for women who desire to have abortion during the first 12 weeks of the gestation period, without requiring any reason whatsoever.^{xi} The implication of this is that unborn babies have no right to life and in fact are considered a mere 'mass of tissue and blood' that can be discarded at will. This position of the law is too extreme. It is contended that a person should not be automatically granted the right to take the life of another person without lawful excuse, justification or reason. As of today, with the development of neonatology and embryology, nobody can say categorically that a foetus is not a human being or at least a potential person. Liberalising abortion law necessitates a serious caution on the part of government for various reasons, two of which are the uncertainty of personhood of foetus and unsettled legal position regarding its right to life. Sidney Callahan wrote as follows regarding the foetus and right to life:

... It is hard to defend logically any demarcation point after conception as the point at which an immature form of human life is so different from the day before or the day after, that it can be morally or legally discounted as a non-person. However immature, dependent, different looking or powerless, no human can be treated as a means to an end without consent. The foetus is an immature, dependent form of human life which only needs time and protection to develop, and surely, immaturity and dependence are not crimes.^{xi}

It will be recalled that when the CTOP Act was enacted, the Christian Lawyers Association went to court to challenge the statute. This is the case of *Christian Lawyers Association v. Minister of Health, 1998*^{xi} (otherwise known as CLA 1). The plaintiffs^{xi} challenged the constitutionality of the statute and called for the court to set aside the statute on the basis that it infringed on the right to life. They contended that a foetus has a right to life, and that

irrespective of gestational age, the foetus or unborn baby has a claim to protection by the Constitution for its right to life, because it is a person. They based their claim on Section 11 of South Africa's Constitution, which provides that 'everyone has the right to life,' arguing that the phrase 'everyone' applies also to an unborn child.

The Transvaal (as it then was) provisional division of the High Court dismissed the suit. It held that there was no express provision in the Constitution, including in Section 11, affording the foetus or embryo legal personality or protection, and that to include 'foetus' in the meaning of 'everyone' in Section 11 of the Constitution would ascribe to it a meaning different from that which it bore everywhere else in the Bill of Rights, something that was clearly untenable.^{xi} Moreover, the court concluded that to afford the foetus the status of a legal person might impinge on the rights of women expressly guaranteed in the Constitution.^{xi} Thus the court ruled to the effect that the foetus or embryo does not have right to life and is not a person under the law, to be protected *vis a vis* the right of the pregnant woman to abort.

In the same vein, in the case of *Roe v Wade*,^{xi} the US Supreme Court also ruled that for the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left only to the medical judgement of the pregnant woman's attending physician. The Supreme Court of Canada, when faced with the question of foetal right to life, similarly handed down the decision that a foetus has no separate right to be protected by law. The court expressed its decision that a foetus would appear to be a paradigmatic example of a being whose alleged rights would be inseparable from the rights of others, and in particular, from the rights of the woman carrying the foetus.^{xi}

Like Canada and United States, in the United Kingdom the same position is held regarding the juristic personality of a foetus. According to the President of the Family Division in United Kingdom,

The foetus cannot in English law, in my view, have a right of its own at least until it is born and has a separate existence from its mother. That permeates the whole of the civil law of this country ... and is, indeed, the basis of the decisions in those countries where law is founded on the Common Law ...^{xi}

It is little surprise therefore that the South African Court handed down the ruling that a foetus has no constitutionally guaranteed right to life. In fact, the South African Court quoted with approval the decision of the Supreme Court of Canada on the same issue.

Conclusion

Without prejudice to those laws liberalising abortion in UK, US, Canada and now South Africa, it is submitted that the conclusion on the issue has not yet been reached, and the courts and statutes that expressly deny a foetus the right to life and legal personality today, may acknowledge it tomorrow. It is an historical fact that the United States Supreme Court has a long history of overruling itself directly or by the provision of subsequent statutes, on discovering that certain decisions were wrongly made in the first instance. For example, the United States Supreme Court ruled and declared in the case of *Dred Scott v Sanford*^{xi} that all black slaves as well as free black Americans were not and could never become citizens of the United States.

In the said case, Dred Scott, a slave who had lived in the free state of Illinois and the free territory of Wisconsin before moving back to the slave state of Missouri, had appealed to the Supreme Court with the hope of being granted his freedom. Chief Justice Roger B. Taney read the majority judgement which declared that because Scott was black, he was not a citizen and therefore had no right to sue.

Blacks had no rights which the white man was bound to respect; and the Negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever profit could be made of it.^{xi}

Referring to the US Declaration of Independence, which includes the phrase, ‘all men are created equal’, Taney reasoned that:

It is too clear for dispute, that the enslaved African races were not intended to be included, and formed no part of the people who framed and adopted this declaration.^{xi}

This position was celebrated as ideal until 1865, when the judgement was overruled by the passing of the Thirteenth Amendment to the United States Constitution which abolished slavery. And in 1868, the Fourteenth Amendment, guaranteeing full rights and citizenship to everyone regardless of race, was passed. It is more than an irony of history that today blacks in the United States are not only free, but possess the same social, political and economic freedoms, rights and privileges as whites. The United States even has its first black President.^{xi} It is therefore submitted that, in time, laws may change to recognise the foetus as a bearer of the right to life. For this reason, we must exercise caution in over-liberalising laws on abortion based on the judicial or legal assumption that a foetus is not a human being to be legally protected.

Secondly, the state should recognise the fact that a father is likely to have a special interest in his unborn child. It is unimaginable that the consent of both husband and wife are required by law in case of adoption and fosterage. One then wonders why the law refuses to recognise the interest of the husband in the abortion decision. This is anomalous, illogical and unsupportable.

Thirdly, there is a need to recognise and give effect to parental control and interest in their children’s welfare. Allowing and providing abortion for teenagers without notification or consent of their parents on the assumption of maturity and claim of privacy rights is unwholesome. In any situation where a pregnant minor refuses to involve her parents, judicial authorisation for the abortion would be appropriate. This would ensure a compromise and middle position that neither does away with paramount parental control and rights over minor children, nor deprives minors of their constitutional protection of privacy with regards to the abortion option.

Fourthly, the core of the abortion debate has always centered on the personhood of the foetus. For decades, it has raised a variety of issues, some out of different religious beliefs and moral persuasions. We have to recognise that abortion is an act of killing a potential human biological being. The foetus is not simply a part of the pregnant woman’s body, like

her kidney or gall bladder. It has its own genetic make-up, its own blood circulation and blood supply and its own principle of growth.^{xi} It is contended that since the pregnant woman brought about the foetus by her initial consent to sexual intercourse she should be stopped from demanding its killing without any moral justification, lawful reason, or plausible excuse. The same argument goes for allowing and providing abortion on socio-economic grounds.

It is submitted that the present abortion law in South Africa has the tendency to affect the psycho-moral attitude of many South African women who may decide not to exercise restraint on their genital flippancy. Killing a potential baby from the age of one week to five months on the assumption that a foetus is only legally protectable after complete delivery from the pregnant woman is, to say the least, a mistake and legal fallacy which ought to be corrected by way of amendment to the Act.

^{xi} Fisher, J. (2009). 'Mental Health Aspects of Women's Reproductive Health: A Global Review of Literature'. J. Fisher (ed.) Geneva. World Health Publications: p.4.

^{xi} See Article 12 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) adopted in United Nations General Assembly Resolution 34/180, 1979.

^{xi} Freedman, L. and Isaacs, S. (1993). 'Human Rights and Reproductive Choices' *Studies in Family Planning*, 24(1) p.20.

^{xi} Proclamation of Teheran adopted on 13 May 1968. U.N. Doc. General Assembly A/CONF. 32/41.

Article 16.

^{xi} Schuler, M. and Thomas, D. (eds.). (1997). *Women's Human Rights Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights* Human Rights Watch, Washington D.C: Women's Rights Project p.10.

^{xi} United Nations World Population Conference at Bucharest, August 1974. United Nations E/CONF.60/19.

^{xi} Para 14 (f) of the United Nations World Conference at Bucharest, 1974. E/CONF.60/19.

^{xi} Para 224 of the Beijing Declaration and Platform for Action A/CONF.177/20/Add.1(1995).

^{xi} Para 274e of the Beijing Declaration and Platform for Action A/CONF.177/20/Add.1(1995).

^{xi} International Conference on Population and Development (ICPD) A/CONF.171/13 of 18 October 1994. para 7.2.

^{xi} Also known as Maputo Protocol, AHG/Res. 240 (XXXI) 31st Sess. 11 July 2003.

^{xi} Warriner, I. and Iqbal, S. (2006). *Unsafe Abortion: An Overview for Priorities and Needs, in Preventing Unsafe Abortion and its Consequences, Priorities for Research and Action*, New York Guttmacher Institute, p. 1.

^{xi} World Health Organisation, *The Prevention and Management of Unsafe Abortion*, Report of a Technical Working Group, Geneva. WHO, (1992).

^{xi} Germain, A. and Kim, T. (1998). 'Expanding Access to Safe Abortion: Strategies for Action' International Women's Health Coalition. p. 1.

^{xi} Hord, C. (2006). 'Unsafe Abortion in Africa: Overview and Recommendations for Action' in I. Wariner, and I Shah (eds.) note 13 above, p. 117.

^{xi} WHO (2005) *Unsafe abortion, Global and Regional Estimates of Incidence of and Mortality due to Unsafe Abortion with a listing of available country data*, Geneva.

- ^{xi} Braam, T. and Hessini, L. (2004). 'The Power Dynamics Perpetuating Unsafe Abortion in Africa: A Feminist Perspective', *African Journal of Reproductive Health*, 8(1): Pp.43-51.
- ^{xi} Sections 228 and 229 of the Criminal Code of Nigeria, Cap 77 Laws of federation of Nigeria 1990.
- ^{xi} Akingba, J. (1977). 'Abortion Mortality And Other Health Problems in Nigeria,' *Nigeria Medical Journal*, 7(4): Pp.465-471.
- ^{xi} Ladipo, O. (1989). 'Preventing and Managing Complications of Induced Abortion in Third World Countries' *International Journal of Gynaecology and Obstetrics*,3: Pp. 21-28.
- ^{xi} Okonofua, F. and Ilumoka, B. (1992) 'Prevention of Morbidity And Mortality from Unsafe Abortion in Nigeria,' *Critical Issues in Reproductive Health Journal*,. p. 10.
- ^{xi} Olatunbosun, O. (1988). 'Ectopic Pregnancy, the African Experience', *Post Graduate Doctor. Africa*, 3:Pp.74-78.
- ^{xi} Ampofo, A.(1970). 'The Dynamics of Induced Abortions and the Social Implications for Ghana' *Ghana Medical Journal* 12: p.300.
- ^{xi} Ipas Ghana 'Protecting Women's Health' <http://www.ipas.org/Countries/Ghana.aspx>. Accessed 23 September, 2009.
- ^{xi} See Parliamentary bulleting of 26 October 1996. <http://www.anc.org.za/show.php?doc=ancdocs/pubs/whip/whip08.html> Accessed 30th September, 2009.
- ^{xi} Marivate, K. (1997). 'Termination of Pregnancy: A woman's Fundamental Right' *South African Public Interest Law Review (SAPILAR)* 1(1) p.165.
- ^{xi} Mhlanga, R. (2003). 'Abortion Development and Impact in South Africa' *British Medical Bulletin*, 67 (1) p.116.
- ^{xi} Gautmacher S *et al* (1998) 'Abortion Reform in South Africa: A Case Study of the 1996 Choice on Termination of Pregnancy Act' *International Family Planning Perspectives*, 24(4) p.191.
- ^{xi} Cope, J (1993) *A Matter of Choice: Abortion Law Reform in apartheid South Africa*, Pietemaritzburg, South Africa, Haded books p. 54.
- ^{xi} Bradford, H. (1991). *Herbs, Knives and Plastic: 150 years of Abortion in South Africa: Medicine and Cultural Imperialism*, New York St Martin's Press, Pp.120-145.
- ^{xi} Gautmacher, S. (1998). 'Abortion Reform in South Africa: A Case Study of the 1996 Choice on Termination of Pregnancy Act' *International Family Planning Perspectives*, 24(4) p.191.
- ^{xi} Jewkes R. *et al*, (1997). 'Backstreet Abortion in South Africa,' *South Africa Medical Journal*, 4: p.418.
- ^{xi} Fawcus S. *et al*, (1997). 'Management of Incomplete Abortions at South African Public Hospitals' *South African Medical Journal*, 87(4) Pp. 438-442.
- ^{xi} Groote Schuur's Annual Reports (GSAR) (1960) p.30.
- ^{xi} Makatini, L. (1983). 'Abortion as a Human Rights Issue' *Agenda Feminist Media*, Agenda 17. p.19.
- ^{xi} Merkel, J. (2005). 'Women and The Right to Choose' *K hanya, Journal for Activists* 10 p.36.
- ^{xi} Rees *et al*, (1997). 'The epidemiology of Incomplete Abortion in South Africa' *South African Medical Journal*, 87(4) Pp.432-437.
- ^{xi} Section 2 (1) of the Act.

-
- ^{xi} Hamilton, T. (2005). 'Abortion – Parental Consent International Debate Education Association', p. 1.
- ^{xi} Section 5 sub-section 2 and 3 of the CTOP Act No 92 of 1996 as amended by CTOP Amendment Act No 1 of 2008.
- ^{xi} *Christian Lawyers Association v Minister of Health* 2005 (1) SA 509.(otherwise known as CLA 2)
- ^{xi} Section 1 of the Act which defines a 'woman' as any female person of any age.
- ^{xi} *Christian Lawyers Association v Minister of Health* 2005 (1) SA 509 at 518 J of the judgement.
- ^{xi} *Christian Lawyers Association v Minister of Health* 2005 (1) SA 509 at 528 D-E. of the judgement.
- ^{xi} *Bellotti*, (1979) 443 U.S. 622.
- ^{xi} *Bellotti* at 639.
- ^{xi} Guttmacher Institute, *An Overview of Abortion Laws: State Policies in Brief*: USA. March 1 2009.
- ^{xi} Eisenstein, S. (1998). 'The Female Body And The Law' University of California, USA.p 87.
- ^{xi} Eisenstein, S. *The Female Body And The Law* (1998) University of California, USA.Pp.87-88.
- ^{xi} Marivate, K. (1977). 'Termination of Pregnancy – A Woman's Choice' *Scapular* 1(1). p.82.
- ^{xi} *Paton v United Kingdom* (1980) 3 EHRR 408.
- ^{xi} *Daigle v Tremblay*,(1989) 2 S.C.R., 230.
- ^{xi} (1976) 428 U.S.52.
- ^{xi} (1942).316 U.S. 535.
- ^{xi} Report of the Committee on the Working of the Abortion Act, Cmnd. 5579, Vol. I, para. 297 and 298.
- ^{xi} See generally the ultra sound photographs of foetal development stage by stage in the following books, L. Nilson and L. Hamberger, (1986) *A child is born*, Delta Publishers, S. Campbell, (2004) *Watch me grow*, St Martins Pr. Publisher.
- ^{xi} See section 2 (1) (a) of the Act.
- ^{xi} Callahan, S. (1981). 'Abortion and the Sexual Agenda: A Case for Pro-Life Feminism' *Commonweal* 113 Ppp.232-238.
- ^{xi} 1998 (4) SA 1113.
- ^{xi} The Act was challenged by three different groups under the name of the United Christian Action Group, the Christian Lawyers' Association, and Christians for Truth.
- ^{xi} 1998 (4) SA 1113, p.1122, paragraph F-I. of the judgement.
- ^{xi} 1998 (4) SA 111, p.1123, paragraph E-G. of the judgement.
- ^{xi} *Roe v Wade* (1973) 410. U.S.113.
- ^{xi} (1989) 2 S.C.R. 530.
- ^{xi} *Paton v Trustees of the British Pregnancy Advisory Service* [1978] 2 All ER. 987.
- ^{xi} (1856) 60 US.393.
- ^{xi} P 408 of the judgement.
- ^{xi} P.405 of the judgement.
- ^{xi} Barak Hussein Obama was sworn as the first back President of the United States of America on January 20 2009.

^{xi} Wennberg, R. (1985). *Life in the Balance: Exploring the Abortion Controversy* Eerdmans Publishing, USA. p. 26.

References

- Bradford, H. (1991). *Herbs, Knives and Plastic: 150 years of Abortion in South Africa: Medicine and Cultural Imperialism*, New York: St Martin's Press.
- Campbell, S. (2004). *Watch Me Grow*, Washington D.C.: St Martins Pr. Publisher.
- Choice on Termination of Pregnancy Act No 92 of 1996, South Africa.
- Cope, J. (1993). *A Matter of Choice: Abortion Law Reform in Apartheid South Africa*, Pietermaritzburg, South Africa: Haded Books.
- Eisenstein, S. (1998). *The Female Body And The Law*, USA: University of California.
- Fisher, J. (2009). *Mental Health Aspects of Women's Reproductive Health: A Global Review of Literature*, Geneva: World Health Publications.
- Germain, A. and Kim, T. (1998). *Expanding Access to Safe Abortion: Strategies for Action* New York: International Women's Health Coalition Publisher (IWHC)
- Hord, C. (2006). *Unsafe Abortion in Africa: Overview and Recommendations for Action*, in I. Wariner, and I Shah (eds.) New York: Guttmacher.
- Nilson, L. and Hamberger, L. (1986). *A Child is Born*, UK. Amazon publisher.
- Schuler, M. and Thomas, D. (eds.). (1997). *Women's Human Rights Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights*, Washington D.C.: Human Rights Watch.
- Wennberg, R. (1985). *Life in the Balance: Exploring the Abortion Controversy*, USA: Eerdmans Publishing.

‘Dying in silence’: Date rape and masculinities in Sub-Saharan Africa

Fainos Mangena, PhD*

Abstract: The concept of ‘date rape’ has no deep roots in Shona culture because of the influence of oppressive masculinities in Sub-Saharan Africa.¹ It is for this reason that this concept has become difficult to underpin. But a cursory survey of Western literature has shown that date rape is common and easier to establish in most Western cultures because of the value attached to the moral principle of general and free consent. Lois Pineau, a Western feminist philosopher, puts this into perspective when she argues in favour of communicative sexuality based on free consent which she regards as the only way in which date rape can be avoided. While her argument has found an audience in some contexts, I argue that the same principle is difficult to apply in Sub-Saharan Africa where traditional communitarian values seem not to respect women’s moral choices when it comes to sexual matters.

Keywords: Date rape, *mens rea*, free consent, oppressive masculinities

**Lecturer, Department of Religious Studies, Classics and Philosophy, University of Zimbabwe & Research Fellow, Centre for Leadership Ethics in Africa, University of Fort Hare, South Africa*

Introduction

Date rape has not received the kind of philosophical attention that rape, in general, has received in recent years. The reason is not clear but probably it has to do with the widely held belief

that there is a very thin line between date rape and seduction. My interest in this topic stems from the fact that rape, in general, has become a global monster in contemporary society, as it has fuelled the prevalent rate of HIV and AIDS especially in Sub-Saharan Africa. What is more interesting is the fact that contributions from African philosophy have been scarce. Against this background, I play the devil's advocate by being one of the very few people to research in this topic. As the popular Western saying goes: 'Do not follow where the path may lead, go instead where there is no path and leave a trail.' Motivated by this saying, I explore the concept of date rape to see if it sits well with the African philosophical worldview. Since Pineau is notably among the few Western philosophers who have satisfactorily discussed this concept, I begin this essay by analyzing her argument with a view to show that, while the criteria of defining rape are common across cultures, the same cannot be said of date rape, which seems to be accepted in traditional African thought as a normal sexual practice because of the patriarchal narrative which tends to subvert and subjugate women's sexual and reproductive rights.

Regrettably, I argue that much as Pineau's argument has found an audience in some contexts, it has no deep roots in Sub-Saharan Africa. In my final submissions, I conclude

by saying that what Pineau calls date rape is, from an African perspective, a sexual practice which traditional African women are socialized to accept as normal because of the influence of oppressive masculinities which disregard women's sexual rights making them vulnerable to date rape. It will, however, be difficult to defend the claim that only

women from Sub-Saharan Africa are vulnerable to rape and date rape as statistics in the West also show that 91% of rape victims are female, while almost 99% of perpetrators are male.²

Date rape: The search for meaning

Perhaps it is reasonable to begin this section by defining rape. This is important because there seems to be no agreement on what rape really is. Its definition is a matter of some dispute as it means different things to different people. For instance, America's Federal Criminal Code (Title 18, Chapter 109A, sections 2241-2233) defines rape as aggravated sexual abuse, that is, rape is when a person knowingly causes another person to engage in a sexual act ... or attempts to do so by using force against that person, or by threatening that person with death, serious bodily injury, or kidnapping.³

That said, it is important at this stage to note that there are several types of rape, generally categorized by reference to the situations in which they occur, the sex or characteristics of the victim, and/or the sex or characteristics of the perpetrator.⁴ In this essay, I identify four types of rape namely, gang rape, marital or spousal rape, incestual rape and date rape. While gang rape is usually committed during an act of felony such as robbery or murder, marital or

spousal rape is a type of rape which takes place in a marriage setting when one of the marriage partners is forced into having sexual intercourse without consent. Incestual rape involves rape of blood relatives, such as father raping daughter, mother raping son or brother raping sister. Date rape, on the other hand, takes place in date or courtship situations. While it would be reasonable and quite in order to discuss all these types of rape, in this treatise, I will – because of limited time and space – restrict my discussion to date rape. Before beginning a fully fledged discussion of date rape, it is important to note that while rape has always been defined from a Western perspective, it is also critical to define this same concept from an African viewpoint, particularly from the viewpoint of the Shona people of Zimbabwe⁵ to see if there are points of similarities and differences.

According to the Shona:

Munhu anonzi abatwa chibharo kana amanikidzwa kuenda pa bonde nemunhu waasingazivi kana kuti waasingadanani naye. Izvi zvikaitika munhu anochema uye anokuvara panhengo yake yehurume kana kuti yehukadzi (A person is raped when he or she is forced to have sex with a stranger or someone whom he or she is not in love with and this is normally accompanied by screaming and physical injury of the genitalia.)

The word *waasingazivi* (stranger) could be interpreted from a Shona cultural perspective to mean *murume kana mukadzi asati aziva muviri wake* (a man or woman who has not known his or her body', meaning, a man or woman who has not had sex with him or her before). *Kumanikidzwa* (being forced) expresses lack of consent on the part of the victim. It is important to note that there are points of similarities between the Western definition of rape and the African viewpoint. Both definitions cite the use of force, lack of consent and the presence of physical injury as key to the definition of rape. In both definitions, the rapist uses death threats, serious bodily injury or kidnapping if the victim fails to comply with the order or if – after compliance – the victim breaks the silence by reporting or telling somebody of the rape incident. But while these similarities can be seen when it comes to defining rape, the same cannot be said of date rape because its meaning is different from the two definitions of rape cited above.

Pineau, for instance, defines date rape as non-aggravated sexual assault, non-consensual sex that does not involve physical injury or the explicit threat of physical injury. But because it does not involve physical injury and because physical injury is often the only criterion that is accepted as evidence that the *actus reus* (the act of rape) is non-consensual, date rape is – from both Western and Shona perspectives – often mistaken for seduction.⁶ Against this background, the meaning of rape and date rape becomes a matter of nuances. While it will perhaps be easy – in the West – to define acquaintance sex or sex in date situations as rape because of the absence of consent, physical injury and because of the binding force of individual rights which characterize most Western cultures, it is difficult to transpose this to Sub-Saharan Africa where the emphasis is on collective values.

Masculinities in Sub-Saharan Africa⁷ also make it very difficult for women or girls to accuse their partners of rape for as long as they are in love, and this is compounded by the value attached to traditional/communitarian rights as compared to the value attached to individual rights. I do not intend to claim that human rights are un-African but I want to point out that

despite the fact that most African countries are signatories to the human rights charter; the human rights discourse still faces resistance from traditional Sub-Saharan African cultures which favour traditional communitarian values. At this point, I will consider Pineau's feminist analysis of date rape to see if it is comparable to the African analyses of the same concept. My intention is not to show that Pineau's feminist analysis of date rape is irrelevant or inapplicable to Africa, but that there are points of agreement and disagreement between Pineau's rape discourse and Africa's conceptualization of the same idea which should be understood in the context of oppressive African masculinities.

A comparative analysis of Pineau's feminist analysis of date rape, and Shona perceptions

Pineau begins her feminist analysis of date rape by making a distinction between sexual assault and seduction. To make this distinction clear, she provides a hypothetical case of an imaginary date situation as follows:

The woman I have in mind agrees to see someone and she feels an intimate attraction to him and believes that he feels the same way about her. She goes with him in the hope that there will be mutual enjoyment. Unfortunately, these hopes of mutual and reciprocal interests are not realized. We do not know how much interest she has in him by the end of their time together but whatever her feelings, she comes under pressure to have sex with him and she does not want to have the kind of sex he wants ... and while she feels she does not owe him anything and that it is her prerogative to refuse him, this feeling is partly a defensive reaction against a deeply held belief that if he is in need, she should provide. We do not know how much he desires her, but we do know that his desire for erotic satisfaction can hardly be separated from his desire for conquest. He uses the myth of 'so hard to control male desire' as a rhetoric tactic, telling her how frustrated she will leave him. He becomes overbearing. It seems that, given his aggression and her queasy fatigue, the only thing to do is to go along with him and get it over with. She finds the whole encounter a disagreeable experience, but he does not take notice. He congratulates himself on his sexual prowess (White 1994).

Pineau develops her argument thus: we assume that the woman did not want to have sex, but just like her, we are unsure whether her mere reluctance in the presence of high pressure tactics, constitutes consent (White 1994). No sexual enjoyment can be achieved by submitting to an overbearing and insensitive lout. Assuming that she was not attracted to the kind of sex offered by the sort of person offering it, then it would be *prima facie* unreasonable for her to agree to have sex unless she were offered some pay off for her stoic endurance, money perhaps or tickets to the opera. The reason is that in matters of sex, there has to be attraction on the part of the victim if rape is to be avoided, thus while the presumption is that she was not attracted, we should at the same time presume that she did not consent (White 1994). Hence, the burden of proof should be on her alleged assailant to show that she had good reasons for consenting to an unattractive proposition.

Assuming that the example described above should come before the courts, there is little doubt that the law would interpret the woman's eventual acquiescence or 'going along with' the sexual encounter as consent. But along with this interpretation would go the implicit understanding that she had consented because when all was said and done and when the 'token' resistances to the 'masterful advances' had been made, she had wanted to after all

(White 1994). This seeming androcentric attitude is often used to subvert and subjugate women's freedom to be heard in a court of law by assuming that the jury's interpretation of the victim's 'going along with' is indeed consent from the point of view of the victim. While this seems to be a global problem, it is more prevalent in Sub-Saharan Africa because of oppressive masculine authority which regards women as second class citizens.

In this essay, I consider the concept of consent to be one concept which is difficult to underpin given that sometimes 'no' can be interpreted to mean 'yes' by the courts of law just as 'no' can be interpreted to mean 'yes' by the perpetrator. Though this claim may sound a bit suspicious like the offensive but familiar rapist's plea, it is important to acknowledge the point that contextual philosophizing is philosophizing. In the context of Sub-Saharan Africa, especially among the Shona people, 'no' indeed means 'yes.' This is because Shona culture puts a lot of emphasis on chastity before marriage on the part of the woman and by pretending to resist her husband's demand for sex, the woman is communicating to her husband that she has not succumbed to high pressure tactics with regard to sexual matters before and that she is a strong woman who can be trusted when it comes to issues of fidelity in marriage. In Shona they say: *Musikana chaiye haangopindwi zviru nyore nyangwe achinzwa kuda* (A faithful girl or woman cannot be entered easily even if she is interested in sexual intercourse). This saying alone shows that a Shona woman finds it very difficult to surrender easily to her partner during foreplay lest she is viewed as *akareruka* (a loose girl) by her partner. This would convince the partner that she must have led a promiscuous life prior to their relationship.

What makes this argument very interesting is the fact that cultural expectations differ, that is to say, although the concept of 'no' meaning 'yes' may be applicable to the Shona society, it will perhaps struggle to set its roots in Western cosmopolitans. In the West, individual liberalism allows women to voice their concern – and be heard – if they feel that sex has been forced on them, but in Sub-Saharan Africa, the opposite is equally true. With this claim, I do not mean to say that rape does not occur in the African context – it does occur – but more often, it goes unnoticed or unchallenged. But despite these nuances, it is reasonable to note that the Western notion of rape as represented by Pineau, and the African concept that I represent have points of commonality in that women are often misunderstood to have consented to sex if they give in to high pressure tactics, and that, in the unlikely event that the courts agree that the woman has not consented, there is little chance that the man would be convicted of sexual assault.

For Pineau (1989: 217-243), the belief that the man's aggressive tactics are a normal part of seduction means that *mens rea* cannot be established, and her 'going along with' his advances constitute reasonable grounds for his believing in her consent. Moreover, the sympathy of the courts is more likely to lie with the rapist than with his victim, since, if the court is typical, it will be strongly inclined to believe the victim had in some way, 'asked for it' an attitude which helps to entrench patriarchy. Before I discuss the African feminist notion of date rape, it is crucial to see how Pineau explores the 'she asked for it' myth, which is often used to acquit date rapists in the West and to trample upon the sexual rights of women when it comes to date situations in Sub-Saharan Africa.

Dispelling the myth of ‘she asked for it’?

Pineau (1989: 217-243) argues that the least sophisticated of the ‘she asked for it,’ rationale and, in a sense, the easiest to deal with, appeals to an injunction against sexually provocative behaviour on the part of women. If women should not be sexually provocative, then from this standpoint, a woman who is sexually provocative deserves to suffer the consequences. Now, it will not do to respond that women get raped even when they are not sexually provocative, or that it is men who get to interpret (unfairly) what counts as sexually provocative (Pineau 1989). This is a very important point raised by Pineau which also applies to Sub-Saharan Africa where oppressive masculine aggression means that the behaviour of the wife or girlfriend – whether passive or active in foreplay – will be seen as inviting sexual intercourse. As intimated earlier, this is all a package of patriarchy which is meant to devalue women by not respecting their consenting rights and freedoms.

In Sub-Saharan Africa and in Shona culture in particular, it is worse because the woman is not expected to express her displeasure to non-consensual sex; instead she should die in silence unless she is prepared to endure the devious label *hure* (a prostitute) which is a name given to women who are promiscuous. As Pineau argues, attempts to explain that women have a right to behave in sexually provocative ways without suffering the consequences are often met with stiff resistance from even the most pious of men, who tend to suppose that women must not behave sexually unless they are prepared to carry through on some fuller course of sexual interaction (Pineau 1989). In Shona they say: *Ndiwe wakazvidana wega, saka usachema* (You invited sexual intercourse, so do not cry foul). The logic of this response seems to be that at some point, a woman’s behaviour commits her to follow through on some fuller course of a sexual encounter as it is defined by her assailant because she has made an agreement, or formed a contract, and once that is done, her contractor is entitled to demand that she satisfies the terms of that contract (Pineau 1989).

According to Pineau (1989:217-243), the reason comes in the form of a belief that natural male aggression is difficult to contain once provoked. At a certain point in the arousal process, it is thought, a man’s rational will give way to the prerogatives of nature. His natural masculine aggression kicks in to assure that his need is met. Women, however, are naturally more contained and so it is their responsibility not to provoke the irrational in the male; for if they do, they have both failed in their responsibilities, and they subject themselves to the inevitable. Natural feminine reluctance, it is thought, is no protection against a sexually aroused male. For Pineau (1989: 217-243), the belief that a woman generates some sort of contractual obligation whenever her behaviour is interpreted as seductive is the most indefensible part of the mythology of rape. I do agree with Pineau here; for instance, why should women always be sexually provocative and not men? Are women sex objects meant to satisfy male sexual desires? Lastly, are sexual contracts legitimized by a mere promise?

For Pineau, even if we assume that a woman has initially agreed to an encounter, her agreement does not automatically make all subsequent sexual activities to which she submits legitimate, for instance, If during coitus, a woman should experience pain, be suddenly overcome with guilt or fear of pregnancy or disease ... these are good reasons for her to change her mind. Having changed her mind, neither her partner nor the state has any right to

force her to continue (Pineau 1989). While this idea can be easily applied to women's sexual experiences in the West, the same idea is difficult to implement in Sub-Saharan Africa for reasons I have stated above. But despite this challenge, Pineau argues that male sexual desire is containable and can be subjected to rational and moral control (Pineau 1989). Why? Because most of the activity involved in sex has to do with building the requisite level of desire, a task that involves the proper use of foreplay, the possibility of which implies control over the form that foreplay will take (Pineau 1989).

Whether or not this is possible is not the subject of my discussion here. But perhaps it will be important to briefly consider the areas of weakness in Pineau's feminist thesis. Those who support the African masculine agenda would perhaps argue that once a woman has decided to engage in sex – with or without high pressure tactics from her man – she cannot lay rape charges against him if, during the course of the sexual interaction, she becomes disinterested. This is so because the absence of consent is usually associated with unattractiveness of the man in the eyes of the woman, or fear of the unknown, that is, pregnancy or disease. Once the woman has decided to engage in sexual intercourse, the assumption is that she has considered all these factors as part of the consenting process. Consent will be of no use once the woman has felt attracted to the man and penetration has taken place.

As supporters of the oppressive masculine agenda would ask: How is this different from a woman who thinks about a condom during the process of sexual intercourse or when the man whose HIV status she does not even know has already ejaculated? It will be difficult to sustain the argument 'from attraction or non-attraction' because the fact that the two are in love is probably enough to show that they are attracted to each other. In this essay, however, I will not agree with the position of those who support the masculine agenda in Sub-Saharan Africa, who seem to think that men are more humane than women and that in the context of the fight against HIV and AIDS, only women should play ball. Against this backdrop, I do not see defenders of the masculine agenda giving us a convincing argument which can enable us to abandon Pineau's feminist analysis of date rape.

Having considered these critical points by defenders of the oppressive masculine agenda, my position is that Pineau's feminist analysis of date rape bears close resemblances to the Shona conceptual framework, the only difference being that Shona women cannot voice their concerns when they become victims of date rape, while Western women can. Shona women are socialized to accept rape in date situations as a normal sexual practice. The 'she asked for it' myth, which Pineau attempts to dispel, is also used to justify men's aggressive sexual tactics against their female partners among the Shona. In fact, when demanding sex, Shona men put it crudely when they say: *unogoramba sei kurara neni iwe uri wangu, kana kuti ndakakubvisira pfuma?* (Why would you refuse to give me sex when you are my lover or when I paid bride price for you?) So, while it is easy for Pineau to dispel the – 'she asked for it' myth, it is difficult to do so from a Shona cultural perspective. The reason is that oppressive masculine structures in Sub-Saharan Africa are organized in such a way that once married, a woman has no control over her body with regard to sexual matters.

Pineau (1989:217-243) believes that the – 'she asked for it' or the 'aggressive-contractual model' is a backdrop against which many people base their judgments about reasonable belief in rape cases. This model should be replaced with a model of 'communicative

sexuality', one that emphasizes 'an atmosphere of comfort and communication, a minimum of pressure, and ongoing check up on one's partner's state' (Pineau 1989). Communicative sexuality is most likely to be rewarding for both parties, as it allows them to promote each other's sensual ends non-manipulatively and non-paternalistically, and observes norms appropriate to friendship and trust (Pineau 1989). Because it is through communication that one gains knowledge of one's partner's desires or lack thereof, Pineau contends that 'where communicative sexuality does not occur we lack the main ground for believing that the sex involved was consensual.' She says:

Where a man does not engage in communicative sexuality, he acts either out of reckless disregard, or out of willful ignorance; for he cannot know, except through the practice of communicative sexuality, whether his partner has any sexual reason for continuing the encounter. And where she does not, he runs the risk of imposing on her what she is not willing to have. All that is needed, then, in order to provide women with legal protection from date rape is to make both reckless indifference and wilful ignorance a sufficient condition for mens rea, and to make communicative sexuality the accepted norm of sex to which a reasonable woman should agree (Pineau 1989).

There is no doubt that Pineau is making a strong case here, given that women's sexual rights and freedoms continue to be violated in modern society because of lack of communication. A typical example is when men regard women as sex objects and refuse to listen to them in matters affecting their sexual life. As observed earlier, Shona women are socialized to accept whatever their husbands say and this defeats the whole purpose of communicative sexuality which – as Pineau puts it – should emphasize an atmosphere of comfort and communication, a minimum of pressure and ongoing check of one's partner's state. In this essay, I argue that only communication will give birth to free consent on the part of the female partner. But free consent is not possible in Shona society because of lack of communication as a result of oppressive masculinities, and so date rape while it occurs, remains unchallenged.

Having said that, it is critical to dig deeper into the meaning and application of free consent as this is a key criterion in establishing whether or not date rape has occurred in Shona society and in Western capitals. This section is important for the simple reason that Pineau does not seem to give detail to her definition of 'consent.' Against this background, it will be important to pose and ask questions like: What is free consent? Is it not possible for a woman to file for rape or date rape after having consented to a sexual encounter? Why is *mens rea* a key factor when establishing consent? What is reasonable or unreasonable belief?

Date rape, free consent and 'reasonable belief': A cross-cultural perspective

At this stage we need to make a clear cut distinction between general consent – which Pineau seems to allude to in her treatise on date rape – and free consent, which I define and defend in this article. General consent might imply that women occasionally consent to sex against their will and they do not get any pleasure from the sexual encounter, while free consent means that the woman agrees to be intimate with her partner and gets pleasure from the sexual encounter. How is this possible? Consider this paradigm case as depicted in many Shona novels and in music in Zimbabwe: A managing director 'falls in love' with his secretary or female subordinate. He subsequently rapes her. Before the sexual act, he can easily establish that his secretary or female subordinate is not consenting, or if she is consenting, he can see

that the consent is not free. Oppressive masculinities in Sub-Saharan Africa somehow disregard women's rights and freedoms to the extent that managing directors of companies take advantage of their powerful and influential positions to force their secretaries to 'fall in love' with them so as to guarantee them their jobs or to get them promoted. I say 'fall in love' because there is no real love involved other than conditional love which is based on safeguarding the interests of the male boss. So, when the two become intimate, it is not that the secretary is consenting freely to sexual intercourse but that she is consenting because failure to do so will cost her the job which is her only source of livelihood. This point is well captured in a song by the late Paul Matavire⁸ who sings:

Basa riripano mari haizivane kana wada ini uchapura nyemba nemusana, uchavamukuru panavamwe vose, kana wada ini uchapura nyemba nemusana (There is a job vacancy here with a lucrative package, if you love me first, you shall enjoy as I will promote you and make sure that all the other employees report to you, if you love me, you shall enjoy ...)

It is clear from the above paragraph that women's rights – apart from being violated on the home front – are also not respected in the public sphere, especially at the workplace. Despite repeated calls in Zimbabwe and in Africa as a whole for affirmative action in the workplace, oppressive masculinities place an imperative which exposes women to sexual abuse by men at their workplaces, without being able to break the silence. While in the eyes of the perpetrators of date rape and in the eyes of many like-minded men, there seems to be nothing wrong with the behaviour of these male bosses, I argue that everything is wrong because the love is coercive and there is no free consent. I argue that such acts constitute date rape. But because of the sugary promise of job security or promotion and the socialization that African women receive during childhood, they remain silent. They see no evil, hear no evil and speak no evil. The net effect of this is that the notion of date rape becomes difficult to explain in Sub-Saharan Africa.

A further point to note is that a woman might consent to sex she does not desire because she rightly fears that if she does not, her partner will be put into a foul humour, and she simply decides that tolerating the undesired sex is less burdensome than tolerating the foul humour (Pineau 1989). So, for the woman, it becomes a matter of choosing the better devil. A woman might also consent to sex she does not desire because she has been taught and has come to believe that it is her lot in life to do so, and that she has no reasonable expectation of attaining her own pleasure through sex (Pineau 1989). In Sub-Saharan Africa and in many other parts of the world where patriarchy is still pre-dominant, women are socialized to accept the 'truism' that their existence is to satisfy men's sexual desires.

Men are free to have sex the way they want it, not the way their partners also want it. Thus, though date rape is evident in Africa, it is something women are not prepared to talk about in public as it will wreck their marriages or displease their spouses. Among the Shona *mwanasikana kana avakuda kuroorwa anogarapasi na-ana tete vachimudzidzisa zvinoitwa pa bonde kuti murume afare* (the girl child who is about to get married goes through sexual lessons, conducted by aunts, to ensure that she learns the art of pleasing her men in bed). The same lessons are not normally extended to the boy. As can be seen here, there is no room for free consent on the part of the woman as her role is to satisfy her partner even if she will not draw any pleasure from the sexual experience.

For Pineau (1989: 217-243), a woman, particularly a young woman or teenager, may consent to sex she does not want because of peer expectations that she be sexually active, or because she cannot bring herself to hurt her partner's pride ... In all the above hypothetical cases, there is no free consent. Can we not, therefore, conclude that general consent sometimes equals rape because of the harms that it brings to the consenting woman? These harms include the loss of the sense of selfhood, for by consenting to sex which is not pleasurable; the woman is using her body to further the interests of her man, thereby treating herself as a means to that men's ends.

Consenting to sex which is not pleasurable threatens our self assertion, that is, the 'psychic connection' ... between pleasure, desire and motivation is weakened (Pineau 1989). Loss of integrity also follows when the woman succumbs to 'hedonic lies' by claiming to have enjoyed the sex (Pineau 1989). Free consent means a woman is having sex for its own sake, without any strings attached and the sex is both desirable and pleasurable. It is because of the harms associated with general consent which disqualifies it as a good criterion for establishing whether or not a person has been raped. Pineau probably needs to clarify the distinctions between general consent and free consent in order to make a good argument.

Pineau's 'reasonable belief' argument also leaves us in a quandary because it presupposes that there is an objective standard of interpretation to which all behaviours of 'rapists' must conform. This is unfortunately not true, and is the reason why feminists like MacKinnon believe the *mens rea* requirement must be scrapped. According to MacKinnon, the *mens rea* requirement means that 'the man's perceptions of the woman's desires determine whether she is deemed violated', and this approach is problematic because 'men are systematically conditioned not even to notice what women want.'⁹

'Reasonable belief' is open to different interpretations. Unless criteria other than the presence of *mens rea* can be established to define a sexual act as rape, it will be difficult for the courts of law to ascertain whether or not a woman has been raped – more so in courtship or marriage – because of the complications that surround the interpretation of *mens rea*, which is often left to the accused. In the context of the Shona people of Zimbabwe, laying a rape charge against one's boyfriend or husband is not only seen as unreasonable but also rebellious. This is despite the fact that the Domestic Violence Act, which makes provision for sexual offences, has been passed into law.

Conclusion

In this essay, I used Pineau's feminist analysis of date rape to illuminate debate on whether or not date rape occurs in Shona society. I argued that by dispelling the 'she asked for it myth', Pineau demonstrated the importance of *mens rea* and *actus reus* in establishing consent. She further argued that date rape was, therefore, the absence of consensual and communicative sex. But I argued that consent, if not properly defined, would lead to debilitating results because general consent – which Pineau's feminist analysis presupposes – must be distinguished from free consent if the concept of date rape is to be fully understood. In order to show that general consent equals date rape, I cited cases where a woman can consent without drawing any pleasure from the sexual encounter. In my final submission, I argued that since communication is not possible in African date situations, particularly in Shona society because of oppressive masculinities, free consent, though desirable, is not possible

and that the concept of date rape is difficult to underpin.

End Notes

¹ Oppressive masculinities as they relate to Sub-Saharan Africa refer to the ill-treatment that African women suffer as a result of male domination. This ill-treatment includes violation of their sexual and reproductive rights among other rights. By sexual rights is meant the right for women and girls to determine the type of sexual intercourse they want to have with their partners and when they want to have it.

² Greenfield, L. 1997. 'Sex Offences and Offenders: An analysis of Data on Rape and sexual Assault.' Washington, D.C: U.S. Department of Justice, Bureau of Justice Statistics. *Feminist Perspectives on Rape*, <http://plato.stanford.edu/entries/feminism-rape/Accessed> 23 May 2009

³ Kilpatrick, G. Rape and Sexual Assault, <http://www.musc.edu/vawprevention/research/sa.shtml/Accessed> 5 June 2009

⁴ Rape, <http://www.soc.ucsb.edu/sexinfo/article/rape/Accessed> 3 May 2010

⁵ The Shona people are a dominant ethnic group in Zimbabwe under whose armpit fall the Manyika, Karanga, Korekore, Zezuru, Ndau and Kalanga linguistic groups (Mangena, 2008; Asante, 2000).

⁶ Seduction is the act of enticing or inducing a person to engage in sexual intercourse. Unlike sexual assault, seduction does not involve the use of force or threat of force for non-compliance. Instead the two parties agree (Kirkpatrick, 1983: 1173).

⁷ Sub-Saharan Africa refers to all the countries that lie south of the Sahara desert excluding those countries in North Africa such as Egypt, Algeria, Tunisia, Libya and Morocco.

⁸ The late Paul Matavire was a legendary Zimbabwean blind musician who sang about love and the oppression of women in love relationships and marriages in the Shona and Ndebele culture. This lyric is taken from the album *Tanga wandida*.

⁹ West, R. (1996). 'A Comment on Consent, Sex and Rape.' *Legal Theory*, 2 (3): 233-251.

References

- Asante, K.W. (2000). *Zimbabwe Dance: Rhythmic Forces, Ancestral Voices-An Aesthetic Analysis*, Trenton: African World Press, Inc.
- Greenfield, L. (1997). 'Sex Offences and Offenders: An analysis of Data on Rape and sexual Assault, <http://plato.stanford.edu/entries/feminism-rape/Accessed> 23 May, 2009
- Kilpatrick, G. 'Rape and Sexual Assault, <http://www.musc.edu/vawprevention/research/sa.shtml/Accessed> 5 June, 2009
- Kirkpatrick, E.M et al. (1983). *Chambers 20th Century Dictionary*. Edinburgh: W &R Chambers Ltd
- Mangena, F. (2008). *Natural Law Ethics, Hunhuism and the Concept of Retributive Justice among the Korekore-Nyombwe people of Northern Zimbabwe: An Ethical Investigation*. PhD Thesis, University of Zimbabwe
- Pineau, L. (1989). 'Date Rape: A Feminist Analysis.' *Law and Philosophy*, 8(2): 217-243
Rape, <http://www.soc.ucsb.edu/sexinfo/article/rape> Accessed 3 May 2010
- West, R. (1996). 'A Comment on Consent, Sex and Rape.' *Legal Theory*, 2 (3): 233-251.
- West, R. (1997). 'The Harms of Consensual Sex.' *Mappes, T.A and Zembaty, J.S (Eds.) Social Ethics: Morality and Social Policy*. New York: McGraw-Hill Companies.
- White, J.E. (1994). *Contemporary Moral Problems*. New York: West Publishing Company.

The resilience of academics at Fort Hare amid rapid transformation

Abie Sumbulu*

Abstract: *Organizations, including universities, are in a state of continuous transformation. At the University of Fort Hare, the period 1989 to 1999 saw dramatic changes take place, which have impacted on the academic staff. This paper aims to understand the academics' perceptions of change as well as how they survived in a fast-changing university milieu, and hypothesises that they have inner strengths which sustained them. The paper is based on a small scale study conducted at Fort Hare. Three epochs of transformation are identified: the apartheid, the transitional, and the post apartheid eras. Various coping strategies developed by academics over the various eras are discussed: some were situational, i.e. they were fitting in a particular era, while others were applied through all three eras.*

Key words: Academic staff, University of Fort Hare (UFH), resilience, tertiary institutions, coping strategies, institutional transformation.

Background

We will regret not so much because of the wrong deeds of a few, but because of the silence of the intellectuals (Martin Luther King, Jr.).

Change in the workplace is an uncomfortable experience and many people will endeavour to avoid it whenever possible (Smit and Cronje, 1992; Agar, 1994). Change at Fort Hare occurred at various stages and in different forms. Firstly, in 1959, separate development or apartheid was institutionalised, and academics were coerced into statutory segregation. The next two decades were marred by more stringent laws and student uprisings. In 1990, apartheid came to an abrupt end which was unplanned for and was seen as a 'revolutionary' take over by staff (Pityana, 1994). Management noted the imbalances caused by events and attempted to ease the situation by introducing a strategic plan for transformation. The decade 1990 to 1999 saw the institution go through four Vice Chancellors¹, as well as a caretaker principal, each ushering in their own administrative style. The Broad Transformation Forum was instituted by the university to facilitate change during a period of transition. Lastly, the period of transition or 'honeymoon' following the demise of apartheid could not last long and events transformed the situation into one of democracy in an apartheid free society. By the late 1990s the proportion of black academics had gradually increased to 40% and of the 5 500 strong student population, approximately 1% was white (Sumbulu and Boswell, 2003: 506). This was a welcome and long overdue change, especially considering that in 1948 Fort Hare was characterised as a 'microcosm of a non-racial society in the heart of apartheid South Africa' (Burchell, 1985: 28). By 1962 the three African colleges that existed – Fort Hare, North and Zululand (Ngoye) – employed 23 African academics, as opposed to 100 white academics (Moodie, 1994).

*Lecturer, Department of Social Work and Social Development, University of Fort Hare

Despite all these challenges, academics persisted with their work and developed a hardiness that sustained them, ostensibly because they had resilience. Resilience or ‘resiliency’ – sometimes referred to as the ‘strengths perspective’ (Van Breda, 2001) – is defined as the ability to remain task focused and productive whilst experiencing tough times. Resilience has the ability to enable people to ‘bounce back’ after experiencing stressful life events such as significant change, stress, adversity and hardship at work and home. It incorporates the concept of emerging from the adversity stronger and more resourceful (Warner, 2009, 54). This shift from vulnerability to ‘resiliency’ mirrors a shift in social work from an interest in problems and deficiencies, to an interest in ‘resiliency’ and strengths (Saleebey, 2008).

This paper takes a look at transformation as it occurred at Fort Hare at various stages, and considers how academic staff managed to keep their heads above water amid the overwhelming tides of change. This they did, for instance, by voting with their feet and leaving the country, by developing a passion for their work, partying (as entertainment), and finding solace in the understanding that they were making a national contribution at a microcosmic level.

The findings of a small scale study are interspersed in the discussion to form a continuous narrative. An exploratory-descriptive and qualitative design was applied in the research and Guba and Lincoln’s (1998) approach was used to ensure trustworthiness in qualitative research. The population (N=117) was made up of academics who had been in the employ of UFH for longer than ten years. A systematic probability sampling procedure was used to select a sample from this population. The basic steps of grounded theory – in accordance with Poggenpoel, Nolte, Dorfling, Greeff, Gross, Muller, Nel and Roos (1994: 133) – were applied in order to ensure analytic rigour (de Vos and van Zyl, 1998). A semi-structured face-to-face interview schedule was applied to both the pilot study and the research proper. The interview was conducted in the form of an in-depth audiotaped interview, with two respondents and a mini focus group (Hedges, 1985: 72) of three informants. The benefit of a focus group is that it combines the advantages of small groups and individual interviews.

Historical perspective of transformation

South African universities are bound by various parliamentary laws which govern their establishment and existence. Behr (1987) discusses the chasm that had arisen in academe in South Africa as a result of the government policy of creating separate ethnic universities in the 1960s through to the 1980s and its aftermath. He also points out the attention given to the government’s change of heart in the 1980s when a decision was taken specifically in terms of Act 83 of 1983, which made the universities ‘open’. This brought about the problems of coping with burgeoning academically disadvantaged students resulting from the existing socio-politico-economic dispensation. Behr (1987) draws attention to the crises that faced universities and the devastating effects which could have resulted from a worldwide academic boycott, especially during the 1980s. In his view, academic isolation goes against the principles of academic freedom. There is a plethora of laws which have controlled the establishment and governance of South African universities. For the purposes of the present discussion only a few of the principal ones will receive attention.

Education for blacks was doctored when the Nationalist Party took over the country in 1948. Almost a decade later, the Separate Universities Bill was introduced in 1957, thus transferring separate learning from schools to tertiary institutions as well. The separate education system for blacks was meant to be inferior. Verwoerd (who later became the Prime Minister of South Africa) said on Bantu education: 'When I have control over native education, I will reform it so that natives will be taught from childhood that equality with Europeans is not for them' (Mkwanazi and Rall, 1994: 39). The allocation of funds for the separate education systems was thus designed to disadvantage blacks. The concept of Bantu education was therefore based on colour and inequality.

The turning point came with the introduction of the Urban Bantu Areas Act of 1953, which prescribed where black people should reside. The Separate Amenities Act of the 1950s entrenched apartheid, which divided institutions of higher learning according to race and ethnicity. The Western Cape offers a fitting example of this. The South African higher education system was established by the Universities Act of 1916 and recognised three universities (Cape Town, Stellenbosch and Western Cape) within a radius of about 25 km, established to cater for English and Afrikaans speaking whites and Coloureds respectively (Moodie, 1994). Subsequently a number of commissions of enquiry were established which assisted in the formulation of laws. The Bantu Education Act of 1953 made it impossible for African students to attend white or 'open' schools as the law prescribed that they should attend schools in their own residential areas. The Universities Act of 1955 consolidated the then existing law relating to the powers of the government over universities and the distribution of authority over universities.

The 1959 Extension of University Education Act led to the establishment of separate ethnic universities, for example the Universities of the North (Turfloop), Zululand (Ngoye) and other 'Bantustan' campuses. This was done in order to give expression to the Verwoerdian concept of self-determination for each population group within its own sphere 'which created state controlled universities alongside the state-aided universities ... [and] deprived universities of the right to accept or refuse students for admission (Behr, 1987: 3). It prohibited whites from attending universities for non-whites and debarred blacks from registering with or attending white universities. (The term 'non-white' is derogatory and illegal and is used only for the purposes of this study.) Many white English-speaking universities which opposed the academic segregation based on colour did so at their own peril (Behr 1987 and Moodie, 1994).

During the 1960s through the 1970s, the South African National Party government persisted in creating new racially separate institutions. In 1978 the Medical University of Southern Africa (Medunsa) was established in terms of Act 78 (1978) to train black medical students. The Vista University was also established to cater for black teachers in townships, to avert them from attending white universities in urban areas of Johannesburg, Bloemfontein and Port Elizabeth. Two years later the Universities Amendment Act of 1983 – also known as the 'Quota Act' – came into effect. This law encouraged white universities to admit blacks using merit and availability of space as criteria.

The thinking underlying apartheid university structures was not new in South Africa. Goduka (1996) identifies three integrationist, segregationist and inferiority philosophies that were operating in the nineteenth century in the Eastern Cape. The integrationists held that the

Africans are potentially equal to whites and should have access to the same educational knowledge. This philosophy led to the establishment of Lovedale College which provided a superior English and mathematical education. The segregationists recognised the right for Africans to develop, but believed that such development must be a gradual process and should take place along different lines. This generated a racially differentiated education that was primarily vocational for Africans (Goduka, 1996: 69).

The third ideology of inferiority, as explained by Goduka (1996), was rooted in the view that the African is inferior and cannot escape from that inferiority, and this was institutionalised in the Education Act of 1865. This suggests that apartheid education has a very long history, in that it existed long before the Nationalist Party came into power and probably influenced the philosophy of separate development. Interestingly, the segregationist laws that existed before 1948 were not repealed, but instead entrenched.

Fort Hare transformation in context

Over three decades, transformation at South African black universities, especially at the University of Fort Hare, has undergone a complete metamorphosis. Fort Hare has progressed from a non-racial university of the pre-apartheid era, through a period of 'tribal colleges' based on ethnic considerations when many of the historically black universities (HBUs) were established, to the demise of apartheid when democracy prevailed. During the apartheid years HBUs lacked the support of the communities they were supposed to serve. Dlamini (1995: 41) contends:

Black students were compelled to go to these universities. This created legitimacy crisis for these universities ... As a result these universities have largely lacked the support of their alumni which many of the white universities enjoy.

After 1959 Fort Hare lacked autonomy, academic freedom and a philosophy of its own. One could rightly conclude that it lacked an identity. It had dual structures of governance: a white council and a black advisory council; a white senate and a black advisory senate. It perpetuated the apartheid policies. When Fort Hare was transferred to the Department of Bantu Education in terms of the University College of Fort Hare Transfer Act 64 of 1959, the creation of a dual council and senate was unacceptable to many senior black academics. Professor ZK Matthews, who had been acting principal, and other African heads of department who had sat on a non-segregated senate and council, could no longer do this, but had to become members serving on an advisory council (Wilson 1981, cited in Dlamini, 1995). This resulted in some of these academics leaving Fort Hare in protest, e.g. Professors ZK Matthews and C Nyembezi, Doctors DG Mtimkulu and SB Ngcobo (Burchell, 1985). Some provisions of the Extension of University Act (1959) were regarded as an affront on the intelligence of the black person as Nkabinde (1981: 4) later observed:

(T)he imposition of the University Council made up of black members only and meeting separately with different agendas and different chairmen was ... consonant with the social order of the day where the white man had to take decisions for the black man.

These academics were so disgusted with the introduction of apartheid education that ZK Matthews had to forfeit his entire pension three months before his intended retirement in protest over the assumption of control of the university by the Department of Bantu Education (*The Crucible of African Leadership*, 2000). This, according to Moodie (1994),

ended any possibility of further institutional resistance. Matthews' action was a bold, drastic and vociferous step to be taken by an academic, and quite contrary to later research findings. Manger and Eikeland (1990) contend that research literature confirms the common notion that the intention of academic staff to leave the organisation appears to be the predictor of actual leaving. Some authors theorize that searching for a job precedes the actual intention to leave while others maintain that the search process follows the intention to leave. Black members of staff who decided to teach at these institutions had to contend with many difficulties and inconsistencies. Owing to the repressive political order, there was little academic freedom. Any critical comment of the government could lead to the detention of the staff member concerned. The loss of such powerful academics as well as the forced apartheid must have had a negative impact on both academics and students. Those who remained, however, kept the home fires burning under the most trying circumstances.

In 1970, when the Ciskei Bantustan became a self-governing territory, the University College of Fort Hare became autonomous and was renamed the University of Fort Hare. Protests raged over the following years and Fort Hare was 'almost literally a battleground being occupied by the army on more than one occasion' (Moodie, 1994: 8), culminating in the 1976 Soweto uprisings. Police once again invaded the campus following protest actions by Fort Hare students in solidarity with those at a number of township schools. Pityana (1993: 7) sums up the events:

From 1960 to 1990 the State had total control of the University's appointments, promotions, programmes and financial support. The intensity of the struggle throughout ... the Border/Ciskei region culminated in 1990 in the downfall of Lennox Sebe, President of Ciskei ... The repercussions were felt strongly at Fort Hare where the University Council and the six top Administrators who enjoyed Sebe's support resigned. For the first time, a black Vice Chancellor was appointed together with top officers of the University.

During these years, the black academics did not have any clout because of their numbers, and very few had the status to gain access to senate, ostensibly because they were under qualified. Although more black scholars seemed to be taking up teaching posts at university, closer observation reveals that a fair proportion of positions were filled by Africans of non-South African origin, an observation Moodie (1994) alludes to and which is poignantly made by Strydom and Noruwana (1993: 258):

(T)he inability of all universities in South Africa to train sufficient African students for professional qualifications, is an indictment of our universities, especially their inability to develop local Africans to participate post-secondary education.

Research findings

The findings will be discussed under three eras: the apartheid represented by the white administration; the transitional represented by the first black administration, and the post-apartheid of the second administration after apartheid. During the apartheid era, academics seemed to have lost self-confidence and assertiveness. Being bogged down at Fort Hare was a frustrating experience. They were unable to take their destiny into their own hands because they felt disempowered by apartheid and the autocratic university administration. Said one respondent: 'We were wrestling...struggling through with people who were stripped of their

pride ...' Fort Hare was like a 'concentration camp' and was seen as 'a glorified high school'.

Academic staff found solace in working with students on campus and working with people off campus. The pleasure derived from working with people and students gave them a sense of achievement and purpose. Teaching became an end in itself, though energy was channelled into other activities, such as parties, in an attempt to forget their woes. Academics have an affinity for their students although they are mindful that students can be manipulative, opportunistic and can compromise academics to their own advantage. They never relented to the 'pass one pass all' adage made by students at the time. Black academics were so affected by the glass ceiling that they lost interest in studying towards a doctorate. They became content in collecting a number of Masters degrees, thus giving a horizontal tilt to their studying pattern.

Sometimes the situation became so nerve-wrecking that they felt very angry. This anger sparked off a kind of aggression which was worked on at an academic level and translated into scholarly activity. Fort Hare was a divided society. Although the respondents did consider leaving the institution, they never really got around to taking the step. Furthermore, there was an aura about Fort Hare's history. Also, residential areas such as Grahamstown and Hogsback seemed to captivate them: the colonial architecture of the former is pleasant and the latter reminiscent of Scandinavian tranquillity. Other factors that kept them included fear of uprooting the family to a new environment, the fact that the Eastern Cape is their birthplace, and their long service. All these accumulated to militate against moving away from Fort Hare. In addition, it was not easy to be selective with jobs, and Fort Hare was described as a 'safe haven'. 'It's a safe place because you can switch off and tread water,' responded one academic. 'I like it here [Fort Hare]. I like working with people,' claimed another informant. Yet another was forthright: 'This is what I had pledged, that I no matter what, no matter how, I would die at Fort Hare ... because I love Fort Hare'.

The influence of the philosophy of black consciousness as espoused by the Black People's Convention and Steve Biko, Pan-Africanism and Negritude, were clandestinely introduced to students. The 'black is beautiful' call encouraged love for Africa and became a beacon of hope thus entrenching *esprit de corps*. The syllabus was covertly made pertinent to the African continent in an effort to instil pride in the students about their history and country. The attempt 'to ignite a revolution of the mind' was done surreptitiously – something that could have landed many in hot water. Fort Hare was littered with spies and the existence of the 'green mamba' (euphemism for big brother watching over you) sent a cold chill down the spine.

Fort Hare was, in many respects, a microcosm of the greater South Africa in that the little contribution the academics made in changing Fort Hare was significant countrywide. A similar view was that leaving the country would not have helped and 'I consoled myself by saying that it is the microcosm of the country', said one subject. This is summed up thus:

The frustration encountered at Fort Hare could exist anywhere else. It was, therefore, better to stay and make a significant contribution, albeit on a small scale. This consolation or rationalisation made their stay at Fort Hare bearable and worthwhile (Sumbulu and Boswell, 2003: 510).

The transitional era which followed the demise of apartheid became a learning curve. It was marked by euphoria and attempts to rebuild the sleeping giant that Fort Hare was, and brought numerous fresh challenges with different expectations. Academics were mindful that apartheid had a resilient character which had become entrenched. Both perpetrators and recipients had internalised it and reversing it would be more difficult. It was observed that greed and selfishness had permeated 'through all levels of humanity irrespective of social status' and that Fort Hare was no exception to this. Some people had a tendency to 'harbour selfish interests and agendas' through greediness in order to satisfy their own needs. Academics had to adapt to new ways of doing things and this very adaptation became a survival skill. One respondent felt that transformation added to his experience: 'When dealing with transformation, one needed endurance, patience and a clear vision. This helped in keeping one focused and gave direction to the activities embarked upon.' One needed to convince the 'constituency about the vision adopted for the transformation. I learnt that all the stakeholders needed to understand the purpose of the actions that came with transformation'.

The transitional period was seen by the discussants as a 'very busy and exciting time in the history of Fort Hare'. The reshuffling of Council and Vice Chancellor was the cherry on top. The mood was jovial. There was great unity of students, workers and academics which had come about at the end of apartheid when the united tripartite front toppled the previous apartheid administration. All stakeholders were involved in turning the tide around through the SWOT analysis that was taking place. Suddenly people had found a renewed sense of belonging and a sense that 'we are going to govern'. What was celebrated, firstly as Fort Harians and secondly as South Africans, was not only the survival of the university, but the proud history of resistance and incredible flush of success. With this came the hope of new opportunities opening up which were brought about by change. This breath of fresh air spurred academics to stay on at Fort Hare with a renewed sense of purpose, while others gained upward mobility by being 'promoted' into the civil service.

This moment was punctuated by mixed emotions: the ecstasy of newly acquired freedom, and hard demands for reforms which had to be attended to at an accelerated pace. There was not enough time to savour the sweet taste of autonomy, as there was a great deal of work to be done. The university did not brace itself to attend to work-related stresses and breakdowns usually associated with change. The admission made by one informant explains his regret regarding the oversight of not including the services of stakeholders from social service professions, who could have taken care of people who had suffered breakdowns: 'We initiated a process of change without an adequate knowledge of conflict; without an adequate knowledge of how to work with people, how to work with individuals'. This sentiment was shared by the Fort Hare's Broad Transformation Forum (September 1996: 12):

The staff at the UFH campus appears to be experiencing an increasing level of anxiety, disillusionment and a feeling of disempowerment in terms of being unable to deal effectively with their unhappiness. The levels of unhappiness are so great that staff throughout the campus is seeking alternative employment. A number of staff who had left have stated that they were leaving precisely because they found it so frustrating to function effectively on campus. We are no doubt in a crisis situation.

The other major achievement made by the transitional administration was to put an end to the

notorious secondment² facility which created huge disparities in salaries and great animosity among staff members. Secondment favoured white employees who already earned preferential salaries. Some appointments were backdated to benefit white members. Staffing issues were a sore point. Said one informant: 'My worst moment ... was the mass expulsion, dismissal of TASA [Technical and Administrative Staff Association] members. And I became involved as an executive member of DSA [Democratic Staff Association] because we had been in alliance with TASA'. The respondent was very disappointed because they were fired ostensibly because the administration thought that the university was approaching anarchy. The transitional era saw the academics getting busy with the affairs of the university and becoming part of the change process.

The post-apartheid era was marked by the dissipation of euphoria or 'the honeymoon', as academics had to face this period by concentrating on reconstruction. They had to contend with abrupt changes and develop new skills of coping. There were concerns that were expressed: 'Instead of enhancing freedom, freedom became synonymous with anarchy'; and reference to 'the disappearance of a work ethic'. A participatory style of management emerged, which was interpreted as a 'free for all leadership style' as decisions had to filter through a plethora of stakeholders for ratification. In many instances it slowed down the process of effecting decisions. This period was referred to as a 'working phase'. The good side of this era was marked by the eruption of 'vibrancy' – something previously unknown on campus: 'many visitors were gracing the campus'; 'scholar exchanges were taking place'; and this 'enhanced collegial support in the form of intellectual interaction'. This 'vibrancy' injected a new lease of life to the university and made it attractive as the administration encouraged and created opportunities to academically empower academics to improve their qualifications: something that was dubbed 'operation education'.

The restructuring and strategic planning exercises became a tedious and protracted activity. Lectures were, on many occasions, suspended while academics attended committee meetings. The protracted meetings sometimes produced insignificant recommendations 'that were good for the local newspaper' and 'the ideas generated were never implemented' and deemed 'political rhetoric'. The meetings rarely formed a quorum and one discussant admitted to stopping attendance of these meetings.

Academics at Fort Hare have always been concerned about the events taking place on campus and probably adopted the stance of being quiet observers for fear of reprisals from the previously oppressive administration. Negative experiences that persisted included 'the rampart apartheid that still existed' on campus; the 'divide-and-rule effects of secondment'; the separate academic staff associations; different medical aid schemes for 'whites [Soms], blacks [Bonitas], coloureds [Pro Sano] and Indians [Sanitas]'; unheeded grievances of black academics and appointments based on skin colour. On the positive side there was an increase in the number of black academics at the university, probably due to the implementation of affirmative action and Fort Hare 'becoming an African university'.

The coping strategies applied during the apartheid era ranged from complacency and acceptance to anger and confrontation, as opposed to the post-apartheid era where a spirit of co-operation and inclusivity were encouraged. Coupled with this was the emergence of a united force comprising students, academics and workers. A theme persisting through all

three eras is the pleasure derived from teaching, the love for students and attraction to the university. These were the major factors that sustained people.

Discussion

The year 1990 saw six white top administrators leave office, ushering in a period of change and transformation as the institution moved away from the apartheid system. Although the academic staff seemed unprepared for such an abrupt eventuality, they had to face challenges of a different kind head on: apartheid was gone but racial divisions still prevailed and there were academic arrears to catch up with. Add to this the quick tempo at which changes were occurring in the country, and the revamping of the higher education system. What was prevalent – not only at Fort Hare but throughout the country – was a politics of resistance and mass mobilisation which, according to Checkoway (1995), aims at creating change by amassing individuals around an issue. Immediately after the demise of apartheid, reconstruction followed while many of the stakeholders were still fixated with the resistance and militant phase. Professor Bhengu, for instance – representing the transition era – was met with mass action the first day he walked onto the campus (The Crucible of African Leadership 2000). This illustrates the deeply embedded militant stance that existed at that point in time. It must be borne in mind that it is this militancy in the form of a concerted effort that brought apartheid to its knees. The academics drew strength from other stakeholders, namely the students and workers, and the alliance ousted the apartheid administration. The formation of coalitions was widely used in the country as a bargaining force. The coalition of stakeholders became an extended support system which was effectively utilised as an indirect survival skill.

With the emergence of *perestroika* and *glasnost* (restructuring and transparency) on campus, the academics found themselves privy to previously ‘classified information’. They had to take up a brokering position between the transitional administration on the one hand, and the workers and the students on the other. They were taking their rightful place as active participants, compared with their seemingly non-committal stance of the past. The workers were faced with retrenchment while students had accumulated a huge debt due to non-payment of fees. The attempt by academics to mediate was a noteworthy moment illustrating growth and the ability to flex academic muscle. They had to be neutral brokers with parties who had previously been their allies. It was therefore not surprising that the academics eventually took a sympathetic view of the students when a dispute over non-payment of fees erupted. The tripartite front of academics, students and workers had forged such strong bonds that it was also not surprising to see the same tripartite force rallying together once more, and acting in concert against the post-apartheid management later when the workers were denied post-retrenchment counselling. The same tripartite force subsequently became instrumental in unseating the post-apartheid administration in 1999 (The Crucible of African Leadership, 2000).

The post apartheid era should be seen as a period of reconstruction and restructuring. The university had to pick up the pieces and chart a new course. With this came the formal restructuring exercise of the institution, including the appointment of blacks into key university positions. This was a fresh challenge for academics and many were probably

caught napping. These challenges meant an active involvement in the university administration and the formation of new curricula and programmes. Active participation in the university's affairs (e.g. task teams and administration) strengthened the fresh development of a sense of belonging – thus rekindling and enhancing patriotism and self-worth. Paradoxically, there were those who moved fast, seized the opportunity and used it for their selfish and personal benefit. These were the first signs of the emergence of corruption. At this stage one wonders how ready the academics were for university governance and leadership: politically they had been involved in toppling the last apartheid administration of the university which meant that they were politically streetwise and a militant lot; academically and administratively they were not prepared or ready to take charge of these tasks resulting in trial and error functioning. This was a catch 22 situation of the transition era which needed to be addressed. This is illustrated by the fact that the university had to import administrators and academics from outside the country, as it lacked domestic skill or did not want to recognise the expertise of local talent existing even at other universities within the country. There was this perception that anything good would have to come from outside the country. This matter is illustrated by Strydom and Noruwana (1993) and Moodie (1994) cited above.

The academics were faced with the prospect of rebuilding Fort Hare amid a new threat of xenophobia. The task faced by collective and participatory leadership when transforming the university was bound to be a challenging one. The mission included breaking new educational ground and producing excellence (in sync with the university's strapping which then was 'University of Leaders' and later changed to 'Together in excellence'), creating a sense of belonging, pride and success. In response to this, the post apartheid administration at the university forged links with other universities and embarked on an unprecedented effort of staff development exercises – a move to improve the qualifications of black academics at an accelerated pace. This on-the-job training was a worthwhile exercise as it boosted the academics' morale by empowering them to become more effective in their work and to fast track their move up the academic ranks.

The euphoria of the transition period was overtaken by events, as academics had to face the post-apartheid era by concentrating on reconstruction. It might take a while before Fort Hare can recover from the effects of the malaise brought about by apartheid and its aftermath, and this was illustrated by low morale, uncertainty about the future, and faltering management. Personal feelings expressed by the respondents were that: 'Instead of enhancing freedom, freedom became synonymous with anarchy', and there was reference made to 'the disappearance of a work ethic'. One respondent said: 'People harboured selfish interests and agendas through greediness in order to satisfy their own needs'. This malaise, coupled with a participatory style of management which was interpreted as a 'free-for-all leadership style' – as decisions had to filter through a plethora of stakeholders for ratification – was not healthy, and needed to be dealt with. In order to address these problems Fort Hare needed to seek the services of professional persons to take care of staff's psychosocial needs. It is recognised that work can be a source of stress which can affect the functioning of academics and there was, for some time, no resource available to be tapped to provide counselling and preventative programmes. It was predicted that there would be breakdowns amongst workers by the end of the millennium (Antoniades and Bellinger, 1981). It is encouraging to note that (more than a decade later in 2010) an Employee Assistant Programme (EAP) Practitioner was employed to

assist staff.

When a change is not planned there is a tendency to the development of resistance from employees. Change or innovation, according to Agar (1994), is the framework by which individuals make sense of life. 'Change constitutes a reconstruction of reality ... The change process is uncomfortable, involving uncertainty, loss, anxiety and struggle. It is a threat to the personality, individual or collective. Consequently there is a natural tendency to resist change' (Agar, 1994: 5). Resistance to change is aptly dubbed the 'BOHICA effect' by Dunsing and Matejka (1994: 40): 'The Bohicans are old, experienced cynical employees with long memories, misused and unappreciated talents, and an approach to change best characterized as 'Bend Over Here It comes Again!'' It is hoped that academics – a special breed of employee – shall not be treated in ways similar to those of the apartheid era, such that they resort to old coping methods and become non-participating bystanders or Bohicans, who cope by retracting into a cocoon of silence.

Conclusion

A theme of resilience that seems to run through all three eras identified is the academics' commitment and zeal to perform their duty; their love and care for students, and their work. There seems to be a strong force – probably a legacy left by the founding fathers – that attracts academics to Fort Hare, despite the discouraging working conditions. Notwithstanding the shrinking pay cheque and low morale, academics are quite fervent about their work. During the dark era of apartheid, they introduced students to Black Consciousness philosophy, as espoused by Steve Biko, the founder of and President of SASO and the Black People's Convention. The passion for their people and motivation to persist suggests a strong sense of *Ubuntu*. Rukuni (2007: 17) contends that when 'Shona or Bantu people say *Unhu* or *Ubuntu* or *Botho* – meaning 'being' or 'being human' – it means ... 'the awareness of being' is really the process of achieving a higher level of consciousness'. The resilience, zeal and commitment of these unsung heroes and heroines need to be recognised and lauded.

It might be a worthwhile exercise to recognise and take cognizance of the characteristics demonstrated by academics. These characteristics of resilience could, for instance, be nurtured and used as a kind of positive reinforcement, thus encouraging the academics to trudge on with their work to the benefit of their students, the institution and the country. The consequences of allowing their morale to dissipate further would have consequences that are too ghastly to contemplate, and to the detriment of the future of all concerned. Academics have been downtrodden for far too long and their plight needs to be salvaged.

¹ Vice Chancellors were Prof. J. Lamprecht, 1983 – 1990 (apartheid era);

Prof. B. Gardner, 1990 – 1991 (caretaker principal);

Prof. S.E.M. Bhengu, 1991 – 1994 (transitional era);

Prof. M.V. Mzamane, 1995 - 1999 (Post apartheid era); Prof D. Swartz, 1999 – 2007.

The author wishes to acknowledge the assistance of the following: Mr David Ngada and Ms Pumla Nyawombi respectively for information regarding the Medical Aid Schemes at Fort Hare, secondment and verifying the dates of office of the various Vice Chancellors.

²Secondment was a method used by the Ciskei Government to attract skilled personnel from beyond its 'borders'. Seconded officials were paid hefty children's subsidies, exorbitant allowances and tax allowances resulting in huge salary discrepancies with ordinary staff.

References

- Agar, D. L. (1994). 'Universities and the Academic Profession: Implications for Change'. *South African Journal of Higher Education*, 8(2): 5-8.
- Antoniades, R. and Bellinger, S. (1981). 'Organised Worksites: A Help or a Hindrance in the Delivery of Social Work Services in and to the Workplace'. M. Roy-Brisebois, R. Thomlinson, and W.Wright (eds.), *Perspectives on Industrial Social Work Practice*. Ottawa, Ontario: Family Service Canada Publications.
- Berh, A.H. (1987). 'South African Universities Today: Perspectives for a Changing Society'. *South African Journal for Higher Education*, 1(1): 3-9.
- Burchell, D.E. (1985). 'Ferment and Change at the University College of Fort Hare: The Events Leading to the Fort Hare Transfer Act'. *South African Journal for Education*, (5)1: 28-34.
- Checkoway, B. (1995). 'Six Strategies of Community Change'. *Community Development Journal*, 30(1): 1-20.
- Dlamini, C.R.M. (1995). 'The Transformation of South African Universities'. *South African Journal for Higher Education*. 9(1): 39-46.
- Dunsing, D. and Matejka, K. (1994). 'Overcoming the BOHICA Effect'. *Business Horizon*, July-August: 40-42.
- Goduka, I. N. (1996). 'Restructuring Education to Affirm Unity and Diversity'. *South African Journal for Higher Education*, 10(2): 67-74.
- Guba, E. and Lincoln, Y. (1998). *The Landscape of Qualitative Research: Theories and Issues*. London: Sage Publications.
- Illyatt, A.G. (1989). 'The Management of Change in South African Universities'. *South African Journal for Higher Education*, 3(2): 159-164.
- Manning, A.D. (1987). *Communicating for Change: A Guide to Managing the Future of South African Organisations*. Cape Town: Juta and Co, Ltd.
- Mkwanazi, J. and Rall, P. J. (1994). 'Attitudes of Employees Towards Black Advancement in Selected Organisations in the PWV Region'. *South African Journal of Labour Relations*, 18(3): 34-91.
- Moodie, G.C. (1994). 'The State and the Liberal Universities in South Africa'. *Higher Education*, 27(1): 1-40.
-

Pityana, S. M. (1994). *University of Fort Hare: A SWOT Analysis*. Report on Strategic Planning Programme. Alice: Office of the Vice Chancellor.

Pityana, S.M. (1993). *Fort Hare in a Changing Society*, In University of Fort Hare Strategic Planning Programme. Alice: Office of the Vice Chancellor.

Poggenpoel, M, Nolte, A, Dorfling, C, Greeff, M, Gross, E, Muller, E, Nel, E and Roos, S. (1994). 'Community Views on Informal Housing Environment: Implications for Health Promotion'. *The South African Journal of Sociology*, 25(4): 131 - 136.

Rukuni, M. (2007). *Being Afrikan: Rediscovering the Traditional Unhu-Ubuntu-Batho Pathways of Being Human*. Pretoria: Mandala Publishers.

Saleeby, D. (Ed.). (2008). *The Strengths Perspective in Social Work Practice*. 5th ed. Boston, MA: Alvin and Bacon.

Smit, P.J. and Cronje, G.J. (1992). *Management Principles: A Contemporary South African Edition*. Kenwyn: Juta and Co, Ltd.

South Africa. (1981). *Vista University Act, No. 106 of 1981*. Pretoria: Government Printer.

South Africa. (1983). *Universities Amendment Act, No.70 of 1983*. Pretoria: Government Printer.

South Africa. (1953). *Bantu Education Act, No. 47 of 1953*. Pretoria: Government Printer. South Africa.

South Africa. (1958). *University College of Fort Hare Act, 64 of 1959*. Pretoria: Government Printer.

South Africa. (1959). *Extension of University Education Act, No. 45 of 1959*. Pretoria: Government Printer.

South Africa. (1978). *Medical University Education Act, No. 78 of 1976*. Pretoria: Government Printer.

Strydom, A. H. and Noruwana, J. (1993). 'Academic Standards in South African Universities and Proposals for Quality Assurance'. *Higher Education*, 25(4): 279-293.

Sumbulu, A. and Boswell, G. (2003). 'Rapid Change in a South African Tertiary Institution: Implications for Occupational Social Work'. *Social Work Education*, 22 (5): 505-516.

Thorsen, E. J. (1996). Stress in Academe: What bothers Professors?' *Higher Education*, 31: 471-489.

University of Fort Hare. (2000). *The Crucible of African Leadership*, Alice: Division of Marketing and Communication Media Relations and Production Office.

University of Fort Hare. (1996). *Fort Hare Broad Transformation Forum*. Alice: Office of the Vice Chancellor. September 1996.

Van Breda, A.D. (2001). 'Resilience Theory: A Literature Review. Pretoria, South African Military Health Service'. <http://www.vanbreda.org/adrian/'resilience'.htm>. Accessed 9 March, 2009.

Warner, Rod. (2009). 'Coping with 'Resilience' in Tough Times'. *Management Today*, 25(1): 54-55.

Wilson, D.C. (1993). *A Strategy of Change: Concepts and Controversies in the Management of Change*. New York: Routledge.

Book Review

Zimbabwe's development experiences since 1980: Challenges and prospects for the future (ISBN – 13: 978-1-60021-999-3)

Edited by: F. Maphosa, K. Kujinga and S.D. Chingarande, (2007). OSSSREA-Zimbabwe Chapter, Harare

Dr. J. Matunhu*

This book was written at a time of economic and political recession in Zimbabwe. The book has thirteen chapters each by a different author, namely France Maphosa, Eldred Masunungure, Donald Chimanikire, Pharaoh Mavhunga, Sunungurai Chingarande, Gillian Chomutare, Yotamu Chirwa, Albert Mafusire, Honest Zhou, Norris Mudege, Krasposy Kujinga, Zuvarashe Mushipe and Percy Toriro.

In Chapter One, Maphosa provides an introduction to Zimbabwe's post-Independence development policies. According to the author, development is a process that encompasses a spectrum of related aspects of a society. These aspects include social, political, cultural and economic dimensions. Maphosa argues that definitions and meanings of development are premised on a general perception of 'positivity or negativity' in a society's progression, and that qualitative and quantitative indicators such as the standard of living, political tolerance, the gross domestic product and poverty datum line are some of the accepted measures of this positive or negative development.

The author observes that Zimbabwe's first 27 years of development witnessed a diverse range of ideological and economic principles; the period just after Independence was marked by a socialist drive towards equitable distribution and access to the country's resources. The Growth-with-Equity Programme (GWEP), for instance, was meant to redress the colonial imbalances in all sectors of the economy. The 1990s saw a drastic change of policy orientation. The state's interventionist stance of the 1980s gave way to neo-liberal market-oriented reforms (ESAP) whose impact was a total reversal of the impressive strides made in the 1980s. According to Maphosa, the exit of ESAP gave way to the 2000 wave of violent farm invasions – popularly known as *jambanja*. The author argues that invasions marked the beginning of the Fast Track Land Reform Programme (FTLRP) which resulted in falling agricultural production and food security in Zimbabwe. According to Maphosa, the FTLRP exacerbated poverty in a country that was once the bread basket of SADC.

The author goes on to note that prior to the year 2005, Zimbabwe had a vibrant informal sector which checked the growth of monopolistic conglomerates by creating alternative employment and a source of livelihood. Maphosa observes that the vibrant informal sector suffered a heavy blow as the government embarked on Operation Cleanup or *Murambasvina* in 2005. Since the year 2000 Zimbabwe has had three developmental programmes aimed at turning around the economic fortunes of the country, namely the Millennium Economic

*Midlands State University, Department of History and Development Studies, Zimbabwe

Recovery Programme (MERP) of 2001, the National Economic Revival Programme (NERP) of 2002, and the National Economic Development Programme (NEDP) of 2006. Maphosa concludes that the proliferation of these programmes speaks volumes about their lack of success.

In Chapter Two, Masunungure and Chimanikire provide conceptual insights into Zimbabwe's development processes since Independence in 1980, using the concept of 'paradigm'. In applying this concept, the authors delineate three development phases in Zimbabwe since Independence, namely 1980-1990, 1990-2000, and post 2000. Only the first two phases had clear developmental paradigms; the 1980-1990 phase had an obvious socialist orientation characterized by heavy state intervention, and the 1990-2000 phase was the phase of neo-liberal market reforms. For Masunungure and Chimanikire, the concept of paradigm is, however, not applicable to the third or current phase, which they describe as characterized by policy formlessness, backsliding and general unpredictability, as well as high poverty levels.

In the third chapter, Mavhunga, Chingarande and Chomutare focus on three areas which commentators on Zimbabwe's post-Independence development have frequently cited as examples of success, namely education, gender development and health provision. Mavhunga argues that while great strides were made during the first few years of Independence to expand access to education, the current economic problems are threatening to reverse the gains of the post-Independence education policies as illustrated by an increase in school dropouts because of parents' failure to pay fees for their children. According to Mavhunga, the curriculum has increasingly become irrelevant in the light of the high unemployment rate. Mavhunga calls for the vocationalisation of education in Zimbabwe, remarking that efforts towards this have constantly been hampered by negative attitudes towards technical and vocational subjects as well as inadequate resources required to support full vocationalisation.

Chingarande features in Chapter Four. In this chapter, the author discusses how the government's recognition of the importance of empowering women, together with pressure from international forces, has led to the introduction of a number of legislative and policy measures intended to empower women. The author contends that despite the government's avowed commitment to gender, women are gradually being pushed back into traditional roles, especially in rural areas where traditional authority structures have not changed. The author concludes that political will is crucial for there to be meaningful empowerment of women, particularly in the rural areas and in dealings with power and authority structures that entrench male dominance over women.

In the fifth chapter, Chomutare reviews Zimbabwe's experience in health service delivery since Independence. After examining the evolution of the country's National Health Services and different health sector reforms that were implemented, the author concludes that the reforms aimed at achieving a comprehensive health delivery system have not in reality achieved their goals. This is because health service delivery has concentrated on bio-medical approaches to health service delivery which are, by nature, expensive. The author argues that there should be a systematic integration of traditional medicine and other alternative health systems into a country's health service delivery system, in order to make it more responsive to people's practical experiences, as well as to ensure efficient use of scarce resources.

In the same chapter, Mafusire & Zhou, Chirwa, Kujinga and Mudege deal with development domains, namely street children, employment creation, the creation of agricultural knowledge and the equitable sharing of water resources for which the government has yet to find lasting solutions. The others conclude that there have been delayed interventions on these challenges and that the impact of the delay is yet to be appreciated.

In Chapter Six, Chirwa deliberates on how past development initiatives and strategies have impacted on the livelihoods of Zimbabwean youth, with a specific focus on street children and how the youths respond to these initiatives and strategies. The author argues that attention in both policy and academic debates on the phenomenon of street kids increased after the implementation of the structural adjustment programme in the 1990s. The author concludes that despite the numerous and elaborate economic development plans that have been crafted and implemented, youth and children have continued to be disarticulated from their historical and material circumstances.

Mafusire and Zhou feature in Chapter Seven. The authors assert that unemployment has remained one of the major challenges that the government of Zimbabwe has battled with since Independence and that the situation is becoming worse. The author concludes that after the implementation of ESAP, Zimbabwe's unemployment structure was transformed as formal employment declined while informal sector activities increased.

In Chapter Eight, Kujinga states that until 1998 legislation for water governance in Zimbabwe had remained unchanged since the colonial era. The new Water Act passed in 1998 was intended to redress the colonial injustices in access, allocation and governance of water resources. The author notes that the passing of this Act raised hopes of equitable access to water as well as participation in the management of water resources by the different groups of stakeholders. But for Kujinga, the legislation is still skewed in favour of large scale white commercial farmers who constitute only one percent of the population. The author questions whether or not the Act has really promoted equitable allocation of water and democratic governance in the management of water resources in Zimbabwe, and attributes these problems to challenges created by the need to reconcile the adoption of the principle of water as an economic commodity and the need to make water accessible even to communities which cannot pay for it.

In the ninth chapter, Mudege focuses on agricultural development in Zimbabwe. The author contends that the production and utilization of agricultural knowledge is not just a technical process that is unaffected by political exigencies. Throughout history, agricultural knowledge has had an impact on the activities of formal bodies such as the Department of Research and Specialist Services (DRSS), whose activities are often compromised by political considerations. According to the author, the DRSS research often lacks continuity and focuses on what is seen to be politically correct at the time. The author concludes that despite official rhetoric, discourse on agriculture has not changed much between the colonial period and post-Independence in Zimbabwe. Generally farmers were and still are not regarded as originators of knowledge or innovators in agriculture. Rather, they are perceived as adapters, adopters or rebufferers of knowledge.

Mushipe's argument in Chapter Ten is that after the introduction of ESAP in Zimbabwe, the

informal sector made a significant contribution to the livelihood of many Zimbabweans. The author laments that the dislocation of *Murambasvina* created a large crack in the economy. In Chapter Eleven, Toriro discusses how, for a long time before 2005, people had been flouting existing planning regulations to build illegal structures that included homes without plans. The author attributes this to the country's failing economy. For Mushipe, the major issues concerning *Murambasvina* relate to legality and motive. Toriro is unequivocal about legality, arguing that the flouting of planning regulations by many Zimbabweans forced government to act within its limits to enforce planning regulations. Toriro concludes that the motive for *Murambasvina* is difficult to measure and that the debate around the motive of *Murambasvina* remains speculative.

In the twelfth chapter, Chirangande and Maphosa discuss migration as a coping strategy used by many Zimbabweans who found surviving under the current conditions unbearable. The authors use information obtained from immigrants to the United Kingdom and South Africa but are quick to argue that literature on irregular or undocumented migration is still scarce. Their conclusion is that immigrants have coping strategies in their adopted countries, and that immigrants are not passive but actively create situations that help them cope with difficult circumstances in their countries of destination.

In the final chapter, Maphosa and Kujinga reach the general conclusion that Zimbabwe needs to put in place micro and sectoral policies that are capable of fostering development. In their view, this will help solve the social, political and economic crises that have gripped the country since 2000.

The well-illustrated book makes an excellent contribution to our understanding of the development of Zimbabwe since its attainment of political independence in 1980. The authors reveal that political sovereignty in Zimbabwe has not been able to ensure sustainable development in the country, and one gains a clearer understanding of the current socio-political and economic challenges the country is facing today. Because these challenges are a combination of powerful forces operating from both within and outside the country, a solution to the Zimbabwean crisis requires political and economic involvement from both the people of Zimbabwe and (in particular the economically advanced states of) the international community. Without the above synergy, poverty and underdevelopment are likely to remain a permanent feature of the Zimbabwean landscape.

