

THE CONTENTIOUS RELATIONSHIP BETWEEN FEMINIST SCHOLARSHIP AND
UNIVERSITY SEXUAL VIOLENCE POLICIES: 1980-2021

A thesis submitted in fulfilment of
the requirements for the degree of

MASTER OF ARTS
Of
RHODES UNIVERSITY

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February 2023

Abstract

This thesis tracks the historically contentious relationship between feminist scholarship and university sexual violence policies. It examines the rise of the managerial university in South Africa, and the overlapping development of sexual violence policies through feminist activism from the early 1990s. Through an examination of the sexual violence policies of the University of Cape Town, the University of the Witwatersrand, Rhodes University, Stellenbosch University, and the University of the Western Cape, this thesis argues that these policies are aimed at ‘managing’ the process of reporting, rather than dismantling the broader structures – both within the university and society as a whole – that lead to and enable sexual violence. In this way, sexual violence policies are governed by a managerial discourse, limiting the possibility of addressing the dismantling of structures and discourses that perpetuate sexual violence, which, as I argue, is fundamentally opposed to the intellectual and political project of feminist scholarship from which these sexual violence policies initially emerged. However, this thesis also argues that feminist scholarship is not immune to the influence of managerialism, as discourses of efficiency and effectiveness have shaped Gender and Women’s Studies, where feminist scholarship is often located. I use the #RURReferenceList protests that drew on black feminist scholarship and came under managerial control as an example of the contentious relationship between managerialism and feminist activism.

Keywords: Sexual Violence Policies, Feminist Scholarship, Managerial University, Sexual Violence, Universities, Managerialism, Gender, Feminism

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List of Abbreviations

AGI	African Gender Institute
ANC	African National Congress
BSM	Black Student Movement
DHET	Department of Higher Education and Training
DISCHO	Discrimination and Harassment Office
DSA	Director of Student Affairs
EORP	Equal Opportunities Research Project
EORP	Equal Opportunities Research Project
GBV	Gender Based Violence
GEAR	Growth with Employment and Redistribution
GEO	Gender Equity Office
GEU	Gender Equity Unit
GWS/WGS	Gender and Women's Studies/Women and Gender Studies
HBU	Historically Black University
HOD	Head of Department
HWU	Historically White University
IMF	International Monetary Fund
NGO	Non-government Organisation
NP	National Party
NSFAS	National Student Financial Aid Scheme
PCS	Pheonix Cultural Society
PSET	Post-school Education and Training
RAG	Remember and Give
RDP	Reconstruction and Development Programme
RO	Reporting Officer
RU	Rhodes University
SAC	South African College
SHA	Sexual Harassment Advisor
SHSO	Sexual Harassment and Safety Officer
SRC	Student Representative Council
SU	Stellenbosch University
SVTT	Sexual Violence Task Team
UCGH	University of the Cape of Good Hope
UCT	University of Cape Town
UFH	University of Fort Hare
UFS	University of the Free State
UK	United Kingdom
UNISA	University of South Africa
UP	United Party
US	United States
UWC	University of the Western Cape
VC	Vice-Chancellor
WHO	World Health Organisation
Wits	University of the Witwatersrand

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Note on Terms

The term ‘Black’ in this thesis refers to all non-white South Africans, including black Africans, ‘coloureds’, and Indians. In response to the racist apartheid classifications of ‘non-white’, Steve Biko used the term ‘Black’ as a unifying political identity taken to include ‘coloureds’ and Indians. ‘Black African’ is used to refer to the historically Bantu-speaking people of South Africa. The term ‘native’ will be used in single quotes to indicate that it is a historically constructed identity used in official state discourse at the time, and not to reinforce colonial or apartheid racial categories.

Black feminism refers to a feminist philosophy centring on the experiences of black women that stresses the intersectional nature of class, race, gender, sexuality and nationality. Black feminism, however, is often synonymous with African American feminists. Desiree Lewis explains that black feminism and black diasporic feminism has tended to marginalise African experiences and traditions and argues that black feminism needs to foreground black feminist knowledge produced in Africa, including South Africa. After the 2015 #FeesMustFall protests at South African universities, younger feminists began to embrace political blackness and African feminism gained momentum. African feminism centres on the specific experiences of women in Africa and connects “racial politics to reclamations of canons and knowledge erased by hegemonic metropolitan traditions in South Africa.”¹

Sexual violence in this thesis refers to the World Health Organisation’s (WHO) definition of sexual violence:

any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic women’s sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work’ (1). According to this definition, a very wide range of behaviours, from rape at gun-point [sic] to sexual coercion under a threat of dismissal (i.e. with false agreement), would be classed as an act of sexual violence.²

My use of the term ‘sexual violence’ also corresponds with the legal definition used in South African legislation. This legislation refers to 59 different offences as sexual violence, some of which include rape, compelled rape,³ incest, bestiality, sexual exploitation of children, or

¹ D. Lewis & G. Baderoon, “Introduction: Being Black and Feminist” in D. Lewis & G. Baderoon (eds) *Surfacing On Being Black and Feminist in South Africa* (Johannesburg: Wits University Press, 2021), 5.

² “Guidelines for medico-legal care for victims of sexual violence”, *World Health Organisation*, Geneva, 2003, 6.

³ An incident where a third-party forces two people to have sex.

mentally disabled persons and exposure or display of pornography.⁴ I use this term because it is broad enough to include the various forms of sexual violence, including rape, sexual harassment and some forms of gender-based violence (GBV), that have been discussed and debated over the last three decades.

⁴ L. Vetten, “Rape and other forms of sexual violence in South Africa”, *Institute for Security Studies*, Policy Brief 72, 2014, 1-2.

Acknowledgements

To my supervisor, Dr. Janeke Thumbbran, thank you for your time, your patience and believing in me, even when I doubted myself. Four years ago, you inspired a rather underwhelming third year student and changed the way I think. The opportunities and experiences you have afforded me have been invaluable. Your dedication continues to inspire me today.

I am incredibly thankful for the generous financial support from the Andrew W. Mellon Foundation over the past two years. Thank you to Jaine Roberts, the Director of the Rhodes University Research Office, for making this scholarship available.

To my friends, thank you for listening to me, for making me coffee and for all your support. Matthew Cornfield and Max Southwood O' Keeffe, you sat with me through many edits and many stressful deadlines, thank you.

To my family, my brother Jack, my parents Joanna and Carl, you always supported me, and you always loved me, thank you. Mom, you especially got me through those final months, I appreciate everything you have done and continue to do, and I cannot thank you enough.

To my cat Smee, my constant companion, writing this thesis was not easy but you made me smile every single day, thank you. You make life lighter; I love you.

To Mathabo Mahlo, I would never have made it this far, I would not be where I am and who I am today without you. You sat with me through my worst days, and I can never fully express how truly grateful I am for you. Thank you!

Chapter 1 - Introduction

This thesis is an analysis of the contentious relationship between South African feminist scholarship and South African university sexual violence policies. I use the policies of the University of Cape Town (UCT), the University of the Witwatersrand (Wits), Rhodes University (RU), Stellenbosch University (SU) and the University of the Western Cape (UWC) as my case studies. UCT, Wits and RU are all English-speaking historically white universities (HWU). In the past, SU was predominantly Afrikaans speaking,⁵ and an HWU. UWC is an historically black university (HBU). Each of these universities were established and developed in colonial, segregationist and apartheid periods of South Africa which shaped their institutional culture. This history and institutional culture largely determined the current problematic racial and gender discourses of patriarchy and racialised misogyny within the university, which to this day reproduce sexual violence. These universities were also influenced by the global and national shift towards neoliberal economic reforms. In South Africa, these reforms emerged after 1976 in response to the social, economic and political crises the country was facing. Managerialism originates from these neoliberal reforms and emerges in the university as a form of governance driven by efficiency, effectiveness, monitoring, and evaluation. Universities were restructured in order to become more ‘business-like’ and to ensure profitability.

From the early 1990s feminist activism within universities gave rise to the formulation of sexual violence policies. By 2022, these policies became co-opted by managerial discourses. Policies focus on **managing** the process of reporting sexual violence, rather than the disassembly of structures and discourses that perpetuate sexual violence. This is far removed from the original intention of feminist activists when designing these policies. In fact, the core objectives of managerialism are at complete odds with the intellectual and political objectives of feminist scholarship.

Research Problem

In May 2017, Hannah Cornelius, a second-year SU student, was hijacked, raped, and murdered. Her friend who was with her at the time, was stabbed, but managed to escape.⁶ In August 2019,

⁵ SU is now a multi-lingual university.

⁶ A. Hyman & A. Molyneaux, “Rape and murder of Maties student Hannah Cornelius leaves family devastated”, *Sunday Times*, 29 May 2017, TimesLive at <https://www.timeslive.co.za/news/south-africa/2017-05-29-rape-and-murder-of-maties-student-hannah-cornelius-leaves-family-devastated/> accessed on 18 July 2023.

nineteen-year-old Uyinene Mrwetyana, a student at UCT, was raped and murdered when she went to collect a package from her local post office in Cape Town.⁷ Later that month, Jesse Hess, a first-year student at UWC, and her grandfather were murdered in their home. Jesse was sexually assaulted before she died.⁸ In August 2020, Asithandile ‘Kwasa’ Zozo, a first-year student at Wits, was stabbed to death in front of her younger sister and cousin, by a man she had ended a relationship with.⁹ These cases are just a few among an ongoing onslaught of women being sexually violated in South Africa and on university campuses. This has led to multiple protests, by South African citizens and university students, against gender-based violence (GBV). What this shows is a need for increased scrutiny to be placed on GBV and sexual violence in both public discourse and particularly in South African universities.

I arrived at RU in 2017, a year after the #RUPreferenceList protests took place. The Sexual Violence Task Team (SVTT) had just published their report on rape culture at the university and in 2019 the Sexual Offences Policy was updated. There were several protests against sexual violence during my time at RU and many students questioned the role of the university in combatting it. Needless to say, there was heightened focus on sexual violence at RU. However, this focus and new policy did not protect students, nor did it stop sexual violence from taking place, and it did not translate into an easy reporting process. In my second year at RU (2018), I was raped, and when I finally decided to report my rape, in 2021, I was met with numerous dead-ends in both the university policy and online webpages. How could it be that, after so much attention, RU’s Sexual Offences Policy for Students¹⁰ was unable to adequately guide me through the reporting process, or allow me to contact a reporting officer? I wanted to explore what happened to this policy, and why? Given that cases of GBV were being regularly reported across South African Universities and nationwide protests were taking place, I sought to determine whether the increased scrutiny had affected change in other universities, or if they

⁷ B. Adebayo, “A post office worker was given three life sentences for raping and murdering a student. Now South African Women are saying enough”, *CNN*, 15 November 2019 at <https://edition.cnn.com/2019/11/15/africa/south-africa-student-murder-sentence/index.html> accessed on 17 July 2023.

⁸ E. Mabuza, “Two life terms for relative who murdered student Jesse Hess and grandfather”, *Sunday Times*, 19 July 2022, TimesLive at <https://www.timeslive.co.za/news/south-africa/2022-07-19-two-life-terms-for-relative-who-murdered-student-jesse-hess-and-grandfather/> accessed on 18 July 2023.

⁹ M. Piliso, “‘Kwasa’ Zozo was killed in front of her young sister and cousin, says uncle”, *Sunday Times*, 19 August 2020, TimesLive at <https://www.timeslive.co.za/news/south-africa/2020-08-19-kwasa-lugalo-was-killed-in-front-of-her-young-sister-and-cousin-says-uncle/> accessed on 18 July 2023.

¹⁰ “Sexual Offences Policy for Students”, *Rhodes University*, 2019.

faced similar problems to the case of RU. Was this a common problem across South African universities, and at what point did these policies become co-opted by managerialism?

Main Arguments

The goal of the research is to track (historically) why the contentious relationship between feminist scholarship and sexual violence policies exist. I will do this by exploring three points. The first is the rise of the neoliberal and ‘managerial’ university, which is driven by policy as a form of ‘management’ rather than as a form of structural change. The second is the tenacity of racialised patriarchy and misogyny at universities, as demonstrated through the histories of five case studies. The third is the emergence of feminist scholarship as an intellectual and political project, rather than a project of ‘management’.

Chapter 2 discusses the rise of neoliberalism globally, nationally and in South African universities. I argue that neoliberal reforms gave rise to the managerial university, which in South Africa took a unique form as managerialism collided with a form of welfarism. The welfarist and managerial university influences sexual violence policies and comes into conflict with the objectives of feminist scholarship and activism.

Chapter 3 is separated into two parts. Part 1 focuses on the histories of five universities as case studies. This chapter explores the establishment of four of these universities as imperial and colonial institutions. It expands on their development through segregation and apartheid in South Africa. I also examine how one university emerged as an entirely apartheid invention. Part 2 demonstrates how feminist activism and scholarship resulted in the development of the first university sexual violence policy in 1995. I then analyse existing policies at UCT, Wits, RU, SU and UWC to argue that these existing policies have been shaped by managerial discourses and are no longer in line with the feminist activism that gave rise to them.

Chapter 4 outlines the emergence of feminist scholarship in South Africa and demonstrates that the objectives of this scholarship are to identify the factors that perpetuate sexual violence. However, I also demonstrate that feminist scholarship in South Africa is not free from managerial influence due to the ways Gender and Women’s Studies have been shaped by discourses of efficiency and effectiveness. Protests like #RUPreferenceList drew heavily on black feminist scholarship and although some change was affected, these protests too, came under managerial control. I argue that these protests are an example of the contentious

relationship between feminist scholarship and managerialism and raise serious questions about the ability of feminist scholarship to create change in the face of managerialism.

Key Concepts

I use two key concepts in this thesis: managerialism and intersectionality.

Clarke, Gerwitz and McLaughlin's *New Managerialism, New Welfare* discusses the shift towards managerialism in the United Kingdom during Thatcher's tenure as prime minister (1979-1990). Privatising reforms and restructuring to operate under 'business like' conditions established the foundation for the widespread influence of managerialism.¹¹ Managerialism also transformed the university space through the shift towards hierarchical structures and corporate practices, such as the increasing reliance on market-style methods of organisation. According to Thornton, this change was driven by the perception that universities were inefficient compared to commercial standards, and this led to widespread restructuring.¹² In *Privatising the Public University*, Thornton tracks the rise of managerialism in universities and explains the broader political context and complications around the corporatisation of universities in the twentieth century.¹³ It is this context and understanding of managerialism that I base my arguments on and use to identify managerial discourses in sexual violence policies and feminist scholarship.

Black feminist scholarship in South Africa was largely influenced by the spread of intersectionality globally. I draw from Carbado, Crenshaw, Mays and Tomlinson's "Intersectionality: Mapping the Movements of a Theory"¹⁴ to explain Crenshaw's coining of the term intersectionality in 1989, its roots in black feminism and Critical Race Theory, and how it developed from there to expose and dismantle marginalisation in institutional discourses.¹⁵ Hill Collins' *Intersectionality* expands on this definition and explains that there are six core ideas within intersectionality, viz.: social inequalities, power, relationality, social context, complexity, and social justice.¹⁶ It is through an intersectional lens that I frame my arguments and it is an intersectional approach that is directly opposed to managerial practices.

¹¹ J. Clarke, S. Gewirtz & E. McLaughlin, "Reinventing the Welfare State", in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 5.

¹² M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 16.

¹³ Ibid, 3.

¹⁴ D. W. Carbado, K. W. Crenshaw, V. M. Mays & B. Tomlinson, "Intersectionality: Mapping the Movements of a Theory", *Du Bois Review*, 10, 2, 2013.

¹⁵ Ibid, 304.

¹⁶ P. Hill Collins & S Bilge, *Intersectionality* (Cambridge: Polity Press 2016), 29.

Historiography

I draw on four bodies of scholarship in this thesis, namely: managerialism, university histories, gender, sexual violence and sexual violence policies in universities and feminist scholarship and activism.

Scholarship on Managerialism

I begin **Chapter 2** by discussing the rise of the managerial university in South Africa. The managerial university ultimately forms as a result of managerial restructuring sweeping the country, this restructuring was heavily influenced by neoliberal reforms in the United States (US) and the United Kingdom (UK). Clarke, Gewirtz and McLaughlin's chapter on "Reinventing the Welfare State" outlines the continuous reconstruction of the welfare state in the UK.¹⁷ They discuss the shift that takes place just after the Second World War when many capitalist countries like the UK and the US began to move away from the model of a welfare state towards a more neoliberal one. A significant aspect of this changing state is the increasing movement towards forms of managerialism as a means of organisational control.¹⁸ This work is vital to my thesis as it introduces the basic concept of managerialism and provides explanations on how and why neoliberal reforms were adopted globally. This global context was highly influential when South Africa looked for solutions to their economic and political crises in the late 1970s.

To explain how we get to this point, I use a chapter on "Apartheid, Verligtheid, and Liberalism" by Giliomee, who discusses the development of apartheid after 1948.¹⁹ The differing opinions between white liberals, neoliberals, and the more conservative on how to 'solve' the 'problem' of the black population through separate development, the pass system, and various other means of control, resulted in problem after problem, and caused huge tensions in the country around policing the black population.²⁰ Thumbran's PhD dissertation, "The 'Coloured Question' and the University of Pretoria: Separate Development, Trusteeship and Self Reliance, 1933-2012" expands on these tensions that led up to the 1976 Soweto

¹⁷ J. Clarke, S. Gewirtz & E. McLaughlin, "Reinventing the Welfare State", in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000).

¹⁸ Ibid, 6.

¹⁹ H. Giliomee, "Apartheid, Verligtheid, and Liberalism" in J. Butler, R. Elphick & D. Welsh (eds) *Democratic Liberalism South Africa Its History and Prospect* (Connecticut: Wesleyan University Press, 1987).

²⁰ Ibid.

Uprising.²¹ von Schnitzler's book, *Democracy's Infrastructure: Techno-Politics & Protest After Apartheid* expands on this by arguing that "(i)n the context of the systemic crises of the late 1970s, neoliberal ideas were translated and appropriated by economists, state officials, and urban reformers as a conceptual resource to rethink apartheid modalities of governing urban black populations."²² Neoliberal reforms and neoliberalism were used as tools, with varying forms and translations, that government could use to shift responsibility to an administrative level, or use policies to 'manage'.²³

Ferguson's *give a man a fish: Reflections on the New Politics of Distribution* discusses the complicated development of South Africa as both neoliberal and a welfare state after 1976.²⁴ Ferguson outlines the implementation of the African National Congress's (ANC) Reconstruction and Development Programme (RDP) in 1994, and Growth with Employment and Redistribution (GEAR) programme in 1996, which were both 'neoliberal', but also largely deviated from the 'standard' neoliberalism that existed in the Global North.²⁵ To expand further on this, Jansen, in his book *As By Fire*, discusses the lead up to the #FeesMustFall protests, arguing that these protests were no surprise, and were in fact a result of this new neoliberal welfare state.²⁶ This book explains the effects that neoliberalism had on the South African university, showing how privatising and marketising agendas have become integrated into the core structure of the university.

I contribute to this body of scholarship by drawing a connection between neoliberal reforms, managerialism, and sexual violence policies in South African universities.

Scholarship on University Histories

I use the case studies of four HWUs, namely RU, UCT, Wits and SU, to demonstrate how their colonial and apartheid origins reinforce a sexist and racist institutional culture that enables sexual violence on campuses. Maylam's "The Cult of Rhodes"²⁷ and *Rhodes University, 1904-*

²¹ J. Thumbran, "The 'Coloured Question' and the University of Pretoria: Separate Development, Trusteeship and Self Reliance, 1933-2012", PhD Dissertation, University of Minnesota, 2018, 97.

²² A. von Schnitzler, *Democracy's Infrastructure: Techno-Politics & Protest after Apartheid*, (Princeton: Princeton University Press, 2016), 33.

²³ Ibid, 34.

²⁴ J. Ferguson, *give a man a fish: Reflections on the New Politics of Distribution* (Durham and London: Duke University Press, 2015), 3.

²⁵ Ibid, 5.

²⁶ J. Jansen, *As By Fire: The End of the South African University* (Cape Town: Tafelberg, 2017), 2.

²⁷ P. Maylam, *The Cult of Rhodes: Remembering an Imperialist in Africa* (Claremont: New Africa Books, 2005).

2016: *An Intellectual, Political and Cultural History*²⁸ outline the history of RU from an idea in the 1890s, to its establishment in 1904. Maylam explains the difficulties in finding funding to build the university, noting that when it was eventually built with funding from the Rhodes Trust, the university embodied Rhodes' imperialist ideals, and was geared towards the production of white masculine privilege. This patriarchal ethos helped shape an environment where sexual violence was normalised. Magubane²⁹ and Murray's *Wits: The Early Years: A History of the University of the Witwatersrand, Johannesburg, and its Precursors, 1896-1939*³⁰ outlines the history of Wits university. Wits has its origins in the South African School of Mines, first established in 1896, and was funded by wealthy Randlords. Similarly, this connection meant the development of a close relationship between the university and the interests of wealthy white men. "Wits as an 'Open' University 1939-1959: Black Admissions to the University of the Witwatersrand" traces Wits' history during segregation and apartheid.³¹ I use this history to illustrate Wits' complicity with the state's racist policies. Phillips outlines the history of UCT in *UCT under Apartheid Part 1: From Onset to Sit-in 1948-1968* to describe a university funded by Randlords with an outwardly liberal appearance, but managed by conservatives who created an environment where patriarchal and conservative ideas could flourish.³² What the histories of the establishment of these universities demonstrate is that the so-called 'liberal' universities were aligned with the interests of the Randlords who funded them. The institutional culture that formed was partly a result of these racist, sexist, and colonial agendas. Grundlingh and Heese's *Stellenbosch University 100 1918-2018* is used to track the establishment of SU in 1918 to help contribute to the academic Afrikaner culture in the Western Cape and its development during the apartheid and segregationist periods.³³ SU, from its inception, was closely allied to the government and after the National Party (NP) took over in 1948, the relationship between the government and the university only strengthened. Many of SU's graduates went on to become ministers, parliamentarians, and even prime ministers.

²⁸ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017).

²⁹ Z. Magubane, "A Pigment of the Imagination? Race, Subjectivity, Knowledge and the Image of the Black Intellectual" in R. O. Mabokela and Z. Magubane (eds) *Hear Our Voices Race, Gender and the Status of Black South African Women in the Academy* (Pretoria: University of South Africa Press, 2004).

³⁰ B. Murray, *Wits: The Early Years: A History of the University of the Witwatersrand, Johannesburg, and its Precursors, 1896-1939* (Johannesburg: Witwatersrand University Press, 1982).

³¹ B. K. Murray, "Wits as an 'Open' University 1939-1959: Black Admissions to the University of the Witwatersrand", *Journal of Southern African Studies*, 16, 4, 1990.

³² H. Phillips, *UCT under Apartheid Part 1: From Onset to Sit-in 1948-1968* (South Africa: Jacana Media, 2019).

³³ A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018).

The histories of these universities demonstrate how the culture of an institution can enable sexual violence. These universities were not able to separate themselves from their colonial roots. During the segregationist and apartheid periods, they were content to follow prevailing customs and traditions rooted in patriarchy. They continued to reinforce racist and sexist discourse throughout the twentieth and twenty-first centuries.

Saleem Badat's *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO 1968-1990* explains the origins of HBU's in South Africa.³⁴ Badat explains that before 1948, black higher education was underfunded and lacked resources, however, after the NP took over, they allocated (minimal) funding and resources into the establishment of multiple universities to serve the different South African ethnic groups in their designated homelands and group areas. Lalu and Murray's *Becoming UWC Reflections, Pathways and Unmaking Apartheid's Legacy* provides the history of UWC's establishment in 1960 as an apartheid institution to educate the 'coloured' population.³⁵ Despite its origins, UWC pioneered anti-apartheid activism, and in 1980 ended their racial requirements, defying the government's Extension of University Education Act. In the years that followed, UWC became a leading example of rebellion against the states' racist project of apartheid. This history of activism and violence at UWC is what paved the way for the first sexual violence policy to be created.

I contribute to this body of scholarship by locating the emergence of sexual violence policies within the history of these institutions. Although all are productive forms of scholarship, few of these texts reflect on the ways that university histories are also simultaneously histories of sexual violence in the university.

Scholarship on Gender, Sexual Violence and Sexual Violence Policies in Universities

I draw on Bennett's *Killing a Virus with Stones? Research on the Implementation of Policies Against Sexual Harassment in Southern African Higher Education* to explain sexual violence policies in universities. I use a chapter by Hames, Beja & Kgosimemele on "The Impact of Sexual Violence Policies in South African Universities: The University of the Western Cape,"³⁶

³⁴ S. Badat, *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO, 1968-1990* (Pretoria: Human Sciences Research Council, 2002).

³⁵ P. Lalu & N. Murray (eds) *Becoming UWC Reflections, Pathways and Unmaking Apartheid's Legacy* (Cape Town: Centre for Humanities Research, UWC, 2012).

³⁶ M. Hames, N. Beja & T. Kgosimemele, "The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape" in J. Bennett *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005).

in conjunction with another article by Hames, “Sexual Identity and Transformation at a South African University”³⁷ to discuss UWC’s history of participating in struggles against racial and gender injustice. Feminist activism at UWC began around 1987 when the Women’s Commission was established, with a philosophy rooted in the idea of ‘the personal as political’.³⁸ UWC was one of the first universities to institute a sexual violence policy, which was informed by feminist knowledge.³⁹

Another chapter from Bennett’s *Killing a Virus with Stones?* that I draw on is Gouws, Kritzinger and Wenhold’s “Report of an Inquiry into the Implementation of the Sexual Harassment Policy and Grievance Procedure at the University of Stellenbosch”⁴⁰ which is a case study on the effectiveness of policies at SU. Their findings note that there is a huge discrepancy between policy making and the implementation of these policies.⁴¹ Additionally, this work is useful in that it establishes the context leading up to the creation of SU’s Sexual Harassment Policy. It explains how at the time, UCT developed their own sexual violence policy and these two universities influenced other universities to start implementing their own policies.⁴²

My contribution to this robust body of scholarship is to create a connection between sexual violence policies and managerialism. Rather than evaluating the effectiveness of policy, I argue that ‘effectiveness’ itself forms part of the managerial discourse, which neutralises the activist origins of sexual violence policies and their objectives.

Scholarship on Feminist Scholarship and Activism

Feminist scholarship in South Africa initially emerged through the work of white feminist scholars. However, by the 1980s, black feminist scholars explained that this did not take into account the multiple intersections of oppression they (black women) face. The work produced

³⁷ M. Hames, “Sexual Identity and Transformation at a South African University”, *Social Dynamics*, 33,1,2007.

³⁸ M. Hames, N. Beja & T. Kgosimeme, “The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape” in J. Bennett *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 157.

³⁹ M. Hames, “Sexual Identity and Transformation at a South African University”, *Social Dynamics*, 33, 1, 2007, 61.

⁴⁰ A. Gouws, A. Kritzinger & M. Wenhold, “Report of an Inquiry into the Implementation of the Sexual Harassment Policy and Grievance Procedure at the University of Stellenbosch” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005).

⁴¹ Ibid, 57.

⁴² Ibid, 59.

by black South African feminist scholars is intersectional in its approach and highlights feminist scholars' intentions to identify and dismantle intersecting forms of oppression and factors that reinforce sexual violence. Their work both frames my understanding of intersectionality in South Africa and explains its history.

For example, Hassim and her work on *Women's Organizations and Democracy in South Africa*, illustrates the differences between women as well as between women's organisations. It explains that women mobilise as a result of their multiple identities (race, class, gender, nationality, profession etc) to confront unequal male power economically, socially and politically.⁴³ Abrahams' 1985 paper "The Obstinate Basis: Marxism, Women's Studies and a Feminist Analysis" critiques western and white feminists' analyses of women, explaining that they do not take into account the multiplicity of oppressions that black women face.⁴⁴ Abrahams' master's thesis, "Resistance, pacification and consciousness: a discussion of the historiography of Khoisan resistance from 1972 to 1993 and Khoisan resistance from 1652 to 1853"⁴⁵ and her PhD thesis, "Colonialism, dysfunction and disjuncture: the historiography of Sarah Bartmann"⁴⁶ both critically analyse the existing literature on black women, and the intersecting forms of oppression they face. I use Gqola's books, *Female Fear Factory*⁴⁷ and *Rape A South African Nightmare*,⁴⁸ and her article on "How the 'Cult of Femininity' and violent masculinities support endemic gender based violence"⁴⁹ to expand on intersectionality's use in South African feminist thought. Hassim, Abrahams and Gqola's scholarship use intersectionality to identify structures that uphold violence against women. Their work is political and a form of activism. I use this as a starting point from where I can critically examine the managerial nature of sexual violence policies and compare that with the objectives of feminist scholarship.

⁴³ S. Hassim, *Women's Organizations and Democracy in South Africa: Contesting Authority* (Wisconsin: The University of Wisconsin Press, 2006), 5.

⁴⁴ Y. Abrahams, "The Obstinate Basis: Marxism, Women's Studies, and a Feminist Analysis", Paper from Sixteenth Annual Congress, ASSA Manuscript Collection, UNISA Archives, 21, 5.12.2, 1985, 2.

⁴⁵ Y. Abrahams, "Resistance, pacification and consciousness: a discussion of the historiography of Khoisan resistance from 1972 to 1993 and Khoisan resistance from 1652 to 1853." Master's thesis, University of Cape Town, 1994.

⁴⁶ Y. Abrahams, "Colonialism, dysfunction and dysjuncture: the historiography of Sarah Bartmann." PhD Thesis, University of Cape Town, 2000.

⁴⁷ P. D. Gqola, *Female Fear Factory* (Cape Town: MFBooks, 2021).

⁴⁸ P. D. Gqola, *Rape A South African Nightmare*, (Johannesburg: MFBooks, 2015).

⁴⁹ P. D. Gqola, "How the 'Cult of Femininity' and violent masculinities support endemic gender based violence in contemporary South Africa", *African Identities*, 5, 1.

Lewis is another intersectional feminist. Her co-edited collection *Surfacing* helped to inform my own understandings of both black feminism and African feminism, and the nuanced intersections within feminist thought.⁵⁰ Her article on “Governmentality and South Africa’s Edifice of Gender and Sexual Rights” discusses how the dominant global discourse, in this case, managerialism, can undermine feminist thought. This gives context to and helps me frame my argument that feminist scholarship faces limitations under managerialism.

Hill Collins’ *Intersectionality* discusses the usefulness of the aforementioned approach to protests about social inequalities, arguing that these protests are usually directed towards states using neoliberal policies that curb individual freedoms.⁵¹ This is essential in my framing of the 2015 #FeesMustFall and #RURerenceList protests as rooted in political and intellectual work done by feminist scholars, in an attempt to bring to light the negative effects of the neoliberal and managerial discourses within the university.

I contribute to this body of scholarship by explaining how feminist scholarship and the objectives of feminist scholarship stand in opposition to the objectives of managerialism. I also identify the ways in which Gender and Women’s Studies (GWS) departments (where feminist scholarship often resides) have become managerialised.

Methodology

Feminist research requires that “our own class, race, culture and gender assumptions, biases and beliefs must be placed in the context of the research, so that we reflect on how we influence the research.”⁵² In an attempt to conduct feminist research and contextualise my motivations behind this project, I am writing this as a white, cis-gender female student, who was raped in my second year at RU (2018). It was my engagement with feminist texts that made me brave enough to finally report my rape, and that sparked my interest in the relationship between this feminist scholarship and sexual violence policy.

I did not report it immediately. I pushed it aside and could barely admit to myself that it was rape. I felt myself drawn to books and poetry on sexual violence and I took comfort in them. I

⁵⁰ D. Lewis & G. Baderoon, “Introduction: Being Black and Feminist” in D. Lewis & G. Baderoon (eds) *Surfacing On Being Black and Feminist in South Africa* (Johannesburg: Wits University Press, 2021).

⁵¹ P. Hill Collins & S Bilge, *Intersectionality* (Cambridge: Polity Press 2016), 138.

⁵² A. Gouws, “Problematizing Race and Gender in Everyday Research Processes: A Model of feminist research praxis” in J. Jansen & C. Walters (eds) *Fault Lines A Primer of Race, Science and Society* (Stellenbosch: African Sun Media, 2020), 181.

knew objectively what rape was, and comforted friends who have been through similar experiences, explaining to them that it was not their fault, and that their experiences were valid and real, but I could not tell myself those same things. In my third year (2019), my soon-to-be supervisor, Dr. Janeke Thumbran, lent me a copy of *Rape, A South African Nightmare* by Pumla Dineo Gqola, and after reading it, I knew I wanted to use my postgraduate career to historicise sexual violence in the space of the university. It was not the existence of sexual violence policies at RU that made me brave enough to report my rape, but rather an engagement with feminist scholarship. It is precisely the power and impact of feminist scholarship and its relationship to policy that I want to explore in my own research.

In my honours year, I wrote my long essay on “Awareness, Activism, and Student Perceptions of the Administration’s Response to Sexual Violence at Rhodes University, 1980-2016”. Sexual violence is a very sensitive topic at RU, and to gain access to the archival sources I needed, I had to submit and sign a request for information with the Registrar. This request stated that

(b)y signing this application, I understand that should access to the information be permitted, it will be used in a manner that does not bring the subject or Rhodes University into disrepute, nor compromise the integrity of either. Further, the information is only for academic research purposes and not for any form of publication beyond Rhodes University. Should there be an intention to publish permission must first be sort [sic] from the University.⁵³

As a result of being asked to sign this agreement, I decided to use sexual violence policies as my primary sources, and specifically chose not to conduct any interviews due to the sensitive nature of this topic at RU⁵⁴ and the strong possibility that I would be denied ethical clearance for this project.

I read these sexual violence policies for both traces of feminist activism and managerial discourses and identify these traces through the language and vocabulary of these policies. Due to a lack of research funding, I used policies that are accessible online and as an English language speaker, I was limited to analysing policies that are available in English.

⁵³ “Request for Access to Information at Rhodes University for Research Purposes”, *Rhodes University*, 2020.

⁵⁴ RU has had a protracted battle with a former student, Yolanda Dyantyi. Dyantyi was excluded from RU in 2017 after being accused of assault, kidnapping and insubordination during the #RURReferenceList protests. The former student has recently won her case against the university. Two years after the #RURReferenceList protests, a student at RU, Khensani Maseko, who was an SRC Alumnus and rape activist, died by suicide after posting a picture on her Instagram that stated “No one deserves to be raped!” The cases of Dyantyi and Maseko have made sexual violence at RU a very sensitive and volatile issue.

I analyse these primary sources with the assistance of a historiography on managerialism, feminist activism and scholarship, and gender and sexual violence in South African universities.

Chapter 2 – The Rise of the Managerial University

Introduction

A report published in 2021, entitled “Conceptions of the academic project at Rhodes University”⁵⁵ revealed various problems with the academic project. According to the report, authored by Dr. Evelyn Muthama, these problems are related to the managerial culture of universities in South Africa. Using Rhodes University (RU) as their institutional site and drawing on interviews with staff, students and management, Muthama argues that academic focus has shifted towards research production. This is driven by funding that privileges academic outputs and the university is now “seen to be playing a key role in driving economic growth for the ‘knowledge economy’.”⁵⁶ The shift towards a managerial university, with its focus on quantifiable outputs, budgets, policies, and procedures, has compromised the integrity of the academic project. It has capitalised knowledge production and ensured that knowledge produced is no longer for the benefit of society but rather a marketable and fundable concept.

In this chapter, I argue that managerialism is derived from the implementation of neoliberal reforms in South Africa and that these reforms were initially adopted in the wake of the 1976 Soweto Uprising. Although the apartheid government looked to the United States (US) and the United Kingdom (UK) for solutions to its own political and economic crisis in the 1970s, the implementation of neoliberalism in South Africa took its own unique form, particularly in the post-apartheid period, giving rise to the managerial university. I also demonstrate that the managerial university is simultaneously a welfare university. I outline the development of these dual aspects of the university in order to highlight the managerial discourse in relation to sexual violence policies, and to demonstrate how these come into conflict with the objectives of feminist scholarship and associated activism (including protests) in subsequent chapters.

⁵⁵ E. Muthama, “Conceptions of the academic project at Rhodes University”, *Centre for Higher Education Research, Teaching & Learning, & Centre for Postgraduate Studies*, 2021.

⁵⁶ *Ibid*, 4.

What is Managerialism?

The Oxford English Dictionary defines manage (transitive verb) as “(t)o control; to exert one’s authority or rule over”⁵⁷ and as (intransitive verb) “(t)o conduct affairs; to plot, scheme, or intrigue.”⁵⁸ Management (noun) refers to either “(o)rganization [sic], supervision, or direction; the application of skill or care in the manipulation, use, treatment, or control (of a thing or person), or in the conduct of something.”⁵⁹ Managerialism meanwhile refers to “(t)he doctrine or practice of conducting or planning businesses or other enterprises by the use of managerial techniques.”⁶⁰

The Rise of the Managerial University (Globally)

According to Clarke, Gerwitz and McLaughlin, many capitalist nations shifted away from the model of the welfare state after the Second World War (1939-1945). An anti-welfare movement formed, which saw welfare spending as a drain on the economy, and saw the state as an interference in the ‘natural workings’ of the market.⁶¹ According to Fergusson, in the United Kingdom “managerialism gained hold because it offered to bring new forms of control to the cultures of welfare institutions which the New Right⁶² recognised were beyond the reach of enforced policy changes or the exercise of power through established claims of management command.”⁶³

By the 1980s, Margaret Thatcher begun a period of “permanent revolution”⁶⁴ to reconstruct the system of social welfare in the United Kingdom. The effects of this revolution are demonstrated through privatisation reforms, which shifted the responsibility for welfare from the ‘public sphere’ (state) to the ‘private sphere’ (the market) and meant that the scale of welfare provision

⁵⁷ Oxford English Dictionary, “manage, v.” at <https://www.oed.com/view/Entry/113210?rskey=4mavYH&result=3&isAdvanced=false#eid> accessed on 15 October 2022.

⁵⁸ Oxford English Dictionary, “manage, v.” at <https://www.oed.com/view/Entry/113210?rskey=4mavYH&result=3&isAdvanced=false#eid> accessed on 15 October 2022.

⁵⁹ Oxford English Dictionary, “management, n.” at <https://www.oed.com/view/Entry/113218?redirectedFrom=management+#eid> accessed on 15 October 2022.

⁶⁰ Oxford English Dictionary, “managerialism” at <https://www.oed.com/view/Entry/245246?redirectedFrom=managerialism+#eid> accessed on 15 October 2022.

⁶¹ J. Clarke, S. Gewirtz & E. McLaughlin, “Reinventing the Welfare State”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 3.

⁶² Referring to UK politics, conservatism influenced by Thatcher and Reagan.

⁶³ R. Fergusson, “Modernizing Managerialism in Education”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 218.

⁶⁴ J. Clarke, S. Gewirtz & E. McLaughlin, “Reinventing the Welfare State”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 1.

was greatly reduced.⁶⁵ Privatisation reforms put an end to most state welfare programmes and those that did remain went through reorganisation to operate under more ‘business like’ conditions.⁶⁶ This reorganisation was mainly through “(t)he creation of ‘mixed economies’ of welfare”, “(t)he increasing use of market or market-like mechanisms for coordinating the provision of services” and “organizational [sic] forms of government were tilted increasingly towards what Skelcher (1998) called ‘quasi-government’”.⁶⁷ These

created the conditions for the far-reaching impact of managerialism. By this we mean the process of subjecting the control of public services to principles, powers and practices of managerial co-ordination...The imagery of new ‘business like’ organizations [sic] and the more dispersed or fragmented network of organizations [sic] playing different roles in welfare provision led inexorably to the conclusion that ‘more and better management’ was a necessary condition for efficient, effective and economical services to the public.⁶⁸

Although the rise of managerialism was first observed through reforms in the social welfare sector, it has also reshaped the institution of the university. In universities, this reorganisation meant the end of the institution as it was previously known. In the late 1980s, the Australian government began implementing corporate ‘business like’ practices into universities.⁶⁹ This commodification and corporatisation of universities brought with it a change in the style of management to a more top-down approach.⁷⁰ As Thornton observed, when compared to commercial or industrial standards, the university is considered incredibly inefficient, and many universities underwent restructuring as a result.⁷¹

Managerialism in the university can be tracked through the changing relationship between the state and universities over the last century. Education was previously accepted as for the public good and responsibility was assumed by the State.⁷² However, due to a shift from public to private responsibility through the introduction of neoliberal economic reforms around the world, the university has changed and become corporatised, and is modelled to mimic business-like efficiency. Reading expresses similar sentiments in his argument that the role of the university in society has shifted to “one that is no longer linked to the destiny of the nation-

⁶⁵ Ibid, 3.

⁶⁶ J. Clarke, S. Gewirtz & E. McLaughlin, “Reinventing the Welfare State”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 4.

⁶⁷ Ibid, 4 - 5.

⁶⁸ Ibid, 5.

⁶⁹ M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 16.

⁷⁰ Ibid, 16.

⁷¹ Ibid, 16.

⁷² Ibid, 1.

state by virtue of its role as producer, protector, and inculcator of an idea of national culture.”⁷³ He explains that the modern university “has had three ideas [namely]: the Kantian concept of reason, the Humboldtian idea of culture, and now the techno-bureaucratic notion of excellence.”⁷⁴ Kant’s concept of reason ordered the university, as it created a collective goal for all disciplines to strive towards. Humboldt, a German idealist, puts forward the idea of culture in universities, which encompasses both the knowledge learnt and the development of one’s character during this time. In Germany, this means that the university must produce and inculcate national knowledge.⁷⁵ In South Africa, universities were built to serve the (racist) national cultural mission, and for most of the early twentieth century, this culture determined the mandate of the university (discussed in **Chapter 3**). The implementation of neoliberal reforms and the corporatisation of universities indicated the shift away from this cultural mission (and the influence of the nation state) towards an intimate relationship with the market.

Thornton discusses how this relationship with the market means that “governments have sloughed off the notion of common good” and “stifled civil society”.⁷⁶ In recent years, “governance has become neoliberalism’s primary administrative form, the political modality through which it creates environments, structures constraints and incentives, and hence conducts subjects.”⁷⁷ The term ‘governing’ is often used interchangeably with ‘managing’ and the use of this term signified the dissolving of distinctions between state, businesses, non-profit and non-government organisations (NGO), as they developed orientations that could better adopt a business model and business metrics.⁷⁸

Since the 1990s, managerialism has adopted this slightly different agenda in order to keep up with modernising objectives.⁷⁹ The shift towards managerialism meant a shift towards organisational coordination. Attention shifted to “outputs and performance rather than inputs.”⁸⁰ Policies to corporatise and privatise public goods and services meant that social institutions such as universities were seen as ‘losers’ of money in the free market as they were expensive to run, and their outputs did not directly produce measurable profits. Universities

⁷³ B. Reading, *The University in Ruins* (Cambridge and London: Harvard University Press, 1996), 3.

⁷⁴ B. Reading, *The University in Ruins* (Cambridge and London: Harvard University Press, 1996), 14.

⁷⁵ Ibid, 15.

⁷⁶ M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 3.

⁷⁷ W. Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (New York: Zone Books, 2015), 122.

⁷⁸ Ibid, 123.

⁷⁹ R. Fergusson, “Modernizing Managerialism in Education”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 207.

⁸⁰ J. Clarke, S. Gewirtz & E. McLaughlin, “Reinventing the Welfare State”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 6.

became “characterised by top-down managerialism, a form of disciplinary power that deploys systems of expertise and technology for the purpose of political control.”⁸¹ Professors in leadership positions were replaced by ‘line managers’, whose focus was on running the university as a business. These ‘line managers’ ensure that academics were productive, and this productivity came to be measured by quantifiable outputs, such as the number of publications, grants, classes and students an academic has, thereby ultimately shifting focus away from thinking and intellectual culture – which is, as Thornton writes, unquantifiable, and with little market value.⁸² The language and discourse of this shift was used “as a means of legitimations and institutionalization [sic]”.⁸³ This discourse was presented as neutral and objective – activities done by experts in pursuit of a goal. However, the very existence of managers (experts) engaging people in the habits of behaving ‘managerially’ demonstrates subjection to an authority. There was a belief that if things were done in the ‘correct’ way, using managerial techniques, social objectives could be promoted at a lower cost.⁸⁴ Fergusson states that the education sector has “adopted wholesale most of the premises of neo-liberalism, many of its objectives, and almost all of its methods of delivering them. Competition, choice and performance indicators remain the unchallenged totems of policy.”⁸⁵ Managerialism also gave rise to a loss of academic freedom and autonomy, and the tendency for profitability to determine the core business of the university.⁸⁶

In terms of the role universities played in societal change and knowledge production, traditional academic values have been replaced and universities favour disciplines that are marketable and research that is financially profitable.⁸⁷ In order to maintain relevance and acquire funding, universities partnered with various businesses and industries, intertwining their futures with business interests.⁸⁸ Within the new neoliberal economy, universities were governed by managerialism, expected to run themselves as businesses, and were required to be ‘self-sufficient’⁸⁹ if not they would be closed down.⁹⁰

⁸¹ M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 110.

⁸² M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 113.

⁸³ J. Clarke, S. Gewirtz & E. McLaughlin, “Reinventing the Welfare State”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 7.

⁸⁴ *Ibid*, 9.

⁸⁵ R. Fergusson, “Modernizing Managerialism in Education”, in J. Clarke, S. Gewirtz & E. McLaughlin (eds) *New Managerialism New Welfare?* (London: The Open University, 2000), 203.

⁸⁶ M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 19.

⁸⁷ *Ibid*, 7.

⁸⁸ *Ibid*, 8.

⁸⁹ *Ibid*, 8.

⁹⁰ *Ibid*, 8.

Tracking the rise of managerialism in South Africa (1948-1994)

According to Wendy Brown, neoliberalism “is best understood not simply as economic policy, but as a governing rationality that disseminates market values and metrics to every sphere of life.”⁹¹ In South Africa, this governing rationale emerged in the wake of the 1976 Uprising, when the State turned to neoliberal reforms to address both economic and political crises at the time.

When the National Party came to power under Daniël François (D. F.) Malan⁹² in 1948, they shifted South Africa away from the policies of economic liberalism to a more strongly regulated society and economy. The white population enjoyed a relatively free market, with a strong welfare system, but for the black population, jobs and housing – to name a few – were highly regulated. According to Giliomee, apartheid has been interpreted as a “radical rejection of liberal demands”,⁹³ but it was ultimately an intensification of the system of segregation. Nationalists wanted to protect their white privilege and political power, deciding that the best way to do this was through separate development. Their theory was that “(t)he greater the number of competitive points of contact, the greater the friction”.⁹⁴ Hendrik Verwoerd, who had worked as the minister of Native Affairs from 1950, took over as Prime Minister in 1958,⁹⁵ and reformulated the idea of liberalism to regulate the economy and fit the state project of separate development whereby “‘rights’ could be granted to black Africans in their ‘own’ homelands and ‘coloureds’ in their segregated urban enclaves”.⁹⁶ Black Africans and ‘coloureds’ were pushed out of white society where they could not grow wealth, own property or interact with the market economy, because the state believed that “the ‘Bantu’ did not have the capacity to interact in a market society and should thus be relegated to their ‘own sphere’ of development without the interference of the white capitalist economy.”⁹⁷ The defence of this policy was, according to Giliomee, “based on a cultural relativism that argued for the need to

⁹¹ W. Brown, *Undoing the Demos Neoliberalism’s Stealth Revolution* (New York: Zone Books, 2015), 176.

⁹² Prime Minister of South Africa between 1948 and 1954.

⁹³ H. Giliomee, “Apartheid, Verligtheid, and Liberalism” in J. Butler, R. Elphick & D. Welsh (eds) *Democratic Liberalism in South Africa: Its History and Prospect* (Cape Town: David Philip Publishers, 1987), 363.

⁹⁴ *Ibid*, 365.

⁹⁵ *Ibid*, 366.

⁹⁶ J. Thumbran, “The ‘Coloured Question’ and the University of Pretoria: Separate Development, Trusteeship and Self Reliance, 1933-2012”, PhD Dissertation, University of Minnesota, 2018, 121.

⁹⁷ *Ibid*, 122.

‘protect’ African cultures from the influences of modernity, in particular ‘the market’ and industrial society.”⁹⁸

In the late 1970s, an ideological group led by *verligte*⁹⁹ intellectuals and economists Jan Lombard and Johan van Zyl emerged out of the National Party. This group supported market-orientated liberalism and became known as the neo-liberals. The group was initially nationalist, but they rejected the idea of reform from the top-down.¹⁰⁰ Their “main concern become safeguarding the capitalist system and effective group rights (not racially defined) rather than the defence [sic] of Afrikaner political hegemony”¹⁰¹ by removing limitations and giving “freer rein to market forces, which would lead to social progress through a new emphasis on individual rights, decentralized [sic] power, and freedom of association.”¹⁰² This group offered neoliberal economic reforms as a means to address both the political and economic crises that emerged in the 1970s.

Several political and economic issues began to emerge in the late 1970s: the economy was in serious decline; the homelands were underdeveloped and there was a growing urban and middle-class black Africa population. As the black population was growing, the white population was shrinking, and there was a shortage of skilled white labourers who were able to staff the higher positions in both the public and private sectors.¹⁰³ The pass system was also failing, and the state was unable to stop black Africans from coming into the cities to work. The shortage of skilled (white) labour was made worse by the Durban strikes in 1973, which forced the state to implement various labour reforms.¹⁰⁴ These strikes demonstrated to the state the inability of the white minority population to control all positions in the public and private sectors and forced them to move away from grand apartheid policies. The state began to use neoliberal strategies to solve these problems and implemented labour reforms which would “bring blacks into a common industrial relations system by way of carefully controlled African unions”¹⁰⁵ as well as massively increasing black education to assist with the growing labour

⁹⁸ A. von Schnitzler, *Democracy's Infrastructure: Techno-Politics and Protest After Apartheid* (Princeton: Princeton University Press, 2016), 39.

⁹⁹ ‘Enlightened Ones’ of Afrikaner society who wanted to reformulate apartheid.

¹⁰⁰ H. Giliomee, “Apartheid, Verligtheid, and Liberalism” in J. Butler, R. Elphick & D. Welsh (eds) *Democratic Liberalism in South Africa: Its History and Prospect* (Cape Town: David Philip Publishers, 1987), 379.

¹⁰¹ Ibid, 379.

¹⁰² Ibid, 379.

¹⁰³ Ibid, 372.

¹⁰⁴ Ibid, 373.

¹⁰⁵ Ibid, 373.

shortage.¹⁰⁶ The 1976 Soweto Uprising marked a turning point in the apartheid modalities of oppressive rule as this event could not be ‘solved’ within the existing logic of apartheid.¹⁰⁷ It “destroyed the *verligte* illusion of apartheid as a potentially just solution. It imparted a greater urgency to *verligte* pleas for a basic change in white attitudes toward blacks.”¹⁰⁸

Lombard and his group of neo-liberals suggested neoliberal economic reforms as a solution to address both political and economic crises. In an effort to not entirely abandon the idea of separate development while also acknowledging the limitations of the approach, Lombard suggested an evolutionary progression towards a free and democratic society. He believed that most of the black population lacked “‘the ability to use skills and knowledge with the functional competence needed for meeting the requirements of adults living as *responsible and free* citizens of a *democratic* society’.”¹⁰⁹ This meant that while the traditional grand-apartheid strategies viewed the urban black population as essentially non-persons, Lombard saw them as “in the midst of a transition period, a pedagogical stage toward becoming ‘free persons’.”¹¹⁰ Ultimately, the result was the same: it rationalised the continued denial of rights for the black population based on an assumption of ‘functional competence’ and this could be justified as part of the evolutionary progress to democracy.¹¹¹

A solution to these problems was proposed through the Riekert Commission in the late 1970s; to form “an urban black middle class who could assist the regime in fighting internal ‘enemies’ and could act against the ‘onslaught’ of communism.”¹¹² In doing this, neoliberal ideas of ‘free enterprise’ and ‘economic liberalism’ were adopted to provide solutions that would safeguard the capitalist system and simultaneously ‘pacify’ concerns of racial rights.¹¹³ These neoliberal reforms would “narrow the scope of state intrusions in the economy and in civil society, to devolve powers to the regions as part of a genuine thrust toward federation, and to deregulate

¹⁰⁶ Ibid, 375.

¹⁰⁷ A. von Schnitzler, *Democracy’s Infrastructure: Techno-Politics and Protest After Apartheid* (Princeton: Princeton University Press, 2016), 48.

¹⁰⁸ H. Giliomee, “Apartheid, Verligtheid, and Liberalism” in J. Butler, R. Elphick & D. Welsh (eds) *Democratic Liberalism in South Africa: Its History and Prospect* (Cape Town: David Philip Publishers, 1987), 377.

¹⁰⁹ A. von Schnitzler, *Democracy’s Infrastructure: Techno-Politics and Protest After Apartheid* (Princeton: Princeton University Press, 2016), 54.

¹¹⁰ Ibid, 55.

¹¹¹ Ibid, 55.

¹¹² J. Thumbran, “The ‘Coloured Question’ and the University of Pretoria: Separate Development, Trusteeship and Self Reliance, 1933-2012”, PhD Dissertation, University of Minnesota, 2018, 128.

¹¹³ H. Giliomee, “Apartheid, Verligtheid, and Liberalism” in J. Butler, R. Elphick & D. Welsh (eds.), *Democratic Liberalism in South Africa: Its History and Prospect* (Cape Town: David Philip Publishers, 1987), 379.

a range of economic and social functions from monetary controls and job color [sic] bars to personal intimacy.”¹¹⁴

According to von Schnitzler, “neoliberalism became both a language and an archive for a critique of apartheid”.¹¹⁵ The economic, political and social crises of the 1970s forced the government to make changes and they embarked on a “total strategy”.¹¹⁶ The total strategy programme of counterinsurgency, announced in 1977, was concerned with the issues of security and heavy militarisation.¹¹⁷ This strategy was drawn from the Thatcher and Reagan governments. In addition, South Africa adopted monetarist strategies that would reduce state spending. However, this did not translate well into the South African context, because when “‘applied in the context of a reformist initiative’ in which selective state spending to deal with the political crisis would ultimately be”¹¹⁸ of the highest concern, even more state intervention would be needed to address the political crisis.¹¹⁹ What emerged in the late 1970s was “an ideal of a decentralized [sic] technocratic administration, which would ‘structure compliance with authority into the basic conditions of social life’.”¹²⁰

Tracking the rise of managerialism in South Africa (1994-2021)

Apartheid officially ended in 1994 after the first free and fair elections, where the African National Congress (ANC) was elected as the ruling party and Nelson Mandela became the first democratically elected President of South Africa. In 1994 the ANC implemented a socio-economic programme called the Reconstruction and Development Programme (RDP), in an effort create a more equitable society within South Africa. The government subsequently abandoned this programme and adopted a structural adjustment programme that was in line with the World Bank and the International Monetary Fund’s (IMF) practice of opening up markets through deregulation and privatisation.¹²¹ In 1996, the implementation of the Growth with Employment and Redistribution (GEAR) programme indicated the official move to

¹¹⁴ H. Giliomee, “Apartheid, Verligtheid, and Liberalism” in J. Butler, R. Elphick & D. Welsh (eds.), *Democratic Liberalism in South Africa: Its History and Prospect* (Cape Town: David Philip Publishers, 1987), 379.

¹¹⁵ A. von Schnitzler, *Democracy’s Infrastructure: Techno-Politics and Protest After Apartheid* (Princeton: Princeton University Press, 2016), 47.

¹¹⁶ Ibid, 49.

¹¹⁷ Ibid, 49.

¹¹⁸ Ibid, 49.

¹¹⁹ Ibid, 49.

¹²⁰ Ibid, 51.

¹²¹ J. Ferguson, *give a man a fish: Reflections on the New Politics of Distribution* (Durham and London: Duke University Press, 2015), 3.

neoliberalism. The GEAR programme was a “business-friendly, ‘growth-led’ strategy [that] would generate sufficient economic growth to secure substantial employment growth and in the end to lift all boats.”¹²²

This, according to Ferguson, is the standard narrative of South Africa’s embrace of neoliberal policy. As I have demonstrated above, neoliberal reforms were first introduced in the late 1970s as a strategic response to political and economic crises. In addition – and as Ferguson argues – South Africa’s post-apartheid implementation of neoliberal economic policies largely deviates from what he calls ‘standard’ neoliberalism’.¹²³ Instead, in the post-apartheid South African context, neoliberalism is a programme where “selective privatization [sic] and marketization [sic] has been combined with a far-reaching expansion of programs of direct distribution.”¹²⁴ Ferguson argues that when the ANC came into power, they were under pressure to deliver change to their new constituency. However, GEAR and the neoliberal economic policies could not provide as much economic growth as hoped, and the government was forced to rely on social welfare (a well-developed system for the white population, but heavily underdeveloped for the black population) to transform the economy.¹²⁵ As a result, pension rates were equalised across racial groups and child support grants were implemented. These programmes grew rapidly, partly in response to the HIV epidemic, which left many children orphaned. The ANC did not intend to create a welfare state, but the black population became increasingly dependent on state provision (in the absence of other alternatives).¹²⁶

The Post-Apartheid University: Managerialism and Welfare

In South Africa, this particular configuration of neoliberalism (discussed above), when combined with post-apartheid transformation initiatives, meant that universities, although operating as managerial (and neoliberal) institutions, provided various forms of direct distribution to students such as foodbanks, mental health services, and healthcare. Thus, on the one hand, South African universities are at the mercy of the market, meaning that students are ‘clients’ who pay fees and expect a service. On the other hand, students who have been historically disadvantaged (predominantly black students) are unable to afford these fees and

¹²² J. Ferguson, *give a man a fish: Reflections on the New Politics of Distribution* (Durham and London: Duke University Press, 2015), 4.

¹²³ Ibid, 5.

¹²⁴ Ibid, 12.

¹²⁵ Ibid, 5.

¹²⁶ Ibid, 9.

those who qualify, receive forms of direct distribution. The key example is the National Student Financial Aid Scheme (NSFAS), established in 1999, which provides the necessary funds for poor and working-class students to attend higher education institutions.¹²⁷ The emergence of NSFAS was tied to what Jonathan Jansen, former Vice-Chancellor (VC) at the University of the Free State (UFS), has termed the ‘perfect storm’. ‘The perfect storm’ describes the simultaneously decreasing government subsidies and the constantly rising student fees that converges in four different ways.¹²⁸ The first is the decline in state subsidies over the past two decades. Adam Habib, the former VC of Wits, explains that between 1993 and 2013 state subsidies at Wits had halved.¹²⁹ To compensate for this, the university had to increase its fees. The resulting #FeesMustFall protests focused on access to higher education. The protests that emerged were predominantly a revolt by the ‘missing-middle’, a demographic of students who were not poor enough to qualify for state funding, but also not wealthy enough to afford the rising costs of higher education.¹³⁰ The second convergence was that the large increase of poorer (predominantly black) students enrolling in universities who were unable to pay their own fees, and relied on state funding, while the third is the reliance of universities on increasing tuition fees to make up costs previously covered through state subsidies. The fourth convergence was that undergraduate degrees were increasingly ‘inefficient’ as many students entering universities were now from disadvantaged schools (the result of the legacies of Bantu Education and/or separate education during apartheid) that were unable to properly prepare students for university.¹³¹ The declining subsidies and increasing tuition fees are some examples of privatising and market orientated reforms within the university.

The subsequent protests were also a result of a sense of betrayal felt by the students after the 1994 democratic elections, as described below by Jonathan Jansen:

We now have a group of students, largely post-1994 youth, coming into historically white institutions in large numbers. At one level, they were given the promise of freedom. At another level, in existential terms, that promise is denied to them in who’s teaching them, in what they’re seeking in the cultural symbols that they are located in, and all of those kinds of things. And in a sense they think 1994 did not deliver on that promise.¹³²

¹²⁷ NSFAS, “Our Mission”, at <https://www.nsfas.org.za/content/mission.html> accessed on 18 November 2022.

¹²⁸ J. Jansen, *As By Fire: The End of the South African University* (Cape Town: Tafelberg, 2017), 2.

¹²⁹ *Ibid*, 29.

¹³⁰ *Ibid*, 34.

¹³¹ *Ibid*, 28.

¹³² *Ibid*, 82.

As Jansen argues, the welfare university emerged alongside the increased number of poor students over the last decade. This was a result of the massive increase in students who were previously excluded from the university due to racial and financial restrictions. These students were from families who received welfare grants from the state and saw the university as an extension of the state.¹³³ The challenge is that poorer students have to rely on the university to provide for them, and although NSFAS does provide some relief to these students, there are still constant issues with adequate funding.¹³⁴ Sizwe Mabizela, RU's VC, also emphasised that students expect the university to provide welfare services (for example, the provision of sexual health support in the form of sanitary pads, condoms, AIDs and pap smear tests) that were not previously part of the university mandate.¹³⁵

The provision of welfare services puts universities under immense strain and limits their academic and scholarly outputs. As Habib argues, "economic necessity weighs heavily on academic and intellectual freedom and puts academics at the mercy of political and institutional authority",¹³⁶ as academic freedom is curtailed by "an approach that sees the university as arms of the state".¹³⁷ Thus, what the South African university demonstrates is that the particular configuration of neoliberalism and welfarism not only produces the effect of managerialism, but that managerialism impedes the academic project by substituting the production of knowledge with efficiency and productivity.

The ailing modern university in South Africa is one suffering from what Tomaselli refers to as 'academentia'; where 'manic managerialism' turns productive intellectual labour into stress.¹³⁸ 'Manic managerialism' can include the complications that emerge when a university is made to run in a business-like manner. Tomaselli explains that universities can be run like businesses but "they are not constituted as businesses since they have legislatures (senate, boards) composed of the bureaucracy itself. In government, the legislature is separate from the bureaucracy. In universities, the overlap between bureaucrat and legislator adds complexity that renders management contradictory and extremely complicated".¹³⁹ He further explains that the role of the state in neoliberalism is to "create and preserve an institutional framework

¹³³ J. Jansen, *As By Fire: The End of the South African University* (Cape Town: Tafelberg, 2017), 174.

¹³⁴ Ibid, 179.

¹³⁵ Ibid, 189.

¹³⁶ A. Habib, S. Morrow, & K. Bentley, "Academic freedom, institutional autonomy and the corporatised university in contemporary South Africa", *Social Dynamics*, 34, 2, 2008, 143.

¹³⁷ Ibid, 145.

¹³⁸ K. G. Tomaselli, *Contemporary Campus Life Transformation, Manic Managerialism and Academentia* (Cape Town: BestRed, 2021), 8.

¹³⁹ Ibid, 8.

appropriate to reductions in government spending, to enable universities and firms to become administratively efficient and to turn academics and workers into income-generating productivity units.”¹⁴⁰

Transformation and Managerialism

In South Africa, the rise of the managerial university converged with the transformation of the post-apartheid university. Hames described the South African university as a site of state transformation and explained that between 1994 and 2003, the South African government produced “a plethora of policies, Green Papers, White Papers, and Higher Education Acts”.¹⁴¹ For example, the 1997 “Education White Paper 3: A Programme for the Transformation of Higher Education” outlined South Africa’s vision and initiatives for the transformation of higher education into a singular co-ordinated system that would better suit the new non-racist, non-sexist, democratic society.¹⁴² The paper characterised the higher education system as fragmented, inefficient, ineffective and uncoordinated.¹⁴³ It stated that moving forwards, their guiding principles of transformation were, to name a few, *effectiveness* and *efficiency*, academic freedom, and institutional autonomy (as I have mentioned before, both academic freedom and institutional autonomy come into conflict with managerial discourses of efficiency and effectiveness). In terms of the institutional cultures of universities, there was concern expressed on institutionalised forms of racism and sexism, as well as incidents of violent behaviour on campuses.¹⁴⁴ The 1997 paper stated that

(t)he Ministry deplores the many incidents of rape and sexual harassment on higher education campuses. Institutions are enjoined to develop and disseminate institutional policies prohibiting sexual harassment of students and employees, together with the establishment of reporting and grievance procedures incorporating victim support and counselling, confidentiality, protection of complainants from retaliation, as well as mechanism for ensuring due process and protection for respondents.¹⁴⁵

‘Transformation’ in the post-apartheid university took place under the rubric of “strategic plans”, generally aimed at the democratisation and equity, but also at the increased efficiency

¹⁴⁰ K. G. Tomaselli, *Contemporary Campus Life Transformation, Manic Managerialism and Academientia* (Cape Town: BestRed, 2021), 10.

¹⁴¹ M. Hames, “Sexual Identity and Transformation at a South African University”, *Social Dynamics*, 33, 1, 2007, 56.

¹⁴² South Africa, Department of Education, *Education White Paper 3 A Programme for the Transformation of Higher Education*, 1997, 3.

¹⁴³ Ibid, 4.

¹⁴⁴ Ibid, 33.

¹⁴⁵ Ibid, 34.

and effectiveness of the institution. Post-apartheid universities' concern with strategy, performance and measurement is, according to Clarke, consistent with ideas of excellence, as well as corporatism.¹⁴⁶ There has been minimal research into how the neoliberal, post-apartheid university engages with sexual violence. However, according to Alison Phipps, reputation largely impacts the way sexual violence is handled. Market logics and ideologies employed by the neoliberal university

situate harassment and violence within 'reckonings', in which the institutional impact of disclosure is projected and totted up. Because value in a neoliberal institution is defined in economic terms (Downs 2017), survivors are often marked as dispensable. Neoliberal modes of value also interact with gender, race, class and other relations to ensure that some are 'reckoned up' differently to others.¹⁴⁷

To remain marketable, the institution must be flawless, any imperfections must be "*airbrushed out* [author emphasis]", and complainants are either discouraged from reporting (effectively erasing the complaint) or the perpetrator is permitted to quietly leave the university.¹⁴⁸ In some cases "the impact of disclosures on the future value of the institution is more troubling than the acts of harassment and violence they may reveal."¹⁴⁹

Sara Ahmed explains that policy documents, often used as tools of transformation, have begun to be treated "as units of *measurement* [own emphasis], allowing an assessment of whether an organization [sic] is fulfilling its duty to promote equality. The generation of documents could thus be described in terms of the bureaucratization [sic] of diversity."¹⁵⁰ Universities will often put forward policy documents, whether they are equality and diversity policies or sexual violence policies, to portray themselves as 'transformed'.¹⁵¹ If this is the case within neoliberal universities, then how can there be meaningful transformation? Another issue that Phipps and McDonnell highlight is that "(p)olicies and reports construct the institution as fundamentally benign and able to be worked on, concealing the violence built into its very existence. Even if

¹⁴⁶ J. Clarke, "The Managerialised University: translating and assembling the right to manage" in J. Clarke, D. Bainton, N. Lendvai & P. Stubbs (eds.), *Making Policy Move: Towards a Politics of Translation and Assemblage* (Bristol: Policy Press, 2015), 101.

¹⁴⁷ A. Phipps, "Reckoning up: sexual harassment and violence in the neoliberal university", *Gender and Education*, 32, 2, 2020, 230.

¹⁴⁸ Ibid, 230-231.

¹⁴⁹ Ibid, 232.

¹⁵⁰ S. Ahmed, *On Being Included: Racism and Diversity in Institutional Life* (Durham and London: Duke University Press, 2012), 97-98.

¹⁵¹ A. Phipps & L. McDonnell, "On (not) being the master's tools: five years of 'Changing University Cultures'", *Gender and Education*, 34, 5, 2022, 518.

policies are properly implemented (which is rare) they target individual behaviours and not discriminatory institutional structures and power relations.”¹⁵²

Conclusion

In this chapter, I have argued that managerialism in South African universities emerged as a result of neoliberal economic reforms around the world, and in South Africa. These reforms, adopted in South Africa after the economic, social and political crises of the 1970s, had significant implications for the structure of the university. They forced the university to corporatise and become managerial in nature. However, due to the particular context in which neoliberalism emerged in South Africa, public society and the university are not solely neoliberal. They are expected to provide forms direct distribution to students such as the State, and as a result, the university can also be seen as a welfare institution.

One of the effects of managerialism is that it has come to govern sexual violence policies in South Africa, creating a contentious relationship with the feminist scholarship and activism that gave rise to these policies in the first place. In the next chapter, I outline the broader history of universities in South Africa, and using five case studies, I examine how sexual violence policies have been co-opted by managerial discourses.

¹⁵² A. Phipps & L. McDonnell, “On (not) being the master’s tools: five years of ‘Changing University Cultures’”, *Gender and Education*, 34, 5, 2022, 522.

Chapter 3 – University Histories and Sexual Violence Policies

Introduction

In this project, I use five South African universities' sexual violence policies as case studies: three English language and historically white universities (HWUs), the University of Cape Town (UCT), Rhodes University (RU) and the University of the Witwatersrand (Wits); one previously Afrikaans language HWU, Stellenbosch University (SU); and one historically black university (HBU), the University of the Western Cape (UWC). These universities were chosen both because they had relatively comprehensive and accessible sexual violence policies, and because their individual histories provide an interesting comparison on how the histories of these different types of universities shaped their policy development years later. The historical context of the four HWUs is important, as they were:

created for men by men and the nature of the institutions has not changed in spite of the fact that more women students enter these institutions or that women are increasingly occupying senior positions. Affirmative action and equity policies and legislation demand that women should have a greater quantitative and qualitative presence in the academy. Nevertheless, the norms, practices, and masculinity of the organisational culture exclude women on a variety of levels. In the majority of cases the men (or, indeed, women) who occupy leadership and management positions in academic institutions are seldom familiar with feminist discourse or equipped with the analytical framework to understand the conjunction of gender, power, and organisational culture. This environment makes it difficult for feminists to create alternative frameworks for the development of politicised programmes and policies and to do consciousness raising with regard to sexual diversity.¹⁵³

This means that institutions still largely operate to serve the interests of the demographic they were created for a heterosexual, white, cisgender, able-bodied man with a wife who does all the invisible domestic and reproductive labour at home.¹⁵⁴ UWC's sexual violence policy, in contrast, was firmly rooted in political activism that had begun in the late 1980s and provides a comparison to the other sexual violence policies that were also developed in the post-apartheid period.

In this chapter, I examine the unique histories of these five universities: how and why they were established, and their development throughout the 20th century. These contexts largely

¹⁵³ M. Hames, "Sexual Identity and Transformation at a South African University", *Social Dynamics*, 33,1, 2007, 68.

¹⁵⁴ M. Thornton, *Privatizing the Public University: The Case of Law* (Oxen: Routledge, 2012), 159.

determine the discourse under which these universities operate today. However, despite their vastly different origins, I argue that that sexual violence policies at UCT, RU, Wits, SU and UWC are all shaped by managerial discourses. This means that the policies are largely based on ‘efficiency’, ‘evaluation’ and ‘monitoring’, coming into conflict with the intellectual project of feminist scholarship and activism from which these policies once stemmed.

Part 1: University Histories

HWU Origins and Connections to the Mining Industry

Magubane argues that to fully understand the institutional culture of these HWUs universities, a deeper look into their development and their connections to the mining industry is required. RU, UCT, Wits and SU were all funded by wealthy, white Randlords,¹⁵⁵ the implication being that the money made through control of diamond and gold mining was used to fund these universities, which afforded the mining industry a great deal of control within these institutions.¹⁵⁶ Some of the key Randlords who funded these HWUs were Sir Alfred Milner, Alfred and Otto Beit, Julius Wernher, and Cecil John Rhodes.

In the 1890s educationalists began to discuss the need for a university in the Eastern Cape. The idea was put on hold until after the South African War (1899-1902). In 1902, the proposals were reviewed, and the idea of establishing a university gained momentum and a sub-committee was formed. The sub-committee decided to name it Rhodes University College and to approach the Rhodes Trust for funding at the same time.¹⁵⁷ The sub-committee had hoped that naming the university after Rhodes would provide incentive enough to secure funding from his trust.¹⁵⁸ This did not immediately secure funds; some convincing was required of the trustees as Rhodes had initially set this money aside for a university on his Groote Schuur Estate.¹⁵⁹ Leander Starr Jameson, a British colonial administrator, played a key role here. As one of the trustees of the Rhodes Trust, he promised funding to the proposed university.¹⁶⁰ The naming of RU was initially just a financial decision to secure funding, but when Rhodes University

¹⁵⁵ Men who made their fortunes in the gold mining industry.

¹⁵⁶ P. Maylam, *The Cult of Rhodes: Remembering an Imperialist in Africa* (Claremont: New Africa Books, 2005), 64.

¹⁵⁷ Ibid, 64.

¹⁵⁸ Ibid, 64.

¹⁵⁹ Z. Magubane, “A Pigment of the Imagination? Race, Subjectivity, Knowledge and the Image of the Black Intellectual” in R. O. Mabokela & Z. Magubane (eds) *Hear Our Voices: Race, Gender and the Status of Black South African Women in the Academy* (Pretoria: University of South Africa Press, 2004), 46.

¹⁶⁰ P. Maylam, *The Cult of Rhodes: Remembering an Imperialist in Africa* (Claremont: New Africa Books, 2005), 65.

College was officially established in 1904, in the small Eastern Cape town of Grahamstown (now Makhanda),¹⁶¹ it very much represented Rhodes' colonial and imperial ideas.¹⁶² Despite having little to do with the founding of Rhodes University College, the ethos of RU was founded on Rhodes' vision of establishing a university in South Africa based on the Oxford and Cambridge model.¹⁶³ The ethos of Oxford was to produce educated 'gentlemen' who were chauvinistic and elitist. This was the ethos with which Rhodes University College – known as the “Oxford in the bush” – was also founded.¹⁶⁴ In the post-apartheid period, this ethos was reflected most clearly when women entered the higher education system, and found “themselves within an environment defined by patriarchal attitudes,” since “higher education institutions today remain geared towards the production of masculine privilege.”¹⁶⁵ This patriarchal ethos, combined with the louche student culture, enabled an environment in which sexism became acceptable and sexual violence was normalised.¹⁶⁶

Wits was originally part of the South African School of Mines, established in Kimberly in 1896 with the first teaching buildings located in Milner Park in Braamfontein.¹⁶⁷ Sir Alfred Milner, who was also the British High Commissioner to South Africa from 1899 to 1905, was intimately involved in the establishment of Wits. After the South African War, the proposal to establish a teaching university on the Witwatersrand was put forward and Milner tried to make Johannesburg the home of mining and technical education.¹⁶⁸ Milner had hoped that they would acquire funding from the Randlords, specifically from the Albert Beit Trust as Beit had provided money in his will for the establishment of a university in Johannesburg. Unfortunately, the Beit bequest was awarded to the future UCT, but Albert's brother Otto Beit, the Chamber of Mines and two other mining corporations (De Beers and the Central Mining and Investment Corporation) that were founded by Rhodes, Wernher and A. Beit, helped to

¹⁶¹ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 8.

¹⁶² P. Maylam, *The Cult of Rhodes: Remembering an Imperialist in Africa* (Claremont: New Africa Books, 2005), 65.

¹⁶³ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 10.

¹⁶⁴ *Ibid*, 10 - 11.

¹⁶⁵ D. E. Eynon, *Women, Economic Development, and Higher Education: Tools in the Reconstruction and Transformation of Post-Apartheid South Africa* (Philadelphia: Springer, 2017), 175.

¹⁶⁶ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 11.

¹⁶⁷ B. Murray, *Wits: The Early Years: A History of the University of the Witwatersrand, Johannesburg, and its Precursors, 1896-1939* (Johannesburg: Witwatersrand University Press, 1982), 1.

¹⁶⁸ Z. Magubane, “A Pigment of the Imagination? Race, Subjectivity, Knowledge and the Image of the Black Intellectual” in R. O. Mabokela & Z. Magubane (eds) *Hear Our Voices: Race, Gender and the Status of Black South African Women in the Academy* (Pretoria: University of South Africa Press, 2004), 45.

finance the university.¹⁶⁹ The South African School of Mines was moved to Johannesburg in 1904 as the Transvaal Technical Institute, renamed the Transvaal University College in 1906, and again four years later to the South African School of Mines and Technology. By 1922 the Faculty of Arts was the biggest faculty at Wits. It was predominantly staffed by male recruits from Britain, and soon became known for its liberalistic study of South African ethnography.¹⁷⁰

In 1873 the University of the Cape of Good Hope (UCGH - later becoming the University of South Africa) was established. It was, however, only an examining university and did not facilitate any learning.¹⁷¹ UCT, originally founded in 1829 as an all-boys high school known as the South African College (SAC), was officially transformed into a co-ed university in 1918.¹⁷² Colleges (high schools) in South Africa were left to provide teaching for higher examinations at UCGH, the SAC being one such example. Although slow at first, by 1900, 200 students at the SAC were taking courses for university examinations.¹⁷³ This growing number of students meant that the SAC had essentially become a university college and in 1905, the SAC committee recommended that the SAC become an independent university.¹⁷⁴ The Union of South Africa in 1910 was instrumental in changing the SAC to university status, where the SAC would provide a university where English and Afrikaans speakers could mingle and lay a foundation of cooperation for English-Afrikaner relations.¹⁷⁵ The university secured funding from the Alfred Beit bequest and additional funding from Julius Wernher and Otto Beit.¹⁷⁶ Modelled on the ancient Scottish universities, UCT was structured top-down, with the responsibility for both the academic and administrative spheres resting on the “50-member Senate chaired by the Principal”.¹⁷⁷ In 1959, J.P. Duminy was appointed as the university’s principal. He was conservative with traditional Christian values and his “benevolent paternalism, allied to the public-school values he had soaked up at the South African College

¹⁶⁹ Z. Magubane, “A Pigment of the Imagination? Race, Subjectivity, Knowledge and the Image of the Black Intellectual” in R. O. Mabokela & Z. Magubane (eds) *Hear Our Voices: Race, Gender and the Status of Black South African Women in the Academy* (Pretoria: University of South Africa Press, 2004), 45.

¹⁷⁰ B. Murray, *Wits: The Early Years: A History of the University of the Witwatersrand, Johannesburg, and its Precursors, 1896-1939* (Johannesburg: Witwatersrand University Press, 1982), 125.

¹⁷¹ H. Phillips, *The University of Cape Town 1918 – 1948: The Formative Years* (Cape Town: UCT Press, 1993), 1.

¹⁷² Ibid, 1.

¹⁷³ Ibid, 2.

¹⁷⁴ Ibid, 2.

¹⁷⁵ Ibid, 2.

¹⁷⁶ Z. Magubane, “A Pigment of the Imagination? Race, Subjectivity, Knowledge and the Image of the Black Intellectual” in R. O. Mabokela & Z. Magubane (eds) *Hear Our Voices: Race, Gender and the Status of Black South African Women in the Academy* (Pretoria: University of South Africa Press, 2004), 44.

¹⁷⁷ H. Phillips, *UCT under Apartheid Part 1: From Onset to Sit-in 1948-1968* (South Africa: Jacana Media, 2019), 3.

and Oxford...”¹⁷⁸ created an environment where patriarchal, paternalistic, and conservative ideals around race, sex, and gender flourished.

SU was established in 1918 as an independent university to help contribute to the academic culture of the Western Cape as well as to provide an academic home for the Afrikaans language.¹⁷⁹ However, education began much earlier – the first school was opened in 1683 and in 1859 a seminary school was established in Stellenbosch. Later, in 1866, this seminary was re-established as *het Stellenbossche Gymnasium*¹⁸⁰ for boys, which would prepare young men for theological studies.¹⁸¹ After the University Incorporation Act and Higher Education Act of 1874 were passed, the gymnasium started to move towards higher education.¹⁸² This shift was emphasised in the 1880 yearbook with the name ‘Stellenbosch College and Public School’. In 1886, in order to honour the bicentenary of the town, an academic building was constructed (Main Building) and it was decided that they would rename Stellenbosch College Victoria College in honour of Queen Victoria’s 50th year of rule.¹⁸³ Rhodes was also connected in that he gave bursary money to the university in the 1890s and equipment and donations were provided by De Beers (the diamond mining company).¹⁸⁴ Jannie Marais, another Randlord, donated a large sum of money to the college, and in 1918, as a result of this, Stellenbosch University became a reality.¹⁸⁵

Rhodes, Milner and many of the other Randlords who founded and funded these institutions,

had absolute contempt for Africans. They believed that although the universities were built on black blood, sweat and tears, they were not places where Africans would ever be welcomed. It is important to note that the racism of these men is rarely, if ever, held up for critical scrutiny by the current faculties and administrations of universities such as UCT and Wits. Indeed, for the most part these men are fondly remembered and their racism, when acknowledged, is dismissed as a quaint (albeit unappealing) relic of the past.¹⁸⁶

¹⁷⁸ H. Heese, “The Origins of Stellenbosch University (SU)” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 3.

¹⁷⁹ Ibid, 3.

¹⁸⁰ In Europe, Gymnasium refers to a secondary school that prepares students for university.

¹⁸¹ H. Heese, “The Origins of Stellenbosch University (SU)” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 3.

¹⁸² Ibid, 7.

¹⁸³ Ibid, 8.

¹⁸⁴ Ibid, 14.

¹⁸⁵ Ibid, 24.

¹⁸⁶ Z. Magubane, “A Pigment of the Imagination? Race, Subjectivity, Knowledge and the Image of the Black Intellectual” in R. O. Mabokela & Z. Magubane (eds) *Hear Our Voices: Race, Gender and the Status of Black South African Women in the Academy* (Pretoria: University of South Africa Press, 2004), 47.

These beliefs were what HWUs were founded on, and they were reflected in the institutional culture and discourses of the university for years to come.

HWUs during segregation (1910-1948)

The analysis of these four universities' during segregation is significant, because they developed in a specific economic and political context in the form of a rapidly industrialising economy and the need to determine the appropriate place of the 'native' subject within the political economy (the 'Native Question'). The Natives Land Act of 1913 stated that black Africans could only own land within the 'native reserves'. It also separated black Africans into various 'tribal' or ethnic groups each with their own 'native reserve'.¹⁸⁷ The 'native reserves' made up only seven per cent of South Africa's land. The passing of the Natives (Urban Areas) Act of 1923 "argued that 'the Native should only be allowed to enter urban areas, which are essentially a white man's creation, when he is willing to enter and to minister to the needs of the white man, and should depart therefrom when he ceases so to minister.'"¹⁸⁸ This Act denied black Africans any rights in urban areas and afforded government even more control over their labour. It provided a solution to 'miscegenation', allowed government to monitor black Africans in urban areas, and ensure they were segregated, allowed only to reside in their 'tribal' homelands, away from the urban areas.¹⁸⁹ HWUs, which were located in these urban areas, operated within a context where this political segregation was the norm, and where black Africans were not allowed any permanent presence in urban areas.

It became clear in the 1930s and early 1940s that controlling the black movement through the Natives (Urban Areas) Act was unsuccessful. The 'native reserves' were overpopulated and there were large numbers of black Africans moving into the cities to work.¹⁹⁰ These black Africans were referred to by Smuts as 'detribalised natives' and there was great concern over the fact that they did not want to go back to their allocated reserves, and were now resident in what the government had designated as white areas.¹⁹¹ Locations that bordered white areas sprung up and black urbanisation took place at a rapid pace. The government needed black African labour, but refused to grant them political rights or a permanent presence in the urban

¹⁸⁷ W. Beinart & P. Delius, "The Historical Context and Legacy of the Natives Land Act of 1913", *Journal of Southern African Studies*, 40, 4, 2014, 668.

¹⁸⁸ J. Thumbran, "The 'Coloured Question' and the University of Pretoria: Separate Development, Trusteeship and Self Reliance, 1933-2012", PhD Dissertation, University of Minnesota, 2018, 99.

¹⁸⁹ Ibid, 100.

¹⁹⁰ J. C. Smuts, "Native Policy in Africa", *Journal of the Royal African Society*, 29, 115, 1930, 254.

¹⁹¹ Ibid, 265.

areas.¹⁹² The Native Affairs Commission – established in 1946 by Smuts – looked into the issue of black African labour and concluded that “the most effective way of balancing labor [sic] supplies between urban and rural sectors laid in the control of the provision and allocation of urban housing for black Africans.”¹⁹³ In 1947, the National Party (NP) established its own inquiry into the same problem and concluded that there were two possible routes forward: “one of black African assimilation into ‘white’ society – which would lead to the inevitable destruction of the ‘white race’ – or separate development, in which the various races could develop in their own ‘spheres’ and along their own ‘lines’.”¹⁹⁴

By the 1930s and 1940s, as these discourses of ‘detribalisation’ continued, and there were political attempts to stem the tide of black African movement to the towns and cities, UCT and Wits operated as ‘open universities’ and accepted black student enrolments, but with a policy of social segregation in line with the political dispensation of the time. For example, although UCT operated as an ‘open university’, Phillip’s discussion around the development of UCT’s Department of Medicine reveals a different story: dissection rooms were separated along both racial and gender lines which included one for white male students, one for white female students and one for non-white students (male and female).¹⁹⁵ The non-white students were only ever given non-white cadavers “so as to ensure that the students there [in the non-white dissection room] did not lay a hand on a white body and so surreptitiously infringe the country’s racial order.”¹⁹⁶

Wits’ policy was one of ‘academic non-segregation and social segregation’, which meant that academically black students were treated equally and given the access they needed but, they were still restricted socially and contact with white students was discouraged.¹⁹⁷ Black students were not allowed in the main residences, on sports fields, or at any formal white organised events.¹⁹⁸ Humphrey Raikes, the Principal of Wits from 1928, considered himself a “progressive conservative”.¹⁹⁹ His conservative views on white superiority and ‘progressive’,

¹⁹² J. C. Smuts, “Native Policy in Africa”, *Journal of the Royal African Society*, 29, 115, 1930, 265.

¹⁹³ J. Thumbran, “The ‘Coloured Question’ and the University of Pretoria: Separate Development, Trusteeship and Self Reliance, 1933-2012”, PhD Dissertation, University of Minnesota, 2018, 103.

¹⁹⁴ Ibid, 103 - 104.

¹⁹⁵ H. Phillips, *The University of Cape Town 1918 – 1948: The Formative Years* (Cape Town: UCT Press, 1993), 102.

¹⁹⁶ Ibid, 102.

¹⁹⁷ B. K. Murray, “Wits as an ‘Open’ University 1939-1959: Black Admissions to the University of the Witwatersrand”, *Journal of Southern African Studies*, 16, 4, 1990, 650.

¹⁹⁸ Ibid, 650.

¹⁹⁹ B. K. Murray, “Wits as an ‘Open’ University 1939-1959: Black Admissions to the University of the Witwatersrand”, *Journal of Southern African Studies*, 16, 4, 1990, 650.

if not paternalistic views on black advancement were reflected in Wits' policy.²⁰⁰ Wits, prior to 1939 accepted black students, however there were few enrolments, as medicine and dentistry still excluded black students from clinical training.²⁰¹ The university declined black students entrance to clinical training, claiming that it was not possible under the Transvaal Public Hospitals Ordinance of 1928, which allowed the hospital board to deny access to any registered medical practitioner.²⁰² The Second World War changed things at Wits, and by its end in 1945, 150 black students were enrolled there (82 of whom were students at the Medical School).²⁰³ Prior to the Second World War, black medical students were awarded state bursaries to complete their clinical training overseas. As a consequence of the war, black students were no longer able to complete this training because of travel restrictions, and therefore had to be trained locally.²⁰⁴ In addition, the country needed black doctors to attend to the black labour force, and Wits, as the only medical school in the then Transvaal, unenthusiastically opened admissions for black students to complete their medical and clinical training.²⁰⁵ The Board of the Johannesburg Hospital agreed to allow black students to complete their training at the Non-European Hospital so that they could train on black patients.²⁰⁶ Wits became the centre for training black doctors until a separate school could be established.²⁰⁷ Due to overcrowding at the 'Non-European' Hospital, it became necessary for black students to attend classes at the General Hospital, but when a white patient's case was presented, black students were made to leave the room.²⁰⁸ Black students were allowed to view black cadavers, but they had to wait until the white students were finished with the white cadavers and the bodies covered.²⁰⁹ During this period, Wits School of Dentistry continued to deny entrance to black students on the grounds that they did not have the facilities to provide clinical training.²¹⁰

RU "operated very much in conformity with South Africa's segregationist racial order during the first half of the twentieth century."²¹¹ Aside from a few exceptions, RU voluntarily upheld

²⁰⁰ B. K. Murray, "Wits as an 'Open' University 1939-1959: Black Admissions to the University of the Witwatersrand", *Journal of Southern African Studies*, 16, 4, 1990, 650.

²⁰¹ Ibid, 651.

²⁰² Ibid, 653 - 654.

²⁰³ Ibid, 651.

²⁰⁴ Ibid, 652.

²⁰⁵ Ibid, 653.

²⁰⁶ Ibid, 654.

²⁰⁷ Ibid, 656.

²⁰⁸ Ibid, 659.

²⁰⁹ Ibid, 659.

²¹⁰ Ibid, 665.

²¹¹ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 55.

the segregationist policy until 1948, when apartheid laws became more restrictive. RU, for decades, had maintained a pretence of apoliticism and neutrality; both staff and students were banned from taking part in politics.²¹² In 1933 when an Indian student, George Singh, applied to do a Master's in English, the then Professor of European Languages, George Dingemans, who knew him personally, advised him to write a letter to Cullen Bowles, the Master at the time.²¹³ The matter was brought before senate and Dingemans proposed that RU grant admission only to 'coloured' and Asian postgraduate students subject to council approval.²¹⁴ There was much debate surrounding this proposal, and although amendments were discussed, no resolution could be reached. The senate did not want to reject Singh's admission outright. Instead, they rejected Dingemans' proposal for allowing 'coloured' and Indian students to postgraduate study as "the time was 'not as yet ripe for such a change in the policy of the college'".²¹⁵ This policy of racial exclusion was in place until 1946 when, after multiple inquiries for black admission and under increasing pressure as Wits, UCT and the then University of Natal all allowed black admissions, council eventually agreed to allow black admissions to courses that were not offered at an HBU.²¹⁶ In 1948, the first black student was enrolled at RU.²¹⁷

SU, a 'volksuniversiteit',²¹⁸ had established itself as the heart of Afrikanerdom by the 1930s.²¹⁹ The idea behind a 'volksuniversiteit' was the assertion of the importance of the Afrikaans language and culture in South Africa, particularly in the Western Cape, against what was interpreted as the imperialist UCT.²²⁰ This meant that academia at SU was aligned with 'volk' interests. These interests grew in the 1930s with the unification of the National and South African Party to form the United Party. The subsequent dissatisfaction of Afrikaner nationalists at this unification, given that their position in society still seemed lower than that of the English-speaking whites, led to the formation of the Purified National Party (PNP).²²¹ The 1938 Centenary Commemoration of the Great Trek further strengthened Afrikaner nationalism at

²¹² P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 49.

²¹³ Ibid, 51.

²¹⁴ Ibid, 52.

²¹⁵ Ibid, 52.

²¹⁶ Ibid, 54.

²¹⁷ Ibid, 54.

²¹⁸ Peoples University – specifically the Afrikaner people.

²¹⁹ A. Grundlingh, "SU and Changing Nationalistic Trends and Language over 100 Years" in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 28.

²²⁰ Ibid, 29.

²²¹ Ibid, 31.

SU and amongst Afrikaners.²²² At this time, segregation went hand-in-hand with sexism at these institutions. At SU, as in Afrikaner culture, men were considered superior. The first female professor was appointed in 1922, but for the most part, the university was male dominated.²²³

At Wits, up until 1935, female staff members were paid less, retired earlier, and were liable to have their contracts terminated if they got married.²²⁴ After protest from a female History lecturer about unequal pay, the Chairman of the Finance Committee of Council asserted that “the work of women is not equal to that of men.”²²⁵

Sexism, Collusion and Complicity (1948 -1994)

In 1948, Malan was appointed Prime Minister. In an address to Parliament that year, he stated that, “(w)e want apartheid as far as our educational institutions are concerned, more particularly in our universities.”²²⁶ Malan was referring to two institutions, in particular, UCT and Wits. A critique of the HWUs universities was that during apartheid (1948-1994), university management was complicit with the apartheid government.

This is best demonstrated through the example of the Mafeje affair at UCT, in which the government intervened directly in the internal functioning of the university and compromised both UCT's autonomy and academic freedom.²²⁷ The post for the position of Senior Lecturer in the Department of Anthropology was advertised in 1967 and after consideration, the Board of Electors unanimously recommended the appointment of Archie Mafeje, a black academic.²²⁸ The Committee of Deans also supported Mafeje's appointment, and although the Board of Electors were forced to meet another two times, they came to the same conclusion both times and upheld their previous recommendation.²²⁹ On 1 May 1968, Mafeje was formally appointed to the position of Senior Lecturer and a letter of appointment from the Registrar was drafted

²²² A. Grundlingh, “SU and Changing Nationalistic Trends and Language over 100 Years” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 31.

²²³ Ibid, 34.

²²⁴ B. Murray, *Wits: The Early Years: A History of the University of the Witwatersrand, Johannesburg, and its Precursors, 1896-1939* (Johannesburg: NYU Press, 1982), 327.

²²⁵ Ibid, 329.

²²⁶ H. Phillips, *UCT under Apartheid Part 1: From Onset to Sit-in 1948-1968* (South Africa: Jacana Media, 2019), 1.

²²⁷ F. Hendriks, “The Mafeje Affair: The University of Cape Town and Apartheid”, *African Studies*, 67, 3, 2008, 423 - 424.

²²⁸ Ibid, 429.

²²⁹ Ibid, 429.

and signed, but the letter was never sent.²³⁰ On 2 May 1968, the Registrar wrote a letter to inform the Director of Higher Education of the appointment of Mafeje, the letter was hand delivered the next day.²³¹ The Minister of National Education sent a reply the very next day stating that

[i]t is with a strong feeling of dismay that I have noted from the letter addressed to the Director of Education by your Registrar on the second instant that your Council has decided to appoint a Bantu in the person of a certain Mr A. Mafeje to a post of senior lecturer in Social Anthropology. In a serious endeavour to obviate a catastrophe I hasten to express on behalf of the Government our intense displeasure at the decision which is tantamount to flouting the accepted traditional outlook of South Africa. Furthermore it is contrary to the entire spirit underlying the concession made as an interim arrangement in 1959, when legislation was passed for the establishment of the University Colleges, not to restrict the Universities to the training of white students by white staffs, but to allow the so-called open universities to admit non-white students subject to certain conditions. Although not specifically prohibited, it has always been understood that the staffs at the Universities, including open universities, would be whites. In the light of the foregoing, I sincerely trust that your Council will not proceed with the appointment of Mr Mafeje, but will make further attempts to fill the vacancy suitably with a white person, even if this should entail re-advertising the post. Should your Council, however, disregard my appeal and give effect to the decision, the Government will not hesitate in taking such steps as it may deem fit to ensure that the tradition referred to above is observed.²³²

This letter showed the expectation of the Minister that universities should uphold the principles of apartheid, despite there being no laws against hiring a black academic.²³³ The principal and VC of UCT at the time, Richard Luyt, confirmed he did not post the letter confirming Mafeje's appointment and instead forsook the University's autonomy by choosing to willingly follow the apartheid regime.²³⁴ UCT was perfectly within their rights to appoint black candidates, particularly when he was the most qualified, but instead they chose to racially restrict the position.²³⁵

At SU, Afrikaner nationalism flourished during apartheid, as the election of the NP into power meant that the interests of the 'volk' were at the forefront of political concerns. Organised forms of the Afrikaner culture began to seep into, and influence university politics. The Broederbond, established in 1918, was a secret society of men dedicated to promoting the

²³⁰ F. Hendriks, "The Mafeje Affair: The University of Cape Town and Apartheid", *African Studies*, 67, 3, 2008, 430 - 431.

²³¹ Ibid, 431.

²³² Ibid, 431 - 432.

²³³ Ibid, 432.

²³⁴ Ibid, 433.

²³⁵ Ibid, 447.

interesting of Afrikaners.²³⁶ After the 1948 elections, ‘broeders’ were appointed as rectors in all four of the Afrikaans medium universities in South Africa.²³⁷ The rector at SU, Professor H.B. Thom, was the chairman of the Broederbond’s executive council, and not surprisingly Broederbond applicants were given preferential treatment in the hiring of new staff.²³⁸ In national politics, SU’s influence had expanded and there was a close relationship between the university and the State; in the cabinet of ministers, 10 out of the 18 ministers and 36 parliamentarians were SU graduates.²³⁹ Five prime ministers were also former SU students.²⁴⁰ In the 1960s, this relationship began to change. The NP was in power, and the rapid economic growth meant more middle-class Afrikaners, where there was no longer a burning urgency for SU to focus their research outputs entirely on the interests of the ‘volk’. Academic interest was extended to those surrounding SU’s campus to target the large ‘coloured’ community of Stellenbosch. Between 1964 and 1970, 3700 ‘coloured’ people were forcefully removed from the centre of the town in Stellenbosch.²⁴¹ Businesses, churches, schools, a cinema and a mosque were also affected by these removals. Despite the proximity and scale of these removals, SU did not voice any concerns or debate the issue, and instead, went along with it. SU even benefitted from these removals, in that the Provincial Administration transferred ownership of the ‘coloured’ school and adjacent land to SU in exchange for a portion of SU’s development land on the Beville campus.²⁴² During the 1970s, a few SU academics, such as sociologist S.P. Cilliers, voiced their concerns on the marginalisation of ‘coloured’ people, and in 1976 a report on the “Commission of Inquiry into Matters Relating to the Coloured Population Group” was published.²⁴³ This report, although still in support of separate development, discussed the indignities that ‘coloured’ people were made to endure under the apartheid system.²⁴⁴ The report was somewhat overshadowed by the 1976 Soweto Riots, but in 1978 SU began to accept

²³⁶ A. Grundlingh, “SU and Changing Nationalistic Trends and Language over 100 Years” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 34.

²³⁷ Ibid, 34.

²³⁸ Ibid, 34.

²³⁹ Ibid, 34.

²⁴⁰ Ibid, 34.

²⁴¹ A. Grundlingh & B. Nasson, “SU and the South African Politics of Apartheid: Context and Change” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 48.

²⁴² Ibid, 48.

²⁴³ Ibid, 51.

²⁴⁴ Ibid, 51.

its first ‘coloured’ students.²⁴⁵ Their arrival signalled a first step towards ‘reform’ within the broader scope of Afrikaner nationalism.²⁴⁶

In the mid-1980s, a university researcher rating system ranked SU at the lower end and SU realised that in order to remain competitive, they would need to diversify their interests.²⁴⁷ After this, the commitment to upholding Afrikaner nationalism was no longer the sole focus at SU, shifting instead to a focus on cultivating research outputs.²⁴⁸ At the same time, the university administration began a “gradual withdrawal of authoritarian guardianship over women’s residences.”²⁴⁹ Meanwhile, at male residences, (often drunken) orientation practices like ‘vlagpaal’ (where male students wearing only their underpants are tied to flagpoles and are required to be ‘rescued’ by female students), ‘panty raids’ (where male students raid women’s rooms and steal their underwear), and ‘showering’ (where male students capture women students, take them to their residence and shower them while fully clothed),²⁵⁰ continued to reinforce a dynamic that allows male students to do as they please, often at the expense of women students. Through this, women were taught to accept harassment as a part of their student experience.

Feminist activism emerged on SU campus in the late 1980s. Women students were discussing sexism on campus at various student forums.²⁵¹ In 1989, the first feminist organisation Action Now - *Nou Aksie*, was founded.²⁵² In 1990, the first ‘coloured’ women students were allowed to move into a previously whites-only residence.²⁵³ During the 1990s, several issues around campus safety, assault, rape and drunkenness were reported in *Die Matie*, SU’s student newspaper. However, management at SU “tended to deny or sweep the occurrence of these events under the carpet.”²⁵⁴ In 1992, over a thousand (1215) SU students responded to a survey

²⁴⁵ A. Grundlingh & B. Nasson, “SU and the South African Politics of Apartheid: Context and Change” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 55.

²⁴⁶ Ibid, 56.

²⁴⁷ A. Grundlingh, “SU and Changing Nationalistic Trends and Language over 100 Years” in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 36.

²⁴⁸ Ibid, 35 - 36.

²⁴⁹ W. Visser, “The Stellenbosch Student, 1918-2018”, in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 139.

²⁵⁰ A. Gouws & A. Kritzing, “Sexual Harassment of Students: A Case Study of a South African University”, *South African Sociological Review*, 7, 2, 1995, 17.

²⁵¹ W. Visser, “The Stellenbosch Student, 1918-2018”, in A. Grundlingh & H. Oosthuizen (eds) *Stellenbosch University 100 1918-2018* (Stellenbosch: Stellenbosch University, 2018), 139.

²⁵² Ibid, 139.

²⁵³ Ibid, 140.

²⁵⁴ Ibid, 142.

on campus based sexual violence, 714 of whom were women.²⁵⁵ It was revealed that 72.6 per cent of the women surveyed had sexist jokes and comments made to them, 9.1 per cent had experienced some type of forced sexual activity (excluding penetration), and three per cent had reportedly been raped.²⁵⁶ Of this three per cent, more than half reported that the perpetrator was drunk during the incident. Many respondents commented that although they had not directly been the victims of sexual violence, they had friends who were, and that it was common on campus.²⁵⁷ From the results of this survey, Gouws and Kritzinger recommended a policy on sexual violence be implemented and concluded that universities in South Africa were

male dominated and unreflective of the values women bring into the educational system. Nor [was] the curriculum reflective of these values. Women students therefore have few role models and are socialised to accept male values and behaviour. On the level of student culture at Stellenbosch, there is the added burden of orientation practices which contribute to unregulated (up to this point) discrimination against women in the form of sexual harassment on a peer level. These practices are considered as part of a tradition that is transferred from one generation of students to the next and which creates a ‘macho’ culture among students. Through these practices an institutional culture is created among students which condones sexual harassment.²⁵⁸

At RU, the apartheid years were characterised by both racism and sexism. An organisation Remember and Give (RAG) demonstrated this. RAG was a charity organisation at universities in South Africa. The sexist nature of RAG events and the drunkenness that accompanied their events was continuously brought up by students in the student newspaper, *Rhodeo*, during the 1980s. One anonymous author even described this as an excuse to “get pissed and rape plunder campus for an evening”.²⁵⁹ RAG events had come to be characterised by drunkenness and debauchery, and this culture of drinking came to signify what it meant to be a ‘true’ RU student.²⁶⁰ In 1980, when the first female chair of RAG was elected, she attempted to confront the sexism that was commonly associated with RAG events by banning the procession of drum majorettes and all contests based on beauty. The ‘Miss Boobs’ contest and ‘Athies Auction’ were stopped, and the 1980 RAG Queen was chosen with a greater emphasis on personality.²⁶¹

²⁵⁵ A. Gouws & A. Kritzinger, “Sexual Harassment of Students: A Case Study of a South African University”, *South African Sociological Review*, 7, 2, 1995, 6.

²⁵⁶ Ibid, 10.

²⁵⁷ Ibid, 12.

²⁵⁸ Ibid, 17.

²⁵⁹ Author Unknown, “Campus News: Is Rag a Drag?”, *Rhodeo*, Cory Library, Rhodes University, 11 March 1982, 4.

²⁶⁰ S. Goga, “‘Rhodes Students Love to get Drunk’: Race, Ritual and the Legitimation of the Authentic Rhodes Student”, *South African Review of Sociology*, 41, 2, 2010,

²⁶¹ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research), 237.

Unfortunately, this would ultimately change nothing as that very same year, the VC at the time, Derek Henderson, in a perfect display of sexism, stated that “(i)t had been noticed that in many walks of life that women collect money more efficiently and somehow inflict less pain than men.”²⁶²

In 1983, the two exclusively black organisations on campus, the Black Student Movement (BSM) and the Phoenix Cultural Society (PCS), published a pamphlet titled, “RAG? OUR STAND”. The pamphlet stated that RAG was “a perpetuation of the system of apartheid and oppression that exists in South Africa”,²⁶³ and that it was “instrumental in masking the harsh realities of the South African situation.”²⁶⁴ The BSM and PCS regarded the charity aspect of RAG as one which was covering up the realities of poverty in South Africa and that the main sponsors of RAG were multinational corporations, who were racist in their structures and “whose interests parallel those of this racist government”.²⁶⁵

Higgins argues that the university is not a tool for state control and that it should focus on the production of knowledge that is truthful and can institutionally transform the culture of the university.²⁶⁶ However, during apartheid, HWUs were often unwilling to go against the state agenda because as white institutions, they were afforded historical privileges and were still reliant on the state for funding. At RU sexism and racism were rife. RAG was the culmination of the sexist and racist ideologies that the university was founded on and seemed to cultivate. Managements’ lack of action in dealing with organisations like RAG allowed both sexism and racism to thrive in the university. In the case of SU, complicity with the state was more obvious and for much of the apartheid period, the interests of the state and university were aligned. The sexist orientation practices and the tendency of management to ‘sweep things under the rug’ reinforced a culture of male superiority at SU. Both these universities created an institutional culture that reflected the broader white patriarchal structure of segregationist and apartheid society. This culture produced fertile ground for sexual violence and, subsequently, the need for sexual violence policies in later years.

²⁶² D. Henderson, “The Vice-Chancellor’s Message”, *Rhodent*, Cory Library, Rhodes University, 1980.

²⁶³ Phoenix Cultural Society and Black Students Society, “RAG? OUR STAND”, pamphlet issued at Rhodes University, Cory Library, Rhodes University, 1983.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ A. Habib, S. Morrow, & K. Bentley, “Academic freedom, institutional autonomy and the corporatised university in contemporary South Africa”, *Social Dynamics*, 34, 2, 2008, 148.

The Origins of HBUs

Prior to 1948, black higher education was not seen as a priority for the government. The South African Native College, which became the University of Fort Hare (UFH), was established in 1916 by Protestant missionaries and ran post matric courses from 1919.²⁶⁷ Protestant missions also offered teacher training to 'coloured' and Indian students.²⁶⁸ For the most part however, black higher education was underfunded and lacked resources.²⁶⁹ Some black students were allowed admission in English-speaking HWUs, namely UCT, Wits, and the University of Natal (UN) but this was not encouraged, and RU would often deny entrance to black students when a similar course was offered at UFH. Others could study part-time via correspondence through the University of South Africa (UNISA).²⁷⁰ After 1948, black higher education changed.²⁷¹ The NP had won the elections with the proposal of separate development. This meant that the state allocated political resources into building up the Afrikaner nation and the interests of the 'volk'. They would also put (minimal) resources into improving black education so that the black (including 'coloured' and Indian) population in South Africa could build up their own separate national culture. The Afrikaner government had framed this through a discourse of very 'generously' empowering black Africans to act as responsible citizens within their own homelands and attempting to grant 'coloureds' and Indians increasing administrative control in their own Group Areas.

The Commission on Native Education, from 1949 to 1951, emphasised that they wanted black higher education to enforce white superiority, trusteeship and dominance.²⁷² The 1953 Holloway Commission investigated the possibility of creating separate universities for black students and concluded that this was not financially viable.²⁷³ Despite this, an inter-departmental committee was established and in 1959, the South African state passed the Extension of University Education Act, which would make it possible to establish universities for the different racial (and ethnic) groups in South Africa, as well as placing further restrictions on black students registering at HWU.²⁷⁴

²⁶⁷ S. Badat, *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO, 1968-1990* (Pretoria: Human Sciences Research Council, 2002), 48.

²⁶⁸ Ibid, 48.

²⁶⁹ Ibid, 48.

²⁷⁰ Ibid, 49.

²⁷¹ Ibid, 49.

²⁷² Ibid, 50.

²⁷³ Ibid, 50.

²⁷⁴ Ibid, 51.

Enrolments at HBUs were low, due to the poor state of black education, and the state restricted studies to courses that would not compromise the superiority of whites. Study in the sciences for example, was restricted.²⁷⁵ The 1959 Promotion of Bantu Self-Government Act allowed for the creation of universities to cater to the various ethnic groups in South Africa, and thus began the process of geographical ethnic segregation.²⁷⁶ The connection between separate development and the establishment of black higher education was soon made apparent: the “intention was to restrict the economic advancement, social mobility and political rights of Africans to the bantustans [homelands], and it was there that the products of the African universities were expected to exercise their talents.”²⁷⁷ The State also stopped all missionary sponsored higher education, stating that this education did not prepare black students for a life within their homeland and community.²⁷⁸

Between 1960 and 1961, four new ethnic universities were created: the University Colleges of the North (UNIN) for Sotho, Venda and Tsonga speakers, the University of Zululand (UNIZULU) for Zulu and Swazi speakers, the University of Durban-Westville (UDW) for Indians, and UWC for ‘coloureds’.²⁷⁹ These universities were built in the various homelands and designated ‘coloured’ and Indian group areas, which meant they were isolated, had poor infrastructure and very few amenities.²⁸⁰ Enrolments at HBUs increased drastically between 1960 and 1975.²⁸¹ These enrolments were predominantly male students with women constituting just 11,3 per cent in 1960 and 21,6 per cent in 1975.²⁸² The majority of the black women students were enrolled in ‘caring’ and stereotypically feminine professions like teaching and nursing.²⁸³

The 1960s was for whites a period of prosperity, but for black South Africans this was not the case. The South African Students’ Organisation (SASO) was established in 1968, which represented black interests and advocated for a non-racial South Africa. This organisation played a large role in increasing black opposition to apartheid.²⁸⁴ Opposition came directly out

²⁷⁵ S. Badat, *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO, 1968-1990* (Pretoria: Human Sciences Research Council, 2002), 53.

²⁷⁶ Ibid, 53.

²⁷⁷ Ibid, 53.

²⁷⁸ Ibid, 54.

²⁷⁹ Ibid, 61.

²⁸⁰ Ibid, 61.

²⁸¹ Ibid, 62.

²⁸² Ibid, 70.

²⁸³ Ibid, 70.

²⁸⁴ Ibid, 77.

of HBUs when black students started discussing the similar experiences they face in white South Africa. As suggested by Wolpe “the concentration of [...] increasing numbers of students in the recently established black universities provided a site, perhaps the only one in the repressive conditions of the time, in which radical ideology (black consciousness) could develop.”²⁸⁵ The critique of SASO was that it focused primarily on race with very little attention given to class or gender divisions, or the intersections of all three.²⁸⁶

The case of UWC

The origins of UWC, nicknamed the ‘bush college’, are very different to the HWUs discussed earlier. UWC is an HBU that was created in 1960 as an apartheid institution that would educate the ‘coloured’ population to staff the apartheid Department of Coloured Affairs.²⁸⁷ The university is located on the edge of an industrial area in Belville and was very isolated. In the 1970s, student activism on campus heightened and became increasingly political. In educating and grouping the ‘coloured’ population, the apartheid government unknowingly created a highly politicised and organised group.²⁸⁸ In 1975, the first black Rector, Professor R. E. van der Ross, was appointed. This created chaos amongst the more conservative council members and some even retired in protest.²⁸⁹ In 1980, UWC ended the racial requirements for students, defying the States Extension of University Education Act, and continued to break away and reject the ideals that the University was established with.²⁹⁰ Jakes Gerwel was appointed as UWC Rector in 1987 and declared UWC to be the “intellectual home of the democratic left.”²⁹¹ This shift was the culmination of twenty years of student protests and involved a complete overhaul of the teaching and research pedagogies at the University.²⁹² Instead of teaching white ideologies, the university attempted to create a discourse that opposed apartheid.²⁹³ UWC became a ground-breaking experiment that showed other universities that they “did not have

²⁸⁵ S. Badat, *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO, 1968-1990* (Pretoria: Human Sciences Research Council, 2002), 78.

²⁸⁶ Ibid, 87.

²⁸⁷ J. Martin, “An Open Space” in P. Lalu & N. Murray (eds) *Becoming UWC Reflections, Pathways and Unmaking Apartheid’s Legacy* (Cape Town: Centre for Humanities Research, UWC, 2012), 29.

²⁸⁸ Ibid, 30.

²⁸⁹ P. Daniels, “The early origins of Community Engagement at University of the Western Cape”, *Community Engagement Unit, University of the Western Cape*, 2018, 5.

²⁹⁰ P. Lalu, “Constituting Community at the intellectual home of the left”, in P. Lalu & N. Murray (eds) *Becoming UWC Reflections, Pathways and Unmaking Apartheid’s Legacy* (Cape Town: Centre for Humanities Research, UWC, 2012), 41.

²⁹¹ Ibid, 110.

²⁹² Ibid, 110.

²⁹³ Ibid, 110.

to be restrained by the racial project of the State”.²⁹⁴ This political rerouting and UWCs legacy of activism was what made it possible for sexual violence policies to emerge from feminist activism within the University. At UWC, Gerwel had cultivated a “critical space for debates about epistemological access, academic development, adult education, and people’s education as process.”²⁹⁵

The cultivation of this space went hand-in-hand with violence and struggle. In 1976, 1000 students boycotted lectures in protest of the detainment of a law student at UWC. Following the torching of the law department, many arrests ensued.²⁹⁶ Increasing student enrolments, decreased state resources and support and the constant threat of closure created a chaotic and unsettled environment.²⁹⁷ Despite the critical activist space at UWC, sexual violence still occurred, hence the need to form policies to address these problems.

Conclusion

The origins and history of both HBUs and HWUs within the context of South African politics has shaped the discourses under which these universities operate today. Each institution was designed to serve the demographic for which it was created. All these universities were subject to racism and sexism throughout South Africa’s segregationist and apartheid periods. The histories of these institutions created the environments that enabled sexual violence, and thus the need for sexual violence policies emerged. However, as a result of the rise of managerialism, these policies – although initially formed through feminist scholarship and activism – were shaped by managerial discourses.

²⁹⁴ P. Lalu, “Constituting Community at the intellectual home of the left”, in P. Lalu & N. Murray (eds) *Becoming UWC Reflections, Pathways and Unmaking Apartheid’s Legacy* (Cape Town: Centre for Humanities Research, UWC, 2012), 111.

²⁹⁵ Ibid, 115.

²⁹⁶ Ibid, 111.

²⁹⁷ Ibid, 116.

Part 2: Sexual Violence Policies

The Introduction of Sexual Violence Policies at Universities (1995-2019)

In 1995, UWC created one of the first sexual violence policies in South Africa. This policy was revolutionary in its commitment to feminist principles and served as a leading example of gender policies for years. At HWUs, in the 1980s and 1990s, the increased scrutiny of sexual violence on campus and feminist activism spurred the development of their own gender policies. Post-1994, growing transformation initiatives at universities and the shift towards managerial practices eventually came to a head, but resulted in ‘policy overload’, ‘policy slippage’, and managerial discourses of efficiency.

According to Hames, Beja and Kgosimemele “(d)espite its apartheid origins as a ‘Bush College’ it [UWC] emerged as one of the institutions renowned for its political stance and continued quest to eradicate injustice in all its manifestations.”²⁹⁸ Hames describes UWC as having a strong history of activism against racial, social, and gender injustice in South Africa.²⁹⁹ Feminist activism at UWC was rooted in the feminist principle of ‘the personal is political’. In 1987, after the Women’s Commission was established, they compiled a list of all the discriminatory practices they experienced and suggested ways to address them.³⁰⁰ In 1989, a student in the Anthropology Department wrote a thesis entitled “Sexism at the University of the Western Cape: With reference to progressive student organisations.” This thesis sparked debate as it discussed rape and sexual violence and questioned progressive student organisations at UWC on their commitment to gender justice.³⁰¹ This thesis prompted women (and some men) to “come together and demand that the university take drastic action to ensure a safe and secure campus and to develop policies and procedures in an effort to curb sexual violence.”³⁰² UWC’s early gender policies were developed through black feminist activism that aimed to challenge gender discrimination on campus and fight for equity for women

²⁹⁸ M. Hames, N. Beja & T. Kgosimemele, “The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 151.

²⁹⁹ M. Hames, “Sexual Identity and Transformation at a South African University”, *Social Dynamics*, 33, 1, 2007, 59.

³⁰⁰ M. Hames, N. Beja & T. Kgosimemele, “The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 157.

³⁰¹ Ibid, 158.

³⁰² Ibid, 158.

students.³⁰³ According to Hames, Beja and Kgosimemele, the push from these black women activists to develop gender policies was also partly due to UWC's activist history as an HBU. UWC's location in Belville made it dangerous for students to travel to and around campus, as many students were (and still are today) dependent on public transport which is often "fraught with peril, and incidents of violent assault and attacks have been reported."³⁰⁴ UWC addressed activists' concerns and created a Gender Equity Unit (GEU), staffed with a Gender Equity Officer in 1993.³⁰⁵ In 1995, they created policies for non-sexist language, gender and sexual harassment.³⁰⁶ The GEU produced booklets on sexual harassment written both in English and IsiXhosa and distributed these booklets around campus.³⁰⁷ Hames, Beja and Kgosimemele describe the sexual violence policy as:

extremely progressive and deeply sensitive to the specific historical moment in which UWC played a major role in supporting key anti-apartheid initiatives. For the first time in South Africa there were policies at an institution that openly addressed the issue of sexual orientation, gender equality, and the need to challenge sexual harassment. One must bear in mind that these policies were developed, by predominantly Black women campus activists, before South Africa's currently liberal State language or attitudes were instituted and, in some instances, legalised. UWC's first gender policies were therefore developed outside the global liberal paradigm. For years thereafter they became leading examples of policy development and implementation for government and other educational institutions.³⁰⁸

The 1995 policy on sexual harassment was the first of its kind and was not based on any existing policies or laws at the time; it was rooted in feminist experiences and personal knowledge of GBV.³⁰⁹ The policy was praised for using language that engaged with the environment it was created for and did not use complex legal terms.³¹⁰ It assumed that the perpetrator of the offence was aware of their actions, which moved responsibility onto the perpetrator to prove innocence

³⁰³ M. Hames, "Sexual Identity and Transformation at a South African University", *Social Dynamics*, 33,1,2007, 60.

³⁰⁴ M. Hames, N. Beja & T. Kgosimemele, "The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape" in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 156.

³⁰⁵ Ibid, 159.

³⁰⁶ Ibid, 159.

³⁰⁷ Ibid, 159.

³⁰⁸ Ibid, 153.

³⁰⁹ M. Hames, "Sexual Identity and Transformation at a South African University", *Social Dynamics*, 33, 1, 2007, 61.

³¹⁰ M. Hames, N. Beja & T. Kgosimemele, "The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape" in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 161.

instead of making the victim prove that the actions were unwanted.³¹¹ The definition of rape given in this policy is, “a serious crime of violence and is broadly defined as a sexual invasion of the body by force, an incursion into the private, personal inner space, without consent, by any object or part of the body.”³¹² This definition considers rape to be a form of sexual harassment and was not defined by the criminal justice legislation of ‘vaginal penetration by a penis’ (allowing male survivors to lay complaints of rape and female survivors to lay complaints of digital or anal assault).³¹³

Gouws and Kritzinger observe that in the late 1980s and early 1990s, sexual harassment came under scrutiny in many South African universities. Aside from UWC, other Western Cape universities were also advancing their gender policies and in 1989, an inquiry into sexual harassment was authorised by the UCT VC following concerns of the vulnerability of women staff and students to sexual harassment on campus. In 1991, after the VC’s inquiry, a report was released stating that sexual harassment was a serious problem and describing the contributing factors to sexual violence on campus.³¹⁴ In 1992, the Equal Opportunities Research Project (EORP) was established and held a workshop at UCT on sexual harassment. The workshop participants released a statement to the Committee of University Principals noting that sexual harassment, including rape, was a serious issue on campuses countrywide.³¹⁵ The EORP followed up on this in 1994, questioning UCT’s policymakers on how effectively they thought the recommendations of this report were implemented.³¹⁶ Later that year, EORP held a conference on policy formation and research on sexual harassment. This conference spurred action at many universities to address sexual harassment on their campuses.³¹⁷ The recommendation by the authors concerning rising cases of sexual assault in universities (made in 1995) was that UCT should develop very clear policies on how sexual harassment be reported and grievance procedures instituted. The recommendation included effective

³¹¹ M. Hames, N. Beja & T. Kgosimemele, “The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 161.

³¹² Ibid, 162.

³¹³ Ibid, 162 - 163.

³¹⁴ Ibid, 58 - 59.

³¹⁵ A. Gouws & A. Kritzinger, “Sexual Harassment of Students: A Case Study of a South African University”, *South African Sociological Review*, 7, 2, 1995, 3.

³¹⁶ A. Gouws, A. Kritzinger & M. Wenhold, “Report of an Inquiry into the Implementation of the Sexual Harassment Policy and Grievance Procedure at the University of Stellenbosch” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 59.

³¹⁷ Ibid, 59.

punishment for the perpetrators.³¹⁸ Many other South African universities followed in UCT's footsteps and launched their own inquiries. In 1995, SU launched a Commission of Inquiry into Safety on the University of Stellenbosch.³¹⁹ The inquiry report recommended the implementation of a policy on sexual violence (this was the second time SU was recommended implementing a policy on sexual harassment - mentioned in **Chapter 3** Part 1).³²⁰ The Steering Committee on Sexual Harassment drafted policy and grievance procedures for SU management to implement.³²¹ Unfortunately, management stalled implementation with various arguments on theoretical legal clashes and the policy took seven years to get institutionalised.³²²

As discussed in **Chapter 2**, after 1994, higher education became a space for state transformation as it played an important role in knowledge creation.³²³ Between 1994 and 2003, the South African government produced multiple policies, acts and government reports, such as the 1996 National Commission on Higher Education, the 1997 White Paper and Higher Education Act, and the 2001 National Plan for Higher Education.³²⁴ Researchers like Badat, Fataar, and Kraak have argued that the focus of the state on transformation in universities has led to a 'policy overload', where there are just too many policies and transformation is overwhelmed by managerial discourses that rely on measuring performance, efficiency and 'success'.³²⁵ These are all indicators of the rise of the managerial university. Hames uses the term 'policy slippage' to describe the selective implementation of gender equality programmes, where a gap exists between what policies say they do, versus what they actually do.³²⁶ In South Africa, this is exacerbated in the post-apartheid period, when the newly appointed government realised that there were limited resources and power available to effectively enforce policies, since universities could essentially pick and choose what aspects of a policy they wanted to implement.³²⁷ In the report from the 2001 National Plan for Higher Education, the Ministry of Education revealed their concerns about university transformation, as it seemed that many

³¹⁸ A. Gouws & A. Kritzing, "Sexual Harassment of Students: A Case Study of a South African University", *South African Sociological Review*, 7, 2, 1995, 3.

³¹⁹ A. Gouws, A. Kritzing & M. Wenhold, "Report of an Inquiry into the Implementation of the Sexual Harassment Policy and Grievance Procedure at the University of Stellenbosch" in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 60.

³²⁰ Ibid, 60.

³²¹ Ibid, 60.

³²² Ibid, 61.

³²³ M. Hames, "Sexual Identity and Transformation at a South African University", *Social Dynamics*, 33, 1, 2007, 55.

³²⁴ Ibid, 56.

³²⁵ Ibid, 58.

³²⁶ Ibid, 58.

³²⁷ Ibid, 58.

HWUs were unwilling to change as it would require acknowledging their own problematic histories and the decades of white privileges they were afforded.³²⁸

In 2008, a committee was formed by the Minister of Education, Naledi Pandor, to combat discrimination (particularly racial, but also in terms of class, gender, religion) on higher education institution campuses.³²⁹ The committee located their investigation within

the context of the transformation agenda of Education White Paper 3: A Programme for the Transformation of Higher Education. White Paper 3 explains that transformation ‘requires that all existing practices, institutions and values are viewed anew and rethought in terms of their fitness for the new era’. At the centre of the transformation agenda, in terms of ‘fitness’, is the White Paper’s vision for the establishment of a single national coordinated higher education system that is ‘democratic, non-racial and non-sexist.’³³⁰

The committee culminated in the “Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions”³³¹ which was chaired by Crain Soudien and compiled through interviews, policy documents, questionnaires and submissions from twenty public South African universities.³³² The report noted that policies concerning gender and race were not consistently enforced and ‘policy slippage’ was taking place.³³³ It discussed this disjuncture between institutional policies and actual experiences, explaining that there were two main reasons for this: firstly, the poor implementation, dissemination, awareness and understanding of these policies and secondly that the policies themselves were often far removed from the realities of a university and its specific institutional culture.³³⁴

To address the concerns around GBV raised in the report, South African universities began to develop more comprehensive policies with guidelines for reporting, consent and

³²⁸ M. Hames, “Sexual Identity and Transformation at a South African University”, *Social Dynamics*, 33, 1, 2007, 56.

³²⁹ C. Soudien, “Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions” 30 November 2008, 9.

³³⁰ *Ibid*, 9.

³³¹ The Ministerial Report was a government report and relied on the Labour Regulations Act which “recognised sexual harassment as a form of discrimination in the workplace, in 1997, and required employers to develop Codes of Good Practice to educate staff, and to ensure that instances of sexual harassment were dealt with cleanly and fairly” (J. Bennett, “Policies and sexual harassment in higher education: Two steps forward and three steps somewhere else”, *Agenda*, 23, 80, 2009, 8.) This opened the doors to many initiatives to prevent sexual harassment in institutions.

³³² C. Soudien, “Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions” 30 November 2008.

³³³ *Ibid*, 13.

³³⁴ *Ibid*, 14.

confidentiality, as well as the various formal and informal ‘routes’ to report sexual violence.³³⁵ These policies mostly focus on responses to sexual violence. The Department of Higher Education and Training (DHET), the governmental department authorised through South Africa’s constitution, focuses on the growth and development of post-school education and training.³³⁶ In 2019, DHET introduced a “Policy Framework to address Gender-Based Violence in the Post-School Education and Training System (PSET)”³³⁷ to cultivate a respectful and safe environment and to promote human rights.³³⁸ DHET’s policy aims to conceptualise and define GBV in line with existing laws, detail the framework for institutional responses, provide guidance on how to address GBV within institutions and encourage institutions to create awareness of GBV.³³⁹ The DHET’s policy is mandated to include and consider the Criminal Law (Sexual Offences and Related Matters) Amendment Act, which is used to prosecute sexual violence in South Africa. This act and its most recent amendment, Act 5 of 2015, adds more detail to the sections on statutory rape. The objectives of this act are “to afford complainants of sexual offences the maximum and least traumatising protection that the law can provide, to introduce measures which seek to enable the relevant organs of state to give full effect to the provisions of this Act and to combat and, ultimately, eradicate the relatively high incidence of sexual offences committed in the Republic”.³⁴⁰

Although the implementation of sexual violence policies developed out of feminist scholarship in the 1980s and early 1990s³⁴¹ – as the example of UWC demonstrates – they were also shaped by the rise of managerialism in the university. As Gouws and Kritzinger point out, universities, as institutions of higher education, are responsible for ensuring safe environments for their students and should act as models of good citizenship. They contend that policies in universities

³³⁵ Some universities like UWC did have sexual harassment policies at this time, but they were not comprehensive enough to address other forms of sexual violence such as rape. (M. Hames, “Universities must take transformation seriously”, *Daily Maverick*, 5 September 2019 at <https://www.dailymaverick.co.za/opinionista/2019-09-05-universities-must-take-transformation-seriously/> accessed on 13 March 2021)

³³⁶ “Policy Framework to address Gender-Based Violence in the Post-School Education and Training System”, *Department of Higher Education & Training*, version 4.0, 15 April 2019.

³³⁷ Ibid.

³³⁸ Ibid, 4.

³³⁹ Ibid, 4.

³⁴⁰ Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, 11.

³⁴¹ A. Gouws & A. Kritzinger, “Sexual Harassment of Students: A Case Study of a South African University”, *South African Sociological Review* 7, 2, 1995, 1.

are incredibly important because they offer intellectual pedagogical spaces to rethink the gaps within policies and how these policies can effect change.³⁴²

The theorisation of sexual violence in South Africa was undertaken with explicitly activist intentions, and although the transformation agenda was largely mandated by the State, it was mainly through activism that new policies, educational programmes, and disciplinary procedures were implemented.³⁴³ More specifically, feminist research was predominantly campus-based and reflected policy-making as the most popular avenue for institutional discussion of campus-based sexual violence and sexual harassment.³⁴⁴ In terms of policy-making during the 2000s in the Southern African Development Community (SADC) Bennett argues that,

(t)hose at the forefront of demands for policies on sexual harassment with higher education saw policy as a platform into campus consciousness, a means of formulating a clear (feminist) link to other statements of university principles around equality, excellence, and integration into (often) national development goals. They also needed concrete language into which the experiences of survivors could be fashioned so that offenders could be confronted, not simply by the survivor, but by the institution itself. As with much feminist policy formulation, the risks of handing over authority for the processing of injustices to women to traditionally patriarchal bodies (states, institutions) were theorised as part and parcel of the need to believe in ‘gender mainstreaming’, the idea that new conceptions of gender — which radically shifted the meanings of women and men away from predefined relations of power — could be infused throughout the university environment.³⁴⁵

Despite the role that feminist scholarship has played in the development of sexual violence policies, Bennett, Gouws, Kritzinger, Hames and Tidimane have also argued that there is “evidence of an on-going contest between core principles of feminist activism and ideas which erase gender from a general approach to questions of social justice”³⁴⁶ in university spaces. In addition, they claim that “there are serious concerns about the different institutions’ failure to

³⁴² J. Bennett, “Beyond Stones” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 161.

³⁴³ J. Bennett, A. Gouws, A. Kritzinger, M. Hames, C. Tidimane, “‘Gender is Over’: Researching the Implementation of Sexual Harassment Policies in Southern African Higher Education”, *Feminist Africa*, 8, 2007, 85.

³⁴⁴ Ibid, 90.

³⁴⁵ J. Bennett, “Killing a Virus with Stones? Background to a Research Project on the Implementation of Sexual Harassment Policies in Southern African Higher Education” in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 22.

³⁴⁶ J. Bennett, A. Gouws, A. Kritzinger, M. Hames, C. Tidimane, “‘Gender is Over’: Researching the Implementation of Sexual Harassment Policies in Southern African Higher Education”, *Feminist Africa*, 8, 2007, 99.

take up opportunities offered by the formal presence of a policy on sexual harassment on their books; policy remains just that: *an opportunity*.³⁴⁷ My argument is that this missed opportunity is largely due to the fact that policies that developed in the early 2000s, when the push for the transformation of the university resulted in ‘policy overload’ or ‘policy crowding’,³⁴⁸ became saturated with managerial discourses of monitoring, evaluating, effectiveness, and efficiency. In this managerial discourse, sexual violence policies become another means by which to manage, control and regulate student behaviour and mechanisms in the university as a whole. In addition to managerialism, HWUs, such as the ones I discuss here, were shaped not only by anti-black racism, but by the normalisation of patriarchal cultures.³⁴⁹

Existing Sexual Violence Policies at UCT, Wits, RU, SU and UWC (2008 -2021)

The policies I have included in this thesis were the only ones in existence during the period of January to July 2021, when I did my preliminary investigation into sexual violence policies.

UCT

UCT has three policies relating to sexual violence: viz. the “Sexual Harassment Policy” (2008)³⁵⁰ and the “Sexual Offences Policy” (2008),³⁵¹ which have been replaced by the “Policy on Sexual Misconduct: Sexual Offences and Sexual Harassment” (2020).³⁵² UCT also has a “Disciplinary Procedure for Sexual Misconduct; Sexual Offences and Sexual Harassment” (2021).³⁵³

The first is the 2008 “Sexual Harassment Policy” which aims to help survivors of rape through various supportive and protective measures. The policy provides clear definitions for same-sex harassment, sexual assault, sexual harassment, unwelcome sexual conduct, and unwelcome physical conduct. It discusses the roles of the various people in management, which are

³⁴⁷ J. Bennett, A. Gouws, A. Kritzing, M. Hames, C. Tidimane, “‘Gender is Over’: Researching the Implementation of Sexual Harassment Policies in Southern African Higher Education”, *Feminist Africa*, 8, 2007, 99.

³⁴⁸ M. Hames, “Sexual Identity and Transformation at a South African University”, *Social Dynamics*, 33, 1, 2007, 58.

³⁴⁹ By ‘normalisation of patriarchal cultures’ I mean that patriarchy as an ideology has been entrenched into university governance, university management and university culture to the point where it is seen as normal and common sense.

³⁵⁰ “Sexual Harassment Policy”, *University of Cape Town*, 2008.

³⁵¹ “Sexual Offences Policy”, *University of Cape Town*, 2008.

³⁵² “Policy on Sexual Misconduct: Sexual Offences and Sexual Harassment”, *University of Cape Town*, 2020.

³⁵³ “University of Cape Town Disciplinary Procedure for Sexual Misconduct: Sexual Offences and Sexual Harassment”, *University of Cape Town*, 2021.

twofold: to create an environment that is free of sexual violence to the best of their ability, and to take appropriate action when sexual violence occurs.³⁵⁴ In this *top-down* approach to communication, the VC is to ensure that the Deans, the Executive Director of Student Affairs and the Reporting Officer (RO) all communicate regularly with students, Heads of Departments (HODs), faculty managers and the Student Representative Council (SRC). The RO is specifically tasked with informing the Communication and Marketing Department on the implementation of the policy with regular updates required. All staff and students at the university are to be emailed annually about the policy, and the RO must report back to the VC on how *effectively* the policy is communicated. Clear plans are made for the training of new student harassment advisors to assist students and the various protection options available such as no-contact orders, and formal and informal report procedures are defined.³⁵⁵ The roles of the RO are to provide the complainant supportive and protective measures, and to assist them in understanding the policy. The Sexual Harassment Advisors (SHAs) are to work with complainants through the process of reporting a complaint. The Advisory Panel is to assist the RO with complaints. All roles have very well explained directives.³⁵⁶ There is a section in the document on how management should respond to complaints of sexual violence that takes up almost two pages.³⁵⁷ By the time we even get to the different reporting procedures we have spent 10 out of the 14 pages discussing how management should be dealing with complaints. The intention of the policy – to help the survivors of rape – appears to be secondary. Thus, the policy is about how management should conduct themselves.

The second is the “Sexual Offences Policy of 2008”, which defines consent, rape, sexual assault and sexual penetration. It includes a short section on reporting: what to do as the first response and how reporting officers can provide further support. It defines the roles of the RO and the steps they should follow. One of the purposes of this policy is to “better inform the University community about rape and other forms of sexual assault”,³⁵⁸ but apart from stating this on the first page, they do not discuss any plans on how they intend to engage with this any further. Both the 2008 “Sexual Harassment Policy” and the “Sexual Offences Policy of 2008” have been replaced and are no longer in use, however they provide background to the current policy.

³⁵⁴ “Sexual Offences Policy”, *University of Cape Town*, 2008, 4.

³⁵⁵ “Sexual Harassment Policy”, *University of Cape Town*, 2008.

³⁵⁶ *Ibid*, 7 - 8.

³⁵⁷ *Ibid*, 9 - 10.

³⁵⁸ “Sexual Offences Policy”, *University of Cape Town*, 2008, 1.

The third and current policy is the 2020 “Policy on Sexual Misconduct: Sexual Offences and Sexual Harassment”. This policy focuses on the prevention and response to sexual offences in the university. It defines consent, sexual offences, sexual abuse, sexual harassment, unwelcome sexual conduct, unwelcome physical conduct, unwelcome verbal conduct, unwelcome non-verbal conduct, sexual coercion, unwanted sexual attention, gender harassment, sexual bullying, and sexual misconduct.³⁵⁹ It discusses the informal and formal procedures, and the investigative procedures for each route. Although this policy is meant to be reviewed every three years, 2015 was the year in which it was first reviewed. The Discrimination and Harassment Office (DISCHO) concluded that there needed to be “a transformational approach to sexual violence that considers the wider inequalities that students face”.³⁶⁰

Five pages discuss the roles and responsibilities of leadership and management, outlining protective measures for the safety of both student and staff complainants. The VC and the University Leadership Team are required to issue regular communication to the campus community on the existence, *management* and prevention of sexual violence and to regularly brief the executive leadership on policy, *management* and *monitoring*.³⁶¹ The leadership team (Human Resources, HODs and other line managers) are required to highlight the importance of sexual violence within leadership development, to educate themselves on sexual violence, to show an understanding of the policy, to attend training on the policy, to communicate the policy to students, to ensure that all new staff and students are informed of the policy, to take appropriate action when sexual violence is reported and are responsible for “creating, maintaining and managing *performance indicators* as part of all people managers’ *performance contracts*”.³⁶² The roles of management are essentially to *manage* the policy through a commitment to *performance indicators* to ensure that the managerial tenants of *effectiveness* and *efficiency* in the policy are maintained. For instance, the policy has a section on *monitoring* and *evaluation* which states that “(s)upervisors, managers and those responsible for dealing with sexual harassment cases will report on *compliance* with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on

³⁵⁹ “Policy on Sexual Misconduct: Sexual Offences and Sexual Harassment”, *University of Cape Town*, 2020, 11.

³⁶⁰ F. A. Boonzaier, K. Carr & H. Matutu, “Communicating About Sexual Violence on Campus: A University Case Study”, *African Safety Promotion*, 17, 1, 2019, 19.

³⁶¹ “Policy on Sexual Misconduct: Sexual Offences and Sexual Harassment”, *University of Cape Town*, 2020, 12.

³⁶² *Ibid*, 12.

a quarterly basis.”³⁶³ Essentially, supervisors and managers need to *evaluate* the *efficiency* of this policy. This policy also focuses heavily on definitions and the roles of management.

The 2021 “Disciplinary Procedure for Sexual Misconduct; Sexual Offences and Sexual Harassment” outlines the preliminary steps to take after a sexual offence is reported. It sets out the jurisdiction, the representation of the respondent, the holding and composition of a special tribunal and disciplinary hearing, the presentation of evidence, the sanctions and the appeals.³⁶⁴

Three things appear repeatedly in UCTs policies: firstly, there is an (over)emphasis on the roles and responsibilities of management. This section often takes up the better half of the policy and is the most clearly articulated part of the document. The policy’s dedication to helping complainants is lost, as the documents serve predominantly as guidelines for management on how to *manage* sexual violence. Secondly, the policies’ interest in the prevention of sexual violence and the creation of safe spaces, as often mandated in management’s roles, is also lost as extra resources for students, staff and management to further their understanding, are not provided. Thirdly, the vocabulary of the policies is managerial, as these policies use terms such as *monitoring*, *managing*, *evaluation*, *performance indicators* and *effectiveness* which serve to reinforce the *top-down* managerial approach in the university. Ultimately, this shifts the purpose of the policy away from complainants’ concerns towards the *performance* of the institution and its *management* of sexual violence. The emphasis remains on *management* – not the eradication or the prevention of sexual violence.

Wits

Wits has two policy documents; the 2013 “Sexual Harassment, Sexual Assault and Rape Policy and Procedures”³⁶⁵, and the second, the 2015 “Disciplinary Procedure for Gender-Related Misconduct, Staff and Students”.³⁶⁶

The “Sexual Harassment, Sexual Assault and Rape Policy and Procedures” communicates the university’s commitment to preventing sexual violence, *responding effectively* and providing

³⁶³ “Policy on Sexual Misconduct: Sexual Offences and Sexual Harassment”, *University of Cape Town*, 2020, 23.

³⁶⁴ “University of Cape Town Disciplinary Procedure for Sexual Misconduct: Sexual Offences and Sexual Harassment”, *University of Cape Town*, 2021.

³⁶⁵ “Sexual Harassment, Sexual Assault and Rape Policy and Procedures”, *University of the Witwatersrand*, 2013.

³⁶⁶ “Disciplinary Procedure for Gender-related Misconduct, Staff and Students”, *University of the Witwatersrand*, 2015.

support.³⁶⁷ The policy intends to create a safe environment, establish common definitions of what constitutes sexual violence (by providing comprehensive definitions of rape, sexual assault, sexual harassment and unwelcome sexual conduct), to ensure appropriate support is offered and to provide clear disciplinary steps and “lines of accountability for the implementation and *management* of this policy.”³⁶⁸ The second section of the policy focuses solely on procedures, with six and half pages dedicated to the responsibilities of the Sexual Harassment and Safety Office (SHSO), the Legal Office, the Employee Relations Office, the Sexual Harassment Advisory Committee, the Disciplinary Hearing Panel, and the CCDU.³⁶⁹ The policy does not explain or give any information on the nature or role of the CCDU. The lack of clarity suggests that the policy was created to be used by management (i.e. those who would know without explanation what the CCDU is) in *monitoring* sexual violence on campus. Some of the terminology used in the responsibilities of management (procedures) section include *capturing statistics*³⁷⁰, *reporting on trends*³⁷¹ and *keeping a record*.³⁷² When the alleged perpetrator is a member of the university, both the Legal Office and Employee Relations are responsible for “representing the University’s interests” and they are not allowed to communicate directly with the alleged perpetrator.³⁷³

There is a section on education and communication that clarifies the roles of various committees and organisations within the university with regards to sexual violence. The SHSO is required to report quarterly to the VC on “i. The number and nature of all referrals made in terms of this policy; ii. The *process* followed in respect of each case; iii. The outcome of each case; iv. The *effectiveness* of the policy; and v. Information on education and awareness efforts.”³⁷⁴ A managerial discourse emerges here, with a focus on *monitoring the effectiveness* of the policy.

The second policy, “Disciplinary Procedure for Gender-Related Misconduct, Staff and Students” was implemented in 2015 after an inquiry into sexual violence at Wits in 2013. The “Formal Inquiry Report of the Independent Inquiry into Allegations of Sexual Harassment at

³⁶⁷ “Sexual Harassment, Sexual Assault and Rape Policy and Procedures”, *University of the Witwatersrand*, 2013, 1 - 2.

³⁶⁸ *Ibid*, 2.

³⁶⁹ *Ibid*, 8 - 13.

³⁷⁰ *Ibid*, 8.

³⁷¹ *Ibid*, 9.

³⁷² *Ibid*, 11.

³⁷³ *Ibid*, 11.

³⁷⁴ *Ibid*, 16.

the University of the Witwatersrand”³⁷⁵ notes that Wits’ internal “functions in relation to gender matters and sexual harassment were too decentralised and fragmented to offer an *effective* mechanism of prevention, intervention and accountability.”³⁷⁶ The report recommended the establishment of the Gender Equity Office (GEO) to deal with any matters relating to sexual violence.³⁷⁷

The policy states that they intended to use less complex legal terms as the report had noted that this alienated complainants.³⁷⁸ The procedures of reporting a complaint are outlined, as well as where to go, who to talk to and the rights they have within the complaint procedure. It also examines the roles of the GEO in relation to the complaint process. This policy is more victim-focused than the previous one, but this focus only came about after the inquiry and the establishment of the GEO in 2014.

At Wits, the 2013 policy has similar issues to UCTs in that there is an emphasis on the role of management, little information or resources to educate staff and students and terminology that reflects a managerial discourse. The latter policy is certainly more focused on the complainant. However, it was instituted in 2015, with a review period of 18 months but there is no evidence that it was ever reviewed, and no new policies have been formulated. This suggests that it was implemented, found to be relatively successful in its mandate at the time and management saw no need to review it 18 months later. Seven years later, what was a functioning policy then is very likely out of date now.

RU

At RU, there are two different policies: the 2012 “Policy on Eradicating Unfair Discrimination and Harassment”³⁷⁹ and the 2019 “Sexual Offences Policy for Students”.³⁸⁰ There is also the “Sexual Assault Protocol” (undated).³⁸¹

The 2012 “Policy on Eradicating Unfair Discrimination and Harassment” is to be read in conjunction with the “Sexual Offences Policy”. It defines discrimination, unfair discrimination,

³⁷⁵ “Disciplinary Procedure for Gender-related Misconduct, Staff and Students”, *University of the Witwatersrand*, 2015, 1.

³⁷⁶ *Ibid*, 1.

³⁷⁷ *Ibid*, 1.

³⁷⁸ *Ibid*, 1.

³⁷⁹ “Policy on Eradicating Unfair Discrimination and Harassment” *Rhodes University*, 2012

³⁸⁰ “Sexual Offences Policy for Students”, *Rhodes University*, 2019.

³⁸¹ “Sexual Assault Protocol”, *Rhodes University*, undated.

harassment and hate speech. It gives information on policy implementation and the relationship between the policy and national structures. It outlines the structures set up to provide support and how to access them and details the process of lodging a complaint (formally and informally). This policy was meant to be reviewed in 2014, three years after formulation, but there is no evidence of a review ever having taken place.

In **Chapter 4**, I discuss the #RUPreferenceList protests, the subsequent establishment of the Sexual Violence Task Team (SVTT) to report on policy and procedural improvements to University management. The SVTT made a list of 91 recommendations, and a year later the VC indicated that six steps from the SVTT Report were being implemented. This had a direct impact on subsequent policy formulation (such as the 2019 policy discussed below).

The 2019 “Sexual Offences Policy for Students” is widely distributed and is given to every first-year student at the university at the start of the academic year. It has a thorough policy statement that condemns sexual violence and dedicates itself to establishing an environment free from sexual violence, providing a framework to prevent and prosecute sexual violence and to educate the university community of sexual violence. Definitions for alternative dispute resolution, consent, no contact order, rape, sexual act, sexual assault, sexual harassment, sexual offence, sexual penetration and sexual violation are provided. There is discussion on confidentiality, external and internal processes of reporting, medical care, psychosocial support and safety and security. It also includes a section on the roles and responsibilities of key persons in management. These roles and responsibilities are explained in such a way that outline the steps within the reporting procedure. The Anti-Harassment and Discrimination *Manager* is the first step when reporting sexual violence; they explain to the complainant their options and assure them of their confidentiality, they establish if medical care or counselling is required and inform the complainant of available protection measures. They discuss the possibility of laying a criminal charge and that the prosecution will then decide whether or not to prosecute.³⁸² If a student chooses the formal disciplinary route, they are referred to the prosecution and the Anti-Harassment and Discrimination *Manager*, who files reports, creates awareness within the university community about sexual violence and provides regular reports to the Director of Student Affairs (DSA). The VC, DSA, prosecutors, Head Nurse, Counselling Centre and Employee Relations *Manager* all have roles to play in this process, although their responsibilities are far fewer than the Anti-Harassment and Discrimination *Manager*, who is

³⁸² “Sexual Offences Policy for Students”, *Rhodes University*, 2019, 9 - 10.

the primary *manager* of the process. The Anti-Harassment and Discrimination *Manager* is in charge of the reporting procedures, medical care, psychosocial support, safety and security, monitoring the implementation of the policy and the policy review procedures. The policy also outlines mechanisms to monitor the implementation of the policy and gives the contact details of the relevant persons to whom the sexual offence must be reported, i.e., Equity and Institutional Culture Officer, ER24 and the local police station. The very fact that there is a *manager* to *manage* the entire process, including monitoring the policy, is indicative of the *managerial* discourse within the university.

The Sexual Offences Policy's review date was 2022. A document was sent out to the members of the Gender Action Committee (GenAct) to request any suggestions and comments. One alteration in the new policy was updated contact information. This policy has yet to be instituted.

The "Sexual Assault Protocol" is a short document that outlines exactly what the immediate response to sexual assault should be. It explains how to preserve evidence, how to get support (medical/crisis counselling/advocacy), what the formal reporting options are (internal and external) and defines consent, submission, coercion, sexual assault and sexual harassment. It states that RU "seeks to provide a consistent, caring, and timely response when sexual assaults occur within the University community,"³⁸³ but does not provide any contact information for the Anti-Harassment and Discrimination *Manager* or reporting officers. Only the Campus Security, Healthcare Centre and the Dean of Student's numbers are provided.³⁸⁴ While this contact information may be useful to some, to others, who are not necessarily in danger, are not hurt and in need of healthcare or who just do not feel comfortable calling on *management*, it is unhelpful. The process of reporting is overly complicated as it needs to satisfy the requirements of the *managerial* structures.

While RU's sexual violence policies are all informative and relatively easy to understand, they are not very practical. *Management*, who were so intent on educating the university community have not provided resources to do so. Despite *managerial* roles being clearly defined and the intention to communicate any break downs in the policy implementation being stated, the policies are outdated (aside from the current review of the Sexual Offences Policy). In compiling these policies, RU, much like its counterparts, has created a system that seeks to

³⁸³ "Sexual Assault Protocol", *Rhodes University*, undated, 1.

³⁸⁴ *Ibid*, 3.

carefully manage and control the process of *reporting* sexual violence, but not to actually *eradicate* sexual violence from university campuses.

SU

SU has one policy that deals with sexual violence, the 2016 “Policy on Unfair Discrimination and Harassment”.³⁸⁵ They also have a 2018 “Crisis Protocol for Residential Heads, PSO Coordinators and LLL Coordinators”³⁸⁶ and an “EndRapeCulture Report”³⁸⁷ as additional documents.

The purpose of the “Policy on Unfair Discrimination and Harassment” is to explain how forms of unfair discrimination and harassment are addressed and to provide preventative measures to protect staff and students.³⁸⁸ One of the aims of this policy is to acknowledge past inequalities and implement corrective actions.³⁸⁹ The policy commits *management* to creating a safe and diverse working environment through the adoption of relevant programmes and policies, the regular review of policies and plans, and the adoption of educational strategies and institutional practices that foster diversity and inclusivity on campus.³⁹⁰ The review period in this policy is five years (or sooner if deemed necessary). This means that the policy should have been reviewed at the start of 2021. There is no evidence however, of an updated policy online. The policy provides definitions of harassment, sexual harassment, and unfair discrimination, but has far fewer definitions than other universities and does not define GBV. The policy discusses the *functions* and responsibilities of various stakeholders. The Rector (VC) and Vice-Rectors (DVC) oversee the implementation of this policy, with the latter also responsible for updating the policy.³⁹¹ The Senior Director and the Chief Director curate the policy and ensure its availability. The Equality Unit deals directly with complaints of harassment and unfair discrimination and the Employment Equity *Manager* develops equity and diversity programmes at the university.³⁹² Finally, the Employment Equity Advisory Committee deals

³⁸⁵ “Policy on Unfair Discrimination and Harassment”, *Stellenbosch University*, 2016.

³⁸⁶ “Crisis Protocol for Residential Heads, PSO Coordinators and LLL coordinators”, *Stellenbosch University*, 2018

³⁸⁷ EndRapeCulture Task Team, “Report: Recommendations on addressing EndRapeCulture at SU”, *Stellenbosch University*, 2017.

³⁸⁸ “Policy on Unfair Discrimination and Harassment”, *Stellenbosch University*, 2016, 1.

³⁸⁹ *Ibid*, 4.

³⁹⁰ *Ibid*, 8.

³⁹¹ *Ibid*, 12.

³⁹² *Ibid*, 13.

with all things related to diversity and equity within the university.³⁹³ The policy explains that mechanisms are put into place to protect staff and students from future unfair discrimination.

There is also a section on related documents, which references the policies and reports that are used in the policy. The policy also has three addenda. The first, “Addendum A: Complaint Procedures and Promotional Measures Against Unfair Discrimination and Harassment” and the second, “Addendum B: Complaint Procedures and Promotional Measures Against Sexual Harassment” are almost identical. Both explain the complaint *procedures* and promotional measures of unfair discrimination, harassment and sexual harassment.³⁹⁴ They both also explain the responsibilities of the Equality Unit to communicate, educate, create awareness, receive and *assess* complaints and to “*manage the effective functioning of the complaints process* [my emphasis].”³⁹⁵ The Anti-discrimination and harassment officers *monitor, evaluate, manage case administration*, and “*(m)anage the discrimination and harassment protocol* [my emphasis]”.³⁹⁶ Advisors receive walk-in complaints and determine the best resolution route to take.³⁹⁷ The third, “Addendum C: Graphic Presentation of the Proposed Process in Case of a Complaint Lodged by a Student or Staff Member” has a colourful flow diagram of the different complaint pathways.

The “Crisis Protocol for Residential Heads, PSO Coordinators and LLL Coordinators”³⁹⁸ provides more definitions, steps to take and provides supportive guidelines on how to deal with sexual violence. It includes relevant contact details along with steps to prevent sexual violence occurring at a residence, private student organisations (PSO) or Listen, Learn, Live (LLL) residence. SU, which has a strong residence culture, is the only university discussed that has a document specifically formulated for its residences. This document lays out the procedure of reporting, discussing what happens if the victim wishes to lay a complaint with SAPs or take the informal route. It contains an outline of how to deal with other trauma, a list of things students should do immediately after the trauma occurs and steps to follow if dealing with incidents of rape at the Tygerberg Campus.

³⁹³ “Policy on Unfair Discrimination and Harassment”, *Stellenbosch University*, 2016, 13.

³⁹⁴ *Ibid*, 16.

³⁹⁵ *Ibid*, 17; 25.

³⁹⁶ *Ibid*, 18; 26.

³⁹⁷ *Ibid*, 17 – 19.

³⁹⁸ “Crisis Protocol for Residential Heads, PSO Coordinators and LLL coordinators”, *Stellenbosch University*, 2018.

The “Report on Recommendations on addressing EndRapeCulture at SU” written by the EndRapeCulture Task team, was prompted by the #RUReferenceList and #OpenStellenbosch movements.³⁹⁹ The Task Team was initiated in 2016 by Dr Birgit Schreiber, the Senior Director of Student Affairs. Schreiber assembled the team which consisted of management, directors, academics, student leaders, SRC members and students.⁴⁰⁰ Recommendations were to “create awareness of the prevailing culture and to change culture” and to “develop our graduates into change agents who recognise gender injustices and asymmetries, gender violence and RapeCulture”.⁴⁰¹ The addenda on this report expand on sexual violence research conducted at SU, the emergency reporting protocol, the complaints procedure and the roles of the Equality Unit.⁴⁰²

SU’s policy covers both unfair discrimination and harassment and instead of having two comprehensive policies, SU has combined both these practices into a single policy. This single policy is over-extensive in its reach and as a result many of the objectives, goals and aims are described very broadly and vaguely, so as to encompass both discrimination and harassment. The policy also includes the two addenda which are almost identical, thus creating the illusion of a far more expansive policy than its actuality. Both these addenda describe one of the responsibilities of the Equality Unit and the Anti-discrimination and Harassment Officers as *managing the protocols* and the *functioning* of the complaints *process*. This perfectly demonstrates the *managerial* discourse in policies, as some responsibilities have nothing to do with addressing sexual violence on campus and are just concerned with *managing* the process of reporting. The reference list at the end of SU’s policy as well as the “Crisis Protocol for Residential Heads, PSO Coordinators and LLL Coordinators” and the “Report on Recommendations on addressing EndRapeCulture at SU” provide helpful information for reporting sexual violence that shows the universities dedication to educating the campus community. They are however, from 2017 and 2018 and are likely outdated at this point.

³⁹⁹ EndRapeCulture Task Team, “Report: Recommendations on addressing EndRapeCulture at SU”, Stellenbosch University, 2017.

⁴⁰⁰ Ibid, 38.

⁴⁰¹ Ibid.

⁴⁰² Ibid, 33 - 43.

UWC

UWC has a single “Sexual Violence Policy” (2018)⁴⁰³. This policy was created to explain the reporting procedures when a sexual offence is committed. The policy commits itself to the creation of an environment that condemns sexual violence while emphasising their zero-tolerance approach.⁴⁰⁴ The feminist principles with which UWC originally implemented their policy are evident in the approach of the current policy, which states that the university takes an

intersectional approach to sexual offences [that] recognizes [sic] that individuals may encounter increased vulnerabilities based on their identity or perceived identity including such factors as race, economic status, gender identity, gender expression, sexual orientation, language, age, ethnicity, culture, ability, faith and/or citizenship status. Complainants/survivors can also experience many barriers to disclosing, reporting, and/or seeking support; barriers can differ based on the lived experience of the complainant/survivor. Guided by the principles of substantive equality, the University strives to reduce these barriers.⁴⁰⁵

UWC acknowledges that social cultures within the university can contribute to sexual violence on campus and they take on the responsibility of addressing this.⁴⁰⁶ The policy outlines that *effective* implementation is a priority and *monitoring, budgeting* and *evaluations* will ensure this.⁴⁰⁷

The policy has comprehensive definitions for cyber sexual violence,⁴⁰⁸ GBV, intimate partner abuse, rape, rape culture, sexual assault, sexual harassment, sexual offence, sexual penetration, sexual violence and sexual violation.⁴⁰⁹ UWC is the only university (of the five case studies) that includes a definition for cyber sexual violence (such as revenge porn), which is a relatively recent issue, and shows UWC’s commitment to ensuring their policies remain relevant to current student issues. The policy discusses reporting procedures both informal and formal, and in a bright yellow and orange section it explains the steps to take. This policy includes the contact details of Campus Protection, the GEU, the Centre for Student Support Services and

⁴⁰³ “Sexual Violence Policy”, *University of the Western Cape (UWC)*, 2018.

⁴⁰⁴ *Ibid*, 2.

⁴⁰⁵ *Ibid*, 7 - 8.

⁴⁰⁶ *Ibid*, 8.

⁴⁰⁷ *Ibid*, 9.

⁴⁰⁸ Cyber sexual violence can include “knowingly harassing a person through electronic media such as web postings, text or email messaging by publishing, distributing, making available or advertising an intimate image, text or recording of a person, without their consent.” (“Sexual Violence Policy”, *University of the Western Cape (UWC)*, 2018, 3.

⁴⁰⁹ “Sexual Violence Policy”, *University of the Western Cape (UWC)*, 2018, 3 – 7.

its after-hours number, residences and Rape Crisis.⁴¹⁰ It explains the supportive and protective measures that are provided to complainants. The policy, again in bright yellow and orange sections, discusses the continuum of care that the university provides from preventative measures, which include communication of the policy (via website and booklets), creating awareness (in student structures, faculties and residences), and educating and training (through dialogue sessions, poster campaigns, crisis response training and victim focused programmes), through early and statutory interventions to continued care after sexual violence has occurred.⁴¹¹ It refers to five addenda (that are not attached to the policy and do not seem to be accessible online) that provide extra information on the resources used to write up the policy, surviving rape, departmental roles and responsibilities and other contact information.⁴¹² The policy has an additional reference list that includes website links to “What consent looks like” and “Types of Sexual Violence”, links to the pdfs of “WHO World Report of Violence and Health, 2017” and “What is Gender Based Violence?” It additionally provides links to the “Rape Culture – Women’s Centre – Marshall University” (Marshall University’s explanation of rape culture and what it looks like) and the “10 – Point Action Plan: An initial Response from the Australia’s Universities to the National Student Survey on Sexual Assault and Sexual Harassment. August 2017”.⁴¹³

UWC’s sexual violence policy differs from those of the HWUs. There is evidence of managerial discourse through the use of specific managerial terminology, such as *effective*, *monitoring*, and *evaluating*. However, there is also much evidence of the feminist principles that the original policy was founded on as is seen in the university’s intersectional approach to sexual violence, their definition of cyber sexual violence, the attempt to prevent sexual violence through interventions and the additional references with links to educational resources. Access to the aforementioned addenda, particularly the one on departmental roles and responsibilities, would have provided more information on the extent of managerialism in the university. However, the definitions of sexual assault and rape in the policies are now in line with government policy, and suggest that they form part of a legislative framework, rather than being grounded in feminist activism as in the 1980s and 1990s.

⁴¹⁰ Ibid, 12 - 13.

⁴¹¹ “Sexual Violence Policy”, *University of the Western Cape (UWC)*, 2018, 14.

⁴¹² Ibid, 16 - 17.

⁴¹³ Ibid, 17.

Discussion

All five universities' policies use managerial terminology, reflecting how they have been shaped by managerial discourses. RU, UCT, SU and Wits (the HWUs) all have additional documents on *protocol*, disciplinary proceedings, or transformation plans. Both UWC and SU have a reference list of the sources they used that could be used as further reading, but only UWC provides links to websites and pdfs that can help educate staff and students.

The five universities' policies are indicative of their histories. UCT and Wits, the two 'open', English-speaking HWUs have similar policies: both emphasise the roles and responsibilities of management, have no extra resources to educate staff and students, and they frequently use terminology associated with the managerial discourse. RU, another English-speaking HWU, is similar in its use of managerial terminology, but its section on the responsibilities of management explains the process of reporting with more clarity. The biggest problem with RU's policies is that they are outdated and have multiple dead ends and are an example of 'policy slippage'. SU, the previously Afrikaans-speaking HWU, only has one policy to cover two different things (unfair discrimination and sexual harassment) meaning there is limited engagement with the sexual violence aspect. SU's additional documents are outdated and also use managerial terminology. UWC – the HBU – stands out from the others. This policy still shows evidence of UWC's history of feminist activism in their intersectional approach, their updated definitions and additional resources. However, they do use managerial terminology and their definition of sexual violence, once ground-breaking and "outside of liberal state language"⁴¹⁴ has changed to fit in with the current national laws. Their policy shows how feminist principles can be co-opted by the institutional shift towards managerialism.

Sexual Violence Policy and Management's 'Policy Slippage'

As demonstrated by several of the sexual violence policies – where the roles of management are emphasised – there is a top-down approach to the development of sexual violence policies and a mismatch between what policies say they do, and what they actually do in practice. In *Complaint!* Sara Ahmed describes the idea that "policies can matter to the extent they provide

⁴¹⁴ M. Hames, N. Beja & T. Kgosimeme, "The Impact of Sexual Harassment Policies in South African Universities: The University of the Western Cape" in J. Bennett (ed) *Killing a Virus with Stones? Research on the Implementation of Policies against Sexual Harassment in Southern African Higher Education* (Cape Town: African Gender Institute, 2005), 157.

evidence of what is *not* being done.”⁴¹⁵ This is what she calls ‘nonperformative’; it refers to the “institutional speech acts that do not bring into effect what they name.”⁴¹⁶ This is an example of ‘policy slippage’.

In my personal experience, trying to report rape internally in 2021 at RU using the 2019 “Sexual Offences Policy for Students”, the email address (the only email address given on the document) of the Equity and Institutional Officer bounced back, because that person no longer worked at the university. A quick google search did not help either, as ru.ac.za/harassment/co-ordinatingofficers⁴¹⁷ and ru.ac.za/harassment/reportingofficers⁴¹⁸ led to an Error 404: Page not found. The student affairs harassment page still lists only the previous Equity and Institutional Culture Officer, who no longer works for RU,⁴¹⁹ and the Human Resources page for dealing with harassment lists a co-ordinating officer whose email also bounces as she too no longer works for RU.⁴²⁰ These dead ends are particularly problematic, as it is likely that many complaints are not reported or followed up on as a result. An RU submission in the Ministerial report describes the problem of “implementation and the gap that appears to exist between the letter of a policy and the institutional will, willingness and capability insofar as people and financial resources are concerned to make policy a vibrant and living reality in the life of the institution.”⁴²¹ Clearly, ‘policy slippage’ is taking place and *management* does not follow through on the procedures prescribed in their roles and responsibilities because the updating of current contact details is not occurring. In effect, *management* is failing to *manage* their own policies.

Ahmed explains that when a complaint is made, the complainant becomes the location of the problem, where attention is focused on the individual and not the actual problem.⁴²² Ahmed also breaks down the idea of ‘formal’ complaints and in an example argues that by “insisting that the students individually make formal written complaints, the university was asking them to give up their anonymity, to make themselves even more vulnerable than they had already

⁴¹⁵ S. Ahmed, *Complaint!* (Durham and London: Duke University Press, 2021).

⁴¹⁶ S. Ahmed, *Complaint!* (Durham and London: Duke University Press, 2021).

⁴¹⁷ Rhodes University, “Error 404 Page Not Found” at [Rhodes University – Where leaders learn \(ru.ac.za\)](https://www.ru.ac.za/where-leaders-learn/) Accessed on 28 January 2023.

⁴¹⁸ Rhodes University, “Error 404 Page Not Found” at [Rhodes University – Where leaders learn \(ru.ac.za\)](https://www.ru.ac.za/where-leaders-learn/) accessed on 28 January 2023.

⁴¹⁹ Rhodes University, “Harassment” at [Harassment \(ru.ac.za\)](https://www.ru.ac.za/harassment/) accessed on 28 January 2023.

⁴²⁰ Rhodes University, “Dealing with Harassment and Unfair Discrimination” at [Harassment and Unfair Discrimination \(ru.ac.za\)](https://www.ru.ac.za/harassment-and-unfair-discrimination/) accessed on 28 January 2023.

⁴²¹ C. Soudien, “Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions” 30 November 2008, 50.

⁴²² S. Ahmed, *Complaint!* (Durham and London: Duke University Press, 2021).

made themselves.”⁴²³ When considering this in the context of sexual violence policies, the reporting procedures and formal and informal processes become problematic as they are based on a system that does not serve the victims of sexual violence, but instead places them at greater risk. Thus, the effort and time required to lodge a formal complaint in an institution is so onerous that the complaint often results in a secondary complaint about the very system and institution through which they are working.⁴²⁴

Gouws and Kritzinger have argued that “there is a lack of serious involvement with [...] implementation on the part of line management... Furthermore, line managers have never received training on sexual harassment and therefore do not have the necessary skills to deal with issues pertaining to sexual harassment.”⁴²⁵ In Gouws and Kritzinger’s study at Stellenbosch, six out of sixteen members of the Sexual Harassment Advisory Committee responded to the questions, and “(o)f these six members five have not received any complaints and thus have had no experience of the implementation of the sexual harassment policy. They were not in a position to evaluate the effectiveness of the existing policy and three members view the policy as something available on paper only.”⁴²⁶

Official communications from management regarding sexual violence also undermine the very policies that they uphold and are meant to ‘monitor’ and ‘evaluate’. Boonzaier, Carr and Matutu describe several problems with the discourses of rape in university communications and policies (specifically UCT, but also applicable to RU, Wits and SU). The first problematic discourse is that of rape as ‘exceptional’. This shows up in communications about sexual violence where rape is described as ‘rare’.⁴²⁷ They argue that

institutions do very little to understand the problem of sexual harassment because they are eager to believe that ‘no news is good news’. By protecting their images universities use a tactic of ‘stonewalling’ that have devastating effects such as Dziech and Hawkins argue. In the absence of awareness of or open discussion of sexual harassment the belief is fostered that it is non-existent and victims start to think that their cases are isolated incidents that are unwelcome to the institution. When perpetrators are not properly

⁴²³ Ibid.

⁴²⁴ S. Ahmed, *Complaint!* (Durham and London: Duke University Press, 2021).

⁴²⁵ A. Gouws & A. Kritzinger, “Dealing with sexual harassment at institutions of higher learning: Policy implementation at a South African university”, *South African Journal of Higher Education*, 33, 4, 2019, 75.

⁴²⁶ Ibid, 76.

⁴²⁷ F. A. Boonzaier, K. Carr & H. Matutu, “Communicating About Sexual Violence on Campus: A University Case Study”, *African Safety Promotion*, 17, 1, 2019, 21.

disciplined it leads to mistrust of the institution and a delegitimation of the policy and grievance procedure.⁴²⁸

In a communication from UCT on the rape of a female student, the emotive language that is used “obscures the frequency of sexual violence. For example, the emotion (i.e. devastation) expressed... is compatible with the idea that rape is an anomaly, despite it being a common occurrence in South Africa.”⁴²⁹ The same communication was also quick to reiterate that the assault did not take place on campus, seemingly an attempt to avoid responsibility.⁴³⁰

The discourse of ‘victim’ responsibility is also incredibly problematic, as this happens when communications focus on the victimisation of women rather than the perpetration of rape.⁴³¹ In most cases discussion about an incident will revolve around her gender, her recovery etc but not the actual perpetrator/perpetration and the penalties they face. This disjunct reinforces

the ‘female fear factory’ (Gqola, 2015 p.78). This means that it makes potential victims of sexual violence aware of their vulnerability by recognizing [sic] the pervasiveness of rape but not acting to discourage its perpetration. By not addressing or acknowledging perpetrators of sexual violence on campus, the university separated the problem of rape from the agency behind its perpetration. This separation is congruent with international research on responses to sexual violence (Anderson & Doherty, 2007). Thus, there is no engagement with those patriarchal systems, which sanction the perpetration of rape.⁴³²

Conclusion

As Universities South Africa’s (USAf) Linda Meyer stated on 22 August 2021, “clearly what we [are] acknowledging is they [policies] are not working well enough”.⁴³³ All five universities reflect their institutional histories through their sexual violence policies. Managerialism replicates the top-down structures of patriarchy and racialised misogyny in universities and is a tool used by the State. At SU, its establishment as the home of ‘Afrikanerdom’ and its intertwined relationship with the State, meant two things: a culture of sexism and racism grew, and managerial structures were incorporated seamlessly. The result is a document where unfair discrimination and harassment are combined into a singular over-extended policy that serves

⁴²⁸ A. Gouws & A. Kritzing, “Dealing with sexual harassment at institutions of higher learning: Policy implementation at a South African university”, *South African Journal of Higher Education*, 33, 4, 2019, 71.

⁴²⁹ F. A. Boonzaier, K. Carr & H. Matutu, “Communicating About Sexual Violence on Campus: A University Case Study”, *African Safety Promotion*, 17, 1, 2019, 21.

⁴³⁰ Ibid, 22.

⁴³¹ Ibid, 23.

⁴³² Ibid, 23.

⁴³³ “GBV Epidemic: Zero-tolerance for violence against women”, *eNCA News*, 22 August 2021 at <https://www.youtube.com/watch?v=9fGqGAWZnAk> accessed on 13 March 2022.

to manage the process of the complaints procedure. At UCT, Wits and RU, the English-speaking HWUs, which were all established as patriarchal and colonial institutions and remained closely allied to the government during the segregationist and apartheid periods, sexism and racism flourished, and managerialism was easily incorporated. Their resulting sexual violence policies are managerial and, like SU, serve to manage the procedure of reporting complaints. They are also good examples of where ‘policy slippage’ and ‘policy overload’ takes place. The advent of managerialism in universities did not change the existing structures of the university. They were merely repurposed and as such the inherent sexism and racism remained. Sexual violence continued and continues to occur because managerial structures were/are not addressing the root causes. UWC is a slightly different case. Although it was managerialised after 1994, its history of feminist rebellion and activism against the apartheid state left behind an intersectional policy that aims to address the university’s complex history and to educate its campus community.

Despite their vastly different origins, these policies are aimed at addressing sexual violence as it occurs in the space of the university and therefore, the objective is to ‘manage’ the process of reporting, rather than to dismantle the broader structures – both within the university and society as a whole – that make sexual violence possible. In this way, policy comes into conflict with feminist activism and scholarship.

Chapter 4 – Feminist Scholarship and Activism versus the Managerial University and its Policies (1980-2021)

Introduction

In this chapter, I examine the emergence of feminist scholarship in South Africa, which, as discussed in **Chapter 3**, informed early sexual violence policies, particularly through activism. My focus is predominantly on black feminist scholars, as student activists drew on their intersectional ideologies and language during the 2015 and 2016 protests. I will demonstrate that the managerial university's emphasis on the effectiveness and efficiency of sexual violence policies and its focus on managing the process of reporting has come into conflict with the objectives of activists and feminist scholars, which seeks to identify the structures that make sexual violence possible in order to bring about change. I also point out that feminist scholarship is not free from the constraints of managerialism, as shrinking institutional resources for research in this area have also been subject to the mechanisms of efficiency and effectiveness. In addition, student-led protests such as #RURenewal drew heavily on black feminist scholarship, where although the protest led to the establishment of a new sexual violence policy at RU in 2019, the protests also came under managerial control. This raises questions over the ability of feminist scholarship to continue to make change, given the increasing reliance on managerialism in universities.

Feminist Scholarship, Gender and Women's Studies and Managerialism

In the late 1970s and 1980s, feminist scholarship in South Africa was largely dominated by the work of white feminists, who drew on Marxist feminist analyses to explain women's oppression in South Africa.⁴³⁴ For example, in 1979 Joanne Yawitch wrote "Why Women?" and was the first to pose this important question in conceptualising gender relations.⁴³⁵ However, she rejected the idea of radical feminism and essentially denied that gender relations could be examined outside of a Marxist framework, choosing instead to focus on women's proximity to production and reproduction in society. In doing this, Yawitch conflates gender

⁴³⁴ Y. Abrahams, "The Obstinate Basis: Marxism, Women's Studies, and a Feminist Analysis", Paper from Sixteenth Annual Congress, ASSA Manuscript Collection, UNISA Archives, 21, 5.12.2, 1985.

⁴³⁵ Ibid, 3.

relations with class.⁴³⁶ According to Abrahams, while Yawitch is “concerned with studying women under capitalism, feminism sees capitalism as merely one instance in a widespread array of systems which oppress women.”⁴³⁷ Another example comes in the form of Jacklyn Cock, who is also a Marxist feminist scholar. Her work on domestic workers in *Maids and Madams* conceptualises women and women’s oppression as an economic issue. Cock does differentiate between sexual and racial dominations, but only in terms of their economic relevance and class structure.⁴³⁸ Another Marxist feminist scholar is Belinda Bozzoli, whose work rejects functionalist analyses and the dominant narratives of women. She examines capitalism “through a concern with gender”⁴³⁹ but fails to adequately distinguish between gender and class relations between men and women.⁴⁴⁰

Black feminists in the 1980s called into question the usefulness of a Marxist approach to explain women’s oppression in South Africa, as well as the ways in which it mimicked western feminism’s failure to recognise differences between women. Shireen Hassim argued that white feminists’ scholarship overlooked the concept of ‘triple oppression’ that “sought to capture the relationship between gender, race and class oppression.”⁴⁴¹ Elaine Salo highlights that from the 1980s, women of colour critiqued mainstream feminism for assuming a universal sisterhood, thereby erasing the differences between women. She argues that feminism was a western concept with western ideals that had little relevance in the African context. She quotes Ifi Amadiume and states that “by adopting the research methods of white male academics much (Western) academic feminist writing fails to challenge their assumptions, [and] repeats their racial chauvinism”.⁴⁴² In response to the inadequacies of white feminism, black feminists turned to what Yvette Abrahams has termed ‘radical’ feminism:

(r)adical feminism, although it began as (and continues to be) a movement dominated by academic women, [it] is an ideology. What is at stake is not the internal consistency or methodological assumptions of its theory, but its capacity to offer insights for women into their lives, thus giving them power to change it. It insists on the specificity of women’s oppression expressed in the demand for separate women’s organizations [sic].

⁴³⁶ Y. Abrahams, “The Obstinate Basis: Marxism, Women’s Studies, and a Feminist Analysis”, Paper from Sixteenth Annual Congress, ASSA Manuscript Collection, UNISA Archives, 21, 5.12.2, 1985, 4.

⁴³⁷ Ibid, 4.

⁴³⁸ Ibid, 9.

⁴³⁹ Ibid, 14.

⁴⁴⁰ Ibid, 15.

⁴⁴¹ S. Hassim, *Women’s Organizations and Democracy in South Africa: Contesting Authority* (Wisconsin: The University of Wisconsin Press, 2006), 45.

⁴⁴² E. Salo, “From Woman to Women” in K. Kwaa Prah (ed), *Knowledge in Black and White: The impact of Apartheid on the Production & Reproduction of Knowledge*, (Cape Town: Centre for Advanced Studies of African Society, 1999), 119.

Its maxim ‘the personal is political’ is a denial of the accusation (coming chiefly from leftist men) that preoccupation with one’s personal life and a struggle against those people most intimately involved in one’s emotions, is essentially a bourgeois luxury and an attempt to split the liberatory movements. On an academic level this has led to an insistence that women must enter into [general] theory **on their own terms** [author emphasis]. Radical feminism has led to an academic concern with experience, consciousness and struggle, a celebration of the capacity of oppressed groups to create their own social reality in defiance of the definitions of the ruling class and gender.⁴⁴³

A key approach for black feminists in the radical tradition was the concept of intersectionality. Intersectionality was a term first coined by legal scholar Kimberlé W. Crenshaw in 1989, when she used it to refer to the “marginalization [sic] of Black women within not only anti-discrimination law, but also feminist and antiracist theory and politics.”⁴⁴⁴ Intersectionality was rooted in the ideals and practices of both black feminism and Critical Race Theory.⁴⁴⁵ Patricia Hill Collins and Sirma Bilge, two North American professors of Sociology, built on these existing ideas to create a ‘roadmap’ to the complexities of intersectionality.⁴⁴⁶ They define intersectionality as

a way of understanding and analyzing [sic] the complexity in the world, in people, and in human experiences. The events and conditions of social and political life and the self can seldom be understood as shaped by one factor. They are generally shaped by many factors in diverse and influencing ways. When it comes to social inequality, people’s lives and the organization [sic] of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other. Intersectionality as an analytic tool gives people better access to the complexity of the world and of themselves.⁴⁴⁷

Although Abrahams’ work, for example, does not specifically name the theory she describes as ‘intersectionality’, she echoes the very sentiments of it. For instance, her work on the hypersexualisation and objectification of Khoisan women highlights the fact that black African women are still the most vulnerable in South African society as they are oppressed based on race, class and gender.⁴⁴⁸ Abrahams expressed the need for more radical and political feminist action in order to understand how various forms of oppression work together.⁴⁴⁹ Her Master’s

⁴⁴³ Y. Abrahams, “The Obstinate Basis: Marxism, Women’s Studies, and a Feminist Analysis”, Paper from Sixteenth Annual Congress, ASSA Manuscript Collection, UNISA Archives, 21, 5.12.2, 1985, 2.

⁴⁴⁴ D. W. Carbado, K. W. Crenshaw, V. M. Mays & B. Tomlinson, “Intersectionality: Mapping the Movements of a Theory”, *Du Bois Review*, 10, 2, 2013, 303.

⁴⁴⁵ *Ibid*, 303.

⁴⁴⁶ P. Hill Collins & S. Bilge, *Intersectionality* (Cambridge: Polity Press 2016), viii.

⁴⁴⁷ *Ibid*, 2.

⁴⁴⁸ Y. Abrahams, “The great long national insult: ‘science’, sexuality and the Khoisan in the 18th and early 19th century.” *Agenda* 13, 32, 1997, 36.

⁴⁴⁹ Y. Abrahams, “The Obstinate Basis: Marxism, Women’s Studies, and a Feminist Analysis”, Paper from Sixteenth Annual Congress, ASSA Manuscript Collection, UNISA Archives, 21, 5.12.2, 1985, 1.

thesis critiqued existing literature on Khoisan resistance, arguing that it reproduced harmful and offensive stereotypes.⁴⁵⁰ Abrahams' doctoral thesis continued this critique of the existing historiography of Khoisan people, but with a specific focus on re-analysing Sarah Bartmann in terms of her triple identity as an "African/native/slave" to produce epistemological change.⁴⁵¹ Narratives created through the denigration of Africans, and more specifically Khoisan women and children, continue to produce a world where "African women and children are still the most vulnerable to the burden imposed by the intersection of oppressions based on gender, race and class."⁴⁵²

During the 1980s and 1990s, white feminist scholars were also engaged in important activism against sexual violence. However, it is largely through an intersectional approach that black feminist scholarship has emerged as a site through which sexual violence can be examined, and the structures upholding sexual violence can be identified. Pumla Dineo Gqola's intersectional work, *Rape a South African Nightmare*, explains that rape "has survived so long because it works to keep the patriarchy intact",⁴⁵³ and that origins of rape in white heteropatriarchal spaces, such as HWUs, reproduce the normalisation of sexual violence and sexism.⁴⁵⁴ Gqola discusses rape as an act of absolute violence and power that has been used to keep white patriarchal supremacies in place.⁴⁵⁵

Women are restricted based on intersections of class, race and sexuality (to name a few). South African women are legislatively empowered, and yet they live in fear of sexual violence. According to Gqola, South African women are scared to walk alone at night and are

denied the very freedom that 'empowerment' suggests, the very freedom the Constitution protects. And the problem is often made women's responsibility. The police warn women drivers to yield at a red robot and drive on when we feel unsafe at night, to be extra vigilant when we approach a robot [traffic light] and see young black men approaching, or to avoid travelling alone. In other words, privileged women should take responsibility for the fact that we may be attacked at any time and modify our behaviour accordingly. Less privileged women who rely on public transport are warned

⁴⁵⁰ Y. Abrahams, "Resistance, pacification and consciousness: a discussion of the historiography of Khoisan resistance from 1972 to 1993 and Khoisan resistance from 1652 to 1853." Master's thesis, University of Cape Town, 1994

⁴⁵¹ Y. Abrahams, "Colonialism, dysfunction and dysjuncture: the historiography of Sarah Bartmann." PhD Thesis, University of Cape Town, 2000, 2.

⁴⁵² Y. Abrahams, "The great long national insult: 'science', sexuality and the Khoisan in the 18th and early 19th century." *Agenda*, 13, 32, 1997, 36.

⁴⁵³ P. D. Gqola, *Rape A South African Nightmare*, (Johannesburg: MFBooks, 2015), 21.

⁴⁵⁴ P. D. Gqola, *Female Fear Factory* (Cape Town: MFBooks, 2021).

⁴⁵⁵ P. D. Gqola, *Rape A South African Nightmare* (Johannesburg: MFBooks, 2015).

not to be out in deserted areas, encouraged to dress conservatively, and to avoid the front seat of a taxi. Again, the message is clear: women, modify your behaviour and adjust all aspects of your life in the unlikely chance that you might avoid falling prey to serial killers or other forms of sexual violence. These warnings do not work, and they are dangerous warnings at that because they communicate quite unequivocally that South African public spaces do not belong to the women who live in this country.⁴⁵⁶

According to Gqola, at the other end of the spectrum are violent masculinities embedded in our everyday lives. These violent masculinities are perpetuated within the university environment, as demonstrated in students' responses to the perceived focus of the university on policing the behaviour of women. Sexual violence is so common in South Africa that there is a cycle of violence where men and women protect violent men, but this silence will get us nowhere and only perpetuate this cycle. As Gqola observes, "(i)t is not enough for leaders of political formations of various sorts to mouth commitment to gender equity when they excuse misogyny spoken in their midst. It is irresponsible and violent for them to defend violence against women."⁴⁵⁷

Desiree Lewis, in the introduction of her co-edited collection with Gabeba Baderoon, *Surfacing On Being Black and Feminist in South Africa* (2021) explains that black South African women, like Sara Baartman and Winnie Mandela, have been made focal points in global feminist discussion.⁴⁵⁸ They are referenced, frequently discussed and have in a sense been turned into black feminist icons however, they "often appear as material for other feminists' analyses but have not been recognised for their own feminist writing."⁴⁵⁹ This co-edited collection and much of her other work seeks to assert the value of black South African feminist thought in global knowledge production. Lewis' work is intersectional in nature as not only does it acknowledge the intersections between race, gender and class, but also goes beyond that to analyse regional and global intersections of black feminism.⁴⁶⁰

Lewis explains that the production and control of knowledge, in the greater knowledge economy, is determined by the dominant global discourse and order. Under neoliberal governance, "knowledge now enters the open market of the knowledge industry as an object

⁴⁵⁶ P. D. Gqola, "How the 'Cult of Femininity' and violent masculinities support endemic gender based violence in contemporary South Africa", *African Identities*, 5, 1, 120, 2007, 121.

⁴⁵⁷ Ibid, 122.

⁴⁵⁸ D. Lewis & G. Baderoon, "Introduction: Being Black and Feminist" in D. Lewis & G. Baderoon (eds) *Surfacing On Being Black and Feminist in South Africa* (Johannesburg: Wits University Press, 2021), 8.

⁴⁵⁹ Ibid, 8.

⁴⁶⁰ Ibid, 4.

of consumption, rather than as a site of and conduit in activism.”⁴⁶¹ This knowledge could undermine the objectives and contestations of radical feminist knowledge. Neoliberalism can only address these intersections by incorporating “traditionally radical sites of knowledge through the logic of respecting difference. In this way, the solution is to make threatening legacies of knowledge available for consumption – within a pool where all schools of thought happily flourish equally.”⁴⁶² Lewis contends that the constitutional rights and policies to eliminate GBV do not make political ‘sense’ without looking at their relationship to economic processes, global politics and imperialism.⁴⁶³ Unfortunately, examining these policies in relation to their economic processes, global politics and imperialism reveal their inadequacies because neoliberalism’s (and managerialism’s) approach to difference is the complete opposite of a feminist intersectional approach.

The intersectional approach of these feminist scholars differs fundamentally from the approach of sexual violence policies, as discussed in **Chapter 3**. While the policies seek to **manage** a process of reporting, feminist scholarship on sexual violence seeks to **identify** enabling structures. With such fundamentally opposed approaches, it is striking that both feminist scholarship and sexual violence policies coexist in universities. On the one hand, it reveals the manner in which managerialism has co-opted the governance structures of these institutions (i.e. manifested in policy making), while on the other, it does not erase the ability of feminist scholars to continue to produce intersectional work that can bring about social change. The status of Gender and Women’s Studies (GWS) Department’s in South Africa – where feminist scholarship is often (although not exclusively) produced – suggests that managerialism has also shaped the teaching and research in these areas and may leave little room for intellectual and political manoeuvre.

Deirdre Byrne’s 2017 article on “Teaching and Researching Women’s and Gender Studies in Post-Apartheid South Africa”⁴⁶⁴ discusses the various GWS departments or units that exist in South African universities (outlined in the table below) and argues that GWS has become a casualty of the managerial university.

⁴⁶¹ D. Lewis, “Governmentality and South Africa’s Edifice of Gender and Sexual Rights”, *Journal of Asian and African Studies*, 56, 1, 2021, 116.

⁴⁶² Ibid, 116.

⁴⁶³ Ibid, 117.

⁴⁶⁴ D. Byrne, “Teaching and Researching Women’s and Gender Studies in Post-Apartheid South Africa”, *Gender a výzkum*, 18, 1, 2017.

University	Name of women's and gender studies unit	Staff with doctorates and NRF ratings	Courses/programmes taught
University of the Western Cape	Department of Women's and Gender Studies	4 staff, 3 with doctorates and two with NRF ratings	Courses are taught from second year to doctoral study
University of Cape Town	African Gender Institute	3 staff, two with doctorates	Courses are taught from second year to doctoral study
University of the Free State	Interdisciplinary programme in Gender Studies, housed in the Centre for Africa Studies	1 staff member with a doctorate	A taught master's degree
Rhodes University	Critical Studies in Sexuality and Reproductive Health	1 staff member with a doctorate and NRF rating	No courses taught
University of Kwa-Zulu Natal	Department of Gender Studies	2 staff members, both with doctorates	Courses are taught from second year to doctoral study
University of Pretoria	Centre for Sexualities, AIDS and Gender	3 staff members, 2 with doctorates	No courses taught
University of South Africa	Institute for Gender Studies	1 staff member with a doctorate and NRF rating	Interdisciplinary Honours in Gender Studies

Table 1: Summary of South African Women's and Gender Studies Units (2017)⁴⁶⁵

In 2017, there were GWS departments, centres or units at seven South African universities. Although SU is not listed in the table, they did offer a MPhil degree⁴⁶⁶ in GWS between 2000 and 2007.⁴⁶⁷ However, according to Byrne, the degree was discontinued, due to budgetary constraints after the Department of Education stopped funding research degrees.⁴⁶⁸ In 2017, a

⁴⁶⁵ Table 2 in D. Byrne, "Teaching and Researching Women's and Gender Studies in Post-Apartheid South Africa", *Gender a výzkum*, 18, 1, 2017, 121 - 122.

⁴⁶⁶ Research master's degree "designed for students from diverse academic backgrounds, who might not meet the requirements to qualify on the basis of their academic qualifications" (D. Byrne, "Teaching and Researching Women's and Gender Studies in Post-Apartheid South Africa", *Gender a výzkum*, 18, 1, 2017, 124.

⁴⁶⁷ D. Byrne, "Teaching and Researching Women's and Gender Studies in Post-Apartheid South Africa", *Gender a výzkum*, 18, 1, 2017, 124.

⁴⁶⁸ Ibid, 124.

new Gender Unit was established at SU, headed by Prof. Claasens and housed under the Beyers Naudé Centre for Public Theology.⁴⁶⁹

Following the success of the Equal Opportunities Research Project (EORP), headed by Mamphela Ramphele at UCT in 1992, UCT established the African Gender Institute (AGI) in 1996 with a commitment to the creation of African gender knowledge.⁴⁷⁰ The institute is located with the School of African and Gender Studies, Anthropology and Linguistics and is a merger of four previously separate academic departments. Byrne explains that the “motive for such mergers is generally financial, as such a combined unit may only require one head and fewer administrative staff than four separate ones, and, in my view, is clearly a response to neoliberal imperatives to turn universities into cost-effective institutions and use market-related structures.”⁴⁷¹

UWC has a highly successful Department of Women’s and Gender Studies that was established in 2010 and grew from an interdisciplinary programme previously hosted by the Arts Faculty.⁴⁷² Lewis, a professor in the department, explains that the relative success of the department is somewhat mitigated as “other teaching departments at the university feel that they do not need to address gender in their research or teaching because it is being taken care of by the WGS. This is an unforeseen and unfortunate consequence of establishing a separate department of WGS and may lead to the university’s teaching offerings in other disciplines not containing as much content about gender”.⁴⁷³

In 1997, RU offered an Interdisciplinary Honours Degree in Gender Studies that was run by the Anthropology Department until 2019. Various modules were offered by the Anthropology, Journalism and Media Studies, English, Afrikaans and Nederlandse Studies, Political Studies, Law and History departments, constituting a degree.⁴⁷⁴

Despite limited funding, resources and teaching staff and even occasionally without an official department, GWS has managed to be relatively successful in raising consciousness about

⁴⁶⁹ A. Grundlingh, H. Oosthuizen, and M. Delpont, eds. *Stellenbosch University 100: 1918-2018*. Stellenbosch University, 2018, 353.

⁴⁷⁰ A. Gouws, “Establishing Gender Studies Programmes in South Africa: The Role of Gender Activism” in S. Arnfred, B. K. Chacha, A. Gouws, J. Ahikire, A. Ogundipe, C. Pereira, M. Prah, C. Ukeje & F. A. Yieke (eds) *Gender Activism and Studies in Africa*, (Africa: CODESRIA, 2004), 45.

⁴⁷¹ D. Byrne, “Teaching and Researching Women’s and Gender Studies in Post-Apartheid South Africa”, *Gender a výzkum*, 18, 1, 2017, 123.

⁴⁷² Ibid, 123.

⁴⁷³ Ibid, 123.

⁴⁷⁴ Rhodes University, “Rhodes University Calendar 1997”, Cory Library, Rhodes University, 1997, 202.

women's inequality and have managed to initiate change in their institutions. Hill Collins explains that in the West, the move away from discriminatory institutional practices in the 1980s and 1990s meant that when women (and particularly black women), who were involved in feminist and gender activism and had been previously excluded from institutional spaces because of their 'multiplicity of oppressions', gained access to the institution, they discovered many academic gendered norms that completely opposed their ideology.⁴⁷⁵ As a result, their "primary focus of social justice, which had been taken for granted within social movement politics, could no longer be assumed... [and they] had no need to make a case that social justice mattered."⁴⁷⁶ Gouws too, discusses the implications for the institutionalisation of GWS in South Africa stating that "(i)nstitutions cannot be left untouched by the subversive nature of women's/gender studies because teachers and students of these programmes are usually agents for change who want to transform institutions so they may eradicate gender inequality and discrimination."⁴⁷⁷ GWS units had the enormous task of undoing patriarchal power structures in institutions as well as changing the canon, which in South Africa meant they had to "destabilize [sic] Western feminist scholarship and link feminist interventions to the complexity and diversity of African societies, to bring about a new body of knowledge that is both African and transformative of oppressive gender relations on the continent."⁴⁷⁸

The post-apartheid period in universities was characterised by transformation, but also by the shift to a more corporate model. According to Gouws, this has meant "(g)reater central control of higher education has increasingly eroded institutional autonomy that has effected the distribution of resources, choices about what to teach and the internal quality control thereover."⁴⁷⁹ Universities have responded to discourses of market efficiency and effectiveness with forms of direct distribution (as discussed in **Chapter 2**), but these have limited reach and are not generally targeted towards GWS. Gouws states that this "clearly shows a disjuncture between efficiency and social transformation imperatives",⁴⁸⁰ and that when "the transformation initiative was replaced by the market initiative embedded in greater

⁴⁷⁵ P. Hill Collins & S Bilge, *Intersectionality* (Cambridge: Polity Press 2016), 79.

⁴⁷⁶ Ibid, 78 - 79.

⁴⁷⁷ A. Gouws, "Establishing Gender Studies Programmes in South Africa: The Role of Gender Activism" in S. Arnfred, B. K. Chacha, A. Gouws, J Ahikire, A. Ogundipe, C. Pereira, M. Prah, C. Ukeje & F. A. Yieke (eds) *Gender Activism and Studies in Africa*, (Africa: CODESRIA, 2004), 46.

⁴⁷⁸ Ibid, 48.

⁴⁷⁹ Ibid, 48.

⁴⁸⁰ Ibid, 49.

globalization [sic], a field of study that could have been the core of the study of social justice becomes marginalized [sic].”⁴⁸¹

It is clear that while feminist scholarship has been able to bring about forms of change, it is not free from the constraints of managerialism. Nor, indeed, is student activism.

Student Protests against Sexual Violence and Managerial Responses (2016-2019)

Hill Collins discusses the use of intersectional analyses to help us understand Western social protests against social inequalities. She explains that these protests are often aimed at nation-states that use neoliberal policies as a means of curbing individual freedoms and reinforcing inequalities.⁴⁸² Intersectional analyses can expand on the relationship between neoliberalism and global social protests. Western social protests emerged as political and intellectual resistance to growing social and economic inequalities. These protests are more often than not peaceful in nature, however, there is a growing trend in the response of governments and institutions to act with force. This “use of force as a response to social protest by democracies points to an erosion of the bond of trust between citizens and their governments”,⁴⁸³ and between students and university management.

Protests arose at universities across South Africa in 2015 as political and intellectual resistance to the economic inequalities faced by students. The 2015 #FeesMustFall protests were instrumental in shaping #RURReferenceList demonstrations as they politicised student bodies across South African universities.⁴⁸⁴ On a national level, the #FeesMustFall protests criticised universities as institutions that were innately sexist, heteronormative, homophobic, and transphobic.⁴⁸⁵ The #RURReferenceList protests emerged on a more local level out of the failure of the #MustFall movement to address the intersections of patriarchy and misogyny. Drawing on black feminist theory, #RURReferenceList questioned the University’s institutional culture and their inability to deal with the historical consequences of an HWU founded with the intention of producing educated (white) ‘gentlemen’ who were both chauvinistic and elitist.

⁴⁸¹ A. Gouws, “Establishing Gender Studies Programmes in South Africa: The Role of Gender Activism” in S. Arnfred, B. K. Chacha, A. Gouws, J. Ahikire, A. Ogundipe, C. Pereira, M. Prah, C. Ukeje & F. A. Yieke (eds) *Gender Activism and Studies in Africa*, (Africa: CODESRIA, 2004), 49.

⁴⁸² P. Hill Collins & S. Bilge, *Intersectionality* (Cambridge: Polity Press 2016), 138.

⁴⁸³ Ibid, 137.

⁴⁸⁴ P. O’ Halloran, “The African University as a site of protest: decolonisation, praxis, and the Black Student Movement at the University Currently Known as Rhodes”, *A Journal for and about Social Movements*, 8, 2, 2016, 206.

⁴⁸⁵ S. Ndelu, S. Dlakavu & B. Boswell, “Womxn’s and nonbinary activists contribution to the RhodesMustFall and FeesMustFall student movements: 2015 and 2016”, *Agenda*, 31, 3-4, 2017, 2.

The #RUPreferenceList protests were organised by young black African women whose feminist ideals were rooted in “black consciousness philosophy and black pain”; their mantra ‘the personal is political’.⁴⁸⁶

After an SRC report in 1990, which stated that sexual violence was a growing problem on RU’s campus and that the university management had a tendency to ignore this problem, an ad hoc committee was formed to investigate and in 1993 they drafted a sexual violence policy.⁴⁸⁷ The policy was only finalised in 2001.⁴⁸⁸ In 2004, the Sexual Assault Protocol was finalised.⁴⁸⁹ Despite the existence of this policy, protests broke out in 2016 – not due to any lack of policy, but rather to the dead-ends and ‘policy slippage’ in the reporting process.

On 11 April 2016, Chapter 2.12,⁴⁹⁰ a student organisation, placed posters on the walls outside of the Rhodes University Main Library with statements that the management had allegedly made in response to sexual violence and rape at RU. These statements - ‘what were you wearing’ and ‘are you sure you want to go through with this, you will ruin his reputation’⁴⁹¹ – made by management in response to reports of sexual violence were perceived by students to favour and protect the rights of perpetrators instead of the rights of the complainant.

One week later a ‘reference list’ of eleven alleged rapists’ names was posted on the RU Confessions Facebook page, where students can make anonymous posts for the public to view. Women students claimed that the names on this list were of offenders that were well known for sexual violence, “(t)hey sat in their classes, walked the streets with them and kept on harassing them. This was the culmination of repeated complaints by students at RU about sexual violence, where between January and December 2016, 21 students have been raped, but no action was taken by the management against the perpetrators.”⁴⁹² University management claimed that until the perpetrators were convicted in a court of law, they would remain students

⁴⁸⁶ A. Gouws, “#EndRapeCulture Campaign in South Africa: Resisting Sexual Violence Through Protests and the Politics of Experience”, *Politikon*, 45, 1, 2018, 3.

⁴⁸⁷ V. de Klerk, L. Klazinga & A. McNeill, “The habitus of the dominant: addressing rape and sexual assault at Rhodes University”, *Agenda*, 21, 74, 2007, 119.

⁴⁸⁸ *Ibid*, 119.

⁴⁸⁹ *Ibid*, 123.

⁴⁹⁰ Chapter 2.12 was a student organisation whose aim was to address rape culture on campus and raise awareness about management’s continued endorsement of this culture through their unsatisfactory responses to sexual violence. Their name was based off Chapter 2, Section 12 of the South African Constitution, which protects “Freedom and Security of the Person”.

⁴⁹¹ Macleod, Bohmke, Mavuso, Barker & Chiweshe, “Contesting sexual violence policies in higher education: the case of Rhodes University”, *Journal of Aggression, Conflict and Peace Research*, 10, 2, 2018, 83.

⁴⁹² A. Gouws, “#EndRapeCulture Campaign in South Africa: Resisting Sexual Violence Through Protest and the Politics of Experience”, *Politikon*, 45, 1, 2018, 4.

at RU. The ‘reference list’ put faces to rapists and as a result some of those accused were removed from campus and taken to safe houses by the university. On Sunday evening, two days after the list was posted, a group of girls gathered at the residence of these alleged rapists, took them outside, and publicly shamed them. The next day the #RURferenceList protests began.⁴⁹³ The significance of calling the list a ‘reference list’ was a play on “academic reference lists to which students are inducted, and the fact that plagiarism is closely regulated in the University.”⁴⁹⁴ In the eyes of students, the punishment for plagiarism was harsher than that of sexual violence.

These protests highlighted a growing disparity between the students, inspired by black feminist scholarship, and university management. During the 2016 #RURferenceList protests, from Monday to Wednesday, Maylam states that “(p)rotesters disrupted classes and re-erected barricades, while some allegedly intimidated staff and fellow students.”⁴⁹⁵ On Monday morning, 18 April, barricades were erected at the entrance to Prince Alfred Street. The VC, Sizwe Mabizela, and other senior academic staff came down to remove them and Mabizela stated that “Rhodes University condemns sexual violence, Rhodes University condemns rape”⁴⁹⁶ and that a task force would be created to further investigate and strengthen responses to rape. On Tuesday, 19 April barricades were re-erected, and protestors shut down lectures and tutorials. On Wednesday, 20 April, police were called in by management and students clashed with them as they were trying to remove barricades. Rubber bullets were fired, pepper spray was used, and the police arrested five students. Mabizela attempted to separate the police and student protesters. Frustrated by the arrest of these students and management’s poor response, a group of student activists removed their shirts and “resorted to an ancient form of resistance... one of the most powerful manifestations of anger.”⁴⁹⁷ By doing this, exposing their naked bodies, these activists made visible the scene of the crime.

⁴⁹³ C. I. Macleod, W. Bohmke, J. Mavuso, K. Barker & M. Chiweshe, “Contesting sexual violence policies in higher education: the case of Rhodes University”, *Journal of Aggression, Conflict and Peace Research*, 10, 2, 2018, 83.

⁴⁹⁴ Ibid, 83.

⁴⁹⁵ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 300.

⁴⁹⁶ Activate & Chapter 2.12, “Disrupt”, Video Documentary, 2016 at <https://www.youtube.com/watch?v=YZqQdMhitgY&t=2s> accessed on 14 March 2021.

⁴⁹⁷ M. Thamm, “#RURferenceList – desperate times, desperate measures”, *Daily Maverick*, 20 April 2016 at <https://www.dailymaverick.co.za/opinionista/2016-04-20-rureferencelist-desperate-times-desperate-measures/#.WxWoHzSFPIX> accessed on 21 September 2022.

That same day, the university got an interdict from the High Court in Makhanda to prevent students from disrupting the academic programme on campus.⁴⁹⁸ This interdict heightened tensions on campus; and students were angered by this prohibition. Some even, according to Maylam, “went so far as to accuse management of being ‘rape apologists’ for placing the rights of perpetrators above the rights of rape victims,”⁴⁹⁹ especially considering the accused rapists would wake up in a safe house, while the complainants were shot at for protesting that their cases be taken seriously. Students felt betrayed by management, particularly as this came directly after they were violated by police-issued rubber bullets.⁵⁰⁰ Students saw the 2016 interdict that was put forward by university management as an attempt to circumvent their official accountability in the matter. According to Lindsay Kelland, Senior Lecturer in the Allan Gray Centre for Leadership Ethics and Department of Philosophy, “these events fragmented our community insofar as they broke essential levels of trust between students and staff, and between staff members themselves”.⁵⁰¹ Ultimately, university management was trying to regain control over students on campus and halt disruption, but this control was exactly what students were fighting against. As Gqola states “(w)hen we understand the roles of institutions in building rape culture, giving it legitimacy, we temper our expectations that these same institutions will offer a way out of the very same system of violence they have helped to shape.”⁵⁰² Patriarchy is what the university was built on, is how it maintains its status and functions daily, and the “individual rape acts enabled and protected by patriarchy, on the one hand, with institutional brutality on the other”⁵⁰³ were what these activists sought to disrupt.

On Friday, 22 April, RU held a press conference, in which Mabizela stated that the university agreed with students on all issues, but they were unable to remove the accused rapists from the university without a fair trial. There was no consideration made by management on how to remove the perpetrators from complainants’ daily lives⁵⁰⁴ – proving to the protesting students that the rights of victims are placed below those of the perpetrators. A vigil was held on Sunday evening to support women who had been victims of sexual violence. Students urged lecturers

⁴⁹⁸ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 300.

⁴⁹⁹ Ibid, 301.

⁵⁰⁰ Activate & Chapter 2.12, “Disrupt”, Video Documentary, 2016 at <https://www.youtube.com/watch?v=YZqQdMhitgY&t=2s> accessed on 14 March 2021.

⁵⁰¹ L. Kelland, Email Communication, 2 November 2020.

⁵⁰² P. D. Gqola, *Female Fear Factory* (Cape Town: MFBBooks, 2021), 15.

⁵⁰³ Ibid, 20.

⁵⁰⁴ Activate & Chapter 2.12, “Disrupt”, Video Documentary, 2016 at <https://www.youtube.com/watch?v=YZqQdMhitgY&t=2s> accessed on 14 March 2021.

to engage in debates around issues of sexual violence the following week. Some lecturers did while others refused to do so.⁵⁰⁵

The RU SRC were relatively quiet during the protests. Khensani Maseko,⁵⁰⁶ who was an SRC member, encouraged the SRC to take a photograph of themselves in front of the Chapter 2.12 posters, in an effort to show solidarity with the movement. This photograph was posted on social media, but someone identified one of the SRC members in the photograph as a rapist. The SRC held a meeting where the members anonymously responded ‘yes’ or ‘no’ to the question of whether they had ever sexually assaulted someone at RU. The results were tallied and two SRC members had responded ‘yes’ to the question.⁵⁰⁷

On 12 December 2017, two women students “who acted against some of the alleged perpetrators by dragging them out of their rooms, spitting on them and assaulting them with empty water bottles, were found guilty of kidnapping, assault, defamation and insubordination in the High Court”,⁵⁰⁸ and were banned from completing their studies at RU.

Following the events of #RUGReferenceList, the Sexual Violence Task Team (SVTT) was formed under the instruction of Mabizela to “explore how a counter culture to rape culture may be implemented at the University.”⁵⁰⁹ The SVTT was made up of a steering committee and six sub-task teams, consisting of both students and staff. The steering committee consisted of one staff member and one student from each of the six sub-task teams. Each sub-task team had a specific mandate: creating safe spaces for survivors, reviewing policies and procedures, recommending ways to incorporate education on sexual violence, rape culture and hetero-patriarchal gendered norms into the curriculum and university activities, auditing systemic

⁵⁰⁵ P. Maylam, *Rhodes University, 1904-2016: An Intellectual, Political and Cultural History* (Grahamstown: Institute of Social and Economic Research, 2017), 301.

⁵⁰⁶ In 2016 Khensani Maseko, an RU student, SRC councillor and dedicated activist against sexual violence, encouraged the SRC to take a stand and support this student movement. Just over two years later in May 2018 she herself would become a victim of rape. In July 2018 she reported her rape to the university. Days later, on 3 August, she died by suicide after posting a picture on Instagram that stated “(n)o one deserves to be raped!” (A. Carlisle, “Rhodes University knew of Khensani Maseko’s rape”, *Sunday Times*, 7 August 2018, Times Live at <https://www.timeslive.co.za/> accessed on 4 September 2021.)

⁵⁰⁷ Activate & Chapter 2.12, “Disrupt”, Video Documentary, 2016 at <https://www.youtube.com/watch?v=YZqQdMhitgY&t=2s> accessed on 14 March 2021.

⁵⁰⁸ A. Gouws, “#EndRapeCulture Campaign in South Africa: Resisting Sexual Violence Through Protests and the Politics of Experience”, *Politikon*, 45, 1, 2018, 4.

⁵⁰⁹ Sexual Violence Task Team, “‘We will not be silenced’: A three-pronged justice approach to sexual offences and rape culture at Rhodes University/UCKAR”, *Department of Critical Studies in Sexualities and Reproduction, Rhodes University*, December 2016, 1.

issues, engaging with local and national issues on sexual offences and developing a system of monitoring and evaluating the accepted recommendations.⁵¹⁰

The Task Team reported on existing sexual violence policies at RU and compiled a list of ninety-one recommendations for policy and procedural improvement.⁵¹¹ At the time of this report, RU had six policies relating to sexual harassment and sexual offences: the Policy of Eradicating Unfair Discrimination and Harassment, Grievance Procedure, Staff Disciplinary Procedure, Student Disciplinary Code, Protocol on Sexual Assault and the Rhodes University Sexual Offences Policy (students). To help analyse RU's policies, policies from Wits, UWC and the University of Johannesburg (UJ) were distributed to committee members for review.⁵¹²

Arising from this report, the policies and procedures sub-task team was able to establish a number of issues that needed resolution. The first being that there were multiple documents that dealt with sexual offences and that these documents were all located in different places. The sub-task team recommended that there should be one easily accessible and comprehensive policy that deals with sexual offences and rape culture at the university.⁵¹³ The second issue was that between the six policies, various stakeholders were mentioned in each document, but their roles were not consistent throughout and many of the stakeholder's current roles were not reflected in the documents. The SVTT attributed these inconsistencies to not having a single person or office dedicated to sexual harassment and subsequently recommended the establishment of a Sexual Harassment Office.⁵¹⁴ Other issues identified by the sub-task team were that terminology and definitions differed between the policy documents and definitions of sexual violence, sexual assault and sexual harassment were not consistent throughout, reporting officers were untrained and lacked the capacity to properly assist victims, policy and practice did not match up and the university's zero tolerance approach to sexual offences was not reflected in policy. Sanctions for sexual offences were not mentioned, and the policies did

⁵¹⁰ Sexual Violence Task Team, "'We will not be silenced': A three-pronged justice approach to sexual offences and rape culture at Rhodes University/UCKAR", *Department of Critical Studies in Sexualities and Reproduction, Rhodes University*, December 2016, 114.

⁵¹¹ Ibid.

⁵¹² Ibid, 31.

⁵¹³ Ibid, 32.

⁵¹⁴ Ibid, 33.

not account for unequal power dynamics between the victim and perpetrator, or the multifaceted nature of consent.⁵¹⁵

The policies and procedures sub-task team also identified individual problems within each of the six policies at RU.⁵¹⁶ One of these problems was in the Sexual Offences Policy for Students, which stated that “(o)ne of the policy objectives is to better inform the University community about rape and other forms of sexual assault.”⁵¹⁷ The policies and procedures sub-task team stated that the recommendations made by the curriculum and university activities, and auditing systemic issues sub-task teams would highlight how this problem could be solved. Some recommendations for this included Recommendation 47a the development of a code of conduct that covered sexual violence. Recommendation 49 was that staff and students should complete an online training course on sexual violence.⁵¹⁸ Recommendation 80 stipulates that a common undergraduate course be implemented for all undergraduate students to complete. These recommendations were not implemented.

The report highlighted the need for the university to adopt a three-pronged justice approach, stating that “(t)he limitation of relying solely on a retributive form of justice has been exposed by the #RUProtests.”⁵¹⁹ Moving forward, the university would need to adopt a conceptual approach that includes retributive justice alongside remediation, mediation and restorative justice, and reparative justice.⁵²⁰ The report noted that the existing policies and protocols the university had in place had contradictions and inconsistencies; some policies even had outdated procedures that did not reflect the current practices. Noting this, the report suggested that there should be one comprehensive Sexual Offences Policy with procedures for both staff and students. This needed to be accompanied by revisions to all other university policies to ensure consistency throughout.⁵²¹ The report recommended that the “Policy on Unfair Discrimination and Harassment” be updated and revised (recommendation 31).⁵²² This

⁵¹⁵ Sexual Violence Task Team, “‘We will not be silenced’: A three-pronged justice approach to sexual offences and rape culture at Rhodes University/UCKAR”, *Department of Critical Studies in Sexualities and Reproduction, Rhodes University*, December 2016, 33 - 38.

⁵¹⁶ Ibid, 38.

⁵¹⁷ Ibid, 40.

⁵¹⁸ Ibid, 153.

⁵¹⁹ Ibid, 1.

⁵²⁰ Ibid, 2.

⁵²¹ Ibid, 2.

⁵²² Ibid, 151.

policy has not been updated despite the recommendation and the fact that the policy's original review date was set for 2014.

Although the university has cut down on the number of policies and implemented a few recommendations, many still remain unaddressed and 'policy slippage' is a large problem. On 17 March 2017, the VC indicated in his circular to staff and students that a list of six steps from the Task Team were being implemented.⁵²³ These steps seem to have been implemented in the 2019 "Sexual Offences Policy for Students". However, it was after the implementation of this policy that I attempted to report my rape and was met with a dead-end (as discussed in **Chapter 3**). Prof. Michael Neocosmos, a member of the Task Team and director of the Unit for the Humanities at Rhodes University (UHURU), commented that the report, although detailed, failed to address the racist campus culture and its impact on sexual violence. He suggested that part of the reason for this could be that the report was formulated within a "social psychological approach, which focuses primarily on attitudes, prejudices, identities, culture etc. and is concerned to address the issue of sexual violence through teaching and learning primarily (but not exclusively)."⁵²⁴ Racial and sexual violence are both often a result of unequal power dynamics and in an institutional space "this cannot be avoided, only minimised. What must be transformed is the culture of racism (as well as sexism, of course) and this is what I understand the students to have been contesting especially in 2015. Racism is what produces racial distinction not the other way round, and racism is what enables unacceptable power differentials which are obviously connected to oppressive sexual relations and hence to violence."⁵²⁵

In 2016, #EndRapeCulture (initially #Chapter212) protests emerged at SU, they too, were intersectional in nature and drew on black feminist scholarship. These protests were linked to the student protests against sexual violence happening around the country. The Rector's Management Team at SU responded to these protests noting the concerns relating to rape culture at the university and stating that a task team would be appointed to investigate and make recommendations based on their findings.⁵²⁶ The task team was composed of managers,

⁵²³ VC's Circular, "Action Plan on Sexual and Gender-based Violence", 17 March 2017, *Rhodes University Latest News* at <https://www.ru.ac.za> accessed on 19 June 2020.

⁵²⁴ Sexual Violence Task Team, "'We will not be silenced': A three-pronged justice approach to sexual offences and rape culture at Rhodes University/UCKAR", *Department of Critical Studies in Sexualities and Reproduction, Rhodes University*, December 2016, 146.

⁵²⁵ *Ibid*, 147.

⁵²⁶ Corporate Marketing, "Task Team appointed to investigate Rape Culture", *News*, 10 March 2016, at <http://www.sun.ac.za/english/Lists/news/DispForm.aspx?ID=3958> accessed on 4 July 2023.

directors, various representatives from student affairs and corporate communications, but did not have any academic representation.⁵²⁷ The task team identified subtle and subconscious patriarchal behaviours/beliefs, as well as sexism, gender discrimination and the denial and trivialisation of rape (among other things) as factors that could lead to sexual violence.⁵²⁸ Their recommendations were based on this understanding and were geared towards changing the behaviour and beliefs of the university, and of staff and students.⁵²⁹

Dalaine Krige, a Master's student at SU, conducted seven anonymous interviews with task team members, support staff, and student activists (all of whom were involved in the protests or worked in policy implementation) in an attempt to establish the relative success of the task team. In response to a question on the work done by the task team, a respondent stated that many "highly charged contributions were made during the meetings, with little follow-up or contributions of real work."⁵³⁰ Another member stated that although there were many conversations around the problem of rape, "(s)he remembered feeling frustrated because the incidents themselves were not the focus of the task team."⁵³¹ The interviews with student activists revealed they felt there were few chances for students to give input.⁵³² When the report was published, one student activist noted that "the report felt like a response to a different set of complaints, not the concerns we raised. It was another example of them placating us, as if we were expected to shut up now because they had done something. But it didn't feel like any of our concerns were answered or that we were taken seriously."⁵³³ These responses reveal a managerial culture of sweeping things under the rug, so as not to cause any damage to the reputation of the institution. This is further supported through Krige's assessment of which recommendations from the task team were actually implemented. Some of the recommendations that were not implemented included: the monitoring of campus culture and climate; faculty, sport and service environment-specific mechanisms to address rape culture; regular rape culture symposiums hosted by the Equality Unit and Transformation Unit and a revision of the disciplinary code by the SU Discipline Department to make sanctions for sexual

⁵²⁷ D. Krige, "#EndRapeCulture: The successes and failures of task teams in bringing about change", Master's thesis, Stellenbosch University, 2021, 63.

⁵²⁸ Ibid, 33-34.

⁵²⁹ Ibid, 34.

⁵³⁰ Ibid, 64.

⁵³¹ Ibid, 64.

⁵³² Ibid, 78-79.

⁵³³ Ibid, 79.

harassment.⁵³⁴ Despite the #EndRapeCulture protests and the subsequent task team report, no policy change has been implemented.⁵³⁵ This led Krige to conclude that “bureaucratic and organisational imperatives have constrained efforts to combat gender-based violence – especially from a student activist perspective.”⁵³⁶

At both RU and SU, task teams were formed in response to student protests against sexual violence and rape culture. The reports that came out of the task teams allow us to identify what changes management implemented, and where exactly ‘policy slippage’ takes place. At other universities this was not the case, and it is not as easy to identify. However, the example of UCT that follows demonstrates that even without task teams and reports, student dissatisfaction and disruption is a good indicator that existing policies are not working.

On 2 February 2022, peaceful protests broke out on UCT’s campuses. These protests were in response to an allegation that surfaced on social media where a UCT student shared her experience of sexual violence, the perpetrator in question – the SRC president.⁵³⁷ The protestors attempted to stop vehicle’s accessing campus, as well as the shuttle service.⁵³⁸ UCT confirmed that they had received a report of sexual violence and it was being investigated. The SRC president was “temporarily suspended”, and the university stated that it maintained a survivor-centred approach and would ensure that “fair and due process is concluded as swiftly as possible.”⁵³⁹ The focus on concluding the process as swiftly as possibly points to a managerialised approach: to maintain the reputation of the instead by getting things out of media attention as quickly as possible. UCT updated their sexual violence policy relatively recently in 2020. The fact that students are still protesting against sexual violence after the implementation of this policy that the protections and solutions offered by the University are still not sufficient.

⁵³⁴ D. Krige, “#EndRapeCulture: The successes and failures of task teams in bringing about change”, Master’s thesis, Stellenbosch University, 2021, 82-86.

⁵³⁵ Ibid, 117.

⁵³⁶ Ibid, 124.

⁵³⁷ N. Viljoen, “UCT students protest amidst SRC rape allegation”, *news24*, 2 February 2022, at [https://www.news24.com/news24/community-newspaper/peoples-post/uct-students-protest-amidst-src-rape-allegation-20220202#:~:text=A%20general%20view%20of%20the,today%20\(Wednesday%20%20February\)](https://www.news24.com/news24/community-newspaper/peoples-post/uct-students-protest-amidst-src-rape-allegation-20220202#:~:text=A%20general%20view%20of%20the,today%20(Wednesday%20%20February).). accessed on 4 July 2023.

⁵³⁸ O. Mkentane, “UCT students protest over rape allegations, re-registration woes”, *Cape Times*, 3 February 2022, at <https://www.iol.co.za/capetimes/news/uct-students-protest-over-rape-allegations-re-registration-woes-2aa7bb24-5143-4266-aaed-81ca1f33c6ba> accessed on 4 July 2023.

⁵³⁹ M. Phakeng, “Update on protest activity on UCT Campuses”, *UCT Campus Communications From the VC’s Desk*, 2 February 2022 at <https://www.news.uct.ac.za/article/-2022-02-02-update-on-protest-activity-on-uct-campuses> accessed on 4 July 2023.

Conclusion – A Contentious Relationship

#ReferenceList demonstrated the role that feminist scholarship has played in seeking to identify structures that uphold sexual violence, and coupled with protest action, to dismantle those structures. As such, feminist scholarship and accompanying activism has consistently remained the vehicle through which to formulate sexual violence policy (in the 1990s) and to bring about a review of existing policies (the RU SVTT in 2017 and SU task team in 2016/2017). However, despite the implementation of a new sexual violence policy in 2019 at RU, the protest by which this change was brought about was carefully managed and controlled by university management. For instance, when the students did not comply with the university's attempts to regain control of campus by removing the barricades, management sought an interdict against protesting students, enabling the police to gain access to campus. When even student protest is controlled and managed, the possibilities for feminist-inspired action become limited in the very space that gave rise to this action in the first place.

The protest against sexual violence forms a prime example of the contentious relationship between feminist scholarship and accompanying activism, and managerialism's tightening grip on universities. The very undertaking of this project meant that my research was subject to managerial control, as I was asked to sign an agreement stating that I would "not bring the university into disrepute" (see Methodology in the Introduction). The preference for efficiency, effectiveness, monitoring and evaluation raises questions about the viability of universities at present – and feminist scholarship within these institutions – to bring about lasting change.

Chapter 5 - Conclusion

This thesis has explored the reasons for the contentious relationship between feminist scholarship and university sexual violence policies. It examined the rise of the neoliberal and managerial university to demonstrate how managerialism comes to govern the university and its sexual violence policies. The histories of UCT, Wits, RU, SU and UWC have demonstrated the persistence of racialised patriarchy and misogyny. I explained that it is these histories and feminist resistance against them that prompted the formation of sexual violence policies. However, I also argued that the existing policies have been shaped by managerial discourses. Feminist scholarship in South Africa has emerged as a political and intellectual project that aims to identify and dismantle contributing factors to sexual violence, however, I argued that GWS departments in South African universities have come to be shaped by managerial discourses. The #RUPreferenceList, an example of the contentious relationship I described in this thesis, drew on feminist scholarship and although it effected some change, I argued that it too, came under managerial control. If feminist thought and feminist activism both came under managerial influence, what are the possibilities for feminist scholarship to make change within the institution in the future?

This research describes that globally, managerialism emerged after the Second World War through anti-welfare movements. By the 1980s, Thatcher had reconstructed the social welfare system through privatisation and a reorganisation of social welfare programmes to operate under business like conditions. This resulted in a 'quasi-government', in which public services were subjected to managerial coordination. I explained that, although managerialism was first seen in social welfare, in the late 1980s it emerged to reshape the structure of universities. I explained that through the introduction of neoliberal economic reforms like privatisation, responsibility shifted from the (public) state towards the private sphere. The university was seen as inefficient and unprofitable when compared to a business and as a result it was corporatised. After the 1990s, managerialism modernised. I demonstrated that in universities, this shift was characterised by top-down managerial control, the emergence of line managers, and performance indicators. I argued that the rise of managerialism in universities also resulted in the loss of academic freedom and allowed profitability to determine institutions' core business.

I demonstrated that in South Africa, neoliberalism took a very unique form. During apartheid the economy and society were strongly regulated. However, by the late 1970s, in response to

the political, social and economic crises, neoliberal economic reforms were implemented. These reforms were the proposed solution to safeguard the capitalist economy and appease concerns over racial rights. I explained that after 1994, the ANC implemented a socio-economic programme to equalise South African society. This programme was subsequently abandoned, and a new programme to open up markets through deregulation and privatisation was put into effect. The 1996 GEAR programme indicated a more official shift towards neoliberalism, however, this failed. I demonstrated that GEAR and neoliberal policies were unable to ensure sufficient economic growth and the government was forced to rely on social welfare as a form of transformation. I explained that the configuration of neoliberalism with social welfare, combined with post-apartheid transformation, meant that (managerial) universities were expected to provide forms of direct distribution to students. Jansen's metaphor of the 'perfect storm' describes the complex state of the post-apartheid university torn between neoliberal reforms and social welfare provisions. I argued that universities now both produce the effects of managerialism (through increasing their student fees) and allow managerialism to impede the academic project (through their focus on efficiency and productivity).

The four HWUs, UCT, Wits, RU and SU that I used as my case studies were all funded by wealthy Randlords. I explained that at their very conception the mining industry had substantial control within these universities and argued that their institutional cultures reflected the ethos of these Randlords. During the segregationist period, these universities developed within a quickly industrialising economy and the need to find answers to the 'Native Question'. UCT and Wits allowed black students admission to study but imposed racial segregation barring them from white student society, whereas RU and SU did not allow black admissions and operated in conformity with the State. I demonstrated that during apartheid, these universities were all complicit with the State. The examples of the Mafeje affair at UCT, the rise of Afrikaner nationalism and the Broederbond at SU, and RAG at RU reflected the white patriarchal structure of apartheid and were all indicative of the thriving racist (and sexist) institutional cultures that had developed. I argued that this environment enabled sexual violence, and thus the need for sexual violence policies.

I explained that prior to 1948, black higher education was underfunded, and had few resources. UFH offered post-matric courses and church missions offered teacher training to 'coloured' and Indian students. Some black students were allowed admission to UCT, Wits or UN with

special permission, while other black students could study part-time through UNISA. After 1948, the NP government allocated resources to improve black higher education, and in the early 1960s, the University of the North, the University of Zululand, the University of Durban-Westville and UWC were established. These universities were built within the various homelands, 'coloured' and Indian group areas, and would serve to educate their populations separately. I focused specifically on the case of UWC, the university built for the 'coloured' population. I demonstrated that UWC's history of activism and resistance against apartheid structures and the political rerouting it underwent, cultivated an environment of critical analysis and debate. I explained how this allowed feminist scholars the space in which to implement the first sexual violence policy. UWC's 1995 sexual violence policy was revolutionary, as it was rooted in black feminist principles and experiences and set a leading example for other institutions. I demonstrated that sexual harassment had come under scrutiny in South African universities, and that other universities like UCT began to implement their own sexual and gender policies. After 1994, and as a result of transformation initiatives, many policies were produced; this led to 'policy overload'. The South African government had limited resources to enforce these policies and 'policy slippage' occurred. I showed that both 'policy slippage' and 'policy overload' were taking place in universities and that after the 2008 Ministerial Inquiry, universities began to develop their own gender and sexual violence policies.

I argued that the existing policies at UCT, Wits, RU, SU and UWC all reflect managerial discourses. UCT, Wits and RU's policies all overemphasise the roles of management, they do not provide additional resources to educate the campus community, and they all use managerial terminology and discourse. Wits and RU each have a policy that is years past its review date. Although RU's policies are slightly more informative and easier to understand, I argued that UCT, Wits and RU's policies all seek to manage the process of reporting sexual violence, rather than to eliminate it. Sexual violence does not have its own policy at SU, as it shares one policy with unfair discrimination. This single policy is vague and is not able to cover sexual violence adequately. I demonstrated that all the HWU's policies employ strongly managerial terminology. UWC is different, I argued that although there is evidence of the managerial discourse, in its use of managerial terminology, there is also evidence of its strong activist history. The policy states its intersectional approach, gives modern and relevant definitions, and provides additional resources to educate the campus community. I explained that in all five of these universities 'policy slippage' and 'policy overload' take place.

I demonstrated that early feminism in South Africa was dominated by white feminist scholarship, who used Marxist analyses to explain gender inequality. However, in the 1980s, black feminists questioned the ability of this approach to explain women's oppression in South Africa. Radical black feminist scholars like Salo, Hassim, Abrahams, Lewis and Gqola all demonstrate that feminist scholar's objectives are to identify the factors that allow sexual violence to continue. I argued that the approach of these feminist scholars differs immensely from the approach of sexual violence policies, which is to manage and control the process of reporting. I demonstrated that GWS departments have been shaped by managerialism and have had their academic freedoms curtailed, which indicates managerial constraints over feminist scholarship. The #RURReferenceList protests drew on black feminist scholarship and were a prime example of the clash between feminist scholarship and managerialism. I argue that these student protest fell under managerial control when university management obtained an interdict that allowed police to enter onto campus and use force against them.

In the end, I am left thinking of Audre Lorde's *The Master's Tools Will Never Dismantle the Master's House*.⁵⁴⁰ I realise that concluding with a reference to an American feminist seems rather counterintuitive to my emphasis on the need to centre black feminism on feminist knowledge produced in Africa. However, this does not in any way diminish the value of American feminists or their scholarship, it is merely an acknowledgement of difference. As feminists, we must challenge the narrative, "divide and conquer must become define and empower";⁵⁴¹ that is my intention.

Let us consider the *master's tools* as feminist scholarship working within the *master's house* – a managerial institution. How and where can we begin to rethink and reconceptualise feminist scholarship outside of the institution, and outside of managerial structures in general? This very thesis was produced within a managerial university, my research question, and the methodology I have used is defined by managerialism, even if just in resistance to it.

In writing this thesis, I have chosen to make my personal experiences political. Reading and engaging with feminist scholarship made me brave enough to report my rape to the university. Engaging with the managerial processes of reporting sexual violence at the university sent me straight back to the comfort of feminist scholarship. I hope that my personal experiences of

⁵⁴⁰ A. Lorde, *The master's tools will never dismantle the master's house* (United Kingdom: Penguin UK, 2018), 19.

⁵⁴¹ Ibid, 19.

feminist scholarship and the managerial nature of university sexual violence policies offers a new understanding of the intersections of managerialism and feminist scholarship. I hope that it opens up new avenues of research for other feminist scholars to engage with.

I wish I had had the time and resources to focus on the intersections of gender and sexuality within this contentious relationship, unfortunately I did not. However, future research should highlight the experiences of transgender, non-binary and gender non-conforming people as well as the LGBTQIA+ community when reporting cases of sexual violence within the managerial university. Additionally, I think it is necessary to examine further instances where managerialism limits the scope of feminist scholarship.

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