

# Tradition's desire: The politics of culture in the rape trial of Jacob Zuma

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In April 2006, African National Congress (ANC) president and one-time South African deputy president Jacob Zuma appeared in court to defend himself against a charge of rape. When called to the stand and asked to recall the events of 2 November 2005, Zuma chose to deliver his testimony in his Zulu mother tongue. This was his constitutional right, the right of an accused individual to defend himself in any one of South Africa's eleven official languages. Yet Zuma's linguistic choice was laden with political meaning and opportunity. Speaking isiZulu within a court that had thus far proceeded in English highlighted his membership to a particular cultural group and invoked his well-established reputation as a 'man of tradition'. Furthermore, it drew attention to the courtroom also as a specific (as well as adversarial) cultural space, with Anglophone traditions, European legal origins and an Afrikaans-speaking judge who used Latin legal phrasings in his ruling. In the context of a nation with a deeply racist history, including decades of state-sponsored ethnic management and subjugation, Zuma's linguistic medium was part of a powerful message: that this trial was also about the politics of culture.

In this article, we examine how issues of gender power were framed by and, in important ways, subsumed within a politics of culture. Of course, a rape trial, by its very nature, raises questions about ideologies of gender and sexuality, about normative practical relations between men and women, their relative status and about the nature of gender power. The case of *State vs. Jacob Gedleyihlekisa Zuma* was no exception. The Judge even saw reason to complain—quot-

ing a journalist—that 'this trial is more about sexual politics and gender relations than it is about rape'.<sup>1</sup> Yet, in fact, these crucial issues were remarkably circumscribed. In the fervour surrounding this trial, the burning *political* question of women's status was continually cast as a *private* matter: debates about relations between men and women came to be focussed on issues of propriety, behaviour and etiquette rather than on questions about rights and power. The point we wish to make here is a simple one: that this privatization of gender was effected through the politics of culture.

This trial was not, of course, the only incident to draw national attention to the interface between sexuality and politics, nor was the high profile nature of this case merely a function of Zuma's standing as an elected official, ruling party leader and possible presidential successor. Zuma's celebrity itself had become politically charged when, a year earlier, prominent Durban businessman and one-time apartheid activist Schabir Shaik was convicted of fraud and corruption for a deal in which Zuma was alleged to be squarely implicated. Upon Shaik's conviction, Zuma was deposed as the nation's second-in-command by its president, Thabo Mbeki, in an action which supporters of Zuma condemned as opportunistic and pre-emptive, and which saw the figure of Zuma emerging as a alternative to the perceived elitism of the Mbeki 'camp.' While a split in the ANC was officially denied, bodies affiliated to the Party—the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP) members—openly rallied behind Zuma, who also enjoyed enormous popularity with a sector of the public disaffected with Mbeki.

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1. W. J. Van der Merwe, High Court Witwatersrand Division of the High Court of South Africa. Opening Comments to Judgment, *State vs. Jacob Gedleyihlekisa Zuma*, 4 May 2006, p. 3.

The charge of rape followed upon these tense events and created new ones surrounding the trial itself. Jacob Zuma's accuser was an HIV positive woman many years his junior, the daughter of a former anti-apartheid struggle comrade, who had been staying in his home. All of these details were considered pertinent, not only to the legal debates about whether a crime had been committed, but also to the political debates raging around the nation's key challenges of high rates of sexual violence and the 'denialist' state response to devastating levels of HIV infection. In his public capacity, Zuma had been outspoken about the need for sexual caution and 'condomizing'. He outraged health professionals and AIDS educators when he told the court that, after consensual sex with an HIV positive woman he had acted to remedy the absence of a condom by taking a shower. Meanwhile, many Zuma supporters saw the accusation of rape as politically motivated and as evidence of anti-Zuma conspiracy, citing the complainant's presence in Zuma's house, and her choice to wear a kanga, as cause for believing her to be a honey trap. Expressing this conviction outside the courthouse, pro-Zuma constituents rallied in T-shirts bearing Zuma's face and holding placards with phrases like 'Burn the Bitch'. In visibly smaller numbers, women's rights groups were present on the streets as well, trying to draw attention to the general problem of the nation's extraordinarily high rates of sexual violence and the general failure of the justice system to address cases of rape.

Jacob Zuma was acquitted of the crime of rape. Still, the trial was one of several important legal events that have affected the trajectory of his leadership and which continue to shape and reflect the broader political ferment in South Africa.<sup>2</sup> This article does not recount all

of these events. Rather its focus is on this trial as an empirical case which highlights the interface between the politics of gender and culture, and the way these are locally grounded. In this article, we first briefly sketch out a theoretical and historical background for what we mean by 'politics of culture' to contextualize its power in contemporary South Africa. The second section reflects on Jacob Zuma as the centripetal figure in the drama of rumour, conspiracy and patriarchal morality that surrounded the trial. Finally, we turn to the trial itself to demonstrate how a politics of culture effected a de-politicisation of gender, by relegating it to the moral domain of the customary private sphere.

**What the voices in support of Jacob Zuma express is confidence in a broad patriarchal morality. In this moral framework, young women and their sexuality bear the burden of a clearly profound social anxiety.**

**The sexuality of young women is seen to pose a threat not only to individual men (in which the case of Jacob Zuma may be one with unusually high stakes attached) but to a future of social and political justice and moral order that the leadership of men like Zuma appear to promise.**

### **The Politics of Culture in South Africa**

We recognise that common usage of the words culture and tradition can refer to inter-generational social continuities, for example of practices and beliefs, which children learn as normative from their elders in the process of socialisation. These words can also be employed to express the longevity of social structures and principles which organise relationships, modes of production, political authority and so on.

Our concern here, however, is with the application of these concepts within the politics of recognition (Taylor 1994),

that is, as words claiming both authority and morality. In this sense, tradition is a theory of history which informs, legitimates and authenticates identities, peoplehoods, or nations. Tradition is premised on a conception of time as a medium for social replication;

is extremely rapid in South Africa. Thabo Mbeki was removed from the office of state president by the ANC in late September 2008, following a legal ruling related to the National Prosecuting Authority's handling of Zuma in relation to allegations of corruption. These various legal events, as well as others, which we do not recount here, will certainly shape the elections of 2009.

2. At this writing, it must be acknowledged that political change

and it represents itself as a guiding principle of human agency. In the strong, ideological invocation we are concerned with, tradition is suggested to be comprised of an intergenerational loyalty to an imperative called 'culture'. Putative obedience to the ways of ancestors or named forefathers infuses this vision of the past with a profound and essential morality. The longevity and immutability attributed to culture lends it the certainty of functionality, of 'tried and true' norms and mores and from this, too, culture gains its authority. Authority and morality are at the conceptual heart of the politics of culture and tradition.

As Zygmunt Bauman has noted, the idea of traditional community becomes salient and of political value when it has largely passed out of reality (2001: 3). It is probably true that utterance of the word 'tradition', even in its benign reference to lived experience, heralds a reality of doubt, challenge or threat to the field of existence which it proposes simply to name. Lived experience does not, in its own right, necessitate the concept of a 'tradition'. The politics of culture rides on a sharp edge of loss; and it is sensitive and responsive to the moral anxiety generated by that sense of loss. Tradition and culture become resources through which new power relations can be negotiated in a context where the independence and material subsistence of the community is greatly diminished.

Invoked also in times of crisis, or brought about by social demise or rapid change, the appeal of culture/tradition is expressed as moral longing and a faith in its promise of moral resolution. But the politics of culture is framed as longing for a particular kind of morality, the morality of patriarchy. Indeed, the authority and morality of culture derives much of its legitimacy from the institution of the patriarchal household in which it is historically rooted. It offers a vision of an order kept by the firm but benevolent hand of senior men, of paternal protection and the wisdom of elders who maintain and provide for community. The framework of that morality is not merely authoritarian—it also denotes plenitude and care, as well as power that is personal. The community it imagines contrasts with the alien and abstract political realities characteristic of modernity. This social vision need not belong to deep psychologies; rather it resides in language and collective historical narrative, combined with the harsh materiality of want or need. Tradition's desire is millennial in character, yet takes a secular political form in the domain of public life. Bauman warns that 'com-

munity' as 'dream fulfilled' 'demands unconditional loyalty and treats everything short of such loyalty as an act of unforgivable treason' (2001:4).

In South Africa, a country that is emerging from a deeply troubled past and facing the challenges of persistent divisions, desperate unemployment and economic inequalities, as well as a deadly and highly stigmatised disease, the longing for moral order goes very deep indeed. But there are critical elements in the specific history of South Africa which bear on the politics of culture, and which compound its complexity and power in the life of the new democracy. Here in this context, prevailing ideas about culture as an identity are linked to the idea of race. Both race and culture are uncritically considered to be fixed and immutable human classifications; both are designations that have divided South Africans into political categories. Race and culture have combined to designate human beings in South Africa as 'tribal' or 'civic', as 'citizens' or 'subjects', as rights-bearers, or criminalised, or propertied, or communal, and so on. While apartheid's strategy of ethnic separation and preservation has now been overturned, the idea of distinct cultural groups—each with the right of self-expression, if not self-rule—has shown no sign of ebbing. Rather, the pursuit of cultural expression and cultural rights has come to signify a stand against the legacies of racism. Indeed, apartheid is often radically misconceived as a force which tried to *destroy* cultural distinctiveness in favour of imposing a Eurocentric and supremacist assimilationism. This conflation of apartheid with the more paternalistic segregationist era which preceded it is understandable: both forms of exclusivist white racial rule grossly assaulted the freedom of black people and precluded the evolution of a civic, non-racial cosmopolitanism. What is beyond doubt is that this complicated history has made the issue of culture a sensitive political trigger in an unevenly transforming society.

Colonialism and apartheid altered the political meaning of culture. Culture was salient long before Afrikaner ethnicity (and its preoccupation with cultural survival) became the banner under which the National Party came to power (Giliomee 2003). Indigenous cultural identities relating to language, kinship, geography and organizational structures were appropriated and rationalised into tools of political management under British imperialist policy concomitant with the mineral revolution; and before that by Theophilus

Shepstone in the colony of Natal (for example, Welsh 1973, Mamdani 1996). The resilience of many indigenous cultural practices and beliefs, the alteration of some, and the destruction of others, highlight both the unevenness as well as the necessary flexibility of power as groups of indigenous Africans were subjugated through violence, law and changing economic circumstance, first into residents of native reserves and, later, 'Bantustans'. Indigenous authority structures were accommodated and incorporated, dismantled or restructured, always subordinated to state power (Ntsebeza 2006).

In this process, indigenous gender relations and household structures proved both a centre of cultural resilience as well as a stabilising (though hardly stable) feature in the developing migrant labour system and in maintaining the political authority of the amaKhosi<sup>3</sup> (for example, Bozzoli 1983, Walker 1990). African men were increasingly recruited from rural homesteads as wage workers on a temporary basis, accommodated in company compounds in highly disciplinary circumstances, with documentary 'passes' mediating the legality of their geographical mobility in the urban spaces that were racially designated as 'white'. Incorporated into industry as labouring bodies, rationalised as costs in production, these men were separated from the conditions of their social sustenance for sets of weeks, months, or years. As many revisionist historians and critical sociologists have pointed out, this dramatic separation between work and home was profitable for capital in that it kept wages low and the costs of social reproduction squarely on the backs of women, who sustained home for the working classes through agricultural and reproductive labour in the countryside. Gender scholars have also pointed to a confluence of patriarchal interests sustaining this arrangement: it suited both capital and African male wage earners to contain the labour power of women under local, tribal authority. In this way, agrarian family life, with distinctive social practices, languages and cosmologies, became institutionalised as 'culture' within South Africa's racialized, industrial development. Politically and economically it was designated as a sphere of private authority—at the level both of household and community. The legal (political) and ideological (race) demarcation of 'customary' space in South Africa was a specific feature of the nation's political and economic development. Indigenous tradition was therefore not

'preserved' in the sense of being left behind in historical time: rather it was the very premise of South Africa's modernisation.

This is as much to say that current political meanings of 'culture' were constructed historically through spatial relations also of gender. These meanings are also racialized. As the bedrock of racial strata was gradually engineered by the state into four distinctive 'levels'—'Bantu', 'Asian', 'Coloured', 'European'—their nature was described overwhelmingly in the discourses of cultural tradition. Indeed, part of what gave apartheid its longevity was the legitimacy derived from the idea of culture, an idea sustained by the social science of anthropology (Dubow 2006), and from the way that culture supplied race with a political plausibility. The belief in culture, as a kind of nationality, was widespread.

It is not surprising then, that culture arose as a point of conflict during anti-apartheid political mobilisation. The organic power of culture as a designation of identity was made most apparent through the mobilisation of Zulu ethnicity by Mangosuthu Buthelezi's Inkatha during the latter decades of apartheid (Maré and Hamilton 1986, Maré 1993, Waetjen 2004). Yet the politics of culture, both as instrumental control and as resistance to that control, faced a massive challenge from other identities mobilised in the broad church approach of political liberation. Black nationalists, workers, religious bodies, and non-racial democratic movements joined forces to create a South Africanist end to apartheid. It is notable that, as an alternative mobilisation strategy, Buthelezi's campaign speeches were characterised by detailed and relentless reminders of what Zulu culture was and what it meant politically. In the 1980s and 1990s, the political meanings of culture were far from obvious and required persistent descriptive and historical narratives to link ideas about culture both to the contemporary political climate and to Inkatha's own political agenda. Even the allegiance of Zulu King Goodwill Zwelithini, who for many years appeared as a legitimising figure for Inkatha's ethnic politics, quickly defected to the ANC after a victory for the latter seemed overwhelming, leaving little space for exclusively regional politics after 1994.

Culture has been a politically slippery discourse—but at the same time it is one that is powerfully felt precisely because it is considered so deeply authentic and personal. In the last 12 years, culture has been newly

3. Clan chiefs.

valorised by a wide range of players, from neo-traditionalist Afrikaners and Afrikaans-speakers to the ANC's project of the African Renaissance, and Christian and Muslim parties. Moreover, the persistence of clashes between the state and traditionalists over matters such as circumcision rituals and virginity testing, as well as in conflicts over rural service delivery and land restitution, makes culture a prominent and competitive political field. The politics of race are never far from these relationships, given its ongoing (though diminishing) visible correlation with economic stratum. The meteoric rise of a small but growing black middle class has, in this racialized context, left many of the poor feeling left behind (Seekings and Nattrass 2006). And, as the poorest of the poor continue to suffer and to be treated to removals, police actions and criminalization that is astonishingly reminiscent of apartheid authoritarianism, the political landscape of social transformation has become very complicated indeed.

### **A Man of the People: The Trials of Jacob Zuma**

Zuma is viewed by the rural poor, and by traditionalists, as their champion in the ANC. While comparisons have been drawn between Zuma and Mangosuthu Buthelezi, leader of the Zulu Inkatha movement (now a political party), Zuma has not shown himself to be interested in splitting from the ANC to head up an ethnically based party. Yet he commands widespread popularity as a Zulu and as an African: he is viewed as a 'traditionalist' who cares about the fate of the rural poor in a way that many ANC leaders who have advantaged themselves of the state's neo-liberal economic policies do not. In this sense, Zuma's perceived financial vulnerabilities—the borrowing of money from friends and his alleged involvement in corruption—have added to, rather than diminished, his appeal.

It would be impossible to pin down to one element the nature of the populist fervour surrounding Zuma. On the 'Friends of Jacob Zuma' website, even a cursory reading of the thousands of letters of support show that his base is broad and varied. He is called a 'man of the people', a 'traditionalist', a 'man of God' and an 'advocate of the poor'; addressed as 'Baba', 'Msholoji' and 'My president'; described as 'humble', 'kind', 'good', 'purely human' and a 'born leader'. He is petitioned as a representative and rescuer by writers who feel their interests to have been forsaken, proclaimed as a leader

who stands against 'BEE [Black Economic Empowerment] beneficiaries'. Some Zulu writers see him as a Zulu among a mainly Xhosa political elite and express confidence that a Zuma presidency would mean service delivery for marginalised areas. Others, who decry tribalism find in him an appealing universalism. The debates about gender, ethnicity, national politics, and morality which are argued in the space of the Friends of Jacob Zuma website, while obviously not a representative sample of voices, yet evidence a wide range of perspectives, concerns, interests and identities mobilised around the figure of Zuma.

Zuma can be seen as a career politician with an uncommon personal history. While many prominent political figures, Mandela and Buthelezi among them, could claim privileged or royal backgrounds as well as high educational achievements, Zuma derives much of his current legitimacy from his humble origins and lack of education, and his life as a military cadre. He was born in 1942 in the Nkandla district of Zululand, part of what was then Natal, nearly three decades before the KwaZulu Bantustan was created under apartheid. He grew up with the deprivations relating to education that still affect many rural children. His situation was aggravated when his father died at the end of WWII, and he 'was never able to attend school' (Gastrow 1990: 367). His mother became a domestic worker in the city of Durban, and the young Zuma 'spent his early years moving between Zululand and the suburbs of Durban'. Gastrow notes that by the time he was 15 he started taking odd jobs. It was in the urban environment that he was exposed to a new set of influences, especially through his elder brother, a trade unionist, and in 1959 he joined the ANC. Two years after the banning of the organization in 1960, Jacob Zuma joined its military wing. Some work at sabotage followed, but in 1963, with a group of some 45 recruits, he was arrested near Zeerust, in what was then the Western Transvaal. Zuma was found guilty of attempting to overthrow the state and sentenced to ten years on Robben Island—where he studied formally for the first time (Callinicos 2004:305).

Upon his release he participated in forming underground structures for the ANC with Natal SACP firebrand Harry Gwala (Callinicos 2004:372, 402, Sisulu 2002:244-5). When Gwala was again arrested in 1975 Zuma left the country where he soon became a National Executive Committee member of the movement (1978), re-elected to the executive at the Kabwe Con-

ference (1985), and later became ANC 'chief of intelligence'. He also served on the 'military council' from the mid-1980s. After leaving South Africa he worked alongside Thabo Mbeki with the 'young exiles' making their way through Swaziland and Mozambique. Zuma returned to South Africa immediately after the unbanning of the organization and was the ANC's representative in one of the first committees to oversee the return of exiles, release of political prisoners, and other such steps preparatory to the actual negotiation process (Gastrow 1990: 367-8).

What is striking in this brief biographical sketch is the presence of two central influences and the absence of two others. The former are, first, his rural upbringing that continued even with, or because of, his mother's peripheral and subordinate location in the urban environment; and, second, the political and military influence of the politics of the ANC, an organization which he joined at age 17, and whose military wing he entered three years later. He spent ten years of his young life under the harsh conditions of political imprisonment, but also under the formative influence of 'movement politics' with political comrades, a masculinist environment; and the rest of his adult life in the direct service of the ANC, both internally and in exile. The absences are a stable family life and home in the rural area where he was born; and of the socializing influence of school, and even tertiary education that was experienced by most of his ANC senior colleagues. In some ways, since returning to South Africa Zuma has tried to recapture both the camaraderie of the military, through his new allies and through his signature song '*awuleth' mashini wami*'<sup>4</sup> and to confirm that rural upbringing, also establishing an own homestead. His homestead site, located at Nkandla, was made possible by benefactors who stood to gain from a Zuma presidency. Zuma has also married several wives. These women (with the exception of one from whom he is divorced) have not achieved the limelight into which his rape accuser was thrust, and seem to be firmly located in the 'traditionalist' part of his life.

When Thabo Mbeki took presidential office and a deputy president was to be chosen, the speculation was that it would need to be 'a Zulu'. The ANC clash with Inkatha was still raw and still wielded significant sway

in the east coast region of the country. Buthelezi's name was mentioned, yet when Zuma was put forth he appeared the obvious candidate, a Zulu man who was also an ANC man. Zuma's troubles as a politician has been interpreted by many of his supporters as the persecution of a Zulu African of humble heritage and traditional values, the persecution of a man of little education whose home is rural. Indeed, arguably the most important basis for his popular appeal is the aura of persecution surrounding him, which enables many to view him as a kindred sufferer at the hands of an unfeeling government. The more crimes he is accused of, the more fiercely he appears to be defended. The conspiratorial logic with which his supporters virulently defend him displays the depth of the social mistrust and crisis experienced by a sizable section of the nation.

In the context of the rape trial, this mistrust and conspiracy was channelled very specifically through the lens of gender. The scapegoat became the person of the accuser and—beyond her—the more general figure of young womanhood. Declarations of Zuma's innocence were linked to the guilt of women: Zuma's accuser came to stand for a general treason to patriarchal morality, affected by the undisciplined sexuality of young women. The complainant was herself accused of bringing down the reputation of a great man (who was most importantly a man of the people) in accordance with the designs of his enemies. In the discussions that surrounded the trial, a prominent theme was that the interests, as well as the defining features, of community were under threat due to a generalized loss of morality. This loss was linked to the undisciplined sexuality of young women.

## Womanhood on Trial

Articulating his explanation of why sexual intercourse had proceeded without a condom, despite the risk of HIV transmission, Zuma told the court that the complainant was in a state of sexual arousal. He asserted that this placed him under an obligation:

And I said to myself, I know as we grew up in the Zulu culture you don't leave a woman in that situation because if you do then she will even have you arrested and say that you are a rapist.

4. The song says 'Bring me my machine gun'. Local political cartoonist 'Zapiro' made much of the 'gun' metaphor during the rape trial. Here we use the title as referenced by Jeremy Gordin, 2008. p. 234.

According to his own account, Jacob Zuma's sexual actions are not to be interpreted as either aggressive or irresponsible but rather as those prescribed by the wisdom of *culture*, familiar to him since his youth. He was acting, he claimed, as a *Zulu* man. And what it meant to act as a Zulu man in such a context was to act with an awareness that he was confronting a potential danger. This danger, according to his interpretation of Zulu wisdom, was none other than the nature of women.

Through this single remark, Jacob Zuma proposed a strange reversal. Zuma the accused became Zuma the vulnerable; the alleged victim was invoked as example of the hypersexual womanhood he had been warned about as a child, a womanhood which required fulfilment and which could draw upon the powers of retaliation, using the legal system vindictively. Indeed, the insinuation was that this was precisely what had happened—he was in court because he had been victimized by the sexual irrationality of a woman. Further, his explanation removed the locus of actions from the specific circumstances of the night in question to a generalised 'situation', one which depersonalised the encounter. It removed the locus of responsibility from an individual male body to a collective male body, a collective body that prescribed specific forms of etiquette and behaviour.

The sleight of hand affecting these shifts was the ideological work of a politics of culture. Zuma's claim to culture was a bid for the legitimation of his actions. Culture, in fact, was the real agent on trial. As we have argued, what gives such a claim its power is a national context in which culture is highly politicised. Invoking Zuluness in this case not only diffused his individual responsibility and his own will to action into a corporate field. It also placed his action in a domain historically persecuted by the various dominating forces of Eurocentrism; it was therefore a political claim. And it is a claim which has widespread resonance. One supporter who saw cultural prejudice as the reason Jacob Zuma was in court, wrote on the 'Friends of JZ' website:

We are tired of being referred to as lessor Citizens only because our culture allows a man to marry more than one wife. It is also disgusting to see that most of this media and complains about Women and child abuse are sensationalise as if is a culture thing.

How long should our culture be demonised to our silence? How long we should allow ourself to feel inferior about who we are? And most hurting is the fact that, all is a lie. This is done to crush our spirit, and that spirit is also evident enough within the man we support. It is the African in JZ that is maybe a problem...<sup>5</sup>

Such a statement is filled with the pain of South Africa's racist past, and it also highlights the way that cultural claims have come to be framed as a means of defying structures of power. Some of the issues arising in the course of his trial are described by Zuma himself as matters of cultural etiquette, matters pertaining to private domestic arrangements of patriarchal morality. He was in court, he implied, because of the cultural ignorance of the state prosecutor when it could have been settled in a customary manner of offering lobola<sup>6</sup>:

I accept that learned counsel might not know Zulu custom and traditions ... and it happens in our custom, even if you don't know a girl ... she can be dropped off at home and here she is and you have to pay lobola for her ... you just have to do that.

Here 'you' refers to a generic Zulu male, one who is obligated to obey the demands of culture and its prescribed patriarchal morality. Zuma's alleged offer to pay a lobola for the complainant is portrayed as evidencing that the entire matter would have been best settled as a private matter of 'culture', that is, apart from the jurisdiction of a Eurocentric civil court.

Zuma's invocation of Zulu culture in this context has, of course, invited heated debate about what can be claimed as a cultural norm. These debates are about cultural representation, authenticity and historical accuracy. Such debates are important, not least because interpretations of customary practices are in some cases being re-coded into national law—for example over land and the position and powers of amaKhosi (Ntsebeza 2006). Yet, our concern here is not with

5. Entry of Druza, 17/3/2006 3:58:00 PM, <http://www.friendsofjz.co.za>, accessed 10 June 2007. All quotations from the website have been copied verbatim.

6. Lobola refers to a bridewealth, traditionally paid in cattle, but can also include money or other valuables.

the validity or non-validity of Zuma's specific claims. Rather it is the political power and masculinist content of cultural claim-making, and its effects, that we wish to highlight. Women are situated in an ambiguous and painful position in the politics of culture. As culture is politicised as a legal and secular 'right', gender is depoliticised to become a normatively 'private' and 'customary' domain. Asserting the rights of women can come to be defined as cultural treason. Women who do so risk losing access to resources and important kinds of community, over which men preside. This is not merely a South African dilemma, but a dilemma which is concomitant to the social conditions of modernity itself. Practising one's culture, like one's religion, is a matter of rights and human dignity. And yet, as is indeed the case around the world, this sets up a contest between cultural rights and gender equality.

In the context of this trial, Zuma's statement about the sexual arousal of the complainant and the mistrust of women's sexuality it expressed appears to have drawn broad agreement. Indeed, the criminalization of womanhood it denotes was frequently supported by Zuma's supporters as an observation of human nature or as a religious principle, implying universality rather than cultural specificity.

It may be useful to include here a few examples of statements made by some supporters of Jacob Zuma, to demonstrate the high level of suspicion expressed about the complainant and to reveal the normative expectations which she is accused of violating. One woman interviewed by the news media during the trial said she believed Zuma not guilty of rape and that 'Women in this country should change their attitudes; they should stop crying rape whenever their boyfriends disappoint them.' Another woman declared: 'This mama is speaking lies because she was in Zuma's room with that [kanga] on and he could see everything. After that Zuma slept with this mama and then she put the case against him. She's got too much money and she didn't really work, where's this money coming from? This woman is a *isigebengu*<sup>7</sup>, she is Zuma's girlfriend, otherwise why would she sleep with him without a condom?' The issue of money was raised often, with the implications of a contract of exchange between Zuma and the complainant. For example: 'That woman went to Zuma to ask for money, you can't do that with someone you don't like.' Other comments draw atten-

tion to the expectations considered normative in matters of sexual relations: 'I don't want any woman to be raped. But her story! Firstly, she was invited, then she agreed to cook. Third, she agreed to stay with Zuma for the night and fourth, she didn't lock the door.' And yet another woman said, 'It's nice that they burnt that picture [of the alleged rape victim]. Somebody who doesn't like Zuma has paid something to her. I want Zuma to be the next president. This rape trial is not right because somebody raped this girl before Zuma, so why does she not bring him to court before Zuma? Why does she want to destroy Zuma?'<sup>8</sup>

Discussions appearing on the Friends of Jacob Zuma website reveal variations on this theme. Druza, a regular contributor, writes that:

...JZ is purely human and maybe that's what we tend to like about him. It is purely human for a man to be sexually attracted to a woman and normally, dressing is a way a woman, in the context of sex, can woo men to the most human act, of sex.

Normally Mini skirt and revealing clothing are used to distract the attention of men and in most cases, seduce them, to get what they want. Hence it will take feminist maybe another century to can convince the human folk otherwise, that the way you wear and your actions can lead to other, normal human being to think of you as a sex object, and prefers to engage you in that activity.<sup>9</sup>

On the other hand, what gives Madisha the conviction to pronounce on the mistrust of women's sexuality are religious texts:

The bible in proverbs 7 from verse 10 says: 'And behold, there met him a woman, dressed as a harlot and sly and cunning of heart. She is turbulent and willful; her feet stay not in her house.'

8. These responses were from a single Mail and Guardian article (by Niren Tolsi, Kwanele Sosibo, Tumi Makgetla and Monako Dibetle, 24 March 2006) in which various views about the trial were solicited. They provide an example of a discourse that was also prevalent on the Friends of Jacob Zuma website.

9. Posted by Druza, 4/6/2007 12:52:10 PM. Accessed 10 June 2007. The quotations used in this article cannot begin to capture the vast and emotionally expressed 'letters of support', which themselves highlight the very interesting and complex discourses at play about gender, class, culture and a number of other issues.

7. Criminal, troublemaker.

(Verse 21) she persuades him, with the allurements of her lips she leads him (to overcome his conscience and his fears) and forces him along'. Go and read the whole chapter I am just showing you how dressing can have an effect on a man. Mark the following from the verses: 1. DRESSED as a harlot; 2. Turbulent and willing; 3. Her feet stay not in her house. You know very well that JZ is not made of steel, [but is] flesh and blood like every man. This woman (K) knew that by getting Cmd to bed she could gain something because the weakest point in men is in bed. So the bible tells us about woman 'DRESSED' as a harlot, with inviting eyes. Its just that [K] was not the owner of the house she should have shown her the door because her intentions was evidenced by the way she dressed, not to mention her greedy for money. If the bible says Dressed as a harlot, I see no reason why JZ can't complain about dressing.<sup>10</sup>

Such discussions about the relations between women and men are centred on issues of behaviour and propriety, the significance of dress, gesture, private financial transactions, and sexual messaging which are meant to showcase the power of women over men. It is on this premise that charges of political conspiracy, and the suggestion that the Zuma's accuser was in fact a plant by his enemies, are intended to make sense.

By attributing such views about women to a specific cultural tradition (Zulu culture) Zuma made a bid for the normativity of his own gendered behaviour. Through the highly politicised language of culture, and the assertion of his membership to a cultural group with distinctive patriarchal norms, he designated the relationships between men and women as a matter of customary concern rather than one of liberal, universal or humanistic rights. In effect, identified gender as a field of propriety and etiquette, in which the chaotic power of women is rationalized and domesticated through the moral codes of (patriarchal) culture.

The relegation of gender to the private sphere is a structural feature of the historical rise of the modern public sphere (Habermas 1991[1962]). In South Africa it manifested in its current form with colonial rule which polarised the 'customary' and the 'statutory' as distinct

legal spaces and as domains of political authority, subordinated to the colonial (later apartheid) state. The invocation of tradition in the rape trial could not but be political. It constituted the courthouse as the space of a cultural face-off: the man from Nkandla who kept a rural homestead and lived traditionally as the husband of several wives, up against hegemonic, Eurocentric secular legal forces. Here was not one of the most powerful leaders of the most powerful nation-state on the continent; here was the Zulu man persecuted by enemies from all sides. Supporters, many of whom saw in Zuma a victim of conspiracy, could see in the trial of an individual a more general, collective—and *cultural*—persecution, confirming the loss of a once-stable moral order.

## Conclusion

Many observers of the Jacob Zuma rape trial were struck by the visible presence of women outside the courthouse who, donned in t-shirts bearing Zuma's face and the words '100% Zulu boy', hurled abuse and threats (such as 'burn the bitch') at the complainant. Advocates of women's equality, in particular, registered distress at the absence of gender solidarity and at what seemed a vulgar, not to say militant, display of 'false consciousness'. With national statistics for sexual violence and rape at astronomical levels, how could such confidence be expressed in the innocence and benevolence of a powerful man while such outrage, blame and violence was directed at a woman compelled to keep her identity as secret?

We argue that mediating the politics of gender is a politics of culture. Culture offered to Zuma a legitimate forum in which to express the normativity of gender inequality and patriarchal morality within the forum of a court of law, a court supposedly premised on the defence of civic individual rights. By invoking culture, he suggested that the proper place in which gender power be negotiated was in the private, customary sphere, rather than in the public arena of civic rights. It is clearly a powerful plea: *culture* was also invoked by ANC chief whip Mbulelo Goniwe who was reported to have told the young woman who accused him of sexual harassment 'I thought you were a real Xhosa girl.' In Goniwe's case Xhosa clan leaders offered a fine of a number of cattle to assuage Goniwe's accuser in the traditional, rural, cultural sphere and, thereby, earn him forgiveness in the public sphere of

10. Posted by Madisha, 2/6/2007 9:51:44 PM. Accessed 10 June 2007.

democratic politics.<sup>11</sup>

What the voices in support of Jacob Zuma express is confidence in a broad patriarchal morality. In this moral framework, young women and their sexuality bear the burden of a clearly profound social anxiety. This is expressed through insistence on virginity testing, in campaigns of moral regeneration, in accusations of teenagers purposefully becoming pregnant to get welfare grants, and in the widespread idea that girls commonly 'cry rape' to bring down the reputations of males. The sexuality of young women is seen to pose a threat not only to *individual* men (in which the case of Jacob Zuma may be one with unusually high stakes attached) but to a future of social and political justice and moral order that the leadership of *men like Zuma* appear to promise. The greatest social danger is projected onto what lies just beneath a short skirt, just under a kanga. But it is the politics of culture that depoliticises the kanga and renders it as an object rather of tradition's desire.

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11. The Mail and Guardian, 17 November 2006, and 24 November 2006.