

**Shattering the Glass Ceiling: A Critical Feminist Investigation of the Ethical  
Challenges faced by African Women in Black Economic Empowerment (BEE)**

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## **DECLARATION**

I declare that this thesis, unless specifically indicated in the text, is my own original work which has not been submitted in any other University.

Beatrice D. Okyere-Manu

As the supervisors, we hereby approve this thesis for submission

Dr. Munyaradzi Felix Murove

and

Prof. Sarojini Nadar

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## ABSTRACT

This thesis offers a critical gendered analysis of Black Economic Empowerment (BEE): a programme which was begun when the ANC government came unto power in 1994, to correct the economic imbalances instituted by the Apartheid system. The thesis argues that the programme has not effectively benefited black women in South Africa. Despite the fact that the focus of the programme has recently been changed to benefit a broad base of previously disempowered black people, only a few men who are connected to the ANC government have benefited. The thesis provides an overview of the background that necessitated the implementation of the economic programme. It specifically highlights the economic inequalities that were cornerstones of apartheid and their effects on Black women. It investigates statistics relating to BEE and gender, and reveals that eight key areas inhibit black women's participation in the BEE programme. These include the fact that the original document did not mention women, women's lack of capital, the glass ceiling, a sense of inferiority held by women, lack of mentorship and networking groups, family commitments and workload, gender stereotypes, and inadequate education and skills. The thesis argues that these eight key areas result from patriarchal customs and traditions in the South African society.

To support this claim, the thesis then examines the responses of women participating in BEE. Women in BEE have voiced their concerns on different platforms but it is not enough to bring about the required transformation in the economy. Therefore, in order to adequately deal with factors that inhibit women's participation in BEE, the thesis proposes that developmental feminist ethical and cultural tools needs to be engaged with in order for gender justice to be realised in BEE. In the search for solutions to factors inhibiting women's participation, the thesis proposes the incorporation of the virtues of *ubuntu*, such as communalism, participation, humanity and solidarity, in BEE. In conclusion, the thesis argues that the South African economy cannot be built on the efforts of male citizens alone. There is the need for the government to ensure the inclusion of women at all levels of the economy, and to "shatter the glass ceiling" which Black women are constantly up against.

## **DEDICATION**

To my dearest sister Mrs. Grace Bediako-Asante

AND

To my late Dad Mr. Emmanuel Antwi

AND

To my family: Benson, Ebenezer, Gifty and Emmanuel

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## **ABBREVIATIONS AND ACRONYMS**

AltX	Alternate Exchange
ANC	African National Congress Empowerment
BEE	Black Economic Empowerment
BEECom	Black Economic Empowerment Commission
BBBEE Act	Broad Based Black Economic Empowerment Act 53 of 2003
BDS	Business Development Services
BMF	Black Management Forum
BWA	Business Women Association
CA	Capability Approach
CEO	Chief Executive Officer
GEAR	Growth, Employment and Redistribution programme, South Africa
COSATU	Congress of South African Trade Union
DTI	Department of Trade and Industry
GNP	Gross National Product
ICT	Internet and Communication Technology
JSE	Johannesburg Stock Exchange
LFS	Labour Force Survey
MD	Managing Director
NEP	New Economic Policy
NP	Nationalist Party
RDP	Reconstruction and Development Programme, South Africa
SA	South Africa /South African
SAIMINA	South African Women in Mining association
SOE	State-Owned Enterprises
The Codes	The Codes of Good Practice

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## CHAPTER ONE: GENERAL INTRODUCTION TO THE STUDY

### 1.0 Introduction

African women participating in economic development face a number of challenges such as lack of financial capital and lack of access to assets. These challenges hinder them from fully benefiting from economic development policies that are put in place by their various governments for the financial development of African people. South African women are no exception: black women have been inhibited from participating and benefiting from Black Economic Empowerment, (BEE) – the programme that was supposed to benefit all black people who were previously excluded from participating in the economic mainstream, through apartheid policies and regulations. The exclusion of women from fully benefiting from BEE policies makes the issue of economic empowerment for women an ethical challenge. In this study, my hypothesis is that the various economic programmes of the BEE policy have failed to benefit women because of the deeply embedded patriarchy in South African society, and the various ways this patriarchy is implicit even in a policy that is supposed to be about restorative justice. I argue that unless policy makers take into consideration the patriarchal worldviews which limit women's choices and participation, BEE will continue to fail women. In other words, there is a need to expand and strengthen black women's capabilities so that they will be able to experience full participation in the economy. Drawing on the theoretical insights of the Capability Approach (CA) offered by Amartya Sen and Martha Nussbaum, and feminist ethicists such as Carol Robb and Rosemarie Tong, in this study I offer a gendered critique of the BEE policy. Using theoretical insights of *ubuntu*, I develop a feminist ethic that is distinctively African to help make recommendations for how women can participate fully in the economic development of Africa, and more specifically South Africa. In this first chapter I lay out the background of the research problem, the basic questions and approach, the motivation, the literature review and the outline of the thesis.

### 1.1 Background

The thesis was born out of a desire to expand on the research project I undertook during the course of my MTh studies for a dissertation entitled: *The livelihood challenges posed by the*

*commercial sex industry to Christian concern for poor women in Pietermaritzburg. 2003-2004.*

While I was researching black women's vulnerability and their contribution to the growing economy of South Africa, I was confronted with many social and economic issues that black women face. One of them was that most black women with strong educational backgrounds are not able to participate meaningfully in the economy. I also discovered that the government had implemented a programme (BEE) to correct the economic imbalances in the society and to incorporate all black people, yet black women were not equal beneficiaries with their male counterparts of this policy. It became clear that further academic research might be able to explain why the policy has not benefited black women effectively. Part of my intention was to understand why, at a national level, the government is doing all that it can to empower women while, on the ground, black women are not benefiting from the programme.

Another reason for this study came as a result of my growing concern and awareness of how patriarchy is being manifested among the beneficiaries of the BEE programme, who are mostly male. This concern cultivated an interest in the publicity that BEE had been getting. Among the issues being debated by South Africans surrounding this programme, is the argument that Black Economic Empowerment (BEE) or Broad Based Black Economic Empowerment (BBBEE) will help to redress past inequalities in the economy and alleviate poverty (Gillingham 2006: Janisch, 2006: Kruger et al 2006: [www.thedti.gov.za](http://www.thedti.gov.za): Accessed on 26 June 2008). The concern put forward by many scholars is that BEE has lost its original vision and plan. The reason given is that instead of the programme benefiting all South Africans, it seems to be benefiting a few men who are connected to the ANC party.

Introducing economic policies to develop previously disadvantaged individuals in post-independence countries is not new. After independence, many African countries instituted economic policies to rectify the oppressive economic policies of colonialism; they included the "Ujamaa" socialist policy and Kwame Nkrumah's African socialism ([www.socialistworker.co.uk/article](http://www.socialistworker.co.uk/article): Accessed: 26 January 2007). These new economic policies were associated with terms such as indigenization, and Africanization. Thus, the African nationalist thought was that these economic policies would be to Africa's advantage. It was hoped that Africans could re-establish themselves in positions of power and authority and equitably attempt to preserve whatever remnants of their resources that had remained.

Munyaradzi Murove has observed that these policies were seen as having the potential to bring out a unique African capitalism with its own identity that would not be subsumed under global capitalism (2008:1). Thus the policies were perceived to be advantageous to indigenous Africans in building a strong, growing economy.

As the last country to gain independence in Africa, South Africa launched the BEE programme through the African National Congress (ANC). The aim of this programme is to eliminate socio-economic imbalances between the white minority and black majority and to build a more equitable and vibrant economy (South African Publishing Association 2007: 6). This policy was developed as a system of redress against the apartheid system's intentional exclusion of Indians, Coloureds and African people referred to collectively as "blacks" in the economic development of the country (Government Gazette 2004: 2). Blacks did not enjoy the right to economic and intellectual growth through many deliberate means employed to limit their participation in the economy (Vuyo 2007: 5). These restrictive economic policies were implemented through discriminatory laws and practices put in place by the National Party government from 1948-1994 (Vuyo 2007:5). During this period, all South Africans were classified by race. Whites were given preferential access to the possession of land and business assets, education and facilities, while blacks endured second class status.

Second class status meant that Black South Africans were discriminated against in employment, skills development, ownership and control of business as well as in access to basic social and physical infrastructures. A number of Acts were introduced to restrict Blacks from fully participating in the economy. "The Native (Urban Areas) Consolidation Act of 1945 only allowed small businesses, selling the daily essentials of living, to operate in the urban black townships. The authorities controlled the allocation of all business sites in the area (Hauki 2001: 11); The Group Areas Act of 1950 also banned blacks from operating businesses outside their designated area to protect the interest of whites (Vuyo 2007: 5, 6). During this time, the ANC's 1969 Strategy and Tactics challenged its members that:

In our country - more than any other part of the oppressed world - it is inconceivable for liberation to have meaning without a return of wealth and land to the people as a whole. It is therefore a fundamental feature of our strategy that victory must embrace more than formal political democracy. To allow the

existing economic forces to retain their interests intact is to feed the root of racial supremacy and does not represent even a shadow of liberation ([www.fwdeklerk.org.za](http://www.fwdeklerk.org.za). Accessed: 2006, November 4).

In light of the above, the ANC continued to push for liberation from apartheid and a transformation in the economy. This transformation in the economy was clearly needed in terms of the racialising of the economy. For example, statistics confirmed that a black person's income was 13 percent of a white person's income; a Coloured person's income amounted to 27 percent and an Indian income to 40 percent of a white person's income (Star Newspaper 2000: 5). Such was an example of the imbalances in the South African economic system brought about by apartheid. Black people did not receive the same quality of education as their white counterparts and it resulted in an unequal income distribution in the country. The challenge that the ANC government faced in 1994 when it came to power was how to rectify the economic situation in the country. Consequently, they launched the BEE programme as a vital requirement for economic participation for those who had been previously excluded in ownership and control of the economy.

The belief was that the new South Africa could not attain its full economic potential if the majority of its people remained excluded from ownership and full participation. Therefore, in July 2000 the ANC identified the need for targeted strategies in areas such as the control/ownership of productive property by black people and women, including the land, the reduction of racial and gender differences in income and wealth and the building of a more democratic society ([www.fwdeklerk.org.za](http://www.fwdeklerk.org.za): Accessed date: 2006, January 26). To the ANC, the BEE programme was to involve the previously economic disempowered citizens to their full capacity in economic development, in order to ensure the proper economic growth of the 'New South Africa'.

Involving all citizens in the economy meant that even women who had been marginalized for years by both their traditional cultures and the apartheid system were to be empowered to participate in the mainstream economy. Annelize Booysen-Wolthers reiterated Baden, Hassim and Meintjes, 1999 who quoted the former President, Nelson Mandela, at the opening of Parliament in 1994 by saying that:

Freedom cannot be achieved unless women have been emancipated from all forms of oppression, unless we see in visible and practical terms that the condition of the women of our country has radically changed for the better, and that they have been empowered to intervene in all aspects of life as equals with any other member of society (2007:299).

When Mandela came to power, he realized that there were gender inequalities in the economy. Despite the crucial role that women needed to play in establishing the economy, their contributions had been marginalised. This is the reason why he challenged the nation to consider the liberation of women as a matter of significance in building a stable economy.

In spite of this address to the nation, Mandela's dream for women was not realized as the ANC government had originally perceived. Years later, we picked up the same trend of thought in a speech made by Thabo Mbeki, the former President of South Africa, which appeared in *Leadership in local Government* in which he said, "We are sad that many women have not as yet tasted the fruits of our liberation, particularly working class and poor women" (Mbeki 2006: 74). From the above statement, it is clear that the President had noted that the empowerment programme instituted was not working for all its citizens. This remark was made several years after the BEE policy was implemented. According to the *South African Year Book*; the success of the policy was to be measured in terms of the following:

...substantial increase in the number of black people who have ownership and control of existing and new enterprises; a significant increase in the number of black empowered and black engendered enterprises (and) a significant increase in the number of black people in executive and senior management positions of enterprises (Burger 2003/4: 196).

Given that the above says little about women and other disadvantaged people, the BEE commission (BEECom), recommended a more inclusive approach to empowerment, and as a result the government made the programme broad based in order to encompass more citizens including women and people with disabilities (Vuyo 2007: 21).

It is clear from the above that the ANC is trying its best to create a significant increase in the number of black women that manage, own and control the country's economy as well as significantly decrease the income inequality. It also seeks to facilitate human resources and skill development for the majority (Government Gazette 2004: 21). Yet the ethics of the programme

in terms of its beneficiaries has been questioned by many critics (such as Shevel 2007); why is it that most black women have not benefited? In line with Shevel and others, this thesis argues that black women have not benefited from BEE as much as their male counterparts. As already asserted, patriarchy in the African culture is being manifested in the BEE programme and that has contributed to the exclusion of most women from benefiting. Marc Van Ameringen illustrates how patriarchy has affected women in South Africa:

Access to economics training for black women has been particularly restricted, given the predominant patriarchy in South African society. Programmes that have been established so far remain woefully inadequate. It will take a long time to rectify this problem as it is a result of a long period of systematic exclusion of the black population from opportunities to learn (Van Ameringen 1995: 32).

The South African society is still patriarchal, and most gender inequality issues are perceived as normal. BEE has not been exempt from this patriarchy. It is this patriarchy within BEE that concerns this study.

## **1.2 Preliminary Literature Review and Research Problem**

The books, theses and articles which have been written about BEE originate in many different disciplines. Most of the work published on BEE comes either from Policy Studies or Business Management. Among these is a thesis by Mandla Bulelani, *BEE and Malaysia's NEP: A comparative study* (2006). The thesis compares South Africa's Black Economic Empowerment policy and Malaysia's National Economic Policy (NEP). He argued that both countries share a common background. Both countries implemented economic policies after independence to correct the economic imbalances created by colonialism. In each of these countries, power was invested in a minority of its citizens thereby leaving the majority excluded from participating in the economy. Mandla identified in his thesis, two important elements that aided Malaysia's success in the economic programme - education and skills development. These elements, he found lacking in the South African programme. He attributes the suffering and poverty of South Africans to the lack of these two elements mentioned above. He therefore urges the ANC government to embark on programmes and activities that will enable black people to acquire the skills needed to meaningfully participate in the BEE programme.

Vuyo in his book *BEE: the complete guide* (2007) provides a comprehensive guide to all companies and businesses in South Africa. Being part of the team that drew up the codes, he highlighted the Code of good conduct and argued that they are needed to encourage empowerment in black business. He explained that the codes represent key pillars for economic transformation. He adds that “they provide a base from which both the public and private sector can initiate active empowerment” (2007: vii). In the book, Vuyo provides a detailed overview of the development and evolution of BEE, the historical background, the rationale behind the codes, the development of the codes, the objectives of the codes, and, most importantly, how to apply the codes in business. He also gives detailed accounts of the fronting practices and misinterpretations that have been identified in BEE; these include the various types of fronting such as opportunistic intermediaries, transfer pricing or benefit diversion, window dressing and thin capitalism. The book is very useful for this thesis because it provides in-depth information on the subject matter of this study.

Christianson and Coomey in *The best and worst: empowerment deals* (2005), in *South Africa: to BEE or not to BEE* (2007) discusses BEE as an economic program to correct the poverty, exploitation and the social degradation that black South Africans have experienced for more than 350 years. They also provide detailed explanations of the Code of Good Conduct that was introduced by the Department of Trade and Industry as a way to ensure that all citizens of South Africa benefit from this empowerment programme.

From the above, it is clear that few of the works published focus on the social aspects of BEE. Those that do tend to focus on the race and class dimensions. For example, among the critics who say the programme has lost its original direction and is benefiting a select few is Tom Masland. He argues that the ANC may even lose its ground supporters, even with the introduction of BBBEE where the score board has been increased from one key element of ownership to seven elements: ownership, management control, employment equity, skills development, preferential procurement, enterprise development and residual contribution. Masland believes they may still see it as benefiting only a few (Masland and Rossow 2006, [www.msnb.msn.com](http://www.msnb.msn.com)).

Lerato Banda also draws our attention to the concern raised by the Congress of South African Trade Unions (COSATU) that while BEE is defined broadly, the measures proposed often tend to focus on increasing black ownership (amongst a few wealthy individuals) rather than a broad empowerment process (Banda 2003: 2). Critiquing the programme, Adele Shevel quoted Mtombizine Madyibi, chief financial officer of Development Zone in East London, that, “BEE has just scratched the surface, a few have benefited from BEE deals... a lot still needs to be done to reap the economic reward intended by the act” (Shevel 2007: 13). Patrice Motsepe, giving a baseline report of BEE in the *Natal Witness Newspaper*, says, “There is a dim picture and serious under-achievement in all seven areas of transformation as captured in the BBBEE code of good practice, even in the private sector” (South African Publishing Association 2007: 6). Looking at the redistribution nature of BEE, Strydom predicts it will not achieve its aims of eliminating poverty, creating employment and boosting economic growth, but will only be beneficial to a small black elite (Strydom 2005 [www.asaqs.co.za/news/260806.htm](http://www.asaqs.co.za/news/260806.htm). Accessed: 2007 September 27).

Contributing to the unfairness of the programme, Shevel also says that: “Women’s groups are mostly featured as part of the consortia in BEE deals, but the stake they hold is very minimal to improve their economic status in the economic mainstream” (Shevel, 2007:13). The inference that one could make here is that the exclusion of women, especially blacks, may be caused by companies favouring men as a result of the patriarchal nature of South African society. Women participating in BEE have limited opportunities to fully contribute to society. Truida Prekel adds that:

Many companies working towards black advancement overlook black women. They seem to forget that ‘black’ women are black people too. If any company pays special attention to its female staff, black women may be the last to benefit; this could be partly because many of these quiet contributors are not as vocal or demanding as other disadvantaged groups (Prekel 1994: 14, 15).

In South Africa today, and with the background of black people, particularly black women, one would expect that most of them would be given the opportunity and encouragement to participate in and benefit from this state intervention programme. However, as the above critics of BEE have shown, more needs to be done.

Despite the fact that BBBEE is meant to benefit all black people, statistics show that black men, more than their female counterparts, are the main beneficiaries. This claim was confirmed by Allan Hirsch as follows:

State-owned enterprise board composition by late 2003 was 63% African, 2.5% Indian, 9.9% coloured and 24.7% white. Regarding gender, 76.5% were male and 23.5% female. At senior management levels, 56.5% were white and 43.5% were black with a gender breakdown of 75% male and 25% female. Again it would be fair to say that the boards and senior management of state-owned enterprises is becoming more representative, with the caveat that gender equity lags.... Progress towards gender equality is similarly slow in the private sector, with only 11% of top management being female in 2001, and 18% of senior management. For both categories and for middle managers/professionals, the annual rate of progress is very slow, at between 1% and 1.7% (Hirsch 2005: 159).

From the above statistics, it is clear that women occupy minimal positions in the economy. The above statistics may be indicative of three things. First, businesses do not create genuine gender equality as a result of the dominance of patriarchy in society. Second, there are indications that the talent pool of women has not yet been developed adequately. Third, women already in the workplace are not yet truly empowered to benefit adequately from BEE.

In her book *Re-creating ourselves: African women and critical transformation* (1994), Molaria Ogundipe-Leslie draws our attention to issues facing women, which, in her opinion, are the causes of women's predicament in development. She looks at key developmental concerns that African women face, and uses a metaphor that comes from Mao Tse-tung in China. In the metaphor, Mao Tse-tung speaks about four mountains on the backs of Chinese peasants. Ogundipe-Leslie uses the same metaphor but identifies two more developmental concerns for African women which she calls "the six mountains on African women's backs". These six mountains were arrived at as a result of her concerns for African women and the challenges that they face in their cultures (Ogundipe-Leslie 1994: xii). She lists the six mountains on African women's back as follows:

- Oppression from outside: Foreign intrusion
- The heritage of tradition
- Backwardness
- Race and class
- Men
- Woman's low self esteem

In terms of the first mountain, she investigates how colonialism and neo-colonialism have impacted on women. Her argument is that Africans had a way of doing things which were discarded with the coming of colonialism and the introduction of the slave trade. She gives an example of how, during the period of colonialism, women's role in the process of production was replaced by commercial farming. This resulted in depriving women of their contribution to society. The Colonialists replaced female political structures in society with male structures and positions. Again, colonialism affected legal structures, religious cultures and artistic cultures in the African societies relegating women into subordinate positions in the society (1994:28-32).

She calls the second mountain the 'heritage of tradition', and attributes it to structures and attitudes inherited from indigenous history. Here she argues that the African traditional society supports the idea that men are superior to women in all areas of life. This mind-set promoted the attitude of negative discrimination against women, contributing to the ideology of colonialism that supports women's inferior status. We find that these have continued to contribute to the challenges African women face today (1994: 33-34).

The next mountain is what she describes as the 'backwardness of the African woman'.<sup>1</sup> She does not give much detail about this mountain, but attributes it to colonisation and neo-colonialism. She is of the opinion that backwardness has contributed to women lagging behind in terms of progress and development. It has also contributed to poverty and ignorance that the African women face today (1994:35).

The fourth mountain is 'race', and it is explained as a very important issue that contributes to African women's vulnerability. To Ogudipe, race affects all aspects of life, including economics and politics. She gives South Africa, Mozambique and Zimbabwe as examples of countries that have been affected by race. Although this affects both men and women, she believes women suffer more as a result of their race. African women have suffered from three setbacks: colonialism, tradition or culture, and race (1994:35).

She identifies the fifth mountain as 'men'. She sees men as obstacles to women's development because of male domination over females. To her the African society favours men over women.

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<sup>1</sup> I must mention here my discomfort with the term "backwardness" and she does not explain it clearly but mentions that she can only comment briefly.

She believes that the root cause of this mountain is patriarchy that promotes male superiority. She suggests that women need to combat their social disabilities in order to fight the evils of patriarchy and female subordination without waiting for the day when men will choose to share their powers and privileges (1994:36).

The final mountain she identifies is women themselves. To her, women have entertained negative self-images which have become a hindrance to their own development. This has resulted in fear, dependency complexes, and the desire to please other people at their own expense. She believes that education can combat this negative self-image; therefore women need to be educated to break this self-destructive attitude (1994:36).

From the above discussion, it is clear that Ogundipe-Leslie wants to show that women's vulnerability stems from economic, social and cultural factors and that these factors impact negatively on women's role in development even today. A closer look at her argument on the six mountains on African women's backs shows the development approaches and policies that ignore the socio-cultural implications that impact negatively on women. To her, unless African development addresses these concerns, the situation of African women will never be transformed.

In the same vein, the patriarchy inherent in what is ironically supposed to be an empowerment economic policy can be described as another mountain on black South African women's backs. Black women have been inhibited from fully participating in the BEE programme that is supposed to benefit all black South Africans. Ogundipe-Leslie argues that as a result of the above developmental issues there must be true transformation in the social, economic, political and educational structures in the society (Ogundipe-Leslie 1994: 21- 41). This is in line with the argument of this thesis. For black women to meaningfully participate and benefit from BEE there must be a real transformation in South African society as a whole.

Ester Boserup, in her book *Women in Economic Development* (1970),<sup>2</sup> brings to light women's contribution to economic development both in the rural and urban areas in the developing world. While this book is dated, it nevertheless sheds much light on the condition of women in

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<sup>22</sup> Boserup's book is dated but I see the issues she raises as relevant to the current study.

developing countries, and not much has changed in terms of the challenges which women face in economic development. Her examination is drawn from evidence that has been made available for development planners and social scientists. Boserup's concern is for the role of women in the process of economic and social growth in developing countries. She looks at this against a backdrop of the ongoing struggle for women's rights and inequity, urbanization, HIV and AIDS, property rights, leadership as well as barriers to change. She observes that policies in place by government are depriving women of their status and opportunities to contribute to their society, because such policies do not consider the traditional roles of women. She argues that economic development policies are harmful to women when they exclude them. Not only are they harmful to women, but such policies can retard the whole process of economic development and the benefits it can present society as a whole. Her findings include the following:

- Women in most developing countries contribute extensively to farming, yet governments rarely count them, and development policies rarely credit them or invest in them.
- Policies, laws and development agencies in most developing countries do not support women's rights to use or own property. They are often denied access to credit as well as property titles.
- The role that women play in trade and commerce is not recognised and supported by governments in most countries.
- Colonial and development transformations have encouraged "public and private spheres" as a way of life, and this has confined women's opportunities to the home and limited them in the public sphere (Boserup, 1970:40).

To her, any effective development planning must take into consideration traditional practices such as polygamy, land ownership, discrepancies between male and female with tertiary education as well as lack of industrial skills training for women (Boserup, 1970: 40). Boserup's finding is significant to the concerns of this thesis; because women in South Africa suffer the same predicament as most women in other developing countries. For instance, the above-mentioned practices are seen as the main contributing factors to the exclusion of women from participation in BEE programmes, making her work very relevant to the ongoing argument of the thesis.

In *Women in the Third World Development*, (1984)<sup>3</sup> Sue Ellen Charlton, outlines the problems faced by women in third world countries. She observes that local, national and international policies have had a negative impact on women, particularly in terms of their involvement in decision making and policy making. She also adds that women in highly patriarchal societies in third world countries have limited opportunities to be self supporting. She further explains that most of them do not have the opportunity to earn an income, or inherit land and property. In situations where it is possible for women to work, their income is handed over to their husbands who control all the income in the family (1984:48). In such a patriarchal context, the most powerful family member, in most cases the elderly or the men, is responsible for all decision making.

Charlton did a number of investigations into the pre-colonial and neo-colonial periods. She also assessed contemporary debates over theories of development and identified four crucial issues that are responsible for the numerous challenges that women in third world countries face. She lists them as follows:

- The role of ethical and moral choice in development;
- The structure of the international system in the late 20th century;
- The influence, and in some instances, domination of western norms and institutions in development concepts and, policies;
- The political control of development (Charlton 1984:7-8)

It is her first concern that is crucial to my study. The question that is important for my study is “how much choice do women have when it comes to economic development”? In Charlton’s view, policies that are put in place to empower women should be able to answer the question: How many opportunities, if any, should be given to each individual person to realize their personal empowerment? She argues that the major concern of governments and policy makers globally should be to give opportunities to individuals. Furthermore, she observes that in most third world countries, females have limited opportunities to gain education when compared to their male counterparts. They also lack the power to be involved in policy making and decision-making, and the ability to become economically self-sufficient. She strongly believes that the results of these restrictions are gross injustices in society, poverty, and illiteracy found among

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<sup>3</sup> I am aware that Charlton’s book is also dated yet the issues she raises are still relevant to the current study. It gives a constructive background to why it is important for BEE to include women.

most women today. Charlton attributes the factors that underpin this state of affairs to patriarchy. To her, patriarchy is strengthened by the societal structuring that is informed by the concept of public and private spheres. Elsewhere Charlton describes the concepts of private and public as follows:

The public realm is the realm of politics and community beyond the family (private). The exact meaning, scope, or range of public and private vary with societies and history, but the distinction is central in the Western political tradition...the household realm of women was defined as outside of, and excluded from, the realm of polis, culture, citizenship, or the larger community. The polis was the realm of politics and, as such, inaccessible to women (Charlton 1989:22).

Against this background, she asserts that consciously or unconsciously these two concepts endorse local, national and international development policies. To her, there is no doubt that patriarchy has a strong bearing on the private – public dichotomy. Charlton clearly states that even if governments provide education, resources, shelter, water and health facilities, they may not impact on the lives of women positively until the effects of patriarchy are taken into consideration.

So far it is clear that Charlton's work provides us with an understanding that patriarchy has a bearing on developmental policies, particularly in third world countries. This echoes the concerns of this thesis; that patriarchy is responsible for the minimal participation of black women in BEE.

Margaret Snyder and Mary Tadesse in *African Women and Development* (1995: 6), emphasize that women's roles in African economic development are as important today as they were in the waning days of colonialism. They argue that historically, African women demonstrated that they were capable of playing important roles in their societies. They became managers of their local economies, they were skilled in diplomacy, and they carried out their responsibilities with tenacity and determination, because the economic environment they found themselves in was much friendlier. Snyder and Tadesse argue that in the waning days of colonialism, African women displayed their eagerness to share in the building of new nations and new economies. Consequently, the creation of the United Nations Economic Commission for Africa (UNECA) brought about opportunities to strengthen their position in their countries. To the Commission,

all development on the continent must include the active participation of women. The Commission, in consultation with African women, formed The Women's Programme as well as the African Training and Research Centre for Women (ATRCW) in 1975 (1995: 180). Among the numerous contributions that the ATRCW made, they raised awareness of women's role in nation building, as well as building confidence and consensus among women.

Nevertheless, Snyder and Tadesse observe that the economic environment that women find themselves in today is more threatening than before. They attribute the current situation to the policies and processes put in place by governments, civil unrest, military coup, drought and diseases. For this reason, they have suggested four areas for action in the future. The four areas were arrived at from the experiences they have gained in Africa, as well as responses from interviews they conducted with African women across the continent. The four areas include:

- Educational opportunity
- Economic empowerment
- Coalition among women
- Transformed institutions

Although educational opportunities promise better lives for most girls and women in the continent, this is sadly not the reality. Most girls on the continent do not have access to educational opportunities. They argue that without education girls are not able to acquire the knowledge needed to bring up their children. Again, their chance of participating fully in the economy to earn a living is minimal. They identified the progress of girls in primary and tertiary level as visible, yet they were concerned that in fields of science and technology there was little progress. They have observed that the number of boys far exceeds that of girls. They therefore propose that adult education be intensified in areas such as legal literacy so that women will be aware of their rights in inheritance, ownership to assets and violence against women (1995, 182-183).

The preceding literature review has shown the importance of considering the challenges that women face in the area of economic development. What is clear from the above literature review is that the situation of women in third world countries, and particularly South Africa, is characterized by factors that have been combined to facilitate and perpetuate patriarchy. This is the major inhibitor of African women in most economic development policies and programmes.

From my reading of the BEE policy, there is no indication that these gender challenges have been taken into account both at the level of development and implementation of the policy. A number of research studies have been conducted on the racial issues within BEE, and particularly the class issues, (Du Toit, Kruger and Ponte 2008; Hasenfuss 2007; Shevel 2007; Murray 2000; M'Paradzi and Kalula 2007) but as can be seen the above, few have emphasise the gender concern.

This study is worthwhile because it is a contribution to the debate and critique on the BEE programme, and it is only by such critiques that the programme can be amended and remodelled to benefit all and achieve that for which it was created. It also adds to the literature on South African women and the BEE programme which is meagre. It must be noted that to my knowledge the programme has not been adequately critiqued from a gender perspective. Therefore, this study is among the few works pioneering uncharted territory and making an important contribution to the knowledge base on BEE.

Another significant factor to consider is that the findings of this study may enable governments and policy makers in Africa to find the root causes for the lack of female representatives in economic development programmes, compared to their male counterparts. It will also help in any future economic development policies that the government would want to put in place, as well as serve as the basis for further research that will advocate discontinuity of all that prevents women from realizing their full economic potential. Finally, the study is necessary for the purpose of educating and empowering women by highlighting the factors that hinder them from participating in BEE. This is because, while research on BEE has pointed out the deficiencies of the policy in terms of class and race, studies have failed to take into account the ways in which patriarchy within the policy and its implementation prevents women from being full beneficiaries of the policy.

### **1.3. Research Problem and Objectives: Key Questions to be asked**

As noted above, most black women have not benefited from BEE. However, research on BEE has focused on the class and race dimensions of BEE to the exclusion of gender considerations. This is the research problem which this study wishes to engage. The research question therefore

is: “How does patriarchy prevent women from being beneficiaries to economic development policies, specifically the BEE policy in South Africa?” The sub-questions in this study are:

- What is BEE?
- How has patriarchy inhibited women from participating and benefiting from BEE policy?
- How can economic development policies be informed and transformed by the gender challenges of Black women?

The objectives of this thesis are:

- To explain BEE as an economic development policy.
- To demonstrate that Black women have not yet benefited from BEE.
- To evaluate how patriarchy in the African culture is a hindrance to Black women’s advancement in economic development.
- To use Sen and Nussbaum’s Capabilities theory and feminist ethics to ascertain the degree to which BEE is informed and transformed by the gender challenges faced by Black women.
- To develop an African feminist ethic that will be used to address the gender imbalances in BEE.
- To make recommendations for how BEE can be more gender-inclusive.

## **1.4 Theoretical Framework**

This study will draw on two theoretical frameworks – the Capability Approach as proposed and developed by Sen and Nussbaum, and feminist ethics as developed by scholars such as Tong. Each of these frameworks will be discussed in turn below.

The Capability Approach was proposed by Amartya Sen (1999). Sen’s model offers us the fundamental principles of a development approach which allows policy makers to analyze various challenges that poor people face. BEE is an economic development policy that is designed to enhance the lives of black people by giving preference for economic development to those who were disadvantaged by Apartheid. How can BEE be seen in the light of Sen’s Capability Approach? To Sen, development is an expansion of capabilities which is the starting

point for the human development approach. He proposes that the purpose of human development is to improve human lives by expanding the range of things that a person can be and do (1999:4). By granting Black people opportunities through policy to engage in economic endeavours, one can argue that one is providing opportunities for an “expansion of capabilities”. Nussbaum advanced this theory in her book *Women and the Human Development Approach* to quality of life. This book was developed from exploring the lives of women in developing countries. Her theory was based on what women are actually capable of doing or becoming in the real world, and what prevents them from achieving this. She recognised that patriarchy is a key factor which prevents women from achieving economic empowerment. Hence, to her, the main role of governments and development actors is to provide citizens, particularly women, with the necessary capacities and opportunities. While the opportunity for economic empowerment exists within BEE, what is lacking is a focus on developing capacities, particularly for women, so that they might be able to access the opportunities created by government.

The second theory that is important for my study is feminist ethics. The reason for this choice is because BEE is an ethical policy to redress economic imbalances in South Africa yet within this ethical policy, there is an ethical conflict: Women who were part of the previously oppressed people have been inhibited from benefitting from the policy. Therefore an analysis from a feminist ethics perspective will serve as a guide in the quest to do a gendered analysis of BEE and suggest appropriate practices that will be used to enhance the inclusion of black women.

The theory of feminist ethics gained prominence in the late 1960s, among Western feminists. Chief among these are Carol Gilligan who emphatically argued in her book: *In a Different Voice: Psychological Theory and Women's Development* that the concept of moral development in women is totally different to that of men (Jaggar 1991:82). However, later on as was recognized by scholars such as Tong, the arguments put forward by Gilligan and others seem to favour what came to be called *feminine* ethics as opposed to *feminist* ethics.

Drawing on the distinction made by Tong in her book *Feminist and Feminine Ethics*, Rick Houser, Felicia L. Wilczenski, and Mary Anna Ham (2006: 40) in their book *Culturally Relevant Ethical Decision-Making in Counseling* delineate the distinction as follows:

The feminist position, more than the feminine approach, is political in that feminist ethicists are committed to eliminating the subordination of women and any other oppressed persons. Because feminists are interested in patterns of oppression, their concerns extend to other patterns of domination and subordination, such as racism and classism. The focus on women and oppression is what makes an ethic feminist, as opposed to feminine. The aim of feminist ethics is to create a gender-equal ethic that is based on nonsexist moral principles.

From the above it is clear that feminine ethics is concerned with care while feminist ethics is concerned with the issue of power and the unequal ways in which power is distributed between women and men. It seems that BEE has traditionally been based on an ethics of care, i.e. a paternalistic attitude toward women, rather than a feminist ethic which seeks to overturn structures of oppression.

The current study is interested in using feminist ethics to show how this approach could be used to ensure equal participation of men and women in this patriarchal influenced policy: BEE. However I am also very aware that feminist ethics cannot be a “one size fits all” theory. It must take cognizance of the context of action. Doing feminist ethics in Africa demands a feminist ethics that will take into cognizance the traditional and contemporary moral issues that affect African women. For instance in addressing the moral conflict in economic development particularly in BEE as indicated above, there is the need to embrace an approach that will speak to the patterns and structures within traditional patriarchy and how these manifest themselves in economic development. However, little sustained work has been done in the field of African feminist ethics. Hence the decision to develop within this study an African feminist ethic through the cultural tool of *ubuntu* to challenge patriarchy that exist in economic development policies such as BEE. According to Lucinda Manda, *ubuntu* “is understood as “humanism” or “humanness” and embraces values such as respect, love, peace, dignity and harmony, in recognition of the fact that people exist in relation to each other”(2007: 9). If *ubuntu* suggests ‘humanism’ or ‘humanness’ then so far what is happening in BEE shows that men are more human than women. These concerns will be elaborated on in greater detail in the next chapter on theoretical framework.

## **1.5 Method of Investigation**

From what has been discussed so far, it is clear that a thesis of this nature must involve a combination of methodological approaches using a wide range of methods, for example, historical, critical and constructive. An historical approach will be incorporated because the study will investigate the background of black economic empowerment in South Africa. This is very important because a critical look at the Indigenization, Africanization and the socialist ideas introduced by different post-colonial countries in Africa, shows similarities in the BEE of today.

Second, this thesis is critical of BEE on the grounds that although it was introduced with the aim of eliminating the socio-economic imbalances between ‘whites’ and ‘blacks’, it ignores the socio-economic imbalances between women and men. The critical tools derived from Amartya Sen, Martha Nussbaum, feminist ethicists as well as African feminist ethics will attempt to propose a constructive way forward which is gender development and empowerment through human capabilities.

In terms of research method of investigation, library research is used. Interviews were not included because Researchers such as Iheduru 2003 and Bikitha 2009 have done extensive interviews with women in BEE and the current researcher has no intention of repeating these interviews and therefore opted for a library research which will derive its data from written sources, incorporating published and unpublished documents relevant to the study. These include books, dissertations, periodicals and articles from newspapers, journals, magazines and papers presented in various forms. Some of the information is sought from electronic sources such as the internet.

## **1.6 Structure of the study**

Having laid out the background of the problem to be tackled, the motivation and research approach in this thesis, in this first chapter I provide a brief overview of the rest of the thesis.

Dealing with the inhibition of women in BEE requires an ethical approach. In order to do this, chapter one of the thesis is theoretical. It presents two approaches: the Capability Approach proposed by Sen and Nussbaum, and feminist ethics. These approaches have their roots outside

the African culture: the former Asian and the latter Western, for this reason, there is the need to develop an African feminist ethics theory to be used in Africa.

The third chapter examines the historical background of BEE tracing the concept as far back as post-colonial Africa. The apartheid system which prevailed in South Africa during colonialism prevented the majority of South Africans from participating in the economy through discriminating laws and regulations. Black people were discriminated against in employment opportunities, skills development, ownership and control of business and access to basic social and physical infrastructure. All of this created imbalances in the economy and provided biases that the ANC government had to deal with after coming into power. The chapter presents an overview of the nature of the economic imbalances during apartheid; it is argued that an understanding of the background will enable the assessment of the causes of the vulnerability of women in BEE. It also argues that the place and status of women in BEE today can best be examined by looking at the laws and regulations instituted by apartheid. The overview presents an indication of what shapes the role of women in BEE today.

The chapter also examines the evolution of BEE in South Africa. It is argued that the idea of an economic programme that would encompass all citizens in the country first appeared in the Freedom Charter of 1955 and later in the constitution drawn by the ANC government in 1996. In this chapter, the background, the progression of BEE to BBBEE, its aim and its impact on black people in general will be examined. It argues that the BEE programme is all about justice and doing what is right. It presents BEE as a moral policy, a social issue as well as an issue affecting economic growth in the new South Africa.

Chapter four explores how women have been inhibited from participating effectively in BEE. It is entitled Women and Black Economic Empowerment. It examines the reasons why black men seem to dominate BEE deals. In doing this, it uses statistics to argue that when it comes to participating in the economic mainstream, men are benefiting more than women. It also examines the factors that contribute to the under-representation of women in BEE. Further, it explores the reasons why women's contribution to BEE cannot be overlooked. In carrying out this task, the chapter will depend on an analysis of a census conducted by the Business Women

Association in 2006, 2007 and 2008 as well as written documents of what women participating in BEE are saying.

A closer look at the factors that have inhibited women from participating meaningfully in BEE exposes the patriarchal nature of South African society as the major contributing factor. Therefore chapter five of the thesis critically investigates how patriarchy in the African culture is a hindrance to black women's advancement in economic development with special interest in black South Africans participating in BEE.

In chapter six, the thesis analyses black women in BEE with the CA, and feminist ethics. The chapter shows how these theories are articulated in relation to factors that contribute to the inhibition of African women in economic development. The intention of this chapter with regards to these theories is to ascertain the degree to which BEE is informed and transformed by gender challenges faced by black women. An African feminist ethics will be developed using *ubuntu* as a cultural tool to challenge and address gender imbalances in BEE.

Finally, chapter seven forms the conclusion of the thesis. Here the chapter summarises the main findings of the thesis. Recommendations for how BEE can develop more gender equitable policies are made. This will answer the research question "How does patriarchy prevent black women from being beneficiaries to economic development policies, specifically the BEE policy in South Africa?"

## **1.7 Conclusion**

This chapter has introduced the main concerns of the thesis, which is how the South African government and policy makers can enhance the capabilities of black women in BEE so that they can participate effectively in the programme. In undertaking this task, the work draws heavily on the insights of the capability approach, feminist ethics, and of the ethics of *ubuntu*. It is clear that we are entering new territory in search of freedom for the African women; participation in the mainstream of economies. The factors pushing for participation will emerge as the argument of the thesis unfolds. The nature and characteristics of this freedom of participation will be identified in the final chapter.

## CHAPTER TWO: THEORETICAL FRAMEWORK

### 2.0 Introduction

This chapter of the study specifically discusses the theoretical approaches that are needed to place this thesis in perspective. Here the study deals with three main theories. The first section looks at the CA. BEE is seen as an economic development policy, therefore a development theory offers helpful tools to analyze the program.

The second section discusses the theory of feminist ethics because as has been noted in the first chapter, BEE is an ethical policy to redress the economic imbalances brought about by the apartheid system. Yet in reality men have dominated as the beneficiaries of the programme. Feminist ethical theory provides the tools with which to identify and analyze the structures and systems which prevent women from accessing the full benefits of BEE. The third section uses the cultural tool of *ubuntu* to formulate an African feminist ethic that will assist in identifying and analyzing the patriarchy undergirding BEE policy and programmes, while at the same time taking the context of Africa seriously.

### 2.1 The Capability Approach

The Capability Approach (CA) has been pioneered by Amartya Sen (see, Sen, 1985, 1992, 1999). It is also associated with Martha Nussbaum (2000), and a number of other scholars. Explaining the CA, Ingrid Robeyns says, “it is a broad normative framework for the evaluation and assessment of individual well-being and social arrangements, the design of policies, and proposals about social change in society” (2005: 94). This definition suggests that the CA provides a tool and a framework within which one can conceptualize and evaluate poverty, social justice, inequality or well-being and appraise the success of economic development (Robeyns, 2005: 94). From this definition, it is clear that the CA is suitable in evaluating black women and BEE because not only will it help evaluate their participation in this economic development programme (BEE), but it will also help us to understand the inequalities and social injustice that is prevailing in the economy.

The CA can also be used in various fields, such as development studies, welfare economics, social policy and political philosophy (Robeyns 2005:94). It is not a theory but an evaluative tool that is used to assess people’s functions and, to be precise, their ‘beings’ and ‘doings’ and their

capabilities; these include their effective opportunities to achieve their required functioning. For this reason, it is appropriate for the thesis to use the CA to help review the economic opportunities that black women have in the South African society, in order to advocate for more opportunities for them as they seek to participate in BEE. We can say that the CA is a tool that advocates for normative evaluations to look at people's capabilities. The main focus of this framework is that individuals need substantive freedom to lead the life that they have reason to value. Like the BEE programme, the main aim is to involve every individual who was not able to participate in the SA economy to have the chance to participate. This should be both the primary end objective and the principle means of development (Sen, 1999: 3). He continues to say that:

The capability approach to a person's advantage is concerned with evaluating it in terms of his or her actual ability to achieve various valuable functionings as a part of living. The corresponding approach to social advantage – for aggregative appraisal as well as for the choice of institutions and policy – takes the set of individual capabilities as constituting an indispensable and central part of the relevant informational base of such evaluation (Sen 1993: 30).

This implies that the CA can be used to evaluate different policies according to their impact on people's freedom and capabilities. This explanation confirms that the CA is the appropriate approach for evaluating BEE as a policy and to ascertain whether black women have the freedom to participate meaningfully in the programme or not. Des Gasper has also noted that the CA is “a humanist alternative theory, which has been widely accessible and adopted, it has led to much empirical work, and has had significant policy impact” (2002: 435). The CA does not support normative assessment that is based exclusively on commodities, income, or material resources. It argues that resources are only considered as the means to achieve people's well-being. Robeyns has observed that “Resource-based theories sees all people as equal, it does not recognize that people have different abilities to convert resources into capabilities, as a result of personal, social or environmental factors, such as physical and mental handicaps, talents, traditions, social norms and customs, legal rules, a country's public infrastructure, public goods, climate, and many other factors” (2005:94). For this reason, the concern of the CA is to concentrate on peoples functioning and capabilities to achieve their intended goals. Here, it is clear that the CA can be used to describe BEE, because the overall goal and that of BEE are similar; the ultimate goal of BEE is for all black people to participate in the mainstream of the economy. The CA also aims at the overall freedom of people to lead the life that a person has reason to value (Sen 1999:3). This implies that the aim of the CA is to see the success of everyone in the society and not a few.

Relating it to the South African context, we are aware that after independence, as noted in chapter three, the ANC government instituted the BEE to correct the economic imbalances in South Africa and involve all citizens in the mainstream of the economy. Therefore, BEE was instituted as a means to achieve functioning (black people participating in the mainstream of the economy) of South Africa.

Having discussed the meaning of the CA, the next section explores the various elements in the CA. These include: Functionings and Capabilities.

### **2.1.1 Functionings and Capabilities**

The most important elements of the CA are *functionings* and *capabilities*. Functionings, according to Sen are the ‘beings and doings’ of a person or it refers to realized achievements and fulfilled expectations, whereas a person’s capability is, “the various combinations of functionings that a person can achieve. Capability is therefore a set of vectors of functionings reflecting the person’s freedom to lead one type of life or another” (1992: 40). This implies that a person has the space of freedom or the available opportunities to choose from, in order to lead a valuable life on their own terms. Elsewhere Sen explains functionings and capabilities in a more simplified way. He says that:

A functioning is an achievement, whereas a capability is the ability to achieve. Functionings are, in a sense, more directly related to living conditions, since they are different aspects of living conditions. Capabilities, in contrast, are notions of freedom, in the positive sense: what real opportunities you have regarding the life you may lead (Sen 1987: 36).

The above quotation implies that capability is the means of achieving the end goal which is functioning. The core characteristic of the CA is that it is focused on what people are effectively able to do and to be. That is, it focuses on their capabilities (Sen, 1999: 3). Sen emphasizes that the CA focuses on the evaluations of people’s functions - their beings and doings - as well as their capabilities. According to him, these are their real or effective opportunities to achieve those functioning (1999:75). To Sen, the beings and doings constitute valuable life.

The CA offers a wider information base for conceptualizing development than more traditional approaches, which typically focus on resources or utility such as monitoring gross national product (GNP) or household income figures (Sen 1999:3). Sen believes that though

concentrating on GNP can be considered as development, it is too narrow to grapple with the full meaning of development. He continues to argue that there is no direct link between a country's GNP growth rate and the real freedoms that its citizens enjoy. To him, while measuring the GNP is a helpful instrument in aiding the expansion of freedom, it cannot serve as the ultimate goal of development (1999: 3). He explains that measuring development in purely economic terms includes the 'objective' of development, but does not capture the process or the 'means' by which development is achieved.

Sen then calls for a broadening of the term 'development' beyond the current narrow focus on economic measures such as per capita GDP and income levels. He defines development as the "process of expanding the real freedoms (capabilities) that people enjoy" (1999: 4). He emphasizes that development requires the elimination of the causes of "unfreedoms" or the absence of freedom. Sen argues that in our evaluations and policies we should focus on the real freedoms that people have that enable them to lead a valuable life, and on removing obstacles in their lives so that they have more freedom to live the kind of life that they have reason to value. Jean Dre`ze and Amartya Sen say that:

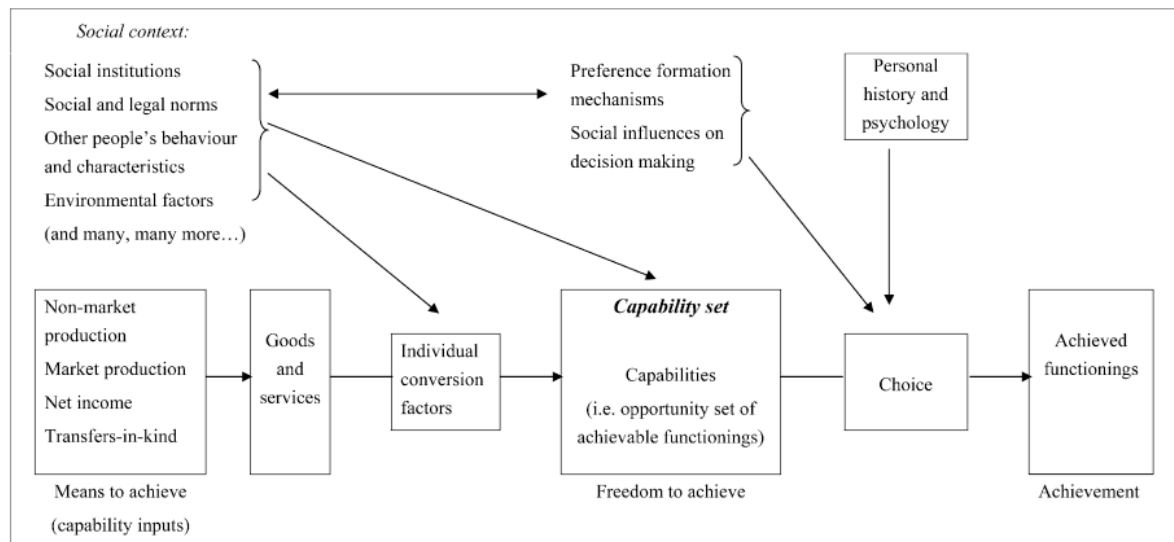
It should be clear that we have tended to judge development by the expansion of substantive human freedoms — not just by economic growth (for example, of the gross national product), or technical progress, or social modernization. This is not to deny, in any way, that advances in the latter fields can be very important, depending on circumstances, as 'instruments' for the enhancement of human freedom. But they have to be appraised precisely in that light — in terms of their actual effectiveness in enriching the lives and liberties of people — rather than taking them to be valuable in themselves (2002: 3).

Here the authors do not reject the idea of evaluating development by measuring economic growth, but they go on to further encourage a process that will ensure the effectiveness of policies in liberating and enriching people's lives. With this in mind, the next section of the chapter investigates the main concepts of the CA.

### **2.1.2 Means, Freedom and Achievement**

The main concepts of the CA are Means, Freedom and Achievement. An illustration of the relationship between these key concepts of the Capability Approach has been well explained in the Figure 1 below:

**Figure 1: A stylized non-dynamic representation of a person's capability set and her social and personal context.**



Robeyns 2005:98

The diagram above describes the framework for the CA. It represents the relationship between Means to achieve (Goods and Services), Freedom to achieve (Capability set), and Achievement (Functioning). As can be noted, the first element is the Goods and Services which can either be in a form of non-market production, market production, net income or transfers in kind. This element suggests that in order for people to achieve a function there must be the availability of either goods and services or inputs which are of interest to the people being helped. Sen believes that goods and services are essential if only they are able to allow people to do and to be, depending on the capabilities they are able to make from these goods and services (Robeyns, 2005: 98). These inputs then become the means (Instruments) that individuals will use to achieve the ultimate goal or functioning according to Robeyns (2005:98). She gave an example that a bicycle can be considered good because it can be used as a means to achieve the function of fast and free mobility instead of walking (2005: 98). From this example, one can say that goods possess certain characteristics which make them appeal to people in order that they might achieve a particular functioning. Goods can therefore be said to be something that cannot be exchanged for money, as has been indicated by Robeyns, because it would tend to limit the CA

to “analyses and measurement in market-based economies, which is not intended” (2005: 98). For this reason, one can compare the BEE programme to goods. As a programme, BEE cannot correct the economic imbalances in South Africa and to achieve the aim of including black people in the mainstream of the economy. Therefore depending on the freedom that individuals in the SA society have, they are able to make use of this opportunity to participate in the economy.

The fact that there are valuable goods (inputs) available does not necessarily mean there will be achieved functioning, because there are a number of factors that one needs to consider before functioning can be achieved as seen in the diagram above. In the same way, the fact that the government has initiated BEE does not mean every black person will be able to participate meaningfully in the economy. There are other factors that have to be taken into consideration for black people to meaningfully participate. These factors in the CA are known as the Conversion Factors and they influence individuals’ options to choose from available goods and services (capability sets) in order to achieve functioning. Therefore there is a need to investigate the conditions affecting individuals to be able to help them achieve their required functionings in BEE. According to the framework above, these conditions have been grouped under three headings. These include: Personal, Social and Environmental conversion factors. Personal conversion factors as seen above include characteristics such as “metabolism, physical condition, sex, reading skills and intelligence” (Robyen 2005: 99). These personal factors have an impact on individual choices and the degree of achieving functioning. Robyens is on the opinion that, a bicycle will not help a person with a bad physical condition or a person who does not know how to drive to achieve functioning of mobility (2005: 99). Therefore it can be said here that personal conversion factors depends on the conditions of the individual. In BEE, we see this factor as the main cause of women’s exclusion from participating in the economy. The fact that they are women has deprived them from effectively participating in the programme. This is because as has previously been noted, only men seem to have benefited from this programme. They formulated the initial document and did not see the need of including women who are marginalised in the South African context.

The next conversion factor is social. Examples of social conversion factors include public policies, social norms, discriminating practices, gender roles, societal hierarchies and power relations. These social conversion factors are in the form of policies and structures that influence

people (Robeyns 2005:99). They are said to be factors that are seen in different hierarchies in the society. These factors affect the external environment of the individuals or groups in the society. It must be noted that these social policies and practices also have influence on individuals achieving functioning. The difference between these factors and the personal factor is that although they are deeply embedded in the society, they are not static. However, these social factors can be changed through intentional human efforts. As noted in chapter four of this thesis, we are aware of inequalities in BEE due to the patriarchal practices, gender roles and power relations in South African society. These can be classified as social conversion factors that contribute to the inhibiting of Black women from effectively participating in BEE.

The third conversion factor as noted by Robeyns in the framework, is environmental. This includes “climate, geographical location” (2005: 99). These are seen as important factors in the conversion of goods to the individual functioning. Robeyns further explains environmental factors by giving an example that:

If there are no paved roads or if a government or the dominant societal culture imposes a social or legal norm that women are not allowed to cycle without being accompanied by a male family member, then it becomes much more difficult or even impossible to use the good to enable the functioning (2005: 99).

In BEE, the environmental factors may include gender roles in productive work as well as the geographical location of women in the country. It is clear from the above explanation that the CA does not only depend on goods and services as a means to achieve capability but it takes into consideration the factors that are capable of influencing the categories and levels of capabilities a person can generate from the available resources. It must be noted that these conversion factors can have positive or negative influences on an individual’s choice of the available capabilities set, therefore it must be prioritized when evaluating the situation of any given people. As Robeyns writes, “the material and non material circumstances that shape people’s opportunity sets, and the circumstances that influence the choices that people make from the capability set, should receive a central place in capability evaluations” (Robeyns 2005: 99). In order to achieve functioning in any given situation, the conversion factors must be prioritized. When using the CA to describe BEE, it becomes evident that the various conversion factors in BEE are not conducive for black women. First, we are aware that women were excluded from the formulation of the initial document. It is observed in chapter four that factors such as patriarchy, improper

education and skills, lack of access to capital, the glass ceiling, window dressing, lack of tenders, lack of mentorship, and productive versus reproductive work has resulted in their exclusion from the programme; whereas for men, the above conversion factors are favourable. That is why they seem to have benefited more from BEE than women.

The next element in the framework is the Capability Set. This element represents the different opportunities or freedoms created by the valuable goods and services with the aim of achieving functionings. Sen defines development as the “process of expanding the real freedoms that people enjoy” (1999: 4). He emphasizes that development requires the elimination of the causes of ‘unfreedoms’ or the absence of freedom. These ‘unfreedoms’ include poverty, patriarchy tyranny, poor economic opportunities, general social deprivation, neglect of public facilities as well as intolerant or repressive states (1999: 3). To Sen, if development strategies do not eliminate such ‘unfreedoms’ as listed above, then it cannot be considered as proper development. The implication of this in BEE is that for the government to achieve its aim of including all citizens in the economy, it must eliminate all forms of ‘unfreedom’, including patriarchy in the society, and expand the freedom that people have to achieve the ultimate goal of participating in the economy. Sen argues that we should focus on the real freedoms that people have to lead a valuable life, i.e. on their capabilities to undertake activities, such as reading, working or being politically active, or to enjoy positive states of being, such as being healthy or literate. He stresses that individuals must be active participants in their own development. Sen describes this process of development as an “agent-oriented view” (1999: 11) and one in which “individuals need not be seen primarily as passive recipients of the benefits of cunning development programmes” (1999: 11). To him, this is where the ‘means’ of development, rather than a sole focus on attainment of development is a critical element. In terms of BEE, the ‘means’ of development is as important as the ‘outcome’. So, if the ‘means’ are not present to provide for women to participate then the ‘outcome’ of having black empowerment is meaningless, because it leaves out half of the population of black people, namely black women.

In encouraging the involvement of individuals in their development process, Sen lists five integrated and complementary human freedoms. These freedoms help to advance the capacity and development of the individual. They include 1) political freedoms—the power to determine who should govern and on what principles, the experience of uncensored press, and the right to scrutinize and criticize authorities, 2) economic facilities—the opportunity to enjoy and utilize

resources for consumption, production, and exchange 3) social opportunities- the right to enjoy healthier, more educated, and more fulfilled lives (4) transparency guarantees—the ability to live under the assurance that disclosure and lucidity are normative elements of society and 5) protective security—the chance to exist in a society dedicated to preventing its citizens from experiencing hopelessness (1999: 38-40). Sen believes that the absence of these freedoms hinders a person's capacity to develop. In other words, the requirements for development can be described as an individual's ability to participate freely in the political process, the mechanisms and capacity to seek economic well-being, the networks and connections which make social integration possible, free access to reliable information sources, and structures which allow personal safety. Sen says that:

...enhancement of human freedom is both the main object and the primary means of development. The objective of development relates to the valuation of the actual freedoms enjoyed by the people involved. Individual capabilities crucially depend on, among other things, economic, social, and political arrangements. In making appropriate institutional arrangements, the instrumental roles of distinct types of freedom have to be considered, going well beyond the foundational importance of the overall freedom of individuals. The instrumental roles of freedom include several distinct but interrelated components, such as economic facilities, political freedoms, social opportunities, transparency guarantees and protective security. These instrumental rights, opportunities and entitlements have strong interlinkages, which can go in different directions. The process of development is crucially influenced by these interconnections (1999: 53).

The implication of the above quotation is that the ends and means of development call for placing the perspective of freedom in centre stage. People have to be seen, in this perspective, as being actively involved in shaping and given the opportunity to shape their own destiny, not just as passive recipients of the fruits of development programmes. The government and the entire society have extensive roles in strengthening and safeguarding human capabilities in terms of a supportive role.

As a result of the unfavourable conversion factors mentioned above, women have limited opportunities (freedoms) in terms of their participation in BEE. The few who manage to participate in the programme face a number of obstacles, such as the inability to move up the corporate ladder. They are not able to access finances for their businesses or organisation and some have to use their own family finances. They have limited opportunities and as such they are not able to achieve the required function, which is to be able to participate meaningfully in the

economy. Thus far it is evident that by using the CA to analyse BEE, we are made aware of the present conversion factors in BEE that have negative effects on the freedom women have.

The next component of the CA framework is choice. This is seen to be influenced by the personal, environmental, social and historical contexts in which individuals find themselves. It suggests the ability for an individual to select the best option in the midst of plenty. Frances Stewart has suggested that “being able to choose” as one functioning among others, is crucial in CA (1995: 92). Without a choice, individuals become passive recipients of goods and services and therefore proper functioning is not achieved. From the CA framework, it is evident that with greater freedom and greater choice, individual and collective interests can be enhanced. The capabilities approach “reflects a focus not on the income or public services a person has access to, nor on particular choices, plans and strategies that a person makes... but on the range of choices that are available to the individual” (Clements, 1995: 580). Choice as seen in the framework is also subjected to personal decision-making capacity, social and environmental conversions as well as personal history and psychology of the individual to be able to select from the available capability sets. Black women’s personal history and psychology has had a negative effect on them, such that in BEE they seem not to be able to choose from the opportunities that are available. Their personal history, as has been noted in the previous chapter, is characterized by patriarchy. Again the fact that their capability sets are limited also affects their choices in BEE.

The last element is the achieved functioning. This is the ultimate goal of development according to Sen. He proposes that there is the need to expand the substantive freedom of the people in order that they can value their lives and enhance the real choices they have. Yanis Varoufakis agrees with Sen, who “asserts a range of freedoms as the foundation for the Good Life; freedoms which are important equally as (a) the means by which wealth is generated, and (b) vital ends in themselves” (2001:214). This suggests that in order for a good life to be achieved there has to be freedom. Using the CA to describe BEE as seen in the diagram below, it is clear that women’s participation in BEE is minimal because their conversion factors are not conducive; they have limited opportunities therefore they cannot make the necessary choices to help them participate fully in the economy.

## 2.2 The CA from Martha Nussbaum's Perspective

Martha Craven Nussbaum is a feminist political philosopher and jurist from the United States of America. She is currently an Ernst Freund Distinguished Service Professor of Law and Ethics, at the University of Chicago. Her interest in the CA is with providing the “philosophical underpinning for an account of basic constitutional principles that should be respected by the governments of all nations, as a bare minimum of what respect for human dignity requires” (Nussbaum 2000:5). Her concern with the CA developed because of the continual discrimination that most women face in their countries, as well as the fact that in most debates about development policies, there is silence around concern for women's justice. She therefore believes that the CA should be the basic foundation which governments of countries must use when dealing with its people. On this she challenges individuals and governments by saying that:

We need to ask what politics should be pursuing for each person and every citizen, before we can think well about economic change. We need to ask what constraints there ought to be on economic growth, what economy is supposed to be doing for people, and what all citizens are entitled to by virtue of being human. That citizens...should be able to live with a full menu of opportunities and liberties, and thus be able to have lives that are worthy of the dignity of human beings (Nussbaum 2000:33).

She argues that governments should not just initiate economic policies but they need to assess the implications that the policies have on the individuals in the country, both males and females. To her, the aim is to offer people more opportunities and freedom to be able to lead the lives that they have reason to expect to live.

As has been noted from the foregoing discussion, the CA focuses on what people are able to be and do, but not on what they can consume. This characteristic makes it clear that the approach can be used to address gender issues. As noted by Nussbaum, she agrees that “the argument for CA is in line with the demands women are already making in many places” (Nussbaum 2000: 27). To her, this approach can be used to address the issues women are facing in most countries. Nussbaum believes that the CA is an important approach as it looks at what is needed to enable women to function fully within society and their families. It provides an important way of tackling the problem of gender inequality as a major strategy towards reasonable and more appropriate development (Nussbaum 2000: 17-18). This means that the CA provides a significant analytical approach for development strategies for gender equality and well-being.

Nussbaum is committed to an approach that recognizes “each and every person, treating each as an end...based on the principle of each person’s capability” (2000:5). She uses “the idea of a threshold level of each capability” and according to her all citizens should not live below this capability threshold. She believes that another use of the CA is that it creates liberty for an assessment of the quality of life. But she goes beyond a comparison level to a “construction of a normative political proposal that is a partial theory of justice” (2000: 6). She sees it as partial in the sense that it is universal and open ended. It is open for adjustment in its application in particular locations or context.

Nussbaum sees the CA as an approach with a universal value and argues that it can be used for dealing with issues women in the developing nations are facing. She is aware of the fact that her universalism might be faced with hesitation by international feminists. As a result of this, she offers an adequate defence of universal values and critically engages with international feminism and women in the third world. She however cautions that:

This project is somewhat unusual in feminist political philosophy because of its focus in the developing countries. Such a focus, already common in feminist economic thought and feminist activism, is becoming more common in feminist philosophy, and rightly so. Feminist philosophy, I believe, should focus on the more urgent needs and interest of women in the developing world whose concrete material and social contexts must be well understood, in dialogue with them, before adequate recommendations for improvement can be made. This international focus will not require feminist political philosophy to turn away from its traditional themes, such as employment discrimination, domestic violence, sexual harassment, and reform of rape law; these are all as central to women in developing countries as to Western women. But feminist philosophy will have to add new topics to its agenda if it is to approach the developing world in a productive way; among these topics are hunger and nutrition, the right to seek employment outside the home, child marriage, and child labour (Nussbaum 2000:7).

Nussbaum is aware that most women in the world today, particularly those in developing countries, are facing various forms of inequalities such as lack of physical security and integrity, vital nutrition and health care, education and political voice. Therefore she argues that Western feminists need to change their philosophy and ethics based on developmental needs of Africa, because their interest and needs are diverse. In the same vein, African feminist philosophy and ethics must also focus on the ethical issues in the African societies that affect women; thus the need for the development of the African feminist ethics later in this chapter. In terms of black

women participating in BEE, the focus must be on resisting patriarchy in the programme that encourages women's inhibition.

In communicating the human capabilities, she refers to Aristotle and Marx in her argument that in some crucial areas "human functioning is a necessary condition of justice for public political arrangement" (Nussbaum 2000:71). She emphasises that their idea of human dignity is the basis of her philosophy. She explains that:

The intuitive idea behind the approach is twofold: first, that certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life, and second – this is what Marx found in Aristotle – that there is something that is to do these functions in a truly human way, not merely animal way. We judge, frequently enough, that a life has been impoverished that it is not worthy of the dignity of human being, that it is a life in which one goes on living but more or less like an animal, unable to develop and exercise one's human powers (Nussbaum 2000: 71-72).

Her reliance on Aristotle and Marx's concept of dignity forms the basis of her formulation of the ten capabilities. She believes that development policies must enhance women's dignity and emphasizes that:

Otherwise promising approaches have frequently gone wrong by ignoring the problems women actually face. But the capabilities approach directs us to examine real lives in their material and social setting; there is thus reason for hope that it may overcome this difficulty...the core idea is that of the human being as a dignified free being who shapes his or her own life in a cooperation and reciprocity with others, rather than being passively shaped or pushed around (Nussbaum 2000:71-72).

From the above quotation, it is clear that Nussbaum's main concern is the persistent discrimination against women in most of the developing world, and the fact that a concern for equality for women is silenced in many debates about development. Another important issue that is coming out of this quote is Nussbaum's concern not only with economic obstacles which women, face but the obstacles of violence and vulnerability. She therefore supports an approach that focuses on constructing basic political principles for all. Her main aim in and through the CA is to provide the theoretical foundation of basic legitimate principles that should be respected and put into action by the governments of all nations, as something that human dignity requires. She further argues that capabilities should be pursued for all and that each person should be treated as an end and not the means to development. This concern is crucial for this study,

bearing in mind that violence against women in developing countries is so high, and that South Africa ranks as one of highest certainly impacts the economy.

Nussbaum identifies three levels of capabilities and emphasizes that for poor women to enjoy well-being there is a need for these capabilities to be active. The first relates to the physical qualities that are actually the criteria for defining a human being. She calls these *basic* capabilities. She gives examples such as the ability to eat, move and talk. Internal capabilities are what we sometimes call personal capacity or ability. Combined capabilities are those that require both the internal capability to do something, and the socio-political and economic environment to flourish. Below is an outline of the three categories of capabilities as presented by Martha Nussbaum:

1. Basic capabilities - these are necessary for developing a more advanced capability. This could be a situation whereby the capability is not ready for functioning.
2. Internal capabilities – an internal capability is actually personal capacity which develops with the help of convenient social environmental circumstances.
3. Combined capabilities - personal capabilities combine with suitable external conditions for the exercise of the function (Nussbaum 2000: 84-85).

She emphasizes that it is important for nations to promote the appropriate internal capabilities by providing an environment that is favourable for human functioning to flourish. She argues that the governments should actually create an environment where everyone is treated with dignity. This is particularly crucial for African women who are perceived to have “six mountains on their backs” as mentioned above. Developing internal capabilities requires favourable external conditions. For instance, external conditions could include, among other things, educational opportunities and facilities, health facilities, and the opportunity to live healthy lives with shelter, and security. Elsewhere Nussbaum has listed the headings of the latest version of this list (which has basically not changed much over the years). Nussbaum then proposes what these combined capabilities should be in her list of ten capabilities that should be protected and supported by all states. This list involves the idea of a threshold level of the minimum that should be provided so that people have the space for truly human functioning. She says:

By insisting that the capabilities on the list are combined capabilities, I insist on the twofold importance of material and social circumstances, both

training internal capabilities and letting them express themselves once trained; and establish that the liberties and opportunities recognized by the list are not to be understood in a purely formal manner. They thus correspond to Rawls's idea of "the equal worth of liberty" and "truly fair equality of opportunity" rather than the thinner notion... (Nussbaum 2000:86).

The next section looks at central human functional capabilities. I present Nussbaum's list of ten central human functional capabilities and its implication for women in BEE.

### **2.2.1 Nussbaum's List of Ten Capabilities**

The ten capabilities, in her view, should translate into what one would be expected to have if one has to be considered as living a human life with some quality of life. Nussbaum's list of Central Human Functional Capabilities is reproduced here, with few adaptations:

1. Life: Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is reduced to such an extent that it is not worth living.
2. Bodily health: Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. Bodily integrity: Being able to move freely from place to place, having one's bodily boundaries treated as sovereign - that is being able to be secure against assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. Senses, Imagination, and Thought: Being able to use the senses, to imagine, think and reason – and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training; being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice: religious, literary, musical, and so forth; being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech and freedom of religious exercise; being able to have pleasurable experience and to avoid non-necessary pain.

5. Emotions: Being able to have attainments to things and people outside care, and ourselves; to love those who love and care, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development).

6. Practical reason: Being able to form a conception of the good and to engage in critical reflection about the planning of one's life – this entails protection for the liberty of conscience.

7. Affiliation: (A) Being able to live with and towards others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (B) Having the social bases of self respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails protection against discrimination on the basis of race, sex, sexual orientation, religion caste, ethnicity, or national origin.

8. Other species: Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. Play: Being able to play, to enjoy recreational activities.

10. Control over one's environment:

(A) Political: Being able to participate effectively in political choices that govern one's life, having the right of political participation, protection of free speech and association.

(B) Material: Being able to hold property (both land and movable goods); being able to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work: Being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers (Nussbaum 2003:41-42).

To Nussbaum, the items on this list are of equal value and none should be looked down upon. However, she firmly argues that practical reason and affiliation are the most important of all the other capabilities. Nussbaum's approach and this list shows that one may have the ability or capacity to do something but not have the opportunity to do it. For instance, in most African countries women do not have the opportunity to own property. It also portrays the extent of the discrimination against women in the developing world. For this reason, she argues that everyone should be provided with basic requirements for quality of life and that no one should be treated as a means to an end - all should be treated as ends in their own right.

I agree with Nussbaum that for women to achieve their required functioning, all conditions of combined capabilities must be met, within themselves, the family, the community and the society at large. It can be said here that the CA allows for the analysis of 'what a woman is able to do and to be'. This gives us an idea about the inequalities that women suffer in the family and in the society and how they influence women's own sense of worth. This point is an important claim for women who have always been considered as 'means' in different roles, to serve patriarchal agendas, especially in family. Nussbaum ascertains that the capabilities approach is not strongly linked to one culture or historical belief; rather it speaks of what people actually are able to do and to be. She emphasizes that ideas of activity and ability are everywhere and as such it can be used universally to evaluate gender inequalities (2000:25).

She calls upon governments to do the implementation of the basic social minimums and she claims that the conditions should be such that everyone is given the opportunity to understand their options and therefore be able to make choices without external influences. This conception of human capabilities as combined capabilities presents governments and the nation with a challenge as to how to structure laws and policies to enhance the human capability of citizens. It clearly lays the philosophical framework for an engagement with constitution and law making that would support the feminist ethical idea of each as an end, and not just as a means to an end.

Nussbaum further explains that this list isolates those human capabilities that can be convincingly argued to be of central importance in any human life, whatever else the person pursues or chooses (Nussbaum 2000: 74). It therefore provides basic political principles that should be embodied in constitutional guarantees, human rights legislation and development policy (Nussbaum 2000: 74-5). Nussbaum has always maintained that her list is subject to ongoing revision and should emerge through some sort of intercultural ethical inquiry. In

particular, she encourages us to learn from other cultures and societies in an effort to move towards a shared account of the core human capabilities (Nussbaum, 1995:74). This suggests that the process of inquiry will be able to expose us to effective tools and practices that can be adopted to enhance human capabilities. Relating this idea to women's participation in BEE may suggest enquiries into different cultures to identify tools that can effectively encourage 'a shared account of core human capability' as mentioned above by Nussbaum. Here the thesis suggests *ubuntu* which is the ethical standard on which the African society is measured. (Mangena, 2008: 170).

Another significance of the CA to women's participation in BEE is that Nussbaum's list of capabilities points in some ways to women in BEE, but it is evident that some are more directly relevant than others. Here the thesis argues that if each capability is pursued, they will go a long way to enhance women's participation in BEE. Nussbaum herself points to two important ones that she thinks, when pursued, will be of special importance for women. The two capabilities are: "Practical reason and Affiliation" Practical reason according to Nussbaum denotes "being able to form a conception of the good and to engage in critical reflection about one's life" (2000: 79). This implies being able to consider and make choices about what is important for one's life. If this capability is enhanced in black women, they will be able to critically make good choices in the midst of the opportunities made available by the ANC government for them to participate in BEE. Affiliation on the other hand suggests:

Being able to live with others and towards others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and have compassion for that situation; to have the capability for both justice and friendship...to have the social bases of self-respect and non-humiliation; being able to be treated as dignified beings whose worth is equal to that of others (Nussbaum, 2000: 79-82).

This capability of affiliation can be referred to as *ubuntu* which, when followed critically and consistently, will give opportunity for women to be part of network groups, mentorship and mutual relationships with colleagues in BEE.

Nussbaum further explains that:

Among the capabilities, practical reason and affiliation stand out as of special importance, since they both organize and suffuse all the others, making their

pursuit truly human; to use one's senses in a way not infused by the characteristically human use of thought and planning is to use them in an incompletely human manner... To take just one example, work, to be a truly human mode of functioning, must involve the availability of both practical reason and affiliation. It must involve being able to behave as a thinking being not just a cog in a machine, and it must be capable of being done with and towards others in a way that involves mutual cognition of human (2000:82).

In the above, work could be substituted for women's participation in BEE. It can be noted that these two capabilities, practical reason and affiliation, when taken into consideration are significant in expanding women's participation in BEE; both capabilities encourage mentorship and networking as well as mutual relationship.

## **2.3 Critique of the Capability Approach**

### **2.3.1 Strengths of the CA**

One of the main strengths of the CA framework is that it is flexible and demonstrates a substantial level of internal pluralism. This strength allows most development workers to develop and apply it in many different ways (Alkire 2002: 8-11, 28-30). It must be noted that Sen does not give a list of capabilities, but argues that the selection and weighting of capabilities depends on personal value and judgments. Therefore he provides examples of valuable capabilities such as being able to live long, escape avoidable morbidity, be well nourished, and be able to read, write and communicate, take part in literary and scientific pursuits (Sen, 1984: 497). He refused to prescribe a unique list of capabilities as objectively correct for practical and strategic reasons (Sen, 1993:47; Clark, 2002: 54). This quote suggests that Sen deliberately did not provide a list of capabilities, so that the approach can be adapted in different situations as well as cultures. For example, Ingrid Robeyns has used it to conceptualize and assess gender inequality in Western societies (2003). Tindara Adabbo has applied it in gender auditing and budgeting (2008) in Italy, and Sicily Muriithi (2008) has used it to deal with the situation of women's vulnerability in Kenya. With this background, it can be noted that the CA can be used in assessing gender inequalities in BEE in South Africa.

Sen has also indicated that the CA can be used to assess individuals' advantage in a range of different places. He explained that the assessment of poverty might involve concentrating on a relatively small subset of basic capabilities. However, evaluating well-being or human development on the other hand, seems to require a much longer and more diverse list of

capabilities (Sen, 1993: 31-2, 40-42). Sen is aware that the CA is not sufficient for all evaluative purposes, and by itself the CA does not provide a complete theory of justice or development (Sen, 1992:77).

The CA has also been described by many writers as an ethically individualistic theory (Robeyns, 2000: 16–18). Robeyns says that, “Ethical individualism implies that the units of normative judgment are individuals, and not households or communities” (2005: 107). This implies that in making normative judgments on social and environmental issues, the CA is only interested in each individual’s state of affairs and not necessarily the household or communities. As Jean Dre`ze and Amartya Sen have noted, “The CA is essentially a ‘people-centred’ approach, which puts human agency (rather than organisations such as markets or governments) at the centre of the stage. The crucial role of social opportunities is to expand the realm of human agency and freedom, both as an end in itself and as a means of further expansion of freedom” (Dre`ze and Sen, 2002: 6). Being a ‘people-centered approach’ means that the CA is concerned with individuals and the freedom that they have in participating in their own wellbeing. That is another reason why it is an important framework for evaluating how well black women are doing in the BEE programme.

Furthermore, the CA has helped in “sharpening and strengthening the egalitarian impulse in public policy discourse, especially in the developing country context” (DeMartino, 2001: 1). This implies that the idea of CA has changed the way of assessing the quality of life in developing countries. As a framework, the CA encourages a new way of analyzing development. Steven Pressman agrees that “the CA leads to fundamental changes in the field of economic development” (2000: 7). He believes that the CA has changed the aim of development from promoting growth to promoting human well-being that involves “expanding the capabilities of people” (Sen 1984: 497). This is because Sen believes that the goal of economic development is expanding individual choices or opportunities and providing more freedom to people. From the CA perspective, development occurs when more people vote, literacy rates rise, average years of schooling rise and life expectancy goes up. The CA can show that with greater freedom and greater choice, individual and collective welfare can be enhanced. By using the framework of the CA in BEE, the ANC government and policy makers will be sure that the majority of black people fully participate in the economy, as was the intention for the programme.

Other writers believe that Sen's CA has contributed to broadening of the goals of development and at the same time has its roots "in an intellectual heritage that goes back to Adam Smith and Karl Marx" (Basu, 2001: 64). Moreover, the CA is seen as "a humanist alternative theory, which has been widely accessible and adopted, it has led to much empirical work, and has had significant policy impact" (Gasper, 2002: 435). Most critiques have challenged this view, for instance Gasper has observed that "viewed from outside economics, the CA seems primitive in some ways, insufficient as a theory of well-being, and hardly a theory of the "human" in human development" (Gasper, 2002: 435-436). From the above, it is clear that the approach is complex, deep and unfinished because it allows for the application of practical ideas in different contexts with different aims. At the same time, as an approach it is also an open to criticism, misunderstanding and misuses of the approach. With this in mind, the next section looks at some of the weaknesses that have been identified by many theorists.

### **2.3.2 Weaknesses of the CA**

Many writers have criticized the CA. For instance, Martha Nussbaum, Len Doyal and Ian Gough believe that the CA is an incomplete theory because, although in propounding the approach Sen gave several examples of capabilities such as being well-nourished or being able to keep warm to illustrate what he meant by Capability, he did not prescribe a detailed list of capabilities or functionings. Again, they also argue that Sen did not give clear-cut guidelines on how the selection of relevant capabilities should be carried out (Nussbaum, 1988: 152, and Doyal and Gough, 199: 156). Therefore to make the CA complete, Nussbaum expands the theory and argues for a well-defined but general list of the ten 'central human capabilities' discussed above.

Robert Sugden is also of the view that the CA as a tool is not complete enough to evaluate quality of life. He argues that "Given the rich array of functionings that Sen takes to be relevant; given the extent of disagreement among reasonable people about the nature of the good life and given the unresolved problem of how to value sets, it is natural to ask how far Sen's CA framework is operational" (Sugden 1993: 1953). Yet it must be noted that Sen has intended it to be used for a wide range of purposes, therefore the CA has been deliberately left "incomplete", rather than precise and prescriptive, as most other development theories are (Robeyns, 2005).

Another claim that is seen as a weakness of the CA is that "The CA cannot pay sufficient attention to groups" (Robeyns, 2005: 109). The contention here is that the CA is too

individualistic. To this Robeyns argues that the “claim is obviously false, because there exists much research that looks at the average capabilities of one group compared with another; for example, women and men” (Kynch and Sen, 1983; Sen, 1995; Nussbaum, 2000; Robeyns, 2003a). While the concerns from scholars regarding the usefulness of Sen’s CA approach are valid, I still think it is useful for this study.

## **2.4 Feminist Ethics**

### **2.4.1 Defining Feminist Ethics**

As noted in the first chapter of this thesis, feminist scholars have argued that within the field of ethics, there are gender biases. Most traditional moral and ethical theories have concentrated on the perspectives of men. Mary Ellen Waithe has argued that even though women have been instrumental in the area of ethics, men seem to have dominated the development of most of the theories (Cole, 1992: 105). Therefore, in their quest to see that issues of gender inequalities in moral theories are addressed, the field of feminist ethics was developed. Describing feminist ethics, Patricia Ward Scaltsas says that

The project of criticizing, analyzing and, when necessary, replacing the traditional categories of moral philosophy in order to eradicate the misrepresentation, distortion, and oppression resulting from the historically male perspective is, broadly speaking, the project of feminist ethics (Scaltsas, 1992: 2).

To her, feminist ethics is a gendered reflection on moral issues with a view to expose and eliminate issues of women’s subordination. Fainos Mangena maintains that feminist ethics is a field of philosophical inquiry which seeks to examine ethical issues relating to women’s experiences and their everyday association with men in society (2009: 19).

In the same line, Loraine Code explains that “feminist ethics is not a body of doctrines or a unified theory or world-view – it is a family of approaches to ethics growing out of overlapping histories and motivations” (2000: 179). It is focused on histories and motivations around gender inequalities. Margaret Urban Walker provides two thoughts on what feminist ethics is. First, she says: “feminist ethics clarifies moral legitimacy and the necessity of the kinds of social, political and personal changes that feminist demands in order to end male domination” (1992:165). The

inference here is that feminist ethics is a field that is given to explaining the importance of making the necessary changes with the view of putting an end to male control in issues of moral values. Another definition given of feminist ethics by Walker “is that of one in which the moral perceptions, self-images and senses of moral value and responsibility of women have been represented or restored” (Walker, 1992: 165). What seems to be emerging from the above definitions is that feminist ethics can be recognized by its clear demand for gender equality in ethical issues, and its opposition to patriarchy. Claudia Card explains it in a simpler way that the goal of feminist ethics is to create gender equality in societies, based on non-sexist ethical principles, policies and practices for all, rather than gender neutral societies (1991: 6). Jagger sums it up as follows:

On a practical level, then, the goals of feminist ethics are the following: first, to articulate moral critiques of actions or practices that perpetuate women's subordination; second, to prescribe morally justifiable ways of resisting such actions and practices; third, to envision morally desirable alternatives that will promote women's emancipation. On a theoretical level, the goal of feminist ethics is to develop philosophical accounts of the nature of morality and of the central moral concepts that treat women's moral experience respectfully, though never uncritically (1991: 529).

Having provided the definition of feminist ethics, a discussion of the framework on feminist ethics will set the stage on which the participation of women in the BEE policy will be assessed.

#### **2.4.2 Feminist Ethics Framework**

According to Carol Robb, all feminist ethics assumes a criticism of the historical roles of women in society, or a complaint about those roles. In order to make judgments in feminist ethics, Carol Robb has suggested nine analytical factors that need to be considered. Even though she is aware that “analysis among feminists differ,” she believes these nine factors are crucial in feminist ethical analysis (1994: 224). In this section, the thesis will provide a brief overview of all the nine factors in relation to the gender analysis of BEE. The nine factors include:

1. Women’s experience
2. Data about the historical situation
3. Reflecting on the root of oppression
4. Loyalties
5. Theory of values
6. Mode of making ethical decisions
7. Source of justification for ethical claim

8. Presupposition of ethical action
9. Motivation (Robb, 1994: 223)

#### **2.4.2.1 Women's Experience**

Robb suggests that the starting point of every feminist analysis is to reflect on what the ethical situation is (1994: 224). She believes that though ethicists have different approaches to defining a problem, in seeking to redress the biases that patriarchy has created in the society regarding oppressed women, they all use the idea of women's experiences as the starting point. She provides an example of two types of analysis. The first analysis is to reflect on concrete historical experiences to arrive at a more general understanding of the problem. The second suggestion is to provide a definition of the ideal situation for women (that is what the environment should be like in an idealistic sense), and deduce a definition of an ethical situation by comparing what the ideal is and what is happening on the ground (1994: 224). She argues that the first method of analysis is the most common type that is used by most feminist ethicists. She explains that in articulating feminist ethical reflections, women's stories or their experiences provide a basis for the reflections. They serve as a springboard from which arguments are based. Relating this point to the concerns of the thesis implies that in seeking to redress the gender biases in the BEE policy, the starting point should be women's experiences in BEE. Insights from women participating in the policy will be able to inform us about the gender challenges that they face in their daily experience in relation to BEE.

#### **2.4.2.2 Data about the Historical Situation**

The next factor is data about the historical situation. This suggests that all relevant historical data is needed to be able to reflect on the following questions: What is happening to women? What is it that women are doing? (Robb, 1994:224). To her, a feminist ethics analysis must be based on the gathering of appropriate data on a particular ethical issue. Reflecting on a historical situation helps us to comprehend the background to the issue at hand. It will also guide in the process of seeking for an appropriate solution to the moral issue under discussion. In Code's opinion, engaging with the data must be the starting point for female philosophical reflections (2000: 179). This is because, as noted above, most societies have been shaped by men, and women's opinion has been neglected in most moral issues. Therefore relevant information on women's historical situation will be able to inform feminist ethicists about the urgency of their reflections and also the fact that there is a history behind every practice. In the case of BEE, our reflections

into history will be able to inform us about apartheid laws and regulations that prevented black people, particularly women, from participating in the economic mainstream of South Africa. This background information will be a guide in seeking to recommend ways of empowering and developing women's capabilities in BEE.

#### **2.4.2.3 Reflections on the Roots of Oppression**

Reflecting on the roots of oppression is the next factor that Robb proposes in the framework for doing feminist ethical reflections. To her, exploring the roots of oppression is a key factor in making ethical judgments in all moral issues. The data for tracing the roots of oppression may include historic, prehistoric and current situations. Until one has reflected on the roots of oppression, it will be a challenge to suggest a way forward. From the reflections on the roots of oppression one is able to discover the magnitude of the problem. Such knowledge should be able to suggest tools and strategies needed to tackle the situation.

#### **2.4.2.4 Loyalties**

The fourth factor Robb proposes is loyalties. This she perceives as an important factor in ethical reflection because it is a call to feminist ethicists to be clear about where their loyalties lie. Even though being loyal may be interpreted as forming an opinion before the reflection, she believes that in a way feminist ethicists are primarily committed to women as oppressed and others in relation to this. Here she says that in our analysis we need to ask the question "on whose oppression are we to make ethical judgment?" (1994: 225). In answering this question in BEE, a gendered analysis will seek to locate its loyalty with women, recognising that loyalty in BEE has been defined largely on the categories of race and class as opposed to gender. I will demonstrate in this study, how black women's needs are sacrificed on the altar of race. For example the struggle of apartheid was not against patriarchy but against race. Now that we have racial freedom, it seems like the struggle for gender freedom still continues even within systems that are supposed to be about justice. Therefore our loyalty in terms of the concerns of this thesis is towards women and how the BEE policy can meaningfully benefit women.

#### **2.4.2.5 Focusing on Theory of Values**

Robb explains that "Value theories contain rank orders of values according to priorities. Rank ordering is based on the assumption that many if not all ethical decisions are made in a situation

in which some values must be chosen at the expense of some others” (1994: 225). This suggests that in doing feminist ethics, there is the need to prioritize a list of values that need to be considered in dealing with ethical situations. She believes that some values are more important than others and the important ones need to take preference over the less important ones. For example in South Africa, people prioritize racial equality over gender equality. Relating this factor to the concerns of this study, it is clearly evident that our reflections must focus on the value of gender equality in BEE. This is because the entire nation cannot be built on a few citizens; women are capable of participating meaningfully in the economic mainstream.

#### **2.4.2.6 Mode of Making Ethical Decisions**

There are different modes of making ethical judgments. Robb suggests that feminist ethical judgments must be made in a teleological mode (1994). Steven Hacket explains that “under the system of teleological ethics, the merits of an action (eg. a social policy) are evaluated by considering the total benefits (utility and the total cost (disutility) created by the action of human society” (2001:24). This implies that the worth of an action or a practice should be based on the consequences of the action or practice on the society; in other words, all moral action must be assessed according to its effects on the society. In explaining a teleological mode of ethics, LenkaBula also adds that “teleological thinkers require that people must first tally both the good and the bad, if the good consequences are greater, then the action is morally right and if the bad consequences are greater, then the action is improper” (2006: 142). The inference here is that in doing teleological reflections there is the need to reflect critically on the consequences of the action, in order to be able to make a good moral judgement. Alan Albarran adds that “though teleological theories do not ignore the process of making decisions, they do emphasize efforts to produce the best possible decision through a careful examination of each alternative and its impact on others” (2010:53). Therefore, according to Albarran, considering ethical judgments of an action or a practice in a teleological mode means that there is the need to critically consider the outcome of the action and not necessarily the procedures on which they are based. Reflection in the teleological mode therefore “judges actions in the light of their consequences” (Rhonheiner, 2006: 359). Applying this factor in the foregoing argument of this thesis, BEE is to be assessed in terms of its effects on all the targeted groups in South Africa, not only a few. It is only by this kind of assessment that ethical decisions can be made on how to deal with patriarchy in BEE, in order to make sure that women are benefiting as much as their male counterparts.

#### **2.4.2.7 Source of Justification of Ethical Claims**

Here, Robb points out that there are a number of sources for justifying ethical claims, but as a result of their complexities it is important that our sources for making ethical claims from a feminist ethical point of view must be from lived experience. In this way the following questions are important to our claim: Whose experience? And under what interpretation? (1994: 226).

In terms of this thesis, our source for justifying the ethical claim that women should benefit as much as their male counterparts depends on the experiences from African women who are participating in economic development, as well as women participating in BEE and their daily experiences of inhibition.

#### **2.4.2.8 Presupposition of Ethical Action**

Here Robb argues that in most instances, feminist ethical theory “presupposes a criticism of the forces which limit women’s autonomy in the ethical realm” (Robb, 1994: 227). She listed the following as presupposed factors that have to be taken into consideration when embarking on feminist ethical analysis: economic dependency, inequality of pay and promotion, the stereotyping of women in the role of childbearer and rearer, possibility of sexual harassment, and physical abuse. These factors influence women’s liberation - therefore the need for an ethical action that will grant them freedom. From the discussion of women participating in BEE, the factors that are inhibiting black women’s autonomy in BEE become apparent. Therefore, in order for black women to participate meaningfully in BEE, there is the need for action that will be able to limit their subordination and enhance their freedom.

#### **2.4.2.9 Motivation**

The last feminist ethical factor in engaging in ethical reflection as suggested by Robb is motivation (1994: 227). It must be noted that such motivation “comes from contexts of female oppression” (Code, 2000: 179). Our aim of engaging in feminist ethical reflection must be motivated by our quest to bring a change in knowledge of how women should be treated in BEE. The challenges that women are facing in BEE must motivate us to fight for a change in this policy.

## 2.5 The Ethic of *Ubuntu*

This section positions the ethics of *ubuntu*, a value situated in the African tradition, within the discourse of the invisibility of black women in economic development policies such as BEE. Here the section will not deal with the origin of *ubuntu* as it has been dealt with by many African scholars such as Buntu Mfenyana (1986) and Lucinda Mandla (2007), to name a few. This section will only concentrate on the meaning given to the ethic of *ubuntu* and its virtue, as it is needed to promote black women's inclusion in BEE.

### 2.5.1 Definition

According to Johann Broodryk, *ubuntu* is defined as “a comprehensive, ancient worldview which pursues primary values of intense humaneness, caring, sharing and compassion, and associated values, ensuring a happy and quality community life in a family spirit or atmosphere” (2004: 4). *Ubuntu* here means humanness and what it means to be human (Louw, 2001: 15). *Ubuntu* is understood through the traditional African saying: *Umuntu ngumuntu ngabantu* as expressed in Zulu and *Motho ke motho ka batho*, expressed in Sotho, which means “A person is a person through other persons” (Shutte, 2001: 2). This saying suggests that *ubuntu* is based on the understanding of interdependence: the need for one another to achieve life's desired goals. In this way, I am because you are suggest that individuals cannot exist alone, but depend on a social network of a community where, when a misfortune occurs, it affects everyone in the community.

Munyaka and Motlhabi draw our attention to the fact that the expression of *ubuntu* recognises, accepts and respects individuals regardless of their “social status, gender or race” (2009: 66). Thus within the communalism of the virtue of *Ubuntu*, as expressed in *Umuntu Ngumuntu Ngabantu*, individuals are valued and treated as equal. This implies that *ubuntu* expects men and women to be treated equally in their communities.

Explaining *Umuntu ngumuntu ngabantu*, Mogobe Ramose says that it is “a humane, respectful and polite attitude towards others constitutes the core meaning of this aphorism” (1998: 231). As a result *ubuntu* is seen “as a spirit, a shared way of seeing the world and relating to people”

(1998: 326). To him, *ubuntu* is a spiritual foundation of the African people and it affirms one's humanity by recognising the humanity of others and, on that basis, establishes humane relationships with others (1998: 231). Michael Munyaka says that "it is seen as the spiritual foundation of the worldview of African people; it is a determining factor in the formation of perceptions...about what is good or bad" (2003:144).

Emmanuel Kantongole also asserts that *ubuntu* "determines both norms and conduct, and criteria for success. It is characterized by a deep sense of corporate life, which expresses itself in an intricate network of social and kinship relationships" (2001: 12). The inference one can make here is that *ubuntu* seeks the communality of the individual in the society and determines how the individuals ought to live in the community.

Desmond Tutu has also observed that "*Ubuntu* is about the pure essence of being human. Rather than 'I think, therefore I am', the focus is on 'I am human because I belong, I participate, I share'" (1999:42). *Ubuntu* here implies belongingness; each individual belongs and therefore shares. Michael Mnyandu asserts that:

Ubuntu is not merely a positive human quality but the very essence itself, which 'lures' and enables human beings to become 'abantu' or humanised beings living in daily self expressive works of love and efforts to create harmonious relationship in the community and the world beyond (1997: 8)

The implication here is that *ubuntu* is about the wellbeing of the individual as well as the community and not only what they do. Murove draws our attention to the values reiterated by Stanlake Samkange and Marie Samkange, that *ubuntu* is:

The attention one human being gives to another: the kindness, courtesy, consideration and friendliness in the relationship between people: a code of behaviour, an attitude to other people and to life; is embodied in unhu, Hunhisism [sic] is, therefore, something more than humanness, deriving from the fact that one is a human being (2005: 114).

This definition implies that *ubuntu* presents a shared humanity where values such as respect and dignity are extended and shared among the community. In such a community, each person is treated with respect and dignity, and these values are extended to strangers as well. From the above definitions, it is clear that *ubuntu* as an African ethic expresses itself not only in individual or communal acts but also in their very being, making each individual an important part of the community. It is from this background that Shutte says "*ubuntu* is the name for the acquired

quality of humanity that is the characteristic of a fully developed person and the community with others as a result. It thus comprises values, attitudes, feelings, relationships and activities, the full range of the human spirit” (2009: 97). In order to promote the ethic of *ubuntu* in the quest for women’s inclusion in BEE, it is very important to look at some of the virtues associated with *ubuntu*. The next section evaluates the virtue of *ubuntu*.

### **2.5.2 Limitations of *Ubuntu***

Over the years, a number of objections have been raised concerning the communal nature of *ubuntu*. Among the critics include Kwame Gyekye who has argued that, the expression *Umuntu Ngumuntu Ngabantu* as indicated by Mbiti,

...tends to whittle down the autonomy of the person; that it makes the being and life of the individual person totally dependent on the activities, values, projects, and practices, and the ends of the community; and, consequently, that it diminishes his/her freedom and capability to choose or question or reevaluate the shared values of the community (1998: 318).

Gyekye is concerned that the elevation of the community in the expression may suggest a situation where the freedom of the individual member of the community is overshadowed by the commitment to the community, because the individual is completely reliant on the community. Jacobus Smit, Moya Deacon and Augustine Shutte also say that:

Because [*ubuntu*] seeks the greatest happiness for the greatest number, it can easily slight the rights of individuals. The majority may forget the interest of the minority. The solidarity of *ubuntu* may be for wrong reasons. Kangaroo courts and neck-lacing could be the result of this. It lends itself to intimidation. It is very hard [for one] to distance [one] self from mass action (1999: 24).

Even though *ubuntu* can be used by the community for the wrong reasons, Murove has responded that:

...the community forms the individuals in the context of interdependence rather than dependence. In this African conception of community, individuals are free for each other rather than free from each other. Individual freedom is a freedom that is enjoyed in togetherness rather than in solitude (2005: 176).

This suggests that as much as *ubuntu* encourages togetherness and communalism, it is also concerned about the needs and interest of the individual. Another concern that has been raised by

some female ethicists is that *ubuntu* encourages women's oppression (Mangena, 2009: 25). Mangena has observed that it "promotes andro-centric attitudes in society" (2009: 28). To her, patriarchy is camouflaged by *ubuntu* because it encourages the relegation of women into the private. Yet she has argued that instead of seeing this as a problem, women can use their role in the home to "reclaim their motherhood as a matter of strategy in order to fight patriarchy insideout" (2009: 28).

Sophie Chirongoma, Lucinda Manda and Zandile Myeni have argued that "it is not the philosophy of *ubuntu* per se that is oppressive to women but it is the colonial and apartheid history of South Africa that has contributed to the oppression of women" (2008: 189). It must be noted that with the advent of colonisation and apartheid, the structures on which the roots of *ubuntu* in most African communities are formed were destroyed (Saule, 1996: 86). This is because the colonialists instituted foreign laws and regulations that were to govern and bind the indigenous communities. Saule reiterates Moyo et al. by saying that:

Colonialism, wherever it sprung, did not only bear political expedience but more fundamentally the pollution and destruction of traditional practices of the indigenous people. The values and cultures of such people were profoundly disturbed and confused. It divorced itself from the traditional needs of the people (1996: 89).

Colonisation destroyed most of the important values in African cultures, for African culture was viewed and even accepted as an inferior culture to that of the colonialist (Mofokeng: 1983: 23). Consequently, important values in the culture - such as *ubuntu* - were compromised. For instance Pityana is of the opinion that in the case of apartheid the aim was that "Africans should have a doubtful sense of identity and self respect; their cultural system and values were subordinated and marginalised in the land of their birth. What this suggests is that it is possible for culture to be used for immoral ends" (1999: 143). From here one can infer that indeed most of the apartheid laws and regulations destroyed the African way of life.

## **2.6 Conclusion**

This chapter has outlined the theoretical frameworks that underpin this thesis. It has demonstrated that the CA proposed by Amartya Sen is an appropriate approach for understanding, evaluating and recommending ways to deal with the situation of women in BEE. In the CA, Sen has argued that development must go beyond the traditional measuring of GNP to

enhancing capabilities. He sees development as the removal of unfreedoms and the increase of capabilities. The elements of this approach were discussed. They include Capability set, Freedoms, and Functioning. The chapter has also examined feminist philosopher and Nussbaum's work in promoting the Human Capabilities Approach. Her formal proposal of the ten fundamental human capabilities were examined and supported in the claim that they are universal, and that should be supported by governments and policy makers.

Sen and Nussbaum agree that these capabilities are central to evaluating any development process. The core characteristic of the CA concerns that which an individual is able to be or to do, in order to achieve the life they value. Even though most economists have critiqued the CA by saying it is an incomplete approach, a number of them have embraced this approach saying that it has changed the course of development. The chapter has also argued that despite objections raised by most scholars, the CA is able to provide a conceptual lens which will help us to understand the issues that women in BEE face.

Second, in using the CA to evaluate how well black women are doing in BEE, it is apparent that the CA, being a development theory, is not enough in terms of prescribing a way forward for women's inclusion in BEE. This is because BEE is considered to be an ethical policy that should benefit all black people. Yet most critics have argued that only a few men have benefited. Therefore a feminist ethics framework will be able to appropriately guide us in an analysis of women's exclusion from BEE.

A feminist ethical analysis of BEE located in South Africa demands that the thesis uses the cultural tool of *ubuntu* to formulate a feminist ethics that is uniquely African. This will help us address the issue of patriarchy in BEE. The last section of the chapter was therefore devoted to a discussion of the reasons why *ubuntu* is an appropriate tool to be used. With this in mind, the next chapter proceeds to explore the historical background of the BEE policy.

## **CHAPTER THREE: THE BLACK ECONOMIC EMPOWERMENT (BEE) POLICY IN SOUTH AFRICA**

### **3.0 Introduction**

In the previous chapter, I introduced the various tools which developmental, feminist and cultural theories offer in order to answer the central question of this study. How does patriarchy prevent women from being beneficiaries to economic development policies, specifically the BEE policy in South Africa? In order to answer this question it would be important to first sketch in detail what BEE is and why and how it was developed. In this chapter I shall provide a brief history on the economic imbalances that were institutionalized by apartheid in South Africa. My aim here is to show why BEE is needed as an economic policy in post-apartheid South Africa.

One of the challenges that the ANC government had to deal with when it came into power in 1994 was to correct the economic imbalances inherited from the legacies of the previous government, the National Party (NP). Since the ANC government came into power, it has made BEE one of the most important economic programmes on the government's agenda. The key reason for this policy, as noted in the previous chapter, was that for a number of years under apartheid, the majority of black South Africans were excluded from the mainstream of the country's economy. They were not allowed to participate in the economy by the apartheid laws and regulations instituted by the National Party. The country was run by white South Africans and they took advantage of their position to prevent black people from playing effective roles in the economic sphere.

To the ANC government therefore, BEE was to redress the apartheid legacy and provide equitable participation and distribution of wealth in the economy. However, the programme has not been without criticisms; there have been many arguments against BEE since its inception. Despite the arguments, it must be noted that BEE has a history and in order to understand the policy adequately, it is necessary to look at its origins and the circumstances around which it was birthed.

Hence, this chapter provides an overview of the economic imbalances brought about by the apartheid policies. To be able to do that, the chapter is divided into four sections; the first section

begins with a historical background of BEE. It looks at the imbalances in the economy during the apartheid era, in the form of income inequalities between black and white people. This resulted in the denial of ownership and access to business and other amenities. There will be discussion of the different economic and discriminatory laws that were instituted to deny black people access to proper education. The same section will deal briefly with the introduction of Bantu education that deprived black people of skills development and only trained them to serve their white counterparts in the country. Again the section will explore other discriminatory laws that deprived them of resources such as land, and caused the restriction of their movement around the country for economic purposes.

The second section seeks to draw attention to the fact that although all black people suffered during apartheid, black women were greatly affected by these imbalances in the economy. It is argued that as a result of the migrant labour system which saw men migrate to the urban areas in search of work, the black family system was affected and destroyed - and women had to bear the brunt of this. They became the husbands, mothers, wives and uncles who had to look after the entire family or the household. It must be noted that even to this day, the black family unit remains affected by this and has not recovered.

The third section of the chapter provides an overview of the BEE programme and its implications for black people in South Africa. It will explore the need for and the progression towards the implementation of the BEE policy. This is because, as will be noted later in the thesis, BEE did not start as a totally new idea, but rather it evolved from the Reconstruction and Development Programme (RDP), Growth, Employment and Redistribution (GEAR) policy and even the Affirmative Action Programme (which were all previously implemented by the ANC government).

Section four will provide an outline of the work of the Black Economic Empowerment Commission (BEE Commission), strategizing and providing guidelines for the implementation of a more broadly based programme that will involve majority of black people in the economic mainstream of the country. The section will outline the progression of BEE to BBBEE. It will discuss the BBBEE Act, the code of good practice and the beneficiaries of BBBEE. The section will then outline the elements of broad-based black economic empowerment which includes

ownership, control, employment equity, skills development, procurement, enterprise development and corporate social investment. It must be noted here that there is extensive information available on BEE, and the scope of the present study cannot include all of this information due to time constraints. It will only consider the aspects of BEE that are relevant to the topic that this thesis is dealing with, which is the gendered critique of BEE.

### **3.1 Apartheid in South Africa**

For the majority of the people in South Africa, the apartheid policies introduced by the National Party in 1948 caused the deprivation of economic opportunities in the country. Most writers say that apartheid is very difficult to define; this is because, as will be noted in the following discussion, it meant different things for different people. However, there seems to be a general consensus among most writers such as Seekings and Nattrass (2005: 129) and Price (1991:5) that the intention behind the policy of apartheid was to protect white supremacy. The white government did all that it could through this policy to maintain white supremacy and black inferiority. It is against this background that Geoffrey Cronje` and his colleagues created the guidelines on which apartheid was to be established. This eventually formed the basis of the Sauer Commission; a report that simplified the policy for the unjust rule of the National policy for about four decades (Louw, 2004: 43). Thomas Hazlet agrees that indeed, apartheid was designed to suppress blacks (1988: 85-104). Still others believe it was “a pragmatic tortuous process of consolidating a nationalist movement’s leadership of establishing the Afrikaner’s right to self-determination, not primarily against a Coloured force, but by preventing the return of the United Party” (Schrine, 1994: 139). The situation in South Africa was such that the different ethnic groups were assigned to different geographical settings with the aim of establishing a self-sufficient area (Haasbroek 1981: 5). The explanation given in support of this separation was that it was a way of preventing racial clashes.

In view of the foregoing argument, Japie Brits adds that the apartheid system intended to reduce the opportunities for blacks to escape the inequalities created by segregation (Brits, 1996: 17). This suggests that segregation and the apartheid system, as it became known in the twentieth century, was devised intentionally by the National Party (which was an Afrikaner white party) to favour affluent white people and maintain their supremacy over the other races in the country. It also prevented black people from enjoying the opportunities available in the economy of the country.

Most writers believe that segregation in South Africa existed before the 1948 elections which brought the NP to power. This is because, according to Hermann Giliomee, the idea of apartheid has deep roots in South African history. However, it was only in 1944, during the reign of Dr. Daniel Francois Malan, that it was used for the first time in parliament (2003: 372). Brits explains how, from the middle of the eighteenth century, people of colour had to carry documentation from their employers as a means to prevent desertion (1996: 19). The argument here is that most black people working for their white employers had the habit of absconding from work without notice. Some left their jobs at anytime without any notice or reason; therefore, the requirement to carry the document was to prevent this behaviour. This was seen as a mild form of segregation, but the laws were tightened after 1948 when the NP came to power.

Nortje argues that “the dilemma at the heart of the NP policy was that what they most needed was at the same time what they most feared. They needed Black labour to create White prosperity; but feared the integration of White and Black in a common society” (1985:24). This indicates that the challenge that the NP government had to contend with when it came into power was that there was the need for black labour as a result of the economic boom, yet white people did not want to be integrated with black people for fear that eventually they might outrun them. For this reason the NP used race laws to separate white and black people and to protect white peoples’ interests.

It must be noted that race laws touched every aspect of the social, economic and political lives of South Africans during the reign of the NP. A United Nations report confirms that indeed the NP government believed that the policy of separation by race, and the institution of the policy of separation, was the only means by which the future of the races in the country could be protected (1952: 139-140). Reiterating a statement made by Minister Strijdom (soon to become Prime Minister at the time) Nortje said:

Our Policy is that the Europeans must stand their ground and must remain *baas* (boss) in South Africa...if the non-Europeans are developed on the same basis as the Europeans, how can the Europeans remain *baas*...Our view is that in every sphere the Europeans must retain the right to rule the country and to keep it a White man’s country (1985: 22-24).

This statement depicts the real intentions of the NP government that resulted in segregation, the removal of permanent black settlement from white areas, and the introduction of the migrant

labour system (1985: 86). In Strijdom's opinion, Europeans were to be the bosses in the country and the non-Europeans were expected to serve them. That called for separation. In the same vein, the national colour policy of the NP stated, among other things, that the aim of the policy of separation was:

The maintenance and protection of the indigenous racial groups as separate communities with prospects of development into self supporting communities with their own areas, and the stimulation of national pride, self respect, and mutual respect among the various races of the country. We can act in only one or two directions. Either we must follow the course of equality which must eventually mean national suicide for the white race or we must take the course of separation (apartheid) through which the character and the future of every race will be protected and safeguarded with full opportunities for development and self-maintenance in their own ideas, without the interest of one clashing with the interest of the other, and without one regarding the development of the other as undermining or a threat to himself. The party undertakes to protect the white race properly and effectively against any policy, doctrine or attack which might undermine or threaten its continual existence (1952: 139).

This quotation means that the NP saw South African society as comprising of different nations and they felt each nation was to be allowed to develop within their own racial and tribal affiliation. They believed that such a state of affairs would protect and preserve the various races without conflict. Yet, the party's aim was to protect and endorse the superiority of the white race. Therefore the policy of apartheid was instituted and it divided the population into artificial ethnic groups. This division affected their sense of communalism.

Under the apartheid system, blacks were robbed of any chance to build up their human capital, and any opportunity to compete with whites in the labour market. Denis Cowen argues that with the industrial boom after World War 2, the government was alarmed at the growing influx of blacks in the urban areas. This mass movement resulted in the lack of housing and overcrowding in the slums and 'shanty towns'. Also, the government anticipated that within a short space of time, inexpensive black labour would outrun white labour in the urban areas (Cowen 1961: 30). This suggests that the industrial boom attracted a number of black people from the rural areas to the towns for employment. This created health problems for the municipality, also the influx of the non-whites meant that they might outnumber the whites in the cities in the future; therefore the government had to devise measures to prevent this from happening.

It was during this time that the government appointed the Tomlinson Commission to investigate and report on the strategy for the rehabilitation of the Bantu areas. The commission reported that “The European people will not be prepared willingly to sacrifice their right of existence as a separate national and racial entity,... therefore the need for a separate development of the Bantu areas” (Union. Government, 1955: chapter 4 Para 9). The issue that seem to be coming out of this report is that the white people wanted to maintain their identity as a separate group of people in authority, for fear of being overrun by blacks in the long run. To justify their argument, the commission further stated that:

In the absence of discrimination what would have happened is that the foundations on which European civilization rests would vanish before the European disappeared. It is for this reason that the European population will not tolerate any conduct which may endanger the foundations on which continued existence depends (Union Government, 1955: Chpt. 25 Para 20).

The argument here expresses the deep frustration of key figures in authority who had anticipated the evil that may accompany the influx of ‘natives’ into the cities. They also seemed to be against multi-racial coexistence with the natives, and preferred to maintain their existence as a separate society. It was not surprising that the apartheid system evolved to support the racial tension anticipated by the Europeans. This resulted in the development of the African Reserves (Cowen, 1961: 33). The reserves were the areas demarcated for blacks. It must be noted here that the apartheid system was characterized by laws and governmental regulations.

The effects of these laws and regulations were inequalities, discrimination in employment and skills development, in ownership and in the control of business as well as in access to basic social and physical infrastructures. It also resulted in poverty and misery among black people. There is, however, neither space nor need to be concerned with detailed descriptions of the origin of the concept of apartheid and its various interpretations. Such analysis has been dealt with by writers such as Cowen 1961, Louw 2004 and Posel 1991. The next section will therefore look at how the apartheid system used various laws to bring about economic imbalances in the country.

### **3.2 The Nature of Economic Imbalances during Apartheid**

#### **3.2.1 Income Inequalities**

As noted above, apartheid was officially incorporated in South African governance when the white Afrikaner Nationalist Party came to power in 1948. The system, as we noted above,

divided the South African communities into four major racial categories: African, Coloured, Indian, and White. The first three categories, which currently constitute 77 percent, 9 percent and 3 percent respectively of the total population, were commonly referred to by the generic term 'black'. Under apartheid, all black people were deprived of basic human rights such as citizenship and workers rights (Statistics South Africa, 2000: 6). The entire economy was in the hands of a few whites. The majority of the population experienced discrimination, severe poverty, and the violation of their basic rights. A survey conducted by Race Relations indicated that between 1990 and 1993, between 35 and 45 percent of the South African population were living below the poverty line as per the official definition in the country (1992: 262-263). The properties of millions of people were directly and indirectly destroyed and access to skills and self-employment was racially restricted.

The policies of apartheid also resulted in inequalities in the economy by restricting the creation of wealth to the white minority and forcing underdevelopment in the black communities. Sibiya, arguing against inequalities created by the apartheid system, says that "If 6 percent of the population owns above 80 percent of the country's wealth, and 94 percent shares a mere 20 percent, this breaks even the true but unacceptable 80/20 rule"<sup>4</sup> (1989: 61). Sibiya's argument depicts the extent of the cruelty and unfair nature of apartheid. It raises ethical questions against the justification of the economic situation whereby 94 percent of the entire population share a mere 20 percent wealth of the country's resources. This confirms the arguments by writers such as Seekings and Ntseke (2005) and Price (1991) mentioned above, that apartheid was instituted to protect whites in all aspects of life in South Africa. There is no doubt that it served to raise the income of white South Africans.

The conditions in the workplace at that time were also characterized by extreme inequalities; for instance, white people received greater salaries even in situations where both blacks and whites with the same qualifications performed the same job. Compared to the United States and Sweden's Gini Coefficient, which was 0.8 and 0.32 respectively, the Gini's Coefficient of South Africa in 1993 was 0.65 which was the highest in the world (Whiteford et al. 1995: 21). In some instances, white workers were paid more than they produced at the expense of the surplus

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<sup>4</sup> The 80/20 rule is also known as the Pareto's Principle. It is used to suggest that 20 per cent of the people owned 80 percent of the wealth. See F. John Reb :<http://management.about.com/cs/generalmanagement/a/Pareto081202.htm>

shares produced by black workers (Davies 1973: 40-59). Apartheid indeed secured white people from unemployment and poverty and increased unemployment and poverty among black people. The inequality in wages was so vast that research in 1989 showed that 52.7 percent of Africans were living below the poverty line, whereas only 1.6 percent of whites were found to be below the poverty line (Fallon and Perreira da Silva 1994: 39–42). Another study in 1993 by the World Bank showed a very disturbing result; the poorest 10 percent of the South African population received 1.1 percent of the population's income, while the richest 10 percent received 45 percent (World Bank 2000: 239). The nature of the inequalities at the workplace was rather alarming; all black people were underpaid. The evidence of the inequalities at the workplace in terms of wages can be supported by Table 1 below:

**Table 1: Average annual gold mine wages, 1911–82 (in Rands).**

Year	Whites		Africans		Ratio white to African wages (African = 1)
	Current prices	Real wage 1970 prices	Current prices	Real wage 1970 prices	
1911	660	2 632	57	225	11.7
1921	992	–	66	–	15.0
1931	753	2 214	66	186	11.3
1941	848	2 312	70	191	12.1
1951	1 609	2 745	110	188	14.6
1961	2 477	3 184	146	188	16.9
1971	4 633	4 379	221	209	20.9
1972	4 936	4 368	257	227	19.2
1975	7 929	5 035	948	602	8.4
1982	16 524	4 501	3 024	824	5.5

Source: Lipton (1986)

The table above shows the wages of white and black workers in the mining sector. The African workers' wages on the gold mines actually declined in 'real' (accounting for inflation) terms between 1911 and 1971, from R225 (in 1970 Rands, or US\$300 in 1970 dollars) to an average of R209 per year in 1971. At the same time, the white workers wage rose from R2632 in 1970

Rands to an average of R4633 per year and kept rising yearly. For black mine workers, it was only after apartheid began to crumble with the recognition of black trade unions in the 1970s that black mine wages began to rise, but they still could not catch up with the white workers. During the same period, white mine workers' wages increased significantly to R4379. Not surprisingly, the relative number of white mine workers declined as the wage differential grew.

Blacks did not just experience inequalities in the workplace. Seekings draws our attention to the fact that inequalities spread from the workplace even to the area of welfare. Black old-age pensioners received one-seventh of the maximum pension paid to a white pensioner (2005: 428). Such were some of the economic inequalities in the economy. Another system introduced by the NP government that further fuelled inequalities in the economy was the introduction of the colour bar with the aim of maintaining white supremacy in all aspects of life (Crush et al, 1991: 83). Surveys from 1990 and 1993 indicate that between 35 and 45 percent of the population lived below the poverty line, as officially defined in South Africa (Race Relations Survey 1992: 262–3).

With regard to the inequalities created by the apartheid regime, scholars such as Robert Horwitz (1967) and Merie Lipton (1986) have argued that apartheid resulted in the elimination of profits in some areas of the economy, as well as retarding economic growth for white people. Yet on the same point, writers such as Saul and Gelb (1981) share a contradictory view that the policies generated high profits for whites only at the expense of their black counterparts. Inequalities in the system created a huge gap between blacks and whites, with most black people experiencing severe poverty. Abebe Zegeye and Julia Maxted confirm that the inequalities in the South African society created poverty and dislocation, and had a negative effect on the entire society (2002: 1). This then was the nature of the economic inequalities of apartheid. The next section examines the various Acts and how they contributed to the inequalities.

### **3.3 Apartheid Laws that Prevented Blacks from Participating in the Economy**

Not only did apartheid result in inequalities in the work place, but it also prevented black people from ownership, as well as access to proper education and skills development. This was possible through a number of laws instituted by the government. This section examines some of these laws:

### **3.3.1 The Land Act**

This Act gave legislative effect to a process of land seizure by the white settlers. The Land Act was instituted in 1913 and amended in 1945 (The South African year book, 1923: 105). Before apartheid, there were areas allocated as 'native areas' which later became known as the 'reserves' to black people. These were the areas where they could purchase land for business and farming. This area comprised of 13 percent of the entire country. With this Act, the pre-apartheid government laid a foundation for poverty which the National Party took as an advantage and built on. The quality of the land allocated to blacks was extremely poor and unproductive and this affected them in many ways. Most of them could neither farm nor even use the land profitably. Cyril Ramaphosa, in describing the native areas, said that, "Apartheid uprooted black communities from fertile land and shunted them into the most barren and squalid areas in the country" (1989: 44). This situation did not only restrict blacks from development within the farming sector, it excluded them from the financial market by denying them the means to provide effective security for loans. The Tomlinson commission acknowledged that: "The reserves were so overcrowded that more than 300,000 families would have to abandon Bantu agriculture in order to give those who remain the opportunity of making a living out of the land without resorting to periodic spells of work elsewhere" (Tomlinson Report, 1955: 145). From the description above, the inference that one could make is that these reserves were poor areas mainly because of 'overcrowding, overstocking and soil erosion', and they remained underdeveloped with subsistence farming as the major livelihood strategy (Higgs, 1985:79-90). Some of these areas were hilly and stony which made farming or any economic activity impossible.

It must be noted that the intention of the reserves was to ensure poverty and deprive black people of their contribution to the economic development of the country. Thabo Mbeki, the former President of South Africa says that, "It is estimated that 3, 5 million people were forcibly removed in the post World War II period in a further drive in the process of land dispossession. Most of the dispossessed were dumped in the Bantustans: the labour reservoirs originally called native reserves" (2003:2). It is therefore not surprising that black people could not be involved in rural agriculture because of scarcity and the poor quality of land allocated to them. The conditions at the native reserves necessitated the influx of black people into the towns and cities

in search of job opportunities. By restricting blacks from ownership of land, the government was denying them ownership of the country's assets as well as access to loans. This Act also banned 'blacks' from acquiring land outside the 'native areas' (Sibiya: 1989: 60). Among other things, the loss of land led to extensive "homelessness, absence of security of tenure, overcrowding, unstable families, rural-urban migration, the degradation of the soil, and severe limitations on the possibility of Africans to pursue meaningful agricultural and agro-industrial activities" (Thabo Mbeki, 2003: 2). They were also prohibited from farming, doing business or living outside these allocated areas through the Group Areas Act which will be discussed below.

### **3.3.2 The Group Areas Act**

The Group Areas Act which determined where black people should live and prohibited them from engaging in businesses outside their designated areas to protect the interest of whites (Vuyo 2007: 5, 6), was also instituted in 1950. It was amended and consolidated in 1957 (South African institute of race relations, 1988; 28-30). It forced physical separation between races by creating different residential areas for different races in the country. This law only allowed blacks to be involved in small businesses in their designated urban black townships. Allan Hirsch says that:

Blacks were totally banned from ownership of any property or business in the white areas that made up 87% of the country. They were also banned from sharing in public companies. The strategy for the remaining 13% of the country was the use of communal property rights and these were managed by traditional leaders: chiefs and headmen (Hirsch 2005:17).

It is clear from the above that this Act prevented black people from owning anything outside their designated areas. The one man business policy that was instituted in 1963 also prevented black people from involving themselves in more than one business. This policy meant that black people were prevented from owning more than one business. The only ownership or occupational rights a black African possessed was restricted to the black townships popularly known as the 'reserves' (Seekings and Nattrass 2005: 530). As such these black townships and the rural areas were characterized by extreme poverty, as has been noted above. The next Act that we need to look at in detail is the Native Act.

### **3.3.3 The Native Act, No 21 of 1923**

In addition to the Land Act, the Native Act also came into effect in 1923. The preamble of the Act states the following:

To provide for improved conditions of residence for Natives in or near urban areas and the better administration of Native Affairs in such areas; for the registration and better control of contracts of service with natives in certain areas and the regulation of the ingress of Natives into and their residence in such areas; for the exemption of Coloured persons from the operation of pass laws; for the restriction and regulation of the possession and the use of kafir beer and other intoxicating liquor by natives in certain areas and for other incidental purposes (Natives Act , No 21 of 1923).

As can be seen above, this law was designed to control the influx of the Native from rural areas into the urban centres. Howard Rogers attributes the influx to the “demand for labour and the higher wage obtaining in the industrial centres, combined with meretricious attraction of town life” (1933: 185). It must be noted that soon after the Second World War there was an industrial boom and economic growth (Price, 1991:15). This attracted many natives (about 900,000 in the late 30s to 1,890,962 in 1951) (Verwoerd, 1996:83-84) to urban centres in the search for employment, opportunities and higher wages on the labour market. “The overrunning of cities and the indiscriminate squatting in the urban areas,” as reported by the Department of Native Affairs annual report for 1949-50 (1966: 227), created a health challenge to local authorities (Cowen, 1961:30). As seen from the report, there emerged a number of illegal squatter camps, without proper sanitation or water, and therefore the introduction of this Act had two purposes. First, it was to help control the health issues that were emerging and second, it was a way of preventing the natives from fully participating in the growing economy.

It was against this background that the Influx Control Act was instituted. This Act prevented blacks from moving freely in the country except in their designated areas. Most black people were arrested if seen outside their designated areas. The act necessitated the introduction of pass laws. The pass laws were a form of “restriction of movement and influx control” (Higgs, 1985: 88). The pass laws required Africans to carry proper documentation when seen outside their designated area (Kane-Berman 1990: 375). The intended purpose of this law was to narrow down the number of African people in white designated areas to only those who had been employed by whites. Therefore people who violated these laws were strictly dealt with. Any African not found in possession of a pass book could not be employed. Furthermore, “any authorized officer may at any time call upon a native to produce his reference book, and failure to produce the reference book on demand of such an officer could be punished up to a fine of

about £10 or imprisonment for up to one month” (International Labour Office, 1985: 20-21). This law was so strict that “between 1916 and 1981, 17.12 million Africans were arrested for pass laws offences, an average of 721 everyday for 65 years (Kane-Breman, 1878:72-78). Kane-Breman’s statistics show that this was a very strict law and, according to South African Institute of Race Relations, even white employers were fined for employing any African without permission to work in the white-designated areas (1979: 393). The effects of the pass laws were that blacks lived under constant fear of police raids and arrest. Joel Carlson, who was the South Africa representative at the International Commission of Jurists, described the law as:

...the greatest single cause of disruption of race relations in our society, creating more hatred and fear, sowing more suspicion and causing more insecurity, than any other single cause of justice in South Africa. The pass laws are a cancerous growth causing the depersonalization of human beings and the degrading not only the person suffering under them but those enforcing it (SAIRR, 1970:172).

As noted, blacks in the urban areas were constantly living in fear of being arrested, maltreated and deported to their native land. This generated anger, hurt and bitterness among the black people.

### **3.3.4 The Bantu Education Act, no 47 of 1953**

Another important area characterized by the economic imbalances during apartheid was the prevention of black people from the study of mathematics, science and skills development through the educational policies the government adopted. This was achieved through the institution of the Bantu Education Act of 1953 (South African Yearbook, 1961: 105). This educational programme was piloted by Hendricks F. Verwoerd, the then-Minister of Bantu affairs (Suttner and Cronin, 1986: 216). The aim of the Act was to prevent Africans from receiving an education that would lead them to seek positions they would not be allowed to hold in society. Justifying the reasons for the new educational policies for Africans that would perpetuate white supremacy, Verwoerd, said:

By simply blindly producing pupils who are trained in European ideas the idle hope was created that they could occupy positions in the European community in spite of the country’s policy...resulting in frustration and rebellious educated

Bantu who tries to make his community dissatisfied because of such misdirected and alien ambition (1966 :67-74).

It is clear that the government wanted to control education in such a way that it would be in accordance with the apartheid policy. They did not want black children to be educated in areas that would qualify them to compete with white children or develop skills that would enable them to compete on the labour market. Verwoerd, presenting the Bantu Education Act to parliament, explained that:

It is the policy of my department that education should have its roots entirely in the Native areas and in the Native environment and Native community.... The Bantu must be guided to serve his own community in all aspects....There is no place for (the Bantu) in the European community above certain forms of labour....For that reason it is of no avail for him to receive a training which has as its aim absorption in the European community while he cannot and will not be absorbed there. Up till now he has been subjected to school system which drew him away from his own community... misled him by showing him the green pastures of the European but still did not allow him to graze there.... It is abundantly clear that unplanned education ...disrupts the communal life of the Bantu and endangers the communal life of the European. For that reason it must be replaced by planned Bantu education (1966:177).

From the above it is clear that the Bantu education policy was to create a completely separate, different and inferior school system for Africans. The school system would direct them away from acquiring the skills needed to compete in the modern society labour market. Africans were to receive education designed to provide them with the necessary skills to serve their own people in the homelands, or to work in labouring jobs under whites. It was not surprising that the syllabus for blacks was different from that of their white counterparts. It must be noted that with such utterances coming from a Minister of Education himself, Bantu education gained strong grounds and it was supported and welcomed by the officials of the apartheid government.

There were to be separate schools for black and white children, with the white schools more privileged than the black schools. It was estimated that the governments' average expenditure on a black child was lower than that of white children. Table 2 below represents the per capita expenditure for black and white children:

**Table 2: Per Capita Education Expenditure.**

Year	Expenditure (white)	Expenditure (black)	Discriminatory ratio
1953	R100	R18	5.5.1
1963	R140	R12.50	11.1
1972	R220	R20	11.1
1974	R470	R29	16.1

Lawrence 1979: 126

Clearly, from above, it is evident that there was unequal distribution of funds in the educational system. In 1953, the expenditure for a white child was R100.00, whereas the expenditure for a black child was R18.00. The discriminatory ratio between a white child and a black child was 5.5. The expenditure for white children increased by 40 percent to R140 in 1963. But the expenditure of a black child decreased to R12.50 in the same year which increased the discriminatory ratio to 11.1. In 1972, the expenditure for the white child increased to R220. Although that of the black child increased as well in the same year, it came up to R20. Comparatively there was a difference of R200. In 1974, the expenditure for white children increased by approximately 114 percent to about R470. In the same year the expenditure for black children also rose from R20 to R29, an increase of about 50 percent. The discriminatory ratio between white and black children represented in the Table was 16.1. Nevertheless, in *Cape Times* in 1955, the Minister For health, J.F.T. Naude, announced to the national and international community that the NP's yearly expenditure on Bantu education was £8 million, an amount that was more than what other African countries on the continent were spending (Phatlane, 2006: 1960). However, the above discussion shows how Bantu education promoted gross inequalities; and, as a result, most black schools lacked the facilities to help their students develop. "By 1970, the secondary school enrolment rate reached 90 per cent among white children; among African children, it had risen to only 16 per cent despite growing fourfold in the previous decade" (Pillay 1990: 34). The repercussion of this state of affair was that white children could stay in schools much longer than Africans and obtained quality academic qualification (Seekings and Natrass, 2005: 134). This state of affairs affected the economy negatively in the long run, and its effects were seen particularly in the manufacturing sector. For instance, manufacturers looking for workers to do skilled jobs found that 40 percent of the black male workforce had no educational

qualification and 82% had less than six years of formal primary school education (Wiehahn Commission report, 1982: 1). Adding a voice to the quality of education received by blacks, Hauki extends the argument further by saying that:

Science and Mathematics were excluded from the Bantu Education, and only a few of the black students in the public schools made it beyond their basic training to higher education levels. Even those that managed to make it into higher educational levels were segregated into black universities under the Extension to University Education Act. Only 14 percent of black students reached secondary schools, and even fewer furthered their education to the university level. The black universities were also structured to mainly produce social scientists, teachers and lawyers. A number of professions, especially in the natural sciences, were closed to black people and the vast majorities were denied the opportunity of higher education (Hauki 2001: 12).

The exclusion of black students from mathematics classes meant that most black students were not admitted to medical school because mathematics was considered a prerequisite (Race Relation survey, 1964:312). Table 3 below represents racial combination of medical students in 1967:

**Table 3: Combined Racial Medical Students in 1967**

<b>Racial Groups</b>	<b>Medical Graduates</b>
Whites	328
Asians	31
Coloureds	17
Africans	11

Tobias: 1983: 4

The above Table 3 depicts an unequal representation of medical graduates during the apartheid era. It is clear that whereas 328 white students graduated in 1967, 317 fewer African students graduated. The number stood at only 11 graduates. Tobias interprets these figures to show that for every one million whites there were 92 doctors trained, but to every one million Africans there were 0.9 doctors trained (1983: 4). The fact that blacks did not receive an equal quality of education created an unequal income distribution in the economy. Subsequently, this caused

poverty and distress among the blacks. The situation deteriorated so much that statistics in 1996 revealed the following alarming figures:

Whites, 13 percent of the population, held 80 percent of the professional positions and 93 percent of management positions in private business. Less than 7 percent of South African Ph.D. holders were black. Very few black South Africans had higher education in Business, Finance, Engineering and the sciences, as they needed a special government permit to attend white universities where these skills were taught. In 1996 adult literacy in South Africa was about 73 percent, but 80 percent of the black people were unable to read beyond the fifth grade level (Ford, 1996: 1973ff).

The above discussions portray the outcome of the Bantu education system as well as the intentional elimination of blacks from the economy. For it is evident that Bantu education had a negative effect on the blacks as well as the nation as a whole. With only a few qualified personnel among the black population in the areas of finance, engineering and business, the whites managed to monopolize the entire economy. This left the majority of blacks in a pool for cheap labour for the whites.

### **3.3.5 The Wage Act and the Public Service Act**

Apart from discrimination on the basis of race, there was also sexual discrimination rooted in legislative measures in South Africa. This was called the Wage Act 44 of 1939, which was subsequently called the Wage Act 45 of 1959. This Act allowed separation between the different groups of employees on the basis of sex (The Wage Act 45 of 1959). Another Act that encouraged discrimination on the basis of sex was the Public Service Act which was instituted in 1984 (Public Service Act 111 of 1984).

From the above it is clear that apartheid sought to limit the economic development of black people through varied strategies and laws - from limiting their movements to basic education. This is why BEE was seen as a needed economic development policy in the “new” South Africa. This is what we now turn our attention to.

### 3.4 The Need for BEE in South Africa

After independence in South Africa, the ANC government embarked on a number of processes as a way of empowering the majority of its citizens who were once prevented from participating in the economy under the apartheid system. As noted above at the time of independence, there was poverty and inequality in the system; white people dominated the economy and positions of influence whilst most black people lived in poverty and misery. Jeremy Seekings and Ntiraas say that inequalities were higher at the end of apartheid than most other middle-income countries (2005: 188). This situation came about as a result of the apartheid laws that were instituted by the NP government. Allan Hirsch has observed that:

South Africa was one of the most unequal societies in the world – an almost unique 'outlier' in the unevenness of incomes as World Bank economists put it in 1994. The average per capita income of whites was about 9.5 times higher than Africans. The distribution of wealth was even more unequal than income, as a result of land alienation and laws blocking Africans' access to private and commercial property. Access to government services was similarly skewed (Hirsch, 2005: 1).

Inequalities in the country were in the form of ownership, unemployment, lack of access to amenities and other restrictions. The situation was such that white households were predominantly rich, whereas most black people lived in abject poverty. What the ANC government had to contend with can be illustrated by a survey in KwaZulu-Natal which indicated that 1200 black households demonstrated a poverty rate increase from 27 percent to 43 percent between 1993 and 1998 (Carter and May, 2000: 245-263). This survey was an indication of real poverty among black people due to high levels of unemployment which resulted from the apartheid racial distributional regime. In an article, *South Africa and the Challenge of Globalization*, Rudolf Gouws, adds that:

Unemployment remains extremely high, though declining in recent years. High unemployment is linked partly to structural issues, such as the fact that in common with most African countries, South Africa has not yet developed substantially beyond commodity and processed exports. The country also has a shortage of skills (particularly among the black population) that are appropriate in the globalizing world. Among other problems facing the economy and society are HIV/ and Aids, large income and wealth disparities, widespread poverty and high levels of crime (2006:3).

To Gouws, despite the fact that South Africa attained political liberation, economically the country was faced with a number of socio-economic challenges. Political liberation did not translate into economic liberation. The economic conditions were not favourable to black people as they faced numerous challenges ranging from massive unemployment and lack of required skills to participate effectively in the economy, to HIV and AIDS. Writing about the nature of unemployment at the time of independence, Seekings and Natraas observed that “approximately four million adults were unemployed and half of the population lived in households in which someone was unemployed” (2005: 271). Clearly the ANC government faced an extremely challenging situation in attempting to provide jobs for such a massive population, some of whom lacked the necessary qualifications and skills needed in the economy. It is interesting to note that during that time when racial discrimination was declining, a few black workers were climbing up the occupational ladder (Seeking and Natraas, 2005: 189) yet the unemployment rate continued to rise as indicated in the quote below: In 1989, 52.7 percent of Africans were living below the poverty line, compared with 1.6 percent of whites (Fallon and Perreira da Silva 1994: 39–42). A World Bank document indicated that in 1993 the poorest 10 percent of the South African population received 1.1 percent of the population's income, while the richest 10 percent received 45 percent (World Bank 2000: 239). Such inequality in the economy was the prevailing condition when the ANC government took over.

These inequalities also affected the country's assets and liabilities as shown in Table 4 containing the balance sheet of the economy below:

**Table 4. South Africa's Economic Balance Sheet on Transition From Apartheid (relative to other developing countries and countries in transition to capitalism).**

<b>South Africa's Apartheid Balance Sheet</b>	
Assets	Liabilities
Good transport infrastructure for business and white residential areas.	Inferior transport infrastructure for black homes and farms. Poor, inadequate, and unsafe public transport for workers.
Good communications infrastructure for business and white residential areas.	Very poor communications infrastructure in black urban and rural areas.
Good financial sector and regulation.	Minimal black private savings and no black ownership of banks. Declining savings performance of country. Government dissaving over 10 consecutive years.
Well-developed capital market.	Almost total absence of black ownership of land or economic assets.
Pockets of skilled labour and management.	Most labour very poorly educated and trained, and severe shortage of management skills.
Monetary discipline and declining inflation.	Growth inhibiting high real interest rates. Fiscal recklessness and huge government consumption expenditures.
Some good universities and science councils.	Poor quality of general education for black students. Most education facilities weak in mathematics, science and engineering.
Moderate levels of research and development spending and patent applications.	Very large proportion of research and development investment in defence industry.
Strong exports of primary products.	Uncompetitive protected manufacturing sector.

Hirsch 2005: 24-25

From this balance sheet it is clear that the conditions for black people after independence were not conducive for them to participate in the economy; the opportunities available to them were minimal as shown above. Their situation was characterized by lack of access to assets and lack of skills and proper education, to name a few. On the other hand, the country had all the assets needed for building the nation. It is with this background that President Thabo Mbeki, the then Deputy President, described South Africa as two nations in one. He said that:

One of the nations is white, relatively prosperous, regardless of gender or geographical dispersal. It has ready access to economic, physical, educational, communication and other infrastructure. This enables it to argue that, except for the persistence of gender discrimination against women, all members of this nation have possibility of exercising their right to equal opportunity and development .....the second and the largest nation of South Africa is black and poor, with the worst affected being women in the rural areas, the black population in general and the disabled. This nation lives under conditions of grossly underdeveloped economic physical, educational, communication and other infrastructure, it has virtually no possibility of excising what in reality amount to a theoretical rights to equal opportunity (Seekings, 2005: 342)

This scenario described by the deputy president portrays an economic situation that was unreal and unsustainable. White people enjoyed equal rights and opportunities whereas their black counterparts, particularly women, were deprived of all opportunities and equal rights. Building such a nation was extremely challenging for the new government. Nevertheless the ANC government had a moral obligation towards its citizens, as seen in both the freedom charter and the new constitution it implemented, to respond to and remedy the situation. The new government had to redistribute wealth and income between privileged whites and deprived black people. This state of affairs necessitated the introduction of policies and processes at national, provincial and local levels to create a partnership for economic development between government, business, and even communities. It had to intentionally develop a viable empowerment model to combat such imbalances and to ensure that the majority of people had a proportionate stake in the economy. This eventually led to the institution of the BEE policy.

### **3.5 The Development of BEE in South Africa**

The strategy of BEE in South Africa did not evolve from a vacuum; the vision of an economic system that caters for all citizens could be traced back to the Freedom Charter of 1955 where all

the demands of all South Africans were recorded (Vilakazi, 2006: 1). The Freedom Charter is “a charter of demands of all South Africans for the things that they want to make their lives happy and free. It is the statement of core principles of the South African Congress Alliance (SACA), which consisted of the ANC and its allies: the South African Indian Congress, the South African Congress of Democrats and the Coloured People's Congress” (Suttner and Cronin, 1986: 170). The document was created through a democratic process to guide the people of South Africa into what they wanted their future to be. South Africans had anticipated a nation where all citizens could enjoy equal opportunities and freedom. As noted, SACA wanted the people of South Africa, particularly those who had never taken part in any decision-making processes on a national level, to taste and enjoy the process of democracy. As a result of this process, all the people of South Africa from different cultural backgrounds: Indians, coloureds and black Africans would be brought together. The Freedom Charter’s economic vision states that:

The People Shall Share in the Country's Wealth. The national wealth of our country, the heritage of South Africans, shall be restored to the people; The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole; All other industry and trade shall be controlled to assist the wellbeing of the people; All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions (ANC 1955: 82)

As can be seen above, this charter envisaged a non-racist and non-sexist successful society where the economy would not be in the hands of a few, but all citizens of the country. During the creation of this charter, there were social injustices and exploitation in the economy as a result of the Apartheid system. This section of the Charter offers hope of redress in the situation at the time. They wanted a society with economic empowerment based on economic equality for all citizens regardless of their colour and sex something that apartheid had stripped them of. Blade Nzimande speaking on behalf of the ANC, said that “From the Freedom Charter in 1955 through to the 1994 democratic breakthrough we spoke about building people's power in society as a whole, including the economy, as the central platform for transforming economy and society to serve the interests of the overwhelming majority of our people” ([www.sacp.org.za](http://www.sacp.org.za). Accessed 29 August 2008). From the above discussion it is clear that the need and the vision to redress the economic imbalances in the interest of equity have been on the agenda of the ANC long before it came into power.

This same economic vision emerged in the new South African constitution drawn in 1994 after independence and adapted in 1997. Specifically, the equality section of the Bill of Rights in the Constitution read as follows:

Everyone is equal before the law and has the right to equal protection and benefit of the law ... “equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievements of equality legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken. (Constitution of the Republic of South Africa, chapter 2 section 9:1&2)

The Constitution further authorized measures to be taken to promote the achievement of equality in all aspect of the nation. It states that:

We, the people of South Africa, recognize the injustices of our past; Honour those who have suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity. heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; and to improve the quality of life of all citizens and free the potential of each person...The same vision was refined and developed in the Reconstruction and Development Programme (1994) and the contemporary context of Black Economic Empowerment which is seen as the main strategy for economic growth and development in South Africa (Vilakazi, 2006).

With the guidance of the constitution, a number of state policies, strategies and programmes aimed at overcoming the economic inequalities, growth, employment creation, poverty alleviation and equal access to wealth were implemented. Two such policies which served as a base for black economic empowerment were the Reconstruction and Development Programme (RDP) and the Growth Employment and Reconstruction (GEAR).

### **3.6 Critical Views on Black Economic Empowerment (BEE) Policy**

The term Black Economic Empowerment is not a new phenomenon in the history of Africa. Van de Nest says that the definition of the concept of BEE is not very clear. It varies because different people attribute different definitions to it. However, she believes that black economic empowerment, Affirmative Action and National Economic Empowerment and Development (NEED) are different terms used from the late 1980's onwards to describe the same thing (Van

Der Nest, 2004: 15). Business Map Foundation defines BEE as a programme aimed at eliminating socio-economic imbalances between the white minority and black majority and also to build a more equitable and strengthened economy ([www.businessmap.org.za](http://www.businessmap.org.za). Accessed date: 20<sup>th</sup> January 2007). Its narrower view seeks “the equitable transfer of and to confer ownership and control of the financial and economic resources” (Nzimande 2004: 19). The BEE process was to include elements of human resource development, employment equity, enterprise development, preferential procurement, as well as investment, ownership and control of enterprise and economic assets. According to a COSATU’s memorandum submitted to the Portfolio Committee on Trade and Industry on 25 June 2003, the definition of BEE includes strategies to: ensure the broadest ownership of productive assets and resources; increase levels of employment in the formal economy; increase household incomes; expand literacy and skills development; and extend basic services to those who do not currently have them (Cosatu, <http://www.fanews.co.za>, Accessed date 22 September 2007). From my readings, I have also noted that indeed many terms have been used at different times in African history to describe the same concept of BEE. Terms such as indigenisation and Africanization were used by different people at different times in history to describe the same process.

In all the definitions above, the main idea that seems to underpin these initiatives is that BEE is a process aimed at correcting the imbalances in the ownership and control of economic resources by increasing black participation at all levels of the economy through job creation, poverty alleviation, specific measures to empower black women, education, skills transfer and management development, meaningful ownership and access to finance to conduct business (Enterprise 2000: 10). Thus BEE was to spread equity holdings to incorporate previously disadvantaged South Africans (Kennedy 1997: 61).

Many people criticized the first wave of the BEE programme by saying that it did not work. Among them was Frank Meintjies who believed that, “Black economic empowerment (BEE) has had mixed results, with very little being achieved in terms of changing the structures of ownership and control within the economy” (2004:1). Others also believe that BEE is a complex initiative that will struggle to take root and that it will be hard to measure its impact immediately (Sanchez, 2006:6). They believe that it will take a long time for its impact to be realized in the country.

Kehla Shubane has reiterated that:

Many have also expressed disquiet about the fact that there are too many politically well-connected individuals who have benefited from empowerment transactions. On the evidence of the media, there appears to be merit in this charge. However, recent empowerment transactions point to a growing involvement of black employees among others as equity beneficiaries. Concerns over narrow gains have been informed (2007, 166)

Clearly most critics believe that BEE has benefited only a handful of people who are politically connected to the ANC government and unless one is connected to the ANC government, he or she will not benefit from the programme. Among those who are connected are Cyril Ramaphosa, former ANC secretary General; Tokyo Sexwale, former Premier of Gauteng Province and Robben Island prisoner; Saki Macazoma, an ANC National Executive Committee member with close connections to Thabo Mbeki; and Patrice Motsepe, with family connections to Ramaphosa and to Transport Minister Jeff Radebe (Southall, 2006: 10-11). Moeletsi Mbeki, the younger brother to the former president describes these conglomerates as “black buffers” closely connected to the ANC whose intention is to protect their own interest in the economy (2003: 13). Surely an economic programme to redress the imbalances in the entire economy and to build a more stable and inclusive economy should not only benefit a few but rather the majority of black people.

Not only have critics mentioned that the beneficiaries of BEE are those that are politically connected, Roger Southall has also observed that:

The high level of concentration and centralization of South African capital has posed enormous problems for BEE. There have been major obstacles to black empowerment, including the desperate lack of blacks who have acquired the necessary training and skills to assume middle- and high management positions in business (Southall, 2005: 461).

Southall attributed the failure of the programme to lack of black personnel to occupy such positions due to lack of skills, he felt that there were only a few black people who were capable at the time of occupying such high and middle positions. This lack of skilful personnel can be attributed to the Bantu education programme. As noted from the previous chapter, this kind of education deprived black people of the necessary skills that would aid in ascending the economic

ladder. So it is not surprising that critics have observed that there seems to be a lack of capable personnel to occupy the positions made available by BEE.

With all these critiques, in 1997, the Black Management Forum (BMF) also acknowledged that BEE was not doing well. The government saw the need to assess the programme and to give proper guidelines to its implementation. It therefore tasked the independent Black Economic Commission (BEECom) with setting up guidelines for monitoring and the implementation of the national BEE strategy (Osode, 2004:108). The next session gives a brief overview of the work and recommendation of the BEECom.

### **3.7 Black Economic Empowerment Commission (BEECOM)**

The BEECom was initiated by Black Management Forum (BMF) when they observed that the economic process introduced by the ANC that was being driven by the private sector was not working as they had anticipated. They observed that the economy was still in the hands of whites, and blacks and particularly women were still excluded from participating in the economy (BEECOM 2001: 67). Therefore in a conference in 1997, the commission was tasked with an evaluation of the BEE programme and told to suggest ways of bringing about an effective economic transformation in the country (Enterprise, 2003: 16). As noted above, the ANC government wanted a society where all the citizens in the country could facilitate economic growth, but after three and a half years of being in power there seemed to be little demographic change in those participating in the economy, despite the introduction of BEE. Roger Southall observed that the first phase of the BEE programme had an elitist nature with a few blacks benefiting, as well as those who are politically connected (Southall, 2006: 10-11). As a result the task of this BMF was to research and come up with a proper vision and strategy, and to make recommendations to the government on implementation of the programme (BEECom, 2001: 1). As the BMF explained, “The motivation for the establishment of the commission was that the notion of true empowerment as defined by black people did not exist, nor did a common definition or benchmark” (BEECom 2001: 4). Explaining the task of the BEECom, President Mbeki said that part of the task of the BEECom was “to answer the question – how do we promote the formation of a black bourgeoisie which will itself be committed and contribute to

black economic empowerment?”(Mbeki.1999). In addition, the four objectives that guided the BMF included the following:

- To gain insight into the BEE process through empirical research and to make observations on the pace and results of BEE initiatives during the 1990’s.
- To reach conclusions on the obstacles to meaningful participation of black people in the economy.
- To develop a powerful case for an accelerated National BEE Strategy and to make recommendations on policies and instruments required to guide a sustainable strategy.
- To develop benchmarks and guidelines to monitor the implementation of the National BEE Strategy (BEECom report: 2).

The next section of the thesis gives a summary of the report produced by the BEECom after its research.

### **3.7.1 BEECom’s Recommendation**

Through thorough research, the BEECom realized that the private sector initiatives since 1994 had failed to provide "a meaningful transfer of ownership to the black majority" and that state action was needed to pressurize the private sector to live up to its “collective responsibility to invest in the country” (BEECom, 2001:2). Pressly Donwald said that the Presidential Black Business Working Group found BEE’s performance lacking and described the private sector as “its own worst enemy...showing a complete lack of regard for the need for transformation of society” (Pressly, 2007: 1). Consequently it advised the ANC government using their own words, to: “Go back to the drawing board and find ways of giving BEE significant teeth, with possible penalties if firms refuse to transform rapidly” (2007: 1). The BMF realized that there were still imbalances in the economy, for example different empirical studies shows the following; ownership transactions in the 1990s deteriorating when the world markets declined in 1998, black ownership figures on the JSE were assessed at around nine percent in 1997 and 1998, and dropped to about half that in 1999. Numbers have not risen significantly since then, with an estimated five percent black ownership of companies on the JSE in 2006. Ownership levels were lower in some sectors than others, with manufacturing generally straggling to the frustration of many (Simkins, 2007: 57). It must be noted here that the exact figures of black ownership during

that period have been disputed by The Business Map Foundation, when it estimated a six percent black ownership level, one percent higher than Simkins estimation.

According to an EmpowerDEX paper to the Presidency, in terms of management, in 2002 only 13 percent of directors in the top 100 JSE companies were black and only 5.2 percent of these were executive directors (EmpowerDEX, 2003). The numbers rose slightly in 2004 to 16.6 percent of the total number JSE black directors and only 7.7 percent of executive directors were black (EmpowerDEX 2005). Hirsch also adds that there were only 13 percent of black top managers in the private in 2001, with only a one percent increase since 2000 (Hirsch 2005). Against this background, the Commission therefore suggested a broader and more effective approach to BEE that would include “job creation, rural development, urban renewal, poverty alleviation, land ownership, specific measures to empower black women, skills and management development, meaningful ownership, and access to finance for households and for the purpose of conducting business” (BEECom, 2001:2). With this in mind, the commission hoped to redefine the programme as well as its beneficiaries.

The final report was presented to President Mbeki in April 2001 after two years of discussion by the BEECom. Among other recommendations was the establishment of a BEE commission in the office of the presidency to oversee the implementation of the BEE process, the setting of specific empowerment targets for black participation in industries and professions, and thirdly the setting up of legislative interventions (Ray, 2003: 17). In March 2003, the Department of Trade and Industry (DTI) released its strategy for Broad-Based Black Economic Empowerment (BBBEE) (2003). After the presentation of the recommendation to the ANC government, parliament passed the Broad-Based Black Economic Empowerment Act (Republic of South Africa, 2003). Both reflected and adopted many of the recommendations of the Commission including the establishment of a Black Economic Empowerment Advisory Council, while the Act also enabled the Minister of Finance to issue codes of good practice and to publish transformation charters (Republic of South Africa, 2003). A number of instruments governing BEE as recommended by the commission include the BBBEE Act, The Codes of Good Practice (the Codes), the Sector Transformation Charters (the Charters) and the BEE Strategy Document (the Strategy Document). While all the instruments listed above are important, this study concentrates on the ones that are relevant to the concerns of this thesis, and it includes a brief discussion of the BEE

Act: the definitions, beneficiaries, the seven elements, financing, and challenges facing BBBEE such as fronting.

### **3.7.1.1 Broad Based Black Economic Empowerment (BBBEE) ACT 53 of 2003**

As noted above, BBBEE was initiated from the recommendation of the BEECom when it realized that the first wave of BEE was narrow and only benefited a hand full of black elites and left the majority still poor. Vuyo says that, “Broad based initiatives addresses the middle and lower-income groups offering a practical opportunity for people at these income levels to take part in the economy” (2007: 22). The first wave targeted upper class blacks making a few very rich whilst the masses enjoyed no real benefit. Therefore there were still imbalances in the economy. However, according to the above quote, BBBEE was introduced to provide a framework for BEE as well as the code of good practice (Vuyo, 2007: 28). It must be noted that BBBEE was located in the Broad-Based Black Economic Empowerment Act of 2003 and this is seen as the framework of the BEE programme. The Act according to Osode was to be:

...specifically aimed at the achievement of four goals: i) the provision of an unambiguous definition of BEE...; ii) the provision of uniform guidelines... against which the public and private sectors could measure their BEE performance..., iii) the provision of procurement targets of public sector departments and lastly, the setting out of a requirement that all government departments to submit an annual BEE report (Osode, 2004: 109).

Osode saw the content of the Act as a process through which the empowerment aim can be achieved for it provides the legal framework for promoting black economic participation and a more equitable redistribution of wealth.

### **3.7.1.2 Definition of BBBEE**

BEECom found the definition of BEE narrow because it dealt with ownership alone. Therefore it extended the definition of empowerment beyond transfer of ownership of companies, to the following:

...an integrated and coherent socio-economic process located within the context of the country’s national transformation programme, the RDP, which aims to redress past imbalances by transferring and conferring ownership,

management, and control of SA's financial and economic resources to the majority of its citizens and ensure broader participation of black people in the economy in order to achieve sustainable development and prosperity (BEECom, 2001: 2).

The above definition suggests that the government was embarking on an inclusive strategy with the aim of spreading the participation in the economy beyond the few black elites to the majority of the South African citizens. It would enable them to participate not only in the areas of ownership, but also the following areas:

- (a) Increasing the number of black people that manage, own and control enterprises and productive assets;
- (b) Facilitating ownership and management of enterprises and productive assets by communities, workers, cooperatives and other collective enterprises;
- (c) Human resources and skills development;
- (d) Achieving equitable representation in all occupational categories and levels in the workforce; (e) preferential procurement; and
- (f) Investment in enterprises that are owned or managed by black people (Osode, 2004: 110).

Osode believes that the definition of BBBEE above has an open-ended list which can afford the ANC government the flexibility to adopt more strategies in addition to the ones listed in the Act (2004: 111). The next section looks at the beneficiaries of BEE as recommended by the commission.

### **3.7.1.3 Beneficiaries of BEE**

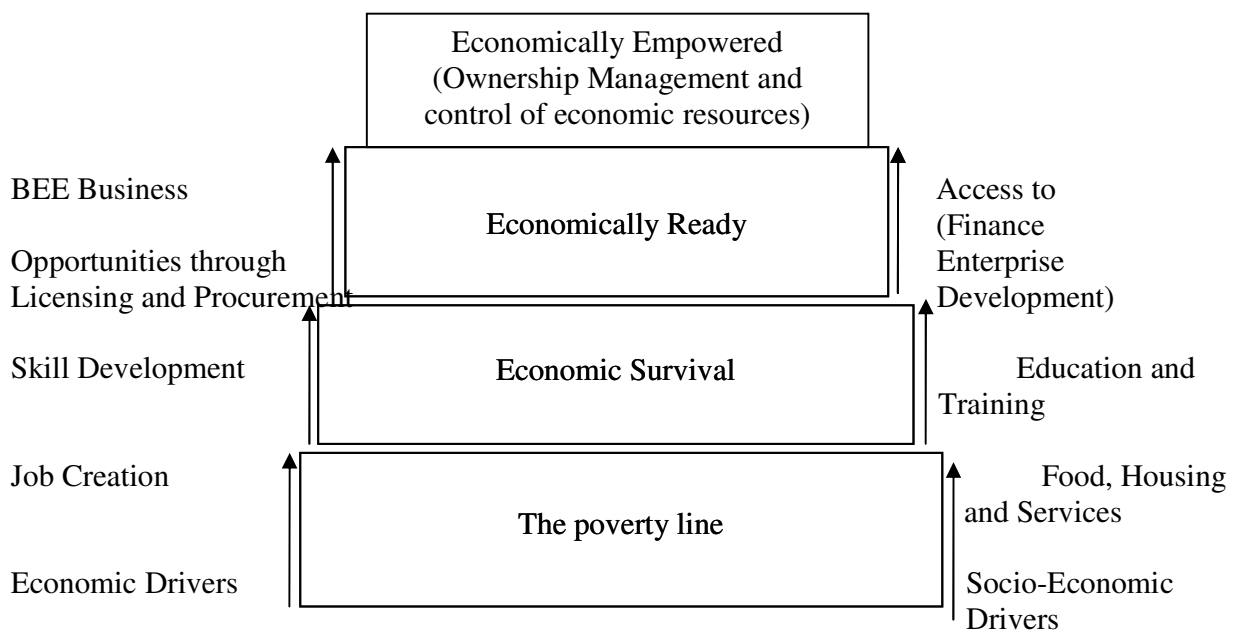
Unlike the narrow wave economic empowerment that benefited an elite few, broad based black economic empowerment reflects the intention of the government to encourage the majority of South Africans to participate in the economy, especially those who were previously disempowered under the Apartheid regime.

According to the Code 000 Statement 000 section one of the BBBEE Act, the qualification of the beneficiaries has been extended as follows:

Black people means Africans, Coloured or Indian persons who are natural persons and are ‘citizens of the Republic of South Africa by birth or descent; or by citizens by naturalization; before the (commencement of the Interim Constitution in 1993) or occurring after the commencement date of the constitution of Republic of South Africa act of 1993, but who, without apartheid policy would have qualified for naturalization before then (C000S000 of 2005 (n 112) para 1.3.1 and para 1.3.2.)

It must be noted that this broad definition extends further to include “women, workers, youth, people with disabilities and people living in rural areas” (Section 1 of the BBBEE Act 53 of 2003). The fact that this Act specifically mentioned the different groups who were historically disempowered portrays the intention of the programme to go beyond the few black elites. The Act also mentions rural communities as beneficiaries of BEE. Osode believes it is encouraging, particularly to those who support ‘communitarianism’, for the Act to mention rural communities as qualified candidates for BEE (2004:112). Vuyo further describes the intended beneficiaries of BEE by socio-economic status follows: “Those below the poverty line, economic survival, economically ready and economically empowered” (2005: 57). These are represented in the form of a pyramid below:

Figure 2: Categorizing the Beneficiaries of BEE Initiatives



Source Vuyo 2007:58

As can be seen from the above pyramid, black people in South Africa can easily be divided into four socio-economic statuses; those in the first box are the black people on the periphery of economy. These people struggle to acquire resources for survival. They require support: food, education, housing, basic services and job creation. It is not easy for people below the poverty line to gain skills needed for advancement without the security of basic needs as well as government resources (Vuyo, 2007: 57-8).

The second group of black people in South Africa are in the subgroup which Vuyo labels 'Economic Survival' (2007: 58). The characteristics of this group include those with stable jobs and income, yet they are people who require more training opportunities through formal and informal training to increase their advancement in the economy (Vuyo, 2007:58).

The next level of black people is those who are 'Economically Ready'. They have the requisite skills and intellectual resources. They are able to develop and expand their ownership and control of economic resources yet due to lack of business opportunities, insufficient resources or business networks they are not able to expand and develop their ownership and control of economic resources. Tools to move them up to the next level may include access to finances and creation of opportunities through preferential procurement, licensing and enterprise development (Vuyo, 2007: 59).

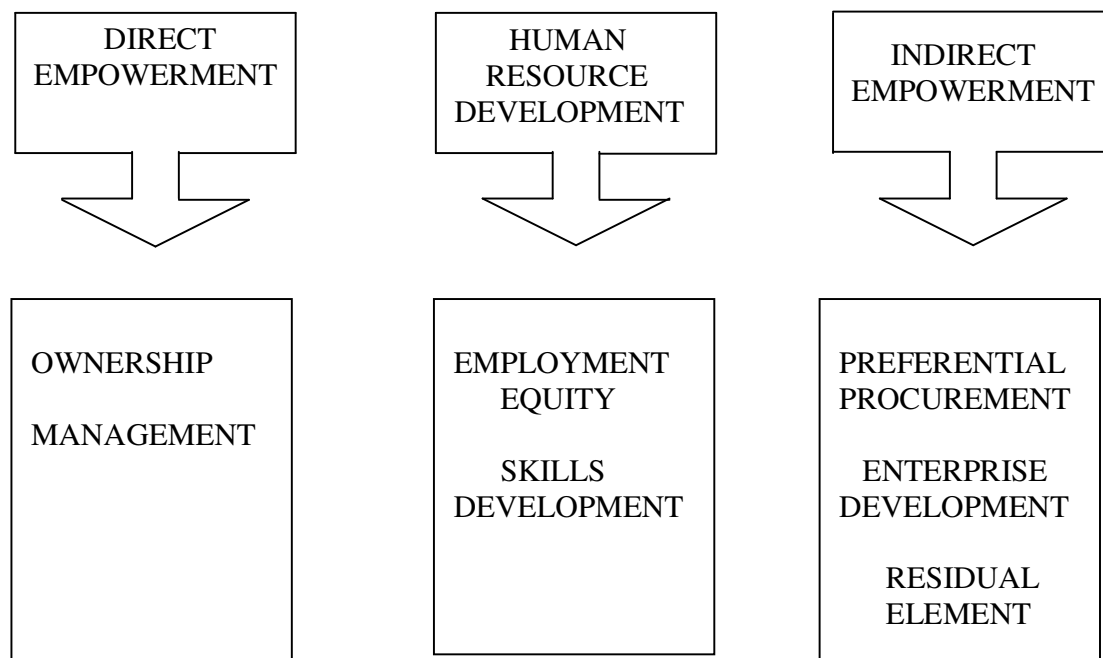
The final level of black people is made up of the 'Economically Empowered'. These people exercise ownership, management and control of economic resources. They are fully integrated into the mainstream economy and have appropriate skills and resources which enable them to own and manage economic resources (Vuyo, 2007: 59). It must be noted that all these groups need some form of empowerment and opportunities to be able to participate in the economy. Therefore the aim of the BBBEE is to benefit all the above categories of black people in the country. In order for this to happen, the DTI recommended seven elements of the BBBEE. The next section provides a brief discussion on these elements.

#### **3.7.1.4 The Elements of BBBEE**

The element on which a company is rated is what characterises BEE as broad-based. It covers various aspects of the economy, society and the company. Unlike the first wave BEE that

concentrated on two elements - ownership and management - BBBEE has seven measurable components known as elements; these elements have been categorised under three main components. The three core components of BBBEE are: direct empowerment through ownership and control of businesses and assets, human resource development and indirect empowerment by means of preferential procurement, enterprise development, profit- and contract sharing by black enterprises, local content requirements, and so on. This has been illustrated in the diagram as shown in figure 3 below:

**Figure 3: Elements of BEE**



**Source: Balshaw, et al, 2005: 76**

As can be seen above, the direct empowerment specifically focuses on: (i) Ownership (that is equity ownership by previously disadvantaged people, including black women and disabled persons). (ii) Management, which measures the percentage of black persons in executive management, on the board of directors and in board committees. Ownership carries a weighting of 20 percent on the scorecard, while the weighting for management is 10 percent (Mason and Watson, 2005:2).

The first category of indirect empowerment is preferential procurement, aimed at enabling black enterprises to grow, while the second category, enterprise development, comprises investment in black-owned or black-empowered enterprises, and joint ventures with black-owned or black-empowered enterprises contributes a weighting of 10 percent to the balanced scorecard (Mason and Watson, 2005: 3). Preferential procurement is worth a weight of 20 percent. A residual, which will differ according to the sector being measured, carries a further 10 percent. It must be noted that the overall structure of the codes is based on these divisions, in which each code explains the specifics of a particular element as follows:

Table 5: The Generic BEE Scorecard

<b>Element</b>	<b>Weighting</b>	<b>Primary Codes Reference</b>
Ownership	20 points	Code 100
Management control	10 points	Code 200
Employment equity	10 points	Code 300
Skills development	20 points	Code 400
Preferential procurement	20 points	Code 500
Enterprise development	10 points	Code 600
Residual	10 points	Code 700

**Source: DTI (2007).**

Table 5 above shows that the percentage of a company's shares owned by black people must measure up to 20 percent. The participation of black people as directors must equate to 10 percent. The employment equity of black people as employees should measure up to 10 percent. The skills development measures the amount of money a company spends developing the skills

of black people and this, according to the scorecard, must measure up to 20 percent. The preferential procurement measures a company's purchases from other BEE companies and it must be 20 percent. Enterprise development measures the amount of money spent in developing other BEE companies and lastly, the residual contribution measures the help given to other black people to gain better access in the economy. It must be noted that according to the DTI's document, the higher the score points of a company, the more likely it is for the company to get the government's business.

Therefore if any company wants to do business with the government, it needs to have been BEE compliant by having a high score in order to receive tenders. A company will be rated and given BEE status based on its overall weighted average score as determined by application of the BEE scorecard. This rating is calculated by an accredited verification agency that will issue a verification certificate reflecting the BEE status of the measured entity. It must be noted that the weighting of each component reflects the relative importance that government places on it.

### **3.8 Financing BEE**

According to section 22 of the BEE ACT, the Minister is authorized to do the following:

(a) Issue a strategy for broad-based black economic empowerment; (b) may change or replace a strategy issued in terms of this section.

A strategy in terms of this section must do the following: (a) provide for an integrated co-ordinated and uniform approach to broad-based black economic empowerment...; (b) Develop a plan for financing broad-based black economic empowerment; (c) Provide a system for organs of state, public entities and other enterprises to prepare broad-based black economic empowerment plans and to report on compliance with those plans; and (d) Be consistent with this Act (BBBEE Act 53 of 2003 sec 22).

An important issue that needs to be noted is the fact that the BBBEE Act did not specify how BEE is to be financed, which has therefore proven to be problematic. The only mention of financing is in section 11 paragraph two where, in terms of the strategy issued by the Minister, he is obliged to "develop a plan for financing broad-based black economic empowerment"

(Section 11 (2) of the BBBEE Act 53 of 2003). As can be noted from the ongoing discussion, historically disempowered people, especially women, do not have capital to participate in the economy, which is why the government initiated BEE. This is because the beneficiaries are mostly people without savings and who are seen as high risk clients because of their debt (Osode, 2004: 117). Kennedy has noted that debt instruments are usually used to purchase equity and as such most of the profits made by black companies are directed toward servicing these debts. Therefore the financial institution does not view them as potential clients (1997: 42).

BBBEE has not escaped criticism. Recently an article appeared in the *Natal Witness* in which Sipho Ngcobo, former deputy editor of Business Report described the programme as an illusion. He explained that although the initial idea was good, it has not made any impact on black people since its implementation. He attributes its failure to wrong structures and the fact that the participants of BEE are capitalist. Yet without capital, vendor funding is impossible and he believes that even the BBBEE deals have not benefited the intended group (2010: 9). Ngcobo further explained that the structural issues of the BEE deals are weak and that because black people do not have capital, they depend on their white partners' resources, thereby rendering the black owner a nonentity in their own companies. He cited an example of the Umkonto we Sizwe Veterans Association, arguing that though they have participated in a number of BEE deals, only a few members who are leading the deals and their families have benefited. He reckoned that the majority of the members and their families are still struggling to make ends meet (Ngcobo, 2010: 9). In another article that appeared in *The Times* newspaper, Judy Lelliott reiterated the comments of Blade Nzimande, the General Secretary of the SACP, who recently challenged the ANC government saying, "There is a crisis in the BEE sector. We need to be critical about BEE. We need to be able to ask those taboo questions. Has BEE contributed to the economic growth?" (2010: 4). The above observations indicate that the BEE programme has not yielded an egalitarian outcome. It is against this background that Jeremy Cronin has described it as "a perverse, narrow and parasitic" programme (Lelliott, 2010: 4). Another major obstacle facing the BBBEE programme is fronting. The next section presents a brief discussion of that.

### 3.9 'Fronting'<sup>5</sup>

One of the critiques of the BEE programme in South Africa is that it has encouraged the culture of 'fronting' or what is commonly known as 'window dressing'/'rent –a – black' or token appointments in the society. According to Vuyo, fronting refers to the "practice of making unsubstantial BBBEE claims, where black person has no right to commensurate benefits claim to have been given by the measured entity" (2007: 470). This definition suggests situations where black business-people allow their faces to be used for white businesses. There is usually superficial inclusion of historically disadvantaged individuals, with no actual transfer of wealth or control (Singh et al, 2005: 19). This is done so that the white businesses may be seen as BEE compliant and therefore benefit from the government. April et al adds that:

With the emphasis of empowering previously disadvantaged individuals, organizations are clambering to make affirmative action appointments, consequently people who do not have the prerequisite qualifications, networks or experience are being appointed to executive positions often without any genuine support (2007: 58).

'Fronting' can therefore be described as practices which are not in line with terms or conditions pertaining to black economic empowerment as described in the BBBEE Act 2003 section 9 (1).

There are different forms of 'fronting' happening in the various elements of BEE. Vuyo has noted that pertaining to the element of Ownership, it can happen in three different forms, they include: extreme fronts, classic fronts and sophisticated fronts (2007: 475). The next section looks at these three forms in details.

#### 3.9.1 'Extreme fronts'

This is a situation where white men divorce their white wives and marry black women. The white man then transfers his shareholdings into the name of the black wife. Unknowingly to the black woman, the husband makes another agreement that on divorce, all the assets be given to the husband (Vuyo, 2007: 475). These particular situations are known as the Extreme fronts

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<sup>5</sup> I am aware of the overuse of reference regards to Vuyo's book *BEE: A Guide*. This is because at the point of my research, it was the only available book I could locate on the subject matter.

because it is not a very common practice. As noted, those who do so, do it to abuse black women.

### **3.9.2 ‘Classic fronts’**

This form of fronting also involves either promoting inexperienced and unskilled black people to senior managerial positions or employing black people without providing them with any work. Vuyo gives an example that this is a situation where a gardener or a domestic assistant is appointed as a director or given a shareholding. He refers to this state of affairs as classic fronting (Vuyo, 2007: 475). Clearly such situations suggest that those individuals are only used as faces for the company, without any financial benefits or professional contribution. What is interesting with this kind of front is that such people receive limited economic benefits. Even in meetings they are not invited; where they are invited, they remain passive members (Vuyo, 2007: 475).

### **3.9.3 ‘Sophisticated fronts’**

The last form of fronting practice in the ownership element is what Vuyo calls sophisticated fronts. He says that in sophisticated fronts, “Instruments such as financial derivatives, different classes of share holdings, second agreement, etc. are devised to undermine the substance of a transaction and circumvent the ownership criteria” (2007: 275).<sup>6</sup> Vuyo has observed situations where complex instruments and complicated structures are put in place so that black people will not benefit from deals. For instance in terms of shares, this form of front will have two forms of agreement: a public one and a hidden agreement. In the hidden agreement, there will be a portion stating that the hidden agreement supersedes the public one (2007: 476). Black people who fall prey to this agreement in ignorance do not benefit as shareholders.

Fronts exist in the other elements of BEE too. For example, in corporate social investment, fronts exist in situations where a number of companies transfer monies into the accounts of NGOs for the benefits of black people who do not have any knowledge of the organization (Vuyo, 2007:476).

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<sup>6</sup> In this section I am aware of my over reliance on Vuyo, this is because this is the only source I found that deals with Fronting in detail.

Fronts in management control take place in situations where black shareholders are not allowed to get involved at an operational level; only white managers run the businesses, which suggests that there is no managerial skills transfer to blacks as per the aim of BEE (Vuyo, 2007:470). In such situations, black shareholders just exist by name - they have no share in the daily running at the operational level.

Fronting in employment equity is when a company decides to restructure its employees to give way to more black people with the aim of getting closer to being BEE compliant. What happens is that white people in that company are dismissed from being permanent members but are later contracted as independent contractors to the same company (Vuyo, 2007: 476). This form of front is a deceptive tool that is used by companies to escape BEE contributions, because by implication, their fees are below the set amount that companies have to pay.

Other forms of fronts include 'Fronts on Paper' this is a situation where documents are legitimate, but the 'owners' are unaware of being shareholders, and therefore they have no control in the company and do not manage any aspect of the company (Moloi, 2006: 32). Fronts in Joint Ventures involve joint ventures being formed between non-BEE contractors and BEE contractors for a specific project in terms of which the BEE Company has no responsibilities or control over the project.

#### **3.9.4 Reasons for Fronting**

It must be noted that there are several reasons why companies practice BEE. There is time pressure for companies to make the management level compliant. There is time pressure to make the management level look good (Vuyo, 2007: 470-475). Because it takes time for people to be trained to occupy such positions, most companies just recruit people without experience or qualifications in order to beat the time frame set by the programme.

One of the reasons why companies practice fronting is that empowerment is seen as a pure cost. Money decides and window-dressing will therefore happen as long as you can get away with it. Another reason is lack of time. Sometimes window-dressing is said to occur because it is hard to find professional black people. Yet companies are supposed to be seen as BEE compliant in order to benefit from empowerment deals, therefore white owners put unqualified black people in positions just to benefit from the government.

Others argue that window-dressing is a proof of pure racism stemming from white companies' attempts to abuse and thwart empowerment regulations put in place by the ANC government. They do this out of reluctance to transfer economic power to black people.

According to the then Minister of Public Work, Ms Stella Sigcau, there was an estimated loss of R4441.1 million due to companies involved in Fronting by mid 2005 (Ntuli, 2005). The phase two of 2005 code: C000S001 is directed towards fighting the issue of fronting. Here we see Verification agencies given the responsibility for identifying "Fronting Risk Indicators". The agency is to determine the fronting scores and report their finding, and if any company is found to be guilty, they are to be prosecuted. This is because fronting is seen as a criminal offence; the company's directors may be blacklisted and any contract entered into by the company may be cancelled (Moloi 2006: 32-33, C000S001 of 2005).

### **3.9.5 The Effects of Fronting**

One of the challenges that fronting creates is that companies which practice window-dressing compete with real black empowerment companies under the empowerment banner on the economic market (Vuyo, 2005:481). Sadly, black entrepreneurs, who most often are operating under more difficult conditions than their white counterparts, are the ones who suffer most from such competition. Another challenge is that fronting undermines the positive procurement policies and other empowerment goals designed to develop black operational capacity and economic growth (Vuyo, 2007: 481). This is because the people the policy is intended to empower are used as fronts. This practice defeats the intention of the ANC government because in most cases those used for the fronts do not have the knowledge and skills to occupy those positions, and they have to work extremely hard to protect them. April et al says that:

Tokenism helps nobody and fosters a lose-lose environment in which those not affirmed withdraw psychologically, and those who are affirmed feel that they are being viewed as having been given their job on the basis of their EE status and not competence (2007: 58).

From the discussion so far, it is clear that fronting undermines the government's intention to integrate black people in the mainstream of the South African economy; as they will not be able to receive the required skills that will enable them to participate meaningfully.

As noted above, to the ANC government, the BEE programme is all about justice and doing what is right in order to involve previously economically-disempowered citizens and promote the unfolding of their full capacity in economic development, in order to ensure the proper economic growth of the 'new South Africa'. South Africa needed an economy that could meet the needs of all its citizens and it was against this political and socio-economic background that the ANC government adopted the BEE to be the centre of economic growth. This chapter has laid the foundation for the progression of BEE to Broad based Black Economic Empowerment (BBBEE) and the work of the BEE commission in South Africa. It has explained that as a result of the fact that the first wave BEE benefited only a few black men, the government tasked the BEECom to critically evaluate the programme and suggest ways forward. The commission, among other things, suggested that the programme should be broad-based which suggests a wide span of beneficiaries and different ways through which empowerment can be achieved. These include the re-organisation of management structures to include more black people, the improvement of employment equity, the enhancement of skills, the preferential procurement from BEE compliant enterprises, the development of black-owned enterprises, and socio-economic advancement of all historically disempowered persons.

While the findings and recommendations of the BEECom provides a critical analysis of the class challenges within BEE, it fails to point out the gender challenges within BEE. The BEECom mentioned women and youth only in passing, but did not see the need to take full cognisance of the ways in which Black women have been discriminated against in the past and continue to be discriminated against even within BEE. Hence, in the next section I will show how apartheid affected Black women even more than Black men – how women were and are indeed “the poorest of the poor”.

### **3.10 Effect of Apartheid Laws on Women**

As mentioned already, although apartheid laws resulted in poverty and misery among black people in general, black women suffered more than men. This section looks at how women were affected by apartheid laws.

One of the most harmful effects of the apartheid policies mentioned previously was the migrant labour system. Collin Murray describes the migrant labour system by saying that it is: “A system in which large numbers of men spent long periods at work leaving their women and children at home, generated economic insecurity, marital disharmony, marital and emotional misery and problems relating to sexual morality and legitimacy” (1980: 150). As noted by Murray, the migrant system took husbands and fathers away from the black family unit and they were not around to fulfill their role in the family (a factor which still has its effect on black families today). It also gave men and women the opportunity to indulge in extramarital affairs, which in turn caused the disintegration of the family unit, particularly in the rural areas.

As previously mentioned, the rural areas to which black people were confined were unproductive and overcrowded (Simons, 1958: 127), and resulted in landlessness. There was also the problem of drought and cattle disease. As a result, most women left the rural areas in search for a better life in the urban centres. A number of young men and women were forced to migrate to the towns in search of jobs to sustain their families, for in the words of Seekings, “there was work for almost everyone who was prepared to migrate” (Seekings, 2005: 92). The number of people from all race groups who migrated into the towns and cities was 1,222,000 in 1904 but rose to 5,396,644 in 1951; out of this number, black migrant labourers were 2,328,534 (State of Union Yearbook, 1959:81). These statistics show that black migrants represented almost half the total number of all races. With this flood of people moving from the rural areas into the urban areas, the government introduced the pass and influx laws to control people’s movement into the urban centres; these laws were also extended to women migrants (The Urban Areas Act of 1923). This was because the government wanted to control their movement into the cities so as to maintain the homes in the rural areas.

Even though the remittance from husbands in the urban centres helped to sustain families in the rural areas, it had negative effects on black families. With the patriarchal heads of the household gone, the responsibilities of bringing up the children and caring for the elderly and the entire household rested on the women. As noted previously, because of the inequalities in the economy, the men in the cities were receiving inadequate monthly wages. This also affected their remittance. This condition brought suffering, discrimination and severe poverty to these households as most of them had to pay high rent and high prices for daily essentials (Suttner and

Cronin, 1986: 160). With most heads of the household gone, women had to stand in as breadwinners. However, as noted earlier, the rural land was unproductive and most of them had to earn a living from tiny plots of land that could not produce surplus food to sell for cash. They also had to depend on migrant remittances sent home by their husbands and the male relatives in the towns which, due to the economic system, were insufficient. A report by the Social and Economic Planning Council affirmed that “in practically no areas do the reserve inhabitants as a whole produce sufficient food for the elementary requirements of health” (Union of South Africa, 1946: 49). A case study conducted in Keiskammahoek shows that the rural people could not produce sufficient food because, in addition to the poor condition of the land, the situation was compounded by lack of proper equipment, skills and even initiative to utilize the unproductive plots available to them (Seekings and Nattrass, 2005: 54-55). Allan Paton also beautifully captures this image in his classic book *Cry the Beloved Country*:

The great red hills stand desolate, and the earth had been torn away like flesh. The lightning flashes over them and the clouds pour down upon them; the dead streams come to life, full of the red blood of the earth. Down in the valleys women scratch the soil that is left, and the maize hardly reaches the height of a man. These are valleys of old men and old women, of mothers and children. The men are away, the young men and girls are away (Paton 1948: 13–14).

Though the above quotation was describing rural Natal, there were similar situations all over the country. This implies that the conditions rural black women found themselves in were very challenging. They had to work extremely hard on the unproductive land cultivating with little yield, building and repairing huts and roofs, in some cases, raising cattle and goats, milking them, taking them to the fields to graze, fetching water and firewood, and above all caring for and sustaining their household as they waited for the remittance to arrive. The arrival of the remittance therefore became very important for the families because “without remittance the vast majority of the families will starve” (Houghton and Walton, 1952: 183). Rural women found themselves dealing with considerable emotional stress in living apart from their men and having to bring up their children alone. The migratory system did not only affect black people socially, but it affected them psychologically. Nkabinde reiterated Whittaker’s statement when he said that:

Various mental illnesses, economic insecurity, marital dishonesty and material and emotional misery among blacks were as a result of the migrant labour system. Psychological disorders such as depression and hysterical behaviour (associated with the insecure position of African women) are also attributed to the negative side effect of the migratory labour system (1997: 139).

The migratory system indeed destroyed most African values and their homes, and women and children bore the brunt of it. On the other hand, women who had no children or no one working outside of the rural areas to remit or those who were widowed were also affected very badly by the laws. They had no one to send them money so they had to work hard on their own to sustain the family. The Land Act resulted in many families either losing their land or the land was turned into “quitrent and trust land”. This brought much distress and hardship to widows, and it was only after the Act had been amended in 1905 that widows were allowed to use the land (Simons, 1958: 2630).

As noted from Paton’s quotation above, there were some women who went to the urban areas in search of work out of desperation from the situation in the rural areas. Others followed their husbands into the cities and towns as was observed by Hirsch when he said that “their position in towns and cities was extremely tenuous virtually illegal under the pass laws” (Hirsch, 2005: 13). This suggests that the policy of the government was to keep women away from the urban areas and to keep the household in the rural areas. The Pass and the Influx laws which controlled access of African people into white areas and required that a document be kept in one’s possession at all times, was extended to women (Urban area Act of 1923). If not, he or she was subject to immediate arrest. Anne McClintock adds that:

The institution of marriage became a direct weapon of state control. Any (black) woman’s right to remain in an urban area became dependent on a male relative . . . In 1964, in an act of inexpressible cruelty, amendments were made to the Urban Areas and Bantu Labour Act, which made it virtually impossible for a (black) woman to qualify for the right to remain in an urban area. Wives and daughters of male residents were now no longer permitted to stay unless they too were legally working (1995: 324-25).

This state of affairs became challenging for urban women and most of them resorted to marriage to enable them to remain in the cities. Others were so desperate that they ended up marrying for convenience.

One of the reasons urban women suffered tremendously from apartheid laws was that most of them were either illiterate or semi-illiterate, and as such the only jobs available to them were

domestic work or farm work (Burman, 1987: 101). This implies that because they lacked education, they were not able to obtain formal jobs. Their only option was to do menial jobs where they were exposed to exploitation by their employers (Fadane, 1998: 17). From the above, it is clear that women who found themselves in the urban centres did not have things easy; they were faced with the challenge of finding jobs away from where they lived and the only jobs available were doing domestic work for white people. Apart from the fact that those who became domestic workers had to travel long distances to work, they also had to carry the double burden of their own and their employer's household chores. They also had to deal with the worry resulting from having to leave their children at home, often unattended. Another effect of the apartheid laws on women was that widows, unmarried mothers, divorced and deserted women were not allowed to register for housing from the municipality (Race Relations, 1970: 1690).

The women who could not find jobs as domestic workers turned to other means for making money. Some chose to brew local beer as a way out. A story is told of how the mother of Sydney Mufamadi, an ANC Minister, had to brew beer to supplement the income of her family (Harber and Ludman 1995: 111). Most women saw the sale of local beer as lucrative, although it was illegal and offenders were arrested and deported to the rural areas.

Some of the women found jobs in factories and others entered the professional realm in the police service (Adam and Moodley, 1986: 139). Most of the working women experienced wage inequalities. Hiebert Adams and Kogila Moodley add that:

The sexual division of labour also served to fragment the Black work force. In South Africa, unorganized and low-paid Black women, already the most overburdened sector in an enduring chauvinistic tradition, are now also used to undercut higher-paid male labour (145: 1986). This implies that most of the black women were employed under low wage condition; men earned more in all educational levels (Seekings and Nattrass, 2005: 136).

The condition women found themselves in resulted in severe poverty. Using Margaret Lessing's words, they were exposed to double discrimination because they were both black and women (1994: 31). They had to contend with apartheid's restrictive and dominating laws, and the African traditional belief that women are inferior to men. They also had to deal with their class position of being black. Nkabinde quoted Reddings (1993) that:

Apartheid laws did not legally recognize African women as adults with rights to the land and/ or property, thus undermining their self- worth. In South Africa the state neglected African women to a level below that of their sons. As a result, African women were regarded as humans only in association with their male counterparts. This status exposed African women to all forms of exploitation making them more dependent on men (1997: 137).

It is against this background that the Federation of South African Women (Fedsaw) was formed in 1954, which played a significant role in formulating and pushing for the adoption of the Women's Charter. The preamble of the Women's Charter states that:

We, the women of South Africa, wives and mothers, working women and housewives hereby declare our aim of striving for the removal of all laws, regulations, convention and custom that discriminate against us women (Suttner and Cronin, 1986: 161).

A number of demands were made in the Women's Charter relating to the struggle for emancipation by African women. This vulnerable position of women continues even now. In the light of this argument above, it is clear that apartheid failed to promote black women's interests and prevented them from achieving their potential in society. Nkabinde attributes women's problems today to historical forces related to colonialism, apartheid laws and other forms of oppression. (1997: 1380). It is not surprising that in 1955, 20,000 women protested against passes and marched to Pretoria (Ebony, 1994: 133). These women were fed up with their position in the country and decided to come together to air their grievances. Later on in 1958, a group of women caused an uproar because they openly destroyed their pass books (Ebony, 1994: 134).

### **3.11 Conclusion**

This chapter discussed how apartheid, which was introduced in South Africa by the National Party Government in 1948, had negative effects on all black people, particularly black women. Most of them could not find decent jobs apart from domestic work. What is clear from the above section is that Black women were completely denied from participating in the economy during apartheid. Hence, a policy such as BEE cannot treat men and women equally. It has to note and take seriously the inequalities that existed not only in terms of race and class (which is the focus of BEE) but also in terms of gender. Unfortunately BEE has failed in this respect and this is the subject of the next chapter which discusses BEE policy and women.

## CHAPTER FOUR: WOMEN AND BLACK ECONOMIC EMPOWERMENT

### 4.0 Introduction

The previous chapter was devoted to the overview of BEE in South Africa. It demonstrated that the BEE programme **evolved** from the idea of an economic programme that would involve all citizens in the country and it goes as far back as the writing of the Freedom Charter of 1955. The same ideas were incorporated in the Constitution that was drawn up after independence and later adapted in 1996.

BEE was introduced as a way of redressing past economic inequalities in the business sphere. Since its introduction, there have been some concerns around the outcome of the programme. Whilst some critics say that it has helped to involve most black people in the mainstream of the economy, others say that BEE is not working. Those who say it is not working claim that BEE is only enriching a few black elites (who have close links with the ANC party). For instance, Mamphela Ramphele of the World Bank has also observed that, “The tendency has been for empowerment deals to benefit a handful of well-known names time and again” (Hutchinson, 2009: 146). Critics further argue that the programme has left the majority of ordinary and previously disempowered black people in abject poverty (Southall 2005: 461). This necessitated the implementation of the BBBEE programme with the aim of encompassing a broader spectrum of beneficiaries including women.

Yet, in spite of the effort to augment BBBEE in such a way as to include the participation of women in the mainstream economy, they continue to remain under-represented in almost all areas of the economy. The current chapter therefore will focus on BEE and black women, with particular reference to black African women. Specifically it will investigate the reasons why black African men seem to dominate BEE deals more than their women counterparts. The chapter consists of three main sections: The first section explores the beneficiaries of BEE. It will investigate the claim that the programme has benefited men disproportionately to women. The section will investigate available statistics and information from the South African Businesswomen Association (BWA), and the Women in Corporate Leadership Census 2006, 2007 and 2008. These censuses also focuses on women occupying board and executive-

management positions in State-owned Enterprises (SOEs) and those companies listed on the Johannesburg Stock Exchange (JSE). It will demonstrate that black women are in the minority when it comes to being the beneficiaries of BEE.

The second section explores the reasons why the contribution of women in the economy cannot be overlooked. This section is imperative because the entire nation cannot be built on the efforts of males only. Women bring a unique set of abilities and qualities that cannot be ignored in the growing South African economy.

The third section examines the factors that have contributed to the low participation of women in BEE. It argues that factors such as lack of adequate education and the necessary skills, women's own sense of inferiority, the lack of female role models in the economy, not enough female networks for young and new women in business, questions around how to balance their traditional role as homemakers as well as their professional roles with the demands of family life, just to mention a few, have relegated women to the sidelines in effective economic participation. This will then be followed by a conclusion of the chapter.

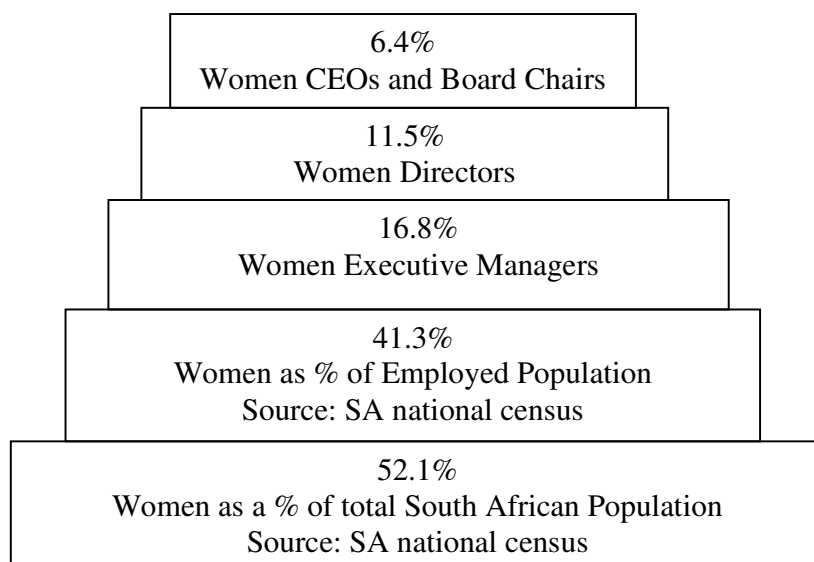
#### **4.1 Women in BEE**

Since the introduction of BEE, several empirical studies have shown that there is comparatively low participation of women in BEE deals. This section of the chapter looks at some statistics backing this claim. The low participation of women is evident in a report on the findings of the "Business Women in Corporate Leadership Census in 2004". The findings of the census confirmed that indeed women are under-represented in senior levels of the economy (Business Women Association and Catalyst, 2004: 16). The report continues to say that not only are women under-represented in the senior levels of the economy but also "women who enter the Department of Science and Technology industry are also under-represented at senior levels given that approximately 60 percent of all companies have no female board directors" (2004: 4). The study measured the number of women on boards in executive management of every listed company on the Johannesburg Securities Exchange (JSE), as well as 17 of the largest state-owned enterprises for the first time in South Africa. The results revealed that women held only 221 of the 3125 directorship positions in these companies and that out of a total of 364 available board chairs, only 11 were held by women. Furthermore, while there were 357 male Chief Executive Officers (CEOs) and Managing Directors (MDs), there were only seven women

holding positions of the same stature (2004: 4). Yvette Montalbano, Chief Operating Officer of Business Women Association (BWA), in an interview with David Mwanambuyu commented that “such figures paint a bleak picture and it is certainly mind boggling that we have these huge disparities in corporate South Africa” (2008: 61). To her, appropriate succession planning and passing on of experiences will be the answer to change this state of affairs in the economy (2008: 61). It must be noted that an implication of having men dominating boardrooms is that women cannot make a meaningful contribution to the beneficiaries of BEE deals because boardrooms are the places where BEE deals are struck. Commenting on the shortage of women in the boardroom, Karen Alsine refers to the words of Tom Peters who is an expert in marketing by saying that, “If a board does not resemble at all the market being served, then something (big) is (badly) wrong” (2006: 45). Such low figures confirm the fact that indeed there are gender inequalities in the economy of South Africa and men take advantage of the absence of women to work largely on the basis of their networks and their deals. “Women corporate leaders are a minority in a minority” (Thompson, 2006: 15). The absence of women in corporate leadership also explains why BEE is seen to benefit only a few elites who are connected to the ANC.

In 2006, the Business Women’s Association (BWA) conducted another census and the result showed that women were still under-represented in corporate leadership. Below figure 4 is the result of their key findings:

**Figure 4: Key Findings Pyramid**



Source: BWA, 2006: 16 Census.

The above findings attest to the fact that though women in general make up 52.1 percent of the total adult population of South Africa, only 41.3 percent out of the 52.1 percent were among the working class. 11.2 percent of the population of women was unemployed. Among the employed, only a few were able to move up to the top. For instance, only 16.8 percent of women are Executive Managers, 11.5 percent are Directors and only 6.4 percent were CEOs and Board Chairs. Indeed the above findings reflect the fact that there is inequality in the economy of South Africa. Mwanambuyu breaks these percentages down to figures by saying that:

As at September 2006, there were 298 women directors holding 385 Directorships between them. When measured against the total number of Directorships 2932 it is easy to see that this figure is a drop in the ocean...Directorship in South Africa comprise only 0.024 percent of total employed population and within this small exclusive group, women make up a tiny minority (2008: 61).

From the above, it is clear that woman directors are a minority among a minority because even though generally there were a small number of directors in the country, the gap between male directors and female directors was too wide. There were 2547 male directors as opposed to the 385 female directors. There were 2162 more male directors more than female directors. Certainly, if the aim of BEE is to include the majority of South African citizens in the mainstream economy, then such gender disproportionate figures in the corporate world presents a challenge to the intended goal. Therefore there is the need for the government to address this challenge and make sure that women, particularly African women, are included in the mainstream economy. This is because African women are seen as the group at the bottom rung of the economic ladder in the country. For instance, according to the Labour Force Survey (LFS) of September 2006:

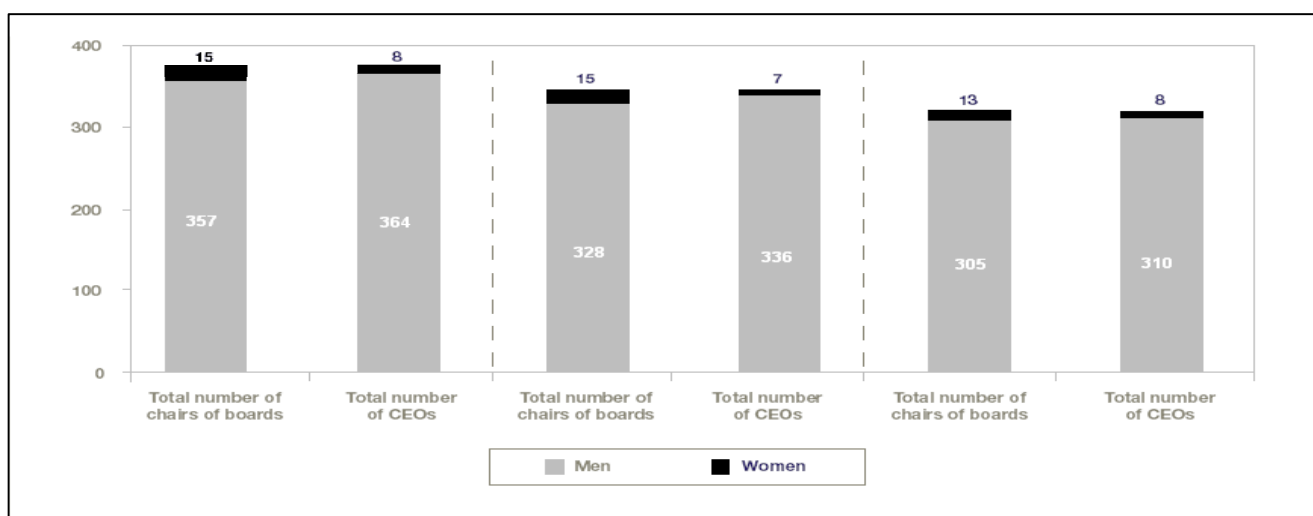
The unemployment rate in the whole country was 25.6%. Black women represented 52.8% of the unemployed, with African women constituting 90% of all unemployed women. This can be translated to 49% of all unemployed or at least one in two of the unemployed. In 2004, the unemployment rate among African women was 36% and African men 27.6%, compared to white women at 5.8% and white men 5.10% (Andy Brown, [www.anc.org.za/ancdocs/pubs/umrabulo/umrabulo27/art4html](http://www.anc.org.za/ancdocs/pubs/umrabulo/umrabulo27/art4html) Accessed 12 July 2007).

From these statistics, it is clear that although the unemployment rate among women in general was high, the unemployment rate amongst black African women was highest comparatively at 90 percent of all unemployed women. The document continues to say that the representation of black people is low at management level; black women account for only 11.4 percent of managerial positions whereas white women account for 18.4 percent of managerial positions. This is an indication of the fact that black women are the minority, not only in terms of gender, but even compared to female South Africans who are in employment. In terms of moving up the corporate ladder, the bottleneck is even smaller for black women because they seem to be moving up significantly slower than any other group. Brown continues to say that:

Black women representation in management was from 2.7% in 2001 to 6.6% in 2005. In contrast, black males held 20.6% of top management positions and white women 9.9% of top management positions during 2005. Similar trends occur in senior management, where black women representation increased from 4.1% in 2001 to 7.5% in 2005. Black male representation increased from 15 percent in 2001 to 20.1 percent in 2005 ([www.anc.org.za/ancdocs/pubs/umrabulo/umrabulo27/art4.html](http://www.anc.org.za/ancdocs/pubs/umrabulo/umrabulo27/art4.html) Accessed 12 July 2007).

Despite the government policies and legislations for the inclusion of women in the mainstream of the economy, up until 2007, not much had changed in the corporate world as indicated in graph 1 below:

**Graph 1: Women Corporate leaders as proportion of all top leaders**

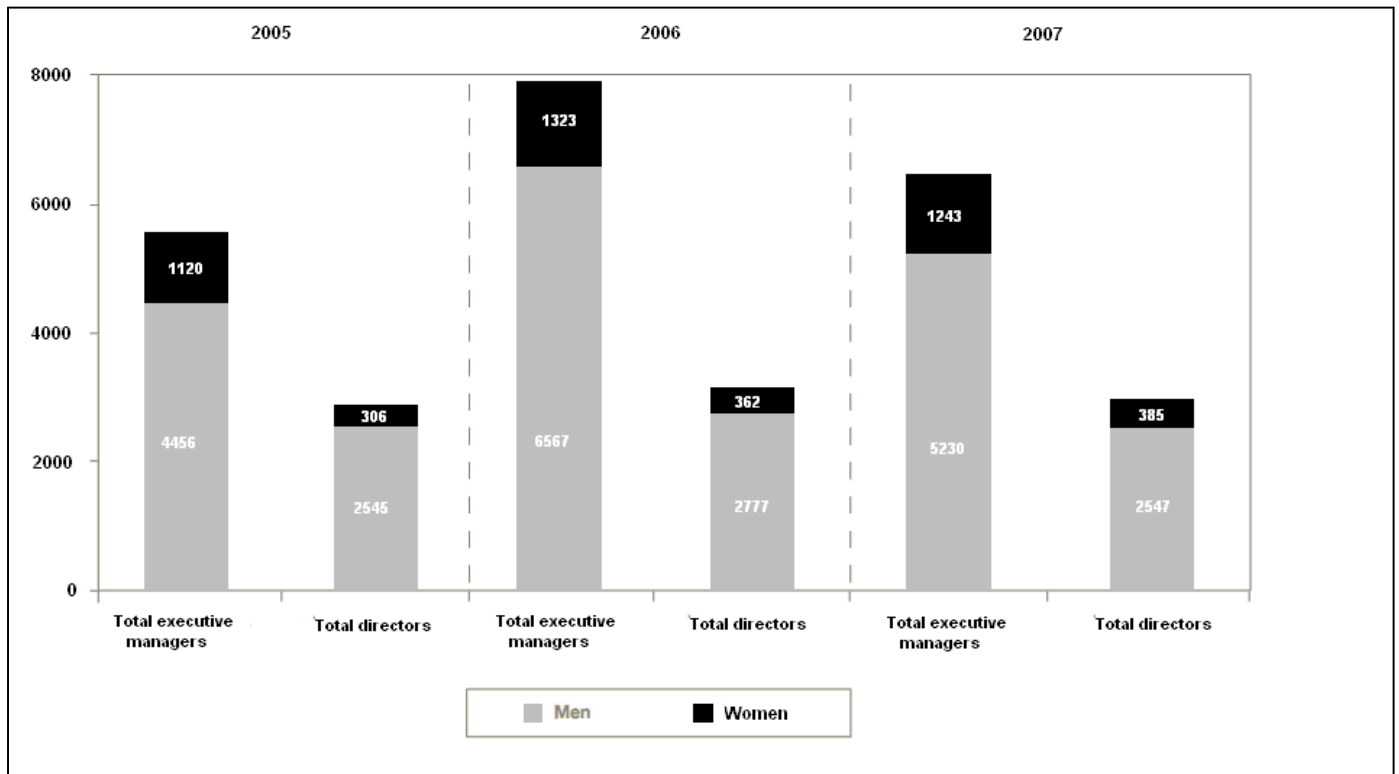


Source BWA Census 2007, Sec1:18

The graph 1 above shows the statistics of women and men in corporate leadership over a period of three years from 2005 to 2007. It portrays a decrease in both chairs of boards and Chief Executive Officers (CEOs) in men and women. Yet the gap between them was still huge, which reflects the fact that indeed women's representation in both chairs of boards and CEOs is minimal. Evidently in 2005, there were a total of 357 men occupying chairs of boards whereas only 15 women held the same status. This suggests a difference of about 342 chairs of boards between men and women. In the same year, there were 364 male CEOs and only eight female CEOs. This means that there were 356 more male CEOs than women in the corporate world. In 2006, the number of men occupying chairs of boards dropped from 357 in the previous year to 328. The number of women holding the same status remained the same as the previous year; there were 15 women occupying chairs of boards. The gap between men and women was still very high; it stood at 313 more men.

Male CEOs decreased to 336. Female CEOs also decreased by one percent from eight CEOs to seven. In 2007, the total number of men occupying chairs of boards further decreased by 13 percent to 305. Women chairs of boards, though very small, also decreased from 15 women chairs of boards to 13. In terms of women CEOs, the number increased by one to eight female CEOs. Thus the above graph depicts the gender inequalities in the corporate world. From 2005 to 2007, in terms of corporate leadership too, men dominated this area, and this is represented in the graph 2 below:

**Graph 2: 2005-2007 Proportion of Women in Corporate Leadership**



Source: BWA 2007, Sec 1:17

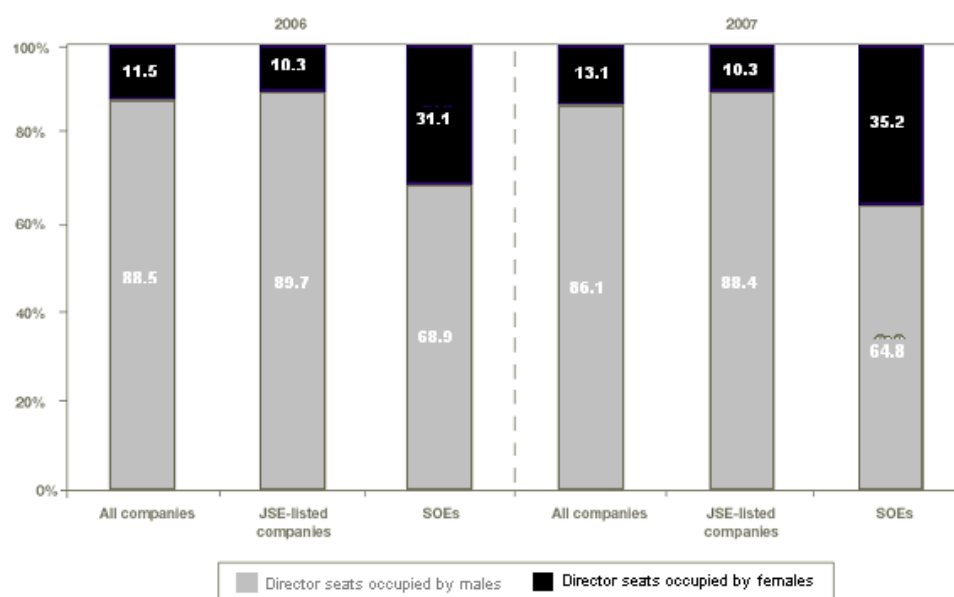
The graph 2 above shows the proportion of women and men in corporate leadership, over three years (2005-2007). It is evident that in 2005, there were 3354 more men occupying executive manager's positions than women. The total men were 4456 whereas women were only 1102. In the following year there was an increase in both categories, the total number of executive managers increased to 7910. Out of this, 6587 were men and only 1323 were women. Here too we see that there were 5264 more men than women. In 2007 there was a drop in the total number of executive managers. The number dropped to 6473, with men occupying 5230 positions as opposed to 1243 women, creating a difference of 3987.

In the position of directorship, there were 2545 male directors and only 306 female directors in 2005, which meant that there were 2239 more men than women. In 2006 the number increased bringing the total number of directors to 3159, with 2395 more men than women. In 2007 the

number of men executive directors dropped to 2547, and the number of women increased to 385. However, the difference was still very high at 2162 male directors.

A look at the percentage of directorship held by women in Johannesburg Stock Exchange (JSE) listed companies and State Owned Enterprises (SOEs) also shows that women's participation was minimal as seen below:

**Graph 3: Percentage of Directorships held by Women in JSE-listed Companies and SOEs**

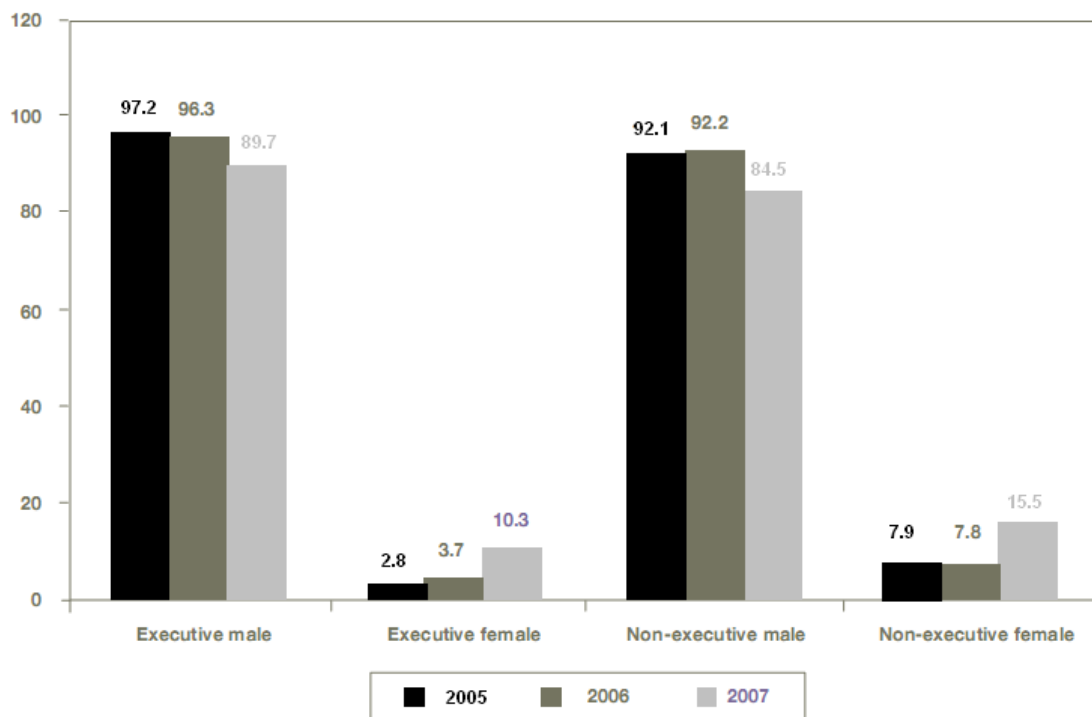


Source BWA 2007, Sec2:23

Clearly women are under-represented as seen from the above graph. When considering female directors in all companies, the percentage was 11.5 out of one hundred, which conversely means that men were directors in 88.5 percent of the companies. Directorship positions held by women of the companies listed on the JSE in 2006 was 10.3 percent, whereas the directorship positions held by men was 89.7 percent. In SOEs, men occupied 68.9 seats whereas women only held 31.1 seats. Comparatively, the number of women climbing the economic ladder, as seen from above, is far less and at a slower pace than their male counterparts. The percentage of women listed on the JSE remained the same from 2006-2007, even though the percentage of the director seats

occupied by women in all companies increased by 1.6 percent. Directorship seats occupied by women increased from 31.1 to 35.2.

**Graph 4: Breakdown of Executive and Non Executive Directorship by Gender**



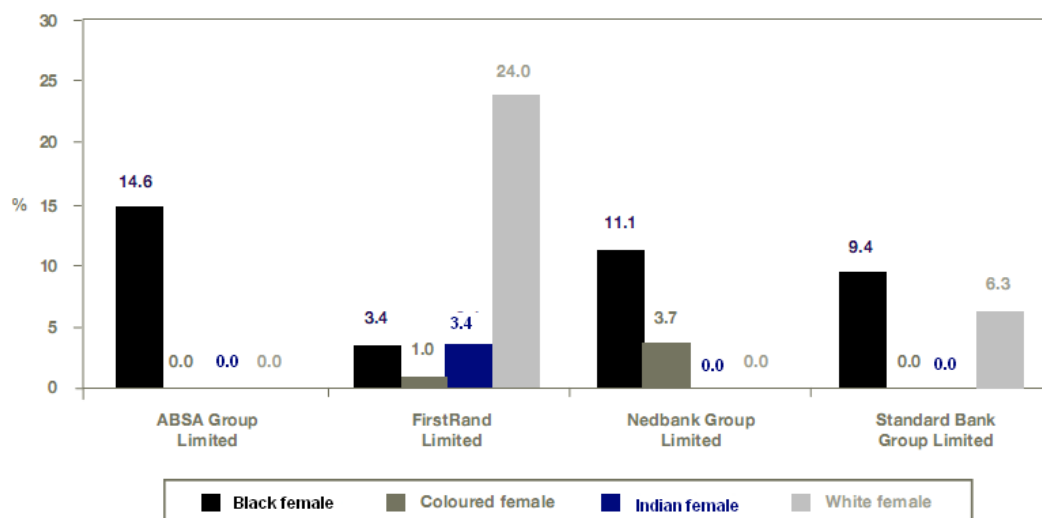
Source: BWA 2007, Sec1:22

Above is the breakdown of the executive and non-executive directorate posts by percentage for the years 2005-2007. The above also shows that women occupy minimal positions. For instance, in 2005 the percentage of executive directors that were male was 97.2 percent whereas in the same year, there were only 2.8 percent women occupying similar positions. The gap between the male and female executive stood at 94.4 percent. In 2006, the number of males in executive positions reduced by 0.9 percent, bringing the percentage of male executives to 96.3 percent. In the case of the executive female, the number increased by 0.9 percent resulting in 3.7 percent, yet the difference between the male and female executive in the same year was 92.6 percent. Again in 2007 there was a decrease in the percentage of the male executives by 6.6 percent, leaving their total percentage at 89.7 percent. Female executives increased in percentage in 2007 by 6.6

percent. Clearly graph 4 above shows that even though male executives experienced a drop in numbers every year, and female executives increased, the difference in numbers remained very high. The same trend is seen in the non-executive category. The male non-executive percentage continuously experienced a drop from 2005 to 2007 and female non-executives increased in number. However, the gap between the two remained huge. For instance in 2007, male non-executives were 84.5 percent whereas female non-executives stood at 15.5 percent. Comparatively, the numbers of female non-executives were more than female executives.

Graph 5 below shows a presentation of the percentage of women in senior management in the ‘big four’ banks in South Africa. The presentation portrays that among the four banks, FirstRand Ltd is the bank with the largest female representation. But in terms of race, Absa has the highest number of black women; FirstRand Ltd is the only bank that has not even reached the target of 4 percent. The number of black women in senior management as indicated stands at 3.4 percent, coloured and Indians were low as at 2007.

**Graph 5: Woman as a percentage of total senior management in the ‘big four’ South African banks**



Source: BWA, 2007, Sec 3:44

Women are also underrepresented in the 25 companies listed on the JSE; table 6 below is an indication of this fact. Their percentages range from 28.57 percent (which is 4 out of 14 Directors) in JSE Ltd to zero percent in RMB Holdings Ltd. Zero percent suggests that all the eight Directors at RMB Holdings are men. Sanlam has a slightly higher percentage of female directors; they are about 25 percent of all the directors. This implies that about 75 percent of all the directors at Sanlam are men. Unfortunately, the table does not describe the female directors in these companies in terms of their race, but it can be assumed that black women are the least represented among all the women directors.

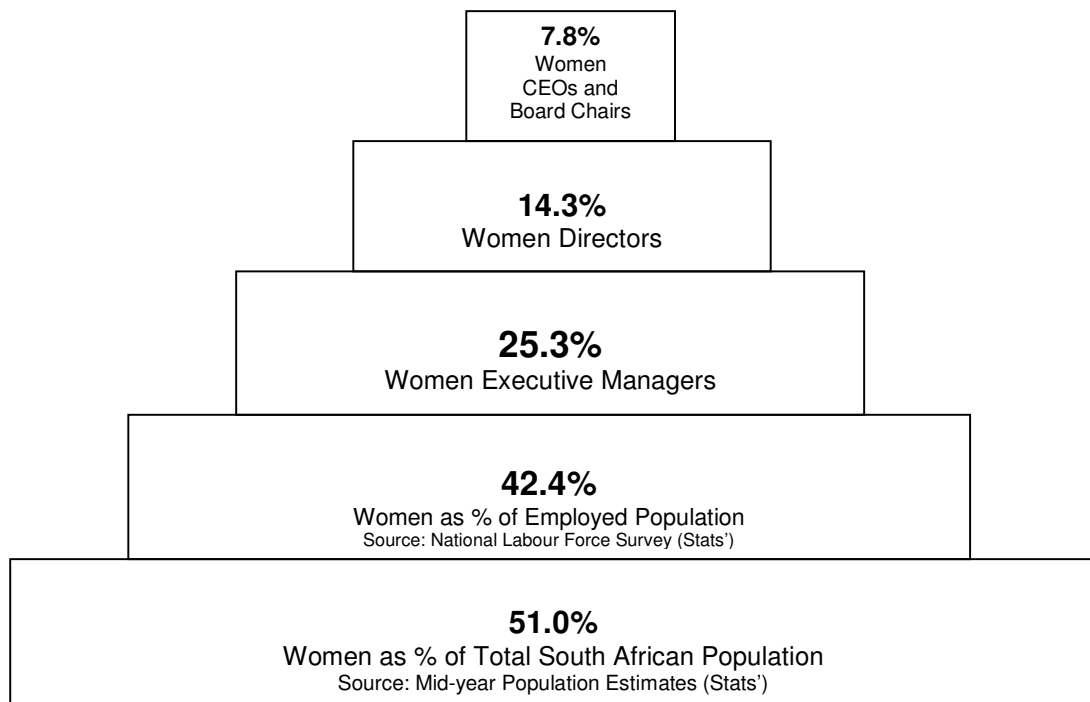
**Table 6: Percentage of female directors among financial sector companies in the group of the largest 25 JSE-listed companies by market capitalization**

Company Name	Total Directors	Women Directors	Women as a % of Directors
FirstRand Ltd	18	3	16.67
Standard Bank Group Ltd	17	3	17.65
ABSA Group Ltd	20	3	15.00
Remgro Ltd	14	1	7.14
Liberty International PLC	15	2	13.33
JSE Ltd	14	4	28.57
Nedbank Group Ltd	16	6	12.50
Investec	16	2	12.50
Sanlam Ltd	20	5	25.00
RMB Holdings Ltd	8	0	0.00
ApexHi Properties Ltd	10	2	20.00

Source: BWA: 2007

In the year 2008, there was another census by BWA. The results indicate that women were still under-represented as can be seen in figure 5 below:

**Figure 5: BWA 2008 Census Pyramid**



Source BWA census 2008

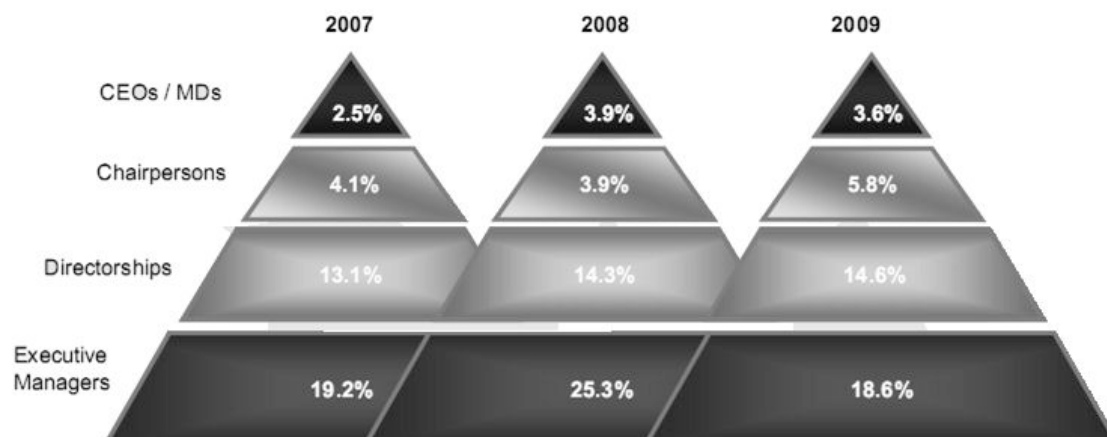
From the above, it is fair to say that although women are climbing the economic ladder, they are doing so at a very slow pace (Mwanambuyu, 2008: 60). It can be seen that when compared to the 2007 Census, the number of women CEOs and Board Chairs has risen from 6.4 percent to 7.8 percent. In the same way, women as a percentage of the employed population has also increased from 41.3 to 42.4 percent. Carolyn Easton refers to Catalyst 2007 that has predicted that: “At the current rate of change, it will take 73 years to reach parity with men in the boardrooms of Fortune 500 companies” (2006/7: 6). For this reason, it is imperative that the ANC government concentrates on making equality in the boardrooms a reality.

In an article that appeared in the *Business Times*, Chia-Chao Wu reported that women are still under-represented in the economy because when considering the most influential directors on the JSE in 2008, only 11 executive directorships were held by black women; this represents only 5.4

percent of the total directorships occupied by women on the JSE. Black men occupy 82 executive directorships; a 16 percent representation of the total directorships attributed to black men. The only two black female CEOs on the JSE are Nyembezi-Heita of ArcelorMittal and Yolanda Cuba of the Mvelaphanda Group (Sept 28, 2008: 1). This situation is an indication of a real challenge to the government, which introduced the BEE programme in order to correct imbalances in the economy.

The 2009 BWA census expanded its report by including companies listed in Alternate Exchange<sup>7</sup> (AltX) and all its subsidiaries. The figure 6 below represents a comparative picture of the participation of women.

**Figure 6: Percentage of women in the AltX, JSE, and SOEs in all positions.**



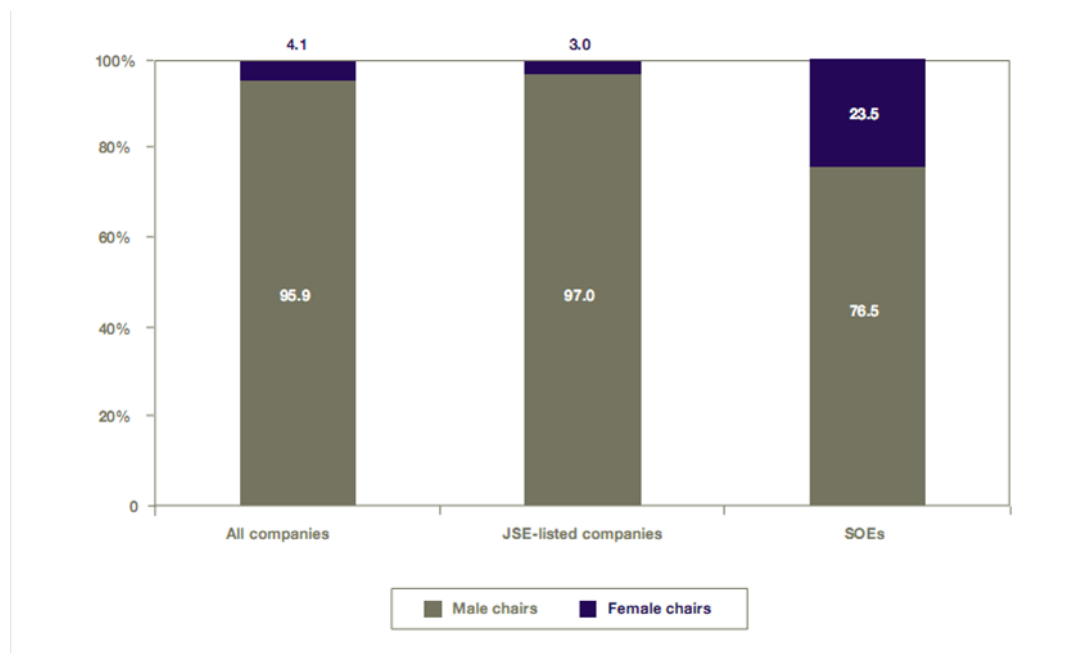
Source BWA (2009 Census: 8).

The above picture represents the positions occupied by women over three years in AltX, JSE and SOEs. In terms of the position of executive managers, there was an increase of 6.1 percent from 2007 to 2008, but there was a drop from 25.3 percent to 18.6 percent in 2009. Directorship increased a little from 13.1 in 2007 to 14.3 percent in 2008 and increased slightly to 14.6 percent in 2009. In terms of chairpersons the picture looks very interesting. There was a drop from 4.1 percent in 2007 to 3.9 percent in 2008 and it increased to 5.8 percent in 2009. CEOs and MDs

<sup>7</sup> Alternate Exchange (AltX) is a segment of the JSE responsible for good quality small and medium size high growth companies.

also represent a fascinating picture; the percentage increased to 3.9 percent in 2008 from 2.5 in 2007. The number did not increase much it remained fairly stagnant at 3.6 percent in 2009. Clearly one can say that the positions occupied by women in these companies continue to remain very low as compared to their male counterparts.

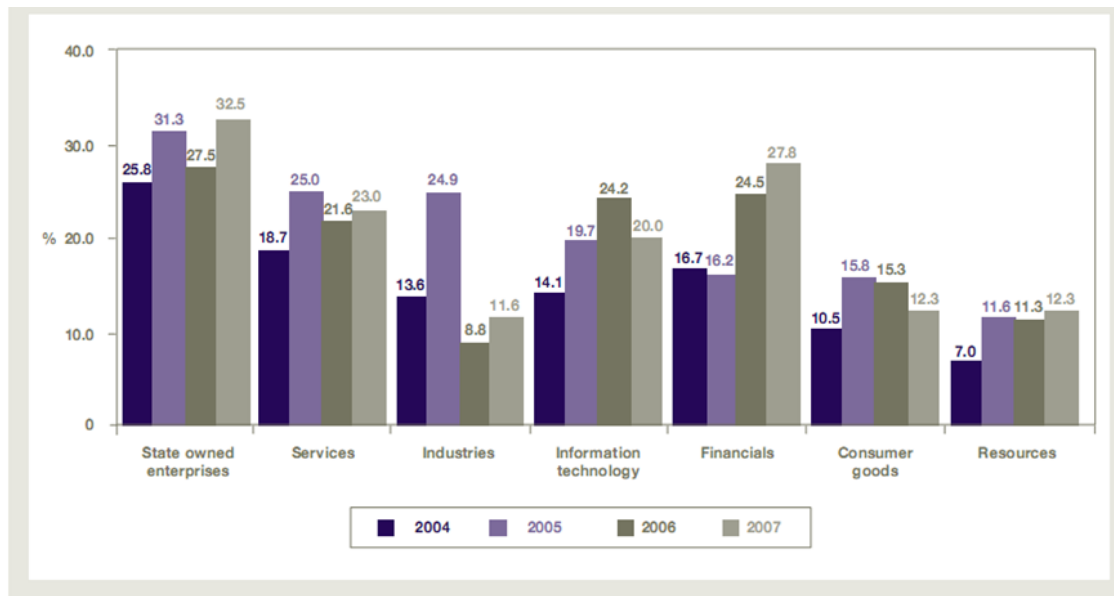
**Graph 6: Women Chairs of boards as a percentage of all Chairs of Boards**



Source: BWA, 2007: 30

Graph 6 above represents the percentage of boards during the 2007 census. It is clear that in all companies, female chairs of boards stood at 4.1 percent whereas men occupied 95.5 percent chairs of boards. There were 91.8 percent more men serving as chairs of boards than women. On JSE listed companies, the number of female chairs of board was 3.0, compared to their male counterparts, who were 97.0 percent; the difference in percentage is 94.0 percent. The numbers of women chairs of boards in SOEs were a little higher than All companies and JSE companies, yet it is clear that women continued to be underrepresented. Women constituted 23.5 percent and men were 76.5 percent.

**Graph 7: Percentage of Executive Managers that are Women: JSE listed companies and SOEs by Industry.**



Source: BWA, 2007: 35

Contributing to this uneven representation in the economy is the country's failure to identify and utilize the potential of women, particularly black African women. As Gwen Mahuma, Managing Director and 20 percent shareholder of DSI- Mandirk Strata Support, a Johannesburg company, rightly puts it, "There is so much talent that black women have to offer, and it's time that the talents are tapped into" (Sikhakhane, 2006: 6). In an article entitled: *The skills challenge: attracting, retaining and skilling women in South Africa*, Sarah Babb confirmed that indeed South African women represent an untapped pool of vital professional and managerial talent (2006: 65). This untapped pool of talent must be explored as a means of growing the participation in the economy.

Not only are black women under-represented in the corporate world, but in the mining sector the empowerment of women is very slow and black women continue to be under-represented. The Charter for the Broad-based Socio-Economic Empowerment for the Mining sector states that "ensuring higher levels of inclusiveness and advancement of women. The stake holders aspire to a baseline of 10 percent of women participation in the mining industry within five years." Yet

during the BWA 2008 Census, it was discovered that there was no target set on the seniority of women (BWA, 2008: 56). The industry still remains male-dominated. Simangele Mngomezulu, the Chief Executive Officer (CEO) of Women Empowerment Organisation South African Women in Mining Association (SAWIMINA) has confirmed that "the advancement of women in mining has been very slow. When people look at us as women, they see us as employees. People are trying to reach the target just to employ women" (2007: 2). This observation suggests that most mining companies are using women to 'front'. Tenji Deplu cautions black women to refuse to become fronts for white businesswomen; she believes sharing the cake without the structural alteration of the economic base cannot bring about real transformation (1999: 46). For instance, in Exxaro Coal and Mineral Sands Company, there are only two prominent women; they include company's secretary and Simangele Mngomezulu, the Chief Executive Officer (CEO) of Women Empowerment Organisation (SAWIMINA). Again the only two female representatives on the advisory board to the Minister of Minerals and Energy are Simangele Mngomezulu and Bridgette Radebe the CEO of Empowerment Mining Company Mmakau Mining. Simangele Mngomezulu continues by saying that, "Men run all by themselves without actually remembering that they need to bring in their women counterparts" (2007: 2). Gwen Mahuma echoed Simangele Mngomezulu when she said that, "There are very few of us. I think that either women are not really aware of the vast opportunities that are out there, or maybe getting the right mix of partners has been an issue, hence the small number of black women participants in this sector" (2006: 6). What can be extracted from Mahuma's sentiments is that the under-representation of women in the mining industry is as a result of ignorance on the part of black women. From time immemorial, the mining sector has been an area that is dominated by men, therefore women dare to enter. Sometimes women join the sector with wrong partners and this affects them in the long run, therefore they see this sector as not being lucrative.

Eric Onstad quoted Mmakau Mining CEO Bridgette Radebe in a recent conference where she challenged the audience by comparing women in the ANC Cabinet to women in the mining industry. She said that "If you look at the Cabinet, how many women are in Cabinet, and you look at our boards and it's nil. There is no single woman that's an executive director, and that has to stop, the men are the ones that are running these boards, the men are the ones that own these companies, maybe if we start owning them, things would start to change" (*Mail and Guardian*,

Dec 18 2006). From this it is clear that Radebe seems to be challenging women to exercise their capabilities by taking advantage of the opportunities offered through BEE to participate in the economy.

In the same article, Onstad quoted Manganese Executive Chairperson of Kadagadi Manganese who sees BEE in a different way:

We have good policies, but we don't have monitoring tools to ensure that BEE happens. It is easy for men to look at empowerment and see themselves and not women, you go into a board meeting and it is a board meeting full of men who do not believe in you. Women are fighting for inclusion and recognition in BEE (*Mail and Guardian* Dec 18 2006).

She has observed that because South Africa lacks tools for monitoring BEE to make sure that all the targeted people are participating, men have taken advantage of this and are dominating the programme. This explains the under-representation of women in the mining sector.

There was an interview by several providers of Business Development Services (BDS), from state agencies to independent business entities, academic institutions and NGOs with a range of women participating in BEE, to find out their experiences of BEE. The female managers interviewed during the focus group discussions largely felt that in terms of BEE, targeted procurement was not working for them. First, they felt that accessing tenders was a challenge, yet their names were on the database. They have also observed that the tender departments are male-dominated and are often insensitive to female vendors. Again, they only get small deals like painting. Furthermore, the women felt that the requirements of tenders were complicated and costly, yet it is not easy for them to access capital from the banks (2003: 75). This quote suggests that women in BEE are struggling because of the challenge of acquiring tenders and BEE deals. Men seem to benefit from deals more than women because as noted, men have dominated the tender department and in most cases, they consider their friends, network members and male family members first. To illustrate, a story appeared in the *Natal Witness* where a councillor gave the Pietermaritzburg City Hall tender of refurbishment of five hundred City Hall chairs to his son (Ingrid Oellermann, 2009: 4). Such practices seem to characterize the entire tender world of the economy. Yvette Montalbano CEO of the Businesswomen Association confirms that indeed women in business find it “difficult getting an equal chance to break into the market” (2008: 2).

This implies that in the business world, women have been constantly competing with men to survive in their business, because the deals always go to men.

The same trend of women's under-representation is seen in the engineering sector. Paul Kgole, South African Black Technical and Allied career Organisation (Sabtaco) President, confirmed that "there is still shortage of black women entering the engineering field in South Africa...of the 2000 members that Sabtaco had, only 100 are women" (2006: 1). The 2004 NACI Report, *Facing the Facts, Women's Participation in Science, Engineering and Technology* showed that:

In 2001 women represented 53% of all higher education enrolments, only 31% of Doctoral enrolments in the Natural Sciences and Engineering were female. Only 7% of Doctoral graduates in engineering were female. The study also showed that only 9% of the teaching staff and 14% of research staff in engineering faculties were female. Furthermore, white women made up 70% of the female academic staff in Higher Education (2004: 4-24).

Another sector in the economy where women are under-represented is the Internet and Communication Technology (ICT). The Department of Trade and Industry (DTI) defines the ICT sector as the industries that produce the products (goods and services) that support and maintain the electronic display, processing, storage, and transmission of information (DTI, 2005: 141). Although South Africa has highly qualified professionals in the ICT sector, they are predominantly white, male ICT professionals. A more demographically representative workforce does appear to be emerging, particularly at the lower end of the ICT skills spectrum. Women still make up a disproportionately small percentage of management (between 18 – 20 percent) and still earn much less than men (<http://www.itweb.co.za> accessed 12th March 2009). According to the BWA 2006 census findings, Mustek was found to be the only ICT industry with black women in senior management position. Women are under-represented in all the other ICT companies which suggest that they have a long way to go in terms of gender transformation in the sector (Johan Grobler, 2006/7: 30).

From the above, it is evident that although women are climbing the corporate ladder in the South African economy, the pace at which they are doing so is very slow and the economy remains heavily dominated by men. (See Appendix 1 for various Companies in South Africa and the number and percentages occupied by women in Directorship and Executive Directorship

positions as opposed to men). Although BEE has been marketed as an opportunity to ensure transformation that will improve the lives of the previously disadvantaged South Africans, the programme has favoured men more than women and this situation needs urgent attention. So what might be the reasons for women's low participation? The next section will attempt to answer this question by looking at a few of the contributing factors to women's low participation in BEE.

## **4.2 Contributing Factors to the Low Participation of Women in BEE**

As seen from the above statistics, the participation of women in BEE is minimal. Desray Clark draws our attention to the fact that in most instances the few women who made it to senior positions, particularly in executive positions, are not able to hold their positions for a long time. They easily give up and resign from companies more than their male counterparts, as a result of factors beyond their control (2008: 74). The fact that women easily resign from senior positions may also contribute to their low participation in the economy. Therefore, it is imperative to explore the factors that have contributed to such a shortage. In my readings, the following factors came across as responsible for the low participation of women in the BEE programme:

### **4.2.1 The Lack of Mention of Women in the BEE Act Document**

A closer look at the original document of BEE shows that though the programme was created and intended to uplift the previously disempowered black citizens of South Africa, the document does not specifically include a gender focus. The document is silent on women's empowerment and simply defines the beneficiaries of the programme in general as:

Black people meaning Africans, coloured or Indian persons who are natural persons and:

Are citizens or **descent** of the Republic of South Africa by birth or by descent; or are citizens of the Republic of South Africa by naturalisation:

- occurring before the commencement date of the Constitution of the Republic of South Africa Act of 1993 or
- occurring after the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, without apartheid policy, would have

qualified for naturalization before then (BEE Act Code 000 Statement 000, section 1).

The implication of the above definition is that the beneficiaries of BEE are those who meet the above requirement: black South Africans by birth or descent or by naturalization before independence. This definition applies to all the seven pillars of BEE - women were not mentioned specifically. It stands to reason that by simply mentioning black people, women will automatically be included, yet that has not been the case. Even in the BBBEE strategic framework of the BEE where gender is mentioned, it is mentioned in a broad way:

Broad-Based Black Economic Empowerment (BBBEE) means the economic empowerment of all black people including women, workers, youth, and people with disabilities and people living in rural areas, through diverse but integrated socio-economic strategies (DTI, 2006: 7).

Clearly, the above definition places women in the category of disabled and youth and creates no dedicated focus on women; the needs of the majority of the South African population may not be adequately dealt with. Again the mentioning of women in a broad way raises a number of concerns in terms of their capabilities and contribution in the economy. This applies particularly to black women who are on the bottom rung of the economic, social and political life of the country (Carmel Joseph, 2002: 12). The question that seems to come up when gender is mentioned in such a tangential way is how many women really know or understand their role in the BBBEE programme?

In a male-dominated society like South Africa where women are classified as second class citizens, such a gap in the document provides an opportunity for men to exploit the situation. Some may purposefully try to exclude women while others simply may not realize that the programme must actually include women as we shall see below. The fact that women were not specifically mentioned in the Act has allowed for the domination of men in the programme, both in its formulation and as beneficiaries. This explains why the earliest beneficiaries seem to be only men. These men, according to Jack Vuyo, were referred to as “gentlemen of BEE”. They include black businessmen like Tokyo Sexwale, Cyril Ramaphosa and Saki Macozoma, Patrice Motsepe, Benjamin and Isaac Mophatlane, Kunene Brothers Holdings (Vuyo, 2007: 356). Vuyo went on to explain that:

Initial empowerment in the deals demonstrated that black female participation was an afterthought. The deal was structured and concluded by men, with a token acknowledgement of the need to include women. Such an acknowledgement was generally represented by a token interest allocated to Black women. Women were rarely granted input in the deals. They were invited to participate in the conclusion, with little or no participation in the decision making (2007: 190).

Vuyo's observation confirms the argument of this section of the thesis that indeed women were an afterthought of the programme and have not participated or benefited as much as their male counterparts. As part of the team that formulated the initial formulation deals, there is no doubt in Vuyo's observation. Men have dominated the programme from its formulation to suit their needs: thus robbing women of their input as well as benefits from the programme.

The few women that are privileged to participate in the programme face many challenges. A study by *The International Finance Corporation* shows that indeed BEE is all about men. The women who participated in the survey cited the following as reasons why women in BEE find it difficult to access procurement opportunities "Corruption, 'old boys' networks, patronising procurement officials, difficult-to-come-by performance guarantee, a lack of measurable targets" (2006: 6). The inference one can make from the above quotation is that even though on paper the BBBEE Act clearly indicates that women are supposed to be beneficiaries of the programme, in reality women are not benefiting as much as their male counterparts. The above is an indication that access to procurement opportunities is a challenge to women, because men are in charge of these areas and they find it easier to give opportunities to their fellow men. They also have formal and informal 'old boys' networks where deals are discussed and shared. In such network meetings women are not welcomed for the fact that they are women.

Liesel Orr' ET el draws our attention to the fact that:

Economic policies often contain a strong gender bias. The different roles that women play in the economy are often ignored and the impact that specific policy proposal could have on women is rarely considered. Because many economic policies actually place women at substantial economic risk, this lack of attention has serious implications (Orr et el, 1998: 1).

The assumption that the above quotation is based on is that the silence around issues of women in the BEE Act may not be an oversight, but a deliberate action. This is a common trend when it

comes to formulating economic policies. Men have always been dominant in this area and the needs of women are not necessarily taken into account. The Strategic Framework on women's economic empowerment specifically indicates that:

South African economic structures are still male dominated with relevant decisions heavily influenced by men. Women's fair and equal representation and participation is central in ensuring that decisions of these structures and initiatives will lead to economic gains for all South Africans irrespective of their gender and race (2006: 5).

The suggestion of the above quotation is that although economic structures in the country are male dominated, women's participation is needed to enhance the growth of the economy. Clearly there are capable women whose contribution would be beneficial to the growing economy of the country. Johan Grober referred to Babita Mathur-Helm, a senior lecturer at Stellenbosch business school in her paper: *Equal Opportunity and Affirmative Action for South African Women: A Benefit or a Barrier* adds that the reason gender issues are overlooked in the government legislation is because the focus always shifts to fighting for racial imbalance instead of the initial focus of the legislation. This focus allows for gender issues to be less important when it comes to uplifting those who were previously marginalized in the mainstream of the economy (2007: 28). I do agree with the author because living in South Africa today, one often hears that BEE is all about the transfer of economic power from a white minority to black majority; gender issues are not mentioned in connection with BEE at all. It looks like the fight for racial balance has overshadowed gender imbalance in society, rendering women as nonentities in the economy. A former CEO of BWASA, Niven Postmanit rightly said that in South Africa, "all eyes are on racial transformation; gender transformation is a bit of a poor relation" (Pile, 2004: 2). The focus of the entire South African society is more on racial imbalance rather than gender imbalance.

#### **4.2.2 Lack of Capital**

Another major factor contributing to the low representation of women in BEE is a lack of capital from financial institutions. Women, particularly black women, find it very difficult to access loans and capital either to start or sustain their businesses, and most of them give up their dreams of contributing to the growth of the economy. This lack of access to financial opportunities has had negative effects on women's businesses. For instance, as a result of lack of capital, Wendy

Luhabe, Gloria Serobe, Nomhle Canca, and Louisa Mojela, the pioneers who started Women Investment Portfolio Holdings (WIPHOLD) in 1994, had to contribute a total of R500, 000 from their personal and family sources (*Wipflash Newsletter*, 2000: 2). They could not access capital from any financial institution. It was easy for these women to look for alternative ways of financing their organisation because they all had well-paying corporate careers, which they abandoned in a bid to redefine black women's economic status in post-independent South Africa. They saw "the need for women to begin to play a central role in wealth creation, rather than remaining on the fringe in activities such as selling apples at street corners" (Okechukwu, 2003: 482). For most black women, the opportunity that these women had is not a reality; financing their businesses is a big challenge because they have nothing to fall back on. For instance, the Mabosoboso Bakery in the Free State started about 10 years ago, and Susan Marogoa and Maria Mohlakoana are still struggling to keep it going because of lack of funds and transport. To them the high transport costs have made their products unviable and no financial institution has agreed to give them loans (*Sunday Times* 15 October 2006: 10). Most black female headed businesses have closed down as a result of lack of finance.

A special report released by DTI on South African Women Entrepreneurs has identified that "women normally rely on personal income to provide the initial finance for their enterprises." The study revealed that the majority of women suffer from labour issues because they are involved in lower-level jobs; this affects their wages as well. The study found that "42 percent of women earn between R1 and R750 per month" (2005: 4). In South Africa, women tend to earn significantly lower wages yet they have families to look after. Therefore for some, financing their own enterprises is not easy.

Iheduru Okechukwu interviewed a number of black businesswomen in her study *Corporate Amazons or Empowerment Spice Girls? Elite Business Women and Transformation in South Africa*. Almost all of those interviewed claimed that access to finance for their business was a big problem. When they first approached big businesses for capital or other business opportunities, many of the (mostly white) male loan officials questioned their capacity to come up with business ideas, let alone to make good on their commitments and contractual obligations (2003: 488). As a result of a lack of proper education (as noted in detail in chapter two of this thesis), most women, particularly black women, are not able to write good and impressive

business proposals that would attract the attention of financial institutions and ensure that they receive the funding that they desire.

This is further emphasized by Babita Mathur-Helm, who has observed that among other problems, women face the “denial of financial assistance without a male guarantor” (2006: 27). This suggests that women are not given financial assistance for their businesses unless there is a male benefactor. This is an unfortunate situation that a lot of businesswomen find themselves in. It must be noted that this situation stems from cultural and social barriers in South African society where women are viewed as secondary citizens who do not show leadership qualities or are not able to be part of decision making processes where major economic and finances are involved (2006: 28).

In an interview with *Top Women in Business and Government*, Adelaide Matlejoane, founding member of Matlejoane Staffing Services believes that the reason most banks and financial institutions find it difficult to lend money to women-owned businesses is intentional. She has observed that there seems to be no recognition for businesswomen in South African society. This rejection has come about because historically, women have been perceived as being totally reliant on men for everything - financially and otherwise. Women could not own anything without their husband’s approval (2008: 134). I do agree with Matlejoane’s concerns because from time immemorial women in the South Africa have been excluded from decision-making processes, even the ones that concern their own lives; men have always had to decide on their behalf. Again black women could not own anything without their husband’s approval. This situation came about as a result of *lobola*.<sup>8</sup> The practice makes women vulnerable because they are perceived as the property of their husbands and as such cannot do anything or own anything without their husband’s approval. Truida Prekel adds that as a result of *lobola*, black women could not decide to do anything on their own, including even taking up employment without consultation or approval from their husbands or a male head of household (Prekel, 1994: 15). In terms of access to assets, culturally African women are prohibited from owning anything without the agreement of the husband. All rights are vested in husbands who are considered household-

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<sup>8</sup> *Lobola* is a name given to traditional bride price (Jeanne Gazel and Pat Naidoo. 2004. *Striking the Rock with Impunity: The Consequences of Gendered Practices in 21st Century Sub-Saharan Africa*. Working Paper #280. pg 7.

heads (Turner and Ibsen, 2000: 27 – 30). For this reason most women are treated as minors when it comes to accessing assets such as land. Without their husbands, they are not considered, regardless of their educational background.

Melt van der Spuy, Director of Business Support: Business and Private Banking at Standard Bank, attributes women's difficulty in accessing financial capital to the fact that:

Financial services companies have traditionally not analysed customer needs in the business markets according to gender. For example, there are no separate risk models for groupings based on gender. As a result, to date no specific products in terms of loans, transactional services or other financial instruments have been created to meet specific requirements of women (Melissa Padia, [www.bizassist.co.za/women-in-business](http://www.bizassist.co.za/women-in-business). Accessed on the 20th April 2009).

To Van der Spuy, customers of financial services are treated equally, and therefore women have always been at a disadvantage for their services. Lack of access to finance has been the biggest stumbling block to women who want to start their own businesses.

#### **4.2.3 Glass Ceiling**

From my reading, another factor that came up as a contributing factor to women's under-representation in BEE is what is termed as the 'glass ceiling' effect. Babitha echoed Maume by saying that the "failure of women and other minority groups in climbing up the corporate ladder, despite seeing the top jobs, but still not reaching them due to discriminatory barriers, is what many think of as glass ceiling" (Babitha 2006: 311). The 'glass ceiling' is a term coined by the Wall Street Journal to describe the apparent barriers that prevent women from reaching the top of the corporate hierarchy (Mwanambuyu, 2008: 60). 'Glass ceiling' has also been described as "the frustrations of working women at every level who can see where they want to go but find themselves blocked by an invisible barrier" (Van der Boom, 2003: 132). From the above, the inference that can be made is that the term 'glass ceiling' refers to situations at the workplace where qualified persons within the hierarchy of organisations are stopped at a lower level because of issues and barriers such as gender or class. The barriers here may also refer to the issues women face as they seek to move up the corporate ladder to the senior, executive and top management positions in corporate organisations. These barriers serve as stumbling blocks to

women's advancement to top positions. Despite the government's effort to eliminate discrimination at the workplace, this subtle phenomenon exists in most workplaces. Most people in South Africa believe that the phenomenon of 'glass ceiling' is a myth, but the result of a research conducted by Babitha, a senior lecturer at the Stellenbosch Business School, on gender equality in corporate South Africa in four major retail banking sectors, indicates that the glass ceiling that is considered a myth by many people is factual. The fact that the ceiling is termed glass implies that the barriers are invisible, although externally it appears as though there is no barrier. However, the employee cannot progress past a certain point in the hierarchical ladder. She found out that:

For the majority, personal barriers such as family responsibility, a lack of job experience, insufficient qualifications, existing prejudices, attitudes and perceptions about women and conflicting relationships amongst women in senior executive management and top management positions, were most prevalent barriers. Non supportive organizational culture and distrust in women's capabilities were huge barriers for some. Domination of male value system, gender bias in promoting women, informal promotion without advertising, insufficient personal contact, lacking track, were additional barriers, which the sample identified. Owing to SA's history, women lack experience and qualifications compared to men; they also allow opportunities to pass by. Over and above this, gender equity being overshadowed by racial and ethnic equity in the present day SA is a huge barrier to women's career growth (2006: 314).

From the above it can be noted that the 'glass ceiling' experienced by women is not only caused by the guiding principles and the general way of life of organisations but also from women's own shortfalls which are as a result of lack of skills, underperformance or their inbuilt feelings of inferiority. As noted in chapter two, apartheid deprived women of proper education. Therefore most of them lack the skills and qualifications needed for climbing up to the top management positions. For some too, even though they work harder than men, there is no opportunity for them to progress. For instance, one respondent from Desray Clark said that, "If you keep playing the traditional role, the system will tolerate you and promote you, but eventually you just can't do it anymore, the system will kick you out" (2008: 77). Again the organisational nature, cultures, policies, and practices in most organisations are highly male-dominated and are not favourable to women. In most positions, though maternity leave has been created to help women care for their new born babies, women in top management positions who access such

opportunities are labelled incompetent because they are absent for long periods of time. She has further observed that, “Often, promotion criteria such as evaluation, networking, and succession planning are designed and developed by men, who have a limited understanding of women's lives (Crampton and Mishra, 1999), hence they misinterpret their motives and incorrectly block them from advancing to the executive levels” (2005: 2).

From the above discussion, the following factors are seen as contributing to the glass ceiling effect for women and black people in management: male domination of corporate culture; certain feminine characteristics that are not classified as the necessary qualities for high-powered jobs; and very few women role models, mentors, or networking opportunities.

#### **4.2.4 Women Internalising Inferiority Complexes**

Another factor that is responsible for women’s under-representation in the BEE programme is women themselves. Most women are so crippled by fear when it comes to taking bold steps or breaking new ground that they would rather resort to settling for the least, even if the opportunity avails itself. In most cases, they are not as confident in their own abilities as men are. Men are able to promote themselves by making a big issue about their achievement and this characteristic is seen to be a way in building the types of networks that will affect their future career positively. This behaviour is not found in women. Brenda Hall-Taylor has observed that:

Women lack confidence and assertiveness, have failed to undertake appropriate training to develop executive skills, are reluctant to compete for senior jobs (Blanksby, 1987) and have lower aspirations and inappropriate expectations (Spero, 1987). Additionally, women fail to plan their careers (Morrison, 1992), to build networks and support systems, to locate and maintain effective mentoring relationships and have been socialized to subordinate their careers in favour of their families (Fagenson and Jackson, 1993) (1997: 255).

Women here are portrayed as not as competitive as men yet it must be noted that in the corporate world, competitiveness and the willingness to take risks are considered important characteristics for success among those who wish to rise to leadership positions, particularly in a male-dominated sector. It is thus not surprising that women are under-represented in BEE. Molara Ogundipe-Leslie calls this trait “the sixth mountain on women’s backs”; she says that “Women are shackled by their own negative self-image, by centuries of interiorization of ideologies of

patriarchy and gender hierarchy. Their own reactions to objective problems are often self-defeating and self crippling” (1994: 36). This suggests that most women lack the confidence to express themselves fully. The same goes for those with high standards of achievements. She believes it is because of years of being under patriarchy and its unseen effects on their lives. Patriarchy therefore has had a negative effect on women. I do agree with Ogundipe-Leslie because most women tend to be insecure and react with fear in taking opportunities that come their way.

For some who act assertively, they may be labelled negatively by people. Klenke has observed that such women are perceived as “trying to be like men” (2003: 1031). Sadly enough, even some women join in the labelling, which in most cases tends to have a psychological effect on them (Simpson and Holley, 2000: 180). As a result, women appear to be lacking the confidence they need unless they are pushed into situations. Lack of confidence can be seen as a barrier to self-development in participating in the economy, and low self-esteem can also be restrictive, as it does not give opportunity for women to explore options that might be available to them. Nku Nyembezi CEO and member of Board of ArcelorMittal South Africa on a Television interview on BEE and women with Nikiwe Bikitsha attributes women’s low self-esteem to their natural make up. She said “Naturally, women are very strict on ourselves, and tend to listen to their own voices and as such hold themselves back instead of going forward to take opportunities available to them” (SABC 3, 11<sup>th</sup> August, 2009: 8.30pm). It must be noted that men do not have such issues and as such they are able to take any opportunity that comes their way. Dick has also observed that “women are often their own worst enemies: their tendency to a low self-esteem encourages them to compete with each other instead of supporting each other” (2008: 22). These internal characteristics place women in a secondary position because most of their energies are spent competing with one another instead of encouraging each other to excel in the things they do.

Sometimes too the lack of self-confidence arises from external influences. For instance women often face stereotypes, intimidation and negative attitudes from their male colleagues. These colleagues can be senior or junior staff members. For instance in Clark’s interview, one of the respondents says that:

I told my boss about some possible corruption I had accidentally stumbled across. He told me to 'just be quiet my girl'. He said he would investigate, but that I shouldn't say anything to anybody. I also told the director and all she said was that she wasn't interested. The next thing I knew, there was somebody in my office putting a gun on the table. He said that if I didn't shut up, my children and I would be eating it. He then told me this thing went right to the top and if I knew what was good for me, I would be quiet (2008: 77).

Such incidences of death threats really demoralize people, particularly women. Psychologically it results in fear and one is left without the confidence to do their work, particularly when the threat is extended to the family. This in effect will paralyze women in their performance.

#### **4.2.5 Lack of Mentorship and Networks**

A further factor responsible for women's low participation in the economy is lack of mentorship and support from their fellow women. The fact that there are few women in key positions in the economy suggests that there are also a few mentors for young women, predominantly black women, who are now climbing the corporate ladder. Thus they become overwhelmed with the demand of their jobs and eventually give it up. Desray Clark interviewed different women from different sectors who were in top positions but had resigned from their positions. They confirmed that indeed "there is the feeling of seclusion and separation that intensified as they moved up the corporate hierarchy and that was one of the reasons why they had to leave their jobs" (2008: 76). The implication of this quote is that when women climb the ladder, they feel lonely because there are few women on the same level for them to bond with, network with and learn from, yet they live in a society that is characterised by *ubuntu*. They are normally surrounded by men because South Africa is a male-dominated society. These men have different needs and interests from women and therefore are not able to mentor or support them adequately. Thus the men's environment is not open for learning or networking by women. In an interview with Angela Dick, CEO of Transman business, she says, "Women's exclusion from male informal networks, a pervasive stereotyping of women's capacity for leadership and a lack of role models" (Top women, 2008: 22) are major concerns for women climbing the economic ladder. I concur with Dick and I would argue that because we live in a male-dominated society, there seems to be an unspoken social construct that determines what and where women should do and be. Women cannot be part of men's informal networks where most discussions and decisions concerning

businesses and business strategies take places. Men find it easier to associate and network with other men rather than women. In an interview with some male corporate executives, Kurt et al has observed that

Traditionally business deals were concluded in “gentlemen’s clubs” and sports-fields, and the boardroom was a mere formality. This practice and its accompanying attitudes are still very much in place today and pose a challenge for women not only because they are not part of the inner circle, but also because it is difficult for them to get in (2007: 57).

Women face the challenge of constantly feeling intimidated around their male counterparts, resulting in unhealthy competition with men for survival. This creates a feeling of insecurity among women in traditionally male-dominated areas in the economy (Sixolile Makaula, 2008: 39). This inferiority complex is seen as inhibiting women from participating in the mainstream of the South African economy.

#### **4.2.6 Gender Stereotypes**

In most cases, gender stereotypes come about because of the belief that there are some careers and positions that are seen as strictly belonging to men. Most organisations in South Africa today have been created by men, for men and are mostly based on male experiences. It must be noted that the historical division of household labour still holds for most organisations. For instance there is the belief that “engineering and management in engineering are archetypically men’s careers” (Evetts, 1998: 283). Evetts continues to explain saying that:

Historically the image of engineering has been tough, heavy, dirty and to do with machinery. These cultural images have remained very powerful and have helped to reproduce aspects of occupational segregation whereby engineering, except in the two World Wars (Braybon and Summerfield 1987), has been perceived as "unsuitable" for women. Both women and men have seen engineering as men's work, and until recently this notion has remained largely undisturbed (Newton, 1987). For these reasons women who enter engineering have been seen as unusual (1998: 283).

As seen from above, people have perceived engineering as tough, dirty and better suited to men. Therefore women found in this domain are looked down upon, labelled and not taken seriously. For these reasons women may not even take up engineering as a career and the few who found

themselves in engineering would opt to leave this domain. This explains why women are few and far between in this sector. Cockburn has argued that “when men and women, things and jobs, comfortably reflect such gender-differentiated values, then order prevails. However, when women undertake male work, such as engineering, then they upset a widely accepted sense of order and meaning” (Cockburn, 1985: 12). To Cockburn, it is not acceptable for women to do engineering work because it seems to present expectations and understandings of behaviour which, as women, they will find difficult, if not impossible.

Most of these organisations are built on the assumption that men are the breadwinners and therefore whilst they work long hours, their wives will be taking care of the family responsibilities in their absence. However, most studies indicate that among South African families, there are more single parent families. In recent times, women have made inroads into higher corporate positions. Within these male-dominated corporate cultures, most men, particularly white men, still have a deeply rooted sense of superiority towards women, making it difficult for them to relate positively to them as their bosses (Rowe, 2003: 25).

#### **4.2.7 Balancing Family Commitments and Workload**

Still on the factors that are responsible for women’s minimal participation in BEE is the challenge of balancing their family responsibilities and workload as professionals and businesswomen. Mwanambuyu quoted Montalbano when she said that “part of the problem derives from the fact that women enter the corporate environment as a package deal - they are mothers, wives and caregivers with a myriad of other responsibilities that impact on their lives” (2008: 60). The implication of Montalbano’s statement draws our attention to the fact that in most cases women who enter the corporate world or the business world face the dilemma of having to balance workload and family responsibilities. This is because in recent times, employers are concerned about their employees who in most cases have to “walk the tightrope between work and family” (Ben-Ari, 2000: 472). Employers are concerned because there are clashes when it comes to work-life balance for women. This is because in recent times, working mothers face “escalating pressures for intense parenting and increase time demand of most high level careers” (Eagly and Carli, 2007: 68). David Clutterbuck rightly says that “the dilemma of work-life balance is of complexity management” (2004: 18). This implies that the nature of

work-life balance is very difficult to solve as a result of the nature of the South African society. He attributes this complicated situation that most women find themselves in to their personal choices, opportunities as well as the numerous demands that life presents for them (2004: 18). It must be noted that these clashes affect job performance.

Babitha has also noted that for South African women, the “culture of long working hours and demanding job requirements are discouraging them from actually holding seats,...” (2005: 2). This suggests that moving up the corporate ladder is demanding in that one has to work harder and longer hours than usual. Most of the time one will be required by the nature of work to sit in meetings for long hours, as well as to travel frequently. Women often experience ‘role overload’ stemming from long meetings at the workplace, and the responsibility of domestic tasks, family responsibilities and at the same time child rearing, according to Nku Nyembezi-Heita (2008: 60). The demands and requirements of women playing these multiple roles in terms of family and career often create role conflict. This is because they have to juggle their roles within the organisation and at home at the same time. Hendrickson Eagly and Linda Carli have observed that “Many female executives face challenges in balancing work and family that few male executives face. The key to the difference is that most male executives have wives who are unemployed, but most female executives have employed husbands” (2007: 51). Since men have fewer career interruptions they acquire more experience, education and human capital. As a result, family responsibilities impact seriously on women’s career development, seeing that 41 percent of all African households are headed by women (Haddad, 2000: 99). Most of these women have to carry out the family responsibilities single-handedly and Lindiwe Zulu has observed that the lack of sharing of family responsibility is a factor that continues to restrict women (1998: 150). In most cases, this restriction may be in the form of time pressures which impact on both employment and domestic duties (Hendrickson et al, 2007: 58). For this reason, most of them decline opportunities to climb the corporate ladder or participate in BEE because they are not able to cope.

Apart from the role conflict that most women in BEE with families struggle with, another factor that is seen as inhibiting women from BEE is the feeling of guilt that many women in business or employment with children experience. Ylva Elvin-Nowak explains that this guilt feeling is as a result of external demands that are in “constant collision between work and care for her children”

(1999: 81). Working women feel guilty when they are not able to cope with the demands made on them by both their families as well as their careers. This is because there is the belief that motherhood is the most important gender-oriented activity for women, therefore most women feel that their absence from the home challenges their motherhood position (Elvin-Nowak and Thomsson, 2001: 425). If the demands on them from both sides become unbearable, then they opt to quit from their careers - and that contributes to the fewer numbers of women in the economy.

#### **4.2.8 Inadequate Education and Skills**

Another major factor that prevents women from participating in the BEE programme is lack of education and the skills to compete in the economic market. Mathur-Helm has agreed that “lack of opportunities regarding access to education is among the barriers that seem to be responsible for lack of women’s advancement in the society” (2007: 270). As noted in chapter two of the thesis, the apartheid system hampered women’s education and skills development. Therefore it is not surprising that most women lack appropriate education. In an article entitled *South Africa Playing Catch Up in Entrepreneurial Stakes*, Mwanambuyu refers to the DTI saying “A lack of educational opportunities and the nature of our education system have the potential to limit women’s participation in entrepreneurial activities as they often are the ones to experience limited access to education” (2009: 146). For one to play an effective role in the economy, one needs the appropriate education and the opportunity to be educated. However, from the above quotation it is clear that South African women are not able to efficiently participate in entrepreneurship because they lack the opportunity of being educated. In an interview conducted by Kurt April, Samantha Dreyer and Eddie Blass with people working as executives and consultants in large corporations, the respondents agreed that:

The selection pool of potential management and executive candidates today is a result of who was educated 10 to 15 years ago. Twenty years ago, only a handful of women saw themselves entering the corporate world. Today this is changing. However, the fruits of this will only be reaped in another 10 to 15 years’ time. In the meantime, organisations are faced with the challenge of meeting EE requirements with a limited number of people to choose from” (2007: 58).

From this quote one can say that indeed, “the biggest reported threat posed to the advancement of women to positions of executive leadership in South Africa is lack of access to a quality high school and tertiary education” (Kurt et al, 2007: 57). It is clear that women’s high qualification levels are a prerequisite to their inclusion in the mainstream of the economy.

Another factor that seems to inhibit women from participating in the mainstream economy is what is termed as the ‘Queen BEE syndrome’. According to Marilyn Davidson and Cary Cooper, this is where women in executive positions are “unhelpful to other women, partly because of a desire to remain unique in an organisation” (1992: 110). A closer look at this kind of syndrome demonstrates that women in top positions who exhibit these characteristics are afraid of competition with new and particularly young women. Others also do this to protect their careers in situations where there is inadequate access to opportunities (Davidson and Cooper, 1992: 110). Senior women do not want to risk their position by promoting or recommending other women; they are comfortable with their position and are afraid of competition from their colleagues.

So far it is clear that the factors that have impacted negatively on women’s participation in the economy include the fact that the issue of gender redress was not mentioned in the BEE Act. Again, women lack access to capital, they face the challenge of ‘glass ceiling’ at the workplace, they are stereotyped as well as unable to combine household chores and professional workload as well as lack the appropriate educational skills. And to this, April et al say: “For the glass ceiling to crack, even shatter, it would then seem that a shift needs to come from both sides: organisations need to commit to creating environments that see the advancement of women to senior positions, and women need to have the desire to advance their careers, and be resolute and tenacious about getting where they want to be” (2007: 57). The section below will highlight the reasons why women should merit special attention in the BEE programme.

#### **4.3 Why Black Women Merit Special Attention in BEE**

As noted above, women’s participation in the BEE programme is minimal, and even a smaller number end up being retained and moving up the ranks within the economy as a result of the many factors that have been discussed. Addressing these imbalances in order to ensure full

participation of women is crucial. Therefore this section of the study looks at the reasons why it is important for these factors to be addressed so that more women would be included in the BEE programme.

Historically black women were excluded from participating in the mainstream economy by apartheid. As noted in chapter three, the apartheid system restricted the movement of African women into urban areas. It also determined the type of work available to them (Morris 1981: 74). These apartheid legislations robbed them of opportunities to acquire skills. This explains why there are shortages of the necessary skills needed for growing the economy of South Africa today (Prekel 1994: 6). Yet, one cannot under-estimate the significance of women taking advantage of the political space created by the ANC through BEE to express their independence from the state, as well as other patriarchal institutions (Tripp 2001: 44-48), and to contribute to building and growing the South African new economy. Basetsana Kumalo, the president of BWA says :

Never has the urgency for the incorporation of women into mainstream economic development been more critical than it is now, when the World is facing one of the toughest economic periods since the global depression of the 1930s. It is time when corporate should be rounding up all available talent at senior management level and working towards easing the impact of global recession. This talent includes women (Khanyile, 1999: 1-2)

This call for women's inclusion in the economic development of South Africa cannot be overlooked. This is because the skills and talents of black women are needed in the economy. A country cannot compete in an increasingly global economic market if half of its talented citizens are not participating in the economy. It is important that women should be in the position to influence and direct the economic sector. Continued exclusion of them from the economy implies that their scope of influence will be limited, particularly in matters that affect their lives.

Again, their under-representation in the economy suggests that South Africa is losing the talent of skilled women who can bring to it a richness and diversity of thought and perspective. Their contribution can help alleviate the shortage of skills, which is exacerbated by their lack of participation. Without women as an integral part of the workforce, the economy is deprived of many potential contributors to the formulation of government economic and research policy that benefits communities as a whole. An ICT document states that growth and prosperity in South

Africa's economy has not realised its full potential due to the fact that there is a lack of meaningful participation by the vast majority of black South Africans, especially women, in the national economy (2005: Draft Black Economic Empowerment Charter for the ICT Sector, 2005).

Black women are hard workers, "exceptionally reliable, diligent, productive and loyal" (Prekel, 1994: 16). The quest for their involvement in the economic mainstream is not a new process in South Africa; they have been involved in informal economic activities. For instance, in traditional African culture it was acceptable for women to be involved in economic responsibilities of their families as well as the communities. In most cases, they had to use their creativity to work hard to sustain the family in the absence of their husbands because of migrant labour. Such a privilege gave them informal powers and status within their own context (Prekel 1994: 16).

Goffee Robert and Richard Scase have argued that women merely participating in the mainstream economy and owning their own businesses, "does not necessarily constitute a personal reaffirmation of the principles of capital accumulation; on the contrary, it can represent an explicit rejection of the exploitative nature of the capitalist work process and labour market" (1983: 627). An African proverb by a Ghanaian Scholar, Dr. James Emmanuel Kwegyir Aggrey states that: "If you educate a man you educate an individual, but when you educate a woman, you educate the nation" (<http://www.africanprov.org/index.php/african-proverb-of-the-month/25-1999proverb/146-sept1999.html>). Accessed 2007 September 30). This proverb is relevant in this study for the same inference can be made of empowerment, 'If you empower one woman, a number of people benefit'. This explains the reason why women-owned businesses are the biggest source of new jobs for other women. Women find it easier to empower other women because they know the qualities they are able to contribute to the successful running of their companies. Most writers on the topic say that women have special abilities to contribute to the work market.

By participating in BEE, women are able to mobilize themselves as companies and network systems, with the aim of challenging patriarchal and racial power in the corporate world. It is against this background that, Wendy Luhabe, Gloria Serobe, Nomhle Gcabashe, and Louisa

Mojela founded the Women Investment Portfolio Holding Women's (Wiphold) in 1994 (Klein, 1997: 20). With the aim of empowering women and increasing their wealth, they started educating others about the importance of saving programmes (1997: 20). Eventually, by the end of 2000, there were about 50 investment companies. These companies were owned and run entirely by black women. The companies include the Black Housewives League of Soweto and Malibongwe Women's Investments Holdings owned by the ANC Women's League (Okechukwu, 2003: 476). In the same way, three university-educated black women Bongi Masinga, Phumzile Langeni, and Lindi Moyo left their lucrative careers in stock-broking and advertising in corporate South Africa in 1999, to start a small meat distribution company (Sikhakhane 2001: 36-37).

Another reason why it is important for women to participate in BEE is that they will be afforded the opportunity to be self-reliant and independent. This suggests that they will have the opportunity to control the products of their own labour and fight gender discrimination in the economy, especially in the patriarchal traditional South African black families where women are still regarded as legal and economic minors. Okechuku cited House-Midamba and Ekechi (1995) who gave the example of how entrepreneurship has given market-women in most parts of Africa - particularly Ghana, Nigeria, Kenya and Zimbabwe - material independence where they do not depend solely on men for material wealth and survival (2008: 478). In the same way, if South African black women enter the corporate world and participate in the economy, they will become independent economically. However, giving black women the opportunity to have control of their own labour is not enough to fight discrimination in the economy (Naidoo 1997: 33). Activism on the part of African women is vital to ensure that efforts to promote equity for women under a capitalist regime include minimizing class inequality, as socialist and radical feminists have argued" (Gordon 1996: 10).

#### **4.4 Conclusion**

In this chapter, we have seen that women are under-represented in the BEE programme. Even though BEE was to include the majority of the South African citizens in the mainstream of the economy, the latest statistics from the census organised by BWA in 2008 has shown that though women constitute 51.0 percent of the entire population of South African, they are outside the

economic mainstream. This figure represents more than half the population of the entire country, yet only 42.4 percent make up the percentage of the employed population. Out of this, only 25.3 percent are executive managers, 14.3 percent represent Women Directors and 7.8 percent represent Women CEOs and Board Chairs. It is clear that there is an increase in the amount of women participating in the economy, yet it must be said that the rate is extremely slow. The percentage of men participating in the economy is higher than women and for black women, the number is even smaller because as reiterated by Roddy Sparks of Old Mutual, historically, they have been the most disadvantaged group in the country (2006/7: 39). The chapter has also shown that there are many factors responsible for the under-representation of women. These factors include the fact that the BEE Act does not specifically mention women. It assumed that by defining the target groups as black, people would automatically include women. However, South Africa is a male-dominated society where men discriminate against women. Second, black women find it difficult to access capital from financial institutions. This is because in most cases, banks ask for male guarantors or tell them to find male partners to co-sign to finance their business. Sometimes too as a result of lack of proper education, most women cannot write viable business plans.

Another factor that is mentioned above as responsible for the under-representation of women is the lack of female mentors for upcoming young women to learn from, as well as women's lack of confidence in themselves. Women lack the boldness to compete with their male counterparts in this male-dominated society. Those who attempt to compete with the male colleagues often face issues of harassment, stereotypes and negative comments.

Furthermore, another factor that came out was the challenge of balancing family and work load, an issue that most men do not have to deal with. A closer look at these factors suggests that they have come about as a result of centuries of patriarchal domination. However, as noted, one cannot underestimate the importance of women's contribution to the South African economy. Therefore, it is imperative to look critically at the system of patriarchy and its effect on women with particular reference to black women. The next chapter will provide such critique.

## **PATRIARCHY – THE GREATEST OBSTACLE TO WOMEN’S ECONOMIC DEVELOPMENT**

### **5.0 Introduction**

In the previous chapter, it was observed that the participation of women in BEE is minimal in comparison to that of men. The factors contributing to the low numbers were identified as follows: First, the original document produced on BEE did not refer to women, regardless of the fact that in South Africa, women are marginalized in all spheres of life. In addition, women’s lack of access to credit and finance as they seek to participate in BEE emerged as another factor contributing to their low numbers in BEE. The few women, who are privileged to contribute to the mainstream economy, find it difficult to “shatter the glass ceiling” as they climb the economic ladder. Family responsibility and its burdens on women in our society in opposition to formal work emerged as another reason for the poor involvement of women in BEE. Another factor that became apparent was that most women lack the confidence in themselves that is necessary to grasp the opportunity offered to them to partake in the economy through BEE. Again most women, particularly black women, lack the necessary education and skills needed to participate in BEE. It was further observed that the root cause of these factors listed above is the patriarchal nature of the South African society and gender injustice. Hence this chapter investigates how patriarchy has contributed to the creation of the barriers responsible for women’s poor participation in BEE.

The first section will discuss the definition of the word patriarchy. This is because patriarchy as a word has been contested by many writers; whilst some writers define it broadly, others prefer to look at it in its narrow form. This has generated much debate around the use of the word patriarchy (Ogundipe-Leslie, 1987; Oyéwumi, 1997; and Millet, 1977) My intention in defining the term here is to show how this system acts in ways to inhibit the participation of women in economic development and empowerment.

The second section explores the ideologies of patriarchy; these are the principles upon which patriarchy is based. The third section examines the conditions of women in patriarchal Africa. This is necessary because it will help lay a firm foundation and understanding of the conditions

of women in South Africa. The fourth section examines how patriarchy has contributed to the formation of barriers responsible for preventing women from participating in BEE.

### **5.1 Defining Patriarchy**

While the definition is dated, the definition of patriarchy in the *Dictionary of Contemporary English*, is still pertinent. According to this definition, patriarchy means a “social system in which men hold all power and use it for their own advantage” (1978: 754). This meaning suggests a social system where more power has been ascribed to men through its social, economic and political institutions. Accordingly, men exercise this given power for their own gain. The effect of this is seen in South Africa where because men hold all the power, they were given the chance to draft the initial BEE document. They took advantage of the opportunity and monopolized the programme making it impossible for women to participate effectively. Further inference of the above definition suggests a social system in which women are seen as completely powerless participants in all aspects of life and men take advantage of their vulnerability for their own good. Such a system discriminates against women and does not give them the same opportunities as men. Isabel Apawo Phiri agrees saying that, “Patriarchy can be defined as a father ruled structure where all power and authority rests in the hands of the male head of the family” (1997: 12). By giving all power to men, women are perceived as inferior and this situation has encouraged women’s oppression. Michael Kimmel and Amy Aronson also say that “Patriarchy is a male-dominated, male-identified, and male-centered social system organized around an obsession with control that is gendered masculine” (2004: 588). Thus patriarchy presents a picture of a man-made social system that is characterized by domination and oppression. From the above definitions it is right to say that “Patriarchy is the government of fathers” (Kalu, 2008: 148). Julia Cleves has challenged this notion that men possess all the power and women are seen as powerless by saying that “patriarchy does not mean women are totally powerless or totally deprived of rights, influences and resources: but rather the balance of power is in men’s favour” (1993: 51). She sees patriarchy as the fundamental characteristics of societies whereby gender relations between men and women are unequal. It is also a situation where significant rights and powers are held by senior males (Moyo, 2008:93). Patriarchy in this sense suggests a state of affairs where women also hold power but comparatively their status and sphere of influence is not the same as that of men. In fact they enjoy a lower status, making it

very difficult for them to change traditional belief and practices. They are not consulted in matters affecting the family and the community at a whole. This is perhaps the best description of South African society. While the constitution may guarantee the rights of women, the imbalance of power within gender relations that is often sanctioned by cultural and religious beliefs, continue to place women at a disadvantage.

Bibi Bakare-Yusuf has also observed that in the African context, patriarchy is referred to “the organisation of social life and institutional structures in which men have ultimate control over most aspects of women’s lives and actions” (2003: 9). For Bakare-Yusuf, men do not have control over all aspects of women lives as some theorists have alluded to, but their control is over some aspects of women’s lives. These include women’s central role in being the caregivers of their families. Men may have access to or benefits from women’s labour through the institution of marriage as well as through the extended family system. April Gordon sees the extended family system as a pre-capitalist unit of production which has been in existence even up till this point in time. In this system, women play a fundamental role in making patriarchal economic and political dominance possible (1996: 7). The implication here is that male power is located in and exercised through the extended family, where historically there is a division of labour in which women play subordinate roles

Zillah Eisenstein on the other hand also sees patriarchy as a political power structure that seeks to control and subjugate women so that their possibilities for making choices about their sexuality, childbearing, mothering, loving and labouring are curtailed. Patriarchy as a system of oppression recognizes the potential power of women and the actual power of men. Its purpose is to destroy women’s consciousness about their potential power, which it derives from the necessity of society to reproduce itself (1981: 14-15). The issue coming out of this quote is that patriarchy is opposed to the potential capabilities that women poses, therefore the oppression of women is seen as a deliberate and calculated effort with the aim of preventing women from realizing that they can contribute to the society in which they live. Such a system actually cripples women and prevents them from contributing to the society. From birth they are trained to believe this social norm and it becomes so imprinted in their social make-up that they dare not depart from it. In most societies women would get socially ostracized if they did not conform to the beliefs of this system.

In her book *Theorizing Patriarchy*, Silvia Walby articulates a similar definition of patriarchy; she defines it as a system of social structure and practices, in which men control, suppress and abuse women. Using the western societies as example, she identifies six areas where patriarchy is practised. They include: the household, patriarchal relations in paid work, patriarchal relations in the state, male violence, patriarchal relations in sexuality, and patriarchal relations in cultural institutions (1990: 20-22). It must be noted that though Walby was speaking from western culture, these six areas relate to common practices in the African culture. We see evidence of patriarchy in the African household, at the workplace, and male violence daily.

For Heidi Hartmann, “it is a set of social relations which has a material base and in which there are hierarchical relations between men, and solidarity among them, which enable them to control women” (1979: 232). This solidarity among men has sidelined women in the BEE programme. They are not able to access credits like their male counterparts; men are preferred in employment more than women. Ti- Grace Atkinson observes that:

The oppression of women by men is the source of all corrupt values throughout the world therefore since the oppression of women is generally agreed to be the beginning of the class system and women the first exploited class, every culture or institution or value since that time contains that oppression as a major fundamental ingredient and renders all political construct after that initial model of human oppression at the very least suspect (1994: 5).

Atkinson sees patriarchy as the basis of women’s oppression by men throughout the world, because the power that has been attributed to men permeates throughout all cultures and institutions. To her, women in all societies experience oppression because they are the first group to be exploited. As a result, challenging patriarchy is menacing and next to impossible because it is perceived as challenging the entire institutions and structures of society.

Cleves sums up the definition of patriarchy by saying that:

Patriarchy is the concept that men hold power in all the important roles in the societies - in government, the military, education, business, healthcare, advertising, religion - and that women are, in the main, deprived of access to the power. It does not imply that women are totally powerless or totally deprived of rights, influences, and resources; rather, that the balance of power is in men’s favour (1993: 51).

From the above definitions, the following deductions can be made of the term patriarchy. There are many terms that can be used to refer to patriarchy, for instance male domination, or even male-supremacy. The common ground is that they all denote male power over women in all spheres of life. Women are seen as passive entities and men as the driving force in the economic, political and social systems in the society. Patriarchy does not mean all males are powerful and all females are powerless, neither does it mean that the entire society is built on men alone because if men are seen as the sole agents of any society then indeed women become passive participants or objects. However, our day-to-day experiences demonstrate that not all men oppress women and not all women accept being oppressed, but most women go beyond the roles that society has assigned to them. This explains the reason why although there are social roles accorded to women in South Africa, a few women have gone beyond those roles and found themselves in the domain of the men participating in BEE

Again, the term patriarchy suggests that most of the dominant roles in the given society are monopolized by men whereas the less commanding roles are held by women. In the same way traits like aggressiveness and dominance are highly valued among men as opposed to women. Patriarchal societies are built on the fact that gender relationships between men and women are unequal. It is deeply embedded in the economic and political structures linked to underdevelopment and capitalism. These structures shape the social environment and limit what individuals can achieve (Gordon, 1996: 109). Men control these structures and they constantly shape them according to their own interest, leaving women as possible targets of patriarchal practices and discrimination as seen in BEE.

This kind of gender inequality is what is seen in the economic mainstream of South Africa - a situation where women are poorly represented. And, those who participate face major challenges as noted in the previous chapter. Carmel confirms this by saying that "Patriarchy is deeply located in the customs and cultures of the many peoples of South Africa" (Carmel, 2002: 14). This is because "gender roles do not rest on the individual inclination, but on the very structure of the society" (Cleves, 1993: 50). The entire South African society is built on male domination with strict boundaries between what men and women can do. These boundaries are seen as responsible for the low participation of women in the BEE programme. It must be noted here that the practice of patriarchy does not exist in isolation, but rather it is guided by a set of ideas

known as patriarchal ideology. This ideology forms the basis on which patriarchy works. The next section will be a discussion of these ideologies.

## **5.2 Patriarchal ideologies**

The term ideology is applied in social science meaning “a coherent set of ideas that provides the basis for some kind of organised political action” (Heywood, 2000: 22). This implies a principle, belief or value that is used to justify or legitimise the actions of a group of people. Simply put, it is the way a group of people look at the world and the way it organizes its thinking about the world. An ideology can reveal things to us, but it can also blind us, closing our eyes to our own reality, our own experiences, our own bodies (Rothman, 1994: 139-140). The inference that can be made from this definition and the above definitions of patriarchy is that indeed patriarchy is based on an ideology. This is because the patriarchal ideology has influenced most societies to accept male dominance and female subordination as the acceptable norm. Alison Kelly explains patriarchal ideology by saying that:

It orders relations between the sexes and between generations on specific lines—it divides home and work into masculine and feminine spheres, and into a hierarchy, with men in the more powerful and prestigious positions from which they exercise power and authority over women and children. The male dominated family in fact lies at the root of Patriarchy, because no matter how rich or poor they may be, men can rely on being the heads of their households, in which women submit to their authority. In all societies women’s work is anchored in domestic labour, focused on the household and children, and in all societies the early socialization of children is part of women’s domestic labour (1981:59).

Kelly sees the patriarchal ideology as a principle that divides humankind into masculine and feminine spheres. It depends on the social meaning that is given to biological sexual differences between men and women. The effect is that these values of male dominance and the subordination of women are blindly accepted as the norm. Unopposed, they are received as the way society can function best, and hence the way that society ought to function; anything that deviates from this is unacceptable. It must be noted that “the bedrock of patriarchal ideology is the belief that it is necessary, socially desirable and rooted in a universal sense of tradition and history. Upon this, foundations are built about core ideas about social life especially in relations to the family, war, economics reproduction and sex” (Johnson, 1997: 134). In Johnson’s view,

the idea of male domination is seen as necessary for every society, and all areas of social life are built on patriarchal ideology.

Patriarchal ideology depicts women as the weaker sex, incapable of performing certain tasks: heavy duty activities are labelled as masculine and appropriate for men only. Society and parents encourage men and boys to be involved in rough activities or activities that increase their power. From this it can be noted that “patriarchal ideology creates the reality it presents” (Grossberg, 1996: 210). Thus, patriarchal ideology reflects the fact that indeed men have power, strength and authority over women. The next section looks at the major factors that have made patriarchy in Africa what it is today.

### **5.3 Major Factors contributed to patriarchy in Africa.**

Having discussed the ideology of patriarchy briefly, this section examines the factors that have helped shaped patriarchy in Africa. These factors include: colonialism and various religions in Africa.

#### **5.3.1 Colonialism**

The nature of most pre-colonial African communities was characterized by African cultural tools such as the ethic of *ubuntu*. As such African women were not completely marginalized in their societies but they enjoyed similar privileges as their male counterparts (Stromquist, 1998: 27). Most women in these communities had power and authority in religious, political, economical and domestic spheres (Bakare-Yusuf, 2003: 10). For instance, they exercised their authorities through political offices, namely: "ministers of state and counsellors, as soldiers and commanders, as governors of provinces, as trading agents and as favoured wives" (Hansen, 2002:219). Some even served as Queen mothers and their roles were in the form of “supporting, advising, defending, protecting, punishing, and nurturing the kings” (Hansen, 2002:219). Most of them played powerful roles in subsistence farming and in informal economic activities. It must be noted that such authority, freedom and privileges declined with the coming of colonialism. Cullhed has asserted that “indigenous women and men contributed to the economy in different spheres, and, since black women’s work was the foundation of the agricultural economy, the imperialist patriarchs regarded them as a force that needed to be controlled, and ‘domesticated’”

(2006: 31). The process of domestication altered the African way of life and gave way to the introduction of western patriarchy that emphasized the dichotomy between ‘public’ men and ‘private’ women (Lamphere, 1993:70). Ellen Khuzwayo adds that before colonialism, a more benign African patriarchy existed, which, in the urban areas, under western influence, has ‘deteriorated’. She even saw *lobola* not as a patriarchal phenomenon to exploit young brides, but as a token of “respect and recognition for the young wife” (1985: 255). This suggests that the patriarchal structures of the west were somehow very different from indigenous African patriarchy.

Oyeronke Oyewumi explains that, “Colonialism, besides being a racist process, was also a process by which male hegemony was instituted and legitimized in African society and its ultimate manifestation was the patriarchal state” (1997: 156). In her view, during the regime of colonialism, African way of life was “battered, subordinated, eroded, and even modified by the colonial experience” (1997: 156). The introduction of western patriarchy, through colonialism and apartheid increased the oppression of women and favoured men with opportunities such as education, employment and access to resources (Snyder and Tendese, 1997: 76). Western patriarchy was characterized by a strict division of men and women into ‘public’ and ‘private’ spheres respectively. According to Eisenstein, the western family is understood as ‘private’ with regard to women’s sphere, and ‘public’ with regard to men’s sphere (1981: 16). This division is perceived as a deep-rooted practice within the western culture. For instance Sarah Pomeroy reminds us that this idea goes as far back as the formative years of western cultural attitudes. Where classical Athenian women were confined to their homes by daily household chores like: cooking, cleaning, and taking care of their infants. Whilst the women were at home ‘privately’, their men spent most of their day in public areas such as the marketplace and the gymnasium. Urbanization also contributed to making women’s lives even more isolated because their activities remained indoors (1975: 71-75). In the same way, Betty Friedan in her book “The Feminine Mystique” describes how after the Second World War, American women were told to seek nothing else but fulfilment in their role as wives and mothers. They were told of how to: take a husband and keep him, breastfeed children, bake bread, dress and look more feminine and even make marriage more stimulating. For that reason, women dedicated their whole lives from childhood to seeking a husband and being a mother (1971: 13-14). The implication of this quote

is that, by being conditioned by their society to only aim at becoming a mother or wife, most women's talents and potential outside the home were ignored. The African situation was different in that, as a result of the ethic of *ubuntu*, there was no strict dichotomy between the private and public spheres of males and females in society (as discussed above). This was until the: "Western patriarchy added a patriarchal layer onto the indigenous patriarchal frame, exacerbating the oppression of black women" (Cullhed, 2006: 31) and altering the ethic of *ubuntu* in the African culture.

From the above it is clear that though patriarchy existed in traditional African culture in pre-colonial Africa, colonialism made it more severe. Anne McClintock agrees by echoing Oyewumi, writing about South African women resisting apartheid laws, by saying that "in defying the law as vociferously as they had, African women were looking back to a cultural tradition that had allowed women a great deal more independence and authority than western society considered either 'natural' or 'respectable' at the time" (1991: 32). African women were reclaiming their positions and autonomy in the society that had been ruined by colonialism and apartheid.

### **5.3.2 Religion**

Religion has also contributed to limiting women's activities to the home. Religious institutions and practices have been dominant with the view that women's place is in the private. Islam and Christianity, being male-dominated religions, have destroyed the traditional rights, roles and the leadership position of women and introduced new oppressed status for women (Ogundipe-Leslie, 1987: 31). "Many Muslim women feel (as indeed do women in many religious traditions) that their lives are shaped, conditioned and governed by laws, both written and unwritten, drawn up from interpretations of the Koran tied up with local traditions and that generally speaking men and the state use these against them, and they have done so under various political regimes" (Cleves, 1993: 66). Their daily realities include being strictly hidden from the rest of the world through their dressing; they are exposed to public flogging and even condemned to death by presumed adultery (which is considered a crime against the state) and being forced into marriage as young girls (Cleves, 1999: 66). It must be noted that these practices are deeply rooted in the teachings of the Koran. Although there has been resistance from most women, it is difficult to

alter because these practices are deeply embedded in the teachings and textual interpretation of the traditions and history of the religion and they are regarded as divinely sanctioned. For example patriarchal ideology has easily been maintained because men and women fear that in questioning the Bible or the Koran, they may be questioning God.

In the Christian tradition, the idea of women in 'public' and taking leadership positions is not encouraged. Cleves has observed that, "The debate over women priests has produced all sorts of reasons why women should not be ordained, many of which refer to women's fundamental biological difference, and her childbearing role, as well as to history and to tradition" (1993: 66). Tradition and history in Christianity has been used to suppress women's position in the church. Christian women have been sidelined from taking up leadership positions because of their natural biological makeup and their role as mothers, and the church continues to be controlled by men. Kalu reiterates Oduyoye's words by saying that, "Patriarchy in Christianity could be traced through language, culture, theology and ecclesiastical practices and that the church borrows its practices from the society" (2008: 148). The fact that the church borrows its practices from the society makes it difficult for it to change its practices towards women. For this reason, Phiri has observed that almost all African churches follow a patriarchal model (1997: 12). Also, the fact that the scriptures were written by men means that Christianity has been interpreted for women through the eyes and values of men (Venables, 1998: 18). The effect of this is that women are given roles to perform in the church, but not positions of power (Bam, 2005: 12). In most instances, men make the decisions and women are carefully monitored as they implement them.

The Hindu religion has also contributed to the private and motherly role of women. The Hindu dictum, "From cradle to the grave a woman is dependent on a male: in childhood on her father, in youth on her husband, in old age on her son" (Cleves, 1993: 61), summarizes this well. This suggests that women in Hinduism cannot take any leadership or decision-making roles; at every given stage in her life she will have to depend on a male figure in the family. According to Phiri, "The Jewish culture of the Bible is patriarchal and the result is hierarchical institutions which are male dominated" (1997: 12). This explains the reason why orthodox Jews must have a quorum of ten men in order to conduct morning services (Cleves 1993: 61). Women are not allowed to lead; in fact they are ignored during religious practices. In many synagogues and most mosques women must sit behind a curtain or wall or in a separate room. Men who are worshipping

together at mosques or temples or churches are unquestionably participating in religious services, but they look for opportunities to engage in male bonding, re-enforcing the patriarchy.

From the foregoing discussion it is clear how patriarchal ideologies are constructed out of a range of factors, from religion and culture to colonialism and Apartheid. Unfortunately people do not leave their personal patriarchal ideologies at the door when they walk into parliament or into a company boardroom. These ideologies contribute to the decisions that are made, but also the decisions that are not made! The next section looks at how these ideologies have contributed to the formation of barriers to South African women in BEE.

#### **5.4 Conditions of Women in post-colonial Patriarchal Africa**

In order to completely understand the present situation of women and BEE in South Africa, it is imperative to know the position of women in Africa, their social and economic as well as cultural indicators in post colonial Africa. It is believed that there are similarities in patriarchal practices in Africa and this will provide a good perspective of the situation of women in South African conditions. Though many people argue that one cannot talk about Africa, its people and practices in the singular because of the diversification found among the different countries, Phiri has observed that there are major similarities in the cultures and practices (1997: 12). Such similarities will be relevant to the following discussion of the thesis.

For instance on the African continent, though women make up a large percentage of the population, they are the most marginalized of all the groups (William, 1999: 254). Being the most marginalized group suggests that they have been intentionally relegated to the sidelines, prevented from fully participating in major economic activities, prevented from obtaining high status or participating in major decision-making programmes in their countries. Such important positions are filled by men only and women perform duties such as cleaning, cooking fetching water etc (Warren, 1999: 1). Women in Africa are perceived to be inferior and incapable of nation-building. John Mukum Mbaku has observed that indeed in the last 40 years women have not been effectively included in Africa's development (1999: 13). To me, this is as a result of patriarchal practices and partly because girls in most African societies are not encouraged to be educated or acquire skills to help them participate in the growing economies in their countries.

They are therefore not perceived as partners with men in nation-building but as passive recipients of the benefits of development (Okeke, 2004: 482). Women lack the necessary education and the skills to contribute in development programmes, so even though they may be the majority in the country, the impact of their contribution in state policies is minimal.

Not only are African women's contributions to economic building of nations minimal, but most of the development policy are not gendered focused. The ones that do mention women, do so in passing. Snyder and Tendeze reiterated Christabel Motsa's words by saying that:

Unless there is someone at economic planning constantly, keeping the machinery reminded that there are women out there who have to benefit, women who have to participate, it just doesn't happen automatically (1995:188).

African development policies treat women as if they do not exist. A typical example is the African Union (AU) and the NEPAD structure documents. It must be noted that those documents contain very few references to women (Lowe Morna, 2004: 27). The fact that the references to women in these policies are minimal creates the opportunity for them to be marginalized. African men take advantage of the lack of emphasis on women, thereby dominating these policies.

Okeke has also observed that, "from the colonial period, to the present times, the status of women across the continent has suffered a significant decline that strongly reflects patriarchal continuities and contradictions of a hybrid contemporary society" (2004: 483). April Gordon adds that "Formal political institutions and cultural norms typically accorded more authority, status and control of wealth and other resources (including women) to men" (1996: 5). Consequently women in Africa still suffer from patriarchal dominance.

In South Africa, Cullhed says that "The segregating laws of Apartheid, like the colonial ideology, were highly patriarchal and black women constituted the lowest rung of the ladder of hierarchy. White men and women assumed patriarchal authority over both black men and women, and patriarchal hierarchies were reflected in laws and regulations" (2006: 23). As seen in chapter three of this study, some of these laws and regulations really undermined black women's traditional roles in the economy and they were eventually confined to dependent

domestic roles. Signe Arnfred thinks that “the Western patriarchalizing gaze . . . was a major complication in that it may have introduced gender distinctions when, perhaps, there were none” (2002: 11-12).

The system of male domination stemming from colonial patriarchal ideologies exists at all levels of the South African society. The African home portrays male dominance and rigid boundaries between men and women. According to most writers, the problems faced by South African women stemming from patriarchal ideologies are many, they include: limited opportunities, gender discrimination, lack of appropriate role models, and sexual harassment (Nkabinde 1997: 138). It must be noted that these factors tend to demean and exclude the experiences of women, but encourage a culture of dominance on men. Belonging to the ‘private’ patriarchal ideologies have forced black women and girls into various responsibilities. They have been confined mainly to domestic duties such as cooking, child care, cleaning, fetching water and contributing to home maintenance and repairs (Nkabinde, 1997:138). As a result of the domination coming from their male counterparts, most women are not exposed to the understanding of subordination. They have been stripped of their rights by the practices in traditional society. Therefore they are not able to discuss issues pertaining to their family life, or even to reject unjust treatment, but rather in most cases their lives are planned for them by their husbands

In terms of education too, African women have suffered more than their male counterparts. Although there has been a significant improvement in this area in recent times, women who are illiterate amount to a percentage far greater than men. Ebrima Sall correctly says that “educational achievement by gender reflects deep-rooted social and cultural norms which infiltrate the educational system right from elementary level” (2000: 7). This statement implies that the limitation placed on female education from early primary level continues to have an effect on their tertiary education (Yahya Othman 2000: 35). Gaining access to education for women in Africa is more difficult than men. Most writers attribute the poor foundation of women’s education to colonialism and the work of missionaries (Charlton, 1997: 7-10). For instance, Silvia Tamale and Joe Oloka Onyango depict how French missionaries showed interest in boys’ and girls’ education, yet trained the girls in religion and how to become good wives and mothers (2000: 3). Such situations opened up opportunities for boys and relegated girls to the home. No wonder Stromquist has observed that on average, there are about 21 percent more

women who are illiterate than men (1998: 32). Sall quoted a recent statistic produced by UNESCO that in Africa, 64 percent of women are illiterate as opposed to 40 percent of men (2000: 7). These statistics portray figures of significant difference due to educational attainment. The confinement of women into the private sphere in post-colonial Africa has resulted in limitation of women's decision-making abilities, because of their exclusion from the public sphere in which decisions are made (Sundell, 1999: 16). Women are seen as the silenced population whose views and public speech have been assigned a lesser order of importance compared to the public man. Ogundipe-Leslie says "Women are 'naturally' excluded from public affairs; they are viewed as unable to hold positions of responsibility, rule men or even be visible when serious matters of state and society are being discussed"(1987: 30). Thus the consequences of colonialism on women are still prevailing in most African communities. The current labour market under capitalism and patriarchal ideology has shaped women's identities and conditions (Stomquist, 1998: 26), thus making women assume inferior positions in their countries and societies.

Different institutions within a particular society also impose patriarchal ideologies about the roles, as well as the place, of women. For instance, scientists have been influential in fueling patriarchal beliefs, providing support that indeed the appropriate natural domain for women is the private sphere, and the role of motherhood is natural (Stormer 200: 109). This is because "Patriarchal ideas blur the distinction between sex and gender and assume that all socio-economic and political distinctions between men and women are rooted in biology or anatomy" (Heywood, 2003: 248). What seems to be coming out is that the patriarchal system has consciously relegated women into the private sphere of home because of women's biological makeup.

### **5.5 Patriarchal Barriers against Participation of Women in BEE**

So far in this chapter we have noted that patriarchy is a man-made social system whereby the practice of domination of women by men is apparent. We have noted that patriarchy rests on a set of guiding principles known as patriarchal ideologies and that these ideologies are dependent on arrange of factors such as religion, culture, politics, colonialism and racism. These guiding principles form the basis on which patriarchy is founded. This section discusses how patriarchal

ideologies through the institutions and practices in South Africa have given men privileges over women, thereby contributing in the formation of barriers which are responsible for women's under-representation in BEE.

### **5.5.1 The Family Socialization**

In South African society, the first lesson of patriarchy is learnt within the family, where the head of the family is a man. Kate Millet agrees that the family is the main foundation of patriarchy and from this base it influences all areas of society: in the military, in industry, technology, universities, science, political offices, finance and in the police (1977: 25). It even overrides class and race divisions. In terms of economic dependency, it means that women's class identity is a less important, vicarious and temporary matter, while sexism may be more prevalent in our society than racism (1977: 38). To her, sexism is more serious than racism because it touches all aspects of societal life and is universal.

Being the head of the household and family, the man controls the entire private as well as the public activities of the household. For instance, he controls woman's labour, production and reproductive activities, their sexuality as well as their mobility. Males in the families are viewed with high esteem as people in the 'public', and women however in the 'private'. For this reason, a male newborn child is preferred to a female newborn child. The male's privilege begins during his mother's pregnancy when his extended family expresses the age-old preference for a boy (especially if the baby is to be the first). In some parts of Africa, if a man does not father a son his virility is questioned. When a woman gives birth to a boy, she loses her name and identity and is called by the name of her son. When the husband dies, the son, automatically becomes the head of the household regardless of his age and even if he has an elder sister (Bannerman, 2007: 49). This suggests that the son becomes the inheritor and the mother cannot make any decision without consulting the son for his input. Daughters learn at a young age to cope with this form of social construct, which they cannot question. This unhealthy arrangement creates an environment where girls often harbour resentment, experience psychological problems, and endure severe stress as a result of the traditional arrangement, whereas boys develop an attitude of superiority in the family (Bannerman, 2007:49).. Fathers and husbands dominate and treat the women as subordinates in all matters of family life. This explains why most women lack confidence even to

take hold of opportunities open to them through BEE. They have been oppressed by their fathers and husbands for a long time and they have internalized and accepted this pattern of life as the acceptable norm.

Despite the growing number of women-headed households in South Africa (approximately 57 percent of all households) in some areas the idea of male domination in the families has not changed (Truida Prekel, 1994: 15). Women are expected to be subordinate in marriage to a male head of household, as well as male figures in the community, church and even at the workplace. For this reason, females in most South African families, in spite of their ages or qualifications, see themselves as subordinates, incompetent and incapable of holding positions of authority in the society. Prekel points out that:

Black women's traditional status as subordinate to men, regardless of age, education, or marital status, was aggravated by the way black tradition was interpreted in South African law, and may affect their self-esteem and the ability to take independent decisions, or to own and run a business (1994: 15).

The effect of this deeply rooted traditional practice is seen as the background to women's lack of confidence. This lack of confidence has become a barrier to women participating in BEE. Men in BEE see women's low self-esteem as an opportunity to treat them unfairly. For instance, from an interview conducted with female executives, Desray Clark says that "Women executives are not listened to, their opinions are not respected, they have to fight to be heard and they have to deal with intimidation and demeaning sexual innuendo" (2008: 74). Men see themselves as born leaders and as such are not willing to allow women in senior positions to exercise their authority over them. They view positions of authority as natural positions designated to them and question that women dare to compete with them. This creates an unhealthy environment where women find it difficult to work.

From the discussion above, it is clear that the subordination of women is a structural problem, with the family as the basic structure for the institution of this form of discrimination. From the family, the same discrimination extends to practices and institutions in the society at large. In other words people do not leave their patriarchal family beliefs at the door when they enter a boardroom, hence male executives even expecting their female counterparts to pour the tea in professional meetings.

### **5.5.2 Women's Reproductive Role**

Patriarchal ideology has forced black South African women into various responsibilities related to the home. This gender role begins in childhood where girls are expected to be in the home to perform domestic duties such as cooking, child care, cleaning, fetching of water and contributing to home maintenance and repairs (Nkabinde, 1997: 138). It is important to note that in all class and race groups in South Africa, these types of duties fall mostly on women's shoulders. It is traditionally accepted that because women have the biological function to reproduce they should also have the "natural" responsibility to care for others. Working at home means that most women work long hours in and around the house, gets less sleep than men, and have little time for leisure. Although housework is necessary, it is not valued; it is not seen as real work and is not paid for (Liesl Orr, J. Heintz and F. Tregenna, 2002: 14). Liesl et al call these chores around the home 'reproductive labour'. They continue to say that, "Reproductive labour tends to be unpaid, invisible and unrewarded" (2002: 9). This means that as a result of patriarchal ideas, women's socially constructed job description as listed above is a constant reminder that their primary role should be that of a mother and a wife. This work is supposed to be unpaid and the services given do not earn any profit, in fact, there is no financial compensation to this kind of work. The immediate beneficiaries of reproductive labour are members of the family.

Reproductive labour tends to have a negative effect on women's activities particularly those in BEE. With this knowledge in mind, most men intimidate and harass women saying that, "Women have babies and breast-feed; therefore they should not be assigned to positions of responsibility and should stay home to look after the children" (Carmel 2002: 8). They see women at the workplaces and in positions of authority as breaking the natural order. This is seen in the nature and culture in most organisations. The nature of most large corporations is hierarchical and highly structured. These structures are also bound together by complicated processes and procedures making it difficult for women to climb high (Clarke, 2008: 74). It must be noted that because women's jobs are unpaid, traditionally women are supposed to depend on their male counterparts for their livelihood. As a result they have been stripped of their rights in the traditional society; consequently they are not able to discuss issues pertaining to their family life, or even contest unjust treatment. Rather in most cases their lives are planned for them by

their male counterparts. The effect of this is seen in the BEE programme where women are stereotyped regarding their capacity to take authority in men's territory.

Karen Alsine echoed Felice Schwartz stating that women in business face attitudinal hurdles which consist largely of unconscious stereotypes and preconceptions (2007: 54). Stereotypes about women's capacity to be leaders often form a basis for discrimination, yet it is evident that sex differences in managerial authority or businesses are mostly "compounded by men's greater access to authority" (Reskin and Ross, 1992: 350). Most men hold negative stereotypes concerning women in managerial positions. Ronel Erwee recounts the responses of an interview conducted by Human and Allie with some white English-speaking male managers. In the interview, about a third of the respondents mentioned that "women are less objective, less aggressive, and less capable of contributing to organisational goals, less ambitious, less self confident and less capable of learning mathematical and mechanical skills than their male counterparts (1994: 44). Historically, the traits and behaviour associated with leadership have had a heavy overlay of masculinity resulting in these stereotyped ideas that most men hold against women's capabilities. Women tend to internalize these negative discriminatory attitudes and utterances which in turn creates low self-esteem. As has been noted, "the stigmatized internalize their own stigmatization by conforming" (Moodley 1986: 4). Thus, in dealing with these negative stereotypes women are likely to be conservative, resulting in underperformance which proves that men are right in labelling them. We see this phenomenon in BEE, contributing to women's low participation. Even though most men argue that women lack the ability to use power effectively, Reskin, and Ross believe that quality is important to job success, therefore one must first occupy a position which has a legitimate source of power before effective use becomes an issue (1992:350). In BEE it is evident that these positions are less likely to be occupied by women.

The fact that patriarchal ideologies have relegated women's work to the home and the family, suggests that there are insufficient senior female managers to act as mentors. Not many women are found in the business world; hence another barrier that is created is the lack of mentors and social networks for women who are in BEE.

Dawn-Marie Driscoll describes mentoring as

An informal process in which senior executives identify employees with potential to assume leadership roles in the future. Such fast track candidates are groomed by the executives and receive increased personal attention and visibility from their involvement with senior management. An integral part of the growing process is outside the business environment. Example it is often conducted on the golf course, over drinks and dinners, or at the gym (1990: 71).

Undoubtedly these relationships are vital in building business and providing an opportunity for junior members to grow personally. However, in the case of women in BEE, one's marital status also seems to play a role in their upward mobility. Married women are less likely to be part of these processes, because mentorship tends to draw people away from personal and family involvement. It is also considered a taboo for married business women to be seen with male senior executives after hours outside the home environment, networking or being mentored. A common experience of many women in BEE is the conflict between work and family roles. Kelly and Marin reiterate the observations of Lewis and Cooper (1988) who agree that a large percentage of women experience conflict regarding their ability to play the role of wife, mother and worker simultaneously (1998: 53). In South Africa most of them are often forced to choose between upward mobility in their career and family stability in their home, or even having a family at all.

### **5.5.3 Women's Productive Work**

Not only has patriarchal ideology pushed women into reproductive work, but it has affected the few women who enter into formal employment too. Carmel has observed that:

Women tend to be employed in sectors such as health, welfare and education in positions such as nurses and secretaries, whereas men tend to occupy more technical and managerial positions. Most teachers and nurses are women; most principals and doctors are men. Most skilled workers and artisans are men; most cleaners and domestic workers are women. Most paid farm workers are men, while the women who grow crops for their families to eat are unpaid (2002: 23).

From this quote it can be observed that in South Africa the occupations of women are based mainly around caring labour, whereas men occupy the engineering, technological, managerial and top positions in the economy. Over the centuries women have been allowed on the fringes of

the public arena in order to sell produce at a neighbourhood market, to work as servants, or to labour in factories where they have been super-exploited or, additionally, in more recent times, to be teachers, nurses, secretaries or social workers under the careful supervision of men.

The learning of gender roles begins immediately after birth where infant girls are held gently and treated more tenderly than boys. We also see that parents play with boys more roughly than girls who are presumed to be more delicate. By the time children reach school-going age, they have learnt to think that fire fighters and pilots are men and nurses, secretaries, hairdressers and housewives are girls (Coon and Mitterer, 2007: 368). Peter Sanders has also observed that in terms of job opportunities, women have been affected by patriarchal ideas to the extent that most women who find themselves jobs often receive less pay than men for doing comparatively the same job (1990: 13). Low salaries affect women in various ways: they struggle to make ends meet, most of them cannot afford day-care, domestic help or domestic devices which would help them to manage their heavy work and home load. In the same way, most of them cannot afford the cost of further education, which could help them to improve their occupational prospects. To make matters worse, once a woman earns a reasonable salary, there are usually huge demands on her from the extended family, many of whom may be unemployed (Erwee, 1994: 42). It must be noted the child-care help that was usually available from the extended family in the past is now seldom there, for geographic and health reasons, or because grandmothers and aunts are also employed. In recent times, “women have increased their number of participation in paid employment consistently in the past 30 years, but men have not increased their participation in housework to the same extent (Evertsson and Nermon, 2004: 1285). Yet most organisational views on careers are based on the assumption that the individual would be able to devote him or herself to the job free of other constraints. Therefore, in terms of recruitment and promotion too, women face discrimination (Sanders, 1990: 13). Most organisations prefer to employ men rather than women and in some instances women have to work really hard to be accepted by their male superiors. Others have been used as ‘window dressing’ in BEE for organisations to become BEE compliant.

#### **5.5.4 Women’s Lack of Proper Education**

In terms of education, just like any other African country, we see that as a result of patriarchal ideologies in the South African society, most girls - particularly black girls - received little or no education. Carmel says that:

Patriarchy, deeply imbedded in the customs and cultures of the many peoples of South Africa, together with the racial discrimination practised under apartheid, effectively barred black women from accessing education. As a result, it prevented them from taking up government management positions (2002: 14).

This lack of proper education has affected black women greatly as they face modern society. It is not surprising that most of them have not benefited from the recent opportunity given through BEE. The reason for this is that unlike their male counterparts, most of them do not have the necessary qualifications and skills to compete in the economic market.

With little or no education, later training is closed to them and their participation in economic opportunities is therefore limited in the formal sector (Cleves, 1993: 80). This explains why even though women make up more than half of the entire South African population (as indicated in chapter four of this thesis) only a few are employed in the formal sector. In an interview conducted by David Hugh Bannerman, he discovered that in South Africa, particularly in the traditional black culture, “Young girls are not educated because there is no value in education. They are rather seen as property to be purchased by Lobola and then become the property of someone else” (2007: 49). For those who are privileged enough to attend school, most of them choose to learn what they considered good for a wife or mother and that is responsible for the gender division at all levels (Nkabinde, 1997: 137). Women have been conditioned by patriarchy in such a way that they prefer to choose subjects that will help them become good housewives rather than fields such as Law, Science, Engineering, Technology and Economics which are considered male domains. Most girls were not encouraged to choose such career paths. This explains why even now women are poorly represented in these fields. Wendy Faulkner claims that, “both technology and hegemonic masculinity are historically associated with industrial capitalism; they are linked culturally by themes of control and domination” (2000: 90). Women are not fully represented in the fields of science and engineering because these fields are associated with a masculine image. Further, women are seen as technologically inefficient. The result is that society is losing out on the talents of a vast number of potential contributors.

It must be noted that among black families, preference for formal education has always favoured boys, particularly when money for school is in short supply. In some cases, older girls have been forced to leave school and help with child care whenever there is a newborn baby in the family

(Nkabinde, 1997: 138). Again, in this era of HIV and AIDS most girls are robbed of their chances of continuing their education, in order to care for dying mothers, grandparents and other extended family members. These unfair practices have affected South African women, particularly black women, negatively and this accounts for their under representation in most professions and the corporate world.

#### **5.5.5 Women's Lack of Decision Making Power**

South African women have also been affected in decision-making by patriarchal ideologies. They have not been allowed to be part of decision-making processes, be it in their families or in their society. This is because they are seen as inferior. Women in South Africa constitute more than half of the population but are often not visible in decision-making processes about service delivery and resource allocation (Carmel, 2002: 9). They are seen as unimportant participants when it comes to decision-making in sections where major economic policies are concerned. Being a patriarchal society, the entire society is run by men with men occupying the powerful economic positions with all the major decision-making powers. In terms of women's participation in the BEE programme, because women are mostly not included in decision-making, men in BEE who were responsible for the initial formulating of the document did not see the need to include them.

#### **5.5.6 State Laws and Inheritance**

Another area where patriarchal ideology has affected South African women is in the area of customary laws. These laws affected women's lives in a number of ways. Carmel has observed that:

Previously, under Section 11.3 of the Black Administration Act (Number 38 of 1927) which governed all black citizens in South Africa, women in customary marriages were considered to be minors in the eyes of the law. Customary law places restrictions on the ability of women to own property, access credit, enter into contracts, and bring legal actions (Carmel, 2002:15).

Most of the customary laws were not in favour of women, particularly black women. From the above quotation we see that these customary laws treated women as children. The laws prevented women from owning property and caused them to depend on their male counterparts

for their livelihood. In fact women had to seek permission before attempting to embark on any undertaking. Inheritance in rural South Africa is along patriarchal lines. Traditionally, a married woman could not be allocated land in her own right; she could only access it through a male figure - her father, her husband, her brother or her son. A survey conducted in the Eastern Cape found that communities considered the allocation of land rights to married women impossible (Turner & Ibsen, 2000: 28). In most places, particularly KwaZulu-Natal and the Eastern Cape, widows are deprived of their property after the death of a spouse. This is the case regardless of the promulgation of the Promotion of Equality and Prevention of Unfair Discrimination Act that states in section eight that “all forms of gender discrimination”, including “the system of preventing women from inheriting family property” are prohibited (Thorp, 1997: 40). It is with this background that financial institutions refuse to give women in BEE financial assistance unless they have a male guarantor.

Babita Mathur-Helm says that:

South African women, irrespective of their racial identity, have always stood in the secondary echelon of society. Past policies and laws deliberately favored men, particularly white men. The socio-cultural stipulates of all groups’ defined women to be inferior to men and as such assigned to them the position of minors in both the public and private spheres of life (National Gender Policy Framework, 2003). This created inequality of power between women and men, and inevitably led to the unequal sharing of resources such as information, time, and income (2005: 1).

As a result of this unequal sharing of resources, women in BEE do not get tenders as their men counterparts do. Clearly South African women have had their fair share of inequality stemming from patriarchy. From the above discussion, it is evident that patriarchy has affected South African women in BEE. So far it is clear that patriarchal ideologies permeate all levels of the South African society. This is manifest in the form of unequal gender relations which are organized within the structural framework of institutions and practices such as family, religion, education, decision-making and the state. Each of these institutions has contributed to upholding supremacy of men and the subordination of women. It must be noted that these institutions tend to demean and exclude the knowledge and skills of women but encourage a culture of dominance in men.

## **5.6 Conclusion**

This chapter has argued that patriarchy has inhibited women from participating in BEE. It explained patriarchy as a social system that upholds men's domination and women's subordination was fuelled by colonialism and apartheid. Women in patriarchal societies are therefore seen as inferior to men in all areas of life. The chapter further made it clear that patriarchy is based on the principle that women are inferior and their role in society and the work they do both in the workplace and the home is not valued. This belief is encouraged by the laws of the country, by traditions, by religion, by schooling and by the way we live. It was also clear that from birth men are given more opportunities than women. They are raised to show the characteristics of aggressiveness. This idea of the 'private' woman has prevented them from securing proper education, productive work, and access to property, credit, or being part of decision-making processes as well as participating meaningfully in BEE. The next chapter uses the CA, feminist ethics framework and the ethics of ubuntu to suggest ways of encouraging women's participation in BEE.

## CHAPTER SIX: TOWARDS A GENDERED ANALYSIS OF BEE

### 6.0 Introduction

The previous chapter discussed patriarchy as a social construct that has characterised South African society. It explained that colonialism, apartheid and the various religions in Africa are the major factors that have contributed to the present state of affairs. Even though the traditional African culture enforced patriarchy, it was in a more benign way because the traditional African communities embraced the ethic of *ubuntu* as a way of life. Western patriarchy fuelled the existing patriarchy creating major barriers for women's participation in BEE in post Apartheid South Africa. Yet as noted in chapter four, women's contributions are needed in the growing South African economy. Since BEE is about justice, there is the need for the ANC government to realize this significant weakness and to come up with a strategy that will promote women's effective participation in the programme.

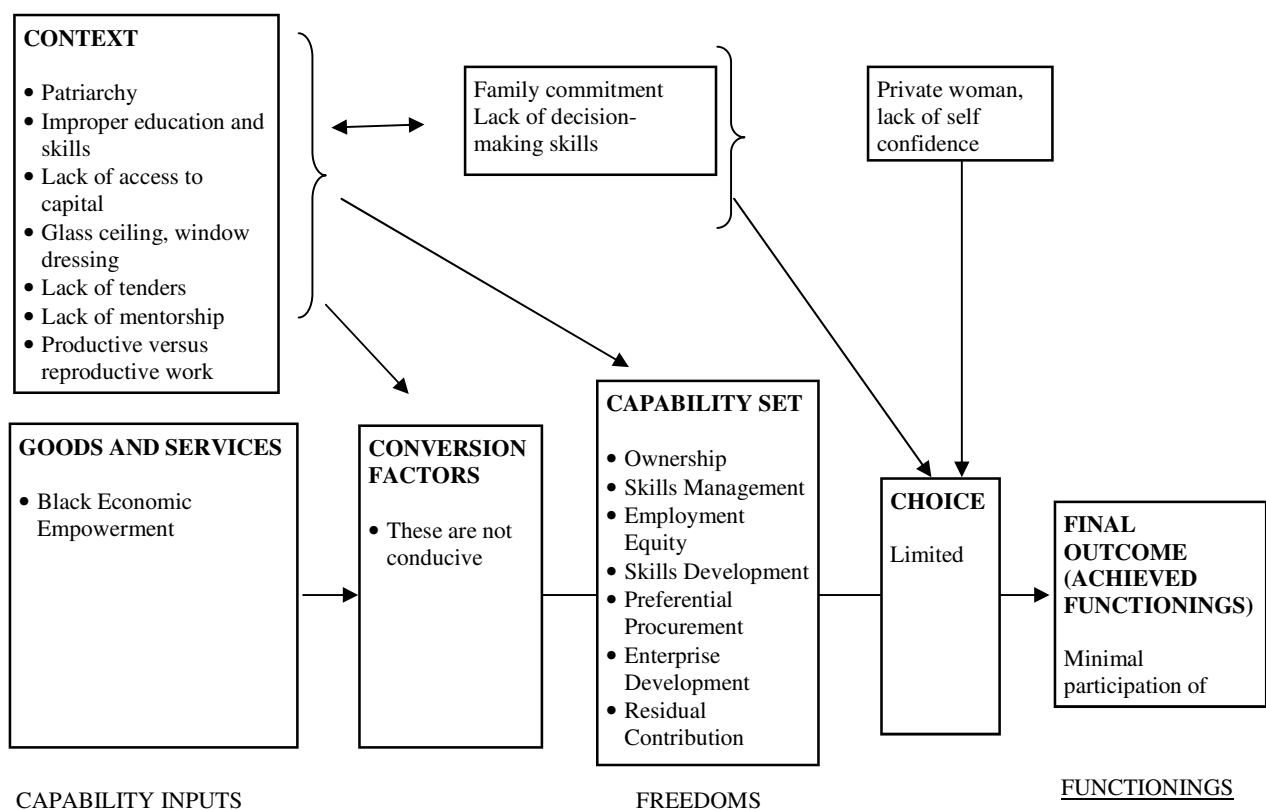
This chapter seeks to analyse the status of women in BEE using the insights provided by the CA approach and a feminist ethical framework described in chapter two of this thesis. Such an analysis will not only aid in highlighting the challenges that women in BEE face but will also be able to point toward strategies of addressing these challenges. Hence the chapter is divided into three parts. The first part relies on the insights provided by the CA approach. The second uses the tools of a feminist ethics approach, and the third part engages with the ethics of *ubuntu* to promote gender justice and equity within the BEE policy, thus enhancing women's effective participation in BEE.

### 6.1 The CA and Black Women in BEE

Figure 7 below explains the situation of black women in BEE using the CA framework of analysis. A closer look at the representation in the BEE programme shows that although the programme was instituted to benefit all black people, black women were inhibited from participating effectively. This section places black women participating in BEE in the CA framework. The first element concerns the capability input in relation to BEE. As already discussed, there are a number of unfreedoms in the form of unfavourable conversional factors that have impeded the effective participation of women. These include social and environmental

factors, among others. In terms of the social context, it is evident that patriarchy has characterized the society so much that women are treated as second class citizens. The majority of them lack the necessary education and skills that are needed to participate in the economy. They lack access to finances and tenders to enable them to participate in BEE. The few that are privileged to participate in the economy face many challenges. They cannot move up the economic ladder, they lack mentorship and networks, and they lack access to tenders. They also face the challenge of combining their productive and reproductive work as a result of their responsibilities in the private sphere as wives, mothers and homemakers. Most companies use them as window-dressing so that they can benefit from the government finances for being BEE compliant. The diagram below describes women in BEE and the CA.

**Figure 7: CA, Black Women in Current BEE.**



Source: Own analysis based on the CA framework as schematized by Robeyn 2005.

The basic idea of the CA as noted above is to point to “what people are actually able to do and to be” established on the idea of “a life that is worthy of the dignity of human beings” (Sen, 1999:

3, Nussbaum, 2000: 5). This then signifies that if the intention of BEE is to increase the participation of women the economic life of the country, then there is the need to focus on their capabilities and not what the society or culture prescribes as a result of their gender. The CA acknowledges that each individual has innate capabilities and it is only through enabling conditions and available opportunities that the individual will flourish. We have noted in using the CA to describe BEE that although women may have innate capabilities, their external (conversion) factors are not conducive for them to flourish.

Sen emphasizes that the concept of capabilities represents the potentials or opportunities of a person to achieve his or her valued functionings. In this sense capabilities are varieties of freedom for a person to live a life that he or she can value. Thus Sen stresses the importance of the process of expanding the capabilities of a person as necessary for development, and considers the analysis of the actual outcomes (functionings) of this process as secondary (1999: xii). The inference one can make from this quotation is that the viewpoint of the CA coincides with the concerns of black women in BEE. They have argued that they are frequently deprived of opportunities to participate in the economy. There are too many barriers which impede their ability to take up opportunities and to realize their roles in the economy. Similar to Sen's emphasis on human capabilities, black women highlight their need for more equal economic options and opportunities, so that they are similar to those of their male counterparts. At the same time they are aware that they need first to strengthen their capabilities.

## **6.2 Analysis of the Status of Women in BEE using a Feminist Ethics Framework**

From chapter two, the study has shown that the nine analytical factors of the feminist ethics framework developed by Carol Robb can be used in developing a gendered analysis of BEE. The following sections will engage such a gendered analysis using Robb's nine analytical factors.

### **6.2.1 Women's Experience**

The first factor which Robb asserts as important for the task of a feminist ethical analysis is the factor of women's experiences. Chapter four of this thesis presented the statistics of black women's participation in BEE, and highlighted the various challenges the women faced. The following were some of the findings: lack of access to financial capital; lack of the necessary

education and skills needed to participate in the economy; the 'glass ceiling' in organisations prevents women from climbing the corporate ladder; women are not able to balance the demands at home and that of formal employment; they lack role models and networking groups; women were not part of the formulation of the original document; they have to compete with men for tenders and big tenders are mostly given to men. These challenges were seen as inhibiting black women from effectively participating in BEE. By focusing on women's actual experiences as opposed to a policy that looks very good on paper, we are able to deduce the extent to which the policy, despite all its good intentions, is unable to provide the necessary support for women to succeed in BEE.

### **6.2.2 Data about the Historical Situation**

Robb asserts that collecting data about a historical situation helps place challenges and oppression in context. In chapter three, the study provided data on the historical situation of black women in South Africa. It was clear that apartheid laws and regulations instituted by the apartheid government prevented black people, particularly women, from participating in the economic mainstream of South Africa. The chapter also highlighted the challenges that black women faced as a result of the migrant labour system, which resulted in extreme poverty and disintegration of African families. The effect of the migrant labour system is still felt by black African families to this day. The 'African reserves' where blacks lived were poor and unproductive, which pushed most women into the urban centres in search for jobs. Yet "town life itself offered a scant security to most women migrants" (McCarthy, 1990: 190), therefore most of them resorted to domestic and factory work with minimal wages. Some brewed beer while others were involved in marriage for convenience. "[M]ost women were excluded from formal sector of employment by rigid sexual and racialization of labour" (Jochelson, 1999: 224). The value of surveying the historical background to the challenges which women face helps to place the challenges within a context – rather than presuming that the challenges are arbitrary or unique to particular individuals. It serves to demonstrate that oppression is not an individual matter but is systemic and therefore requires an appropriate response. This background information will guide us as we seek to recommend ways of empowering and developing women's capabilities in BEE.

### **6.2.3 Reflecting on the Roots of Oppression**

While situating oppression within a context is important, it is equally important to reflect on the roots of oppression, which is why Robb puts this down as a third factor. From the reflections of the stories of women's experiences in BEE, and the data about the historical situation of women's exclusion in South Africa, we were able to trace the roots of women's oppression to racial discrimination. In addition to the racial oppression however, in chapter five it became clear that patriarchy was another root of women's oppression or a factor that inhibited them from participating in BEE.<sup>9</sup> It became clear that patriarchy has characterized every aspect of the South African society. It is a deep-rooted ideology that is embedded in the culture, and manifests itself in the families, religions, and the various institutions and practices in the society. The discussion on patriarchy in chapter five therefore provides a challenge to identify strategies that are able to tackle the issue of patriarchal oppression of women in BEE.

### **6.2.4 Loyalties**

The fourth factor highlighted by Robb is the issue of loyalties. Here it is clear that while BEE policy has made a preferential option for race, it has not done the same for gender. In making ethical judgments on the gendered nature of BEE, it is clear that our loyalty must be towards women. This is because, as it emerged from chapter three, BEE was instituted to redress the economic inequalities in South Africa. Yet reflection on the statistics that enumerate the beneficiaries of BEE in chapter four informed us that men are benefiting more than their female counterparts. Again it was evident that the initial document was created by men and that explains why issues of women were neglected. The document was created by men and for men. Therefore our loyalty in terms of the concerns of this thesis is towards women and how the BEE policy can benefit women.

### **6.2.5 Theory of Values**

As noted in chapter two, the ANC government through BEE prioritized racial equalities, but in doing feminist ethical reflection of the programme, there is the need to prioritize gender

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<sup>9</sup> This is in line with African feminists and Third World feminists in general who have argued that African women suffer the triple oppressions of race, class and gender.

equalities. It is important that our reflections focus on the value of gender equality in BEE, as the entire nation cannot be built on a few male citizens; women are capable of participating meaningfully in the economic mainstream.

#### **6.2.6 Mode of Making Ethical Decisions**

Applying this factor in the foregoing argument of this thesis, BEE was assessed in terms of its outcome on all the targeted groups in South Africa. It did not consider the procedure to include black women who have been triply oppressed by the society. This is the focus of this study, for it is only through this kind of assessment that ethical decisions can be made as to how to make sure that women are able to benefit from BEE in the same way as their male counterparts.

#### **6.2.7 Source for Justification of Ethical Claims**

Robb emphasizes that our source for justifying our ethical claim must be from lived experiences. Therefore in terms of this study, our source for justifying our ethical claim that females should benefit as much as their male counterparts depended on the experiences of African women who are participating in economic development, as well as women participating in BEE and their daily inhibiting experiences. Statistics on gender in various organisations in the country were reflected on (See Appendix) and all showed that women are the least represented.

#### **6.2.8 Presupposition of Ethical Action**

From the discussion of women participating in BEE, it became clear that there are a number of factors that are inhibiting black women's autonomy in BEE. Therefore in order for black women to participate meaningfully in BEE, there is the need for actions that will be able to limit their subordination and enhance their freedom. For instance by providing the necessary education and adequate skills to women, granting women access to financial capital, and dealing severely with gender stereotypes in the workplace, women will be able to fully participate in the economy

#### **6.2.9 Motivation**

As noted in chapter one of the thesis, the motivation that has guided this thesis is the ethical challenges that women are facing in BEE. This motivation came about because BEE - the policy

that is supposed to benefit all previously disempowered black South Africans - is seen as benefiting only a few black men who are closely related to the ANC government. Black women who are also part of the previously disempowered population have been inhibited from effectively participating in BEE.

Robb's feminist ethics framework has been helpful in evaluating the extent of the challenges that women face with the BEE policy. However, Robb's framework lacks a contextual dimension and I would argue that any theoretical framework that seeks to assist in evaluating a challenge in Africa must of necessity be able to work within African cultural paradigms. It is for this reason that the next section seeks to build on a feminist ethical framework using the cultural belief system of *ubuntu*.

### **6.3 Towards an African Feminist Ethic based on the Ethic of *Ubuntu***

In this chapter, the thesis has analyzed BEE and the CA. It also analyzed BEE, from a feminist ethics perspective. The two theories have confirmed the factors that have inhibited women's effective participation (unfreedoms) in BEE as follows: the glass ceiling, lack of proper education and skills, family commitments and work load, gender stereotyping and a view of women's characteristics as inferior. It has argued that unless these conversion factors have been removed, black women's participation will continue to be minimal. In chapter two, the thesis argues that any effective economic development policy must take into consideration the collective nature of the African society and must be able to empower all and not a few. Therefore in this section, I would like to propose that the virtue of *ubuntu* can be used to promote women's inclusion in BEE. The section is divided in two; the first part discusses why *ubuntu* should be applied in BEE to bring about the change that serves to promote the inclusion of black South African women. The second section examines the virtues of *ubuntu* that can promote women's participation in BEE.

#### **6.3.1 The Need for *ubuntu* in BEE**

A growing number of African scholars have argued that there is the need to incorporate African values into African business practices as governments seek to grow the economy in post colonial

Africa. They have argued that unless such transformation takes place, economic growth in Africa will continue to be a challenge. For instance Kwame Gyekye insists that:

There are many cultural values and practices of traditional Africa (that) can be considered positive features of the culture and can be accommodated in the scheme of African modernity, even if they must undergo some refinement and pruning to become fully harmonious with the spirit of modern culture and to function...satisfactorily within that culture (1996: 174).

The inference here is that African values contain unique characteristics that can serve as resources in postcolonial Africa's development. Murove has observed that "contemporary African discourses are moving beyond protestant work ethic to seek indigenous values that might allow the spirit of a new culturally relevant form of capitalism to flower Africa" (2009: 235). From the discussion of *ubuntu* in chapter two, it has become clear that one such value that can bring real economic transformation is *ubuntu* philosophy. This is because as Delani Mthembu has asserted "*ubuntu* philosophy is at the root of all African values" (1996: 219). Therefore one can say that if it is at the root of all African values then "*ubuntu* can be harnessed in the nation-building process in the workplace" (Boon, 1996: 48). *Ubuntu* has important qualities needed in African business practices today. For instance Mthembu has argued that without the integration of *ubuntu* "no authentic transformation towards a new South Africa can take place" (Mthembu, 1996: 211). I do agree with Mthembu that incorporating *ubuntu* virtues in post-apartheid South African business practices can make a great difference in the country. Boon has observed that this virtue is lacking among the practices of African capitalist today. He insists that the route these African capitalists have taken makes them "self-serving and care nothing for the community other than what it can deliver to them personally..." (1996: 48). The concern here is that these capitalists have lost their sense of *ubuntu* and have taken on individualist approaches and practices that are in opposition to virtues and practices in the African culture. On this, Mbigi and Maree say that: "It is our belief that unless the development structures, strategies and processes can harness these *ubuntu* values into a dynamic transformative force for reconstruction and development, failure will be almost certain" (1995: 2). Our discussion on *ubuntu* so far has shown that this cultural virtue prescribes certain attitudes and virtues such as patience, hospitality loyalty, respect conviviality, sociability, vitality health, endurance, sympathy and munificence (Prinsloo, 1998: 43). These virtues cannot be shelved away but are needed in business practices today. As has been noted, *ubuntu* has influenced all areas of the African community life. It has influenced our religious practices, work, families and home and other spheres of life. Therefore

Mbigi says that the traditional African concept *ubuntu* ("I am because we are. I can only be a person through others") is useful for African corporate and organizational executives, managers and others pursuing organizational or national transformation" (1997: 37).

Implementing the virtue of *ubuntu* in economic development policies and practices would mean a defeat of the sexism that is seen in operation in the economy that enhances black women's exclusion from the BEE programme. Ali Mazrui draws our attention to the three types of sexism as "benevolent", "benign" and "malignant" (2009: 41). Benevolent sexism, according to him "is a form of gender discrimination that favours the disadvantaged gender (2009: 41). Secondly, benign sexism is a form of sexism, which concerns differentiation rather than discrimination" (2009: 41). It is this type of sexism that assigns some traditional roles to women such as the idea that the women should restrict their activities to the kitchen or that she should only take care of kids rather than undertaking huge economic enterprises and so on. He further explains malignant sexism as "a variety of gender discrimination that results in sexual exploitation, economic marginalisation, cultural subordination and political disempowerment" (2009: 41). From our discussion so far, the type of sexism that is closely related to the exclusion of women in BEE is malignant sexism. This type of sexism does not foster a spirit of common belonging; neither does it foster solidarity in existence nor a caring community as enshrined in the ethic of *Ubuntu*. It denigrates women's dignity by viciously excluding them from a programme that is supposedly aimed at empowering all those who were previously economically disempowered or marginalized. Therefore the expression of the virtues of *ubuntu* in BEE provide clues as we seek to find strategies that will enhance black women's inclusion in BEE. In the next section, I discuss how *ubuntu* could be applied to the factors that are inhibiting the participation of women in BEE, in order to bring about effective transformation in BEE. My main aim is not to prescribe a set of principles of incorporating *ubuntu* in BEE but to highlight the virtues inherent *ubuntu* that we can embrace to enhance women's effective participation in BEE.

### **6.3.2 Virtues in *Ubuntu* to Enhance Women's Participation in BEE**

#### **6.3.2.1 Common Belonging**

As stated above, the centrality of *ubuntu* as expressed in *Umntu ngumuntu ngabantu* (a person is a person through other persons), is entrenched in a community, making communalism an

important virtue of *ubuntu*. In describing this virtue in the ethic of *ubuntu*, Reuel Khoza says “ubuntu reminds people in the household that they are all part of the greater human family and that all depend on each other” (2005: xxvi). Being neighbourly suggests that the individual belongs. He or she is part and parcel of the bigger community. Munyaka and Motlhabi says that within *ubuntu* “everyone belongs and there is no one who does not belong” (2005: 222). Picking up on the idea of belonging, Mkhize says that everyone includes visitors, dispossessed, orphans and strangers (1998: 68). *Ubuntu* therefore is not an individualistic view of life but has a strong foundation in collectivism. Thus it seeks the welfare of the African community as noted from the definitions provided in chapter two. It is with this background that Reuel Khoza explains that:

*Ubuntu* as an orientation to life is opposed to individualism and insensitive competitiveness. Neither is it comfortable with collectivity where collectivism stresses the importance of the social unit to the point of depersonalizing the individual. At the same time it places great importance on working for the common good, as captured by the expression: “Nmuntu Ngumuntu Ngabantu”(literarily translated as : A person is a person through other human being); - I am because you are, you are because we are (1994: 122-123).

It must be noted that the principle of communitarianism or common belonging mentioned above by Khoza, is seen as one of the most important values on which most traditional African communities stand; “a person is a person through other people”. Benson Okyere-Manu asserts that the Ghanaian version of this saying “‘Onipa nua ne Onipa’ literarily translated is ‘the best companion to a human being is another human being’” (2010: 105). This suggests that “*ubuntu* is virtue which brings to the fore images of togetherness, supportiveness, corporation and solidarity; ie communalism” (Khoza, 1994:122). John Mbiti, explaining the idea of communality in *ubuntu* says that:

Only in terms of other people does the individual become conscious of his [sic] own being, his own duties, his privileges and responsibilities towards himself and towards other people. When he suffers, he does not suffer alone but with his corporate group: when he rejoices, he rejoices not alone but with his kinsmen, his neighbours and his relatives whether dead or living. When he gets married, he is not alone, neither does the wife ‘belong’ to him alone, so also the children belong to the corporate body of kinsmen, even if they bear only their fathers name. What happens to the individual happens to the whole group, and whatever happens to the whole group happens to

the individual. The individual can only say “I am because we are; and since we are, therefore I am” (1970:141).

Thus, “I am because you are” suggests that individuals cannot exist alone, but depend on a social network of community where, when misfortune occurs, it affects everyone in the community. Murove adds that in *ubuntu*, the “individual does not only exist in terms of fulfilling his or her own present needs” (2005: 148). *Ubuntu* does not encourage selfishness but it is encouraged by the communal nature of the African way of life. It means to be concerned about others, their needs and their wellbeing. On this, Symphorien Ntibagirirwa has observed that *ubuntu* provides the individual with “normative principles for responsible decision-making and action, for oneself and for the good of the whole community” (1999: 104). The individual’s actions and decisions affect the whole community because they belong together. In explaining the nature of communalism in *ubuntu*, Kamwangamalu says “it insists that the good of all determines the good of each other, or put differently, the welfare of each other is dependent on the welfare of all” (1999:3). This then suggests that *ubuntu* is seen as a lifestyle that is expected from the individuals in the African communities. Manda alluded to this by saying that “The goal of *ubuntu* is to participate in the promotion of happiness and well-being within the community, where selfishness and selfish tendencies are admonished and generally absent, but caring and sharing attitudes are present and morally praiseworthy” (2007: 36). The virtue of common belonging calls for urgent attention in BEE as currently black women participating in the programme do not feel or experience a sense of common belonging, happiness and fulfillment in the programme as *ubuntu* proposes. The ethic of *ubuntu* in BEE will promote a spirit of belongingness where each citizen, no matter their gender, will be accepted and happy to effectively participate in BEE.

#### **6.3.2.2 Solidarity Existence**

Lovemore Mbigi and Jenny Maree refer to *ubuntu* as “the Solidarity principle” (1995: 58). This is because they believe that among black South African communities, the ideal of *ubuntu* originated as a result of the negative effects of the apartheid system. It became evident through their “solidarity, loyalty, supportiveness, co-operation and being there for one another” (Mbigi and Maree 1999: 16). *Ubuntu* therefore became the driving force that held black South Africans together during apartheid; it became the way of life in their community. Munyaka and Motlhabi

have pointed out that people are expected to be in solidarity especially during the hour of need” (2005: 223). It is with this background that the study suggests that the introduction of the virtue of *ubuntu* as solidarity existence will be able to enhance black women’s participation in BEE. Mokgoro is of the opinion that the interim constitution that was created after independence to bring about transformation in South Africa incorporated the principles of *ubuntu* because of the injustices that had existed in the past (1998: 2). Hence the concept of *ubuntu* became an important virtue for all South Africans. Clarence Tshoose has observed that *ubuntu* is “closely associated with notions which encourage group solidarity. These notions include *simunye* (‘we are unite/one’), reciprocity and *hlonipa* (respect)” (2009: 12). Thus *uubuntu* is about humanity and solidarity yet these virtues are lacking from BEE. It must be noted that “Only through the co-operation, influence and contribution of others, can one understand and bring to fulfilment one’s own personality” (Munyaka and Mohlabi, 2009: 70). Mkhize has noted that:

To be a human being (*ukuba ngumuntu*) is a social practice; it requires one to co-operate with others by doing good, thereby promoting the balance that is thought to characterize the universe. It requires human beings to live in solidarity with fellow human beings, their families, their communities, God and the rest of the world in which they find themselves (2008: 40).

It is clear that *ubuntu* suggests a social context where there is solidarity for one another and collectiveness. It recognizes both the rights and the responsibilities of every citizen in promoting individual wellbeing (South African Government, 1996: 18). It must also be noted here that people form their identity in solidarity with the community in which they live. Gyekye adds that:

the community alone constitute the context, the social or cultural space, in which the actualization of possibilities of the individual person can take place, providing the individual person with the opportunity to express his/her individuality, to acquire and develop personality and to become the kind of person he/she wants to be, that is to attain status, goals, expectations etc. (1997: 321).

With the above explanation of the ethic of *ubuntu* as solidarity, it is clear that BEE is not fostering solidarity between men and women in theory as well as practice. *Ubuntu* sees a person as incomplete without the others. Therefore the expression of solidarity will demand the working together of men and women in BEE to promote black women's inclusion. When men and women in BEE work in solidarity, then the vision of the ANC government to include all previously disempowered citizens in the economy will be achieved.

### 6.3.2.3 Caring

Another important virtue of *ubuntu* that emerged from our discussion in chapter two is caring. The spirit of caring by those participating in BEE is greatly needed in the society. In explaining further the idea of caring in *ubuntu*, Johann Broodryk has noted that "caring is an important pillar in the *ubuntu* worldview" (1997: 8). It is evident in the way people treat each other. He quoted the South African Government White paper of 1996, No 16943 on welfare as:

The principle of caring for each other's well-being...and a spirit of mutual support...Each individual's humanity is ideally expressed through his or her relationship with others and theirs in turn through recognition of the individual's humanity. *Ubuntu* means that people are able people through other people. It also acknowledges both the rights and the responsibilities of every citizen in promoting individual and societal well-being (Broodryk, 1997:1).

When we say *Umuntu ngomuntu ngabantu* (A person is a person through other persons), we are also invited to express our common humanity through caring for the economic needs and participation of all, not only part of the community as expressed in the current situation in BEE. The lack of the virtue of caring that is characteristic of *ubuntu* has resulted in men participating and benefiting in an economic development programme that is supposed to benefit all previously disempowered South Africans. What is happening in BEE currently is tantamount to individualist western capitalism, which is not a virtue of *ubuntu*. Caring for one another in BEE will mean mutual sharing of resources in the economy.

## 6.4 Conclusion

This chapter has demonstrated that as an ethical policy for economic empowerment, BEE has failed women. A combination of the CA approach and feminist ethical theory has shown that while BEE is supposed to be an ethical policy of empowerment which is supposed to redress past economic imbalances, women who were part of the target group are being inhibited from meaningful participation. Given the contextual nature of BEE as a South African and African economic empowerment tools, it was proposed that *ubuntu* be consciously used in BEE to bring about women's effective participation. It is clear that *ubuntu* is the benchmark of most African societies, where there is community, collectivism, and restoration. It has also been noted that BEE is one of the solutions for achieving the full potential of all South Africans who were prevented from participating in the economy by apartheid. With our understanding of the ethic of *ubuntu*, it is clear that virtues such as common belonging, solidarity existence and caring is lacking among the beneficiaries of BEE. If *ubuntu* is the benchmark of African society, then any practices that inhibit women from participating in economic development must be addressed. For instance as noted from chapter three of this study, women in BEE have not benefited as much as their male counterparts. Therefore a true black economic empowerment should be able to benefit all South Africans, thus BEE must be seen as benefiting the target group of the South African society, not just a few individuals. The concluding chapter which follows provides recommendations as to how to enhance women's inclusion in BEE.

## **CHAPTER SEVEN: RECOMMENDATIONS**

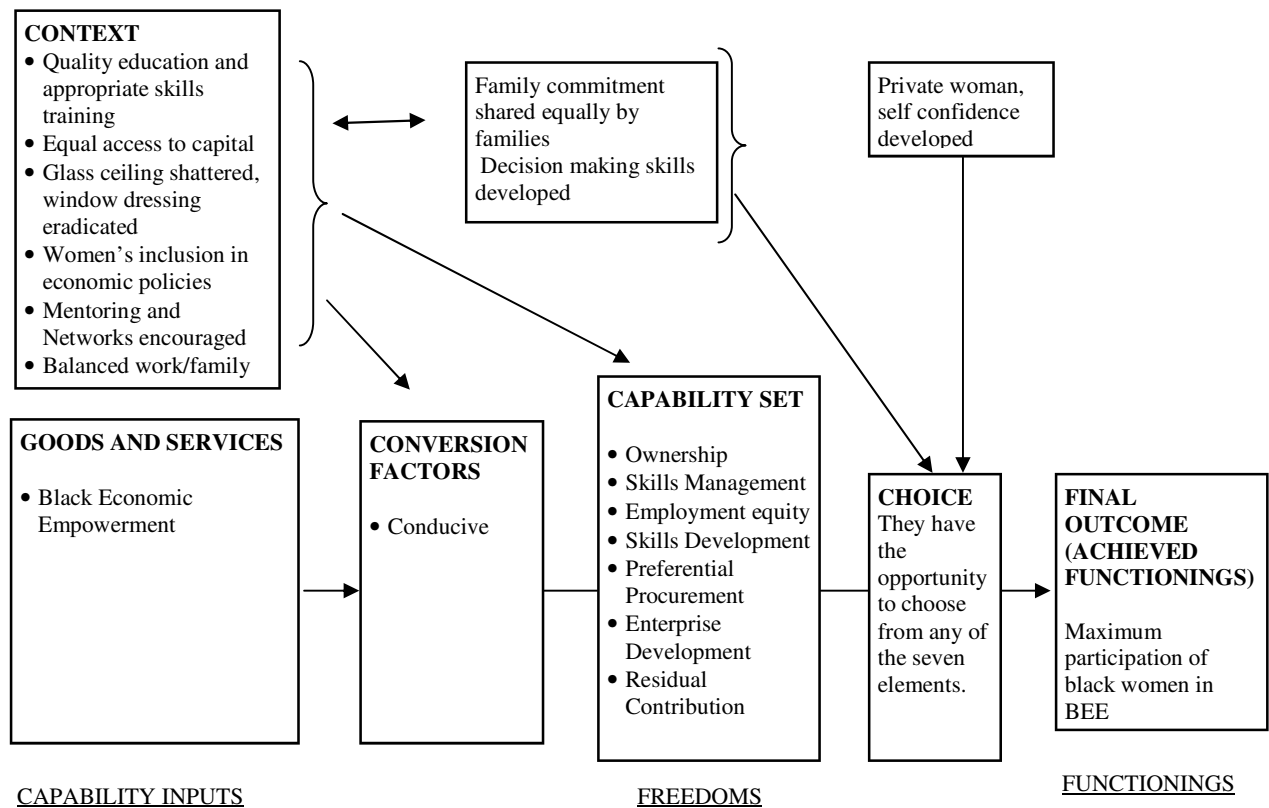
### **7.0 Introduction**

Having demonstrated that patriarchy in the South African society is the common denominator in inhibiting women's participation in BEE, the study recommends the CA and feminist ethics as the appropriate frameworks for analysing this. Not only did the CA help us to describe the conditions of women in BEE, it has also been used as a prescriptive tool in providing a way forward for women's inclusion in the BEE policy. From the discussion of *ubuntu*, the thesis suggested some virtues that can be applied in BEE to foster women's effective participation. This section of the thesis outlines some practical suggestions for changes that need to be done for the BEE policy to meaningfully benefit women. From the discussion so far, it is clear that "the magnitude of today's changes will demand not only more leadership, but new ways of doing things" (April, Macdonald & Vriesendorp, 2005: 25). These recommendations will therefore help to ensure effective gender transformation in the BEE programme, because "the solution is not merely instituting some 'feel good' policies, the solution is fundamental change" (Schwartz, 1992: 162).

### **7.1 The CA, Black Women and Prescribed BEE**

The diagram below gives a picture of what is needed to position women in the broader context of South African society, and in so doing, open up their access to full economic participation. The enabling conversion factors that allow women to fully participate in the economy cannot be found in the present conversion factors discussed in the previous chapter. Black women's ability to act as full participants in BEE depends on their ability to access and use resources available in economic development to their own benefit. Again, black women need to be educated so that they will be able to know and defend their legal rights as they seek to fully participate in the economy. What the capability framework provides is an opportunity to reflect on the enabling environment that will enhance black women's full and effective participation in the BEE programme. It also helps to understand the economic structures that determine the enabling environment.

**Figure 8: CA, Black Women and Prescribed BEE**



Source: Own analysis based on the CA framework as schematized by Robeyns 2005

The figure 8 above represents the fundamental changes that are needed in the BEE programme to ensure black women's effective participation. It is clear that the factors that do not promote the right conversion factors (unfreedoms) and increase women's opportunities in the economy need to be removed. In its place there has to be enabling environments that are conducive to black women as shown above. The enabling environment includes: the inclusion of women's concerns in economic policies, the provision of adequate and quality education for women, the shattering of the glass ceiling, the encouragement of role models and networking groups and a review of inheritance and property laws. Below we shall look at each factor in turn:

## 7.2 Inclusion of Women in Economic Policies

In terms of inclusion of women in economic policies, the thesis recommends that gender issues must not be ignored in economic development programmes if the government is to help black

women overcome the experiences of gender inequalities that they face in the economy. There has to be an intentional inclusion of women's issues in future economic policies. This will only be possible if the entire public is sensitized about issues facing black women in economic development and the role of citizens, particularly men, in enhancing women's participation.

Women's inclusion in economy policies must be deliberate rather than assuming that women will automatically benefit from gender neutral economic programmes. In many developing countries, women still face challenging cultural, legal, and practical obstacles in generating economic rewards for themselves and their families. More needs to be done for women to have their say in economic development policies and decision-making processes in Africa. Women are struggling to have their voice heard.

Economic empowerment programmes must focus on the real capabilities of women. This suggests that such programmes must not focus on the rights that women may or may not have (because in South Africa women have many rights that are accorded to them by the constitution), but on what women are "actually able to do and to be", what has become known as their *human capabilities*. Such programmes should be able to articulate *why* and *how* the government should respond to women's comprehensive vulnerability in BEE. There is a need to review cultural guiding principles that go against gender equality so that the virtues of *ubuntu* can be practised in BEE.

### **7.3 Adequate Education and Skills Training**

By educating girls and women appropriately, the factors that restrict women's economic opportunities and economic autonomy will be overcome. Women will then be equipped with self-confidence and knowledge to contribute their quota in the economy.

The importance of female education challenges African governments, particularly the ANC government, to make education available to women so that they will develop the skills needed to be free to participate in the economy. Since one of the virtues of *ubuntu* is participation of everyone in the community, it is imperative that people are educated about gender roles stemming from the patriarchal nature of the economy. When this is pursued, it will help change the perception of the entire citizenry in South Africa: men will change their inbuilt attitude

towards women and black women will be encouraged to venture into areas which have traditionally been described as men's zones.

The lack of proper education and the required skills among women, particularly black women, can be overcome by encouraging compulsory female education to a tertiary level, as well as encouraging girls to take up science and mathematics in school. There has to be an improvement in the quality of education. Educators need to adapt a workable curriculum that will be appropriate to the South African context. Such a curriculum should be able to challenge women to understand the importance of being economically empowered. They must be motivated and encouraged to obtain skills that are needed for them to participate effectively in the economy. This will boost their understanding and knowledge in the economy in terms of financial education, marketing, budgeting and so on. Empowering women through the provision of appropriate education and skills will prevent women from being used as fronting, because, as has been discussed, fronting has been one of the negative consequences of BEE.

Women participating in economic development must be empowered through capacity building such as proposal writing, management capacity building, skills development, confidence building, information about laws and policies which have effects on them, and other skills needed for them to move up the corporate ladder.

#### **7.4 Shattering the Glass Ceiling**

In order for the ANC government to achieve equal opportunities in the BEE policy, barriers such as the glass ceiling that prevent women from effectively participating in the economy must be dealt with. Policy makers need to take these barriers seriously and find strategic ways of breaking through. Not only do we have to look to the government to break the glass ceiling, but organisations must put policies in place to ensure that actions that encourage the glass ceiling are dealt with severely. Issues such as stereotyping, discrimination against black women and harassment in the workplace must be treated as a serious misdemeanour.

## **7.5 Encouraging Role Models and Network Groups**

There is the need to encourage female networks or what I will term “Old girls clubs” to support women in business as well as those in the corporate world. In such networks, ideas and good practices can be exchanged. Another important aspect of this point is that women in senior positions must be able to influence policies and procedures in the workplace so that they become women-friendly. Women occupying senior positions in organizations should help implement such policies. This must be a conscious effort and a matter of urgency if the ANC wants to see women effectively participating in the economy.

## **7.6 Balancing Family and Work Responsibilities**

The thesis recommends that black women in the corporate world need to be encouraged and educated in the available options in terms of policies available. Once they are familiar with the available options, they will be able to take advantage and pursue their dreams and ambitions of moving up in the corporate hierarchy, while at the same time being able to balance their motherhood responsibilities to their families and the support networks available to them. Support networks include spouses, friends and extended family members.

As has been noted it is quite challenging to combine the demands of formal employment and the demands from the home, therefore women need help from their support networks and their workplace. Governments and policy-makers need to implement policies that would encourage organisations to facilitate conditions - such as child care centres or breastfeeding breaks for working mothers. Corporations and organisations needs to genuinely change their work culture, by allowing flexi-time and feeding times for mothers. Since one of the inhibiting factors for women is related to balancing their family responsibilities and businesses or formal employment, there is the need for the government, businesses and organisations to build more childcare centres to help women in formal employment. There has to be the promotion and awareness of labour saving devices to enhance working women’s household activities.

One of the answers to the complexity of balancing work and home life is for the women in question to set clear boundaries between work and home.

### **7.7 Equal Access to Financial Capital**

As has been noted, the lending policies of banks are not conducive to women. Therefore there has to be transformation in the financial institutions whereby women are given encouragement and financial assistance to enhance their businesses and projects as well as to develop themselves. This in a way will afford women the opportunity to access financial capital easily. Financial institutions must consider removing conditions attached to their lending policies, particularly the ones that prevent women from freely accessing capital. Again there are many unmarried and single women who are qualified to participate in the economic mainstream but may not have male guarantors to enable them qualify for financial assistance. There has to be equal access to financial capital to all citizens in spite of their gender, not to mention the fact that women have a better repayment record than men.

### **7.8 Cultural Issues must be addressed**

Issues in the culture that promote patriarchy must be dealt with. This should be the mandate of both the government and traditional leaders. There has to be proper education that speaks into issues of women's subordination. Policies must be put in place and offenders must be dealt with severely. Women must also be educated not to accept such practices as normal but must be able to stand up against such actions.

### **7.9 Conclusion**

So far this chapter has outlined some recommendations that should be taken into consideration by policy makers. The thesis has argued that when these recommendations are put into practice it will ensure black women's participation in the BEE programme. It has recommended that the present conversion factors that are characterized by patriarchy should be replaced by enabling conversion factors.

## CHAPTER EIGHT: SUMMARY AND CONCLUSION

### 8.0 Introduction

This final chapter brings to a conclusion the concerns of this thesis in the form of a summary. The overall aim of this thesis has been to investigate the ethical challenges faced by African women in participating in economic development (with particular reference to black South African women participating in BEE). The thesis has been established through dialogue with a range of scholars and research into statistics. These clearly show that most black African women have been inhibited from participating and benefiting from BEE. It has demonstrated that there are fundamental causes of this inhibiting of women. The issues that have resulted in the inhibition must be addressed. It has also been argued that to address the situation there is a need for an appropriate ethical framework which will aid in providing a sustainable way forward.

The thesis has analyzed the conditions of women participating in the South African BEE programme. Through library research on the historical background of BEE, it was discovered that although all black people participated marginally in the economy during apartheid, the conditions facing most black women in BEE is overwhelming. Their inhibition in the economy goes far beyond mere participation. Historically, their participation in major decision making, their access to assets in their cultures, and their private and public lives were all affected as a result of the patriarchal nature of the South African society. African feminist ethics framework has informed us on how to reflect on moral issues that oppress women. The CA proposed by Amartya Sen and Martha Nussbaum has also given us insight into the factors inhibiting women in BEE. In addition, it has prescribed a way forward for women's meaningful participation. The reflection on the virtues of *ubuntu* proposes some helpful insights as we seek to address the issues of women in BEE.

### 8.1 Summary

In chapter one, the thesis introduces the study. It mentions that the thesis was inspired by the following factors. First, it was born out of my desire to investigate black women's vulnerability

and their contribution to the South African economy, in an attempt to expand on my master's dissertation entitled: *The livelihood challenges posed by the commercial sex industry to Christian concern for poor women in Pietermaritzburg* (Okyere-Manu, 2004). I realised that black women face a number of social and economic issues. It also emerged that most black women with a strong educational background are not able to meaningfully participate in the economy. As stated in chapter one, this is despite the government's efforts through the introduction of BEE to involve those who were previously prevented from participating in the economy as a result of apartheid laws and regulations.

The second reason given for this study relates to my desire to engage in the current debate surrounding the beneficiaries of BEE in South Africa. Chapter one points out that since the introduction of the policy, critics have argued that despite the publicity surrounding BEE, it is only benefiting a few men instead of all the targeted groups. To my knowledge, most of these critics argued on a racial basis. I identified a gap which this study wanted to fill; the gap in the debate is a gendered critique of the BEE policy.

Another reason was to engage in a feminist ethical analysis of BEE. This is because feminist ethics analyses are often overlooked on issues of moral reflection. Since BEE is situated in an African context, it was necessary to reflect on BEE from an African feminist perspective. Here the thesis proposed the cultural tool of *ubuntu* as a virtue needed in order to encourage women's inclusion in economic development policies.

The above reasons underlie the thinking behind my decision to embark on a study of the ethical challenges faced by African women participating in BEE. The research problem was also stated in chapter one - that black women have been inhibited from participating and benefiting from BEE. This was the policy that was instituted to benefit all black people in South Africa. The thesis was to investigate the root causes inhibiting black women from benefiting from BEE in contrast to the ways that their male counterparts do.

In order to demonstrate that indeed women are inhibited from participating and benefiting from BEE, the study in chapter one proposed library research as the method to be used to examine the situation of women participating in BEE. Through library research, the thesis compared statistics

of men and women in BEE. This comparative research exposed men as benefiting more than women. It also exposed patriarchy as the root cause of women's inhibition, and this is manifested in women's lack of access to financial capital, lack of proper education and skills needed to participate in the economy, and the glass ceiling. Through this exposure I was able to apply the CA and the African Feminist Ethics Approach to prescribe the way forward for including women in BEE.

Chapter two outlined the theoretical frameworks that informed the thesis. It proposed that the CA and feminist ethics approaches are appropriate for understanding, evaluating and recommending ways to deal with the situation of women in BEE. In the CA, Sen has argued that development must go beyond the traditional measuring of GNP to enhancing capabilities. For him, development is the removal of unfreedoms and the increase of capabilities. The elements of this approach were outlined as Capability set, Freedoms, and Functioning. The chapter examined the work of Martha Nussbaum in promoting the Human Capabilities Approach. She proposed ten fundamental human capabilities that should be supported by governments and policy makers.

Sen and Nussbaum agree that these capabilities are very important in evaluating any development process. The core characteristic of the CA concerns that which an individual is able to be or do to achieve the life they value. Even though most scholars have raised some concerns about the approach, the CA is able to provide a conceptual lens which helps us to understand the issues that women in BEE face. In using the CA to evaluate how well black women are doing in BEE, it is clear that as a development theory, the CA is not enough to prescribe a way forward for women's inclusion in BEE. Therefore a feminist ethics framework provided a guide in the analysis of causes that explain why women are being inhibited from full participation in BEE. A feminist ethics analysis of BEE located in South Africa demands that the thesis use the cultural tool of *ubuntu* to formulate a feminist ethics that is uniquely African. This helps in addressing the issue of patriarchy in BEE. The last section of the chapter was devoted to the discussion of the reason why *ubuntu* is the appropriate tool to be used. With this in mind, the next chapter proceeded to explore the historical background of the BEE policy.

Chapter three was a brief look at the historical background to the implementation of the BEE programme. It has argued that the firmly established laws and regulations of apartheid,

particularly those that prevented black South Africans from participating in the economy, did not fade away with the dawn of independence but resulted in inequalities, unemployment and poverty. Because all Black people received inferior education, this Bantu education is a key factor which has led to the current state of affairs. The chapter also revealed that Black women had to bear the brunt of most of the apartheid laws, particularly the migrant labour law that destroyed most of the African families and homes, and forced the beginning of single parent (mainly female) headed households. Most of the women had to endure the challenges that accompanied the absence of husbands including the physical, financial and psychological demands of their families.

As a result, when the ANC came into power it was faced with the challenge of restructuring the whole economic system of the country, with the view of including all citizens in the mainstream of the economy. The government introduced a number of policies such as the RDP, GEAR and eventually BEE to be at the centre of economic growth. The thesis briefly mentioned the RDP and GEAR policies that were introduced as the springboard for BEE. It was argued that these two policies failed partly because they did not achieve their initial goal. The study highlighted that there is still poverty and unemployment among those who were previously excluded from participation in the economy by the Apartheid laws and regulations. It was also noted that the policies did not address the conditions of women who had been disadvantaged both by their cultures as well as the apartheid policies. Therefore BEE was implemented and was seen as a programme that would lay the foundations for ensuring equitable participation between the races and genders, even going as far as to include the disabled and youth.

The chapter argued that there have been mixed feelings surrounding the implementation and outcome of BEE. While some critics say that it has helped to involve most black people in the mainstream of the economy, others say that BEE is not working, because it has only enriched a few black elites (who are connected to the ANC party). They believe that the programme has left the majority of ordinary, previously disempowered black people in abject poverty. The government therefore tasked the BEECom to evaluate the programme and give recommendations for its improvement. The BEECom's recommendations necessitated the implementation of the BBEE programme with the aim of encompassing a broader spectrum of beneficiaries. Despite

the effort to augment BEE in such a way as to include the participation of women, they continue to remain under-represented in the economy.

By comparing statistics of men and women participating in the mainstream of the economy, chapter four shows that women are under-represented in the BEE programme. For instance, using the latest statistics from the census organised by BWA in 2008, the chapter demonstrated that although women constitute 51 percent of the entire population of South Africa, which represents more than half the population of the entire country, only 42.4 percent make up the percentage of the employed population. Out of this number, only 25.3 percent are executive managers, 14.3 percent represent Women Directors and 7.8 percent represent Women CEOs and Board Chairs. From the entire statistic brought forward, it was clear that even though there was an increase in the number of women participating in the economy over the previous years, the rate remains extremely low. The percentage of men participating in the economy is higher than women and for black women, the number is lowest. The chapter further argued that the economy of South Africa cannot be built on the efforts of a few citizens. South African black women have essential untapped qualities that are needed in building the South African economy, yet as a result of the patriarchal nature of the South African society, these qualities are not used. Some of the talents and qualities that women bring with them into modern-day organisations include: communication, holistic thinking, diligence, hard work and reliability.

It is explicit in this thesis that patriarchy has inhibited women from participating in BEE. Women in patriarchal societies are seen as inferior to men in all areas of life. The thesis further made it clear that patriarchy is based on the principle that women are inferior and that their role in society and the work they do both in the workplace and the home is not valued. From time immemorial women throughout the world have been a silenced population. This principle, referred to as 'patriarchal ideology' has relegated women to the 'private sphere' and limited them to the roles of mothers and wives whilst men flourish in the 'public sphere'. Through critical analysis, it was confirmed that 'patriarchal ideology' is encouraged by the laws of the country, by traditions, by religion, by schooling and by the way we live. It was also clear that from birth men are given more opportunities than women. They are raised to show such characteristics as aggressiveness and ruthlessness. This idea of the 'private sphere' has prevented women from

securing proper education, productive work, and access to properties, credits, being part of decision making process, as well as participating meaningfully in BEE.

This social order has negatively affected women, particularly black women. This thesis has argued that they have been triply oppressed: by colonialism, patriarchy in their culture and their race. Even though they have been offered an opportunity by the government to participate in the economy, their participation continues to be minimal because traditionally the area of economics has been dominated by men.

Chapter five concentrated on an investigation into the ways that patriarchy as an ideology has inhibited black women from participating in BEE. The thesis revealed that women experience inhibition in BEE as a result of the following. First, the original document produced for the implementation of the BEE programme was silent with regard to women, regardless of the fact that in South Africa, women have been marginalized in all spheres of life for a long time. This silence is attributed to the fact that the original document was drawn by men. Another factor that emerged is that black women lack access to credit and finance as they seek to participate in the BEE programme; this has contributed to their minimal participation. Financial institutions have instituted policies that prevent women from accessing financial capital without male guarantors. The few women who are privileged to contribute to the mainstream economy find it difficult to break through the proverbial 'glass ceiling' as they climb the economic ladder. Men occupy most of the top positions in the corporate world and women find it difficult to access such positions. Family responsibility and its burden on women in South Africa in opposition to formal work came out as another reason for the poor involvement of women in BEE. Most women in BEE find it difficult to balance the responsibilities towards their families and their responsibilities in the workplace. As a result some give up their jobs to concentrate on their families. Another factor that became apparent was that most women lack the necessary confidence in themselves and as such are unable to grasp the opportunities offered to them to partake in the economy through BEE. Again most women (particularly black women) lack the necessary education and skills needed to participate in BEE. It emerged that most black women lack management skills, and the skills to write up proposals, yet these skills are essential qualities needed to participate in the mainstream of the economy. It was further observed that the

root cause of the factors listed above is the patriarchal nature of the South African society and the gender injustice it enables.

Chapter six was the analysis of women in BEE and the two theories discussed in chapter two.

From the two theories, the following emerged as factors preventing women from participating. Women lack the necessary education and skills needed to participate efficiently in the economic mainstream of the country. Women lack access to financial capital, they face the problem of the glass ceiling, and the original document of BEE did not mention black women – those who are triply oppressed in South Africa. As a result of above, the thesis proposed that *ubuntu*, the benchmark of most African societies, be used. However, in relation to BEE, there is a contradiction. On the one hand, BEE is one of the solutions mooted to enable South Africans who were prevented from participating in the economy by apartheid, to achieve their full potential. On the other hand, with our understanding of *ubuntu* it is clear that vision of *ubuntu* is lacking among the beneficiaries of BEE. If *ubuntu* is the benchmark of the African society, then any practices that inhibit women in economic development must be addressed. For instance, as noted women from chapter three of this study, women in BEE have not benefited as much as their male counterparts. Therefore a true black economic empowerment programme should be able to benefit all South Africans. Thus BEE must be seen to benefit the target group of the South African society, not just a few individuals.

Chapter seven suggests the following recommendations as a way forward for women's inclusion in BEE. The first is the inclusion of women in economic development policies, as the current policies are gender biased. There is the need for women to receive adequate education and skills training. There has to be a shattering of the glass ceiling so that women can climb the corporate ladder. Role models and network groups are to be encouraged by women participating in the economic mainstream. Policies such as flexitime and feeding times are needed to help mothers, and women must also take advantage of the support networks available to them. In addition to the factors listed above, financial institutions must also change their policies by granting equal access and financial capital to women.

Chapter eight is the summary and conclusion to the study.

## **8.2 Conclusion**

The objective of this study was to answer the question “How does patriarchy prevent black women from being beneficiaries to economic development policies, specifically the BEE policy in South Africa?” Each chapter of this thesis, aimed to show the ways in which patriarchy has inhibited black women from fully benefitting from BEE. What was demonstrated over and over, was the multiple layers of oppression which Black women face, not just gender, but race and class too. This results in them constantly hitting a glass ceiling. My hope is that this thesis is a small contribution to the much-needed process of “shattering the glass ceiling.”

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**APPENDIX 1: 2007 CENSUS DATA SAMPLE & RESULT OF VARIOUS COMPANIES AND THE PERCENTAGES OF WOMEN DIRECTORS, WOMEN EXECUTIVE MANAGERS IN SA**

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
ABSA Group limited	Yes	86 682	20	3	15.0	21	3	
Acucap property Ltd	Yes	2909	10	-	0.0%	8	3	37.5%
Adcorp Holding Limited	Yes	1388	55	23	41.8%	53	23	47.2%
Advtech Limited	Yes	1.02	12	-	0.0%	43	21	48.8%
AECI Limited	Yes	108	7	-	0.0%	8	-	0.0%
Afgem limited	Yes	40	7	1	14.3%	3	-	0.0%
AFGRI Limited	Yes	2635	13	1	7.7%	4	-	0.0%
Aflease Gold Limited	Yes	1400	8	1	12.5	8	1	12.5%
African and Overseas Enterprises Limited	Yes	67	4	2	50%	2	1	50%
African Bank Investments Limited	Yes	11004	18	2	11.1%	7	-	0.0%
African Media Entertainment Ltd*	Yes	205	5	1	20.0%	-	-	-
African Oxygen Ltd	Yes	9600	12	-	0.0%	12	1	8.3%
African Rainbow Minerals Limited	Yes	10.39	14	2	14.3%	36	12	33.3%
Afrocentric Investment Corp Ltd	Yes	273	7	2	28.6%	1	-	0.0%
AG Industries Limited	Yes	1047	8	1	12.5%	23	3	13.0%
Air Traffic and Navigation Services	Yes	-	7	3	42.9	8	3	37.5%
Airports Company South Africa	Yes	-	8	2	25.0%	8	3	37.5%
Alexander Forbes Ltd	Yes	7 569	43	6	14.0%	6	1	16.7%
Alexkor Limited	Yes	-	7	2	28.6	7	2	
All Joy Foods Limited	Yes	16.79	4	-	0.0%	6	1	16.7%
Alliance Data Corporation Limited	Yes	115	7	1	14.3%	7	1	14.3%
Allied Electronics Corporation Limited	Yes	11 000	15	1	6.7%	141	27	19.1%
Allied Technologies Ltd	Yes	64.3	11	2	18.2%	7	2	28.6%
Amalgamated Appliance Holdings Ltd*	Yes	658	13	-	0.0%	21	7	33.3%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Amalgamated Electronics Corp Ltd	Yes	130	5	1	20.0%	5	1	20.0%
Ambit Properties Ltd	Yes	745.93	1	-	0.0%	1	-	0.0%
Anbeeco Investment Holding Limited	Yes	7.5	5	-	0.0%	-	-	-
Anglo American plc	Yes	335 771	16	2	12.5%	340	22	6.5%
Anglo Platinum Ltd	Yes	248 028	20	1	5.0%	20	1	5.0%
AngloGold Ashanti Ltd	Yes	55 000	17	1	5.9%	1021	137	13.4%
ApexHi Properties Ltd	Yes	38 000	10	2	20.0%	3	1	33.3%
Aquarius Platinum Ltd	Yes	6 137	7	-	0.0%	17	1	5.9%
Argent Industrial Ltd	Yes	693	24	5	20.8%	10	1	10.0%
Armaments Corporation of South Africa	Yes	-	9	3	33.3	9	2	22.2%
Aspen Pharmacare Holdings Limited*	Yes	12 900	12	2	16.7%	22	3	13.6%
Assmang Limited	Yes	6 386	8	-	0.0%	34	2	5.9%
Assore Limited	Yes	3 565	7	-	0.0%	-	-	-
Astral Foods Limited	Yes	5 000	9	1	11.1%	30	5	16.7%
Astrapak Limited	yes	1 891	9	-	0.0%	9	-	0.0%
Atlas Properties Ltd	Yes	972	8	-	0.0%	12	7	58.3%
Aveng Limited	Yes	16 000	10	1	0.0%	4	1	25.0%
AVI Limited	Yes	6 010	10	1	10.0%	2	-	0.0%
Awethu Breweries Ltd	Yes	30	4	1	25.0%	-	-	-
Barloworld Limited	Yes	26 000	19	1	5.3%	10	-	0.0%
Barnard Jacobs Mellet Holding Limited	Yes	400	7	-	0.0%	3	1	33.3%
Barplats Investment Limited	No	467	5	-	0.0%	-	-	-
Basil Read Holdings Limited*	Yes	18 100	7	-	0.0%	9	-	0.0%
Beige Holding Ltd	Yes	212	9	-	0.0%	9	-	0.0%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Bell Equipment Ltd	Yes	2 850	12	1	8.3%	25	1	4.0%
Bidvest Group Ltd	No	16 118	34	6	17.6%	19	1	5.3%
Bowler Metcalf Ltd	Yes	591	4	-	0.0%	4	-	0.0%
Brait South Africa Ltd	Yes	2 927.9	13	1	7.75%	15	1	6.7%
Brandcorp Holdings	Yes	1 083	7	-	-	-	-	-
Brimstone Investment Corporation Limited	Yes	1 200	12	1	8.3%	5	2	40%
Buildmax Limited	Yes	55	5	1	20.0%	6	2	33.3%
Business Connexion (Pty) Ltd	Yes	1838	6	-	0.0%	35	1	2.9%
Bytes Technology Group Limited	Yes	2 299	11	1	9.1%	8	2	25.0%
C B S Property Group	Yes	1 726	10	-	0.0%	13	1	7.7%
Cadiz Holdings Ltd*	Yes	1 367	8	1	12.5%	6	1	16.1%
Calulo Property Fund Limited	No	175	4	1	25.0%	-	-	-
Cape Empowerment Trust Limited	Yes	72	7	-	0.0%	8	1	12.5%
Capital Property Fund*	No	1 200	10	-	0.0%	4	-	0.0%
Capitec Bank Holdings Limited*	Yes	2 600	9	1	11.1%	36	-	0.0%
Cargo Carriers Limited	Yes	245	6	1	16.7%	6	1	16.7%
Cashbuild Limited	Yes	1 471	8	1	12.5%	10	-	0.0%
Caxton and CTP Publishers and Printers Limited	Yes	8 100	7	-	0.0%	63	29	46.0%
Central Energy Fund	Yes	-	8	2	25.0%	7	2	28.8%
Ceramic Industries Ltd	Yes	2 740	7	1	14.3%	1	-	0.0%
Chrometco Limited	Yes	158	5	-	0.0%	-	-	-
City Lodge Hotels Ltd	Yes	2 246	8	1	12.5%	53	18	34.0%
Clientele Life Assurance Company Limited	Yes	2000	5	1	20.0%	8	1	12.5%
Comair Limited	Yes	1 344	14	-	0.0%	6	1	16.7%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Combined Holdings Limited* Motor	Yes	2 194	7	-	0.0%	-	-	-
Command Holdings Limited*	Yes	65	6	1	16.7%	5	1	20.0%
Compu-Clearing Outsourcing Limited	No	80	14	-	0.0%	6	2	33.3%
Conduit Capital Ltd	Yes	330	8	1	12.5%	4	-	0.0%
Consol Limited	Yes	4200	6	-	0.0%	39	2	5.1%
Control Group Limited Instruments	Yes	474.74	7	-	0.0%	32	5	15.6
Coronation Fund Managers Limited	Yes	2 102	5	-	0.0%	5	1	20.0%
Crookes Brothers Ltd	Yes	470	8	-	0.0%	10	-	0.0%
Cullinan Holdings Ltd*	Yes	352	7	2	28.6%	-	-	-
Datacentrix Holdings Limited*	Yes	770	10	3	30.0%	10	4	40.0%
Datatec Limited	Yes	5 000	9	-	0.0%	3	2	66.7%
Delta Industries Limited Electrical	Yes	1 000	7	-	0.0%	2	-	0.0%
DENEL	No	- 1	13	2	15.4%	8	1	12.5%
Development Bank of South Africa	Yes	-	15	6	40.0%	7	3	42.9%
Diamond Core Resources	No	89	7	-	0.0%	-	-	-
Digicore Holdings Limited*	Yes	300	11	-	0.0%	14	4	28.6%
Dimension Data Holdings PLC*	Yes	48 999	13	1	7.7%	17	5	5.6%
Discovery Holdings Ltd*	Yes	7 800	15	3	20.0%	30	3	10.0%
Distell Group Limited	Yes	7 909	16	2	12.5	6	2	12.5%
Distribution & Warehousing Network Ltd	No	1 014	7	-	0.0%	7	2	28.6%
Diversified Property Income Fund Limited	No	-	-	-	-	-	-	-
Don Group Limited	Yes	158 178	4	1	25.0%	8	4	50.0%
Dorbyl Limited	Yes	462	7	-	0.0%	5	-	0.0%
DRDGOLD Limited	Yes	1 800	5	-	0.0%	3	-	0.0%

Company Name		Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Dynamic Limited	Cables RSA	Yes	97	6	-	0.0%	4	1	25.0%
Edgars Limited	Consolidated Stores	No	26 363	13	2	15.4%	107	39	36.6%
ELB Group Limited		Yes	117	5	-	0.0%	18	2	11.1%
Ellerine Holdings Ltd*		Yes	7 075	5	-	0.0%	32	1	3.1%
Emira Property Fund		Yes	3 850	9	2	22.2%	8	2	25.0%
Enaleni Pharmaceuticals Ltd		Yes	2 000	10	4	40.0%	9	1	11.1%
Enterprise Risk Management Limited		Yes	101	6	1	16.7%	2	2	100.0%
Enviroserv Holdings Limited*		Yes	616	12	4	33.3%	12	4	33.3%
EOH Holdings Ltd*		Yes	50	11	1	9.1%	22	6	27.3%
ERP.com Holdings Ltd*		Yes	173	5	2	40.0%	5	2	40.0%
Eskom Holdings Ltd*		Yes	-	15	4	26.7%	10	1	10.0%
Eureka Industrial Ltd*		Yes	88	4	1	25.0%	2	-	0.0%
Excellerate Limited*	Holdings	No	112	9	-	0.0%	6	-	0.0%
Exxaro Resources Limited (formerly Kumba Resources Ltd)		Yes	22815	14	2	14.3%	209	23	11.0%
Fairvest Limited*	Property Holdings	Yes	27	4	-	0.0%	-	-	-
Famous Brands Ltd		Yes	1 100	7	-	0.0%	6	1	16.7%
Faritec Holdings Ltd*		Yes	250	12	3	25.0%	13	3	23.1%
FirstRand Limited		Yes	130 675	18	3	16.7%	1406	450	32.0%
Foord Compass Ltd		Yes	520	5	-	0.0%	5	-	0.0%
Foschini Limited		Yes	16 400	10	1	10.0%	10	1	10.0%
Freestone Holdings Limited*	Property	Yes	1 300	6	-	0.0%	-	-	-
GijimaAst Holdings (Pty) Ltd*		Yes	906.79	11	1	9.1%	11	1	9.1%
Glenrand M.I.B. Ltd		Yes	455	9	1	11.1%	6	1	16.7%
Global Holdings Limited*	Village	Yes	9	4	1	25.0%	6	2	33.3%
Gold Fields Limited		Yes	43 025	12	1	8.3%	9	1	11.1
Gold Reef Resorts Ltd		Yes	4 200	9	-	0.0%	65	12	18.5%
Good Hope Diamonds (Kimberley) Ltd		No	238	5	-	0.0%	-	-	-
Grindrod Limited		Yes	6 500	16	1	6.3%	7	-	0.0%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Group Five Limited	Yes	8 240	8	1	12.5%	11	-	0.0%
Growthpoint Properties Limited	Yes	7 029.4	14	-	0.0%	1	-	0.0%
Harmony Gold Mining Company Limited	Yes	28 124.9	9	2	22.2%	12	2	16.7%
Highveld Steel and Vanadium Corporation Limited	Yes	2 337	17	1	5.9%	4	-	0.0%
Hosken Consolidated Investments Limited	Yes	5 300	11	2	18.2	4	-	0.0%
Hospitality Property Fund Limited	No	-	-	-	-	-	-	-
House of Busby Ltd,	No	478	6	-	0.0%	-	-	0.0%
Howden Africa Limited Holdings*	Yes	300	4	-	0.0%	7	-	0.0%
Hudaco Industries Ltd	Yes	2.4	6	1	16.7%	7	-	0.0%
Hyprop Investments Limited	Yes	5 600	11	-	0.0%	5	3	60.0%
IFA Hotels and Resorts Limited	Yes	600	7	-	0.0%	4	2	50.0%
iFour Properties Ltd	Yes	14 025	9	-	0.0%	4	2	50.0%
Iliad Africa Limited	Yes	2 206	5	1	20.0%	2	-	0.0%
Illovo Sugar Limited	Yes	6.4	15	2	13.3%	14	1	7.1%
Impala Holdings Limited	Yes	126 800	12	3	25.0%	3	1	33.3%
Imperial Holdings Ltd*	Yes	31 878	19	2	10.5%	18	2	11.1%
Independent Development Trust	Yes	-	10	3	30.0%	6	3	50.0%
Indequity Group Ltd*	Yes	12	4	-	0.0%	3	1	33.3%
Industrial Company Africa Holdings Limited*	Yes	5.8	6	1	16.7%	3	1	33.3%
Industrial Development Corporation of South Africa	Yes	-	15	7	46.7%	8	2	25.0%
Infowave Holdings Ltd*	Yes	57	9	4	44.4%	6	3	50.0%
Interconnective Solutions Limited	Yes	90	6	-	0.0%	8	2	25.0%
Intertrading Limited	No	50	9	-	0.0%	9	-	0.0%
Investec	Yes	46 000	16	2	12.5%	4	-	0.0%
Investec Limited	Yes	45.99	16	2	12.5%	8	1	12.5%
Invicta Holdings Ltd*	Yes	2 000	6	-	0.0%	1	-	0.0%
ISA Holdings Limited*	Yes	133	8	1	12.5%	3	-	0.0%
Italtile Limited	Yes	4 700	6	-	0.0%	5	1	20.0%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Jasco Holdings Limited*	Yes	218	10	2	20.0%	7	2	28.6%
JD Group Limited	Yes	16.13	10	1	10.0%	-	-	-
Johnnic Communications Ltd	Yes	8 700	11	-	0.0%	2	1	50.0%
Johnnic Holdings Ltd*	Yes	1 731	10	1	10.0%	10	1	10.0%
JSE Limited	Yes	52 000	14	4	28.6%	15	6	40.0%
Kagiso Media Limited	Yes	2.06	10	2	20.0%	37	11	29.7%
KAP International Holdings Limited*	Yes	100	6	-	0.0%	8	-	0.0%
KAP International Holdings Limited*	NO	17009	1	1	11.1%	4	1	25.5%
Kelgran Limited	No	21	7	-	0.0%	1	-	0.0%
King Holdings Limited*	Yes	10	4	-	0.0%	24	11	45.8%
KWV Beleggings Bpk	Yes	1 428	4	-	0.0%	-	-	-
Land and Agricultural Development Bank of South Africa	Yes	-	12	3	25.0%	15	3	20.0%
Lewis Group Limited*	Yes	6600	5	1	20.0%	1	-	0.0%
Liberty Group Limited	Yes	13 602.8	11	2	18.2%	14	1	7.1%
Liberty Holdings Ltd*	Yes	13 602.8	13	2	15.4%	-	-	-
Liberty International PLC	Yes	64 294	15	2	13.3%	7	2	28.6%
Lonmin Platinum	Yes	9 027.16	8	1	12.5%	13	1	7.7%
m Cubed Holdings Limited*	Yes	190	4	-	0.0%	1	-	0.0%
Madison Property Fund Managers Holdings Limited*	Yes	1730	6	1	16.7%	7	2	28.6%
Makalani Holdings Ltd*	Yes	2 412	8	1	12.5%	7	2	28.6%
Marshall's Limited	Yes	18	7	-	0.0%	4	-	0.0%
Masonite Africa Ltd	Yes	85	7	-	0.0%	6	-	0.0%
Massmart Limited*	Yes	8 819.7	14	3	21.4%	11	-	0.0%
Mathomo Group Ltd	Yes	33	5	-	0.0%	5	2	40.0%
Medi-Clinic Corporation Limited	Yes	395	13	2	15.4%	13	2	15.4%
Merafe Resources Ltd	Yes	2 300	10	1	10.0%	4	-	0.0%
Mercantile Holdings Limited*	Yes	1 500	8	1	12.5%	10	1	10.0%
Metair Investments Ltd	Yes	1 379	7	1	14.3%	7	1	14.3%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Metmar Limited	Yes	350.72	9	3	33.3%	7	2	28.6%
Metorex Limited	No	2 500	7	-	0.0%	1	-	0.0%
Metrofile Holdings Ltd*	No	89.6	5	-	0.0%	-	-	-
Metropolitan Holdings Limited*	Yes	9 000	14	2	14.3%	11	2	18.2%
MICC Property Income Fund Limited	Yes	536	4	-	0.0%	3	3	100%
Micromega Holdings Limited*	Yes	300	4	-	0.0%	4	-	0.0%
Milkworx Limited	Yes	65	3	-	0.0%	5	1	20.0%
Miranda Holdings Limited*	Yes	1.12	6	2	33.3%	6	2	3.3%
Mittal Steel South Africa Limited	Yes	43.8	9	-	0.0%	19	1	5.3%
Mobile Industries Ltd	Yes	1424	4	-	0.0%	-	-	-
Moneyweb Holdings Limited*	Yes	37	5	1	20.0%	5	1	20.0%
Mr Price Group Ltd	Yes	2146	12	-	0.0%	-	-	-
MTN Group Limited	Yes	160 922	14	1	7.1%	17	2	11.8%
Murray and Roberts Holdings Limited*	Yes	6 000	14	2	14.3%	148	13	8.8%
Mustek Limited	Yes	1 100	7	-	0.0%	-	-	-
Mutual and Federal Insurance Company Limited	Yes	8 124	13	4	30.8%	19	3	15.8%
Mvelaphanda Group Limited	Yes	4 800	16	2	12.5%	8	1	12.5%
Mvelaphanda Resources	Yes	7 500	11	2	18.2%	4	1	25.0%
Nampak Limited	Yes	10 635	13	-	0.0%	31	1	3.2%
Naspers Limited	Yes		12	2	16.7%	21	2	9.5%
Nedbank Group Ltd	Yes	47 115	16	2	12.5%	11	2	18.2%
Network Holdings Limited*	Yes	900	13	2	15.4%	39	6	15.4%
New Clicks Holdings Limited*	Yes	3679	9	1	11.1%	4	1	25.0%
New Corpcapital Ltd	Yes	38	4	-	0.0%	3	1	33.3%
Nictus Beperk	Yes	42.8	8	2	25.0%	6	1	16.7%
Northam Platinum Limited	Yes	12 000	10	2	20.0%	1	-	0.0%
Nu World Holdings Limited*	Yes	800	5	-	0.0%	5	1	20.0
Oceana Group Limited	Yes	1 845	8	2	25.0%	11	5	45.5%
Octodec Investments Limited	Yes	666	5	1	20.0%	3	1	33.3%
Omnia Holdings Ltd*	Yes	2 000	10	1	10.0%	8	1	12.5%
Onelogix Group Ltd	Yes	240	8	1	12.5%	6	-	0.0%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Orion Real Estate Ltd	No		6	1	16.7%	-	-	-
Palabora Mining Company Limited	Yes	12 176	8	1	12.5%	2	-	0.0%
Pals Holdings Limited*	No	27	2	-	0.0%	6	2	33.3%
Pangbourne Properties Limited	Yes	4 000	11	1	9.1%	8	2	25.0%
Paracon Holdings Ltd*	Yes	720		3	33.3%	9	4	44.4%
Paramount Property Fund Limited	Yes	2 100	11	-	0.0%	6	-	0.0%
Pasdec Resources SA Limited*	Yes	20	3	-	0.0%	1	-	0.0%
Peermont Global Ltd	No	2 772	18	3	16.7%	19	2	10.5%
Peregrine Holdings Ltd*	Yes	2 133	7	2	28.7%	3	1	33.3%
Petmin Limited	Yes	700	9	1	11.1%	3	-	0.0%
Petra Mining Limited	Yes	125	10	1	10.0%	6	1	16.7%
Phumelela Gaming and Leisure Limited	Yes	648	14	1	7.1%	9	-	0.0%
Pick n Pay Holdings Limited*	Yes	7 592	11	2	18.2%	-	-	-
Pick n Pay Stores Ltd	Yes	16 700	12	2	16.7%	21	4	19.0%
Pinnacle Technology Holdings Limited*	Yes	700	7	1	14.3%	3	-	0.0%
Premium Properties Limited	Yes	591	5	1	20.0%	5	1	20.0%
Pretoria Portland Cement Company Ltd	Yes	23 600	10	-	0.0%	46	6	13.0%
Primedia Limited	Yes	5 800	15	5	33.3%	44	9	20.5%
Primeserv Group Ltd	Yes	52 825	9	1	11.1%	12	5	41.7%
PSG Group Limited	No	4.8	9	-	0.0%	7	-	0.0%
PSV Holdings Limited*	No	-	-	-	-	-	-	-
Purple Capital Limited	Yes	241	5	1	20.0%	5	1	20.0%
Putprop Limited	No	-	-	-	-	-	-	-
Quyn Holdings Ltd*	Yes	2	4	-	0.0%	15	3	20.0%
Rainbow Chickens Ltd	Yes	1 205.6	9	1	11.1%	13	2	15.4%
Real Africa Holdings Limited*	Yes	2 056	6	1	16.7	-	-	-
Redefine Income Fund Ltd	Yes	58 8	2	2	25.0%	1	-	0.0%
Rengro Limited	Yes	80 111	14	1	7.1%	14	1	7.1%
Resilient Income Fund Limited	No	793	12	-	0.0%	5	5	100.0%
Reunert Limited	Yes	16 000	11	1	9.1%	64	4	6.3%
Rex Trueform Company Limited	Yes	11 000	5	2	40.0%	3	2	66.7%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
RMB Holdings Limited*	Yes	39 198	8	-	0.0%	1	-	0.0%
SA Corporate Real Estate Fund (formerly Martprop Property Fund)	Yes	2.97	11	2	18.2%	-	-	-
SA Forestry Company Limited	Yes	-	12	5	41.7	15	3	20.0%
SA Retail Properties	Yes	2 600	7	-	0.0%	1	-	0.0%
SAB Miller PLC	No	233 141	13	1	7.7%	46	8	17.4%
Sable Holdings Ltd*	Yes	1 000	4	-	0.0%	3	-	0.0%
Sabvest Limited	Yes	117	7	-	0.0%	-	-	-
Sallies Limited	Yes	77	6	-	0.0%	1	-	0.0%
Sanlam Limited	Yes	40 000	20	5	25.0%	41	5	12.2%
Santam Limited	Yes	10 400	15	2	13.3%	9	1	11%1.
SAPPI Limited	Yes	22 765	11	1	9.1%	3	-	0.0%
SASFIN Holdings Ltd*	Yes	1 120	7	-	0.0%	3	-	0.0%
SASOL Limited	Yes	167 258	14	5	35.7%	12	2	16.7%
Scharrig Mining Ltd	Yes	91	5	-	0.0%	3	-	0.0%
Seardel Corporation Limited	Yes	736	6	-	0.0%	6	-	0.0%
Sekunjalo Investments Limited	Yes	425.13	10	3	30.0%	10	3	30.0%
Setpoint Technology Holdings Limited*	Yes	237	8	1	12.5%	10	2	20.0%
Shoprite Holdings Ltd*	Yes	14 674	17	-	0.0%	13	-	0.0%
Simmer and Jack Mines Limited	Yes	6 271	9	-	0.0%	4	-	0.0%
Siyathenga Property Fund Limited	Yes	886	7	-	0.0%	2	1	50.0%
Sizafika Property Investments Limited	No	-	-	-	-	-	-	-
South African Broadcasting Corp	Yes	-	13	4	30.8%	18	8	44.4%
South African Eagle Insurance Company Limited	Yes	1 906	7	-	0.0%	9	-	0.0%
South African Nuclear Energy Corporation Limited	Yes	-	10	4	40.0%	5	-	0.0%
South African Post Office	Yes	-	10	5	50.0%	13	6	46.2%
Southern Electricity Company Limited	Yes	19 6 1 16.7% - -0.0%	-	-	-	-	-	-
Sovereign Food Investments Limited	Yes	350	7	-	0.0%	5	-	0.0%
Spanjaard Limited	Yes	13.4	7	-	0.0%	5	-	0.0%
Spar Group Limited, The	Yes	5 229	9	1	11.1%	2	-	0.0%
Spectrum Shipping Ltd	Yes	122	9	-	0.0%	9	-	0.0%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Spescom Limited	Yes	72.2	9	2	22.2%	28	7	25.0%
Spur Corporation Ltd	Yes	1 100	10	1	10.0%	28	5	17.9%
Square One Solutions Group Limited	Yes	16.5	7	-	0.0%	5	-	0.0%
Standard Bank Group Limited	Yes	103 000 17 3 17.6% 15 2 13.3%	17%	3	17.6	15	2	13.3%
Steinhoff International Holdings Limited*	Yes	33 000	14	-	0.0%	16	-	0.0%
Stella Vista Technologies Ltd	No	18.2	6	-	0.0%	7	2	28.6%
Sun International Ltd	Yes	9 357	15	2	13.3%	24	-	0.0%
Super Group Limited	Yes	4 858	10	1	10.0%	139	15	10.8%
Sycom Property Fund Managers Limited	No	1 760.2	1	-	0.0%	-	-	-
TCTA	Yes	-	15	8	53.3%	9	5	55.6%
Teal Exploration & Mining Incorporated	No	-	-	-	-	-	-	-
Telkom SA Limited	Yes	78 833	11	2	18.2%	29	5	17.2%
Thabex Exploration Limited	Yes	40	8	1	12.5%	7	2	28.6%
The Tongaat-Hulett Group	Yes	12 236	21	2	9.5%	182	14	7.7%
Tiger Brands Limited	Yes	30 000	14	2	14.3%	7	2	28.6%
Tiger Wheels Limited	Yes	854.22	8	-	0.0%	3	1	33.3%
Tourism Investment Corporation Limited	Yes	1 370	11	4	36.4%	5	1	20.0%
Trans Hex Group Ltd	Yes	1 970	9	1	11.1%	10	-	0.0%
Transnet	Yes	-	14	5	35.7%	12	5	41.7%
Transpaco Limited*	Yes	152	9	-	0.0%	9	-	0.0%
Trematon Capital investments Limited	Yes	217	5	-	0.0%	2	-	0.0%
Trencor Limited	Yes	4 847.71	8	-	0.0%	3	-	0.0%
Truworths International Limited	Yes	16 000	8	1	12.5%	30	11	36.7%
UCS Group Limited	Yes	572.95	10	1	10.0%	11	2	18.2%
Unitrans Limited	Yes	3560	11	-	0.0%	13	1	7.7%
Uranium One Africa Limited	Yes	11 600	5	2	40.0%	18	10	55.6%
Value Group Limited	Yes	305.17	8	-	0.0%	10	2	20.0%
Venter Leisure and Commercial Trailers Limited	Yes	25	4	1	25.0%	3	1	33.3%

Company Name	Verified Completely	Market Capitalization (R Millions)	Directors (total)	Women Directors	Women as a % of Directors	Executive managers (total)	Women Executive Managers	Women as a % of Executive Managers
Verimark Holdings Limited*	No	456	5	-	0.0%	5	4	80.0%
Village Main Reef Gold Mining (1934) Company Limited	Yes	6	4	1	25.0%	2	1	50.0%
Vukile Property Fund Limited	Yes	1 400	9	-	0.0%	2	-	0.0%
WB Holdings Limited*	No	19	9	-	0.0%	4	-	0.0%
Wellco Health Limited*	Yes	3	4	-	0.0%	-	-	-
Wesco Investments Limited	Yes	Yes 3 166	5	1	20.0%	3	-	0.0%
Wescoal Holdings Limited*	No	-	-	-	-	-	-	-
Wesizwe Platinum Limited	Yes	3 077	10	2	20.0%	3	1	33.3%
Western Areas Limited	Yes	6 810	9	2	22.2%	9	2	22.2%
Wilson Bayly Holmes - Ovcon Limited	Yes	4376.6	7	2	28.6%	13	2	15.4%
Winhold Limited	Yes	200	5	-	0.0%	5	-	0.0%
Witwatersrand Consolidated Gold Resources Limited	Yes	2 139	6	1	16.7%	8	1	12.5%
Wooltru Limited	Yes	156.5	4	-	0.0%	2	-	0.0%
Woolworths Holdings Limited*	Yes	12 112	10	2	20.0%	85	23	27.1%
York Timber Organisation Limited, The	Yes	210	8	1	12.5%	21	2	9.5%
Zambia Copper Investments Limited*	No	-	-	-	-	-	-	-
Zaptronix Limited	Yes	Yes 27 *	3	-	0.0%	10	1	10.0%

Source: BWA 2007: 49-59

