

Gender and Politics: A Note on Gender Inequality in Lesotho

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ABSTRACT

Basotho women led by Lesotho's 70-member Federation of Female Lawyers, are waging a vigorous campaign against sex and other forms of discrimination based on gender. This campaign is directed, in particular, at the country's laws, customs, traditions and social norms that govern the relationship between men and women. They are calling for radical legal and social reforms that will end gender inequality and thus ensure their full participation in and contribution to the process of development. But have the root causes of the problem been identified? For example, can we expect gender inequality to disappear without addressing its politics? This paper serves as a contribution to the emerging debate in Lesotho about the causes and consequences of gender inequality. It argues that any struggle against gender inequality is essentially a political struggle and must, therefore, be directed at changing the existing political structure.

Introduction

Political modernisation in Lesotho has brought little or no significant improvement to the social status of Basotho women. Their freedom continues to be either denied or constrained by a battery of national laws, societal norms, taboos, traditions, customs, institutions and the ideology of patriarchy. Despite a relatively high degree of social mobilisation in Lesotho resulting from nearly two hundred years of exposure to Western culture – particularly education and consumption habits – women's status has barely changed. Relationships between men and women remain asymmetrical, notwithstanding years of secularisation in the enclave country and women's active involvement in national politics. Women are by law minors with limited independence as they are perpetually subordinated to their husbands, parents and relatives, depending on their marital status.

Analysts of gender inequality in Lesotho argue that women's liberation is contingent upon reforming or abolishing the laws, customs, traditions and social norms that have hitherto governed the relationships between men and women.

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They also feel that the removal of the factors limiting women's participation in the country's decision-making processes would greatly contribute towards gender equality in the Kingdom.

However, while these are valid observations or conclusions, they raise three important questions. First, are these laws, customs, traditions, institutions, ideology and norms the underlying causes of gender inequality or its indicators? Second, what factors are responsible for the development of these laws, customs, institutions, ideology, traditions and norms? Third, does the success of women's struggle against subordination depend on legal reforms, or put differently, what capabilities do women in Lesotho possess that they can use to change their situation?

Guided by these broad questions, this paper provides an input into the emergent debate about gender inequality in Lesotho, attempting to demonstrate that the relationship between men and women is not just sexual, legal or social, but political. It contends, therefore, that any debate about gender inequality in Lesotho must encapsulate an analysis of the politics of gender, together with the processes that account for, reproduce, shape and sustain this politics. Thus, central to this analysis is women's ascribed role and political participation against the backdrop of the country's traditional forms of political representation, customs, social institutions, political economy and the specific instruments used in maintaining gender inequality.

The paper focuses exclusively on three periods, namely, the pre-colonial, colonial period and the period after 1949. The periods 1970-85 and 1986-1992, including post-military period or the Basutoland Congress Party (BCP) rule, are not part of the analysis as they are characterised by political "witch hunts" whereby appointment of women to senior positions in the civil service or public service rested on a political or nepotistic criterion as part of the rulers' "cleansing" policies. Thus I do not see women's appointment to senior positions of greater responsibility during the above periods as constituting evidence of the growth in gender sensitivity among the Lesotho rulers. I would argue, in fact, that such appointments should be seen as part of "political cleansing" campaigns rather than a sign of growth in gender sensitivity. In sum, these appointments have been discarded because of their bias that would inevitably lead to spurious conclusions.

Lesotho's Traditional Forms of Political Participation, their Cultural Basis and Implications

A modicum of participative politics existed in Lesotho before Britain took over the administration of the territory in 1868. This occurred through *pitsos* (open-air meetings convened by chiefs), which every healthy adult male was supposed to

attend. Notwithstanding its limitations, (Makoa, 1990:47), the *pitso* system not only allowed free expression of one's opinion, but also afforded participants the opportunity to discuss wide-ranging issues with political, social and administrative significance. In addition, the system was used to secure people's endorsement or ratification of chiefs' policies and to rally public support for certain decisions. At these fora participants could raise any matter of public concern and criticise their rulers without fear of reprisals or victimisation.

Another important institution which facilitated political interaction and free discussion of public matters is the *khotla*. The *khotla* performed two critical functions, both of which were crucial to the development of a male-dominated political system in Lesotho. By bringing together chiefs and all adult males daily to take meals and spend part of their free time away from their families, it helped to marginalise women, thus relegating them to routine family activities such as preparing meals, drawing water, gathering woodfuel and caring for children. Chiefs were invariably men since women were by custom barred from becoming chiefs or rulers.

With time, *pitso*s and *khotla*s developed into stable institutions of which the key function became political socialisation. The *khotla*, in particular, prepared boys for manhood in various ways such as inculcating values and attitudes that made them feel different from and superior to girls or women as all types of personal weakness were associated with womanhood. More importantly, the *khotla* was used to mould boys into responsible men by teaching them that they were the future husbands and heads of families. As a result, the two institutions served as mechanisms by which Lesotho's male-dominated system of rule reproduced and perpetuated itself. The institutions also provided a basis for the development of Basotho's customary laws or a body of canons that were eventually codified into what is today known as *Melao ea Lerotholi* or the Laws of Lerotholi. The Laws of Lerotholi have benign or positive aspects, however, protecting women against acts that dehumanise them. Thus rape and other similar assaults on women are punishable under these laws.

As indicated above, the *pitso* and the *khotla* were men's exclusive preserve. Many analysts attribute women's exclusion from these institutions to the fact that under customary laws Basotho women are minors irrespective of their age and marital status (Kashindo, 1993:9). Presenting its research findings in 1991 on the efficacy of maintenance laws in Lesotho, a team of lawyers undertaking gender studies in Lesotho explained the position of women as follows:

"Customarily women are perpetual minors and always under the guardianship of someone. When unmarried they are looked after by their fathers, on marriage by their husbands and on the death of their husbands they fall under the guardianship of the heir" (Women & Law, 1991:4).

This meant that after getting married, women were no longer to be viewed in isolation from their husbands and, in some cases, their new families. This ideology of kinship, as one analyst observed, has institutionalised woman's work "...into a wife's service to her husband and family, or into a mother's support for her children" (Rwezaura, et al, 1995:7). However, the experiences of Botswana, Lesotho and Swaziland suggest that women's subordination eases with widowhood. With regard to these countries Ncube & Stewart (1995:29) note that after the death of her husband:

"...a widow is free to determine without the consent or intervention of some other person as to how she will deal with her property... She is not tied to her husband's domicile as the matrimonial domicile, she becomes the guardian of the minor children of marriage, with all the attendant powers to control and regulate their lives."

In my view the arguments or debates about women's subordinate status cannot be settled by appeals to the traditions and customs of the Basotho nation alone for these are certainly not innate attributes. Traditions and customs have historical antecedents and are, therefore, also objects of investigation. I argue that treating them as explanations would make it difficult for us to extend our inquiry to the issues such as why does Lesotho have a patrilineal rather than a matrilineal family structure? In matrilineal systems men have to work for their future wives' parents for several years. (Rwezaura, et al, 1995:7).

Indeed, as Eldredge argues, "...theses about the locus and cause of women's subordination must be tested in all societies to see if they have universal validity" (1993:18). Of course, this does not suggest that customs and traditions should be dismissed as unimportant. In fact, the International Labour Organisation's (ILO) team of experts noted in 1994 that gender inequality in Lesotho was a function of a combination of factors, including customs and traditions, low levels of economic development, geography, income distribution, culture, laws, labour migration and history. (ILO, 1994:6). To this list should be added politics. As the *pitso* and *khotla* institutions show, relations between Basotho men and their wives is not simply sexual, or social, but political. Not only do these institutions legitimise the exclusion of women from decision-making processes but greatly determine the nature of power relations between men and women and how such power is exercised. Denial of equal rights to women is certainly not simply a sexual or social problem. It is, in fact, a political problem directed at maintaining the existing power relations which subordinate women. Indeed, it is the exercise of power by men over women.

Intervention by Colonialism

On assuming control and administration of Basutoland (Lesotho), Britain did not tamper with Basotho's customary laws, "...as administered by chiefs" (Poulter, 1981:5). This helped to perpetuate the social, political and economic injustices suffered by Basotho women before Lesotho was annexed as a British protectorate. Instead, a parallel Roman Dutch Law operating in the Cape Colony was imposed on Lesotho by the colonial regime. This law was equally gender insensitive and similar in many respects to the territory's customary laws. With regard to monogamous marriages, for example, it provided that:

- (a) the husband is the head of the family and possesses the decisive voice in all matters affecting the common life of the spouses;
- (b) joint or household property is under the administration of the husband and he is vested with the legal powers to alienate or deal with it as he wishes without the necessity for his wife's consent;
- (c) women cannot enter into contract or take up gainful employment without their husbands' prior authorisation;
- (d) a woman does not possess *locus standi in judicio* to participate in legal proceedings unassisted by her husband, whether as a plaintiff or defendant.

Clearly, the last rule made it difficult for an aggrieved woman to lay a criminal charge or bring a civil suit against her husband and his parents or relatives for committing illegal acts against her and/or her minor children.

Other policies which strengthened men's grip over their wives were pursued by the colonial government. These included employment practices and social welfare programmes which discriminated against women. For instance, only male civil servants were legally entitled to a pension on retirement. Moreover, the regime reserved certain types of job such as law enforcement or peace-keeping functions for men. Admittedly, it may not be easy to argue that these policies and laws benefited the colonial administration. But we are apt to surmise that, as "...women were preeminent producers, accounting for 60-80% of agricultural production," (Epprecht, 1993:70) they constituted key props for labour migrancy which had a positive effect on both the British and South African economies. The Resident Commissioner for Basutoland commented as follows in 1898 on the value of the territory's labour:

"It supplies the sinews of agriculture in the Orange Free State; to an extent it keeps going railway works, coal mining, the diamond mine at Jagersfontein and Kimberly, the gold mines of Transvaal...primarily the native labour industry supplies a dominion want, and secondarily it tends to fertilise native territories with cash which is at once diffused for English goods" (Kingdom of Lesotho, 1980-85:11).

Basotho women have arguably contributed enormously to the above process. Those married to migrant workers assumed full farming responsibility as their husbands left the country to take up mining employment in South Africa. Income from Lesotho's women-managed agriculture supplemented mine wages which, until early 1970s, were artificially kept below market rates.

That the colonial regime recognised Basotho women's contribution to the territory's agricultural production is borne out by the official campaigns against what were termed "*runaway wives*" (Rugege, 1990) – women leaving their families to seek employment or to settle in South African industrial cities. Mass migration of Basotho women posed a threat to agriculture which, as argued above, was critical to the success of Britain's migrant labour policy. Yet the fleeing of married women from Lesotho was politically significant. It signified the growing gender consciousness among Basotho women. Apart from providing what we may call an "exit option" for a woman, "running away" (*ho tekatsa*) to South Africa was a form of protest against patriarchy. Thus the runaway wives are those women who voted with their feet against Lesotho's state-fostered gender inequality.

Anti-Colonial Struggles, Political Parties and Gender

Early anti-colonial struggles in Lesotho did not include the fight to eliminate gender inequality. Those engaged in these struggles demanded either participation in the decision-making process or self-rule for territory. They set out to destroy colonialism with which they associated all the country's economic, political and social problems. The absence of gender from the agenda of the first political parties seems to have something to do with the prevailing attitude towards women, namely that women are inherently inferior to men. It probably also was a function of a low level of political development, hence the predominance of traditional norms. As indicated earlier, these norms were used to deny full political rights to women. Women's demand for these rights would, in fact, be regarded as outlandish.

The first political movements/parties to emerge in Lesotho were the Basotholand Progressive Association (BPA) and the *Lekhoila la Bafu* (LLB). The former was formed in 1907 mainly as a vehicle for commoners' participation in the then chiefs

dominated advisory Basutoland Council. (Rugege, 1990:158). The LLB was established in 1919. Notwithstanding its strong opposition to colonialism, the LLB also had a parochial political programme, limited to restoring Basotho's pre-colonial system of rule (Bardill, et al, 1985:30-33). However, success in mobilising people for this objective depended on the invocation of nationalism. Yet, while it may be a potent weapon against colonialism, the ideology of nationalism has inherent weaknesses. It romanticises and venerates the past – tradition and culture, including symbols and institutions that foster gender inequality and which often stand opposed to the ideals of freedom and liberty. *Lekhotla la Bafo's* national chauvinism could, therefore, not advance the women's cause. But, as I have argued earlier, campaigns against sexism alone may not bring about political emancipation of women. Such campaigns must also address other factors that contribute to the vulnerability of women. These include low levels of economic development, illiteracy, labour migrancy, and institutions and laws which deny women access to resources.

The BPA and the LLB were essentially men's movements, there being no indication that they had women members. It is, however, not being suggested that women were formally excluded from their membership but rather that literature on the two organisations makes no reference to women.

The two political movements did not survive the 1940s. They both collapsed, and from their ashes sprang the Basutoland African Congress (BAC), a more sophisticated outfit with a broader and more appealing political programme that envisaged an elective system of rule. In 1952 the BAC changed its name to Basutoland Congress Party (BCP) – the ruling party in Lesotho since April, 1993. The BCP organised among the entire population, recruiting people of both sexes.

The emergence of the BCP heralded the advent of secular politics in Lesotho. This saw a shift in the focus of political struggles. The party agitated for democracy and national independence, vowing to eradicate colonialism, oppression and discrimination in its various manifestations. Accordingly, it adopted a constitution which entitled every member, regardless of sex, to compete for leadership positions. The BCP's constitution also makes a provision for the creation of women and youth leagues, both of which enjoy some autonomy in terms of having their own constitutions and the right or freedom to elect their leaders. It can, therefore, be argued that the BCP is gender-sensitive. However, a rival conclusion is also possible. It is, in fact, possible to argue that rather than displaying a genuine gender sensitivity, this simply represents the BCP's acknowledgement of women as a critical factor in elections.

As should be clear, a juxtaposition of these two arguments changes the character of the debate. It brings into focus a new conundrum, namely whether gender sensitivity is synonymous with the creation of a climate in which women can freely

compete with men, or whether it connotes what has become known as "affirmative action." While it is crucial to the analysis of gender politics, this issue will not be pursued further as this will take us beyond the scope of what this paper set out to do. Suffice it to say that affirmative action, in the opinion of this author, merely confirms women as inferior to men. Moreover, affirmative action can only ghettoise women since it is premised on the view that they are a special group requiring special favour. In any case, affirmative action might open the way for discrimination based on political party membership or nepotism by the ruling parties.

The above notwithstanding, the BCP's attitude towards women has been rather ambivalent, if not outrightly hostile. The party opposed women's enfranchisement as Lesotho geared itself for the pre-independence general elections held in April, 1965 (Makoa, 1992:32). One of the clauses of the constitution of its women's league says that the league will fight to protect women's rights. However, this clause is contradicted by another clause immediately below it. This assigns the league the task of giving "*proper care to all the guests of the party.*" (Basutoland Congress Party, 1964:25). The clause confirms women as a distinct group, performing functions that are distinctly female. Not until 1992 was a woman elected to serve in the BCP's executive committee. Women who ever served on the executive committee before did so as ex-officio members by virtue of the presidency of the Women's League. But, despite its equivocation on the gender issue, the BCP has enjoyed women's support. The party has a big and well organised women's league. Yet gender equality is seemingly not its priority. This could well be true for the majority Basotho women who may be preoccupied with how to make ends meet in a country that can barely support its population.

However, Basotho women possess attributes that can be used in mobilising pressure against the authorities. They are in the majority, constituting more than 51% of the national population. Compared with men, women have more opportunities for education.

Unsurprisingly, they account for 54% of the country's literate people. There are more female than male students attending various schools and tertiary institutions in Lesotho at any given time. In addition, there are more women than men in the civil service, industry, informal sector, agricultural production and small businesses. (ILO, 1994:1) Thus, these attributes do not just signify potential political strength but the degree to which Lesotho's female population is socially mobilised.

Lesotho's other main political parties probably score less on gender sensitivity than the BCP. The constitution of the Marema-Tlou Freedom Party does not provide for the creation of a women's league. Neither does it say anything about special measures that the party would take to overcome the problems facing women as an especially disadvantaged group. Its programme promises democracy

and equality for all in Lesotho. The Basotho National Party (BNP) has a more or less similar constitution, having undergone some changes after 1970 to accommodate women and youth leagues. But it never developed constitutions for these two subordinate structures. Like the MFP, the BNP seemingly had no special political programme for women even though the party was dubbed a women's organisation. It had what can be termed an open programme, encapsulating banal political slogans such as democracy, freedom and national sovereignty. After assuming state power in 1965, the BNP never developed any special programme for women. Neither did it tinker in any sense with the whole system of gender relations. This meant that the national laws, norms, customs and institutions buttressing the relationships between men and women remained intact.

The question is whether or not these political parties are gender insensitive. Certainly, this is a moot point, even though it is generally felt that women require special attention. It may be argued that one way of eliminating gender inequality is to democratise the state so that women can join a political party with sufficient power to win general elections and take over the administration of the country, or to influence the Kingdom's policies. In sum, the argument may be: open up avenues to the corridors of power for women so that they can abolish all oppressive laws, institutions and structures. But to be sure, this argument is valid only if democratising the state means removing everything that impedes the exercise and enjoyment of individual and group rights and freedoms.

Conclusions

There is certainly an urgent need to eliminate gender inequality in Lesotho. This is necessary if the country's productive resources are to be fully released. By shackling women Lesotho has probably, and perhaps unwittingly, limited its development potential as women form over half of its population. They are consumers as well as producers. Hence they are critical to the development of an effective internal market, expertise and skills – all of which are crucial to development.

The foregoing analysis, however, shows that the prime target of the struggle against gender inequality should be the politics and/or ideology that sustain or justify sex discrimination. By their sheer majority women should be able to win their struggle, hence improve their status in society. They can use their vote or other legitimate forms of protest to get rid of gender insensitive regimes. The present political order in Lesotho allows women's participation in political activity. This can be used by women to assert their rights by, for example, voting for policies that promote their interests or for parties that embrace women's programmes.

References

- Bardill J E, et al (1985) **Lesotho's Dilemmas of Dependence in Southern Africa**, Westview Press, Boulder, pp 30-33.
- Basutholand Congress Party Constitution (1964), p 25.
- Eldredge, E (1993) "Women in Production: The Economic role of Women in Nineteenth Century Lesotho," in **ISAS Working Papers Series**, Nos 4-6, Institute of Southern African Studies, National University of Lesotho, Roma, p 18.
- Eppecht, M (1993) "Marxism versus the Patriarchy: Gender and Historical Materialism in Southern Africa," in **ISAS Working Paper Series**, Nos 4-6, Institute of Southern African Studies, National University of Lesotho, Roma, pp 69-70.
- International Labour Organisation (1994) **Promoting Gender Equality in Employment in Lesotho: An Agenda for Action**, ILO, Geneva, p 1 & 6.
- Kashindo, P (1993) "Women, Land and Agriculture in Lesotho," in **ISAS Working Papers Series**, Nos 4-6, Institute of Southern African Studies, National University of Lesotho, Roma, p 9.
- Kingdom of Lesotho, **Third Five Development Plan**, 1980-85, p 11.
- Makoa, F K (1990) "Review of W C M Maqutu Contemporary Constitutional History of Lesotho, W C Maqutu, Mazenod, 1990," in **Southern Africa Political and Economic Monthly**, 4, 1, August, p 47.
- Makoa FK (1992) "Lesotho Political Parties: Focus on the Congress Party (BCP)," **Southern Africa Political and Economic Monthly**, Vol 5, No 10, July, p 32.
- Ncube, W & Stewart, J (eds) (1995) "Widowhood, Inheritance Laws, Customs and Practices in Southern Africa," in **Women and Law in Southern Africa Project**, Harare, p 29.
- Poulter, S (1981) **Legal Dualism in Lesotho**, Morija Sesuto Book Depot, Morija, 1981, pp 2-3.
- Rugege, S (1990) "The Future of Traditional Hereditary Chieftainship in a Democratic Southern Africa: The Case of Lesotho," in S Santho and M Sejanamane (eds) **Southern Africa After Apartheid**, Southern Africa Political Economy Series (SAPES) Trust, Harare, p 158.
- Rwezaura, B, et al (1995) "Parting the Long Grass: Revealing and Reconceptualising the African Family," Women and Law in Southern Africa Research Trust (WLSA) Working Paper No 12, p 7.
- Women and Law in Southern African Project (1991) **Maintenance in Lesotho**, Harare, p 4.