

STEREOTYPES THAT AFFECT THE ADVANCEMENT OF AFRICAN WOMEN IN
SOUTH AFRICAN UNIVERSITIES

MASHILWANE MV

11370638

Proposal submitted in partial fulfilment of the requirements for the

Masters in Law

in the Faculty of

LAW

in the Department of

JURISPRUDENCE

at the

UNIVERSITY OF PRETORIA

Supervisor: Prof. Karin Van Marle

22 November 2019

TABLE OF CONTENTS

CHAPTER 1	1
INTRODUCTION	1
1.1 Research problem	1
1.2 Research questions	1
1.2.1 Research question 1	1
1.2.2 Research question 2	1
1.2.3 Research question 3	1
1.3 Motivation	2
1.4 Theoretical approach/ Methodology	6
1.5 The outline of the dissertation	7
CHAPTER 2	11
THE HISTORY OF UNIVERSITY IN SOUTH AFRICA	11
2.1 The Introduction	11
2.2 Definition of university	12
2.3 Tracing historical moments of South African higher education	14
2.3.1 Apartheid Era	14
2.3.1.1 University Education from 1948 to 1970	14
2.3.1.2 The Institutional Landscape under Apartheid	20
2.3.1.2.1 The Period after 1984	20
2.3.1.2.2 Historically white universities in the RSA	20
2.3.1.2.3 Historically white Afrikaans-medium universities	20
2.3.1.2.4 Historically black universities in the TBVC countries	22

2.3.1.2.5	Historically White technikons-----	22
2.3.1.2.6	Historically black technikons in the RSA and TBVC-----	23
2.3.1.2.7	Dedicated distance education institutions-----	24
2.4	Legal Frameworks of South Africa-----	25
2.4.1	The Constitution of 1984-----	25
2.4.2	Policy Development after 1994-----	26
2.5	Policies which were developed in democratic South Africa since 1994-----	27
2.5.1	The National Policies-----	28
2.5.1.1	South African Constitution No 108 of 1996-----	28
2.5.1.2	The Employment Equity Act No 55 of 1998 (EEA)-----	31
2.5.1.3	Promotion of Equality and prevention of Unfair Discrimination Act No 4 of 2000 (PEPUDA)-----	32
2.5.2	Policies specific to Education-----	32
2.5.2.1	The Education White Paper 3, 1997-----	34
2.5.2.1.1	Stabilising of institutions and the higher education system and improving efficiency-----	34
2.5.2.1.2	Improving student equity-----	35
2.5.2.1.3	Encouraging mission differentiation-----	36
2.5.2.1.4	Improving staff equity, enhancing quality and promoting research development-----	36
2.5.2	Education White Paper, 1997; White Paper on Science and Technology 1996; National Plan for Higher Education 2001-----	38

2.6	Regional Instruments-----	39
2.6.1	African Charter on Human and People’s Rights on the Rights of Women in Africa-----	39
2.6.2.	Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa-----	40
2.6.3	The Southern African Development Community (SADC) Protocol on Gender and Development-----	41
2.7	Limits of Legal Frameworks-----	43
2.8	Conclusion-----	45
CHAPTER 3	-----	49
GENDER STEREOTYPES	-----	49
3.1.	Introduction-----	49
3.2.	Meaning of Concepts-----	50
3.2.1	Gender-----	50
3.2.2	Sex-----	51
3.2.3	Patriarchy-----	51
3.2.3.1	Patriarchy views reality in a reductionist way-----	53
3.2.3.2	Patriarchy adversely affects every aspect of society-----	54
3.2.3.3	The ideological justification of patriarchal ideas ignores all other valid claims and does not tolerate criticism-----	54
3.2.3.4	Patriarchy misuses power on the road to supremacy-----	54
3.2.4	Stereotypes-----	55

3.2.4.1	The definition of Stereotypes-----	55
3.2.4.2	The causes and consequences of stereotypes in organizations-----	57
3.2.4.3	Types of stereotypes-----	59
3.2.4.4	Gender Stereotypes-----	62
3.2.4.4.1	Stereotypes as Descriptive and Prescriptive-----	65
3.3	Conclusion-----	67
CHAPTER 4-----		72
ETHICS OF CARE AS A POSSIBLE RESPONSE TO UNDERREPRESENTATION OF BLACK WOMEN IN THE SOUTH AFRICAN UNIVERSITIES LEADERSHIP POSITIONS-----		72
4.1.	Introduction-----	72
4.2	An Ethics of Care-----	73
4.2.1	Natural & Ethical Caring-----	75
4.2.2	Ethics of care and Empathy-----	78
4.2.3	Restriction of Noddings’s and Slote’s ethics of care in addressing exclusion-----	81
4.2.4	Human beings need the virtues-----	82
4.2.5	Invoking a caring relationship-----	84
4.2.6	Debunking a gendered form of caring and situating the ideal caring Relation-----	85
4.2.7	Idea of Equal Intelligence-----	86
4.2.8	Caring as iterations-----	89

4.2.9 Caring as Compassionate respect-----	92
4.2.10 Acknowledging humanity-----	95
4.3 Conclusion-----	100
CHAPTER 5-----	103
CONCLUSION AND RECOMMENDATIONS-----	103
5.1. Conclusion-----	103
5.2. Recommendations-----	105
5.2.1 Dealing with gender stereotypes-----	105
5.2.2 Implementing legislation and policies-----	106
5.2.3 Incorporate and implement an ethics of care in university frameworks-----	106
BIBLIOGRAPHY	

CHAPTER 1

INTRODUCTION

1.1 Research problem

The main research problem of this study is the extent to which women are under-represented at South African universities, particularly black/African women in leadership positions. The words black or African will be used interchangeably as they both mean one thing. The dearth of women at the upper levels of the South African universities is still evident despite all efforts taken by the democratic South African government to redress the imbalances of the past. The findings of other researchers show that there are various barriers to the advancement of women to leadership positions in the workplaces. In this study the focus will be on the history of the university in South Africa in order to make sense of the current situation. Gender stereotypes in the workplace especially in Higher Education sector, are one of the contributing factors in denying advancement of women into leadership positions. I reflect on the possibility of introducing a framework of ethics of care into university space as an alternative to address the underrepresentation of African women in the HEIs.

1.2 Research questions

1.2.1 Research question 1

What is the history of the South African universities/ higher education institutions and what are the implications for HEI's gender transformation in leadership positions?

1.2.2 Research question 2

Can the production of knowledge, in other words teaching and learning and research that are at the core of the work of universities, be credible whilst the South African universities are permeated by patriarchal ideology, stereotype thinking and gender inequality which perpetuate the exclusion of women?

1.2.3 Research question 3

Can an ethics of care be an alternative to the South African legal framework?

1.3 Motivation

The idea of this study came about when I made some observations while working as an Employment Equity Practitioner, whose job responsibility is to ensure that his employer complies with the provisions of the Employment Equity Act, no 55 of 1998. I observed that the under-representation of black women in leadership positions in the institutions of higher learning continues. The contributory factors amongst others are gender stereotypes, male chauvinist, patriarchy and other factors. Black South Africans were oppressed and segregated against by apartheid government in terms of race for over 300 years. As a result, African women were denied equal opportunities in workplaces as compared to white counterparts irrespective of their qualifications and skills. This meant that inequality in employment was created by an apartheid system based on race and gender amongst other factors. Moreover, women's role was perceived as that of a mother and nurturer, and even though they have necessary qualifications, they were expected to remain at home and take care of their children. On the other side blacks were denied access to better education and African women were mostly affected.

During the Apartheid era, blacks were segregated and excluded from most economic and educational matters of the country. By 1948 the University Education was already segregated and discriminated. The apartheid government created the ethnically segregated, state owned university college which provide inferior educational opportunities to the state-aided, more autonomous, universities. The 'open' universities complied with the compulsory closure of enrolment of black students. The divided university system produced far more white graduates, in a wider range of disciplines, than black graduates. In 1953 the government passed the Bantu Education Act, which was one of apartheid's most offensively racist laws. Bantu Education served the interests of white supremacy. It denied black people access to the same educational opportunities and resources enjoyed by white South Africans.

The government specified that from December 1960 no African would be allowed to study at an "open university". The Minister insisted that black students should attend the newly established universities instead and only under exceptional circumstances, such as

unavailability of a course at a black institution, would he consider allowing a black student to attend a white university. The White universities registered a sharp decline in black student numbers. African women were affected by this and as a result they were in limited number and few were accepted as employees/students. This kind of practice or system is one of the root causes of gender inequality in South African institutions of higher learning.

The Higher Education Institutions (HEIs) or universities in South Africa are male dominated in leadership positions and most of the governance and management committees such as Council, Executive management committees, Senate, Faculty Boards and Institutional Forums have less women than men. There is a concerning limited number of black women on the levels of professor, associate professor and head of department. Of the 26 current vice-chancellors, the desktop review indicates that only three are women. Though the number of universities has increased from 23 to 26, the number of female vice-chancellors remains at four.

I am a man who believe women with potential and qualifications to ascend leadership positions must be given opportunities. I observe that little has been achieved on the eradication of possible barriers for the advancement of women into leadership positions in universities.

To end the problem of gender inequality, the democratic government of South Africa enacted the Constitutional Act¹ and the Employment Equity Act² in response to a global call for gender equality. The Employment Equity Act put an obligation on employers to implement affirmative action measures. This means employers must ensure that “suitably qualified” members from designated group are represented equitably in all occupational levels in the workplace.

In South Africa, the participation and visibility of women in leadership both in academia and corporate sector is still a challenge as there are still very few women in leadership

¹ The Constitution of the Republic of South Africa, Act 108 of 1996.

² The Employment Equity Act 55 of 1998.

positions. The government has introduced various policies and strategies to encourage societal transformation including the higher education sector. The policy frameworks such as Education White Paper 3: A Programme for HE Transformation 1997; White Paper on Science and Technology 1996; National Plan for Higher Education 2001) are extremely enabling measures and initiatives that provide opportunities and environments to redress inequalities experienced by female academics (Mazibuko, 2006).³ Through these policies the government by implication the Ministry of Higher Education and Training clearly supports measures that prioritise access of black female students to doctoral and post-doctoral programmes. The introduction of the Next Generation Programme (nGAP) to all universities by DHET is a clear indication by the government's commitment to the development and advancement of designated groups. However, it is too soon to vouch for the impact of the nGAP.

The Commission of Employment Equity (CEE) Report shows that women, especially black women, remain under-represented in the top, senior and professionally qualified occupational levels in public universities of South Africa.⁴ It is only at skilled technical and semi-skilled occupational levels where women are well-represented. At unskilled occupational level black women are over-represented in comparison to men. This shows so well that majority of black women are represented only at the three lower occupational levels. In this era, most women have qualifications and potential and they are readily available to occupy the higher echelons of the leadership positions, but they are still struggling to climb the leadership ladder. On the foreword of this CEE report, the chairperson, Nkabinde, T, made the following comments about South African universities:⁵

"We assessed the state of compliance with employment equity by the universities and it is clear that this sector is lagging behind in terms of transformation. The strategic decision-making positions (Top, Senior and Professionally Qualified/middle management levels)

³ Mazibuko, F., 2006. *Women in Academic Leadership in South Africa: Conventional Executives or Agents of Empowerment?* P.108.

⁴ Commission of Employment Equity Report of 2016-2017, South Africa Department of Labour. Available at <http://www.labour.gov.za> pp.39-55

⁵ As above

are still male dominated whereas females are dominant at the Skilled Technical level (junior management) and the Semi-Skilled levels.⁶

We also note with great concern, the increasing number of Foreign Nationals at universities, while female employees who are beneficiaries of employment equity are not increasing in representation in strategic roles. Universities play a critical role in developing a pool of suitably qualified individuals and on a yearly basis there is a large number of employment equity graduates that exit the institutions, but these individuals are not given the opportunities to become role players as employees in those institutions.

With this analysis, the true reality of our country is evident. Black people, women and persons with disabilities, who were disadvantaged by the previous dispensation, remain disadvantaged, 22 years into democracy and 18 years after the enactment of the Employment Equity Act”.

The above statement shows that the universities in South Africa are lagging behind in transformation. They are failing to achieve employment equity targets that could address the underrepresentation of black women.

The other challenge is that professional women agree that their responsibility to look after newly-born babies hinders their ability to advance. They also believe that putting career ahead of family leads to social disapproval and rejection and at the middle level of their career, the pressure for conforming to the societal norms could be more. On the tension between social norms and gender equality, Bonthuys & Albertyn argue that “although law may shift the public norms to promote gender equality and women’s rights, it can also leave private attitudes untouched.⁷ Thus, even after discriminatory legal rules have been removed, the social, cultural and religious attitudes which underpinned these rules remain, with the result that laws are poorly implemented or women are unwilling to access their rights because they fear social disapproval or themselves believe in their inferiority”.

⁶ As Above.

⁷ Bonthuys. E. Albertyn, C., 2007. *Gender, Law and Justice*, p. 6.

The aim of this study is to argue for an approach to transformation that could start to appoint and promote women, especially black women with potential and qualifications whenever vacancies exist in leadership positions in SA universities and embrace women's potential. Possible barriers created to bar advancement of black women into the positions of leadership are explored in chapter 3 of this study.

Furthermore, despite the fact that there are many studies on women's access to senior management positions in the public universities, not much has changed in the status of women in higher education and society in general. I reflect on the possibility of an ethics of care to respond positively to the continuance of black women's exclusion. I acknowledge that an ethics of care is not comprehensive but can be one of many ways in which to address the underrepresentation of black women in the management positions of HEIs.

1.4 Theoretical approach/ Methodology

This is a desk top study that entails a critical review of literature. A critical analysis of HE policy documents and other educational literatures, and their practices in relation to women, are utilised. I rely on the feminist theoretical concept of intersectionality to make sense of the ways in which the interactions of gender and race limit black women's access to the senior management positions in the universities. A lack of understanding of this intersection led to the marginalization of black women and their experiences. The philosophy of education is relied on to consider the main question of the underrepresentation of black women in senior management positions of South African universities.

The disproportion of South African women in leadership roles cannot be simply seen as a matter of equity since the issue runs much deeper historically, politically, socially, and culturally. The focus of the study is to understand the issues confronting universities management in redressing gender inequality or exclusion of black women in leadership positions. Recent research posits that gender discrimination in South Africa is not a direct result of apartheid, but the former cannot be divorced completely from historical and traditional racial and ethnic prejudices, thus suggesting that gender disparity in leadership

in South Africa is multi-faceted and complex. Consequently, we must look beyond Western feminism and acknowledge the critical work done by black feminists as having a powerful impact on feminism.⁸

Ethics of care is considered as a possible alternative of responding to the issues of inequality of black women in the senior positions of South African universities. Although there have been feminist political projects focusing on all major political projects of belonging – citizenship, nationalism, religion, cosmopolitanism,⁹ none of them have been successful in bringing an end to the exclusion of black women. Yuval-Davis considers an ‘ethics of care’ to be more specifically a feminist political project of belonging. It relates more to the ways people should relate and belong to each other rather than to what should be the boundaries of belonging.¹⁰

1.5 The outline of the dissertation

The current chapter introduces and sets the agenda for the study. It contains a brief exploration of the underrepresentation of black women in the higher education institutions and the use of philosophy of education as a form of research inquiry to address the problem of exclusion of black women and gender inequality in the South African universities.

Chapter 2 offers a historical account of HEIs in South Africa, covering the following periods, namely the a) pre-apartheid, b) apartheid and c) democratic periods, in relation to how women have been involved in such practices. The purpose of this chapter is to explore how far back this problem of under-representation of black women in higher education institutions (HEIs), especially in the top and senior management positions, has been without successful remedy. Apartheid as a system of oppression and segregation by colour of skin is investigated as a main cause for the initial but also continuing exclusion of black women in South Africa. During apartheid era blacks were segregated

⁸ Moorosi, P., 2010. *South African female principals' career paths: Understanding the gender gap in secondary school management*. *Educational Management Administration & Leadership*, 38: pp. 547–63.

⁹ Yuval-Davis, N. 2011. *Power, Intersectionality and the Politics of Belonging*, p7.

¹⁰ As above.

and excluded from most economic and educational matters of the country. By 1948 the University Education was already segregated and discriminated. In 1953 the government passed the Bantu Education Act, which was one of apartheid's most offensively racist laws. This law affected both black male and female. It denied black people access to the same educational opportunities and resources enjoyed by white South Africans. A differential higher education terrain was produced in keeping with the imperative of the grand apartheid project. Then the government specified that from December 1960 no black person would be allowed to study at an "open university". The Minister insisted that black students should attend the newly established universities instead and only under exceptional circumstances, such as unavailability of a course at a black institution, would he consider allowing a black student to attend a white university. The White universities registered a sharp decline in black student numbers. This educational apartheid system also affected black women and they were in limited number and few were accepted as employees. This kind of practice or system is one of the root causes of gender inequality in South African institutions of higher learning. The legacy of Apartheid state planning is the racial and ethnically fragmented higher education sector. During all these happenings majority of men and few women, particularly blacks, find an access to the those mentioned universities. It can be said that apartheid system affected the education system which in turn contributed the low number of women in management of the universities.

The reality of 1994 was that, with a new government in place, a new but massive transformation agenda was set. High expectations were expressed to universities to refocus their roles and to fulfil their traditional role, namely that of contributing towards social, political and economic development, since during their conception they were earmarked as places where leaders were trained, minds shaped and ideas formed. In contrast, the inherited system was inherently unequal, its academic input outdated in many respects and not in step with the emerging ideas of the democratic South Africa. The subsequent challenge for the new policy makers was – and still is – to deal with the legacy of apartheid, and yet also to shape and prepare South African universities to embrace the future in a global world. Since 1994, South African policy development has largely been driven by the new Republic of South Africa (RSA) Constitution. Its mandate

is to realise a system of education that is transformed and democratised in alignment with the values guarding human dignity, equality, human rights and freedom, non-racism and non-sexism, and one that ensures the right to basic education for all citizens. The Constitution of South Africa and the Employment Equity Act were some of the policies drafted to bring hope and dignity to the previously disadvantaged majority. However, soon their implementation became a colossal stride which some critics describe as a blind leap into the sea. The democratic government developed policies which were, amongst others, an attempt to steer higher education institutions towards driving and meeting transformational targets and strongly held beliefs. However, even currently, the gender of inequality and exclusion of black women leadership positions of the universities still exist.

In Chapter 3, the conception of gender, sex, patriarchy and stereotypes and gender equality in HEIs practices is linked to the discussion on legal frameworks and its limit. The aim of this study is to investigate the barriers which contribute to the low number of women in senior management positions in higher education. Gender stereotypes are one of the main barriers for the advancement of African women to senior management positions in South African universities. The number of females is lower than their male counterparts and women are still marginalized in terms of progressing to senior management positions. Gender stereotypes are impacting negatively to black women's advancement to leadership positions in the Higher Education sector. The gender stereotypes are discussed and show the role they played as one of the barriers that women experienced in progressing to senior management positions in higher education. It is important for this study to investigate also the different stereotypes that women face, and how those can influence their progression to senior management positions in higher education.

In this study, I illustrate how patriarchal conditions are fashioned within cultural norms and practices. The ideology of patriarchy can explain why most men and less women occupy the formal leadership positions in workplace and in the society. Gender inequality of women in the South African context can also be traced through the trajectory of the entrenched patriarchal systems and structures that have been existence for many years. Patriarchy puts males at the centre of decision making, headship and occupation of the political and production spaces. Patriarchy is hierarchical and men of different classes,

races or ethnic groups have different places within the patriarchal system, they are simultaneously united in their shared relationship of dominance over their women and they are dependent upon each other to maintain that domination.

CHAPTER 2

THE HISTORY OF UNIVERSITY IN SOUTH AFRICA

2.1 Introduction

The main research problem of this study is the extent to which women are under-represented in South African universities, in particular as far as black women in leadership is concerned. The proposed study investigates the possible barriers to the advancement of black women to leadership positions in the universities in South Africa and possible solution to the problem. The study focuses on the continued under-representation of women in leadership positions in Higher Education Institutions(HEIs). It has been discovered that women are high in numbers in the lower occupational levels of the universities but increasingly scarce in senior positions, whilst men dominated the leadership positions. There is under-representation of women, black women in particular, in the top, senior management and even in the middle management of the South African universities. This has been happening for years and there seems to be no solutions for this problem. The South African government had since 1994 attempted to address this problem by enactment of the Constitution and various labour policies but the problem still exists.¹ It is important to look into the history of universities in South Africa during apartheid period and post-apartheid period how the issue of exclusion of women and the lack of inclusion of black women in the universities in South Africa is evolving.

The Research Question is what is the history of the South African universities/ higher education institutions and what are the implications for HEI's gender transformation in leadership positions?

This Chapter examines some of the theories that shape HEIs. The conceptions of HE in two particular periods in the history, a deeper understanding of what shapes university practices and the underlying theories of HE (university) policy frameworks, as well as the aspects that have an impact on its practices, are probed.

¹ Commission for Employment Equity (CEE) Report, 2018-2019.

This study explores the status of black women in the university in South Africa. The intention here is to demonstrate how women were marginalized in all different eras. Another objective is to explore how gender inequality unfolded during these eras. It is very vital to find out how women, especially blacks, have been involved in all these eras, especially in the apartheid and post-apartheid eras.²

This is done in reaction to widespread contemporary and post-apartheid type of higher education (HE) which was pioneered by the democratic government.³ Furthermore, the apartheid and post-apartheid period is analysed in terms of moving from apartheid supremacy to democracy regarding women participation in higher education sector as employees. How are they fairing in climbing leadership ladder and their representation in management level?

The first objective is to trace historical moments of universities in South Africa in order to demonstrate how black women were since marginalized during all these different periods. The second objective of this chapter is to explore how gender inequality unfolded during these eras.

2.2 Definition of university

Before discussing the history of university, it is very important to understand how to define what university is. Assié-Lumumba, defines a university as a place in which it is actively involved in teaching, learning and research.⁴ Men and women attend studies in universities to acquire knowledge on research, teaching and learning. It is one of the higher education institutions which brings men and women to a high level of intellectual development in the arts and sciences, and in the traditional professional disciplines, and also promotes high level research. It is known fact that teaching, learning and research are main components of university's responsibility towards society development. People who study at universities some eventually become professors, associate professors and executive deans, etc. There are other institutions of higher education which offer post-secondary education and training courses and programmes of instruction in technical and

² Kajeni, S.N. and Mbembe, A., 2015. *Decoloniality as the Future of Africa*.

³ Lulat, G. Y. M., 2005. *African history of higher education from antiquity to the present: Critical synthesis*.

⁴ Assié-Lumumba, N., 2006a. *Higher education in Africa: Crises, reforms, and transformation*, p.19.

vocational subjects and practical fields of work, all geared to producing middle grade technicians.⁵ These are called TVET colleges in South Africa. However, the focus of this study is on the university in South Africa tracing its history from apartheid era. The terms universities and higher education institutions (HEIs) will be used interchangeably

Assié-Lumumba points out that the contemporary institutions of higher learning in Africa have originated from a colonial or neo-colonial framework, and the idea and reality of higher education (HE) was alien to the African context before colonization.⁶ Okolie mentions that such ideas of modernisation continue to shape the current African Higher Education (AHE) negatively, particularly its attitudes towards women, which has had a deep impact on women's involvement in decision making and equal access.⁷ The universities in South Africa were also shaped colonial and neo-colonial framework, which play a role in the gender inequality in the senior positions in the universities.

Besides teaching and learning and conducting research, the other function of university is community services/development, the requisite qualifications of the faculties, the criteria for admission of students, the duration of programmes they offer, and the types of degrees they confer.⁸ It can be said that terms "higher education" and "tertiary education" embody all forms of organized education learning and training activities.⁹ The nature of the HE offered was intended to satisfy the quest for knowledge, while considering the fulfilment of responsibilities relevant to the community and within a particular culture.¹⁰ Thus, all community members, both men and women must be treated equally and fairly and with dignity they deserve irrespective gender and race.

It can be said that the terms "higher education" and "tertiary education", which embody all forms of organised educational learning and training activities beyond the secondary level, are often used interchangeably. These terms therefore may refer to either

⁵ Shanyanana, R. N., 2011. *Education for democratic citizenship and cosmopolitanism: The case of the Republic of Namibia*. Unpublished Master's thesis, p.17.

⁶ As above, p.18.

⁷ Okolie, A. C., 2003. *Producing knowledge for sustainable development in Africa: Implications for higher education*. *Journal Higher Education in Africa*, pp.95-111.

⁸ As above at 5.

⁹ As above at 4.

¹⁰ Aayi, J. E. A., Lameck, K. H., Goma, G., & Ampah, J., 1996. *The African experience with higher education*, p. 5.

universities, technical, training colleges or all forms of professional institutions. In this study, these terms will be used interchangeably. With this understanding, an investigation of HE in South Africa during the apartheid period and post-apartheid periods in relation to women, particularly black women, is necessary.

2.3 Tracing historical moments of South African higher education

The aim here is to establish whether women, particularly black were involved or recognized during all these stages. It is well-known there was a pre-colonial, colonial and post-colonial period for the higher education system, however the focus will be solely from post-colonial period in South Africa starting through apartheid period to current situation. The aim is to explore the status of women, especially black women as far as their exclusion to higher education institutions' management positions.

2.3.1 Apartheid Era

This was a painful era of black people because of the apartheid system of oppression and segregation by colour of skin in South Africa. Blacks were segregated against and excluded to most economic and educational matters of the country.

2.3.1.1 University Education from 1948 to 1970

By 1948 the University Education was already segregated and discriminated. Apartheid regime entrenched divided university education through the Extension of University Education and Forte Hare Transfer Acts of 1959, which were produced by Native Affairs Department. The apartheid government created the ethnically segregated, state owned university college which provide inferior educational opportunities to the state-aided, more autonomous, universities.¹¹ The 'open' universities complied with the compulsory closure of enrolment of black students.¹² The University of Natal was less cooperative but ultimately complied. Enrolment at ethnic university was not compulsory but the number of students rose despite continued opposition to ethnically -defined institutions. Generally, the Government spent more money on university education resulting in huge increases

¹¹ Beale, M.A., 1998., *Apartheid and University Education*, pp.1948-1970.

¹² As above.

in enrolments and institutional capacity. Spending on Afrikaans students was most generous. The Black university colleges were expensive but Government spending on black university education remained low. The divided university system produced far more white graduates, in a wider range of disciplines, than black graduates¹³. This contributed to low number black women with the necessary qualifications which would assist them to occupy the management positions in the universities. As a result of apartheid system, South African universities were isolated internationally, and the development of indigenous intellectual culture and research capacity was hindered, especially at the Afrikaans medium and black institutions.¹⁴ Politically, Nationalist university policy was counterproductive. From the late 1960s the police increasingly acted against students at the black and English medium institutions. In 1970 the black university colleges were granted autonomy from Unisa.¹⁵ The number of black students enrolled at the universities stood at a mere 4.8% in 1948 and when the Nationalist Party government assumed power, most black students enrolled at the University of Fort Hare.¹⁶ The low number was typical for colonized Africa. This practice was also contributory to the less number of female students graduating which automatically contributed to the underrepresentation of black women in university management positions. The first university for black South Africans, University of Fort Hare, was established in 1916.

In 1953 the government passed the Bantu Education Act, which was one of apartheid's most offensively racist laws.¹⁷ It brought African education under control of the government and extended apartheid to black schools. Previously, most African schools were run by missionaries with some state aid. However, Bantu education ended relative autonomy these schools had enjoyed up to that point. Instead, government funding of black schools became conditional on acceptance of racially discriminatory curriculum administered by a new Department of Bantu Education.¹⁸ Bantu Education served the

¹³ As above.

¹⁴ As above.

¹⁵ As above.

¹⁶ Badat, S., 1991. *Reformist strategies in black tertiary education since 1976. Apartheid Education and Popular Struggle in South Africa*, p.48.

¹⁷ As above

¹⁸ Bunting, I., 2006. *The Higher Education Landscape under Apartheid*, Chapter 2.

interests of white supremacy. It denied black people access to the same educational opportunities and resources enjoyed by white South Africans. Bantu education denigrated black people's history, culture, and identity. Bantu education treated blacks as perpetual children in need of parental supervision by whites, which greatly limited the student's vision of "her place" in the broader South African society.¹⁹ This kind of treatment made it difficult for black women to achieve success in their educational endeavor and be able to assume responsibilities in the management positions of the universities.

Under Apartheid, the state was re-designed to organize civil society more firmly along the race and ethnicity lines. This translated into administrative practice where all social services were provided separately and unequally. Each ethnic group required its own department, creating enormous administrative and policing bureaucracy. There were departments of Native, Indian and Coloured Affairs, further sub-departments to deal with education, health, welfare and other services.²⁰ The project was designed to establish and consolidate white identity and economic, social and cultural domination by whites of polity. Those classified as "non-whites" were expected to labour to serve white society and culturally assume roles and practices expressing subordination to secure the basis of white privilege and superiority. Educational policy under apartheid system distributed educational resources unequally on the basis of "race", its objective was to teach subaltern youth that their inferiority was "natural", it aimed to imbue the subaltern child with an "ethnic" (tribal) cultural identity with the hope of that it would identify with "its own" people and ethnically defined Bantustan.²¹ This policy aimed to constitute thoroughly docile subjects whose will to resist would be crushed and policed by themselves and finally it aimed to establish two types of subaltern political classes – a small elite to operate the administrative structures of the subaltern (in the Bantustan and urban areas) and laboring class to perform unskilled labour for the industrial economy.²² A differential higher education terrain was produced in keeping with the imperative of the grand apartheid project. Blacks were oppressed and were not given opportunities to occupy

¹⁹ Hartshone, K., 1992. *Crisis and Challenge Black Education 1910-1990*, p.41.

²⁰ Reddy, T., 2004. *Council on Higher Education (CHE), Higher Education and Social Transformation*, South African Case Study, p.9.

²¹ Reddy, T., 2000. *Hegemony and Resistance Contesting Identities in South Africa*.

²² As above.

senior positions in the companies and institutions of learning and this automatically mean black women were severely affected.

The unintended consequences are that black universities created conditions that led to the emergence of student resistance. The latter helped create and sustain the internal resistance movement and together with structural factors (economic contradictions, regional changes and global pressures) helped produce the collapse of the apartheid regime.

In 1960s Apartheid planners implemented the vision of education to higher education outlined in the Extension of the University Education Act of 1959. This Act reconfigured the existing higher education sector by steering black enrolment away from established white universities and creating black universities, qualitatively different to the white universities to which black students were forced to attend.²³ In October 1959 the government gazetted that from the following year “non-white” person would not be permitted to attend any university (except University of Natal Medical School and the University of South Africa) without the permission of the Minister. Then the government specified that from December 1960 no black person would be allowed to study at an “open university”.²⁴ The Minister insisted that black students should attend the newly established universities instead and only under exceptional circumstances, such as unavailability of a course at a black institution, would he consider allowing a black student to attend a white university.²⁵

The White universities registered a sharp decline in black student numbers. A year after a legislation was passed, 190 African students applied for admission to the “open universities”.²⁶ The Minister of Bantu Education granted permission to four students and only two of the four were admitted, one each to the universities of Cape Town and Witwatersrand and both of them were males.²⁷ This kind of an incident showed very well that this contributed to the underrepresentation of black women in management level of

²³ As above.

²⁴ As above.

²⁵ As above.

²⁶ As above.

²⁷ As above.

the universities in South Africa. Without necessary university qualifications, black women were denied opportunity to do job applications to the HEIs. The white universities (except Wits and UCT, that allowed black students to attend non-segregated lectures) had separate lectures for black students.²⁸ While the numbers of black students admitted to UCT and Wits were low historically, an astonishing drop follows the passing of apartheid legislation. Similar thing happened to the women especially Blacks, were in limited number and few were accepted as employees. This kind of practice or system is one of the root causes of gender inequality in South African institutions of higher learning.

The apartheid regime embarked on a determined policy to create universities for the variously state defined ethnically classified black groups. These new universities, “the bush colleges,” were designed to serve a valuable instrument in the overarching “grand Apartheid” political project based on the creation of pseudo-independent states in the African tribal reserves. For Zulu and Swazi speakers, the government created the university of Zululand. The University of the North was created for Sotho, Tswana, Venda and Tsonga speakers and the Transvaal Ndebele. The universities of the Western Cape and Durban-Westville were created for Coloureds and Indians.²⁹ Early in 1970s universities were established in Transkei, Bophuthatswana, and Venda Bantustans.³⁰ These institutions were expected to legitimate, reproduce, and constitute, especially among the elites, identities and social relations of race and ethnicity. The main objective was that if successful, the black majority will be divided into many minorities, weakening both the physical majority and the political, moral argument for democratic majority rule in an undivided South Africa.³¹ The division of blacks into ethnicity and race weakened the unity of women in fighting against their exclusion in the management of HEIs. The number of black women decreased more as women from each ethnic group were expected to enrol and work at their respective ethnic group (e.g. Zulu women to enrol at the University of Zululand. The aim of the apartheid was divide and rule, this affected the number of women accessing the management level of the university.

²⁸ Nkomo, M. (Ed.), 1990. *Pedagogy of Domination Towards a Democratic Education in South Africa*.

²⁹ Horrell, M., 1968. *Bantu Education to 1968, South African Institute of Race Relations*.

³⁰ As above

³¹ As above

The apartheid policy led to the establishment of 36 higher education institutions controlled by government departments. There were 21 universities and 15 technikons. During this era the higher education was divided into two distinct types, namely universities and technikons and there was a sharp racial division as well as language and cultural difference, and there was a skewed profiles of the institutions in each category.³² Women were still under-represented even though SA high education system was divided into universities and technikons.

The racial differentiation of universities comfortably replicated the racial organization prevailing in society. Society resembled an inflexible hierarchical structure, modelled like a pyramid with minority classified as whites at the top and large majority of blacks categorized by state policy into African, Coloured and Indian groups at the bottom.³³ The Coloured and Indians groups were deliberately and controversially positioned to constitute what is called “middle-man minorities.”³⁴ The restrictive admissions criteria established by state policy and vigilantly policed at university level helped produce universities for Whites, Africans (divided into separate language groups), Indians and Coloureds. The legacy of Apartheid state planning is the racial and ethnically fragmented higher education sector.³⁵ During all these happenings men were in majority whilst few women, particularly blacks, find an access to the those mentioned universities. Less women had an access to the universities and more men (mostly Whites) occupied the top, senior and middle management positions. Women were in majority at the semi-skilled and unskilled positions. Mostly black women work as cleaners or administrators and they are in majority those lower level occupational levels in the universities.

³² As above

³³ As above

³⁴ Van den Berghe, P., 1987. *The Ethnic Phenomenon*.

³⁵ Badat, S., 1999. *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO*, pp.1968-1990.

2.3.1.2 The Institutional Landscape Under Apartheid

2.3.1.2.1 The Period after 1984

There were two major consequences which flowed from these conceptions of race and the nature of knowledge:

- Firstly, the South African higher education system was divided into two mutually exclusive types of institutions: universities and technikons.
- Secondly, eight different government departments controlled the institutions in these categories.³⁶

2.3.1.2.2 Historically white universities in the RSA

Historically white universities remained part of the Republic of South Africa (RSA) throughout all the years of apartheid. The group has to be divided into two distinct sub-groupings: those in which the main medium of communication and instruction was Afrikaans (which was the home language of most people in government) and those in which the main medium of communication and instruction was English. Nevertheless, it was not the question of language that was the primary basis for the divide. The key element in making the distinction between the two sub-groupings is that some universities in the group supported the National Party government, including its apartheid higher education policies, and others did not.³⁷ Here blacks were not allowed to enrol in these universities which automatically excluded black women from participating and studying a valuable education. This denied black women opportunities for development and to be ready to take over leadership positions in universities due to apartheid policy.

2.3.1.2.3 Historically white Afrikaans-medium universities

The first sub-group comprised six universities, five of which used Afrikaans as the official medium of communication and instruction: University of the Orange Free State, Potchefstroom University, the University of Pretoria, the Rand Afrikaans University and

³⁶ As above at 18.

³⁷ As above.

the University of Stellenbosch. The sixth member was the dual-medium University of Port Elizabeth, which had been set up in the early 1960s as a way of bringing conservative white English-speaking students into the government fold. This university, despite being officially both Afrikaans and English, was dominated by Afrikaans-speaking executives and governing bodies. These six universities were run by executives and councils which gave strong support to the apartheid government. They accepted the government's ideology of universities being 'creatures of the state' and therefore took their chief function to be that of acting in the service of government. They believed that this obliged them to support the higher education policies of the apartheid government. Their implementation of the government's race-based policies is shown by the fact that the combined student enrolment of the six universities was 96% white in 1990 and 89% white in 1993.³⁸ They made few attempts to use the permit system to bring black students on to their campuses. The permit system was one which allowed a white institution to apply for government permission to enrol black students in programmes not offered by a black institution. The few black students enrolled by these institutions tended to be postgraduates who did not have to attend classes on campus.³⁹ The support given by the six historically white Afrikaans-medium universities to the government was a major aspect of their adaptive strategies. They saw their support of the apartheid government as being essential to their survival as institutions, at least up until 1990 when the national liberation movements were unbanned. Their student recruitment depended on being seen primarily as institutions involved in the training of staff required for the apartheid civil service and for various professions. But most importantly, their financial strength depended on them having good relations with the apartheid government as well as the business sectors with which it had close ties⁴⁰. This kind of practice did not give black women an opportunity to gain skill and experience to prepare themselves to be readily available when opportunities arise for vacant posts in management levels of the universities. Only whites were recognized here because of the apartheid system.

³⁸ As above.

³⁹ As above.

⁴⁰ As above.

2.3.1.2.4 Historically black universities in the TBVC countries

A further grouping of our historically black universities was linked to the 'independent republics' of the Transkei, Bophuthatswana, Venda and Ciskei (the TBVC countries). The University of the North, North West University and the University of Fort Hare were historically black universities. Because each of these 'republics' had been established in a 'homeland for Africans' their universities enrolled mostly African students, many of whom came from the urban areas of the RSA. In 1990, their combined enrolment was 14 000 and in 1993 it was about 20 000. The governments of these 'republics' treated the universities as an extension of the civil service and so held them under tight control at all times.⁴¹ The universities were regarded by these governments primarily as the training grounds for the civil servants and school teachers whom they required. They were, as a consequence, as explicitly authoritarian and instrumental as the historically black universities in the RSA. The turmoil of the early 1990s affected these institutions as seriously as the RSA's historically black universities. They became sites of struggle against their governments which were viewed as being no more than pawns of the apartheid regime.⁴² As was the case with the other historically black universities, major challenges were launched against the authoritarian, undemocratic ways in which these universities operated. As a consequence, many months of teaching and learning were lost at these institutions as a result of student boycotts of classes, of staff strikes and of governments closing down institutions.⁴³ The students' boycotts and staff strike and oppression they suffered or received from TBVC authoritarian governments were contributory to the low number of black women ascending the management levels of the universities. Some of the black women dropped out of the universities because of continued boycotts and strikes.

2.3.1.2.5 Historically White technikons

Seven institutions were clustered in this grouping: Cape Technikon, Free State Technikon, Natal Technikon, Port Elizabeth Technikon, Pretoria Technikon, Vaal Triangle

⁴¹ As above

⁴² As above

⁴³ As above

Technikon and Technikon Witwatersrand were institutions which could not be divided into Afrikaans and English subgroupings.⁴⁴ All tended to be conservative institutions which, like the Afrikaans-medium universities, aligned themselves with the National Party government and its higher education policies. In terms of governance structures they were authoritarian institutions. They made little effort to 'play the permit system' and by 1990 a very high proportion of their students, 89%, remained white. By 1993, however, their proportion of white students had dropped to 75%.⁴⁵ The historically white technikons were highly instrumentalist as far as knowledge was concerned. These institutions had no intellectual agenda other than that of offering vocational training programmes to young white South Africans. They took themselves to be training the future 'middle managers' and 'technologists' for business and industry. They undertook little research and offered little by way of postgraduate training. Only whites were given a vocational preparing them as the 'future middle managers and technologists for business and industry. The management of white technikons did not recognise or think blacks deserve to be trained as future middle managers or technologists of HEIs only because of their colour of the skin irrespective of the qualifications they hold. This means black women were also affected by this system.

2.3.1.2.6 Historically black technikons in the RSA and TBVC

These institutions fell into groupings consistent with those of the historically black universities:

- Two technikons were controlled by the national Department of Education and Training: Mangosuthu Technikon and Technikon Northern Transvaal. They were small, conservative institutions which had, in 1990, a 100% black student enrolment which totalled about 4 000. By 1993 their combined enrolment had increased to 8 000 students.
- Three technikons had been established in the TBVC countries towards the end of the 1980s: Border Technikon, Eastern Cape Technikon and North West

⁴⁴ As above.

⁴⁵ As above.

Technikon. They had a combined, 100% black student enrolment of less than 2 000 by 1990 and of 3 500 by 1993.

- Two technikons were controlled by departments in the tricameral parliament, but before 1990, as was also the case with the universities controlled by these departments, they had rejected their founding apartheid principles: ML Sultan

Technikon (which was supposed to be an Indian 'own affairs' technikon) had an Indian enrolment of 73% in 1990 and 63% in 1993, and Peninsula Technikon (which was supposed to be a coloured 'own affairs' technikon) had a coloured enrolment of 73% in 1990 and only 58% in 1993.⁴⁶

The intellectual agendas of these groupings of historically black technikons was similar to those of the historically white technikons. They took their primary function to be that of offering vocational training programmes to young black South Africans. They undertook no research and offered little by way of postgraduate training. This contributed to the low number of black women accessing the management of the universities as is the case currently.

2.3.1.2.7 Dedicated distance education institutions

During the 1980s South Africa had two dedicated distance education institutions, one of which was described as the University of South Africa, also known as Unisa) and one as a technikon (Technikon South Africa, also known as TSA). Both were controlled during the 1980s by the House of Assembly in the tricameral parliament, and so were in effect historically white institutions. However, since their students studied entirely off-campus, these institutions were not affected by the permit system and could enrol any black applicant who qualified for admission to one of their programmes. Both institutions were governed during the period up to 1994 by councils and executives that were supportive of the apartheid government⁴⁷. Consequently, the University of South Africa was more akin to historically white Afrikaans-medium than historically white English-medium universities. When conflicts arose within the university system, it tended to support the

⁴⁶ As above.

⁴⁷ As above.

Afrikaans rather than the English universities and so became the seventh member of this Afrikaans bloc.⁴⁸ Its intellectual agenda was also typical of that of an historically white Afrikaans-medium university. It had a very large, well-qualified academic staff complement, but engaged in little or no research and maintained few international linkages. Technikon South Africa was typical of an historically white technikon in terms of the extent of its support for the apartheid government and in the composition of its governing council and executive.⁴⁹ A major part of its effort went into offering vocational training and upgrading programmes for the civil service. This technikon had, for example, responsibility for police training in South Africa. These two institutions did not help blacks for development in management positions because of their support to apartheid regime and its policies. As a result, this denied black women to access university and play a major role in the leadership positions of the university.

2.4 Legal Frameworks of South Africa

2.4.1 The Constitution of 1984

The introduction of 1984 constitution in the RSA, with its distinction between 'general' and 'own affairs', entrenched the apartheid divisions in education in South Africa. A direct consequence was that HE institutions had to be designated as being exclusive use of one of the four race groups: African, Coloured, Indian and White. By the beginning of 1985, 19 HEIs were exclusive use for whites, 2 as being exclusive use for Coloured, 2 for exclusive use for Indians and six for exclusive use for Africans. Even though Whites are in minority but they were afforded 19 HEIs than any other group by the 1984 Constitution. Blacks were in majority however they were given less HEIs than whites. This automatically contributed to the dearth of women who were under-represented and most excluded in the higher education institutions. The six institutions for Africans did not include the seven institutions in the TBVC countries, even though it was expected that the latter would be used almost entirely by the African citizens of the four 'independent

⁴⁸ As above

⁴⁹ As above

republics'.⁵⁰ The SA government considered the four entities as to be legally independent countries, but they never received international recognition of their statehood.⁵¹

2.4.2 Policy Development after 1994

The year 1994 will always be known as the year of the culmination of liberation, transformation and the breaking away from a past whose corollaries are still endured by people today.⁵² The reality of 1994 was that, with a new democratic government in place, a new but massive transformation agenda was set.

The post-apartheid South African government (in the 1990s and 2000s) enacted some of the most progressive legislative measures such as the Constitution (1996), Labour Relations Act (1995), Employment Equity Act (EEA, 1998), Skills Development Act (1998) and Promotion of Equality Act.⁵³ The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) is another example of legislation enacted in response to global call for gender equality.⁵⁴ The SA government also enacted the Employment Equity Act, (as amended) to address global problem of gender inequality.⁵⁵ By enacting these laws, the government believed that such legislations will address in general the inequality of women in leadership positions, which includes black women in the universities in South Africa.

The institutional armoury against unfair discrimination is formidable in South Africa. For example, legislative prohibitions of unfair discrimination are intrinsic to South African Constitution. Chapter 2 (the Bill of Rights) of the Constitution contains an equality clause which is dealt in details in the Employment Equity Act. Chapter 2 of the Employment Equity Act prohibits unfair discrimination against designated groups. However, section 6 of the EEA provides that discrimination can be permitted if it is due the inherent requirements of the post or for affirmative action measures. Additionally, Schedule 7 of

⁵⁰ As above.

⁵¹ As above.

⁵² As above.

⁵³ Horwitz, F.M., & Jain, H., 2011. *An assessment of employment equity and Broad Based Black Economic Empowerment developments in South Africa*. International Journal Volume 30, No 4, p 298.

⁵⁴ Prinsloo, S., 2006. *Sexual harassment and violence in South African schools*. South African Journal of Education. EASA. Vol. 26 (2), pp. 305—318.

⁵⁵ The Employment Equity Act 55 of 1998.

the Labour Relations Act considers unfair discrimination either directly or indirectly as an unfair labour practice.⁵⁶ No person may unfairly discriminate directly or indirectly against anyone on one or more grounds which include race, gender, ethnic origin, sexual orientation, religion, disability, conscience, belief, language and culture. Labour laws have been at the forefront of the post-apartheid government's determination to remove unfair discrimination.⁵⁷

High expectations were expressed to universities to refocus their roles and to fulfil their traditional role, namely that of contributing towards social, political and economic development, since during their conception they were earmarked as places where leaders were trained, minds shaped and ideas formed. In contrast, the inherited system was inherently unequal, its academic input outdated in many respects and not in step with the emerging ideas of the democratic South Africa.⁵⁸ A further debilitating factor was the culture of research in many universities, which seemed to be incompatible with the progressive agenda of the new South Africa and the culture. Although the transformation agenda was fair, it also alienated a large majority of people with its technicalities. The subsequent challenge for the new policy makers was – and still is – to deal with the legacy of apartheid, and yet also to shape and prepare South African universities to embrace the future in a global world.⁵⁹ The legacy of apartheid denied blacks, particularly black women, an opportunity to acquire necessary qualifications which will prepare them to assume responsibilities in leadership positions of the universities in South Africa.

2.5 Policies which were developed in democratic South Africa since 1994

In his opening in Parliament in 1994 former president of South Africa, Nelson Mandela said: "Freedom cannot be achieved unless women have been emancipated from all forms of oppression." Since then there has been a purposeful attempt by government to promote gender equity by enacting various legislations. The South African democratic

⁵⁶ As above.

⁵⁷ As above.

⁵⁸ As above.

⁵⁹ As above.

government introduced legislations which attempt to address inequality and eradicate discrimination against women in the workplace.

Since 1994, South African policy development has largely been driven by the new Republic of South Africa (RSA)'s Constitution.⁶⁰ The government's mandate was to realise a system of education that is transformed and democratised in alignment with the values guarding human dignity, equality, human rights and freedom, non-racism and non-sexism, and one that ensures the right to basic education for all citizens.⁶¹ Subsequently, the objectives of these policies are valid in light of the country's history, subtle undertakings of segregation/discrimination, the inherited legacy of inequality that still looms in all sectors of work and that seems to be mutating into many different forms. These policies were developed to redress the disadvantages experienced by blacks, especially women in the past. The implementation of these policies will go a long way in achieving the desired results. The array of policies which were developed after 1994 were there to bring hope to the nation – trying to reverse all oppressed and segregated policies during apartheid era. The hope was expressed that with a number of well-grounded policies in place the South African society would soon see the benefits resulting from their implementation.

2.5.1 The National Policies

2.5.1.1 South African Constitution No 108 of 1996

The Constitution of South Africa and the Employment Equity Act were some of the policies enacted to bring hope and dignity to the previously disadvantaged majority. However, soon their implementation did not bring the desired results to free people from poverty, unemployment and inequality.

To end the problem of gender inequality, the South Africa government enacted the Constitutional Act.⁶² Thus, government of South Africa showed its commitment to gender equality, non-sexism and women's human rights by introducing this Constitution which

⁶⁰ The Constitution of South Africa, Act no.108 of 1996.

⁶¹ As above

⁶² As above

ensures that government's commitments are met. The Constitution of South Africa guarantees fundamental rights to all South African citizens. It includes the Bill of Rights that is a "cornerstone of democracy in South Africa."⁶³ The importance of equality and dignity is clearly provided in Section 2 of the Constitution of South Africa that provides that the Bill of Rights "enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom." The rights to human dignity and equality are considered to be the founding provision of the Constitution, which states:

"The Republic of South Africa is one, sovereign, democratic state founded on the following values: Human dignity, the achievement of equality and the advancement of human rights and freedoms."⁶⁴

(i) Equality and human dignity

The right to human dignity is the "cornerstone for the protection of all other rights", because in order to exercise all other rights a person must have human dignity, which entails a human being's right to be treated in a humane manner.⁶⁵ The right to human dignity is found in Section 10 of the Constitution and it states that "everyone has inherent dignity and the right to have their dignity respected and protected".⁶⁶

Elmene Bray (2004) argues that human dignity "is part and parcel" of what makes someone "human", since it "relates to a person's inner quality, self-worth and self-esteem", and therefore this right is subjective.⁶⁷

(ii) Substantive and formal equality

Feminism engages both the law as it is, and the law as it ought to be.⁶⁸ In addressing the 'ought' in equality and anti-discrimination law, legal feminists have called for the

⁶³ As above.

⁶⁴ As above.

⁶⁵ Rautenbach, I.M. & Malherbe, E.F.J., 2004. *Constitutional Law*, p.330. *The South African Constitution*, p. 61.

⁶⁶ As above.

⁶⁷ Bray, E., 2004. *Constitutional values and human dignity: Its value in education. Perspective in Education*, Volume 22(3) September 2004 at p. 41

⁶⁸ Albertyn, C., 2007. *Equality at Gender, Law and Justice*, p.87

recognition of substantive rather than formal equality in constitutional interpretations of equality right and in the application of anti-discrimination legislation.⁶⁹

The substantive equality approach is the opposite of the formal equality approach since it “ requires that actual social and economic conditions that have led to inequalities between groups and individuals be considered”.⁷⁰ A substantive approach to equality does not presuppose a just social order. It accepts that past patterns of discrimination have left their scars upon present. Treating all persons in a formally equal way now is not going to change the patterns of the past, for that inequality needs to be redressed and not simply removed. This means that those who were deprived of resources in the past are entitled to an “unequal” share of resources at present.

As the essence of this approach proposes that in order to right past patterns of discrimination and prevent further and future discrimination, the right of equality should be upheld by respecting and acknowledging the differences between groups and individuals, “in order to accommodate their different needs and interests.”⁷¹

The aim of Section 9 of the Constitution is to eliminate the impact of group-based disadvantages that were historically experienced.⁷² The Constitution of South Africa follows a substantive approach rather than a formal approach as it recognizes that the right of equality cannot be upheld if all people and groups are treated equally all the time.

The goals of feminist legal scholarship reflected in the aspiration of the South African Constitution, is to ensure that the law addresses the concrete social, cultural and economic conditions that perpetuate women’s inequality in the society.⁷³ Albertyn & Bonthuys confirmed this by pointing out that despite advances in constitutional and legal rights since 1994, South African women, especially black women, are far from attaining

⁶⁹ As above.

⁷⁰ As above.

⁷¹ As above.

⁷² Botha, H., 2009. *Equality, Plurality and Structural Power*, 25 SJHR, p.2.

⁷³ Bonthuys, E., & Albertyn, C., 2007. *Gender, Law and Justice*, p.5.

actual equality.⁷⁴ They are the most under-represented group than any other racial group of women.

The Constitutional Court is one of the measures designed to protect or advance persons, or categories of persons, in terms of Section 9 of the Constitution. By following the substantive approach, the equality section in the Constitution allows the South African government to classify and treat people differently for a number of reasons, as long as these reasons are legitimate and do not unfairly discriminate, indirectly or directly, on any of the listed grounds provided for in Section 9(3).⁷⁵

2.5.1.2 The Employment Equity Act No 55 of 1998 (EEA)

The first attempt to achieve greater social justice and equality and redress past unfair discrimination in the labour market came about through the enactment of Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997 and the Employment Equity Act of 1998 as amended.⁷⁶ The government of South Africa has sought to redress the historical legacy of workplace discrimination through the introduction of the Employment Equity Act.⁷⁷ The Employment Equity Act (EEA) was introduced to prohibit discrimination against employees and put an obligation to the designated employers to introduce affirmative action measures to redress past imbalances experienced by the designated employees.⁷⁸

Furthermore, the purpose of EEA is to achieve equity in the workplace. Its goal is to promote equal opportunity and fair treatment in employment through elimination of unfair discrimination.⁷⁹

Furthermore, the Act provides that it is not unfair discrimination to:

- “take affirmative action measures consistent with the purpose of the Act; and

⁷⁴ As above.

⁷⁵ As above at 60.

⁷⁶ Booysen, L., 2007. *Barriers to employment equity implementation and retention of Blacks in management in South Africa*. S Afr Journal of Labour Relations, 31(1): pp.22-47

⁷⁷ As above at 53, p 297.

⁷⁸ As above at 55

⁷⁹ As above at section 2

- distinguish or exclude or prefer any person on the basis of an inherent requirements of a job.”⁸⁰

2.5.1.3 Promotion of Equality and prevention of Unfair Discrimination Act No 4 of 2000 (PEPUDA)

PEPUDA was drafted to comply with Section 9 (4) of the Constitution, which provided that national legislation must be enacted to prevent or prohibit unfair discrimination.⁸¹ The objectives of the Act amongst others is to comply with the international law obligations including treaty obligations in terms of, amongst others, the Convention on the Elimination of All forms of Racial Discrimination and the Convention on the Elimination of all Forms of Discrimination against Women.⁸²The Act resulted in placing positive duties on the State to prohibit unfair discrimination and to uphold substantive equality.⁸³

The Act also provides to the creation of Equality Courts and High Court, in terms of the Act, they are automatically designated as Equality Courts.⁸⁴ The Equality Courts are mechanisms to ensure substantive equality and to provide civil remedies for victims of unfair discrimination. The Equality Court also provided alternative civil proceedings that are less costly and more accessible than the Constitutional Court.

2.5.2 Policies specific to Education

Policy development in the higher education institutions after 1994 commenced when first democratic President Nelson Mandela appointed a National Commission on Higher Education (NCHE). Its role was to develop a policy framework for the transformation of South Africa’s higher education sector which by that time comprised universities, technikons, and nursing, agriculture and teachers’ training colleges. This process, which started in Parliament in 1995, culminated by the development of the Higher Education Act

⁸⁰ As above at section 6(2)

⁸¹ Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) 4 of 2000. section 2.

⁸² As above.

⁸³ As above at section 25.

⁸⁴ As above at section 16.

of 1997.⁸⁵ The most important recommendations made by the NCHE in trying to transform the system were the following:⁸⁶

- An expansion of student enrolment and broadened access to reach a wider distribution of social groups and classes, including adult learners;
- Greater responsiveness to societal needs and interests;
- Increased cooperation and partnership in structures of governance, both at the system and institutional levels;
- A higher education system designed, planned, managed and funded as a single coordinated system comprising universities, technikons and colleges;
- Alignment of qualifications with the National Qualifications Framework allowing adequate channels, flexible entry, as well as exit points and horizontal and vertical mobility;
- A strategic public funding framework taking into account the number of students in different fields and levels of study; and addressing the special needs of institutions, such as equity, redress and research infrastructure;
- Establishment of a higher education quality committee responsible for programme accreditation, institutional auditing and quality promotion;
- Distance education and resource-based learning.

These recommendations feature in the Higher Education Act, as well as in a number of policies and papers, namely the Education White Paper 3: A Programme for the Transformation of Higher Education⁸⁷, the Council on Higher Education (CHE) report

⁸⁵ Higher Education Act no 101 of 1997.

⁸⁶ National Commission on Higher Education, 1996.

⁸⁷ Education White Paper 3, 1997. *A Programme for the Transformation on Higher Education*, Notice 1196.

entitled *Towards a new higher education landscape, meeting the equity, quality and social development imperatives of South Africa in the 21st century*⁸⁸, the

National Plan for Higher Education⁸⁹ and the South African Qualifications Act

(SAQA) Act.⁹⁰ These policies were, amongst others, an attempt by the government to transform South African educational system by ensuring that education institutions are moving towards transformational targets and strongly held beliefs.

2.5.2.1 The Education White Paper 3, 1997

The Education White Paper 3 was enacted in response to international call to address inequality of women in education sector. The Education White Paper 3 made it clear that in addition to funding for redress and student financial aid, there is a need to encourage innovation and adaptation, and to build capacity in new areas. In order to transform the entire South African higher education landscape, a number of key goals were formulated for the system. These include stabilising of institutions and the higher education system, improving efficiency, encouraging inter-institutional and regional cooperation, improving student equity, enhancing institutional planning capacity, encouraging mission differentiation, improving staff equity, enhancing quality and promoting development.⁹¹ The White Paper describes these goals and explains how they are supposed to contribute towards government's steering goals. The objective of the Education White Paper 3 was to improve student and staff equity by targeting black women who are underrepresented. The aim of this paper is not achieved yet though it was for a good cause. The black women are still underrepresented even though the paper was drafted and enacted, as result the objective was not achieved.

⁸⁸ Council on Higher Education (CHE) report, 2000. *Towards a new higher education landscape, meeting the equity, quality and social development imperatives of South Africa in the 21st century.*

⁸⁹ National Plan for Higher Education, 2001.

⁹⁰ South African Qualifications Act (SAQA) Act of 1995.

⁹¹ As above at 87.

2.5.2.1.1 Stabilising of institutions and the higher education system and improving efficiency

In order to achieve this objective, a number of policy initiatives, such as the 3-year rolling plans, were put in place. The enrolment plan in the HEIs was developed by the South African government which wanted to ensure that equity targets are met and that there would be a more efficient way of enrolling students into particular fields such as science, engineering and technology.⁹² Part of the motivation in this case was that the subsidy that institutions would receive per student who graduated in these areas would differ from those in categories that were lower in priority.

In an attempt to move towards a more unified higher education system, the 36 institutions were merged and/or incorporated into 23, doing away with the technikon sector and moving towards introducing universities of technology. Another reason behind this move was to do away with the legacy of apartheid which divided the system into historically black and disadvantaged institutions and historically white and advantaged ones. In addition, the government started to adjust cost units between higher education institutions and provided funding to improve the current infrastructure of the institutions. If these were implemented efficiently, it will go a long way in addressing the gender inequality for female students and staff.

In 2008, an amount of R3,2 billion was earmarked for this purpose. Another way of achieving greater efficiency in the system was for government to add time limits for funding of students and to add premiums for progression/graduation rates. These were going to assist black female being able to ascend leadership positions in the universities in South Africa.

2.5.2.1.2 Improving student equity

By expanding the allocation of the national student financial aid and support many more students from economically disadvantaged backgrounds were afforded the opportunity to enrol at higher education institutions. This was one of the greatest moves by the democratic

⁹² As above.

government of the day to ensure that even students from poor background in South Africa can further their studies without a worry of money. In addition, extended curricula were introduced in order to provide students with a better opportunity to obtain their degrees. With female students starting to get opportunity to enrol in HEIs, that in way plays a major role in ensuring that black women will be developed and be readily available to occupy senior management positions.

2.5.2.1.3 Encouraging mission differentiation

Mission differentiation was achieved through introducing the concept of universities of technology. Accordingly, institutions were provided the opportunity by the Higher Education Quality Committee to be evaluated and audited by them on their vision and mission statements – thus providing institutions the opportunity to differentiate.

2.5.2.1.4 Improving staff equity, enhancing quality and promoting research development

The South African government has invested in different strategies and projects to address the inequalities of the previous system and to strengthen in particular the research capacities of academics coming from designated groups and within the technikon sector. The Thuthuka Programme, which is part of the Human and Institutional Capacity Development (HICD) directorate of the NRF, serves as an example⁹³. The strategic objectives of Thuthuka are to improve the qualifications of participating researchers to doctoral and postdoctoral levels, to accelerate the progression of participating researchers into the mainstream of national and other research support opportunities, to contribute to the sustainable development of participating researchers and to increase the number of NRF-rated researchers from participating researchers at national level. In addition, the NRF has also implemented a mentoring programme, which interacts with mentees who form a substantial population of South Africa's academia. This project fails

⁹³ The NRF is mandated by an Act of Parliament – the National Research Foundation Act (Act No. 23 of 1998) – to support and promote research by funding human capacity development and providing the necessary research facilities. This support facilitates the creation of knowledge, innovation and development in all fields of science and technology, including indigenous knowledge.

because of the lack of commitment that often exists from both the mentors and mentees to stay committed to such an intervention. The reality is that even today research expertise still resides largely in the white and white male 'seasoned researchers' most nearing retirement. Most black women do not hold necessary qualifications to immediately assume senior management positions but mentoring and on job training will go a long way in addressing the underrepresentation of black women in university management positions.

Three sub-programmes have been implemented by Thuthuka. Two of these are 'Researchers-in-Training' (RiT) and 'Women-in-Research' (WiR).⁹⁴ By not mentoring the black women, that denied them opportunities to occupy senior positions in academia. There is a shortage of black women in the academic side of the universities, especially in research. The RiT is intended to develop entry-level researchers to be in a position to participate in other NRF funding streams with established researchers on a competitive basis, whilst the WiR should support women researchers in the advancement of their research careers and enable them to become more representative and to contribute to research discourses. However even though the government has taken all these initiatives but the gender inequality in academic or university management still exist. The third project is that of the Research Development Initiative for Black Academics (REDIBA) which is aimed at preparing black South African researchers for positions of scientific and academic leadership, thereby diversifying, strengthening and sustaining the nation's research capabilities (NRF).⁹⁵ Even after all these efforts by the government those policies were never implemented by the institutions. There is still currently a shortage of black women doing a research.

Regarding quality, a number of developments took place, such as the introduction of quality audits by the Higher Education Quality Committee and programme reviews of which the evaluation of MBA programmes and teacher training programmes were a

⁹⁴ As above.

⁹⁵ As above.

major part. In an attempt to ensure that all academic programmes and qualifications met minimum criteria and were accredited by the Council on Higher Education, the National Department of Education and the South African Qualifications Authority (SAQA)⁹⁶, the National Qualifications Framework (NQF) were developed. The impact of legislation and policies regulating the accreditation and registration of academic programmes led to, amongst others, new posts being created within institutions, new committee structures to deal with curriculum issues and many administrative tasks for academic and administrative staff. Still after all these developments black women are still in minority in academic management levels.

The introduction of teaching and learning development grants was another initiative to ensure the equity of success and the overall improvement of learning and teaching in South African higher education. Based on the success rates of institutions, a specific amount earmarked for the improvement of institutions' throughput rates was allocated to institutions. This money can be used for the expansion of tutorial systems, academic advising, academic support including academic language proficiency development, supportive educational technology, to name but a few.

2.5.3 Education White Paper, 1997; White Paper on Science and Technology 1996; National Plan for Higher Education 2001

In the higher education sector, the Minister enacted some various policies and legislations to address transformation in the universities. This is confirmed by Mazibuko (2006) that the introduction of various policies such as Education White Paper, 1997; White Paper on Science and Technology 1996; National Plan for Higher Education 2001 by

⁹⁶ South African Qualifications Authority (SAQA) Act no. 58 of 1995

government, indicates government's support to prioritise blacks (designated groups) and women students to doctoral and post-doctoral programmes.⁹⁷ The Education White Paper 3, 1997 is about "A programme for the transformation of higher education". On the foreword, the Minister of Education, Prof SME Bhengu mentioned that "The higher education system must be transformed to redress past inequalities, to serve a new social order, to meet pressing social needs and to respond to new realities and opportunities".⁹⁸

The White Paper on Science and Technology 1996, states that the legacy of apartheid is inequalities generated by decades of policy interventions designed, in particular, to exclude the majority of South African from participating in social, political and economic spheres of life. There is a need for the development of programmes which will redress the inequalities which have excluded black women and men from the mainstream of South African society.⁹⁹ Therefore an effective HRD programme in science, engineering and technology is vital to redress the imbalance, to improve economic performance and to ensure proper functioning of the National System of Innovation (NSI).¹⁰⁰

Recently, the Department of Higher Education and Training (DHET) introduced Next Generation of Academic Programme (nGAP) and College Lecturer Education Project (CLEP) to fast-track the development of designated groups.¹⁰¹ After all these efforts made by democratic government in RSA, to improve the quality of life for the designated groups, gender inequality still exists in HEIs.

⁹⁷ Mazibuko, F., 2006. *Women in Academic Leadership in South Africa: Conventional Executives or Agents of Empowerment?* P108.

⁹⁸ As above at 87.

⁹⁹ White Paper on Science and Technology 1996, p72

¹⁰⁰ As above

¹⁰¹ DST- NRF Research Development Grants for "New Generation of Academics Programme (nGAP) Scholars, 2018. National Research Foundation (NRF) -Research and Innovation Support and Advancement (RISA), p.4

2.6 Regional Instruments

The regional instruments of African Charter on Human and People's Rights, Protocol to the African Charter, The African Commission of Human Rights and the SADC Gender Protocol are also briefly discussed below.

2.6.1 African Charter on Human and People's Rights on the Rights of Women in Africa

The African Charter was regional human rights charter which State parties in the region relied on. The Charter had some shortcomings and weaknesses on the rights of women. Out of 60 (sixty) Articles in the Charter, only 1 (one) referred specifically to women.¹⁰² Therefore, the weaknesses of the Charter were used when the Protocol was drafted as a guide to ensure that the various issues that women had and experienced were dealt with.¹⁰³

2.6.2. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

The Protocol was drafted by African Commission of Human Rights and it was adopted on 11 July 2003 in Maputo, Mozambique, as legally binding multilateral addition to the African Charter on Human and People's Rights.¹⁰⁴ The Protocol is also known as 'Maputo Protocol', only started operating from the 25th November 2005. The Protocol was created because of the "concern that despite the ratification of African Charter on Human and People's Rights (African Charter) and other international human rights instruments by majority of State Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices".¹⁰⁵ The Protocol was adopted to correct

¹⁰² African Charter on Human and Peoples' Rights (Banjul Charter) adopted June 1981.

¹⁰³ As above.

¹⁰⁴ Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, July 2003.

¹⁰⁵ As above.

the weaknesses and shortcomings which are existing in the African Charter. It was created to complement the African Charter on Human and People's Rights.

The Protocol seeks to promote gender equality and eliminate gender-based discrimination by dealing with human rights abuses, issues, and discrimination faced by women in Africa.¹⁰⁶ It contains clauses which "guarantee comprehensive rights to women including the right to take part in the political process to social and political equality with men". It is aimed at advancing gender equality by adopting the gender mainstreaming strategy, which highlights "both women and gender specific concern in the private and public realm."¹⁰⁷ Only countries which have ratified the Protocol can come before the African Commission on Human and People's Rights to claim the rights which have been violated. The countries which ratified the Protocol, can domesticate it into national legislation in order to enable them to make a claim at national tribunal. If the local remedy of taking it to national tribunals fails, then the claim can be taken before the African Commission. This regional instrument was also one of those instruments contributed in encourage its member state to take gender equality very seriously but still the main aim is not achieved yet, black women are still underrepresented in the higher echelons of the university management in South Africa.

The South African government ratified the Protocol on the 17th December 2004. In ratifying the Protocol, South Africa made reservations and declarative interpretations. The key interpretative declaration that has relevance in this study is Article 1(f) of the Protocol, which defined discrimination against women"¹⁰⁸. The interpretative declaration made by South Africa in terms of this Article reads as follow:

"It is understood that the definition of "discrimination against women" in the Protocol has the same meaning and scope as provided for in section 9 of the Constitution of the

¹⁰⁶ As above.

¹⁰⁷ Mengesha, E.H., 2006. *Reconciling the need for advancing women's rights in Africa and the dictates of international trade norms: the positions of the Protocol on the Rights of Women in Africa: focus on the Protocol to the African Charter on Human and People's rights on the Rights of Women in Africa*, p.216.

¹⁰⁸ Mujuzi, J.D., 2008. *The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. South Africa's reservations and interpretative declarations*, pp.43-44.

Republic of South Africa, 1996 (Act No. 108 of 1996), as interpreted by the Constitution Court of South Africa from time to time”.¹⁰⁹

Court judgments hold weight and importance in states, and the citizens of a state look to the court to uphold their rights and to ensure its equality. Article 8 of the Protocol shows the importance of the law by stating that both women and men must be treated equally before the law, and that they both have right “to equal protection and benefit of the law”.¹¹⁰

2.6.3 The Southern African Development Community (SADC) Protocol on Gender and Development

The SADC Gender Protocol was signed and adopted by 15-member countries of SADC Heads of State in August 2008.¹¹¹ The SADC Gender Protocol was founded on the rights-based approach to development. This means embracing human rights in policies as well as in the implementation programmes.¹¹² The Preamble to the Protocol notes that gender equality and equity are fundamental human rights arising out of various international instruments such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.¹¹³ The substantive content of the Protocol introduces a new approach to the implementation of gender equality goals and objectives.¹¹⁴ The State Parties are expected to commit themselves making far reaching changes and they are to achieve within time frame provided.¹¹⁵

Some of the objectives of SADC Gender Protocol are to:

- provide empowerment of women;
- eliminate discrimination;

¹⁰⁹ Report of the Portfolio Committee on Labour on meeting with SETAs, dated 2 November 2004.

¹¹⁰ The Southern African Development Community (SADC) Protocol on Gender and Development, 2008. Article 8.

¹¹¹ As above.

¹¹² Munalula, M.M., 2011. *SADC Protocol on Gender and Development: Road map to equality?* SADC Law Journal, 1, (1), pp.189-196.

¹¹³ As above.

¹¹⁴ As above.

¹¹⁵ As above.

- achieve gender equality and equity through the development and implementation of gender responsive legislations, policies, programmes, and projects; and
- To deepen regional integration, attain sustainable development and strengthen community building¹¹⁶

The SADC Protocol states that State Parties shall endeavour that by 2015, to enshrine gender equality and equity in their respective Constitutions and ensure that these rights are not compromised by any provisions, laws or practices.¹¹⁷ South African government has achieved this provision of the protocol, section 9 of the Constitution responded to this requirement. However, practically South African universities are still struggling to address the gender inequality in their leadership positions. Furthermore, State Parties shall implement legislative and other measures to eliminate all practices which affect negatively the fundamental rights of women, men, girls and boys such as the right to life, health, dignity, education and physical integrity.¹¹⁸

On the other side, the Protocol provide that State Parties shall put in place affirmative action measures, particularly to women to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation.¹¹⁹ South African government has responded to this provision by including affirmative action measures in the EEA. The Protocol states that all State Parties must amend or repeal all domestic laws that discriminate on the ground of sex or gender by 2015.¹²⁰ The State Parties shall enact and enforce legislative and other means to abolish the minority status of women by 2015 and eliminate practices which are detrimental to the achievement of the rights of women and also eliminate gender-based violence.

¹¹⁶ Forere, M. and Stone, L., 2009. *The SADC Protocol on Gender and Development: Duplication or Complementarity of the African Union Protocol on women's rights*, pp.438-439. The Southern African Development Community ("SADC") Protocol on Gender and Development August 2008 at Article 3.

¹¹⁷ As above at 112, Article 4.

¹¹⁸ As above.

¹¹⁹ As above Article 5.

¹²⁰ As above Article 6.

Furthermore, in Article 19 of the Protocol, State Parties shall review, adopt and implement legislative, administrative and other appropriate measures to ensure, amongst others:

- equal pay for equal work and equal remuneration for jobs of equal value for women and men; and
- eradication of occupational segregation and all forms of employment discrimination.

2.7 Limits of Legal Frameworks

The problem of under-representation of women in leadership positions is evident even after the advent of the new political dispensation. Albertyn & Bonthuys state that even after discriminatory legal rules have been removed, the social, cultural and religious attitudes which underpinned these rules remain, with the results that laws are poorly implemented, or women are unwilling to access their rights because they fear social disapproval or themselves believe in their inferiority.¹²¹ Gender stereotypes is still rife especially amongst black women, whom their own racial group still practice. Moodly and Toni argue that the gendered nature of Higher Education Institutions that emanates from the institutional culture and the perception of leadership in women as a culture of service has impacted negatively on women and leadership.¹²²

Even though laws, legislations and conventions were enacted the problem of underrepresentation of women in leadership positions in universities continue to happen unabated. Albertyn & Bonthuys state that despite advances in constitutional and legal rights since 1994, South African women, especially black women, are far from attaining actual equality.¹²³ Although legislations, such as the RSA Constitution and Employment Equity Act exist, they are unable to eradicate existence of gender inequality.

¹²¹ Bonthuys, E., & Albertyn, C., 2007. *Gender, Law and Justice*, p. 6.

¹²² Moodly, A. & Toni, N. M., 2017. *Accessing Higher Education Leadership: Towards a Framework for Women's Professional Development*.

¹²³ As above, page 82.

The published Commission of Employment Equity (CEE) 2016-2017 Annual Report shows that African women are still under-represented in the top three occupational levels in the public universities of South Africa.¹²⁴ It is only at Skilled technical levels where the number of African women began to increase satisfactory, but at the two lower occupational levels (semi-skilled and unskilled levels) African women are more dominant. In these lower occupational levels, jobs are mostly cleaning and administrative jobs. The 2016-2017 CEE Report reflects percentages of females in relation to male at traditional and universities of technology in South Africa. Clearly, there is still a huge difference (less percentages) of African females in management positions occupying senior positions in higher education institutions as compare to (higher percentage) their male counterparts.¹²⁵ The Report reflects that males are more dominant than women at 69.5% as compared to women at a paltry of 30.5% at Top Management occupational level.¹²⁶ Same story can be said on Senior Management occupational levels where men are at 66.6% compared to 33.4% of women. At Professionally Qualified/ mid management occupational level, even though males are still dominant at 54.1% compared to females at 45.9%.¹²⁷

In short, this is an indication that even though the government of the day has attempted to address under-representation of women, especially black women, gender inequality still have power to resist the existing laws.

2.8 Conclusion

The main research problem of this study is the underrepresentation of black women in South African universities' leadership positions, which appears not to have a solution. The proposed study investigates the possible barriers to the advancement of black women to leadership positions in the universities in South Africa and possible solution to the problem.

¹²⁴ Commission of Employment Equity (CEE) Report, 2016-2017.

¹²⁵ Kele, T., & Pieterse, J., 2015. *Women leaders in South African higher education institution: Narrations of their leadership operations*, OIDA International Journal of Sustainable Development.

¹²⁶ As above.

¹²⁷ As above

The research question is what is the history of the South African universities/ higher education institutions and what are the implications for HEI's gender transformation in leadership positions? The focus on this study was on the history of the universities in South Africa since apartheid period. The apartheid system caused a great damage in contribution to the gender inequality. Blacks were denied access to the best universities in South Africa but encouraged to attend the blacks only universities which were not well funded and disregarding research as one of the pillars of HE sector. This automatically affected the black women, whom their years of education were wasted during apartheid era. When the new dispensation arises, it was discovered that many black women are not ready to occupy senior positions in the university management because they did not have necessary qualifications. The democratic government attempted to redress the damaged caused by apartheid by trying to unite education systems which were disjointed and created new policies which were transformation in nature. The policies were enacted to redress the past injustices. The new Constitution, the Employment Equity Act, the White Paper 3 of 1993 were drafted and implemented to assist in creating a new order where all South Africans will be treated with dignity and correct the oppressed policies of the past. It has been discovered that the history of the universities in South Africa is not the bright one for the blacks because of the past oppressive laws. The new legislations were enacted and South Africa responded to the global and regional instruments to address the problem of inequality of women, especially black women in HEIs. The South African government had since 1994 attempted to address this problem by enactment of the Constitution and various labour policies but the problem still exists. It has been discovered that women are high in numbers in the lower occupational levels of the universities but lower in number in senior positions, whilst men dominated the leadership positions. There is under-representation of women, black women in particular, in the top, senior management and even in the middle management of the South African universities. This has been happening for years and there seems to be no solutions for this problem.

It is clear that society remains unequal, and if we do not have a society in which women are educated, contribute to higher education discourses and are placed at the level of governance and decision making, it will not be the kind of democratic society that citizens

desire. Moreover, the benefits of a democratic society may not be achieved in the absence of educated women who could act as significant role models and mentors to girls. In a sense, HE offers the means through which women and other historically disadvantaged groups can attain positions of leadership and increase their economic welfare, thereby having a long-term impact on the overall productivity and the idea of equal opportunity¹²⁸.

The legal frameworks are there to redress the discrimination and the under-representation of women, especially black women, taking into consideration their oppression during the apartheid era. All women, especially black women, are not equitably represented. Underrepresentation of black women in senior management position in academics is still existing even though there are legal frameworks to redress this challenge. Although the challenges to get the desired government objectives are still there, universities have not been making a fast progress. The university management must show in action their willingness to transform higher education whereby the inequality of women in senior management level is addressed. The affirmative action measures must be implemented in earnest. All managers must sign performance management contract in which they commit themselves to the implementation of employment equity and abolition of unfair discrimination.

The law addresses the concrete social, cultural and economic conditions that perpetuate women's inequality in the society. The contentious issue is the implementation of the existing global, regional and national legal frameworks which, if applied correctly, the inequality of women in leadership positions can be addressed. Commitment and convictions of managers in management level positions can assist in achieving equality of women. The university management must commit in elimination all forms of discrimination and harmful practices against women and implement strategies which will go a long way in assisting in the development and promotion of women in senior management position in the higher education sector.

¹²⁸ Adetude, T. A., & Akensina, A. P., 2008. *Factors affecting the standards of female education: A case study of senior secondary schools in the Kassena-Nankana District - Upper East of Ghana*. Journal of Social Sciences, 4(4), pp.338-342.

The South African courts can use a communication strategy about the country's stand regarding gender discrimination and these courts may be used to eliminate the bad consequences and violations that occur due to gender discrimination¹²⁹. Court judgments hold weight and importance in states, and the citizens of the country look to the court to uphold their rights and to ensure its equality. Article 8 of the SADC Gender Protocol shows the importance of the law by stating that both women and men must be treated equally before the law, and that they both have right "to equal protection and benefit of the law"¹³⁰.

The employers must ensure that the objectives of SADC Gender Protocol and Employment Equity Act, are implemented fully and in earnest. The SA government must ensure that employers, especially public universities, are implementing legal frameworks by monitoring and evaluating their progress in eradication of inequality of women in leadership positions.

Shayanana argued that by denying women both formal and epistemological access (a way of exclusion), they are deprived of opportunities in the institutions that would have contributed so much more to their upliftment, empowerment and self-esteem¹³¹. The practices of HEIs seem to suggest that women should not access education practices, which is a way of promoting exclusion, a problem that may then further impede gender equality between women and men in the universities. In this regard, the practices of higher education institutions can be considered to operate effectively only if such practices are conducted within a democratic, inclusive HE environment. Black women must be given opportunities and be supported to reach senior management positions by getting coaching and mentorship during their development.

The next chapter is on gender stereotypes and patriarchy which is viewed as some of the contributory factor to women exclusion and gender inequality South African HEIs.

¹²⁹ As above at 116

¹³⁰ As above.

¹³¹ As above at 5.

CHAPTER 3

GENDER STEREOTYPES

3.1 Introduction

The main research problem of this study is the extent to which women are under-represented at South African universities, in particular black women in leadership positions. The proposed study investigates the possible barriers to the advancement of black women to leadership positions in the universities in South Africa and possible solution to the problem. The study focuses on the continued under-representation of women in leadership positions in Higher Education Institutions(HEIs). Very few black women are represented in leadership positions of the universities but majority of them occupies the lower occupational levels of the universities.

Gender stereotypes are one of the main barriers for the advancement of African women to senior management positions in South African universities. The number of females in senior positions of the universities is lower than their male counterparts and women are still marginalized in terms of progressing to senior management positions. Gender stereotypes are impacting negatively to black women's advancement to leadership positions in the Higher Education sector. The aim of this study is to investigate the possible barriers which contribute to the low number of women in senior management positions in higher education institutions. Even though there are promising indications that among the top managers, women are doing extremely well as leaders and managers, the number of women at leadership positions is still low.

The research question in this chapter is "Can the production of knowledge, in other words teaching and learning and research that are at the core of the work of universities, be credible whilst the South African universities are permeated by patriarchal ideology, stereotype thinking and gender inequality which perpetuate the exclusion of women?"

The gender stereotypes will be discussed and show the role they played as one of the barriers that women experienced in progressing to senior management positions in higher

education. It is important for this study to also investigate the different stereotypes that women face, and how those can influence their progression to senior management positions in higher education.

Overt discrimination has largely given way to less obvious but still deeply entrenched inequities. Despite apparent increases in women in positions of authority, discrimination continues to manifest itself through gender devaluation, a process whereby the status and power of an authoritative position is downplayed when that position is held by a woman, and through penalties for those agitating for political change.¹ This Chapter explores the meaning of concepts of such as gender, sex, patriarchy, stereotypes, racial stereotypes, occupational stereotypes, sex stereotyping and gender stereotype and the role played by legal framework and its limitations.

Women attributed the persistence of gender inequality not to biology but to a professional environment in which university administrators care more about the appearance than the reality of gender equality and a professional culture based on a traditional, linear male model.² Despite numerous scholarly discussions of gender politics, there is less work done on the situation of women within the tertiary level.

3.2. Meaning of Concepts

3.2.1 Gender

Gender is a 'socially constructed phenomenon whereby certain personality or other social characteristics are connoted as masculine or feminine and are inaccurately assumed to be 'naturally related to the possession of a male or female body.'³ It is also mentioned that gender is an 'integral part of structures of dominion and subordination with women in a position of inequality. Gender signifies the differences which societies and cultures

¹ Monroe, K., Ozyurt, S., Wrigley, T., and Alexander, A., 2008. *Gender Equality in Academia: Bad News from the Trenches, and some possible solutions*, Vol 6, No2, pp.215-216.

² As above

³Green,L., Parkin, W., & Hearn,J., Power, I.N., Wilson, E.D., 2001. *Organisational Behavior.re-assessed*, p191.

ascribe to people on the basis of their sex.⁴ The term “gender” does not refer to the roles and attributes which society has ascribed to maleness or masculinity and femaleness or femininity.⁵ Amy S Wharton summarized the definition of gender by stating that:

“Gender gives shape and meaning to individuals, social relations and institutions. We cannot fully understand the social world without attending to gender. But the opposite is equally true: We cannot understand gender without understanding the social world. As social world unfolds, gender is produced, as gender is produced, social life unfolds.”⁶

3.2.2 Sex

Sex refers to the biological or physiological differences between men and women.⁷ A person who is biologically female and also feminine gender and conversely a biologically male person would have the masculine gender. The Commission for Gender Equality (CGE) also concur by saying “a person’s sex refers to the biological characteristics which make him/her a male or a female. Two of the biological or sex differences between women and men are that only women can get pregnant and women can menstruate, and men do not.”⁸

3.2.3 Patriarchy

The ideology of patriarchy can explain why most men and less women occupy the formal leadership positions in workplace and society. Gender inequality of women in the South African context can also be traced through the trajectory of the entrenched patriarchal systems and structures that have been existence for many years.⁹ Patriarchy puts males at the centre of decision making, headship and occupation of the political and production

⁴ Van Marle, K. and Bonthuys, E., 2007. *Feminist theories and concepts. Gender, law and justice*, pp.38-37.

⁵ Zulu, C., 2002. *Gender and group leadership. The effect on performance*, p.27.

⁶ As above.

⁷ As above at 1.

⁸ Commission on Gender Equality., 2000. A framework for transforming gender relations in South Africa, p.45.

⁹ Akala, B., and Divala, J.J., 2016. “*Gender Equity Tensions in South Africa’s Post-Apartheid Higher Education: In Defence of Differentiation*”, South African Journal of Higher Education, Volume 30, No1, p 5.

spaces.¹⁰ Patriarchy is prevalence in the higher education systems where leadership positions are dominated by males. It is a system of male domination and it has been nuanced that patriarchy transcends all race groups in South Africa and therefore it is not a preserve of African cultures as many have come to believe¹¹ but rather it runs across Afrocentric and Eurocentric mythologies and civilizations globally.¹² Likewise, Labode¹³ and Msimang¹⁴ contend that the exclusionary nature of missionary education was part and parcel of the perpetuation of patriarchal ideology. It has been said that “patriarchy toughen men and neutralizes women”.¹⁵ As a result, patriarchy is described as a system of society or government in which it is believed that men are more superior and powerful than women or hold the power and women are excluded or are supposed to be subordinate to men (e.g. there is an ethnic idiom of Sepedi which says “man is the head of the family”). The concept of patriarchy was also used by social scientists to describe a system of government where men held political power in their capacity as heads of households.¹⁶ The concept was introduced into feminist discourse by radical feminists who used it to describe the social structures which allow men to dominate women.¹⁷ Patriarchy is a system of domination of men over women, which transcends different economic systems, areas, regions and class.¹⁸

Commission for Gender Equity (CGE), in its findings of the Public Investigative Hearings on Gender Transformation at Institutions of Higher Learning, reported that ... patriarchal and customary practices towards women and girls imposed an unshared care-giving role that conspire to narrow the range of opportunities available to women who experience these inhibitions.¹⁹ The report further state that all these factors combined tend to diminish

¹⁰ As above.

¹¹ As above

¹² Badat, S., 2009. *Theorising institutional change: Post-1994 South African higher education. Studies in Higher Education* 34(4): pp.455–467.

¹³ Labode, M., 1993. *From Heathen Kraal to Christian Home: Anglican Mission Education and African Christian Girls, 1850–1900. In Women and Missions: Past and Present*, ed. F. Bowie et al. Oxford: Berg.

¹⁴ Msimang, S., 2001. *Affirmative action in the new South Africa: The politics of representation, law and equity. Women in Action* 2, p.36.

¹⁵ As above.

¹⁶ As above.

¹⁷ As above.

¹⁸ As above.

¹⁹ Commission for Gender Equity (CGE), its findings of the Public Investigative Hearings on Gender Transformation at Institutions of Higher Learning, 2017.

women's opportunities for education, employment and social mobility... At the gender level, black women are disproportionately employed in low-paying and unskilled jobs and are significantly under-represented in senior management and decision-making roles in both public and private sector.²⁰

CGE also reports that information provided during the hearings confirm that women continue to be marginalized despite South Africa having one of the most progressive legal frameworks for gender equity in the world.²¹ The challenges faced regarding gender transformation include academic promotion can be significantly delayed for women as they are more likely to take time away from their careers to rear children and the institutional culture remains patriarchal which affect women.²²

3.2.3.1 Patriarchy views reality in a reductionist way

By elevating the ideal of “the father as the head of the family”, to a position where it engulfs all other relationships, part of reality is regarded as the “total reality”. This reductionist view of reality represents a warped (slanted) perspective and is without exception coercive.²³ In the grip of the ideology of patriarchy, the word is thus interpreted in a way that is profitable for the persuasion of the ideology. To regard women as intellectually and physically inferior to men, is the interests of the adherents of the ideology.²⁴ If an ideology is in place long enough, “... even those suffering oppression are, restricted in their thinking by these distorted interpretations of reality”.²⁵ History is proof of the fact that women have eventually accepted their subordinate and inferior position in society (and consequently in the educational domain), as natural and a fact of life that cannot be altered.²⁶ There is sufficient evidence to prove that women in South Africa have grown to accept these views as facts, and for this reason they feel themselves to be inferior and unable to assume

²⁰ As above.

²¹ As above.

²² As above.

²³ Schoeman, P.G., 1998. *Ideology, Culture and Education*. Bloemfontein: Tekskor.SA *Journal of Education*, 2001, 21(4) p.301.

²⁴ As above.

²⁵ As above.

²⁶ As above.

their rightful place in the society.²⁷ However, not all women have accepted to be inferior, some do know that women, like men can perform any job perceived to be of men.

3.2.3.2 Patriarchy adversely affects every aspect of society

In the first the instance, women have been oppressed for generations and have been kept from liberating themselves by structures of domination, designed to maintain the ideology. In the struggle to maintain the supremacy of the fathers, women were kept in their position of subservience through measures such as less educational opportunities than men, economic dependence, and physical harassment, exclusion from leading roles in education, politics, the church and society at large.²⁸ It seems that the effects of patriarchy on society and education in particular relate to a situation of perpetuated inequality.²⁹

3.2.3.3 The ideological justification of patriarchal ideas ignores all other valid claims and does not tolerate criticism

Justified by sexism, women are believed to be intellectually inferior to men and consequently not suitable for positions of management, in the sphere of education, and elsewhere³⁰. If women are, mainly through measures such as affirmative action appointed in managerial positions, their capabilities are often doubted, and the fear exists that they may reduce intellectual standards.³¹ There is that believe that a promotion through affirmative action measures is token not to say a person has necessary qualifications and potential to do the job

3.2.3.4 Patriarchy misuses power on the road to supremacy

Patriarchy is hierarchical and men of different classes, races or ethnic groups have different places within the patriarchal system, they are simultaneously united in their shared relationship of dominance over their women and they are dependent upon each

²⁷ Louw, D.A., Louw, A.E., & Van Ede, D.M., 1998. *Human Development*. pp.18-20.

²⁸ Lemmer, E.M., 1993. *Report of the Gender Equity Task Team*, pp.23-25

²⁹ As above

³⁰ Lewis, H.M.,1993. *An Investigation to predict the extent of discrimination based upon the existence of stereotypes and prejudicial attitudes and women in managerial positions*. Unpublished MEd dissertation, p.196

³¹ As above

other to maintain that domination.³² Hierarchies ‘work’ at least in part because they create vested interests in the *status quo*.³³ Those at the higher levels can ‘buy off’ those at the lower levels by offering them power over those still lower. In the hierarchy of patriarchy, all men, whatever their rank in the patriarchy, are brought off by being able to control at least some women.³⁴ In patriarchy men believe in the leadership or management of males and have doubts in the management or leadership of women and give no cooperation when a woman is in charge.

3.2.4 Stereotypes

One of the biggest obstacles in dealing with diverse workforce is breaking through people’s conceived attitudes about those who are different from themselves.³⁵ All of these differences can lead to stereotyping, which may result in workplace tension. Some other researchers agree with this by stating that diversity contributes stereotypes forming in the organization, which causes conflict and in turn influence the organizational climate and culture.³⁶

3.2.4.1 The definition of Stereotypes

Stereotypes are generalizations about groups that are applied to individual group members simply because they belong to that group. Stereotypes refers to a set of assumptions held about an individual or situation based on previous experience or societal norms.³⁷ Once a stereotype is applied to an individual, it is assumed that they will behave in a certain way, in line with fixed general idea or set associated images.³⁸ There is an argument that people use stereotypes as a shortcut to predict how people will behave, and their abilities. In this study the stereotype will be black women have no place in the management of the universities, their responsibilities are to take care of or look

³² As above at 5.

³³ Mosetse, P., 1998. *Gender Stereotypes as a Structure of Domination in South African Education*. Unpublished MEd dissertation, p.87.

³⁴ As above.

³⁵ McKinney, G., 1996. *Stereotypes and cultural diversity in the workplace*. Retrieved September 13, 2012.

³⁶ Solovic, S.W., 2010. *Workplace stereotyping: A silent productivity destroyer*. Retrieved October 12, 2012.

³⁷ Sargeant, M. (Ed.), 2011. *Age discrimination and diversity: Multiple discrimination from an age perspective*.

³⁸ Rake, C., & Lewis, R., 2009. *Just below the surface: Gender stereotyping, the silent barrier to equality in the modern workplace?*

after children at home and respect and accept that men are supposed to be in management without any complaint. The researchers also argue that stereotypes are enforced by society, which results in different expectations for men and women.³⁹ There are four critical points about the nature of stereotypes:

- They are hard to identify and control;
- They can influence both the behavior of the individual who has stereotypes and the target of the stereotypes, and
- They are responsive to social norms created.⁴⁰

People seem to have stronger and more negative stereotypes about groups to which they do not belong than they do⁴¹. For example, men will have strong or more negative stereotypes about women and similar thing will happen to women. The stereotypes are not always negative and inaccurate, some are accurate than others.⁴² Not all stereotypes are bad as some may be false, and they have no objective, behavioural data to support. Other stereotypes may contain elements of truth but not to take into consideration the individual differences in traits occurring within a group. Some may say some women have no qualities to lead but you may find that there are women who are leaders in nature and have leadership traits. Although stereotypes are based completely on illusory information or perceptions, some do stem from a kernel of truth, and still others may be fairly accurate. It also stated that stereotypes are only a problem when they are inaccurate, especially when those inaccuracies are negative and hostile.⁴³ It is stated that although stereotypes may sometimes be relatively harmless, they can also lead to prejudice, which means hostile or negative feelings about people based on their group membership.⁴⁴ Stereotype

³⁹ As above.

⁴⁰ Operario, D. & Fiske, S.T., 2009. *Causes and Consequences of Stereotypes in Organisations*, pp.71-88.

⁴¹ Schneider, D.J., 2004. *The psychology of stereotyping*.

⁴² Kreitner, R., & Kinicki, A., 2004. *Organizational behavior*. (6th edn.).

⁴³ Burgess, H., 2003. *Stereotypes/characterization frames: Beyond intractability*. Boulder, CL: *Conflict Information Consortium*. Retrieved September 20, 2012.

⁴⁴ Sanderson, C.A., 2010. *Social psychology*.

underlie all prejudice and pervade acts of violence, segregation and discrimination against minority groups.⁴⁵

3.2.4.2 The causes and consequences of stereotypes in organizations

Other researchers mention that “among the most visible consequences of inequalities is a vertical gender stratification, with women becoming increasingly scarce on senior positions”.⁴⁶ The findings of many studies show that cultural and social norms encourage discriminatory practices and all of them identify ‘culture’ as the root cause of inequalities.

Below are four points mentioned about stereotypes in organization:

- a) Stereotypes are elusive- they are hard to identify and even harder to control;
- b) People use stereotypes to justify inequalities in organizations;
- c) Stereotypes influence the behaviours of both the stereotype holder and target thus making it seem as if the stereotypes are grounded in reality and;
- d) Stereotypes are responsive to human intent, so they can be held in check with personal motivation and social norms.⁴⁷

Operario and Fiske emphasize that although stereotypes are elusive because they are difficult to pin down definitively and even harder to control individuals and organizations can restrain the impact of stereotypes on judgment and behaviour by acknowledging their presence and potential effects.⁴⁸ Stereotypes are automatic, category-based perceptions stemming from exaggerated beliefs that form preconceived notions about a group.

Unfortunately, because stereotypes represent a generalization about a group, they are often used to explain bias and inequality. When people believe stereotypes are true, they perpetuate them by attending to observations that are consistent with the stereotypes, essentially creating a self-fulfilling prophecy.⁴⁹ Women leaders are seen as less effective when the proportion of male subordinates is greater, in highly masculinized environments

⁴⁵ Moore, J. R., 2006. *Shattering stereotypes: A lesson plans for improving student attitudes and behaviour toward minority groups*. *Social Studies*, 97(1), pp. 35-39

⁴⁶ As above at 43.

⁴⁷ As above at 40.

⁴⁸ As above.

⁴⁹ As above.

like military organizations, and when a larger percentage of male raters is evaluating them. However, it was found out that women are perceived more modestly and more effective in education, government, and social services than in other kinds of organizations, suggesting that higher education may be a place where women can make inroads into leadership positions.⁵⁰ Among points of contention are unwillingness of the younger women to sacrifice family for career advancement and their focus on day-to-day change rather than revolution and on embracing mainstream organizations rather than trying to dismantle them.⁵¹ Certainly women are in the minority in higher education and are in the smallest proportion in the most prestigious positions.

Zulu reported in her findings that majority of women are concentrated in positions which carry less power and are associated with less mobility, such as student affairs, student fees, payroll, public relations, administrative work, etc.⁵² The findings show that women are under-represented in senior academic positions such as vice chancellors, deputy vice-chancellors, deans, registrars and so on, confirming the notion that “the higher the positions, the less visible women become.”⁵³ Citing Professor Eleanor Ramsay, from ACU study, “in terms of administrative positions, women are more likely to succeed as registrar, librarians and head of personnel than if they aspire to be vice chancellors (or their deputies) or directors of finance or even deans of faculties”.⁵⁴ A qualitative analysis of where the women are concentrate revealed that they are in: human resource management; library; student affairs, directors/acting directors of departments, deputy deans (in rare cases deans), assistant/ acting registrars (in rare cases academic).⁵⁵ In the top administrative hierarchy, women are clustered in deputy/assistant/acting vice rector positions. A few are chancellors or vice-chancellors and chairpersons of councils.⁵⁶ This is echoed by Tinsley’s statement that “research on women’s career are more likely

⁵⁰ As above 32.

⁵¹ As above.

⁵² Zulu, C., 2003. *Gender representation patterns in higher education management in South Africa*, SAJHE/ SATHO, Vol 17, No 1, p 99.

⁵³ As above.

⁵⁴ Ramsay, E., 2000. *Women and leadership in higher education: facing international challenges and maximizing opportunities*. Keynote address delivered at the International Seminar Asian Women Leaders in Higher Education II: leadership competencies to face the local global challenges of the 21st century.

⁵⁵ Fiske, S.T., & Taylor, S.E., 1991. *Social cognition*. (2nd edn.).

⁵⁶ As above.

to be assistants to or associates than they are to be directors, deans, presidents, provosts or presidents...” Deans of faculties, vice-chancellors, and heads of academic (in some cases) and even non-academic departments are predominantly males in the HEIs.⁵⁷ Even in 2018, the situation has not improved. In the most university councils, women are underrepresented and are not assigned in numbers to the higher committees such as Senate, Executive Management Committee and Institutional Forums. African women are even less well represented at all middle management at administrative levels. The number of women Vice Chancellors are very low. The representation of black women decreases at level of full professor and senior administrator compared to lower ranks (where they are in high numbers) and definitions of competence that eliminate diverse candidates occur in hiring of both faculty and administrators. Even when hired, women from designated groups have fewer opportunities for professional socialization. Stereotypes operate at the highest levels of management; women must prove they can be both agentic and competent, countering the stereotypes.

So, the question is what the implicit beliefs about gender are which probably retard women’s progress in their professional lives and contribute to their under-representation in higher positions of educational leadership and near exclusion from certain disciplines?⁵⁸ As a result of gender stereotypes, certain careers and jobs are deemed suitable for women or for men. Indeed, gender stereotypes in the workplace especially in Higher Education sector, is one of the contributing factors in denying advancement of women, black women in particular into leadership positions.

3.2.4.3 Types of stereotypes

There are different types of stereotypes found in literature.⁵⁹ This study will focus on four common types of stereotypes: sex, gender, race, and occupational stereotypes. These types of stereotypes appear to exist in many working environments.

⁵⁷ As above.

⁵⁸ As above

⁵⁹ Falkenberg, L.,1990. *Improving the accuracy of stereotypes within the workplace*. Journal of Management, 16(1), pp.107–118.

(i) Sex Stereotypes

Sex stereotypes are similarities in the characters and personalities that are associated with women and men and that are accepted and believed across different cultures.⁶⁰ They are “the attribution of behaviours, abilities, inter-interests, values, roles to a person or a group of persons on the basis of their sex.”⁶¹ Sex Stereotypes, which are similar generalizations are assumptions that because a group of people share a common gender, they should also share common interests, abilities, and values.⁶²

It has been indicated that sex stereotypes have characteristics which are:

- to be cognitive;
- they are set of beliefs;
- they deal with what men and women are like; and
- they are shared by the members of a particular group⁶³

This set of beliefs comprises of behavioral traits or psychological characteristics that society associates with either men or women.

Kayi explains how sex role orientation influences gender stereotypes.⁶⁴ She define sex role stereotypes as men and women who possess different sets of traits and abilities, which are informed by their sex. It is also argued that gender roles and identity are taught, and these are informed by the family, relationships and societal values and culture. From early age boys and girls are taught how to behave and what kind of jobs or home chores they should perform. Boys are taught which home chores or jobs are supposed to be performed by them and girls vice versa. In African tradition, hard and heavy jobs are meant for boys/men whilst girls/women are supposed to do light job such as washing dishes, cooking and cleaning the house. It is because of the sex role orientation that men are viewed as being dominant and aggressive, while women are viewed as passive and

⁶⁰ Williams, M.J., and Best, D., 1990. *Measuring Sex Stereotypes: A Multinational Study*, revised edition,

⁶¹ Hartnet, O., Boden, G., & Fuller, M., 1979. *Women Sex-role stereotyping*, Collected Papers, p.219.

⁶² As above.

⁶³ As above.

⁶⁴ Kayi, N., 2013. *The Progression of women to Senior Management positions at a South African University in the Western Cape*.

dependent. Therefore, when those traditional views are broken, and women seek roles that are traditionally reserved for men, then gender stereotyping occurs.

In her study, Zulu supported the above information by mentioning that the under-representation of women is as a result of socialization patterns which occur in early childhood.⁶⁵ She mentioned that young girls and boys are taught at an early age to value what society perceives as female and male characteristics. This kind of socialization pattern results in girls and boys believing, for instance, that being modest, submissive, affectionate and nurturing, people oriented and emotionally expressive are female characteristics, whereas being aggressive, assertive, independent, rational and task oriented are male characteristics.⁶⁶ Zulu further stated that young girls grow up believing that displaying male characteristics is improper, and the same applies to young boys who are discouraged from displaying what society believe are female characteristics. This is contributory to sex stereotype in workplace where there is a believe that women cannot be good leaders than men.

(ii) Racial Stereotypes

Individuals are divided into social categories on the basis of their race. Stereotypes about racial groups have various negative consequences.⁶⁷ It is mentioned that negative racial stereotypes may result in prejudice such that individuals are seen as unstable for a specific position because of race. Other researchers support this notion by stating that white men are often viewed as being better suited for high-status positions than individuals of other races.⁶⁸ Not only do racial stereotypes influence our perceptions, but they also influence our feelings and behaviours towards races different from our own.

(iii) Occupational Stereotypes

Occupational stereotyping has been defined as a preconceived attitude about a particular occupation, about people who are employed in that occupation, and about one's own

⁶⁵ As above at 52.

⁶⁶ As above.

⁶⁷ Pauker, K., Ambady, N., & Apfelbaum, E.P., 2010. *Race salience and essentialist thinking in racial stereotype development*. *Child Development*, 81(6), pp.1799–1813.

⁶⁸ Powell, G.N., & Butterfield, D.A., 2002. *Exploring the influence of decision makers' ethnicity and gender on actual promotions to top management*. *Personnel Psychology*, 55, pp. 397–419.

suitability for that occupation.⁶⁹ Several studies have demonstrated that stereotypes of people in different jobs exist⁷⁰ and that particular traits are deemed more suitable for some jobs than for other.⁷¹ It is mentioned that many jobs are still perceived as better suited to women (e.g. nurse, pre-school teacher) or men (e.g. construction worker, truck driver).⁷² It is stated that the occupational titles associated with men are prestigious than those associated primarily with women.⁷³

(iv) Gender Stereotypes

Another type of stereotypes are gender stereotypes and they will be discussed in details below.

3.2.4.4 Gender Stereotypes

Gender stereotyping is the act of categorizing or grouping a specific group based on their gender, expecting that group to conform to specific behaviours determined for that group, and punishing those behave contrary to the stereotype.⁷⁴ Furthermore, gender stereotypes are about people who perceive a certain group of a particular sex and assume how such group must behave and how to do things. Other researchers define gender stereotypes as beliefs that differing traits and abilities make men and women well suited to different roles. Gender stereotypes are further defined as “socially constructed categories of masculinity and femininity that are confirmed by different behaviour depending on sex, different distribution of men and women within social roles and statuses and are supported a person’s psychological needs to behave in a socially

⁶⁹ Lipton, J.P., O’Connor, M., Terry, C., & Bellamy, E., 1991. *Neutral job titles and occupational stereotypes: When legal and psychological realities conflict*. Journal of Psychology, 125(2), pp.129–151.

⁷⁰ McLean, H.M., & Kalin, R., 1994. *Congruence between self-image and occupational stereotypes in students entering gender-dominated occupations*. Canadian Journal of Behavioural Science, 26(1), pp.142–162.

⁷¹ Arkkelin, D., & O’Connor, R. Jr., 1992. *The good professional: Effects of trait-profile gender type, androgyny, and likableness on impressions of incumbents of sex-typed occupation*. Sex Roles, 27, no. 9-10: pp.517–532.

⁷² Larkin, J.D., 2008. *Stereotypes and decision making: Reconciling discrimination law with science*. CPER Journal, 192, pp.15–24.

⁷³ Oswald, P.A., 2003. *Sex-typing and prestige ratings of occupations as indices of occupational stereotypes*. Perceptual and Motor Skills, 97, pp.953–959.

⁷⁴ Kliuchko, O.I., 2011. *Gender Stereotyping in Study Pressing Social Problems*. Russian Social Science Review Vol. 52, No 2.

acceptable manner and to feel integral and not discrepant.⁷⁵ Gender stereotyping applies to both men and women. Men's stereotypes have the potential to undermine women, even when the stereotypes may be seen as positive.⁷⁶ Most research studies about a decade ago believe that stereotypes about men and women exist in the workplace⁷⁷ and the recent evidence suggests these stereotypes continue persist.⁷⁸

Two themes from a detailed research on gender stereotypes are particularly relevant to a discussion of leadership because they point to a contradictory expectation imposed upon women leaders. One stereotypic dimension applied to women posits that "competent" and "friendly" are bipolar opposites on a singular traits dimension.⁷⁹ Thus, an individual cannot be both competent and friendly at the same time: the choices are to be either competent and cold or incompetent and friendly. In the leadership relationship, those who are masculine than feminine in appearance are judged as more competent. Furthermore, cold women are perceived as unfeminine, creating another overlay dimension: women can be feminine, warm and incompetent, or men, masculine, cold and competent.

A second dichotomy that pertains to leadership is between "agentic" and "communal" leadership styles. The recent studies indicate that the content of gender stereotypes dictates that men are agentic (i.e. they are achievement oriented, dominant, aggressive and ambitious) thus, men are perceived to be more assertive, courageous, and competitive than women.⁸⁰ Women are communal (i.e. they are relationship oriented, warm, kind and interpersonally sensitive) thus, women are perceived to be more submissive, emotional, affectionate, patient and creative than men. These descriptors are also oppositional in nature, suggesting men are viewed as lacking communality, and that

⁷⁵ As above.

⁷⁶ Prime, J., Jonsen, K., Carter, N., & Maznevski, M.L., 2008. *Managers' perceptions of women and men leaders: A cross cultural comparison*. International Journal of Cross Cultural Management, 8, pp.171–210.

⁷⁷ Heilman, M.E., Block, C.J., Martell, R.F. and Simon, M.C., 1989. *Has anything changed? Current characterization of males, females and Managers*. Journal of Applied Psychology, 89 (3) 416-27.

⁷⁸ Hentschel, T., Heilman, M.E. and Peus, C., 2013. *Have perceptions of women and men changed? Gender stereotypes and self-ratings of men and women*, poster presented at the annual meeting of the Society for Personality and Social Psychology.

⁷⁹ Eagly, A. H., & Carli, L. L., 2007. *Through the labyrinth: The truth about how women become leaders*. Volume 9 Fall 2011, pp. 55-56.

⁸⁰ Kinicki, A. and Kreitner, R., 2006. *Organizational behavior: Key concepts, skills & best practices*.

women are viewed lacking agency.⁸¹ These kind of stereotypes are also contributory to the under-representation of black women in the university's management levels.

Although gender stereotypes can create limitations in all contexts, they are especially harmful to women within male-typed occupations and fields- work contexts that often are the most prestigious, high paying, and sought after.⁸² For women to be taken seriously, they must be tough and authoritative like their male counterparts, but at the same time they are labelled as if they act aggressively⁸³ A woman will be labelled aggressive and disrespectful by both males and females if she is authoritative and forceful in her approach to deal with matters whilst performing her senior management job.⁸⁴ A woman is expected to be kind, soft and friendly at all times when dealing with any work-related situation irrespective of the senior position she is holding at the time. However, a different can be said about a men who does similar thing.⁸⁵ Men are allowed to be aggressive and authoritative than women.⁸⁶ If a women is direct and bold will be labelled an aggressive "manager" or "iron lady or "ice queen" by both men and women counterparts.⁸⁷ A man may be given a more pleasant descriptions with the same approach such as "he is an assertive ", which creates a feeling of women trying to overcompensate and that they have to be polite merely because they are women.⁸⁸ It is stated that gender stereotypes are pervasive and have an impact on all aspects of all women and men's behaviour.⁸⁹ A woman who is aggressive and authoritative does not get a lot of support from fellow colleagues because there is a perception that a woman must be respectful and friendly all the time, but the same cannot be said of a man who is authoritative and aggressive, he will instead receive a greater respect because he is a man and he is acting like a man.

⁸¹ Heilman, M.E., and Caleo, S., 2011. *Is this a man's world? Obstacles to women's success in male-typed domains*, p.217.

⁸² As above.

⁸³ As above.

⁸⁴ As above.

⁸⁵ As above.

⁸⁶ As above.

⁸⁷ As above.

⁸⁸ As above.

⁸⁹ As above.

This kind of perception is contributory to the dearth of women in leadership positions in HEIs.

The “glass ceiling,” which means an impenetrable barrier at some point in a woman’s career, is viewed as a natural consequence of gender stereotypes and the expectations they produce about what women are like and how they should behave.⁹⁰ A woman may be denied an opportunity to be promoted to the management level because other employees, especially those in leadership position, perceive that she is not acting or behaving as the way a woman must be like. The most affected women would be a black woman as this will be originating from the culture. A gender bias influences evaluation in work settings, being competent provides no assurance that a woman will advance to the same organizational levels as an equivalently performing man.⁹¹ Gender stereotypes have frequently been used to explain why women are not hired into positions leading to organizational power and prestige.⁹² It is argued that the fact that gender stereotypes and biased evaluations inhibit women from advancing to the top positions of the organizations are the stereotyped conceptions of what women are like and how they should behave.⁹³ Gender stereotypes are contributing negatively to the advancement of black women to the leadership positions in HEIs.

3.2.4.4.1 Stereotypes as Descriptive and Prescriptive

There are two types of gender stereotypes as descriptive and prescriptive gender stereotypes.⁹⁴ Other researchers also indicated that stereotypes have both descriptive and prescriptive properties.⁹⁵ Descriptive gender stereotypes designate what women and men are like. Prescriptive gender stereotypes designate what women and men should be like. Thus, whereas descriptive stereotypes dictate that men are agentic, and women are

⁹⁰ Morrison, A. M., White, R. P., & Van Velsor, E., 1987. *Breaking the glass ceiling*. Reading, MA: Addison-Wesley, The Society for the Psychological Study of Social Issues, p.657

⁹¹ Heilman, M.E., 2001. *Description and prescription: How gender stereotypes prevent women’s ascent up the organizational ladder*. Journal of Social Issues, p.657.

⁹² As above.

⁹³ As above.

⁹⁴ Heilman, M.E., 2012. *Gender stereotypes and workplace bias*, Research in Organisational Behaviour, pp.114-35.

⁹⁵ Burgess, D., & Borgida, D., 1999. *Who women are, who women should be: Descriptive and prescriptive gender stereotyping in sex discrimination*. Psychology, Public Policy and Law, 5(3), pp.665-92.

communal, prescriptive stereotypes designate that men should be agentic and women should be communal. Both descriptive and prescriptive gender stereotypes, and the expectations they produce, can compromise a woman's career's progress.⁹⁶ The descriptive or prescriptive gender stereotypes or both can become a barrier to the advancement of women in the leadership positions in the universities.

Descriptive stereotypes play a role in producing negative expectations about women's performance in male-typed domains.⁹⁷ These expectations are created when people consider stereotypical perceptions about women alongside attributes that are thought necessary for success in male type fields.⁹⁸ The resulting lack of fit promotes the expectation that women are not equipped to succeed in those contexts.⁹⁹ In descriptive gender stereotypes, men and women are thought to differ both in terms of achievement-oriented traits, often labelled as "agentic", and in terms of social and service-oriented traits often labelled communal.¹⁰⁰ There is evidence that traditional stereotypes of women and men predominate in work settings as well as non-work settings. Research has shown that when women are depicted as managers, they are characterised as less agentic than men.¹⁰¹

In turn, prescriptive stereotypes establish normative expectations for how men and women should behave. As a result, women are derogated when they act in ways that run contrary to female stereotypes. This potential derogation creates a predicament for women who aim to do well in male-typed domains by exhibiting the masculine attributes regarded essential for success. It is also detrimental for women who have already exhibited their competence. Thus such gender stereotypes will have denied some black women with potential and necessary qualifications to ascend to management positions in the universities.

⁹⁶ As above.

⁹⁷ As above.

⁹⁸ As above.

⁹⁹ As above.

¹⁰⁰ As above.

¹⁰¹ Heilman, M.E., Block, C.J., Martell, R.F., 1995. *Sex stereotypes: Do they influence perceptions of managers?*, Journal of Social Behaviour and Personality, pp.237-52.

It is explained that prescriptive gender stereotypes functions as injunctive norms which dictate what attributes and behaviours are appropriate and inappropriate for men and women.¹⁰² Prescriptive gender stereotypes establish expectations for men and women behaviour resulting in the devaluation or derogation of women who directly or indirectly violate gender norms.¹⁰³

3.3 Conclusion

The main research problem of this study was the number of women in the leadership positions of the universities is less than the number of men in the leadership positions. The proposed study investigates the possible barriers to the advancement of black women to leadership positions in the universities in South Africa and possible solution to the problem. It has been discovered that women are high in numbers in the lower occupational levels of the universities but increasingly scarce in senior positions, whilst men dominated the leadership positions. There is under-representation of women, black women in particular, in the top, senior management and even in the middle management of the South African universities.

The research question in this chapter was 'Can the production of knowledge, in other words teaching and learning and research that are at the core of the work of universities, be credible whilst the South African universities are permeated by patriarchal ideology, stereotype thinking and gender inequality which perpetuate the exclusion of women?'

Various concepts related to gender stereotypes were discussed in this chapter. It is mentioned that gender stereotypes play a major role in impacting negatively on the advancement of women into leadership position in the institutions of higher learning. The black women are mostly affected in terms of race and class due to the fact that their situation was gravely affected by the apartheid system in South Africa in which they were

¹⁰² Cialdini, R., and Trost, M., 1998. *Social influence: Social norms, conformity, and compliance*, in Gilbert, D. Fiske, S., and Lindzey, S., (eds), *The Handbook of Social Psychology*, Vol. 2, 4th edition, Boston, MA: McGraw-Hill, pp.151-92.

¹⁰³ As above at 54

severely oppressed. So, in dealing with this matter, a careful consideration with more attention must be given to black women as they are heavily affected.

The aim this study is to investigate the possible barriers which contributed to the low number of women in senior management positions in higher education. Even though there are promising indications that among the top managers, women are doing extremely well as leaders and managers, the number of women at leadership positions is still low. Gender stereotypes are one of the main barriers for the advancement of African women to senior management positions in South African universities. The number of females is lower than their male counterparts and women are still marginalized in terms of progressing to senior management positions. Gender stereotypes are impacting negatively to black women's advancement to leadership positions in the Higher Education sector.

Black women are most affected groups by the gender stereotypes which exist even in their community. In African culture, man is the head of family and he is the one who must be obeyed and respected all the time. As a result, it is unusual for men to be led by a woman. There is an African idiom that says "ya etwa ke ye tshadi pele e wela ka leopeng" which can be translated in English to mean, "if a woman leads people the end-result will be disastrous. A woman still regarded as someone who must give birth to children and extend her husband family. A man is regarded as powerful and mighty and as a breadwinner. If a woman concentrated on her career and neglect her responsibility as housewife, then she will be rejected by her own society group.

It has been found out that there are two aspects of gender stereotypes, namely; descriptive and prescriptive gender stereotypes. And it was examined how they both contribute to gender bias in evaluations. The consequences of both descriptive and prescriptive gender stereotypes in organizational settings were explored. It has been shown how these gender stereotypes can be some barriers to the women's career progress in preventing them to climb leadership ladder. It is also shown that gender stereotypes are one of the main contributor to the dearth of women in senior management positions even though women with qualifications are readily available. The descriptive gender stereotypes promote gender bias because of discrepancy between the

stereotypes of what women are like and of what top management jobs entail leads to expectations that women will be unable to perform such jobs effectively. The victims in this instance are women, especially black women who are severely affected by these kind of stereotypes.

The prescriptive gender stereotypes dictate what women should be like. It has been discovered that women who are competent and prove to be successful at “male” work violate the normative prescription and therefore arouse disapproval and are penalized. They are regarded as very different than men who engage in the same behaviour. The penalties come in the form of negative social sanctions which include both personal derogation and dislike, each of which give rise to judgements and decisions that prevent advancement of competent women to senior management positions.

There are findings that gender stereotypes are the foundation of gender bias in work settings and they are the root cause of the discriminatory treatment of women in the workplace, which limits their upward mobility. It has also been found that there is a lip service that men in senior positions are willing to see women in top positions but in practice that's not the case, hence women are still under representation even though the South African legal framework is in place and it is one of the best in the world.

It has been discovered that in most instances males and females are treated differently and are given different organizational support in terms of skills development and promotion opportunities. Males are given more opportunities and preferential treatment because they are in majority at senior management level. The above issues create a sense of injustice for women. In most universities at top, senior and middle management levels, men are dominant, and they normally ignore the need for women, especially black women, to be represented equitably at those levels. Mostly men who occupy management positions take decisions which are detrimental to advancement of women to senior management levels. They always believe that men are the most suitable candidates for the senior positions unlike women.

It has been realised that for women to earn the respect of her colleagues, to advance to top echelons of the management position, she must work twice hard than her fellow male

counterparts. It will be ideal if females can be given the same treatment as male counterparts. On the other side, even if women have acquired the position, still they will be punished to act in manner is perceived to belong to men. They will be disliked called in a derogatory name such as drama/ice queens because they don't do as perceived as the right for women to behave or do things.

The aim of this chapter was to look into the stereotypes as one of the reason for the underrepresentation of women into leadership positions and current legal frameworks and its limitations. The main premise of this study was based on hypothetical contention that even though there has been attempts in law reform to address the position of women in South Africa workplaces, it has had limited successes.

The female senior managers are also encouraged to play an active role in ensuring that women are equitably represented in top and senior management positions. They may be the champion of women emancipation if they can strive for equality of women in senior occupational levels. Mentoring and coaching measures must also be implemented to assist women in ascending the leadership leader.

It must be noted that women nowadays are educated and career-driven. There is no job meant for men only, especially senior management posts. Women are equally suitably qualified to assume such responsibilities. The most important thing is that all people or employees must be treated equitably and fairly. It is very important that equal opportunities and fair treatment is given to all employees. The gender stereotypes must be minimised or erased completely. These realities affirm the need to encourage women to broaden their roles in areas that strengthen access to the hierarchy within Higher Education leadership.¹⁰⁴ Employers must make budget available for the empowerment and development of women into leadership positions.

Again in addressing this problem of gender inequality, employers must identify practices, procedures and policies that encourage biased evaluations which will be a more accessible and appealing to aspirant women and eradicate or redress them. Gender stereotypes must be discouraged, and women must be given same treatment as men.

¹⁰⁴ Moodly, A., & Toni, N.M., 2017. *Accessing Higher Education Leadership: Towards A Framework for Women's Professional Development*. SA Journal of Higher Education, Vol 31, No 3.

Women are capable as men to do the job and they can do it well with the support of fellow employees regardless of their gender and sex.

The justice systems and infrastructure are also supposed to guard against perpetuate the stereotypical discrimination of women when handing down judgements. Judges and magistrates must ensure that they give judgement in order ensure that substantive equality approach is complied with. Section 9 of the South African Constitution might be adhered to all the time when ruling is made in the court.

In this chapter, it has been discovered that gender stereotypes are one of the contributories to the under-representation of women, especially black females, in the leadership positions of the universities in South Africa. In the next Chapter the focus will be on the ethics of care which can be an alternative to address the exclusion or underrepresentation of black women in the senior management of public universities in South Africa.

CHAPTER 4

ETHICS OF CARE AS A POSSIBLE RESPONSE TO UNDERREPRESENTATION OF BLACK WOMEN IN THE SOUTH AFRICAN UNIVERSITIES LEADERSHIP POSITIONS

4.1 Introduction

The main research problem of this study is the extent to which women are under-represented at South African universities, in particular as far as black women in leadership is concerned. The proposed study investigates the possible barriers to the advancement of black women to leadership positions in the universities in South Africa and possible solution to the problem. The study focuses on the continued under-representation of women in leadership positions in Higher Education Institutions(HEIs). It has been discovered that women are high in numbers in the lower occupational levels of the universities but increasingly scarce in senior positions, whilst men dominated the leadership positions. There is under-representation of women, black women in particular, in the top, senior management and even in the middle management of the South African universities. This has been happening for years and there seems to be no solutions for this problem. The 2018-2019 Commission for Employment Equity (CEE) Report confirm the underrepresentation of black women in the educational sector.¹

The South African government had since 1994 attempted to address this problem by enactment of the Constitution and various labour policies but the problem still exists. Various legislative frameworks which the democratic government introduced in order to address this problem have not worked so far. The problem lies in the dominant and gendered character of power relations between women and men. Within such relations, women encounter exclusion being it internal or external as they are denied full participation in democratic deliberative processes in HEIs. As a result, an exclusion of women, particularly black women, is an unfavourable and pernicious practice, which is not helping in efforts for the transformation and development of South Africa.

¹ Commission for Employment Equity Annual Report, 2016-2017, pp.39-45

The specific research question of this chapter is what alternative approaches could be considered and followed in the legal and policy framework concerning higher education? Can the Ethics of Care be an alternative to the South African legal framework?

This chapter explores the concept of an ethics of care that could meaningfully advance pertinent democratic ideals, namely inclusion and equality towards justifiable universities in South Africa. The main objective is to establish what constitutes an ethics of care, and how such a concept can be reconstructed and brought to the fore to address African women's exclusion in the universities management positions in South Africa. The aim is to propose that the culture of an ethics of care be adopted so that it may be an alternative in addressing the problem of exclusion and underrepresentation of black women in the senior management positions in the HEIs.

4.2 An Ethics of Care

Ethical virtue is traced from the works of ancient Greek philosophers such as Aristotle, who is one of the Greek philosophers who wrote widely on ethical virtue. As a philosopher of virtue, Aristotle regarded caring as legitimate for rational beings, in this case men, unlike women, who were disregarded in the public realm.² In a collection of his writings, *The Nicomachean Ethics*, Aristotle focused on an ethical virtue that concerns the lives of men who were born well, were politically free, and were very much concerned with a well-lived life.³ His emphasis on ethical virtue was on the public nature of the agora, which characterizes Aristotle's portrait of the ideal moral man, the man with a great soul, a deep voice and long strides.⁴ Ross remarks that "Aristotle accepts slavery and a lowly status for women, without question, though his remark on women's love for their children is telling and sympathetic"⁵. Aristotle did not acknowledge women's public roles, but it is acceptable that caring for their children and husbands and for the elderly is inevitable. The view of Aristotle is that caring is central issue for and about other people. He further

² Shanyanana, R.N., 2014. *Examining the Potential of an Ethics of Care for inclusion of women in African Higher Education Discourses*, p.141.

³ As above.

⁴ As above.

⁵ Ross, D., 2009. *Aristotle: The Nicomachean Ethics*.

argued that care is for both an attitude towards others as well as a skill to be acquired. In other words, care entails not only treating people with respect, but it is an attempt to empathise with them and act to help them by all means.⁶ Therefore, it can be concluded by saying Aristotle's virtue of ethics focuses on the caring relationships between younger and older men and the responsibilities involved, but seemingly discriminates against women.⁷

However, early 20th century, feminist scholars started to debunk the masculine dominant approach and called for the recognition of women's caring domestic roles.⁸ Their critiques are the prevailing ethical traditions, which privileged only men, and also constructed a distinctly feminine ethics of care. As a result, the idea of an ethics of care as a feminine feature can be traced to the women's movement, which called for the recognition of women and the attainment of equality.⁹ Carol Gilligan, is one of the first theorists who questioned the view of her supervisor Lawrence Kohlberg that boys are caring beings.¹⁰ She critiqued the Kantian ethics expanded by Kohlberg, with his use of an all-male sample that might not apply to women. She argues that the appeal to universal principles of rights, contractual reciprocity, or justice is more typical of males than of females.¹¹

Drawing from a feminine experience, Gilligan posits that girls and women are more likely to conceive moral issues in terms of a concern for people's well-being in the act of caring. It can be said that women too have a duty to take care of those who are in need, which then connects with their unrecognized domestic roles of caring for children, husbands and the elderly. Gilligan calls for the recognition of caring roles, and she echoes Aristotle and Kant's idea that human beings are rational beings, and attentiveness to the relational aspect of human nature makes care ethics unique among all previous ethical theories and traditions.¹² Maathai clarifies Gilligan's view and adds that society is stereotype because women are expected to perform caring duties because

⁶ As above.

⁷ As above.

⁸ As above.

⁹ As above.

¹⁰ Gilligan, C., 1982. *In a different voice: Psychological theory and women's development*, p.74.

¹¹ As above.

¹² As above.

it is their role.¹³ For instance, society expects a woman who has children to take care of them. The claim that humans are relational is a claim about the nature of human beings, which is a personal relationship with others. The suppositions of these studies stimulate and set up an oppositional view between women and men, which can be connected to a gendered kind of caring, which this study opposes.¹⁴

Nonetheless, the ancient perception of an ethical caring is unavoidable in gaining a deeper understanding of the contemporary view of an ethics of care. Thus, tracing the discourse of an ethics of care could facilitate a construction of a more plausible approach to HEIs.¹⁵ The different perspectives on an ethics of care will be examined in order to have the historical understanding of care in relation to women.

Virginia Held notes that an ethics of care is only a few decades old, a very short time in the history of human attempts to evaluate how we should live our lives and to recommend what we ought to do.¹⁶ An ethics of care therefore, at this stage, still has many limitations and lacunae, but its development is an on-going, cooperative project. This approach predominantly privileges well-born men, with no consideration for women, and this forms Aristotle's ethical ideal.

4.2.1 Natural & Ethical Caring

The prominent American feminist scholar Nel Noddings, put caring central in her groundbreaking text, *Caring: A Feminine Approach to Ethics and Moral Education*.¹⁷ She categorises caring into two forms: natural and ethical. She refers natural caring as sympathetic caring and develops out of maternal relationships.¹⁸ Even though she initially considered caring as distinctively feminine, she acknowledges, however, that this does not mean that men are incapable of thinking in such terms or should be discouraged from doing so. Noddings, like Gilligan, advocates for equal rights for women as caregivers for caring for both families and other human beings. She formulated the term "the one-caring"

¹³ Maathai, W., 2009. *The challenge for Africa: A new vision*, p.2

¹⁴ As above at 2.

¹⁵ As above.

¹⁶ Held, V., 2006. *The ethics of care: Personal, political, and global*, p.5.

¹⁷ Noddings, N., 1984. *Caring: A Feminine Approach to Ethics and Moral Education*.

¹⁸ As above.

and “the cared-for” as role players in the caring relationship.¹⁹ This simply means a caring relationship constitutes two parties and each has a role to play.²⁰ Thus care-for responsibility to take care of other persons whereas cared-for is receiving care from care-giver. Portraying the caring relationship, she identifies mother and child as a perfect example. The mother is perceived as the one-caring for and a care giver to a child, whereas the cared-for or the person being cared for is the child.

Noddings believes natural caring occurs in circles of intimates and friends who are engrossed and immersed in one another. These circles may be linked through chains of affection when members of one circle form relations with members of another circle. According to her, the carer ought to listen and attend to the expressed and inferred needs, opinions and expectations of others, whereas the cared-for is expected to respond in the light of Buber's account of ethical relationships of I-Thou.²¹ Thus, the I and Thou relationship is depicted as one of direct connection between two persons.

Unlike natural caring, ethical caring requires people to act permissibly if our actions express or exhibit an attitude or motive of caring for others.²² Noddings stated that, because ethical caring is regarded as a particular and situational morality, we may care about strangers in the sense of maintaining “an internal state of readiness to try to care for whoever crosses our path”.²³ In this way, caring should be carried out by all people and to all human beings, based on their initial experience of caring received from home, school or elsewhere. From this compelling position, it therefore is helpful to explore her argument further in order to determine the possibility of applying this perspective of ethical caring to social institutions such as HEIs.²⁴ Furthermore, Noddings classifies this relationship as a form of engrossment, which entails an action in which people draw themselves into the particular world of the other, rather than meeting others on their own terms.²⁵ To be precise, caring demands that one moves out of individuality into others

¹⁹ As above, p.5.

²⁰ As above.

²¹ As above, p. 32.

²² As above p. 128.

²³ As above, p.18.

²⁴ As above.

²⁵ As above, pp. 239-241.

and requires one to imagine the others (in this case the excluded groups) and act to improve their situation. In Shanyanana's view, when we care, we consider the others' point of view, their objective needs (tangible materials, for instance a computer or funding), and what they expect of us when they are physically represented in democratic deliberation without articulating their views and making a meaningful contribution.²⁶

A care ethics consists merely of an attitude of attending to their wants and needs. Therefore, it is vitally important to say that the goal "lies in trying to discern the kinds of things I must think about" in caring for others.²⁷ The "ethical relationship of care" is distinct from the more direct natural caring, in terms of which an individual may only care for so many particular others, and each of these individuals must be treated particularly, without general rules or principles

In her book: *The Challenge to Care in Schools: An Alternative Approach to Education*, Noddings revised her earlier position of caring from a feminine approach and encourages educators to practice caring as a perfect form for education and schooling.²⁸ Her viewpoint is that, when students are cared for, they can learn to care for themselves, for others (those known to them and those unknown), and for plants, animals and ideas.²⁹ To put it succinctly, nothing should prevent university staff from caring for each other even though they are strangers, diverse and we come from different backgrounds in South African universities, especially those who are underrepresented such as black women. Noddings's viewpoint is understandable when she says we need to have caring relations with strangers, so that we have moral relations with everyone even people from other countries who are victims of famine, HIV and AIDS, rape, sexual harassment and other forms of marginalisation, including internal exclusion encountered by women in HEIs. In HEIs, men and women in senior positions need to have a relationship with women in lower positions within the university or even a stranger from outside the university in order to achieve employment equity numerical targets.

²⁶ As above.

²⁷ Noddings, N., 1992. *The challenge to care in schools: An alternative approach to education*, pp.13-14

²⁸ As above

²⁹ As above, pp. 174-175.

It should be stressed that Noddings' approach of ethical caring demonstrates the importance of caring as both an educational goal and a key aspect of education; however, it restricts the autonomy of the cared-for agent, since the cared-for is expected to be responsive to the carer in a particular way, and may not assist in addressing exclusion of black women in South African universities.³⁰ Since this caring requires autonomy between the carer and the cared-for, there is a need for supplementing views to halt the gap in caring relations³¹.

4.2.2 Ethics of care and Empathy

Michael Slote, in his text *The Ethics of Care and Empathy*, perceives moral issues in terms of emotionally involved caring for others and connection to others, unlike Noddings' view that the cared-for should merely be responsive to the carer.³² His view is that the motivation for caring is based on and sustained by human capacity for empathy with others (the primary mechanism of caring, benevolence, compassion, etc.).³³ This approach attends to issues such as obligations to distant people, deontology, the relational character of autonomy and paternalism, as well as social justice and practical rationality.³⁴ I agree with Shanyanana that at this stage that there are various ways of caring, and a person's intention to care determines the approach to be employed, either for justice or paternalism, etc. Also, we could conclude that a person's act of caring is not only by virtue of experience, but also by virtue of a human being's capacity to care.³⁵

In Slote's empathetic caring, the emphasis is that "caring has to do with our obligations to distant people in other nations".³⁶ Moreover, the relation between caring and empathy can be used to explain how people feel about those who are currently suffering. In this respect, it is only when we acknowledge that our attitudes toward strangers or distant others can amount to caring that the way is open for such people within an ethics of care,

³⁰ As above.

³¹ As above.

³² Slote, M., 2007. *The ethics of care and empathy*.

³³ As above.

³⁴ As above.

³⁵ As above at 5.

³⁶ As above at 26, p.8.

or even to understanding justice as a whole in terms of caring.³⁷ It can be said that caring must be readily applicable to personal and public relationships, and justice must be relevant to political issues, including the internal inclusion of all people in social institutions, including women in HEIs, as is the case in focus in this study. Slote also criticises the notion of paternalism, a process when someone – the caring person – acts for or against another person's wishes “for his or her own good”.³⁸ Shanyanana share the sentiment that a paternalistic form of caring is unacceptable, especially when women are brought into HE as subjects by means of tokenism or affirmative action, without being prepared to assert their voices and make a meaningful contribution to democratic processes, such as in decision making.³⁹ I agree with Slote and Shanyanana that affirmative action measures must be applied to develop and support African women and ensure that they climb senior management ladder positions in the HEIs but they must also be allowed to raise their voices and make inputs and contributions towards the progress of the universities.⁴⁰

Slote proposes an empathetic caring that respects the autonomy of the cared-for. In his view, a morality of empathetic caring calls for “respect [for] other people's autonomy and not just or simply [being] concerned with their welfare”.⁴¹ To put it plainly, the cared-for is autonomous in one's own right and does not have to merely respond to the carer, but engages with him as an equal human being.⁴² Therefore, autonomy as a pertinent element of empathetic caring should not only be understood as casually relational, but it is also constitutively relational in an ethics of care.⁴³ The dual roles of empathetic caring, which is casually and constitutively relational, is foregrounded on the kind of morality that conceives caring for others and letting their needs supersede one's own.⁴⁴ Central to this caring relation is that all people are rational beings; hence the need for their critical thinking in establishing and proposing what is good. Slote also argues that “we owe

³⁷ As above.

³⁸ As above at 27, p.95.

³⁹ As above at 4, p.147.

⁴⁰ As above.

⁴¹ As above 27, p.57.

⁴² As above at 2, p.148.

⁴³ As above, p.74.

⁴⁴ As above.

people respect on the basis of their autonomy – (or their moral worth or dignity) as rational beings, and so their respect for individuals as respect for their autonomy”. In this regard, respecting other people and their autonomy is an innermost feature of Slote’s conception of caring.⁴⁵ It is very key to respect the next person and allow him/her an autonomy to speak his/her mind and do as he/she sees it fit. In this instance African women in the South African universities must be respected by male and female colleagues and be autonomous by voicing her views and be allowed to be ambitious and ascend career ladder to higher positions in HEIs.

Epitomising the ideals of empathetic caring, Slote categorises respect for the need of others, whereby the autonomous individual – that is the cared-for agent – is considered as not being frightened of his or her own desires or aspirations; where empathic caring realises the initial human capacity for thinking and deciding things. Importantly, what matters in his framework is the individual’s ability to express his or her liberal ideas (particularly women) in HEIs.⁴⁶ In this empathetic caring relationship, the cared-for can actually challenge the autonomy of the carer – which means that the cared-for is autonomous. It can be surmised that Slote’s study challenges the sympathetic and non-autonomous form of caring and offers an extension to a mutually respectful form of caring that considers the agency of the cared-for.⁴⁷ Then I agree that the cared for must have an autonomy to decide what he/she thinks is right without any fear that the carer will take action against him or her and that is essential in a caring relation, but the excluded groups might still encounter similar exclusionary practices.

4.2.3 Restriction of Noddings’s and Slote’s ethics of care in addressing exclusion

Shanyanana’s argument here is that Noddings’s and Slote’s notion of caring are worthwhile in themselves, but restricted in addressing the internal exclusion permeating HEIs.⁴⁸ Similarly, the same approach seems to be detrimental to black women who are raised and expected to care for others to the extent that they do not care always for

⁴⁵ As above, p.55.

⁴⁶ As above, p.95.

⁴⁷ As above at 2, pp.148.

⁴⁸ As above.

themselves. This kind of caring is driven by patriarchy's gendered roles, which see women as care-givers who are considered emotional, while men are viewed as having empathetic caring. In their joint publication, Noddings and Slote acknowledge that caring is both inherent and experienced; however, they argue that direct caring for other people is morally less advanced than a conscientious concern for principles of justice and human rights.⁴⁹ The analysis here is that only when the two forms of caring, that is sympathetic and empathetic caring, are incorporated, may create the possibility to cultivate autonomous and mutual respect between the carer and cared-for.⁵⁰ Shanyanana's view is that the incorporation of sympathetic and emphatic caring will create a mutual respect between the carer and cared-for. It will also assist the cared-for to develop and grow intellectually without fear of speaking his/her mind about any issue raised by the carer.⁵¹

This amalgamated approach is a novel shift in which the carer identifies the needs of the cared-for, but also creates enabling conditions for him/her to engage autonomously, to the extent of questioning the form of caring as well as ideas. The idea of enacting a complete human being is central with the understanding that "the better world ... depends on better people rather than on better principles".⁵² According to Shanyanana, a relational and experiential form of caring is fundamental to shaping caring attributes in all people, especially in HEIs, as opposed to the gendered form of caring expounded by the two dominant theorists.⁵³

In efforts to conceptualise the notion of an ethics of care, Shanayanana endorsed Slote's idea of empathetic caring, which considers the relationship between carer and cared-for as mutually respectful, because both carer and cared-for have the autonomy to treat one another justly.⁵⁴ Thus far Shanyanana have used Slote to address and fill the gap left by some of Noddings's limitations". I agree with Shanyanana's view above, about Slote's

⁴⁹ Noddings, N., & Slote, M., 2003. *Changing notions of the moral and moral education*. In Blake, N., Smeyers, P., Smith, R., & Standish, P. (Eds.), *The Blackwell guide to the philosophy of education*, pp. 241-355. Oxford: Blackwell.

⁵⁰ As above at 2.

⁵¹ As above.

⁵² As above at 49, p.356.

⁵³ As above at 2, p. 149.

⁵⁴ As above.

idea of emphatic caring whereby the carer and cared-for must have mutual respect and treat each other fairly.

4.2.4 Human beings need the virtues

Alasdair MacIntyre in his book *Dependent rational animals: Why human beings need the virtues*, identified two factors in relation to which human beings need the virtues.⁵⁵ Firstly, it is people's dependency on each other due to their vulnerability; and secondly, it is based on our potential for reasoning, as it is our independent capacity. In other words, it is our human beings depend on each other because they are vulnerable species, e.g. human being is prone to sickness, disability and ageing on the one hand, and human beings are independent practical rationality on the other.⁵⁶ His viewpoint is that people are also dependent on each other not only when they experience physical vulnerabilities, but in evoking people's potentialities for reasoning.⁵⁷ The assumption is that there are two forms of human dependence – material needs on the one hand and rational needs on the other. In answering why human beings need these virtues, MacIntyre clarifies that the fact that we are dependent animals, our "human vulnerability and disability", is the "central feature of human life", hence the need for the "virtues of dependency", which is deeply required for individual human beings to flourish in their stages of development from infancy to adulthood, including old age.⁵⁸

According to MacIntyre, caring for one another ought to be a core virtue that human beings uphold if they are to excel. Principally, MacIntyre's intention is to challenge what he perceives as the narrative of the disembodied, independent reasoner who determines ethical and moral questions autonomously, and in what he calls the "illusion of self-sufficiency".⁵⁹ MacIntyre's view is that, the focus on self-sufficiency as the core idea of the liberal project encouraged by the contemporary world, including South African higher education institutions, is pernicious to the virtue of dependency that human beings profoundly require. What is more, he postulates that the prime roles of the caring relation

⁵⁵ MacIntyre, A., 1999. *Dependent rational animals: Why human beings need the virtues*, pp.1-5

⁵⁶ As above.

⁵⁷ As above.

⁵⁸ As above.

⁵⁹ As above, p.127.

ought to stimulate people's rational capacity to become independent practical reasoners.⁶⁰

Problematising the emphasis on the autonomy of individuals and their capacity for making independent choices, MacIntyre states that the virtues of independent rational agency need recognition of the virtues towards human acknowledged dependence. In other words, the dual sets of virtues – rational independence and acknowledged dependence – are required in order to advance the distinctive potentialities that are specific to the human rational animal.⁶¹ Independent rationality is a fundamental virtue that will enable individuals to comprehend how and why the internally excluded groups are to prosper in human life.⁶² MacIntyre gives an example that an act of caring requires to be done not for the self, but for the sake of others and being worth doing in and for themselves.⁶³

MacIntyre identifies the role of the proxy as a representative of those without the capacity to speak for themselves as a second self. Insofar as those without the ability to engage, in this case the excluded groups, are to expect a proxy, the caring relations might not address the dilemma of exclusion.⁶⁴ What is necessary is ensuring that for the excluded, whose confidence to articulate is limited, other means of caring would be required.

For rationality to be invoked, citizens (both carer and cared-for) need to engage in the social community of practices such as in higher educational institutions. This clearly shows how each party should feel some sense of belonging to that community as equal members. The process of listening to each other may lead the carer and cared-for towards dialogical action.⁶⁵ According to the above argument, it could mean that both the carer and cared-for are obligated to understand why a particular caring act is occurring, and to act out their roles in fulfilling the goal.⁶⁶ MacIntyre identifies dialogical action as a means to assist both the carer and cared-for to become good listeners, but also to make us more

⁶⁰ As above at 2.

⁶¹ As above, p.8.

⁶² As above.

⁶³ As above.

⁶⁴ As above, p.141.

⁶⁵ As above, p.14.

⁶⁶ As above at 2.

deliberative in the sense that we become open to revising or abandoning our own reasons in the light of what others (to whom we listen and with whom we engage) have to offer.⁶⁷

4.2.5 Invoking a caring relationship

According to MacIntyre, the acts of caring by both the carer educators and cared-for play a crucial role in invoking the other's capacity as independent practical reasoners.⁶⁸ This is an indication that human beings need each other in invoking humanity which differentiates people from animals which is their level and practices of rationality. Therefore, if caring is an ultimate virtue that needs to be enacted in higher education, then such caring should also consider what makes human beings human, which is rationality⁶⁹. In MacIntyre's view, rationality can be invoked by fostering in students the capacities for independent rational reasoning through social relationships within a caring pedagogical community, such as in HEIs.⁷⁰

According to Shayanana's view, only when caring relations pay more attention to people's dependency (evoking their rational potentialities) and transcend the mere response to their material needs, we may possibly engender genuine transformation in HEIs.⁷¹ It is true that people need to understand that they dependent on each other as a community and nobody can live alone or is entirely independent, as result people must give hearing to others' voice as they will also need their voices to be heard. Thus the excluded people, in this case black women in the universities, must be given the dignity and respect they deserve and allowed to raise their views and their potential be recognized by the carer so that they can occupy higher positions in the HEIs. There is a need for caring that recognises rational potentialities that empower the excluded person to air her voice.⁷²

⁶⁷ As above, p.81-83.

⁶⁸ As above.

⁶⁹ As above at 2, p.151.

⁷⁰ As above at 56, pp.80-84.

⁷¹ As above at 2, p.153.

⁷² As above, p.154.

4.2.6 Debunking a gendered form of caring and situating the ideal caring relation

In explaining the caring experience in African Higher Education, Ramphele states that not all caring practices by women are useful for nurturing individuals who are articulate and assertive in a democratic higher education setting, and that not all men are uncaring.⁷³ It can be said that some of the contributing factors to the underrepresentation of African women in South African higher education institutions' senior management positions are due to patriarchy, male chauvinism and male dominated institutions. However, it must be noted not all males are uncaring but there are caring males who support the internally excluded groups in celebrating the citizenry's rights to a voice and ascension to higher positions. There are those caring males who believe that all people including females must be given opportunities to display their potentials and be given a necessary support to achieve their goals. The underrepresentation of women must be addressed by ensuring that there is gender equity. Ramphele notes that "caring on the part of women can be discouraging in comparison to that of men."⁷⁴ She argues that to navigate the realm of sexist and vicious African discriminatory practices, one need to apply different strategies. It is dangerous and limiting to exclude the possibility of real supportive relations with caring male colleagues wherever one goes, for they do arise".⁷⁵

Clearly, internal exclusion cannot be blamed entirely on one group, in this case men, but also lies in the complexity of the power relations among people. It is evident that some women in the higher education system in South Africa, especially those in leadership positions, demonstrate a disempowering and debilitating form of caring towards their fellow women, just as do some men.⁷⁶ It is a fact that there are women at the helm in HEIs who are also not assisting in addressing gender inequality. Shanyanana strongly believe that caring is relative and can be constituted differently, depending on what the carer regards as relevant in mitigating internal exclusion.⁷⁷ Shanyanana commented that "caring encounter substantiates my stance that not all women are caring, and that not all

⁷³ Ramphele, M., 1995. *Mamphela Ramphele: A life*. Cape Town: David Philip Publishers, pp.182-183.

⁷⁴ As above.

⁷⁵ As above, p.184.

⁷⁶ As above.

⁷⁷ As above, p.155

men are uncaring".⁷⁸ She further mentioned that the perception of women as caring persons and men as uncaring is worrying, since it relegates women to specific roles that hinder their potential to exercise their rights as equal members of a democratic African higher education institution.⁷⁹

Shanyanana have argued that Noddings's sympathetic caring is too ethical, and limits the agency of the cared-for, since one is expected to respond in a particular way. This establishes an unequal relationship between the two. In supplementing Noddings, she endorsed Slote's empathetic caring, which underscores the autonomous relations between carer and cared-for as mutually respectful to treat one another justly.⁸⁰ Nonetheless, both Noddings's and Slote's perceptions of caring restrict the addressing of internal exclusion, considering that the marginalised groups may autonomously decide to remain silent. She also utilised MacIntyre's caring, which evokes people's rational potentialities to expand the conception of caring.⁸¹ She mentioned that caring for rational potentialities explored above is a definite refinement of sympathetic-empathetic caring. She concurs that rationality is central if people are to be included and heard in democratic engagement.⁸² I concur with Shanyanana's sentiments and I believe that the sympathetic and emphatic caring will play a major role in ensuring that all members of society especially African are included in the HEIs particularly in the management positions.

4.2.7 Idea of Equal Intelligence

Jacques Rancière's idea of equal intelligence is that one which recognises people's intellectual ability and need to exercise their rights through their assertion of voice as a way of disrupting the conversation.⁸³ According to Rancière, human beings are equal in terms of their intelligence. This is contrary to a traditional view on gender equity where people think women are meant to work on kitchen and work as a nurse or cleaner because women too, especially black women, have equal intelligence as men. Rancière advocate

⁷⁸ As above

⁷⁹ As above

⁸⁰ As above

⁸¹ As above

⁸² As above at 2, p.15

⁸³ Rancière, J., 1992. *The ignorant schoolmaster: Five lessons in intellectual emancipation*.

the emancipatory method of teaching “looks for the totality of human intelligence in each intellectual manifestation”.⁸⁴ The points emanating from the emancipatory method of teaching are: a) everyone has similar intelligence, b) everyone is able to teach themselves, and c) everything is everything, which means “all power of the language is in the totality of a book”.⁸⁵ If caring can be treated in the same manner as emancipatory method of teaching, then the internally excluded groups are to be recognised based on their intellectual equality, which will instil in them critical thinking skills, and also announce their presence through a voice.⁸⁶ It is vital that all people, irrespective of their background, can be given equal opportunities to raise their voices and opinions, then this will mean that all people should deliberate in higher educational conversation as this will be the best tool to disrupt exclusion.⁸⁷ Raising the voices by the underrepresented people (particularly black women) in the universities be an opportunity to disrupt exclusion.

Rancière believes that for people to express themselves require a democratic environment in which they can exercise their equality, by expressing their voices they will in a way be disrupting the status quo. Thus management of the South African universities must allow the marginalized, in this case black women to voice their dissatisfaction regarding their underrepresentation in senior management positions and be heard when they come with proposal to address that. Rancière argues that democratic politics happens when all people engage each other such as the demos that intervene upon internal exclusion of the demos.⁸⁸ This is an intervention in which the discussion takes into account those who are excluded in the democratic politics.⁸⁹ The idea of a disruptive voice through confrontation between various interests and views is essential in ascertaining that all people’s voices are acknowledged.⁹⁰

Shanyanana argues that we can only justify caring as disruption for the sake of transforming a hitherto exclusionary HEIs for the benefit of the internally excluded groups.

⁸⁴ As above, p. 39.

⁸⁵ As above.

⁸⁶ As above at 2, pp. 156-158.

⁸⁷ As above.

⁸⁸ Rancière, J., 2006. *Hatred of democracy*, pp.29.

⁸⁹ As above, p. 57.

⁹⁰ As above at 2, pp.156-158.

For this reason, Shanyanana calls for caring as disruption based on Rancière's notion of equal intelligence, which connects to MacIntyre's position that caring relations should emphasise the evoking of people's rational potentialities.⁹¹ Going by this position, it must be clear by now that there is a link between disruption and rationality. As a way of disrupting the exclusionary police order, that is structure that control the disruption of the police order and a call for the equality of politics by the marginalised groups is a refutation of the position and status in which they found themselves in, "not for the sake of another or different position, but for the sake of one's own equality".⁹² According to Rancière, the people, the demos, comprise of those groups that fall in a given classification, those who are unequal to others in a specific category, such as women and so forth.⁹³ Rancière define the demos as people without any claim to making a meaningful contribution to public deliberation and conversation, who are invisible – in this case the internally excluded groups in HEIs such as PWDs, African, Coloured women. Rancière's idea of equal intelligence was used by Shanyanana to epitomise how all people need to be viewed as equal human beings by the assertion of their voice, which may disrupt the exclusionary practices in HEIs. I tend to agree with Shanyanana that all people, especially those who are marginalised, need to be viewed equally and have equal voice in raising the issues which they feel need to be addressed. The black women in particular, in the HEIs who are underrepresented in all management positions in the South African universities, need to feel equally respected and treated and have to raise their voices whenever they feel necessary in addressing gender inequality.

Similarly, Shanyanana's view is that for the internally excluded groups to exercise their right to equality would require the capacity to assert their voices, like other human beings, as a way of making a meaningful contribution to educational deliberations. Exploring the care relations incorporated in Rancière's notion of equal intelligence, which suggests that people have equal ability to exercise their voice, we could justify why caring for other's rationally is vital.⁹⁴ Rancière continues by saying, "...but among those who know how to

⁹¹ As above.

⁹² As above at 84, p.48.

⁹³ As above p.50.

⁹⁴ As above at 2, pp.156-158.

share with anybody and everybody the equal power of intelligence, it can conversely inspire courage, and hence joy”.⁹⁵ This idea becomes important for a reconstructed ethics of care, which one has to act on one’s own terms with one’s own equality, which is “evoking your sense of intelligibility and responsibility”.⁹⁶ The point here is that democracy needs to be contested by expanding citizens’ deliberative horizon in order to include all people in their own right. Therefore, one cannot merely claim to include others without creating a caring space for all to engage in educational deliberations in their own capacity as exercisers and receivers of equality.⁹⁷ On this score, I agree with Shanyanana that equality of voice has a potential to disrupt South African higher educational gender inequality and lead to the attainment of justice, whereby the carer conducts him/herself as an “amateur” or “ignorant master” rather as a highly knowledgeable citizen than the cared-for.⁹⁸ The idea of having everyone engaged as equal citizens in higher educational is significant. So, if a voice can assist in disrupting the exclusionary engagements, then caring relations should incorporate Benhabib’s idea of democratic iterations, whereby people engage each other with scepticism to augment and incite their intellectual capabilities.⁹⁹

4.2.8 Caring as iterations

In her most recent book, *Dignity in Adversity: Human Rights in Troubled Times*, Benhabib challenges cosmopolitan norms, which have often been misunderstood.¹⁰⁰ For her, cosmopolitanism celebrates our common humanity, whereas it concomitantly helps us to deal with diversity and differences, that is, those people who are experiencing some form of exclusion need to be considered. The term cosmopolitanism stems from the concept cosmopolites, which constitutes kosmos (the universe) and polites (citizens).¹⁰¹

However, there are also negative inferences associated with cosmopolitanism when viewed "as a form of nomadism without attachment to a particular human city", as

⁹⁵As above at 84, p.97.

⁹⁶ As above.

⁹⁷ As above at 2, p. 158.

⁹⁸ As above at 84.

⁹⁹ As above.

¹⁰⁰ Benhabib, S., 2011. *Dignity in adversity: Human rights in troubled times*. p.2.

¹⁰¹ As above.

espoused by Diogenes the Cynic. More importantly, because of this claimed borderless world, Benhabib calls for a move from human rights to cosmopolitan rights. She intensifies Kant's view of cosmopolitan rights to hospitality, which aims to invite and welcome all people (strangers) in the cities of the cosmos. She claims that hospitality is a right that belongs to all human beings insofar as we view them as potential participants in a world republic.¹⁰² In Shanyanana's view, the notion of belonging is crucial in engendering internal inclusion for all people as citizens in a pedagogical community, not only as Africans, but also as citizens of the world. Only when all people, specifically the current internally excluded groups, are recognised and their voices make a meaningful contribution to democratic processes, will caring relations in HEIs achieve their goal of an ideal democratic society.¹⁰³

Furthermore, Benhabib calls for cosmopolitanism without illusions, especially what she calls a "jurigenerative effect" that may create democratic iterations whereby all people can claim rights across borders and be able to reinvent and re-appropriate valuable norms that were misinterpreted and abused.¹⁰⁴ In her view, democratic iterations guided by the jurigenerative effect permit the "new actors (resultant of the Human Rights Declarations and Treaties – such as women and ethnic, linguistic, and religious minorities – to enter the public sphere, to develop new vocabularies of public claim-making, and to anticipate new forms of justice".¹⁰⁵

According to Benhabib democratic iterations depicts "how the unity and diversity of human rights is enacted and re-enacted in strong and weak public spheres".¹⁰⁶ This is practised "not only in legislatures and courts", but also by "social movements, civil society actors, and transnational organisations working across borders".¹⁰⁷ To cement the above, Shanyanana argues that if African states are signatories to World Human Rights Declarations, including the Millennium Development Goals (MDGs) and the Convention to Eliminate all Forms of Discrimination against Women (CEDAW), as world citizens,

¹⁰² As above at 98, p.6.

¹⁰³ As above at 2, p.159.

¹⁰⁴ As above at 101, p.15.

¹⁰⁵ As above.

¹⁰⁶ As above.

¹⁰⁷ As above.

public institutions, including in African higher education, require the idea of cosmopolitanism in their attitudes and practices.¹⁰⁸ This simply means that iterations entail bringing to the fore aspects of engaging in a provocative and belligerent manner in order to learn how to offer reasons for an argument.

Since democratic iterations are essential for institutions, this approach requires “communicative freedom”, in terms of which all people are informed of their freedom of expression and association, not only as citizens with voting rights, for instance, but as recognised individuals and citizens with legitimacy to be convinced with good reasons.¹⁰⁹ The point is that people should not be seen merely as subject to the law, in this case educational policies, but also as authors of the law in all realms of society, including higher education institutions. Thus, democratic iterations are in a better position to ensure that all people as citizens engage in complex processes of public argument, deliberation and exchange, through which universalist rights claims are contested and contextualised, invoked and revoked, posited and positioned throughout all realms of society.¹¹⁰

In iterations, people need to treat each other with scepticism as they engage in and propose new ways of claim-making. It is insightful to call for hospitality as a way to invoke change and disrupt the status quo, which has favoured the dominant groups.¹¹¹ Such a caring relationship may open up the possibility for the internally excluded groups to find their spaces in HEIs, irrespective of their background, gender, status and so forth. I am of the opinion that iterations should embrace higher educational processes, thereby engaging them in provocative and disruptive manners.¹¹² This disruption of caring deliberation revolves around creating conditions and a probable atmosphere for the excluded to reach a level of learning and thinking that enables them to speak their minds. Only when all people can act and engage in democratic iterations, could painful matters such as marginalisation and other vicious discrimination be uttered in what Waghid calls a process of “talking back”. In such a distressful manner, the excluded may speak their

¹⁰⁸ As above at 2, p. 160.

¹⁰⁹ As above at 101, p. 15-16.

¹¹⁰ As above.

¹¹¹ As above.

¹¹² As above at 2.

mind and ask the reasons why they should be excluded in pedagogical encounters.¹¹³ On this point, Shanyanana is attracted to Benhabib's compelling idea of hospitality to accompany the reconstructed ethics of care, since it seems to create enabling conditions for the internally excluded to engage provocatively. Such distressful encounters may incite those who usually are without a voice to speak their mind as a way of attaining internal inclusion.¹¹⁴

Importantly, caring relations in such distressful encounters are aimed at empowering the internally excluded groups to air their voice. In this way, people engage in provocative and belligerent deliberation with the intention of soliciting each other's frank views about issues of concern.¹¹⁵ This approach is worth looking into, because realising the unthinkable (rationality or knowledge) requires some disruption, whereby the carer moves the silenced cared-for out of the comfort zone, not necessarily to offend, but to maximise their potential.¹¹⁶

4.2.9 Caring as Compassionate respect

For a reconstituted ethics of care to encourage the cared-for to become an independent rational citizen, compassionate respect is necessary. In her work, *Upheavals of Thought: The Intelligence of Emotions*, Nussbaum calls for emotions, namely compassion, to embrace democratic deliberation. The notion of compassion entails that people – in this case the carer and cared-for – recognise one another's vulnerabilities and misfortunes.¹¹⁷ For her, compassion is a significant emotion to cultivate in preparing people to engage in deliberation and just action, in public as well as in private affairs.¹¹⁸ Likewise, I concur with both Shanyanana and Nussbaum that enacting caring in staff requires compassionate respect as a guiding act in HEIs deliberations. To her, emotional impetus should underlie democratic iteration in order to treat staff justly and humanely, which is treating them with compassion.¹¹⁹ The case in point is that a caring relation should

¹¹³ Waghid, Y., 2010. *Education, democracy and citizenship revisited: Pedagogical encounters*.

¹¹⁴ As above at 2, p.161

¹¹⁵ As above

¹¹⁶ As above

¹¹⁷ Nussbaum, M. C., 2001. *Upheavals of thought: The intelligence of emotions*, p.299.

¹¹⁸ As above.

¹¹⁹ As above at 2, p.163.

consider the staff's limitations, especially those from disadvantaged backgrounds – be these educational, social or financial.¹²⁰

Needless to say, some staff members might find it challenging to engage in a provocative and belligerent manner due to patriarchal cultural norms that reinforce subordination. As argued elsewhere, most women from African societies are reared not to speak in the same manner as their male counterparts.¹²¹ Therefore, in considering the foregoing view of their limitations, engaging distressfully might help the excluded groups to articulate their views and develop reasoning abilities. Thus, caring relations need to consider such misfortunes as the carer strives to inculcate people's rational potentialities.¹²² It is for this reasons that the emotion of compassion becomes an imperative constituent for acting upon with care and deliberating about such matters, since compassion not only prompts in people an awareness of the misfortune or suffering of others, but also “pushes the boundaries of the self” outward by focusing one's attention on the suffering of others.¹²³ Shanyanana is of the conviction that, in order to act in a caring manner, the carer needs to have regard for the other person that is being compassionate towards the cared-for.¹²⁴

Nussbaum conceptualises compassion as an agonising emotional judgment that comprises two cognitive requirements. The first requirement demands that there is a belief or appraisal that the suffering of others is serious, and that the cared-for staff member, like other citizens, does not deserve to suffer. The second requirement is that there is a belief that the possibilities of the person (carer) who experiences emotion are similar to those of the sufferer (cared-for).¹²⁵

The point Nussbaum makes is that human beings need to be compassionate by recognising that those who experience misfortune, in this case the African women, do not do so due to their own fault, but that their plight needs to be addressed.¹²⁶ On the other hand, compassion can be enacted if one acknowledges a caring relation as a form of

¹²⁰ As above.

¹²¹ As above.

¹²² As above.

¹²³ As above at 114, p. 299.

¹²⁴ As above at 114.

¹²⁵ As above at 111.

¹²⁶ As above, p.317.

community between the carer and cared-for, particularly understanding what it means for one to experience vulnerabilities similar to those of the victim. In Nussbaum's words, "(One) will learn compassion best if he/she begins by focusing on their sufferings ... In order for compassion to be present, the person must consider the suffering of another as a significant part of his or her own scheme of goals and ends. He / She must take that person's ill as affecting his/her own flourishing. In effect, he/she must make himself/herself vulnerable in the person of another".¹²⁷ This recognition of one's vulnerability require the carer to have a deeper understanding of what it feels to be excluded internally to the democratic processes where one is said to be part of.

The excluded people may become uncomfortable with the dominant groups, who tend to ignore the presence of those whose voices may not have made any meaningful contribution. A compassionate carer will do everything possible to enable the cared-for to develop so that they are able to grasp the relevant concepts and theories that may enable them to acquire deeper understandings of how structures and tasks at management positions work so that they are readily available to ascend to top management positions as soon they are available. Nussbaum's notion of compassionate respect in this case relates to Maxine Greene's call for carers to begin releasing their imagination.¹²⁸ In Greene's view, pedagogical encounters require educators to begin releasing their imagination if genuine education is to take place. The idea of releasing imagination expects people to begin to think differently about themselves as individuals, and about their roles in a democratic (educational) community and society (as in HEIs).¹²⁹

In a caring process, the carer begins firstly to put the self in the shoes of the cared-for, the case in point for those encountering exclusion. Secondly, the carer creates conditions to enable the cared-for to achieve what is never thought, a way of disrupting the status quo.¹³⁰

¹²⁷ As above.

¹²⁸ Greene, M., 1995. *Releasing the imagination: Essays on education, the arts and social change*.

¹²⁹ As above at 2, p.164.

¹³⁰ As above.

Consequently, caring relations that constitute compassion as an emotional intelligence feature in which people put themselves in the shoes of the excluded and become imaginative may lead to recognising humanity in people.¹³¹ This leads us to Cavell's idea of acknowledging humanity as an accompanying feature in caring relations.

4.2.10 Acknowledging humanity

The idea of humanity is central to the reconstituted ethics of care if those internally excluded are to assert their voice and offer justifiable reasons as equal citizens.¹³² In his book, *The Claim of Reason*, Cavell calls for acknowledging humanity, which entails showing respect of people's dignity as human beings.¹³³ According to Cavell, acknowledging humanity "in Other and oneself" means that I see myself through the Other – that makes the Other a mirror that casts my image towards me, and suggests that there is some interconnectedness between the Other and me.¹³⁴ In terms of Cavell, being a mirror image of the other requires a person to be "answerable for what happens to them", that is, to enact his/her responsibility towards them.¹³⁵ The ability of the self to move beyond those known to them is central to Cavell's argument that "the Other is like oneself, that whatever one can know about the other one first has to find in oneself and then read into the other ... (that is to) conceive the other from the other's point of view".¹³⁶ The notion of acknowledging humanity in others and in oneself is therefore a salient feature for enriching the proposed framework. Even though equal intelligence is at the core of equality, Shanyanana believes that only when the Other begin to respect individuals as persons with dignity and as worthy citizens through their voices then justice can be achieved.¹³⁷

This notion of acknowledging humanity links to Waghid and Smeyers's idea of

¹³¹ As above.

¹³² As above.

¹³³ Cavell, S., 1979. *The claim of reason: Wittgenstein, skepticism, morality and tragedy*, pp. 438, 440.

¹³⁴ As above.

¹³⁵ As above.

¹³⁶ As above.

¹³⁷ As above at 2.

considering our human interdependence and interconnectedness, for the well-being of all human beings.¹³⁸ In Cavell's terms, caring for the other requires self-reflection of what you as the self might expect from the other, in this case African female staff. This implies that both the carer and cared-for need to reflect on their roles in such a relationship, and not necessarily to understand the reason for committing to the task.¹³⁹

It is desirable if men in HEIs can see in women mirror images of themselves as human beings (and not treat them as subordinate or inferior citizens). If that can happen then the patriarchal belief, male chauvinistic tendencies and power relations could be eliminated – a process that would engender internal inclusion.¹⁴⁰ Thus, men and women in South African university management will start looking at themselves through the mirror and then treat the underrepresented African women with respect and start feeling what the others feel when excluded. Seeing the other as a human being demands that the dominant others who possess all the power to control and dominate the Other (women) depart from their authoritarian and inhuman practices of exclusion, and begin to treat the Other as an equal human being.¹⁴¹ To put it clearly, the assumption is that those with power may begin to demand internal inclusion for women by creating conditions to empower them, rather than women having to appeal continuously for inclusion.¹⁴² According to Shanyanana women must be given same opportunities as men to ascend the higher echelons of the of institutional positions, and be provided with any other support (e.g. coaching, mentoring, etc.) to address the issue of gender inequality in HEIs in all occupational levels. Men must lead in this campaign as they are mostly the one in leadership. Women, especially black women, must be given a priority in leadership development and training so that they are readily available to ascend higher positions. South African universities must have a pool with suitably qualified people so that they are readily available when opportunities arise to hire them. Women in institutions of HE must be given an opportunity to raise their voices in injustice against humanity and get the full

¹³⁸ Waghid, Y., & Smeyers, P., 2011. *Reconsidering Ubuntu: On the educational potential of a particular ethic of care*. *Educational Philosophy and Theory*, 44(2), p.8.

¹³⁹ As above at 125.

¹⁴⁰ As above at 134.

¹⁴¹ As above.

¹⁴² As above.

support of everybody in HEIs, including men. I agree with Shanyanana that this caring relation requires that men and women in university management begin to establish ways to express their responsibility by including women and treating them as human beings, rather than as subordinate beings. In other words, men are expected to begin advocating for women's internal inclusion due to the fact that the exclusion of the other becomes a challenge to their own humanity.

According to Cavell care is about acknowledging others' inclusion and act by challenging internal exclusion.¹⁴³ Thus, employment of African women in the university and deny them an opportunity to assert their own voices is like denial of your own and other's humanity.¹⁴⁴ As a result, Cavell says, the failure of humanity with others reveals the failure of one's own humanity.¹⁴⁵ Similarly, by failing to include African women's voices in the universities, especially those with potential and denied them an opportunity to make positive contributions, due to stereotypical, patriarchal and cultural influences, is to despise their dignity as human beings.¹⁴⁶ The people with authority to control internal engagement in the public universities need to acknowledge that they are humans and to consider others, in this instance African women, as humans who are equally worthy, as a matter of caring. In other words, the university management and line managers, as a way of caring, require one with a voice to acknowledge the other as a person alongside her/himself.¹⁴⁷ This means all people must be respected and be given the dignity they deserve, being in power of authority does not mean you must start disrespecting and undermining others, especially those who are below you in status and deny them opportunity to ascend to higher positions in the workplace.

According to Cavell no one must remain silent about the his/her marginalisation and internal exclusion, because by doing so, one affirms their being unworthy, a way of renouncing one's humanity.¹⁴⁸ In Cavell's words, "what is required in confronting another person (between the carer and cared-for) is not your liking him or her but your being

¹⁴³ As above.

¹⁴⁴ As above.

¹⁴⁵ As above at 134, p. 434.

¹⁴⁶ As above.

¹⁴⁷ As above.

¹⁴⁸ As above at 134

willing to take his or her position into account, and bear the consequences, that is confronting others in position of which one will not imagine the acknowledgement”¹⁴⁹. It is about caring and feeling the pain of other person irrespective whether you know her or not. As a man, even though I am not in management position in HEI, I believe and convinced that African women with potential must be given opportunities and support to ascend the ladder to leadership positions in the universities. I concur with Shanyanana when she says “This is a captivating standpoint, because acknowledging humanity requires taking risk, and not being liked or favoured by the cared-for, but striving towards enabling him/her to attain unimaginable results.”¹⁵⁰ In the main, the argument for acknowledging humanity in the self and the other and to respect them as persons with dignity is a probable act of caring. Without this very act, any caring act exercised in HEIs will remain a harmful practice and continue to thwart citizens from exercising their equality.¹⁵¹

It is crucial that those with authority to dominate others will acknowledge internal exclusion as an unhealthy act and take responsibility to ensure that no deliberation may take place in higher education without consideration of women's voices. The carers are expected to initiate suitable ways of alleviating any act of internal exclusion, not only to speak for them but to create conditions for empowering them through a voice.¹⁵² It is desirable that women (particularly African) in HEIs, who show potential must be given opportunities to occupy higher positions and be given the necessary support they need, through training, coaching and mentoring by men and women who are in authority and allow them to have voice in whatever issue they feel to tackle. Those in authority must develop and implement affirmative action measures to give voice and include those who are internally excluded.

According to Cavell the reconstituted ethics of care should be framed as an acknowledgement that, in respect of our fellow human beings, tells us that we are

¹⁴⁹ As above, p.326.

¹⁵⁰ As above.

¹⁵¹ As above.

¹⁵² As above.

answerable for what happens to them, and also why our answerability is not unlimited.¹⁵³ In other words, without seeing humanity in the other, the act of caring will not work.¹⁵⁴

Shanyanana echoes Cavell's standpoint that, when engaging in caring relations, the carer should consider and acknowledge humanity in the self and in the other. The point is that if a carer believes that she/he is a human being with feelings, desires and fears, the same needs be acknowledged in the Other cared-for, hence responsibility, accountability and answerability are required if rationality is to be attained.¹⁵⁵ The fact is that we must always put ourselves in some other people's shoes in order to determine if our own acts are humane or not. If we are unhappy with our deeds if done upon us, then we must then refrain from doing to the others. Cavell seems to remind us that rationality is a crucial part of our humanity, and is within us rather than outside us.¹⁵⁶ Therefore, caring for people's rationality is an undeniable and inevitable act, if the voice of the internally excluded groups is to be heard in democratic deliberation in HEIs.

The management in HEIs, which is male dominated have to engage in self-reflection and address internal exclusion of women, especially African women and treat them as equal citizens. The assumption is that those instigating internal exclusion would have a chance to recognise the injustice done to others and give reasonable justification for their actions, which possibly could lead to caring relations.¹⁵⁷ The human beings cannot live without caring, they must always have ethics of care or Ubuntu to show that they are human beings. MacIntyre highlights the two vigorous reasons why human beings need to care.¹⁵⁸

Firstly, because we are dependent animals in the sense of caring for our physical needs (vulnerabilities; disabled, and ageing etc). Secondly, we are also dependent on each other to conjure up each other's rationality. However, addressing people's vulnerabilities, including our physical needs, is not a guarantee that our rationality will be invoked to the extent that will enable us to be independent reasoners.¹⁵⁹ It is only when we pay close

¹⁵³ As above, p. 438

¹⁵⁴ As above

¹⁵⁵ As above

¹⁵⁶ As above

¹⁵⁷ As above

¹⁵⁸ MacIntyre, A., 1999. *Dependent rational animals: Why human beings need the virtues*. pp. 83-84

¹⁵⁹ As above at 123.

attention to care for each other's rationality that we can attend to our humanity that is both our physical and our rational needs. This approach takes account our humanity, which is that our being human connects very well with Cavell's call for acknowledging each other's humanity. The core of this viewpoint is that our sense of being human is what we have in common and share – which is rationality. In other words, our physical differences alone do not characterise our humanity, but rather it is our commonalities that characterise our humanity. From the above, it is clear that, when we care, we begin to encounter the otherness of others through iterations that is both our physical and our rationality – a way of advancing humanity – which is unavoidably salient of our being human.¹⁶⁰

Doing something for the excluded and acting for the common good affirms humanity in each other. This suggests that caring relations that acknowledge humanity in the self and in others (in Cavell's idea) may advance an authentic form of democratic higher education deliberation. Therefore, I contend that the reconstituted ethics of care as sketched above possesses sufficient conditions to disrupt the power relations among people by means of an equalisation of voice, rather than of gender, as contended by this dissertation.¹⁶¹

4.3 Conclusion

The main research problem is the less number of black women in the HEIs' leadership positions as compared to men. The black women were oppressed and marginalized since the apartheid era. It was perceived that the place of black women is in the kitchen and taking care of the children. Black women with potential and relevant qualifications are not getting development and support from management of the university to prepare them for possible promotion to senior positions.

The main research question was what alternative approaches could be considered and followed in the legal and policy framework concerning higher education? Can the Ethics of Care be an alternative to the South African legal framework?

Shanyanana stated that it is crucial to support caring relations that recognise people as human beings with equal intelligence and rationality, namely compassionate imagining,

¹⁶⁰ As above at 2, p.169

¹⁶¹ As above

responsibility, and reasoning. She further argues that the pedagogical community, which is HEIs, is incomplete without caring citizens invoking each other's humanity in deliberative encounters. Hence, there is a need to engage in democratic deliberation if the otherness of the others is to be invoked, that is human rationality.¹⁶² Human beings need to take care of each other and always willing to assist each without looking at the gender or race of a fellow human beings.

Caring relations that are concerned about humanity are without doubt sufficient to disrupt and overturn the internally exclusive patriarchy, male chauvinistic practices and authoritarian attitudes among people in HEIs.¹⁶³ An authentic caring relation perceives people – both women and men – as human beings who are worthy of respect, who can express their minds, and who should be treated in a non-gendered but dignified way. All human beings must be treated with dignity and be given equal opportunities especially where there is gender inequality and fast-track the development of the marginalized groups and implement an affirmative action measures. By so doing, management will be showing compassion and sympathy to the previously disadvantaged group. People must be perceived as human beings and be respected and treated in dignified manner. It is true that caring is a human capacity and can be expressed by all human beings, irrespective of their gender or class.¹⁶⁴

According to Shanyanana's view, caring relations should constitute three salient features: firstly, the caring relation needs compassionate imagining, where people listen to each other's lived experiences and put themselves in the shoes of other's misfortunes and act to alleviate internal exclusion. Secondly, the caring relation requires responsibility that enables the creation of conditions for people to exercise their equality via a voice. This can happen when the dominant others take responsibility to recognise humanity in themselves and the other by invoking their potentialities and being remorseful when others are internally excluded. Thirdly, the caring relation calls for reasoning abilities that enable people to become assertive and announce their presence as equal citizens.

¹⁶² As above at 150.

¹⁶³ As above at 2, p.170.

¹⁶⁴ As above.

It is very important and needed that the ethics of care must be encouraged to all people in higher education institutions because that will assist in challenging the exclusionary structures and ideologies and come up with transformation strategies. Shanyanana acknowledges that, if this reconstituted ethics of care is cultivated in HEIs, South Africa could have caring democratic citizens who will not only be deliberative, but also stand against anomalies on the entire continent¹⁶⁵. Unless higher education institutions, especially universities in South Africa, promote this form of caring in their pedagogical encounters, it will be difficult to cultivate caring citizens. Notably, this caring will not only help in attaining substantial inclusion, but may engender social justice, which South Africa, Africa and the entire world require.

The ethics of care will come a long way as a possible response in addressing the issues of the underrepresentation of black women in the South African HEIs. The ethics of care in collaboration with existing South African legal framework come up with positive response to gender inequality problem.

¹⁶⁵ As above

Chapter 5

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The main research problem of this study is the underrepresentation of black / African women into leadership positions of the universities in South Africa. The study starts by contesting the space of women in HEIs by raising questions that gave impetus to educational research in this area. The aim is to explore the inclusion of black/ African women in South African universities, as well as how an ethics of care together with existing legal frameworks could assist in addressing black women's exclusion in universities leadership positions.

Chapter 2 traces the historical account of HEIs in order to acquire an understanding of what shapes current education in South African universities. Women, especially black women are unequal than men in the leadership positions of the university in South Africa. The history of SA universities is traced from the apartheid period till democratic period. Upon democracy, South African government responded to the global call for gender equality by introducing various legal mechanism to address the issue of women exclusion and gender inequality in the labour market. Although South African government has adopted policies and strategies such as the NEPAD policy and affirmative action measures to ensure the fulfilment of the MDGs, especially goal three, which requires women's empowerment and equality, HEIs in South Africa remains male dominated and excludes women.

In Chapter 3, certain gender stereotypes are examined to understand why they present possible barriers to the advancement of women, specifically black women in the management positions of the universities and to understand current legal framework and its limit plus educational discourses. This Chapter explores the conception of gender stereotypes, patriarchy and other concepts which are contributory factors to gender equality in management positions of the universities in South African. I explore how patriarchal beliefs, male chauvinism and authoritarianism emerge as conditions that

perpetuate women's internal exclusion. I argue that, if HEIs is to transform its practices and nurture democratic citizens, all people, including black women, will be emancipated.

In Chapter 4, I explore if the adoption and implementation of an ethics of care by HEIs could respond to the continuance of the exclusion of black women. Transformation champions are needed in the universities to run with transformation for the emancipation of black women. People must show sympathy and compassion and start putting themselves in the shoes of the marginalized groups in order to realise the need to transform the universities as far as women exclusion is concerned. The HEIs should move to ethics of care to encourage inclusion that recognises human voices. HEIs should embrace democracy and care so that excluded groups can exercise their equality and experience humanity. I explore a conception of an ethics of care and advocate a non-gendered ethics of care that may advance substantive inclusion.

Noddings's sympathetic notion revealed that caring creates a relationship between two people, the carer and the cared-for. Borrowing from Shanyanana, I use Slote's notion of empathy, which recognises people's autonomy, in order to fill Noddings's gap. Nonetheless, both perceptions are limited in addressing internal exclusion. In exploring other views of caring, I adopt MacIntyre's account of caring, which evokes potentialities in which human beings need to recognise their dependence on one another due to their vulnerabilities and rationalities. I propose a reconstruction of an ethics of care by using a Rancièrian emancipatory approach that perceives people as equal intellectuals. I argue that this approach has the potential to disrupt the exclusionary practices in and status quo of HEIs¹.

My conviction is that compassion should not be limited to mere sympathy, but rather should create enabling conditions to assist the cared-for to become independent reasoners, thus acknowledging humanity in the self and the other by creating conditions to evoke the rationality of the cared-for to attain a voice.² I defend a non-gendered reconstituted ethics of care that encompasses compassionate imagining, responsibility and reasoning. I call for HEIs, especially teaching and learning and governance and

¹ Shanyanana, R. N., 2011. *Education for democratic citizenship and cosmopolitanism*. pp. 191-193

² As above

management in university, to foster a reconstituted ethics of care in order to become compassionate, responsible and humane. The point is that one cannot change the situation in one day, but I support the idea that a reconstituted ethics of care through educational encounters at university could gradually encourage people to learn and experience caring, both conceptually and pragmatically.³ I agree with the idea of Shanyanana that ethics of care in addition to existing legal frameworks can be used to redress the existing situation of gender inequality and arrest the exclusion of African women in the top and senior positions of the universities in South Africa. I believe the willingness from the current management to redress the situation will go a long way in addressing gender inequality in HEIs.⁴

5.2 Recommendations

In light of the findings in this study and the discussion from the literature, the following recommendations are made to address the problematic issues faced by South African female leaders.

5.2.1 Dealing with gender stereotypes

Women leaders are under continuous scrutiny by their subordinates and communities, and their actions are usually viewed from a gender perspective. All stakeholders who perceive women leaders differently should learn to work together in determining the essential needs, critical issues and problems in their various individual universities. Educators, both male and female, should learn to accept and support women in leadership positions.⁵ Gender differences, stereotypical perceptions and discrimination can be addressed through workshops and seminars. Both genders need to be made aware of their differences and how they need one another to complement these differences in their work environment in particular and in society in general. The acceptance by every staff member that they are from different and diverse background

³ As above, p193

⁴ As above

⁵ Mestry R & Schmidt M 2015. *A feminist postcolonial examination of female principals' experiences in South African secondary schools*. *Gender and Education*, 24 (5), p.814.

and that can bring great results or achievement for the success of the institution and the society at large.

5.2.2 Implementing legislation and policies

Legislation and educational policies should be regarded as a tool to support and improve black women in their endeavour to climb management positions. The Department of Higher Education Science and Technology should actively participate in accelerating transformation in gender, political, economic and social structures that diminish black women's hopes to be future chancellors, vice chancellors, deputy vice chancellors, executive deans, professors, etc. Moreover, affirmative action measures and strategies should be implemented to provide black women with necessary skills that could assist them in breaking glass ceilings. The existing national laws such as White Paper 3 and Constitution, Employment Equity Act and other relevant legislations must be implemented and adhered to by the HEIs. Therefore, it is imperative that universities embark on awareness campaigns to address the issues of exclusion and discrimination and encourage the marginalized to have voices through public lectures and seminars with topics addressing the issue of gender inequality and exclusion of other group of the staff. The Department of Higher Education Science and Technology should annually budget for advocacy programmes emphasising the importance of respecting and complying with national policies and legislations relating to gender issues. This can be done in collaboration with Department of Employment and Labour.

5.2.3 Incorporate and implement an ethics of care in university frameworks

I argue that in transforming the university and make it inclusive of all groups, especially women, will go a long way in achieving an ethics of care. The practices and policies of the university must be reviewed so that gender equity clause is included and then compassion and sympathy must be part of them. The practice in the university community must be that of taking care of the cared for and allow them to have voice and do not think of doing them favour but accept them they have same rights and commitment and same intellectual towards university's social responsibility. By supporting the development of black women, mentoring and coaching will play a major role in achieving equity in the

leadership positions of the university and that will be a display of an ethics of care. Women must be treated with compassionate and sympathy. I believe that compassion should not be limited to mere sympathy, but rather should create enabling environment whereby black women become independent reasoners and have a voice to raise and do things independently without thinking they are being done a favour.

I propose the university must adopt a reconstruction of an ethics of care by using a Rancièrian emancipatory approach that perceives people as equal intellectuals. I believe this approach has the potential to disrupt the exclusionary practices in the HEIs.

The reconstituted ethics of care which is non-gendered will encompasses compassionate imagining, responsibility and reasoning in HEIs. I called for HE, especially teaching and learning and governance and management in university education, to foster a reconstituted ethics of care in order to become compassionate, responsible and humane.

The situation in the university will not change in one day, but I believe a reconstituted ethics of care through educational encounters at university could gradually be a possible response to encourage people to learn and experience caring, both conceptually and pragmatically.

BIBLIOGRAPHY

Aayi, J. E. A., Lameck, K. H., Goma, G., & Ampah, J., 1996. *The African experience with higher education*. Accra: Association of African Universities, p. 5.

Akala, B., Divala, J.J., 2016 *Gender Equity Tensions in South Africa's Post-Apartheid Higher Education: In Defence of Differentiation*, South African Journal of Higher Education, Volume 30, No1, p.5.

Arkkelin, D., & O'Connor, R., 1992. *The good professional: Effects of trait-profile gender type, androgyny, and likableness on impressions of incumbents of sex-typed occupations*. Sex Roles 27, no. 9-10: pp.517-532.

Assié-Lumumba, N., 2006a. *Higher education in Africa: Crises, reforms, and transformation*. Dakar: Council for the Development of Social Science Research in Africa, pp.19.

Badat, S., 1991. *Reformist strategies in black tertiary education since 1976. Apartheid Education and Popular Struggle in South Africa*.p.48.

Badat, S., 1999. *Black Student Politics: Higher Education and Apartheid from SASO to SANSCO 1968-1990*, Human Sciences Research Council, Pretoria.

Badat, S., 2009. *Theorising institutional change: Post-1994 South African higher education*. Studies in Higher Education 34(4): 455–467.

Beale, M.A., 1998. *Apartheid and university education, 1948-1970* (Doctoral dissertation).

Benhabib, S., 2011. *Dignity in adversity: Human rights in troubled times*. Cambridge: Polity Press, pp.2.

Bonthuys, E. and Albertyn, C., 2007. *Gender, law and justice*. Juta and Company Ltd.

Booyesen, L., 2007. *Barriers to employment equity implementation and retention of Blacks in management in South Africa*. S African Journal of Labour Relations, 31(1): 22-47.

Botha, H., 2009. *Equality, plurality and structural power*. South African Journal on Human Rights, 25(1), pp.1-37.

Bray, E., 2004. *Constitutional values and human dignity: Its value in education. Perspectives in education*, Volume 22(1), pp.37-47.

Bunting, I., 2006. *The higher education landscape under apartheid. In Transformation in higher education*, pp. 35-52. Springer, Dordrecht. Free download from www.chet.org.za.

Burgess, D., & Borgida, D., 1999. *Who women are, who women should be: Descriptive and prescriptive gender stereotyping in sex discrimination*, Psychology, Public Policy and Law, 5(3), 665-92.

Burgess, H., 2003. *Stereotypes/characterization frames: Beyond intractability*. Boulder, CL: Conflict Information Consortium, University of Colorado. Retrieved September 20, 2012.

Cavell, S., 1979. *The claim of reason: Wittgenstein, scepticism, morality and tragedy*. Oxford: Clarendon, pp. 438, 440.

Cialdini, R., and Trost, M., 1998. *Social influence: Social norms, conformity, and compliance*, in Gilbert, D. Fiske, S. and Lindzey, S. (eds), *The Handbook of Social Psychology*, Vol. 2, 4th edition, Boston, MA: McGraw-Hill, pp. 151-92.

Commission for Employment Equity (CEE) Report, 2018-2019.

Commission for Gender Equity (CGE), its findings of the Public Investigative Hearings on Gender Transformation at Institutions of Higher Learning.

Commission of Employment Equity Report of 2016-2017, South Africa Department of Labour. Available at <http://www.labour.gov.za> pp.39-55.

Commission on Gender Equality, 2000. A framework for transforming gender relations in South Africa, p.45.

Council on Higher Education (CHE) report, 2000. *Towards a new higher education landscape, meeting the equity, quality and social development imperatives of South Africa in the 21st century.*

Deane, T., & Brijmohanlall, R., 2003. *The Constitutional Court's approach to equality.* Codicillus, 44(2), pp.92-100.

DST- NRF Research Development Grants for "New Generation of Academics Programme (nGAP) Scholars (2018). National Research Foundation (NRF) -Research and Innovation Support and Advancement (RISA), p.4.

Eagly, A. H., & Carli, L. L., 2007. *Through the labyrinth: The truth about how women become leaders.* Boston, MA: Harvard Business. School Press, Wagadu Volume 9 Fall 2011, pp.55-56.

Education White Paper3: *A Programme for the Transformation on Higher Education,* Notice 1196 of 1997.

Falkenberg, L., 1990. *Improving the accuracy of stereotypes within the workplace.* Journal of Management, 16(1), 107–118.

Fiske, S.T., & Taylor, S.E., 1991. *Social cognition.* (2nd edn.). New York, NY: McGraw-Hill.

Forere, M., & Stone, L., 2009. *The SADC Protocol on Gender and Development: Duplication or Complementarity of the African Union Protocol on women's rights,* 438-439. The Southern African Development Community ("SADC") Protocol on Gender and Development August 2008 at Article 3.

Gilligan, C., 1982. *In a different voice: Psychological theory and women's development.* Cambridge, MA: Harvard University Press.

Green, L., Parkin, W., & Hearn, J., Power, I.N., Wilson, E.D., 2001. *Organisational Behavior.re-assessed,* p191.

Greene, M., 1995. *Releasing the imagination: Essays on education, the arts and social change*. San Francisco: Jossey-Bass.

Hartnet, O., Boden, G., & Fuller, M., 1979. *Women Sex-role stereotyping*, Collected Papers, 219.

Hartshone, K., 1992. *Crisis and Challenge Black Education 1910-1990*, Oxford University Press, Cape Town. P41.

Heilman, M.E., & Caleo, S., 2011. *Is this a man's world? Obstacles to women's success in male-typed domains*, p.217.

Heilman, M.E., 2001. *Description and prescription: How gender stereotypes prevent women's ascent up the organizational ladder*, Journal of Social Issues, 657.

Heilman, M.E., 2012. *Gender stereotypes and workplace bias*, Research in Organisational Behaviour, p.114-35.

Heilman, M.E., Block, C.J., Martell, R.F., & Simon, M.C., 1989. *Has anything changed? Current characterization of males, females and Managers*, Journal of Applied Psychology, 89 (3) 416-27.

Heilman, M.E., Block, C.J., Martell, R.F., 1995. *Sex stereotypes: Do they influence perceptions of managers?* Journal of Social Behaviour and Personality, 237-52.

Held, V., 2006. *The ethics of care: Personal, political, and global*. Oxford: Oxford University Press, p.5.

Hentschel, T., Heilman, M.E., and Peus, C., 2013. *Have perceptions of women and men changed? Gender stereotypes and self-ratings of men and women*, poster presented at the annual meeting of the Society for Personality and Social Psychology.

Higher Education Act no. 101 of 1997.

Horrell, M., 1968. *Bantu Education to 1968*, South African Institute of Race Relations, Cape Town.

Horwitz, F.M., & Jain, H., 2011. *An assessment of employment equity and Broad Based Black Economic Empowerment developments in South Africa*. International Journal Volume 30, No 4, p 298.

Kajeni, S.N., & Mbembe, A., 2015. *Decoloniality as the Future of Africa*, Archie Mafeje Research Institute, University of South Africa. History Compass.

Kayi, N., 2013. *The Progression of women to Senior Management positions at a South African University in the Western Cape*. Cape Peninsula University of Technology. Cape Town South Africa.

Kele, T., & Pieterse, J., 2015. *Women leaders in South African higher education institution: Narrations of their leadership operations*, OIDA International Journal of Sustainable Development.

Kliuchko, O.I., 2011. *Gender Stereotyping in Study Pressing Social Problems*, Russian Social Science Review Vol. 52, No2 at 17.

Kreitner, R., & Kinicki, A., 2004. *Organizational behavior*. (6th edn.). New York, NY: McGraw-Hill/Irwin.

Labode, M., 1993. *From Heathen Kraal to Christian Home: Anglican Mission Education and African Christian Girls, 1850–1900*. In *Women and Missions: Past and Present*, ed. F. Bowie et al. Oxford: Berg.

Larkin, J.D., 2008. *Stereotypes and decision making: Reconciling discrimination law with science*. CPER Journal, 192, 15–24.

Lemmer, E.M., (1993), *Report of the Gender Equity Task Team*, (1997) 23-25.

Lewis, H.M. 1993. *An Investigation to predict the extent of discrimination based upon the existence of stereotypes and prejudicial attitudes and women in managerial positions*. Unpublished MEd dissertation. Bloemfontein: University of the Free State., p.196.

Lipton, J.P., O'Connor, M., Terry, C., & Bellamy, E., 1991. *Neutral job titles and occupational stereotypes: When legal and psychological realities conflict*. *Journal of Psychology*, 125(2), 129–151.

Louw, D.A., Louw, A.E., & Van Ede, D.M., 1998. *Human Development*. Pretoria: Kagiso Publishers. (Coetzee, D. S.A. *Journal of Education*),292, pp.18-20.

Lulat, G. Y. M., 2005. *African history of higher education from antiquity to the present: Critical synthesis*. Westport, London: Praeger Publisher.

Maathai, W., 2009. *The challenge for Africa: A new vision*. London: William Heinemann, p.2.

MacIntyre, A., 1999. *Dependent rational animals: Why human beings need the virtues*. Chicago: Open Court, pp. 83-84.

Mazibuko, F., 2006. *Women in academic leadership in South Africa: conventional executives or agents of empowerment?* *Alternation*, 13(1), pp.108.

McKinney, G., 1996. *Stereotypes and cultural diversity in the workplace*. Retrieved September 13, 2012.

McLean, H.M., & Kalin, R., 1994. *Congruence between self-image and occupational stereotypes in students entering gender-dominated occupations*. *Canadian Journal of Behavioural Science*, 26(1), pp.142–162.

Mengesha, E.H., 2006. *Reconciling the need for advancing women's rights in Africa and the dictates of international trade norms: the position of the Protocol on the Rights of Women in Africa*. *Afr. Hum. Rts. LJ*, 6, p.216.

Monroe, K., Ozyurt, S., Wrigley, T., & Alexander, A., 2008. *Gender Equality in Academia: Bad News from the Trenches, and some possible solutions*, Vol 6, No2. 215-216.

Moodly, A., & Toni, N.M., 2017. *Accessing Higher Education Leadership: Towards A Framework for Women's Professional Development*. University of Fort Hare Eastern Cape, South Africa, *SA Journal of Higher Education*, Vol 31, No 3.

Moore, J. R., 2006. *Shattering stereotypes: A lesson plans for improving student attitudes and behaviour toward minority groups*. *Social Studies*, 97(1), 35-39.

Moorosi, P., 2010. *South African female principals' career paths: Understanding the gender gap in secondary school management*. *Educational Management Administration & Leadership*, 38: p. 547–63.

Morrison, A. M., White, R. P., & Van Velsor, E., 1987. *Breaking the glass ceiling*. Reading, MA: Addison-Wesley, The Society for the Psychological Study of Social Issues, p.657.

Mosetse, P., 1998. *Gender Stereotypes as a Structure of Domination in South African Education*. Unpublished MEd dissertation. UOFS: Bloemfontein. 87.

Msimang, S., 2001. *Affirmative action in the new South Africa: The politics of representation, law and equity*. *Women in Action 2*: 36.

Mujuzi, J.D., 2008. *The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*. South Africa's reservations and interpretative declarations, p. 43-44.

Munalula, M.M., 2011. *SADC Protocol on Gender and Development: Road map to equality? SADC Law Journal*, 1(1), pp.189-196.

National Commission on Higher Education, 1996.

National Plan for Higher Education (2001).

Nkomo, M. (Ed.), 1990. *Pedagogy of Domination Towards a Democratic Education in South Africa*, Africa World Press, Trenton, New Jersey.

Noddings, N., & Slote, M., 2003. *Changing notions of the moral and moral education*. In Blake, N., Smeyers, P., Smith, R., & Standish, P. (Eds.), *The Blackwell guide to the philosophy of education* (pp. 241-355). Oxford: Blackwell.

Noddings, N., 1984. *Caring: A Feminine Approach to Ethics and Moral Education*.

Noddings, N., 1992. *The challenge to care in schools: An alternative approach to education*. New York: Teachers College Press. pp13-14.

Nussbaum, M. C., 2001. *Upheavals of thought: The intelligence of emotions*. Cambridge: Cambridge University Press.

Okolie, A. C., 2003. *Producing knowledge for sustainable development in Africa: Implications for higher education*. Journal Higher Education in Africa. Armidale: New South Wales, Australia, Commonwealth Council for Educational Administration University of New England, pp. 95-111.

Operario, D. and Fiske, S.T., 2009. *Causes and consequences of stereotypes in organizations*. In *How people evaluate others in organizations*, pp. 71-88. Psychology Press.

Oswald, P.A., 2003. *Sex-typing and prestige ratings of occupations as indices of occupational stereotypes*. Perceptual and Motor Skills, 97, 953–959.

Pauker, K., Ambady, N., & Apfelbaum, E.P., 2010. *Race salience and essentialist thinking in racial stereotype development*. Child Development, 81(6), 1799–1813.

Powell, G.N., & Butterfield, D.A., 2002. *Exploring the influence of decision makers' ethnicity and gender on actual promotions to top management*. Personnel Psychology, 55, 397–419.

Prime, J., Jonsen, K., Carter, N., & Maznevski, M.L., 2008. *Managers' perceptions of women and men leaders: A cross cultural comparison*. International Journal of Cross Cultural Management, 8, 171–210.

Prinsloo, S., 2006. *Sexual harassment and violence in South African schools*. South African Journal of Education. EASA. Vol. 26 (2) 305—318.

Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) No. 4 of 2000. Section 2.

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, July 2003.

Rake, C., & Lewis, R., 2009. *Just below the surface: Gender stereotyping, the silent barrier to equality in the modern workplace*. The Fawcett Society.

Ramphela, M., 1995. *Mamphela Ramphela: A life*. Cape Town: David Philip Publishers, pp.182-183.

Ramsay, E., 2000. *Women and leadership in higher education: facing international challenges and maximizing opportunities*. Keynote address delivered at the International Seminar Asian Women Leaders in Higher Education II: leadership competencies to face the local global challenges of the 21st century. University Kebangsaan Malaysia, Kuala Lumpur, 30 October 2000.

Rancière, J., 1992. *The ignorant schoolmaster: Five lessons in intellectual emancipation*. (K. Ross, Trans.). Stanford: Stanford University Press.

Rancière, J., 2006. *Hatred of democracy*. (S. Corcoran, Trans.). London & New York: Verso, pp.29.

Rautenbach, I.M. and Malherbe, E.F.J., 2004. *Constitutional Law. The South African Constitution* (2005) 61,p. 330. LexisNexis.

Reddy, T., 2000. *Hegemony and Resistance Contesting Identities in South Africa*, Ashgate, London.

Reddy, T., 2004. *Council on Higher Education (CHE), Higher education and Social Transformation*. South Africa Case Study. Pretoria: Council on Higher Education. University of Cape Town, p.9.

Report of the Portfolio Committee on Labour on meeting with SETAs, dated 2 November 2004.

Ross, D., and Brown, L.(ed.). 2009. *Aristotle: The Nicomachean Ethics*. Oxford University Press, xxviii.

- Sanderson, C.A., 2010. *Social psychology*. New York, NY: John Wiley & Sons.
- Sargeant, M. (Ed.), 2011. *Age discrimination and diversity: Multiple discrimination from an age perspective*. New York, NY: Cambridge University Press.
- Schneider, D.J., 2004. *The psychology of stereotyping*. London, UK: Guilford Press.
- Schoeman, P.G., 1998. *Ideology, Culture and Education*. Bloemfontein: Tekskor.SA
- Journal of Education, 2001, 21(4) 301.
- Shanyanana, R. N., 2011. *Education for democratic citizenship and cosmopolitanism: The case of the Republic of Namibia*. Unpublished Master's thesis. Stellenbosch: Faculty of Education, Stellenbosch University.
- Shanyanana, R.N., 2014, *Examining the Potential of an Ethics of Care for inclusion of women in African Higher Education Discourses*, Stellenbosch University, South Africa, pp. 141.
- Slote, M., 2007. *The ethics of care and empathy*. New York: Routledge
- Solovic, S.W., 2010. *Workplace stereotyping: A silent productivity destroyer*. The Huffington Post. Retrieved October 12, 2012.
- South African Qualifications Act (SAQA) Act of 1995.*
- Southern African Development Community (SADC) Protocol on Gender and Development*, 2008.
- The Constitution of the Republic of South Africa*, no 108 of 1996.
- The Employment Equity Act* no 55 of 1998.
- Van den Berghe, P., 1987. *The Ethnic Phenomenon*, Praeger, New York.
- Van Marle, K. and Bonthuys, E., 2007. *Feminist theories and concepts. Gender, law and justice*, pp.38-37.

Waghid, Y., & Smeyers, P., 2011. *Reconsidering Ubuntu: On the educational potential of a particular ethic of care*. *Educational Philosophy and Theory*, 44(2), pp.8.

Waghid, Y., 2010. *Education, democracy and citizenship revisited: Pedagogical encounters*. Stellenbosch: SUN MeDIA.

White Paper on Science and Technology 1996, p72.

Williams, M.J., and Best, D., 1990. *Measuring Sex Stereotypes: A Multinational Study, revised edition*, Beverly Hills, CA: Sage Publications.

Yuval-Davis, N., 2011. *Power, Intersectionality and the Politics of Belonging FREIA – Feminist Research Centre in Aalborg, Aalborg University, Denmark*, p7.

Zulu, C., 2002. *Gender and group leadership. Global learning. Melbourne: Common Ground Publishing*, p.27.

Zulu, C., 2003. *Gender representation patterns in higher education management in South Africa*, SAJHE/ SATHO, Vol 17, No 1, p 99.