

Brief supporting Evidence Report 41

‘MARRIAGE ABOVE ALL ELSE’: THE PUSH
FOR HETEROSEXUAL NUCLEAR FAMILIES IN
THE MAKING OF SOUTH AFRICA’S
WHITE PAPER ON FAMILIES

Sexuality Poverty and Law

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'MARRIAGE ABOVE ALL ELSE': THE PUSH FOR HETEROSEXUAL NUCLEAR FAMILIES IN THE MAKING OF SOUTH AFRICA'S *WHITE PAPER ON FAMILIES*

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South Africa continues to be a nation that is celebrated for producing one of the most progressive constitutions in the world. In an effort to depart from its oppressive apartheid past, the Constitution of South Africa, as the supreme law of the land, ‘...lays the foundation for an open society based on democratic values, social justice and fundamental human rights...’. While this legislation continues to guarantee the rights of its citizens, after two decades of democratic governance, it is evident that what is aspired to in the Constitution is not being fully realised in reality. There exists a disjuncture between the ethos of this – and other laws – and the realisation of the human rights they embody, especially for people who do not conform to hegemonic gender and sexuality norms.

One area where this gap manifests itself is in South Africa’s high levels of gender-based violence. On an almost weekly basis, news headlines report heinous cases of abuse, particularly against women and young girls. To date, 2013 has most prominently seen the vicious murders of Anene Booysen, a 17-year-old girl who was gang-raped by men she knew from her community, and that of Reeva Steenkamp, a South African model shot dead, apparently by her famous boyfriend, athlete Oscar Pistorius. The systematic, weekly rapes of lesbians are a regular reminder of ‘brutal homophobic attacks’ that take place across South Africa and especially in poorer areas such as its overpopulated townships (Human Rights Watch 2011). Violence against women has become a dominant part of the narrative around South Africa – now popularly referred to as ‘the world’s rape capital’ (Naidu-Hoffmeester and Kam 2013). This violence is linked to a ‘breakdown in families’ and other social problems such as teenage pregnancy (Holborn 2012).

This report comments on the policymaking processes that led to the development of the *White Paper on Families* as it exists in its current iteration (November 2012). The report highlights the power dynamics that have led to the inclusion and exclusion of specific content and language, particularly around the notion of what constitutes a family in contemporary South Africa. It considers the diverse roles played in the drafting of this document by civil society representatives, government representatives and the general public. On the basis of interviews with these actors and a close reading of the *White Paper*, this report points to two worrying trends in the making of policies and laws in South Africa.

1. Public policy in South Africa is becoming increasingly conservative as a result of religious and cultural doctrines which do not recognise sexual diversity or support the engendering of human rights in society.
2. The South African government and its representatives are promoting a heteronormative value system in its policy and programming, despite resistance from civil society.

Most significantly, this paper illustrates that the cabinet’s approval of this policy could mean that access to resources will be determined by the extent to which one’s family fits the narrow, heterosexist definition of a family being promoted in the *White Paper*.

Since 2010, the need for a new public policy on families in South Africa has been reinvigorated by a desire to target services at family units rather than at individuals as within the current, very costly social welfare system. During this time, the Department of Social Development DSD has been engaged in a number of ‘consultative’ processes with other government departments, civil society organisations and the South African public in order to develop a family policy that is more in line with current socioeconomic conditions and one which can facilitate targeted social services and interventions to reduce poverty. This has culminated in the *White Paper on Families* which seeks to mainstream family issues into government-wide policymaking initiatives in order to foster positive family wellbeing and overall socioeconomic development in the country’ (DSD 2012: 8). The vision and mission of the *White Paper* is to create a society with ‘well-functioning families’ (*ibid.*: 9). This will be

achieved by undertaking ‘activities, programmes, projects and plans to promote, support and nourish well-functioning families’ (*ibid.: loc. cit.*). Thus, the *White Paper* attempts to set the policy context that will ensure families are socially stable and economically productive.

In interrogating and challenging the DSD’s vision of families, this report argues that these objectives will be achieved by promoting a conservative notion of ‘the South African family’. The report builds on Sonke’s role as a civil society representative – which formed part of the DSD’s ‘task team’ for assisting with the development of the *White Paper* – and uses a methodological approach which centres on direct engagement with the task team, observing their practices as a fellow member of that group. This was complemented by interviews with Sonke staff, government officials, civil society representatives and other relevant individuals within the task team, as well as those who attended any open meetings and other discussions on the paper. Content analysis of the *White Paper on Families* was employed as an additional research methodology to measure what information was included or excluded in the drafting process.

The report concludes that, in a society that is increasingly intolerant of people with gender identities and sexualities that do not fit the heterosexual ‘norm’, it is probable that such individuals will have difficulty accessing the resources and opportunities that will be made available through the *White Paper*.

The aim of the *White Paper on Families* is to ensure service provision that is targeted at families rather than individuals. The reluctance of policymakers to understand and explicitly articulate the vulnerabilities and needs of a host of vulnerable groups, including LGBTI families, means that any poverty reduction strategies that are implemented are unlikely to reach such families, not only because they do not conform to the construct of a family propagated in the paper but also as a result of homophobic attitudes from service providers themselves.

The heteronormative ideals of marriage coupled with heterosexist attitudes displayed by a majority of policy and decision-makers within the task team and the DSD unit as a whole is cause for concern in regard to social development. It is evident that there are ‘appropriate’ genders or sexualities that are being promoted and that the closer or further one is to these norms, the more or less access one will have to material wellbeing. The heteronormative value system that has shaped the *White Paper on Families* carries profound implications for the social and economic health of people living in South Africa. As it exists, LGBTI people will most likely be excluded from the resources the paper strives to direct at families rather than individuals.