

“Then You Are a Man, My Son”: Kipling and the Zuma rape trial

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Had Rudyard Kipling known of this case at the time he wrote his poem “If” he might have added the following: “And if you can control your body and your sexual urges, then you are a man my son.”

—*State v. Zuma*, Judgment

It is now a decade since Jacob Zuma, current president of South Africa, stood trial for rape, and while much writing has been generated about this trial, Judge Willem J. van der Merwe’s hypothetical supplement to Kipling’s famous poem “If—,” which appears in his verdict as a means of bringing the trial to a close, has been passed over by other commentators. The extent to which the trial divided South African society on issues of gender, sexuality, and ethnicity and showed the riven politics of the ruling party suggested that South Africa was not the harmonious “rainbow nation” that had seemed so attainable in the Mandela years. As Pumla Gqola notes in her book *Rape: A South African Nightmare*, the trial “was a difficult moment in South Africa’s posttransition period and one that questioned many assumptions about the place of power, gender and sexuality in our society.”¹ In *The Kanga and the Kangaroo Court*, Mmatshilo Motsei claims that the trial gave South Africans “an opportunity to stop and reflect as a nation” and that it “presents us with a crisis that enables us to look beyond the surface and ask questions about the meaning of justice, democracy and power.”² Following these critics and the work of the Rhodes Must Fall student movement, I would like to propose that analysis of the judge’s supplement to Kipling’s poem is relevant to an epistemological shift away from postapartheid “rainbow nation” myths, as this scripted addition undermines the idea that South Africa is a truly postcolonial society. In fact, the judge’s reference to Kipling presents precisely the continuities with colonialism and apartheid that are currently being interrogated by student movements such as Rhodes Must Fall. The question then becomes how to read the judge’s strange politics of (dis)affinity that arises out of his addition to Kipling’s poem: his insistence on the developmental and racialized difference of boyhood and manhood, while at the same time his possible consolidation of a more absolute difference based on gender and sexuality.

¹ Gqola, *Rape*, 100.

² Motsei, *Kanga and the Kangaroo Court*, 7 – 8.

On December 6, 2005, charges of rape were brought against Jacob Zuma, then deputy president of the African National Congress (ANC), in the Johannesburg High Court by a complainant whose name was not meant to be disclosed in order to protect her identity, but who was given the name Khwezi (“Star”) by her supporters, beginning a high-profile trial that is now well known in South Africa and most parts of the world. The months of the trial were highly charged politically. Outside the courthouse, antirape activists were outnumbered by Zuma supporters, many of them women dressed in traditional Zulu clothing who in the early days of the trial burned A4-size photographs of the complainant, printed with her name and surname, while chanting “burn this bitch.”³ Their actions were condemned by the judge and the Friends of Jacob Zuma Trust, but Zuma supporters, many of whom claimed that he was the victim of a conspiracy, continued to hold militant rallies outside the courthouse, where they sang “Awuleth’ Umshini Wami” (“Bring Me My Machine Gun”), the struggle song of the Umkhonto we Sizwe, the armed wing of the ANC.

At the time of the incident that Khwezi claimed was rape and Zuma claimed was consensual sex, Khwezi was HIV positive, a fact known to Zuma, and she was also an AIDS activist and a self-identified lesbian. During the trial, competing narratives focused on whether a lesbian and AIDS activist would have had sex willingly without a condom. Zuma professed to know a great deal about HIV/AIDS and cited the low rate of transmission for men as justification for not using a condom. He was ridiculed in the work of cartoonist Zapiro, who has attached a showerhead to Zuma’s head in cartoons ever since the trial, for his statement that he had a shower after sex with Khwezi in order to reduce his chances of contracting HIV.

On cross-examination, Khwezi claimed she had been raped on three separate occasions as a minor while living in exile during the apartheid years. An internal commission of inquiry within the ANC liberation movement had apparently punished two of these men. The defense then brought out a host of witnesses who claimed that she had made numerous false allegations of rape. On May 8, 2006, Judge van der Merwe, giving his verdict, dismissed the charges against Zuma and stated that his story, not the complainant’s, was the one that should be believed.⁴

After the verdict, Khwezi sought political asylum in the Netherlands (though she later returned to South Africa), and Zuma began to campaign against Thabo Mbeki for the leadership of the ANC. He replaced Mbeki as ANC president in 2007, defeating his bid for a third term, and became president of the country after elections in 2009. In 2010 Judge van der Merwe was promoted by the Judicial Services Commission (JSC) to the post of deputy judge president of the Gauteng

³ Evans and Wolmarans, “Timeline.”

⁴ *State v. Jacob Gedleyihlekisa Zuma*, Judgment of the High Court, August 5, 2006, www.saflii.org/za/cases/ZAGPHC/2006/45.pdf.

High Court, one of the appointments that led Pierre de Vos (Claude Leon Chair in Constitutional Governance at the University of Cape Town) to question whether “the JSC is more comfortable with the appointment of pro-establishment white lawyers . . . than with the appointment of more critical lawyers.”⁵

From a feminist and queer rights perspective, De Vos’s statement about Judge van der Merwe as “pro-establishment” (i.e., “conservative”) cannot be easily refuted. Undoubtedly, the judge’s most controversial decision was to allow Khwezi’s sexual history to come under public scrutiny, enabling the defense to “prove” that she was in the habit of making false rape accusations. Allowing this evidence into the courtroom put Khwezi, rather than Zuma, on trial, and she had no defense team. In addition, the judge denied legal representatives of women’s rights organizations the opportunity to make *amicus curiae* presentations to the court. He implied that he did not require input from such organizations, and that the organizations’ applications were “doomed from the beginning and unnecessarily side-tracked everyone’s attention at a time when it was not needed.”⁶

As a result of the judge’s decision to allow the defense to discuss Khwezi’s sexual history and her alleged previous accusations of rape and molestation, a number of witnesses presented narratives that questioned Khwezi’s credibility. Although the stories of these witnesses served to corroborate one another, the evidence presented was mostly hearsay or not objectively provable, and the number of times these witnesses claimed Khwezi had falsely reported rape seems incredible. Yet the evidence was convincing to the judge. This contrasts with the manner in which evidence presented by two policemen, which questioned Zuma’s credibility, was dismissed. Both policemen claimed that, contrary to Zuma’s statement in court (in which he claimed that consensual sex took place in his bedroom), he had originally pointed to the guest room as the “crime scene.” The statements of the policemen corroborated Khwezi’s narrative, which described the alleged rape as taking place in the guest room.

While Khwezi claimed she had a familial relationship with Zuma, that she saw him as a father or uncle and called him *malume* (“uncle”), Zuma’s defense cast doubt on this by holding her statements up to the standards of Western kinship. As Motsei points out, the judge was either ignorant about or disregarded African notions of kinship in his ruling. Another problematic aspect of the trial and the verdict was the meaning that attached to Khwezi wearing a *kanga*, a piece of printed cotton fabric used as a wrap-around garment, when she went into Zuma’s study with his daughter on the evening of the incident. For Zuma this was a sexual provocation, and the judge said nothing to repudiate this extremely problematic assumption. The judge also had no explanation for something that

⁵ Pierre De Vos, “On Judicial Appointments,” *Constitutionally Speaking* (blog), April 22, 2010, constitutionallyspeaking.co.za/on-judicial-appointments/.

⁶ *State v. Zuma*, Judgment, 2 – 3.

was consistent in both Khwezi's and Zuma's testimony, namely, her passivity during the act of the alleged rape. On asking whether he could ejaculate inside her and receiving no answer, Zuma took this to mean "yes," an admission in his own testimony that suggests disregard for her state of mind and level of volition.

It seems certain that the hatred directed at Khwezi by Zuma supporters was largely homophobic, and the judge himself refused to acknowledge her preferred sexual orientation, referring to her repeatedly as "bisexual." As shall become clear, the judge's stance on the issues outlined here is not irrelevant to my argument about his allusion to Kipling, poet and bard of the patriarchal British Empire.

While I do not assume that this essay will be the final word on the Zuma rape trial, and most certainly it will not confront every problematic aspect of the trial, addressing this topic feels like attending to unfinished business, a necessary postscript to my 2012 monograph *State of Peril: Race and Rape in South African Literature*. This is because reading the judge's reference to Kipling requires careful navigation of the complex relationships between literature and the law, fiction and non-fiction, and literature and history. As Lisa Vetten has pointed out, the Zuma rape trial became "a storytelling contest, with the final judgment acting as the authoritative or master narrative." In a "literary" twist during the trial, the defense somehow gained access to a book that Khwezi was writing, which was used to "prove" that she was aligned more closely with fiction than she was with the truth:

This move into the past enabled the defence to create mystery and suspense: What lies hidden in Khwezi's past? What needs to be uncovered to shed light on the present? The suggestion that she had something to hide was reinforced by the dramatic and unexpected production in court of 16 pages of a book Khwezi was writing. Her shock at being confronted by this further implied she was an unreliable narrator, a teller of tales and a writer of fictions.⁷

My essay examines a history different from that allowed by the judge during the trial. It asks what lies hidden in South Africa's past, as spoken through the judge's invocation of Kipling, and as spoken through claims to Zuluness on the part of Zuma and his supporters. I ended *State of Peril* with a call for future scholarship to build on the work I had done by "addressing the ways in which various patriarchies have become enmeshed and codependent historically, so that we may recognize the ways in which history speaks through the legacy of masculinities fostered by colonialism and apartheid."⁸ In this essay I want to take up that challenge myself by examining the judge's invocation of Kipling and his scripted supplement to

⁷ Vetten, "Losing the Plot."

⁸ Graham, *State of Peril*, 194.

Kipling's "If—," and by asking how this relates to performative enunciations of Zuluness that took place in and around the trial.

"If You Can Control Your Body": Black Bodies and Colonial Subjunctives

In its original form, Kipling's 1910 "If—" (in 1995 and 2009 voted Britain's favorite poem in BBC contests) reads as follows:

If—

If you can keep your head when all about you
Are losing theirs and blaming it on you,

If you can trust yourself when all men doubt you,
But make allowance for their doubting too;

If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,

And yet don't look too good, nor talk too wise:

If you can dream—and not make dreams your master;

If you can think—and not make thoughts your aim;

If you can meet with Triumph and Disaster
And treat those two impostors just the same;

If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,

Or watch the things you gave your life to, broken,

And stoop and build 'em up with worn-out tools:

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,

And lose, and start again at your beginnings
And never breathe a word about your loss;

If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: "Hold on!"

If you can talk with crowds and keep your virtue,
Or walk with Kings—nor lose the common touch,

If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute

With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son!

As can be seen from the poem's argument, as followed through from the first line to the last, the mood is subjunctive, indicating something hypothetical that is anticipated to happen or that the author wants to happen, namely, the "son" figure, the hearer, becoming "a Man."

Deepening the colonial discourse speaking through the judge, van der Merwe's supplement to Kipling's poem appears in the verdict immediately after he has reprimanded both Khwezi and Zuma for their lack of restraint. He chastises Khwezi for being a liar and for having had unprotected sex while being aware of her HIV/AIDS status: "The complainant said that in spite of her own attitude that she would not have unprotected sex, it still remains the choice of a person to have unprotected sex. In my judgment that is exactly what she and the accused did that night of 2 November 2005." As for Zuma, the judge claimed: "The accused should not have had sexual intercourse with a person so many years younger than himself and furthermore being the child of an old comrade and a woman plus minus his age. . . . It is totally unacceptable that a man should have unprotected sex with any person other than his regular partner and definitely not with a person who to his knowledge is HIV positive."⁹ Leaving aside the moralizing about supposed adultery, this statement seems contradictory as the judge had earlier rejected the father-daughter-type relationship that Khwezi claimed to exist between herself and Zuma.

Through a hypothetical supplement to Kipling's poem, Judge van der Merwe then offers Zuma moral instruction about a path that he might take to attain proper manhood. Aptly, perhaps, for a statement that in many senses reiterates the values of patriarchal colonialism, in the judge's turn to Kipling as a voice of authority on the rite of passage to manhood we find a *triple subjunctive*. The judge imagines what would have happened, first, *if* the trial had taken place during a time in the past in which Kipling could have been aware of the trial ("Had Rudyard Kipling known of this case at the time he wrote his poem 'If'"), and then *if* Kipling had decided to respond to the trial—"he might have added the following." The third subjunctive comes, of course, within the judge's hypothetical supplement to Kipling's poem: "And if you can control your body and your sexual urges, then you are a man my son."¹⁰

One of the main problems with Judge van der Merwe's counterfactual conditional should be blatantly obvious: during a postapartheid trial in which a black man stands before a white man for judgment, the judge invokes the specter of the colonial and masculinist ideology that Rudyard Kipling disseminated. The judge's supplement to Kipling summons up the specter of colonial discourses in which the black man was likened to a child in intellect, though with the uncontrollable sexual impulses of a beast.

The insinuations about and paternalism toward black masculinity within this warning can be linked to what I call in *State of Peril* "classic black peril narratives," namely, early twentieth-century novels where black masculinity is

⁹ *State v. Zuma*, Judgment, 172 – 73.

¹⁰ *Ibid.*, 173.

hypersexualized but where the black man is simultaneously regarded as having the mind of a child. In George Webb Hardy's *Black Peril*, for instance, a New Woman (the feminist ideal of the free-spirited, independent, and educated woman that emerged in the late nineteenth and early twentieth centuries) called Mary must learn a lesson for her inability to recognize that a houseboy, Jim, has the intellect of a "boy" but all the lower passions of the animals. Notably, the incident is described in terms of "readings" and "misreadings": "He grasped her hand quickly and bent over her. . . . His eyes stood out of his head and he glared fiercely at Mary—and she *read him like a book* as the light of the moon emerging from a cloud shone full and clear on the Kafir's face."¹¹ Notably, the illiterate Jim is represented here as an object to be read, rather than as a subject who reads. There is also an implication that, until this moment when he is illuminated by a "full and clear" light, Mary, who has tried unsuccessfully to teach Jim to read and write in English, has "misread" him. Linking rapacious black masculinity to the threat of educated black men engaging in a culture of letters in an even more direct manner, in George Heaton Nicholls's *Bayete!* the "childish" houseboy Makwesi aspires to be reading a newspaper shortly before he attempts to rape his white "madam."

In fact, the only difference between the type of black masculinity portrayed in classic black peril narratives and in Judge van der Merwe's statements to Zuma is the judge's reference to a white cultural text, by an author associated with colonialism, for the moral instruction or education of Zuma. By contrast, classic black peril narratives are fairly consistent in their warning that black men's aspirations to participate in a culture of letters are not advisable, as they create desire for white women. A newspaper article included in the papers of the 1912 Commission of Enquiry into assaults on women, titled "Little Knowledge Is a Dangerous Thing," included the following statement by a magistrate "who has had to deal with criminal natives for some 30 years": "My experience has been, in by far the majority of these cases which you term Black Peril, that the native can read, and that he has made a nice selection of the most unhealthy British literature."¹² What was remarkable in the Zuma rape trial is that a text bearing the weight of British colonial power was held up as a means of morally educating a black man in preparation, one would assume, for his governance of a postcolony. The implication is that a system of indirect rule will continue in the postapartheid era.

It is commonly assumed that Kipling addressed "If—" to his son. Yet the poem's content gestures farther afield than Kipling's kin, as its inspiration came, according to Kipling's own autobiography, from his long-time friend and compatriot, the British colonial official Leander Starr Jameson, whose personal qualities and fortitude Kipling believed young people should emulate. Kipling

¹¹ Hardy, *Black Peril*, 178 – 79.

¹² Cory History Library, Rhodes University, Grahamstown, South Africa, General Missionary Conference commission on "the so-called Black Peril," 1912, undated newspaper clipping, MS 14847, folder 18.

actually states that the qualities expounded in his “If—” poem “*were drawn from Jameson’s character, and contained counsels of perfection most easy to give.*”¹³ Jameson is now infamous for having planned and executed the botched raid that bears his name on the Transvaal Republic over the New Year of 1895–96. Following the Jameson Raid, Cecil Rhodes, who had supported Jameson, was forced to step down as prime minister of the Cape Colony, and Jameson was tried in England but got off fairly lightly compared with the *uitlanders* who had collaborated with him. In fact, Jameson served a commuted sentence and went on to become prime minister of the Cape from 1904 to 1908.

By virtue of the judge’s Kipling allusion, the Zuma trial thus became haunted not only by the colonial ideology that Kipling disseminated but also by the specter of a trial within a trial. In fact, two of the most famous lines of “If—,” “If you can keep your head when all about you / are losing theirs and blaming it on you,” come directly from Kipling’s support for Jameson during the trial. The irony of a white Afrikaans judge evoking the spirit of a man who had led a raid on a Boer republic probably eluded the judge himself.

Significantly, in his counterfactual fantasy of what Kipling might have written in response to the trial, the judge does not suggest a corrective path toward full womanhood for Khwezi. This is presumably because he thinks that she is too sexually “deviant” or confused (between lesbianism and bisexuality) to be a real woman, and/or that as a black woman she is unable to appreciate rational moral instruction and too unimportant to be gifted with the blessings of colonial wisdom.

“In the Zulu Culture”: Performativity and Mutually Constitutive Patriarchies

Controversially and perhaps infamously, during his rape trial Zuma invoked Zulu culture and tradition in his defense, addressing himself to the court in Zulu (although he speaks fluent English) and claiming that he could see the complainant was aroused and that “in the Zulu culture you do not just leave a woman in that situation because she may even have you arrested and say that you are a rapist.”¹⁴ Also worth commenting on is the fact that Judge van der Merwe, as Mark Sanders has observed, unexpectedly gave some of his remarks during the trial in Zulu.¹⁵ However, rather than reading this as Sanders does, as a gesture suggesting that Zuluness is a performative role that can be adopted, I would like to offer a more pessimistic and skeptical view of the judge’s change of tongue. When one considers this linguistic shift alongside the Kipling allusion that was made by the judge in his verdict, the judge’s use of Zulu speaks of a history of white power, the implication being that the judge has mastered Zuma’s native tongue and therefore knows Zulu culture. Thus, van der Merwe’s switch to Zulu is

¹³ Kipling, *Something of Myself*, 191. My italics.

¹⁴ *S. v J. Zuma*, transcript of the Jacob Zuma rape trial, 2006, case number JP325/05, Johannesburg High Court, 907.

¹⁵ Sanders, “100% Zulu Boy.”

not a claim to Zuluness as a performative identity but, rather, a performative claim *to know* Zuluness. Zuma spoke Zulu and used Zulu culture to appeal in his defense, and the judge took up the challenge by demonstrating his understanding of Zulu language and, by inference, of Zulu culture. If this seems like a reductive reading, let us not forget that it was not unusual for members of the white ruling class under apartheid to be familiar with an indigenous language, and that this language was usually acquired for the purpose of perpetuating exchanges that were massively unequal.

Zuma's invocation of Zuluness in his defense has been examined before (notably by Steven Robins,¹⁶ and also by Sanders), but not in relation to Judge van der Merwe's invocation of Kipling and his colonial associates. There is no doubt that deep complicity between ideas of African traditional culture and white patriarchal colonialism may be seen in the history of the territory now known as KwaZulu-Natal, an area dominated by Zulu-speaking people. In the mid-nineteenth century under Sir Theophilus Shepstone, diplomatic agent to the native tribes and secretary for native affairs in Natal between 1845 and 1875, a tribal system for Africans was encouraged, and the black franchise was opposed.¹⁷ In 1907 there were 23,686 registered voters in Natal, and of these 23,480 (99.1 percent) were white, 150 Indian, 50 "coloured," and only 6 African. Natal's approach to the black franchise was thus close to that of the Orange River Colony and the Transvaal, but the means by which the black franchise in Natal was opposed is interesting. As Jeff Guy points out in his book *Theophilus Shepstone and the Forging of Natal*, black people in Natal could become voters only if they were exempted from customary law, *and thus the idea of customary law was used to deny the franchise to black people in Natal*: "Severe restrictions [were] imposed on any attempt by Africans to have themselves exempted from customary law, and exemption was made in turn a precondition for any application for the electoral franchise."¹⁸

Although some social commentators perpetuate the idea that apartheid stemmed simply from Afrikaner racism, this premise has been largely discredited, and it is clear that Natal, a relatively small province politically dominated at the time of union by white English-speaking settlers, played a major role in the formulation of strategies that laid the foundations for apartheid. Given this fact, it is intriguing that the country's first internal "black peril" scare took place in Natal and that this area was a major site in which black peril rhetoric proliferated. While Africans outnumbered European settlers no more than five to one in other South African provinces, in early twentieth-century Natal the figure was around ten to one, and as I point out in *State of Peril*, this demographic can be linked to the prominence of black peril rhetoric issuing from the region.¹⁹ Both George Webb

¹⁶ Robins, "Sexual Rights and Sexual Cultures."

¹⁷ See Graham, *State of Peril*, chap. 2

¹⁸ Guy, *Theophilus Shepstone*, 5.

¹⁹ See Graham, *State of Peril*, chap. 2.

Hardy and George Heaton Nicholls, authors of the early twentieth-century black peril novels discussed earlier, were from Natal.

Shula Marks has observed that “of all the colonies of South Africa, Natal’s policies in the nineteenth century were closest to twentieth-century notions of segregation,” and that although “his role in the policies of segregation has been curiously underestimated,” Heaton Nicholls was “by far one of the most articulate proponents of segregation” and “one of the most influential in terms of the political power he achieved.”²⁰ As a member of Parliament for Zululand from 1920, Heaton Nicholls followed the policies advocated in nineteenth-century by Theophilus Shepstone, which meant that he supported racial separation through the setting aside of reserved land for African tribal occupation, and the administering of native areas through the deployment of traditional African forms of authority. Examining Heaton Nicholls as a key figure in the passing of the Hertzog Bills, which offered small land concessions to dispossessed and land-starved Africans in return for banishing them from the common voters’ roll, Susanna Glouwdina Bekker notes that Heaton Nicholls, “more than anyone else, provided the theoretical base on which Hertzog’s legislation could rest.”²¹ In 1935 D. D. T. Jabavu at the All-African National Convention attributed the Hertzog Bills and attempts to abolish the black franchise to “an Englishman”; Jabavu did not name him, but this Englishman was Heaton Nicholls.²²

The history of KwaZulu-Natal is thus a peculiar one and has drawn the attention of commentators such as Mahmood Mamdani, who argues that Natal under British control was a key area in the development of a system of indirect colonial rule, by which customary law, native authorities, and the delineation of tribes were used as agents of colonial rule. As Mamdani notes, colonial Natal constituted an experiment that set a precedent for racist policies in South Africa and other parts of the world.²³

Notably, although he is Zulu, Zuma was never a member of the Inkatha Freedom Party, a political party representing traditional Zulu interests. Unlike the ANC, which came to stand for a nonethnic, nonracial struggle against apartheid, Inkatha had an ambivalent relationship to apartheid policies and emphasized tribal identity and the separateness of the Zulu as an ethnic and cultural group. For many decades, there has been some conflict between a Zulu identity, which draws on ideas of traditional and rural Zuluness, and a black South African identity. During the transition to democracy in the early 1990s, there were violent clashes in KwaZulu-Natal between the ANC and Inkatha, which narrowly won KwaZulu-Natal Province in the first democratic elections in 1994, with 50.32 percent of the vote.

²⁰ Marks, “Natal,” 98.

²¹ Bekker, “George Heaton Nicholls,” ii.

²² Couzens, *New African*, 140

²³ Mamdani, *Citizen and Subject*, chaps. 1 and 4.

Inkatha as a political entity is no longer a political threat to the ANC, in KwaZulu-Natal or in the country as a whole, however, despite the fact that Zulu-speaking people constitute the nation's largest single language group. By 2014 the vote for Inkatha in KwaZulu-Natal had dropped to 10.86 percent. It is not coincidental that the biggest drop in support for Inkatha between elections was from 22.4 percent in 2009 to 10.86 percent in 2014; that is, in the period of Zuma's first term as president of South Africa. One could say that by reinventing himself as a Zulu patriarch, complete with several wives and a palatial rural home, Nkandla, fit for a polygamous chief or king, Zuma has successfully captured Inkatha leader Mangosuthu Gatsha Buthelezi's power base in KwaZulu-Natal. During Zuma's terms as president, the ANC has lost votes in the Eastern Cape and in urban areas such as Gauteng but has gained in his home base, rural KwaZulu-Natal. Literally taking on the clothes that characterized Buthelezi as a Zulu patriarch, Zuma has, by the look of it, appealed to traditionally Zulu rural communities, thereby ensuring that the ANC would increase its rural power base, even as it has lost support elsewhere.

To give some idea of the manufacturing of "tradition" and of the monolithic version of Zuluness invoked by Zuma, as Jacob Dlamini has pointed out, Zulu traditional authorities became some of the main collaborators during colonialism and under apartheid. In fact, the homestead Nkandla, the ownership and upgrade of which Zuma is justifying by calling it his ancestral home (by appealing to traditional ideas of himself as a Zulu patriarch and custodian of ancestral land), was given to the Zuma family for their role in helping the colonial authorities defeat the Zulu Kingdom in the Anglo-Zulu Wars in the late nineteenth century.²⁴ Moreover, as Dlamini points out, notions of Zuluness are splintered and riven by a history of collaboration and are therefore nowhere near as monolithic as Zuma and his supporters would propose. Because of the ways in which colonialism and apartheid ossified a certain version of tribal patriarchy, William Beinart has gone so far as to compare Zuma's policies for the future of rural South Africa to those of the infamous architect of apartheid, Hendrik Verwoerd, asking: "Is President Zuma having his Verwoerd moment—seeing in the chiefs a conservative base for rural support at a time when the ANC may feel threatened by increasingly significant (though diverse) new forces—a rising middle class, radical workers action and the EFF [Economic Freedom Fighters]?"²⁵ Similarly, in his book on Shepstone, Guy claims: "Even as I write, the words and concepts by which [Shepstone] established his reputation are being used in political polemic and academic debate as attempts are made to give legality to what is called traditional leadership and customary law in a liberated

²⁴ Dlamini, "Collaborators and the Riven Truth."

²⁵ William Beinart, "Verwoerd, Zuma and the Chiefs," *Custom Contested* (blog), August 1, 2014, www.customcontested.co.za/verwoerd-zuma-chiefs/ .

South Africa.”²⁶ What is striking about these observations is that they place the traditional patriarchy to which Zuma lays claim in direct complicity with colonialism and apartheid.

History speaks through the present, often in strange, ironic, and discomfoting ways. During the Zuma rape trial, while Zuma spoke Zulu and appealed to ideas about Zulu culture, and while Zuma supporters outside the courthouse wore T-shirts emblazoned with the words “100% Zulu boy,”²⁷ inside the court the judge invoked through Kipling the ethos of British colonialism, a patriarchal form of rule that mutated and mutilated indigenous cultures, amplifying and distorting the versions of patriarchy within them, and paving the way for the further manufacturing of separate tribal identities under apartheid. In short, however, it should now be clear that there is no such thing as “100% Zulu.” Contemporary Zuluness, with all the authority invested in it, is a peculiar hybrid created under the pressures of colonialism and apartheid, and this seems all the more poignant when one considers Zuma’s claim to Zuluness alongside the judge’s allusion to Kipling, jingoist of empire.

Bizarrely, another allusion to the enmeshment of the highly militarized patriarchal British Empire with Zuluness came in the form of a gun made out of wood. A photograph published by the BBC in early March of 2006 captured the image of the wooden gun inscribed with the words “MSHINI WAMI: BOY SCOUT,” wielded by one of Zuma’s women supporters, dressed in traditional clothing, outside the courthouse during the Zuma rape trial.²⁸

Seemingly this gun points to a “showdown” between the courts in which Zuma was tried and customary law. Echoing the *boy* in “100% Zulu boy”—and in the judge’s indirect poetic address to Zuma as “my son,” which demoted Zuma to the status of child—the gun inscribed with “BOY SCOUT” would also seem to point to Robert Baden-Powell, who was a contemporary and friend of Kipling’s and a lieutenant general in the British Army, as well as the founder of the Scouting movement, which incorporated into its training program for the young men of empire, with Kipling’s permission, “Kim’s game,” adapted from Kipling’s 1901 novel, *Kim*. Yet, this pointing becomes circular, as what the gun signifies is a militarized ideal of Zulu identity: Baden-Powell supposedly developed his scouting skills while training with the Zulu in the 1880s, by which time legends of Zulu military prowess had gripped the British colonial imagination. As Dan Wylie points out in *Myth of Iron: Shaka in History*, Shaka became a legendary military figure for the

²⁶ Guy, *Theophilus Shepstone*, 1.

²⁷ Christi van der Westhuizen, “100% Zulu Boy,” *Women’s Net* (blog), April 20, 2009, www.womensnet.org.za/news/%E2%80%9C100-zulu-boy%E2%80%9D-jacob-zuma-and-te-use-of-ender-in-the-run-to-south-africa%E2%80%99s-2009-election (link no longer active). Available at Heinrich Böll Stiftung Southern Africa, February 3, 2014, za.boell.org/2014/02/03/100-zulu-boy-jacob-zuma-and-use-gender-run-south-Africas-2009-election-publications

²⁸ See “Africa in Pictures: 4 – 10 March” (fourth image in the series), BBC News, accessed February 25, 2016, news.bbc.co.uk/2/hi/in_pictures/4794952.stm. The caption reads, “Outside court in South Africa where ex-Deputy President Jacob Zuma is on trial for rape, a supporter poses in reference to the pro-Zuma song ‘Letha Mshini Wami’ (Give me my gun).”

British, who propagated narratives about the Zulu kingdom under Shaka as an African Sparta, even though the Zulu were not necessarily more militarized than any neighboring African tribes. Ironically, the combative power that was bestowed upon the Zulu by British colonialism, and that was appropriated for the British Empire in training its young boys to be the dutiful men who would, in Kipling's words, "take up the white man's burden," is harnessed here to an ANC anti-apartheid struggle song ("Mshini Wami," or "Machine Gun") in defense of Zuma.

The Zuma Rape Trial as a Setback for Women's Rights in South Africa

Like the woman wielding the wooden gun, there were women who supported Zuma under the banner of endorsing traditional Zulu values. In fact, a great deal of the homophobia directed at Khwezi came from such women. But there have always been women who have upheld patriarchal power, and the fact that certain women supported Zuma should not distract us from the fact that the Zuma rape trial was a setback for women's rights in South Africa.

There is no doubt that, while postapartheid South Africa boasts new and progressive gender rights legislation, this has not translated into a decreased incidence of sexual violence. Unlike Zuma's predecessor, President Thabo Mbeki, who was not only an HIV/AIDS denialist but also a denialist of sexual violence as a serious problem in South Africa, Zuma has spoken out occasionally against rape as a crime. As Deborah Posel has mentioned, during the crisis of black masculinity that erupted after a media spotlight on intraracial child rape and "baby rape," Zuma used the opportunity to launch his "moral regeneration" campaign.²⁹ He also spoke out recently about the horrific rape and murder of Anene Booysen in Bredasdorp, claiming that such acts had no place in South African society.³⁰ Thus far, however, he has said nothing about the "corrective rape" of LGBTI people, despite petitions requesting that he condemn the corrective rape of black lesbians as a hate crime, and despite the fact that black lesbians are twice as likely to face assault and sex crimes as other South African women. One of the questions that emerges from the Zuma rape trial is whether one can regard what happened to Khwezi as a form of corrective rape, even if Zuma did not think that what he was doing was rape.

Commenting on his novel *The Quiet Violence of Dreams* (2001), which actually deals with the issue of corrective rape of queer people, K. Sello Duiker asserted that contemporary violence in South Africa "is a culture that communicates a certain message" and that "we are part of a violent culture . . . we never knew a period of rest."³¹ Duiker's point here, that "we are . . . a violent culture" who "never knew a

²⁹ Posel, "Scandal of Manhood."

³⁰ "Presidency Expresses Outrage at the Rape and Murder of a Teenager," The Presidency, Republic of South Africa, February 7, 2013, www.thepresidency.gov.za/pebble.asp?relid=14932.

³¹ K. Sello Duiker, interview with Fred de Vries, quoted in Radithlalo, "'The Travelling Salesman,'" 102.

period of rest,” may be used to examine discourse on sexual violence in postapartheid South Africa.

Contrary to Duiker’s statement, which suggests continuity between past and present violence, in my research for *State of Peril* I came across the widespread view that sexual violence nowadays is “ascendant,” a plague that has suddenly “spiralled” and reached “epidemic proportions.”³² Looking at the statistics, however, I found that, measuring reported rape by cases per 100,000 population, according to the *South Africa Survey* from 1995 to 2008, there was in fact *no significant increase* in reported rapes from 1994 to 2008. This suggests that South Africa has had an extremely high, but relatively consistent, rate of reports of sexual violence, and that sexual violence was most likely an equally serious, but more hidden, problem under apartheid. It should be noted, however, that the survey showed an annual decrease in reported rapes in 2007–8, the year following the Jacob Zuma rape trial.

After examining the Zuma rape trial and its transcripts in her Princeton University thesis, Elizabeth Skeen concludes that “it does not seem likely that the trial marked a serious setback for HIV/ AIDS or women’s rights in South Africa” since the judge’s “admission of Khwezi’s past sexual history made her the face of women’s activism for stronger laws against sexual offenses and the admissibility of evidence” and “Zuma’s ‘shower theory’ moreover, generated such an enormous amount of negative publicity that it may even give way to positive impact.”³³

Her first point, that the trial was not a serious setback for women’s rights, is disputed by Jake Moloï of the Institute for Security Studies, who argued that the judge’s decision to set aside section 227(2) of Criminal Procedure Act no. 51 of 1977 “has set a worrying precedent that is now binding on the lower courts.”³⁴ Khwezi was questioned about her sexual history extending beyond the offense being tried (namely, her claim that Zuma had raped her), and according to Moloï her rights to privacy and dignity under section 36 of the South African Constitution should have been pitted against the provisions of section 227(2) in the judgment. While evidence should not be excluded where justified, Moloï notes: “Given that rape is one of the most underreported crimes worldwide, it is difficult to see how reporting rates can be improved if there is a likelihood that the complainant’s sexual history will be paraded in an open court.”³⁵ Indeed, after the threats made by Zuma supporters against Khwezi, and the judge’s decision to admit her sexual history into the trial, it is entirely possible that,

³² Meg Samuelson claims that violence against women is “ascendant” (“Rainbow Womb,” 88). Helen Moffett states that sexual violence has “spiralled” and reached “epidemic proportions” (“‘These Women, They Force Us to Rape Them,’ ” 129). Similarly, Lisa Vetten says that rape figures showed “an upward trend” between 1994 – 1995 and 2004 – 2005 (“Violence against Women in South Africa,” 430).

³³ Skeen, “Rape of a Trial,” 122.

³⁴ Moloï, “Case of *S v Zuma*,” 25.

³⁵ *Ibid.*, 29.

rather than registering a reduction of sexual violence, the drop in reported rape in the year following the Zuma trial may suggest that fewer women felt safe in coming forward to report sexual violence. This relates to a counterintuitive point, which is that an increase in reported rapes per annum does not necessarily correspond with increased sexual violence; it may indicate increased awareness of gender rights and that more women feel safer coming forward to report abuse. If this is the case, given the fairly consistent statistics of reported rape, South Africa after apartheid has not created an increasingly conducive climate in which women may feel safe in reporting rape. Certainly, black women, and queer black women in particular, are (still) at high risk of sexual violence, and the treatment of Khwezi during the Zuma rape trial does not seem to have inspired confidence in South Africa's justice system among survivors of sexual violence.

Conclusion

As I am writing this, South Africa is being shaken by two sets of events: a spate of xenophobic/Afrophobic attacks following antforeigner comments made by the Zulu king,³⁶ and the Rhodes Must Fall movement, which resulted in the removal of a prominent statue of Cecil Rhodes from the University of Cape Town in April 2015. In a 2014 panel discussion on South Africa after twenty years of democracy, Xolela Mangcu warned about the dangers of “manufactured identities,”³⁷ and his warning seems particularly apt when one considers the malignant ways in which ethnic chauvinism, an extreme focus on the “native” and the “local,” has built on a solid foundation of colonial and apartheid ideology to mutate into Afrophobia, into a national identity that rejects the African continent of which it is a part. On the other hand, the Rhodes Must Fall movement has questioned the idea of the country having “a shared history,” and it has spurred debates about race and the legacy of patriarchal colonialism. During the height of the Fees Must Fall student protest, which was supported by movements such as Rhodes Must Fall, a rape was reported at Azania House, which was at the time occupied by student activists, many of whom were black, women, and queer. Female students named and showed a photograph of the alleged perpetrator on social media. As Roger Young claims, these women had clearly “given up on achieving justice through the system in a country awash with sexual violence.”³⁸ After the alleged rape, however, there was an appeal to an imagined community, to create a community where justice is possible. This took the form of a placard inscribed with the words “Patriarchy Must Fall with the Fees.”

³⁶ Hans, “King’s Anti-foreigner Speech Causes Alarm.”

³⁷ Xolela Mangcu, comments in panel discussion held at “House of Bondage and Home of Ubuntu: South Africa after Twenty Years of Democracy” Colloquium, November 7, 2014, New York University.

³⁸ Young, “How UCT’s System Failed Student.”

Before the statue of Rhodes was removed from the University of Cape Town campus following the demands of the Rhodes Must Fall movement, a statement was read at the site by students who spearheaded the movement:

Black bodies, female bodies, gender non-conforming bodies, disabled bodies cannot become liberated inside of UCT whilst the world outside still treats them as sub-human. The decolonization of this institution is thus fundamentally linked to the decolonization of our entire society. Therefore when we say Rhodes Must Fall we mean that patriarchy must fall, that white supremacy must fall, that all systematic oppression based on any power relations of difference must be destroyed at all costs. These are battles that we cannot fight alone.³⁹

In the light of the reinterrogation of history, race, and power that this passage opens up, one can hope that South Africans will resist amnesia and examine more deeply the patriarchal aspects of colonial history and how these impact the present. Colonialism is still alive today—it stares out unabashed from the eyes of statues, it haunts our present through white privilege, and it continues to oppress and intimidate women through its continuing complicity with the invention of patriarchal forms of “tradition.” During the Zuma rape trial, it spoke through the judge’s hypothetical supplement to Kipling’s poem “If—” and through Zuma’s claim to Zuluness, suggesting the ways in which patriarchies have been mutually constitutive, to the detriment of women, and of queer black women in particular.

³⁹ Klein, “Rhodes Has Fallen.”

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