

Performing Political Womanhood: Parliamentary Debates on Abortion in South Africa, 1975-1996.

Paper presented by Rachel Johnson, University of Sheffield, r.e.johnson@sheffield.ac.uk, at Women's History Network, Annual Conference, University of Warwick 10th-12th September 2010.

Abstract:

This paper compares women MP's participation in the parliamentary debates on abortion that took place in 1975 and 1996 in South Africa. Two major pieces of legislation that legalised and regulated access to abortion in South Africa were passed in 1975 and 1996. The context and parliamentary processes surrounding the two acts could not have been more different. The 1975 Abortion and Sterilisation Act was drafted by an all-male and all-white parliamentary committee, and passed at the height of apartheid in the context of racist policies of population control. The 1996 Termination of Pregnancy Act was passed by South Africa's first post-apartheid parliament elected by universal franchise, with women constituting 27% of the National Assembly representatives. The arguments that surrounded the passage of the two acts blended discussions of morality with political legitimacy and the importance of symbolic representation. This paper examines how MPs performed political representation in the parliamentary debates on these two acts. The focus is upon the ways in which wider political discourses came to be performed in the highly formalised and ritualised setting of parliamentary debate. The paper considers how the debates were gendered and racialised and the continuities and changes that can be traced in performances of political womanhood. It is argued that women's political performances in moments such as the passing of the 1996 Termination of Pregnancy Act significantly but fleetingly reshaped the South African parliament in its first post-apartheid term 1994-1999.

This paper focuses upon two parliamentary debates, held roughly twenty years apart in the South African Parliament. Two major pieces of parliamentary legislation that legalised and regulated access to abortion in South Africa were passed in 1975 and 1996. The context and

parliamentary processes surrounding the two acts could not have been more different. The 1975 Abortion and Sterilisation Act was drafted by an all-male and all-white parliamentary committee, and passed at the height of apartheid in the context of racist policies of population control. The 1996 Termination of Pregnancy Act was passed by South Africa's first post-apartheid parliament, elected by universal franchise, and was seen as a significant victory for women activists in placing women's rights firmly on the political agenda.

The focus of this paper is the ritualised way in which MPs in these two different parliaments established their authority to speak, in this case on the subject of abortion. It might seem a forgone conclusion that MPs would base their authority to speak in a parliamentary debate on their position as an elected representative, but during debate MPs often make complex and contentious claims about their right to speak as individuals with professional, gender, raced and classed experiences that give their words weight and meaning. They do so not only through making speeches in turn but also through interjections, interruptions, jeering, clapping, laughing and using humour. Parliamentary debates and the repertoires of speech and gesture used by MPs are highly formalised, governed by written rules but also by conventional forms of behaviour. This paper considers the speech and behaviour of MPs during debate as 'rituals of representation'. This is not to suggest that MPs are performing a play of representation that disguises the true exercise of power but rather that important aspects of power are performative and are in part shaped by institutional rituals or conventions. The paper employs Lukes' definition of political ritual as 'rule-governed activity of a symbolic character which draws the attention of its participants to objects of thought and feeling which they hold to be of special significance'.¹ The paper suggests that new insights as to the nature of parliament as a 'gendered institution' can be gained through focusing on the ritualised and performative aspects of legislative debate.

The paper moves between a focus on the minutiae of parliamentary debate and the significance of institutional continuity and change within the national body politic, as such the context of the two debates must be carefully delineated. Whilst separated by twenty years and very significant contextual changes, the second debate was in several ways a continuation of the first. In terms of content, the 1996 debate was informed and framed by the 1975 debate to a very significant extent – with MPs quoting from the Hansard record of that debate and citing the exclusions of that first debate as one of the motivating factors for the new legislation.

In both 1975 and 1996 the South African Parliament was dominated by one party with an overwhelming majority. In 1975 this was the National Party, which had by this point been in

¹ Steven Lukes, "Political Ritual and Social Integration," *Sociology* 9 (1972): p.291.

government in South Africa for 23 years, elected by a racially classified franchise of white men and women. The National Party implemented and upheld a collection of policies known collectively as Apartheid, which sought to organise and segregate economic, political, social and cultural life on the basis of racial classifications. The largest opposition party in the 1975 Parliament was the United Party but they more often than not supported government legislation. The much smaller Progressive Party who held 7 seats in 1975 were the government's strongest critics. On the Abortion Bill the House of Assembly was divided with the National Party and United Party supporting the passage of the bill and imposing a whip on their members. The Progressive Party and the even smaller Reform Party both allowed a vote of conscience but all members of both parties voted against the bill and in favour of amendments put forward by the only woman member of parliament, the Progressive Party's Helen Suzman. The grounds of opposition to the bill were its restricted nature.

The 1975 Abortion and Sterilisation Bill had been introduced after significant lobbying by the medical profession. By the early 1970s medical practitioners were increasingly performing therapeutic abortions for wealthy white women despite the fact that criminal law in South Africa outlawed abortion, except where necessary to save the life of a woman.² Worried by the legal uncertainty of their position South African doctors advocated legislative reform.³ In 1972 a government select committee was appointed to enquire into abortion laws, and the 1975 bill emerged from this process.⁴ The bill provided for legal abortions in highly restricted circumstances and required authorisation by three medical practitioners and a hospital superintendent.⁵

In 1996 at the time of the debate on the Choice on the Termination of Pregnancy Act the composition of the South African National Assembly had been transformed by the first democratic elections based on a universal franchise in 1994. The African National Congress, South Africa's most prominent anti-apartheid political organisation held a large majority in the National Assembly, with the National Party and the Inkatha Freedom Party making up the two second biggest parties. There were 111 women MPs, making up 27% of the legislature.

² Cathi Albertyn et al., *Engendering the Political Agenda: A South African Case Study* (Centre for Applied Legal Studies, University of the Witwatersrand, 1999), p.45.

³ Ibid.

⁴ Ibid., p.46.

⁵ See sections 3-7 of *Abortion and Sterilisation Act 2*, 1975.

The 1996 Act has received a fairly substantial amount of academic attention in South Africa as it has been seen as one of the major political successes for the women's movement in the early years of ANC rule.⁶ The 1996 Choice on the Termination of Pregnancy Act aimed to make abortion on request available to all women in the first twelve weeks and thereafter up to twenty weeks following the opinion of a medical practitioner. A termination of pregnancy required only the informed consent of the pregnant woman who was defined 'as any female person of any age'.⁷

Whilst there was obviously a strong drive from within the ANC to reform abortion law the issue was still controversial within a socially conservative, religious South Africa. The second reading debate was in this context an important occasion for the ANC to make the case for abortion on request to many of its own supporters. In 1996 organised opposition to the bill came largely from religious groupings. Although, it has been pointed out that in the immediate post-apartheid context 'the public face of these views tended to be white and male' and thus an alliance with conservative black spokespersons and groups was prevented.⁸ The greater threat to the Bill came from the possibility that the ANC would allow a free vote – and that there were enough ANC MPs who would stay away, abstain or vote against the bill. Supporters of the bill within the ANC caucus were able to argue successfully that 'a conscience vote that had the effect of preventing the Bill from being enacted would nullify women's choice'.⁹ The ANC issued a three line whip on the Bill. The Democratic Party and the Pan African Congress who also had pro-choice policies did the same. The National Party and the Inkatha Freedom Party allowed a conscience vote within their parties and largely spoke and voted against the Bill.

Both debates were held in the context of the ruling party's overwhelming political dominance. However, whilst party affiliation is clearly important, MPs in both debates widely emphasised gender authority. The interplay between the traditions of the dominant political parties and Parliament as an institution are important here: whilst the norms and behaviour of the National Party to a large degree intersected with Parliament in 1975, in 1996 the internal culture of the ANC, particularly in terms of gender norms diverged significantly from the traditions of

⁶ For example, see Denise Walsh, "Citizenship, Gender and Civil Society in South Africa," in *Women's Activism in South Africa: Working Across Divides*, ed. Hannah Britton, Jennifer Fish, and Sheila Meintjes (Scottsville, South Africa: University of Kwazulu Natal Press, 2009), p.44.

⁷ Republic of South Africa, *Choice on Termination of Pregnancy Act*, 1996, <http://www.info.gov.za/acts/1996/a92-96.pdf>.

⁸ Albertyn et al., *Engendering the Political Agenda: A South African Case Study*, p.72.

⁹ Ibid., p.73.

Parliament. ANC women MPs could, in 1996, draw upon the ANC's support for an agenda of women's empowerment, that had through the Party's dominance been in part brought to bear upon Parliament.¹⁰ In 1975, National Party and opposition MPs alike asserted a masculinised consensus of the House: MPs did not claim authority from a party-political mandate but from a male right and duty to legislate for the protection of women and unborn children. In 1996 the picture was more complicated, but several influential female ANC MPs asserted a female consensus in the House, that was also racialised, which suggested black women as the only truly authoritative voices on abortion. Creating this sense of consensus was important in both debates; it marked opponents as marginal outsiders not just because of party affiliation but through their gendered and racialised bodies. To create this sense of consensus MPs used a number of the same rituals of representation in 1975 and 1996.

The 1975 Debate

In 1975 the Minister of Health, Dr SW van der Merwe, of the National Party asserted early on in his opening remarks that the House of Assembly held broadly similar views on the matter of abortion and that the terrain of debate was actually rather narrow:

Since I take it that the hon. Members already agree that for obvious religious, ethical and moral reasons abortion on demand must not be allowed, and that provision for abortion must only be made in highly exceptional circumstances, I would like to dwell on the measures which will ensure this.¹¹

That this consensus in the House was one which was implicitly male becomes visible at certain moments in the Hansard transcript. Most often, it was when MPs completely ignored the presence of Helen Suzman – the only woman MP at that time - and most obviously through the use of 'members of the House' as interchangeable with 'men'. For example, in his summing up of the debate at the end of the third day, the Minister of Health praised the fullness of the discussion in which 'everyone could express *his* opinion, each according to *his* feelings on the subject' (emphasis added).¹²

¹⁰ For a discussion of the limits of a 'women's empowerment' agenda as opposed to a transformative agenda focusing on gender see Shiela Meintjes, "Gender Equality by Design. The case of the Commission on Gender Equality.," in *Women's Activism in South Africa: Working Across Divides*, ed. Hannah Britton, Jennifer Fish, and Sheila Meintjes (Scottsville, South Africa: University of Kwazulu Natal Press, 2009), 73-95.

¹¹ Republic of South Africa, *House of Assembly Debates (Hansard)*, vol. 55, 1975, Col.477.

¹² *Ibid.*, 55:Col.720.

Six male MPs explicitly gendered themselves during the debate by making statements such as 'being a medical practitioner and a specimen of the male sex'.¹³ These were a mixture of MPs speaking in favour of and against the bill. Three of them spoke of themselves as fathers. Many more than these six spoke of themselves as Doctors and Legislators, professional identities that were throughout the debate gendered as male. Doctors were referred to during the debate many times as 'medical men'. At one point 'medical men' were directly contrasted with 'emotional women' as the correct decision makers in relation to abortion.¹⁴ One MP from the Reform Party in gendering himself argued that men should not be the ones making decisions over abortion. Mr HEJ van Rensburg argued that,

I think it is very unfortunate that this Bill should be the product of an all-male commission. It is even more unfortunate that the final decision should be taken in a House where males dominate and pre-dominate to the extent they do in this House. I think it is most unfortunate. It is morally wrong and in any other way wrong that we, as males, should sit here to pass judgement on the fundamental right of women to decide for themselves in regard to their bodies.¹⁵

Mr Rensburg was the exception in 1975. Elsewhere in the debate the ability of men to act as legislators and decision makers was continually reinforced. One way in which this was emphasised was through male MPs ritualistic praise of each others speeches or role during the legislative process. The Minister of Health ended his opening speech with:

Finally, Mr Speaker, I want to express my sincere thanks to members of the commission of inquiry under the chairmanship of Dr C V van der Merwe, the hon. Member for Fauresmith, for their unselfish service and for their dedication to their task. Their handling of this very delicate matter has been praiseworthy.¹⁶

Other members of the Commission praised each other for their 'patience', 'courtesy', diligence', 'guidance' as well as 'sympathetic manner' and 'exceptional compassion'. There was praise for the Commission's findings as 'honest' and 'fearless' and claims from members that 'we were objective, we were level-headed'. The nature of this debate, and the criticisms of the all-male commission appear to have led MPs to emphasise qualities such as sympathy and compassion alongside the more usual checklist of responsibility, fairness etc. In this way it was emphasised

¹³ This particular speaker was Dr JJ Vilonel of the National Party, Ibid., 55:Col.520.

¹⁴ Ibid., 55:Col.667.

¹⁵ Ibid., 55:Col.701.

¹⁶ Ibid., 55:Col.478.

that male MPs were not precluded from representing women: indeed it established them as the universal representative.

In direct contrast male MPs attacked Helen Suzman, the only woman MP in the House of Assembly, in ways that drew heavily upon her gender and negative associations with women's decision making ability. Suzman was denigrated for her 'customary flamboyancy', for being 'naive', and was described by one United Party MP Brigadier Keyserlingk as 'irresponsible and frivolous'.¹⁷ The Brigadier went on to say, 'the attitude of the hon. Member is typical of some women; they like to have their cake but are not prepared to bake it'.¹⁸ Only this last comment drew a reprimand from the Speaker, that the member was becoming frivolous himself.

The maleness of the consensus against her was something that Helen Suzman emphasised forcefully in the abortion debate. In the following passage of debate Suzman had just finished discussing mirasmus, a childhood disease prevalent in the Ciskei region of South Africa, stating:

Mrs H. Suzman: Do hon. members know that about 50% of infant deaths in the Ciskei are the result of this particular disease?

Dr E L. Fisher: Do you want to kill them by abortion?

Mrs H Suzman: Yes, I want to kill them. That is really brilliant! What a stupid...[Interjections.]

Mr G B D. McIntosh: Mr Speaker, may I ask the hon. member a question?

Mrs H. Suzman: No, you cannot; sit down. I am very ill-disposed towards men at this moment and I want to advise hon. members of this House – except those in my own party – that I feel equally cross about those who are going to support me and those who are not. *As far as I am concerned, I do not want anything to do with the men in this House,* I do not think the Commission gave sufficient consideration to the conditions existing among Coloured and African populations before it reached its conclusions and drew up this amended Bill [Emphasis added].¹⁹

At another time she reacted to comments with the retort 'Male Stupidity!'²⁰ Yet, interestingly by far Helen Suzman's most common tactic in this and other debates was to use procedural grounds for interruptions and criticisms, to assert her seniority in the House and to demonstrate her mastery of the conventions and rituals of political debate. She makes her

¹⁷ The comments were made by Mr LF Wood and Brigadier Keyserlingk both from the United Party, Ibid., 55:Col.510 and Col.605-606.

¹⁸ Ibid., 55:Col.606.

¹⁹ Ibid., 55:Col.496-497.

²⁰ Ibid., 55:Col.606.

mastery of procedure clear from the outset of her own speech, beginning: 'Mr Speaker, I must say at once that the course of action to adopt at the Second Reading of this Bill is no simple matter, particularly on procedural grounds...'²¹ When she is referred to by Mr GBD McIntosh as 'the member for Houghton', she is quick to interrupt with 'The "hon" member to you!'²² Later during the committee stage debates on the Bill, Suzman again clashed with McIntosh and asserted her seniority:

Mrs H Suzman: The hon. young member over there knows everything.

Mr GBD McIntosh: I do not know as much as you.

Dr. EL Fisher: That is true but what you know you know.

Mrs H. Suzman: But he talks a lot more than even I do, and that is saying something.

Mr GBD McIntosh: But you interject a lot more.

Mrs H. Suzman: Perhaps I have a right to, having been here a few years longer than that brash young member. [Time expired.]²³

Parliamentary colleagues of Helen Suzman have noted her ease and familiarity with Parliamentary procedure in their autobiographies. Alex Boraine, who was a Progressive Party MP between 1974 -1986 commented that, 'actually I think she [Helen Suzman] liked the institution of parliament; she was very much part of the formality and traditions'.²⁴ Colin Elgin, leader of the Progressive Party for much of Helen Suzman's era as a lone Progressive Party MP in Parliament wrote: 'In terms of ritualistic parliamentary politics she didn't need to reach out [for support] beyond its parameters'.²⁵ Helen Suzman herself wrote in her own autobiography:

[As to the question] has being a woman out you at a disadvantage in Parliament? Not at all. I concentrated on making well-prepared and factually accurate speeches, and gradually won the respect of the House, albeit on occasion with unsolicited effects. Once, after a speech on economics, I was accosted by an MP who said to me in the Lobby, 'Helen – you've got a man's brain!' His was not a brain I admired. The South African Parliament had more than its fair share of male chauvinists, with traditional attitudes about 'a woman's place'.²⁶

²¹ Ibid., 55:Col.490.

²² Ibid., 55:Col.645.

²³ Ibid., 55:Col.870.

²⁴ Alex Boraine, *A Life in Transition* (Cape Town: Zebra Press, 2008), p.134.

²⁵ Colin Eglin, *Crossing the Borders of Power: The Memoirs of Colin Eglin* (Johannesburg: Jonathan Ball, 2007), p.220.

²⁶ Helen Suzman, *In No Uncertain Terms: Memoirs* (London: Sinclair-Stevenson, 1993), p.26.

Sexist or misogynistic humour was another means by which, in 1975 male MPs asserted their authority to speak and decide. Although I have no way of knowing how many MPs laughed at the following joke, Hansard does not record any interruptions, of complaint or otherwise from any MPs or the Speaker, so we can assume that it was at the very least tolerated by the majority of MPs. Only Helen Suzman complained about such jokes, and that was later, during the Committee stage of the Bill. Dr Vosloo, a National Party politician who had been on the Commission that amended the Bill told the following ‘anecdote’ as he called it to ‘add a light touch’ to his words on the question of rape:

A young girl arrives at a hospital and asks for help. She says to the matron: ‘Oh mother, oh mother, I have been raped. Matron, please help me’. The matron then says, ‘Yes, come in my child. Walk this way. Go straight through to the kitchen. On the shelf you will find a lemon. Squeeze out the juice and drink it’. The girl then says, ‘oh matron will it really help me?’ And the matron says: ‘Yes, it will help to remove that smile from your face’.²⁷

Sylvia Shaw, in her work on House of Commons debates has suggested that the ability of an MP to change the key of a speech from serious to comical is displaying his or her power within the House.²⁸ She also suggests that in the case of sexist jokes, MPs are using humour to ‘signal a shared membership in which adversarial norms are understood to be an accepted superficial enactment of the difference between MPs’.²⁹ This certainly seems to lie behind National Party and United Party MPs joint involvement in sexist humour during this debate, especially where male MPs from the United Party attacked Helen Suzman, as in the taunts of Brigadier Keyserlingk quoted earlier. Men that spoke in support of Helen Suzman were also singled out for particular attention. Immediately after Mr HEJ van Rensburg had spoken in favour of Helen Suzman’s amendments Mr LG Murray of the United Party suggested that he had ‘immediately entered upon an exercise in courtship with the hon. member for Houghton’.³⁰

²⁷ Republic of South Africa, *House of Assembly Debates (Hansard)*, 55:Col.502-3.

²⁸ Sylvia Shaw, “Language and Gender in House of Commons Debates” (London: Institute of Education, n.d.), p.208.

²⁹ *Ibid.*, p.211.

³⁰ Republic of South Africa, *House of Assembly Debates (Hansard)*, 55:Col.702.

The 1996 Debate

Despite the increase in the number of women MPs in the 1996 debate, still only one woman gendered herself explicitly during the debate and she did so at the same time as claiming the identities most often used in 1975, that of doctor and legislator. Dr Ranbinowitz of the IFP stated towards the end of her speech 'as a legislator, a doctor and a mother, I believe'.³¹ However, there was in 1996 also an implicit gendering of the authority to speak and decide, reinforced through many of the same rituals of representation used in 1975, this time emphasising women MPs authority. The figure of the poor black woman appeared in many ANC MP's speeches as the ultimate source of authority for the Bill, and by referring to this figure and using terms such as 'we' and 'our', MPs speaking in favour of the Bill constructed an embodied authority for themselves. So, Minister of Health, Dr Zuma used an image in her opening speech which metaphorically made visible in the legislative chamber the poor black women from which she argued her authority was drawn:

...the vast majority of poor and mainly black women resort to backstreet terminations because the present law is only accessible to the affluent. Hundreds of women – more than all the members of this Assembly – die annually from these unsafe and illegal terminations of pregnancy.³²

Dr Zuma did not claim a gendered authority directly during her opening speech but she did so indirectly through quoting a letter she had received from a woman priest. The letter made the case for women's authority to decide on the issue of abortion as based on shared female experiences:

As a Christian woman and minister of religion, writing in my personal capacity, I am deeply ashamed that we have not organised a Christian women's lobby to support prochoice legislation on abortion. All the major theological contributions on abortion have been written by males, mostly arguing against abortion on request. This does not imply that all women are prochoice, but many Christian women have arrived at that conclusion. Many have witnessed the horrific consequences of an incomplete abortion. Others have seen young mothers bleeding to death. This trauma is difficult for males to comprehend.³³

However, the sense of a female consensus was most often invoked by women ANC MPs through aggressive attacks on women who opposed the legislation. What is most striking about

³¹ Republic of South Africa, *Debates of the National Assembly (Hansard)*, vol. 10, 1996, Col.4774.

³² *Ibid.*, 10:Col.4759.

³³ *Ibid.*, 10:Col.4762.

the nature of these attacks is that women MPs who opposed the Bill were conceived of as traitors to their gender. The following is from the speech of ANC MP Pregs Govender:

This debate is not about the legalisation of abortion. Abortion has been legal in South Africa for over two decades. [Applause.] When the NP passed the Abortion and Sterilization Act of 1975 we did not hear the voice of the Pope or the Catholic Church. We did not see money from conservative right-wing Americans being poured into campaigning against it. We did not have *women apologists for the male NP* raising their voices in shrill protest (Emphasis added).³⁴

Another ANC MP, Ms Myakayaka-Manzini made similar comments in her speech. She again, mentioned the 1975 debate saying that perhaps members of that House should be forgiven since they were 'all white males who did not understand or have a clue about women's rights'.³⁵ She went on, 'our debate today takes place in a totally different context. It is therefore shocking for me to hear, from the other side, women speaking with the male voices of 1975'.³⁶ This was an authority that also had overlapping class and racial boundaries. ANC MP Ms TR Modise criticized the National Party's Shelia Camerer in the following terms:

It is not possible for anybody who has never gone to Soweto or Phola Park to stand here and tell us what we believe in and what we do not believe in, especially a person who sat right here in these benches and looked at black women being reduced to animals, to little things that make tea for madam in the morning. This Bill is a first step – maybe that is why the hon member is so scared – that will take women in this country towards emancipation, the very first concrete step, and I support this Bill, as my party does.³⁷

In 1996 there were four male MPs who gendered themselves explicitly, in two cases male MPs followed on from Mr van Rensburg's arguments in 1975 and appeared to almost disqualify themselves completely from speaking and deciding on the issue of abortion. Mr JH Momberg, a white, male, ANC MP commented during his speech 'as a male I hesitate to take a stand here regarding a matter which mainly affects females' and later again 'Finally, I want to say that the less males express themselves on the abortion legislation, the better'.³⁸ The Minister of Water Affairs and Forestry stated, 'as a man I am basically disqualified from speaking on this

³⁴ Ibid., 10:Col.4792.

³⁵ Ibid., 10:Col.4848.

³⁶ Ibid.

³⁷ Ibid., 10:Col.4809-10.

³⁸ Ibid., 10:Col. 4812- 4813.

issue...because I do not have the pain and the humiliation of having to go through this'.³⁹ Both of the men who made such disclaimers did then go on to speak on the subject. It is interesting to consider to what extent these men marginalised their female colleagues by ceding the floor to them in this special case. The message appeared to be that black women could and should represent black women – it begs the question to what extent they are then precluded from assuming the role of universal representative with the same ease as white men. Also interesting is that a number of men who were vocal opponents of the Bill, spoke in terms of men's rights being taken away.⁴⁰

In 1996 MPs had recourse to the same rituals of praise used prominently by male MPs in 1975. ANC MPs almost all praised the Minister of Health and the Chairperson of the Portfolio Committee on Health for their leadership at the start of their speeches. Opposition MP Patricia De Lille invoked, if not exactly gender solidarity, then a sense of respect for women as participants in reasoned debate when she began with the following compliment: 'Mr Chairperson, I firstly want to congratulate my colleague Pregs Govender on a well-researched speech'.⁴¹ ANC MP Pregs Govender did in fact also win a media award for her speech, as the best Parliamentary speech of 1996. It is interesting to see these women using exactly the same forms of ritualised praise that operated in the 1975 parliament. There is of course an element of subversion in this re-iterated ritual, especially when one considers the exclusions of the 1975 debate that explicitly rejected women as potential reasonable decision makers. Pregs Govender re-calls making this speech in her autobiography and whilst measuring its success in the legislative chamber and as an intervention in the wider debate, she also mentions her success in speaking for women:

There was a standing ovation from the Assembly and, significantly, from many in the gallery who had been demonstrating against the law. Several analysts saw this moment as a turning point. For me, the most treasured comment came from my mother, who had watched the debate on television in Durban and phoned to thank me, for 'speaking for her'.⁴²

³⁹ Ibid., 10:Col.4838.

⁴⁰ See for example speeches by Mr PW Grobbelaar, Rev. KR Meshoe and Mr DK Padiachey Republic of South Africa, *Debates of the National Assembly (Hansard)*, vol. 10.

⁴¹ Ibid., 10:Col.4810.

⁴² Pregs Govender, *Love and Courage: A Story of Insubordination* (Auckland Park, South Africa: Jacana, 2007), p.158.

In the 1996 debate there was certainly not the same level of joke telling. The closest to a joke about abortion came from a male ANC MP, who began his speech: 'Mr Chairperson, it is clear from the NP's input that they are pregnant – pregnant with ignorance! I am now aborting their ignorance! [Laughter.]'⁴³ However, ANC MPs, both men and women, used sometimes humorous interruptions to similar effect, to undermine the authority of the speaker and make them or their issue seem ridiculous. As Sylvia Shaw has pointed out, in these situations the laughter of MPs recorded in Hansard is not so much a spontaneous response to humour as part of the 'verbal assault on an opponent'.⁴⁴ Colonel Ramaremsa, a strident critic of the Bill from the National Party suffered from several interruptions from women MPs at the very beginning of his speech. After talking for two paragraphs he was interrupted by Mrs Mabuza of the ANC, asking 'who wrote that speech for you?'⁴⁵ He re-established his control over the floor with, 'Listen, Listen!' Hansard records more interjections, after a further paragraph he was interrupted once more by 'An Hon Member' who echoes the first interruption asking 'who wrote that speech bossboy?', it is clear from his reaction 'I urge that member to listen with her ears not her mouth' that this was also a woman MP.⁴⁶ 'Bossboy' is a derogatory term in South Africa, referring ostensibly to the foreman of a gang of workers, it suggests notions of racial collaboration – a black man working for white masters. Like the attacks on women MPs speaking with 'male voices', the suggestion made here was that Colonel Rameremisa was not truly representing his race – his performance and authority were not authentic.

Shaw observed during her research that in the House of Commons women seldom cracked jokes or took part in humorous instances: in the South African Parliament's 1996 abortion debate we can see that ANC women MPs did. Interestingly, on the day the Bill was passed the results of the vote were greeted by ululations and visible celebrations by women ANC MPs in the chamber. Newspapers reported objections to such behaviour from a number of commentators. The Cape Times carried comments from an Archdeacon suggesting the bill 'should have been greeted in reverent silence not with an outbreak of clapping, cheering and ululating'. There was it seems something unsettling about such a visible display of women's power within the legislature.

⁴³ The MP was Mr MW Mfebe, Republic of South Africa, *Debates of the National Assembly (Hansard)*, 10:Col.4832.

⁴⁴ Shaw, "Language and Gender in House of Commons Debates," p.209.

⁴⁵ Ibid., 10:Col.4822.

⁴⁶ Ibid.

Concluding Remarks

What I have done in this paper is explore the strategies of legitimation used by men and women South African MPs in the parliamentary debates on abortion in 1975 and in 1996. This includes looking not just at what MPs said but more broadly at their behaviour during debates – looking at interruptions, interjections, laughter, jeering, clapping and use of humour. Parliamentary second reading debates are highly ritualised occasions in the sense that they are strictly ordered, actors operate within written and unwritten rules, speech can often be scripted or highly stylised, as are other forms of participation.

What can be seen through a comparison of these two debates is that whilst the content of and participants in the debates were very different, the forms of debate were not. This may seem obvious – both are parliamentary debates, but in significant ways we understand the 1975 and 1996 South African parliaments to be very different. In particular they were different due to the number of women MPs. In 1996 27% of the legislature were women, the premise of many state feminist arguments is that such numbers of women should have a transformative effect on the institution. Looking at the content of legislation it might be easy to argue that indeed the increased number of women had a profound affect on the laws emerging from parliament. However, this rather ignores the both the context and the detail.

When we look at MPs performances of political authority in the two debates we can see that these performances are embodied. In 1975 male politicians performed as rational, compassionate decision makers, this was a role they both performed as masculine and posited as transcendent. Men had no problem speaking on behalf of women and in fact knowing their interests better than they themselves could. Helen Suzman, as the only woman member of parliament challenged the masculinity of the rational parliamentarian through her mastery of procedure and argumentation. Her male opponents attacked her claims by drawing attention to her embodiment – she was a frivolous, extravagant woman incapable of being truly representative of anything but herself.

In 1996 several ANC women MPs performed the residual category of the rational parliamentarian embodied as black women – the ultimate figure of exclusion from the previous parliament. In their self-conscious performances of articulating once marginalised voices these women MPs also exposed the embodied nature of male parliamentarian's authority. They suggested that the male politicians of the Apartheid era had acted in the interests of their whiteness and their maleness. Some male supporters of the Choice on the Termination of Pregnancy Bill suggested limits to their own authority since they were men and, they argued could not represent women's interests. These performances by MPs in 1996 and by Helen Suzman in 1975 were clearly challenging to the claims of white men to embody natural and

legitimate political leadership. But they were also highly contingent. In 1996 the position of the ANC party leadership – that abortion was a women’s issue and that women MPs should be empowered within Parliament – gave significant space for women MPs to perform as political actors legitimated by their gender.

Use of the rituals of representation in these abortion debates emphasised the embodiment of authority. The embodied authority examined here is highly performative and thus open to what Judith Butler terms reiteration. However, it should also be clear how contingent such reiterations of authority are when the norms of parliamentary performance are left intact. The parliamentary career of Pregs Govender perhaps illustrates this: when articulating herself as a feminist MP in the 1996 Choice on the Termination of Pregnancy debate she won many plaudits, including a media ward for the best parliamentary speech of the year. However, when she similarly spoke-up on feminist grounds in the debates on the 2001 defence budget which included an arms procurement deal worth billions of Rand, she did so without the support of the ANC leadership, was as a result ostracised from her party and subsequently resigned from Parliament. Govender wrote in her autobiography, that in 2001 ‘I was dismissed as lacking the knowledge and experience to make a judgement call on the arms deal and was labelled a pacifist and Gandhian’; dismissals which tellingly focused upon her race and gender.⁴⁷

⁴⁷ Govender, *Love and Courage*, p.194.