

The Colonial State and Postcolonial Feminist Predicaments

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Abstract

It has been observed that the task of imagining and building African feminism as a community of theory and praxis “is very hard work.” Alongside this, it could be argued that a decolonial approach to African feminism is even harder work. This is, in part, because colonial knowledges are built upon the erasure of the histories and knowledges of most of the world. The work, therefore, of reconstituting what has been erased or vulgarised is actually more difficult than what it took to put together the colonial canon. My present contribution to these debates addresses this decolonial predicament through a critique of structural violence. My particular concern is with the relationship between the modern state and gendered violence, and, to some extent, the ways in which the problem of care (the contemporary reproductive crisis) emerges within this structural relationship. The paper examines the emergence of this tension through the lens of the colonial state in Africa and its implications for feminist organising in Africa in the contemporary period.

Keywords: state, democracy, violence, justice, Africa, feminism, colonialism

Introduction

Feminist studies globally that analyse the relationship between women and the state have focused on a breadth of issues, ranging from labour and violence, political participation, representation, and redistribution to questions of identity and citizenship, to mention a few. Many inquiries in the postcolonial tradition examine women’s early modes of resistance to colonial rule, and have been concerned with the extent to which the questions that women raised in various

domains of struggle might have constituted the political. Studies of women's work and gendered labour during the colonial period, for instance, show how women lost power and economic autonomy with the arrival of the cash crop economy, with grave implications for their political power (Amadiume 1987; Sheldon 2017) – thus drawing a materialist connection between women's access to resources and political power (Shaw 1995; Brownhill 2009). Studies at the twilight of colonisation show attempts by the colonial state and African men to pacify African women, driven by a belief among colonists that women were the subversive force that was sustaining anticolonial movements (Santoru 1996; Epprecht 2000). Such pacification preceded often drastic responses to women that included re-education/“rehabilitation” and “housewifisation” – the process of reconstructing and imposing new gender roles on women that would endure in the postcolonial period (Santoru 1996). Furthermore, colonial policies that defended women as mothers (rather than as sexual beings) – i.e. as reproducers of labour – resulted in the tight control of African women's reproduction by the colonial state and entrenched men's domination over women's fertility (Thomas 2003). Such control would rematerialise in violent ways as one of the enduring legacies of the ways in which the colonial state governed women and our bodies.

Feminist studies of the state have further focused on questions of citizenship, and especially on the relationship between women and the nation (on gendered nationalisms) as a reproductive process that (re)configures women as biological reproducers of national groups, as signifiers of national difference, transmitters and producers of cultural narratives, as reproducers of national boundaries, and as active participants in national movements (see Yuval-Davis 1997; McClintock 1991). Along this grain, some of the feminist scholarship cautions against essentialising nationalism (that is, against a predominant focus on the ways in which women relate to nationalism, or against drawing out a racially-orientated nationalism), and urge instead a focus on the “intimacies that race share[s] with class, generation, ethnicity, geography, sexual orientation, etc.” (Mngadi and Monson 2001, 23). The caution here is against theorisations that risk erasure of various, intersecting colonial/postcolonial subjectivities.

Still examining women's relationship to the postcolonial democratising state, African feminist scholarship critiques the effectiveness of the democratisation project itself in channelling women's political demands, asking for instance,

whether indeed postcolonial states are “a site of gender struggles...[and] what forms...these struggles take,” and whether state structures can act as vehicles for ordinary women’s struggles where femocracy crowds out spaces for popular feminist politics (Mama 1995, 39 & 42). The literature also interrogates the nature of the state, noting increases in African women’s political representation *despite* weak democratic structures, while arguing that these increases were not necessarily linked directly to the democratising trends that swept the continent in the 1990s. Many “undemocratic” countries such as Rwanda and Sudan that adopted quotas were able to increase their rates of women representation in this way (Tripp et al. 2009). Similarly, critiquing liberal feminist approaches to accessing the state, Tamale (1999) shows the ways in which quotas have tended to undermine the relationship between women politicians and their social constituencies, arguing that in the Ugandan context, due to affirmative action, the relationship between women members of parliament and women’s networks outside parliament could at best be considered tenuous.

Some of the literature also points to the necessity of feminism as a distinct ideology within the women’s movement in shaping whether (and how) women’s movements transform society. As Hassim (2006) has argued, feminist ideology is pivotal in women’s movements as its relative strength seems to determine the extent to which collective action is directed towards democratic ends. What she insightfully terms as a “tipping point” – the point at which disparate acts of women’s protest cascade into a mass movement – occurs when people come to believe that their participation is necessary and even required (Hassim 2006, 8). The tipping point can sometimes be identified by a particular event or by a distinct period, which then becomes an iconic moment for further acts of movement mobilisation (Hassim 2006). In other words, the dialectics of women’s political actions themselves matter in how we understand feminist politics in relation to the state, as well as their outcomes.

African feminist scholarship also critically engages the question of difference – or rather, its negation in our encounters with the state. Examining anti-queer and transphobic violence in various African contexts, Kanyogo (2021, para 3) locates the problem in the “limits of Euro-American liberal ideologies” that tend to rescue the very states implicated in the violation of queer communities by “resituate[ing] [states] as the primary benefactors of freedom and

decriminalisation [that] is imagined primarily in terms of legal rights: inclusion and state recognition – *a liberal justice*” (added emphasis). Kanyogo (2021) directs necessary attention towards class analysis as an imperative in understanding both the structures that commit queer communities to state-sanctioned violence and the erasure that consigns redress to the logics of mere recognition without redistribution. A structural and intersectional analysis would expose the relationship between the state and its Others – those “people for whom decriminalisation as a legal, liberal agenda that only accounts for violence at the point of encounter with an abusive police officer or a transphobic mob and that does not sit with the capitalist conditions that make these multiple registers of violence possible in the first place [– as] *always already a failed project*” (Kanyogo 2021, para 8, added emphasis).

Postcolonial feminist thought also challenges the possibility of feminist emancipatory politics where the state project effectively dehistoricises (and thus depoliticises) the subject of rights. That literature critiques the universalism that remains one of the most contentious features of Enlightenment thought as it negates cultural diversity such that the very notion of “man” as a universal category emerges through the exclusion and marginalisation of those who cannot or will not confirm its normative force, e.g. “woman” or the “native” (Dhawan 2014). At the same time, sexual and racial difference is implicit in subject formation such that the assumption of a common human nature or essence overlooks the power effects of these gendered and racialised inflections (Dhawan 2014). Along a similar vein, McClintock (1995) shows how colonialists represented the colonised landscape as feminine – the feminine as an unrepresentable, unknowable absence effected by phallic desire that grounds the signifying economy through exclusion – thus pointing us towards the structural inheritances of colonialism that continue to shape women’s experiences of public life.

The question of violence is preeminent in all these bodies of literature – both as the foundational legacy of the colonial mode of governance, and as a decolonial imperative in the postcolonial state. Feminist theorisations of (gendered) violence have grappled, for instance, with the paradoxical relationship between liberal democratic politics and violence, interrogating contestations over meaning (that is, how we might understand what qualifies as political violence), the historical production of violence (its specificity), and effect (its coherence as

a form of political expression) (Ossome 2018). Other theorisations link violence to inequality, asking, for instance, why it is that the apparent redistribution of power has not resulted in a redistribution of goods (Hassim 2009), and demonstrating how the inequality that prevails in the economy and the family inevitably gets translated into politics (Rosenberg 1992). A substantial body of feminist theorisation has also gone into examining gendered violence in the context of war (Turshen 2001; Wood 2009), showing, as it were, the systematic and instrumentalised nature of such violence. Much less is known about what it is that renders such instrumentalisation of violence against women and other gendered groups available as a weapon of war. Why, despite significant advancements in women's political consciousness and agency, and despite massive developments in the legal regime of protections against violence, does it persist in the democratising state? What structures, conditions, and institutions stand implicated?

My intervention in the current paper builds on this extant literature and proposes a structural approach to thinking about women in relation to the state, through theoretical reflections and methodologies grounded in feminist political economy. The major (if still rudimentary) argument I elaborate in the paper is that an ontological rethinking of the state – that is, seeing the state both from the vantage point of those who experience its violence, and from the subjective positionality of the colonised – modifies the kinds of questions that we pose in relation to the state. The primary subjectivity explored in this text is women as gendered labourers – a conceptual notion which links with earlier theorisations of the reproductive labour that reproduces both the colonial political economy and the postcolonial state, as well as moving beyond it to interrogate the emergent ways in which such reproductive labour can and does constitute a violent relationship between women and the state. It is this structural relationship that is the major thrust of this paper, which ultimately also harbours a liberatory desire. Some of the arguments, especially those contained in the penultimate section on social reproduction, are exploratory and find greater elaboration in an ongoing book-length study, which I hope shall shed greater empirical and theoretical light on some of the ideas presented here.

Colonial inheritances and the threat of violence

I wish to start off by stating the problem – or rather, the political parameters and dimensions of the problem around which I frame what I see as being the major contemporary social and political predicaments for African feminists – which is that the postcolonial democratising state (and feminist activism within it) is fundamentally confronted by the question of violence. This problem could also be formulated as the inability of the postcolonial state to apprehend the conditions of violence that are the legacy of its modernist colonial past. Here, I am talking as much about generalised violence as I am making a more specific reference to gendered violence. This failure is attributable, in part, to the legacy of a bifurcated state that demarcated an urban “civilised” space from a rural, tribalised “customary” domain of indirect rule during colonialism. To the urban populations, human rights – that measure that is now deeply coded into meanings of democracy – were accorded; for subjects of custom, claims for justice retained their identification with a “pre-democratic” form of state (Mamdani 1996). The anachronistic rendering of (colonial) modern subjects of the state is, in other words, also central to their exclusion from the postcolonial state.

This tension is most apparent when women lodge claims on property and resources that enjoin the state through a rights discourse. Kameri-Mbote (2002, 373), for instance, critiques long-held notions that customary law is bad for women and colonially-inherited statutory laws are good for women, highlighting empirical evidence that most aspects of women’s lives pertaining to ownership, management and control continue to be governed by customary laws in Africa (see also Claassens and Mnisi 2009). Land access and ownership exemplifies this legacy, such that even where equality to land is guaranteed, there may be structural limitations to women’s access and use of land. For instance, in Senegal – a 90% Muslim country with a legal tradition based on the French civil code – the constitution and laws provide women and men with equal property rights with regard to land ownership. Women are legally entitled to acquire and own land independently of their husbands or male relatives, and to retain ownership and control over their property after marriage. Yet, the three main modes of land access – inheritance, allocation (by rural councils), and purchase – remain largely inaccessible to women. The majority of men

(over 65%) acquire land through inheritance, 25% of men receive land through allocation, while less than five per cent purchase it. On the other hand, only 15% of women inherit land, approximately 15% receive it through allocations, often through women's groups to which rural councils allocate small plots, while the option of purchasing does not seem to be available at all to women (Tempra, Sait and Khouri 2018, 108-9; Coulibaly-Tandian 2020).

In these ways, we still see a tension in postcolonial Africa between the domain of rights and the domain of custom, which governs the lives of so many rural and peri-urban populations. In South Africa too, for instance, the resurgence of customary governance through legislation such as the Traditional Courts Bill (TCB) constitutes a reintervention by the state through a series of laws related to traditional leadership and governance that threaten localised and decolonial developments around women's access to land (Thipe 2013) and other material and social forms of access. In that context, South African feminist historian Thuto Thipe highlights the "epistemological de-linking" from colonial frameworks represented in women's claims to land, thus providing the scope for understanding women's land and agrarian activisms as decolonial within "different references for custom represented in both colonially rooted knowledges and decolonial knowledges that challenge the premise" (Thipe 2013, 484) of laws such as the TCB. As such, while on the one hand, in the nature of the resurgence of customary governance of land, South Africa might have taken a reactionary turn, on the other hand, it exemplifies the spectre of tensions that persist in relation to the colonial legacies of custom and thus also reconstitutes the law as a terrain of decolonial struggle, within which women's and feminist activisms come alive. Decolonial struggles privilege indigenous ways of knowing with a view to demarginalise that which coloniality worked very hard to shrink to residue status.

But the effect of civil/customary bifurcation had not only been felt in the separation of rural from urban areas: bifurcation also drew a juridical line between men and women, between the heteronormative nuclear family and the other kinship systems, between heterosexual and nonconforming sexualities, between productive labour and reproductive labour, between universal personhood and ethnic nationalities, and so on. While the former conformed to a modernity that was nonetheless colonial, the latter were rendered illegible to the modern

canon of law and justice, and therefore de-subjectivated from the emancipatory possibility. As such, one of the fundamental questions facing the postcolonial state in relation to its bifurcated legacy is this: what would it mean for the colonised to claim rights in the “democratic” form of the state? And what would it portend to clamour for these rights on the basis of gender, ethnic, and racial solidarity between Black women and men, and along the spectrum of normative and diverse sexual and gendered identities?

The challenges that these tensions shore up for democracy are especially apparent in ongoing debates around homosexuality, including in Uganda where I live. Homosexuality is shown in the literature as being both germane to African societies and reconstituted in particular ways through inheritances that are at once colonial and imperialist. Sylvia Tamale (2013) is critical of this tension in her argument that contemporary debates on homosexuality in Africa are constituted through reimaginings of “sexual nationalisms” that on the one hand seek to reinvent Africa as “a heterosexual continent [at the same time as] Europe is being reconstructed in terms of sexual democracy” (2013, 36). She exposes the ahistoricity of these reimaginings to the extent that they seek to substitute the historical fact of homosexual practices in precolonial Africa with the legalisation of homophobia through Western codified and religious laws that support the instrumentalisation of nonconforming sexualities in the service of dictatorships and the weakening of democracy (Tamale 2013). From the foregoing, we might argue that because the modes of incorporation of the colonised in the postcolony, even in putative democracies, do not adequately account for these identitarian legacies, violence is always a possibility.

These colonial modes of incorporation are especially reflected in reproductive labour arrangements that encompass the realms of economy, politics, and culture in the postcolonial state. For instance, in order to function, capitalist society *needs* the labours of women (and gendered labourers more broadly), yet it routinely violates, negates, undervalues and subordinates its gendered subjects, suggesting a fundamental relationality to this gendered labour that can only be assured through coercion and violence. Politically, the postcolonial problem of politicised ethnicity and its relationship with gendered violence is most illustrative of women’s reproductive relationship with the state, and of the fraught relationship between gender and nation. Ethnicity, as we know,

functions both as a mode of social organisation in particular societies, and as a social force historically articulated to the social and political mobilisation of both consent and dissent, as was the practice in the colonial state, and has been in the postindependence state. Yet the tendency in the mainstream literature has been to treat ethnicity as an aberration – a neglect which, in my view, is central in defining the violent ways in which women continue to experience democracy in the postcolony.

The tendency in the literature to marginalise culturalist interpretations of postcolonial violence ought to be of concern to feminist scholars, not only because of the ways in which ethnicity becomes a tool of postcolonial political mobilisation and fragmentation, but also because of the stubborn ways in which ethnicity has tended to map onto women's bodies as reproduced boundary markers of the nation (Sangari and Vaid 1989). Relatedly, for feminist political theorists, a fundamental problem lies in the fact that it is practically impossible to think of ethnicity separately from its articulations in gender, class, race, sexuality, and so on. This is the gendered legacy of the colonial mode of incorporation of natives. It is a legacy of violence and brutality that had been the primary force that made the incorporation of natives into the state itself possible. The threat of violence is therefore, to be understood both in relation to the liberal state that is fundamentally unable to account for multiple and intersecting identities that the colonised bear, and to the potentially conflicting ways in which these identities are *lived* in the social context. For instance, we could consider the ways in which the neoliberal economy admits women *en masse* into the productive economy while at the same time denying their reproductive roles, thus essentially pitting gendered identities against class identities, often with violent outcomes.

Where then, does the possibility for liberation lie for those who know themselves only from the position of the margins of the state? In a very basic sense, we must acknowledge the fact that for such subjects, the state ceases to exist, or at least does not exist for them in its normative sense. So, one way of thinking through the question of women and violence is through an ontological characterisation of gendered citizenship: that is, seeing the state from the vantage point of its marginal subjects, and how in a liberal context where women are rights bearing, discrimination needs relationality with other identities that are marginalised or not yet admitted into the liberal canon of a particular state. In

Uganda, for instance, where anti-homosexuality laws have again been shored up by the state, the persecution of ‘lesbian women’ or ‘gay men’ proceeds by silencing gender identities and reifying sexual identities. The argument here is that at different historical times, certain identities are activated and constituted as the basis for discrimination and violence.

Such a formulation might similarly lead to the argument, for instance, that women do not face persecution on the basis of what we have done, but rather are violated on the basis of various criminalised identities that we bear. In other words, that in a liberal rights context, it is not our criminality as women that is called into question: rather, women are criminalised and rendered available for all sorts of violation because of what we are *perceived as being* (i.e. the criminalisation of the various identities – including ethnicity – which we bear). In this latter sense, the proximity of certain women to violence cannot be abstracted from the materiality of their existence – from their social context. In a context where identities become politicised, this materiality is itself highly mediated by proximity in the sense that to escape poverty is therefore to gain proximity to the ethnic nation – it is to conform to values and interests defined by the nation. Here I am thinking again, for instance, of the endurance of traditional authorities and kingdoms which the state authorises and, in a sense, to which it delegates some of its disciplinary but also redistributive powers.

The nation (social identity) in this regard supersedes the state (political community), exposing one of the pitfalls of the nation-state formulation: that is, a fundamental irreconcilability between the modern liberal character of equality under the law (which is enforceable by the state) and conditional equality through ethnic allegiance (enforceable by the tribe). Women caught in this intersection cannot, for instance, be both female and Luo or female and Muganda, and so on. This is because while the woman appears as the modern subject of rights, the latter (in liberal thought at least) is taken to be an anachronistic rendering of tribalised identities, external to the regime of rights. This suggests a contradiction in the ways in which gendered subjects are constituted before the state. So, we have to ask ourselves what this “either/or” position entails for women. In what ways are exclusionary forms of citizenship reproduced where bivalent identities (identities that cannot be thought of separately such as ethnicity and gender) at the same time appear as inimical/irreconcilable (Ossome 2018; 2023)?

The (social) reproduction question

Some of the ideas elaborated in this section are a work in progress and should be read as such. We know from the literature that as labouring and reproductive subjects, Black women, in fact, constituted the condition of possibility for the stabilisation of colonial White minority rule and its accumulation project – that the resolution of the native question through the bifurcation of the state had to be managed through the control of labour and, fundamentally, through the control of a regime of *gendered or reproductive labour*. Nowhere in the colonised world, let alone in the enslaved world, would political stabilisation have been thinkable without attending to this social question. In fact, in the context of America’s democracy and its underbelly in slavery, Hortense Spillers speaks to the centrality of Black enslaved women (or captive/gendered labour) in the invention of America itself. She articulates this brilliantly: “My country needs me, and if I were not here, I would have to be invented” (Spillers 1987, 65). Spillers is here linking the very possibility of democracy to the social necessity that is realised through various regimes of gendered labour.

This problem may also be read in relation to the fact that the relationship of colonists to women was such that colonial officials, on the one hand, *needed* to incorporate women into the colonial edifice, due mainly to the (reproductive) labour questions that faced all colonies, while at the same time could render women secondary or marginal to the colonial project through the denial of women’s political authority and by characterising them as “passive” and under the control of their native male counterparts. This particular impulse – to mischaracterise or misrecognise women’s social and political agency – took the form of numerous and often gratuitous acts of violence against Black women that were, in effect, a disavowal of their humanity. The question that this colonial attitude towards women raises in the postcolonial state – and, of course, the relevant question in the context of political contestations that are today being waged in the name of democratisation – is this: to what extent can those whose very humanity has been decentred and disavowed actually constitute legitimate subjects of democracy and of rights (Ossome 2023)?

Here, I turn briefly to the notion of “captivity” – thinking about it not only through the ways in which identitarian politics circumscribe emancipatory

possibilities for the colonised, but also how, for the colonised, the very idea of democracy is conditioned upon their captivity (by the state, market, and household – the three key institutions implicated in social reproduction). My thinking in this regard is inspired by the figure embodied in Joy James’s “Captive Maternals” – those who she describes in *Womb of Western Theory* as “feminized into caretaking” and are “most vulnerable to violence, war, poverty, policy, and captivity; those whose very existence enables the possessive empire that claims and dispossesses them” (James 2016, 255) Through a kind of functionalism, my intervention here is to try to place gendered violence at the core not only of the stabilisation of empire, but also to argue for a reconsideration of what gendered violence *does* for democracy. This concern is framed through the notion of “captivity.”

Of importance to note is that the “Captive Maternal” is not reducibly female: the structure that nurtured and insulated colonists is generated and maintained through violence against both women and men. The question this raises then is: why do women and men survive colonial captivity so differently? What explains women’s enduring vulnerability to gendered violence even in the postcolonial democratising state? Put differently, if both colonised women and men are reproduced within the same violent historical structure and normative order of domination, how are we to make sense of the differential effects of their postcolonial subjectivities, which seem to draw a line between those who commit violence on the one hand, and on the other, those who experience violence?

Captive Maternals can be thought of in many ways, but my own theorisation is of the Captive Maternal as fundamentally a labouring subject – and so a shift away from thinking in terms of the liberal individualised subject of violence, towards a focus on the labouring substratum that constitutes the modern state. James (2016) enjoins this form of labouring with captivity, and links both to the very possibility of empire: her argument is that violence against captives (their victimisation) is not what marks them; rather, what marks captives is their productivity and its consumption. She is arguing that throughout history, Captive Maternals have provided the reproductive and productive labour to *stabilise* culture and wealth.

Against this background, one can make a number of broad claims: one (and this is also a critique of the liberal individuality at the core of intersectionality

theory) is the fact that the colonised experienced oppression as a group rather than as individuals. This means that the function which gender performs in this context has to be understood in relation to the structures, conditions, and institutions that maintain the group as a *coherent* whole (whether it be within the ethnic, the racial, the caste, or the class structures). Second, and relatedly, the function of violence in the context of captivity shifts from the objective of singularly harming the individual, towards the structural function of *maintaining* the conditions under which the (racial, ethnic, caste, gendered, class) group is reproduced and exploited. Violence is, as such, a fundamental condition for the reproduction of captive groups (Ossome 2023).

An argument I have put forward in earlier work, from which I draw extensively here, is that Black/racialised women had constituted the condition of possibility for the stabilisation of the colonial accumulation project. The political stabilisation of the tribalised domains of native authority was highly articulated to the productive and reproductive roles to which labouring women in the colonies were confined as the migrant cash crop economy expanded. So, therefore, women's eligibility as social subjects (their subjectivity) could not be understood outside of their roles within these tribalised realms. As such, it was not only women's reproductive labour that had to be appropriated and controlled, their bodies too, had to be disciplined again and again. This violence remains present, linking gendered labour to the productive possibilities of the postcolonial capitalist state (Ossome 2018).

Of course, the background question framing this claim is this: how does a state that lacks political legitimacy (i.e. the recognised right to rule) in its proclaimed territory – as was the case with the colonial state – establish dominion over its putative subjects? The apparent answer is that it does so by brute force. But the notion of legitimacy requires modification if it is to be understood in the colonial context: since the normative basis of the colonial state's legitimacy (its right to rule) does not emanate from colonised peoples' consensus, its rule, including its coercive force, is ultimately illegitimate. As we know from the literature, native resistance was a predominant response to the coercive force of the colonial state, and the shift to indirect rule – the social, administrative, and cultural move to “subordinate race to tribe” – was the most logical approach to the stabilisation of restive populations.

It is in these social domains of governance that the gendered apparatus of the state is rendered most apparent: those, like colonised women, that are interpellated by the state through logics primarily directed towards the social control of natives thus constitute the basis of its “legitimacy.” One might argue in this regard then, that it is as *social subjects* that Black women developed a distinct relationship to the colonial state, and therefore should be considered as having been its quintessential modern subject. Some of the literature suggests a primarily political imperative behind the colonial response to the native question (Mamdani 1996; Chanock 1986), but the identitarian approach of the colonial state suggests that colonisation must have affected colonised societies also at the level of the social relationships that were necessary for the latter to survive, produce, and reproduce their means of life. In other words, it suggests that changes in the social-economic processes of labouring people were essential to the stabilisation of colonial rule.

Furthermore, because the individual subject of Western liberal theory – indeed Western democracy itself – is rendered possible through the captivity of those whose enslavement was the condition of freedom for their captors, the realisation of the nature of this dependency often results in violence against captives. I am talking here not just of dependency on labour, but on our lands, nature, and, even more bizarrely, the expectation of political alliances with imperialism. This formulation provides a concrete basis for similarly reconsidering the place of gendered violence in the contemporary context of democratisation. So, we might ask, why it is that democracy continues to produce bodies that are violable and those that violate. One possible explanation for the violence against gendered captives is that they are prone to resist, and therefore continually to threaten the patriarchal state, and, in that sense, constantly invoke its disciplinary regime.

Another argument is that in captivity, conflict is inevitable because gendered subjects cannot reject oppression *in their own names*, and attempts to claim freedom in their own names are usually met with violence. This is because the dissenting voice is already subsumed within and appropriated by the racial, class, caste, and ethnic group: in other words, their violation is invariably concealed within racism, labour exploitation, racial and caste discrimination, homophobia, and ethnic fundamentalism. Gendered subjectivity thus takes on a social life that occasionally tends towards freedom, but that also occasionally ruptures, not

as evidence of its own propensity for violation (e.g. women are not “uniquely rapable” because they are women), but as a response to its structural association with other modes of governmentality (ethnicity, class, race, caste, sexuality) that were violently imposed on the colonised (and still mark the external boundaries of the nation today).

So, we might argue that the structural (and identitarian) inheritances of colonialism inscribe gendered violence into the very core of the postcolonial state, and therefore reconstitute feminist liberation itself as an ever-present threat to democracy. In sum, the nature of the problem which the neglect of this structural relationship poses to democratisation is this: where they can no longer be enacted by the state as instruments of control, deeply entrenched ethnic, racial, and caste-based institutions have tended to function in a statist form against their own gendered subjects.

Feminist predicaments in the postcolonial democratising state

From the foregoing, we can note a number of contradictions that must be confronted in the postcolonial terrain of feminist struggles in Africa. One is that, while the law as a battlefield for articulating feminist desires for justice, freedom, and redress is valuable, laws, as human rights instruments and tools for feminist struggle, once attained are assumed to resolve the particular injury for which they were created and, as such, are no longer necessary or available as tools of struggle. On the contrary, if freedom is understood as a condition that women never actually conquer – for this would imply the resolution of all forms of oppression that subjugate women and an unchanging world thereafter – then the notion of freedom as a space of small victories and constant struggle would appear to contradict the power of human rights to guarantee women freedom from injury (Brown 1995; Ossome 2018). In the liberal domain of rights that is stripped of the dialectics of history, culture, and politics, liberty and freedom are deemed as conquerable. The persistence of rape in the liberal democratic state, then, might also be understood as being a consequence of the institutionalisation of rape responses, and its invisibilisation from the dynamic politics and economies which reproduce violence in the electoral contexts – invisibilised in states

which often times are vested with interests whose logics may not immediately be transparent to formal law.

The feminist predicament here is generated by a number of contradictions raised in the preceding discussion: first, that the popular democracy inaugurated through multiparty politics runs the risk, in seeking to include everybody, of actually universalising identities so much as to trivialise differentiations among them; second, that particular injuries suffered by individuals and groups based on their class, racial, gender, or ethnic subjections are no longer transparent when examined through the very structures (of liberal human rights discourses) that reproduce them as injuries; and third, that lacking logic of the ways in which class, gender, race, or ethnicity function to subordinate women, women's rights that historically originate from within this liberal discourse of human rights, therefore, function normatively to maintain women within these same oppressive structures. The point here is not to dismiss the pursuit of human rights as a feminist emancipatory concern. Rather, it is to expose certain limitations inherent in the liberal construction of rights, and how these limitations structure violent power – or power as violence – within “democratic” institutions of the neoliberal state (Ossome 2018).

Some questions I have found instructive in relation to the nature of the liberal state include: when does identity articulated through rights become the production and regulation of identity through law and bureaucracy? When does legal recognition become an instrument of regulation, and political recognition become an instrument of subordination? Further, in reflecting on what it means for women to turn to the state for emancipation, I pose this question: How does the nature of the political state transform one's social identity when one turns to the state for political resolution of one's subordination, exclusion, or suffering? What kind of subject is being held out to the state and for what kind of redress or redemption (Brown 1995)?

Lastly, I want to reflect on the question regarding *what violence does* in the context of democratisation. In an epistemological sense, violence against women is a window through which the violent nature of the state itself is rendered visible, and political violence is in this way articulated to the historical, structural violence of the state. As such, placing gendered violence in its historical contexts offers some possibilities for beginning to understand the motives of violence

experienced by women – and in so doing, offers a concrete ontology for thinking through violence and feminist struggles and activism toward confronting violence against women.

There is also a pedagogical challenge which, I have argued elsewhere, feminist activists must address with regards to ways of thinking about violence – that is, thinking of it as something other than *violent acts*. Regarding violence as violent acts is a circumscription that leads us to the notion of the police state under contemporary visions of the state. To hold up women, in the normative rights discourse, as “unsafe,” uniquely violable, and uniquely rapable is always an invitation to the state security machinery into the public and private spaces within which women negotiate their daily lives (Ossome 2018; see also Kanyogo 2021). It is to move from one form of precarious existence and insecurity to another, more incarcerated form in which freedom becomes an even more fantastical notion.

The challenge, thus, is being able to move an understanding of violence from one that looks exclusively at violent acts narrowly defined, toward a conceptualisation of structural violence, which interrogates how it is that we might understand the objective violence of structures, of conditions, and of institutions that daily structure our lives. This is a thoroughly historical question. From this, other questions that concern us – the gendered labour question, the surplus population and its reproduction and sustenance, women’s participation in politics, the persecution of sexual minorities, and so on – might similarly find concrete expression.

Notes

1. From Nyanjala Nyabola's speech given at the Feminist Africa conference titled "Re-crafting African Feminist Activism for the 'New Normal'" held in Kampala Uganda from 29 May-1 June 2023.
2. It is worth quoting Mama (1995) in entirety on the distinction she draws between femocracy and feminism: "feminism is defined as being the popular struggle of African women for their liberation from the various forms of oppression they endure. It is counterpoised to the idea of a femocracy – an anti-democratic female power structure which claims to exist for the advancement of ordinary women, but is unable to do so because it is dominated by a small clique of women whose authority derives from their being married to powerful men, rather than from any actions or ideas of their own. Femocracies exploit the commitments of the international movement for greater gender equality while actually only advancing the interests of a small female elite, and in the long-term undermining women's interests by upholding the patriarchal status quo. In short, femocracy is a *feminine autocracy running in parallel to the patriarchal oligarchy* upon which it relies for its authority, and which it supports completely" (41, added emphasis).
3. The italicisation is used to emphasise the identity that becomes activated in contexts where they are criminalised under the law.
4. Here, I wish to distinguish the classical focus of intersectionality theory as developed in the global North canon – understood in the liberal sense as discrimination that Black women experience when rights accrue to "the most privileged group members [while marginalising] those who are multiply burdened" (Crenshaw 1989, 140) – from a context of coloniality in which colonised women were not even the subject of rights to begin with.

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