Introduction

The study of sexuality is a complex but undoubtedly vital one. This is due in course to the simple fact that policing sexuality is a means to controlling people. In the patriarchal and heteronormative world in which we live, questions of which, whose and why sexualities are policed become crucial in the fight for equality and justice. Particularly in Africa, with its history of oppressive exploitation and colonialism, any study of sexuality comes burdened with said history and thus calls for the deconstructing and transformative thinking and action. African feminism was born out of and continues these qualities, and so it is through the work of African feminist scholars that I will approach the topic at hand. In February 2013 media and public opinion exploded when Police Inspector General Sebastian Ndeitunga attempted to institute a ‘mini-skirt ban’ in Namibia. This essay seeks to outline this event, tease out the highly problematic discourses it propagated and offer an interpretation of the resistance and activism it inspired in Namibian women. In order to do so, it will look to concepts of sexuality, ‘African’, post-colonialism, heteronormativity, masculinity and feminism.

Why African feminism

An African-feminist lens is one which questions, deconstructs, reimagines and transforms. Its doctrine calls for such qualities in that it must in its very nature diverge from Western conceptions of feminism. The history of feminism is indeed a Western one. In its roots, feminism called for the basic equality of men and women. But as the discipline progressed, it was realised that little attention was paid to the fact that women are not a homogenous group, and within the group of ‘women’ inequality and privilege existed. Therefore, in what has been termed the ‘second wave’ of feminism, black feminists began to explore and theorize on “race, class, and gender as interlocking systems of oppression”, and this concept was termed intersectionality.

However, privilege and inequality existed not only in the lived realities of women, but in the very make-up of the discipline of feminism itself. Oyeronke Oyewumi, a celebrated African feminist theorist, critiqued this Western hegemony in her chapter on “Western Theories and African Subjects”, reflecting on how “African experiences rarely inform theory in any field of study”. This is extremely problematic because it reflects and continues a legacy in which Africa, its peoples and its customs have been subordinated, considered inferior and out rightly oppressed by the Western world. Thus,

one major interest of African feminism has been to resist the simple application of a Western feminism, its theories and tools, onto African contexts. Oyewumi explains that a feminism grounded in a “Western mode of thought” to any African context will be out of touch with an African context, and will hinder our ability to understand, locate and theorise African realities.⁴

Postcolonial analysis is crucial to the work of African feminists, as it “critiques the implications of the relationship of power between the former colonisers and colonised”.⁵ It is this relationship of power, and its legacy, that makes centring Africa and Africans in any study of the continent a necessity. Patricia Hill Collins writes that to “allow subordinate groups to define their own reality” is the ultimate act of empowerment.⁶ Thus African feminism called for a break away from the dominance of Western thinking, sought to deconstruct that which was considered natural and universal and reimagined new possibilities of theorizing and action-taking.

*Defining sexuality and the dangers of policing it*

Like any facet of human nature, sexuality is almost impossible to define, explain and apply boundaries to. Sylvia Tamale includes in her definition of sexuality “sexual knowledge beliefs, values, attitudes and behaviours, as well as procreation, sexual orientation and personal and interpersonal sexual relations”.⁷ The study of sexuality in Africa, or the problematized notion of ‘African sexualities’, has increasingly become a topic of interest for African feminists. The very term sexuality “conjures up discussions about sources of oppression and violence”, for both Africa’s past and present.⁸ The policing of sexuality is especially an issue, where “in Africa many acts associated with sexualities are criminalised or highly stigmatized”⁹ Consider the Ugandan Anti-Homosexuality Bill, which legislates life imprisonment for the ‘crime’ of aggravated homosexuality.¹⁰ The policing of sexuality is not necessarily a negative thing. Indeed, laws that outline the age of consent are there to protect children. However, such as the case with the Ugandan Anti-Homosexuality Bill, Tamale argues “that society could vilify the harmless, private, victimless acts of consenting adults defies logic”.¹¹ Thus the policing of sexuality toes a thin line between protecting society and protecting the norms of society.

That stated, the idea of norms within society are essential to any discussion of sexuality. The influence of society and structure on every aspect of human nature and agency is an undeniable reality of the world in which we live. This fact has been recognized not only in feminist theory, but

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⁹ Tamale, “Researching and theorising sexualities in Africa”: 12.
underpins the very tenets of historical studies and sociology. The great sociologist Michel Foucault theorized that sexuality “is not so much a fact or biological given as it is a social practise and product of discourses”. As such, one cannot discuss sexuality without an understanding of heteronormativity, which is in itself a policing of sexuality. Heteronormativity is the concept that in society, heterosexuality and its accompanying binary gender ideology are adhered to as the norms, the dominant, the privileged, idealised and celebrated.

Heteronormativity follows a ‘biological’ engagement with sexuality. It perceives that there are two sexes (male and female), with accompanying gender roles (boy and girl, husband and wife, father and mother, provider and care-giver) and credits sexuality only as a means to procreation, thereby placing heterosexuality as the single natural and thereby legitimate expression of sexuality. This is why Tamale espouses that gender and sexuality must be studied in tandem, they flow from and into each other seamlessly, for “both are creatures of culture and society”. Recognising this interconnectedness of gender and sexuality is crucial for understanding how the policing of sexuality will have implications for gender relations.

Heteronormativity works in society through structures, institutions and the process of socialisation that work to define, instil and reproduce norms. For example, world over the very first aspect of identity bestowed on a new-born baby is its sex, followed by a name appropriate to the sex. It is then raised within the accompanying gender roles (referred to as he or she, dressed in blue or pink, given trucks or dolls), the assumption and expectation of heterosexuality will dominate, and society with its celebration of heteronormativity will encourage this to greater and lesser extents; bridal magazines that only depict weddings between men and women or laws that prevent same-sex marriage. While this is a generalisation, and different contexts, countries and individuals have the potential to differ greatly, it is meant to showcase the various ways in which heteronormativity is deeply embedded and functions in seemingly invisible ways in society.

So while heteronormativity prescribes to the ‘biological’, it is in itself a social construct as much as the biology it is predicated on. Indeed, the very existence of homosexuality, the multitude of sexualities that exist, intersex and transgender people, work to destabilise the biological foundations of heteronormativity. An intersex person proves that there are more than two sexes, which is the very basis of the argument that heterosexuality is normal and natural. And yet, heteronormativity is so dominant and wide-spread that the idea of a binary gender system and heterosexuality as standard are deeply entrenched, and everything that falls outside these bounds, be it homosexuality, or intersex and transgender people, are ‘othered’ and invisibilised, are conceptualised as different, deviant and abnormal, and considered wrong, illegitimate and invalid. The issue with protecting norms is then that

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firstly, ‘norms’ are socially constructed and do not hold to any essentialist truth, and secondly, that they do not apply to all individuals.

Critical to discussions of sexuality are concepts of power and patriarchy. A patriarchy is a society where men have privilege and women exist in subordination to men – men hold power, and dominate in social spheres from politics, to the workplace, to the individual household. It is difficult to identify a society or country where, to a greater or lesser extent, patriarchy does not exist. Tamale posits that gender and sexuality “play a central and crucial role in maintaining power relations in our societies”.14 Consider the heteronormative idyll of the traditional family: the wife as the biologically nurturing mother stays at home caring for the children while the husband works to provide for the family, automatically placing him, at least economically speaking, in a position of power over his wife and children. The former is a crude example of the way in which heteronormative conceptions the ‘traditional family’ can be viewed as an instrument of patriarchy that works to empower men. Deviations from the heteronormative pose threats to patriarchy, another simple example being a lesbian relationship, “where a dominating male is absent, and where women's sexuality can be defined without reference to reproduction”.15

Thus, it can be seen how sexuality is imbued with power, and how through policing sexuality people can be controlled, empowered and oppressed. In heteronormative ideology, gender dictates and prescribes sexuality (and vice versa), and thus the action of policing sexuality will have gender-specific consequences. The essay will make use of the theoretical framework on sexuality covered in this section in order to consider the ways in which the ideology behind the mini-skirt ban (as a form of policing women’s sexuality) worked to reproduce gender inequality and infringed upon Namibian women’s constitutional rights.

**Mini-skirts in Namibia**

The issue of policing sexuality came to a head in Namibia in February 2013. Reports on the event and its specific details vary. That said, the mini-skirt ban was never formally proposed or followed through with, and thus what is more important than the specific details are the problematic opinions, beliefs and discourses surrounding the very notion of banning mini-skirts. In January 2013 a local newspaper reported that over forty girls had been ‘arrested’ over the festive season, after being “spotted wearing hot pants”.16 The girls were not arrested, but were held in police custody overnight, the police believing the girls to be in breach of public indecency laws. When questioned about the alleged arrests by *The Namibian*, Police Inspector General Sebastian Ndeitunga responded that “police do not want to interfere in citizens' constitutional freedom but there is a 'need to underline the

14 Tamale, “Researching and theorising sexualities in Africa”: 11.
importance of culture, especially to our young people and that includes what they wear” (sic), that similar actions should be taken throughout Namibia and that wearing “revealing” clothing will lead to arrest.\textsuperscript{17} Ndeitunga was reported to have said: “Those who are behaving outside the normal tradition of an African will be dealt with. At Rundu, both traditional and political leaders were happy and supported our actions… I don't want to prescribe how people should wear, even if its new fashion style, it should be within our tradition”.\textsuperscript{18} It was then reported that Ndeitunga “blamed the upsurge of violent crimes against women and children, including domestic violence and rape; on the revealing clothes that modern women wear”.\textsuperscript{19}

So began the Namibian mini-skirt saga. Ndeitunga claimed to have been misquoted, reaffirming that “as a lawyer, I know what is prohibited or not prohibited” and reiterating that “it is women's protected freedom of choice to wear what they want as long as that does not violate public indecency laws”.\textsuperscript{20} However, the damage was done, and the action taken by the Rundu police force and Ndeitunga’s following statements profess three fundamentally problematic and dangerous discourses in regards to sexuality. The first is the way in which the mini-skirt ban showcased the tenets of rape culture and propagated gender inequality. The second is the way in which its proponents laid claim to notions of what is ‘African’, and utilized arguments of ‘tradition’ and ‘culture’. The third is the way in which the ban propagated worrying continuations of colonial imaginings of sexuality in Africa. However, resistance to these discourses and the incidents of activism that took place showcase a deep understanding of the ways in which the ideology surrounding the ban was deeply flawed and out of touch with many Namibians’ own reality.

\textit{Rape culture and the perpetuation of gender inequality}

Rape culture is a term that was invented by American feminists to refer to “the ways in which society blamed victims of sexual assault and normalized male sexual violence”.\textsuperscript{21} Rape culture is dangerous as it ultimately works to excuse, explain and even condone rape. When Ndeitunga connected revealing ‘modern’ clothing to higher incidences of violent crimes against women, he carelessly shifted the onus of blame and responsibility from perpetrator onto victim. At its roots, it is an argument that sees men as unable to control their sexual urges, and therefore women who dress provocatively ask for and cause rape. Needless to state that these views are unacceptable for a plethora of reasons, but for the purpose of this essay it need only be stated that it is readily accepted that rape is not an act of fulfilling sexual desire but rather an action and exertion of power, which

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\textsuperscript{17} Shinovene Immanuel, “Top cop says miniskirts are not African”, The Namibian (February 19, 2013). [Online].
\textsuperscript{18} Ibid.
\textsuperscript{19} No author, “Miniskirt Dare to Wear Charity Event 2013”, Namlish.com (n.d.). [Online].
\end{footnotesize}
“seeks to abuse, humiliate and damage”. This explains why rape occurs regardless of provocative dress – such as in countries where women wear the burka, or incidents where infants and children are raped. None-the-less, it is an opinion Ndeitunga is not alone in holding. A parent of one of the girls in Rundu told *The Namibian Sun* “the mini-skirts worn by young girls nowadays contribute to high cases of rape and prostitution in the region because it tempts men”.

However, as an influential public figure, an upholder of law and protector of citizens, Ndeitunga demonstrated a worrying ignorance about the nature of rape and the method by which to eradicate it in society. Especially in Namibia, where gender-based violence is a huge social problem and that is only on the rise. Cases in which violent murder occurs between sexual partners have become so prominent in recent years that the phenomenon has been dubbed ‘passion killing’ - passion killings claimed 25 lives in 2013, and 12 cases were reported in the first two months of 2014 alone. While six women have been found guilty of this crime, men are the perpetrators in almost all instances, and statistically showcase a greater prevalence for incredibly gruesome violence, such as beheading their victims.

The work of African feminists have shown links between masculinity and the high levels of gender-based violence in many African contexts. Bennett writes that masculinities “tend to tolerate the potential” for gender-based violence, and this is logical when one considers how patriarchy is based on men retaining power over women and how violence (both sexual and non-) is the most basic, tangible expression of power there is. Yaliwe Clarke would agree with Bennett that violent masculinities are the source of gender-based violence, but would further posit that these masculinities are the products of colonial militarization and subsequent failure to demilitarize after independence – explaining why such high levels of gender-based violence exist in African contexts.

In reference to other African countries, Bennett stated that “masculine aggression might concentrate on controlling women’s dress”, and this is exactly the route taken by Ndeitunga. When the Police Inspector General sought to ban mini-skirts rather than outrightly condemn rapists, he simultaneously prescribed to and endorsed this violent masculinity – broadcasting a problematic tolerance for gender-based and sexual violence. Rather than seeking to reign in violent masculinities as the crux of the issue of gender-based violence, Ndeitunga’s remarks sought rather to target a facet of women’s sexuality in regards dress. In doing so, he only perpetuated the existing gender inequality that underlines patriarchy and is indeed the source of gender-based violence. Commentators mentioned

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25 *Ibid*.
how even if Ndeitunga was confronting public indecency, “there have not been any reports of men threatened with arrest for wearing sagging trousers - a manner of wearing trousers below the waist, revealing most of their underwear”.  

Ricardo Mukonda, a Namibian human rights lawyer, defined public indecency as “exposing private body parts that have a sexual connotation”. However, public indecency laws exist not to prevent rape but to prevent public offence. If one considers how Namibia fought for independence, and implemented a constitution that sought to guarantee the equality and freedom of all Namibian citizens, the ban is particularly worrying. Not only does the ban encourage gender inequality by targeting women, it also infringes upon women’s constitutional right to freedom of expression.

Both Bennett and Clarke would agree that a transformation of masculinities is required to cease gender-based violence, and that controlling what women wear does not even factor into any real movement towards prevention, equality or justice. These views were reflected in the resistance to and activism against the mini-skirt ban. On the 20th of February 2012 a Facebook page called Namibians against mini-skirt banning was created. It garnered 2,632 followers, encouraged people to don mini-skirts and post photographs as a form of protest. Two days later the ‘Mini Skirt Flashmob’ took place in the city center, having been organized by the Women In Solidarity organization (see appendix 1). It was well-attended by women and men, young and old, of every colour and culture, who demonstrated against the ban through marching, singing, speeches and, of course, the donning of mini-skirts. Placards simplistically reiterated feminist discourse on the nature of rape, such as “We R Living in a society where we learn how not to get RAPED instead of teaching how not to RAPE” (see appendix 1), “There is no excuse for rape ever!” (see appendix 2) and “Whatever we wear ‘no’ means no” (appendix 3). These slogans are a testament to the fact that many Namibians do not condone rape culture, and the way in which they mobilized showcased a capacity for resistance. Feminism is alive and well, and Gqola’s belief that African feminism is alive in the lived realities of African women is supported by the resistance shown in the face of misogyny; indeed, “we are not passive”.

“I wonder which Africa Ndeitunga knows”

Another incredibly problematic discourse that arose from Ndeitunga’s remarks was the argument that mini-skirts are un-African. The first issue with this is that it is extremely reductive and buys into what Bennett has referred to as the “gross homogenisation” of Africa, where the diversities of the continent

go unrecognized. Tamale notes how “Africa is a vast continent with an extremely rich and diverse cultural history”. When Ndeitunga referred to the ‘normal tradition of an African’ he was committing this faux pas. Even within Namibia, local cultures are both numerous and uniquely distinct. Murandura Ndura poignantly stated "I wonder which Africa Ndeitunga knows. More so, if he [is] sufficiently cognizant with culture and diversity".

Specifically in terms of dress, there is huge contrast to be found; compare the traditional dress of Himba and Herero women (see appendix 5). Traditional Himba dress leaves the breasts exposed, and the groin area covered by an item of clothing not in the least dissimilar to a mini-skirt. This points to an irony in which Ndeitunga was acting on the idea that women’s bodies are sexualised, but that very sexualisation - as evidenced by the Himba dress - should by Ndeitunga’s own logic be considered un-African. The far more conservative Herero dress was indeed directly influenced by the presence of missionaries in Namibia who sought to impose their own religion, values and customs (including dressing). This explains why the Herero dress looks so similar to typical eighteenth century European women’s clothes. Thus the way in which Ndeitunga utilized culture and tradition to justify the ban adhered to a deeply flawed and ignorant logic.

The ironies implicit in Ndeitunga’s logic were not lost on those who resisted the ban. Appendix 4 contains a drawing published in The Namibian by the political cartoonist Dudley Viall. It points to the hypocritical nature of Ndeitunga lambasting mini-skirts as un-African, but then having no qualms about the presence of other decidedly un-African things, such as his military uniform and Mercedes Benz. Again, members of the public voiced their opposition in ways that reflect the questioning and deconstructing nature of African feminism. Amanda Kaipiti Utjiua argued "We have a lot of things that are unAfrican including the Bible and Christianity which was brought by the missionaries, the clothes, means of transportation and all kinds of machines".

Ricardo Mukonda spoke out about Ndeitunga’s remarks, cautioning that "We can't hide behind culture. It is very unfortunate to instil morals in such a way". The constitution of Namibia promises equality for all its citizens regardless of race, culture or beliefs. So while Ndeitunga is within his rights to self-determine what tradition means to him, to impose it upon others is a breach of the constitution. It should be considered significant that the only ‘arrests’ made were done so in a small, rural town where knowledge about the constitution and more generally about gender inequality and feminist initiatives is less accessible. The outcry that took place in Windhoek after the fact is testament to this. Also, the nature of the ban in adhering to ‘tradition’ could perhaps have resulted in

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34 Bennett, “Subversion and resistance: activist initiatives”: 80.
not only the persecution of women, but specifically black Namibian women by means of racial profiling. Had this been the case, it would have been a question of not only constitutional rights but of basic civil and human rights.

_African Sexualities and Colonial Discourse_

Ndeitunga’s mini-skirt ideology played into and reflected worrying carryovers from colonial discourses on African sexualities. While the belief that women invite rape can be found world-over, be it through provocative dress or excessive alcohol consumption, it is especially worrying in African contexts. This is because this belief logically assumes that men cannot control their sexual urges and the very same belief underlined colonial attempts to police African sexuality.\(^39\) Indeed, the entire colonising mission was justified by the belief that Africans were “innately, biologically different and degenerate. And central to this to this essentialist belief were ideas about their distinctively pathological sexuality”.\(^40\) For Ndeitunga to be reiterating the belief that men rape because they cannot resist the temptation posed by revealing clothing is highly problematic and carries with it dangerous racist overtones. Furthermore, the very attempt to police sexuality mirrors the ways in which colonial strategies targeted sexuality as a means to maintain power and control populations. In Swaziland where there does exist a mini-skirt ban, it is legislated by “a colonial criminal law dating back to 1889”.\(^41\)

**Conclusion**

There is much more to be said and explored on the topic of the Namibian mini-skirt saga. Although the mini-skirt ban was never formally implemented, the statements proffered by Police Inspector General Sebastian Ndeitunga showcased a deeply worrying ideology on a number of levels. These are not ideas he is alone in holding, and an investigation of them using the tools and theories of African feminisms reflected the ways in which gender inequality and gender-based violence are currently plaguing Namibian society at large. The ban, as an attempt to police Namibian women’s sexuality, reflected not only this but also the implicit ignorance, irony and illogical nature of Ndeitunga’s justifications and beliefs in positing mini-skirts as un-African. Lastly, the ban both mimicked racist colonial representations of sexuality and threatened to implement the same tools used by the colonial oppressors. However, resistance to the ban evidenced the ways in which the tenets of African feminisms are being lived in the reality of Namibian women’s lives and that gender equality is thereby a rising prospect in a country.

\(^{39}\) Desiree Lewis, “‘Representing African sexualities”: 203.

\(^{40}\) Desiree Lewis, “‘Representing African sexualities”: 200.

Bibliography

Primary sources


Secondary Sources


Appendix 1

Photo credit: Paleni Amulungu (personal communication, May 12, 2014).
Appendix 2

Photo credit: Paleni Amulungu (personal communication, May 12, 2014).
Appendix 3

Photo credit: Paleni Amulungu (personal communication, May 12, 2014).
Appendix 5