

Status of Jewish Woman in South Africa: With Special Reference to Apartheid and Post-Apartheid Eras¹

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In this paper I would like to survey the status of Jewish women, their involvement in social causes and the Apartheid struggle in South Africa; and the impact which the new South African 'Constitution' has had on the legal status of Jewish women. This includes:

- a) A brief survey of the make up and history of this group and involvement in social causes and apartheid struggles.
- b) Their legal status in the eyes of the state and in their religious community.
- c) Their way to self actualization and their role in the fight of Apartheid.
- d) Their unforeseen reward in their own legal status, which is unique in the world.

Jewish Population in South Africa and Involvement in Apartheid Struggles

A 1991 sociodemographic survey of the Jewish population of South Africa showed that of the estimated Jewish population of 100 000, there are 100 women to every 97 men, (Dubb 1994:4,45). They form a well educated, urbanised, locally born but ageing population as the years of apartheid have taken their toll in the constant emi-

gration of the young people leaving the elderly parents behind (17 % of Jews are over the age of 65, most of whom are female).

What is the status of these women? Since the change in government with its new constitution guaranteeing full equality before the law, more women are in positions of power than ever before (although these numbers are still proportionally insignificant). Currently two Jewish women sit in parliament on opposite sides of the house—Gill Marcus an ANC Cabinet Minister and Ruth Rabinowitz representing the IFP. There were Jewish women who were members of parliament before—Bertha Solomon who fought keenly for women's causes and served from 1938 to 1958 (Katz 1993:100—9), and the well known Helen Suzman who served in parliament from 1953 till 1989, and was for many years the lone voice opposing the government's draconian bills. Her name became synonymous with the struggle for justice in South Africa. When asked whether she had been treated differently as a woman and as Jewish, Helen Suzman said: "No. I don't believe that for a minute. I've never wanted special treatment and I never got special treatment. I'm just as nasty to them as they are to me." (Hoffman/Fischer 1988:293).

What about the past? There have been Jews here as long as there have been White colonists. Under the rule of the Dutch East India Company they had to be baptised first. With British rule came religious tolerance and they could safely identify themselves as Jews. Womenfolk were ignored in the historical record. Communal Jewish organisation in South Africa started in 1841, with the establishment of the first synagogue in Cape of Good Hope, the Tikvath (hope) Israel. Women emerged when curtains and vestments were needed to be embroidered or weddings are due to be solemnised. As Jewish clergy were not then allowed to perform marriages, the first official Jewish wedding in 1844 had to be performed by the Senior Colonial Chaplain of the English Church "leaving out every part objectionable to our religious feelings." (Herrman 1941:14)

Stories of success and riches are to be found in the gold and diamond mines of South Africa at the end of the 19th century.

Escaping the impoverishment and persecutions of the East European 'Shtetl', Jews embarked on a long and arduous voyage to Africa, to brave the hazards of a country whose weather, language, customs, and food were so different. The 1904 census showed that by that time in Cape Town alone, there were 8708 Jewish males and 2959 Jewish females of Russian origin, the imbalance being caused by the men coming first while saving the money to send for their families later. (Bickford-Smith 1981).

The Jewish immigrants soon established synagogues, welfare, cultural, Zionist and educational organisations. Within ten years two dozen communal organisations had sprung up in Cape Town to cope with the needs of this large immigrant population as well as four different synagogues to suit the different groups. A Jewish Board of Deputies similar to the one in England was founded to act as a representative body with the Government. (Schrire 1990:43—4). The organisations were run by the men, but behind every organisation, were the women—usually collecting the funds, selling the tickets and making the tea. (Abrahams 1955:100).

As the new immigrant became acclimatised in their new country, organisations specifically for women and run by women were developed. The first to be established was the Jewish Ladies Association (1895) which was associated with the Cape Town Hebrew Congregation and whose aims were to enhance the synagogue, visit the sick and attend to the poor. At first their attention was directed towards the needs of the boatloads of penniless Jewish brethren arriving from Eastern Europe, but as the new immigrants settled down into society, the women turned their attention to the society at large. This is clearly evident in the appreciation manifested by a donation to the "Ladies Association" from J. C. Hofmeyr (a non-Jew). With time other organisations like the Bnoth Zion (established in 1901) and the Union of Jewish Women (established in 1932) developed.

Initially these women's organisations took their cue from the attitude of Victorian society and Jewish Orthodoxy towards women

and kept them as second rate citizens. This attitude was reinforced by the belief that 'women's place was in the home' (Fulford 1958:2). However, with the advancement of women's legal position in the world and the right to vote, the Jewish women in South Africa became more assertive and demanded and received a more equal position in the non-religious organisations. (Schrire 1993:85—88).

Antisemitic comments during the thirties about the lack of involvement of Jewish women in non-Jewish causes lead the Union of Jewish Women (UJW) to seek involvement as Jews, and not as individuals on the committees of many welfare organisations. They wanted to be recognised as Jews. President Mandela comments in his book that he found Jews to be more community conscious and broadminded than most whites on issues of race and politics, perhaps because they themselves have historically been victims of prejudice. (Mandela 1994:66). Since then Jewish women take an active part in assisting both Jewish and non-Jewish organisations, both as individuals and as organisations. Their outreach has been extensive. For example the Cape Town Union of Jewish Women has for many years been involved in running soup kitchens and crèches for the underprivileged, as well as assisting in a non-racial way with bursaries, cancer patients, the mentally ill and the elderly. In this regard, it follows its policy of 'the enrichment of all the peoples of South Africa.'

With the rise of apartheid, conditions among the poor disenfranchised Blacks deteriorated. Miriam Stein, one of the organisers, looking back, said: "Among UJW members were women who were filled with despair as they looked at the helplessness of black people's longing for a fair and equal education." Various programmes were launched using expertise gained in Israel to upgrade township teaching skills and parent involvement.

What was the impact of these projects? I know that none of them changed the country or resulted in any radical policy changes. They did not really help the

starving millions and they certainly did not transform the townships into havens of civic peace. But what pockets of people doing small projects did do was to touch a few people. They did provide opportunities for individual initiative, and they did help to break down the wall of prejudice erected over so many decades. (Stein 1997:69—70).

In a private conversation, the Hon. Judge Navanethem (Navi) Pillay spoke warmly about a book prize which she won in her childhood from the “Union of Jewish Women” The honorary Judge, who is now serving on the United Nations International Criminal Tribunal for Rwanda, recalls this episode as a uplifting experience in her childhood spent in a non-white area in Durban.

The legal status of Jewish women in the eyes of the state and in their religious community

Today full religious, racial and sexual equality is enshrined in the Constitution. Previously, Jewish women belonged to the privileged “White” part of society and women’s franchise from 1930 was for White women only. The Dutch Reformed Church opposed this on the grounds that the enfranchisement of women was in direct conflict with the word of G-d) (Alexander 1953:146). The wife of Morris Alexander, a Jewish Member of Parliament and a staunch supporter of Jewish rights, felt so strongly that it was wrong to enfranchise white woman only that she refused to register as a voter, which was against the law. When her husband insisted that she do so, she vowed that if he made her sign, she would divorce him the moment their children were old enough to care for themselves. And she did. (Alexander 1953:172).

However, with or without the vote, in the eyes of the Jewish Community, women were considered second class citizens. In the religious sphere, Jewish women are acquired by men, not allowed to participate in Orthodox Synagogue Services, may not testify in the

religious courts, many never initiate a divorce, and remain passive partners at weddings. The Reform Movement in South Africa made women full and equal members of the community, but it is only a minority stream within the Jewish Community in South Africa.

Jewish women's way to self actualisation

A few contributing factors to the actualisation of Jewish women and the improvement of their lot in society were:

1. Financial independence, like in the case of Bertha Marks, the wife of Sammy Marks 'The uncrowned King of the Transvaal', or to a small degree by any woman who worked and earned her own money. (Mendelsohn 1991:182, 190).
2. The strength of their organisations, which was recognised by their male counterparts. A Zionist leader Mr. Zuckerman is quoted as saying: "if you want to make a success of an organisation, you should get the women in". (Abrahams 1955:106).
3. The existence in the Jewish Community of non-religious organisations where the religious restrictions could be played down, like the Zionist movements. (Schrire 1993:85—88).

Asserting themselves and gaining recognition allowed the Jewish Womens' Organization more freedom of choice from their Jewish male counterparts. However their decisions about whom to help and how to go about it were monitored carefully by both the apartheid regime who advocated 'separatism', and by a Jewish leadership balancing its social conscience with the legal position in South Africa without jeopardising their community to anti-semitic criticism. The Jewish Leadership warned all Jews in SA to tread carefully and not to awake the wrath of the apartheid regime in case of retribution against the general Jewish community citizens in South Africa.² Jewish people that insisted on fighting against Apartheid were asked to do so as individuals and not under the banner "Jew."

Indeed, the large numbers of Jews involved in treason trials, banning orders and house arrests provoked much antagonistic comment.

Many Jews chose this path of protest and some did so at great risk for their lives. All five Whites arrested in the Rivonia Arrests of 1963 were Jewish, fifteen of the twenty-three defendants in the South African Treason Trial of 1956 were Jewish, six of whom were women—Ruth First, Yetta Barenblatt, Helen Joseph, Sonia Bunting, Jacqueline Arenstein, Dorothy Shanley (Saks 1997:43). Many others had to flee the country. Annmarie Wolpe (ANC) and Pauline Podbrey (Communist) have both published moving books about how they had to escape with their children (Wolpe 1994; Podbrey 1993). Ruth First lost her life when she opened a government sponsored parcel bomb. These fears limited the activities of Jewish women but did not curb it altogether.

The women's Organisations directed their efforts and monies to building clinics, community centres and schools in underprivileged settlements, and initiated many educational projects, which included people of all sexes, religions and races. For example, for nearly twenty years the Oxford Orthodox Synagogue in Johannesburg has run a Social Action Committee for hundreds of Black people and provides legal aid, medical clinics, literacy, cooking and driver training classes, choirs, outings and an employment agency. In Cape Town the Temple Israel Reform Synagogue has run adult education classes. When in midwinter the apartheid government bulldozed squatter townships, its sisterhood members moved in to provide blankets for homeless squatters and brought in lorry loads of people to feed and house them overnight in the Temple Hall (Bernhard 1997:73; Sherman 1997:75).

The unforeseen reward to the Jewish women in post-apartheid South Africa

The first and foremost clause in the Bill of Rights which chapter

two of the New Constitution in South Africa (1996), reads: " This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom". According to clause 15 (3) (a) of the Bill of Rights, "This section does not prevent legislation recognising (i) marriage concluded under any tradition, or a system of religious, personal or family law; or (ii) Systems of personal and family law under any tradition ...". These provisions have had an unforeseen impact on Jewish women in South Africa.

Jewish tradition states that the laws of the lands supersede Jewish law in all social matters. As a result the Jewish authorities (even the most Orthodox) had to re-examine the legal status of the Jewish women to conform to the parameters of the new Constitution. The Jewish authorities found themselves under pressure to recognise the equality of the Jewish woman under the new legal system in the new South Africa. In particular, they had to change the Jewish practice of divorce, in order to allow men full equality. What seems a small change, is a major breakthrough for the Jewish women.

Since time immemorial a Jewish man could divorce his wife (give her GET) whenever he wanted, and could also refuse to divorce her whenever he wanted. Without this divorce paper (the GET), she was attached to him for the rest of her life. No-one could force a man to give his wife the GET, and thus a woman was under danger of being "shackled" to her husband even in most abusive of circumstances. Without the GET any children that the women had with subsequent husbands would be regarded as bastards in the eyes of the religion, and could not marry into the faith for ten generations. This privilege and power of giving or withholding her freedom enabled many men to "blackmail" wives who desperately wanted separation. Some women paid money, gave away their maintenance or even signed away the custody of their children to their husband to get a GET.

Chief Rabbi Cyril K. Harris has informed the writer that there

is a new provision in the Jewish law: a Jewish woman automatically gets the GET with her civil divorce issued by a South African court. The era of the 'Blackmailing' of women is over at last. Now, after thousands of years of helplessness, of pleadings and petitions, the new constitution in South Africa has released Jewish women from the power of husband to withhold the GET. We waited for it for thousands of years and it took the pressure of the new Constitution of South Africa to bring this about.

I hope that other countries in the world will follow suit in this new emancipation of women. A new dawn to all Jewish women indeed.

Notes

- 1 I am most grateful to Gwynne Schrire of Cape Town, for her valuable input to this study.
- 2 Discussion of the conference "Jewry at the Frontier", August 1996, at University of Cape Town.

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