How business robberies affect Somali traders in the Western Cape

Implications of en masse recruitment for the SAPS

The impact of ‘acceptable’ violence on South African society

Book review: Restorative Justice and Victimology

Interview on gender-based violence with Rachel Jewkes, Director, Gender and Health Unit, Medical Research Council
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ISBN 1991-3877

First published by the Institute for Security Studies,
P O Box 1787, Brooklyn Square 0075
Tshwane (Pretoria), South Africa

www.issafrica.org

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A Somali trader looks through the security bars of his spaza shop in Khayelitsha, Cape Town.
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Production Image Design
Printing Remata
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Interview with Rachel Jewkes, Director, Gender and Health Unit, Medical Research Council
Chandré Gould
I was recently approached by a media student from a London university who asked me to answer these questions for a task she had:

1. In a sentence, why would you say South Africa is such a violent/dangerous place?
2. What do you think about people owning guns in South Africa? Should people there have the rights to own them as protection?
3. Do you think the situation there will ever get better?
4. Do you think poverty is a reason for crime there? And do you think that another reason is racial differences, or was that in the past?

Her reflected view of South Africa put me immediately on the defensive, but her naïve questions reflect South Africa as the world has come to see us over the past few years. They echo the questions of hundreds of journalists who have contacted me and my colleagues in the past three months, as violence and police brutality again made national and international headlines.

The series of events that led to international attention started with the violent protests by farm workers in De Doorns in the Western Cape in early January, and the equally violent response from the police. This was followed by the brutal rape and evisceration of Anene Booysen, a young woman in the Western Cape. Her death was followed by the murder of Reeva Steenkamp at the hands of her famous athlete boyfriend, Oscar Pistorius. Before the dust had settled on these cases South Africans were subjected to the ghastly cell phone images of police dragging taxi driver Mido Macia behind a police van in Daveyton while crowds watched. Macia later died in police custody. Less than a month later a police officer was killed in Daveyton when he tried to move a street vendor’s caravan.

To readers of SACQ, and most South Africans, news of the enormously high levels of violence and of police brutality is nothing new. However, the sequence of events, and the involvement of double celebrities Oscar Pistorius and Reeva Steenkamp, have served to highlight the very serious problem of violence South Africa faces. Perhaps, with increased sensitivity and media focus we may begin to see a shift, at least away from the political rhetoric that has probably contributed to harsher policing.

In this edition of SACQ Anthony Collins argues that the violence we experience is normalised in every aspect of our lives, from child rearing to intimate relationships. He challenges policy makers to consider the consequences of not dealing with violence in ways that will change social norms; and concludes that until we do so we can expect that we will not be able to reduce violent crime, or for that matter police brutality. These views are echoed in the interview with Rachel Jewkes that concludes this edition.

Also in this edition, Vanya Gastrow considers the constraints to accessing justice for Somali shop owners who have been the victims of robberies in the Western Cape. She argues that impunity is one of the factors contributing to this community experiencing high levels of violent crime.

David Bruce offers an overview and analysis of the effect of massive recruitment into the SAPS over the past ten years and questions whether it has had the intended effect of reducing crime and improving policing.

Chandré Gould (Editor)
BUSINESS ROBBERY, THE FOREIGN TRADER AND THE SMALL SHOP

How business robberies affect Somali traders in the Western Cape

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Recent years have seen a rapid increase in business robberies in the Western Cape. Most of these robberies affect informal traders in low-income township neighbourhoods. Foreign nationals in these areas appear to be especially vulnerable to such crime. This article focuses on the robbery experiences of Somali traders in Western Cape townships. It highlights the difficulties they face in accessing formal and informal justice in the aftermath of crime, and how criminals’ relative impunity leaves Somali shops more vulnerable to attack. It concludes that cross-sectoral efforts are required to tackle the broad social and institutional challenges in addressing business robberies in the province.

In September 2012, the South African Police Service (SAPS) announced its latest crime statistics. Murder, sexual crimes and house robbery rates had decreased across the country since the previous financial year. Newspaper headlines were mildly positive, stating ‘Crime statistics show marginal improvement’ and ‘General nod for crime stats’. Yet a small cluster of crimes showed increases. Amongst these were business robberies, which increased nationally by 7,5% between the 2010/2011 and 2011/2012 financial years. This increase comprises yet another climb in a trend that has lasted several years, ultimately seeing business robberies rise by 380% since 2004/2005. The Western Cape appears to be even more seriously affected, with business robberies increasing by 19,7% between 2010/2011 and 2011/2012, and by 1865,5% since 2004/2005.

Business robberies particularly affect small informal grocery shops (also known as ‘spaza’ shops) located in low-income townships and neighbourhoods, and commonly target foreign national traders. Little verifiable statistical data regarding the extent of robberies committed against foreign national traders in the Western Cape Province exists in the public domain. The SAPS does not publish any records of crimes

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specifically affecting foreign nationals in the country. Furthermore, many foreign national traders relocate to other areas in the aftermath of crime, making it difficult for parties outside of the SAPS to survey the extent of such crime.\textsuperscript{7}

Despite the absence of published statistics on robberies affecting foreign nationals in South Africa, the SAPS appears to have collated some data. For example, the SAPS 2011/2012 Crime Statistics Overview states that foreign nationals are vulnerable to business robberies – a finding based on a crime intelligence docket analysis of 3,405 business robbery cases.\textsuperscript{10} The Western Cape Provincial Commissioner of Police stated before Parliament’s police portfolio committee on 8 February 2012 that only 33\% of reported business robbery victims in the Western Cape were South African citizens. The remaining victims were foreign nationals.\textsuperscript{11}

In township areas the proportion of business robberies affecting foreign nationals is most likely even higher. For example, police crime intelligence officials based at Khayelitsha police station cited a monitoring document compiled by the station, according to which foreign nationals comprised 96.5\% of reported business robbery victims in the station’s jurisdiction between April 2011 and March 2012. This was despite the fact that foreign nationals operated approximately 50\% of the spaza shops in the area.\textsuperscript{12} The remaining 50\%, all run by South African traders, only fell victim to 3.5\% of reported business robberies in the area.\textsuperscript{13}

According to police in Kraaifontein, business robbery victims in the nearby townships of Bloekombos and Wallacedene were primarily foreign nationals, with one policeman stating he could not recall a South African trader having been robbed in the past year.\textsuperscript{14} While the author was unable to verify these township police station figures and accounts empirically,\textsuperscript{15} they are consistent with each other and with national and provincial findings,\textsuperscript{16} and heuristically give an indication of the scale of the problem.

What local, provincial and national police figures and accounts also suggest is that while arguments are often made that foreign nationals fall victim to crime much as South Africans do,\textsuperscript{7} it appears that in the case of business robberies (and possibly other crimes such as looting), foreign traders may well be disproportionately targeted, compared to South African traders.

This article seeks to understand how the inability to access informal and formal justice systems contributes to foreign traders in the Western Cape being victimised. It argues that, among other factors, business robberies of foreign nationals are an outcome of social conditions that leave foreign traders on the margins of society and thus more prone to becoming victims of crime. It examines the barriers that traders experience in accessing informal community justice mechanisms and formal state justice institutions in the aftermath of crime, and how this enables criminals to rob foreign shops with relative impunity. The article then briefly considers alternative means by which Somali traders seek to protect their shops. In light of the severity of crime and the unique features that give rise to crime, the article concludes that specific cross-sector strategies are required to effectively address business robberies against foreign national traders.

**Figure 1:** Robbery at non-residential premises in the Western Cape\textsuperscript{18}
METHODOLOGY

This article is based on qualitative case study research conducted by the author for the African Centre for Migration and Society (ACMS) at the University of the Witwatersrand over two periods totalling twelve months: from September 2010 to February 2011, and from October 2011 to March 2012. The focus of the research was on the ability of Somali shopkeepers in the Western Cape to access justice when they became victims of crime. Cape Town’s townships served as the main field sites, but additional research also took place in two outlying Cape Town suburbs, and in seven more rural small towns in the Western Cape.20 The primary field sites were located in three townships:

1. Kraaifontein: Bloekombos and Wallacedene
2. Philippi: Philippi East and Browns Farm
3. Khayelitsha: Site B, Site C and Harare

Because there are no public police statistics on reported crime affecting foreign nationals, field sites were chosen based on information provided by the Somali Association of South Africa (SASA), a Somali community organisation operating in Cape Town, Johannesburg and Port Elizabeth. SASA advised that Somali traders in Kraaifontein and Philippi East experienced high rates of crime, while Somali traders in Khayelitsha experienced lower rates of crime. As a result, Khayelitsha was chosen as a comparison to Kraaifontein and Philippi East. Field research later indicated that while SASA’s advice was true in regard to crimes orchestrated by South African traders against their Somali counterparts, all three townships experienced high rates of business robbery. The ACMS nevertheless retained Khayelitsha as a field site, as it considered the absence of crime orchestrated by South African traders an important feature for comparison. Furthermore, the ACMS could not find any township in the city where Somali traders considered business robbery rates to be low.

The case study was made up of mainly qualitative interviews with Somali traders, South African residents and community leaders, members of civil society, as well as police and prosecutors. The full findings are published in a report titled ‘Elusive Justice: Somali traders’ access to formal and informal means of justice in the Western Cape’.20 The report and this article focus particularly on Somali traders, as the author observed in Cape Town and smaller towns in the province that Somali traders appeared to make up the majority of foreign spaza traders in the Western Cape. Likewise, police and residents in field sites described that most foreign national spaza shopkeepers were Somali, with a police audit of 172 spaza shops in Philippi East indicating that Somali traders operated 69.5% of foreign national spaza shops in the police station’s jurisdiction.21

Table 1: Interviews

<table>
<thead>
<tr>
<th>Area</th>
<th>Somali traders</th>
<th>Other stakeholders</th>
<th>Prosecutors</th>
<th>Legal aid</th>
<th>Landlords</th>
<th>Police</th>
<th>SA traders</th>
<th>SA residents</th>
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<td>1</td>
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<tr>
<td>Philippi</td>
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<td>4</td>
<td>4</td>
<td>1</td>
<td>4</td>
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<tr>
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<td>0</td>
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</tr>
<tr>
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<td>5</td>
</tr>
<tr>
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<td>65</td>
<td>9</td>
<td>20</td>
<td>7</td>
<td>4</td>
<td>4</td>
<td>13</td>
</tr>
</tbody>
</table>

BACKGROUND

Somali traders have been arriving in South Africa since the mid-1990s, fleeing the civil war that has ravaged Somalia for over 21 years. Many also originate from the Somali Region of Ethiopia (also known as the Ogaden), where the Ethiopian government has carried out large-scale persecution of ethnic Somalis.22

The vast majority of Somali migrants in South Africa are made up of asylum seekers and refugees, and are therefore legally entitled to work in the country.23 Somalis who arrived in Cape
Town initially established themselves as hawkers in central business districts in and around the city. They soon moved into the city's townships and began opening small grocery stores or spaza shops. These spaza shops have proved largely successful, and today are a central source of income for many Somalis in cities and towns across South Africa.

But township spaza shops have also been a source of insecurity for Somali traders. Apart from business robberies, Somali traders also fall victim to other crimes, including:

- Crimes orchestrated by South African traders against Somali competitors
- Crimes orchestrated by Somali traders against other Somali competitors
- Intimidation and attempted illegal evictions of Somali shopkeepers by South African competitors
- Theft and robbery by police during shop search operations in Khayelitsha
- Looting of Somali shops by residents during strikes, service delivery protests and xenophobic attacks
- Hijackings of Somali traders en route to wholesalers and
- Harassment, abuse and extortion by state institutions and community leaders

The Somalis interviewed were most traumatised by crimes orchestrated by different groups, including assassination style killings and arson attacks that resulted in some Somali traders being burnt to death. The most common form of crime affecting them was business robbery. Business robberies often result in traders being killed or injured. For example, in Khayelitsha (Sites B and C), crime intelligence officials described that 40% of business robberies that were reported to police were linked to murder or attempted murder. Although police and some traders did not rule out the possibility that competing spaza shopkeepers may have been behind some of these robberies, traders and police generally perceived business robberies of Somali shops to be committed by opportunistic youth seeking to rob.

Somali traders are particularly prone to business robberies, for a number of reasons. Their shops hold cash, cigarettes and mobile phone prepaid airtime vouchers, all of which are easy to seize and resell. Their shops are also located in neighbourhoods that experience high levels of crime generally. Yet this does not represent the whole picture. Somalis are also socially isolated in the communities in which they work. This enables robbers to rob shops with little community outcry. Formal justice institutions also face particular challenges investigating and prosecuting cases involving Somali complainants. Therefore, apart from Somali shops being profitable targets, robbers are also enticed by the prospect of being able to rob with impunity.

ACCESSING INFORMAL COMMUNITY JUSTICE

Police and South African residents in all three field sites described local community members as being very involved in addressing crime. Most streets in the field sites have small residents' forums called street committees, which engage in resolving disputes, investigating crime and locating alleged criminals. While some street committees identify and locate alleged criminals and hand them over to the police, others hold their own informal hearings, where alleged offenders are sentenced and punished. These hearings can be problematic, especially when they involve beatings, torture and/or murder of the alleged offender. Residents also sometimes bypass street committee structures altogether, and unleash spontaneous violence against suspected criminals. Vigilante murders in Cape Town's townships are not uncommon. For example, Khayelitsha's three police stations recorded 78 'mob justice' murders between April 2011 and June 2012, totalling a fifth of all recorded murders in the township.

Yet when criminals targeted Somali traders, community responses were muted. Interviews with South African residents indicated that street committees and community members in general did not actively respond to crime affecting Somali traders. Of the 71 Somali traders who were
interviewed only three regularly attended street committee meetings. Most do not attend, either because they believe they would not be welcome or out of fear for their safety. A few also stated that their working hours conflicted with street committee meeting times. Many Somali traders did contact street committee leaders in the aftermath of crime, but were offered no substantial help beyond the extension of condolences.

In Lower Crossroads in Philippi East residents resisted the efforts of a local woman who tried to mobilise the community around crimes against Somalis:

> When South Africans are robbed, the whole community stands up and makes sure they catch the gangster that robbed them. With the Somalians, few people are helping to assist them, and it is rare.30

According to residents in Lower Crossroads, street committees in their area could not be held solely responsible for muted community responses to attacks, as these committees responded to general community outrage and mobilisation – which did not occur when Somali traders were robbed or murdered in the area. This ostensibly limited the ability of street committees to act.31

Most residents interviewed across all three townships reasoned that the lack of community response to attacks on Somali shops was due to Somali traders not being viewed as part of the ‘community’. Interaction between Somali traders and local residents is made difficult by linguistic, cultural and religious differences. For example, Somalis largely adhere to Islamic religious beliefs, and therefore do not attend the mainly Christian places of worship frequented by South Africans, nor do they socialise at South African venues that do not comply with Islamic dietary laws. Because most residents’ primary relationship with Somali traders was simply as customers, as opposed to friends or neighbours, they did not perceive the difficulties experienced by Somali shopkeepers as a direct concern of theirs when interviewed. The majority of residents were therefore not actively xenophobic towards Somali traders – on the contrary, they were often positive about the service and prices obtained at Somali shops. But the absence of social interaction and involvement had resulted in Somali traders’ crime concerns being relatively invisible to them.

While residents were mostly not overtly negative towards Somali traders, the absence of engagement between Somali traders and local residents did in some cases encourage local hostility by allowing prejudices and misconceptions to circulate unchecked. For example, some residents suspected Somali traders of practising witchcraft to lure customers to their shops.32 Two of the South African residents interviewed reasoned that the absence of social engagement between South Africans and Somali traders was because Somali traders felt superior to South Africans, and one resident felt threatened after witnessing a group of Somalis meeting together one evening, as he did not know what they were discussing.33 This kind of suspicion and hostility further weakens Somali traders’ standing and security in these communities.

The absence of strong community responses to crimes targeting Somalis, coupled with the intense response to crimes against South Africans, undoubtedly increases the vulnerability of Somali traders. This was confirmed by a group of youth in Philippi, who stated that they would think twice before robbing a South African because a South African victim was more likely to know local community leaders who could take action against suspected robbers. In contrast, the absence of community outcry made Somali traders easy targets, with the result that they could rob Somali traders multiple times, even when the traders recognised them.34

The general social isolation of Somali traders from the communities in which they work has the effect that crimes against their shops do not attract widespread community attention or outrage. This general inability to mobilise local community support in the aftermath of crime makes Somali traders easier targets for criminals, and leaves their shops more prone to attack.
INSTITUTIONAL RESPONSES TO ATTACKS

Not only are many Somali traders largely unable to access informal community ‘justice’ mechanisms, but they also face a number of challenges accessing justice via formal state institutions. There has been very little police and prosecutor success in achieving convictions in respect of the Somali business robbery victims who were interviewed. No cases reported by Somali respondents had resulted in convictions, and only one prosecutor reported achieving a conviction in respect of a robbery or crime against a foreign national – a case involving the robbery of a Somali trader in the ‘coloured’ township of Manenburg.35

Various factors inhibit police investigations of business robbery cases against Somali traders. These include:

- Language barriers that prevent police from immediately questioning Somalis at crime scenes
- Somali community interference with evidence: community members often arrive at crime scenes before the police and tamper with evidence or remove bodies for burial
- The inability of Somali traders to identify suspects, either due to being new to an area or unfamiliar with the local community
- A lack of cooperation by South African witnesses
- Non-reporting of crimes by Somali traders due to a lack of faith in the formal justice system
- The withdrawal of cases because of intimidation by the accused or their associates, and/or settlements reached with the accused
- Difficulties experienced by Somalis in contacting or communicating with the police
- Difficulties experienced by the police in contacting Somali complainants due to the frequent relocation of Somali traders
- Intimidation or abuse by police officers, leading to traders’ disillusionment with the formal justice system
- The perception among Somali traders that the police are related to criminals and thus will not properly investigate their cases

Prosecutors also experienced particular difficulties handling cases involving Somali complainants. Frequent Somali shop relocation meant that prosecutors, like the police, often had difficulties contacting Somali witnesses. Prosecutors also reported that Somali complainants often withdrew cases – either due to intimidation or a lack of patience with the slow pace of the court system.37 Prosecutors also mentioned that statements of Somalis taken down by police were frequently poorly drafted, and were sometimes so vague that they did not disclose a cause of action.38 The prosecutors believed this to be the result of language barriers between the police and Somali complainants.39 These poorly drafted statements led to suspects being released on bail, or attorneys for the accused using discrepancies between police statements and later witness accounts to successfully cross-examine Somali traders at trial.40

There are, however, a number of factors that facilitate access to formal justice. These include:

- Police patrol efforts, resulting in quick response times and detailed knowledge of shop whereabouts
- Long-standing Somali trader presence in an area, resulting in greater familiarity with local community members
- Police station prioritisation of crimes against foreign traders and improved intelligence gathering efforts, particularly in Kraaifontein in 2010
- Somali community involvement in high profile investigations and court cases, giving rise to better communication between police and complainants, as well as improved morale among complainants and witnesses
- Monitoring of court cases by non-governmental organisations41

While many of the barriers to justice experienced by Somali traders are common to all South Africans, certain challenges are unique, or more
severe, in matters involving Somali nationals. The language barriers that limit the ability of police to immediately pursue attackers, and the lack of familiarity with their neighbourhoods that limit Somali traders’ ability to identify suspects, are examples of particular challenges arising in cases involving Somali complainants. Somalis furthermore come from a war-torn country, where there has been no effective government for more than 20 years. This can make following and understanding complex legal proceedings especially challenging.

While police responses to business robberies (such as patrols and gathering of intelligence that lead to important breakthroughs in investigations) have occasionally been effective, police have also sought to address the high rates of robbery affecting Somali shops by attempting to limit the number of spaza shops in townships. This is evident in the SAPS 2011/2012 Crime Statistics Overview, which states that policing and prevention of business robberies are constrained by ‘compliance issues’, including registration with the Department of Trade and Industry (DTI) and the South African Revenue Service (SARS), as well as a lack of municipal bylaw enforcement. It is unclear how compliance with SARS, DTI and/or municipal by-laws reduces a shop’s chances of being robbed. It is in fact more likely that compliance with the above regulatory requirements (in the event that they exist) will be used as a means to diminish informal spaza trade in townships, and in that way reduce business robbery. This form of preventing crime essentially punishes and persecutes victims rather than protecting their property and apprehending offenders. It also has potentially negative repercussions for local economic development.

ALTERNATIVE JUSTICE AND DEFENCE

In the vacuum left by inadequate informal and formal justice mechanisms, Somali traders have established alternative methods of protecting their shops. This sometimes involves befriending and obtaining support from local youth. A group of youth in Gugulethu reported that they regularly visit a local Somali shop to converse with traders: ‘Somalis are very friendly towards us. We don’t go there to buy – we just go there for small talk.” They described one instance where the Somali traders had requested them to investigate a robbery at their shop, and how they made enquiries, but were unsuccessful. However, a Somali trader in Khayelitsha successfully enlisted the assistance of local youth to help him locate his stolen car.

Gang leaders have also intervened to protect Somali shops. Somali traders in Hopland in Saldanha Bay recounted how a local gang leader – not the police – protected their shops from looting during the 2008 xenophobic violence. Some Somali traders go even further and allegedly pay youth or gangs for protection. Protection rackets pose negative risks, as demonstrated by the recent looting of Somali shops in Valhalla Park, which traders blamed on gangs seeking protection money from them.

Politically connected landlords also play a role in protecting Somali shops. Research conducted by the African Centre for Citizenship and Democracy found that certain landlords charged a premium in rent for added security offered. Similarly, two landlords informed the author that their tenants were safe from crime, given the landlords’ prominent status in the community. A Somali tenant in Khayelitsha who had never experienced a robbery also stated that his shop was more or less out of harm’s way because of the influence his landlord yielded in the community. However, many other landlords are relatively vulnerable individuals (such as pensioners or regular residents) who cannot ensure any added security for their Somali tenants.

Somali traders have furthermore begun arming themselves to protect their shops. Two interviewees described using firearms to successfully defend their shops from robbers. One Somali trader has enlisted his South African neighbours to shoot at robbers in the event of any commotion at his shop. This results in regular crossfire taking place outside his shop. In smaller towns, many Somalis use pangas to defend their...
shops. Police reported that traders are often unable to access legal firearms because their shops lack the adequate infrastructure to house safes. Some shops also don’t have street addresses, which are also required for firearm licenses. Somali traders’ possession of illegal firearms has resulted in police stepping up search operations of Somali shops, in many cases seizing illegal weapons and charging traders. While some residents respect the fact that Somali traders are taking action to defend their shops (and are shrugging off their image of being ‘soft’), others are angered by this development, and perceive Somali traders as potentially bringing violence to their communities. The police have mixed feelings about the situation. While they believe that traders have cause to arm themselves, they are nonetheless concerned about increased numbers of illegal weapons circulating in the community.

These alternative means of attaining justice or protection have emerged in the absence of both formal and informal justice mechanisms that address crime affecting Somali shops. Some alternative methods of addressing crime seem relatively harmless, such as forming friendships with local youth or seeking out influential landlords. But purchasing illegal weapons or paying protection fees may well give rise to further violence and undermine the social stability of communities more generally.

CROSS-SECTORAL EFFORTS

A cross-sectoral approach is required to deal with the broad social and institutional challenges of addressing business robberies affecting Somali and other foreign national traders. Social factors that contribute to business robberies, such as foreign traders’ lack of involvement in and engagement with local communities, fall largely beyond state policing and justice departments’ spheres of action. Addressing these dynamics requires the participation of a range of actors, including the police, prosecutors, foreign national community structures, civil society and local government. It could take the form of incorporating foreign nationals into community policing forums, or into township community and youth development projects more generally.

The formal justice system could also benefit from an engagement with other sectors, such as civil society and foreign national community structures like the Somali Retailers Association. For example, NGOs working on refugee issues or providing paralegal services could support formal justice sector efforts by educating victim communities about the functioning of the justice system. Foreign national community structures could assist police or prosecutors handling business robbery cases by helping to overcome language barriers or encouraging complainants not to abandon their cases.

As a starting point for these activities, improved public access to police and prosecutorial data on crime is vital. The SAPS’ current public data on business robbery as a sub-category of aggravated robbery makes it almost impossible to assess the victim profiles of crimes, apart from the general jurisdictional locations where crimes occur. Without more detailed data many stakeholders and potential actors are simply unaware of the general nature of these crimes. This applies not only to business robberies, but also to other crimes such as vigilante killings, which are not specified in published police statistics. This lack of clear information limits the ability of actors outside the formal justice system to find means of intervening, and leaves police and prosecutors more isolated in the business of tackling crime.

Fortunately the author was able to obtain some statistics and confirmations from the SAPS to clarify the statistical relation between business robberies more generally, and robberies of foreign national traders specifically. The National Prosecuting Authority supplied the author with information regarding ‘xenophobia’ cases it had dealt with in the Western Cape – many of which comprised business robberies. However, the records listed numerous cases more than once, making it virtually impossible to ascertain the number of cases handled, or the exact number of convictions achieved. While these offerings were helpful, the general absence of access to reliable
written records continues to inhibit a broader awareness and understanding of business robberies and their prosecution in the province.

CONCLUSION

The types of crime against Somali traders vary greatly, but business robberies are the most common. Where foreign shops (predominantly Somali), containing valuable items such as cash and airtime, make profitable targets, robbers seem to be encouraged by the likelihood that they will not be apprehended and punished. The social isolation of many Somali traders means that robbers are unlikely to be investigated and located by street committees or community members, and while the formal state institutions do respond to attacks, these interventions have had little success in bringing perpetrators to book.

Improving access to both informal and formal justice mechanisms requires greater efforts, not only by police and prosecutors, but also by Somali community organisations, civil society and local government departments dealing with social development. As outlined earlier, such cross-sectoral efforts can be further strengthened by comprehensive data regarding categories of crime and victim profiles in the Western Cape.

ACKNOWLEDGMENTS

This article is based on research conducted for the African Centre for Migration and Society at the University of the Witwatersrand, and supported by funding provided by the European Commission through OXFAM GB.

To comment on this article visit http://www.issafrica.org/sacq.php

NOTES

5. SAPS, Crime in the Western Cape for April to March 2003/2004 to 2011/2012.
9. Many traders interviewed by the author had relocated to new areas in the aftermath of crime. This included moving to different neighbourhoods within Cape Town, moving to other cities such as Pretoria, Bloemfontein or Port Elizabeth, as well as to relocating to smaller towns such as Ceres or Vredenburg where traders perceived they would be safer. One trader who had lost the use of his legs in the aftermath of a shooting returned to Somalia for his family to care for him.
11. SAPA, Foreigners streaming into Western Cape. The Western Cape Commissioner of Police, Lieutenant General AH Lamor, confirmed in a letter to the author dated 25 February 2012 that the figure he presented to parliament on 8 February 2012, that 67% of business robbery victims in the Province were foreign nationals, was correct.
13. Ibid. Other police stations queried either did not keep records on crimes affecting foreign nationals (Kraaifontein police station) or did not wish to provide such data to the author (Harare and Philippi East police stations). The author requested police station records from the SAPS provincial office, which declined the request, Fundie Hoko, Strategic Management at SAPS Western Cape Provincial Office, personal communication, 16 August 2012.
15. This was due to the absence of public records or information being withheld at both local and provincial police levels. See note 13.
16. See notes 10 and 11.
17. For example, see the recent argument by Percy Zvomuya: ‘It’s easy to slip into sensationalism and talk about pogroms against Somalis, but what’s happening to them is not just because they are Somali. It’s like that statistic in Imraan Coovadia’s new essay collection, *Transformations*, about how five white farmers have been killed every week since 1994. The sensationalists will cry out about genocide against white farmers until that figure is laid side by side with the fact that 50, mostly black people are killed every day.’ See Percy Zvomuya, Those who escape the carcass of Somalia get to set the record straight, *Mail and Guardian* Friday, 21 to 27 September 2012, 6 and 7.


19. Specifically the towns comprised Vredenburg, Velddrif, Hopland, Caledon, Tulbagh, Ceres, and Prince Albert Hamlet.


21. Furthermore, together, foreign nationals made up 47.7% of spaza shopkeepers in the station’s jurisdiction (82 shops) and South African traders made up 52.3% of spaza traders (90 shops). Police sector managers, Philippi East police station, Philippi East, interview, 8 November 2011.


23. Most Somali migrants fall within section 3(b) of South Africa’s *Refugees Act of 1998*, which provides that a person qualifies for refugee status if that person ‘owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere’. Refugees’ socio-economic rights derive from section 27 of the *Refugees Act* which provides that: A refugee enjoys full legal protection, which includes the rights set out in Chapter 2 of the Constitution and the right to remain in the Republic in accordance with the provisions of this Act. Chapter 2 of the Constitution contains the Bill of Rights, which includes the right to ‘freedom of trade, occupation and profession’. Asylum seekers also have the right to work in South Africa. This is a result of a Supreme Court of Appeal judgment in *Minister of Home affairs and Others v Watchenuka and Another 2004 (4) SA 326 (SCA)*. Here the court found that the Department of Home Affairs’ regulatory attempt to prohibit asylum seekers from working in South Africa amounted to a ‘material invasion of human dignity’ that could not be justified.

24. The author observed many Somali spaza traders in Western Cape field sites. A number of Somali traders interviewed in the Western Cape had also previously worked in spaza shops in other South African provinces including Gauteng, the Northern Cape and the Free State. Somali migrants often arrive in South Africa with few savings and gradually put together funds to start their own shops (see forthcoming ACMS report on the economic dimensions of Somali spaza trade).


27. A street committee member in Pola Park, Philippi East described that community structures in her neighbourhood were weak and residents often resorted to violent punishment of suspected criminals without channeling street committees, interview in Philippi East, 27 May 2012.


34. Group of South African youth, Philippi East, interview, 12 December 2011.

35. Prosecutor, Wynberg Regional Court, interview, 25 June 2012.

36. Vanya Gastrow with Roni Amit, *Elusive Justice: Somali traders’ access to formal and informal justice mechanisms in the Western Cape, 64 – 77*.

37. Athlone District Court prosecutor, Athlone, interview, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, interview, 21 June 2012; Wynberg Regional Court prosecutor, telephone interview, 13 June 2012.

38. Athlone District Court prosecutor, Athlone, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, 21 June 2012.


40. Ibid.

41. The University of Cape Town’s Refugee Rights Unit monitored a number of high profile court appearances in Cape Town in 2010 and 2011.


43. The author is not aware of any requirement for spaza shops to register with the Department of Trade and Industry. In Cape Town, traders are permitted to operate spaza shops from residential properties in areas that have been zoned as ‘informal residential’ under the Land Use Planning Ordinance Act 15 of 1995 subject to certain conditions such as not be a disturbance to neighbours, or interfering with
pedestrian or vehicular movement (see section 6.4.1 of scheme regulations). However, the ability to trade from residential properties will be subject to more stringent conditions as of March 2013 when new City by-laws come into force. Furthermore, traders who earn income below the tax threshold are still required to register with SARS, and all shops selling perishable foods (such as milk and meat) must obtain a license in terms of the Business Act 71 of 1991.

44. Group of South African youth, Gugulethu, interview, 9 February 2012.
45. Khayelitsha Somali trader, Bellville, interview, 8 January 2012.
46. A police detective in Philippi East suspected Somali traders of paying youth to protect their shops, interview, Philippi East, 1 December 2012; Somali elders in Hopland reported that some Somali traders paid youths to protect their shops from attack, interview with Somali elders, Vredenburg, 20 February 2012.
49. South African landlord, Lower Crossroads, Philippi East, interview, 22 November 2011; South African landlord, Acacia Park, Philippi East, interview, 11 February 2012; Khayelitsha Somali trader, Mitchells Plain, interview, 6 July 2012.
51. Khayelitsha Somali trader, Mitchells Plain, interview, 6 July 2012.
52. Laingville Somali trader, Laingville, interview, 20 February 2012; Hopland Somali trader, Vredenburg, interview, 8 March 2012; Tulbagh Somali trader, Tulbagh, interview, 1 March 2012.
53. The National Prosecuting Authority (NPA) provided records of ‘xenophobia’ cases being handled by the Authority and their progress in court. Email from Nicolette Bell of the NPA to ACMS, 26 May 2012.
NEW BLOOD

Implications of en masse recruitment for the South African Police Service

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This article is concerned with the process of en masse recruitment implemented within the South African Police Service since 2002. As a result of this process the personnel strength of the SAPS has increased dramatically from 120 549 in 2002 to 199 345 in 2012, an increase of over 65%. A large proportion of SAPS personnel are now people who have joined since 1994 and particularly since 2002. En masse recruitment has in part addressed the legacy of apartheid by promoting racial and gender representativeness in the SAPS. In so doing it has facilitated entry into the civil service by a significant number of black, and particularly African, South Africans, thus contributing to ‘class formation’. At the same time the process does not ensure political non-partisanship on the part of the SAPS. It also has not necessarily contributed to ‘better policing’ in South Africa. While it may have increased the potential that the SAPS will enjoy legitimacy, this cannot be achieved by recruitment alone.

In the period 2002 to 2012 the South African government dramatically increased the personnel strength of the SAPS through a sustained process of en masse recruitment. As a result the size of the SAPS has increased substantially from a personnel strength of 120 549 in 2002, to 199 345 at the end of March 2012. This figure includes 157 475 police officers (with the remainder being support or administrative staff). This article provides an overview of data that show the impact of this process on the racial and gender profile of the SAPS. The recruitment drive has partly addressed the legacy of apartheid by promoting racial and gender representativeness in the SAPS.

After providing a statistical overview of the impact of the process, this article raises questions about its implications. The article argues that the significant number of male and female black South Africans who have entered the civil service has contributed to ‘class formation’ and the achievement of racial and gender justice, relative to past discrimination. However, the process may not have reduced the susceptibility of the SAPS to political manipulation, and has not consistently contributed to ‘better policing’ in South Africa. It has also failed to ensure the SAPS’s legitimacy.

THE SAPS: 1994-2003

In 1994, prior to its amalgamation with the ‘homeland’ police forces, the South African Police (SAP) was 45% white with the ten homeland police services all 99-100% black (African). The SAP was however substantially bigger (112 057 personnel) than the combined personnel strength of the homeland police forces (28 791 personnel). When the SAPS was established by the amalgamation of these 11 police forces in 1995 it was 36% white and 64% black (including ‘coloured’ and Indian personnel).

Nevertheless, despite the greater overall number of black personnel in the SAPS, the upper ranks were overwhelmingly white and male. For instance, ‘[i]n 1995, personnel holding the rank of “Brigadier” were 80% white, with only one female Brigadier

* David Bruce is an independent researcher. This paper is adapted from a paper written on behalf of the African Policing Civilian Oversight Forum (APCOF). The opinions expressed in this paper are those of the author and do not necessarily represent those of APCOF.
out of the 202 Brigadier posts in the combined police forces. … Women made up 18% of total police strength, and only 11% of the officer ranks.5

As illustrated in Table 1, these proportions have changed fairly steadily over the years. However, on closer inspection it is apparent that there are very distinct differences between the shifts in the racial profile of the SAPS between 1995 and 2003, and those subsequent to this period.

Table 1: Change in SAPS racial profile 1998 – 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>African</th>
<th>'Coloured'</th>
<th>Indian/Asian</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>75 414</td>
<td>10 732</td>
<td>4 605</td>
<td>50 097</td>
<td>140 848</td>
</tr>
<tr>
<td>%</td>
<td>54%</td>
<td>7%</td>
<td>3%</td>
<td>36%</td>
<td>100</td>
</tr>
<tr>
<td>2003</td>
<td>79 864</td>
<td>13 318</td>
<td>4 864</td>
<td>33 523</td>
<td>131 569</td>
</tr>
<tr>
<td>%</td>
<td>61%</td>
<td>10%</td>
<td>3.7%</td>
<td>25%</td>
<td>100</td>
</tr>
<tr>
<td>2012</td>
<td>149 174</td>
<td>21 228</td>
<td>5 293</td>
<td>23 650</td>
<td>199 345</td>
</tr>
<tr>
<td>%</td>
<td>75%</td>
<td>11%</td>
<td>2.7%</td>
<td>12%</td>
<td>100</td>
</tr>
</tbody>
</table>

During the initial period after amalgamation there was no consistent process of recruitment. In the immediate post-1994 period, government in fact implemented a moratorium on recruitment.9 As a result, the total number of personnel across all race groups initially declined.10 Though the moratorium was lifted in 1996,11 the SAPS only began a formal process of recruitment in 1998, after which recruitment was maintained at relatively modest levels.

The main changes in the overall racial profile of the SAPS in the eight-year period from 1995 to 2003 arose from a dramatic reduction in the total number of white SAPS personnel: the total number of white staff fell by more than 16 500. This was partly due to natural attrition: retirements, deaths, ordinary resignations and dismissals arising from disciplinary action. However, an important factor was also the generous voluntary severance packages that were available to personnel in the upper ranks of the SAPS. These were introduced with the intention of encouraging white personnel to leave, thereby creating space for black appointments at the upper levels.12 During this period, the total number of black (African, ‘coloured’ and Indian) personnel increased by 8% from 90 751 to 98 046.

During the nine year period from 2003-2012 the changes in personnel were very different. In this period the total number of white personnel fell substantially (by a figure of 9 873) and, as illustrated in Table 1, the total number of black personnel increased dramatically, by 77 649, or 79%. The net effect is that during the ten years from 2002 to 2012 the total number of SAPS personnel increased by 65% to just under 200 000, including more than 150 000 police officers.

In order to understand the major change in the racial profile of the SAPS in this period it is necessary to examine the process of en masse recruitment first introduced in 2002. In the post-1994 period crime, particularly violent crime, has been at high levels, and there has been substantial pressure on government to improve its response to the problem.13 Given the increase in personnel strength of the SAPS it would seem that government believed an increase in the number of police would bring crime down.

It is not clear that recruitment on such a grand scale was envisaged at the start of the process. Government’s 2003 Medium Term Expenditure Framework (MTEF) provided for an increase in SAPS personnel to 152 560 by March 2006,14 while the 2005 MTEF envisaged an increase to 165 850 by the end of March 2008.15

It is also not clear that the motivation for, or implications of the process were considered, other than superficially. In the initial stages in 2002,16 and in some subsequent reports,17 the recruitment drive was motivated for on the basis that it would enable the SAPS to better implement ‘sector policing’ and that this would increase[s] the visibility of and access to police officers, particularly in poor areas where crime levels are high. Subsequent motivations (over 2007, 2008 and 2009) included providing additional personnel for a newly established ‘protection and security services division’ (2005),18 and improving ‘the capacity of the SAPS to perform security functions at borderlines, ports of entry and exit, and during
The increase in black personnel has been distributed by race and gender. The total number of black personnel has increased by 77,649 with ‘coloured’ and Indian personnel making up only 8,339 (11%) of this number. The biggest increase during this period has been an increase of 37,203 in the number of African men. The change in the profile of the SAPS has also included a significant increase in the number of female personnel, with women accounting for 46% of the increase in black personnel. The bulk of this has been an almost three-fold increase (from 16,581 to 48,688) in the number of African women, so that by March 2012 they accounted for almost 24.4% of all SAPS personnel. The number of black female employees has risen from 22,028 to 57,651.

Notwithstanding the scale of the recruitment process, the number of white employees has steadily declined during this period. From 2003 to 2012 the number of white males declined by 6,620 to 14,085, and white females by 3,253 to 9,565. The total number of female employees at the end of March 2012 was therefore 67,216. Whilst women accounted for just over 26% of personnel in 2003, they accounted for more than one third (33.7%) at the end of March 2012, comprising 25% police officers (38,637) and 68% civilian personnel (28,576).

The en masse recruitment process has therefore resulted in progressive changes in the racial profile of new recruits.

As reflected in Table 1, the process of en masse recruitment has not only resulted in changes in the total personnel strength of the SAPS but also in its racial profile. Whilst black personnel made up roughly 75% of personnel in 2003, they now make up 88%.

Table 3 shows how the increase in black personnel has been distributed by race and gender. The total number of black personnel has increased by 77,649 with ‘coloured’ and Indian personnel making up only 8,339 (11%) of this number. The biggest increase during this period has been an increase of 37,203 in the number of African men. The change in the profile of the SAPS has also included a significant increase in the number of female personnel, with women accounting for 46% of the increase in black personnel. The bulk of this has been an almost three-fold increase (from 16,581 to 48,688) in the number of African women, so that by March 2012 they accounted for almost 24.4% of all SAPS personnel. The number of black female employees has risen from 22,028 to 57,651.

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The en masse recruitment process has therefore resulted in progressive changes in the racial

Table 2: Selected SAPS data on recruitment, attrition and total personnel, 2002-2012

<table>
<thead>
<tr>
<th>Year end March 31</th>
<th>Recruitment</th>
<th>Attrition</th>
<th>Total personnel</th>
<th>Police officers (commissioned and non-commissioned)</th>
<th>% police officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>-</td>
<td>-</td>
<td>120,549</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>14,594</td>
<td>4,215</td>
<td>131,483</td>
<td>102,737</td>
<td>78</td>
</tr>
<tr>
<td>2004</td>
<td>11,918</td>
<td>6,427</td>
<td>139,023</td>
<td>106,177</td>
<td>76</td>
</tr>
<tr>
<td>2005</td>
<td>12,682</td>
<td>4,453</td>
<td>148,970</td>
<td>115,595</td>
<td>78</td>
</tr>
<tr>
<td>2006</td>
<td>13,390</td>
<td>4,197</td>
<td>155,532</td>
<td>121,759</td>
<td>78</td>
</tr>
<tr>
<td>2007</td>
<td>11,237</td>
<td>3,164</td>
<td>163,416</td>
<td>129,869</td>
<td>79</td>
</tr>
<tr>
<td>2008</td>
<td>14,650</td>
<td>3,240</td>
<td>173,241</td>
<td>137,727</td>
<td>80</td>
</tr>
<tr>
<td>2009</td>
<td>14,611</td>
<td>3,310</td>
<td>182,754</td>
<td>145,172</td>
<td>79</td>
</tr>
<tr>
<td>2010</td>
<td>12,772</td>
<td>2,790</td>
<td>190,199</td>
<td>151,166</td>
<td>79</td>
</tr>
<tr>
<td>2011</td>
<td>8,202</td>
<td>2,671</td>
<td>193,892</td>
<td>154,750</td>
<td>80</td>
</tr>
<tr>
<td>2012</td>
<td>9,550</td>
<td>2,759</td>
<td>199,345</td>
<td>157,475</td>
<td>79</td>
</tr>
<tr>
<td>2012 (November)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>156,489</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>123,606</td>
<td>35,426</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
profile of the SAPS. Table 4 shows how this has been done over the six-year period ending in March 2012 (April 2006 to March 2012), during which 71 012 personnel (including new recruits on contract) were recruited into the SAPS. Analysis of the data in this table indicates, amongst other things, that:

- Black recruits have accounted for 97,6% of the recruitment during this period. This indicates that there has been a shift in recruitment practice towards a more aggressive pursuit of representation targets. In the previous four-year period (April 2002 to March 2006) black recruitment accounted for 94% of recruits.28
- Africans are the majority of recruits in all occupational bands. However, in the professional band they constitute 59% of recruits and in the skilled band 62%. White recruitment is 27% in the professional and 23% in the skilled band.
- In the lower job bands the picture is significantly different. Combining figures for the ‘semi’ and ‘unskilled’ bands, which account in total for 96,5% of new recruits, Africans account for 88%, ‘coloureds’ account for 9,2%, Indians account for 1,3% and whites account for 1,7% of all recruits.
- Effectively, therefore, 97,5% of African recruitment, 96,7% of ‘coloured’ recruitment and 92,8% of Asian recruitment lie in the bottom two bands. On the other hand, 66% of whites are recruited to these bands, and 34% to the professional and skilled bands.

The percentage of African recruits into the SAPS is therefore substantially higher than that of Africans in the population in general. ‘Coloured’ recruitment is also very marginally higher, while that of whites and Indians is lower. The implied justification for this was the necessity to establish a representative SAPS. However, despite the significant changes that have taken place in the SAPS, whites, as well as ‘coloureds’ and Indians, may still be said to be over-represented (Table 5). From this point of view the SAPS still reflects the legacy of apartheid. If a strict alignment between overall population profiles and the profile of employees in public service organisations is a national objective, the process of changing the profile of the SAPS may still be incomplete.

The measures outlined above are justified when considering constitutional and legislative provisions that allow for steps to be taken to address the discriminatory legacy of apartheid. For instance, Section 9(2) of the Constitution says that ‘[t]o promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.’29

Section 195(1)(i) emphasises questions of representation in relation to the public service, specifying that ‘[p]ublic administration must be

<table>
<thead>
<tr>
<th>% African</th>
<th>% ‘Coloured’</th>
<th>% Indian</th>
<th>% White</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top management</td>
<td>0,003</td>
<td>0,000</td>
<td>0,000</td>
<td>0,001</td>
</tr>
<tr>
<td>Senior management</td>
<td>0,030</td>
<td>0,004</td>
<td>0</td>
<td>0,006</td>
</tr>
<tr>
<td>Professional</td>
<td>0,13</td>
<td>0,015</td>
<td>0,01</td>
<td>0,06</td>
</tr>
<tr>
<td>Skilled</td>
<td>2,07</td>
<td>0,29</td>
<td>0,19</td>
<td>0,77</td>
</tr>
<tr>
<td>Semi-skilled</td>
<td>17,2</td>
<td>2,0</td>
<td>0,6</td>
<td>0,9</td>
</tr>
<tr>
<td>Unskilled</td>
<td>67,5</td>
<td>6,9</td>
<td>0,7</td>
<td>0,7</td>
</tr>
<tr>
<td>Total</td>
<td>86,9</td>
<td>9,2</td>
<td>1,4</td>
<td>2,4</td>
</tr>
</tbody>
</table>

Table 5: Current racial profile of SAPS, SAPS recruitment and the South African population30

<table>
<thead>
<tr>
<th>% African</th>
<th>% ‘Coloured’</th>
<th>% Indian</th>
<th>% White</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAPS personnel 2012</td>
<td>75</td>
<td>11</td>
<td>2,7</td>
<td>12</td>
</tr>
<tr>
<td>SAPS recruitment 2006-2012</td>
<td>86,9</td>
<td>9,2</td>
<td>1,4</td>
<td>2,4</td>
</tr>
<tr>
<td>South African population</td>
<td>79,2</td>
<td>8,9</td>
<td>2,5</td>
<td>8,9</td>
</tr>
</tbody>
</table>
broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.' Legislative provisions such as the 1998 Employment Equity Act are also intended to contribute to the achievement of these ends. (It may be noted that certain aspects of the implementation by the SAPS of this framework have been the subject of litigation.)

IMPLICATIONS

The increase in the number of SAPS personnel over the last decade has required a substantial investment of public funds. For instance, the SAPS budget increased from R36,5 billion in 2007/08 to R53,5 billion in 2010/11, at an average annual rate of 13,6%, with the increase ‘driven mainly by increased expenditure in compensation of employees.’ Moreover, a public investment of this kind has long-term implications, as the payment of salaries and other benefits for those who have been recruited has to be sustained. The question arises: what has been achieved by this process?

Racial and gender justice

As a result of the changes in profile that have taken place in the last 17 years it seems likely that the SAPS may become ‘fully representative’ in terms of its overall racial profile within a relatively short period of time. How long this takes will depend on various factors, one of these being the level of recruitment. Since 2012 recruitment has slowed down dramatically. Treasury’s estimates of national expenditure indicate an intention to reduce the total number of SAPS personnel to 190 590 in 2012-13 and to 188 490 in 2014-15. This reduction in recruitment is said to be due to a ‘Cabinet-approved baseline cut.’ This means that some level of recruitment is likely to be sustained to offset personnel losses due to attrition, but recruitment will be at much lower levels than over the last ten years. As a result of these cuts, the number of police officers in the SAPS has already fallen from 157 475 in March 2012 to 155 729 in March 2013.

Rapid progress in achieving a more racially and gender representative SAPS, made possible by en masse recruitment, has important symbolic significance. It means that the SAPS no longer so overtly bears the imprint of the systematic exclusion and disadvantaging of black people that was a feature of apartheid.

By adding between 70 000 and 80 000 black employees to the total number of public sector employees in South Africa, en masse recruitment has also contributed in the region of 2,6% to the overall total of 2,83 million employees in the public sector. Whether this was the intention or not, en masse recruitment has facilitated ‘rapid social mobility [in]to a black middle class.’ As Picard says, ‘[d]uring the 1930s and 1940s, the economic development of the Afrikaners had occurred through their mass recruitment into the public service. As a result, it was logical for Africans to think that a similar model of economic and social development should be open to them as well.’

However, it is an imperfect mechanism for doing so, as police salaries, particularly amongst the lower ranks, do not fully sustain what some regard as the requirements for middle class lifestyles. Despite their apparent good fortune, some police may therefore resort to illicit means to supplement their salaries.

Political non-partisanship?

A question that flows from the recognition that en masse recruitment has promoted black class formation is what the implications may be for the political alignment of the SAPS. The culture of the South African Police (SAP), as well as the homeland police forces, the institutional predecessors to the SAPS, was that of direct subordination to the wishes of their political masters. It is said that within the South African Police, the main predecessor to the SAPS, ‘the religious, political and ... scientific discourses of white rule in South Africa’ were ‘embedded in the police culture.’ This ensured that the SAP could be used as a ‘political instrument.’ The dominance of Afrikaners within the SAP enabled the National Party to use the SAP to uphold apartheid (withstanding steady increases in the number of black personnel in the lower ranks of the SAP in the later apartheid period).
The requirement of Section 199(7) of the Constitution that the police act in a politically non-partisan manner is fundamental to free political activity and therefore to democracy. However, the experience of other African countries is that police tend to be supportive of the political status quo in part because 'ethnic alliances determine recruitment patterns', thereby making police 'more vulnerable to political pressure'.43 Does the change in the racial profile of the SAPS enhance the risk of the SAPS being used for politically partisan ends?

An established feature of politics in South Africa is that political allegiances are associated with race. The African National Congress has successfully positioned itself as the party that embodies black, and particularly African, aspirations.44 Many SAPS employees may therefore feel indebted to the ruling party, given that their employment is directly linked to government’s en masse recruitment and employment equity policies. These feelings might potentially be exploited for partisan political activities.

There appears to be evidence of political partisanship among elements within the police. There are various reported cases where it is alleged that police have victimised the opponents of local or provincial political elites aligned with the leadership of the ruling party. In September 2009 members of the shack dwellers organisation Abahlali baseMjondolo were attacked in Kennedy Road in Durban. Rather than the attackers, it was the members of Abahlali who were arrested and prosecuted. The case was eventually thrown out of court in July 2011. In dismissing the charges the magistrate noted that the evidence that had been produced by the state was contradictory and gave rise to suspicion about the motives of the police.45 Partisan policing may also be directed at internal opposition within the ANC and tripartite alliance.46 Following violent protests in Wesselton in Mpumalanga in February 2011, police allegedly targeted members of the ANC opposed to the provincial leadership.47 A number of instances of alleged partisan police intervention also occurred in the build-up to the ANC’s 53rd National Conference in Mangaung in December 2012.48

Lacklustre SAPS responses to the murder of corruption whistle blowers and other political killings also raise questions about whether it is acting in a genuinely non-partisan manner.49

Nevertheless, in so far as these cases do reveal political partisanship on the part of the police, it is not clear that racial identity is a significant factor. In virtually all cases the alleged police partisanship is directed against black opponents of the SAPS.50 In the one case where it has been suggested that identity may have played a role, the issue was ethnic rather than racial identity.51 Though issues relating to identity are not necessarily irrelevant, the factors that are at work here may have more to do with the general tendency of police towards antipathy to those who threaten the established order. This is manifested in some countries as a tendency for the police to support conservative political parties.52

The established culture within the SAPS at this point may not be one that is strongly resistant to political manipulation of the police. In the initial post-1994 period, police training placed a strong emphasis on promoting respect for constitutional values among members of the SAPS. But it is not apparent that a culture that supports these values has become established within the SAPS. There is some evidence that the focus on constitutional values is no longer sustained in training. One press report indicated that training now involves ‘assault, harsh punishment and sleep deprivation’ with the aim of ‘“toughening” them up and instilling discipline’.53 Training of this kind may well promote a mindset that is associated with blind obedience to authority.

On its own, the changed racial profile of the SAPS is unlikely to have a partisan effect. However, police can also be influenced by ‘intimidation by politicians, intelligence organisations and their own senior officers’.54 For instance, punitive treatment is used in Zimbabwe, where the power ‘to suddenly transfer members of the police services to undesirable postings, uprooting them and their families from their social environment, has been identified by members of civil society and human rights activists as a powerful mechanism to ensure
the political compliance of members of the police service and the fostering of partisan policing.\textsuperscript{55} This in turn enables the police to ‘intimidate opponents of the ruling party as well as to suppress dissent’.\textsuperscript{56}

One of the risks for non-partisan policing in South Africa may be the use of promotions. In recent years there have been instances where individuals are rapidly promoted within the SAPS, ostensibly because they are likely to act in the interests of the ruling elite.\textsuperscript{57} In some cases it has been demonstrated that this has involved direct and unlawful political interference.\textsuperscript{58} Though done in the name of ‘transformation’, the individuals involved are allegedly not promoted because of race or gender, but for political reasons. Promotions of this kind do not only advance individuals who are politically partisan, but also convey the message that chances of promotion will be influenced by one’s political allegiances.

**Better policing?**

The process of en masse recruitment took place against a backdrop of public anxiety about crime. In this environment it seems that government felt confident that the recruitment of more police would be accepted as being for the public benefit. Furthermore, the ‘new’ SAPS in all likelihood better reflects the language profile of South Africa, with the effect that SAPS members are probably able to communicate with people in their own languages. This is an important factor for service delivery. However, though there may be broader benefits, increases in police numbers on their own generally do not lead to a reduction in crime.\textsuperscript{59} Improvements in crime-fighting strategies are more likely to have a positive impact on crime reduction. In addition, it appears that en masse recruitment is in fact likely to place police recruitment and training systems under strain, leading to a decline in policing standards.\textsuperscript{60}

SAPS annual reports and ‘Treasury’s annual ‘Estimates of National Expenditure’ do not indicate that attention was given to ensuring that the SAPS had the capacity to meet the demands that en masse recruitment would place on it. With the exception of a single remark on expanding ‘e-learning’ to meet the ‘need to expand training capacity’ in 2006,\textsuperscript{61} none of Treasury’s estimates make any reference to whether adequate recruitment procedures are being followed, or whether sufficient training capacity is in place, despite the massive scale of the undertaking and its implications in terms of public finance. Massive recruitment is also likely to have exacerbated personnel management problems that have been acknowledged for some time.\textsuperscript{62}

But the issue is not merely that there are inherent risks in processes of en masse recruitment. This process of en masse recruitment took place in the highly charged post-apartheid employment environment, which has been associated with shortcomings in management and skills in many parts of the public sector. The imperative to address racial representation took priority over the development of an effective and capable public service.\textsuperscript{63} Top officials were ‘not judged according to whether their departments provide good public services but according to whether they [met] racial quotas in hiring or contracting’.\textsuperscript{64} While government repeatedly emphasised the need for an efficient public service, this emphasis largely amounted to ‘lip service’.\textsuperscript{65} If priority is to be given to rapidly improving representation in such a manner as to support an efficient public service, this ‘requires a significant human resource development and planning capacity’.\textsuperscript{66} But ‘South Africa did not follow strategically planned affirmative action policies, but rather an ad hoc policy of recruiting blacks and retiring whites’.\textsuperscript{67}

Concerns about the process of en masse recruitment finally received official acknowledgment when National Commissioner Bheki Cele told the Portfolio Committee on Police in September 2010 that the SAPS had sacrificed quality for quantity in the drive to increase its numbers. According to one press report,

Cele said the rush of new recruits, plus the common perception that the police were the last resort for those who failed at everything else, had lowered standards. “The South African police are recruited from the South African society and community. If we say what is the situation of
education in the Republic of South Africa ... You don't get the cream of what you complain about. You get the worst of that. "We've been a zama zama (try your luck) organization. We have not been big on quality, we have been big on quantity. People have been thrown in by chasing quantity rather than quality."68

Not long after this, in December 2010, the SAPS announced steps to remedy the deficiencies in its recruitment and training process. It was announced that committees would be established to oversee recruitment, that the training period would once again be extended to two years, and that more vigorous vetting of applicants would be implemented.69 It is possible, therefore, that new recruits admitted to the SAPS subsequent to 2010 are on average of a higher calibre, though how successful these measures have been is not clear. In early 2013, for instance, Deputy Minister of Police Maggie Sotyu described the recruitment process as besieged with 'favouritism, nepotism, allegiance and prejudice'.70

Legitimacy

Police legitimacy in part requires that police represent a state authority that is itself legitimate. But it also implies that the presence and authority of the police themselves are accepted by members of the public, and is intimately linked to trust in the police.71 Where police are trusted, communities are more amenable to working with them. It is believed that the representativeness of police organisations is connected to public trust.72 Cooperation between police and communities, which is widely acknowledged to be a prerequisite for police effectiveness, is believed to be more likely where police agencies have a racial profile that reflects that of the community that they serve. However, the need for representation is not necessarily about people wanting to be served by an officer who shares their own racial or ethnic identity, though this has been shown to be a consideration for some people.73 Legitimacy may have more to do with a sense of 'shared group membership';74 where people feel that both they and the police form part of a common collective. 'Citizens must feel that it is "our" police force defending the rights of "all of us", not “their” police force protecting the interest of "them".75

South African as a nation has been shaped by a history of conflict. In so far as a common collective identity may be said to exist amongst South Africans, this is only in a provisional sense. The process of transition to democracy has to some degree contributed to a common sense of identity, but has also been associated with some level of exclusion, not only by whites, who despite enjoying standards of living that are on average relatively high, now feel themselves to be politically disempowered, but by many blacks who feel that their inclusion in the South African polity has only been partial and that they are still disadvantaged by the legacy of apartheid.76

The fact that close to 80% of South Africans are racially African raises questions about the type of racial profile that the SAPS needs to project in order to appeal to South Africans' sense of 'common identity', provisional as such identity may be. For instance, to what extent does it matter to African South Africans whether other groups are represented within the SAPS – or is it sufficient that they know that Africans are the predominant group within the organisation? Arguably, if the South African police service is to project itself as reflecting the common identity of South Africa, it needs to be able to project itself as an organisation that is 'both African and diverse'. As reflected in Table 6, notwithstanding the manner in which recruitment has been carried out, the number of whites at non-commissioned officer level within the SAPS remains at a level comparable to white representation in the overall population.

However, the way in which recruitment has taken place, and how it has been used to advance racial and gender representation, does not necessarily guarantee that the SAPS will be able to maintain a public profile of this kind.

For more than a decade whites as well as Indians have been significantly under-represented amongst the ranks of new recruits who undergo basic training, and who constitute much of the public
Table 6: Current race and gender profile of SAPS by rank of personnel, 2012

<table>
<thead>
<tr>
<th></th>
<th>African</th>
<th>‘Coloured’</th>
<th>Indian</th>
<th>White</th>
<th>Total</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top management**</td>
<td>25</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>32</td>
<td>9</td>
</tr>
<tr>
<td>%</td>
<td>78</td>
<td>9</td>
<td>3</td>
<td>9</td>
<td>100</td>
<td>28</td>
</tr>
<tr>
<td>Senior management**</td>
<td>427</td>
<td>72</td>
<td>43</td>
<td>179</td>
<td>721</td>
<td>222</td>
</tr>
<tr>
<td>%</td>
<td>59</td>
<td>10</td>
<td>6</td>
<td>25</td>
<td>100</td>
<td>31</td>
</tr>
<tr>
<td>Commissioned officers</td>
<td>16 247</td>
<td>2 437</td>
<td>1 260</td>
<td>6 342</td>
<td>26 286</td>
<td>8 041</td>
</tr>
<tr>
<td>%</td>
<td>62</td>
<td>9</td>
<td>5</td>
<td>24</td>
<td>100</td>
<td>31</td>
</tr>
<tr>
<td>Non-commissioned officers**</td>
<td>102 198</td>
<td>13 573</td>
<td>2 848</td>
<td>11 816</td>
<td>130 435</td>
<td>30 363</td>
</tr>
<tr>
<td>%</td>
<td>78</td>
<td>10</td>
<td>2</td>
<td>9</td>
<td>100</td>
<td>23</td>
</tr>
<tr>
<td>Public Service Act Employees*</td>
<td>30 277</td>
<td>5 143</td>
<td>1 141</td>
<td>5 309</td>
<td>41 870</td>
<td>28 579</td>
</tr>
<tr>
<td>%</td>
<td>72</td>
<td>12</td>
<td>3</td>
<td>13</td>
<td>100</td>
<td>68</td>
</tr>
<tr>
<td>Total</td>
<td>149 174</td>
<td>21 228</td>
<td>5 293</td>
<td>23 649</td>
<td>199 340</td>
<td>67 216</td>
</tr>
<tr>
<td>%</td>
<td>75</td>
<td>11</td>
<td>3</td>
<td>12</td>
<td>100</td>
<td>34</td>
</tr>
</tbody>
</table>

The increase in the number of police personnel over the past ten years as a result of the process of en masse recruitment has profoundly transformed the SAPS. As a result of this process it is likely that a significant majority of SAPS members are now people who have joined the police since 1994. The use of this process to aggressively address questions of SAPS representation relative to the South African population, has enabled the SAPS to make considerable progress towards the constitutionally sanctioned goal of a police service that is "broadly representative of the South African people" as well as contributing to black class mobility.

While it is widely believed that questions of representation contribute to trust in the police, it has been shown that police legitimacy is also strongly shaped by perceptions of the effectiveness of the police, as well as their procedural fairness. Representation may perhaps be a necessary condition for police legitimacy. But if gains in effectiveness are limited, or if the SAPS acts in a politically partisan or brutal manner, this may limit its potential to achieve legitimacy. As clearly illustrated by recent public outrage at acts of police brutality, representation on its own does not ensure police legitimacy.

CONCLUSION

The process raises other questions. Though it may not specifically enhance the chances of political partisanship, changes in the racial profile of the SAPS do not do away with the risk that a culture that supports politically partisan policing may persist within the SAPS. However, the key risks in this regard are likely to arise from other sources,
such as the promotion of politically favoured individuals. It is also suggested that the process of en masse recruitment has been associated with a lowering of vetting and training standards. Whilst many of the new recruits may become capable police officers, the SAPS may continue to be characterised by the unevenness of its performance. Finally, changes in representation may improve the SAPS’s legitimacy amongst the majority of South Africans but there are likely to be limitations to public respect for the service in so far as it is regarded as ineffective, partisan or abusive.

This major injection of ‘new blood’ suggests that there may be new possibilities for policing in South Africa. However, such potential may not be realised unless police receive the appropriate leadership.\textsuperscript{85} This suggests that the proposals contained in the National Development Plan for the SAPS National Commissioner and other senior leaders to be appointed by the president on the basis of the recommendations of a selection panel\textsuperscript{86} are worthy of consideration, as are proposals for a national police board to set minimum standards for recruitment and promotion.\textsuperscript{87}

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NOTES

1. The terms African, coloured, Indian, and white are used here as used in SAPS reports. The term ‘African’ is used as a racial term and is not intended to imply that ‘coloureds’, Indians or whites do not also have a right to claim the term ‘African’ as an identity.

2. Efforts to address questions of representation within the SAPS are also discussed in other publications, including Moses Montesh, Transformation in the South African Police Service: the implementation of affirmative action and employment equity in SAPS, South African Journal of Criminal Justice, 23 (1) (2010).

3. Due to uncertainties about the reliability of crime statistics as well as a lack of clarity in relation to more general questions about the relationship between policing and crime trends this article does not attempt to answer questions about the impact of en masse recruitment on crime.


5. Ibid., 8.

6. Ibid., 23.


11. Bruce, New wine, 8.


21. If this discrepancy is not related to irregularities in reporting by the SAPS it may be explained if the number of new recruits (123 606) includes all new recruits, most of whom are first admitted to the SAPS on contract and only admitted as ‘permanent’ members if they complete basic training successfully. If they do not pass basic training they are not admitted as full time personnel into the SAPS. This group (of those who do not pass basic training) is included in at least some of the recruitment figures but possibly not reflected in statistics on attrition.

22. Calculated by adding the total increase in personnel (79 000) to the figure for attrition (35 426).

23. Though some new recruits may be amongst the 35 426 who have left during this period.

24. The table is compiled from data in SAPS Annual Reports, 2002 to 2012.

25. As opposed to ‘civilians’.

26. SAPS, Annual report 2003, 126


28. Bruce, Newham and Masuku, In service of the people’s democracy, 153.


30. SAPS personnel and recruitment figures are based on author’s calculations from figures provided in SAPS annual reports. Population figures are from Statistics South Africa, 2012, 21.


38. Ibid, 94.


42. Brödgen and Shearing, Policing for a new South Africa, 76-77.


54. Hills, Henchmen, 18.
64. The Economist article quoted in Picard, The state of the state, 131.
65. Picard, The state of the state, 150.
66. Ibid, 156.
67. Ibid, 158.
74. Bradford et al, What price fairness when security is at stake, 6.
75. A Sachs, Foreword, in Brogden and Shearing, Policing for a new South Africa, xiii.
77. Also includes national commissioner.
78. Includes rank of major general and brigadier.
79. Includes senior superintendent, superintendent and captain.
80. Not that some PSA employees fall across a variety of salary bands.
81. Bruce, Newham and Masuku, In service of the people’s democracy, 154.
87. Ibid, 390.
VIOLENCE IS NOT A CRIME

The impact of ‘acceptable’ violence on South African society

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In his book, A Country at War with Itself, Antony Altbeker has highlighted that the extraordinary and distressing feature of crime in South Africa is not how common it is, but how violent. This analysis moves on from that point, arguing that rather than focusing on violent crime as a specific type of criminality, we should examine violence as a separate category that sometimes overlaps with crime and sometimes does not. This shift in focus reveals that it is not South African crime that is so violent, but South African society in general. It shows that many of these forms of violence are both legal and socially acceptable. This includes violence in childrearing, intimate relationships, education, sport, film and television, establishing social identities, and political negotiation, to name but a few significant areas. An examination of these popular and accepted forms of violence provides a revealing analysis of how these patterns are reproduced socially and psychologically, explaining how individuals and groups come to use violence as an everyday strategy of social negotiation. This analysis makes it clear that violent crime is a reflection of deeper patterns of violence within the society, and highlights the importance of including approaches other than law enforcement in reducing violence in South Africa.

In his book A Country at War with Itself, Altbeker makes the compelling argument that the exceptional feature of South African crime is not how prevalent it is, but rather how violent it is. This analysis was deepened by an important and far-reaching study by the Centre for the Study of Violence and Reconciliation, exploring the reasons for this violence. Despite having commissioned the study, government’s response was to dismiss it. The interest in the violent nature of South African crime is reflected in works such as Someone Stole My Smile: An exploration into the causes of youth violence in South Africa, and Youth Violence: Sources and Solutions in South Africa. It is also reflected in popular concerns about being threatened with death, injury or sexual assault, which causes considerably more anxiety than simply losing property to criminals.

This paper explores just one aspect of the growing focus on violence, examining how we, as ordinary citizens and experts, think about the problem of violence.

LAY THEORIES AND RESEARCH

Violence is usually seen as a sub-category of crime. A range of imagined scenarios shape our thinking: being hijacked, armed gangs invading our homes, being sexually assaulted by a stranger.
in a dark unfamiliar place. The immediate problem is that the existing research shows that these scenarios do not really correspond with actual risks. Victim studies paint a substantially different picture to the images that keep most people awake at night. This problem is not solved by arguing that we should base policy on research data rather than popular opinion, as the relationships between popular opinion, scientific research, policy and implementation are in fact very complex.

The first complication is that even researchers themselves are, to some extent, influenced by these popular beliefs. While their specific claims may be based on rigorous research evidence, there are underlying tacit assumptions, derived in part from their social context, that structure how they conceptualise the field they are investigating. These assumptions and context also shape the way in which researchers formulate the questions they ask, and the theories they test.

Another difficulty is that above these experts is a level of executive political decision-making by groups and individuals, who often rely on their own uncritical beliefs, rather than allowing themselves to be guided by more comprehensive data and careful analysis. This problem is aggravated by political populism, where decision-makers understand their role as short-term pandering to the collective anxieties of the electorate rather than applying their minds to solving underlying social problems in a more thoughtful and sustainable manner. Thus the pervasive influence of popular conceptions of crime and violence cannot be easily dismissed by simple appeals to evidence-based practice.

It is therefore important to carefully examine the received concept of violence that shapes our thinking. My argument is that we should begin by clearly separating violence and crime into two different categories that sometimes overlap, and sometimes do not. It is clear that some crimes (assault, robbery, rape, homicide) are intrinsically violent, but others (theft, fraud) are not. The more interesting point is that not all violence is defined as criminal by law or by social convention. There are many forms of violence that are socially accepted and are commonly understood as benign, necessary, justifiable, below the threshold of criminality, or not recognised as violence at all. Separating violence from crime allows a broader analysis of all the different forms of violence, including the many forms of non-criminal violence, and how they are sustained and reproduced in South African society. This then enables us to explore how accepted forms of violence are linked to criminal behaviour, and to examine how hidden forms of victimisation relate to the popular anxieties concerning violent crime.

POPULAR VIOLENCE

Once we separate the two concepts, some interesting issues become apparent. While South Africans report the threat of violent crime as a major cause of anxiety, and an obstacle to their quality of life, they are remarkably enthusiastic about many other forms of violence. Violence in entertainment is extremely popular. Action films, defined by the pervasive representation of violence, are dependable box office hits. The spectacle of federation wrestling captures prime time television slots. Other aggressive sports such as boxing and rugby are national pastimes. Popular video games insert young players into the active role of violent combatant.

Violence in law enforcement is also frequently greeted with enthusiastic support. The overwhelming majority of South Africans want the return of the death penalty, the use of extreme physical force in apprehending, interrogating and even punishing suspects, is largely welcomed by citizens, and one third agree that ‘police should use unrestrained violence including torture to hunt criminals.’ Although there are increasing objections to police brutality against innocent victims, and against the use of police in quashing social protest, violence against suspected criminals receives little criticism and frequent vocal support. The proposal regarding ‘shoot to kill’ legislation (2012 revision of section 49 of the Criminal Procedure Act), expanding police powers to use lethal force beyond immediate self-defence, does not just satisfy the needs of the political elite
for authoritarian control; it panders to a public desire for more forceful and aggressive policing.\textsuperscript{13}

And where the police fail to rise to these expectations, popular vigilantism offers zealous citizens the opportunity to assault and even kill suspected criminals.\textsuperscript{14}

Implicit in the popular view is the idea that fear of punishment deters lawbreaking and that effective crime prevention strategies can easily be derived from this assumption. The underlying belief is that crime is a matter of incentives and disincentives. The most effective disincentives are those that will terrify the offender, such as the credible threat of severe pain, injury, or death. Thus, in this lay theory, violence is the most effective and desirable method of dealing with criminality.

Violence is also widely seen as an appropriate and effective way of regulating interpersonal relationships. It is understood as an essential tool for raising children,\textsuperscript{15} a useful disciplinary technique in educational institutions, an acceptable strategy in pursuing sexual encounters,\textsuperscript{16} an indispensable resource in intimate relationships,\textsuperscript{17} and an effective way of establishing social status.\textsuperscript{18}

Across the board, it is regarded as a useful and effective resource. The stress-inducing behaviour of a disobedient child can be resolved with a smack, a disruptive learner can be hit with a ruler, an unwilling sexual partner can be grappling into submission, the jealousy triggered by a lover’s behaviour can be eliminated with a slap, and the humiliation caused by an insult can be overcome through a successful fight.

Violence is also understood to be a useful tool of broader social negation. Strikes are believed to be effective only if they include violence,\textsuperscript{19} and the Marikana massacre showed how brute force may be used by those trying to manage social disruption and dissent. It is widely used as a tool for political mobilisation, as evidenced in the ‘kill for Zuma’ and ‘kill the boer’ sloganeering of Julius Malema, and as a way of eliminating the threat of democratic political competitors, as seen in the ongoing assassinations of councillors and party members in KwaZulu-Natal.\textsuperscript{20} It is used to eliminate economic competitors, such as the xenophobic attacks on foreign nationals accused of ‘stealing our jobs’,\textsuperscript{21} and it can be used to regulate gender and sexuality through gay-bashing and ‘corrective rape’.\textsuperscript{22}

PROBLEMS WITH EVERYDAY THINKING

Framing the issue by means of these examples highlights three serious problems in everyday thinking about violence. The first is the way in which personal risk is imagined. People primarily fear violence that forms part of property crimes and sexual assaults by strangers,\textsuperscript{23, 24} whereas research\textsuperscript{25} indicates that most serious violence (assaults, homicides) takes place in conflicts between people who know each other.\textsuperscript{26} Physical attacks are less frequent in the context of mugging and housebreaking, and are more often part of escalations of disputes than is commonly believed. Rapes are more commonly committed by family members, social acquaintances, teachers, religious leaders, and other authority figures than by anonymous predators in dark alleyways.\textsuperscript{27} Homicides are less likely to be the calculating work of callous robbers than popular fears suggest, and are more likely to result from fights between acquaintances that spiral out of control.

The second and related issue is that violence is not simply a feared and hated scourge that most people would like to see disappear from our society. On the contrary, it is widely accepted and defended as an essential tool for dealing with a wide range of problems and social situations. This leads us directly to a third important problem with everyday assumptions about violence: the imagined clear boundary between the non-violence of decent law-abiding citizens and the violence of antisocial criminals. In fact, this sharp boundary does not exist: most criminal violence is simply a stronger version of a form of socially acceptable aggression. The boundary is usually a matter of degree.

The analysis here allows us to reframe the problem in terms of defining and managing this threshold. How can we create strong moral, social, and legal boundaries between violent and non-violent behaviour?
ESTABLISHING BOUNDARIES

A major challenge to this project lies in establishing consensus. South Africa is a highly diverse society, with many competing cultural, intellectual and ethical traditions. Reaching agreement on what constitutes acceptable and unacceptable social behaviour is no easy task. There is also the danger of a bad consensus on the many issues where popular opinion goes against the standards of constitutional human rights and the law. A multi-year survey of students’ attitudes towards violence found that 90% support the ‘right’ of adults to hit children,28 also 74% of men admit to using violence in intimate relationships,29 and 60% of young people (both male and female) believe coercion is appropriate in sexual encounters.30 On what basis can popular beliefs such as these be challenged by those who hold that this kind of thinking perpetuates violence in South African society?

Altbeker31 has convincingly argued that we need to recognise the normalisation of violence as a fundamental problem, and argues that the criminal justice system should ‘come down like a ton of bricks’ on violent offenders in order to reassert the social norms against violent behaviour. His solution, however, relies on exactly the conflation of violence and crime that I am arguing against. He also shies away from identifying the normalisation of violence with the term ‘culture of violence’ used by other researchers32 because of the sensitivities at play in asserting ‘culture’ as an underlying cause of social behaviour (especially when it has also been used as a code word in racist accounts). Pelser,33 on the other hand, argues that we need to focus precisely on the social basis of violence, and move away from a law-enforcement approach towards more inclusive interventions that include education and welfare to reduce the risk of youth being drawn into violence and criminality.

A significant body of social research explores how violence is a socially learned behaviour.34 Children who grow up exposed to violence, either as victims or witnesses, tend to learn it as a behavioural repertoire. They learn both the violent specific actions, and that these actions are socially acceptable, and are then at far higher risk of becoming violent in later life than those who grow up in non-violent environments. Psychological research also reveals that violence tends to increase in situations of stress.35 This is not only seen in situational incidents such as road rage, but in the ways pervasive social stressors such as poverty and urban overcrowding can contribute to increased levels of violence. In the presence of such stressors, the socially acceptable forms of violence outlined above can escalate into more severe acts of criminality and destructiveness.

Psychodynamic theory argues that people do not simply learn violence as a social behaviour, but that they use psychological defences to deal with overwhelming traumatic emotions, such as terror and helplessness, which arise when they are victimised. This is especially true if they are young or emotionally vulnerable. These traumatic emotions are pushed out of conscious awareness, but still remain powerful unconscious triggers for defensive emotional reactions in later life. When later situations trigger these defences, the emotional reaction is severely out of proportion to the situation, as it releases the intense previously repressed emotions. This can be used to explain common patterns of seemingly irrational violence, such as the dramatic eruptions of intimate partner violence in response to jealousy or fear of abandonment, and the extreme retaliation to perceived humiliation that is seen in many fights between acquaintances.

Drawing on these approaches may help us account for the mechanisms by which violence is maintained in our society. In relation to the widespread belief that violence is increasing dramatically, many researchers highlight the historical systems of colonial and apartheid violence that have defined the formation of South African society.37 The question is why these did not spontaneously wither away with the emergence of the democratic state and constitutional human rights. Pointing to the ongoing problems of poverty and economic inequality goes a long way in accounting for high levels of property crime, but these do not adequately explain the more pervasive
patterns of societal violence. A focus on the specific question of violence shows how neither a purely socio-economic analysis, nor populist calls for more aggressive law enforcement, offer effective solutions.

A TYPICAL FAILURE

The tendency to conflate violence and crime has major consequences for how we tackle the problem of violence in South African society. Nearly a hundred billion rand, or close to ten percent of the national budget, is spent annually on various elements of the criminal justice system, but very little is directed toward the specific problem of violence. Education and social welfare further take up the lion’s share of the budget, and while this is important for addressing the underlying socio-economic context in which violence thrives, almost none of this is specifically targeted towards effective violence reduction initiatives. Even the institutions and processes that are designed to ensure equality and human rights seldom focus explicitly on violence reduction.

To illustrate this problem, let us consider just one recent misadventure in national policy.

In 2007 the Children’s Act Amendment 41 was placed before the South African Parliament for discussion. This Act was a culmination of more than a decade of work by experts, activists and government officials, and proposed a comprehensive range of legislation to deal with the many problems surrounding childhood in South Africa. When the document was presented it elicited a consensus seldom seen in the extremely diverse landscape of South African politics. Political parties across the spectrum agreed that the Act contained a fatal flaw. In clause 139 of this complex and encompassing Act was the proposal that corporal punishment be prohibited, including the suggestion that parents would no longer be allowed to hit their own children in the privacy of their homes. This idea was met with widespread protest by religious and political groups. The general public agreed that it threatened one of the most fundamental and cherished rights shared by social groups across the nation: the inviolable right to hit their children. In the face of this consensus, the offending section of the Act was scrapped.

Given the extremely high levels of violence against children in South Africa, and the urgent need to establish effective mechanisms for protecting them, it seems regrettable that this proposal could not become policy. But this is not the only interesting issue here. One of the more robust findings of the past five decades of social science research is the strong correlation between childhood victimisation and exposure to violence, and later violent offending. Many countries have successfully prohibited corporal punishment, and now show low rates of overall social violence of all types. These examples strongly suggest that phasing out corporal punishment in South Africa would, over time, have a significant impact on overall levels of violence. The problem, however, is that the very idea of preventing parents from hitting their own children was seen as preposterous from a popular ‘common sense’ perspective. The idea that one can regulate and discipline children without violence seems not to exist in the popular imagination of South Africans. In fact, it was commonly argued that not hitting children would lead them to become violent offenders; that without violence there could be no discipline, and without discipline youngsters would become juvenile delinquents and later career criminals. Against all available data, both the public and politicians seem to believe that corporal punishment is not a form of violence, that it is absolutely necessary for social regulation, and that its absence would lead to increased criminality.

What is interesting is that a policy suggestion arising from the well-informed concerns of local experts, widely substantiated by global research and supported by international best practice, simply had no traction against popular opinion. A potentially important and effective strategy in the attempt to reduce violence in South African society collapsed because it did not fit with the conventional way violent crime is imagined, and with the fact that, even as they fear being victimised by criminals, South Africans remain
deeply dependent on the use of normalised violence in their everyday lives. A failure to conceptualise the links between socially acceptable forms of violence and criminal aggression undermined a well-informed attempt at social reform.

HOW TO CREATE A VIOLENT SOCIETY

What if we turned this problem on its head, and asked what we should do if we actually wanted to create a violent society? Presented this way, some key suggestions are easily identified.

- Teach children violence through observation and personal experience
- Expose the young and vulnerable to overwhelming distressing emotions without appropriate emotional support, so that they develop unstable emotional defences
- Expose people to stressful situations that they are unable to manage
- Maintain many types of inequality
- Withhold the provision of non-violent skills for resolving conflict and stress
- Normalise violence by maintaining socially acceptable forms of it, and forms that are legitimated by social authorities

Teach children violence

Children should be exposed to violence as much as possible. They should see it in films and on television, and be taught to play with toy weapons and engage in aggressive competitive activities. More importantly, they should see it in action in their homes and social environments. Parents should use it to resolve disputes, and teachers should use it to maintain control. The important thing is not just that the violence be seen, but that it should be seen as an effective and socially acceptable form of negotiation.

Create unmanageable emotional reactions

If at all possible, children should not simply observe violence, but experience it first hand. Especially during the early stages of psychological development and emotional vulnerability, children should experience moments of overwhelming vulnerability and terror from physical and emotional threats. This should either happen in a context of overall neglect, or the available caregivers should regard this violence as normal or necessary, and no support should be offered to help these children deal with the state of distress that it causes. As a result they should have to repress these traumatic emotions. The unresolved emotions should continue to exist outside of conscious awareness until they are later triggered by situations of stress, fear or humiliation, at which point they should erupt uncontrollably into acts of violence.

Create stress

Wherever possible, people should be subject to stressful conditions. For this, poverty and unemployment are very effective, as are abusive working conditions. Social support should be inadequate and unreliable, and people should worry about housing, health and education, and be anxious about their future. Material hardship and risks to health and safety should be pervasive. People should feel powerless to change their living conditions, and have little hope for responsive social support or effective government. Police should be seen as hostile rather than protective, social services as incompetent and indifferent, and political leaders as self-interested rather than representative. If rights exist, they should be difficult to access.

Maintain inequality

Above all, for violence to thrive there should be inequality. Not just economic inequality, but significant differences in power across multiple social dimensions, as violence usually relies on one person or group having power over another. There should be significant differences in the social status between men and women, and children should have fewer rights than adults. Not only should men have power and privilege over women, but there should be socially entrenched differences in gender identity. Women should be trained to be
submitting and acquiescent, while men should be required to be aggressive and dominating. Minorities of all kinds – ethnic, sexual, religious, political – should face discrimination and harassment, as should foreign nationals. It should be understood that they are legitimate targets of violence. Social leaders should openly speak negatively about these groups, and where they do have formal rights, public servants and politicians should ensure that these remain inaccessible. Religion, tradition and culture should be invoked against any notions of equality and universal human rights.

Suppress alternatives

Having established these social conditions, it is important that little or nothing is done to promote non-violent strategies for resolving these problems. All the dominant models of social negotiation, from childrearing to politics, should rely primarily on violence. The primary strategy for managing violent crime should be violent law enforcement. Individuals, especially men, should have little insight into how to recognise and manage their frustrations and aggressive impulses. Parents should be ill-prepared for the stresses of childrearing, and spouses should have few skills for managing the emotional complexities of ongoing intimacy and dependency. Certainly teaching these emotional and interpersonal skills should have no place in any national life-skills educational curriculum and creative conflict resolution skills should not be a required part of public education.

Normalise violence

Normalising violence, or rather, ensuring that it continues to be normalised, is not difficult. Appeals to culture, tradition, and common sense can be used to provide justifications. Everyday forms of violence should be trivialised (in cases such as childhood bullying), or enthusiastically supported (as in violent sports). Leaders should endorse violence, promoting aggressive methods of social regulation, and make frequent use of language of combat and war in addressing social problems. Above all, violence should be presented as a preferred style of law enforcement, and a legitimate method of social control.

BEYOND VIOLENCE

By separating the broader issue of violence from the problem of crime, we can clearly see that if our aim is to combine a range of social and psychological factors known to increase overall levels of violence in society, we are doing very well indeed. From this perspective, there is nothing surprising about the fact that South Africa continues to be one of the most violent societies in the world. If, however, we would prefer to have a less violent society, this analysis makes it clear that we need to conceptualise violence as a far broader and more pervasive issue than violent crime. We need to identify the wide variety of types of violence at work on our society, and to tease out the complex interrelationships between them. This specifically entails identifying those types of violence that are commonly regarded as socially acceptable, and foregrounding both the ways in which these may in fact be harmful in themselves, as well as the ways in which they increase the risk of other destructive behaviours. As we do this it becomes increasingly clear that the primary obstacle to reducing violence is not a lack of research and social theory in this area. Rather, the dysfunctional morass of everyday ‘common sense’ that endorses many forms of violence fails to see the links between acceptable and unacceptable forms of violence, and actively obscures our understanding of the underlying processes at work. It is only by clearing away this fog that we can begin to tackle the problem effectively.

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NOTES


Restorative approaches to justice have developed through practice and will probably continue to do so. As a consequence there is no single notion of restorative justice, no single type of process, no single theory. It is used extensively in countries with diverse cultures and legal systems, attracting community activists and policymakers; both as a way of trying to heal past conflict and wrongs, and incorporating greater awareness of different cultural traditions.

The growth of restorative justice has sparked debate over the future of the criminal justice system, which has historically adopted a retributive, punitive philosophy and advocated for an individualistic, treatment-orientated approach. This approach has over time failed to address the needs of crime victims, communities and offenders. In recent years the focus has shifted from the philosophy of restorative justice to its potential for implementation and the benefits it might bring. Attention has also been given to the ways in which it has been implemented in some countries, and is likely to be implemented in the future, taking into account the legal, institutional and/or constitutional parameters of justice systems at the beginning of the third millennium. Whether restorative processes can and should inform a greater proportion of justice system activity remains to be seen.

The book Restorative Justice and Victimology: Euro-Africa Perspectives by Dr Don John Omale is a welcome addition to the plethora of existing scholarly literature on restorative justice, especially given the dearth of literature on restorative justice that incorporates the African perspective. There is currently worldwide pressure on policy makers to reverse the spiral of decline in public confidence in the criminal justice system, to reduce the propensity of offenders to re-offend, and to increase victim satisfaction. In practical terms, the book provides empirical evidence on the value of a restorative approach to criminal justice to policy makers and practitioners.

The book is unique as it is researched and written by an African scholar and practitioner, and is the first on restorative justice and victimology in Nigeria. It is primarily a report of the findings from an empirical study that seeks to answer the question posed on page 5: Would restorative justice be acceptable to victims of crime and criminal justice professionals in Nigeria?
The book is organised around five main sections. The first chapter begins with an overview and motivation for the study, followed by the methodology and history of Nigeria. The second section provides a general understanding of restorative justice, with adequate attention paid to the theoretical arguments that have contributed to restorative justice discourses from a global and African perspective. The third section is the methodology, followed by the analysis of data. In the concluding chapter the author again highlights this work as an Afrocentric contribution to restorative justice theory and principle (p 200).

Perhaps the first thing to note is that this book emanated out of the author's doctoral thesis, hence any review of such a book does tend to read like an examination report. The introduction notes that the field survey of both crime victims and criminal justice professionals took place simultaneously from December 2006 to April 2007, and that the study was located in Nigeria’s four geo-political zones, described by the author as centres of industrial, administrative and economic activities in Nigeria. The ‘persistence of a large number of inmates and offenders awaiting trials in prisons and police cells beyond the capacity of penal institutions’ and the inadequacy of conventional responses such as ‘harsh legislation and tough policing’ in Nigeria strongly resonates with the situation in South Africa, and probably other parts of Africa as well; and so provides a good rationale for undertaking the study.

Omale’s treatment of the philosophical and theoretical aspects of restorative justice in Chapter 2 is arguably the highlight of the book. In his Historical and Anthropological Review he begins with an explanation of the ‘move away’ from restorative justice to a retributive system, with the usual reference to existing literature from noted restorative justice scholars such as Zehr, Bianchi, Christie, Wright and Braithwaite, amongst others. The author skillfully locates the origins and development of restorative justice as being rooted in the cultural and traditional practices of all of the world’s cultures, confirming that the restorative model of justice is ‘best understood as a return to the roots of justice, and not as a new-age justice for an ailing criminal justice system’ (pp 20-21). But although the concerns of feminist lobbyists are mentioned in the chapter, not much is made of the problems associated with utilising restorative justice practices for domestic violence cases.

Chapter 3 begins with an overview of various restorative justice projects and goes on to discuss ‘victimological evidence’ (p 71) from studies around the world. The majority of these studies are almost a decade old, and the writer has unfortunately not updated the evidence since completion of the doctorate and publication of the book (a common pitfall when doctoral theses are published as books). The reasons for paying particular attention to the views of criminal justice professionals from South Africa are also not provided. At least three pages in the chapter are devoted to Naude and Prinsloo’s 2005 study, while other more recent empirical research is not mentioned (Skelton, Batley, Hargovan, Bezuidenhout). Furthermore, emerging restorative justice jurisprudence in South Africa, in particular how restorative justice values and principles have been incorporated at the sentencing phase, is completely ignored. The debates around the use of restorative justice for domestic violence, and the reasons why many criminal justice professionals may be inclined to refer these cases, are not given adequate attention.

More than any other part of the book, this chapter is quite tedious for the reader. The language is simplistic in places (p 115, first paragraph) and repetitive. It is unusual to find a writer/scholar explaining in his narrative on data analysis that ‘to control the researcher’s subjectivity he often seeks opinions of his wife by reading out the respondent’s presentations to ascertain his wife’s meaning to the texts. Where the wife’s meaning differs significantly to the researcher’s chosen theme a third party is consulted.’ This approach does call into question the objectivity of the research process. It is unfortunate that greater attention was not paid...
to the important ethical and technical aspects necessary for the publication of the book.

Chapters 5 and 6 elaborate on the quantitative and qualitative findings from victims and criminal justice professionals. Shortcomings relating to the editing are probably most evident in these two chapters. The discussion on ‘cost and time benefit analysis’ (p 148) and ‘crimino-econometrics’ would be of particular interest to policy makers and non-governmental service providers in South Africa, as it is closely related to the thorny issue of governmental and donor funding for NGO service providers. The author highlights the benefits of restorative justice through narratives from research participants (victims and criminal justice professionals). Not much attention is paid, however, to those that did not see much benefit in the restorative justice approach.

In the concluding chapters (chapters 7 and 8) the author cleverly weaves together the theoretical underpinnings with the research findings. While the need for pilot projects to ‘distinguish evidence from argument’ is noted, the potential role of the state and non-state actors is not explored sufficiently. I would also have expected the author to elaborate on and/or propose a model that would be most suited to the criminal justice landscape in Nigeria, catering to the needs of all role-players – offenders, victims, communities, practitioners, academics and policy makers alike.

While the book highlights the need for greater research and scholarly activity in the field of restorative justice and victimology on the African continent, it falls short on many fronts. It is a pity that greater attention was not paid to updating the literature, and on the technical and editorial aspects in the publication process of the book. However, the book may indeed serve as a catalyst, spurring other scholars to locate their research/scholarly activities on restorative justice and victimology on the African continent. Not only could they focus on the historical relevance of this justice paradigm for Africans, but also on its practical implementation, taking into account the varied needs of African communities in dealing with conflict, crime and victimisation.
Chandré Gould (CG): Rachel, you and your colleagues have conducted more extensive and sustained research on gender-based violence in South Africa than any other research outfit. Do we know enough about rape and intimate partner violence, both in terms of risk factors for perpetration and in terms of what might work to reduce the high rate of perpetration, to enable us to develop a plan to reduce and prevent gender-based violence (GBV)?

Rachel Jewkes (RJ): Yes, I definitely think we know enough about the risk factors for perpetration. South Africa has a wealth of information, and arguably more on the risk factors for rape than any almost other country in the world. We also know what is driving the problem of intimate partner violence. There is always a need for further research but the key thing is that we have enough knowledge to understand theoretically what is driving the problem and what our intervention strategies must address. Any need for more research should not hold us back from starting interventions.

CG: The recent high profile incidents of gender-based violence; the brutal gang rape and murder of Anene Booysen in the Western Cape and the killing of Reeva Steenkamp by Oscar Pistorius, have resulted in somewhat of a media frenzy.

Many newspapers believe that they can best contribute to reducing gender-based violence by drawing attention to the problem through increased reporting about rape and intimate partner violence. Does increased reporting help?

RJ: This is a difficult question to answer because it’s a complex issue. On the one hand the media have a very important role to play in highlighting gender-based violence and bringing it to the attention of the public. The media can also be a critical influencer of social norms – that is, they can powerfully convey messages about the non-acceptability of violence and help de-stigmatise rape victims. It is important to cover violence incidents, but it has to be done in a careful way, as there is a danger of people starting to ignore the many stories, with the result that they lose impact. It is important to report violence in an empowering way so that the emphasis is on what we can do to prevent it. It is also important that there is a unified message of zero tolerance to violence. We have to change the social norms that lend acceptability to violence.

CG: Turning to the state, I thought that the formation of a Department of Women, Children and People with Disabilities under President Jacob Zuma’s government raised a warning. Putting
together women, children and people with disabilities suggests that all three groups have something in common, and runs the danger of infantilising women and people with disabilities. It would appear that the thinking that informed the clustering of these groups is the same thinking that makes us collectively think about women as victims, less able, and in need of rescue. Is this framework that we’ve been using to approach the problem of GBV at a policy level?

**RJ:** Yes, in many ways it is the vulnerability of these groups that has informed the policy framework. But it is important to recognise that all three groups are structurally disempowered in our hierarchical society. That is part of the problem we face. So it is important that we redress that disempowerment by responding to the needs of victims and establishing an agenda of prevention. The prevention agenda needs to be evidence-based and to span different sectors and levels of intervention. It must also give women a key role, not in a victim blaming way, for example, where people believe that the solution is for women to take care when walking through an empty field, or not to go out after dark. The key role that women need to play is to demand more from men in terms of gender equity; that is, they should not tolerate harmful relationships and understand that they are worth more than being a partner to a person who harms them. They also need to raise their sons to respect women. Equipping women with better conflict management skills can also help reduce gender-based violence. But the key parts of the prevention agenda of course involve engaging men.

The challenge for the department is to develop a strategy to address women’s disempowerment and to involve men and women in interventions that actually build gender equity.

**CG:** Last year the Minister of Women, Children and People with Disabilities, Lulu Xingwana, announced the establishment of the Council for Gender-Based Violence, which, according to government statements, will ‘provide strategic leadership, coordination and monitoring of gender-based violence initiatives’. What does this really mean?

**RJ:** Well, it should mean that we should develop an action plan for the whole country, based on a comprehensive evidence-based theory of what is driving the problem and drawing on the best scientific evidence of what works in prevention. It needs to engage all relevant sectors, particularly government, academia, NGOs and businesses. That is what providing strategic leadership means. The Council should receive strategic plans for gender-based violence prevention from all government departments and sectors, receive reports on progress in implementing the plans, and monitor outcomes.

**CG:** I have been somewhat horrified by the ‘war’ speak that seems to characterise any official government statements, whether about violent crime or gender based violence. For example, last year the Minister said that ‘[T]hrough the National Council Against Gender-Based Violence, we are taking the war against gender-based violence to a higher level.’ Is there reason to be concerned that we seem to only imagine a response to violence that involves at the least the language of violence itself?

**RJ:** I think that we have to understand that part of our problem with violence in South Africa is that violence is used in so many different arenas of our lives. Essentially we are a violence tolerant society. Experiencing and using violence is a way of life for so many people: through the use of violence in child rearing, in schools and to settle problems in our lives. To address gender-based violence we have to reduce violence in all spheres of our lives. So from that perspective it is very important that we don’t use the language of violence when talking about solutions.

**CG:** There seems to be a great deal that is still unclear about the Council. In preparation for this interview I was looking for a list of the members of the council, and some explanation about the appointment process, but was unable to find much aside from statements by the Minister and her department about the establishment and launch of
the Council. How did you become a member, and what process was followed for the appointment of members?

**RJ:** I was approached to provide the contact details of someone else the Minister had wished to bring onto the Council to advise on research, and seem to have been substituted by chance. I think there is a problem stemming from the lack of a shared understanding of what is driving the problem of GBV, as, if this had been understood, more strategic decisions could have been made about who should be members of the Council. I was first informed in August last year that I was to be considered for membership, after which there was a process of vetting. I heard nothing further until November, when the Minister wished to launch the Council. After that nothing happened until these high profile cases made the news and a meeting was hastily organised. I saw a list of people who were invited to be members of the Council, and some sectors have clearly been missed, for instance the business sector, as well as Treasury and the Department of Public Administration.

**CG:** According to the Minister's public statement in August last year it was envisaged that the Council would have 45 members with a dedicated Secretariat. She also said that NGOs that deal with violence against women and children and gender-based violence, religious organisations, traditional leaders, the women's movement, local government associations and government organisations would be represented, and that there would be observers from the Commission on Gender Equality, United Nations bodies, research institutions, donor partners and experts. That seems rather unwieldy. It also seems as though there are organisations and institutions involved that represent very different, even opposing, views on the factors that underlie gender-based violence and responses to it. Will we not be creating a structure that is paralysed by its own internal disagreements?

**RJ:** Well, I think that if we were to get champions for the issue within the sectors that haven’t traditionally been involved, like traditional leaders, it would be valuable. The Council could be a source of strength for people from those sectors. I think we have to acknowledge that traditional leadership and some of the churches can play a very valuable role, as they are very influential, but that they can also replicate and reinforce a strong set of patriarchal values, which clearly needs to change if we are to achieve effective gender-based violence prevention. These sectors are a very important part of the solution and it’s only through engaging with them and discussing the issues that we can move forward.

**CG:** According to a statement by Minister Xingwana, the Council will ‘advise government on policy and intervention programmes, drive the implementation of the 365 Days Action Plan, advise government on policy and intervention programmes, strengthen national partnerships in the fight against gender-based violence, create and strengthen international partnerships and monitor and report progress on initiatives aimed at addressing gender-based violence.’ She also listed many things that need to be done, all of which seem to come down to placing even more responsibility on the criminal justice system. Why is it that we don’t seem to be able to move beyond punishment as our response to GBV?

**RJ:** The problem comes back to the lack of a clear theory of change driving the prevention programme. If there were a comprehensive, scientific evidence-based theory it would become clear that the criminal justice system is important, but that it is just one part of a much bigger programme of intervention that is required. Government seems locked into the 365 Day Action Plan, which was launched in 2007, but six years on we should be working from our current knowledge base.

So what are the key drivers that we need to address? At the top of the list we have to put gender transformation, in particular changing the way men see themselves as men, and changing social norms about violence use within relationships. Essentially that means empowering men to be respectful of women and non-violent, and empowering women to know what they want in relationships and hold their partners...
accountable for providing it. We need to build relationship skills too, especially communication. We need a broad intervention strategy to reduce alcohol abuse and drug use. We must strengthen mental health services so that counselling is available, especially for abused women, and depression is identified and treated in men and women. A further major pillar of the strategy is one that will bring about long-term benefits. This involves reducing the number of unwanted children by strengthening contraceptive and abortion services, and reducing violence experienced by children, in part through interventions to teach and promote non-violent and more age-appropriate parenting. Why the childhood focus? Well, evidence suggests that boys who are abused in childhood (physically, sexually and emotionally) are much more likely to perpetrate violence when they are older.

This is a broad agenda, and of course the criminal justice system has a role to play, but we have to be mindful that it is easier as a society to focus on the small number of people who are caught by the police, than to deal with the difficult issues of changing the power structures that replicate gender equity.

**CG:** I am slightly confused about how people with disabilities have apparently become a focus of the Council. It is noted on the Early Childhood Learning Community website, in a report about the first Council meeting, that the Council noted the ‘current lack of statistics for GBV against people with disabilities’ and the lack of access to justice for people with disabilities. While this is true, is there not a danger of the Council on the one hand becoming bean counters, and on the other being distracted by issues that are important, but not really relevant to dealing with GBV?

**RJ:** Yes, it is true that we don't have statistics about violence against people with disabilities; it's a gap the department should fill, but perhaps not at this stage the Council. I think the Council needs to focus future research on determining questions that will allow us to monitor progress and address this issue in the best possible way. Care needs to be taken, as we know that if we don't do GBV research very carefully, with rigorous methods, we can end up with useless data.

**CG:** On a more positive note, you said at the start of our discussion that we do know what kinds of interventions we could start implementing. What do you think are the most important things for us to focus on in that regard?

**RJ:** The real question is how to do this. I can give you a laundry list of the types of interventions, but I think it’s important to strategically think through what tasks we need to achieve, and then how we best do this.

- We need to keep remembering the need to intervene on multiple levels – addressing the interpersonal and family level, but also impacting on communities and societies.
- In our mission to reduce gender power inequalities, enhance respect for women, and change social norms on the use of violence, we need leadership at the highest levels of the country, and a strategy that harnesses the contributions of all sectors. One part of this is using interventions such as Stepping Stones that are proven effective in reducing gender-based violence, and widespread teaching of communication and conflict management skills.
- We need to draw on the experiences of key NGOs in the sector such as Sonke Gender Justice, but we have to go well beyond the NGO sector. Education has a key role here with the school curriculum, but teachers need to be supported to deliver the curriculum and understand and embrace its values.
- We need a massive programme to change social norms, and here key contributions are required from religious institutions and from the cornerstones of social relations in rural areas, notably traditional leaders.
- We need changes in social norms among the police and those who are tasked with upholding our laws on gender equity and violence.
- We also need to acknowledge that alcohol plays an important part in the violence we see. Alcohol doesn't cause rape, but lowers the barriers to rape. Men who are drunk are more
likely to become violent with each other and with women. Women who are themselves drunk are more likely to be the victims of abuse and violence. Addressing alcohol abuse is part of the strategy for reducing GBV.

- We also need to address the way in which we parent children. We need to change the way children are taught to use violence from a very young age, and prevent new generations of children from suffering life long trauma that comes from experiencing emotional and physical abuse in childhood. We have to focus on changing parenting to bring up a generation of children with higher self esteem and who can react to others more kindly and empathetically.

We know the problems that we have now start when children are very young. There has been a systematic review of parenting interventions for low and middle-income countries, and this shows that we have tools we can use in our setting. Some of the very good work is from South Africa. We also have to recognise that the media have a key role in promoting alternative models of parenting that are non-violent and much more respectful of children.

People very often forget that if we want children to grow into adults who are not hierarchical and are respectful of others, we need to raise children that are themselves respected by adults. For example, we need to respect children’s need for time with their parents; and for parents to listen to how children would like to spend their days. We also need to improve communication between parents and children. It may be as simple as asking your child: ‘How was your day at school?’ and listening to their response. Parents should understand that the best way to protect their children is to have open communication. We should not only speak to our children about the serious things, but about everything, because the biggest danger lies in children not feeling that they can speak to their parents. In many households this basic communication is lacking. What we see is that children often enter intimate relationships too early in their lives because that is where they can find affection, warmth and attention. If they were getting those things from their parents they would not need to find them through sexual relationships.

I think the greatest challenge is to understand that we need to embrace primary prevention – that is, prevention of violence before it occurs – and not focus solely on responses afterwards. This requires a shift in thinking that can be hard, but we have a great deal of scientific evidence to guide us. The key challenge is to reach for the evidence.

NOTES

4. Ibid.
5. Ibid.
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