

## The end of the year, the end of an era

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In the three months since the publication of *South African Crime Quarterly* (SACQ) 57, South Africa's tertiary education, prosecutorial and political landscapes have been shaken, perhaps irrecoverably. Although we cannot predict how it will all turn out, change is certainly afoot. So too with SACQ.

### **South African Crime Quarterly: the end of an era**

This issue of SACQ marks the end of a path-breaking era for the journal. We offer our heartfelt thanks and a fond farewell to our long-time editor and champion, Chandré Gould. Over the past decade, Chandré has worked tirelessly to grow the quality and reach of the journal, ensuring the publication of valuable research on crime and justice-related matters pertinent to South Africa. She has ensured that SACQ has been produced in a format that is both elegant and easily accessible and digestible to a broad readership. In the process, she has facilitated the commitment of over 200 articles, reviews, commentaries and interviews to South Africa's research record, and helped foster a new generation of researchers.

One of Chandré's greatest contributions to SACQ has been to facilitate its accreditation by South Africa's Department of Higher Education and Training. This is a huge achievement, which significantly raises the status and profile of the journal, and provides real incentives for South Africa-based academics to publish in SACQ. She has also overseen the migration of the SACQ submission, review and production processes to the Open Journal System (OJS). The OJS is an open-source software tool for the online management of peer-reviewed academic journals, aligned with best practice in academic publishing. In 2015, SACQ was one of four South African journals chosen by the Academy of Science of South Africa (ASSAf) to be piloted, using the OJS. ASSAf works to reward excellence and promote innovation, scholarship and the public interest in South Africa. That it identified SACQ as a journal through which to pioneer this aspect of its work is a tribute to the quality of the journal Chandré has nurtured.

Over the years Chandré also made significant changes to SACQ's format and content. She introduced book reviews to the journal, and in 2009 she instituted the interview-driven *On the Record* feature. *On the Record* provides readers with intimate insight into the minds of some of the country's most influential individuals in the criminal justice arena, and commits their testimony to the national record. Since its introduction, SACQ has featured over 15 *On the Record* interviews with important stakeholders, among others former minister of police, Nathi Mthethwa, former Constitutional Court judge and Khayelitsha commissioner, Kate O'Regan, and former deputy minister of cooperative governance and traditional affairs, Yunus Carrim.

Another of Chandré's legacies is the SACQ policy on the use of race labels in articles. Through it, SACQ challenges the uncritical use of race labels in academic writing, and in the country more broadly. Importantly, the policy does not encourage the pretence of colour blindness. We all know that access, opportunity and life outcomes unacceptably correlate with the race categories manufactured during the colonial and apartheid eras, so that white South Africans in general remain significantly wealthier, better educated and employed, and safer than black South Africans (as protesting #FeesMustFall students made so clear in September and October 2016). And yet, '[t]he truth', as noted by Anthony Appiah, 'is that there are no races: there is nothing in the world that can do all we ask race to do for us'.<sup>1</sup> SACQ's policy compels authors to pause and ponder what work they intend a reference to race to do if they insert it into their writing. Where it is relevant, it absolutely must be drawn out, but where not, it should be avoided.

Finally, Chandré introduced the role of sub-editors to SACQ. These voluntary positions provide early career researchers with rare and intimate exposure to the systems and processes of academic publishing. I consider my own prior work in this role a hugely positive experience. In part to fill the great space that will be left after Chandré's departure, I am pleased to welcome five new sub-editors to the SACQ team. (Read more about them at the end of this editorial.)

These are some of the most tangible changes Chandré has brought to SACQ. But, I believe, she has also had a much bigger, if less obvious influence, both on the journal and in the lives of those whose words make up its pages. This is reflected in the critical but encouraging posture she adopts to her work, simultaneously challenging authors to think and write with analytical clarity while supporting their growth and development through constructive, patient feedback. I have benefitted immensely from this mentorship myself, and suspect many others have too. The ripples set in motion by Chandré's interactions with authors over the past decade will almost certainly continue to shape the waves that wash up onto South Africa's research shore in the decade to come. For all that she has done, we owe her our immense gratitude.

While Chandré will no longer edit SACQ, her work will be no less impactful. Last year she completed a life history study of incarcerated violent offenders in partnership with the Department of Correctional Services. The results of the study have been published in a monograph titled *Beaten bad: the life stories of violent offenders*, which I cannot recommend highly enough. Get online, download it free of charge, and read it. It is excellent.

Chandré is currently working with the University of Cape Town's Associate Professor Cathy Ward and the Seven Passes Initiative on a three-year project. The aim is to determine whether it is possible to achieve a population shift in parenting in an entire community through a social activation process in combination with the provision of four evidence-based parenting programmes. This work will feed into broader initiatives undertaken by the Institute for Security Studies and its partners to ensure the uptake of evidence-based violence prevention programmes nationally. Chandré also recently co-curated an exhibition, 'Poisoned pasts', about the apartheid-era chemical and biological warfare programme. The exhibition is on display at the Nelson Mandela Foundation in Johannesburg until March 2017 and is well worth a visit.

I hope our readers will agree that SACQ, and South Africa as a whole, are better off because of the work Chandré has done, and continues to do.

## A new era of tertiary education

Another era that may be coming to an end is that of tertiary education as we know it in South Africa. On 19 September, Minister of Higher Education and Training Dr Blade Nzimande announced that fees at public universities would increase in 2017. This after a fee-freeze in 2016, primarily as a result of student protests in 2015 under the slogan '#FeesMustFall'. In subsequent weeks, students demanding free, quality, decolonised tertiary education forced the closure of public university campuses across the country, clashing with police and private security officers in the process, at times violently. Just 10 days into the six-week protests, one person had died, it was estimated that damage amounting to R600 million had been done to university property, and allegations of police brutality abounded. While classes were suspended, students, police, university administrators and government vied to shape the narrative through which the events would be interpreted, and therefore the change they would bring to South Africa's tertiary education sector.

There can be no doubt that this generation of young people has demanded change, and that their demands have been heard by the government and the country more broadly. Like the school learners of 1976, they have found their elders too complacent and their political leaders too corrupt to entrust them with their futures. It is unclear what form post-protest changes may take, but tertiary education as we know it in South Africa may be approaching the end of an era.

Two articles and a book review in this issue relate to protests in South Africa. Phillip Broster's review of Luke Sinwell and Sipiwe Mbatha's *The spirit of Marikana: the rise of insurgent trade unionism in South Africa* describes it as a book that places the Marikana killings in the context of much bigger historical struggles for dignity and economic freedom by working-class people. Similarly, the #FeesMustFall protests are best understood through George Lipsitz's concept of 'the long fetch', which Broster refers to in the review. This is the slow, sometimes imperceptible but mounting pressure that builds over long periods of time, then manifests in what may otherwise be perceived as sudden and unpredictable events.

Predicting and learning from events such as those in Marikana in 2012 is something the South African Police Service's (SAPS) Public Order Police (POP) tries to do through the collection of vast amounts of data. Two articles in this issue refer to this data. In the first, Peter Alexander, Carin Runciman and Boitumelo Maruping try to make sense of the data captured using the SAPS's Incident Registration Information System (IRIS). IRIS captures information on 'crowd incidents' attended by the POP but, as the authors show, this should be engaged with caution. Fewer than half of the incidents captured, they suggest, are actual protests. And yet each year the SAPS claims it polices over 10 000 protests, a claim that is both politically and fiscally beneficial to the organisation.

Also in this issue, an article by David Bruce documents and reflects on the experience of using the Promotion of Access to Information Act (PAIA) to request protest and use of force data, including that of IRIS, from the SAPS and the Independent Police Investigative Directorate (IPID). The article paints a picture of a police service that at times appears very willing to share data with researchers, but it also exposes the IRIS data as ambiguous and incomplete, so that the SAPS appears to be misleading itself about the nature of protest in South Africa, and its own responses to it.

## An era of politics and prosecution

Two final and related eras that may be coming to an end are those of Jacob Zuma and his faction within the African National Congress (ANC), and of Advocate Shaun Abrahams's term as the country's chief prosecutor.

On 2 November, outgoing Public Protector Thuli Madonsela's report, *A state of capture*, was released after failed bids by Zuma and Minister of Co-operative Governance and Traditional Affairs Des van Rooyen to interdict its release. Madonsela's investigation was launched following the late-2015 claims by Deputy Minister of Finance Mcebisi Jonas and former ANC MP Vytjie Mentor that they had been offered ministerial positions by the Gupta family, which has close ties to the president and his son. The report compels Zuma to establish a commission of inquiry to investigate claims that he and his allies have abused their power, and yet in late November Zuma told Parliament that nobody had the authority to instruct him to do so. A week later he survived but was surely wounded by a motion of no confidence debated at the ANC's National Executive Committee meeting, a motion no doubt sparked in part by Zuma's dismissal of the matter.

The public protector's report comes at the end of a year of surreal scandals involving the president, many of which were touched on in the SACQ 56 and 57 editorials. What is worth noting, however, is the apparent overlap between claims of state capture against Zuma and the perceived abuse of office of the National Director of Public Prosecutions (NDPP), Shaun Abrahams.

In the September issue of SACQ we published an intimate interview with Abrahams, in which he spoke of 'a myth that the institution is being utilised as a political tool to advance somebody's ends or goals'. He also defended his reappointment of controversial Advocate Nomgcobo Jiba as Deputy NDPP, and expressed an eagerness for the Constitutional Court to rule on the National Prosecution Authority's appeal against a high court judgement that it must reinstate corruption and fraud charges against Zuma – something Abrahams has not appeared eager to do.

But the months since the publication of our interview with Abrahams have not been favourable to him. In September the Pretoria High Court agreed with a prior ruling that Jiba and Special Director of Public Prosecutions Lawrence Mrwebi were unfit for their jobs and should be struck from the roll of advocates. The ruling was based on the judges' view that the two had irrationally prevented the prosecution of former SAPS crime intelligence boss, murder accused and Zuma ally, Richard Mdluli.

Despite losing these battles, Abrahams convened a press conference in October where he announced, with much spectacle, that Finance Minister Pravin Gordhan would be charged with fraud, adding that '[t]he days of disrespecting the NPA are over'. In an unfortunate twist of events for Abrahams, the charges and the grandeur of their announcement were perceived by many as confirmation that he was abusing his office to wage politically motivated battles on behalf of a Zuma-aligned faction within the ANC. In the weeks that followed, powerful people and bodies called for Zuma to step down or be recalled. The calls came from ANC stalwarts, including former ministers, the Nelson Mandela and Oliver Tambo foundations, and the largest public sector union, Nehawu (National Education Health and Allied Workers' Union), among others.

Perhaps in response to this public outrage, or perhaps because the case was so weak, Abrahams withdrew the decision to prosecute three weeks after announcing the charges, was summoned to

Parliament to defend his actions, and on 15 November was asked by Zuma to justify why he should not be suspended while an inquiry into his fitness to hold office takes place. Bizarrely, on the same day it emerged that the head of the SAPS's elite investigation unit, the Hawks, Berning Ntlemeza, had written to Abrahams lambasting him for withdrawing the charges against Gordhan. Clearly, it is not the prerogative of police to decide who is prosecuted and who not, making Ntlemeza's intervention quite stunning.

The exchange between Abrahams and Ntlemeza forms part of court papers filed by the civil society groups Freedom Under Law (FUL) and the Helen Suzman Foundation (HSF) in a failed attempt to have Abrahams removed. What remains unclear is whether Abrahams is the innocent victim of a politically captured Ntlemeza (though this would reveal that he had not reviewed the case against Gordhan before his public announcement of the charges), whether Zuma has chosen to sacrifice Abrahams to protect himself, or whether his letter to Abrahams was simply a delay tactic and an attempt to have the FUL and HSF stop their court action (which went ahead and was struck from the roll on 24 November). The establishment of a mock inquiry might take the wind out of the sails of public outrage, before absolving Abrahams (and so Zuma and Ntlemeza) of wrongdoing and keeping him where he is.

On the subject of inquiries, 2016 marks 10 years since the Jali Commission released its report on the state of South Africa's prisons. In this issue of SACQ Lukas Muntingh reflects on South Africa's correctional facilities in relation to the Jali Commission's recommendations. He notes that while some areas have shown improvements, substantial shortcomings remain.

I hope you enjoy this issue of SACQ. We wish all our readers a safe and joyful end to 2016.

## **New to the SACQ team**

I am delighted to announce that five new sub-editors have joined the SACQ team. They are:

- Ms Reema Nunlall, a human rights activist, PhD candidate and lecturer in Criminology and Forensic Studies at the University of KwaZulu-Natal. Her work focuses on sexual offences and African criminology.
- Dr Alexandra Hiropoulos, a postdoctoral research fellow based at the African Centre for Migration Studies at the University of the Witwatersrand. Her research interests include xenophobia and anti-migrant violence, violent crime, sex work and sexual violence, and geo-spatial analysis.
- Mr Thapelo Mqhehe, a researcher at the Centre for Social Development in Africa at the University of Johannesburg. His interests lie in prisons, gender roles and sexualities, and research methods.
- Dr Esther Gombo, a postdoctoral researcher in the Department of Public Law, University of Cape Town. Her interest is criminal justice, particularly sentencing and punishment, and its interface with human rights.
- Ms Melissa Meyer, a PhD candidate and research assistant at the Centre of Criminology, University of Cape Town. Her research interests include millennials, cybersex, forensics and abnormal psychology.

These five join an already impressive team of sub-editors:

- Dr Camilla Pickles, a British Academy postdoctoral fellow in law at the University of Oxford, where her research explores obstetric violence and the law.
- Mr Khalil Goga, an analyst at the Nelson Mandela Foundation with an interest in social justice and organised crime.
- Ms Jane Kelly, a PhD candidate in psychology at the University of Cape Town, conducting research on gang joining and desistance from the perspective of former gang members. Her other research interests include substance abuse, alcohol use during pregnancy, criminality and gang involvement.
- Dr Elona Toska, who recently completed her doctorate at the Department of Social Policy and Intervention at the University of Oxford, and has been a research associate at the Centre for Social Science Research at the University of Cape Town since 2015. Her research focuses on the sexual and reproductive health practices and the needs of adolescents on long-term anti-retroviral medication.

**Andrew Faull**  
**(Editor)**

## Note

- 1 Kwame Anthony Appiah, *In my father's house: Africa in the philosophy of culture*, Oxford: Oxford University Press, 1994.