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CRIME AND PUBLIC (IM)MORALITY

*monograph 10

ISANDLA INSTITUTE / OPEN SOCIETY FOUNDATION

About Development Dialogues

Development Dialogues is a joint initiative of Isandla Institute and the Open Society Foundation for South Africa. The aim of the public dialogue series is to create a space for critical reflection and dialogue among key development stakeholders in South Africa. In doing so, the organisers seek to make a (rather modest) contribution to enhancing the quality of debate in the development sector. Through *Development Dialogues*, Isandla Institute and the Open Society Foundation intend to bring about creative and constructive multi-stakeholder meeting opportunities that push stakeholders to think beyond the confines of their immediate interests and theoretical paradigms.

This monograph captures the speakers' inputs and discussions at the *Development Dialogue* on 'Crime and public (im)morality', which took place on 24 May 2007 at the Centre for the Book in Cape Town.

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Many societies grapple with crime, but few societies go through as much anguish as we do. Crime in South Africa is not just the commission of a criminal act; it seems to go to the very soul and the heart and the fibre of what we stand for. I can understand the anguish because 13 years ago when we embraced the beginnings of a new society, we did so with so much euphoria. We did so in the expectation that we were starting a new chapter of our history. We did so in the context of the most wonderful Constitution and Bill of Rights. We did so with the understanding that what this society was about was not just changing the material conditions under which people lived, but maybe boldly and maybe courageously trying to develop a new sense of humanity – a humanity that recognised all those who shared common space.

So one can understand the sense of anguish that we feel because it is so divergent to all that we stood for and fought for in the pre-apartheid era, and also to what our constitutional rights stand for. And I suppose, 13 years later, we ask ourselves what has gone wrong. Former President Mandela in responding to the incidences of child rape said 'perhaps South Africa needs an RDP of society'. Archbishop Tutu, delivering the last memorial lecture at the University of Cape Town, made the point that perhaps we have lost our way morally as a nation. And he went on to say that we have never quite quantified what apartheid has done not just to the physical state of the nation, but to its soul and to its psyche.

These are the questions that confront us. From a human rights perspective and in the work I do, one sees the devastating impact of crime. It is difficult, if not impossible, to talk about advancing

a culture of human rights in the face of the kind of crime we are experiencing. The Constitutional Court has called gender-based violence possibly the single most substantive obstacle to the self-determination of women. We fail to understand the gratuitous violence that often accompanies crime. And when we ask for solutions, we often seek tougher and more robust law enforcement. Frankly, I am not sure that that is the solution to the problem.

It would be quite simplistic and easy to say that there are those who do crime and those who do not do crime. And those who do crime are morally bad, and those who do not do crime are not. But that is too simplistic, because laws that

Rights have become commodified in our society. The kind of education, the kind of health care one can have access to often depends on the resources one can marshal.

determine criminal conduct are not necessarily located in morality. So there is not necessarily a synergy between law, including criminal law, and morality. We simply have to look at history to recognise that.

Slavery was legal, although it was immoral. For a slave to run away from his or her owner was morally right. But it was illegal and it was the subject of punishment. And in the context of our own country, apartheid – being a crime against humanity – was immoral and yet the laws of apartheid were enforced and maintained with a kind of vigour and enthusiasm that even surprised





its masters. Issues then of crime and morality became quite blurred. For many of us during the days of struggle making the country ungovernable and not accepting the legal system was legitimate. It was the moral thing to do, even though technically you were acting illegally and in conflict with the law.

It would be quite easy to say that we made quite a clean break from the past in 1994 and therefore there should be no need for this blurring of the distinction any longer. But the blurring continued in fact. It continued in the manner in which we in effect made compromises in what is being called the miraculous and the historic settlement. I accept it was historic in many respects. But there were substantial compromises made as well, around issues of morality, issues of crime and around people's understanding of maintaining this distinction. Simply put, those who committed the most heinous crimes were forgiven. Those who acquired wealth in assets immorally were told they could keep it.

So we started in 1994 with a brilliant legal framework, a wonderful Bill of Rights, but all around us we can see the legacy of an unjust society that persisted for 350 years. How do you relate to that? Is it reasonable and fair for people to simply say: we start a new chapter and we forget the past? Has the past not seamlessly entered into the present and will it not continue to do so as we move into the future? Clearly there was a residual sense of injustice that I am not sure we dealt with. If you look at the work of the TRC there are still lots of unanswered questions around issues related to reparations and social justice. And it is within that environment that we try and deal with crime and justice issues today.

I want to make one point absolutely clear. I am not suggesting that whenever there is social injustice it serves as a justification for the commission of crime. That would be too simplistic. What I am saying is that when the law and legal processes are seen as advancing the social cause of justice, then you increase the possibility that ordinary people see the law as a legitimate tool for the construction of your society. I am not sure that we are moving in the right direction in terms of getting there. I am not also suggesting that the gratuitous violence we see in our society can be simply explained by that phenomenon.

In the debate around crime and violence today there is an undue focus on the law enforcement perspective. That is not only the case here in South Africa, but internationally as well. Take the war against terror. Mary Robinson, a former United Nations Commissioner for Human Rights, spoke of what she called ideological euphemism in describing how we have even changed the language. Kidnapping is no longer kidnapping; it is now called an extraordinary rendition. While this may sound very nice, it is still kidnapping. Likewise, torture is no longer torture; it is now called coercive interrogation. So the focus has been on stronger and tougher law enforcement. People have succeeded in creating paranoia. I read something the other day that said that politicians in the past promised people 'we will deliver your dreams to you', which is a nice promise for politicians to make. These days they say something else. They now say 'we will deliver you from your nightmares. Trust us and we will put all the measures in place to deliver you from your nightmares.'





As we move forward, we need as a society to honestly understand and unpack where we are now and how we use the criminal justice system. A concern for the Human Rights Commission has been how rights become commodified in our society. That includes rights within the criminal justice system. The kind of education, the kind of health care one can have access to in a society with an outstanding Bill of Rights often depends on the resources one can marshal. Is that moral or is that immoral? Is it moral or immoral for people to illegally connect electricity to their homes during the winter, when others have mansions with enough electricity to light up a township? These are not questions that we debate often enough in our society.

As we sit here there are women who land in South African jails for having stolen a bar of soap or a loaf of bread and yet Sir Mark Thatcher, who was primarily responsible for organising a coup in Equatorial Guinea, is able to negotiate bail and a plea bargain agreement from the luxury of his Constantia home. What does that say about the society we are trying to create? And what does that say about our attempts to maintain a distinction, as we should, between what is moral and what is immoral?

We can build more prisons. But frankly, we cannot build ourselves out of the problem. We have 180 000 people sitting in a prison facilities that can hold 110 000. You build a massive prison, but it can hold no more than 3 000 people. And we put people in prisons that do not belong there. I am not suggesting that there are not people who are not deserving of being in prison. But my view is that we have limited space and therefore only

the most deserving should go. That is not an irresponsible statement, because I think there are many people who go there on account of their poverty. At any given time there are 10 000 people in the prison system who simply have not been able to afford to pay bail of R1 000 or less. It is costing you and me R200 a day to keep them there, because some of them have not paid R100 bail. It almost makes sense for the Commissioner of Correctional Services to quietly take some money out of his pocket and pay their bail.

Recently, the Human Rights Commission held a conference on crime and human rights with a view to try to refocus the public debate away from purely law enforcement and to identify the social crime initiatives that are necessary. This is not a popular thing. Recently the Minister of Education indicated that schools would now be searching children for weapons and for drugs. Given the problems we face in that regard, at one level you can say you understand that. But how can you do that without recognising the structural violence from which these children come and the violence in the community? One cannot simply deal with it as a law enforcement problem within the context of schools. The Human Rights Commission is making a submission to that effect, arguing that one cannot look at it in isolation of the context of violence in the society around schools.

During the course of the Human Rights Commission's conference we were privileged to hear some useful presentations that suggested the many different factors that contribute towards the culture of crime and violence in our society. In many ways we are a damaged and a hurt nation. We have inherited a psyche and a culture of violence



that is still part of how we solve our problems. Parents do so. Husbands do so. I grew up in Morabastad and there are people who say '*Ek is so lief vir my vrou, ek slaan die liefde sommer in*' ('when I hit my wife, I am actually transferring my love into her'). Those things will not be sorted out through law enforcement and prosecutions. That is not so say that we must not prosecute such cases, but I think we need initiatives outside of the criminal justice system.

In conclusion, in South Africa of today there is a blurring of the distinction between crime and morals. We see it everyday. When a poor person is evicted from their home because they have defaulted on a small amount of payment and their home is sold in execution, can we say that that is legal and that is moral, simply because we cloak it with a veneer of legality? I think we need to go back to where we started in 1994. What does our Bill of Rights require us to do? We have committed ourselves to creating a society where there is equality, human dignity, where we said we would free the potential of each person, where we said we would ensure that South Africa belongs to all who live in it. This ideal is still such a long way off. In fact, we are heading in a different direction. President Mbeki has reminded us of the current culture of selfishness, of greed, of acquiring as much as you want to and how this contributes towards a time bomb ticking.

Let me share a small anecdote with you. Where I grew up we ate the best food every day, even though we lived in a shack. The food came off trucks that passed through. And for the majority of the people there, there was nothing wrong with that, because we lived in our poverty and we

took what we needed. I am not offering that as a justification, but unless we address issues of social justice and social injustice in South Africa, we are not going to be able to holistically address the issues of crime.

I am not suggesting we put issues of morality on the back burner until we have a society that is socially just. I think we need to address the issues around violence. We need to ask questions. Why do men rape babies? Why do young men in the prime of their lives inflict the kind of gratuitous violence they do, even when their intention is to simply steal a cell phone or R10? There is something fundamentally wrong and I am not convinced that social scientists who know and analyse behaviour have assisted us sufficiently with these issues.

When we talk about crime, we should guard against focusing on the poor. The tendency – not expressly but almost implicitly – is to say that crime is their problem. They can sort it out. But the issue of morality does not just impact on the poor, it impacts on all of us. I am not sure that as South Africans we have fully embraced what it means to live in a society that truly is committed to social justice. We see these issues as add-on issues and at the end of the day we pop something into somebody's plate and say: here, I have made my contribution to social justice. I think we are moving away from the kind of society that we fought for and our comrades died for, and in many respects we betray the values of our Constitution. I do not believe that we can have an honest discussion on crime and violence unless we locate it within that paradigm. ■



A few weeks ago I was reading an article about Confucius, the Chinese sage. It was about a book that was written by a Chinese writer, which had sold more than three million copies in four months. In essence it was about the impact Hollywood has on countries such as China. One thing that caught my attention was the quote by someone interviewed by the writer, that 'I was taught Marxism and Leninism but when I became independent and went to college I saw professors taking money and I felt the old slogan "serve the people" was no longer relevant'.

When I read that, my thoughts went to the time of my childhood, growing up in a village in the North West Province. We used to participate in what they call sunbeams. In spite of its militaristic nature, the scouts and the sunbeams infused certain values and the one value that I remember was the motto: 'I will serve'. This was ingrained in our psyche. When we say 'I will serve' the verb itself is very lofty. I doubt there is any human being who would not be interested in serving. But when you turn the verb to a noun, and then it becomes 'servant' and it becomes a problem to a lot of people. If you put it within a dominator model or within a capitalist power model, servant ceases to be lofty and noble. Obviously for South Africans the immediate servant that we all think about is domestic servant. And in that sense we perceive being servant as being low.

What I find fascinating is that we refuse to recognise that to serve is the backbone of our livelihood. In all world philosophies (including Ubuntu – which means 'I am because you are') there is an emphasis on interdependence, mean-

The challenge now is looking at the internal, at the things we can change in ourselves as people.

ing that if I serve you I will be served. If I serve someone else, it is in a sense self-interest, because I am going to gain in return. However, what I experience in my adulthood which differs from my childhood is that most often the question is no longer 'who is willing to serve', but 'what is in it for me'. And I am saddened by the fact that even those who are called to the highest forms of service – politics and religion – seem to have been infected with what seems to be an incurable epidemic of greed and corruption.

In 1997, when I worked in Alexandra as Director of Agisanang Domestic Abuse Prevention and Training (ADAPT), I commissioned a study that was meant to identify the kind of violence-related deaths of young black men. Some of the voices that came out of the study included: 'In the past, it was a struggle for liberation. Nowadays, it is a struggle for the stomach.' One thing that young people said was that there was no leadership. When one considers the saying in Setswana 'as you follow footprints, the second foot will step on where the first one has been', these young people were saying 'we are following in our elders' footsteps. And our elders who are our leaders are not doing do a good job in so far as giving us direction.'

One other related concept is 'so it is above, so it is below; so it is below, and so above'. This means that whatever happens above will impact on what





is happening below and whatever happens below will impact on what is happening above. For South Africa, the fact that the top police officer of the country is embroiled in reports of alleged criminality is not doing any good for us. It is not doing much good for those who are below, because they are looking for a footprint to follow.

As a country we have come a long way. But the reality is that there is still a whole lot more work to be done. Jody Kollapen spoke about the fact that we have been through so much and there were expectations that post-1994 all the things that people have died for, fought for all along, will be there. What we did not realise is that there was more work that needed to be done.

At the time of the struggle we correctly focused on the external. The challenge now is looking at the internal, at the things we can change in ourselves as people. This brings the issue of healing into the equation. People will want to tell us to forget about the past. When we talk about the past they say 'don't dwell on the past, move on'. Interestingly, we are happy to talk about World War II or the Holocaust, which happened many years ago. Take the Holocaust as an example – why is it that this is something that is spoken about over and over again? I want to believe that talking about it offers a form of healing. Possibly, when they spoke about it just after it happened, it was with feelings of rage and anguish. As time went by, they related their experiences in the same way but they also focused more on their inner power and their capacity to turn things around. But they spoke about it nevertheless. Even now they are still speaking about it, but they are now speaking about it with a sense of pride that seems to be saying:

Healing, like forgiveness, is not for cowards. Once you heal, you take responsibility for your actions.

'look what we have become in spite of our past'.

I think that we would like that opportunity to say 'look how far we have come'. But we should be ready to open the wounds and deal with them. As Jody Kollapen has said, there is so much about the TRC that has not been completed. Instead of criticising the TRC, let us rather focus on the things that we can do to move the process forward so that it becomes a continual process. Of course every process is going to be flawed because they are new to all of us and we are trying a lot of things that we have not done before. It is a question of moving forward, yet at the same time find a way to heal.

Once you heal, you take responsibility for your actions. You know and believe that you have everything that you need right now to make your life whole. Once you heal, you also know that your life is not dependent on what others say and think about you, and that your reality is similar to – but not the same as – other people's realities. When you heal, your life is also interdependent on others. You know that you do not exist in isolation. Healing, like forgiveness, is not for cowards. Healing is about making a commitment to reclaim your power as a human being.

Once in a meeting with elders I described my work as a drop in an ocean. A man got up to say that even a drop in an ocean caused ripples. This





is something that I have never forgotten. You might think that a drop in an ocean is nothing and will therefore make no impact. But my elder was reminding me that even a drop is powerful and that it is needed in this big ocean. It is part of this big ocean. So the ripple that we do at a personal level is very important. The reason why this is important is because of what I have already mentioned earlier in relation to African philosophy. Feminist philosophy also says the personal is political, meaning that what happens to you personally impacts on the political. What happens in the political also impacts on you personally. Christianity has the moral virtue of doing unto others as you would like others to do unto you. Islam, Judaism and all other religions have a notion that is an expression of interconnectedness. I want to emphasise that when it comes to views about morality, the mistake we make is that we equate them with religion, thinking that it belongs in a church, mosque, temple or synagogue.

Morality is an issue that impacts on everyone. It is not just an issue of the poor. It is about being human. I am fascinated by this notion of being human and human being, as opposed to human doing. We are all in the process of being and as human beings we are in the process of evolving. And the one way of being is to be the best that we can be. As a society, we tend to invest a lot in punishment of bad behaviour as opposed to investing in the art of being human.

Last week I was on my way to Klerksdorp to a workshop. I stopped in at a petrol station in Potchefstroom and a petrol attendant approached me with a sour face, very unconscious about it (you know how we live unconsciously). I decided

that I was going to be so conscious and so compassionate. Because of the way that I greeted him, the way that I spoke to him and asked for a receipt afterwards, I experienced a shift in the way that he interacted with me. He was not necessarily smiling, but there was a change in the position of the muscles on his face. He did not say much, but I could see there was a change. This is an example of the impact that you decide to have on society, outside of a constitution and legislation and so on. There is a power that we possess as individuals and if we can access that power and use it positively, we can get somewhere.

When it comes to crime there are divergent views. There is a view that it results from economic circumstances and therefore the solution is to push more money and more resources at the problem. The other view says crime results from a breakdown in values so we need to inculcate a strong moral value base through education in all sectors of society. Those who are saying the latter criticise others by arguing that there is little point in spending because it will do little good if values are

The mistake we make is to equate morality with religion, thinking that it belongs in a church, mosque, temple or synagogue.

absent. Those who express the former view argue that good values will not help in the absence of human rights and equal opportunities. If you ask me where I stand, I will say both are necessary.



Indigenous law is not about finalising a file, but about repairing broken relationships and broken bridges.

The question is how do we fuse liberty and values in a post-apartheid society? How can we create equal opportunities for all while at the same time striving to be a virtuous society? I do a lot of work with young people, with hip-hop, and so on. They have a phrase that says: it is square to be good, hip to be bad. The question is why is it square to be good and hip to be bad? How do we change that thinking? If you ask any young person what is a good life today they will tell you about material wealth. That will be number one. And other factors that might follow include physical fitness and beauty. Others may be professional career status or political power. All these things come from the outside. If you do not have them, the thinking is that there is no way that you will have a good life. The emphasis is on what I have, rather than what I am.

Perhaps we should consider changing Batho Pele to Botho Pele, meaning humanity first, rather

than people first. If you say humanity first, you urge each person to be humane. This goes some way to explain why we go on punishing bad behaviour, yet give no incentives for being good. Why are there no incentives for being humane, when there is so much attention on doing bad?

Finally, I want to speak briefly about indigenous law because it is an area that I am currently working on with rural communities. The work itself is at very early stages, but there are some areas that I would suggest we could explore. At its core, indigenous law combines punishment with education. When elders punish you, they also make you aware of the shame and the negative impact that your act has put on the system. They do not take you out of the system. You remain in the system that you have harmed. In this way, you are forced to face up to the harm that you have caused others. Indigenous law is not about finalising a file. It is about repairing broken relationships and broken bridges. Perhaps it is not necessary for everything to be prosecuted and for everyone to be sent to prison. This is one area where we can explore alternatives for certain kinds of crime, especially in situations where that kind of support mechanism is still present. ■



In 1982, as part of my sociology studies in Langa, I looked at the issue of solidarity among black people in the context of apartheid, which tried to divide people on racial and colour lines. The one issue that people indicated as centrally important to their lives was the issue of crime. That was very interesting because I thought they would say politics or the government strategies of suppression. They said crime.

A quick rundown of the statistics shows that in South Africa last year there were 19,000 murders, 55,000 reported cases of rape and 500,000 cases of violent interpersonal crimes characterised by savage attacks, and the excessive and ruthless abuse of fellow human beings. This is the scale of what we are talking about. When you refer to crime in South Africa, the predominant form of that crime is violent. It affects people's personal lives directly. It brings fear and stifles hope.

What is the connection between the presence of crime of such a scale and intensity and its connection with public morality? There is one approach that says we make the mistake of thinking that we can control and direct society, that we have a commandist view. It seems to me that those in authority in South Africa have this idea that by proclaiming laws and strategies, they can actually fashion society. I believe that is false, and that this has a bearing on morality, including public morality.

In South Africa we have what can be characterised as a liberal democracy, similar to the model of the British and the Americans. But in a typical liberal democratic society, the issue of ethics becomes a minimalist issue. There is a separation between the ethics and the politics of the public realm. For instance, the previous president of

America could indulge in behaviour that in the view of many in society was immoral. But it was not a problem for politics.

In my view, the big mistake that many societies make is that they disconnect or uncouple ancient ethics from a modern politics. That is a fatal mistake because the very people that public figures try to serve through their democratic politics mainly subscribe to an ancient ethics. They have a morality that is rooted in religion. That is why you find deep stresses in modern societies. Where the voice of religion has been silenced, such as in Western Europe to a great extent, you find that a poverty of spirit, a malaise, sets in. As a society we become rudderless. What is the meaning of life, where are we going? We have everything, but as one Swedish philosopher said, everything now is shop and sex.

I believe that in South Africa one of the great mistakes that we have made is that we have uncoupled the ancient ethics of our communities from the type of politics that we wanted to construct. To some extent we have tried to encapsulate some of these ethics in the Bill of Rights, but to what extent has this been properly communicated to and owned by South African society? That for me is very unclear.

Social scientists locate the breakdown of morality primarily in the social change that society has undergone. There is a typical approach that says that when you have radical social change you necessarily have a breakdown of moral codes and behaviour and that people are isolated and become insecure. Others say no, this is not correct. What we see in societies in this stage of late industrial development is in fact that the very society that we tried to construct has given rise to





this kind of behaviour. Late modern society itself is the cause of a breakdown of all forms of morality, the old bonds that bind, the checks and balances, the caring for each other. None of these things count anymore. Everything is myself. The individual is king and queen.

When you read the ANC's policy papers relating to crime and violence, you find that it is predominantly located in the social factors. One theologian, Denise Ackerman, a Presbyterian, calls this the behaviourist approach to personal behaviour. It locates the determining factors in human life not inside the agent, the person, but externally in their environment. Of course there is truth in it, but it is the partial truth. There is another aspect. People make choices. Can we say that it is social factors alone that determine these outcomes? There are millions of poor people who do not fall into crime, especially this kind of violent, abusive activity. Why not? Because they make choices. Nothing compels a person to go and rape another person or kill someone.

From a religious perspective we can never deny the importance of the human agent. When we listen to the declaration of the churches and other religious communities – and I believe that we all share fundamentally the same concerns – they say that we need to find a deeper understanding. There is no direct link between crime and morality. There is no linear connection often in life. That is only in the minds of scientists perhaps working with natural phenomena. In society, it is seldom like that. So, our first duty is to ask what is truly happening before we judge, before we use the Rambo tactics and talk of the Minister who says we are declaring a war on crime. That war talk, does it help?

When we take one step back, what is our first tentative conclusion? Well, every society needs a morality rooted in agreements of norms and commitments to certain fundamental goals. Moral fibre arises out of dialogue and constant interaction with each other. When one group in society, especially a government, sets itself up as the sole arbiter of life and the future of society, then it is bound to lead to very deep stress and even breakdown. I believe our government comes from a commandist tradition where a small group of people must be in control all the time and have the last word on everything. You cannot build a modern society that way, as the collapse of socialism has shown.

Secondly, the environment and the moral network is not enough. You need to build character. And to build character, you must publicly encourage certain attitudes. You must clearly denounce attitudes that go against the good of society. There are many, many examples in South Africa. One stands out for me. In the early 1980s a number of black activists were viciously tortured in a prison in Port Elizabeth. A medical doctor with the name of Wendy Orr spoke out. She said that she went to the prison regularly as part of her job and became aware of the torture. She said, 'I am part of this system and I need to speak up'.

In the debate about crime and morality, now is the time for right thinking and right feeling and caring people to turn their backs on fear and speak publicly where it is necessary. When we feel isolated we need to connect with each other and speak together. We must take responsibility to help fashion our society. The time to leave it to the government alone is over. ■



AFTER THE INPUTS, THE FLOOR WAS OPEN FOR QUESTIONS AND COMMENTS. ISSUES THAT WERE RAISED INCLUDED:

- Inadequate attention has been paid, especially by white people, to make amends for the past and pay attention to the deep social injustices that fuel crime.
- What are the most worrying aspects of crime as a social phenomenon in South Africa?

IN RESPONSE THE SPEAKERS MADE SOME CONCLUDING COMMENTS:

Jody Kollapen

The most worrying aspect is something that most of the speakers alluded to, namely the accompaniment of gratuitous violence in the commission of crime. This is not to say that if you take the violence away, we can live with the crime. But I just think that is something that confounds us and causes us the most anguish and it is perhaps what causes the kind of reaction we see in our society, the reaction of zero tolerance and stronger law enforcement.

I have touched on the point with regard to recognising the past as well. I take the point that we should not criticise the TRC, but I think we should also acknowledge – and I am speaking here of white people in general, though there are some notable exceptions – that there was almost a sigh of relief when the TRC was over. There were attempts to recognise past injustices, such as the Home for All Campaign, but frankly they were dead in the water. But those opportunities still exist.

I would like to pick up a point about progressive values, because the ethics Pieter Grove spoke about are important. But even as a society we have evolved and some of those values require revisiting in the context of today. Take the debates around gay and lesbian people. If you locate those debates in the ethics and the morality of the past, there would be only one conclusion, namely that homosexuality is abhorrent, evil and ungodly. That is not the kind of progressive values you want to talk about.

Mmatshilo Motsei

One thing that did not come through quite clearly is the issue of self-agency when you apply it to different classes. For somebody like me, who has a roof over my shoulder and a meal every night, I can engage with the issue of self-agency differently from someone who has no home, who has an empty stomach and so on. If we apply a blanket across all classes, it can result in a state of affairs where we blame the victims for the situation in which they find themselves. I remember when I was still practising as a nurse the issue of empowerment in health education came up. People tended to blame women who have a lot of children for being stupid. If you are a mother and you brought a child with kwashiorkor in you were going to get a serious tongue lashing from the health workers. The notion of blaming people for the situation that they have no control over is a problem. So when we address issues of self-agency we should be very careful of that.



Pieter Grove

You mention the phenomenon that the majority of white people fail to recognise and continue to reproduce inequality. Indeed, many people in our society think that the door has been closed on the past. But we know that the past is still with us and will be for many years to come. But when we deal with the issue of violence, we cannot draw a direct conclusion from that failure to recognise the past and gratuitous violence. The issue we are talk-

ing about is how do we deal with violence and the kind of violence we experience in society. Why is it that the vast majority of people that are directly affected are poor people? Why is the violence directed inwards in our communities? Is our society organised in such a way that the aggression is largely directed away from the privileged – and that includes you and me – towards those that are poor? I think we need to reflect further on that. ■





CRIME AND PUBLIC (IM)MORALITY

24 MAY 2007

CENTRE FOR THE BOOK, CAPE TOWN

ABOUT THE PANEL:

Jody Kollapen is the Chairperson of the South African Human Rights Commission. He has a B.Proc degree and an LLB from Wits University. He practiced law in Pretoria from 1981 to 1992 focussing on public interest law and during this period he represented a number of people prosecuted in terms of apartheid laws. He joined Lawyers for Human Rights, a leading human rights NGO in 1992, and served as its National Director from 1994 until 1995. His areas of interests include human rights law within the administration of justice, equality and the advancement of socio-economic rights. He is presently chairperson of the Equality Review Committee and serves on the boards of various national and international human rights bodies, including the Legal Resources Centre and the Human Rights Foundation.

Mmatshilo Motsei is a community organiser, a poet, author and mother of three born in Lady Selbourne and raised in the North West province. She started her career as a nurse and midwife and moved on to become a nursing lecturer, social science researcher and a psychology graduate. Over the past decade, she has worked as a counsellor, trainer, gender consultant and rural development practitioner. Her latest book is titled 'The Kanga and the Kangaroo Court: Reflections on the Trial of Jacob Zuma'.

Pieter Grove works at the University of Stellenbosch in the Faculty of Theology as a facilitator of anti-poverty strategies in congregations. He qualified as Minister of Religion at the University of the Western Cape in 1985 and worked for 19 years as a Minister in Namaqualand. He also served as the Chairperson of the Northern Cape Council of Churches and Moderator of the Cape Synod of the Uniting Reformed Church.



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