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Bill Dixon, Elrena van der Spuy, eds. *Justice Gained? Crime and Crime Control in South Africa's Transition.* Cape Town: University of Cape Town Press, 2004. 352 pp. $27.00 (paper), ISBN 978-1-919713-71-7.

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Crime and Justice in Post-Apartheid South Africa

Other than the AIDS pandemic, violent crime is perhaps the most talked about problem haunting post-apartheid South Africa. Long a feature of life in many black townships, violent crime has more recently spilled over into predominantly white areas and is something of a national obsession. And, of course, "justice" is a problematic concept in a country with such a troubled history. This set of essays explores the difficulties confronting a transitional society plagued by crime, yet seeking to shed the punitive aspects of the former regime's approach to law and order. In the introduction, Bill Dixon draws attention to the meaning of "transition"–in particular whether seemingly new developments are "indeed the product of change or, rather, an example of the stubborn persistence of authoritarian habits, undemocratic institutions, or unjust social structures" (p. xxiv). These are critical questions as South Africa struggles to overcome its violent past–a difficult task indeed in the midst of what is perceived to be an unrelenting crime epidemic.

This disparate collection covers a lot of ground, from capital punishment to gun control to domestic violence, and is united primarily by its pessimism. Clearly, the authors are disillusioned with the lack of transformation in the transition period. Public and political hysteria over violent crime has driven the agenda and derailed the implementation of more progressive policies introduced in the ANC government's first years in office.

Graeme Simpson sets the tone with a thoughtful critique of the Truth and Reconciliation Commission's mandate, arguing that "a clear distinction between political and criminal violence was only sustainable by constructing a somewhat sanitised version of the past" (p. 2). The resulting arbitrary amnesty decisions have contributed to "a sustained crisis in the credibility of the law itself, as well as for justice institutions in South Africa" (p. 23).

Different chapters take issue with the justice system's myriad failures. Dee Smythe and Penny Parenzee highlight the limitations of the Domestic Violence Act through the examination of 660 applications for protection orders. This study reinforces the hard truth that the passage of progressive legislation in no way guarantees the intended outcome. Rather it is only one step in the quest for social justice. In this case, resource constraints and the conviction of many police that domestic violence is a family, rather than criminal, matter, often subvert the letter of the law. The authors' interviews with farm laborers also revealed an increased level of police indifference to domestic violence in marginalized communities as well as the logistical barriers and social constraints such women face in gaining access to legal protection. The depressingly familiar story here is that the formal justice system offers little hope for abused women.

Just as the system fails victims, it also fails to safeguard the rights of perpetrators. Brian Stout and Catherine Wood discuss the (still pending) Child Justice Bill along with diversion programs. They advocate increased protection for child offenders, including alternatives to custody, in the face of popular demands for harsher measures in dealing with youth crime. As it is, the prisons are bursting at the seams and overcrowding is a grave concern. Dirk van Zyl Smit notes that South Africa still incarcerates a higher proportion of its people than any other country in Africa and is outpaced in this regard by only a few countries worldwide. Like other contributors, he is troubled by the continuities with the past: "While the earlier high incarceration rate can be explained as the response of a governing elite that viewed offenders as an entirely foreign group to be ruthlessly excluded

from society, the current high rate and the resultant appalling conditions of incarceration represent a worrying failure of social solidarity" (p. 252). However, as van Zyl Smit acknowledges, his proposed solutions, which include shorter sentences for almost all convicted criminals and alternatives to imprisonment for petty offenders, hinge on a political will to deal with prison overcrowding. Once again, public opposition to any perceived leniency towards criminals makes the adoption of such measures unlikely. Vigilantism is already rife in many areas of South Africa and there is a complete lack of sympathy for criminals, not least among township and informal settlement residents who bear the brunt of violent crime.

In much the same vein, Bill Dixon despairs of government policy–particularly the National Crime Prevention Strategy (published in 1996)–that concentrates on reactive as opposed to preventative measures to address crime. Despite government recognition of the deep structural factors that have encouraged high levels of crime, the political imperative to adopt a robust response to criminal activity almost immediately took precedence over longer term investment in social crime prevention. One of the consequences of such developments is that while the relatively wealthy can purchase a degree of protection by hiring private security, the poor are left to fend for themselves. Dixon calls for the implementation of socially just, structurally aware preventative strategies "if the divisions created by apartheid are not to be widened, renewed and made permanent" (p. 184).

Elrena van der Spuy's chapter on the evolution of South African policing studies also voices disappointment. She traces the various phases and themes of policing studies and observes that for a brief period in the early 1990s "debates on South African police and policing seemed poised to engage with the subject matter in a conceptually clear and historically grounded manner." However, this potential has not, for the most part, been realized as day-to-day concerns of policing in the post-1994 period have driven research "firmly in the direction of more practical and policy-oriented inquiries" (p. 206). Early '90s optimism about the prospects for transformation in the police has been overtaken by more guarded approaches, partially as a result of comparative studies of police reform in other post-conflict societies. Van der Spuy herself offers a no holds barred assessment: "Brutality, corruption and incompetence continue to characterise the new force, now cosmetically labelled a 'service' " (p. 214). At the same time, she argues that continued research is imperative both in academic settings and to assist a police organization confronted with demands to stamp out high rates of crime while it struggles with institutional transformation.

With some five million firearms circulating in South Africa, there is a pressing need to adopt some form of gun control. As Anthony Altbeker points out, however, the jury is out on whether or not gun ownership contributes to overall levels of violence or allows potential victims to ward off attackers. Thus, "the adoption of a particular policy position is something of an act of faith" (p. 79). After leading the reader through international and national statistics and surveys, the only firm conclusion Altbeker reaches is that imposing stricter controls on gun ownership would likely reduce the incidence of lethal interpersonal confrontations.

Chapters by Andre Standing and Rob Turrell examine debates related to organized crime and capital punishment, respectively. Standing takes issue with the notion that organized crime in South Africa is a product of the transformation. He acknowledges that the end of isolation has opened up opportunities for international criminal syndicates, but makes a persuasive argument that the apartheid security forces both established and actively sponsored criminal networks decades before 1994. These networks have continued to develop and are often entwined with state structures. His second, more controversial, argument is that powerful gangsters on the Cape Flats have taken advantage of the failure of state authority in impoverished neighborhoods to effectively establish a "shadow state." In this way, organized crime is less of a virus attacking a healthy body politic than a symptom of an ailing society. He does not discount the destructive impact of criminal exploitation on the Cape Flats' population but stresses the need to acknowledge that "In areas where unemployment is as high as 60-70 percent, money flowing from the local gang boss can have a significant impact on people's standards of living, especially when it helps them to meet such basic needs as food and accommodation" (p. 43). Any intervention strategies would do well to take heed of this relationship.

Turrell contributes a fascinating and provocative discussion of the racial and gendered aspects of murder and capital punishment both during and since apartheid. Not surprisingly, under white rule, black men were the most frequent victims of the hangman's noose, often following convictions for raping white women. In contemporary South Africa, despite a rash of well-publicized killings of white farmers, the leading non-natural cause of death among whites is road accidents, as compared to murder

for blacks and coloreds. Race, geography, and poverty all play a role in determining the patterns of recent urban murders, which are "largely concentrated in informal settlements, while the formerly white suburbs [are] largely murder-free zones" (p. 90). Concluding that the abolition of the death penalty in 1995 is not an important factor in the alarming incidence of murder, Turrell argues that the responsibility lies with deepening inequalities and a lack of faith in the ability of law enforcement officials to protect citizens and bring perpetrators to book. He refers to vigilante and revenge killings as "remedial self-help" and although reliable statistical evidence is lacking, suspects that such actions account for a significant portion of murders. And, while violence against women, especially sexual violence, is endemic in South Africa, only one in seven murder victims is a woman. After tracing the history of male violence, he judges that "it seems safe to surmise that the most common murder in South Africa involves young, unmarried, acquainted males taking some form of action to establish status, save face or as a means of remedial self-help" (p. 99).

Many of the contributors share a conviction that the ANC government has responded to public demands for protection by adopting an ultimately futile approach that stresses a hard line against criminal elements instead of addressing the social and economic conditions that underpin criminality. Fair enough, but academics and activists rarely have to answer to the public. Most South Africans feel the government is not sufficiently harsh in its treatment of suspects and convicted offenders. The government was (and is) under enormous pressure to take action against what many perceive to be a "total onslaught" by gangsters, hijackers, drug lords and rapists. Thus, the tough rhetoric and emphasis on short term reactive policing should not be unexpected.

Given the political influence of public concern with crime and the widespread perception that criminals are winning the battle against the police and justice system, it is regrettable that none of the chapters concentrates on public attitudes to the current crisis and changes within the police and judiciary. These are critical matters for all South Africans and academic discourse seeking to inform policy is more likely to have an impact if it engages with public opinion.

Transforming the police service and justice system in the move towards a rights-based society will inevitably be a long and contested process. Both the judiciary and the police have to contend with a credibility problem and a key element in any true "transformation" will be winning the trust of the majority of the population. The problems involved in this transformation are legion and those interested in such issues will find this collection a useful starting point for what is sure to be an ongoing set of debates.

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