




New wine into old wineskins: A theological reflection on police brutality in South Africa

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Abstract

South Africa is one of the most violent countries in the world with different types of violence associated with crime, gender-based violence, and sexual violence amongst others. While the South African Police Service (SAPS) is supposed to protect the most vulnerable victims of violence in communities, they are also the perpetrators of violence in various forms of police brutality such as using excessive force and torture which leads to death in some cases. Police brutality is not a new phenomenon in South Africa; the South African Police (SAP) during apartheid was para-military and known for its brutality. It was transformed into SAPS in democratic South Africa to regard human dignity in policing. However, police brutality is still a major problem, especially towards the poor in society. This was also evident during the COVID-19 lockdown as South Africa was one of the top countries that had the most brutal lockdown enforcement in the world. This article provides a theological reflection on police brutality from the biblical text Mark 2:18-22 '...no one pours new wine into old wineskins...' This article argues that the SAPS has not transformed regarding policing that upholds human dignity. It argues that SAPS is losing confidence in communities as wounds of the past are re-emerging. This article proposes *Ubuntu* in the SAPS for its transformation and emphasises collaborative efforts to combat police brutality, heal wounds, and restore human dignity.

Keywords: Mark 2:21-22, *Ubuntu*, police brutality, heal wounds, Human dignity, SAPS.

Introduction

According to the 2021/2022 annual report of the Independent Police Investigative Directorate (IPID), there were 4015 cases of criminal offences allegedly committed by members of the SAPS and Municipal Police Services (MPS) which includes death in police custody, death as a result of police action(s), torture, rape, and corruption (IPID, 2022). These cases were investigated and referred to the SAPS and National Prosecuting Authority (NPA). There were thus 239 disciplinary convictions, with 311 police officers involved, but only 53 police officers were fired. In regards to criminal convictions, 20 police officers were criminally charged with the highest sentence being life imprisonment and others ranging from 8 to 22 years imprisonment for cases such as police brutality, police-related death, rape, and corruption (IPID, 2022). Although the report was for cases within the 2021-2022 financial year, it is only those that were investigated as there are more cases which are not reported or part of the backlog. However, the number of cases that have been investigated compared to the number of disciplinary and criminal convictions indicates that the wheels of justice are slow. It also indicates that there is a systemic problem, especially of



police brutality as accountability and programs to reduce police brutality are not prioritised. It is acknowledged that sometimes situations in which the police find themselves may be dangerous and the use of force would be necessary, however, it is dependent on the degree of cases, but the type of force that the police may use also has its limitations. In other words, the police should avoid unnecessary force, but if force is needed, it should be within the confines of the law. Bruce (2002) defines police brutality as the unlawful abuse of power. Police brutality is generally deliberate or unlawful violence, but Bruce also suggests that actions which amount to criminally negligent uses of force should also be considered acts of police brutality. Amnesty International (2010) mentions that unnecessary or excessive force such as beatings, racial abuse, unlawful killings, and torture are various human rights violations by police that constitute police brutality. When the SAPS was established in 1994, its main emphasis was to change its policing to be based on human dignity. This article theologically reflects on police brutality from the biblical text Mark 2:18-22 ‘...no one pours new wine into old wineskins...’ This article argues that the SAPS has not transformed its policing culture from the apartheid SAP regarding police brutality. It argues that police brutality mainly impacts Blacks in South Africa and further dehumanises them while the wounds of the past have not healed. It argues that SAPS is losing trust, especially in poor communities as its role in safety and security is questionable. This article proposes *Ubuntu* in the SAPS for its transformation and emphasises collaborative efforts to combat police brutality, heal wounds, and restore human dignity.

Mark 2:18-22 in context

18 Now John’s disciples and the Pharisees were fasting. Some people came and asked Jesus, “How is it that John’s disciples and the disciples of the Pharisees are fasting, but yours are not?”

19 Jesus answered, “How can the guests of the bridegroom fast while he is with them? They cannot, so long as they have him with them.

20 But the time will come when the bridegroom will be taken from them, and on that day they will fast.

21 “No one sews a patch of unshrunk cloth on an old garment. Otherwise, the new piece will pull away from the old, making the tear worse.

22 And no one pours new wine into old wineskins. Otherwise, the wine will burst the skins, and both the wine and the wineskins will be ruined. No, they pour new wine into new wineskins.” (Mark 2:18-22, NIV)

Mark 2:18-22 is part of the pericope within Mark 2:1-27 and Mark 3:1-6. The overall context of the pericope is the questioning of the authority of Jesus or the conflict between the law and the kingdom of God that Jesus preached about (Collins, 2007). These conflicts are healing and forgiving the sins of a paralyzed man; eating with tax collectors and sinners; not fasting like the Pharisees and John’s disciples; plucking grain on the Sabbath; and healing a man with a withered hand on the Sabbath. These stories within the pericope have the same literary form or genre (Collins, 2007) which Bultmann (1963: 39) refers to as a ‘controversy dialogue.’ A ‘controversy dialogue’ often begins with an action or attitude that is challenged by the other party and the responses are either a counter-question, a metaphor or both (Bultmann, 1963). The immediate context of Mark 2:18-22 is when Jesus was questioned about his disciples not fasting like John the Baptist’s disciples and the Pharisees.

The controversy in this text commenced by the acts or inaction of the disciples of Jesus rather than directly at Jesus. The text does not mention why John’s disciples and the Pharisees were fasting or the setting or occasion of fasting that prompted the question (Wessel and Strauss, 2010). However, the question may have been prompted by the previous verses Mark 2:13-17 when Jesus and the disciples were eating at Levi’s house (Gundry, 2010). The controversy is in the underlying question of the authority of Jesus on the matter of fasting or not fasting (Gundry,



2010) vis-à-vis the law (tradition) that John's disciples and the Pharisees follow. It was acknowledged by those who disagreed with Jesus that he was a prominent teacher with followers, thus implying the responsibility of a teacher for the actions of their followers (Witherington III, 2001). The text also does not mention who is doing the questioning but it is clear that they are not part of the disciples of Jesus, followers of John, nor the Pharisees. However, it may be people who were aware of the custom of fasting by John's disciples and the Pharisees. Therefore, they were perplexed that the disciples of Jesus were not doing the same (Collins, 2007). Jesus provides two responses to the question of fasting.

The first response in Mark 2:19-20 is a parable about the bridegroom. It is unheard of in a Jewish wedding where the guests of the bridegroom would be fasting while it is an occasion of celebration and feasting. In this parable, Jesus is the bridegroom and his disciples are the guests. The disciples should be in celebration while he is with them and they will fast when he is taken from them (Wessel and Strauss, 2010). The underlying response to the question of fasting is that Jesus does not completely rule it out for his disciples, but it depends on an appropriate situation such as when he is taken from them - Witherington III (2001: 125) explains that bridegrooms are not 'taken away' in weddings but the guests leave the wedding. Mark is vague in regards to 'taken away' but implies the use of force, and maybe hinting at a violent death of Jesus that will occur (Garland, 2015). The emphasis on the bridegroom rather than the wedding feast shifts the focus of the audience to Jesus. It therefore implies that to be amongst Jesus is the same as being in the presence of God – Immanuel (God with us) (Collins, 2007). The bridegroom is also a metaphor that the prophets used to indicate God and the bride indicates Israel (Garland, 2015).

The second response in Mark 2:21-22, Jesus based it on two similar metaphors that have the same meaning as a parable of the bridegroom. about the contrast between the old and the new. It is just as improper to patch an old garment with a new piece of cloth or to put new wine into old wineskins, as it is to fast at a wedding celebration (Wessel and Strauss, 2010). Jesus makes use of common knowledge that patching an un-shrunk (new) cloth to an old garment will damage the garment even further when it is washed as the new cloth will shrink, and putting new wine into old wineskins will cause the wineskin to burst. Wessel and Strauss (2010: 123) state that in ancient times, animal skins were used to store wine. When fresh skins were filled with unfinished fermenting (new) wine, they would stretch to accommodate the wine. However, older skins that had already been stretched out would become brittle, making them unable to stretch further. Pouring unfinished fermenting wine into old wineskin would cause the wineskin to burst, resulting in the loss of both the wine and the wineskin (Wessel and Strauss, 2010). The contrast between the old and new in this text is the new kingdom of God that Jesus proclaimed and the old teachings of the law (which was very rigid). The teachings of the law were outdated and required transformation, and to patch it with Jesus' proclamation of the kingdom would be incompatible (Collins, 2007).

When we analyse the pericope of Mark 2:1-27 and Mark 3:1-6, the examples of the kingdom of God are based on the teachings of Jesus which include everything that teachers of the law are against and prompted the questioning of Jesus on healing and forgiving of sins, eating with sinners, his disciples not fasting like the Pharisees and John's disciples, plucking grain on the Sabbath, and even healing a man on the Sabbath. Many were labelled as outcasts according to teachings of the law such as the sick and tax collectors but all are welcomed in the kingdom of God (Garland, 2015). Jesus brings a new form of faith that challenges existing Jewish thought at the time. His ministry does not conform to the Pharisaic ideals, and this caused conflict which led to his violent death. The old forms of Judaism were not capable of containing the new faith, and new wineskins were needed (Garland, 2015). Jesus came to bring the new kingdom of God, but the Pharisees thought that by following the old laws more strictly, they could prepare for it.



However, they failed to realise that it was God's grace, not the strict adherence to the law that would bring the new kingdom of God (Witherington III, 2001).

The theological understanding of this text is that there is nothing wrong with the law of God, but problems occur when the Pharisees create their laws over and above the law of God. The use of law was used to oppress, marginalise, and discriminate against people in first-century Palestine. In other words, the law was corrupted and eventually became the culture of how the law of God was used. The culture needed to be transformed through the kingdom of God that Jesus was proclaiming. Jesus wanted to transform the broken world but was persecuted as some were benefiting from the abuse of the law. Essentially, Jesus proclaimed human dignity and equality.

The following section will delve into the transition from the pre-1994 police force (SAP) to the police service (SAPS) post-1994.

Transition from the Police Force (SAP) to the Police Service (SAPS)

Pigou (2000: 137) states that the South African 1993 interim and 1996 adopted constitutions provided important human rights for all citizens, such as equality, dignity, and the protection of children and prisoners. This marked a new beginning, with the nation committed to not repeating its past violations of fundamental rights. During apartheid, police used deadly firearms in unacceptable ways, causing severe harm and even death whether for crowd control or township policing. Police brutality under apartheid was protected by the law (Haysom, 1987; Brewer, et., al 1996). In the democratic dispensation, the culture of police brutality, especially towards Black people that was employed during apartheid would have to be reformed to uphold human rights. This change was a gradual process as the experience and perception of the police amongst Black people were that of fear and violence (Zondi, 2014). The police in the new dispensation had to change the mindset of the nation that the police were there to protect and serve everyone while upholding human rights.

According to SAPS (2014), before 1995, there were eleven different structures of the police in the so-called homelands and South African police. All these structures were abolished and the singular national South African Police Service was established upon the adoption of the interim constitution. There was also a name change from 'police force' to 'police service' (Steinberg 2014). The name change was part of the reform to change the culture of policing: during strikes and protests, crime prevention, community engagement, giving support, and protecting public safety (Zondi, 2014). SAPS has adopted community policing as a core belief system, with the vast majority of officers showing an understanding that any form of discrimination based on race, ethnicity, or class is not only unfair but also undesirable (Newman, et., al 2006). The structure of apartheid policing was to counter insurgencies and threats to cause political instability and overthrow the government. The post-apartheid policing structure focuses on crime prevention and ensuring safety and security in communities. Steinberg (2014: 174) argues that the changing of the structure and name has only been a cosmetic change as police brutality is still prominent.

The following sections will deliberate on police brutality in post-apartheid as well as during the COVID-19 lockdown.

Police brutality in post-apartheid

According to Bruce (2002: 9), between 1997 and 2000, 2174 people died as a consequence of police brutality or while in police custody in South Africa. The majority of these (1548) were the consequence of police brutality, while 626 were fatalities in detention. Furthermore, South African police killed 358 people and wounded 1002 in shooting incidents between 1996 and 1998 in three provinces (Free State, Western Cape, and Eastern Cape) (Bruce, 2002). Most of the victims of



police brutality in post-apartheid are still Black people and the perpetrators are mostly Black police. An analysis by Angelo Fick on this phenomenon states that:

The class distinction in South Africa is mapped onto the race distinction and often it is mistaken for a race distinction. Yes, the racism is there but there are experiences that many of us in the middle-class Black South Africa need never fear, our homes will not be invaded, we will not likely be beaten to death as a rule in front of our relatives, whereas for working-class poor South Africans this is a reality of violation that they have to deal with far more often than the rest of us (Karrim, 2020).

Even though the structure of policing has changed, there are still challenges of police brutality especially towards poor Black people. Hadebe and Gopal (2018) state that South Africa is facing an influx of police brutality cases with over 5,500 cases of police criminal offences reported annually for the past four financial years (2014/15 – 2017/18). A democratic approach to policing is still to be achieved, and there are potentially more cases of police brutality that are not reported. Harrisberg (2020) adds that Between 2012 and 2019, the IPID reported that over 42,000 grievances had been filed against the police, with charges ranging from rape, murder, and torture. Reports indicate that out of 42,000 cases, only 531 resulted in successful prosecutions during the same time frame. The justice system is extremely slow in bringing justice to victims of police brutality.

According to Daneel Knoetze:

The reasons for this [low convictions] are both internal and external to the police watchdog. IPID is chronically underfunded and unable to handle its massive caseload. Historically, the directorate has also raised concerns over the failure of the National Prosecuting Authority and the police disciplinary processes to ensure that IPID recommendations result in convictions (Khoza, 2020).

Some of the cases of police brutality that received media attention and public outcry were those of Andries Tatane, Emidio Macia, and the Marikana massacre (Yesufu, 2022). Andries Tatane was one of the protestors of service delivery in Ficksburg, Free State in 2011. He was beaten, shot with rubber bullets and killed by the police (Sapa, 2013). Emidio Macia was a Mozambican taxi driver who died in police custody after being beaten, tied and dragged behind a police van in 2013 for apparently parking illegally in Daveyton, Johannesburg (Maduna, 2015). A strike at Marikana where miners wanted wage increases turned violent when 34 miners were killed on live television in 2012 (SAHO, 2023). The Marikana massacre opened old wounds of apartheid mass killings such as the Sharpeville massacre in democratic South Africa (Nasson, et., al 2023)

Police brutality during COVID-19 lockdown

As the world was facing the COVID-19 pandemic many countries opted to lockdown their countries to slow down the spread of the virus. In South Africa, the lockdown was first for 21 days and it continued thereafter at different levels where entities were either open or closed depending on the level of lockdown (Oliver, 2020). The economy of South Africa already had challenges before the lockdown and even more people were retrenched during the lockdown. The dilemma the country faced was to either save the economy or people's lives. The lockdown left many families vulnerable as many lost their livelihoods (Elsley, 2020). The death of George Floyd sparked protests around the globe, and on Tuesday South Africans added their voices to the demand for action to be taken against police brutality in the wake of at least 10 deaths of Black people caused by law enforcement during the coronavirus lockdown (Harrisberg, 2020). By June 2020, there were already 49 reported cases of police brutality since the lockdown began (Mkhwanazi, 2020). Studies of police work during the COVID-19 pandemic in many countries



have revealed that police officers had to enforce unpopular restrictions, which affected their relationship with the public (Lamb, 2023).

There were fierce confrontations between police and residents of Eldorado Park in response to the death of 16-year-old Nathaniel Julius. The locals were accused the police of having shot him (Tlou, 2020; Arendse, 2023). Just two weeks after the death of Nathaniel Julius, another young man, 22-year-old Tshepiso Adoons, was killed by police in Tembisa, Gauteng. It is reported that police from Rabie Ridge allegedly shot him dead while he was hiding in his home shack (Seleka, 2020). Even when people were in their most vulnerable state with COVID-19, police brutality was still prevalent in poor Black communities during the lockdown. When the SAPS and South African National Defense Force (SANDF) were deployed around the country to ensure that the lockdown regulations were adhered to, the way it was done was tactics of violence and humiliation especially towards the poor (Dzimiri, 2023). They were mostly deployed to poor Black communities and there was a lack of visibility of law enforcement in suburban areas (Rakubu, et., al 2023). Police in poorer communities often demonstrated a lack of concern, unprofessionalism and ineptitude. This has led to a lack of trust in the SAPS, as well as a history of police brutality and human rights violations due to militarized tactics (Lamb, 2023). Throughout the COVID-19 lockdown, footage surfaced on social media sites showing the police lashing, kicking, and beating individuals gathered on street corners or outside apartment complexes. News agencies reported and showed videos of police firing rubber bullets and tear gas into protesters standing in long lines outside stores (Zulu, 2020; Harrisberg, 2020).

This article argues that the transformation of the SAPS is nothing but new wine in old wineskin hence it bursts as there are many cases of police brutality that happen annually and fewer convictions (Yesufu, 2022). After 2010, the police service remilitarized as violence in the country was increasing, changing their rank structure back to a military-style as the service-oriented community policing approach had been difficult to implement (Bezuidenhout and Kempen, 2023). The culture of policing is the struggle to embed human dignity in its duties to serve and protect on the one hand and on the other hand, people are struggling to trust the police for their safety (Arendse, 2023). The policies of policing may change, but if the culture of policing does not change, nothing will change. The approaches to police brutality have not yielded many results as the culture of holding the police accountable for their actions is met with many structural challenges (i.e., IPID is underfunded, back-log of cases, and lack of convictions by the NPA and SAPS as per IPID recommendations) (Karrim, 2020). There have been discussions around body-worn cameras to reduce police brutality in South Africa (Dentlinger, 2023; Leathern, 2023). This technology provides a visual and audio record of police-citizen interactions, allowing for greater accountability and transparency (Bezuidenhout and Kempen, 2023). The effectiveness of body-worn cameras will yet to be seen in the South African context. Most scholars have suggested that human rights training of police officials should be transformed and continuous to change the culture of policing (Bruce, 2002; Zondi, 2014; Hadebe and Gopal, 2018; Bezuidenhout and Kempen, 2023). The following section will deliberate on *Ubuntu* to combat police brutality.

New wine into new wineskins: *Ubuntu* and police brutality

According to the preamble of the SAPS Act 68 of 1995 (2014), the SAPS is mandated to:

- (a) ensure the safety and security of all persons and property in the national territory;
- (b) uphold and safeguard the fundamental rights of every person as guaranteed by Chapter 3 of the Constitution;
- (c) ensure co-operation between the Service and the communities it serves in the combating of crime;
- (d) reflect respect for victims of crime and an understanding of their needs, and
- (e) ensure effective civilian supervision over the Service (SAPS, 2014).



The SAPS Act 68 of 1995 is very clear in the kind of policing that is required in democratic South Africa. It emphasises human rights, respect, and ensuring the needs of the community are served. There is nowhere in the SAPS Act where police brutality is promoted. Police brutality is thus the culture of policing outside the mandate of the SAPS Act 68 of 1995. For police brutality to be combatted, a new wine is required in the new wineskin. The transition from the police force (SAP) to the police service (SAPS) was a cosmetic change just like the new wine into the old wineskin. In other words, the democratic dispensation came with the transformation of the constitution and SAPS Act which was different from the apartheid dispensation. However, the culture of police brutality did not transform but it remained the same post-apartheid. The culture of policing rests on the members of the SAPS as the SAPS Act cannot implement itself.

Police brutality happens when the police consider themselves separate from the community. Policing in a democratic society depends on working together with communities and not separating from one another. Working together can be difficult when there is no trust between the police and the public. Hadebe and Gopal (2018) state that police brutality is causing tension between police and the public, which is concerning as it is meant to be a partnership. This is a major issue, as it is a travesty that public confidence is waning due to police becoming perpetrators. (Bezuidenhout and Kempen, 2023). *Ubuntu* is life-giving and life-affirming as it is communal (Dolamo, 2013). For the police service to be transformed, it needs to embed the values of *Ubuntu* and build trust within the communities which they serve (Letseka, 2012). *Ubuntu* is thus against all forms of injustice as they are life-denying and life-destroying. The failure of the police to transform, the more hostility it will create between itself and the public. *Ubuntu* is the process of transformation to attain human dignity within the community and life in its fullness (Ramose, 2005; Dolamo, 2013). This article proposes a holistic approach to the continuous training of police officers that involves the community and is embedded in *Ubuntu* to combat police brutality, healing of wounds, and the restoration of human dignity.

***Ubuntu* culture of policing**

The recruitment process for new police officers experienced a dramatic shift after 2000, drastically reducing the training period from two years to just one. Allegations of corruption have also been made. Emphasis had previously been placed on community policing, community relations, demilitarization and human rights training (Bezuidenhout and Kempen, 2023). Trainees are given a variety of modules to ensure they are educated in respecting human rights. They are taught not to compromise human rights, and police principles, and to observe community policing. They must also apply human rights principles in their day-to-day duties (Lukele, 2018). Human rights training is essential in SAPS training as it is aligned with the constitution of South Africa. However, it has not stopped the culture of police brutality. It is thus imperative for *Ubuntu* to replace the culture of policing especially police brutality (Ngcebetsha and Jamela, 2015). An *Ubuntu* culture of policing emphasises human dignity and disregards any forms of police brutality.

Healing of wounds

Wounds of police brutality have not healed in many communities from apartheid to post-apartheid. The trust in the SAPS is diminishing in communities because the wounds of police brutality are reoccurring every time there is an incident of police brutality. There is thus a need for the healing of wounds in the communities where police brutality occurred to recognise the wrongs that have been done to restore the relationship between the SAPS and the community (Metz, 2017). The healing of wounds is essential and can be an event organised by the SAPS, community, as well as chaplains to restore *Ubuntu* (Louw, 2021). The healing of wounds is not something that can happen overnight, but it is a process that requires all stakeholders to participate in.



Restoration of human dignity

Police brutality has an impact on human dignity and people are reduced to another statistic. Behind the victims of police brutality are human beings with inherent human dignity which was violated at the hands of those who are meant to protect them and respect their fundamental rights. Police brutality strips the human dignity of people and there is a need for human dignity to be restored in the culture of policing. *Ubuntu* is imperative to restore human dignity (Vellem, 2010). The restoration of human dignity is both for the members of the SAPS and the community. When human dignity is restored, trust and community policing can work. However, when human dignity is not restored, it can be difficult for the SAPS and the community to work together to combat crime. This cannot also happen overnight, but it requires a process and participation from all stakeholders.

The *Ubuntu* culture of policing, healing of wounds, and the restoration of human dignity is thus a holistic approach of *Ubuntu* to combat police brutality. Although *Ubuntu* may be regarded as utopian or vague (Metz, 2011), however, the emphasis in this article is that human life is more precious and those entrusted to protect and serve should be held accountable for their actions (i.e., police brutality) and an approach that facilitates a process to restore harmony and justice in /the community. Crime and violence are a rife problem in South Africa, and it requires the SAPS and the community to combat it. However, that cannot happen when the SAPS are the perpetrators of crime, corruption, and violence. Community trust in the SAPS is crucial but the trust is diminishing because of the culture of policing that has not transformed.

Conclusion

This article has highlighted that the culture of police brutality in South Africa has not changed from apartheid to post-apartheid. The 1994 dispensation has a new constitution as well as the SAPS Act 68 of 1995 which emphasizes the protection of fundamental human rights. However, the culture of police brutality has not changed as many cases of police brutality are reported against the SAPS on an annual basis. This article provides a theological perspective on the biblical text Mark 2:18-22 regarding police brutality in South Africa. New wine cannot be poured into old wineskins because it will burst. The change from the police force (SAP) to the police service (SAPS) was good, but it did change the culture of police brutality. The democratic constitution and the SAPS Act 68 of 1995 are essential, but they also did not change the culture of police brutality. The culture of police brutality is the old wineskin which needs to be replaced with the culture of *Ubuntu*. This article proposes an *Ubuntu* culture of policing, healing of wounds, and the restoration of human dignity as the holistic *Ubuntu* approach to police brutality. This approach cannot happen overnight, but it is a gradual process that requires participation from all stakeholders in the community to restore harmony and justice in the community.

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- NIV, Holy Bible, New International Bible

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