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ALTUM SONATUR

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A NOTE FROM THE EDITOR'S DESK

WHAT A YEAR IT HAS BEEN. WHAT A (REST OF THE) YEAR IT WILL BE!

WHEN FIRST BRAINSTORMING IDEAS FOR 2025'S THEME, OUR INTENTION WAS SIMPLY: PROVOCATION. AND SLIGHT PROVOCATION WE BRING TO YOU! AS YOU BROWSE THE DESIGN, YOU MAY NOTICE SOMETHING ODD. QUAINT AND FLOWERY-PASTEL DESIGNS OVERLAYED WITH BEIGE AND 'SERIOUS' VINTAGE-ESQUE PHOTOS.

OH, DEAR READER, FEAR AND FRET NOT. THE INTENTION FOR DOING THIS IS SIMPLY THAT: INTENTIONAL! IT IS BECAUSE YOU, FELLOW COLLEAGUE AND LAW STUDENT, ALONGSIDE YOUR CREATIVE SPIRIT HAVE ALWAYS BEEN CENTRAL TO OUR PROCESS.

IT IS BUT A SIMPLE EMULATION: A LAW STUDENT, BORED AND PROCRASTINATING, SITTING IN A MODERN AND BRIGHTLY DESIGNED BRAND VAN ZYL LIBRARY WHO IS SURROUNDED BY BRIGHT COLOURFUL DIVIDERS AND INSPIRED BY BOOKS FROM THE ANTIQUITY. IT IS BY ALL MEANS AND PRETENCES A JUXTAPOSITION. IT IS BY ALL MEANS AND SINCERITIES A LOVE LETTER FROM OUR TEAM, TO YOU.

DEAR READER, ENJOY. THIS NOTEBOOK IS YOURS TO ADD TO.

WHOLEHEARTEDLY YOURS,
OZZY NAÏG AROMIN, EDITOR-IN-CHIEF

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Eating Ourselves Alive: Fatphobia, Film and the Failure of "Body Positivity"

Kent Williamson

Conversations surrounding body image and beauty standards seem to evolve, but oftentimes we inevitably reformulate the same exclusionary thin white ideal. Despite progress made, each generation- of women especially- has their bodies scrutinised, undermining the sincerity of society's purported 'body positivity'. I aim to elucidate this through film, namely Bridget Jones's Diary and The Substance, to chart how discussions around body image and beauty standards have developed and stagnated from the former to the latter. This article will also analyse pop culture and other media that engage with these films.

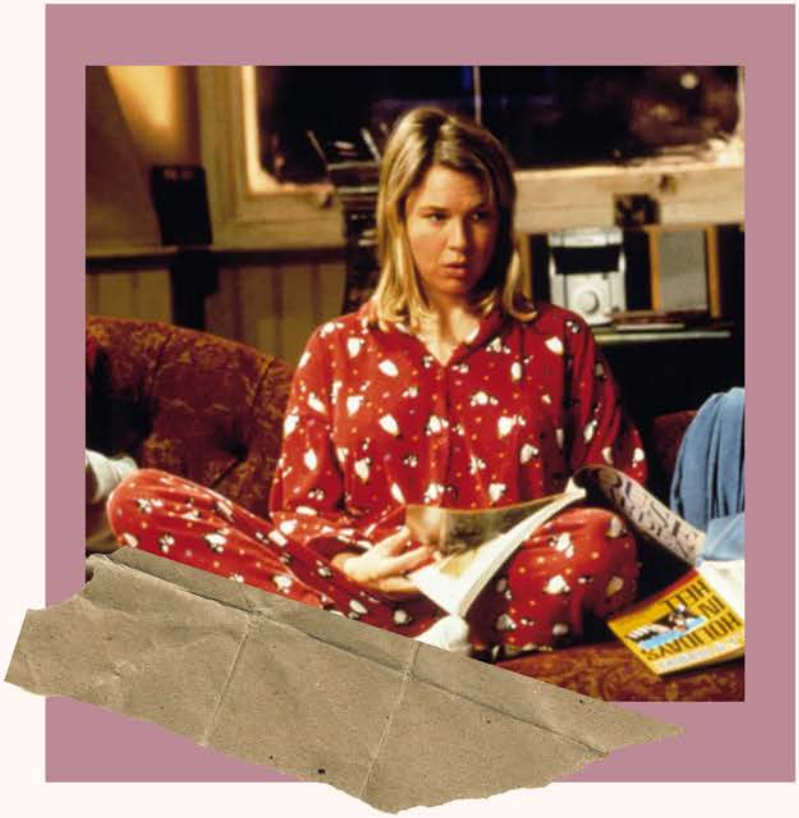
Despite losing weight being equated to 'good health'(healthism), diet culture has everything to do with skinniness rather than bona fide health concerns. Thinner bodies hold more power and social capital, especially in the 'body hierarchy'. White femininity, which is socially valued, roots beauty in thinness, forcing many women of colour to attempt to conform to a racialised and gendered standard that does not embody their reality. When beauty and body standards do 'shift', they still arise by way of white women who often co-opt body features and aesthetics of women of colour who are still demonised. Consequently, fatphobia arises from Eurocentric culture's association of negative attributes like laziness or gluttony with bodies that differ from the thin, white ideal, thus reifying systems of oppression. Fatness therefore cannot be divorced from issues like race, gender and sexuality. Lastly, while the term 'fat' has been utilised maliciously, reluctance to use it imbues it with unnecessary stigma. As someone who has struggled with their weight/body their whole life, I, like many fat feminists and activists, reclaim the word, and I use it interchangeably throughout to challenge its accompanying shame.

Introduction to Bridget Jones's Diary and the 2000s

Bridget Jones's Diary' (2001) follows 32-year-old Bridget, a self-proclaimed 'spinster' who decides to turn her 'messy'(love) life around whilst being especially obsessed over her eating and weight. Her first diary entry begins with her weightbeing noted - '136 lb' - and she articulates her fears that she is 'fat' and will subsequently 'die alone' unless she 'change[s] soon'. Throughout the franchise, people criticise her weight, and by the third film, her mother is relieved that she is pregnant rather than 'just [getting] all fat again'. Subsequently, Bridget's character embodies our culture's preoccupation with weight. Despite her career and personal successes, she despises her weight, which she links to her lack of romantic prospects. This reinforces the common media representation of fat people as undesirable and by suggesting she is unhappy because she is fat, it codes thinness as a moral imperative and implies that discrimination would disappear if one simply lost weight.

The film fostered unhealthy eating habits and body dissatisfaction. Despite being played by a conventionally thin actor, the fact that many were convinced that Bridget was not shows the power of film and representation and the unattainability of the thin ideal. Renée Zellweger, who plays Bridget, particularly asserts that she never thought Bridget had a 'weight issue', calling into question the film's and society's warped perception of beauty and weight.

Films do not exist in a vacuum shaping our perceptions of *Body Image*

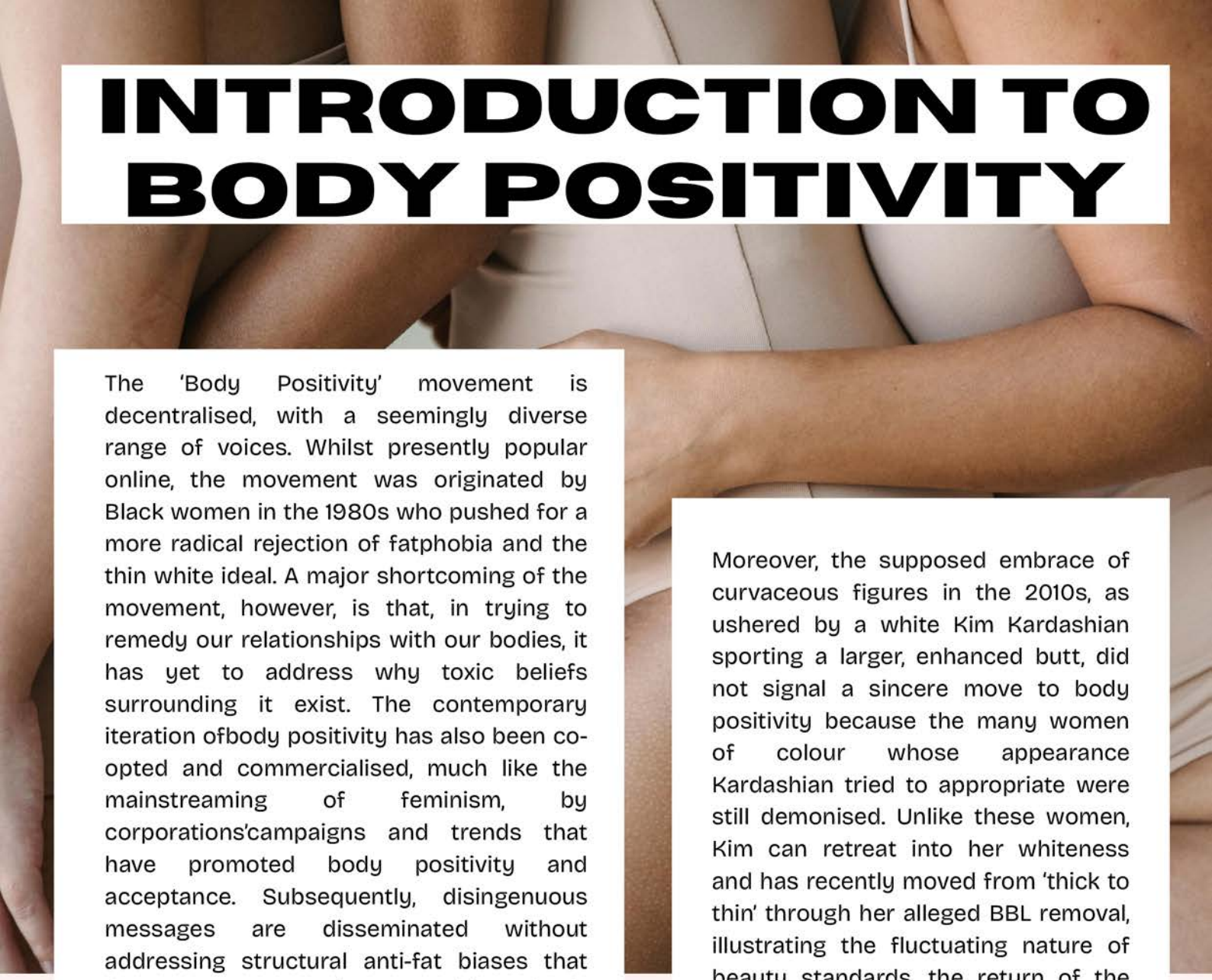


As fashion industries and print media were influential arbiters of beauty paradigms, heroin chic's preoccupation with emaciation subsequently influenced unhealthy eating and weight-loss strategies. Films like Bridget Jones also highlight Hollywood's power in being able to shape what is or is not attractive. Whilst Hollywood forces male actors to undergo radical transformations to achieve a 'superhero physique' and thus affect average men's body dissatisfaction too, women must navigate the continually moving line of 'skinny but curvaceous' that actressesthemselves cannot achieve. The public suffers body dissatisfaction as the ostensibly beautiful and thin celebrities that they try to emulate were not enough for society's standards. This is worsened by the continually fluctuating beauty standards that set one up for failure. Ultimately, skinniness was so equated to discipline and effort and was a status symbol that the failure to embody it was considered amoral failing on one's part. The above conflicts with our 'post-Body Positivity Movement' world, and yet these ideals persist. The discussion of The Substance below illustrates this.

"Bridget Jones" was released during the 2000s, which was characterised by its toxic diet culture and 'peak post-feminist cinema'. The latter saw female empowerment being promoted, but this was underscored by a relationship to capitalism and consumption which resulted in rigid ideals like the 'heroin chic' ideal which emulated the appearance of those with substance use disorders. The fashion industry coded this ideal as a desirable aesthetic, particularly championing the accompanying emaciated physique, with pale (read: white) skin and 'dishevelled hair and clothing'.

INTRODUCTION TO THE SUBSTANCE

The Substance, released in 2024, is a critically acclaimed body-horror film following the 'ageing' Hollywood starlet, Elisabeth Sparkle, who no longer conforms to the industry's (ageist) beauty standards, so she uses the titular substance which allows her to 'birth' a younger, better version of herself named Sue, whom she trades places with every seven days. Unlike Bridget Jones, it satirises our persisting preoccupation with bodies and beauty and the lengths one would go to look 'perfect' through Elisabeth's Faustian bargain. An objectified Sue is continually used to contrast Elisabeth, whose naked 'unglorified body' is shown once, highlighting how such standards pit women against each other and our preoccupation with youth as a complimentary facet of unattainable beauty standards. When Elisabeth rapidly ages, the film forces us to consider why images of ageing, rather than objectified Sue, are 'horrific' when the ageing of one's body is inevitable. Aparticularly poignant scene is where Elisabeth stares at an image of Sue's body and feels inadequate such that when she looks in the mirror, she smears her makeup violently, harming herself.She ends up denying herself any love or human connection because she thinks she is not worthy of it due to her appearance, much like Bridget Jones. The fact that twenty-three years after Bridget Jones conversations about the pursuit of the unattainable young, thin, white ideal are still being discussed in such a film signals the persistence of unrealistic beauty standards despite purported pushes for 'body positivity'.



INTRODUCTION TO BODY POSITIVITY

The 'Body Positivity' movement is decentralised, with a seemingly diverse range of voices. Whilst presently popular online, the movement was originated by Black women in the 1980s who pushed for a more radical rejection of fatphobia and the thin white ideal. A major shortcoming of the movement, however, is that, in trying to remedy our relationships with our bodies, it has yet to address why toxic beliefs surrounding it exist. The contemporary iteration ofbody positivity has also been co-opted and commercialised, much like the mainstreaming of feminism, by corporations'campaigns and trends that have promoted body positivity and acceptance. Subsequently, disingenuous messages are disseminated without addressing structural anti-fat biases that the very companies preaching body positivity often have perpetuated. Moreover, despite its origins, White women disproportionally dominate conversations surrounding body positivity. Notwithstanding their personal body image issues, these women are more proximate to white femininity and its ideal and are thus often 'conventionally attractive' in society's eyes. Even the Kardashians, the 'quintessential performers of our beauty culture', have tried to hijack the discourse by suggesting they acknowledge their perpetuation of unrealistic body standards, which resulted in increased cosmetic surgeries and studies recording body dissatisfaction in women.

Moreover, the supposed embrace of curvaceous figures in the 2010s, as ushered by a white Kim Kardashian sporting a larger, enhanced butt, did not signal a sincere move to body positivity because the many women of colour whose appearance Kardashian tried to appropriate were still demonised. Unlike these women, Kim can retreat into her whiteness and has recently moved from 'thick to thin' through her alleged BBL removal, illustrating the fluctuating nature of beauty standards, the return of the thin white ideal and how easily body positivity can be hijacked. Uncritically invokingbody positivity also risks leaning too far into 'toxic [body] positivity' which can impose another expectation on women especially those who are told they should be confident and are made to feel like failures when they counter Body Positivity's 'goal' by expressing negative body image. Simply rejecting genuine negative emotions does not attack the root of anti-fat biases and, as will be shown through Bridget below, is inadvisable if we are to represent the nuances of body image and beauty standards.

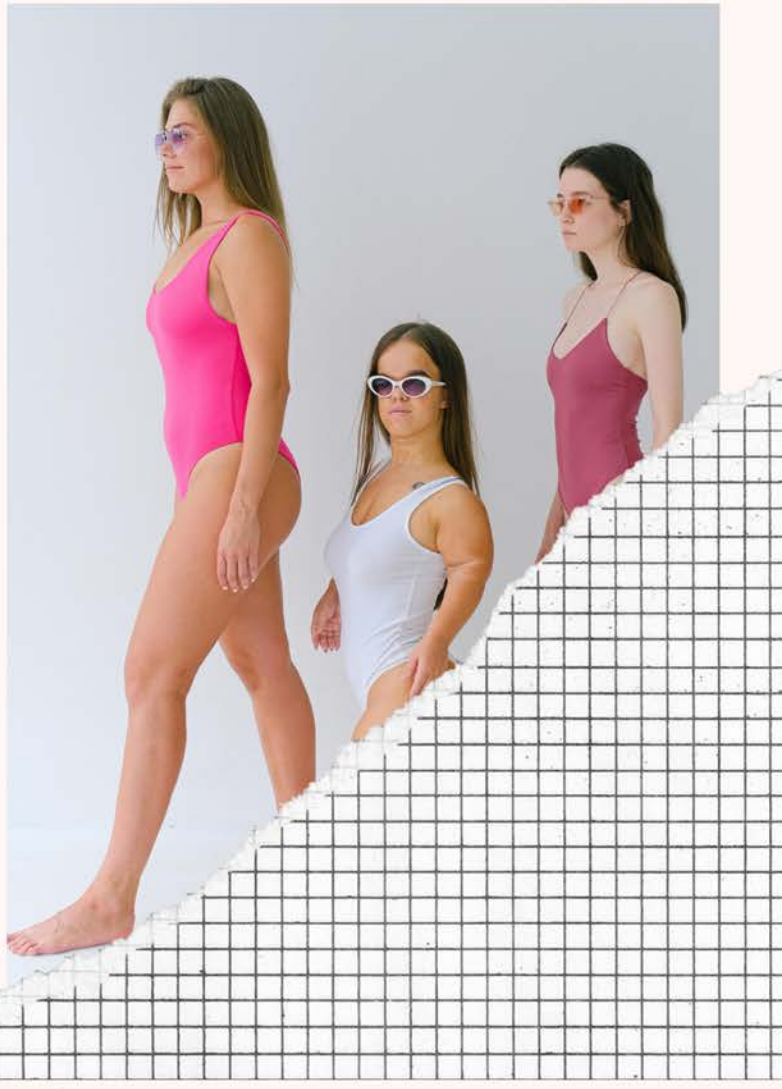
RE-EVALUATION OF BRIDGET JONES

And Critique of Body Positivity

We rightfully condemn the film's harmful messaging, but our moralistic outrage ignores that the norms underlying it are not 'outdated'. Bridget's adored relatability is because she suffers like us from unattainable beauty standards. She reflects the dissonance most feel between the expectations society has for bodies versus how one's body actually looks. Her beliefs are undeniably toxic, but they arehonest, unlike our purported body positivity. Body positivity regurgitates the imperative to 'love yourself', but like with the 2000s dietculture, how does one reconcile what we are told with reality? How can one always be expected to find themselves beautiful when society continually, albeit covertly, seeks to other them and their body? Bridget forces us to shift our outrage at her honest self-loathing and rather direct it towards the systems that foster it.

Where to from here?

A step toward progress would be to foster representation of non-normative bodies divorced from a purely 'health-focused lens', as this lens reinforces harmful stereotypes. Health and well-being should be viewed nuancedly. Tackling fatphobia has been an individualistic exercise when it should be tackling a system that venerates thinness. In terms of media representation, the fat experience is more nuancedthan the perpetual equating of unhappiness with fatness. Kinder and more accurate representation is also needed from those actually inhabiting non-normative bodies. Body neutrality may also lessen mainstream body positivity's emphasis on 'beauty and sexiness' as the lens through which one's worth is viewed. Despite the above, all hope is not lost. The fact that there is more awareness of these issues and it is brought to everyone's attention quicker than in the 2000s is progress. Plus-size women slowly feature in media they were previously excluded from but do remain the exception. Ultimately, there must be a shift away from equating a person's body with their worth and active engagement in confronting structural anti-fat biases.



THE ELECTION EPISODE: WHY [illegible] IN SOUTH AFRICA

By Ozzy Naig Aromin

I. VOTING AND THE MOTHER CITY

Picture this: you were not born here, but have lived in South Africa your entire life. You are a string in its fabric — a brick embedded in its wall. However, despite this, the NON SA CITIZEN strewn across your barcode ID book bars you from participating in elections — a right enshrined only to citizens (Constitution of the Republic of South Africa, 1996, s 19(3)(a)). In today's electoral zeitgeist, it is a fact that electoral rights, moreoften than not, are enshrined mostly to citizens of a particular country, only. Just last year, on the 29th of May, I (alongside my inability to vote) buzzed a little. This buzz would eventually manifest only this year, after much research and discourse on Citizenship and Permanent Residence to piece together my Refugee & Immigration Law Paper (a bit of which has debuted here, although a little differently). After pressing 'Submit' on AmaThuba, later I couldn't help but wonder: if democracy is about those who live, work and belong in a country shaping its future, why does my barcode still bar me?

II. WHAT PERMANENT RESIDENTS BRING TO THE TABLE (MOUNTAIN)?

At the heart of South Africa's democracy lies participation — members of society are granted a voice in decisions that shape their lives. Permanent residents contribute significantly to any country's economy, culture, and community life. In drawing to a reference I consistently quote — to stave off xenophobic rhetoric, of course —, temporary residents may come and go from South Africa, but Permanent Residents are quite peculiar. Mokgoro J in Khosa v Minister of Social Development and Others (2004 (6) SA 606 (CC)) makes it glaringly obvious that we have madeSouth Africa our home. We will have children here. We will (or already do) work here. We have a duty of allegiance and loyalty towards theSouth African State (S v Tsotsobe and Others 1983 (1) SA 856 (A)). In fact, we have a heightened sense of loyalty towards the state — as Permanent Residents, the first thing we notice on our golden sheet of paper is that we cannot be absent from the country for a period of more than three years, and so if happenings happen in your home country, you owe it to your newfound home to return within a period of three years(Immigration Act 13 of 2002, s 26(c)). And so, you come to understand that we are halfway between a temporary resident and a citizen. Byexcluding permanent residents from electoral processes, a government denies them a fundamental principle captured by the right to vote: the ability to influence policies that shape their lives.

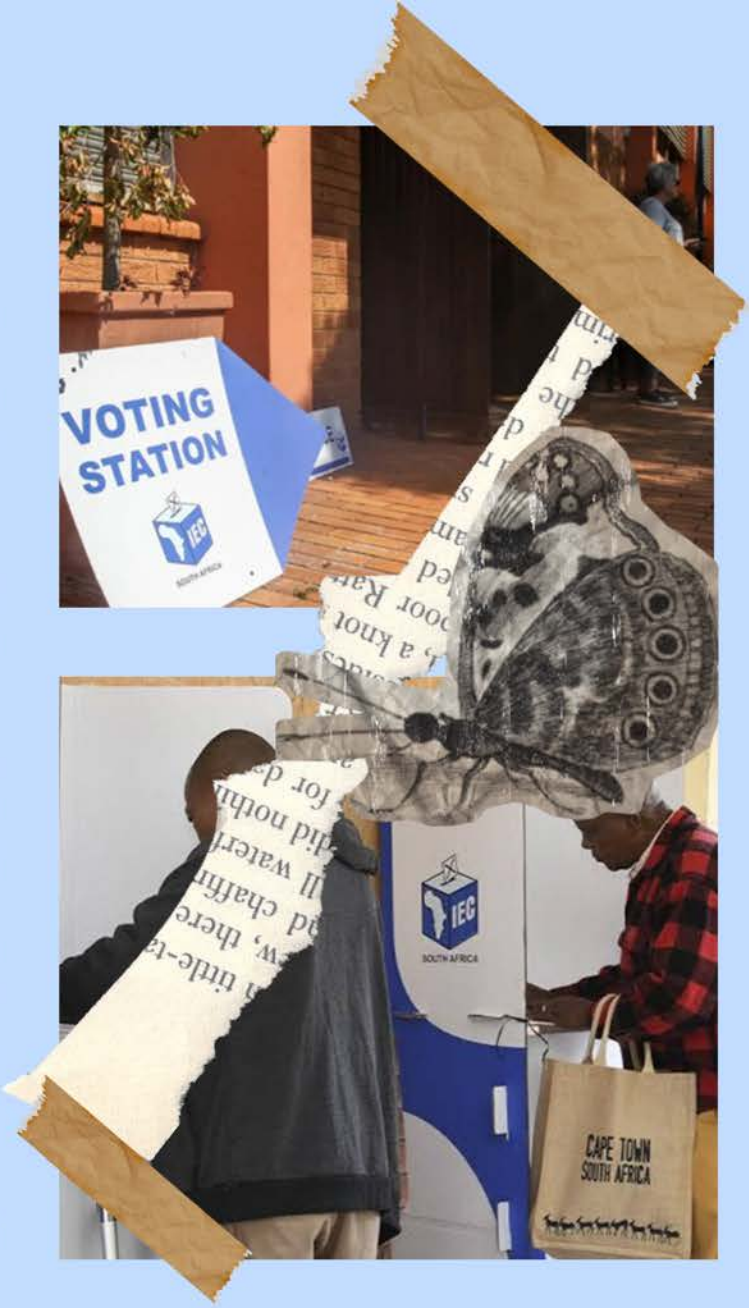
III. THE (FOREIGN) ELEPHANT IN THE (HOME AFFAIRS) ROOM

A question one might then immediately pose is — if you (a permanent resident) want the right to vote, why don't you just naturalise as a South African citizen (South African Citizenship Act 88 of 1995, ss 4-5)? This counterargument, however, overlooks various barriers that permanent residents face on the ground. If you indulge me in giving anecdotal evidence backed by the Western Cape Government website's requirements, the naturalisation process is not a walk in the park. You require various different forms that often start with 'DHA' and follow with a number. You require a proof of permanent residence (distinct from your permanent residence certificate), which must be obtained at the VFS Global office. This will set you back R1650 (R100 for the departmental processing fee, and R1500 for the VFS processing fee). If you do not live close to a VFS office, make sure to arrange for travel and its associated costs. You require fingerprint clearance from South Africa and your country of origin. In my experience, I needed to arrange with a family member in the Philippines to process my police report. I was also required to deliver it there and back, so be sure to also add that onto your list of costs. Moreover, I had to ask the nearest embassy to me (I live in Durban. The embassy was in Pretoria) to write and stamp/seal a letter confirming that Philippine Nationality Law allowed me to possess more than one nationality. I also had to bear delivery costs. If not for living in the Southern Hemisphere, one might think that my mailbox was Santa Claus's mid-December. After acquiring these documents, be sure to also set aside R140 for the reissuance of your new South African ID (because, fun fact, the third-last digit on your ID number is contingent on your citizenship status. '0' if you're a citizen, and '1' if you're not), and also R300 to cover the processing fee at Home Affairs. After this is all said and done, a lawyer informed me that I may be required to sit through an interview, presumably to prove my South African-ness. If I've been given the green light, I would then be sworn in as a citizen at the High Court and attend a naturalisation ceremony — possibly practice for one's admission as an attorney? Throughout all of this, it is evident that acquiring citizenship is: (a) an expensive, and extremely privileged thing to acquire, and (b) not at all an easy process. Our jurisprudence reflects this, stating it is 'typically not within the control of the individual' and is a characteristic 'not alterable by conscious action and in some cases not alterable except on unacceptable costs' (Khosa supra para 71). So, this counterargument no longer becomes tenable; to expect every single permanent resident who wishes to have a slice of the pie to go through an administrative mountain and money hurdles conflicts with the very purpose of democracy. It should not be a barrier crossed only by those with the resources to do it.

IV. 'IFS, ANDS, OR BUTS'

Permanent residents constitute a minority of the population. The exact percentage within South Africa, I am unsure of, and so the following line of thinking is highly speculative. If we turn to the most recent 2023 Migration Profile Report for South Africa, their data gives us a small gap in which precise numbers of permanent residence grants were given each year. Between 2011 and 2015, 28 628 permanent residence permits were issued, with the highest number being 10 011 in 2011, and the lowest being 1 283 in 2012. The average of permanent residence permits issued within those five years was 5 726 per year. If we say that between 1980 and 2025, the average stayed the same, then 263 396 permanent resident permits were issued.

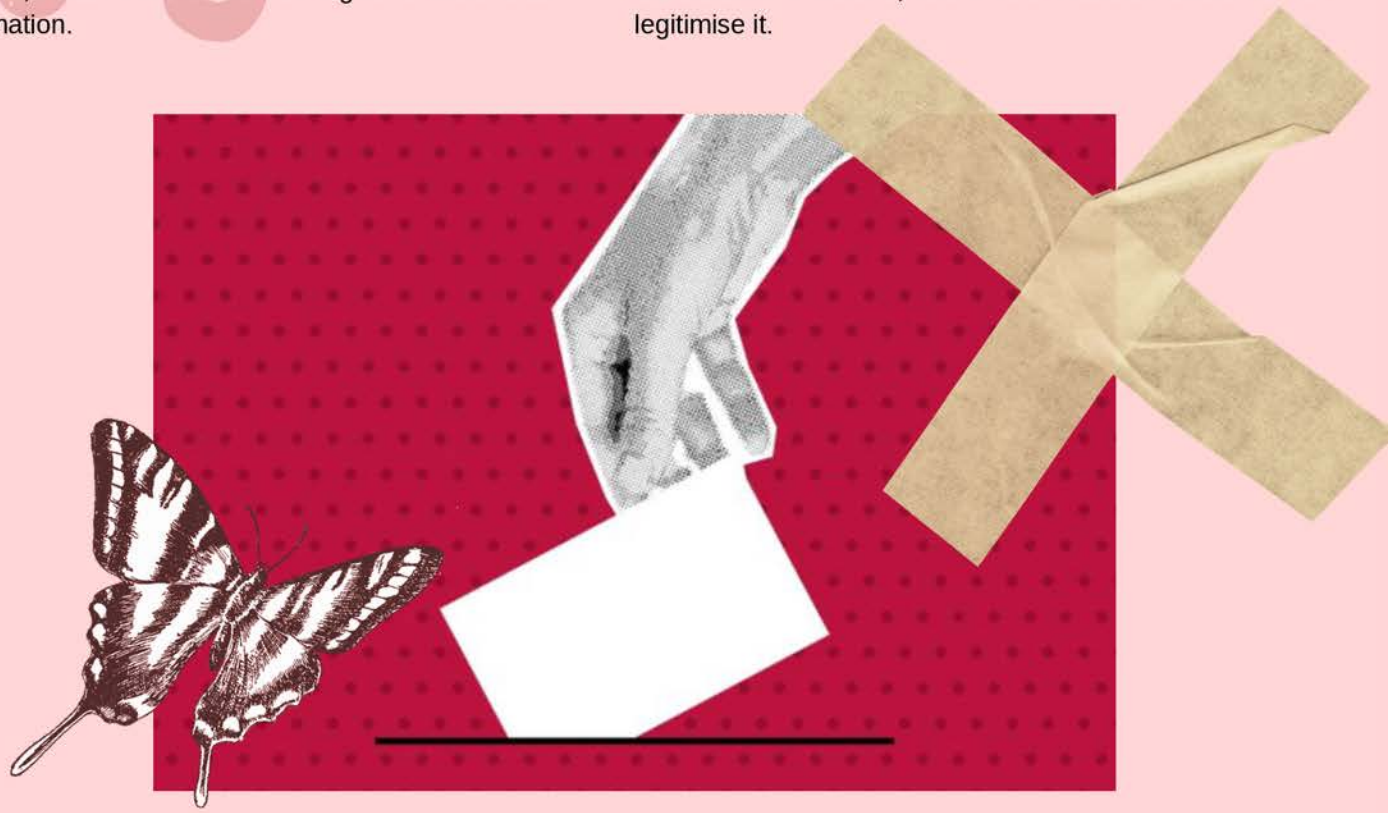
This number is extremely generous, as the 2022 South African census indicated that the number of foreign national residents in South Africa were 2 400 000, meaning that permanent residents would comprise approximately 11% of the foreign population in South Africa. I say that this is generous, because there are important factors to take into account that may reduce the number by a great degree: (1) the high-threshold requirement stipulated in s 26(a) of the Immigration Act 13 of 2002 which requires that you have worked here for five continuous years of work visas, have a valid work visa at the time of application, as well as a permanent offer or contract of employment; and (2) the prevalence of democratic-era xenophobia and Afrophobia that has entrenched itself in the South African polity, which would invariably affect administrative backlog, policy shifts, and rejection rates.



In the 2024 elections, approximately 44% of South Africa's population registered to vote, and there was a 70% voter turnout. Applying this line of math, 44% of the number of hypothetical permanent residents would be 115 895 registered permanent resident voters. With a 70% voter turnout, the number of votes from permanent residents would then be 81 126. This methodology is purposefully flawed, because the number could be much smaller. While there could be an influx of migration during the democratic era, apartheid immigration policies were stricter, so the number could be lower in the earlier decades of the time frame, and possibly higher in the democratic era. People who were granted permanent residency since the 1980s may also no longer be alive, eligible to vote, or have simply packed up and left. Child permanent residents are also excluded because they are not of voting age. Some permanent residents may have also naturalised, and so they would have, in the time frame, moved into the citizen category. Some permanent residents may also be unable to vote, simply because of their lack of access to ballots. The voter registration turnout may also vary, because this is under the assumption that permanent residents behave exactly like citizens in elections.

A staff writer at Businesstech reported that parties could get a single seat in Parliament with (theoretically) as low as 30 000 votes, and as high as 45 000 votes, meaning that if the hypothetical number of 81 126 permanent residents all voted a single party (a very generous imaginary scenario, as they most definitely would not), their party would, at most, get two seats in parliament, and at least one. If we apply the percentage of the highest-voted party in the 2024 elections and attribute that to our hypothetical number, then 32 451 permanent residents would vote for the African National Congress, barely scraping the 30 000 mark for a single seat (0.625% of their 160 seats in this scenario). However, the Businesstech report also noted that the 30 000 benchmark is only really for 'very small parties vying for one seat.' So what am I getting at? The point is, permanent residents aren't swaying any election by a landslide, whether the amount be higher or lower than this estimation.

Mokgoro J in Khosa even affirms this with reference to Larbi-Odam, stating that foreign citizens (and thus the smaller percentage of permanent residents within this pool) have 'little political muscle' (Khosa supra para 71). Thus, allowing us to vote hands us a little more political muscle to actively and inclusively shape our lives in this participatory democracy. While Doctors for Life (2006 (6) SA 416 (CC), para 235) was concerned with public participation in legislative processes, the Court nonetheless emphasised a broader principle: South Africa's democracy is active, participatory, and must make all affected parties feel that their views matter. Regardless of the difference in context, the principle still remains the same; us permanent residents who live, work, and pay taxes here, are similarly stakeholders whose voices deserve recognition in the democratic system. I think that an exclusion from voting diminishes the inclusivity that our Constitution envisions, and a new inclusion would further legitimise it.



V. RETHINKING VOTING

In early March, a conversation with a fellow Permanent Resident sparked an idea to write about my initial thoughts. Before I continue, I think it is important to mention that her country of origin's nationality law requires her to renounce her citizenship before acquiring another — a legal issue I've mentioned that requires further discussion, but essentially makes it difficult. So, we began by joking about our shared lack of voting rights. I then posed the question to her — Do you wish you could have voted in last year's elections? Her response was something along the lines of — Of course! I even did my research on all the political parties. I live here, and I'm going to work here after graduation, and this is important to me because South Africa is home. This, I believe, highlights a fundamental misconception — that Permanent Residents, by virtue of being foreign, are somehow detached both socially and politically from South Africa, and so there is no need for us to vote. That misconception becomes untenable, because the main pathway to permanent residence is an application after already living here for five years (Immigration act 13 of 2002, s 26). And just like that, I understood: democratic participation is to shape the future of the place we all call home. So, is it not time we share in this collective responsibility?

A LAW STUDENT'S GUIDE TO LUIGI MANGIONE

THURSTON GESWINDT

'To the Feds, I'll keep this short, because I do respect what you do for our country. To save you a lengthy investigation, I state plainly that I wasn't working with anyone'.

The recent matter with Luigi Mangione, accused of assassinating UnitedHealthcare Chief Executive Officer (CEO) Brian Thompson, presents a legal conundrum—one situated at the uneasy intersection of criminal liability, corporate accountability, and the 'court of public opinion'. This is not a case that hinges solely on the statutory elements of homicide; rather, it presents a deeper inquiry into the law's capacity—or arguably its failure—to engage with acts that emerge from systemic disenfranchisement or injustices. At its core, the matter challenges the boundaries of legality, justice, and morality. Mangione's story is not merely that of a man accused of murder; it is also about the social and institutional failures that may have led him to such an act.

Mangione's background is, on paper, a portrait of conventional success. Born into a prominent family in Baltimore, he embodied academic excellence. He graduated as valedictorian from Gilman School in 2016 and subsequently completed both a Bachelor's and Master's in engineering at the University of Pennsylvania by 2020. He secured employment shortly thereafter as a data engineer at TrueCar—an enviable career trajectory by most conventional standards.

Yet beneath all this achievement lay a grim reality. Following a failed spinal fusion surgery, Mangione endured chronic, debilitating pain. He grew increasingly isolated—emotionally, socially, and institutionally. The healthcare system, which should have provided support, became for him a source of further alienation and perceived betrayal. While one cannot speculate with certainty about his internal world, the psychological and physical torment he experienced lends some insight into what might have driven him toward an act as extreme as targeted assassination.

In December 2024, the tension culminated in the fatal shooting of Brian Thompson outside a Manhattan hotel. Mangione was arrested five days later in Pennsylvania. The charges he now faces span both federal and New York state law, signalling the gravity with which the state views his alleged conduct. Federally, he is charged with murder through the use of a firearm, use of a silencer during a violent crime, and interstate stalking. These charges carry the potential for life imprisonment or even the death penalty. At the state level, he is indicted for murder in the first degree and—perhaps most notably—'terrorism-related offenses' under New York's post-9/11 anti-terrorism statute.

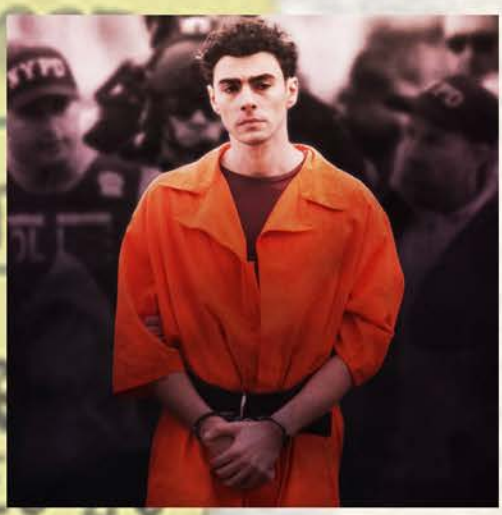
This terrorism charge is deeply consequential, as it recharacterises the alleged act from a personal vendetta to an ideologically motivated attack. Prosecutors argue that Mangione's writings—his 'manifesto'—reveal a deliberate effort to intimidate the public and coerce policy change by targeting a figurehead of the American healthcare-industrial complex. Whether this application of anti-terrorism law is justified, especially in cases of highly personalised, single-target violence, is a question likely to generate significant legal debate. It raises profound concerns about the elasticity of legal definitions when confronted with unconventional political violence.

Given the substantial evidence—surveillance footage, forensic analysis, and Mangione's own written admissions—his defence is unlikely to focus on absolute acquittal. Rather, it will almost certainly aim to mitigate his culpability. An insanity defence may be pursued, grounded in the argument that Mangione suffered from a mental disorder so severe that he could not appreciate the wrongfulness of his actions. However, this approach carries a notoriously high evidentiary burden and is often met with scepticism in cases where public outrage demands punishment. Alternatively, his counsel may argue that he acted under 'extreme emotional disturbance', which could reduce the offence from murder to manslaughter (culpable homicide) in certain circumstances. This defence, if successful, would acknowledge Mangione's guilt while contextualising his actions within a framework of profound psychological and emotional compromise.

Outside of court, Mangione has become a polarising figure, to say the least. To some, he is a tragic anti-hero—a man pushed to the edge by an indifferent and exploitative system.His legal defence fund has garnered hundreds of thousands of dollars, reflecting substantial public sympathy. The matter has also reignited criticisms of the American healthcare industry, with some viewing Mangione's act as a grim but understandable response to corporate greed and systemic neglect.

This public sentiment introduces the potential for jury nullification—a phenomenon in which jurors, though persuaded of a defendant's guilt, refuse to convict on moral or political grounds. Historical parallels—such as the controversial 1994 trial of the Menendez brothers—show that emotionally resonant defences, especially those grounded in claims of abuse or betrayal, can sway juries to defy legal expectations. Prosecutors will, no doubt, seek to guard against this by carefully vetting jurors for any ideological sympathy. Yet, in a media-saturated environment and social media age, absolute neutrality may be difficult to secure.

Nevertheless, it is imperative to consider the countervailing argument, one voiced by many who regard Mangione's act as an unambiguous murder. For these critics, the context—however tragic—does not absolve the moral and legal gravitas of taking a life. They argue that permitting personal suffering to justify extrajudicial violence risks undermining the foundational principles of legal accountability, due process and legality. From this perspective, Mangione is not a vigilante, but a criminal who chose to commit premeditated murder. The invocation of healthcare injustice, in their view, cannot mask the basic reality: a human being was deliberately killed, and the law must uphold its duty to punish such conduct, lest it pave the way for similar acts of retaliatory violence under the guise of moral protest. Their position is perhaps best summarised in a familiar refrain: 'Murder is murder'.

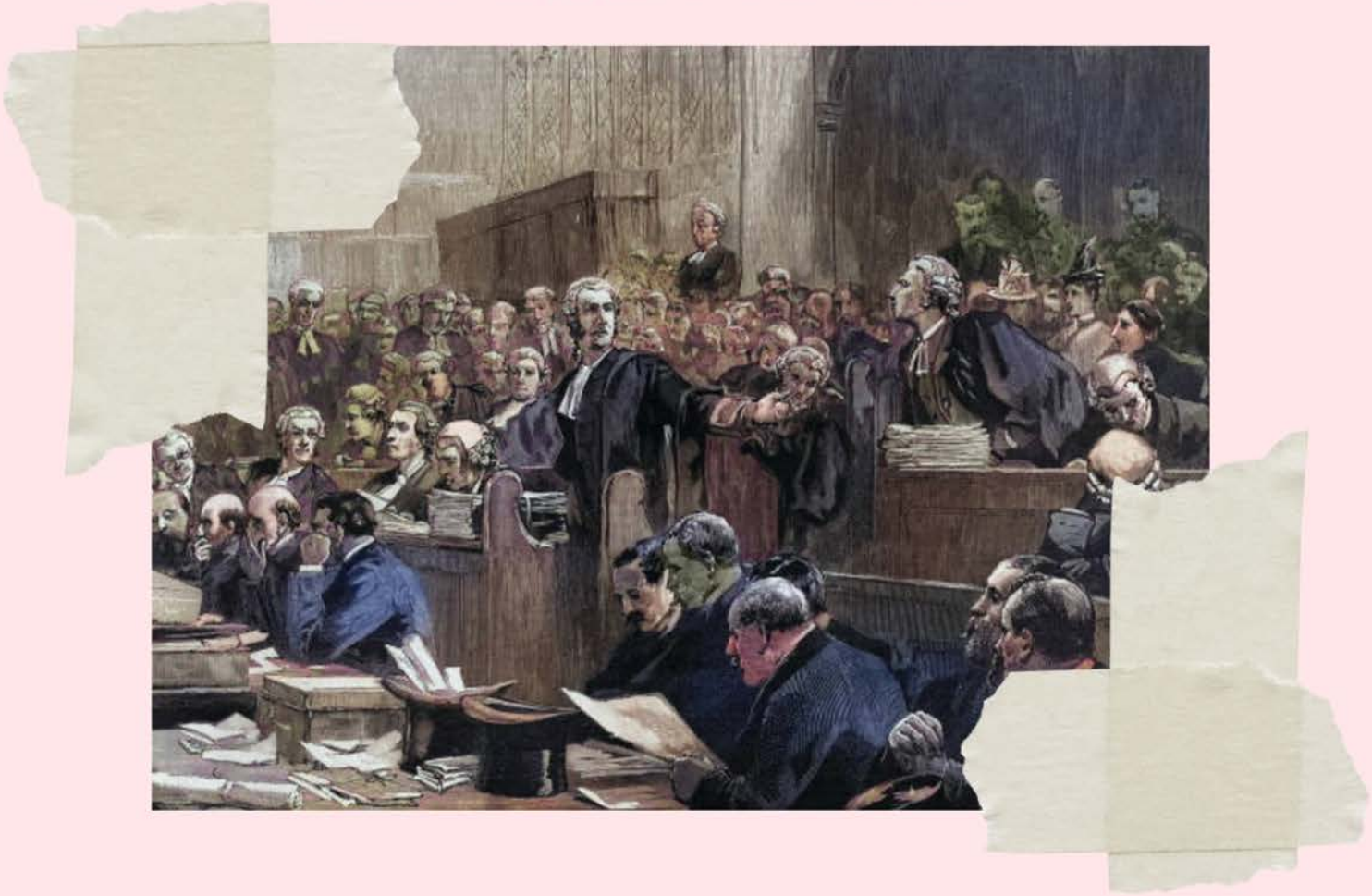


This view stresses the risks inherent in valorising Mangione as a martyr. While critiques of the healthcare system are valid and necessary, conflating personal tragedy with political heroism may obscure the harm inflicted upon the victim and his family. If every grievance becomes a justification for lethal violence, the rule of law erodes. Justice, they contend, must be dispassionate—even when the defendant's backstory evokes compassion.

From a procedural standpoint, an important dimension of the trial may involve constitutional challenges to the evidence obtained during Mangione's arrest. Any violations of his Fourth Amendment rights—such as unlawful searches or improperly obtained digital records—could result in key evidence being suppressed. While it is unlikely that such motions would lead to a full dismissal of charges, they could substantially weaken the prosecution's narrative, particularly if the manifesto or weaponry are ruled inadmissible.

Ultimately, the trial of Luigi Mangione will do more than determine one man's legal fate. It will function as a lens through which we examine systemic failures: a healthcare system that allowed a man to spiral into despair; a legal system that may or may not be equipped to distinguish between terrorism and individual desperation; and a society in which corporate entities often seem immune from the consequences of harm inflicted under the guise of 'policy'. Whether Mangione is convicted or acquitted, this case confronts us with uncomfortable questions about justice, responsibility, and what happens when the systems meant to protect us instead precipitate our undoing.

Yet, amid these complexities, one fact remains unavoidable: a man is dead. And the law, for all its imperfections, must grapple with that truth above all.



IN LOCO PARENTIS:

How the South African Legal System is failing Victims of Sexual Abuse in Schools

Rai Rugbeer

I. Introduction

Directly translated, the phrase 'in loco parentis' means 'in the place of the parent'. It refers to the duties, responsibilities and standards of behaviour expected of those temporarily entrusted with the care of the children of others. In the context of the education system, the case of Van der Linde v Calitz 1967 (2) SA 239 (A) explains that teachers, or people temporarily in charge of children, assume parental duties and ought to act as a reasonable parent would.When children are entrusted to teachers, there are a great deal of responsibilities and expectations as to how they should act in such a position of authority and power. Teaching is therefore considered a 'trust profession' (SA Coetzee, 'Sexual Grooming of Children in Teaching as a Trust Profession in South Africa' 2023 (26) PELJ), and yet it is within this very sphere of trust where children are violated in some of most harmful ways. A study conducted by the Centre for Justice and Crime Prevention and the University of Cape Town's Gender, Health and Justice Research Unit found that 35.4% of young people that were interviewed have experienced sexual abuse at some point in their life (Ina Skosana, 'Levels of child sexual abuse in South Africa even higher than activist claimed' (2017) UCT News).In this essay, I will discuss the ways in which the education and justice systems ultimately fail victims of sexual abuse and sexual grooming.

II. Sexual Grooming under South African Law

The key assumption around grooming that weakens its strength and criminalisation is that it is a 'preparatory' (SA Coetzee, 'Sexual Grooming of Children in Teaching as a Trust Profession in South Africa' 2023 (26) PELJ) act or offense, deemed to be a prelude to the act of sexual violation, and not a violation or exploitation in and of itself. Section 18 of the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 32 of 2007(hereinafter referred to as 'the Act') is said to deal with sexual grooming, however fails to adequately define sexual grooming. While section 18 does outline acts or behaviours that constitute sexual grooming, there is no explicit, descriptive definition of sexual grooming itself, unlike other terms in the Act such as 'sexual act' or 'sexual offense' which are clearlydefined in section 1. It is an omission that undermines the grounds of section 18, as a definition could provide a comprehensive, more nuanced understanding of sexual grooming in a statutory sense and would thus lead to better protections for children who are victims of sexual grooming.

For example, if sexual grooming had been defined, and the definition placed more of an emphasis on the psychological process involved in grooming, instead of creating a narrative that grooming can be reduced to a single act, something that the language used in section 18 currently does (for example, section 18 continually describes actions with the intention of the "commission of sexual act" or the "performance of a sexual act"), it would not only result in a better, more concrete legal understanding of what sexual grooming is, it would also more effectively safeguard victims who have been taken advantage of through a process of grooming, while also still protecting victims who experienced single acts of abuse. Building on this definition, if grooming was a materially defined crime, there would be a greater focus on the outcome or effect of the conduct, not just the conduct itself.This would better represent the concept of sexual grooming, prioritise the effect of it on the victim, and emphasise the seriousness of such conduct. A key shortcoming that is a direct result of the lack of a definition is that there is no regulation on the link between grooming and exploitation. While some argue that grooming is analogous to exploitation, others say that grooming is a form of exploitation.

There are several issues with viewing grooming as a 'preparatory act' to exploitation or other sexual crimes.

i. In perceiving grooming as preparatory, its effect on the child becomes understated. Grooming can leave deep emotional and psychological wounds that are extremely difficult to heal, if they can be healed at all. The 'preparatory' assumption undermines the full impact that grooming can have on a child's mental state. Key concepts such as boundaries, safety and trust can become perverted at a formative age, leaving lifelong foundational damage to a child's ability to engage with others meaningfully.

ii. The 'preparatory' understanding of grooming is not based in trauma science. Studies have shown that emotional abuse is just as detrimental as physical abuse in its effect (G Karakurt & K Silver, 'Emotional abuse in intimate relationships: The role of gender and age' 2013 Violence Vict.). In South Africa, emotional abuse is not as strongly criminalised as physical or sexual abuse. It is recognised in civil law, under the Domestic Violence Amendment Act (14 of 2021), and in criminal law, under the same act as grooming, but it is viewed as part of an offense, not an offense in and of itself. Returning to the definition I proposed earlier, of grooming being a process rather than a single act, I would like to add that emotional abuse is at the very centre of that process. It is through heavy emotional abuse that perpetrators come to manipulate and control victims. The gap between the scientific understanding of emotional abuse and its legal implications thus goes to the very heart of the legal view of sexual grooming.

iii. Grooming is only taken more seriously, and sentenced harsher, when the intent to exploit is proven. If this is not provable, the grooming charge in and of itself may not have enough force to adequately penalise the offender. Furthermore, the burden of proof for the intention to exploit lies with the prosecution, and methods of proving this intention often involve the victim's testimony, as well as any evidence of communications between the offender and the victim. Having to relive the traumatic experience iteratively to be taken seriously and receive justice is incredibly humiliating and emotional scarring. It effectively makes the legal system an agent of trauma and borders on being counterproductive to the goal of protecting children. Additionally, victims of abuse at a young age have been known to develop trauma-related disorders (such as post-traumatic stress disorder and complex post-traumatic stress disorder) and as a result, unconsciously suppress memories of abuse until years later, which results in the delayed disclosure of abuse. This was seen in the case of Julio Murdoh, who suppressed his abuse for years until he went into treatment. It was only on his way to treatment, around 8 years after the abuse had occurred, that he reported it to the police. He tragically ended his own life while in treatment just two months before his 21st birthday, highlighting the extreme nature and serious consequences of this kind of abuse (Robyn Wolfson Vorster, 'Sexual abuse and suicide, the spectre that haunts elite boys' schools: St John's College (Part One)' (2023) Daily Maverick).

When discussing the law and sexual crimes, one must also look at the National Register for Sex Offenders. Many are calling for the register to be made public, but this alone may not be a substantive solution. Under Section 50(2)(a) of the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 32 of 2007, any person convicted in a court of law of a sexual offense against a child or mentally disabled person must automatically be included in the Registry. However, it is not always this simple, as in many instances perpetrators enter plea agreements in which they plead guilty to lesser crimes (Estelle Ellis, 'Sex offenders remain 'shielded' by SA privacy law after minister puts the brakes on national register' (2025) Daily Maverick). This would allow them not to be included in the registry and thus escape severe consequences for their actions. The legal system cannot be allowed to continue down this path of allowing perpetrators to harm and abuse victims with impunity.

III. The Role of the Education System

Seeing that schools are a site of this abuse, it is necessary to look at how the education system also fails victims of sexual abuse and grooming. The Education Labour Relations Council (ELRC) confirmed that between April 2023 and October 2024, 65 educators were fired for sexual misconduct (Prega Govender, 'Teachers are not meant to turn pupils 'into lovers', says professor as 65 axed in 18 months' (2024) News24). Yet, only 16 were deregistered by the South African Council of Educators (SACE), the professional body responsible for the registration of teachers. What is clear from this is a lack of accountability within the education system. This lack of accountability is bolstered by the fact that teachers reported for misconduct are often moved to different schools rather than being removed from the system entirely. Additionally, SACE's database of deregistered educators is not accessible to the general public, but only through an inquiry process. This kind of inaccessibility limits societal accountability for perpetrators of abuse. It allows them to commit repulsive acts against vulnerable individuals and then proceed to continue their lives as usual, often going on to commit more acts of abuse. The education system, just like the legal system, then becomes an agent of trauma and abuse.

IV. Conclusion

What is clear is that intense reform is needed in both the education and legal systems. Children are among the most socially vulnerable in our society, and it is the duty of bothsystems to protect them, give them environments in which they can develop healthily and not subject them to abuse, violence and trauma. To quote former President Nelson Mandela,

Our children are the rock on which our future will be built, our greatest asset as a nation. They will be the leaders of our country, the creators of our national wealth, those who care for and protect our people.

The Failure of the City of Cape Town

Benjamin Zar

A City Built on Exclusion

The City of Cape Town has failed its people. The lines of spatial apartheid remain unbroken, carved into the city's geography and stubbornly preserved by policy choices. Townships still sit at the periphery of the peninsula, homelessness is not an exception but a feature of daily urban life, and vast tracts of prime land remain concentrated in the hands of those who need it the least. This is not the result of accident or oversight, it is the outcome of intention. The City has chosen, time and again, to leave spatial apartheid intact.

Why Land Matters

At the root of Cape Town's failure lies land. Too many Capetonians are trapped in undignified and unsafe housing on the city's outskirts. This isn't only a moral failure. It is a structural one that effects all Cape Town Residents. Building housing and relocating people closer to economic hubs, through social and mixed-income housing, would mean shorter commutes, easier access to jobs, access to schools, and greater stimulation of the economy. A more productive workforce benefits businesses, informal traders gain customers, established enterprises find new markets and the local economy grows.

The knock-on effects would ripple far beyond economics. Transport-related violence would diminish if people did not have to travel long distances daily. Environmental strain from endless urban sprawl would ease. Crime, born out of desperation and dislocation, would decline if people were integrated into vibrant, opportunity-rich communities.

Spatial justice is not charity, it is the key to solving Cape Town's most pressing challenges. Every resident, whether in Constantia or Khayelitsha, would benefit from a city that works for all its people. Yet, despite the overwhelming need and the obvious gains, the City of Cape Town does not act.

Why Doesn't the City Act?

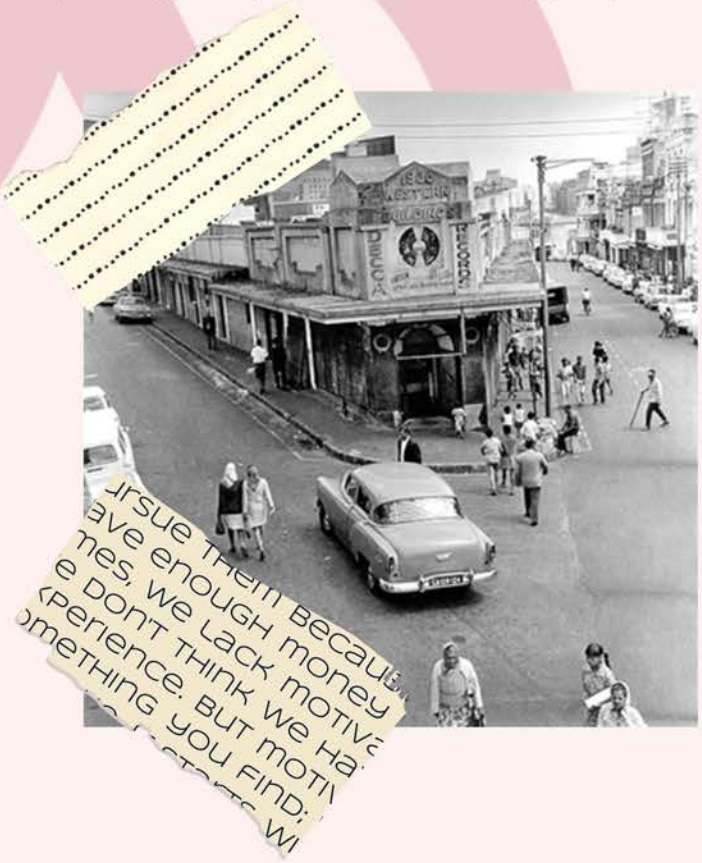
It seems self-evident: spatial apartheid must be undone. Yet, the City has failed, and failed spectacularly, to do so.

Why has District Six not been rebuilt as the thriving, integrated neighbourhood it once was? Why are there still no affordable housing projects in the City's economic core, where tens of thousands of workers commute daily? Why, instead, do we see the approval of luxury apartments in the CBD, while mixed-income housing proposals languish?

The answer is painfully simple: the City has no real intention to fix it.

Cape Town is not short of land. State-owned land sits idle, prime spaces for public good. When faced with the choice, the City consistently prioritizes profit. Take for example the infamous Tafelberg case. Instead of securing the Sea Point property, earmarked for social housing, the provincial government attempted to sell it for R135 million. It took years of litigation to stop the sale, and while the case now sits before the Constitutional Court, the fact that it nearly slipped away is enough to reveal the City's true priorities.

The City's failure is also exposed in the use of public land for parking. In the very heart of the CBD, four state-owned sites, Parliament's parking lot, Top Yard, and two government garages on Hope Street, are reserved for the storage of government vehicles, some standing idle for most of the day. Instead of transforming these prime sites into housing that could accommodate thousands of families, create transitional homes, stimulate small businesses, and integrate the city's core, the land is wasted on cars. The Province even spent R73 million in 2014 to build a new parking facility in Maitland to move these vehicles, yet to this day the cars remain entrenched in the CBD, while the promise of housing is delayed indefinitely. This is not just inefficiency, it is a choice to privilege empty cars over living people.



Suppose we gave the City the benefit of the doubt and imagine they had no public land available. The City could either incentivize private developers to build affordable housing, or create laws that prescribe low income housing be built by private developers. Once upon a time, the City did experiment with a system similar to the latter, requiring developments in the CBD to set aside rent-controlled units alongside higher incoming units . It was a workable idea, but the City bungled its own policy because they didn't want to dedicate the staff or resources needed to administer it. They abandoned a functional system because it was 'too much work'. Ironically, hiring the staff to manage it would have created jobs while also delivering housing. Instead, the City shrugged its shoulders and walked away.

When City does eventually build social housing, they are pushed to the outskirts of the Cape City in areas such as Mitchells Plain, Steenberg and Koeberg. While meaningful to the families housed there, these developments entrench division rather than dismantle it. They maintain the logic of apartheid spatial planning, dressing it up as progress.

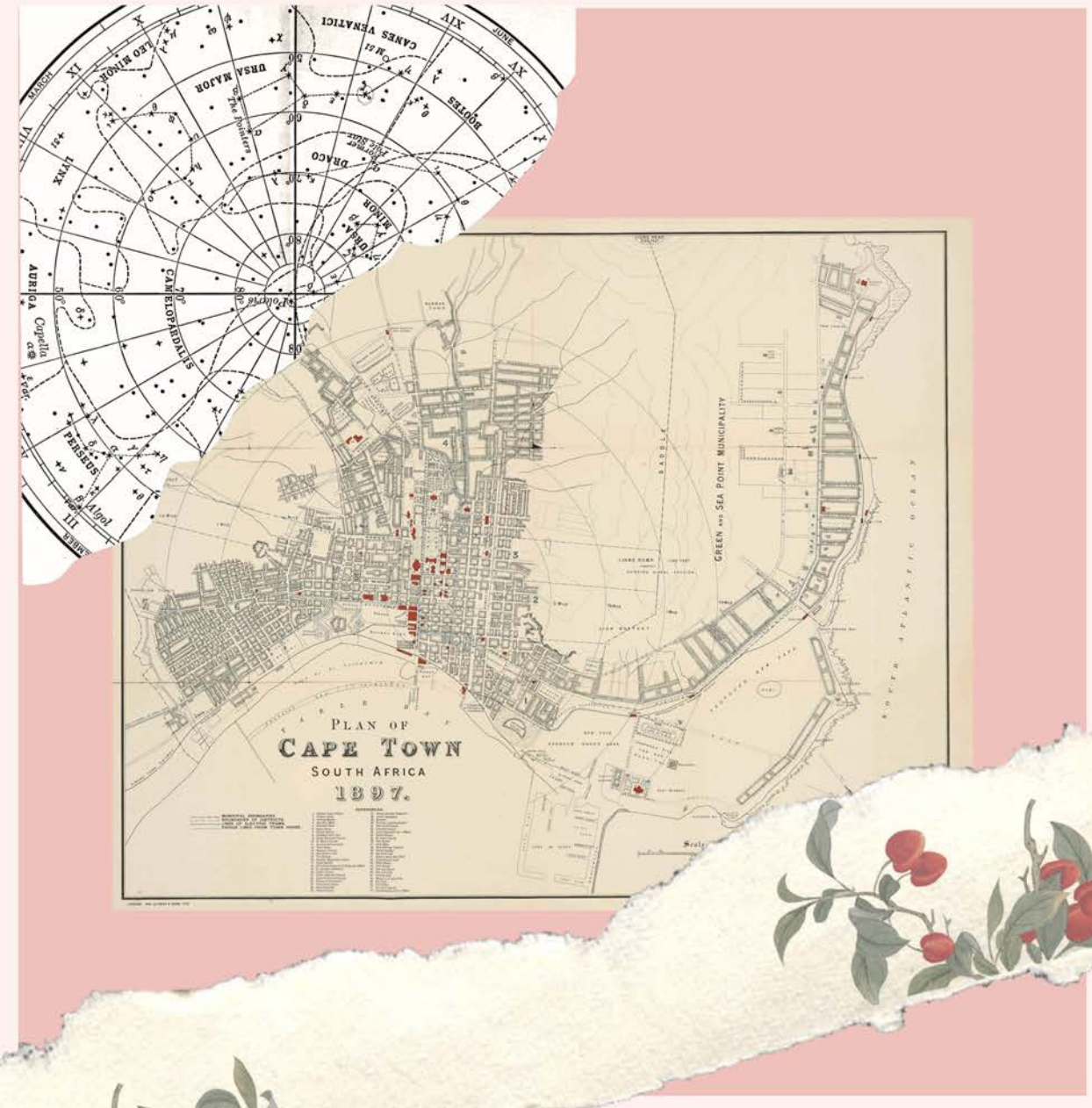
Why Has the City Failed?

This question haunts me. Why does the City not act when the evidence is so clear, the consequences so devastating, and the solutions so attainable? I have searched for answers, in conversations, in debates, in policy documents, and still, none are convincing.

At best, the failure comes down to indifference. At worst, it is deliberate. The City does not care enough about its people to do anything meaningful.
It must also be said that this is the City's problem! Blaming the ANC for all of South Africa's problems has become a political reflex in the Western Cape. While the ANC deserves criticism for national failures: corruption, economic collapse, and hollow governance, the lingering shadow of spatial apartheid in the Western Cape is not sole fault of the ANC. Local government cannot hide behind national incompetence when it has the tools, resources, and opportunities to act, and simply refuses to use them.

A City that Chooses Failure

The City of Cape Town has failed. It has the means to undo the legacy of spatial apartheid. It has the land, the policies, and the power. What it lacks is the will. Perhaps that, is the deepest betrayal: a city that could choose to heal, but instead, chooses failure. No matter how many parks, housing blocks, or bits of infrastructure the City attempts to scatter across the Cape Flats or townships, they know it is like a plaster on broken bone. Until the City confronts the foundational problem of this City, it will continue to preside over a divided, unequal, and broken Cape Town.



BACK AGAIN, SEX WORKERS IN SOUTH AFRICA CONTINUE TO PERSIST

Shelby Van Der Watt

Introduction

In October 2024, I had the honour of penning an article for Altum Sonatur on the history of sex work in South Africa. It was a harsh article, but it ended hopeful for the future of sex work in South Africa. Now, nearly a year later, I find myself unable to muster that same hope once more. While there have been developments on multiple fronts on the decriminalisation of sex work in South Africa, neither front shows any realistic prospects.

These developments are outlined in this article, covering both the upcoming High Court challenge to the constitutionality of the criminalisation of sex work as well as the prospects of legislation repealing the criminalisation. Unfortunately, this cannot be an upbeat article, but I would posit that that only makes the article even more necessary.

The Court Case

In May 2024, SWEAT launches a challenge to the constitutionality of the criminalisation of sex work in the Western Cape division of the High Court. SWEAT is the second applicant, supporting the first applicant, S.H., a sex worker residing in Cape Town. Several other organisations have since joined the case as amicus curea. Notably, both Human Rights Watch and Amnesty International have joined the application arguing that the criminalisation of sex work in South Africa violates international law. The Department of Justice and Constitutional Development have also announced their position as supporting the decriminalisation of sex work.

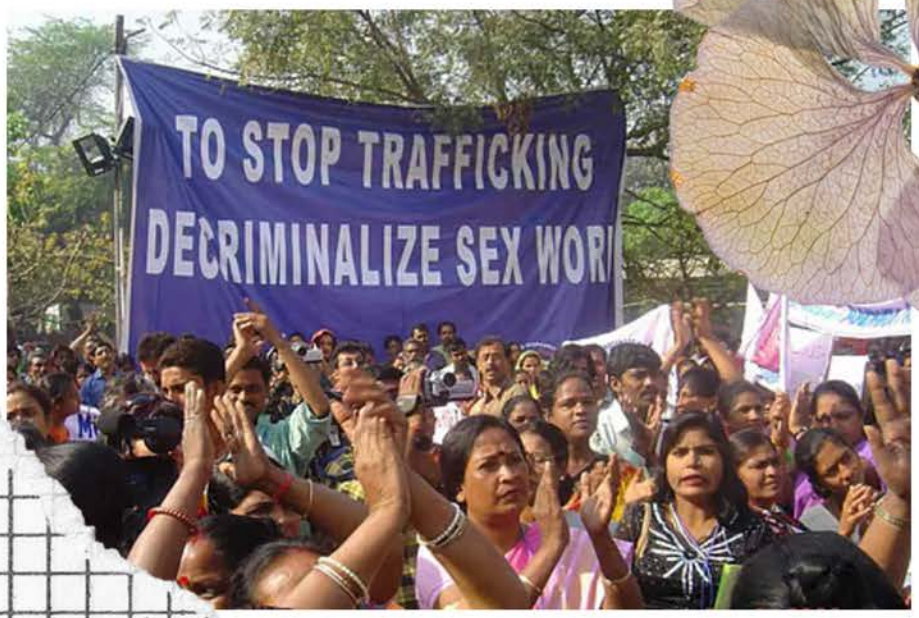
With the amicus curea hearings having been heard on the 1st and 2nd of September 2025, it is startlingly easy to believe the battle is near its end. Unfortunately, this is not the case.

The Department of Justice and Constitutional Development, despite their support of the decriminalisation of sex work, are opposing the application and asking that more time be granted to Parliament to complete a bill that has been circling the drain since 2021 that would repeal the laws criminalising sex work. Cause for Justice is also opposing the application and are backed by 17 other organisations

The projected timeline is also far from favourable. The case was first launched in May 2024, the first hearings were only in September 2025, and the judgement is expected no earlier than late 2025 and possibly even only 2026.

The Bill

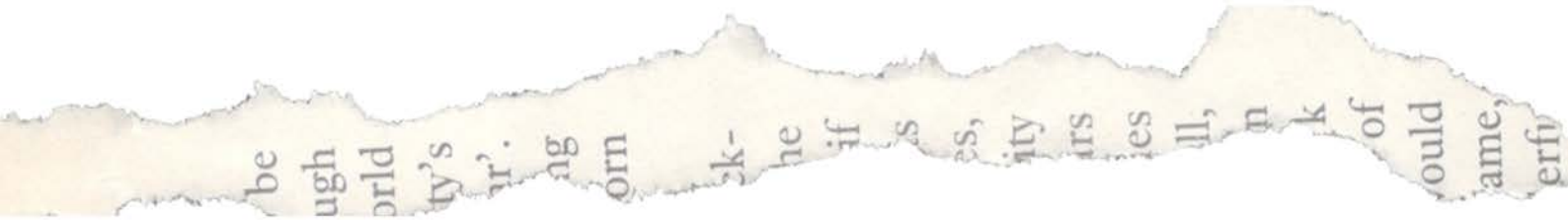
The bill that the Department of Justice and Constitutional Development have cited as reason for their opposition to the High Court application is looking far from promising. The initial draft of the bill was published in December 2022 and was opened for public comment in January 2023. Unfortunately, the bill was set aside in mid 2023 and will not be reconsidered until it provides for the regulation of sex work.



It does not appear that any headway has been made in the drafting of these regulations. At the start of 2025, the Asijiki coalition lead a nationwide protest calling for the bill to receive the needed additions to be put before Parliament once more. These protests led to the Deputy Minister of Justice and Constitutional Development promising to begin internal workshops with lawmakers and relevant stakeholders to come up with the regulatory framework needed.

As of September 2025, there has been no indication that any of these internal workshops have taken place. Neither SWEAT nor any of its affiliated organisations have received any invitations to attend these workshops. If the workshops are taking place, then they are being conducted without the input of the leading sex work organisations.

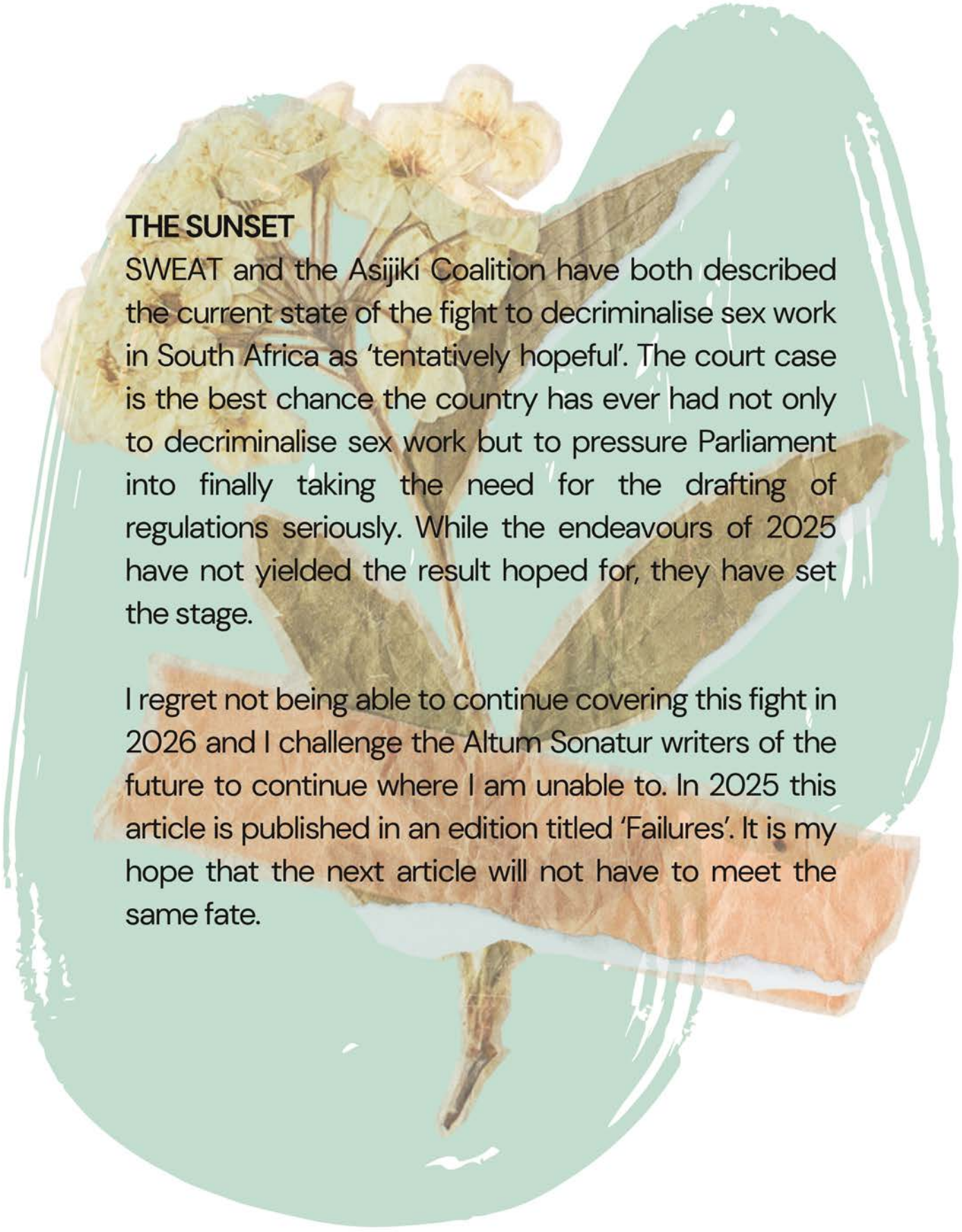
Aside from citing the bill as their reason for opposing the High Court challenge, there has been no further information released on the bill.



While there has been little to no changes on the legislative and judicial fronts, there has been a concerning development in the day-to-day experiences of sex workers. SWEAT has reported an uptick in arrests and fines of sex workers throughout the country. In Cape Town the issue has been particularly troubling, with law enforcement reporting 780 arrests of sex workers this year thus far while the entire of 2024 saw only 575 arrests of sex workers.

In response to this concerning trend, the National Director of Public Prosecutions issued a nationwide moratorium on the prosecution of sex workers pending the outcome of the High Court trial. This should have been an end to the matter, but SWEAT is still reporting that arrests of sex workers have not lowered despite prosecution no longer being pursued.

sweat
Sex Workers Education & Advocacy Taskforce



THE SUNSET

SWEAT and the Asijiki Coalition have both described the current state of the fight to decriminalise sex work in South Africa as 'tentatively hopeful'. The court case is the best chance the country has ever had not only to decriminalise sex work but to pressure Parliament into finally taking the need for the drafting of regulations seriously. While the endeavours of 2025 have not yielded the result hoped for, they have set the stage.

I regret not being able to continue covering this fight in 2026 and I challenge the Altum Sonatur writers of the future to continue where I am unable to. In 2025 this article is published in an edition titled 'Failures'. It is my hope that the next article will not have to meet the same fate.

INTO THE LEGAL SAFARI: REDEFINING SUCCESS IN LAW SCHOOL AND BEYOND

By Giorgia Alexi Mann, Phaphama SEDI President

One of the very first things I heard when entering law school was the mention of the Big Five. Not the lion, elephant, buffalo, leopard, or rhino prowling our vast African landscape, but rather the titans of the legal safari: ENSAfrica, CDH, Webber Wentzel, Bowmans, and Werksmans. These names echoed through Kramer's hallways, having been referenced in career panels, and mythologised in lectures. Therein, Leap.ly notifications from these firms became the legal equivalents of wildlife sightings – rare, coveted, and signs that you've 'made it' in your career. And what a powerful lure they offered: the prestige, the promise of financial security, and the career mobility – providing several compelling reasons to join the ranks. These firms stood as apex predators on the legal landscape that are powerful, influential, and commanding attention. To be hired by one became synonymous with survival in the legal landscape.

But before this idea sprouted in the eager minds of aspiring lawyers, many of us had arrived with a very different vision of success.

I remember in the first week of law school, the conversations were filled with passion for social justice. Many of us had a similar fire in our bellies, determined to use the law as a tool to combat inequality and make transform South Africa into more equitable place. Law, we believed, was not just a career. It was a cause. As the semesters passed with case names piling into our minds, the shift was subtle but certain. Slowly, the focus turned from the justice centred ideals that brought us here, to the corporate credentials that many viewed as their future beyond the walls of Kramer. Vacation work, clerkships, and golden interview invitations began to dominate our conversations – the legal safari had changed. For many who hoped to enter practice, or even simply to complete articles, the Big Five became the prized hunting trophy.

Over the years, I've watched brilliant peers who were driven, thoughtful, and deeply committed to the law have their confidence chipped away by rejection emails. I've watched imposter syndrome return with a vengeance, no longer about adjusting to university life, but about whether we belonged in the legal profession at all. We began to measure our worth not by our ideas, ethics, or dedication, but by whether we'd been invited into the safari's elite pack.

I wish for reader to not read this article as a critique of the Big Five, whose work and training are undeniably rigorous and valuable to any aspiring legal mind, but rather to view this as a call to call to rethink the narrowness of our collective legal ambition. When success becomes so tightly tethered to one path, we risk not only alienating bright legal minds, but also abandoning the broader role of law in society.

To many, working for a Big Five firm is understandably attractive because of the financial security it promises – a steady salary, a clear upward trajectory, and the comfort of joining an institution with a well-established reputation. But what is often less discussed is that financial sustainability is not exclusive to traditional corporate law. The legal impact sector, often dismissed as purely passion-driven, is increasingly home to financially viable, professionally enriching work. Many law-based non-profits, social enterprises, research centres, and community-based legal initiatives are evolving into well-structured, well-funded organisations that value and compensate legal skill appropriately. Opportunities exist in donor-funded programmes, grant-based legal fellowships, and growing local NGOs where lawyers are not only agents of change but also salaried professionals with long-term growth paths.

South Africa alone offers a vibrant tapestry of such institutions. Sonke Gender Justice tackles gender inequality through litigation and advocacy, while the Centre for Environmental Rights helps communities hold governments and corporations accountable for environmental harm. Organisations such as the Legal Resources Centre (LRC), Women's Legal Centre (WLC), Legal Aid South Africa, Lawyers for Human Rights, the Southern Africa Litigation Centre (SALC), and the Centre for Applied Legal Studies (CALS) use strategic litigation, law reform, and advocacy to drive lasting structural change. These organisations combine research, training, and advocacy to shape public policy across South Africa and beyond. These firms and organisations depict the existing space for impact, and for building new trails, even for those seeking financially sustainable, professionally rewarding legal careers. These firms and organisations depict the existing space for impact, and for building new trails, even if they do not appear to come with immediate prestige as the Big Five represents.

Beyond public law-based firms and NGOs, there are fellowships and donor-funded opportunities that provide structured entry points into this space. The Bertha Justice Fellowship places young lawyers in public interest law centres around the world, including South Africa, funding two years of social justice litigation and advocacy. The Open Society Foundations (OSF) Fellowships fund legal research and advocacy projects that advance democratic governance, rule of law, and human rights. The Sparks Impact Fellowship is a one-year programme that places young graduates in International and African impact-driven organisations, providing training in systems thinking, impact measurement, and professional skills while contributing to strategic projects. The Max Planck Institute programmes provide postgraduate and doctoral research funding in various areas of the law, such as human rights, international law and governance, and private law sectors which equip young African lawyers for academic and policy-oriented careers. The Ford Foundation Fellowships and Atlantic Fellows for Racial Equity also invest in African professionals committed to social and legal transformation. Parallel to these non-profit and academic avenues, opportunities are expanding within legal consulting. Regulatory advisory, compliance, ESG (environmental, social, governance), and business and human rights are now central to multinational operations. Firms such as Bain & Company, Deloitte, the Bridgespan Group, along with other hybrid advisory outlets, increasingly hire legal minds to lead on sustainability mandates, advise on international standards, and conduct human rights due diligence. These roles offer financial security on par with, or even exceeding, corporate law while providing the intellectual challenge of navigating cross-sectoral impact.

Many of these spaces extend beyond litigation. They influence policy, draft submissions to Parliament, and collaborate with international institutions such as the African Commission on Human and Peoples' Rights and the UN. Legal professionals in these organisations move fluidly between research, advocacy, consulting and practice. They are proof that law can shape society not only in the courtroom, but also in the realm of policy and grass-root reform.

My journey into this broader landscape followed an unorthodox path. As President of Phaphama SEDI, a non-profit company dedicated to supporting township-based entrepreneurs through student consultancy work, business skills development, access to markets, and a platform for networking and collaboration, I have had the privilege of exploring the alternative pathways of utilising my legal mind. Over the past decade, Phaphama has bridged the gap between students, professionals, and small business owners, contributing to broader socio-economic development and within under-resourced communities.

In my role, I lead the strategic direction and operational oversight of the organisation, managing a diverse team, designing programmes that directly support entrepreneur growth, and securing partnerships and funding. This role has opened doors to a range of alternative career paths, attracting interest from both international and local organisations seeking talent experienced in leadership, social impact, and cross-sector collaboration. It has strengthened my skills in project design, stakeholder engagement, and strategic planning – many skills that I would not have been exposed to so early on in my career had a stuck to the purported traditional pathways to success.

Exploring similar opportunities requires openness to careers beyond the familiar "Big Five" firms. It may involve applying for legal fellowships with NGOs, collaborating with research centres, pursuing policy advocacy roles, or stepping into diverse impact consulting industry. It may also mean beginning in unexpected spaces, like student initiatives, community projects, or interdisciplinary roles, and leveraging those as platforms as a way to enter the wider safari of legal work.
The safari, after all, is vast. And our tracks need not all lead to the same watering hole.

If you are interested in exploring careers beyond the traditional legal path, feel free to reach out to me at giorgia@phaphamasedi.co.za.

Electoral Reform: Political parties and the reproduction of an elitist political culture

BY MMUSI MAIMANE, MP

In June 2020 a historic Constitutional Court judgment paved the way for electoral reform in South Africa, a move away from big political party dominance and towards a more accountable, people-centred model of governance. The highest court in the land ordered Parliament to change the Electoral Act to allow for independent candidates to run for seats in the National Assembly and our country's nine provincial legislatures. It was meant to be a hammer blow to the elitist and detached political culture that has dominated South Africa following the dawn of democracy.

Harvard Law Professor Duncan Kennedy's contentious 1982 essay entitled 'Legal Education and the Reproduction of Hierarchy' holds key lessons for the reform of the South African electoral system, almost thirty years after it was penned. In particular, warnings as to how political parties function as institutions, the political culture they entrench, and how this undermines the democratic values they so passionately vaunt.

Kennedy's central argument challenges the notion that university facilities, particularly faculties of law, are neutral entities. Rather, he claims the reverse is true.

In his own words, Kennedy argues that 'Because [law] students believe what they are told, explicitly and implicitly, about the world they are entering, they behave in ways that fulfil the prophecies the system makes about them and about that world'. (D Kennedy, 'Legal Education and the Reproduction of Hierarchy' 1982 Journal of Legal Education at 591)

Academic faculties, and their institutional cultures and supporting curricula, tailor their subjects into almost homogenous products, at the end equipped to maintain the rigid status quo in their profession that follows. In that, there exists almost zero space for independence and autonomy: you're part of the system, play by the rules or get left behind.

Political culture is very much the same and is driven by political parties themselves. Much like law faculties, their institutional culture seeks to squeeze out every bit of independence in priming one for public office.

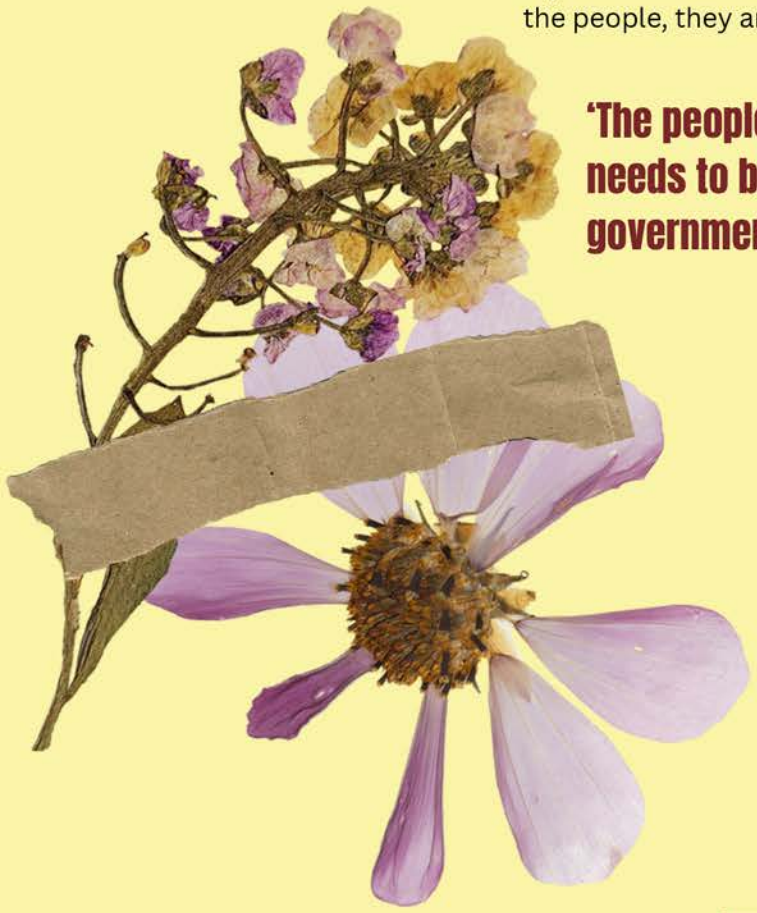
You must prove you mettle in a political party, demonstrating your unwavering loyalty to it and its fluid set of interests, before you can receive their blessing to stand for election to represent the voters.

And by the time you've worked your way up into a position where you can be elected to serve the people, you are well within a cozy elite political bubble, far removed from an ordinary voter. It's at best counter intuitive, and at worst deceitful and undemocratic.
Big political parties are the "big businesses" of the political scene. Their business model is loyalty to the party first, the electorate second. It's this perversion that the Constitutional Court has ordered Parliament to remedy.

South Africa's current electoral system – one of strict proportional representation - gives political parties much power and preserves an ever-growing gap between the public and those in power. It discourages nuanced, multi-party problem solving, instead hardening ideological lines in a "winner-takes-all" approach.

State capture is preceded by party capture. And the most prudent way to remove corruption and incompetence from our political system is to introduce a hybrid electoral system consisting of directly elected constituency-based MPs and indirectly elected party list MPs. This system was suggested by the Van Zyl Slabbert Electoral Task Team report back in 2003. The model exists, it's now time Parliament moves to adopt it.

The people's agenda needs to become government's agenda. That is why citizens directly electing their public representatives to Parliament is the answer. This is so that when an MP speaks in Parliament, the people of their community are represented. And when an MP fails the people, they are removed.



'The people's agenda needs to become government's agenda'

So, where to from here? The Electoral Reform Consultation Panel (ERCP) was established in May 2024 under the Electoral Amendment Act, 2023, to conduct a comprehensive review of South Africa's electoral system and recommend potential reforms. Comprising nine distinguished South Africans, including Advocate Richard Sizani as chairperson, the panel has been actively engaging with the public to gather diverse perspectives on electoral reform.

Public consultations commenced in KwaZulu-Natal on January 20th, 2025, and have since expanded to other provinces, with a notable session held at the Gauteng Provincial Legislature on January 27th, 2025. These consultations aim to involve citizens in discussions about the future of South Africa's electoral system.

As of February 2025, the ERCP is in the process of analysing the feedback received from public consultations and written submissions. The panel is expected to submit its final report, containing recommendations for potential electoral reforms, to the Minister of Home Affairs by May 29th, 2025. This report will then be tabled in Parliament for consideration. We will follow this with a keen eye.

A founding value of Build One South Africa is advocating for electoral reform. We believe that the current closed party list system that has governed our elections for the past thirty years has weakened our democracy and created a chasm between the people and those in power. Now is the time we take our power back.

THE STATE OF THE SOUTH AFRICAN JUDICIARY: QUO VADIS?

Bongani Luthuli,
Acting Judge of the Labor Court

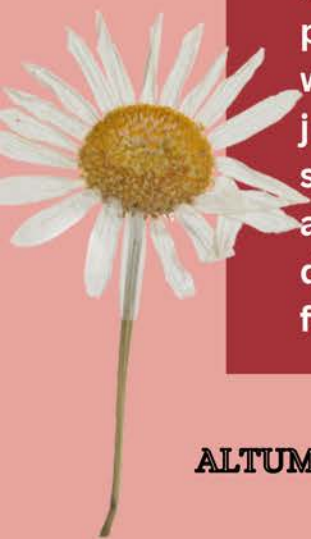
INTRODUCTION

Throughout my LLB studies at the University of Johannesburg, one issue vexed me, and still does to this day: the independence of the judiciary. So convicted was I, so fascinated was this important concept that almost every discussion with my peers would inevitably involve the subject.

In his address to the Cape Law Society merely a few weeks before his death, the former Chief Justice, Arthur Chaskalson said:

> **"judicial independence is a requirement demanded by the Constitution, not in the personal interests of the judiciary, but in the public interest, for without that protection judges may not be, or be seen by the public to be, able to perform their duties without fear or favour."**

Indeed, the judiciary has since the advent of democracy, always faced a threat from politicians who have sought to capture it for their political agendas and motives. This battle for the soul of the judiciary is not new, of course our history is littered with a vivid example of what happens when the judiciary is not independent. Through parliamentary sovereignty, judges were expected to apply the law as it was, what is referred to in jurisprudence as legal positivism, and not what it should be. Simply put, judges did not make the law, they simply applied it. There was no constitutional muster in which laws could pass through for validity.



I would submit that when Chaskalson exhorted his audience, he spoke from the perspective of the judiciary facing an ever-present threat from politicians, but not from prophetic lenses wherein the judiciary itself would be its own threat. Chaskalson did not foresee a judge being. Impeached in a democratic South Africa, he did not envisage a judge being charged of sexual harassment in the public glare dividing the country in opinion.

Today, the judiciary's biggest threat is not from without, it is from within. I will argue that the whole process of the appointment of judges seem to achieve the opposite of its ideals. Instead of enhancing the public's confidence in our judiciary, it in fact exposes them, ridicules them and lifting one's hand up for appointment almost amounts to an extravagant exercise in career suicide.

THE MORAL AUTHORITY OF THE CONTEMPORARY COURT

It became important as part of building a new nation, to ensure that courts win the confidence of the public as the judiciary was the oil that greased the machinery of oppressive apartheid laws. Courts were to strive towards showing their commitment to the democratic project by first and foremost ensuring transformation and pursuing the rule of law.

The first opportunity in my view, for the judiciary to show its commitment towards being a court that champions the rights of all citizens, regardless of race, colour or creed was presented to it through the Truth and Reconciliation Commission. The mandate of the TRC, which was chaired by Archbishop Desmond Tutu, was to investigate and establish gross violations of human rights from 1 March 1960 to 10 May 1994.

The Commission also looked at the activities of judicial officers, public servants involved in the judicial process, the Bar and the attorneys profession, legal academics and other persons and bodies concerned with the working of the law.

The judges, however, refused to appear before the TRC and be subjected to questioning. The reasons they preferred was that they feared their independence would be compromised if they had to account for their actions. What puzzled me with this response is that no precedent would have been set by the appearance at the Commission. The judges would have accounted for their role in aiding and abetting apartheid and perhaps, enhance its public image and win the confidence of the public whilst doing so.

It is my contention that by presenting themselves to the TRC, the judiciary would have purged itself of its apartheid sins and also demonstrated its commitment towards the new constitutional consensus. For his part, the Chairperson of the TRC condemned the refusal of the judges to give oral evidence and the possibility of judges being subpoenaed was mooted but was not implemented.

It is a matter of historical record that despite snubbing the TRC, Justice MM Corbett and Judge Edwin Cameron made written representations to the TRC in their personal capacities.

The lack of atonement by the judiciary, it is my submission, resulted in a relationship of mistrust from politicians as well as members of the public who feel alienated by the colonial imposing buildings that have oppressed them for centuries. It does not help that the democratic government has built a precious few new courts, the rest still remain living citadels of injustice for the majority of the black population who view the democratic epoch as merely an introduction of a beautifully crafted Constitution, nothing more.

JUDICIAL APPOINTMENTS

Historically, judges were drawn from the senior ranks of the bar. The procedure was that the judge President of the court concerned assessed the needs of the division, identified a candidate with appropriate qualities and made a recommendation to the Minister of justice and if the minister agreed the recommendation was forwarded to the President for endorsement.

In our constitutional epoch, the appointment process is prescribed by the Constitution. The Judicial Service Commission (JSC), established in terms of section 178 of the constitution and the Judicial Service Commission Act, facilitates the appointment of judges. The JSC comprises of the Chief Justice, the President of the Supreme Court of Appeal, one judge president designated by the judge presidents, the Minister of Justice or an alternative designated by the Minister, two practicing advocates nominated from within the advocates' profession and appointed by the president, two practicing attorneys nominated from within the attorneys' profession and appointed by the president, one teacher of law designated by teachers of law at South African universities, six members of the National Assembly chosen by it, four permanent delegates to the National Council of Provinces designated together by the Council with a supporting vote of six provinces, and four persons designated by the president as the head of the Executive.

The JSC in appointing judges has been challenged before as we witnessed in Acting Chairperson: Judicial Service Commission v Premier of the Western Cape Province[1], the validity of the JSC's proceedings were challenged on the basis, inter alia, that the Premier was not invited by the JSC when a complaint about the Western Cape Judge President was deliberated. The Court found that the JSC was not properly constituted because of this omission and set the decision of the JSC aside

These were procedural issues though, which have since been resolved by the adoption of clear rules and procedure in relation to the appointment of judges. What had been of great concern, however, was the political grand standing and the apparent of settling of old political scores by politicians to judicial candidates who found against them on previous occasions.

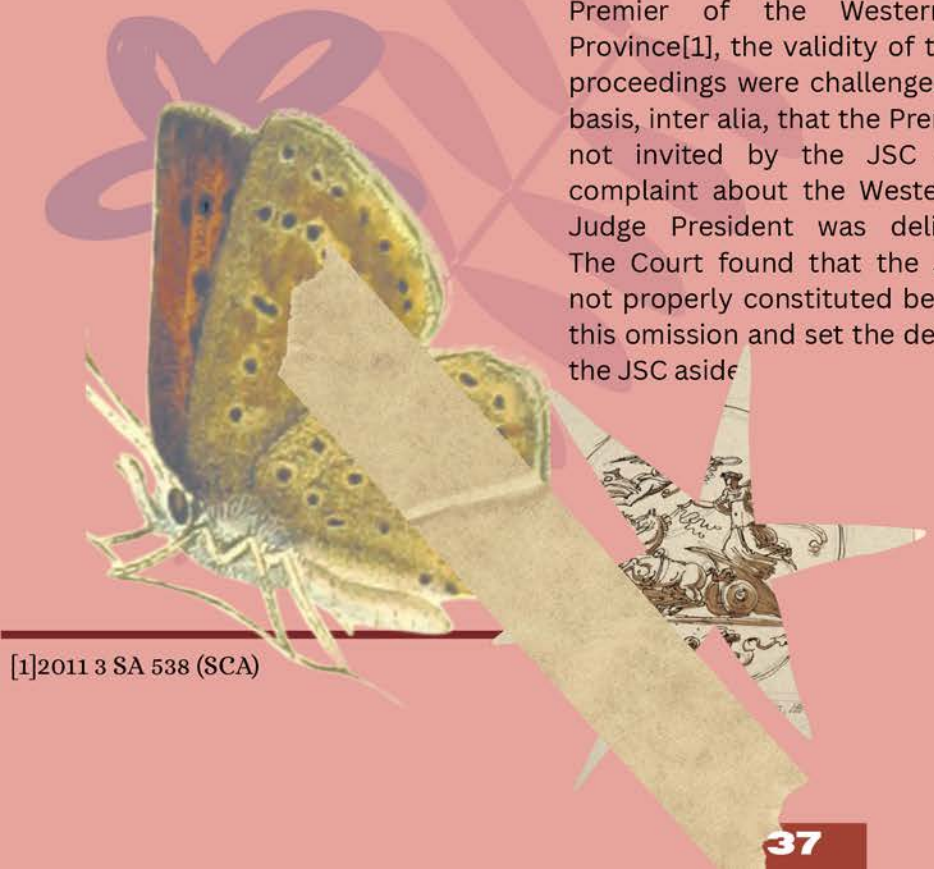
This has resulted in JSC interviews being reduced to realism theatre that trends on social media for days, at the expense of candidate judges. What this does is it further casts doubt on the judiciary's public perception and the net effect is the ultimate destruction of prospective judges who could serve this nation excellently.

THE COURT BACKLOG

The court backlogs are by far the biggest impediment to justice in this dispensation. As a labour lawyer, one of the primary objectives of the Labour Relations Act is the realization of expeditious resolution of disputes.

Regrettably, this objective is not being realized, not for lack of trying. The Judge President of the Labour Court has introduced various innovations to help resolve this impasse. Currently, parties wait up to three (3) years to get a date whether for reviews or adjudication. I have witnessed many occasions when the time the matter has been set down for hearing, one of the parties has since been deceased and the matter becomes academic.

At the Johannesburg High Court, the Judge President has introduced mandatory mediation in that division, with effect from 22 April 2025. The aim is to filter the caseload to enable only cases warranting judicial attention to be enrolled, the diversion of cases capable of being resolved or settled after effective mediation by professional mediators.



[1]2011 3 SA 538 (SCA)

In terms of this mediation, all dates for all categories of trials set down after 1 January 2027 are withdrawn. This means that no trial date shall be issued unless the request is accompanied by a report on the mediation given by either an accredited mediator or in the case of matters certified to be heard in the commercial court, a report on the mediation by the judicial case manager.

One wonders whether this Protocol will pass muster when tested. It may be viewed as an infringement of the right to access to court, in terms of section 34 of the Constitution. Whilst it seeks to avoid the seven-year delay for trial allocation, it may be viewed as a limitation of that constitutionally entrenched right that is a cornerstone of democracy.

CONCLUSION

It is evident that there are serious challenges plaguing and facing the judiciary, from within and without. This does not mean, however, that, that the judiciary has failed or is failing. These challenges are not insurmountable.

From a prognosis point of view, the Minister of Justice and Constitutional Development must agitate for more funding in the court administration. This budget can help in the appointment of more judges in order to fill the vacancies of various courts, which could lead to alleviating the backlogs which have become a pandemic.

This will also help lighten the load of judges who are over-stretched due to impossible case loads. The appointment of researchers would also assist judges and help them hand down judgments quicker. It is in all our best interests that the judiciary functions properly and enjoys public confidence.

The Judiciary and Government's Failure: Gender-Based Violence in South Africa

By Mathari Manyisa, Advocate of the High Court

The Rising Tide of Gender-Based Violence

Gender-based violence (GBV) in South Africa has reached epidemic proportions, deeply affecting the nation's social fabric and violating fundamental human rights guaranteed by the Constitution. For decades, GBV has been a pervasive issue, but in the past two decades, there has been a disturbing increase in cases of rape, domestic violence, sexual abuse, and femicide. The post-apartheid era, while marked by significant political and economic change, has seen little progress in addressing the endemic violence against women and children.

The roots of this problem are complex and multifaceted. The transition from apartheid left deep social and economic scars that continue to affect the country's most vulnerable. Poverty, unemployment, and the legacy of racial inequality have fueled a climate of desperation and frustration, often resulting in violence within homes and communities. For women, this has translated into higher rates of sexual violence, intimate partner violence, and femicide.

In 1997, the South African government prioritized violence against women under the National Crime Prevention Strategy, aiming to reduce gender-based violence and improve the state's response to such crimes. Despite these efforts, reported cases have only increased over the years. The 2019/2020 crime statistics revealed that 2,695 women were murdered, equating to one woman every three hours—almost five times the global average. The country's femicide rate has become one of the highest in the world, with nearly 50% of women aged 15 and above reporting that they have experienced some form of violence.

In South Africa, GBV affects all provinces, but certain regions report disproportionately high rates of violence. The Eastern Cape, for instance, has a femicide rate more than twice the national average. Similarly, the Western Cape, especially in townships such as Delft, and KwaZulu-Natal, are known hotspots for GBV-related crimes. These geographical disparities point to the influence of socio-economic factors like poverty, unemployment, and limited access to education in perpetuating a cycle of violence in these communities.

The Role of Toxic Masculinity and the Boy Child

An often overlooked but critical factor in the perpetuation of gender-based violence is the influence of toxic masculinity and its impact on the boy child. Toxic masculinity refers to the societal norms that dictate how men should behave—promoting traits such as aggression, dominance, emotional suppression, and the rejection of anything perceived as "weak" or "feminine." This harmful ideology shapes how boys are raised and how they interact with women, fostering environments where violence, control, and manipulation are normalized.

The culture of toxic masculinity teaches young boys that power over others, particularly women, is a sign of strength. This, in turn, contributes to abusive behaviors as they grow older, leading to a cycle of violence and unhealthy relationships. Boys are often discouraged from expressing vulnerability or empathy, and this lack of emotional development can manifest in their adult relationships, where they may resort to aggression and control as coping mechanisms.

Toxic masculinity's connection to gender-based violence is evident in the statistics: the majority of perpetrators of GBV are male. This highlights the need to address harmful gender norms from a young age. By raising boys to reject violence, foster emotional intelligence, and embrace respect for women, we can break the cycle of GBV. Educating boys on healthy relationships and consent is essential in transforming society's broader approach to gender violence. Without this shift in how masculinity is defined and taught, we risk perpetuating a culture of violence for future generations.

Moreover, the government and civil society must focus more on engaging with boys and men in combating GBV. Awareness campaigns, educational programs, and community support initiatives must emphasize positive masculinity and redefine the narrative around male identity. This involves confronting traditional gender roles that are ingrained in cultural practices and encouraging open dialogue about gender equality and respect.

By addressing the root causes of toxic masculinity and encouraging a broader societal change, we can create an environment that does not just protect women but also promotes healthier, more respectful relationships across all genders.

Violations of Constitutional Rights

Beyond the horrific physical and emotional consequences of GBV, these crimes infringe upon several fundamental rights enshrined in the South African Constitution. In particular, Section 10 guarantees the right to human dignity, which is completely undermined by the degradation and violation experienced by survivors of GBV. Section 12 guarantees the right to freedom and security, which includes the right to be free from violence and to live in an environment free from fear and harm. For many survivors of GBV, however, these rights are not merely theoretical—those who experience violence often have their most basic human rights stripped away.

Section 9 of the Constitution further guarantees equality before the law and equal protection of the law for all people. However, GBV perpetuates the systemic gender inequality that continues to plague South African society. Women, particularly those from disadvantaged backgrounds, are disproportionately affected by GBV, facing barriers to accessing justice, protection, and support services. This undermines the constitutional promise of equality and protection, as the justice system has failed to adequately address or prevent GBV.

Failures of the Judiciary and Government

One of the most alarming aspects of the GBV crisis in South Africa is the failure of the judicial system and the government to effectively address these crimes. While South Africa has a relatively progressive legal framework, the implementation of laws aimed at protecting women and children from violence remains woefully inadequate. Law enforcement, in particular, continues to fail survivors of GBV at every level—from the initial report of a crime to the final sentencing of perpetrators.

Research indicates that over 40% of South African women are estimated to be raped during their lifetime, yet only a small fraction of these crimes are reported. In fact, a report by the South African Medical Research Council suggests that one in nine rapes is reported to the police, and only around 14% of those reports progress to trial. Furthermore, convictions occur in only 7% of reported cases of rape. This staggering statistic highlights the inefficiencies and inadequacies of the judicial system. Experts point to factors such as poor investigation techniques, a lack of forensic evidence collection, inadequate police training, and secondary victimization as contributing to the low conviction rates.

The slow pace of court proceedings also plays a significant role in the high attrition rate of GBV cases. Trials can take years, and victims often face retraumatization through lengthy cross-examinations and delays in proceedings. The lack of sensitivity and understanding within the judiciary leads to a situation where perpetrators are frequently able to avoid meaningful accountability, further emboldening them.

Moreover, the government's response to GBV has often been criticized for being reactive rather than proactive. Although South Africa's National Strategic Plan (NSP) on GBV and Femicide was launched in 2020 to tackle the crisis, the implementation of its key initiatives has been slow and inconsistent. Many survivors still struggle to access essential services such as shelters, legal aid, and counseling. As a result, a culture of impunity continues to thrive, and many perpetrators remain free to commit further violence with little fear of retribution.

Conclusion: A Call for Comprehensive Action

The fight against gender-based violence in South Africa requires a holistic, multifaceted approach. It is not enough to address the symptoms of GBV; we must confront the systemic issues at the heart of the problem. This means reforming the judicial system, ensuring that the laws meant to protect survivors are effectively enforced, and empowering women to feel confident in reporting abuse without fear of retaliation or humiliation. At the same time, efforts must be made to engage with and reform cultural attitudes towards masculinity, challenging toxic behaviors and promoting respect, equality, and healthy relationships from a young age.

While there have been efforts to curb the scourge of GBV, significant progress is still needed. Awareness campaigns must continue, and more robust support systems must be put in place to support victims. Only by holding both perpetrators and the state accountable can we hope to see real, lasting change.

Gender-based violence is not just a women's issue—it's a societal issue that affects us all. The South African government, judiciary, and civil society must unite to tackle the root causes of violence, confront toxic masculinity, and work toward a safer, more just society for everyone.

Tribute:

To the countless women and children whose lives have been brutally cut short by the hands of violence, we remember you. We honor your memory, your strength, and your resilience.

To those who have survived the unimaginable, we see you. We hear you. We believe you. Your scars may be visible or invisible, but your courage and determination are a beacon of hope in a world that often seeks to silence and shame you.

We pay tribute to the women who have been taken from us too soon, whose laughter, smiles, and contributions to our world were brutally extinguished by the senseless violence of others. We remember their names, their faces, and their stories.

We acknowledge the pain, the fear, and the trauma that you have endured. We recognize the systemic failures, the societal norms, and the cultural attitudes that have perpetuated this violence against you.

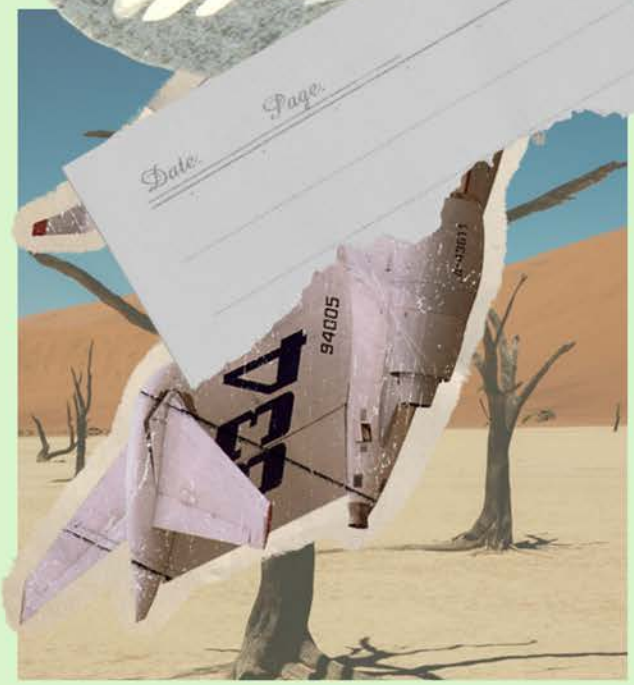
But most of all, we want you to know that you are not alone. You are not forgotten. You are not invisible. Your lives matter. Your voices matter. Your stories matter.

May we, as a society, finally learn from your experiences, your struggles, and your triumphs. May we work tirelessly to create a world where women and children can live free from fear, free from violence, and free to reach their full potential.

Rest in peace, dear sisters. May your memories be a blessing to us all, and may your legacies inspire us to create a brighter, safer, and more just world for all.

Foreign aid's debt trap; Africa's biggest challenge to economic independence

Likhona Sigwatsi



Namibia was the last African country to gain independence from colonial rule thirty-five years ago, but we are yet to see true independence in the form an African country that is economically independent from the Global North and its foreign aid. This article does not judge Africa's inability to attain economic growth or development. The author acknowledges that economic growth and economic independence enable one another and argues that Africa's persistent pursuit of foreign aid has jeopardized the achievement of the sort of economic independence necessary for economic growth. Reliance on foreign aid leads to detrimental levels of dependence and the terms and conditions are often unsuited for addressing the socio-economic needs of African countries. Instead of uplifting African countries to allow them to step off the cycle of dependency, foreign aid is used as a neo-colonial tool.

Foreign aid leads to foreign debt. Compared to other developing countries, African countries service their debts at lower levels. Africa's debt has increased by 183% between the years 2010 and 2022 and this rate is four times higher than its GDP growth rate.(UNCTAD, 'Africa 2023'2023) Meanwhile, the cost of servicing debts is increasing further, making the burden of this large external debt unsustainable for Africa.

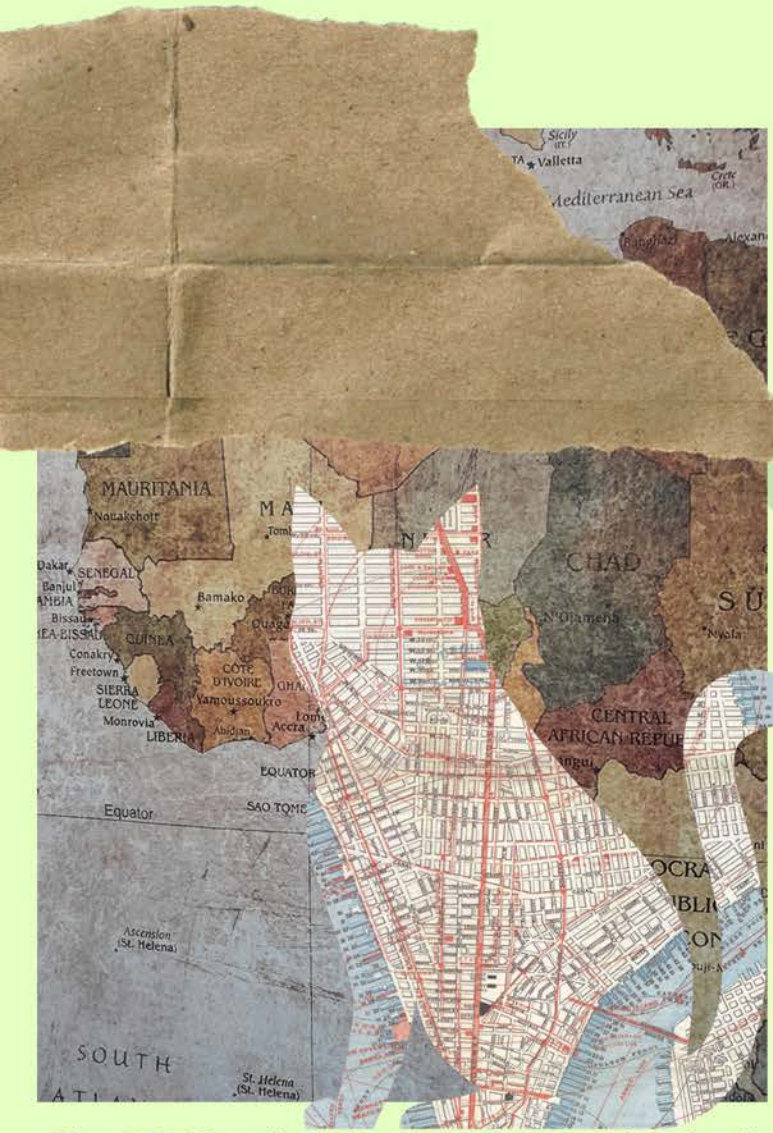
Foreign aid is also one of the ways the Global North get to exercise or enforce practices that are neo-colonial in nature. Neo-colonialism roughly refers to a circumstance in which the economic system and political policy of one country is directed by a power or entity outside of that country(K Nkrumah, 'Neo-Colonialism, the last stage of Imperialism' 1966 International Publishers Co. Inc.). This phenomenon, which is reminiscent of colonialism, can be witnessed in South Africa's relationship with America. The Trump administration feels that South Africa's economic policies and political affiliations with Russia, China and Iran are in conflict with its interests. So, theywithdrew their funding of South Africa's HIV\AIDS programmes in an effort to intimidate the country into adjusting its policies. Although South Africa finances about 80% of its HIV response, the aid lost has caused significant setbacks for our country which has the highest rate of people living with HIV. The US has also withdrawn its military assistance. This is a very disadvantageous position for South Africa risking the health of millions of people and leaving the country vulnerable and hindering the development of our military. The U.S has also threatened to kick South Africa out of AGOA which is an important trade deal.

The US's treatment of South Africa illustrates how the Global North uses its economic power to direct the economic policies of countries in Africa in favor of themselves and often undermines the needs of these African countries. The land expropriation bill and the B-BBEE laws that the Trump administration cites as some of the "terrible things" that are happening in South Africa are necessary to address the nation's large amounts of economic inequalities.

South Africa cannot industrialise or achieve substantial economic growth and therefore emerge from its current state of dependency from entities such as the U.S without correctly and efficiently addressing its past of colonialism and apartheid.

The second way in which the neo-colonial project is carried out is through organisations such as the IMF, WTO and the IBRD. These institutions aid the invading and taking over of the economic policies and administrations of a debtor nation's banking and financial systems. The organisations that are currently responsible for regulating and setting the rules for free international free trade and lending aid or making loans to countries were established in 1944 through the Bretton Woods Conference. No other African countries except Liberia and Ethiopia joined these delegations as sovereign countries, South Africa did attend but it was a sovereign dominion under the U.K so this produced its own complications.

The rules set by these states would later be unsuited for African countries once they started gaining independence. Strategies that were endorsed and enforced through sanctions by these organisations such as liberalisation, deregulation and privatisation were an ill fit for underdeveloped and newly independent countries that had also inherited parasitic relationships to their former colonial mother countries and dilapidated institutions that were nowhere near sufficient to enable economic development.



The policies pushed by these organisations were suited for already developed countries, they also unfairly advocated for policies that were anti protectionism. (Chang, H-J 'Kicking Away the Ladder: Infant Industry Promotion In Historical Perspective' 2003 Taylor & Francis Online) this ignored the fact that in the past counties of the Global North had relied on protectionism for their own economic development and industrialisation for long stretches of time. Due to the Great Depression, which was exacerbated by beggar thy neighbour policies, the US, who had become a leading world superpower, began endorsing the pursuit of freer and fairer trade in the international economy.(Irwin et al, 'The Genesis of the GATT' 2008 Cambridge University Press) Thus were the rules of these important organisations set, and set based only on the experiences, needs and desires of the Global North.

The WTO's rules also currently maintain the unbalanced relationship between Africa and the Global North because African countries are given less space for implementation of developmental policy while the Global North enjoys a much larger space and can enact frameworks that align with their developmental needs. According to Naidu, through mechanisms such as the Official Development Assistance, African governments have also lost the policy and fiscal space and the independence to develop their own developmental policies, whilst those in the Global North have been unfettered. (V Naidu, 'WTO at 30: A Reckoning or Just Another Review' 2025 The South Centre) The World Bank's report titled "Driving inclusive growth in South Africa" undermines the unique efforts that African governments are making to address historical problems. This reflects the global community's ideas about Africa – the unwillingness of private donor entities to support efforts to address racial inequalities.

The Global North has always sought to maintain the conditions that are necessary for the extraction and the exploitation of value from countries of the Global South, Africa is just one of its victims. International organisations and the rules that govern the way countries should interact in the international political economy are inherently against the needs of developing countries. Foreign aid and the imposition of sanctions for failure to adhere to imposed rules designed to facilitate free and fair trade maintain this dynamic of exploitation.

Failure
by Liz Havenga

Once upon a time, in a nest meant for eagles, a small bird hatched. The bird had no idea that it was different. Like all the others, this bird had arrived with a beautiful, innocent belief in justice and a hope of growing into something great.
However, the differences had soon started showing.

The eagles were clear, crisp, and certain. They had been able to fly right through clerkships, scholarships, and vacation internships. More than that, they effortlessly spoke in Latin, cited obscure cases, and never grew tired.
And yet, despite what the eagles appeared to do with ease, the small bird stumbled often. She had tried, and tried again. And then some more. It still felt like she was flying straight into the wind.
The others never had to utter a word. Their silence spoke for them:
"You don't belong here."
And so, the small bird believed the words that had never been spoken aloud.

Despite this, the bird never once stopped lifting its wings to speak. It never let questions go unasked. While the others surged ahead, it fought its utmost best to keep up. It kept flying. Not for praise or triumph, but merely to stay in the air. Its wings grew stronger, not from success, but from surviving.

And then one day, the small bird decided to peer over the edge of its nest, not to compare, but to see. It saw the others still flying and shining.
It took a look within.
Not an eagle.
Not a swan.

Just a tired bird with nothing left in its wings.

Still a failure.
Still falling behind.
Still unseen.

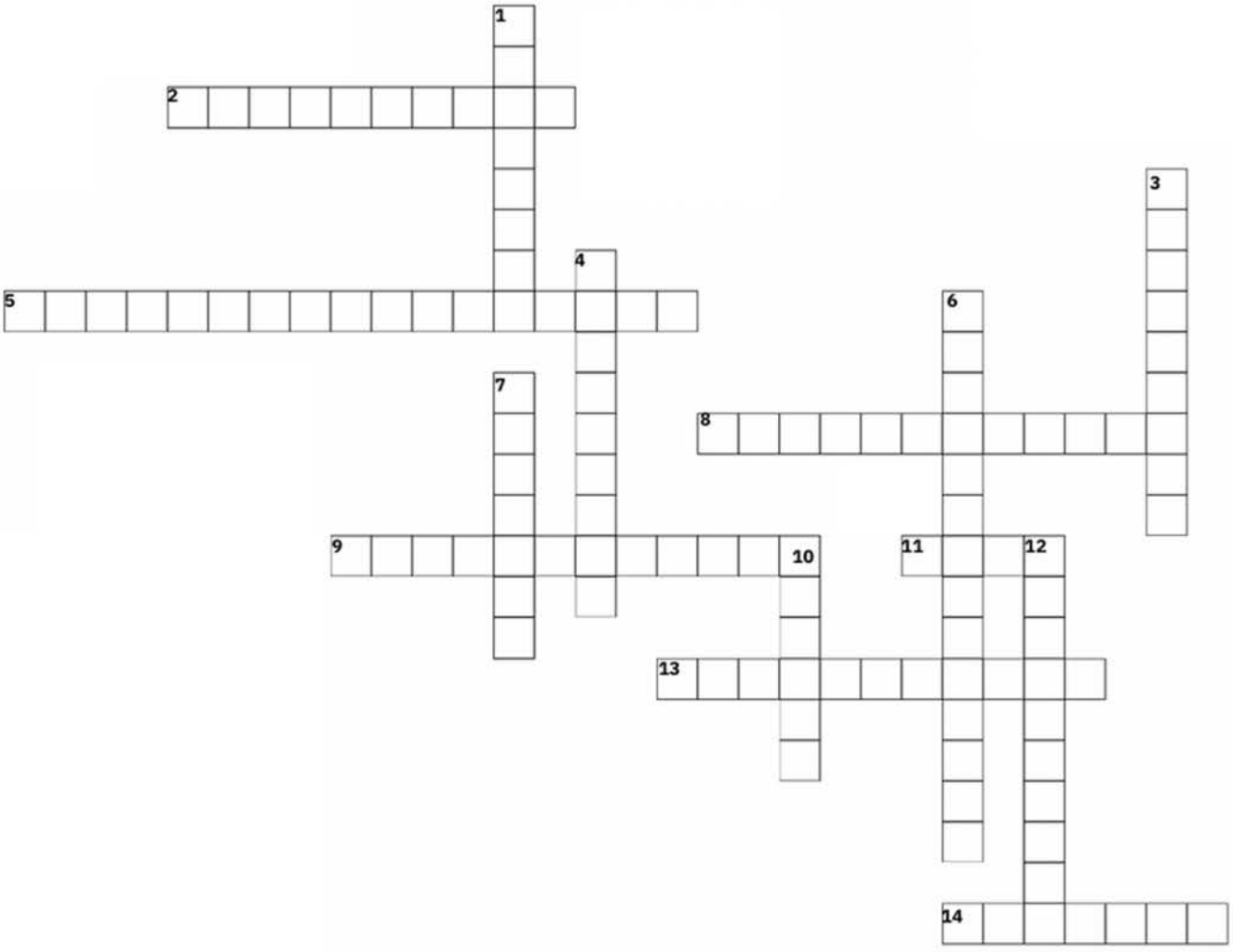
The bird had worked tirelessly and endlessly, even when no one had clapped or noticed. It had endured more than any of the others knew.
And yet, nothing changed.

There was no secret brilliance revealed.
No hidden strength that came to light.
No sudden change of the prophecy.
The only enlightenment the small bird had found was the slow, gnawing truth that hard work was not enough. That sometimes even when you give everything, it still does not work out.
The bird didn't fall.
But it didn't rise either.
Instead, it remained perched at the edge of a world that refused to open for it.
And that was the end.
No happy ending.
Not glorious.
Not tragic.

Just unfinished.

FAILURES

Crossword



Across

2. Violence targeting foreign nationals
5. Violation of s 35(2), Constitution.
8. Activity central to the Guptas
9. Eskom's favorite
11. Ex-president facing corruption and contempt charges
13. Excusable mistake in Contract Law
14. Presidential home at the center of a spending scandal

Down

1. Failure to act
3. When you do something a diligens paterfamilias would not
4. What happens to appeals. Bad for the appellant
6. Violation of s 35(1), Constitution.
7. Words from another, from words from another
10. Family central to state capture
12. Violence targeting foreign African nationals

ALTUM SONATUR