



INTERNATIONAL POLICE EXECUTIVE SYMPOSIUM
GENEVA CENTRE FOR THE DEMOCRATIC CONTROL
OF ARMED FORCES

WORKING PAPER NO 20

Is the status of professionalism appropriate to police
scientists and practitioners in the South African context?
A scientific perspective from a house divided

Ian De Vries and Jean Steyn

MAY 2010

WWW.IPES.INFO

WWW.DCAF.CH

The joint IPES and DCAF Working Paper Series is an open forum for the global community of police experts, researchers, and practitioners provided by the International Police Executive Symposium (IPES) and the Geneva Center for the Democratic Control of the Armed Forces (DCAF). It intends to contribute to worldwide dialogue and information exchange in policing issues by providing an access to publication and the global public sphere to the members of the interested community. In essence, the Working Paper Series is pluralist in outlook. It publishes contributions in all fields of policing and manuscripts are considered irrespective of their theoretical or methodological approach. The Series welcomes in particular contributions from countries of the South and those countries of the universe which have limited access to Western public sphere.

Members of the editorial board are Dominique Wisler (editor-in-chief, Coginta.org, Amman, Jordan), Philipp Fluri (Deputy Director of the Geneva Center for the Democratic Control of the Armed Forces, Geneva), Rick Sarre (professor of Law and Criminal Justice at the University of South Australia, Adelaide), Kam C. Wong (associate professor and chair of the Department of Criminal Justice of Xavier University, Ohio), and Ihekwoaba D. Onwudiwe (professor of Administration of Justice at Texas Southern University).

Manuscripts can be sent electronically to the editorial board (wisler@coginta.org).

© 2010 by Ian De Vries and Jean Steyn. All rights reserved. Short sections of this text, not to exceed two paragraphs, might be quoted without explicit permission provided full credit is given to the source.

The views and opinions expressed are those of the author(s) and do not necessarily reflect those of the International Police Executive Symposium or the Geneva Center for the Democratic Control of the Armed Forces.

Is the status of professionalism appropriate to police scientists and practitioners in the South African context? A scientific perspective from a house divided

Ian De Vries and Jean Steyn

IPES Working Paper No 20, May 2010

www.IPES.info

www.dcaf.ch

ABSTRACT

The article has as research focus the present debate between police practitioners, the South African Police Service (SAPS) and academics, as well as among academics themselves within the broad criminal justice field in South Africa, as to whether a qualification in Police Service Management as developed by the police service should be offered at tertiary level, or whether lecturers in Policing and Criminology should be regarded as professionals within their own right and with their own qualifications, functioning within their own Qualifications Board which will have, inter alia, its own ethical and disciplinary codes.

Based on scientific argument, this article concludes that the Police Service's management type qualification cannot be seen as a professional qualification and that Criminology and Policing, like many other social or behavioural sciences, do not qualify as professions either. To register members on a so-called professional register and then to discipline them in terms of a professional code, would therefore be inappropriate. The authors argue that the concept "professional" should rather be avoided when referring to police practitioners and criminologists, penologists, police scientists and victimologists.

Ian De Vries

Professor and Head: Department of Safety and Security Management

Tshwane University of Technology

Soshanguve Campus, College Road, Block L

South Africa, Pretoria, 0001

devriesid@tut.ac.za

Jean Steyn

Professor: Department of Safety and Security Management

Tshwane University of Technology

Pretoria Campus, Staatsartillery Road, South Africa

Pretoria, 0001

steynj@tut.ac.za

**Is the status of professionalism appropriate to police scientists and practitioners in the South African context?
A scientific perspective from a house divided**

Ian De Vries and Jean Steyn

Introduction

There is presently (2009/2010) a drive by certain academic societies in criminology and criminal justice in South Africa towards professionalization of these disciplines (CRIMSA, 2008). This process has primarily been driven by criminologists comprising both academics and practitioners. However, given the time lapsed since this ideal was formulated at CRIMSA's (Criminological and Victimological Society of Southern Africa) inception in 1986, it seems that the proponents of this concept have had difficulties in securing a professional board for these disciplines. CRIMSA is since 1986 the main society for academics in Criminology, Policing, Penology and Victimology.

The practical problem

The debate on professionalization of law enforcement agencies and related disciplines has again become intensely active in 2009, creating a potential split between "traditional" criminologists and other scientists in the broader criminal justice field (CRIMSA, 2008). Should a board of criminologists be established in South Africa under the South African Council for Social Service Professions, then, in terms of the Social Service Professions Bill, a requirement by the formal bodies (the mentioned Council and a criminology board working as a sub-council under it) is that, *inter alia*, academics and practitioners in all related fields of criminology and criminal justice will only be called criminologists (Bezuidenhout, 2009: 1-7) which will force police and correctional services scientists and practitioners to either develop and register their own professional board or, conversely, run the risk of losing their so-called "professional" status.

The South African Police Service (SAPS) whose training division in South African terms, operate on the Further Education and Training band (FET), used its muscle on government committees to register a Bachelor Degree in Police Practice. As the SAPS is not a tertiary institution (in the Higher Education band) itself, it has been looking to some of the 23 mainly government subsidized universities to offer this degree under the auspices of SAQA (South African Qualification Authority) as an approved qualification. One private university has obliged and has, till now, offered this mainly management orientated degree which excludes, *inter alia*, legal subjects. This same tertiary institution has recognized the deficiencies in the qualification and together with the SAPS will alter the content in the next cycle of re-curriculum for SAQA approval again in 2012 (Southern Business School, 2009: 2).

The issue on the table as far as professionalization is concerned, has therefore divided the academic community in South Africa in so far as that the South African Police Service is arguing that practitioners can be considered professional once they have obtained “their” three year degree. (However, the SAPS or its tertiary supporters have also not even commenced with the requirement of establishing a professional board). Criminologists who are members of CRIMSA argue that members who have been accepted on their proposed register once they have obtained a SAQA approved four year Criminology degree, can be called professionals. Other practitioners and academics in law enforcement and related disciplines, on the other hand, such as police scientists and victimologists, cannot be considered professionals unless they have registered their own four year degree and established their own professional board.

The theoretical problem

This article is a reflection on a scientific level as to whether there is indeed a need to label a person who has obtained a tertiary qualification as a “professional”, and whether such a label will enhance the person’s functioning in order to perform at an acceptable level.

Moreover, the question whether professional boards with related codes of conduct are needed has become central to this debate, as well as the criteria to punish someone for so-called unprofessional conduct. At the CRIMSA conference held

at the University of South Africa (UNISA) in Pretoria, September 2009, it was clear that all members from all disciplines are still not in agreement on whether professionalization should finally go ahead and it also became clear that the criminologists are planning to go ahead on their own if consensus could not be reached in the near future. (As evidence of their drive towards professionalization, see also the editorial of the first issue of CRIMSA's journal of 2010 (Naude, 2010, as well as Sing & Gopal, 2009).

De Vos and Schulze (2002:27) summarise their definitions of a profession and give examples such as: "*A profession is defined as an occupation involving a liberal education and mental rather than manual labour, such as law, medicine or theology. Among the human service professions, teaching, nursing and social work are considered well-known 'semi-professions'.*"

Elsewhere (page 24) the authors refer to law, medicine and theology as the so-called "big three" professions with psychology and clinical psychology coming closer to a true profession. They indicate (following their own criteria) that management fields are would-be-professions (De Vos & Schulze, 2002:9 & 24).

The South African Qualifications Authority (SAQA) (2006:4) states that there is not a conclusive definition of a profession but cites the following distinctive characteristics of a profession: "*...a service orientation, making expertise available to others; a distinctive body of knowledge and skills, coupled with abilities and values; autonomy in performance of work, within agreed boundaries; and public recognition of the authority of the practitioner by virtue of operation within ethical standards. The benefits of services offered by professions are accompanied, in different measure, by risks to the client and the public. Risks are of different types in different professions: (in) justice, financial, health, safety or environmental. Professions are therefore regulated.*"

Taking the various definitions of a profession into account, it is argued that, before one can be called "professional", one would obviously first have to be qualified as a scientist. However, given the conceptual and other methodological problems surrounding "science" in the area of human behavior it would be difficult to go one step further and categorize or call somebody a "professional". As will be argued below, the position in our view, are that concepts or variables

used in the definitions such as “liberal education”, “autonomy” and “benefits”, *inter alia*, are too vague or difficult to operationalize and to create professional boards which have as one of their functions the aspect of punishment for so-called unprofessional behavior.

According to certain definitions of science, Mouton (1996:13) argues that the scientific communities in South Africa can feel themselves logically being in the process of contributing constructively to the challenges of the world of human behaviour, nationally or internationally. The record of peer reviewed articles in academic journals over the past decade testifies in support of this argument.

The product of scientific (systematised) research, namely scientific knowledge, can be defined as the body of propositions (factual statements, hypotheses, models, theories and laws) which at a specific time, is accepted by the scientific community as being valid and reasonably correct (Mouton, 1996:13). The question in front of members of CRIMSA at this point in time is whether there is sufficient agreement on most theories in the field and related fields (Criminology, Policing, Penology and Victimology) to form a professional board with disciplinary powers – which implies that punishment can be meted out for so-called incorrect behaviour. Can we finally prove right from wrong and punish someone?

In writing an article on professionalization which is to be judged by learned academics and practitioners working in some scientific-based endeavour, one is mindful of not turning the exercise into a lecture on research methodology, but rather to revisit or emphasise only those aspects of methodology and training in the behavioural or social sciences that might still impact on the present debate in South Africa of whether Criminology and scientists in Criminology, or for that matter, any science, can or should turn itself into a specific kind of profession. As a point of departure the authors of this article accept the broad classification of sciences into the natural sciences (e.g. physics, chemistry, biology and astronomy), formal sciences (mathematics and logic), social sciences (e.g. sociology, psychology, anthropology and political studies) and humanities (e.g. history, philosophy and linguistics) (De Vos, Strydom, Fouché & Delpont, 2002:4)

Requirements for professionalism

The South African Council for Social Science Professions (SACSSP) (2009) states that a profession must practise unique skills and knowledge to the benefit of individuals and society, and that there must be professional autonomy and a code of ethics. The said Council has also established a number of committees that deal with specific inquiries:

- Registrar's Committee on Professional Conduct;
- Committee for Preliminary Inquiries;
- Professional Conduct Committee for disciplinary hearings; and
- an Appeal Committee.

According to academics such as De Vos and Schulze (2002:26), professionals do exist. They specify the following requirements for a profession, namely that it should:

- entrench theoretical and practical objectives;
- have as its main goal public service;
- involve intellectual work requiring a high standard of responsibility, i.e. it should involve complex tasks performed by skilful application of major principles and concepts rather than by routine operation of skills;
- offer standardised training;
- restrict its practice to a professional group projecting a strong group consciousness, which gradually develops into a professional culture sustained by formal associations wielding stronger power over members of the profession, and even over training departments or schools at universities;
- have a generally accepted code of ethics;
- engender a codified and systematic body of professional knowledge, internalised by new members;
- possess a board of authority that is recognized by the clientele of the profession;
- enjoy the sanction and approval of the broader community for this authority;
- commit its members to continued study; and

- possess full autonomy financially and otherwise (De Vos & Schulze, 2002:26).

Challenges for professionalisation

In the light of the above definitions and requirements, the authors argue that the debate to determine whether a science and its practitioners (outside the natural sciences) constitute a profession or not, is complex. In our view, some well-known authors in Policing and Criminology are referring to loosely to the term professionalization. As far as police science is concerned, Perez and Moore (2002:18-20) for example are of the opinion that policing is not only a science, but indeed a profession. They refer broadly to three phases in the development of so-called professionalism in policing, namely from the 1820s onwards when Robert Peel turned policing into a full time organised system, followed by the reform era (1910-1950) which, according to Perez and Moore (2002) and Rawlings (2002:195-230), saw another form of professionalism with content placing a greater focus on discipline, resulting in the adoption of military characteristics for the police. According to Perez and Moore (2002:18-20) as well as Newburn (2008:90-114), another phase was introduced when police agencies had to adapt after the second World War to embrace civil engagement and human rights to be considered to be professional.

Lecturers in Policing and Criminology can easily remind us of all the fields or occupations in which students of Criminology and Criminal Justice have already found employment in South Africa. These fields include Foreign Affairs, the SAPS, the Courts, the Department of Correctional Services, the National Prosecuting Authority, the SA National Defence Force, the National Intelligence Agency, non-governmental organisations and research institutes such as Centre for the Prevention of Violence and Reconciliation, Restorative Justice Centre, Inter Trauma Nexus and many more. Finding employment after a tertiary education is one thing. We are, however, much further away from reaching agreement on whether a science and its scientists are professionals.

Adding to the general problems of vagueness in the requirements for professionalization by De Vos and Schulze above (e.g. what is meant by concepts

such as "liberal" education, etc) is the notion that people who might make it onto a register of a professional board can be punished for certain behaviour (one suspects mainly from a code of ethics full of more vague concepts) by being at least suspended by the Board and removed from a list of "professionals". It is also interesting to note that the American Psychological Association altered its code of ethics three times in the last ten years, and we would argue that this was mainly due to vague concepts such as the concept of promoting "well-being".

Other characteristics of "a professional" or an "expert" identified by other authors also does not take us much further when specifying that a professional is a person who belongs to a body of people; conforms to standards (*ethics*) set by a 'professional body'; receives paid remuneration (*not as pastime and/or amateur*); and an expert as being a person with specialised knowledge obtained through prolonged training (including obtaining a formal qualification) and delivering high quality work (Beeghley, 2004; Soanes & Stevenson, 2003; Gilbert, 1998). The vital questions that are not addressed by the above are:

- what definitions or concepts are used in the ethical code set by the professional body and how is it operationalized? and
- what is the professional's assumptions or approaches?

The education given to a medical doctor basically allows him or her to practise anywhere in the world. On the other hand, a police officer as a social scientist might perhaps be trained and educated in an environment that is more favourably disposed to either a democratic dispensation or a dictatorial system, each with its different legal systems. In the one he might be considered a professional and in the other not, and *vice versa*.

Below, this paper wishes to elaborate on two aspects that point to the difficulty we might experience in creating a professional board for Criminology or Policing and their related disciplines, each with its own academics and practitioners:

- Aspect 1: The non-essential building block of our sciences and with it the *theses of strict incommensurability or partial commensurability* in our attempts to work together as scientists and actually be of one persuasion for specific action; and

- Aspect 2: The so-called expert evidence presented in the highest punishment organ in a state and its implications for punishable non-professionalism.

Building block of science: the concept

According to Isaak (1975:47) the concept, like a brick in the wall, is the building block of science. As indicated earlier, this article is not a lecture in scientific methodology, but the position of this building block in the professionalization debate is crucial. In our quest to be scientific we try to find out what something "really" means. Since Plato's time there have been attempts to discover the essential characteristics of a particular concept such as justice, or in our case of a theoretical construct such as "criminal justice". Today we know that it is only the natural sciences that can claim definitions of an essential nature, to be tested and confirmed to be the same anywhere in the world. All sciences outside the natural sciences work with nominal definitions, which are neither true nor false (Isaak, 1975:66-67). We work with our own sub-categorizations of concepts, be it so-called descriptive, contextual or stipulative (Kerlinger, 1986:27-28; Gregor, 1971:134-139).

Most of our definitions (operationalization of a concept) are nothing more than programmatic suggestions. That is why some scientists will call a particular entity a totalitarian regime while others call it an administered society. In South Africa the present government suggested a *unitary* state (no apartheid) as a key programme and element of "peace". The same government suggests *separate* states for the Jews and the Palestinians in the Middle East as a peaceful solution to strife.

If we are despondent because we believe that our concepts in the social sciences or humanities are porous, we take heart from the difficulties experienced in the natural sciences. Kuhn's (1970) example of miscommunication even amongst the physical sciences is a case in point: "*An investigator who hoped to learn something about what scientists took the atomic theory to be asked a distinguished physicist and an eminent chemist whether a single atom of helium was or was not a molecule. Both answered without hesitation, but their answers*

were not the same. For the chemist the atom of helium was a molecule because it behaved like one with respect to the kinetic theory of gases. For the physicist, on the other hand, the helium atom was not a molecule because it displayed no molecular spectrum. Presumably both men were talking of the same particle, but they were viewing it through their own research training and practice. Their experience in problem-solving told them what a molecule must be” (Kuhn, 1970:150-51).

Scientists in the social sciences and humanities have of course agreed to move on by operationalizing relevant concepts, testing a relationship between two or more concepts or variables by way of hypothesising and creating at least partial theories in a discipline or sub-discipline. In this regard criminologists and scientists from Policing, Penology and Victimology have not been idle. We nearly feel to be one big family although we might define our concepts differently. The problem is we have a problematic base comprising non-essential concepts, which allow us to differ, and make it difficult to punish the one and not the other, if and when we differ.

Understanding one another – Is Thomas Kuhn really dead?

Before trying to create a Board for criminologists and/or police scientists, even with a wide (porous) definition of Criminology and Policing, one will have to decide if Thomas Kuhn's ideas on divisive paradigms are dead and, if not, explore the implications for creating a body that will tell scientists that some are right and some are wrong.

Kuhn presented the world with a theory of scientific change (talking about the history of science) in his work "The Structure of Scientific Revolutions" in 1962. His basic argument was that although scientists in a particular field cumulatively build science very much as we have described it above for today (such as concept operationalization, hypotheses formulation, testing, expanding theory) there comes a period in which a scientist cannot explain the world as he or she observed it anymore. That leads the scientist to leave the period of so-called "normal science", as well as his community of scientists to find another paradigm which might suit her or his observations better. This is known as a revolutionary period (Kuhn, 1970:92).

Today we acknowledge that Kuhn's conception of scientific change through so-called "revolution" had the "signal" merit of reminding us that scientific enterprise is above all a dynamic and not wholly cumulative exercise. Where Kuhn was criticised more heavily was his idea that scientists in the one paradigm cannot understand another scientist in another paradigm – a crucial point for professionalization (Ball, 1976:156 & 161). Although Kuhn popularized the term paradigm, it actually derives from the Greek word *paradeigma*, meaning a model, a pattern or exemplar. Plato has for instance spoken of his ideal polity as a paradigm "laid up in heaven". George Lichtenberg spoke for the first time of paradigms in the natural sciences in the 18th century and to him it meant an accepted standard model or pattern into which scientists attempt to fit unfamiliar phenomena. When the scientists had done so, they claimed to have explained or understood the phenomena. Originally Kuhn had a broader conceptualization of paradigm in mind, standing for, *inter alia*, exemplary scientific achievements, theories, successful experiments and world views. After 1974 he returned to call his paradigm exemplary theories only.

Ball (1976:156) criticizes Kuhn on the idea that people do not understand one another, once in another paradigm. A question is, how can a scientist jump in a "leap of faith" between paradigms if the scientist cannot understand the scientific language of another paradigm, according to Kuhn. Ball refers to this position of Kuhn as an unworkable thesis of strict incommensurability, in that it says that phenomena of scientific investigation only use so-called relevant facts solely by being statable in theoretical language – in other words all meaningful observation is theory-laden, forcing the disillusioned scientist to move to a new paradigm (world-view). Since there is no neutral observation language common to any two theories, the reports of the one cannot be translated into those of the other. More acceptable would be, according to Ball, a thesis of imperfect or partial commensurability which means that scientific theories are in a way roughly analogous to natural languages and to some degree mutually inter-translatable (Ball, 1976:156).

Lakatos (quoted in Ball, 1976:160-166) proposes that another view of the history of science supports the idea that, if a theory T is superseded by a theory T', theory T' normally has or should have the successes of T that withstood the sophisticated

methodological falsification tests that scientists use. Scientific progress, according to Lakatos, can only be measured, not by the failure of a single theory, but by a successive series of theories, each sharing common core assumptions. A series is a research programme. A research programme consists of "hard-core" or not directly criticizable assumptions.

These series of theories or research programmes keep Kuhn's idea of a paradigm or sub-paradigms alive, which is one of the reasons that we still use the concept today. What has changed is that everybody critical of Kuhn in his days (1960's and 1970's) indicates that scientific change could at most be described as "mini revolutions" at certain points in time and that such activities can actually be considered to be the "normal evolutionary science" built cumulatively (although within an approach, paradigm or sub-paradigm).

Some of Kuhn's critics point out that the conclusion that we are back into normal science with mini revolutions or cumulative science, actually means we are back at square one where Kuhn startled us by saying that we are in a deeply embedded paradigm or world-view (science-view) and might "jump" to another one.

One possible consequence of all this philosophical reasoning about science for the debate on professionalization of Criminology is the possibility that some of the sub-paradigms within Criminology, such as the many studies on Victimology, might be closer to a discipline like Psychology. On what basis then should a Professional Board of Criminology decide to "kick" the Victimologist off the Criminology Board or, conversely, persuade him or her to stay? Not only might we be back to square one with Kuhn's paradigm, but the non-essential definition of crime as a key concept of Criminology, might also be under attack. In other words, is a Victimologist more of a Criminologist or a Psychologist, and why do we say so?

For us as scientists (living with porous, stipulative definitions of science itself) the above is no problem. We are committed to research and building scientific knowledge within one or more research approaches or paradigms, which are in turn subjected to tests of validity and reliability. A problem arises, however, if we become dogmatic from a professional board's side and argue that certain research

programmes are not part of the scrutiny of a professional board such as Criminology.

The position of a "science" might actually be easier to accommodate on a Board, even allowing the practitioners of a particular science to be part of more than one professional board. However, the position of an individual scientist who practises his or her science and who is open to punishment by a board is a more difficult issue. Can one be an expert or professional under the Board of Criminology and Psychology as a Victimologist but be punished (removed from) only one, such as the Board of Psychology? Technically we assume the answer could be yes, but what does that say about the concept of "professionalism"? Is the criminologist who also practice as victimologist or working in the police service only a professional or expert in a certain context and exactly what is that context (science)?

The role of an expert witness in a court of law might give some indications as to what a professional or an expert might be.

Expert evidence in a court of law

As glamorous as it might sound, being called an expert witness relies very much on one's scientific base, more than on the so-called expert qualities one possesses.

In entering the witness box in accusatorial legal systems as an expert witness, one is introduced to the court (under the auspices of a judge or magistrate) by one of the two legal teams, either the prosecution or the defence team. This introduction focuses on two aspects, namely the qualifications of the person as well as his or her experience (qualification-based experience for a so-called expert witness) (Schmidt, 1993:437-438). Originally the idea of using an expert witness dates from the 14th century and before the accusatorial system in our courts the expert witness assisted the judge directly.

Characteristics of an expert witness and the court proceedings

By looking at the basics of what transpires at a hearing where an expert witness is called, the following might assist us in deciding whether an expert witness is truly a "professional" or just another scientist.

- As indicated above, she or he must immediately prove relevance to the court in terms of **qualifications** and **experience**. Practical experience has been emphasized in many court cases (see for instance *Van Heerden vs. SA Pulp and Paper Industries Ltd.*, 1945);
- **Notice:** If any of the legal teams wishes to call an expert witness, all parties must be informed (usually ten days before testifying) that an expert witness will be called. The downside of this for the professionalization debate is that the other side can and usually will use the time to prepare to "test" the so-called expert. Being an expert or professional does not qualify acceptance of one's opinion. Once the expert is allowed to proceed with her/his testimony, a sort of preliminary acceptance, she or he might then later face cross-examination;
- Grounds for opinion exist (Schmidt, 1993:436-439). The expert witness, being allowed to testify after the introduction in terms of her or his qualifications and experience has been accepted, will present facts and especially an **opinion**. This opinion in a court of law must refer to facts in front of the court – in other words it must not only be a lecture on a related topic from a text book. (See for instance *State vs. Mngomezulu* 1972). It is in this phase where the experience will show, setting the professional/expert apart from the ordinary scientist. Unfortunately, as will be pointed out below, the opinion of the expert or professional is not a final one, even if accepted by the other party.
- **Opinion of the court** versus the opinion of the expert: In *State vs. Gouws* 1967, Judge Kotzé's summation of the function of an expert witness versus the responsibility of the court (judge) has served as a guideline in courts in South Africa till today: "*The prime function of an expert seems to me to be to guide the court to a correct decision on questions falling within his specialised field. His decision should not, however, displace that of the tribunal which has to determine the issue to be tried*" (Schmidt, 1993:438-441).

In the final analysis, the judge becomes the expert on all facets in front of the court – and he or she is actually a lawyer. This might be one of the reasons why

De Vos and Schulze (2002:9 & 24) call law a true profession, but it leaves social sciences or behavioural sciences in the cold as far as professionalization is concerned.

We suppose it could be argued that if a judge specifically agrees with the opinion of the expert witness, then, in her or his judgment, the scientist can truly be considered an expert and professional. The problem is that judges do not always refer to all testimony in front of the court. What is worse, if the other legal team calls its own expert witness, also perhaps from the same professional board that has “licensed” both expert witnesses, which might force the court to pick the most credible witness. The one so-called expert’s evidence might be rejected and the other’s might be accepted by the court.

Conclusion

One is tempted from the complexity and relative confusion of the above on who might be called an expert or professional, to conclude that clearly someone that has testified more than once in a court of law and whose evidence has not been rejected, is a professional. Such an argument will, however, do little to assist us in professionalization because very few social scientists in South Africa have seen the inside of a witness box.

The positive focus on Law and lawyers as being a true profession is, in our view, also misleading and incorrect. If a “liberal education” is a cornerstone in the making of a professional and a profession, as suggested above by some, then Law might have to be declassified from a profession to a semi-profession. Despite the tremendous skills and analyses lawyers exercise in interpreting written laws and texts, they create very little, liberally speaking. This was exactly the reason why lawyers and judges came under severe criticism in the apartheid days in South Africa.

The seemingly unwillingness of judges to make substantial (not only technical) rulings on political and human rights issues is, according to Mathews (1985:1), due to the following three reasons: ‘The admiration for and emulation of a reliance on legal craftsmanship by English judges’. The most important negative consequence, according to him, of excessive reliance on technical legal skills, is a judicial unwillingness to engage in an interest or policy analysis of legal conflicts.

Secondly, he argues: “The canvassing of the underlying issues is one of the judicial abilities which SA judges, like the British judges until quite recently, notoriously lack. Failure to examine the policy implications of legal rules is frequently fatal to the vindication of citizens’ rights”. Mathews continues: “It remains a mystery why the court is above politics when it makes an executive-minded ruling and politically embroiled when it rules in favour of individual liberty against the executive”. His most severe criticism was that in most law schools, law was taught as an arid body of rules divorced from the social context and seldom evaluated, especially in the field of public law, in terms of non-legal standards of judgement (Mathews, 1985:1).

Arguing that law is not a profession such as the one practised by chemical engineers might be a debate for another day. One can, however, say that to be called a profession outside the natural sciences with their essentially defined concepts and “licensing” professional boards, is full of pitfalls, especially if one task of a board is to discipline members. The criteria for a true professional in a specific profession are still too vague as these criteria flow from the weak building block of science, namely the concept.

On the other hand, Criminologists, Police Scientists and other sciences in the family of Social Sciences can be proud of the large number of partial theories surrounding their disciplines that have been built cumulatively (although within different paradigms) over time. From a scientific point of view, our weakness of using nominal definitions is also our strength in that it leads to more interesting analyses from different approaches and different conceptualisations.

References

- Ball, T. (1976). From paradigms to research programs: Toward a post-Kuhnian political science. *American Journal of Political Science*, XX, 1, February, 151-177.
- Beeghley, L. (2004). *The structure of social stratification in the United States*. Boston: Allyn & Bacon.

- Bezuidenhout, C. (2009). *Report to the Executive Committee of CRIMSA: Professionalisation of Criminology*. Pretoria: CRIMSA (Criminological and Victimological Society of Southern Africa).
- CRIMSA (Criminological and Victimological Society of Southern Africa). (2008). Minutes of the Annual General Meeting of CRIMSA- November 2008. Unisa, South Africa.
- De Vos, A.S. & Schulze, S. (2002). The sciences and the professions. In A.S. De Vos, H. Strydom, C.B. Fouché & C.S.L. Delpont. *Research at grass roots. For the social sciences and human service professions*. (2nd ed.). 3-27. Pretoria: Van Schaik.
- De Vos, A.S., Strydom C.B, Fouché, & Delpont C.S.L . (2002). *Research at grass roots. For the social sciences and human service professions*. (2nd ed.). Pretoria: Van Schaik.
- Fattah, E. (2008). *The future of Criminology as a social science and academic discipline: Reflections on Criminology's unholy alliance with criminal policy and on current misguided attempts to divorce Victimology from Criminology*. Paper presented at the 15th World Congress of the International Society for Criminology, "Crime and Criminology: Research and Action" (pp. 133-139). University of Barcelona and Ramon Llull, 20-25 July in Barcelona, Spain.
- Gilbert, D. (1998). *The American class structure: In an age of growing inequality*. Belmont, CA: Wadsworth.
- Gregor, A.J. (1971). *An introduction to meta politics. A brief inquiry into the conceptual language of political science*. New York: The Free Press, a division of Macmillan Company.
- Isaak, A.C. (1975). *Scope and methods of political science. An introduction to the methodology of political inquiry*. Revised edition. Illinois: Dorsey Press.
- Kerlinger, F.N. 1986. *Foundations of behavioural research*.(3rd ed.). Fort Worth: Harcourt.
- Kuhn, T.S. (1970). *The structure of scientific revolutions*. (2nd ed.). London: University of Chicago Press.

- Mathews, A.S. (1985, December 10). The South African judiciary and the security system. In *The Star*.
- Mouton, J. (1996). *Understanding social research*. Pretoria: Van Schaik.
- Naude, C.M.B. (2010). Editorial: Establishing a regulatory board for criminologists: Role and functions of the board and the way forward. *Acta Criminologica: The Southern African Journal of Criminology*, 23(1), i-ix.
- Newburn, T. (2008). *Policing since 1945*. In T. Newburn (ed.). *Handbook of policing*. (2nd ed.). 90-114. Cullompton, Devon: Willan Publishing.
- Perez, D.W. & Moore, J.A. (2002). *Police ethics. A matter of character*. Belmont, California: Thompson-Watsworth.
- Rawlings, P. (2002). *Policing. A short history*. Cullompton, Devon: Willan Publishing.
- SBS (Southern Business School). (2009). Minutes of the academic subject committee meeting – Bachelor Police Practice – June 2009. Krugersdorp, South Africa.
- South African Council for Social Science Professions (SACSSP). (2009). *s.d. Policy guidelines for course of conduct, code of ethics and the rules for social workers*. (3rd ed.). Pretoria: SACSSP.
- South African Qualifications Authority (SAQA). (2006). *The inclusion of professional qualifications on the South African National Qualifications Framework*. Pretoria: SAQA.
- Schmidt, C.W.H. (1993). *Bewysreg*. (3de Uitgawe). Durban: Butterworths.
- Singh, S.B. & Gopal, N. (2009, September 28-30). *Criminology in the 21st Century: Through the eyes of academics*. Paper presented at the 2009 Criminology and Victimology Society of Southern Africa (CRIMSA), Bi-annual Conference held at the University of South Africa.
- Soanes, C. & Stevenson, A. (2003). *Oxford Dictionary of English*. (2nd ed.). Oxford: Oxford University Press.

Steyn, J. & Steyn, E. (2008). Revictimisation of rape victims by the South African Police Service. *Acta Criminologica, CRIMSA Conference Special Edition*, (1), 41-60.

Court Cases

State vs. Gouws 1967, 4 SA 527 (OK).

State vs. Mngomezulu 1972, 1 SA 797 (A).

Van Heerden vs. SA Pulp and Paper Industries Ltd., 1945, 2 PH J14 (W).



The International Police Executive Symposium (IPES) brings police researchers and practitioners together to facilitate cross-cultural, international and interdisciplinary exchanges for the enrichment of the policing profession. It encourages discussions and writing on challenging topics of contemporary importance through an array of initiatives including conferences and publications.

Founded in 1994 by Dilip K. Das, Ph.D., the IPES is a registered Not-For-Profit educational corporation. It is funded by the benefaction of institutional supporters and sponsors that host IPES events around the world.



The International Police Executive Symposium's major annual initiative is a four-day meeting on specific issues relevant to the policing profession. Past meeting themes have covered a broad range of topics from police education to corruption. Meetings are organized by the IPES in conjunction with sponsoring organizations in a host country. To date, meetings have been held in North America, Europe, and Asia.

Detailed information on IPES can be found at: www.IPES.info