

FEEES MUST FALL

Student Revolt, Decolonisation
and Governance in South Africa

SUSAN BOOYSEN



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CONTENTS

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Most of all, we, as scholars, thank the student authors as activist-intellectuals for their brave steps to help capture in writing the spirit of the changing times. This volume is merely a ‘first chapter’ – the ‘final chapter’ to the unfolding student revolt still needs to be written. We at WSG look forward to playing a role in the coming of age of a new generation of scholars, one that might bring the dreams of South Africa’s 1994 and the aspirations of many different generations of left and new left students and scholars closer to fruition.

◦ **THE SOUTH AFRICAN STUDENT/WORKER
PROTESTS IN THE LIGHT OF JUST WAR
THEORY**

Thaddeus Metz

INTRODUCTION

In this chapter I evaluate the South African university student and worker protests of 2015–2016 in the light of moral principles that are largely uncontested in contemporary philosophies of just war, violence and threats. I speak of ‘protests’, ‘uprisings’ and the like in the plural, to deny any suggestion that there was a single, coordinated movement. I do not seek to provide an all-things-considered judgement of the protests across the nation, or even at a given institution – that is, I do not conclude anything of the form that a given struggle was, on balance, just or unjust. Instead, I work in a more piecemeal fashion, appraising representative instances of protests and drawing conclusions about which of them are plausibly deemed to have been morally sound, and which have not been.

I do argue that some ways in which students and workers expressed their resentment and sought to rebut perceived injustice were not merely less than ideal, but wrong, should have been undertaken in other ways and, frankly, merit contrition. That point is compatible with recognising that many of the goals they aimed to achieve have been legitimate and that much good has probably resulted from disruptive protests.¹ Ethically speaking, the ends do not always justify the means. Such is implied by moral principles about why, when and how to use force

that are among the least controversial in both the African and Western political philosophical traditions. It is not merely those with ‘middle-class sensibilities’ (Sacks 2016) or ‘liberal old farts’ who believe, or should believe, that some of the means that university students and workers took to fight against injustice were themselves unjust and should be avoided in the future.

Others have addressed the issue of ends and means as they pertain to the protests, and have concluded that often the coercion of innocents and the destruction of property was unjustified (February 2015; Jansen 2015; Bilchitz 2016; Habib 2016; Pamla 2016; cf. Mbembe 2016). My analysis aims to be more philosophically thorough, including responding to attempts to defend coercion, destruction and violence as a reaction to injustice, to be more comprehensive when it comes to the types of protest that were and could have been undertaken, and to be grounded on moral principles salient in much of the sub-Saharan anti-colonial and anti-apartheid tradition.

In the rest of this chapter I spell out and apply five principles that I submit should normally regulate the use of force against adults, where force includes issuing threats to others, vandalising others’ property, aiming to prevent others from exercising rights such as to move, to vote and to obtain an education, and subordinating or harming others in severe ways (‘violence’ in a usefully narrow sense). (Perhaps verbal abuse and vilification belong here too.) The five principles are neither pacifist (categorically forbidding force) nor collectivist (treating individuals merely as a means to a greater good). Together they add up to the claim that force is *most clearly* permissible if it is *the least amount necessary and likely to rebut a greater injustice and is directed against those particularly responsible for the injustice*.

This approach is grounded on a variety of sources, including compelling African moral thought about how to resist white oppression (Kaunda 1980; Mandela 1994) as well as Western just war theory (to be distinguished from the West’s practice of war, of course; for an overview, see Orend 2005) and the influential Siracusa Principles on how to limit rights in the International Covenant on Civil and Political Rights (International Commission of Jurists 1985). I also draw on some of my previous philosophical work in which I have articulated the principles and applied them to debates such as whether routine HIV testing is permissible (2005), whether the death penalty is just (2010) and which violence directed against apartheid was justified (2016). Although I sometimes allude to these sources below, I avoid intricate textual analysis and expect readers to find the position to be intuitively plausible, or at least attractive upon some brief motivation that I provide.

I apply the five principles to a wide array of protests that were undertaken in 2015–2016, ranging from the boycotting of classes, to the barricading of entrances and exits, to the hostage taking of council members, to the expression of slogans such as ‘kill all whites’, to the production of a film and the erection of a symbolic shack, to the marches on major sites of political power, to the throwing of petrol bombs at buildings and buses, to the burning of books, tyres, artworks, buildings and cars, to the spread of human faeces on a statue and in lecture halls, to the blocking of traffic on roads outside university campuses and the throwing of bricks at motorists, and to the threats to shut down polls during municipal elections. I answer the questions of which of these means were just, which were not, and why one should think so.

Along the way, I address suggestions from ‘revolutionaries’ in South Africa who have sought to defend the use of violence by the university students and workers. In particular, I provide reason to doubt the commonly expressed view that systematic injustice (or ‘structural violence’) on the part of universities and brutality by private security forces justified an equally violent reaction. With one of the most insightful theorists of the May 1968 student and worker upheaval in France, I think that reflection on the history of radical social change in places such as the Soviet Union and Mao’s China reveals that one ‘can no longer combat alienation with alienated forms of struggle’ (Debord 1967: 122). By this token, it would be counter-revolutionary to seek to change oppressive fee requirements and academic culture according to views such as this: ‘Violence will bring an end to the world as we know it and cleanse all the evil, give rise to a completely new world where the only race that matters is the human race’ (University of the Witwatersrand #FeesMustFall quoted in Nicolson 2016a).

JUST CAUSE

When thinking about whether a disruptive protest or other use of force is permissible, the natural thing to ask first is whether its purpose is appropriate, or, in the just war theory lingo, whether its cause is just. If one is going to actively prevent students from entering campus, or staff from leaving a meeting, one had better have a good reason, an end that would be of the right sort to justify such a means.

When it comes to current thinking about which purpose justifies war, many these days maintain that only the aim of rebutting aggression, understood

roughly as the use of armed force to violate a state’s territory or citizens’ human rights, can do so in principle (for example, United Nations 1945; Walzer 1977). Not all aggression justifies a military response, but only aggression can justify it, so the post-Second World War view goes. Rebutting aggression is obviously too narrow a category to account for when force less severe than warfare is justifiable. Here, many would suggest that non-military force, such as disruptive protest, can be justified insofar as it is in some way directed against domination, oppression, exploitation or injustice more generally. Preventing or compensating for such negative conditions might not be the only just cause for non-military force, but it is the least controversial one.

Recall that protesters were largely seeking the following: to make education more affordable (perhaps free); to make decent student accommodation more affordable; to pay cleaning, security and other staff a living wage; to have the curriculum imparted with more African sources and perspectives; to have lecturers be more demographically representative of the South African population; to have universities use languages that would be more inclusive; to remove symbols of colonialism and apartheid; to create mechanisms by which management would engage with students and workers directly; and generally to reduce the amount of ‘black pain’ that is a foreseeable consequence of financial hardship and alienation from institutional culture.

I have no interest in questioning these ends here, most of which I have sought to defend philosophically elsewhere (for example, Metz 2009; 2012; 2015). The above ends not only justify protest, but also provide a *prima facie* justification for using force of certain kinds (at least if non-disruptive protests had been shown to be ineffectual, as I argue below).

Other ends have occasionally been voiced, such as removing all police and private security presence from campus (Isaacs and Petersen 2015; #FeesMustFall quoted in Pretorius 2016). A related goal has sometimes been for management to refrain from disciplining protesters and for police not to prosecute them, with the University of the Witwatersrand (Wits) student representative council (SRC) once having proclaimed, ‘we demand that any student, worker or academic involved in any form of protest must not face any disciplinary charges whatsoever’ (2015; see also #FMF Parents Solidarity Committee 2015). These ends are obviously more controversial, with much depending on what counts as a legitimate form of protest. If some forms of protest were morally unjustified, as I argue in this chapter, then certain kinds of defensive and punitive force against them were in principle justified, and the sort of blanket demand quoted above

is unreasonable. (It does not follow, of course, that in practice the police and private security forces have always themselves responded to wrongful protests in appropriate ways. Where they have not, then a certain kind of defensive force – different from retaliation – by students and workers was permissible.)

There is no doubt that some activists had broader ends, too, concerning the advancement of certain political parties or labour movements. As long as there were ends, such as improving access to education and changing institutional culture, that *did* justify disruption on university campuses, then, if additional ends were pursued within the permissible parameters of pursuing *those* ends, doing so was not unjust. This point leaves open the questions of whether the more questionable, political ends were indeed pursued within such parameters, and also whether universities were in a position to cope on their own in the face of exogenous influences.

LIKELY SUCCESS

A second standard criterion for a just war is that, supposing it is undertaken for a just cause, it must be likely to succeed in advancing it. Although a disruptive protest does not of course threaten anywhere near as much mayhem as war or even a handful of military strikes, it still seems right that it must be likely to achieve the end of rebutting injustice. It is not enough merely to have good intentions; if force is to be justified by a certain end, it must have some reasonable prospect of realising it. Otherwise, costs are imposed for no good reason. At the very least, a certain means must not be counterproductive with respect to the end sought.

It can be difficult, in practice, to tell which means are likely to be effective and which are not. But the principle remains sound, and should guide practice as much as possible. Someone who tried to abide by the principle and failed would have acted much less wrongfully than someone who simply ignored the principle. Which forms of protest were likely to advance the ends accepted as just in the previous section, which were likely to be ineffectual, and which downright counterproductive? Although it would take some substantial social science to answer these questions conclusively, risks of counterproductivity are easier to judge than those of mere ineffectiveness.

Basically, any form of protest that inhibited students from obtaining an education should be seriously questioned as having hindered the ability to obtain the

just end of increasing access to education. Brief stayaways from lectures and even temporary shutdowns of a campus would not be serious impediments to achieving the goal of providing more education. However, protestors routinely undertook other means that they knew would substantially retard others' ability to obtain an education, and so were probably unjust. For example, at times indefinite shutdowns of a campus were sought out (Morrissey and Monama 2015), or at least were a foreseeable result of widespread disruption and destruction (Sesant 2016). At other times, protesters not merely prevented students from attending lectures or writing exams by erecting barricades at university entrances, but also threatened them for seeking to do so (Fisher and Mortlock 2015; GroundUp 2015). On still other occasions, protesters blocked those new to varsity from registering and so from becoming students at all (Habib 2016; Nicolson 2016b; Pamla 2016). And, finally, lecture venues, entire buildings and student buses have been strewn with human excrement, set on fire or otherwise destroyed, to the point of reaching R300 million in damages as of April 2016 (see Chernick, Exstrum and Molosankwe 2016, who translate this amount into the numbers of degrees that could have been funded).

Furthermore, these kinds of tactics risked bringing certain effects in their wake detrimental to the cause of more and better education in South Africa. For one, talented academics would have strong reason either not to come or to leave (Jansen 2016). For another, it was predictable that university managers would spend what it took to protect staff and students from intimidation, petrol bombs and the like, where substantial funds have now been spent on security (Sesant 2016) that could have been spent in more productive ways, and might well have been, given other kinds of pressure. Finally, for a third, it was foreseeable that upon using the above kinds of means, other students, staff and much of the broader society would withdraw their support for the cause, where unity is a particularly effective means for achieving radical change.

In reply, one might point out that access to education was not the only goal, so that even if the above tactics frustrated this aim, perhaps they were likely to have advanced other aims. In addition, some have suggested that the present generation of students needs to make serious sacrifices for the sake of future generations (Hassan, quoted in Nicolson 2016b).

The serious problem with these two replies is they fail to consider the possibility of forms of protest that would not only have advanced all aims simultaneously, but also would have done so for both present and future generations. The implicit premise of the replies is that trade-offs had to be made among aims

as well as beneficiaries, but that is far from obviously the case. In addition to temporary stayaways and shutdowns, there was a range of other tactics that could have been undertaken in lieu of interfering with the ability of students to obtain their degrees. Consider mass marches to sites of political power, mass sit-ins and teach-ins on campus, petitions, civil disobedience – and negotiation. In particular, changing institutional culture would require speaking to students, staff and managers about how it tends to make black people feel, as did the *Luister* film (this documentary features interviews with more than thirty students at the University of Stellenbosch about their experiences of racism and exclusion, and has been viewed about 400 000 times on YouTube).

Of course these kinds of means were used. My points are that they were far from the only means used, and that had they alone been employed in systematic and creative ways they probably would have been more effective at advancing a variety of just aims (broadening educational access, changing institutional culture, insourcing workers) and for all affected by injustice (present and future generations) than the riots, petrol bombs and indefinite lockdowns, which ended up frustrating the aim of educating (black) students.

Others have replied that the protests have been ‘for’ the students, and that pointing out that many have been prevented from registering, attending lectures or writing exams (for example, Habib 2016) consists of:

masking of the true nature of the objectives of #FeesMustFall. It is precisely these potentially vulnerable students, and their families, that #FeesMustFall is composed of ... A ‘grandfather from Limpopo’ should *not* have to save and use all of his money, as well as the money from his family, for his one grandson to register. The meaning of the #FeesMustFall campaign is precisely to advance the rights of this student to be able to register for free (Vally and Godsell 2016; cf. Godsell et al. Chapter 5 in this volume).

One problem with this reply is paternalism. It implies that it is justifiable for protesters to coerce and otherwise violate the rights of other, innocent parties for their own good; specifically, it suggests that prospective students may forcibly be prevented from registering so that they could benefit from no fees. A second problem is that it suggests that the odds were high of the protests eventually enabling *this* grandson to register for free, but that is extraordinarily doubtful.

The ‘objectives’ and ‘meaning’ of the protests do point to a just cause – of improving access to education – but that is not sufficient to justify a means that

impedes many innocent parties from obtaining an education. Instead, the means should avoid undermining education in serious ways. Or so Cosatu (Pamla 2016) as well as Abahlali baseMjondolo and the South African National Civic Organisation (both quoted in Nicolson 2016a) are naturally read as maintaining – not merely vice-chancellors, government officials and the occasional moral philosopher.

PROPORTIONALITY

A third core principle for evaluating the use of force is the idea that the means must not be disproportionate to the end sought. Even if a certain end would in principle justify the use of force, and even if the latter were likely to succeed in advancing the end, the cost of using the means must not be greater than the benefits expected from the end. Roughly speaking, the positives must be worth the negatives employed to achieve it. The cure must not be worse than the disease.

There are two ways in which the proportionality criterion might not be satisfied. First, the just cause might not be good enough to outweigh the bad of the forceful means. On this score, I am sympathetic to those who have pointed out that many have inappropriately become more upset about the burning of artworks and vehicles than they have about the oppressed lives of hundreds of thousands of black students and workers (see, for example, Kamanzi 2016). My claim is not that such burning was justified, but rather, in the present context, that it was not obviously disproportionate to the injustice done; it was not unjustified clearly for *that* reason.

That said, while oppression outweighs property damage much of the time, death usually outweighs oppression. There were unfortunately some forms of protest that seriously risked killing people, and those I find disproportionately severe, relative to the degree of injustice done. There was palpable hate speech during some protests, with one protester wearing a T-shirt with ‘kill all whites’ emblazoned on it (Lewis 2016), and with some of the very first social media broadcasts from #RhodesMustFall sporting the slogan, ‘one bullet, one settler’ (Ismael 2015; see also Price 2015). Bricks and other projectiles were thrown at passing vehicles, and it is sheer luck that no one was seriously injured (Wicks 2016). That is particularly true of those incidents in which buses filled with students were petrol bombed (Gernetsky and Mashego 2016; Masuabi 2016), and in which petrol bombs were thrown at and left inside university buildings (Aboobaker 2015; Van der Merwe 2015).

There is a second respect in which some of the protests were, or at least risked being, disproportionately more severe than the injustice they were fighting. Sometimes there are situations in which, even though the just cause would be good enough to outweigh the bad of the forceful means considered in itself, there would be large unintended but foreseeable bad side-effects of pursuing it or of doing so in this way. What this means for the student/worker protests is that when evaluating them, one must look not merely at the degree of injustice they were struggling against and the degree to which their means were forceful, but also at unintended but nonetheless likely harms of fighting that injustice and using a particular means do. One has to look at the larger effects on society, and especially on the worst-off socioeconomic classes in it.

Here, one should consider the effect of widespread violent protests on investor confidence and the exchange rate (TMG Digital 2016), where there is good reason to believe that a severely weakened rand would mean higher food prices and hence more hardship for the poor. In addition, it is worth reflecting on the suggestion that the students by and large were not among the most needy or deserving of aid from the state, and that their victory has meant losses for others. Relatively few (though surely some) of the students have been among the 12 million South Africans living in extreme poverty, unable to meet their nutritional needs (Nicolson 2015). Perhaps the funding needed to cover the zero per cent increase to university fees in 2016 should have rather been directed systematically towards the latter.

No doubt, the wealthier members of society and the state should fund both higher education and the poor more than they currently do. But, then, they are unlikely to do so, and it was perhaps foreseeable that the benefits undergraduate students have wrought would come at the expense of other downtrodden social groups, such as primary school students (Paterson 2016) and postgraduate students (Nzimande, quoted in Presence 2016) (as well as at risk to others such as the unemployed, on which see Cokayne 2015).

LAST RESORT

Even if an end would in principle justify a certain forceful means (just cause), even if this means were likely to achieve this end (likely success), and even if the good of the end outweighed the bad of the means itself and what it would foreseeably bring about (proportionality), the means would be unjustified if there were another available means likely to achieve roughly the same good but with no or less bad.

That is, defensive force must be *necessary* to rebut injustice in order to be justified, and, furthermore, it must be the *least amount* needed to do the job.

Such a principle guided Nelson Mandela and Umkhonto we Sizwe (MK), the armed wing of the African National Congress (ANC), in their fight against the apartheid regime. Mandela repeatedly said that he and the ANC had turned to destructive means only because other means had failed to work. Mandela had used peaceful forms of struggle against apartheid for about fifteen years, and the ANC and black resistance movements generally had used them for several decades. However, they had been ineffective – the historical record is clear on that. Most famously, consider Mandela's statement at the Rivonia trial: 'It was only when all else had failed, when all channels of peaceful protest had been barred to us, that the decision was made to embark on violent forms of political struggle' (1964) (for many additional citations and discussion, see Metz 2016).

MK sought to use the least force necessary to accomplish the aim of achieving freedom and equality for all those in South Africa. In *Long Walk to Freedom* Mandela states:

Our intention was to begin with what was least violent to individuals but most damaging to the state ... It made sense to begin with the form of violence that inflicted the least harm against individuals: sabotage ... strict instructions were given to members of MK that we would countenance no loss of life. But if sabotage did not produce the results we wanted, we were prepared to move onto the next stage (1994: 325, 336; see also 441).

What goes for fighting apartheid and colonialism surely goes for fighting injustice in the post-apartheid, post-independence era. Those engaging in protests against injustice in university settings are obligated to use the least disruptive or forceful means necessary.

Admittedly, it can be difficult to know in practice which degree of severity is the smallest degree essential to advance a just cause. It is therefore usually apt to 'ratchet things up', to start with no force at all, and next the smallest amount of force, and then to increase the amount incrementally over time, as Mandela suggests. It is not always possible to do, as sometimes there is not enough time, but it should be the default position and disregarded only in emergencies.

There have been some recent defenders of violent protest who have implicitly rejected the idea that it must be a last resort in order to be justified. The mere fact

of structural violence or heavy-handedness by security forces on campus has been seen as sufficient to warrant a comparable reaction. For instance, one group has said:

When students get excluded, that serves as violence unto them. Hence our response is and will forever remain legitimate ... we reserve the right to respond with just as equal forms of violence as the system subjects us to (University of the Witwatersrand #FeesMustFall, quoted in Nicolson 2016a).

Similar advocates of violence have spoken of 'fighting fire with fire' (Tiro 2015) and of 'violence as self-defence' against a university management labelled 'the coloniser' (Manzini 2016).

However, while it is true that the logic of defensive force (force used to rebut violence or other injustice) can permit force comparable in degree to the injustice it is counteracting (that is, proportionality), it further requires using the *least force necessary*. The mere fact that another agent has acted unjustly does not permit one to react to him in a comparable way, if doing so is not needed to get him to stop and to make restitution. For example, if a thief enters my house, and I have two ways to get him to leave, by merely threatening him with a *sjambok* or by injuring him with one, I am morally obligated to use the former means, even if the latter would be an 'equal form of violence'. Otherwise, I am not acting in self-defence, but rather punitively (usurping the role of a judge in a constitutional democracy) and likely out of retaliatory vengeance.

It has also been suggested that negotiation would have been ineffective, and that only violence would be successful:

Violence is always relevant given the nature of structures we are dealing with. When one looks into history, negotiating was tried and tested and it clearly does not work ... History has taught us that the oppressor is not going to willingly give us our freedom and will eventually call us into a negotiation table and you will be outfoxed and still remain subservient to his rule (University of the Witwatersrand #FeesMustFall, quoted in Nicolson 2016a).

Here, I would just say that it would be prudent for a negotiator to take a proposal back to his or her constituency, which should decide whether to ratify it. That way, the wisdom of collective reflection and discussion would prevail, making it

less likely that a small group would be hoodwinked by slickly-talking bureaucrats (in addition, doing so would honour the value of collective self-governance). The best way to know that negotiation will not work is first to try it. After all, Rhodes did fall, and did not need fire to do so.

DISCRIMINATION

Fifth, and finally, there is the issue of against whom force may be directed. Just war theorists speak of 'discrimination' in this context, which does not mean something like racism or sexism but, rather, drawing distinctions between who is morally liable to be threatened or harmed and who is not. It is standard in the context of war to maintain that only aggressors should be targeted – roughly, those who are responsible for the violation of a state's territory or of citizens' human rights, most clearly high-ranking politicians who have militarily embarked on an unjust cause and combatants who have volunteered to fight for it (for example, McMahan 2004). It is the violation of this principle that leads people to judge the nuclear attacks on Hiroshima and Nagasaki to have been gravely unjust.

Transplanted to a non-military context, the principle is that force should be directed only against those responsible for injustice. Note that 'perfection' is not expected or even morally required. Sometimes innocent parties, those not responsible for the injustice, will get caught up in the course of a fight, especially a political struggle. However, the basic point is that, normally, innocents *at least* should not be *intentionally* threatened, subjugated or harmed, even if doing so would be expected to promote a just cause.

It is not always certain, in a given context, who counts as responsible. For instance, are those who voted for an unjust leader responsible for his injustice? As a rule, though, force ought to be directed against those who are *particularly or obviously responsible*, that is, against the easy cases and not the hard ones. On this score, university senates, senior management teams and councils are fair game, at least when it comes to matters of institutional culture. When it comes to funding, more on the hook are the Department of Higher Education and Training, the Ministry of Finance and the ANC more generally as having been in control of the state for more than twenty years.

Several of the kinds of counterproductive tactics discussed above, preventing innocent students from obtaining an education, targeted the wrong parties. In addition, threatening the white population as a whole with 'kill all whites' and

'one bullet, one settler' was objectionably indiscriminate. Still more, smearing human faeces in lecture halls, where poorly paid workers were surely going to be the ones to clean it up, was wrong for misplacing burdens (Calderwood 2016). And then there was, beyond the recurrent stopping of traffic, the throwing of bricks at passing motorists (Wicks 2016), the attacks on them with sticks (February 2015), and the threat to act on the slogan, 'no free education, no elections!' (Germaner 2016), all of which targeted random citizens with no connection to higher education. The purposefully indiscriminate nature of the imposition of burdens has been clear, with the Wits SRC president having said, 'We are here to frustrate the city' (quoted in Zwane 2015).

In sum, reflection on the proper conduct of war, justified anti-apartheid rebellion and moral common sense indicates that force is *least controversially* permissible when it is *the smallest amount essential and expected to counteract a larger injustice, and targets those directly responsible for it*. I have not quite argued that this approach captures the only occasions in which force is justified. However, the burden of proof is plausibly on those who maintain that force is permissible in cases beyond those allowed by the five principles. I have argued that these principles entail that several forms of protest that students and workers took over the past year were wrong and should not be used again.²

There was a broad range of options available to students between being silent, accepting their fate, or even merely negotiating – and burning down buildings to prevent new students from registering (unlikely to succeed at increasing educational access), throwing petrol bombs at buses full of students and threatening death to all white people (disproportionate severity), smearing human excrement across lecture floors (hardly a last resort), and attacking passing motorists with bricks and threatening to disrupt democratic polls (indiscriminate). As I have acknowledged, these are not the only means that students and workers took over the past year, but, then, they were far from sporadic, too. I have mentioned some alternatives to these kinds of means. Which additional ones might thoughtful, strategic activists come up with and ideally use in the future to advance their just cause?³

NOTES

- 1 For a list of recent changes at the University of Cape Town, see Price (2016). See also Habib (2015) for the point that students 'have had more success in the last week than many of our collective efforts since the dawn of our democracy'.

- 2 There remains the issue of how various actors might prevent wrongful forms of protest or 'violence', but that is for the social scientist and not the moral philosopher to address (cf. Kamanzi 2016).
- 3 Thanks to Dee Cohen for compiling much of the empirical data that I have cited, to Susan Booysen and Adam Habib for giving me things to think about with regard to the ethics, and to several copy editors for sharing judgement.

REFERENCES

- Aboobaker, S. (2015) UJ under 'mini state-of-emergency'. *IOL*, 15 November. <http://www.iol.co.za/news/crime-courts/uj-under-mini-state-of-emergency-1945385>
- Bilchitz, D. (2016) Recent student protests are entirely counterproductive. *South African Jewish Report*, 9 March. <http://www.sajr.co.za/news-and-articles/2016/03/09/recent-student-protests-are-entirely-counterproductive>
- Calderwood, I. (2016) Wave of violent student demonstrations has erupted across South Africa. *Sankofa Sofa*, 25 February. <http://www.sankofasofa.com/docs/feed/item/wave-violent>
- Chernick, I., Exstrum, O. & Molosankwe, B. (2016) #FeesMustFall damages bill: R300 302 848.58. *IOL*, 13 April. <http://www.iol.co.za/news/south-africa/feesmustfall-damages-bill-r300-302-84858-2008936>
- Cokayne, R. (2015) Raiding Setas not welcome – industry. *IOL* 19 October. <http://www.iol.co.za/business/news/raiding-setas-not-welcome---industry-1937390>
- Debord, G. (1967) *The Society of the Spectacle* (trans. D. Nicholson-Smith). New York: Zone Books.
- February, J. (2015) Why is the state not a target of student protests? *eNCA*, 20 October. <https://www.enca.com/opinion/why-state-not-target-student-protests>
- Fisher, S. & Mortlock, M. (2015) Student protests continue at UCT and CPUT. *Eyewitness News*, 27 October. <http://ewn.co.za/2015/10/27/Student-protests-ongoing-at-CPUT-and-UCT>
- FMF Parents Solidarity Committee (2015) Our children aren't violent hooligans – #FeesMustFall parents. *PoliticsWeb*, 16 November. <http://www.politicsweb.co.za/politics/our-children-arent-violent-hooligans--feesmustfall>
- Germaner, S. (2016) #FeesMustFall protesters threaten polls. *IOL*, 14 January. <http://www.iol.co.za/news/south-africa/gauteng/feesmustfall-protesters-threaten-polls-1970686>
- Gernetsky, K. & Mashego, P. (2016) Vice-chancellors say most students want to get academic 2016 under way. *Business Day Live*, 18 January. <http://www.bdlive.co.za/national/education/2016/01/18/vice-chancellors-say-most-students-want-to-get-academic-2016-under-way>
- GroundUp (2015) Universities closed and exams postponed. *GroundUp*, 26 October. http://www.groundup.org.za/article/universities-closed-and-exams-postponed_3440/
- Habib, A. (2015) Wits University supports students' demand for more funding for higher education. *VC's Post*, 22 October. <http://blogs.wits.ac.za/vc/2015/10/22/wits-university-supports-students-demand-for-more-funding-for-higher-education/>
- Habib, A. (2016) Goals and means: Some reflections on the 2015 #FeesMustFall protests. *Daily Maverick*, 26 January. <http://www.dailymaverick.co.za/opinionista/2016-01-26-goals-and-means-some-reflections-on-the-2015-feesmustfall-protests/>
- International Commission of Jurists (1985) *Siracusa principles on the limitation and derogation provisions in the International Covenant on Civil and Political Rights*.

- <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>
- Isaacs, L. & Petersen, C. (2015) Vow to shut down varsities. *Cape Times*, 21 October. <http://www.iol.co.za/capetimes/vow-to-shut-down-varsities-1933208>
- Ismael, Z. (2015) 'One bullet, one settler', says RMF. *iAfrica.com*, 14 April. <http://mobiafrica.com/uncategorized/2015/04/14/one-settler-one-bullet-says-rmf/>
- Jansen, J. (2015) South Africa: When student activism turns to gangsterism. <https://martinplaut.wordpress.com/2015/10/25/south-africa-when-student-activism-turns-to-gangsterism/>
- Jansen, J. (2016) Why I fear for the future of our universities. *Rand Daily Mail*, 3 March. <http://www.rdm.co.za/politics/2016/03/03/why-i-fear-for-the-future-of-our-universities>
- Kamanzi, B. (2016) Demythologising campus violence. *Daily Maverick*, 6 March. <http://www.dailymaverick.co.za/opinionista/2016-03-06-demythologising-campus-violence-towards-a-united-front-for-free-education/>
- Kaunda, K. (1980) *Kaunda on Violence*. London: Collins.
- Lewis, C. (2016) UCT investigates as T-shirt with racist slogan seen on campus. *Eyewitness News*, 11 February. <http://ewn.co.za/2016/02/11/UCT-investigating-latest-incident-of-racism>
- Mandela, N. (1964) Statement by Nelson Mandela from the dock at the opening of the defence case in the Rivonia Trial. http://www.mandela.gov.za/mandela_speeches/before/640420_trial.htm
- Mandela, N. (1994) *Long Walk to Freedom*. London: Abacus.
- Manzini, Z. (2016) Violence is a necessary process of decolonisation. *Mail & Guardian*, 2 March. <http://thoughtleader.co.za/mandelarahodesscholars/2016/03/02/violence-is-a-necessary-process-of-decolonisation/>
- Masuabi, Q. (2016) Fourteen arrested for 'unlawful activities' at Wits. *Eyewitness News*, 19 February. <http://ewn.co.za/2016/02/19/14-arrested-for-unlawful-activities-at-Wits>
- Mbembe, A. (2016) Theodor Adorno vs Herbert Marcuse on student protests, violence and democracy. *Daily Maverick*, 19 January. <http://www.dailymaverick.co.za/article/2016-01-19-theodor-adorno-vs-herbert-marcuse-on-student-protests-violence-and-democracy/#.Vw8tZmNWdcY>
- McMahan, J. (2004) The ethics of killing in war. *Ethics*, 114, 693–733.
- Metz, T. (2005) The ethics of routine HIV testing. *South African Journal on Human Rights*, 21, 370–405.
- Metz, T. (2009) African moral theory and public governance. In M. F. Murove (ed.) *African Ethics*. Pietermaritzburg: University of KwaZulu-Natal Press, pp. 335–356.
- Metz, T. (2010) Human dignity, capital punishment, and an African moral theory. *Journal of Human Rights*, 9, 81–99.
- Metz, T. (2012) Developing African political philosophy. *Philosophia Africana*, 14, 61–83.
- Metz, T. (2015) Africanising institutional culture. In P. Tabensky & S. Matthews (eds). *Being at Home: Race, Institutional Culture and Transformation at South African Higher Education Institutions*. Pietermaritzburg: University of KwaZulu-Natal Press.
- Metz, T. (2016) A life of struggle as *ubuntu*. In S. Ndlovu-Gatsheni & B. Ngcaweni (eds). *Nelson Rolihlahla Mandela: Decolonial Ethics of Liberation and Servant Leadership*. Trenton: Africa World Press.
- Morrissey, K. & Monama, T. (2015) #WitsFeesMustFall protest to continue. *IOL*, 15 October. <http://www.iol.co.za/news/crime-courts/witsfeesmustfall-protest-to-continue-1930243>
- Nicolson, G. (2015) South Africa: Where 12 million live in extreme poverty. *Daily Maverick*, 3 February. <http://www.dailymaverick.co.za/article/2015-02-03-south-africa-where-12-million-live-in-extreme-poverty/#.VqcP2MdWdcY>
- Nicolson, G. (2016a) Violent protests: Community organisers weigh in. *Daily Maverick*, 22 February. <http://www.dailymaverick.co.za/article/2016-02-22-violent-protests-community-organisers-weigh-in/#.Vs08QMdWdca>
- Nicolson, G. (2016b) Fees must fall: Reloaded. *Daily Maverick*, 12 January. <http://www.dailymaverick.co.za/article/2016-01-12-fees-must-fall-reloaded/#.Vw9CXmNWdcY>
- Orend, B. (2005) War. In E. Zalta (ed.) *Stanford Encyclopaedia of Philosophy*. <http://plato.stanford.edu/archives/fall2005/entries/war>
- Pamla, S. (2016) Students must allow new students to register – Cosatu. *PoliticsWeb*, 18 January. <http://www.politicsweb.co.za/politics/students-must-allow-new-students-to-register--cosa>
- Paterson, K. (2016) Limpopo education department: More money, same problems. *GroundUp*, 21 April. <http://www.groundup.org.za/article/limpopo-education-department-more-money-same-problems/>
- Presence, C. (2016) Nzimande: SA can't afford fee free universities. *IOL*, 21 April. <http://www.iol.co.za/news/politics/nzimande-sa-cant-afford-fee-free-universities-2012885>
- Pretorius, W. (2016) #FeesMustFall leaders present list of demands. *News24*, 13 January. <http://www.news24.com/SouthAfrica/News/feesmustfall-leaders-present-list-of-demands-20160113>
- Price, M. (2015) UCT boss: I am dismayed at settler chants. *Rand Daily Mail*, 10 April. <http://www.rdm.co.za/politics/2015/04/10/uct-boss-i-am-dismayed-at-settler-chants>
- Price, M. (2016) How UCT is stepping up transformation. *PoliticsWeb*, 11 March. <http://www.politicsweb.co.za/documents/how-uct-is-stepping-transformation--max-price>
- Sacks, J. (2016) South Africa: Keep calm and let the students disrupt injustice. *The Daily Vox*, 25 January. <http://allafrica.com/stories/201601252244.html>
- Sesant, S. (2016) Universities spend millions beefing up security. *Eyewitness News*, 7 March. <http://ewn.co.za/2016/03/07/Universities-spend-millions-in-beefing-up-security>
- Tiro, M. (2015) Blackness & violence. *Vuka Darkie*, 26 November. <http://www.vukadarkie.com/blackness-violence-a-view-from-the-ground/>
- TMG Digital (2016) Two months of student protests resulted in R92m in damage claims: Sasria. *TimesLIVE*, 9 March. <http://www.timeslive.co.za/local/2016/03/09/Two-months-of-student-protests-resulted-in-R92m-in-damage-claims-Sasria>
- United Nations (1945) Charter of the United Nations and the statute of the International Court of Justice. <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf>
- Vally, N. & Godsell, S. (2016) A response to Wits VC's open letter on university protests. *The Daily Vox*, 27 January. <http://www.thedailyvox.co.za/a-response-to-wits-vcs-open-letter-on-university-protests/>
- Van der Merwe, M. (2015) #FeesMustFall Thursday: Promises vs petrol bombs. *Daily Maverick*, 30 October. <http://www.msn.com/en-za/news/featured/supernumberfeesmustfall-thursday-promises-vs-petrol-bombs/ar-BBmAGVh>
- Walzer, M. (1977) *Just and Unjust Wars*. New York: Basic Books.

- Wicks, J. (2016) Tuks students hailed for bravery after #FeesMustFall march turned ugly. *News24*, 15 March. <http://www.news24.com/SouthAfrica/News/tuks-students-hailed-for-bravery-after-feesmustfall-march-turned-ugly-20160315>
- Wits SRC (2015) Wits SRC on Habib's plan and the R40K. *IOI*, 29 October. <http://www.iol.co.za/news/wits-src-on-habibs-plan-and-the-r40k-1937718>
- Zwane, T. (2015) Student protest: 'Even if they point their guns at us, we are going'. *Mail & Guardian*, 23 October. <http://mg.co.za/article/2015-10-22-student-protest-even-if-they-point-their-guns-at-us-we-are-going>

CONCLUSION: ALUTA CONTINUA!

Susan Booysen

'The owl of Minerva spreads its wings only with the falling of the dusk,' wrote Hegel in *The Philosophy of Rights* (1821). Like Hegel's owl of Minerva we might only gain our full understandings much later in our processes of probing, in our case, South Africa's #FeesMustFall revolt of 2015–2016. The chapters in this book are offered with a view to optimising our understandings at an early point in time, roughly a year since the first explicit manifestations of #FMF in October 2015, and just over a year from the point of renewed worker struggles at the University of the Witwatersrand (Wits) in May 2015. We have no illusions; we do not want to pre-empt Hegel's owl – we do not fully understand as yet, but we hope that both individual contributions in *FeesMustFall: Student Revolt, Decolonisation and Governance in South Africa*, and the book as a collective constitute one substantive step towards the full understanding.

Many questions remain about South Africa's 2015–2016 higher education war on fees, funding and outsourcing. It will only be with hindsight that we shall know whether #FeesMustFall is a case of '*Aluta continua, victoria ascerta*', or simply '*Aluta continua*'. Only history will bring the confirmed answers to the questions of 'who won and who lost', 'what was won and what lost' and 'what were the exact configurations of causes and triggers?' The answers, for now, depend on the lenses worn and the directed angle, and this volume offers a collection that opens the doors to stocktaking and further questioning.

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