

VIGILANTISM AND STATE CRIME IN SOUTH AFRICA

James Martin

Abstract: Vigilantism is a crime often associated with parochial gangs and rampaging mobs. Yet the conditions that catalyse vigilantism are beyond the remit of these groups, and instead implicate states in wilful acts of exploitation and criminal neglect. Across much of South Africa, the poverty and lawlessness created by apartheid has been left unaddressed in the nearly twenty years since democratic transition. Elites and others with sufficient means isolate themselves behind increasingly sophisticated layers of private security. Outside the walls, vigilantes emerge as what is often considered a necessary evil, providing one of the only options for security and also an avenue of protest identity. This article examines South African vigilantism through the prism of state crime, arguing that the state, and particularly its agents, the South African police, are guilty of crimes of omission, and of fostering a vigilante culture whereby private citizens have few alternatives but to turn upon one another in the name of justice.

Keywords: South Africa; vigilantism; South African Police Service; state crime; Zandspruit

Introduction

South Africa is no stranger to state crime. Throughout much of the twentieth century, the apartheid state imposed an increasingly harsh system of racist oppression upon a majority of its citizens, culminating in a conflict between state and liberation forces so severe as to be characterized as a “low-level” civil war (Gordon 2006; Ashforth 2005: 269; Moriarty 2003: 55). The government-sponsored campaigns of assassination, kidnapping and mass torture associated with this period are easily categorized even within the narrowest of contemporary conceptions of state crime. This is because many of the atrocities systematically committed by the apartheid security forces were illegal even under the permissive standards set by the ruling minority government (Howe 1994: 33, 36; Brewer 1994: 312), meaning that the coercive apparatus of the South African state failed to adhere to its own watered-down “standards” of legal conduct. The crimes that characterized this era rightly shocked much of the world, and the subsequent condemnation and economic sanctions from major powers on both sides of the Cold War divide helped further weaken the South African regime and hastened its eventual downfall (Crawford

James Martin is an Associate Lecturer in the Department of Criminology, Monash University.

and Klotz 1999). With the victory of the African National Congress (ANC) and the election of Nelson Mandela as President in 1994, the era of state crime in South Africa appeared to be over. However, despite the collapse of apartheid, more subtle forms of state crime persist in South Africa and continue to impact negatively on the relationship between the state and public, particularly those unable to access private security.

In the nearly twenty years since democratic transition, there has been little material change for many of South Africa's urban poor. Across the country's townships and informal settlements – commonly known as “shantytowns” – poverty remains the norm and levels of violent crime continue to be committed at appallingly high levels (Fihlani 2010; SAPS 2009). Much of the hope and optimism of the 1990s has now faded, and it is becoming apparent that the approximately one in four who live in South Africa's shantytowns (OECD 2011: 101; Wines 2005) may have merely swapped one iniquitous system and set of ruling elites for another. A further similarity with the latter years of apartheid is the effective absence of state police in areas of disadvantage (Steinberg 2008; Shaw 2002a). Moreover, just as in that earlier time, informal crime-fighting vigilante gangs and mobs have emerged to fill the void left by inadequate state law enforcement. Ad hoc vigilante groups, sometimes composed of hundreds of people or more, may now be seen operating with relative impunity in indigent, crime-prone neighbourhoods across the country, meting out their own “rough justice” with stones, *sjamboks* and cans of kerosene used to set suspected offenders alight (Martin 2012; 2010; Von Schnitzler et al. 2001; Oomen 2004, 1999). Severe injuries and death commonly result, with vigilantes now accounting for a significant portion of all homicides committed across the country (SAPS 2009). Despite the substantial harms associated with vigilantism, it is considered by many as a necessary evil in the fight against crime, and also as a means of establishing order and patriarchal respect amidst the insecurity and poverty of shanty life (Jensen 2008; Oomen 2004).

Correlating endemic vigilantism with state crime is complicated by the fact that vigilantism is, by most definitions, a private activity which usually occurs without any direct involvement from the state (Martin 2010; Abrahams 1998; Johnston 1996). Rather, according to Johnston (1996), vigilantism may be understood as a “social movement giving rise to premeditated act of force – or threatened force – by autonomous citizens...[and] as a reaction to the transgression of institutionalised norms” (Johnston 1996: 232). To successfully link vigilantism with state crime, specifically with crimes of omission, one must identify instances in which the state has failed to act when it has had a clear duty to do so. This process is more complex than simply highlighting direct instances of outright state abuse. Many of the conditions that enable and sustain vigilante violence – most notably, poverty, unemployment, and high levels of crime and insecurity – are arguably

the responsibility of the state which, in the South African context at least, is clearly failing in its duty of care towards many living within its borders. From this perspective, vigilantism may be construed as an inevitable symptom of persistent and chronic state failure, rather than simply as a private criminal activity. Indeed, it is now axiomatic and uncontroversial for scholars to explicitly link state failure with the emergence of vigilantism (Buur 2006: 737; Buur and Jensen 2004: 144; Dixon and Johns 2001).

Importantly, however, linking state *failure* and responsibility for the desperate economic and living conditions that underpin vigilantism does not necessarily indicate state *crime*. Criminalizing a political ideology or an entire social or economic value system (see, for example, Henry 1991) is a prohibitively complex endeavour, one largely beyond the fringes of criminology, and various scholars (notably Sharkansky 1995; but also Doig 2011 and Green and Ward 2000, among others) have warned against broadening the theoretical contours of state crime beyond the point of utility. Rather, in order to present a focused analysis and avoid the dangers of conceptual overreach, this article has the more modest aim of critiquing one specific branch of the state, the South African Police Service (SAPS), in a single geographically contained case study. The location of this case study is the vigilante affected informal settlement of Zandspruit located in the South African capital, Johannesburg. Qualitative data drawn from a series of interviews with residents of this area will be used to illustrate localized perspectives of the SAPS and its links to vigilantism. These will be synthesized with Green and Ward's (2000) concept of state crime as an overlap between human rights violations and organizational deviance. The central argument is that the South African state is implicated in crimes of omission through the deficiencies and inactivity of the SAPS which, in failing to both protect and engage substantively with the urban poor in Zandspruit, has created and entrenched a lethal culture of vigilantism.

The South African Police Service

State policing in South Africa has long proven to be difficult, dangerous and dirty work. In recent years, the policing challenge has often been considered in light of an abysmal national crime rate and the failure of state policing agencies to provide competent services and deal with internal corruption (Gordon 2006; Altbeker 2005; Marks 2005; Newham 2002). While the causes and development of these contemporary problems may be traced back to the comprehensive failures of the previous regime, different issues dominated the policing agenda of the apartheid state. During that period, the central predecessor to the SAPS – the South African Police (SAP) – was tasked with enforcing the racially discriminatory policies of the central government, as well as maintaining public order across the majority of

the country. In practice this meant not only upholding apartheid laws (such as the infamous and much-hated *pass laws* that restricted the movement of non-whites) but also confronting and suppressing riots and other forms of political opposition (Gordon 2006; Shaw 2002a). These duties ensured that apartheid policing was a brutal, intensely partisan and racially divisive activity, which eventually catalysed a near-total breakdown in police relations with the non-white majority.

Since the end of apartheid, the rebranded SAPS¹ has set about reintroducing itself into the no-go areas from which its apartheid predecessor had been expelled. This has been a slow and problematic endeavour. The tainted legacy of the SAP continues to colour public perceptions of the contemporary SAPS, particularly in poor, predominantly black areas, where memories of the dark and bloody days of apartheid remain strong (Steinberg 2008; Comaroff and Comaroff 2007). While the aura of fear that once surrounded the police has now dissipated, so too has the grudging respect and authority they once enjoyed. The long-standing absence of the forces of the state makes the reintroduction of police into these areas of disadvantage more complicated than simply rehabilitating a badly tarnished organizational image. Over the years of apartheid neglect, many South African communities have developed and since maintained their own internal, decentralized systems of security and regulation (Buur 2008; Jensen 2008; Comaroff and Comaroff 2007; Knox and Monaghan 2002). Informal security networks such as these are durable and represent hierarchies of power and patronage that will not readily submit to external regulation. In order for township folk to consent to being policed by a central state law enforcement agency, the SAPS needs to prove its legitimacy and establish itself as more than simply another player in a confused and competitive security environment (Steinberg 2008).

Establishing police legitimacy in the post-apartheid era is complicated by serious and persistent organizational deficiencies, particularly with regard to inadequate service provision, procedural incompetence and high levels of corruption (Steinberg 2008; Faull 2007; Shaw 2002a; Newham 2002). These problems greatly compromise public confidence in the SAPS and also reflect the difficulties associated with defining a new role and identity for a large, highly centralized policing organization which operates in a troubled transitional environment. Transitional states such as post-apartheid South Africa are notoriously difficult to police and pose a formidable set of challenges to law enforcement agencies. The breakdown of onerous state controls and a corresponding increase in individual freedoms provide newly liberated populations with greater opportunity to engage in various activities unsanctioned by the state, including crime. At the same time, the violence and repressive tactics associated with formerly authoritarian, state policing agencies are either simply unavailable or severely constrained in a newly minted democracy. The convergence of these two trends often results in increased crime at precisely the moment when

law enforcement agencies are caught flat-footed and without the entirely different set of skills necessary to police a democratic society (Shaw 2002b). And, as evidenced by the proliferation of vigilantism in contemporary South Africa, in the absence of a legitimate state police force that can effectively control crime, a disaffected public will naturally turn to other alternatives.

Filling the Void – South Africa's Vigilantes

Policing any society is a job that is rarely, if ever, conducted solely by state police. In the Global North, private security firms are the most familiar organizations complementing the work of state law enforcement. Since the mid-twentieth century, commercial security guards have assumed the bulk of generic protective services and, in South Africa, now outnumber state police by margins of up to seven to one (Singh 2008: 41–2; Abrahamsen and Williams 2007: 43; Knox and Monaghan 2002: 82; Baker 2002: 37). Despite the exceptional growth in commercially provided security, some environments are neither appropriate nor attractive to private security firms. Poor communities that have little in the way of private property to protect, and even scarcer monies to contribute towards expensive, customized protection, are unlikely customers for corporate security. When combined with a history of state antagonism – as is the case with many communities in present-day South Africa – the residents of indigent, crime-prone neighbourhoods can find themselves without any substantive protection from either the state or corporate aspects of the formal security sector. It is in these areas of disadvantage and marginalization where vigilante groups flourish most and come to assume a central role in community regulation.

Vigilantism, whereby private citizens undertake many of the tasks more commonly associated with state police, has played an important role in regulating South Africa's communities from colonial times (Kynoch 2008; Lee and Seekings 2002). Since that period, vigilante groups have provided all manner of security and regulatory functions, from conflict resolution and mediation over property disputes (Singh 2008; Burman and Schärf 1990: 708), to night-time patrols and the punishment of suspected offenders (Martin 2012, 2010; Von Schnitzler et al. 2001; Oomen 2004, 1999). Despite the diverse range of services offered by vigilantes, and their greater accessibility for many otherwise unable to reach more conventional forms of policing and security (after all, practically anyone may participate in vigilantism), this practice is not universally popular and is often feared by people living in areas where it occurs frequently (Martin 2010; Jensen 2008; Oomen 2004). One of the principal reasons for this is that vigilantism tends to be exceptionally violent, and it regularly involves the victimization of marginal groups, particularly undocumented migrants, who are often subjected to severe forms of corporal and capital punishment (Martin 2010; Neocosmos 2008; Oomen 2004, 1999). Local concerns over vigilante

violence are further amplified when innocent people are routinely discovered to be among the targets of misinformed mobs or opportunistic gangs (Martin 2012).

Estimating the casualties associated with contemporary vigilantism is complicated by a range of factors, not the least of which is the apparent lack of trust between many poor communities and state policing agencies that record crime statistics (Steinberg 2008; Shaw 2002a). Given this and other limitations compromising the accurate recording of instances of vigilantism in South Africa, official statistics indicating the extent of the practice should be viewed with caution. However, as a rough estimate, one may consider figures from the 2008–09 SAPS Annual Report which indicate that approximately 5.8 per cent of all homicides across the country are attributable to vigilantism (SAPS 2009: 11). With the national annual homicide rate hovering at around 20,000, we may extrapolate that approximately 1,000 people are killed by vigilantes in South Africa each year. This substantial figure does not include those whose deaths go unrecorded or are erroneously attributed to another cause; nor does it capture the harm associated with those instances when non-lethal vigilante punishments are employed.

Zandspruit Case Study

Interview data in the remaining sections is drawn from a series of qualitative, semi-structured interviews conducted with residents of the Zandspruit Informal Settlement, which took place over a six week period in 2010. As mentioned briefly in the introduction, Zandspruit is a vigilante affected, mid-sized shantytown (population approximately 50,000–80,000) (Urban Dynamics 2008) located on the northern outskirts of Johannesburg. A total of 43 interviews were carried out there with residents and others working in the settlement, with the majority of interviewees residing in one particular neighbourhood in Zandspruit. Due to the limited total number of interviews, and the fact that respondents were drawn primarily from one small area within the settlement, interview data does not constitute a representative sample, although respondents were relatively evenly divided with regard to demographic factors such as gender and age. Interviewees were asked a series of open-ended questions in order to determine local perceptions of crime control mechanisms, specifically with regard to the SAPS and the wider formal criminal justice system, as well as towards vigilante organizations and spontaneously forming mobs.

State Crime in Zandspruit

Human Rights Violations

According to Green and Ward (2000), a necessary consideration when identifying instances of state crime is the existence of human rights violations. In the context of

the relationship between the SAPS and the people of Zandspruit, the most serious human rights violations are those that are in breach of Article 7 of the United Nations Declaration of Human Rights (UNDHR), which claims that:

All are equal before the law and are entitled without any discrimination to equal protection of the law.

It is clear from interview data that a critical number of Zandspruit residents believe that they are living without any effective protection from the law. This is due to the near total absence within the settlement of the primary gatekeepers of the formal justice system, the SAPS, as well as to perceived failures on behalf of state police to respond adequately to calls for emergency assistance and reports of criminal victimization. This lack of service is partly the result of scarce and unequally distributed police resources. While Honeydew Police Station is located very close to Zandspruit, and is staffed by some 230 officers, this station is also responsible for 52 proximate neighbourhoods with a combined population of 160,000 (Human Sciences Research Council 2010: 14). This means that Zandspruit and the other areas serviced by the police at Honeydew Station have one of the lowest police-to-citizen ratios in the region.

According to interviewees, the ability of the police to protect them is also severely compromised by a perceived lack of professional skills and competencies. An overwhelming majority of respondents regarded police as simply unable to perform their duties in a responsible and efficient manner, with complaints ranging from bureaucratic bungling to rampant absenteeism to a lack of training and literacy skills:

“For instance, they rape a child or a woman, and then the person they caught him red-handed. Then they call the police and say, okay this person has done the rape. So they open the case. When they go to open the case, the documents are missing. And then when they ask the person who was involved with the case, he’s on leave. Automatically things, they disappear in the police station. So the community get fed up with these things” (M11).

“Because people are tired of the services they are getting from the police they end up taking the law into their own hands... There is a guy who killed a lot of people last year... he was handed over to the police. Later on the docket went missing” (M55c).

“Some case dockets get lost or just disappear without a trace” (K56c).

“I think if the police could take peoples’ grievances seriously, report their case and the police would make sure that the case was handled properly then there wouldn’t be a need for mob justice” (M13).

Resident perceptions of sub-standard service provision are supported by contemporary research that also indicates high levels of incompetence within the

SAPS (Steinberg 2008; Shaw 2002a). Low standards of police performance have been attributed to a variety of causes, such as sub-standard recruitment pools, poor training, and low morale due to insufficient pay, particularly when considering the relatively dangerous environments to which SAPS personnel are routinely exposed (Steinberg 2008). Perhaps even more significant is the basic lack of organizational experience within the SAPS with traditional modes of law enforcement. The official historian of the SAP estimates that under apartheid as few as one in ten police resources were dedicated to conventional crime-fighting activities such as neighbourhood patrols and criminal investigations, with the bulk of the remainder directed towards racial/political counterinsurgency (De Witt Dippenaar 1988: 374). Under the apartheid system of policing, enemies or troublemakers known to the SAP could simply be (and often were) illegally detained, beaten or even killed, and there was no pressing need for officers to follow lawful procedures regarding the investigation and prosecution of offenders (Faull 2007: 2; Shaw 2002a). This historical lack of engagement with conventional law enforcement techniques has left contemporary SAPS personnel without many of the skills necessary to deal with crime in a new era of increased expectations regarding police accountability and transparency (Steinberg 2008; Shaw 2002b).

The fact that the SAPS has proven itself so spectacularly unprepared to police the country has taken many South Africans by surprise. As Rauch (2000) suggests, “it never occurred to the leaders and members of the ANC...that the police, who had been so ruthlessly effective against them, would be any less effective against criminals in the new era” (Rauch 2000: 119). This sentiment is also prevalent in Zandspruit and, rather than believing the police capable of such routine blundering, many residents attribute a more deliberate and sinister factor to police failures in deterring and prosecuting offenders. These suspicions usually centre on the readiness with which police allegedly take bribes in order to release suspects prematurely or lose case dockets and other vital pieces of evidence:

“If we could just find proper policemen who could make sure that if I come today and report a case and tomorrow if I come and look for the case number, then they wouldn’t say that they don’t know what happened to it, that I have to make another statement. I don’t want to report that someone has raped me and then see that same person on the street two weeks later. That makes me unsafe in my own community. I feel that in a community we need to be safe. I don’t want to feel like a victim in my community and [live] where criminals can walk around freely. They know that if I’m caught, I go to the police station and pay a certain amount, then I’m off. Because I think as a law abiding citizen, I would like to stay that way [relying on the police]. But if the law now pushes me to a point where I feel I must take the law into my own hands and do things myself,

then I will be justified in taking a gun and shooting whoever is going to be invading my space" (M13).

"I would prefer the police but since they are corrupt and receive bribery, such as buying them alcohol, then the docket just disappears..." (K66).

"The other reason that makes us to lose faith in the police is because when we go and report criminals to them the next day they are free... [because of] bribing no-one can make them rot in jail" (K64).

Entrenched perceptions of police corruption severely disrupt the potential for any positive long-term relationship to develop between Zandspruit residents and local members of the SAPS. Interviewees reported that they were unlikely to make complaints against offenders whom they believed capable of simply bribing their way out of custody. Respondents also expressed worry that arrested offenders could easily exploit corrupt police officers and be set free to seek revenge against whomever they suspected of reporting their activities to the authorities:

"I feel more unsafe [if I contact police] because what if he manages to escape and he comes back with his crew to beat me up?" (K66).

Obviously, beliefs such as these are highly damaging to any notions of public trust in the SAPS; if residents are under the impression that calling the police is likely to put them at higher risk of criminal violence then they will be less likely to report future incidents.

Police corruption is a serious and well documented concern across much of South Africa and numerous studies have explored the extent and causes of corruption within the SAPS. These include a lack of basic pay; the willingness of members of the public to pay bribes; and an opaque police culture that resists anti-corruption initiatives (see Faull 2007; Albeker 2005; Newham and Gomomo 2003; Newham 2002). In Zandspruit, the dysfunctional relationship between police and public appears to be self-reinforcing, resulting in an unfortunate and intractable "catch-22". Arrested offenders are perceived to be regularly released back into the community because of a lack of evidence or the influence of police corruption. This perception compounds public mistrust of formal law enforcement which, in turn, further limits the capacity of state police to control crime and protect those living within the settlement.

This section has outlined how the various perceived deficiencies of the SAPS have resulted in human rights violations by undermining the capacity of the police to provide the protection of the law to the people of Zandspruit. Due to the negative sentiments expressed by the vast majority of interviewees regarding the competence and commitment of the local SAPS, it seems likely that state law enforcement is not

presently regarded by the people of Zandspruit as providing a credible regulatory or security presence in the settlement. This finding corresponds closely to the substantial body of scholarly literature that examines the parlous state of relations between post-apartheid law enforcement authorities and the South African public, especially those living in slum-like conditions (Singh 2008; Steinberg 2008; Gordon 2006; Altbeker 2005; Marks 2005; Shaw 2002a).

Organizational Deviance

The second element of Green and Ward's (2000) concept of state crime relates to organizational deviance. This is defined as "conduct by persons working for state agencies, in pursuit of organizational goals, that if it were to become known to some social audience would expose the individual or agencies concerned to a sufficiently serious risk of formal or informal censure or sanctions" (Green and Ward 2000: 110). Importantly, sanctions need not be formally applied by other state agencies but rather may originate "from below" and include popular delegitimation, or "conduct manifesting a withdrawal or erosion of consent" (Green and Ward 2000: 110). This definition suggests that state police forces that do not have the consent of the populations that they are tasked with policing, or that are otherwise without popular legitimacy, may be found to be organizationally deviant.

The idea of organizational deviance has particular relevance to the SAPS in Zandspruit, as interview data indicates that the spectacular failure of the police to control crime in the settlement has resulted in a near total absence of police legitimacy. While many of the inadequacies of the SAPS discussed in the previous section do, to some extent, adversely affect all South Africans regardless of class (a point highlighted by the extraordinary prominence of the South African private security industry), it appears that the residents of poor shantytowns such as Zandspruit are treated by local police with particular disdain and indifference. This is evidenced in the bulk of negative interviewee statements regarding the perceived attitudes of local SAPS personnel, and other representatives of the state:

"I believe that as much as we would like our government to be closer to us, they are still far away from us. So they don't really know what's really, really going on in our households, the community, what kind of community we live in, the differences between us. Yeah, so I would rather the justice system closer to the community, but also for them to have more resources for resolving issues" (M50).

"The police, they don't live here. Their families are not around so they don't care much about the crime in the community" (M14).

"The police come late and it is us who get killed [and] lose our property. They don't know how painful this is because they don't live in our community" (K60).

“The government doesn’t care about us, there’s a lot of crime, people are killing each other. So what’s the point of me as a young person going to school and looking for a job and trying to live a normal life?” (JKM)

These responses highlight both the perceived indifference on behalf of the state as well as the social distance between police and the residents of Zandspruit. Most interviewees view the local police as “others” whose priorities and concerns are far-removed from those of people living in the settlement. Poor police response times following calls for assistance (if they respond at all), and a tendency amongst SAPS personnel to avoid entering the settlement, are perceived partly as a result of a lack of empathy with settlement residents, who are acutely aware of their lack of wider social status and the daily hazards with which they must contend. Interviewees also revealed that at the root of their circumspection about the ineffectiveness of the police and courts lies mistrust of a human rights discourse that is often assumed to protect or favour known offenders over “honest” citizens and victims.

“They feel that the police give the criminals more rights than them. Why would the criminals have rights when they are violating our rights? They just deserve to be beaten up... I feel that a community like Zandspruit, most people are uneducated. So they don’t understand this thing of rights. To them it’s *just a matter of giving preference*; it’s not a matter of rights” (MPK).

“The police are too slow sometimes. They protect criminals more than us. They always say they [offenders] have rights and they forget they violated our [rights]” (K65).

“I know it [vigilantism] is illegal. It’s illegal because of our constitution, because of the rights that we have. But then he doesn’t have a right to go around abusing people” (M50).

These perceptions are understandable, especially given the vulnerable and exposed living conditions of those who inhabit informal settlements such as Zandspruit. In these impoverished and neglected areas, residents have little appreciation or enjoyment of the rights with which they are endowed by the South African constitution. Instead, the very limited interaction residents have with agents of the state include regular instances of police releasing offenders whom they believe to be guilty – all because of their “rights”. These experiences are likely to prove particularly traumatic considering the exceptionally high levels of endemic crime and victimization. Further, they may catalyse feelings of secondary victimization, where victims of crime again feel victimized by a justice system appearing to act in collusion with predatory offenders. Consistent episodes of this nature stoke antipathy towards police and the criminal justice system as a whole, and help explain why the general public believe that the formal criminal justice system lacks legitimacy.

Interestingly, despite perceived alienation from the state and a lack of support for current police practices, many respondents expressed the hope that the police could one day begin to play a more productive role in Zandspruit:

“I think that police should be involved more. I think that if our police were listening to us as a community...most of the issues wouldn’t have happened as they have been happening” (KM1).

“I think the police should maybe invite the community and have a conversation. They should say to the community, what do you think we should do? Because we can see this is getting out of hand. We are all getting in trouble. The police are having fingers pointed at them with people saying you are not doing your work. At the same time we in the community might end up in jail if we kill somebody” (JMP).

“I think we should have good cooperation between the police and the community” (PK6).

These statements suggest that the widespread “erosion of consent” currently afflicting SAPS–public relations in Zandspruit is not necessarily permanent. However, due to the fact that appeals for increased police involvement and consultation are accompanied by consistently negative appraisals of their performance, it is also difficult to interpret them as indicative of any substantive level of community confidence. More likely, interviewees recognize that the current, largely informal system of policing in the community is a poorer alternative to one that could *potentially* be offered by an engaged and effective local police force. In the meantime, however, there appear to be many obstacles to overcome before the SAPS can enjoy the support, legitimacy and consent of the people whom they are tasked to police.

State Crime and Vigilantism

In Zandspruit, the overlap between human rights violations (i.e. the failure of the SAPS to provide the protection of the law) and organizational deviance (as reflected in a lack of police/state legitimacy) indicates persistent and systemic state crime as defined by Green and Ward (2000). This final section will link these state crimes to widespread vigilantism, and explore the complex relationship between police and state authorities and vigilante violence.

That vigilantism and state crime are linked appears common knowledge on the streets of Zandspruit. Interviewees clearly related how a lack of police protection and legitimacy routinely resulted in people “taking the law into their own hands”:

“They came here and they stole everything in my house... but the police took time to come. So I just lost my temper. I was angry and that’s when I called the people and we

attacked them [the suspected offenders]. But maybe if the police had come in time maybe we wouldn't have beaten those people up" (MPK).

"The community prefers informal justice over the police because of the slow response... also the community feel that the slow response from the police is because [they] don't care" (K66).

"Sometimes a community, they report things to the police. And then the police does not make an effort. So people, the community, they thought, 'No, let us do [justice] our own way'" (M11).

"People tend to take the law into their own hands because police do not respond in time" (K63).

"If only the police would do their job the people in the community wouldn't have to take the law into their hands. I mean they are not doing anything from what I can see" (M14).

These responses indicate a clear and causative link between a lack of police intervention and a willingness amongst residents to engage in acts of vigilantism. Even if police are not blamed for high crime in the first instance, they are considered to bear at least partial responsibility for what happens to those suspected offenders apprehended by the public if law enforcement does not respond in a timely manner. In this way, those who participate in vigilantism may displace the burden of responsibility for collective acts of assault and murder onto agents of the formal criminal justice system. This act of displacement is instrumental in preventing vigilante participants from considering themselves as involved in criminal acts of assault or homicide. Rather than murderers or thugs, vigilantes may thus perceive themselves as highly motivated yet regular members of the community who are simply compensating for the laziness and failures of the local police. This self-conception matches Johnston's (1996) view of vigilantes as righteous "autonomous citizens" concerned with crime control and the maintenance of local security.

Police tardiness was also interpreted by some respondents as an open invitation to beat or kill suspected offenders. The passage below is indicative of the mixed messages prevalent in Zandspruit concerning the attitudes of police towards acts of vigilantism:

JMP: They turned to them and said why do you want us to call the police? And then other people said the police gave them the right to beat people first before calling them.

INT: People said that the police allowed them to do that?

JMP: Yes. People said the police gave them permission. The police only came at 6am and this thing happened at three. They [the police] just asked a few questions and people said "I don't know" and that was it...

Sample data suggests that the belief that police openly condone acts of retributive violence towards suspected offenders (in the above case, the killing of a suspected thief) is in the minority amongst Zandspruit interviewees. However, the understanding that police *implicitly* condone or at the very least turn a blind eye to acts of vigilantism is more prevalent. This notion is supported by public statements of support for vigilante activity made not only by police themselves but also by political leaders seeking to exploit community frustration about high levels of crime. Scholars investigating vigilantism in other regions of South Africa have noted numerous examples of serving police members joining organized vigilante groups (Oomen 2004: 163). Even the current South African President Jacob Zuma has previously weighed into the political debate surrounding vigilantism. At a political rally during the run-up to the previous national election, Zuma claimed that people who are tired of being victimized “cannot be blamed for taking the law into their own hands” (Bearak 2009). Such rhetoric from the highest levels of political authority validates vigilante sentiment and contributes to confusion over the official stance towards informal punishments.

Notions of official tolerance of vigilantism are supported not only by consistently poor police response times (an important point considering police would be aware of the likely consequences of failing to act quickly on reports of a captured suspect) but also by seemingly lacklustre investigation into crimes related to mob violence:

“Nothing is really done [in response to mob attacks] and the cases do not even go under any investigation. As the police say, ‘We can’t arrest the whole community. Jails are crowded already.’ I really don’t recall where people went to jail after finding out they killed or beat the wrong person” (K67).

It is interesting to note in the quotation above that the interviewee implies that a mob “killing or beating the wrong person” could be viewed differently by police than cases in which a mob attacks a bona fide offender. Regardless of the suspected guilt of the offender, police may, perhaps, be forgiven for being daunted by the prospect of investigating instances of mob-led informal punishment. Such cases, particularly those where the victim/suspect has died (thereby denying the police their most reliable witness), are notoriously difficult to prosecute. From the outset police are likely to be hampered by a general lack of cooperation from witnesses who live in the settlement. Interview data suggests that this lack of cooperation has a number of possible proximate causes in addition to an overall lack of police legitimacy. These include witness involvement in the crime itself; a belief that no “real” crime has been committed and that the suspect was given their just deserts or witness intimidation by a violent and immediately threatening mob. Even if police do overcome these hurdles they are faced with the procedural nightmare of charging tens or perhaps even hundreds of people with an offence. The difficulty

of establishing degrees of involvement is also likely to further complicate police investigations of mob violence.

When examined from the perspective of Zandspruit interviewees, vigilantism appears as much as a form of resistance to state crime as it does a defensive reaction against conventional offending. In his seminal critique of the modern criminal justice system, “Conflict as Property” (1977), Nils Christie claimed that crime and social conflict in Western societies had effectively been “stolen” by the legal and penal professions. Victims of crime are victimized twice, he argued, first by the offender, and then by the state, which asserts ownership over the conflict and assumes the role of the aggrieved party. In South Africa’s townships and informal settlements, it is apparent that entire communities have rejected this process, forgoing the police and legal system and assuming direct control over the crime and conflicts produced in their neighbourhoods. This is not to say that vigilantism is necessarily popular in these areas, or that people living there would not prefer to be party to a more formal criminal justice system. Indeed a common refrain heard throughout the interviews conducted in Zandspruit was a desire for a dramatically increased police presence and a greater share of state resources. However, in the absence of these more ideal circumstances, vulnerable people appear unwilling to forgo their desire to seek justice and retribution in whatever way possible.

Conclusion

This article has sought to demonstrate the existence of state crime in the Zandspruit Informal Settlement by linking the SAPS with both human rights violations and organizational deviance. The persistent and systematically produced nature of these crimes also implicates the SAPS – and by extension, the South African state – in sustaining and entrenching a culture of vigilantism. How the SAPS and the South African state may remedy this situation is a difficult question to address. Even more important, however, is to interrogate why the state has allowed this dire situation to persist for so long. The most obvious – and, perhaps most cynical – answer relates to the economic and political marginalization of the people of Zandspruit. Many of the undeniably poor residents of South Africa’s shantytowns are also undocumented migrants (Solomon 1996) and therefore lack any formal political representation. As such, they hold even less value to the state than those native-born “failed consumers” who appear to already be at the bottom of government priorities. The political disenfranchisement of many of the residents of Zandspruit further compounds their relative lack of value in Africa’s largest neo-liberal economy (Rugraff and Hansen 2011). South Africa has in the past achieved great things in the fight against state crime, however, these victories are a rapidly fading memory. As things stand today, there appears to be little incentive, beyond purely humanitarian

reasons, for poorly resourced state police to intervene in clearly dangerous and challenging hostile territory.

Acknowledgements

The author would like to acknowledge the support and advice of Jude McCulloch, Dean Wilson, Penny Green and David Whyte. Thanks also to Robert Peacock for his assistance over the fieldwork period and to the anonymous peer-reviewers for their insightful comments.

Note

1. Much was made of the decision in 1994 to re-badge the South African Police as the South African Police *Service*. This, as well as other symbolic changes, such as the removal of the military ranking system and the introduction of a “slightly less militaristic” (Rauch 2000: 107) uniform, were intended to signal a decisive break with the brutality of the past, and the ushering in of a new era of police respect for human rights (Rauch 2000). It is a telling indicator of the popular disregard for rights-based discourse that military symbolism is being restored to the police with the old SAP ranking system reintroduced as of 2010.

References

- Abrahams, R. (1998) *Vigilant Citizens: Vigilantism and the State*. Cambridge, UK: Polity Press.
- Abrahamsen, R. and Williams, M. (2007) “The Privatisation and Globalisation of Security in Africa”, *International Relations* 21: 131–41.
- Altbeker, A. (2005) *The Dirty Work of Democracy: A Year on the Streets with the SAPS*. Cape Town, South Africa: Jonathan Ball Publishing.
- Ashforth, A. (2005) *Witchcraft, Violence, and Democracy in South Africa*. Chicago: University of Chicago Press.
- Baker, B. (2002) “Living with Non-State Policing in South Africa: The Issues and Dilemmas”, *Journal of Modern African Studies* 40(1): 29–53.
- Barak, B. (2009) “Constant Fear and Mob Rule in South African Slum”, *New York Times*, 29 June.
- Brewer, J. (1994) *Black and Blue: Policing in South Africa*. Oxford: Clarendon Press.
- Burman, S. and Schärf, W. (1990) “Creating People’s Justice: Street Committees and People’s Courts in a South African City”, *Law and Society Review* 24(3): 693–744.
- Buur, L. (2006) “Reordering Society: Vigilantism and Expressions of Sovereignty in Port Elizabeth’s Townships”, *Development and Change* 37(4): 735–57.
- (2008) “Fluctuating Personhood: Vigilantism and Citizenship in Port Elizabeth’s Townships”, in S. Pratten and S. Artyee, eds, *Global Vigilantes*. New York: Columbia University Press, pp. 127–50.
- Buur, L. and Jensen, S. (2004) “Introduction: Vigilantism and the Policing of Everyday Life”, *South Africa Journal of African Studies* 63(2): 139–52.
- Christie, N. (1977) “Conflict as Property”, *British Journal of Criminology* 17(1): 1–15.
- Comaroff, J. and Comaroff, J. (2007) “Popular Justice in the New South Africa: Policing the Boundaries of Freedom”, in T. Tyler, ed., *Legitimacy And Criminal Justice: International Perspectives*. New York: Russell Sage Foundation, pp. 215–38.
- Crawford, N. and Klotz, A. (1999) *How Sanctions Work: Lessons from South Africa*. London: Macmillan Press.

- De Witt Dippenaar, M. (1988) *The History of the South African Police*. Pretoria: Promedia.
- Dixon, B. and Johns, L. (2001) "Gangs, PAGAD and the State: Vigilantism and Revenge Violence in the Western Cape", *Violence and Transition Series*, vol. 2. Johannesburg: Centre for the Study of Violence and Reconciliation.
- Doig, A. (2011) *State Crime*. Abingdon: Willan Publishing.
- Faull, A. (2007) "Corruption and the South African Police Service: A Review and Its Implications", ISS Paper No. 150. Pretoria: Institute for Security Studies.
- Fihlani, P. (2010) "Anger, Not Hope in South African Township", BBC World News website. Available online at <http://news.bbc.co.uk/2/hi/8512075.stm> (accessed 16 March 2012).
- Gordon, D. (2006) *Transformation and Trouble: Crime, Justice, and Participation in Democratic South Africa*. Michigan: University of Michigan Press.
- Green, P. and Ward, T. (2000) "State Crime, Human Rights, and the Limits of Criminology", *Social Justice* 27: 101–15.
- Henry, S. (1991) "The Informal Economy: A Crime of Omission by the State", in G. Barak, ed., *Crimes of the Capitalist State*. New York: Suny Press, pp. 253–72.
- Howe, H. (1994) "The South African Defence Force and Political Reform", *Journal of Modern African Studies* 32(1): 29–51.
- Human Sciences Research Council (2010) "Policing, Safety and Statistics in Gauteng", Human Sciences Research Council. Available online at http://www.hsrc.ac.za/module-KTree-doc_request-docid-6356.phtml (accessed 14 May 2012).
- Jensen, S. (2008) "Policing Nkomazi: Crime, Masculinity and Generational Conflicts", in S. Pratten and S. Artyee, eds, *Global Vigilantes*. New York: Columbia University Press, pp. 44–65.
- Johnston, L. (1996) "What Is Vigilantism?" *British Journal of Criminology* 36(2): 220–36.
- Knox, C. and Monaghan, R. (2002) *Informal Justice in Divided Societies: Northern Ireland and South Africa*. Basingstoke: Palgrave Macmillan.
- Kynoch, G. (2008) "Urban Violence in Colonial Africa: A Case for South African Exceptionalism", *Journal of Southern African Studies* 34(3): 629–45.
- Lee, R. and Seekings, J. (2002) "Vigilantism and Popular Justice After Apartheid", in D. Feenan, ed., *Informal Criminal Justice*. Dartmouth: Ashgate, pp. 99–116.
- Marks, M. (2005) *Transforming the Robocops: Changing Police in South Africa*. Durban: University of Kwazulu-Natal Press.
- Martin, J. (2010) "Vigilantism and Informal Social Control in South Africa", *Acta Criminologica: Southern African Journal of Criminology* 23(3): 53–70.
- (2012, forthcoming) "Informal Security Nodes and Force Capital", *Policing and Society*.
- Moriarty, T. (2003) *Finding the Words: A Rhetorical History of South Africa's Transition from Apartheid to Democracy*. Westport: Praeger.
- Neocosmos, M. (2008) "The Politics of Fear and the Fear of Politics: Reflections on Xenophobic Violence in South Africa", *Journal of Asian and African Studies* 43(6): 586–94.
- Newham, G. (2002) *Tackling Police Corruption in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation.
- Newham, G. and Gomomo, L. (2003) "Bad Cops Get a Break: The Closure of the SAPS Anti-Corruption Unit", *South Africa Crime Quarterly* 4: 5–9.
- OECD (2011) *OECD Territorial Reviews: The Gauteng City-Region, South Africa*. OECD Publishing.
- Oomen, B. (1999) "Vigilante Justice in Perspective: The Case of Mapogo-a-Mathamaga", *Acta Criminologica* 12(3): 45–53.
- (2004) "Vigilantism or Alternative Citizenship? The Rise of Mapogo-a- Mathamaga", *Journal of African Studies* 63(2): 153–72.
- Rauch, J. (2000) "Police Reform and South Africa's Transition", in *Crime and Policing in Transitional Societies*. Johannesburg: University of the Witwatersrand.
- Rugraff, E. and Hansen, M. (2011) *Multinational Corporations and Local Firms in Emerging Economies*. Amsterdam: Amsterdam University Press.

- SAPS (2009) *South African Police Service Annual Report 2008–2009*. SAPS. Available online at http://www.saps.gov.za/saps_profile/strategic_framework/annual_report/2008_2009/2_crime_situation_sa.pdf (accessed 17 June 2009).
- Sharkansky, I. (1995) “A State Action Might Be Nasty but It’s Not Likely to Be a Crime”, in J. Ross, ed., *Controlling State Crime*. New York: Garland Publishing.
- Shaw, M. (2002a) *Crime and Policing in Post-Apartheid South Africa: Transforming Under Fire*. Indiana: Indiana University Press.
- (2002b) “Crime, Police and Public in Transitional Societies”, *Transformation* 49: 1–24.
- Singh, A. (2008) *Policing and Crime Control in Post-Apartheid South Africa*. Hampshire: Ashgate.
- Solomon, H. (1996) “Strategic Perspectives on Illegal Immigration into South Africa”, *African Security Review* 5(4): 11.
- Steinberg, J. (2008) *Thin Blue: The Unwritten Rules of Policing South Africa*. South Africa: Jonathan Ball with the Open Society Foundation for South Africa.
- Urban Dynamics (2008) *Zandspruit Urban Development Framework 2020*. Available online at http://www.joburgarchive.co.za/2008/sdf/zandspruit/zandspruit_devconcept.pdf (accessed 23 September 2010).
- Von Schnitzler, A., Dithlage, G., Kgalema, L., Maepa, T., Mofokeng, T. and Pigou, P. (2001) “Guardian or Gangster? Mapogo-a-Mathamaga: A Case Study”, *Violence and Transition Series*, vol. 3. Johannesburg: Centre for the Study of Violence and Reconciliation.
- Wines, M. (2005) “Shantytown Dwellers in South Africa Protest Sluggish Pace of Change”, *New York Times*, 25 December.