

# Vigilantism as a feature of political decay in the post-1994 South African dispensation

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Little research has been done on the phenomenon of vigilantism in South Africa. Vigilantism describes the action of citizens who take the law into their own hands, making use of violent methods, in the context of inadequate law enforcement by the state and the collapse of public order. In an environment of political instability, lack of public order and related security problems, groups such as People Against Gangsterism and Drugs (PAGAD), Mapoga-a-Mathamaga and “people’s courts” have come into being as vigilante organisations. This article describes and analyses vigilantism in South Africa against the backdrop of disintegrating public order.

## Vigilantisme as ’n verskynsel van politieke verval in die post-1994 Suid-Afrikaanse bedeling

Slegs beperkte navorsing is gedoen op die terrein van vigilantisme in Suid-Afrika. Vigilantisme beskryf ’n situasie waar burgers die reg in eie hande neem teen die agtergrond van gebrekkige wetstoepassing deur die staat en ’n openbare regsorde wat besig is om in duie te stort. Binne ’n onstabiele politieke omgewing en ’n gebrekkige openbare regsorde, het groepe soos People Against Gangsterism and Drugs (PAGAD), Mapogo-a-Mathamaga en straatshowe (people’s courts) begin optree as vigilante organisasies. Hierdie artikel konsentreer op vigilantisme in Suid-afrika teen die agtergrond van ’n openbare regsorde wat besig is om te disintegreer.

South Africa astonished the world by going through political transformation without the expected political turmoil. Although much has been achieved in South Africa during little more than ten years of democracy,<sup>1</sup> the South African transition has also reflected patterns of political instability and decay. Political decay, the opposite of those goals related to political transformation, has been evident in:

- political violence resulting in deaths, as experienced in KwaZulu-Natal;
- corruption in almost every state department, and
- political extremism, such as the bombings of 30 October 2002.

The focus of this article, however, will be on vigilantism as a feature of political decay in post-1994 South Africa. Many South Africans are refusing to tolerate the police's perceived inability to cope with crime and taking the law into their own hands, sometimes with direct consequences. This type of "justice" has many names, such as popular justice, kangaroo courts, witch-hunts or vigilantism, the latter being the preferred term here. Vigilantism manifests itself in various forms, from enraged members of communities taking the law into their own hands to organised groups like people's courts and even more structured groups such as People Against Gangsterism and Drugs (PAGAD) and Mapogo-a-Mathamaga (Meyer 2000: 7).

As one of the features of political decay, vigilantism may cause a country to move from a state of "politics of structure" to a state of "politics of survival", as explained by Duvenhage (2003: 47). Migdal (1987: 391) refers similarly to a movement from a "strong state" to a "weak state". Vigilantism undermines the state's authority as it takes over one of the most important roles of the state, that of providing security for its citizens, and it results in political decay.

Vigilantism will be discussed and analysed as a feature of political decay in the post-1994 context by making use of statements relating to tendencies, occurrences, and manifestations, as well as case studies of "people's courts" and structured vigilante groups such as PAGAD and Mapogo-a-Mathamaga, which dominated the vigilante scene from 1996

1 Cf President Thabo Mbeki's State of the Nation Address of 2005 for the achievements of his government during the first decade of democracy.

to 2002. Little research has been done on this topic in South Africa with regard to theory development; this article is thus exploratory in nature and will introduce the topic and prepare the terrain for further research.

The article will take a deductive approach, using general, established theories and models of political decay such as those of Duvenhage (2003: 50-9), Geldenhuys (1999: 38-46) and Migdal (1987: 391), as well as concepts relating to political decay and its features, in particular vigilantism, with the focus on post-1994 South Africa.

## 1. Conceptualisation

The first question that needs to be answered is: “What is vigilantism?” The word derives from “vigilante” (from the Spanish word “vigilant”), meaning “a member of a self-appointed group of people who undertake law enforcement in their community without legal authority” (Soanes 2001: 1020). According to Johnston (1996: 222-32), six elements characterise vigilante activity:

- Vigilantism is more than a sporadic act as it involves premeditation, planning and organising. For vigilantism to occur, the participating agent must engage in some form of preparatory activity such as the surveillance of an intended victim. Organising is also an important part of planning, whether the vigilante acts are “once-off” events such as mob justice or involve more long-term mobilisation of members for some highly organised collective end as in the case of vigilante organisations such as PAGAD and Mapogo-a-Mathamaga.
- Vigilantism is conducted by private citizens acting on a voluntary basis. There are exceptions, whereby a vigilante group’s services may not be free and volunteers or “members” may have to pay an annual fee in order to receive assistance or protection.
- It is an activity undertaken without the state’s authority or support. According to Sekhonyane & Louw (2002: 26), vigilante groups very often engage in illegal acts such as kidnapping, *crimen injuria*, malicious damage of property, theft, robbery and sabotage.
- Force is either used or threatened. The aim is to create a level of intimidation greater than that used by the state. Violence is a common feature of vigilantism and this suggests that the exercise of force is a necessary element in any vigilante engagement. Research

done by Harris (2001: 3) has shown that violence, especially in the extreme form of capital punishment, is an integral feature of vigilante methods.

- Reaction to crime and social defiance in a community is a reaction to the real or perceived transgression of institutionalised norms. Nina (2000: 20) writes that vigilantism exists to protect the community against crime or social decay. Vigilantism with a focus on social control does not necessarily involve the appropriation of sovereign state power or any threat to this power. Vigilantism with a focus on crime control, however, represents a threat to the state and its sovereignty. The perception that order is under threat seems to be the key indicator for the emergence of a vigilante reaction.
- Through personal and collective security vigilantism aims to offer people the assurance that the established order will prevail. The motivation for many vigilante actions arises from a popular desire to “do something” when formal systems of control appear ineffective. Vigilantes are therefore self-appointed law enforcement groups that emerge due to the non-existence, inefficiency or corruption of government security structures (Anon 2003b: 16).

Another element characteristic of vigilantism, but not mentioned by Johnston, is that vigilante actions often involve a conspiracy of silence. There have been incidents of such action in post-1994 South Africa in which a group of residents killed a suspected criminal. These incidents are seldom reported, nor do any witnesses come forward (Minnaar 2003: 16). Vigilantism is shrouded in a conspiracy of silence due to feelings of intimidation, or support, or fear of being convicted of vigilante people’s courts to flourish as it “protects” those involved in vigilante acts. It increases the danger which vigilantism poses to a state, as the government may not realise the scale of the problem until its authority has been undermined to a point where it cannot be rectified without brute force.

After thus having reviewed the main elements that characterise vigilantism, two definitions of vigilantism, those of Johnston and Scruton, can be highlighted as the best yet provided.

Johnston (1996: 196-232) uses the elements he identified as characterising vigilantism to define it as:

... a social movement giving rise to premeditated acts of force – or threatened force — by autonomous citizens. It arises as a reaction to the transgression of institutionalised norms by individuals or groups — or to their potential or imputed transgression. Such acts are focused upon crime control and/or social control and aim to offer assurances (or ‘guarantees’) of security both to participants and to other members of a given established order.

As defined by Scruton (1982: 485-6), vigilantism is:

A volunteer police force, exercising rough justice in the absence of adequate enforcement of the law [...] no state can recognize the legitimacy of a vigilante force, since this would be to grant to an autonomous force actual legislative and executive powers. In which case the state ceases to be sovereign, and so ceases to have authority to grant those powers.

In our opinion, however, the following definition of vigilantism may be considered to best represent the character of the phenomenon as discussed above and as applied to the post-1994 South African context:

Vigilantism comprises illegal and violent acts or threats of such acts directed at individuals threatening the community order, by self-appointed law enforcement groups consisting of private citizens in reaction to the absence or ineffectiveness of formal systems and aims to reclaim order, and protected by a conspiracy of silence.

## 2. Theoretical point of departure

According to Duvenhage (1999: 30) a strong state succeeds in developing mechanisms for social control which offer the possibility of penetrating society, regulating social relationships and purposefully exploiting human and natural resources. If a state therefore starts to lose social control, its control mechanisms may be deemed to have been insufficient and/or ineffective, paving the way for patterns of political decay.

As a feature of political decay, vigilantism can be the cause for a country to move from Duvenhage’s (2003: 47) “politics of structure” to a “politics of survival”.<sup>2</sup> In short, the state as a form of politics of structure can be defined, according to Heywood (2002: 431), as:

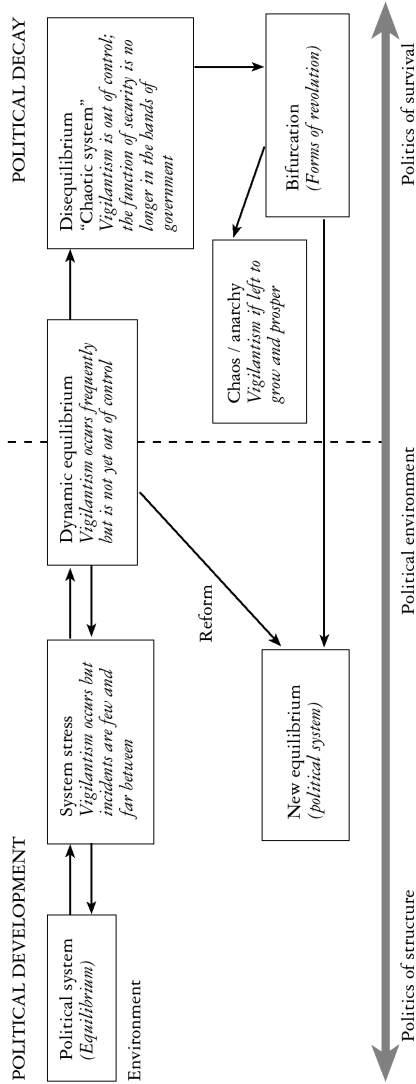
2 Cf Duvenhage (2003: 42-71) for a detailed analysis of “politics of structure” and “politics of survival” and their relationships with patterns of political decay.

A political association that establishes sovereign jurisdiction within defined territorial borders, characterized by its monopoly of legitimate violence.

Max Weber argued that the monopoly of legitimate violence is the practical expression of state sovereignty (Heywood 2002: 87).

“Politics of survival” — or what Geldenhuys (1999: 38) describes as a collapsed state — refers to a government that does not have the ability to provide order and regularity. According to Duvenhage (2003: 47), “politics of survival” means a situation in which political structures have almost totally collapsed and continuity in existence has been replaced by political instability. The breakdown of the state is, according to Geldenhuys (1999: 38), a multi-faceted phenomenon. Depending on the level of decay, it may manifest itself as a soft state, a weak state or a collapsed state. In the soft state, the incidence of corruption is very high. The weak state is characterised by serious divisions, system stress and even violent conflict among its population groups. In the collapsed state, law and order are no longer present and the existence of the state as an independent political entity is threatened. However, a country does not simply fall into one category or another (“politics of structure” or “politics of survival”); it will go through stages, which can assist us in determining where South Africa lies on the line between the two extremes in terms of vigilantism as a manifestation of political decay in the post-1994 era. The following diagram, which is an adaptation of Duvenhage’s (2003: 63) model, illustrates where vigilantism can feature in the different phases within the spheres of political development and political decay:

Vigilantism illustrated within Duvenhage's diagram of political development and political decay



System stress, or Geldenhuys's soft state, is one of the first symptoms and stages of institutional decay. It refers to those features or circumstances that impact negatively on the functioning of the system (Duvenhage 2003: 52). Modern vigilantism arises when two circumstances occur: first, communities believe (rightly or wrongly) that public tranquility is under threat from escalating crime and social disorder; secondly, they believe that the criminal justice system is failing to deal with the perceived crime levels, because of a lack of resources, or inefficiency, or even misplaced priorities (De Klerk 1999: 49). Vigilantism can therefore be a reaction to system stress. All political systems, however, experience system stress, especially during times of change. If the system is unable to correct the symptom, it will move towards a phase of dynamic equilibrium/weak state and in the next phase towards survival politics and a prominent pattern of political decay (Duvenhage 2003: 54). It is therefore understandable that South Africa experienced system stress in its first years of democracy due to the political processes related to transformation. Transformation in this context refers to

... a rapid, progressive, comprehensive and fundamental change of society (as a reaction against an unjust past), which takes the form of central planning (social and political engineering) with [an] emphasis on the management of change in general and conflict management in particular (cf Duvenhage 2004: 7).

Signs that South Africa was moving from the stage of system stress to that of dynamic equilibrium (according to this theoretical perspective) began to show as early as 1996 with the establishment of organised vigilante groupings such as PAGAD and Mapogo-a-Mathamaga. In terms of this perspective, the state of dynamic equilibrium refers to situations where an environmental crisis can result in an immeasurable dynamic, which in turn may result in abnormal demands on the ability of the system. This dynamic, however, does not threaten the whole system and can be time- or place-specific (Duvenhage 2003: 54). Geldenhuys (1999: 43) describes this stage as characterised by a lack of internal cohesion and low bureaucratic abilities. In determining whether a country is a strong state or a weak state, Migdal (1987: 397) suggests asking the question: "Who makes the rules?" If the government's rules are being replaced by those of non-state role-players, as is the case with Mapogo-a-Mathamaga, PAGAD and people's courts, then clearly the country is showing signs of being or becoming a weak state. Vigilante groups are



perceived by themselves and the communities in which they operate as above the law or, indeed, as the law. In KwaZulu-Natal a vigilante group known as the Black Scorpions, which has been responsible for many deaths, is described by the community as not operating beyond the law as it is the law, and its results are appreciated (Vanderhaeghen 2003: 6).

When government loses its position as the sovereign political institution and comes into conflict with other political non-state actors within the same boundaries, who then deliver government services due to the government's inability to do so, the state finds itself in a phase of disequilibrium. This situation is characterised by continuous adaptation in order to survive in an environment where the strongest dominate (Duvenhage 2003: 59). According to Geldenhuys (1999: 44), fragmented sovereignty is a characteristic of this stage. Van Creveld (1991: 225) states that a state's sovereignty may be undermined by organisations or groups that refuse to recognise the state's monopoly over violence as the practical expression of that sovereignty, as argued by Max Weber. Van Creveld (1991: 20) also writes that actions by such organisations or groups can leave the security mechanisms of the state in a vulnerable position with regard to the most basic function of the state, namely, the maintenance of order, stability and safety. The dangers of the growth of alternative forms of policing are that they represent initiatives outside of and uncontrolled by any state authority able (or willing) to replace the formal public policing apparatus. The medium- and long-term threat is that vigilante action can spread and even become institutionalised. This can result in a drastic increase in intra-state conflict and violence. The longer people feel unsafe and see a need to take the law into their own hands, the greater the chance that they will fail to perceive the democratic government and the political process as believable guarantees of their personal safety.

Migdal (1987: 401) identifies a triad as responsible for order in a weak state. At the top, where decision-making takes place, are the politicians. One leg of the triad is the bureaucrats, who have the state's resources at their disposal; the other is what Migdal calls the "strongmen", who provide order where the state is incapable of doing so. It seems as if in South Africa the role of the "strongmen" has been taken up by various vigilante groups which enforce their own rules and (in their own opinion) ensure social stability in their self-designated areas.

The problem, however, according to Migdal (1987: 402), is that as long as these “strongmen” — for example the Black Scorpions in KwaZulu-Natal — continue to offer viable strategies of survival for residential areas plagued by crime, there are no channels for government to marshal public support and little motivation for the public to give such support. If this situation continues, South Africa will surely find itself in a phase of disequilibrium (Duvenhage 2003: 57-8), or what Geldenhuys (1999: 37-56) refers to as a collapsed state. See also Zartmann’s (1995: 1) description of disequilibrium as “... a situation where the structure, authority (legitimate power), law and political order have fallen apart and must be reconstituted in some form, old or new”. Within this context this perspective is applicable to those parts of South African society where vigilantism is prominent. Although PAGAD and Mapogo-a-Mathamaga are no longer active as structured vigilante groups, their impact is still relevant to those looking for ways of ridding their communities of criminals on their own. At the start of 2001, with the decline in the prominence of PAGAD and Mapogo-a-Mathamaga due to arrests, Minnaar (2001: 5) noted that certain communities had “... continued to experience significant numbers of violent vigilante or mob justice incidents”, which he described as a continuation of what PAGAD and Mapogo-a-Mathamaga had popularised, although adding that the people’s courts were less visible to those outside of the community as well as more exclusive and clandestine.

With this conceptual and theoretical framework of vigilantism as a phenomenon in post-1994 South Africa, the focus can now shift to the phenomenon itself and to its manifestations, as well as to the environment in which it is clearly thriving.

### 3. Vigilantism in post-1994 South Africa

A mere two years after South Africa’s first democratic election in 1994, people were expressing disappointment with slow service delivery and rising crime levels as well as a growing perception of the criminal justice system as ineffective and slow, which led to many people taking the law into their own hands. This is evidenced by the common explanation among current proponents of vigilantism that the ANC-led government and the country’s new Constitution have afforded rights to criminals at the expense of victims. The police and the courts are

also alleged to have become less effective, more corrupt and completely unable to stop crime (Sekhonyane & Louw 2002: 3). Minnaar (2003: 2) writes that actions of vigilantism in informal settlements are not only an expression of people's anger and frustration at a system that does not work for them but also of their fear of the criminals who rule their areas.

Despite the high incidence, very little information exists on the exact number of alleged criminals assaulted or killed by vigilante groups since 1994. Few such incidents have received media attention as they are often accompanied by a conspiracy of silence. It has, however, emerged that Gauteng residents stoned to death more than twenty suspected criminals in the period 1999 to 2001 (Motale 2001: 1). Figures recorded in the Race Relations Survey for 2000-2001 show that vigilantes murder a suspected criminal every three days in order to avenge a violent crime against a member of their community or in a bid to halt the seemingly inexorable rise in crime. As the survey only represented reported vigilante killings, there may have been even more than the 137 incidents (Laurence 2002: 1). Another indication of the number of vigilante incidents is that from 1996 to 2000 almost 300 charges of assault, murder and attempted murder were laid with the police against members of Mapogo-a-Mathamaga (Sekhonyane 2001: 11). Police also estimated in early 2000 that as many as 700 acts of violence, for which PAGAD was allegedly responsible, had been recorded since 1996 (Ray 2000: 3). The 2002/2003 SAPS Annual Report indicates that court records in the various provinces link hundreds of cases of assault, attempted murder, malicious damage of property, arson and murder during the 2002/2003 period to vigilante action (Anon 2003b: 1).

More recently, Goldstone (2005: 1) has shown that such action has continued and is even on the increase in certain areas of South Africa, such as Durban. Mob justice is frequent in Umlazi and extremely violent means are used, with victims being stoned, axed or stabbed. Vigilantism in KwaZulu Natal has led to 107 arrests on charges ranging from assault and possession of illegal weapons to kidnapping and murder (Kockott & Keal 2003: 3).

A report issued by the Independent Complaints Directorate in 2005 stated that there had been an increase of 184% in vigilantism cases and that it poses a particular problem in Gauteng (Benton 2005 : 1).

This percentage refers to the 71 deaths in police custody as a result of injuries prior to custody, during the period March 2004 to March 2005. The statistics, however, do not indicate the number of suspects who were dead on arrival.

Under these circumstances, communities in South Africa have reason to fear for their lives, as everybody is a potential victim of vigilante activities. Very often the victim is not the actual offender, but someone who just happens to be in the wrong place at the wrong time (Anon 1997: 8). It is thus important to determine the reasons for the occurrence of this phenomenon in post-1994 South Africa as it is clearly placing the country on the path to the phase of political decay and disequilibrium with regard to its sphere of security and justice.

The reasons for the occurrence of vigilantism in post-1994 South Africa include the ineffectiveness of the criminal justice system, the high crime rate, the fact that businesses and communities feel threatened by the lack of control, the role of the traditional authorities, and problems among the youth.

The criminal justice system has failed the majority of the people in South Africa, especially those in informal settlements, who do not have easy access to either the police or the justice system and suffer insufficient service delivery by local SAPS branches. It is in such communities that vigilantism thrives. Access to the police is negatively affected by various challenges facing the SAPS, such as limited resources (both human and material), an overly centralised and bureaucratic hierarchy, a lack of appropriate skills and training, a shortage of managerial expertise, and limited intelligence and investigative capacity (Sekhonyane & Louw 2002: 20). According to a study done by Buntman & Snyman (2003: 208) in 2000, 30% of SAPS members were illiterate and at least 11 000 officers did not possess a driver's license. Access to justice is impeded by both physical and resource-related constraints. These make the police and the courts inaccessible, resulting in reduced participation in criminal justice processes. A lack of understanding about the complex legal system also plays a role (Sekhonyane & Louw 2002: 20).

During the 2001/02 financial year 2 520 000 crimes were recorded, an increase of 25% over an eight year period. During 2001/02 one recorded crime in three involved violence or the threat of violence.

Between 1994 and 2002 violent crime increased by 33% (Leggett 2003: 1-2). Of the 2 600 000 million crimes recorded by the SAPS in 2000 only 610 000 (less than a quarter) went to court, and 271 000 (11%) to trial, with only 211 000 (8%) ending in convictions (Schön-teich 2002: 2). According to Turrel (2001: 18), the distribution of South Africa's police personnel is seriously skewed, with about 80% serving in the suburbs and central business districts, and only 20% in the townships. It is clear that the crime rate is high, that the success rate of the criminal and justice systems is poor, and that they may therefore simply be perceived as failing, despite valid reasons such as lack of resources. After more than ten years of democracy people want order and security — even if they have to obtain it themselves via vigilantism.

Although crime is an underlying reason for vigilantism in post-1994 South Africa, there are also other reasons, such as business and communities that feel threatened by a lack of control. PAGAD came into being when a group of concerned people held house meetings to address the community's problems, specifically gangsterism and drugs (Kempen 1999: 8). Due to the lack of control in the community these two evils were flourishing and becoming a threat to community life as a whole. On the other hand, Mapogo-a-Mathamaga was established by a group of businessmen after eight of their peers had been killed in separate incidents of violence (Kempen 1999: 8). They felt that their lives and businesses were threatened by the increase in violent crime and decided that becoming a united force would make them better able to reclaim control, which would bring security. A community or group which feels threatened because it perceives the formal system to be failing to provide safety and security turns to vigilantism in an attempt to regain control.

“Traditional authorities” can also be viewed as part of the triad identified by Migdal (1987: 401) as responsible for order in the state. In the South African context, “traditional courts” imply the rule of the “strongmen”. Such courts — also known as “chiefs’ courts” — have always played a crucial role in the dispensing of justice in African communities. They exist for almost every area or jurisdiction of a chief or headman. They use customary law, consisting of the rules and customs of the particular community. Many African people still iden-

tify with their customary law, rather than with other laws, which have been described as baffling the learned and the ordinary people alike (Peters 1999: 9). For example, community elders at Boipatong in the Vaal Triangle vowed to continue operating their people's court (which they call an *imbizo*, or traditional gathering), despite instructions from the police to desist. They say that they will continue to beat suspected criminals because when they hand them over to the police they are set free on the basis of so-called human rights. The people's court is, according to them, their only weapon against crime (Mothaneli 1997: 8).

The final problem relates to the youth. Some are involved in crime and therefore a target of vigilantism, while others are themselves involved in vigilantism, sometimes driving vigilante groups. An example is the MEYAC, which allegedly assaults "criminals" with pick handles, sjamboks and stones (Kotlolo 1999: 2). According to Magolego, in an interview, "South African youth is sick. It must be cured of the temptation of crime..." (Dumay 1999: 25). In some communities lawless youths rob, rape and steal with impunity.

To advance our understanding of the specific reasons for the existence of some of these vigilante groups and of their strategies and activities, the "people's courts", PAGAD and Mapogo-a-Mathamaga will now be discussed as case studies within the framework of vigilantism.

#### 4. Case studies

The case studies to be focused on are PAGAD, Mapogo-a-Mathamaga and the "people's courts". These case studies will show how organised vigilante groups — a better indicator of political decay than sporadic acts of vigilantism — have come into being in post-1994 South Africa. Their level of organisation will also indicate the phase of political decay in which South Africa may be classified, between dynamic equilibrium and disequilibrium (in terms of the Duvenhage model) as the government has lost control over some of these groups and the areas that they "rule" (see diagram).

##### 4.1 PAGAD — People Against Gansterism and Drugs

In the midst of the crime wave that broke over South Africa since its first democratic elections in 1994, PAGAD established itself as a pro-

minent vigilante group in the country, and successfully took the law into its own hands (Edmonds 1998: 28).

PAGAD started out as a group of about ten concerned private citizens, residents of the Cape Flats, who held house meetings to address certain problems in the community, focusing on the twin scourges of gangsterism and drugs. As support grew, house meetings turned into public meetings, and by 1996 PAGAD was able to act as a pressure group, mobilising thousands of people at any given time, all on a voluntary basis. Its aim was to bring about a just social order and to rid the community of gangsterism and drugs by making people more conscious of the problem (Kempen 1999: 8).

PAGAD devised a two-pronged strategy for combating crime: confrontation directed at the government, and confrontation directed at those who perpetrate crime (Botha 2001: 46). PAGAD's activities were all well planned, and aimed at specific individuals, drug merchants and gangsters. PAGAD was also well organised, with Farouk Jaffer as the first co-ordinator of its leadership structure (Botha 2001: 39). Throughout its existence, PAGAD has adopted a militant approach to achieving its objectives, which is evident from the organisation's paramilitary-style attacks on the homes of suspected drug dealers. On the one hand, PAGAD engaged in a number of open, non-violent and largely legal activities. On the other, PAGAD's G-force engaged in violent, illegal activities (Botha 2001: 52). The latter crossed the line in detonating a bomb outside the offices of the police special investigation task team on 6 August 1998, a sure indication that PAGAD was no longer a vigilante group (in terms of the definition of vigilantism), but had become involved in urban terrorism (Botha 2001: 54).

PAGAD thrives on secrecy (Edmonds 1998: 28), as can be seen when its members cover their faces during protests and marches. There is also a clear division between its open activities and those planned and executed by its more covert structure, G-force.

PAGAD indeed started out with all the characteristics of a vigilante group, but its acts of urban terrorism from 1998 moved it into a more extreme and violent category, and one with a fundamentalist Islamic focus. Its methods, such as bombings and assassinations, focused on political targets, including public places and government structures — a clear indication that it had become a terrorist group

and was no longer a vigilante group. This demonstrates how essential it is that a government react immediately against vigilante groups that take the law into their own hands, and how dangerous it is to allow them to grow and prosper — potentially resulting in chaos and anarchy (see previous diagram). Vigilante groups are ideal vehicles for extremist groups to hijack for their own political goals.

#### 4.2 Mapogo-a-Mathamaga

Mapogo-a-Mathamaga was established in August 1996 when local traders in the Sekhukhune district of the Northern Province decided to form a unit, in the wake of the killing of eight local businessmen in separate incidents of violence. The name Mapogo-a-Mathamaga was taken from a SeSotho proverb, which says that when a leopard is confronted by a tiger it turns into a tiger itself (Kempen 1999: 8). The organisation has claimed that its membership grew from 100 in 1996 to 70 000 in 2002, including many white farmers and businessmen, and that it has 72 branches throughout South Africa (Sekhonyane & Louw 2002: 36).

Mapogo-a-Mathamaga was the largest and most active established vigilante group in South Africa. It had both an urban and a rural base, with membership in at least five provinces; it had support from members across race and class divisions; it had paid-up members; it operated like a private security company, and offered a price flexibility that allowed it to serve the poor as well as the wealthy. This achievement made it a more serious threat to the new South African democracy than other similar organisations (Sekhonyane & Louw 2002: 28) such as those referred to under “people’s courts”. Covering a far wider base than a single community, it was much more difficult to control.

Mapogo was, according to Ooman (1999: 46), well organised and professional, and maintained a high public profile. It was led by an executive committee, with a general council and a management body. Its founder, John Magolego, was its life president.

The methods used by Mapogo were brutal and violent, including sjambokking a suspect, dragging him/her behind a vehicle and in some cases even dangling a suspect in a crocodile-infested river. Suspects were also made to swallow a specially prepared concoction to “cure” them.



According to the organisation, such methods were nothing new in the African tradition and its disciplinary actions needed to be considered in the context of African culture (Barron 1998: 18). According to Ngobeni (2001: 34), more than 20 people had died at the hands of Mapogo members by 2001.

What distinguished Mapogo from other vigilante groups is that prospective members had to pay a membership fee (for “protection”, among other things). Only members or clients received protection from Mapogo (Sekhonyane & Louw 2002: 38), and although Mapogo’s vigilante activities were conducted by private citizens, this was not on a voluntary basis.

Despite the high number of arrests, only 14 Mapogo members (all mere foot-soldiers) have been convicted of various offences. According to a police investigating officer, the reason for the low conviction rate is that witnesses and police officers involved in the investigations have been intimidated by members of Mapogo (Sekhonyane & Louw 2002: 45). Mapogo’s high membership numbers proved that it was in demand and appreciated, which in turn indicated approval of its methods and ensured a conspiracy of silence among its members.

Mapogo-a-Mathamaga flourished in the context of the high crime rate in South Africa, which ensured its expansion to become a national vigilante group across all races. Mapogo’s focus, however, was not only to restore social order in crime-ridden areas; it also had an economic focus, as it charged its members a fee for its services. Mapogo can therefore be viewed as a vigilante group that turned into a business. The fact that so many people were willing to pay for its services re-emphasises the magnitude of both the crime problem and the state’s failure to ensure the safety of its citizens. Although Mapogo-a-Mathamaga is no longer active, it has been estimated that the private security industry in South Africa has grown from R141 million in 1978 to R14 billion in 2006. According to a recent survey there are 283 700 registered guards in South Africa, employed by 4 200 businesses. There are far more private security guards than state police officers. There are approximately 2 500 private security firms in South Africa (Engelbrecht 2003: 1). Although these firms do not act as vigilante groups, their existence is an indication of the need for private security. In the poorer townships and rural areas the same needs exist, but are addressed through people’s courts.

### 4.3 People's courts

Minnaar (2003: 3) writes that communities experiencing lawlessness, a minimal police presence, and a culture of violence see community vigilantism ("people's courts") as a legitimate attempt to maintain a form of law and order. It would appear that, over the years, vigilante activity has become more prevalent in the informal squatter settlements in South Africa, where very little official control or basic service delivery by the authorities occurs. The informal settlements that have received considerable media attention due to their vigilante activities are Khayelitsha, Gugulethu, Boipatong, Nyanga, KwaMaye and Ivory Park.

An example of private citizens becoming involved vigilante activities on a voluntary basis is that of the Gugulethu community in the Western Cape, which has been plagued by crime for years. Reporting cases of crime to the local SAPS office achieved no results, so the community started reporting crime-related incidents to taxi drivers at the Gugulethu taxi rank, who became known as the law-enforcing zone committee. The Gugulethu taxi rank became an informal charge office where residents queued to lay charges and seek help in recovering stolen property (Ntabazailila 1998: 13).

People's courts also comply with the vigilante characteristics of premeditation, planning and organisation: for example, the bail imposed on an accused by the courts is paid by the community in order for the person to be released for judgment and punishment by the people's court (as occurred, for instance, in July 1999 in the Winnie Mandela Squatter settlement east of Johannesburg) (Dempster 2002: 2).

The people's court run by the Eyona taxi association has taken over policing in Gugulethu. It handles more than 15 cases a day and is heavily biased in favour of complainants. It acts outside the law as suspected criminals are frequently sjambokked in the "court", sometimes until they lose consciousness; some even die as a result of their injuries (Pokwana 1999: 1). In July 1999 eight men from this people's court in Gugulethu were arrested and charged with kidnapping, attempted murder and murder (Mokwena 1999: 3), all of which are acts of extreme violence.

When suspects are killed or badly beaten after being judged by a people's court, it is not reported and no witnesses come forward, even if thousands of people witnessed it (Minnaar 2003: 2). The reasons for this silence are fear, or consent, or both.

In terms of the definition used earlier, people's courts thus comply with all the characteristics of vigilantism identified earlier (see the relevant conceptualisation).

## 5. Evaluation

Vigilantism is a threat to the empirical (functional) status of South Africa as a state in the post-1994 era. It has become an all-too-familiar phenomenon in too many residential areas in the country.

As a feature of political decay, vigilantism has moved through almost all of the stages of political decay identified by Duvenhage. The first two years of democracy experienced vigilantism in the stage of system stress, which was not a source of concern, as all states that go through the process of transformation experience system stress. The phenomenon should, however, have been an indication that all was not well. In 1996 South Africa saw the birth of two organised and structured vigilante groups, PAGAD and Mapogo-a-Mathamaga. They arose in reaction to the failure of government to ensure the safety of its citizens in the first two years, the high crime rate and the perception of the criminal justice system as ineffective and inefficient. The result was that South Africa had moved on to the next phase of political decay, namely dynamic equilibrium, by the end of 1999. The fact that PAGAD and Mapogo are no longer active as vigilante groups has not lessened the incidence of vigilantism in South Africa, only its visibility. People's courts are just as active but operate much more clandestinely and out of sight of the media than PAGAD and Mapogo did.

If the government does not improve its record on the delivery of law enforcement, South Africa has the potential to move to the next phase of decay, with the possibility of the state's sovereignty being affected. The support that vigilante groups enjoy from the communities in which they operate (and in Mapogo's case, that people were willing to pay to become clients of such a vigilante organisation) is a serious clarion call. Many people prefer to approach their vigilante group/organisation rather than the SAPS, as they feel that they will then at least see some results. Government is increasingly losing control in many informal settlements, to the extent that the SAPS cannot enter them without a vigilante escort. This means that the state is not the only institution making rules. In answer to Migdal's (1987: 397)

question: “Who makes the rules?”, in South Africa the rules are made by both the state and the strongmen as identified in Migdal’s (1987: 401) triad — and this situation undermines the sovereignty of the state. Van Creveld (1991: 225) notes that it is precisely such groups or organisations that undermine the state’s sovereignty, as they refuse to recognise its monopoly over violence. According to Max Weber (Heywood 2002: 87), control over violence is the practical expression of state sovereignty.

The government will therefore have to start educating the people with regard to the processes of the criminal justice system and their rights according to the Bill of Rights. The criminal justice system must be made more effective, starting with the distribution of police stations, which must also increase visible, efficient and effective policing, especially in informal settlements. Finally, the government must adopt a zero-tolerance attitude towards vigilantism in order to stop the growth and popularity of this phenomenon before it topples South Africa into the phase of disequilibrium.

Since little research has been done on the topic of vigilantism for the development of a theory, this article can provide only an exploration of the topic. The current tendencies of vigilantism in post-1994 South Africa indicate that the phenomenon is not going to fade away over time, but rather that it will grow in importance and may have an increasing effect on the stability/instability of the country. Theory is therefore essential in order to provide a more detailed and nuanced understanding of vigilantism, which should improve the authorities’ ability not only to control it, but to eliminate it from society.

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