

**VIGILANTISM AS A FEATURE OF POLITICAL DECAY
IN THE POST-1994 SOUTH AFRICAN DISPENSATION: A
THEORETICAL PERSPECTIVE**

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IN THE POST-1994 SOUTH AFRICAN DISPENSATION: A
THEORETICAL PERSPECTIVE**

BY

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Herewith I declare that the dissertation that is submitted by me for the degree Doctor in Governance and Political Transformation at the University of the Free State, is my independent work and has not previously been submitted for a degree at another university in another faculty. I hereby also abdicate copyright on the dissertation in favour of the University of the Free State.

“...men live without other security, than what their own strength, and their own invention shall furnish them withal...” and life would be under such circumstances “...solitary, poor, nasty, brutish and short...”

Thomas Hobbes, 1904

Thank you Lord for giving me the strength, guidance and insight throughout this study!

I would like to dedicate this study to my brother who taught me to work at making all my dreams come true and not just the easy ones,

to my husband, Johan, for his continuous support through this long process,

to my son Eben for his patience with his mom

and to my parents for their prayers.

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CHAPTER ONE

INTRODUCTION

1.1 ACTUALITY AND MOTIVATION

In Latin America vigilantism has become a common phenomenon over the past decades undermining the sovereignty of those states, their stability and democracy. “From Venezuela and Guatemala to Bolivia and Peru, angry crowds are increasingly taking the law into their own hands, meting out physical punishment for crimes real or imagined” (Johnson, 2004: 24). According to Johnson (2004: 24), vigilantism in Latin America is most common in areas where people have lost faith in their civic and political institutions. The people no longer trust the police or judicial officials to care about their duties or the people they have been entrusted to protect. The picture Johnson paints has a number of parallels to the post-1994 South African situation.

South Africa astonished the world by going through political transformation and not ending up with the occasionally expected and predicted political instability. Although much has been achieved in South Africa during 13 years of democracy, the South African transition also reflected patterns of political instability and decay, which work against goals related to political development / positive change. Political transformation requires according to Human (1998: 23) “...extraordinary effort and insight ... it is unnatural; it goes against the grain of ... creatures of habit”. Human (1998: 46) further writes that “... transformation is of no value unless it involves the transformation of the mind”. Political transformation includes reactive, progressive, planned, fundamental, rapid and non-violent change. Political transformation therefore can result in either positive (political development) or negative (political decay) change. South Africa started with a process of political development, but then also experienced features of political decay. Political decay is described by Duvenhage (2003: 44) as negative political change and is associated with an inability of the state to provide

law and order, stability, security and good governance to all its citizens. In this study the focus is on negative change / political decay as the probability of occurrences of vigilantism is much higher in such an environment although not exclusively.

Political decay has manifested in South Africa through:

- Political violence resulting in deaths, as experienced in KwaZulu-Natal. More than 50 people have been killed in politically related incidents since September 2002 in KwaZulu-Natal, which is rooted in the African National Congress (ANC) and Inkatha Freedom Party's (IFP) long-standing animosity and ethnic conflict (Anon a, 2003: 1).
- Corruption in just about every state department in South Africa. According to Transparency International, almost R2 billion was lost in 2003 to corruption in social welfare and R1 billion in the labour ministry (Tyler, 2005: 1).
- Political extremism of which the bombings of 30 October 2002 by rightwing extremists are evidence of political decay (Schönsteich, 2003: 1).
- The high crime rate. During the 2001/02 financial year 2,52 million crimes were recorded, an increase of 25% over an eight year period. During 2001/02 one in three crimes recorded involved violence or the threat of violence. Between 1994 and 2002 violent crime increased by 33% (Leggett, 2003: 1-3). In 2008 the government acknowledged that the crime rate has overpowered them. It is reported that a large percentage of the more than two million crimes that are being reported at SAPS are never solved (Steenkamp, 2008: 1-2).
- Xenophobic attacks from March to May 2008 which resulted in 42 deaths and 27 000 people being displaced (Tshabalala & Dibetle, 2008: 4). Although xenophobia and vigilantism can be placed under the same family of actions taken by people showing their dissatisfaction in a violent way, there are also very distinct differences, particularly regarding "who is the enemy?". Xenophobia has only recently, 2008, become a phenomenon within the South African context that impacts on stability while vigilantism has been a regular

feature in South Africa before and after 1994. Xenophobia is not the focus of this study, but only vigilantism because it has a track record in the history of South Africa that continues to be a reality in many communities. [The differences between xenophobia and vigilantism will be discussed in Chapter Seven under the case study of people's courts.]

An important aspect of political decay is also the presence of vigilantism. Vigilantism can be described as a phenomenon in which people take the law into their own hands, making use of violent methods due to the absence of adequate law enforcement by the state. Figures recorded in the Race Relations Survey for 2000-2001 show that every three days vigilantes, 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, murder a suspected criminal. The figure may have been even higher than the 137 killings for the mentioned period, as the survey only represented reported vigilante killings (Laurence, 2002: 1). The 2002/2003 SAPS annual report indicates that court records in various provinces reveal that hundreds of cases of assault, attempted murder, malicious damage of property, arson and murder can be linked to vigilante action during that period (Anon b, 2003: 1). Annexure A provides an overview of media articles for the period April 2006 to March 2008 which indicates the relevancy of people's courts as an existing and ongoing feature of political decay in South Africa.

It is therefore clear that many South Africans refuse to tolerate the police's perceived inability to cope with crime and take the law into their own hands, occasionally with dire consequences.

Vigilantism manifests in various forms, from enraged communities taking the law into their own hands to organized groups such as people's courts in communities and even more structured groups such as People Against Gangsterism and Drugs (PAGAD) and Mapogo-a-Mathamaga (Meyer, 2000: 7).

Vigilantism as one of the features of political decay 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) or what Migdal (1987: 391) refers to as from a “strong state” to a “weak state” or even Zartman’s (1995: 1) “collapsed state” where warlords dominate the political scene for example in Somalia, Sudan and Ethiopia. The reason for this is that vigilantism undermines the state’s authority as it takes over one of the most important roles of the state, which is that of providing order, stability and security to its citizens.

Vigilantism as a manifestation of political decay is a growing phenomenon in South Africa and has a negative impact in the state’s sphere of security and justice, which is seen as one of the fundamental functions of the state, namely to provide security and protection to its citizens. The theories of Huntington (1965 & 1968), Migdal (1987), Zartman (1995), Geldenhuys (1999) and Duvenhage (2003) provide theoretical points of departure within which vigilantism can be placed. Insufficient attention has, however, been given in available literature to explain, through theory, the phenomenon of vigilantism itself as a feature of political decay.

1.2 PROBLEM FORMULATION

Vigilantism can be studied from the perspective of Criminology, Public Law, Sociology or even Social Anthropology. For this study the focus will be within the field of Political Science (Governance and Political Transformation). It was found in the study that vigilantism turns the positive process of transformation into a negative process of disequilibrium. Whereas transformation refers to positive change, disequilibrium refers to negative change. The study will therefore refer to disequilibrium and not transformation as the sphere of change within which vigilantism is a feature. However, research previously undertook for a mini-

dissertation for a Master's degree¹ it was found that no specific theoretical basis for the phenomenon of vigilantism exists. Therefore aspects of existing theories within the field of political development and related study fields with contributions, such as those of Huntington's (1965 & 1968) political decay theories, Migdal's (1987 & 1988) strong states and weak states theory and strong societies and weak states, Zartman's (1995) theory on collapsed states, Duvenhage's (2003) perspective of political decay as a pattern of political change and Geldenhuys' (1999) conceptual framework for state collapse, had to be used as theoretical points of departure in order to attempt to explain this phenomenon.

Huntington's *Political development and political decay* of 1965 and his subsequent and extended *Political order in changing societies* of 1968, whose key line of argument was that the interaction between high levels of participation and low levels of institutionalisation contribute to patterns of political decay, provide a general framework for understanding this phenomenon. With this theoretical point of departure a very important paradigm shift took place in the existing literature that paved the way for more detailed studies on the politics of instability and decay (compare Duvenhage, 1994: 72 -142 for a detailed analysis of Huntington's contribution and related paradigm shift).

Duvenhage's key line in his *Political decay as a pattern of political change: a theoretical-exploratory perspective* of 2003, is a de-system analysis and identification of different patterns of decay between the spheres of "politics of structure" and "politics of survival". To a great extent Duvenhage's analysis provided the theoretical basis in the exploratory study on vigilantism as a feature of political decay. Duvenhage (2003: 47) contends that "politics of survival" is a

¹ The mini-dissertation was a partial requirement (96 credits) for the completion of a Masters Degree. It included only limited research and methodology, which differ completely from this study, but through which the need for this study was identified.

situation in which political structures have almost totally collapsed and where continuity in existence is replaced by political instability, and it is under such circumstances that vigilantism features and becomes a threat to the sovereignty of the state. The sphere of “politics of survival” consists of three phases: those of **system stress**, **dynamic equilibrium** and **disequilibrium**. System stress is one of the first symptoms and stages of institutional decay and refers to those features of circumstances that impact negatively on the functioning of the system (Duvenhage, 2003: 52). The state of dynamic equilibrium refers to situations where an environmental crisis can result in an immeasurable dynamic, which results in abnormal demands on the ability of the system. This dynamic, however, does not threaten the entire system and can be time or place specific (Duvenhage, 2003: 54). Disequilibrium is characterised by a continuous adaptation in order to survive in an environment where the strongest dominates (Duvenhage, 2003: 59). Vigilantism features in the phase of system stress, but it is not yet a regular phenomenon. Vigilantism then starts to occur much more frequently in the phase of dynamic equilibrium and should be a red light to the government that they need to control this phenomenon. However, if the government fails in this regard vigilantism will become out of control and take over the function of security and the state will find itself in the phase of disequilibrium. Vigilantism as a feature of political decay has the potential to throw a state into chaos and anarchy if left to grow and prosper.

Migdal's theory ***Strong states and weak states*** of 1987 on the other hand focussed on the weak state concept and the inability of the state to control society. In determining whether a country is a strong state or a weak state, Migdal (1987: 397) wrote that the question “Who makes the rules?” needs to be answered. With that Migdal (1988: 40) also made the following statement that falls within the characteristics of vigilantism: “Where an environment of conflict persists, states have been at loggerheads with kinship and ethnic groups and others”. If the government's rules are replaced by those of non-state role-players

as is the case with vigilante groups such as PAGAD, Mapogo-a-Mathamaga and people's courts, then clearly South Africa is showing signs of a weak state.

Geldenhuys' conceptual framework *Staatsverval* is also within the weak state context. The breakdown of the state, says Geldenhuys (1999: 38), is a multi-faceted phenomenon and manifests, depending on the level of decay, as a soft state, weak state or a collapsed state. In the soft state, incidents of corruption are very high. The weak state is characterised by serious divisions, system stress and even violent conflict amongst its population groups. In the collapsed state, law and order no longer exists and the state's existence as an independent political entity is threatened. A country, however, does not simply fall within one or the other ("politics of structure" or "politics of survival"), but progresses through stages. Other authors emphasizing the same line of thinking are Migdal (1987), Duvenhage (2003) and Zartman (1995).

Vigilantism undermines the sovereignty of the state as it takes over the most important function of the state, namely to provide safety and security to its citizens. The answer to Migdal's (1987: 402) question regarding "Who makes the rules?" will determine where a country finds itself between Duvenhage's phases of system stress, dynamic equilibrium and disequilibrium. If the answer is that vigilante groupings are making the rules to which the citizens of the country respond, then indeed a country finds itself in Zartman's (1995) **Collapsed States**. Vigilantism can therefore be studied within all the above-mentioned theories but these theories also have limitations in explaining the phenomenon vigilantism as they all explain aspects of political decay at a macro level. In other words, they only provide a theoretical backdrop and do not explain it at a micro level where vigilantism needs theoretical attention.

The overbearing limitation of each of these theories used in an attempt to explain the occurrence of vigilantism as a feature of political decay is that none of them viewed or accommodated vigilantism as a feature of political decay even in the

most extreme phases such as Migdal's (1988: 40, 177) weak state, Geldenhuys' (1999: 44) collapsed state or Duvenhage's (2003: 57 - 59) phase of disequilibrium. Low levels of institutionalisation, social fragmentation, lack of control and issues such as corruption are the main focus of the mentioned theories. No mention is made of the role or impact of vigilantism on "politics of structure" or "politics of survival". ***Due to the importance of theory to explain the occurrence of a phenomenon such as vigilantism, further study is needed due to the absence of a more coherent explanation and the limitations of existing theories regarding political decay of which vigilantism is a definite feature.*** Vigilantism can also be viewed as a trans-disciplinary phenomenon as it has been studied from a Criminology, Social Anthropology and Sociology frame of reference and due to the lack of specific theories within the Political Sciences relating to vigilantism, literature from other sciences will also have to be explored in this study in developing a theory in explaining this phenomenon.

Vigilantism is conceptualised through the identification of its key elements which are:

- the involvement of premeditation, planning and organisation although occasionally only minimal;
- acts conducted by private citizens on a voluntary basis;
- activities that are illegal as vigilantes do not have the authority of the state and therefore act beyond the boundaries of the law;
- it always involves violence. Himes (1980: 104) defined violent conflict as the "...intentional struggle between collective actors that involves the application of significant social power for the purpose of injuring, disrupting, or destroying human beings, human psyches, material property and /or socio-cultural structures";
- a reaction to crime and/or social defiance;
- the aim is to provide order due to the absence or ineffectiveness of formal systems; and

- a conspiracy of silence (Swanepoel, 2004: 16 - 17).

In accordance with these key elements vigilantism is defined as "...the 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, protected by a conspiracy of silence" (Swanepoel, 2004: 17, Swanepoel & Duvenhage, 2007: 123 - 145).

A study identified the phenomenon (through conceptualisation and developing an analytical framework) and operationalised three case studies, namely PAGAD, Mapogo-a-Mathamaga and people's courts (Swanepoel, 2004: 48 – 70). However, a more comprehensive theoretical framework in understanding vigilantism was still lacking. It can be concluded that not much research has been done on the topic of vigilantism (especially within the South African context) and that the preliminary study was 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 with time, but rather that vigilantism will grow in terms of importance, when analysing the stability / instability of the country. Literature therefore needs theory for understanding vigilantism, which will also result in improving the ability to not only control it, but to remove it from societies.

1.3 AIMS OF THE STUDY

As already indicated, current available literature lacks order and structure (theory) to explain and understand vigilantism as a feature of political decay. The main aim of the study will therefore be to develop a more comprehensive theoretical explanation of the occurrence of vigilantism within post-1994 South Africa. This will be done through a reconstruction of the field of study concentrating on vigilantism that will involve Huntington's (1965 & 1968) political decay theories, Migdal's (1987 & 1988) strong states weak states theory and strong societies and weak states, Zartman's (1995) theory on collapsed states of,

Duvenhage's (2003) perspective of political decay as a pattern of political change and Geldenhuys' (1999) conceptual framework for state collapse. The secondary aim of the study will be to analyse case studies in order to obtain an understanding of vigilantism after which a theoretical framework will be developed to address the existing gap.

The objectives of the study will therefore be as follows:

- to study existing literature on the topic (contributions, shortcomings, etc);
- to develop a preliminary analytical framework based on existing theories on political decay as well as on other contributions to the field of study – the deductive process;
- to test the preliminary theory against case studies – PAGAD, Mapogo-a-Mathamaga and people's courts; and
- to develop a more comprehensive theory through verifying the preliminary theory and making the necessary adaptations in order to provide a theoretical explanation for the phenomenon vigilantism – the inductive process.

1.4 RESEARCH METHODOLOGY

Primarily this study is theoretical by nature because the main aim is to provide an explanation for the problem of vigilantism in a post-1994 South African dispensation. Theory development will take place through both the deductive and inductive processes.

The deductive framework will be reconstructed through a literature study of existing material and theories from which a preliminary analytical framework will be developed. This theory will then be tested against three case studies, which will be PAGAD, Mapogo-a-Mathamaga and people's courts. The inductive framework will then be in verifying the preliminary theory and formulating a more comprehensive theory to explain the occurrence of the phenomenon vigilantism in post-1994 South Africa.

The research design will be a mixture of descriptive and explanatory strategies – descriptive in the sense that discussions on political decay and vigilantism in a broad and all-encompassing way by means of case studies of PAGAD, Mapogoga-Mathamaga and people’s courts will take place. It will be explanatory in the sense that a new theory to explain the phenomenon will be developed through the study. The study will also primarily make use of qualitative data in the form of the above-mentioned case studies to illustrate the extent, popularity and effect of vigilantism in South Africa. Furthermore, the study will secondarily make use of quantitative data (statistics), where available, to provide further support to the study.

The method of investigation will rely heavily on literature review and documentary studies consisting of books, research papers, journals, newspaper articles and the Internet.

1.5 RESEARCH LAYOUT

Chapter 1

Introduction

This chapter provided the actuality and motivation, problem formulation and aims of this study as well as the research methodology which will be utilised in order to reach the aims.

Chapter 2

A metatheoretical framework for the study of vigilantism

In this chapter scientific approaches will be discussed in accordance with different suppositions. Conceptual frameworks; typologies, models and theories will be analysed with regard to their characteristics and requirements in order to conclude what a good theory is.

Chapter 3

Vigilantism: Reconstruction of the study field

Existing material (books, research papers, journals, newspaper articles and the Internet) on vigilantism in general and also specifically on vigilantism in post-1994 South Africa will be studied to develop an understanding of the phenomenon as well as which works can be utilised in developing a framework within which it can be studied.

Conceptual frameworks will be divided into two groups: contextual and specific conceptual frameworks. Contextual conceptual frameworks on political decay such as those of Huntington, Migdal, Zartman, Duvenhage and Geldenhuys will be discussed while specific conceptual frameworks will include those of Strange, Black, De la Roche, Abrahams, Johnston and Minnaar.

Chapter 4

Vigilantism: Concept and South African Context

The chapter will provide both a contextual and operational conceptualisation of vigilantism. Through the criteria of a contextual concept of vigilantism the study will determine whether post-1994 South Africa falls within the required context for vigilantism to occur at a level that could support political decay. Through the criteria set for the operational concept of vigilantism case studies within post-1994 South Africa will be identified which will be discussed individually in Chapters five to seven.

Chapter 5

PAGAD as a case study of vigilantism in South Africa

In the midst of the crime wave that broke over South Africa since its first democratic elections in 1994, PAGAD established itself as the foremost vigilante group in the country and successfully took the law into its own hands (Edmonds, 1998 : 28). PAGAD is therefore an important case study regarding vigilantism as

a feature of political decay in post-1994 South Africa due to its organised nature and measure of impact.

PAGAD functioned as a vigilante organisation only for the period August 1996 to 1998 and must therefore be studied from a historical point of view, although it seems to be regrouping again as a concerned group in the Cape Flats.

Chapter 6

Mapogo-a-Mathamaga as a case study of vigilantism in South Africa

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 also had support from members across race and class divisions and had paid-up members and operated like a private security company with a price flexibility that allowed it to serve the poor and the wealthy. This achievement of Mapogo made it a more serious threat to the new democracy in South Africa than other similar organisations (Sekhonyane & Louw, 2002 : 28), such as those referred to under “people’s courts”, as it did not only cover one community, which made it much more difficult for the state to control.

Mapogo-a-Mathamaga was prominent as a vigilante organisation for the period 1996 to 2002 and must therefore also be studied from a historical point of view.

Chapter 7

People’s courts as a case study of vigilantism in South Africa

People’s courts are referred to by many different names in the media such as kangaroo courts, mob justice, community courts, street committees and anti-crime groups. Not all people’s courts, however, cross the line to becoming vigilante groups, but many do comply with the characteristics of vigilantism. Examples of some of the known people’s courts in South Africa that comply with the characteristics of vigilantism are the Eyona Taxi Association of Gugulethu as well as the taxi association of Langa, the A-team of Ezakheni, the Cleaners and

Black Scorpions in KwaMashu, the MEYAC and the Peninsula Anti-Crime Agency (PEACA) in Khayelitsha. People's courts are smaller and less structured than PAGAD and Mapogo-a-Mathamaga, but never the less have a great impact regarding political decay. For this study, specific people's courts will be identified and studied in order to test the preliminary analytical framework.

People's courts as a case study will differ from those of PAGAD and Mapogo-a-Mathamaga as it will be a generic case study, the reason being that people's courts have been active as vigilante organisations since 1994 and continue to exist and to mete out punishment to alleged perpetrators.

Information for the case studies will be obtained through a literature study.

Chapter 8

Theory verification and theory building on the occurrence of vigilantism in post-1994 South Africa: Summary and conclusion

In this chapter a process of theory building will be followed to develop a theory to explain the phenomenon vigilantism. The results of the testing of the preliminary analytical framework against the case studies will be evaluated and gaps will be identified for which new theory will be developed to provide an explanation for the occurrence of vigilantism in post-1994 South Africa.

CHAPTER TWO

A METATHEORETICAL FRAMEWORK FOR THE STUDY OF VIGILANTISM

2.1 INTRODUCTION

According to Babbie and Mouton (2003: 7), the overriding interest of scientists is the search for “truth” or “truthful knowledge”. In this study the “truthful knowledge” which will be searched for, will be a theoretical perspective of vigilantism as a feature of political decay in the post-1994 South African dispensation. It is generally accepted that all scientists make use of a theoretical framework of some kind to generate truthful descriptions and explanations of the world within a certain field of study. This is also true within Political Science as a discipline. Bluhm (1965: 1) argues that “... a political theory is an explanation of what politics is all about, a general understanding of the political world, a frame of reference. Without a frame of reference we should be unable to recognize an event as political, decide anything about why it happened, judge whether it was good or bad, or decide what was likely to happen next.” In this sense developing a political theory would therefore provide the needed understanding for the phenomenon in the post-1994 South African dispensation. Although the conceptual frameworks of Huntington (1965 & 1968), Migdal (1987 & 1988), Zartman (1995), Geldenhuys (1999) and Duvenhage (2003) provide theoretical points of departure within which vigilantism can be placed, no attention has been given to explain, through these and other theories, the phenomenon of vigilantism itself.

Although some theoretical development has been done, most were outside the field of Political Science and none within the context of political decay. O’Conner (2004: 2) noted that although much has been written about vigilantism internationally there appears to be “...no adequate theoretical framework from which to analyze the phenomenon in systematic fashion.” Abrahams (1998: 1) indicates that although many reports of vigilantism in South Africa appeared in

the British press, there has been very little study of this phenomenon outside the United States. Abrahams (1998: 1) writes that he is surprised that this phenomenon has not received more attention from analysts. This makes the understanding of vigilantism very difficult as, although much research has been done by mainly sociologists and criminologists, no clear political theoretical understanding exists for the context in which vigilantism is taking place in amongst others post-1994 South Africa.

The scientist therefore tries to understand phenomena by making use of theories, but in order to do so he must also place the conceptual frameworks, which he uses as instruments, within a metatheoretical perspective. When the contribution of the scientist with regard to a specific phenomenon (such as the occurrence of vigilantism in post-1994 South Africa) is being reconstructed, evaluated and interpreted, it must be done by using specific criteria regarding a metatheory (Duvenhage, 1994: 16). As this study falls within the Political Sciences, which is a Social Science, also referred to as a normative science, it is important to understand what Social Science research entails. Mouton and Marais (1996: 7) indicate: "Social Science research is a collaborative human activity in which social reality is studied objectively with the aim of gaining a valid understanding of it." Research therefore leads to the development of new models and theories. In order to develop an explanation of the occurrence of vigilantism one must have an understanding of conceptual frameworks with regard to their characteristics and requirements. Such an understanding will assist in determining whether this study has reached its overall objective.

The aim of this chapter is to provide a metatheoretical framework for the study of vigilantism in post-1994 South Africa. The discussion starts by providing an understanding of what science is, as various interpretations of the concept exist due to a variety of science theoretical schools of thought. The focus then shifts to the different conceptual frameworks: typologies, models and theories. This is done through conceptualisation and identifying the characteristics and

requirements as well as identifying applicable literature to the study falling within the criteria of the different conceptual frameworks.

2.2 SCIENCE

Not all scientists relate to the same meaning of science within their works. Various meanings of the word exist within the different science theoretical schools of thought. Stoker (1961: 252 - 255) refers to this as the scientific idea or view that forms the foundation of the practice of science.

The conceptualisation of science is dealt with by discussing five suppositions regarding the nature and character of science as taken from Duvenhage (1994: 19 – 29).

2.2.1 Supposition One

Pre-scientific knowledge, defined as life and world view, has a determining influence on the scientific practices.

This supposition, according to Stoker (1961: 113), refers to the totality of man's answers to and convictions concerning fundamental questions relating to the origin, meaning, destination, purpose and value of man and the world in their relationship to their god. World view therefore plays an important role in understanding the pre-scientific context of scientific practice as it has a direct determining influence and can therefore not be ignored. This, however, indicates that if this supposition is the basis for scientific practice, positivism, and to a lesser extent logical positivism, are rejected.

The essence therefore of this supposition is that the explanation for a phenomenon will be determined by world view and also the life and philosophical framework of the scientist. With regard to the study of vigilantism issues such as personal experience of vigilantism, violent crime or a religious background that,

for example, condemns the taking of the law into your own hands, will influence the scientist's conclusions with regard to the question: "Why does vigilantism occur in post-1994 South Africa?".

2.2.2 Supposition Two

Science focuses on valid and reliable knowledge – not absolute knowledge.

This supposition focuses on the development and acquisition of valid and reliable knowledge. This does not mean that new knowledge is simply added to the existing body of knowledge but rather what Kuhn (1970: 84-85) refers to as a scientific revolution that takes place in which new solutions or explanations for problems and issues are developed. This implies that new theories and models must be placed alongside existing ones. Under this supposition, says Stoker (1961: 136 -137), a scientist must pursue technically methodically verified, and as far as possible, technically systematised knowledge.

With a phenomenon such as vigilantism, of which valid and reliable knowledge is limited, the scientist has to progress through a process to ensure that existing typologies, models and theories that carry scientific weight are regarded as usable and discard those which have not also undergone some form of scientific process for the development of a theoretical explanation of the phenomenon. Information must also be objective, for example information must not only take into account either what the state is doing right or doing wrong with regard to protecting its citizens; it must take both into consideration.

2.2.3 Supposition Three

Science is aimed at discovering order and structure in reality (or an aspect thereof).

Botha (1987: 6) explains that the critical importance of the historical course of the development of science is the quest for truth, the quest for order and the quest

for structure. The ideal that the positivistic behaviouristic philosophy wanted for the Social Sciences, including Political Science, was to formulate theories by means of which social and political phenomena and problems can be structured and ordered (Duvenhage, 1994: 23-24). But as the Social Sciences and humanities are non-exact, this pursuit is unrealistic and problematic. The quest for order and structure is, however, in reality the aim of all scientists although absolute knowledge is impossible.

As this study is done within the Political Science discipline, which falls within the Social Sciences, this supposition will be an ideal but it is not likely that it will be achieved, since societies are fluid. In other words, it will be impossible to provide a theory explaining the occurrence of vigilantism which will be applicable to all circumstances as well as to predict all its future occurrences. It is therefore also necessary to narrow the field, for example the period “post-1994” and the place “South Africa”. However, there may be exceptions. The theory explaining the occurrence of the phenomenon within the South African context will, however, serve as a theoretical guideline in most cases; such a guideline is currently lacking within the discipline of Political Science.

2.2.4 Supposition Four

Scientific practice implies a planned, systematic and structured decision-making process (methodology).

Under this supposition the method according to which knowledge is acquired is relevant. The scientist engages in an intentional action aimed at achieving a set objective or objectives with the means at his disposal (Stoker, 1961: 49). In the human sciences there are a variety of accepted methods and it is up to the scientist / researcher to identify and select the best method in order to achieve his / her objective for the study. In most cases a combination of methods is required to successfully address all the facets of a specific phenomenon (Duvenhage, 1994: 26).

For this study the aim is to provide a theoretical explanation for vigilantism and the methodology will be through a deductive process, developing a preliminary analytical framework through a literature study, and an inductive process, developing a theory through the verification of the preliminary theory. In other words, a combination of methods is utilised so as to ensure that a valid and all encompassing theoretical explanation of the phenomenon is developed, which is the main aim of this study.

2.2.5 Supposition Five

Scientific practice is contextually founded.

Each scientist practises science within a specific context. A scientific context is dynamic and complex and differs from one scientist to the next (Duvenhage, 1994: 27).

Scientific projects are mostly discipline orientated, which implies a unique view of a phenomenon. Thus Sociology will approach the study of the phenomenon vigilantism from a different angle than Political Science, but contributions from the various disciplines can enable a better understanding of the phenomenon. In this study a variety of scientific contexts will be utilised including Social Anthropology, Criminology and Sociology, but the overall study will be done within the discipline of Political Science.

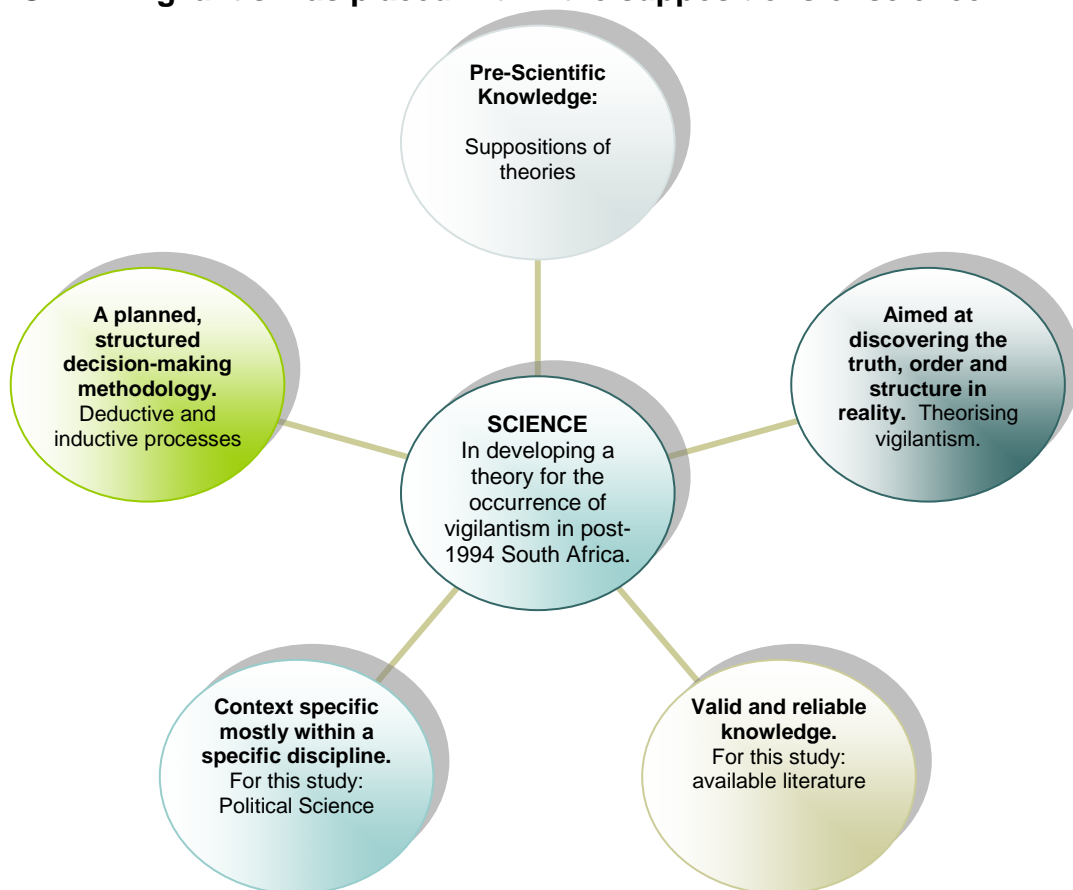
Other sub-contextual factors are paradigmatic, social, pre-scientific, historical and personal contexts which influence the context in which a scientist practises his science. The scientific practice is therefore contextually founded and anchored.

2.2.6 Conclusion

It may therefore be concluded that the nature of science and the underlying view of science are manifested in the interdependence of the identified suppositions.

Because of this complexity of science it is very difficult to define but for purposes of this study Duvenhage's (1994: 30) definition of science will be utilised. It encompasses all the discussed suppositions of science theory: "Science is defined as the knowledge result (valid and reliable knowledge, pre-scientifically and contextually founded) of systematic attempts (a well-planned decision-making process) to understand (describe, explain, predict and evaluate) an aspect of reality (problem, phenomenon, event) theoretically (the quest for order and structure)." Within this study the suppositions regarding science will be applied as illustrated in the following diagram (Fig. 2.1):

FIG. 2.1: Vigilantism as placed within the suppositions of science



With this general context of science theory as basis, a discussion of the different conceptual frameworks that are utilised in science theory in the search for order and structure is now proceeded with.

2.3 CONCEPTUAL FRAMEWORKS AS THEORETICAL POINTS OF DEPARTURE

Duvenhage (1994: 30) points out that, since science can be defined as: "...the knowledge result of systematic attempts to understand an aspect of reality theoretically", science indicates the utilisation of conceptual frameworks in the quest for order and structure. A conceptual framework refers to the combining of concepts into statements and the arrangement and combination of these to directive, regulative, orientating and functional norms (Duvenhage, 1994: 44). The nature of the conceptual framework is determined by the regulative function the framework has to fulfil. On these grounds three types of conceptual frameworks - typologies, models and theories - may be distinguished (Mouton and Marais, 1996: 136 - 137). Each of these frameworks will be conceptualised and their characteristics and requirements highlighted so as to ensure an understanding that can be applied to the phenomenon vigilantism, and so that conceptual frameworks identified for this study can be categorised accordingly.

2.3.1 Typologies

Typologies are used when a researcher creates a set of categories or types in order to summarise the connection between two or more variables (Babbie, 1998: 88). Typologies are the simplest of the three types of conceptual frameworks and are found in every discipline in the social sciences.

2.3.1.1 Conceptualisation

Babbie and Mouton (2003: 160) define a typology as a simple composite measure often used in social research. Typologies may be used effectively as independent variables, but when used as dependent variables, interpretation is difficult. In other words, it is difficult to answer the question "why?".

Mouton and Marais (1996: 137) define typologies as "...a conceptual framework in which phenomena are classified in terms of characteristics that they have in common with other phenomena." Sartori (1976: 125) defines a classification as "...an ordering based on mutually exclusive classes that are established by the principle, or criterion, chosen for that classification".

Typologies therefore serve as a frame of reference for observation and data collection but can only be used effectively as independent variables and not to explain phenomena.

2.3.1.2 Characteristics

The most important characteristics of typologies, as listed by Mouton and Marais (1996: 137-138), are as follows:

- The basic unit of a typology is a type or the ideal type – the typical characteristic of the phenomenon, the common or the outstanding.
- As the ideal type has been selected through a process of abstraction the ideal type does not represent all the characteristics but only those that are common or outstanding.
- The criteria for good typologies are:
 - exhaustiveness (the ideal type must include all possible relevant characteristics); and
 - mutual exclusiveness (the different types that comprise the typology must eliminate any overlap between categories through a process of further refinement).

Meehan (1967: 26-27) warns against being too exclusive or too inclusive as both can undermine the basic function of a typology which is the ordering of the classification context.

2.3.1.3 Requirements

In the creation of a typology three steps must be followed.

- Firstly the existence of a classification context must be identified of that which must be classified;
- secondly, ideal types are identified; and
- lastly the application of ideal types where the ideal types are filled with empirical material.

In explaining the requirement of a typology one can utilise De la Roche's (1996: 102 - 105) typology which is also analysed in this study:

- That which must be classified is collective violence.
- Secondly, ideal types determined are lynching, rioting, vigilantism and terrorism.
- The final step is to fill these ideal types with empirical material such as lynching which focuses on an individual and low levels of organisation are involved (like a modern court, lynchers punish only the alleged offender); with vigilantism the focus is also on the individual but higher levels of organisation are involved (the San Francisco Vigilance Committee of 1856 or as in this study PAGAD, Mapogo-a-Mathamaga and various people's courts); rioting focuses on the collective but with low levels of organisation (ethnic riots in South Asia in the early 1990s); and terrorism focuses also on the collective but with high levels of organisation (the Irish Republic Army of Northern Ireland).

A typology is therefore, as pointed out by Duvenhage and Combrink (2004: 53),

- a frame of reference for the collection of data,
- the establishing of a basis for the ordering and systematisation of material,
- identification of classes and categories of a phenomenon, and
- an inspiration for further research.

One can conclude that a typology is simple, elementary and represents only a starting point when developing an explanation for the occurrence of a phenomenon. Another example of a typology, although with more operational value, is the work of Minnaar (2001: 3 - 4), seeing that he classifies what actions of citizens may be regarded as vigilantism, although it is felt that he is too inclusive and therefore falls within the pitfall Meehan (1967: 26 - 27) warns against. He also provides characteristics of vigilantism but falls short in providing an explanation or any theoretical context for the phenomenon. Minnaar's work is, however, valuable as it provides a stepping stone in the process of theory development for the phenomenon. De la Roche (1996) and Minnaar's (2001 & 2002) contributions with regard to vigilantism rather are contextual typologies. They assist with a frame of reference for the collection of data on vigilantism as they classify the phenomenon and De la Roche (1996) also indicates the difference between vigilantism and other closely associated forms of social control. Abrahams (1998) also provides a specific typology by providing general characteristics of vigilantism in "Vigilant Citizens: Vigilantism and the State".

A typology therefore only provides us with answers to the question: "What is vigilantism?" As much attention is given to this question in available literature such as the paper of Johnston (1996) What is vigilantism? and in the work of Minnaar (2001 & 2002), De la Roche (1996) and Black (1976) as well as Abrahams (1998), a good operational context for the phenomenon can be developed.

With the aim of this study, namely to provide a framework within which an answer can be found to the question: "Why does vigilantism take place in post-1994 South Africa?" a typology as a contextual framework will not suffice. However, typologies can be used with the development of an operational context for the phenomenon in developing a theory as the "what?" must first be answered before one can answer the "how?" and "why?" questions. The fact that typologies are

the simplest form of conceptual frameworks does, however, not mean that they do not provide a valuable contribution in the search for knowledge.

2.3.2 Models

Models, also referred to as analogies or metaphors, are created when a phenomenon of which limited knowledge exists, can best be explained by making an analogy with another phenomenon of which more knowledge has been acquired (Duvenhage & Combrink, 2004: 54).

Models are, however, a controversial type of conceptual framework as models and theories are often used as synonyms, seeing that they have a number of similarities. It is therefore important to note that the major difference between models and theories, according to Mouton and Marais (1996: 139), is that the heuristic function (to discover) is the most common characteristic of models while the explanatory function is the most common characteristic of theories.

2.3.2.1 Characteristics / Requirements

Duvenhage and Combrink (2004: 54) point out that a model has the following characteristics, which are also the requirements:

- It addresses phenomena regarding which inadequate knowledge exists.
- It is a simplification of what is being studied.
- In terms of the analogy, new knowledge and perspectives are obtained.
- New concepts and definitions are developed and used.
- Emphasis is placed on the dynamics of phenomena.
- Models precede the development of full explanations, in other words theories.

Strange's (1996) theory on ***the retreat of the state...*** focuses on the declining authority of states in the world economy in which the Mafia plays a certain role.

Her theory is utilised in this study as a model in the search for an explanation for the occurrence of vigilantism. The reason is that the Mafia's characteristics, which are explained by Strange (1996: 110), are parallel to those of vigilantism, seeing that the Mafia also challenges the state's authority and is viewed as acting outside the law of the state. Abrahams (1998: 163) also compares vigilantism with the Mafia and therefore provides a contextual model giving a new perspective of vigilantism and the dynamics thereof. The works of Strange and Abrahams will therefore assist in developing a theory, as they assist in providing more detail in answering the "what?" question but also in providing some explanation to the occurrence of vigilantism, although in a very simplistic manner, which is still not sufficient but useful for this study.

2.3.3 Theories

Theories, apart from classifying (as with typologies) and heuristics (as found in models), also fulfil an explanatory and interpretative function. Theories are the most complex of the three types of conceptual frameworks.

2.3.3.1 Conceptualisation

Kerlinger (1973: 9) defines theory as "...a set of interrelated constructs (concepts), definitions, and propositions that present a systematic view of phenomena by specifying relations between variables, with the purpose of explaining and predicting the phenomena." An explanation is usually an answer to a why question. Explanations are therefore in terms of reasons for the occurrence of the phenomena by identifying the causes of the phenomena (Mouton & Marais, 1996: 142 - 143) and if one can manipulate the cause one can determine the outcome. In other words, if this study can determine the causes of the phenomenon, then it may be possible for the state to manipulate those causes by correcting its mistakes or providing what those making use of vigilantism seeks – security. The outcome may then be a more stable

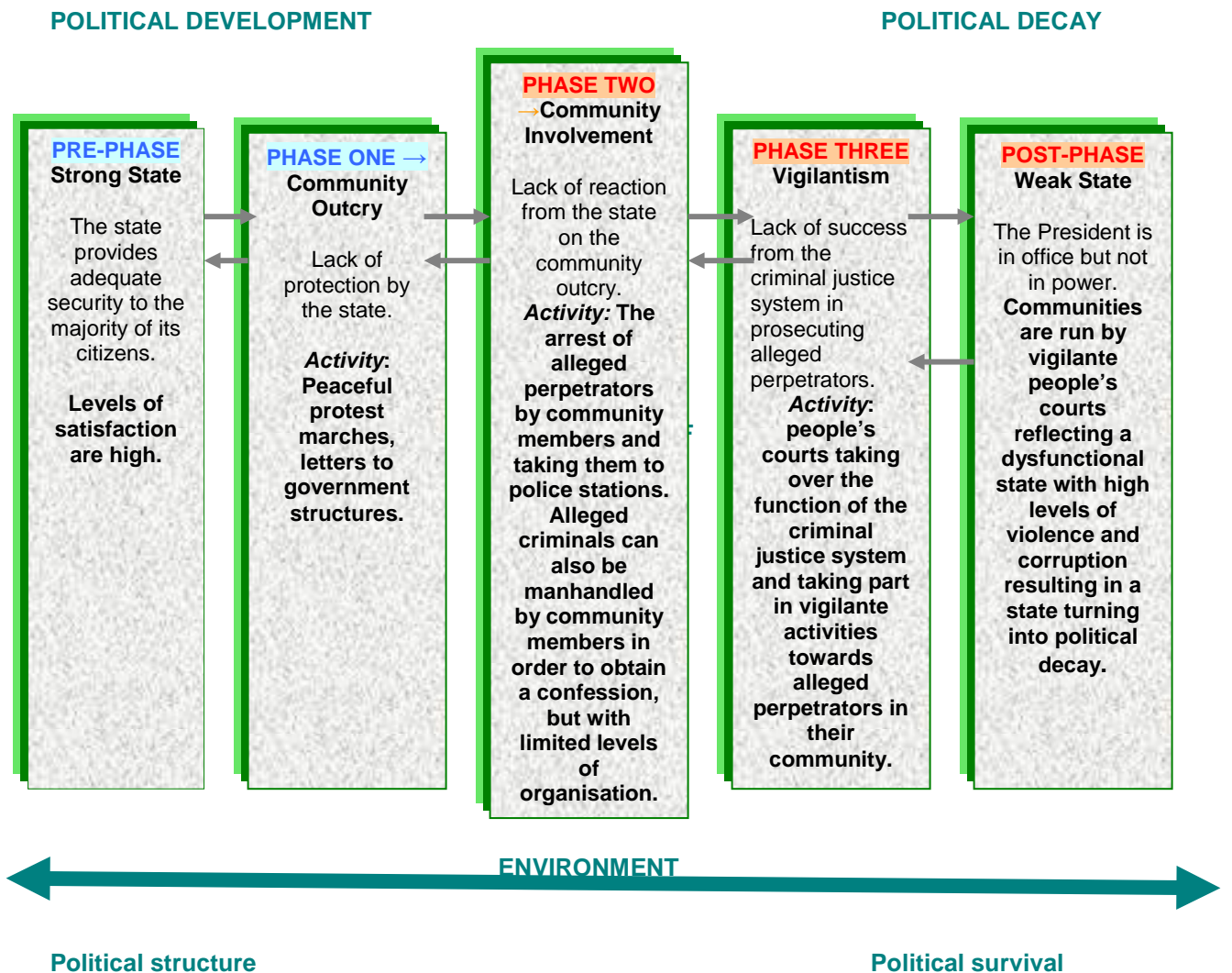
environment without incidents of vigilantism. Theory, however, also enables prediction and therefore it may be possible to predict what will happen if the state does not take steps to manipulate the causes of vigilantism. Also by knowing the context within which vigilantism is most likely to occur, one may be able to predict in which communities vigilantism is most likely to occur.

As already indicated under the discussion of science, order and structure in reality through the development of theories which explain why certain phenomena occur, is the aim of all scientists, however, within the Social Sciences this is not always possible due to the non-exact nature of the Social Sciences. Added to this, according to Duvenhage (1994: 62), the subjective nature of scientific practice in Social Sciences as determined by pre-scientific, scientific and disciplinary contexts, conceptual confusion and vague conceptualisation, and the large number of variables that necessitates selection, result not always in very accurate explanations and predictions of phenomena. This is why, according to Meehan (1967: 25), it is heavily relied on models and analogies within Political Science to relate data. The result is that the functions of theories, classification, explanation and prediction, within the Social Sciences and specifically Political Science, are restricted and characterised by low levels of generalisation, uncertainty of results and speculation rather than empirically deducted one-hundred percent explanations for phenomena (Duvenhage, 1994: 62 - 63). In short, developing a good theory that can classify, explain and predict a specific phenomenon is a very difficult task within the broader Social Sciences including Political Science.

Theory development, focussing on explaining the occurrence of vigilantism in post-1994 South Africa, is the aim of this study as currently theoretical understanding of the phenomenon is limited within the field of Political Science. As already indicated, typologies and even models are available for providing some insight into the phenomenon, but no attempt has been made to provide a theoretical explanation within the South African context. The importance of

understanding this phenomenon lies in its potential to move a state from a strong state to a weak state and even to a collapsed state if it is left unattended for a long period of time. In a theory that explains vigilantism the context in which the phenomenon will most likely occur needs to be determined, it must indicate how vigilantism can develop from a community outcry of not being protected by the state, to the community arresting alleged criminals themselves and taking them to police stations after being manhandled, to the extreme where the community becomes the judge, the jury and the executioner, resulting in extreme punishment and most likely ending in the death of the alleged perpetrator. The following diagram (Fig 2.2) illustrates this process:

FIG. 2.2: An illustration of the phases of community response impacting on the stability of a state



In this study theory development will take place through a combination of deductive and inductive processes. It is therefore necessary to have a clear understanding of both inductive and deductive theory construction.

2.3.3.1.1 Deductive theory construction – characteristics and requirements

According to Babbie (1998: 66), deductive theory construction involves the derivation of expectations from theories. Babbie (1998: 60 - 61) also provides the following building blocks when constructing a deductive theory:

- The first step is to pick and specify your topic on which a theory needs to be constructed; in this study it is vigilantism.
- The second step is to specify the range of the phenomenon (vigilantism) your theory addresses. In other words: does it apply internationally or, for example, just to post-1994 South Africa?
- The third step is to identify and specify your major concepts and variables; in this study contextual and operational criteria for vigilantism will be identified.
- The fourth step is to find out what is known about the relationships among those variables through developing a preliminary analytical framework based on existing theories. In this study, the research will be done on political decay as well as other relevant contributions to the field of study that will include the works of Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987 & 1988), Geldenhuys (1999) and Zartman (1996).
- The last step is to reason logically from those propositions to the specific topic examined, resulting in the development of a preliminary theory that will explain the occurrence of the phenomenon vigilantism.

Deductive theory construction will be utilised in this study through reconstructing the study field of existing literature and theories from which a preliminary analytical framework will be developed.

2.3.3.1.2 Inductive theory construction – characteristics and requirements

The inductive theory construction process involves the development of generalisations from specific observations (Babbie, 1998: 66), for example identifying the what, the why and the how of vigilantism after studying case studies of the phenomenon making use of a theoretical framework. Babbie (1998: 63) further writes that inductive theory construction is theory constructed by observing aspects of social life, and then seeking to discover patterns that may point to relatively universal principles.

In this study inductive theory construction will be utilised in developing a theory for the phenomenon through verifying the preliminary theory (analytical framework) against selected case studies of PAGAD, Mapogo-a-Mathamaga and people's courts, utilising context and operational criteria. In other words, utilising selected works of Huntington (1965 & 1968), Migdal (1987), Duvenhage (2003), Zartman (1995) and Geldenhuys (1999), context criteria will be identified and specific criteria through utilising the works of Strange (1996), Johnston (1996), Abrahams (1998), Black (1976), De la Roche (1996) and Minnaar (2001 & 2002). These criteria will then be tested against the case studies allowing the writer to make certain observations and conclusions from which a theory for the phenomenon can be developed.

2.3.3.2 Characteristics of a good theory

What then is a good theory? A good theory must have all of the following characteristics:

- It must categorise. A good theory must be able to indicate when an action is an act of vigilantism and when not – a typology.

- It must explain. A good theory for this study must be able to provide an explanation of why vigilantism still does take place in post-1994 South Africa – a theory.
- It must predict. A good theory must be able to assist in predicting when and where vigilantism will take place. In other words, it must provide a list of features that are always present when vigilantism takes place which will assist in predicting whether the possibility exists for vigilantism to take place in a specific area. If features are all present, the probability for vigilantism is very high – a model.

Theories that will be utilised in this study can be divided into contextual theories which provide the context within which vigilantism will very likely occur, although most of the contextual theories do not refer to vigilantism. For example Huntington's *Political development and political decay* of 1965 and his subsequent and extended *Political order in changing societies* of 1968 provide such a theoretical context, although broad and non-specific with regard to vigilantism, for this study. The theory of Migdal (1987) *Strong states weak states* and Zartman's (1995) theory on *Collapsed States* are further examples. These conceptual frameworks are true theories as they categorise, provide explanations and assist in predicting when such a phenomenon, around which their theories are built, will most likely occur. Huntington (1965) provides such a conceptual framework for the phenomenon of political decay, Migdal (1987) for that of weak states and Zartman (1995) for that of collapsed states. Of these three theories Zartman's (1995) comes closest to providing an explanation for the occurrence of vigilantism as it runs parallel to his explanations for a collapsed state which is the focus of his theory.

A theory for vigilantism will be developed by reconstructing the study field. This will be done by identifying the attempts which have already been made to explain vigilantism through the study of existing literature and then determining what each of these conceptual frameworks, whether contextual or specific, lacks

and/or contributes in explaining the phenomenon. An analytical framework to understand vigilantism will then be developed by making use of these existing conceptual frameworks. This framework will then be tested against three case studies – PAGAD, Mapogo-a-Mathamaga and people's courts - and areas where the framework fails and/or succeeds, will be identified and then through this process a theory will be developed in order to categorise, explain and predict the phenomenon in post-1994 South Africa.

2.3.4 Summary

Due to the lack of a theory to explain vigilantism in post-1994 South Africa and because of the number of incidents of the newly identified phenomenon across the whole of South Africa, vigilantism is not dwindling but remains rather worryingly high (even after more than thirteen years of democracy), a definite need for the development of a conceptual framework for vigilantism exists. As this phenomenon is a feature of political decay, it impacts on the political stability of the country.

As indicated and discussed, there are three types of conceptual frameworks, typologies, models and theories, of which simplest are typologies as they can only categorise; models can also explain, though in a simplistic way; theories are the most complex as they can characterise, explain and predict. It will therefore be the ideal to develop not just a typology or a model but rather a theory for the occurrence of the phenomenon vigilantism. The development of a theory for vigilantism through this study will be influenced by:

- life experience and philosophical framework;
- the selection of available valid and reliable information through a literature study as well as the selection of scientific methodology; and
- the fact that the study will be done within the Political Science discipline.

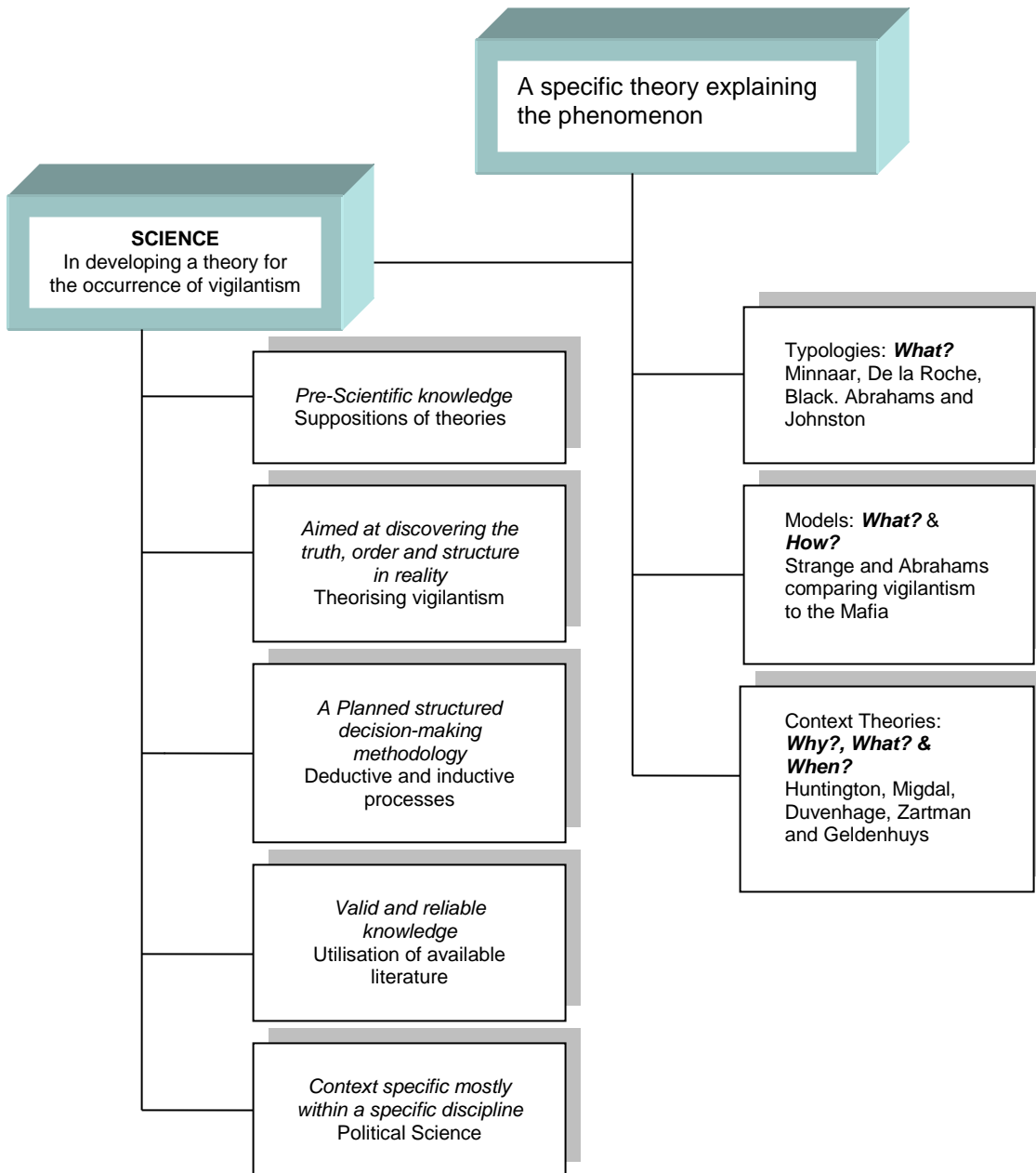
The aim would therefore be to provide:

- an analytical component by answering the question “What is vigilantism?”;
- a strategic component by answering the question “How does vigilantism take place?”; and
- a normative component by answering the questions “Why does vigilantism take place? and When would it most probably take place?”

The available typologies and models will be utilised to develop an operational framework for vigilantism while the context theories will assist in identifying the context that would be most conducive to the occurrence of vigilantism.

The following diagram (Fig 2.3) indicates how each of the conceptual frameworks discussed in this study will assist in developing a specific theory for vigilantism:

FIG. 2.3: An illustration of the usability of conceptual frameworks in developing a theory



The study will make use of both deductive and inductive theory development. With deductive theory the focus is on cause and effect. In other words: if we know what the reasons for the occurrence of vigilantism are it will be possible to predict the phenomenon. With inductive theory the focus is on realism, in other words, if certain identified elements are present chances are good that the phenomenon will occur.

The characteristics of a good theory for vigilantism would then be as follows:

- a good theory will be able to indicate when an action is an act of vigilantism and when not;
- for this study the theory will be able to provide an explanation of why vigilantism still does take place in post-1994 South Africa; and
- will be able to assist in predicting when and where vigilantism will take place.

The aim of this study would then be to develop a theory through verifying the preliminary analytical framework and making the necessary changes in order to provide a more comprehensive theoretical explanation for the phenomenon.

The next step will therefore be to classify the conceptual frameworks which contribute to the understanding of the phenomenon. Contextual and specific typologies, models and theories will be discussed to determine their value in the process of developing an explanation for the occurrence of the phenomenon.

CHAPTER THREE

VIGILANTISM: RECONSTRUCTION OF THE STUDY FIELD

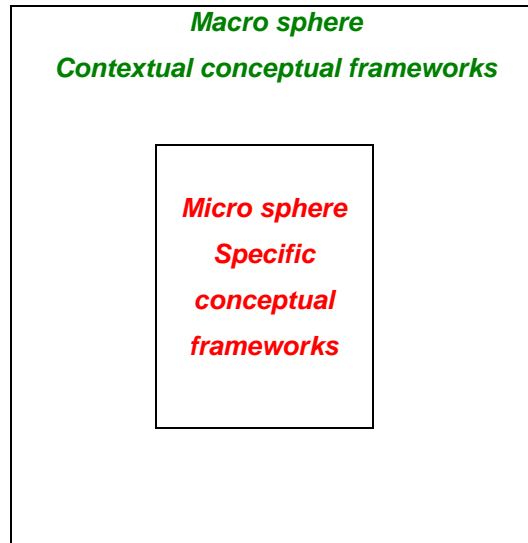
3.1 INTRODUCTION

Through research done (Swanepoel, 2004: 69 - 70) it was found that no comprehensive theoretical basis for the phenomenon of vigilantism exists and therefore aspects of existing conceptual frameworks within the field of political development and related study fields with contributions, such as those of Huntington (1965; 1968), Zartman (1995), Duvenhage (2003), Geldenhuys (1999), and Migdal (1987; 1988), had to be used in order to attempt to explain this phenomenon in a general context. This point was also again stressed in an article of Swanepoel and Duvenhage (2007: 37). It is therefore important to classify conceptual frameworks, identified through a literature study, that contribute to the understanding of the phenomenon. Conceptual frameworks which will be discussed from a metatheoretical perspective will include typologies, models and theories.

The classification of the conceptual frameworks will take place according to criteria identified in Chapter Two by dividing them into two general categories - contextual conceptual and specific conceptual frameworks. Contextual conceptual frameworks refer to those that provide a broad context in which vigilantism would most likely occur but do not explain vigilantism specifically, namely the macro sphere. Specific conceptual frameworks refer to those that are applicable in explaining vigilantism although in some instances do not specifically refer to vigilantism but to a phenomenon with many of the same characteristics, namely the micro sphere. These can therefore be utilised as an analogy / model in the process of obtaining a better understanding of the particular phenomenon.

The relation of the contextual and specific conceptual frameworks to each other can be illustrated as follows:

FIG. 3.1: Spheres of conceptual frameworks



As indicated before, this study will be done within the Political Science discipline, but due to the limited amount of literature available on the phenomenon, specific conceptual frameworks will need to include works from other disciplines such as Criminology, Economics, Social Anthropology and Sociology so as to have a broad basis from which to develop operational criteria for vigilantism as a transdisciplinary phenomenon; also because of the lack of an existing theory that provides an explanation for the occurrence of vigilantism in post-1994 South Africa or even theories that refer to vigilantism as a feature of political decay. Context theories such as those of Huntington, Migdal and Zartman as well as context and operational typologies and models will be utilised as part of the process of developing a theory through deductive and inductive processes (compare Chapter Two par. 3.3.1.1 & par. 3.3.1.2).

The classification of the conceptual frameworks relevant to this study is part of the deductive process with the aim of identifying context and operational criteria which will provide an analytical framework for the occurrence of the phenomenon in post-1994 South Africa. The analytical framework must already have the

characteristics of a good theory which are to be able to indicate when an action is an act of vigilantism; it must be capable of explaining why vigilantism takes place in South Africa; and it must also be able to predict when it is most likely to expect acts of vigilantism. The conceptual frameworks that fall within the specific / operational conceptual frameworks category will assist in obtaining the first requirement of a good theory – categorising the phenomenon (what? and how?), while the conceptual frameworks classified as contextual conceptual frameworks will assist in obtaining the other two characteristics – explaining and predicting the phenomenon (why? and when?).

3.2 CONTEXTUAL CONCEPTUAL FRAMEWORKS FOR AN UNDERSTANDING OF VIGILANTISM

Contextual conceptual frameworks provide the context within which an identified phenomenon will occur. In other words, it explains the circumstances in which vigilantism will most likely occur, for example in a society in disequilibrium, in a dysfunctional state and circumstances where high levels of violence are prominent. These frameworks provide the picture in which vigilantism can be placed, categorised and ultimately explained and predicted. This may be seen as contextually related theories that assist with obtaining the normative component of the study – “why does vigilantism take place and when would it take place?”.

The following macro conceptual frameworks are relevant to the study of vigilantism:

- Huntington’s (1965 & 1968) works ***Political development and political decay*** as well as ***Political order in changing societies*** which can be classified as theories;
- Duvenhage’s (2003) ***Political decay as a pattern of political change*** which can be classified as a typology;

- Migdal's (1987) ***Strong states weak states*** and ***Strong societies and weak states*** which are theories;
- Geldenhuys' (1999) ***State collapse*** which can also be classified as a typology; and
- Zartman's (1995) ***Collapsed States***, also a theory.

It is important to note that none of the above-mentioned conceptual frameworks refer to the phenomenon vigilantism specifically as a feature of political decay, of a weak state or of a state in collapse. Vigilantism, however, fits into the context they provide and can therefore also be utilised to develop a contextual framework within which vigilantism can be placed and explained.

Each of the selected conceptual frameworks will be analysed to determine their unique contribution in providing some understanding for the occurrence of vigilantism. These combined contributions will assist this study in answering the question: Why does vigilantism occur in post-1994 South Africa?

3.2.1 Huntington's political decay theories

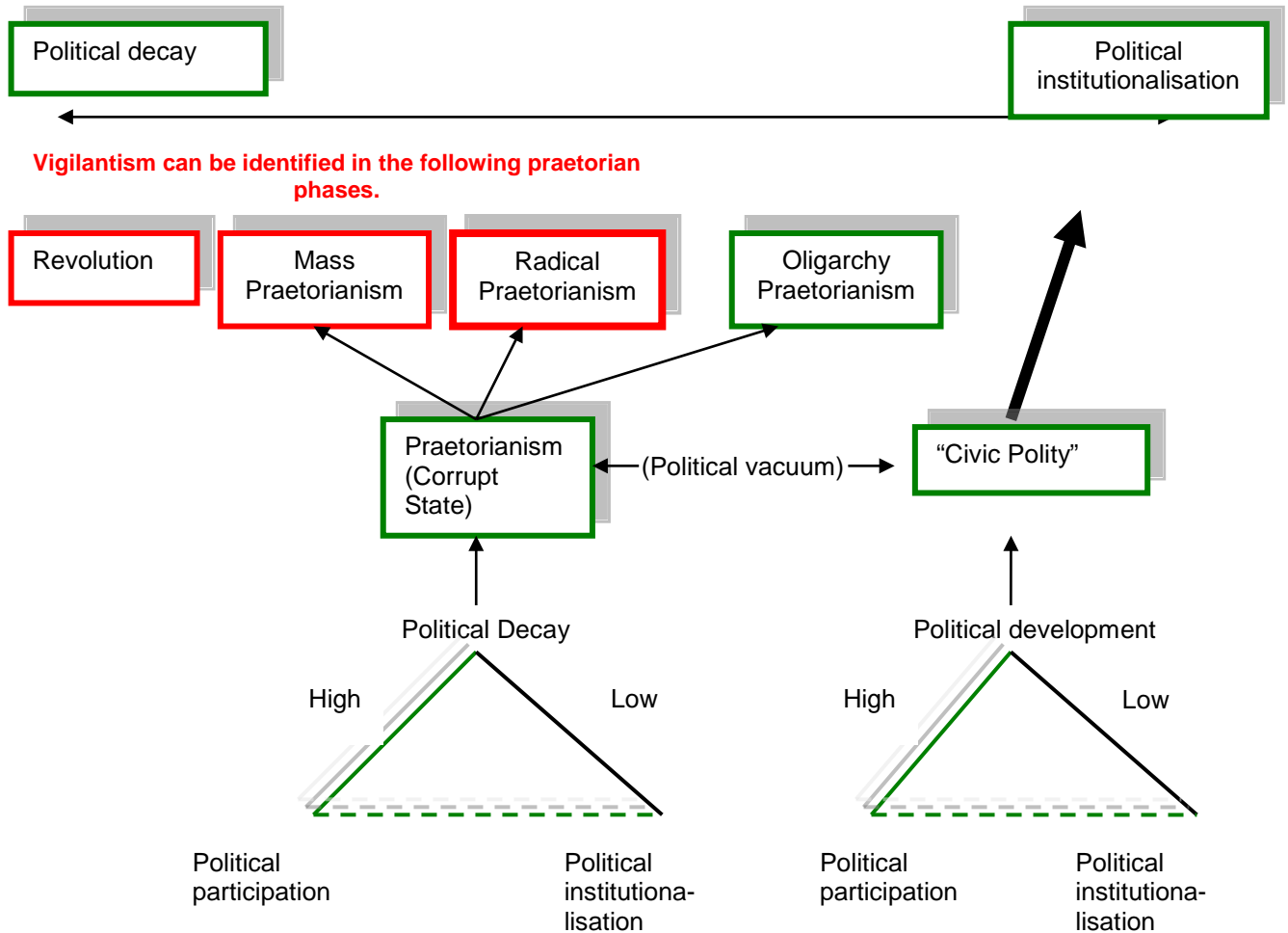
Huntington's ***Political development and political decay*** of 1965 and his subsequent and extended ***Political order in changing societies*** of 1968, where the line of argument was that the interaction between high levels of participation and low levels of institutionalisation contributes to patterns of political decay, provide a general framework for understanding vigilantism. With this theoretical point of departure a very important paradigm shift took place in the existing literature that paved the way for more detailed studies on the politics of instability and decay (compare Duvenhage, 1994: 72 - 142 for a detailed analysis of Huntington's contribution and related paradigm shift).

According to Huntington, as explained by Duvenhage (1994: 153), economic growth, as is the case in South Africa, is associated with modernisation – the

qualities of the “good life”, but we also observe an increase in social mobilisation and that the economic growth falls short by far compared to the expectations, aspirations and demands of the mobilised groups; incidents of spontaneous mobilisation are then experienced. On the other hand, Huntington (1991: 69) writes that economic growth “...raises expectations, exacerbates inequalities, and creates stresses and strains in the social fabric that stimulates political mobilization and demands for political participation...”, which are patterns of political instability. One can draw a parallel with regard to the occurrence of vigilantism in post-1994 South Africa and this argument of Huntington, because the citizens of South Africa expected much more from the new democracy - not only a part of the expected “good life” but being safe in their communities and especially being protected by their new government against criminals. Economic growth also puts a spotlight on the enormous difference between the “haves” and the “have nots” in South Africa which even further strains the mood of the people and their expectations. One therefore sees people in communities mobilising themselves in reaction to expectations not being met and taking charge of their own security in the form of vigilantism which is also a form of spontaneous mobilisation. People become more involved in vigilante acts to also show government that it is unable to protect its citizens and that they are not satisfied with the situation. Huntington (1965: 393 - 394, 405 - 411; 1968: 1 - 8) indicates that a state with low institutionalisation is characterised by an inability to maintain order, stability and effective governance. The Department of Safety and Security is currently viewed in South Africa as at a low level of institutionalisation due to continuous high levels of crime and low levels of successful prosecution. Vigilantism may therefore be an indication that South Africa is in fact moving towards political decay and not towards political transformation as is being propagated; as Minnaar (2001: 41) explains, “...vigilantism is a form of usurping state power. No government can allow this to happen and still try to maintain rule of law”.

A country experiencing political decay has a high probability of the presence of praetorianism which is explained by Huntington (1968: 192) as "...the intervention of the military in politics". Praetorian societal circumstances are, according to Huntington (1965: 416), "...a society which lacks law, authority, cohesion, and discipline and consensus, where private interests dominate public ones, where there is an absence of civic obligation and civic duty, where in short, political institutions are weak and social forces strong". The reason for the military becoming involved in government may be directly attributed to high levels of political participation and low levels of political institutionalisation. This situation causes power vacuums which are then filled by the military or so-called praetorian politics (Huntington, 1965: 410). A parallel can be drawn between praetorianism and vigilantism in post-1994 South Africa. The main reason given for the existence of vigilante groups is the high crime rate which indicates a lack of law and order, or rather the execution thereof, as well as a lack in discipline due to low levels of institutionalisation within the justice and criminal system. State institutions are weak where vigilantism flourishes, since the police are unable to prevent or intervene when an alleged perpetrator is being punished by a vigilante group and the criminal justice system is dysfunctional to the degree that it is unable to significantly reduce the crime in South Africa. Vigilante groups operate like mini-military groups within a community that fill the power vacuum created by the inability of the state to protect the majority of its people. One can therefore say that praetorianism takes place in communities where vigilantism is a regular occurrence and could even turn into a mini-revolution if the state does not give attention to the problem. The following diagram (Fig. 3.2) of Duvenhage (1994: 164) explains the social circumstances of praetorianism as symptoms of political decay. It is indicated in the diagram where vigilantism can be placed.

FIG. 3.2: Praetorian society circumstances in developing countries as symptoms of political decay



(Duvenhage, 1994 : 164)

Vigilantism can be compared with radical praetorianism which is characterised by a struggle between institutional and occupational groups (Huntington, 1968: 197). However, vigilantism, if left unattended by the state, can move to a situation which may be compared with mass praetorianism where the number of incidents of vigilandism would greatly increase in both urban and rural areas resulting in political instability. Duvenhage (1994: 162) writes that mass praetorianism does not last long as it is only the beginning of a revolution. This indicates how

dangerous vigilantism can be for a state as it has the potential to undermine stability and lead a country to political decay.

Huntington's work forms an important broad point of departure and related analytical framework as vigilantism is found in the context of a state in rapid change and experiencing features of political decay.

Huntington's theory provides the following contributions to understanding vigilantism:

- A state with low institutionalisation is characterised by an inability to maintain order, stability and good governance.
- A society which lacks law, authority, cohesion and discipline and when political institutions are weak and social forces are strong, is prone to the occurrence of praetorianism.
- Although Huntington does not specifically refer to vigilantism in his works, as a feature of political decay, is the phenomenon however more likely to occur in a society where the state is characterised by low levels of institutionalisation and high levels of political participation. There is also a parallel between praetorianism and vigilantism, specifically radical praetorianism, only on a smaller scale as it is community-based.

Huntington's theory provides a macro perspective regarding political decay within which the phenomenon vigilantism falls and can therefore be viewed as a meta-theory. Huntington's theory provided a departing point for other writers, such as Duvenhage, which can also be placed under the first category of theories relevant to the study.

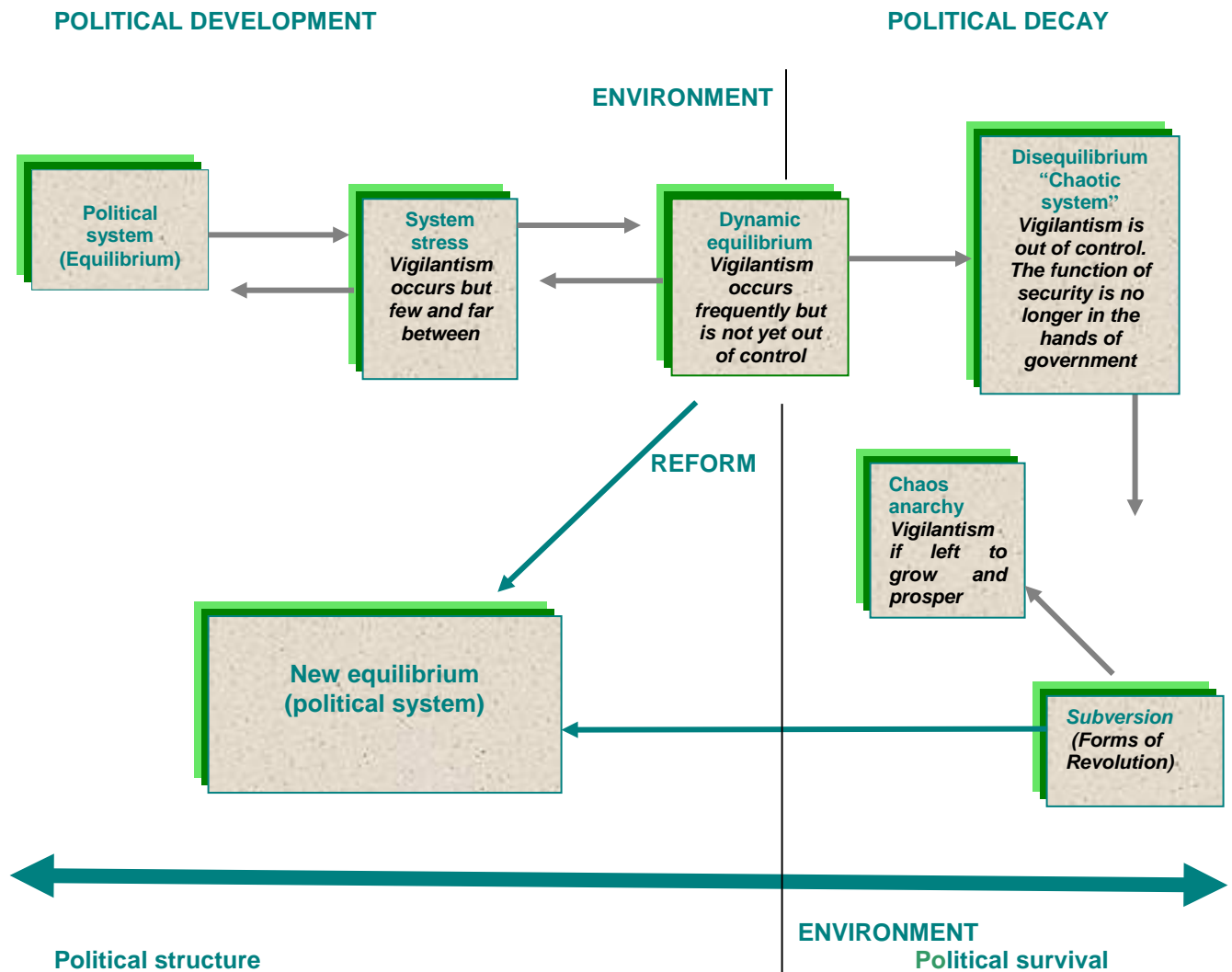
3.2.2 Duvenhage's perspective on political decay as a pattern of political change

Duvenhage's (2003) key line in *Political decay as a pattern of political change: a theoretical-exploratory perspective*, is a de-system analysis and an identification of different patterns of decay between the spheres of "politics of structure" and "politics of survival". To a great extent Duvenhage's analysis provided the theoretical basis in the exploratory study on vigilantism as a feature of political decay. According to Duvenhage (2003: 47), "politics of survival" is a situation where political structures have almost totally collapsed and where continuity in existence is replaced by political instability and it is under such circumstances that vigilantism features and becomes a threat to the sovereignty of the state. The sphere of "politics of survival" consists of three phases, namely **system stress**, **dynamic equilibrium** and **disequilibrium**. System stress is one of the first symptoms and stages of institutional decay and refers to those features of circumstances that impact negatively on the functioning of the system (Duvenhage, 2003: 52). The state of dynamic equilibrium refers to situations where an environmental crisis may result in an immeasurable dynamic, which results in abnormal demands on the ability of the system. This dynamic, however, does not threaten the entire system and can be time or place specific (Duvenhage, 2003: 54). Disequilibrium is characterised by a continuous adaptation in order to survive in an environment where the strongest dominates (Duvenhage, 2003 : 59). Duvenhage (2003: 57) argues that in this phase conflicting power bases within the infrastructure of the state could lead to unexpected patterns of political change in which the state shows an inability to continuously provide security and other social needs and political survival comes into play. In extreme cases the individual will start depending on other groupings to fulfil its social needs.

Vigilantism features in the phase of system stress, but it is few and far between. Vigilantism then starts occurring much more frequently in the phase of dynamic

equilibrium and it should be a red light to the regime that they need to control this phenomenon. If the regime, however, fails in this regard vigilantism will become one of the conflicting power bases threatening stability as it will take over the function of security and the state will find itself in the phase of disequilibrium. In extreme cases people will rather depend on a vigilante group to fulfil its social need of security than on the state, since the state has already proved its inability. Vigilantism as a feature of political decay, if left to grow and prosper, has the potential to throw a state into chaos and anarchy. The following diagram (Fig. 3.3), 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:

FIG. 3.3: Vigilantism illustrated within Duvenhage’s diagram of political development and political decay



(Swanepoel, 2004: 22)

Duvenhage (2003: 64 - 67) identifies certain factors that enhance the probability of political decay. These factors are divided into the social context, political context, economic context and the international environment. In the social context the ethnic and/or racial and/or regional divisions in the society enhance the circumstances of political decay which exert pressure on the systems which

in turn could lead to patterns of political decay. In the political sphere the inability of the state to provide security and social needs on a relatively permanent manner to its citizens is relevant to this context. If the political participation is higher than the ability to create institutions, the state enters the phases of system stress, dynamic equilibrium and disequilibrium. In the economic context high and low levels of economic growth, low per-capita income, the gap dividing the rich and the poor and circumstances that inhibit development are factors contributing to political decay. An unstable international environment has a direct impact on system stability of the state and therefore contributes to political decay.

Duvenhage's discussion of political decay can be classified as a macro typology (compare Chapter Two par. 3.1). Although the different stages described in this typology can be used in an attempt to explain vigilantism, Duvenhage did not take the phenomenon vigilantism into consideration as a feature of political decay and also provided no operational criteria for the occurrence of such a phenomenon. However, Duvenhage's conceptual framework provides the following contributions to understanding vigilantism:

- Disequilibrium is characterised by a continuous adaptation in order to survive in an environment where the strongest dominates, which may also relate to criminals in a community.
- The state displays an inability to provide security and in other social needs in the disequilibrium phase.
- Duvenhage did not specifically refer to vigilantism in his work, vigilantism is however most likely to occur frequently in the disequilibrium phase, because the phenomenon falls within survival politics. Communities view the utilisation of vigilantism as a means to survive seeing that as the state is incapable of protecting them against criminals.

In his work, Duvenhage often refers to the theory of Migdal regarding strong states and weak states because Migdal also indicates and explains why and

when a state can be classified as a weak state. This theory of Migdal calls for more attention as it provides further clarification on the question: “why does vigilantism occur?” even though Migdal did not identify vigilantism specifically as a feature of a weak state.

3.2.3 Migdal’s strong states and weak states theory

Migdal’s theories ***Strong states weak states*** of 1987 and ***Strong societies and weak states*** of 1988 focussed on the weak state concept and the inability of the state to control society.

Migdal argues, as referred to by Du Toit (1995: 22), that effective social control requires high capabilities from states to extract resources from society and to regulate social relationships. Successful social control is reflected in three indicators:

- compliance - getting people to obey the laws,
- participation, and
- legitimacy – voluntary acceptance of the rules made by the state.

Strong states are those with high capabilities. The measure of success is the establishment of a unified network of social control (Du Toit, 1995: 23). With vigilantism people feel the need to make their own rules so as to ensure a safe environment for them to live in as the state failed in doing so. This means that there is little or no compliance, participation or legitimacy to the laws of the state in the areas where vigilantism occurs. According to Kynoch (2003 : 10), South Africa’s stance on human rights, such as the abolishment of the death penalty and the ease with which suspects are granted bail, contributes to the conviction of people (living with crime on a daily basis) that criminals have too many rights and that the law provides the criminals with protection rather than protecting law abiding citizens.

Strongmen are individuals who, through their leadership positions within social organizations, succeed in offering viable survival strategies to their followers (Du Toit, 1995: 25). Vigilante groups develop their own way of protecting themselves by taking the law into their own hands; therefore they fall within the group of Migdal's strongmen. Weak states co-exist with strong societal organizations under the leadership of strongmen who reinforce the fragmentation of social control by capturing parts of the state on their own terms. This is accomplished through what Migdal calls the "Triangle of Accommodation". This triangle comprises state officials who formulate policy at state level, implementers who are officials entrusted to oversee policy execution at the local level and strongmen (Du Toit, 1995: 26). The existence of strongmen results in multiple sets of rules of social control, each one of which is exercised within a parochial jurisdiction and which results in the discriminatory instead of uniform treatment of the citizens of the state. Strongmen dilute the power of states (Du Toit, 1995: 27). To put it differently vigilante groups, if considered one of Migdal's (1987: 402) strongmen, dilutes the power of a state as it is making its own rules with regard to security and protection of its communities. Migdal's strongmen are, however, role-players at a national level. One can therefore say that vigilante groups are strongmen on a small scale as they do not play a national role but a local one, within a specific community.

Migdal (1988: 40, 177) describes the circumstances in which a state finds itself when it is classified as a weak state as "... weblike societies (which) have survived with social control dispersed among various social organizations having their own rules rather than centralized in the state or organizations authorized by the state..." and also "(i)n their battle for social control, states have usually not faced the opposition of fortified large armies, but scattered, small social organizations jealously protecting enclaves of social control." Again a parallel may be drawn between "weblike societies" and vigilante groups as they are also scattered small social organisations who take over certain responsibilities of the state. The danger of leaving these vigilante groups to continue to exist and

flourish is again highlighted as the state will not face a large army threatening its authority but hundreds of vigilante groups running communities to a point that they will not allow state interference.

Migdal's discussion of weak states and strong states as well as strong societies and weak states can be classified as a contextual theory (compare Chapter Two par. 3.3). This theory provides a context in which vigilantism can be placed as a feature and assists in explaining the phenomenon. Migdal's theory provides the following contributions for the understanding of vigilantism:

- Weak states co-exist with strong societal organisations under the leadership of strongmen that offer viable survival strategies to their followers.
- Multiple sets of rules of social control exist.
- Although Migdal did not refer to vigilantism as a feature of a weak state, there is a parallel between vigilante groups and strongmen, only on a smaller scale resulting in multiple sets of rules, namely those of the state and those of the vigilante group within a specific community.

Another conceptual framework that focussed on the weak state phenomenon is Geldenhuys' work on state collapse and is therefore also important for this study as vigilantism is viewed as a feature of a weak state.

3.2.4 Geldenhuys' state collapse

Geldenhuys' (1999) work ***State Collapse*** is also within the weak state context. The breakdown of the state is, according to Geldenhuys (1999: 38), a multi-faceted phenomenon and manifests, depending on the level of decay, as a soft state, a weak state or a collapsed state. In the soft state, incidents of corruption are very high. Vigilantism will occur in a soft state but will still be the exception to the rule as people will still mostly depend on the state to provide security. The

weak state is characterised by serious divisions, system stress and even violent conflict amongst its population groups. Geldenhuys (1999: 43) also adds that in this stage one will find a lack of internal cohesion and low bureaucratic abilities or what Huntington referred to as low levels of institutionalisation. In a weak state vigilantism will be a more regular occurrence due to low levels of institutionalisation and groups such as PAGAD and Mapogo-a-Mathamaga, which are organised and structured, may appear. In the collapsed state, law and order no longer exists and the state's existence as an independent political entity is threatened. In this phase vigilantism is the only means of protection against criminals as the state is unable to perform this function. However, a country does not simply fall within one or the other ("politics of structure" or "politics of survival"), but progresses through stages. Other works emphasizing the same line of thought are Migdal (1987), Duvenhage (2003) and Zartman (1995). The following table provides a summary of the three analytical categories with regard to state disfunctionality which are a soft state, a weak state and a collapsed state.

Table 1: Analytical categories of state dysfunctionality

<ul style="list-style-type: none">• Soft state	<ul style="list-style-type: none">• The state is tolerant towards corruption and border control.
<ul style="list-style-type: none">• Weak state	<ul style="list-style-type: none">• Compete with other power basis within the society for the authoritative right to determine values.
<ul style="list-style-type: none">• Collapsed state	<ul style="list-style-type: none">• The state loses control over state territory with other power basis taking over such as warlords, vigilante groups.

(Duvenhage, 2007: 19)

Geldenhuis (1999: 38) explains that an empirical state is in control of its institutions that are providing the needed services within a specific geographical area. According to Mazrui (1995: 28), in order to determine whether a state has failed, one must first identify the basic functions of the state which are as follows:

- sovereign control over territory,
- sovereign supervision of the nation's resources,
- effective and rational revenue extraction from people, goods and services,
- the capacity to build and maintain an adequate national infrastructure,
- the capacity to render basic services such as sanitation, housing, education and health care, and
- the capacity for governance and the maintenance of law and order.

The empirical state has therefore a high level of political stability, but the moment political decay starts showing through a phenomenon such as vigilantism, the state starts losing control over some of its institutions until it is only a juridical state. In other words, it is internationally recognized as a state but within its borders, the state is not performing its functions. It may be said that the state is failing to perform all its functions. Mazrui (1995: 29) indicates that a crisis in governance may lead to the collapse of law and order which can be catastrophic

for a state and could result in Geldenhuys' state collapse as it is the most important function of a state. However, this situation can be prevented if the state retains control and ensures a high level of institutionalisation.

Geldenhuys' discussion on the decay of the state can be classified as a contextual typology. Geldenhuys, however, also does not refer to vigilantism as one of the elements that could be viewed as an indication of the decay of a state but does provide a contextual framework for the study of the phenomenon. Geldenhuys provides the following contributions to the understanding of vigilantism in this study:

- A weak state experiences a lack of internal cohesion and low bureaucratic abilities.
- In a collapsed state law and order does not exist.
- Communities experiencing regular incidents of vigilantism are already in a mini-collapsed situation as the state is no longer in control. This is also due to a lack of internal cohesion, as the government's perception of the crime rate differs from that of the communities. The state's inability to protect its citizens due to low bureaucratic abilities is realised by communities.

Another work that focuses on state collapse is that of Zartman. In comparison to Geldenhuys, although also only contextual and not specific, Zartman is much more in line with the argument of this study that the occurrence of vigilantism can be viewed as an indication that a state is in collapse. Zartman's (1995: 1) arguments with regard to state collapse provide also an understanding of the occurrence of vigilantism, although he also does not specifically refer to the phenomenon, but to closely related terms such as power becoming available to local groups due to state collapse.

3.2.5 Zartman's theory of collapsed states

Zartman (1995: 1) writes that: "...when the state collapses, order and power (but not always legitimacy) fall down to local groups or are up for grabs." With vigilantism this is what happens when citizens view the state as unable to protect them and then take the law into their own hands in order to make their lives, according to them, more safe and orderly.

Zartman (1995: 5) asks the question: why do states collapse? Zartman's answer to this question is that the state no longer can perform the functions required from a state. The functions, according to Zartman (1995: 5), include the following:

- The state has sovereign authority. According to Max Weber, a monopoly of legitimate violence is the practical expression of state sovereignty (Heywood, 2002: 87). Vigilante groups threaten this monopoly of legitimate violence when taking the law into their own hands as they view the state as being too weak to protect them.
- The state is an institution.
- The state is the security guarantor for a populated territory – the ability of the state to perform this function, will determine whether or not vigilantism will become a phenomenon.

Zartman (1995: 5) argues that a weakening of one function drags down others with it. In other words, the fact that vigilantism is the result of the neglect of one of the functions does not mean that it does not affect the other functions of the state. Therefore collapse means that the basic functions of the state are no longer performed. People then do not even demand certain functions from the state as the people know that the state is incapable of providing those functions and the people then automatically take over those functions; in the case of vigilantism it leads to taking the law into their own hands and providing their own security.

According to Zartman (1995: 6 - 7), state collapse is the breakdown of good governance, law and order as well as societal infrastructure.

State collapse is not a short-term phenomenon but a long-term “degenerative disease”, according to Zartman (1995: 8). In other words, state collapse will also progress through stages, the same stages Duvenhage (2003: 47) identified as “politics of structure” to “politics of survival”.

Zartman (1995: 10) provides the following five characteristics of a state about to collapse:

- Power moves to the peripheries when the centre fights amongst each other, which results in local authority being up for grabs and then falls into the hands of local power-grabbers or future warlords. These power grabbers can also be those initiating vigilantism and turning it into a structured organisation as we have and are experiencing with the likes of Pagad and Mapogo-a-Mathamaga.
- Central government loses its power base and no longer pays attention to the needs of its social bases, which then withdraws their support. People involved in vigilantism feel distanced from the state as they experience the state as unable to protect them.
- Government malfunctions by avoiding necessary but difficult choices. This avoidance is either due to institutional inability or due to politicians being incapable.
- Government only practices defensive politics to keep the opposition off their back with procedural rather than substantive measures, such as postponing elections.
- The ultimate danger sign is when the centre loses control over its own state agents, who begin to operate for their own account. For example, the agents of law and order such as the police and army consistently break law and order themselves.

Zartman provides a theory that is the closest available contextual framework in providing an explanation for vigilantism due to corresponding elements. The key criticism against this theory is therefore that vigilantism is not viewed by Zartman as a feature that will come into play when a state is in collapse. Zartman clearly indicates in his theory that when the state fails to perform its basic functions, of which providing security to its citizens is one of the most important, then people cannot perform their daily tasks of survival as they are not safe. One can therefore make the conclusion that vigilantism should have been viewed by Zartman as almost a natural step people would take to make up for the state's inability to perform this function.

Zartman's theory provides the following contribution for the understanding of vigilantism:

- In a collapsed state basic functions are no longer performed by the state and citizens do not even demand them any longer as they have by then taken over those functions themselves. This is parallel to the occurrence of vigilantism as citizens feel that the state is unable to protect them and therefore somehow have to perform the function themselves. The rich hire security companies to protect them while the poor turn to vigilantism.

As with the previous four contextual conceptual frameworks in understanding vigilantism, Zartman also missed this important feature, namely political decay, and is therefore inadequate in explaining the occurrence of vigilantism in a state in transformation, such as that of post-1994 South Africa. This study will attempt to rectify, the feature of political decay by providing a theoretical perspective focusing on vigilantism.

3.2.6 Summary

Five broad contextual frameworks have been identified that are applicable to this study, which can be utilised in an analytical framework for understanding vigilantism:

- Huntington's ***Political development and political decay*** of 1965 and his subsequent and extended ***Political order in changing societies*** of 1968, which is classified as a meta-theory, provides a broad context in which vigilantism as a feature of political decay can be placed.
- Duvenhage's (2003) ***Political decay as a pattern of political change: a theoretical exploratory perspective***, which has been classified in this study as a macro typology, also does not refer to vigilantism as an important feature of political decay but provides a context in which one can place vigilantism from the phase of system stress right through to that of disequilibrium. This conceptual framework therefore assists in illustrating vigilantism progressing through stages and its impact on order and stability of a state.
- Migdal's ***Strong states weak states*** of 1987 and his subsequent work ***Strong societies and weak states*** of 1988, are classified as contextual theories. Migdal's greatest contribution to this study is his "Triangle of Accommodation" which provides the context vigilantism fits into with regard to the important role-players involved in making the rules.
- Geldenhuys' (1999) ***State Collapse*** is classified as a contextual typology and strengthens the context provided by Huntington (1965 & 1968), Duvenhage (2003) and Migdal (1987) as he provides features of each phase up to those of a collapsed state where law and order no longer exists. Although Geldenhuys (1999) does not use vigilantism as a feature in his conceptual framework, the context he provides for this study assists in identifying the relevant features in post-1994 South Africa so as to determine where South Africa finds itself, and will therefore provide support to the arguments raised for the role vigilantism plays with regard

to where South Africa finds itself. Is it a strong, soft, weak or collapsed state?

- Of the five contributions Zartman's (1995) theory on ***Collapsed States*** is the closest available contextual framework in providing an explanation for vigilantism, but he does not refer to vigilantism as a feature of a collapsed state, which means that it is not adequate and still leaves a vacuum in theorising specifically around vigilantism.

Although none of the five contextual frameworks discussed refer to vigilantism specifically as a feature of political decay, they do provide valuable insight and context in developing an explanation - normative component - for this phenomenon. The main reason for this is that vigilantism is more a feature of political decay than of political development as its occurrence indicates the need for people to take the law into their own hands to re-establish order in their community, and the conceptual frameworks of Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987), Geldenhuys (1999) and Zartman (1995) provide explanations for the occurrence of political decay within a state. More specific conceptual frameworks are, however, needed to provide specific context – analytical and strategic components for this study. This study will focus on conceptual frameworks in order to provide a more operational explanation for the occurrence of the phenomenon.

3.3 SPECIFIC CONCEPTUAL FRAMEWORKS FOR UNDERSTANDING VIGILANTISM

The conceptual frameworks that will be discussed will provide an operational or applicable context to the study. In other words, these conceptual frameworks will assist in the conceptualisation, classification and operationalisation of the phenomenon vigilantism. The conceptual frameworks that will be discussed as specific conceptual frameworks include typologies (Black, 1976; De la Roche, 1996; Johnston, 1996; Minnaar, 2001; 2002) and models (Strange, 1996;

Abrahams, 1998). Black (1976), De la Roche (1996), Johnston (1996) as well as Minnaar (2001 & 2002) provides classifications for vigilantism which assist in conceptualising as well as contextualising the phenomenon. Strange (1996) and Abrahams (1998) can be classified as models as they provide comparisons with the Mafia which assist with the operational conceptualisation of vigilantism.

The specific conceptual frameworks can also be divided into two groups. The first is the theory of Strange (1996) that does not refer directly to the phenomenon vigilantism, but provides valuable characteristics of vigilantism when compared with the Mafia; the second specifically addresses vigilantism and includes the works of Black (1976), De la Roche (1996), Abrahams (1998), Johnston (1996) and Minnaar (2001 & 2002).

3.3.1 Strange's characteristics of the Mafia in "The Retreat of the State..."

Strange's (1996) theory is based on the declining authority of states in the world economy, which relates to power vacuums. The late Susan Strange was Professor in Politics and International Studies at the University of Warwick. She was a specialist in the field of international political economy. Strange explored the impact non-state authorities have on national governments, making it relevant for this study, since vigilante groups are also non-state authorities although on a small scale as they are community-based.

Her theory focusses on changes of the state in a world economy and provides empirical evidence of her theory with regard to the role of organised crime (specifically the Mafia). Strange (1996: 10) supplies the following characteristics of organised crime, specifically in the case of the Mafia:

- authority is exercised through an established power structure;
- obedience is rewarded and disobedience punished, occasionally by making use of violence and always by the threat of violence;

- as with the state the path to power may be achieved by force, quelling and discouraging opposition. It can, however, also be by peaceful persuasion exercised through some kind of electoral process;
- they own and operate economic enterprises for survival; and
- it is an economic parasite, in receiving payment for protection.

Strange (1996: 111) also explains that the Mafia is not the only association challenging state authority and treated by states as being on the wrong side of the law. Other such associations are referred to as terrorist organisations, bands of pirates, brigands and urban criminal gangs. Strange does not refer to vigilantism in her theory, but vigilantism can easily fall within the groups she indicated when referring to her characteristics of the Mafia because vigilante groups also function much like the Mafia - with the element of secrecy, making use of force, even with the likes of Mapogo-a-Mathamaga asking a fee for their protection services.

Strange (1996: 117) indicates the impact of the Mafia on a weak state as follows: "When national governments are weak and criminals are rich, something close to civil war results." When compared with vigilante groups, who, as already indicated, share many similarities with the Mafia, one can say that when the state authority has weakened and vigilante groups are strong there will be internal conflict of interest, where the vigilante groups are performing one of the state's functions in such a way that the state also loses the support of its citizens. This situation will continue to further weaken the state until it is a collapsed state.

Although Strange's conceptual framework does not refer to vigilantism as a phenomenon that plays a role in the declining authority of a state, the corresponding characteristics with those of the Mafia, which she indicates as playing a role, makes it relevant to this study. Abrahams (1998: 163 - 164) also draws attention to the similarity between vigilantism and the Mafia (that will be discussed in paragraph 4.2.3), which strengthens the applicability of Strange's

work to this study. Strange's work is utilised as a model / analogy in the search for an explanation for the occurrence of vigilantism (compare Chapter Two par. 3.2). Her work is parallel to the study field of vigilantism and therefore provides an operational context in the study of the phenomenon vigilantism.

Contribution to understanding vigilantism
<ul style="list-style-type: none">• When the state is weak and criminals are in control, "...something close to civil war results". People will take the law into their own hands to protect themselves against criminals as the state is not able to.

The work of Black (1976) and De la Roche (1996), however, specifically refers to vigilantism as part of social control with other forms of collective violence such as lynching, rioting and terrorism and will therefore also assist in defining the operational context of vigilantism.

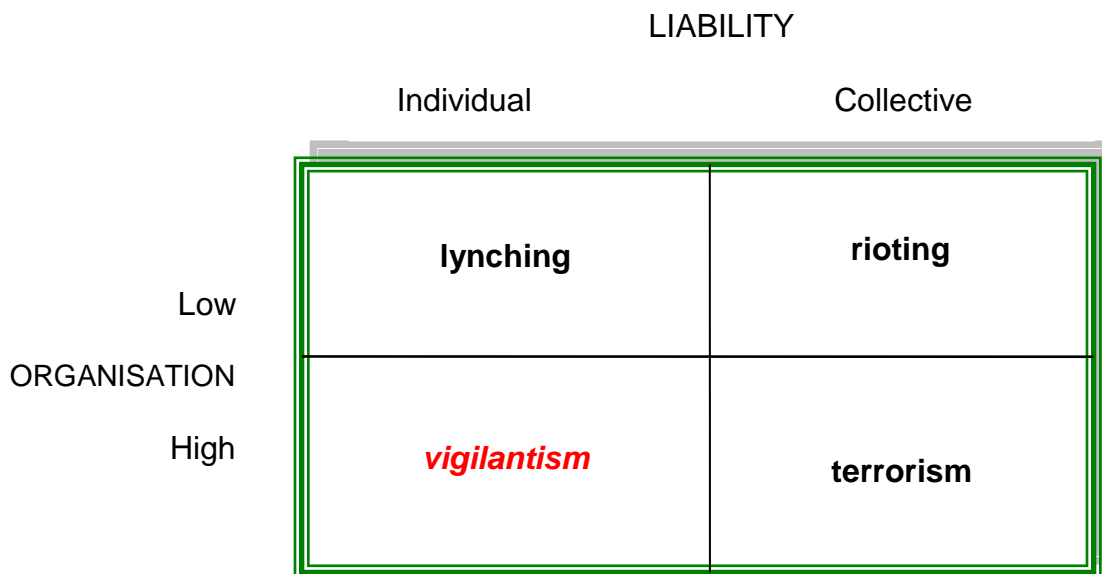
3.3.2 Black's paradigm - The behaviour of law

Donald Black is a theoretical Sociologist specialising in the Sociology of Law. Black's (1976) paradigm has been selected for this study due its theoretical basis and its specific reference to the phenomenon. Roberta S de la Roche, who made certain contributions to Black's (1976) paradigm in her article "Collective Violence as Social Control", is an Associate Professor in Sociology at the Washington and Lee University and specialises in the field of collective violence, making her contribution relevant to this study. According to Sciulli (1996: 129, 131), Black's work is highly regarded in his study field and De la Roche's contribution to Black's paradigm is viewed as important, especially the way in which she defines the four types of collective violence which include vigilantism. Both will be further analysed in the following paragraphs. It is, however, important to have a clear understanding of what a paradigm is.

A paradigm refers to: “An intellectual framework, comprising interrelated values, theories and assumptions, within which the search for knowledge is conducted” (Heywood, 2002: 428). Black’s paradigm is built around social control. Social control, according to Black (1976: 105), responds to and defines deviant behaviour – what is right and what is wrong. Social control is therefore found “...wherever and whenever people hold each other to standards...” (Black, 1976: 107). He (1976: 107) further writes that the law is stronger where social control is weaker. But, according to Black (1976: 6 - 7; 105 - 111), vigilantism occasionally arises where law is lacking, weak, or openly partisan, in other words, when the law is weak social control in communities is stronger. Black (1990: 43 - 69), in later works that supported his paradigm, states that the means of social control tend to arise under circumstances of an absence of law such as: self-help, avoidance, negotiation, settlement through a third party and toleration. Vigilantism, according to Black (1990: 43 - 44), falls under the response of self-help.

De la Roche (1996: 102 - 103) argues in her contribution to Black’s paradigm that there are four forms of collective violence: lynching, rioting, vigilantism and terrorism. As vigilantism is a collective action, it also means that it has collective sanction for its vigilante acts, distinguishing it from a criminal gang who acts without the collective sanction from the community. Vigilantism can partly be defined according to vigilantes’ logic of individual liability, meaning only the alleged wrongdoer is accountable. Vigilantes judge each offender individually. De la Roche, however, indicates that the other part of defining vigilantism lies in the fact that it has a high organizational level. These characteristics of De la Roche are in line with those already identified through this study but it is not sufficient in providing a theoretical explanation for the phenomenon. However, it assists in distinguishing vigilante acts from those of terrorism, rioting and violent lynching. De la Roche (1996: 105) provides the following diagram (Fig 3.4) in explaining this differentiation.

FIG. 3.4: Four forms of collective violence



(De la Roche (1996 : 105))

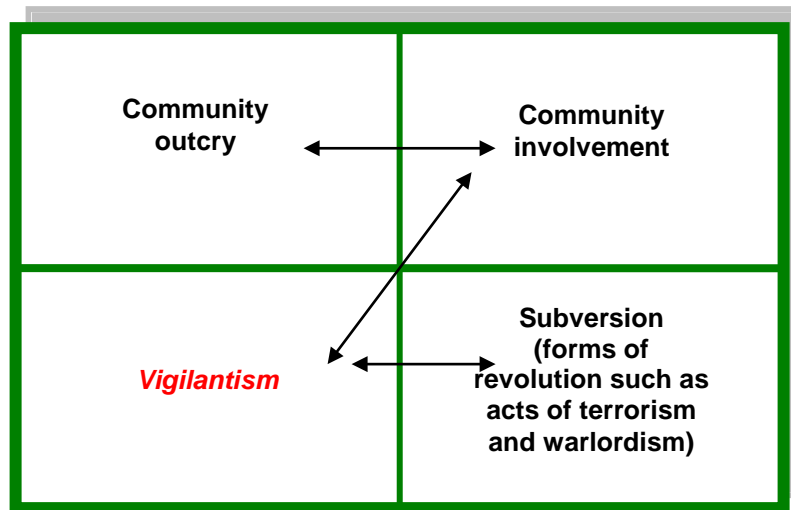
De la Roche (1996: 188 – 199) explains that vigilante groups arise after repeated instances of deviant behaviour, such as repeated robberies. However, they tend to be short lived compared to terrorist groups, since they normally withdraw when criminals disappear or modify their behaviour.

According to De la Roche (1996: 112 - 113), economic inequality is also associated with the likelihood of the occurrence of lynching, vigilantism, rioting and terrorism. The greater the inequality between the “haves” and “have nots” the more these forms of collective violence will occur.

Although Black (1976) and De la Roche’s (1996) paradigm specifically addresses the phenomenon, it must be borne in mind that their approach comes from a Sociology perspective and not from a Political Science perspective, which is needed for this study. Critique on their work is that their explanation for vigilantism as a form of social control, in periods when law is lacking, is to Knox and Monaghan (2002: 11) too simplistic. From the works analysed in this

chapter, one can derive that the occurrence of vigilantism as a feature of political decay is due to recurring incidents that build up intolerance and dissatisfaction within a specific community and does not just occur spontaneously. In other words, the phenomenon progresses through phases. De la Roche's (1996: 105) diagram, differentiating between lynching, rioting, vigilantism and terrorism, is too simplistic for this study as lynching is also a form of vigilantism as the people take the law into their own hands. Minnaar (2001: 3) indicates that in South Africa spontaneous mob-style reaction, that involves immediate punishment, qualifies as a form of vigilantism. It is important to note that vigilantism is not the first response to deviant behaviour but that the phenomenon progresses through phases and if the community in the first two phases does not get satisfactory response from the state, only then will it turn to vigilantism. The first phase of vigilantism can be described as that of a community outcry, indicating their dissatisfaction with, for example, the high crime levels; the second phase would be community involvement and could include citizen arrests but with limited levels of violent acts against the alleged perpetrators; the third phase would then be vigilantism still with the focus on the perpetrators. The final phase, which is extreme, is that of subversion, because a mini-revolution has developed due to the state's inability to perform its functions and inability to put a stop to vigilantes taking control of communities. This phase would be characterised by acts of terrorism and the presence of warlords. The state has therefore lost sovereignty within that community. The phases can be illustrated as follows:

FIG. 3.5: Phases of vigilantism



This diagram will be utilised when the case studies are analysed to indicate the phases the different vigilante groups progressed through or are currently experiencing.

Although Black’s (1976) and De la Roche’s (1996) conceptual framework may be simplistic and may only be classified for this study as an operational typology, it remains of value with regard to a phenomenon on which not much insightful literature is available.

Contribution in understanding vigilantism
<ul style="list-style-type: none"> • According to Black’s paradigm, vigilantism occurs when the application of law is weak or is lacking – political decay. • De la Roche adds that vigilante groups form after repeated instances of, for example, violent crime within a community. • From De la Roche’s diagram (Fig. 3.4), which indicates the four forms of collective violence, a diagram (Fig. 3.5) focussing on vigilantism and its phases, was developed indicating that vigilantism progresses through phases and is not the first response to deviant behaviour.

Another conceptual framework that provides insightful operational criteria for this study of vigilantism is that of Abrahams.

3.3.3 Abrahams' work "Vigilant Citizens: Vigilantism and the State"

Dr Ray Abrahams is a lecturer in Social Anthropology at Cambridge University and his work, which is utilised in this study, has been the starting point for many criminologists, sociologists and anthropologists when analysing the occurrence of vigilantism, although mainly in the USA and Great Britain. His work is viewed as one of the primary sources when studying the phenomenon and was therefore selected for this study.

Abrahams (1998: 9) presents vigilantism as a triangular structure of connections between good citizens, criminals and the state. In 'normal mode' good citizens successfully depend on the state to handle criminals but in 'vigilante mode' the citizens bypass the state and deal with the criminals themselves as the state does not deal with the criminals to their satisfaction. This structure also suggests collective sanctioning of acts of vigilantism. The following diagrams (Fig. 3.6 and Fig. 3.7) of Abrahams (1998: 8) illustrate these two modes:

FIG. 3.6: Citizens, criminals and the state – normal mode

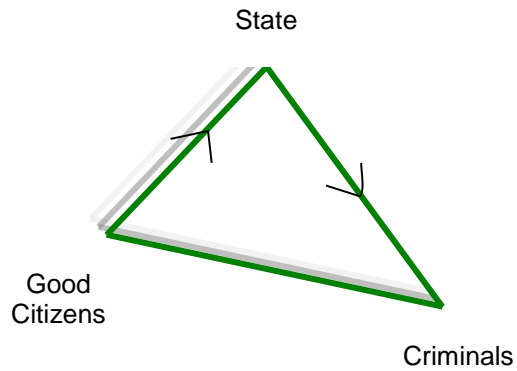


FIG. 3.7: Citizens, criminals and the state – vigilante mode



(Abrahams (1998: 8))

Abrahams constructed a typology by identifying general characteristics of vigilantism. He (1998: 9) suggests that:

- *Vigilantism typically emerges in poor communities which he refers to as “frontier zones”.*

Abrahams (1998: 24, 170) indicates that vigilantism is more likely to occur within poor communities who cannot afford security and in areas where law

enforcement is inadequate. The effectiveness of state power is therefore spread unevenly over the state's territory and could therefore result in a weakening of the state.

- *In poor communities the state is viewed as ineffective and corrupt and often constitutes a criticism of the failure of state machinery to meet the felt needs of those who resort to vigilantism.*

Vigilantism responds to a range of persistent imperfections in the state system (Abrahams, 1998: 170). In other words, vigilantism will not occur when the state experiences a short increase in crime and then is able to take control of the situation again; but when it continues for years and there seems to be no improvement to the lives of the people in these communities, vigilantism is highly likely to occur. Hobbes (1904: 84) writes that, in the absence of government, "...men live without other security, than what their own strength, and their own invention shall furnish them withal..." and life would be under such circumstances "...solitary, poor, nasty, brutish and short...". In South Africa vigilantism occurs regularly in informal settlements, which can be classified as the poorest areas in the country and one can then conclude that the community members of these areas experience an absence of government and they have to invent their own security through vigilantism.

- *It is a form of self-help.*

Vigilantes, according to Abrahams (1998: 15 – 16), see themselves as substitutes for the state in pursuit of order. Vigilantes, in other words, take over the function of the state of providing security to its citizens even though only for a particular period of time. This also falls within Migdal's (1987: 40, 177) argument of a "Triangle of Accommodation" which results in a fragmentation of social control. De la Roche (1996: 120) also classifies vigilantism as a response of self-help. It is important to note that vigilantes' aim is stability and order in a specific area and not to take over all the functions of the state or to take over the

government, but as Zartman (1995: 5) argues: a weakening of one function drags down others with it.

- *Varying degrees of violence, which is activated against criminals and others whom the actors perceive as undesirables and deviants.*

Abrahams (1998: 24 - 28) refers to “no-go areas” which are not easily accessible to the state’s power and authority as vigilante groups are the power and authority in those areas. In these areas or communities the presence of the state’s security forces such as the police are resisted and even prevented from doing their work. In South Africa there are many examples where the community prevented SAPS members from rescuing victims from vigilante attacks. For example, a man was stoned and then set alight after being doused in petrol while the police tried in vain to disperse the people (Mapumulo a, 2005: 8). Knox and Monaghan (2002: 84) note that the existence of fear by onlookers of vigilantes is in many cases the reason for the persistence of vigilantism in communities and the result is that the police find it difficult to get witnesses after a vigilante attack. Research done in South Africa by Harris (2001: 3) and Sekhonyane and Louw (2002: 24 - 26) also indicates that violence is an integral part of vigilantism. It is important to note that the aggression is towards the criminals and not against the state.

Abrahams (1998: 163 – 164) also compares vigilantism with the Mafia (compare Strange (1996: 110 – 117). He found the following corresponding characteristics:

- Both involve groups that operate within or on the edge of society and provide an alternative to the state institutions.
- They are involved in some kind of social control and lay claim to some constituency of support.
- They make use of violent methods.
- Their activities are illegal.
- The Mafia provides elements of local law and ‘government’. Where political change left a rural power vacuum, vigilante groups are making the rules.

- An essential characteristic of the Mafia is its trade in a commodity which is protection; this is also the case where a vigilante group is providing protection against criminals which becomes its purpose and, as found with Mapogo-a-Mathamaga, even charging a fee for its services.

Abrahams' focus on vigilantism is within the framework of Social Anthropology but provides specific contextualisation for the phenomenon and can be classified as a contextual model as he identifies general characteristics of vigilantism and then also compares vigilantism with the Mafia in an attempt to explain vigilantism. Abrahams' work also provides support for utilising Strange's conceptual framework as an analogy for vigilantism.

Contribution in understanding vigilantism
<ul style="list-style-type: none"> • Vigilantism is more prominent in poor communities where the community also views government as ineffective and corrupt – political decay. • Vigilantism is a form of self-help. • Varying degrees of violence are involved in acts of vigilantism.

Another important paper on vigilantism is that of Johnston and will further assist in conceptualising the phenomenon.

3.3.4 Johnston's paper on Vigilantism

Johnston's (1996) paper *What is vigilantism?* is an attempt to establish a definition for vigilantism so as to provide a starting point for future empirical analysis of the phenomenon. Johnston's work has been widely utilised internationally and also by South African criminologists when analysing vigilantism. It is an important contribution to the subject and therefore has to be included in this study. Johnston worked within the discipline of Criminology.

According to Johnston (1996: 220), there are many opinions regarding vigilantism, but no one has attempted to define it. This further emphasises the vacuum of in-depth analysis and attempts to theorise the phenomenon.

Johnston (1996: 221) indicates that vigilantism is a symptom of "... an underlying collapse of order...", which supports the usage of the selected contextual conceptual frameworks in this study for vigilantism as a feature of political decay.

Johnston (1996: 222 - 232), however, provides no more than an operational definition, which can be classified as an operational typology, in his paper by providing six elements of vigilantism which are:

- **Planning, premeditation and organisation**

In order for an activity to qualify as vigilantism, some form of planning, premeditation and organisation needs to have taken place. According to Johnston (1996: 222), even spontaneous vigilantism involves predisposition and premeditation.

- **Private voluntary agency**

This feature indicates that vigilantism can only be conducted by private citizens acting voluntarily. In other words, those involved have no connection with government and are neither paid nor forced to conduct these vigilante activities.

- **Autonomous citizenship**

Vigilante actions are conducted without the state's authority or support.

- **The use or threatened use of force**

Violence is a common feature of vigilantism and almost a necessary element in any vigilante activity.

- **Reaction to crime and social defiance**

Johnston (1996: 228) indicates that, by adding this element, he established vigilantism as a criminological concept. Two modes of vigilantism can be distinguished: that which focusses on crime control and the other that focuses on social control. However, Johnston (1996: 228) also explains that there can also be instances where there may be connections between crime and social control vigilantism in any given context which is especially relevant in the case of community vigilantism. As vigilantism in South Africa is mainly community driven, one can make the assumption that in South Africa vigilantism is a reaction to both crime and social deviance.

- **Personal and collective security**

Johnston (1996: 230) further refines his definition of vigilantism by adding the element of security. The aim of vigilantism is therefore to offer people security when the "...formal systems of control are, apparently, not effective".

These elements as identified by Johnston make a valuable contribution in identifying the operational criteria of vigilantism and will be further discussed in Chapter Four under the conceptualisation through specific criteria.

The main criticism against the paper of Johnston (1996) is that it also has no theoretical context, and can only be classified as an operational typology. Johnston also writes from a Criminology frame of reference and not from that of Political Science. However, Johnston's paper is unique in the sense that he provides specific elements of vigilantism that assist in identifying when an action is that of vigilantes.

Contribution in understanding vigilantism

- Vigilantism is an indication that order is collapsing – political decay.
- There are six elements of vigilantism, viz:
 - 1 planning, premeditation and organisation,
 - 2 private voluntary agency,
 - 3 autonomous citizenship,
 - 4 the use or threatened use of force,
 - 5 reaction to crime and social deviance, and
 - 6 personal and collective security.

The works of Black (1976), De la Roche (1996), Abrahams (1998) and Johnston (1996) focus on research done on vigilantism which occurred mainly in the USA, Latin America and Britain: these works must, however, be included, seeing that they provide valuable operational contextualisation and conceptualisation. Research done in South Africa has been analysed mainly from a Criminology frame of reference. The work of Minnaar, who has done much research regarding this phenomenon in post-1994 South Africa, is viewed for this study as the most relevant and valuable in the search for a theoretical explanation of the phenomenon.

3.3.5 Minnaar's work on 'new' vigilantism in post-1994 South Africa

Anthony Minnaar, senior researcher of the Institute for Human Rights and Criminal Justice Studies, has done in-depth research regarding the occurrence of vigilantism in post-1994 South Africa and must therefore be included in this study. Minnaar's works, *The new vigilantism in post-April 1994 South Africa: Crime prevention or an expression of lawlessness?* (2001) and *The 'new' vigilantism in post-April 1994 South Africa: Searching for explanations* (2002), were done from a Criminology frame of reference and provide an operational framework for vigilantism.

According to Minnaar (2002: 118), the current vigilantism in South Africa indicates the people's expression of their view of the failure and the inadequacies of the entire criminal justice system.

Minnaar (2001: 3 - 4) provides a list of the different forms in which vigilantism occurs in South Africa, which adds to its complex nature, and includes the following:

- spontaneous mob-style reaction that involves immediate punishment;
- "caught-in-the-act" citizen response;
- hit-squad assassinations by a small cell-group;
- kangaroo court activities where alleged criminals are forced in front of a community committee who will decide their fate;
- planned, organised and structured vigilante activity through a specific organisation, members who purposefully go out to look for alleged criminals and who see themselves as protectors of the community;
- retaliatory, reactive or protective vigilantism where a victim of a crime seeks revenge by punishing the perpetrator himself/herself;
- public response, which refers to the punishment of an alleged perpetrator in public;
- night-time covert vigilante activity, for example setting a suspected criminal's house alight; and
- expulsion from a community as a result of a decision taken by a local people's court.

According to Minnaar (2002: 120), vigilante activities are sustained by a number of factors, viz a 'conspiracy of silence' and the fear of being labelled an informer when reporting the illegal vigilante activities to the authorities. It is therefore very difficult for the authorities to investigate and to put an end to vigilante activities as witnesses very seldom come forward. This adds to the danger of vigilantism in a society as it can be very difficult to stop once people start preferring the vigilante

way of dealing with alleged criminals to waiting for the criminal justice system to run its course.

Minnaar (2002: 129 - 130) emphasises that vigilantism has implications and consequences for any developing democracy as it is a form of undermining state power, but vigilantism can only take place if vigilante organisations and ordinary citizens are given the space to act because of their view that the state is unable to deal with the level of crime in the country. It is therefore important for the state not to provide opportunity for the development of vigilante groups / organisations by causing a vacuum due to its inability to protect its citizens against criminals. The state must also act swiftly to counteract vigilante actions. If the state fails, the impression may be gained that the state gives its moral support to these vigilante activities.

Minnaar (2002: 131) concludes that "(i)t would appear that vigilante activities will continue in the foreseeable future, particularly so long as the perceptions surrounding the lack of police service delivery, poor success rate at apprehending criminals, and the continuing backlog in effectively prosecuting and convicting them remains so strong in all communities.". Minnaar (2002: 131) also indicates that South Africa has developed a culture of vigilantism, which makes the situation more difficult to change.

Minnaar's work provides an operational framework for the phenomenon, vigilantism, which assists in conceptualising as well as contextualising it.

Contribution in understanding vigilantism
<ul style="list-style-type: none">• Vigilantism is sustained by a conspiracy of silence.• Vigilantism undermines state power.

The main critique against Minnaar's (2001 & 2002) work for its application in this study is that it lacks theoretical context and he reasons from a Criminology frame

of reference and not from that of Political Science. Minnaar does not attempt to provide any theoretical explanation for vigilantism in post-1994 South Africa and can therefore only be classified as a specific typology.

3.3.6 Summary

Five relevant and specific works were identified and included those of Strange (1996), Black (1976), De la Roche (1996), Abrahams (1998), Johnston (1996) and Minnaar (2001 & 2002).

Strange's (1996) work, *The retreat of the state...*, is relevant but only in the sense that the characteristics of the Mafia and those of vigilantism are similar, as also pointed out in the work of Abrahams (1998), *Vigilant Citizens: Vigilantism and the State*, that specifically shows the similarity of characteristics of the two phenomena. Strange (1996), however, never mentions the relevance of vigilantism as it does not impact on world economics, which is her field of study. Her work is therefore utilised as an analogy / model in an attempt to gain a better understanding of the phenomenon.

Black's (1976) and De la Roche's (1996) contributions towards explaining vigilantism are within the framework of the field of Sociology and therefore assist in understanding some of the facets of the phenomenon as they focus on the element of social control. Aspects of Black's (1976) paradigm, *The behaviour of law*, and De la Roche's (1996) contribution, can therefore be utilised but on their own they are too simplistic when providing explanations for the occurrence of vigilantism especially for post-1994 South Africa where vigilantism is complex and occurs through diverse actions, as set out by Minnaar (2001: 3 - 4).

Abrahams' (1998) work can be classified as a contextual model and is also a valuable contribution to the study field. However, Abrahams' work lies within the

framework of Social Anthropology and not within a Political Science conceptual framework.

Johnston (1996) also recognised the vacuum with regard to analysis and conceptualisation of vigilantism. He identified six elements of vigilantism in an attempt to conceptualise the phenomenon. His work is valuable with regard to the conceptualisation of the phenomenon but is no more than an operational typology written from a Criminology frame of reference.

Minnaar's (2001 & 2002) work, although specific and assisting in contextualising and conceptualising the phenomenon, has no specific theoretical basis, which is what is important for this study. The context provided by Minnaar through his years of research within the South African environment, makes his work invaluable for this study as it will provide support for theoretical suppositions that will be made in developing a conceptual framework for vigilantism.

All the afore-mentioned contextual frameworks provide some insight into the occurrence of vigilantism. The environment vigilantism is most likely to occur in which the state is weak, law and order is lacking and government is viewed as ineffective and corrupt. None of these sources however attempts to provide a theoretical explanation within the Political Science discipline.

3.4 CONCLUSION

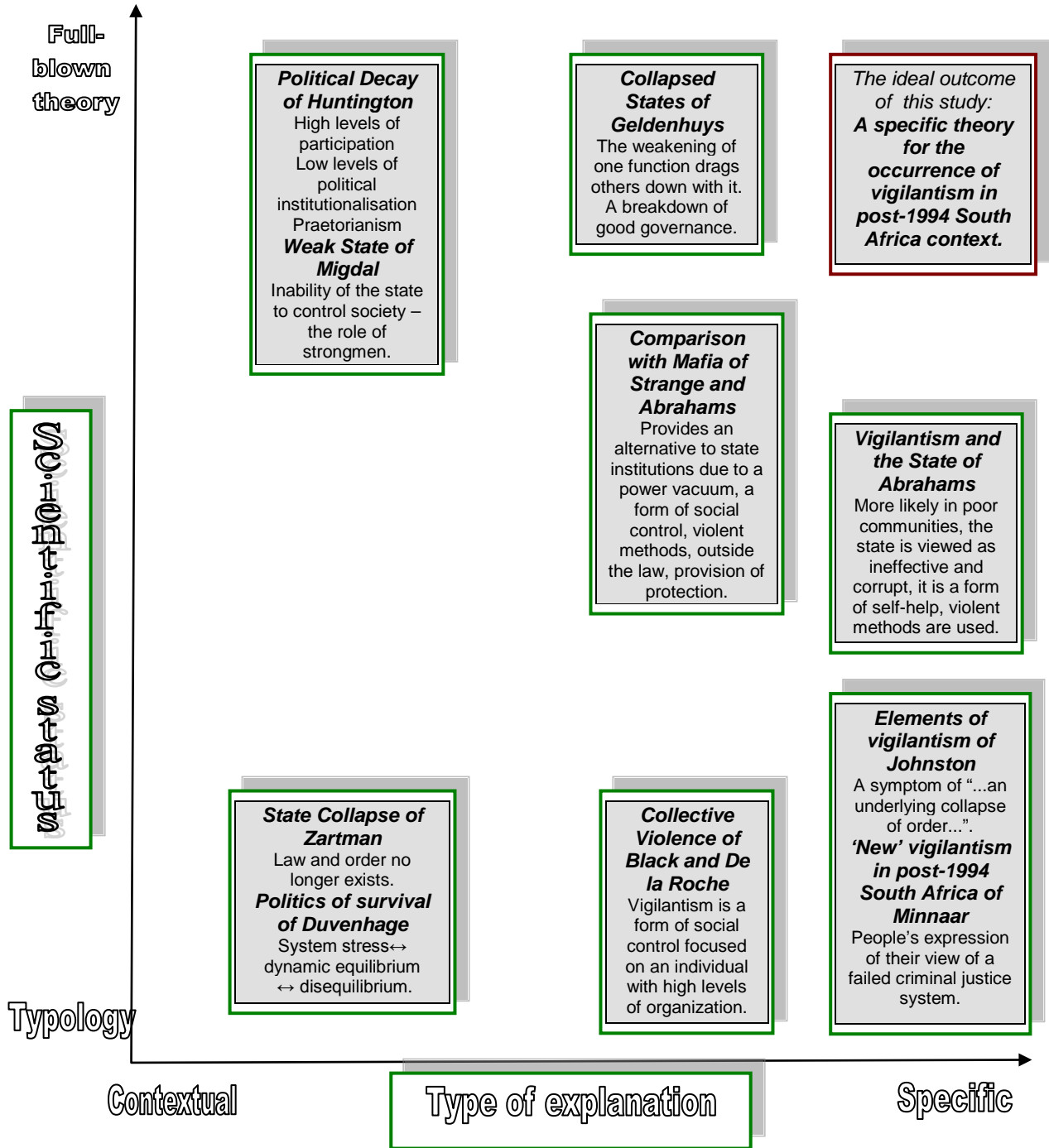
As identified in Chapter Two, a good theory for vigilantism must be able to categorise, in other words, must be able to indicate when an action is an act of vigilantism and when not; to explain why vigilantism does indeed still take place in post-1994 South Africa; and to predict when and where vigilantism can possibly take place. Vigilantism is a trans-disciplinary phenomenon. The specific conceptual frameworks, with the exception of Zartman (1995), were not done within the discipline of Political Science, but from Global Economics, Sociology,

Social Anthropology and Criminology frames of reference. This adds to the limitations of what explanations can be provided, for this study of the phenomenon vigilantism is done within the discipline of Political Science.

A common denominator that has been identified in all the contextual and specific typologies, models and theories discussed, supports that vigilantism is a feature of political decay. The reason is that the occurrence is always explained on the basis of a lack of law and order, a weak government, an inability of the state to provide security and social needs, social organisations (vigilantes) having their own rules, low bureaucratic abilities and the state failing to perform all its functions. Abrahams (1998: 15 - 16) and Johnston (1996: 221) indicate that the occurrence of vigilantism in a state can be viewed as a symptom of a lack of law and order.

It may therefore be concluded that, although there are theories, models and typologies available that can be utilised in an attempt to provide an explanation for the phenomenon. No single work mentioned in this chapter can do it on its own. The result is a great vacuum with regard to a specific theory when trying to understand vigilantism as illustrated in the following diagram (Fig. 3.8):

FIG. 3.8: Placing of conceptual frameworks in relation to scientific status and type of explanation



Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987), Geldenhuys (1999) and Zartman (1995), however, made the following contributions to understanding vigilantism for this study:

Contribution in understanding vigilantism

- Huntington (1965 & 1968): A state with low institutionalisation is characterised by an inability to maintain order, stability and good governance. A society is prone to the occurrence of praetorianism when it lacks law, authority, cohesion and discipline and political institutions are weak and social forces are strong. There is a parallel between praetorianism and vigilantism, however on a much smaller scale as it is only community-based, as vigilante groups act like a mini-military.
- Duvenhage (2003): Disequilibrium is characterised by a continuous adaptation in order to survive in an environment where the strongest dominates; this can also relate to criminals in a community. The state shows an inability to provide security and other social needs in the phase of disequilibrium. Vigilantism is therefore most likely to occur in the phase of disequilibrium.
- Migdal (1987): Weak states co-exist with strong societal organisations under the leadership of strongmen that offer viable survival strategies to their followers. Multiple sets of rules of social control then exist. There is a parallel between vigilante groups and strongmen.
- Geldenhuys (1999): A weak state experiences a lack of internal cohesion and low bureaucratic abilities. In a collapsed state, law and order does not exist. Communities experiencing regular incidents of vigilantism already are in a mini-collapsed state as the state is no longer in control; this is also due to a lack of internal cohesion as the government's perception of the crime rate and the perceptions of communities differ; and the state's inability to protect its citizens due to low bureaucratic abilities.

- Zartman (1995): In a collapsed state basic functions are no longer performed by the state and citizens do not even demand them any longer as they have by then taken over those functions themselves. This is parallel to the occurrence of vigilantism as citizens feel that the state is unable to protect them and therefore somehow have to perform the function themselves. The rich hire security companies to protect them while the poor turn to vigilantism.

Strange (1996), Black (1976) and De la Roche (1996), Abrahams (1998), Johnston (1996) and Minnaar (2001 & 2002 made the following contributions to understanding vigilantism for this study:

Contribution in understanding Vigilantism

- Strange (1996): When the state is weak and criminals are in control, "...something close to civil war results" - people will take the law into their own hands to protect themselves against criminals as the state is not able to.
- Black (1976) and De la Roche (1996): Vigilantism occurs when the law is weak or is lacking. Vigilante groups form after repeated instances of violent crime within a community, for instance.
- Abrahams (1998): Vigilantism is more prominent in poor communities viewing government as ineffective and corrupt. Vigilantism is a form of self-help. Varying degrees of violence are involved in acts of vigilantism.
- Johnston (1996): Vigilantism is an indication that order is collapsing. There are six elements of vigilantism:
 - 1 planning, premeditation and organisation,
 - 2 private voluntary agency,
 - 3 autonomous citizenship,
 - 4 the use or threatened use of force,

- 5 reaction to crime and social defiance, and
 - 6 personal and collective security.
- Minnaar (2001 & 2002): Vigilantism is sustained by a conspiracy of silence. Vigilantism undermines state power.

In the following chapter the process of developing a specific theory will be followed by utilising deductive theory construction. This will be done by developing a context conceptualisation for vigilantism by utilising the context conceptual frameworks analysed in this chapter together with the specific conceptual frameworks and operational or specific conceptualisation.

CHAPTER FOUR

VIGILANTISM : CONCEPT AND SOUTH AFRICAN CONTEXT

4.1 INTRODUCTION

Minnaar (2003: 16) states that, since 1994, there have been regular incidents of vigilantism in townships, informal settlements and rural areas across South Africa. Vigilante activity has become more prevalent in the informal squatter settlements, where very little official control and/or basic service delivery by the authorities exist (compare Annexure A).

A more recent article indicating a continuation of and even an increase in vigilantism in certain areas of South Africa is that of Goldstone (2005: 1). He argues that vigilantism is on the increase in Durban as mob justice is frequent in Umlazi and that extremely violent means are used as victims are stoned, axed and stabbed. Another article indicates that 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, 2006 : 3).

A report of the Independent Complaints Directorate of 2005 states that they have seen an increase of 184% in the number of cases of vigilantism and that it is a particular problem in Gauteng (Benton, 2005: 1). This percentage refers to deaths in police custody - 71 - as a result of injuries prior to custody, over the period March 2004 to March 2005. The statistics, however, do not indicate the number of suspects which were dead on arrival of the police at the crime scene or at the police station.

Vigilantism is therefore a reality in post-1994 South Africa and as it is a feature of political decay it has the ability, if left unaddressed, to move a country in “transformation” to a state in the process of collapse. This conclusion stresses the importance of having an understanding of why vigilantism takes place, what

its characteristics are and what context makes it most conducive to flourish in. The aim of the previous chapter was to classify conceptual frameworks identified for utilisation in providing some clarification with regard to what is vigilantism and why it takes place and to provide a broad understanding of each of these works' contribution to provide some explaining for the occurrence of the phenomenon even though some did not specifically refer to vigilantism. In comparison with the previous chapter, this chapter's aim is higher as it will attempt to use the same conceptual frameworks to identify specific and contextual criteria that would be utilised to answer the questions What?, Why? and When? with regard to the phenomenon. The conceptual frameworks will therefore be operationalised and not just classified as in the previous chapter.

The aim of this chapter will therefore be to provide a conceptualisation of vigilantism with regard to context criteria as well as specific criteria.

To identify the context criteria for vigilantism, the works of Huntington (1965; 1968), Duvenhage (2003), Migdal (1987 & 1988), Geldenhuys (1999) and Zartman (1995) will be utilised. Davies (1971) is also utilised to a lesser extent to assist in providing further support for the context derived from Huntington's works. Davies' contribution is important in indicating the result of a widening gap between people's expectations and what they actually get. Duvenhage (2007: 63) writes that pre-election promises by the governing political party, the African National Congress (ANC), create very high expectations among its supporters while that which people receive is very far from what was promised. The context criteria will then be explained and defined so as to have a clear understanding of the criteria before they shall be applied to post-1994 South Africa so as to determine whether South Africa's institutionalisation and governance environment is conducive to the occurrence of vigilantism.

The second part of the chapter will focus on the specific context criteria through which an operational definition for vigilantism will be identified. The specific

conceptual frameworks which will be utilised are those of Strange (1996), Black (1976) and De la Roche (1996), Abrahams (1998), Johnston (1996) and Minnaar (2001 & 2002) together with other literature such as that of Sekhonyane and Louw (2002) and of Harris (2001) who also made valuable operational contributions with regard to the conceptualisation of vigilantism within the South African context. Case studies will then be selected to be tested against these criteria in the following chapters so as to determine whether the selected vigilante groups can indeed be classified as vigilantes that undermine the sovereignty of the state.

4.2 CONCEPTUALISATION

Concepts are, according to Heywood (2002: 18), the tools which a political scientist utilises to "...think, argue, explain and analyse." Conceptualisation is described by Babbie and Mouton (2003: 111) as "...the process through which we specify what we will mean when we use particular concepts." Through this process the reader will have the same understanding as the writer of the concept "vigilantism" utilised in this study so as to argue, explain and analyse this phenomenon.

In this study conceptualisation will be done through both contextual criteria and specific or more operational criteria. Conceptualisation through contextual criteria will identify the context within which vigilantism is most likely to occur. The aim of this contextualisation will be to provide a brief definition of the context (conditions) most conducive to the occurrence of vigilantism and its application to the South African context. In other words, providing preliminary answers to the questions *why?* and *when?* Conceptualisation through specific criteria will provide a definition of the concept vigilantism within the post-1994 South African context which will assist in identifying which organisations or groups within specific communities can be classified as vigilantes and providing preliminary answers to the questions *what?* and *how?*.

4.2.1 Conceptualisation through contextual criteria

Conceptualisation through contextual criteria will be done by providing a context in which vigilantism is most likely to occur.

As vigilantism can be placed, as a feature of Huntington's (1965 & 1968) and Duvenhage's (2003) political decay, Migdal's (1987) weak state, Geldenhuys' (1999) state collapse and Zartman's (1995) collapsed states, the context criteria indicated by these writers for a state to be classified as a state in decay are also relevant to the occurrence of vigilantism even though none of these writers refer to vigilantism specifically in their works.

Different criteria for decay, as indicated by the above-mentioned writers in their conceptual frameworks as discussed in Chapter two, will be utilised to identify context criteria for vigilantism.

4.2.1.1 Huntington's political decay theories

As already indicated in the previous chapter, Huntington's key line of argument in his theories *Political development and political decay* of 1965 and *Political order in changing societies* of 1968 was that the interaction between high levels of participation and low levels of institutionalisation contribute to patterns of political decay. In these theories of Huntington he refers to the following context which makes it conducive to a state to move towards political decay and/or praetorianism to take place:

Huntington (1968: 57 - 59) points out that economic growth in a country undergoing modernization (transformation) leads to an increase in economic inequalities (compare Chapter Two par. 2.1 & Duvenhage, 1994: 153). The result is that the number of people becoming poorer may increase. In this sense economic development increases economic inequality and produces political

instability and even violence. Also important to note is that a society in change also shows an increase in economic expectations of the people such as employment and economic opportunities and if not met, it will lead to instability (Huntington, 1968: 49). This is also true within the South African context. Terreblanche (2002: 36) indicates that there is a huge gap between rich and poor in South Africa, since 72% of the income goes to 16.6% of the population while the very poor of which the breadwinners are mostly unemployed are 50% of the population and only obtain / receive 3.3% of the income. The following diagram (Fig 4.1) of Terreblanche (2002: 36) is utilised to illustrate the gap between the poorest of the poor and the bourgeois elite in South Africa:

FIG: 4.1: South Africa’s highly stratified class society 2001

<u>Distribution of income</u>		Population in millions
The bourgeois elite: 72% of income	7.5(16.6%)	
The petit bourgeois: 17.2%	7.5(16.6%)	
The upper lower class: 7.3%	7.5(16.6%)	
The middle lower class: 2%	11.5(25%)	
The lower lower class: 1.3%	11.5(125%)	
		45 million

The very poor;
breadwinners
mostly
unemployed
(underemployed)

}

The middle lower class: 2%

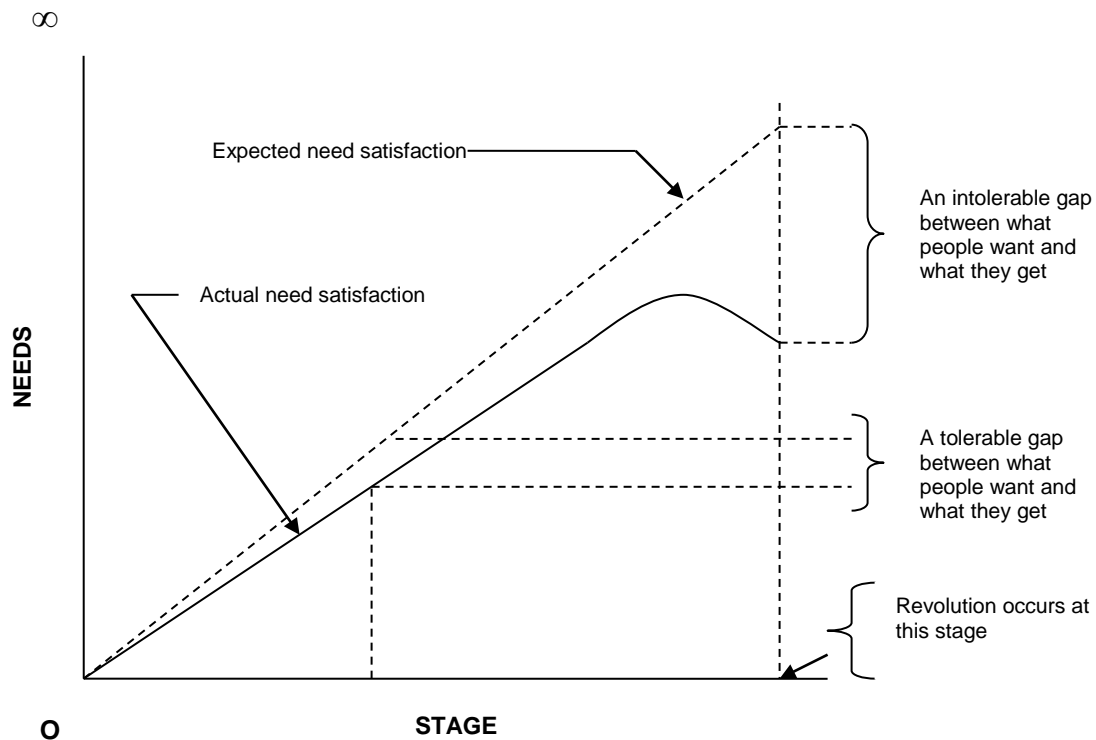
The lower lower class: 1.3%

(Terreblanche (2002: 36))

To illustrate this context Davies’ diagram (Fig. 4.2) on need satisfaction and revolution is utilised. In the diagram Davies (1971: 372) explains the gap between what people want and what people get from the state and how long this is tolerable before resulting in conflict. Davies’ (1971: 370) argument is that revolutionary thoughts are very likely when people fear that the economic improvement in their lives they experienced once change begins may be lost,

because the gap between their expectations and what they receive increases. People therefore have an expected need satisfaction and will not tolerate it for long for those needs not to be met. As with vigilantism, people's need satisfaction is to feel safe and to expect protection from the state against criminals. If the need is not satisfied for a prolonged period, the occurrence of vigilantism can be expected. Abrahams (1998: 170) indicates that vigilantism responds to a range of persistent imperfections in the state system. Such imperfections would be making promises but never being able to meet them fully, such as the pre-election promises of the ANC as was already indicated in the introduction. An example of this, according to Duvenhage (2007: 63), was the promise of the ANC before the 2004 general election to reduce unemployment by 50%. However, in 2007 61% of the economically active part of the population was still unemployed or underemployed. The result is low levels of need satisfaction. Vigilantism can therefore be compared with a mini-revolution within a community in reaction to continuous low levels of need satisfaction.

FIG. 4.2: Need satisfaction and revolution



(Davies (1971: 372))

Societal circumstances for the possibility of praetorianism, according to Huntington (1965: 416), are when there is an absence of law and authority “...political institutions are weak and social forces strong”. Vigilante groupings act as mini-militaries that take over the responsibility for the security of a community. A dysfunctional state with low levels of institutionalisation is unable to perform its functions such as providing security to its citizens and in reaction social forces such as vigilante groups take over that function.

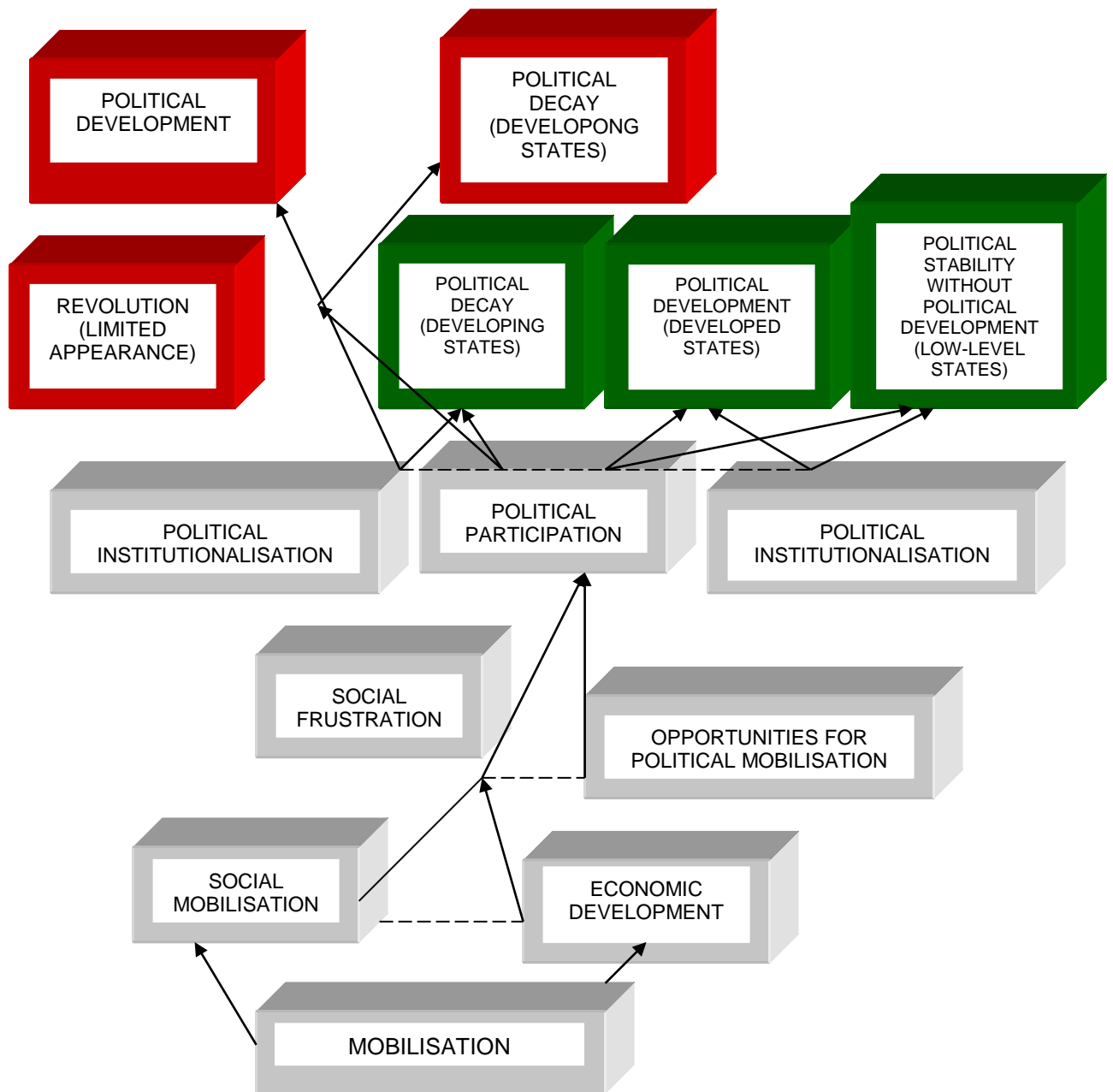
Huntington (1968: 59) indicates that corruption is a “...measure of the absence of effective political institutionalisation.” In other words, the level of corruption in a state is also an indication of its level of institutionalisation or functionality / dysfunctionality. A changing society also contributes to corruption as new

sources of wealth and power are created (Huntington, 1968: 60). Corruption is therefore expected in a changing society but when it results in dysfunctionality, in other words, when it undermines the state's ability to perform its function, a state is experiencing political decay rather than positive change or transformation.

Huntington (1968: 63) also argues that modernization encourages violence, the same as with corruption as both are the result of weak political institutionalisation. In other words, a society with a high capacity for corruption also has a high capacity for violence. High levels of violence are therefore also an indication of the context within which political decay is inevitable.

The following diagram (Fig. 4.3) of Duvenhage (1994: 158) provides an overview of Huntington's explanation for political development or decay of which the latter is relevant for this study (compare Duvenhage (1994: 146 – 158) for further details regarding the relevance and the explanation for political development / decay).

FIG. 4.3: Huntington's explanation for political development / decay



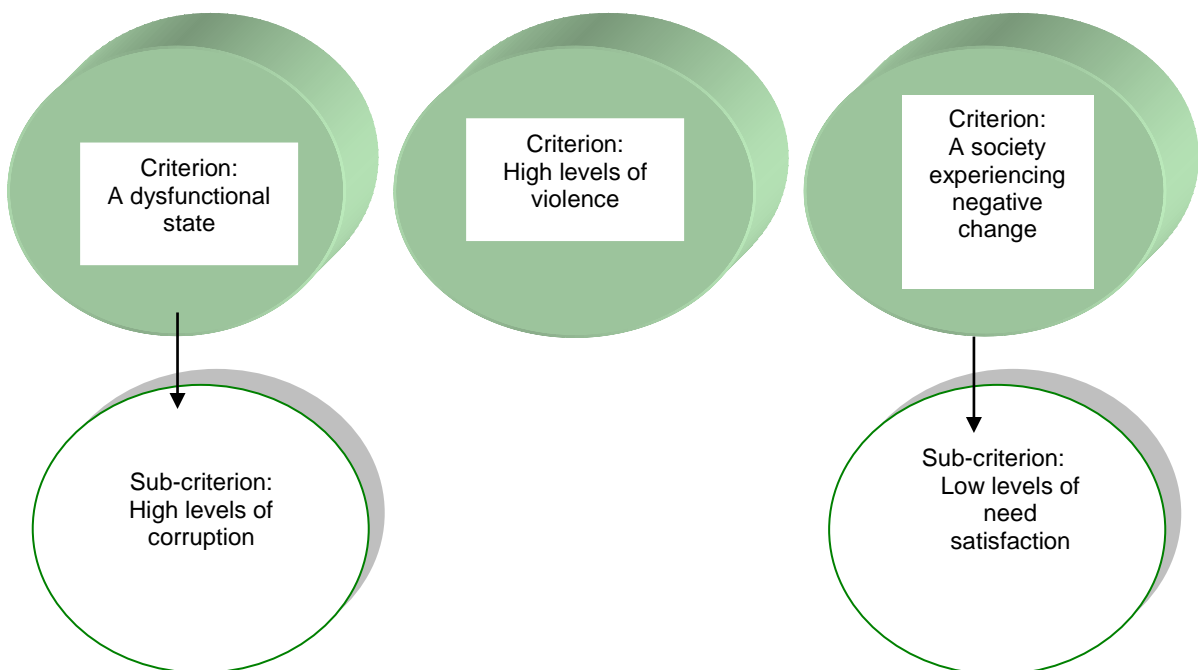
(Duvenhage (1994: 148))

The above-mentioned context is, according to Huntington's (1965 & 1968) theories, more prevalent in a changing society or a society experiencing negative change. This context can be divided into the following criteria and sub-criteria:

- society experiencing negative change -
 - an intolerable gap between what people expected to get and what they do get, created by change,
- a dysfunctional state -
 - high levels of corruption,
- high levels of violence.

These criteria and sub-criteria identified from Huntington's (1965 & 1968) works are illustrated as follows:

FIG. 4.4: Huntington's context criteria for political decay and praetorianism



One can therefore conclude, according to Huntington's (1965 & 1968) theories discussed in this study, that vigilantism is most likely to occur in the context of a dysfunctional state with high levels of corruption in which a society is experiencing negative change with low levels of need satisfaction. The context is

also characterised by the presence of high levels of violence. The context is, in other words, saturated with social instability due to an inability of the state to perform its functions.

4.2.1.2 Duvenhage's perspective on political decay as a pattern of political change

Duvenhage's (2003) *Politieke verval as 'n patroon van politieke verandering: 'n teoreties-verkennende perspektief* analysed and identified patterns of decay between the spheres of "politics of structure" and "politics of survival". Of importance at this stage would be the context, identified by Duvenhage, when a country in transformation moves towards the sphere of "politics of survival" progressing through the phases of system stress, dynamic equilibrium and ultimately reaching disequilibrium (compare Chapter Three par. 2.2 & Duvenhage, 2003: 51 - 59). The following context applicable to these phases has been derived from Duvenhage's conceptual framework:

Duvenhage (2003: 51) explains that, when a state progresses through political change, it experiences problems with regard to one or more of the following criteria which coincide with Mazrui's (1995: 28) functions of the state:

- control with regard to state territory;
- supervision over national natural resources;
- capacities regarding taxation and collection thereof;
- the development, expansion and maintenance of infrastructure;
- ability with regard to service delivery; and
- maintenance of practices associated with good governance and administration.

According to Duvenhage (2003: 54), the inability of the state to provide good service regarding specific areas, causes institutions outside the government to take over these tasks. Duvenhage (2003: 66) places this inability of the state

under the political context and specifies an inability of the state to provide security and social needs to its citizens on a relatively permanent basis. An example would be a rise in the private security industry and private schools in a state. This inability of the state to perform certain basic functions, which are, according to Mazrui (1995: 28), the capacity to render basic services and the capacity for governance and the maintenance of law and order, results in the creation of power vacuums up to the point when the state loses its position as sovereign political institution. Duvenhage (2003: 56) argues that the state is not the only actor at this stage to allocate norms but that there are many role-players competing in a conflicting and even violent manner with one another to perform this function. This is in parallel with the occurrence of vigilantism, as vigilante groups take over the function of the state of providing security and performs this role in a very violent manner, since in most cases, alleged criminals are killed.

According to Duvenhage (2003: 52), corruption is a typical phenomenon associated with what he refers to as the phase of “system stress” and will therefore be transferred to the other phases if a state does not recover and does not move back to the phase of equilibrium. The South African government loses millions of rands per year due to corruption in the Department of Social Services with the payout of pensions and other allowances (Brits, 2005: 2). The Auditor General found that R300 million in subsidies, meant for the poor, were paid to civil servants between March 2004 and January 2005 (De Lange, 2007: 1). Corruption has therefore surpassed the “system stress” phase in South Africa and has been transferred to the phase of dynamic disequilibrium.

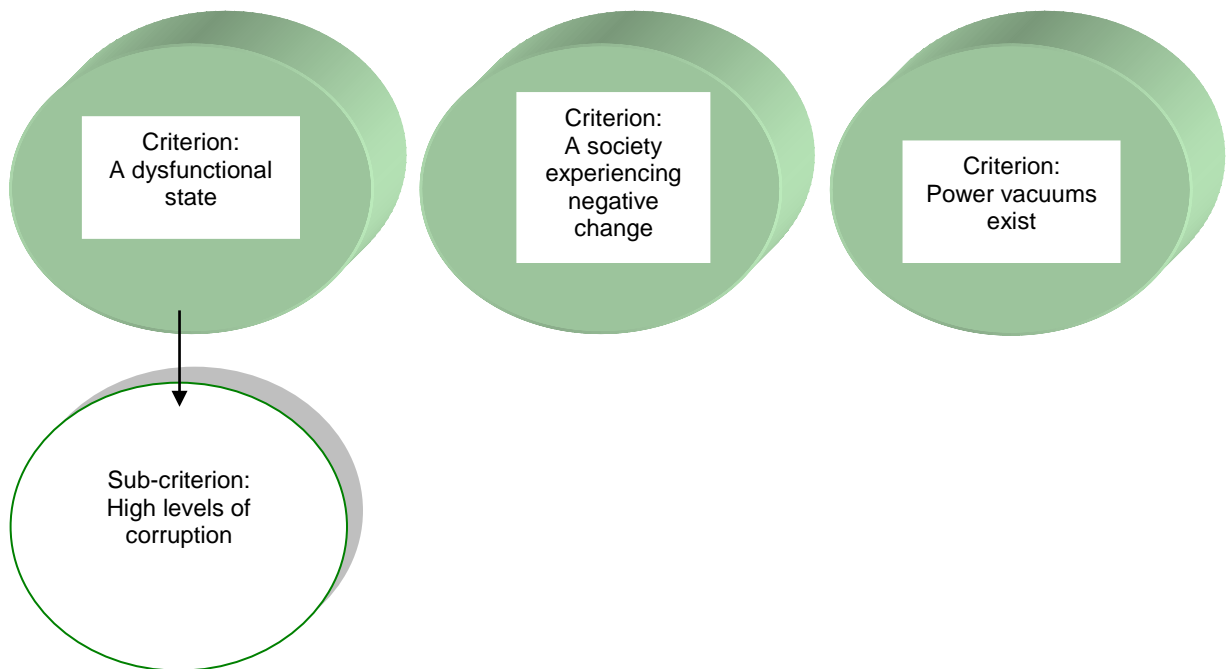
All the above-mentioned criteria are relevant when a society is experiencing disequilibrium or negative change.

From this context, derived from Duvenhage’s (2003) conceptual framework, the following criteria most conducive to the occurrence of vigilantism can be identified:

- a society in disequilibrium,
- a dysfunctional state -
 - corruption,
- power vacuums exist.

These criteria identified from Duvenhage's (2003) work can be illustrated as follows:

FIG. 4.5: Duvenhage's context criteria for a state in disequilibrium



It may be concluded, according to Duvenhage's conceptual framework, that the context which is most conducive to the occurrence of vigilantism is that of a dysfunctional state with high levels of corruption, in which power vacuums exist and in which the society experiences negative change. One can therefore conclude that the state's inability to perform its functions results in negative

change taking place and not transformation which ultimately creates power vacuums which are, amongst others, filled by vigilante groups.

4.2.1.3 Migdal's strong and weak states theory

Migdal's theory, in *Strong states weak states* of 1987 and *Strong societies and weak states* of 1988, focuses on the weak state and the inability of such a state to control society. Within these theories Migdal identifies the following context in which a state has a high probability of moving from being a strong state to a weak state.

Migdal (1987: 397) places the question: "Who makes the rules?" central to his theory (compare Chapter Three par. 2.3 & Migdal, 1988: 40, 177)]. If the answer is the state, then it surely indicates a strong state. However, if the answer is the strongmen who offer viable strategies of survival to communities, a move towards a weak state is indicated. A state therefore competes with other social organisations for control over society (Du Toit, 1995: 43). In other words, if the state is unable to perform its basic functions and power vacuums are the result, the state is losing control over some of its functions and in some of its communities.

"Weak societies are defined by their low levels of social control" (Du Toit, 1995: 27). In other words, the state is no longer in control and is unable to enforce its rules and is therefore unable to perform the function of maintenance of law and order. Matthews Phosa (2007: 1) said during a presentation on violent crime in South Africa that "(w)e have a young democracy within which the transformation of security institutions has been complex." The South African criminal justice system has received a huge amount of criticism from the public, the press, opposition political parties and the business community due to the continuous high crime rate and low levels of prosecutions and is therefore viewed as unable to perform its functions. Du Toit (1995: 32) also writes in his analysis

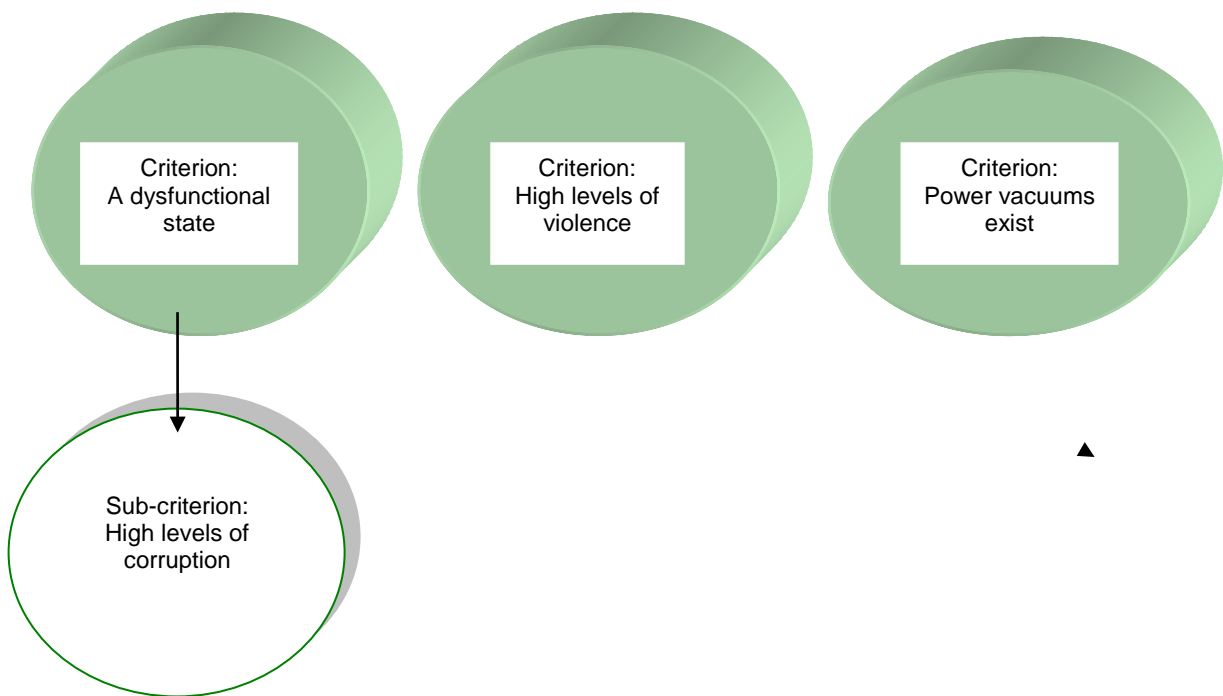
of Migdal's theory that "(b)ypassing the rule of law has become a form of survival...". The result of such a state is high crime levels, corruption and the occurrence of political violence. Bypassing the rule of law would also indicate the occurrence of vigilantism as a form of surviving against high levels of crime.

According to Migdal (1987: 407), regular replacement of ministers of state and top bureaucrats is an indication of a weak state. The result is a lack of continuity with regard to management in these important positions and it causes confusion and uncertainties among state employees. The replacement of a minister or top bureaucrat is also not with better capacity in mind, but rather his/her political loyalties. Such actions are an indication of a dysfunctional state, since the result of such actions will be low bureaucratic functionality due to regular change in management or what Migdal (1987: 409) refers to as "...a kind of deinstitutionalization...".

From this context derived from Migdal's work, one can identify the following context criteria present when a state can be classified weak and in which vigilantism is also most likely to occur:

- dysfunctional state -
 - corruption,
- high levels of violence,
- power vacuums exist.

FIG. 4.6: Migdal's context criteria for a weak state



According to Migdal's (1987) theory, the context in which vigilantism will occur is that of a dysfunctional state with high levels of corruption and high levels of violence. Power vacuums also exist when a state is dysfunctional which can, among others, be filled by vigilante groups providing security to a community as the state is unable to do so.

4.2.1.4 Geldenhuys' state collapse

Geldenhuys' article (1999) **State Collapse** indicates how a state collapses by moving to a soft state and to a weak state before it collapses.

Corruption is to be expected when a state is in the process of fundamental change (compare Chapter Three par. 2.4 & Geldenhuys, 1999: 38). The main impact of corruption is that it undermines service delivery to the people and

therefore indicates a dysfunctional state. However, if corruption continues to remain high one would not be able to refer to a process of transformation taking place but rather to a process of negative change or disequilibrium (Geldenhuys, 1999: 40).

Low levels of institutionalisation or what Geldenhuys (1999: 43) refers to as low bureaucratic abilities include a context characterised by low levels of service delivery and can be attributed to bureaucratic and political clumsiness, a lack in capacity and a serious lack of money. In a weak state one can even expect that the three basic services to its people namely internal order, external defence and basic services infrastructure, are not rendered very effectively, creating power vacuums. When a state collapses, state institutions, specifically the police and judiciary, break down which results in a total absence of law and order (Geldenhuys, 1999: 44). Access to the police in South Africa is affected by the 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 a limited intelligence and investigative capacity (Sekhonyane & Louw, 2002: 20). The state is therefore experiencing difficulty in maintaining internal order due to low administrative management abilities. A breakdown in law and order will inevitably result in high levels of crime which will create a context most conducive to the occurrence of vigilantism, because power vacuums exist with regard to the provision of security.

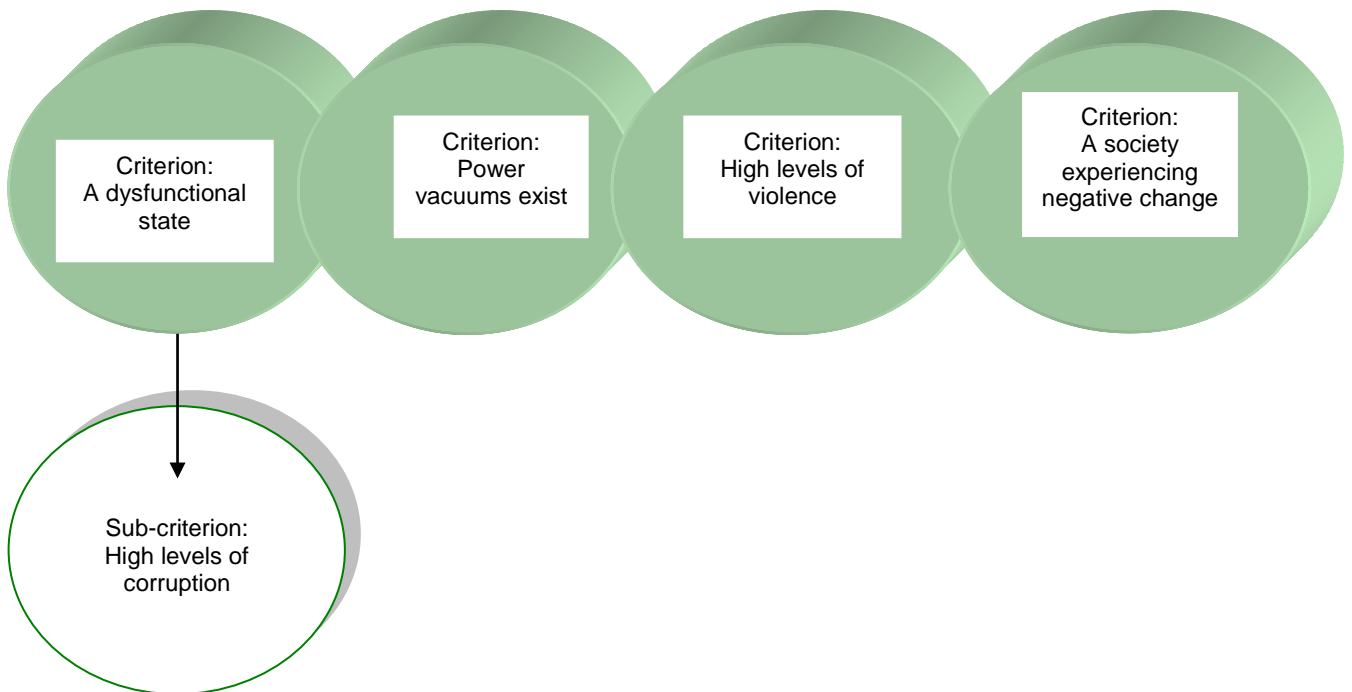
Geldenhuys (1999: 42 - 43) adds that some of the situations one can expect in a weak state is widespread high levels of political violence. With the breakdown in law and order overall high levels of violence can be expected, since the state is unable to perform its functions.

From the context provided by Geldenhuys (1999) the following criteria can be identified which will be present within a weak state moving towards becoming a collapsed state:

- a society in disequilibrium,
- dysfunctional state -
 - corruption,
- high levels of violence,
- power vacuums exist.

These context criteria, derived from Geldenhuys' (1999) contextual framework, can be illustrated as follows:

FIG. 4.7: Geldenhuys' context criteria for a collapsing state



Geldenhuys' conceptual framework indicates that the context in which vigilantism most likely will occur is that of a dysfunctional state with high levels of corruption, high levels of violence and where power vacuums exist. The society experiences negative change and not transformation, which is a progressive phenomenon.

4.2.1.5 Zartman's theory of collapsed states

Zartman's (1995) focus in his theory of ***Collapsed States*** accentuates why states collapse. The context Zartman provides for a state to collapse is also relevant to the occurrence of the phenomenon.

Zartman (1995: 5) explains that collapse means that certain functions are no longer performed by the state and the citizens then automatically take over those functions (compare Chapter Three par. 2.5 & Zartman, 1995: 1). In other words, power vacuums have been created and are filled by institutions created by the public. This is the case with vigilantism, seeing that communities fill the power vacuum that exists due to the state's inability to perform the function of ensuring order. Even though only one function is no longer performed, it drags the other functions of the state down with it. Government also malfunctions as it avoids necessary but difficult decisions, which result in a governing crisis. Government is unable to address this crisis due to a lack in capacity (Zartman, 1995: 10).

According to Zartman (1995: 10), central government loses its power base as it does not pay attention to the needs of its people; it therefore loses their support. The focus of government is more on political survival than on the needs of the people, resulting in a dysfunctional state. Social groups then feel neglected, which results in an atmosphere of dissatisfaction. In May 2005 South Africa experienced more than 50 community protests across the entire country in reaction to low levels of service delivery and slow delivery regarding housing (Booyesen & Stofile, 2005: 9). These actions brought a climax to the frustrations of the people and manifested in spontaneous mobilisation. Clearly South Africa

is unable to provide the level of service delivery required - to a point that people feel that almost no services are rendered. One of the main reasons given for this is that councillors are busy pursuing political goals rather than focussing on providing basic services to the people that voted for them (Anon a, 2007: 12).

Zartman (1995: 8) also compares corruption (as indicative of a state in collapse) with internal waste, as it will result in resources drying up. The ultimate danger criteria, according to Zartman (1995: 10), are when government officials operate on their own account and government loses control over them, for example high levels of corruption and when law and order is consistently broken by the police themselves. This situation would indicate high levels of crime to be present.

High levels of violence are synonymous with state collapse. Zartman (1995: 207) points out that the collapse of a state is associated with armed conflict and communal violence. Vigilantism can be described as a form of communal violence as a community acts with extreme violence against alleged criminals. Zartman (1995: 200) argues that a culture of conflict and confrontation was instrumental in the collapse of South Africa's apartheid regime.

The above-mentioned context is, according to Zartman's (1995) theory, applicable to a state in collapse from which the following criteria could be identified:

- dysfunctional state -
 - corruption,

- power vacuums exist,

- high levels of violence -
 - high levels of crime.

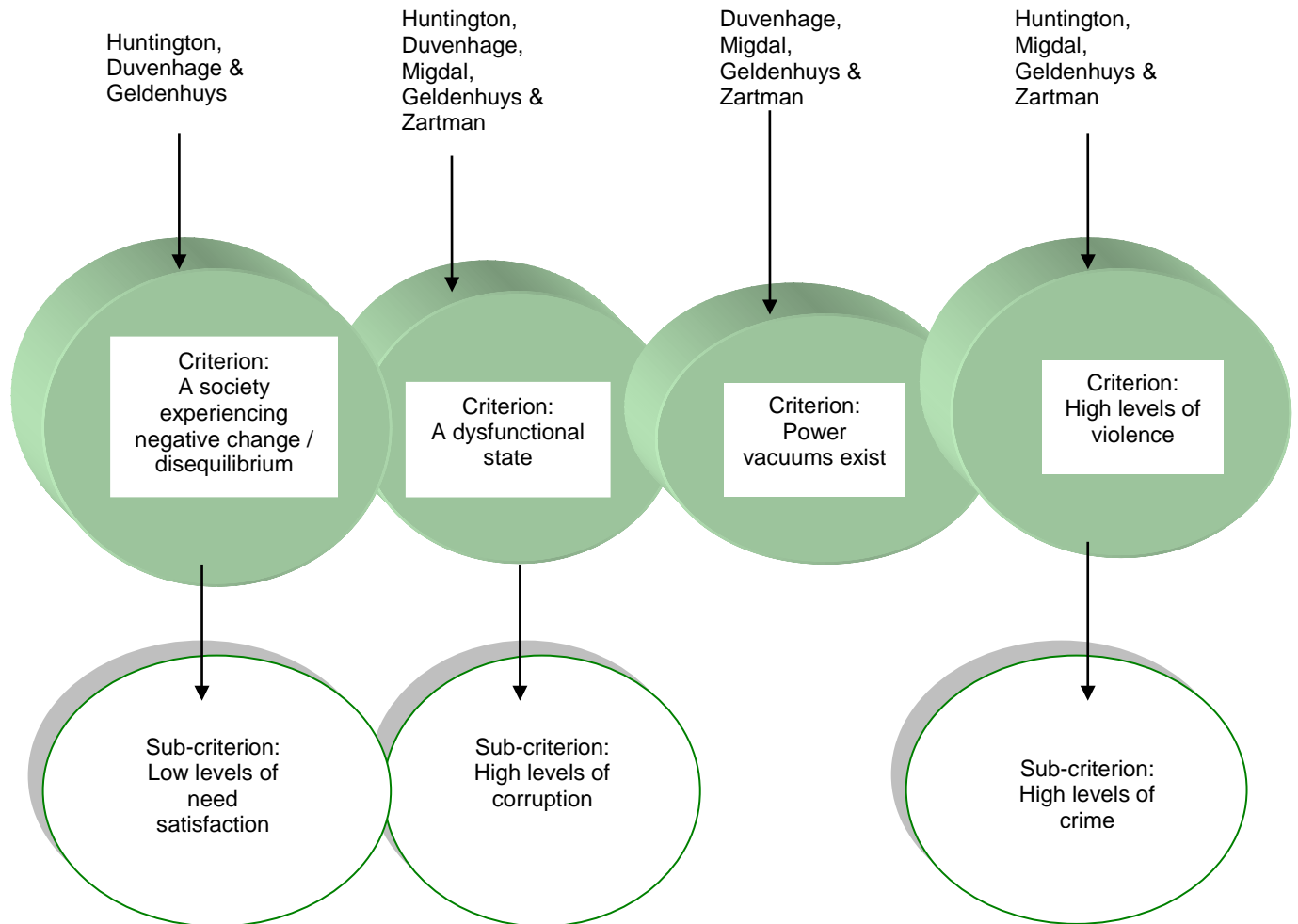
FIG. 4.8: Zartman's context criteria for a collapsing state



The context that Zartman's (1995) theory provides for the occurrence of vigilantism is also that of a dysfunctional state, specifically with high levels of corruption, high levels of violence and high levels of crime. Zartman (1995: 5) also indicates that power vacuums exist under circumstances of the state being unable to perform its functions, and it is these power vacuums that enable vigilante groups to justify their actions and continued existence in a community.

In order to have a clear understanding of all the relevant identified context criteria for this study, an illustration, including all the criteria from the five contextual frameworks utilised, is provided in the following figure (Fig. 4.9):

FIG. 4.9: An illustration of the identified context criteria and sub-criteria with an indication of which writer's work they have been obtained from



4.2.1.6 Summary

Five broad contextual criteria can be identified from the criteria indicated by Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987), Geldenhuys (1999) and Zartman (1995) as being instrumental when a state finds itself in a phase of political decay and which are also relevant to the occurrence of the phenomenon vigilantism, and they are:

- the society is in a state of negative change or disequilibrium -
 - low levels of need satisfaction,
- the state is dysfunctional -
 - high levels of corruption,
- power vacuums exist,
- high levels of violence are present -
 - high levels of crime.

However, it is now important to have a clear understanding of each of the criteria and to break them down into sub-criteria through a process of conceptualisation so as to be able to apply these criteria to the South African context.

4.2.2 Contextual criteria for vigilantism

Contextual criteria for the occurrence of vigilantism at a level that it will be indicative of a state experiencing signs of political decay are as follows:

- **A society experiencing negative change / disequilibrium**
 Transformation refers to radical, centrally planned political change of a progressive nature. Change can, however, refer to either decay or progression; and decay refers to negative political development or disequilibrium. Political decay is associated with the inability of the state to provide order, stability, security and good governance (Duvenhage, 2003: 44). Palmer (1989: 128) writes that a government of a society in change experiences much pressure of frustrations resulting from a need for social change.

Huntington (1968), Duvenhage (2003) and Geldenhuys (1999) refer to a society experiencing negative change or disequilibrium as being a context criterion for political decay of which vigilantism is a feature.

Huntington (1968: 57 - 59) adds to this that a low level of need satisfaction is also part of this context which, according to Davies (1971: 370), if prolonged, can result in a revolution. In other words, when a state enters a process of transformation, high expectations from the people exist, specifically with regard to economic opportunities for decreasing poverty and unemployment. The idea of transformation has to be sold to the people in order for the process to be acceptable, which usually include many promises being made such as the provision of housing, the creation of job opportunities and better infrastructure. However, when change is negative these expectations are not met due to the inability of the state to do so - either because of low bureaucratic abilities or the focus rather being on political survival than on the needs of the people. A low level of need satisfaction can therefore be viewed as a sub-criterion of the context criterion – a state in negative change / disequilibrium.

In this context criterion a society will therefore be in disequilibrium / negative change, due to a state of instability and uncertainty after the high expectations that the change will result in a better life for all. The result is high pressure on the state to produce. Vigilantism is therefore more inclined to occur in a state undergoing a phase of disequilibrium when expectations that are not met result in mini-revolutions within communities that take the law into their own hands.

From this criterion of disequilibrium flows the next context criterion of a dysfunctional state.

- **A dysfunctional state**

The criterion of a dysfunctional state refers to a state with low levels of institutionalisation or low bureaucratic abilities and high levels of corruption.

All five conceptual frameworks, Huntington (1965), Duvenhage (2003), Migdal (1978), Geldenhuys (1999) and Zartman (1995), refer to a dysfunctional state as a context criterion which is conducive to political decay. A dysfunctional state displays low levels of institutionalisation. In other words, the state is unable to perform its functions of good governance such as maintaining law and order, development, expansion and maintenance of infrastructure and ability with regard to service delivery. Low levels of service delivery will therefore be the order of the day causing much dissatisfaction among citizens, which can lead to spontaneous mobilisation involving violence, as Zartman (1995: 10) argues that the focus of the government rather falls on political survival than on the needs of the people.

Corruption is placed as a sub-criterion of a dysfunctional state as it undermines the abilities and resources of the state and in the end becomes one of the reasons for the state becoming dysfunctional. It is also the reason why corruption would flourish. According to Geldenhuys (1999: 39), corruption can be described as the deviation of state officials' formal duties by using their public functions and resources in an illegitimate way to their personal benefit. Corruption includes acts of bribery, nepotism and mismanagement, i.e. utilising public resources for private gain. However, for the occurrence of corruption to become a criterion for the occurrence of vigilantism, its incidence must be high. Ottaway (1995: 235) writes that one of the main reasons for states to collapse is the mismanagement of resources. Corruption is therefore a

criterion that adds to a situation of political decay and lays a basis for vigilantism to occur.

A dysfunctional state therefore results in power vacuums that occur, which is the next context criterion.

- **The existence of power vacuums**

Due to the above-mentioned criteria where the state is unable to perform its basic functions, power vacuums occur. These vacuums are filled by non-state bodies taking over the functions of the state.

With regard to the state's function of maintaining law and order, indications of the existence of power vacuums would result in an enormous security industry, but for those who cannot afford the services of a security company, vigilantism would be their choice. As Schönteich (1999: 24) puts it: "Vigilantism is often the poor man's version of private security..." If the state is not able to provide security to its people, the people will provide their own security. Kotzé and Du Toit (1997: 69) note that when a state falters in providing security to its citizens, its legitimacy, strength and eventually its survival are at risk. Rival forces, such as vigilante organizations, emerge alongside and in rivalry to the state, attempting to outbid the state in offering security. Security therefore becomes privatised for the rich and for the poor communalised. To add to this, Abrahams (1998: 163), in comparing vigilantism with the Mafia, writes that the Mafia provides elements of local law and 'government' where political change has left a rural power vacuum, in other words, for the Mafia to be making their own political rules (compare Chapter Three par. 3.1 & Strange, 1996: 110 - 117).

This argument supports the criterion of a state being in a phase of disequilibrium as being the context within which vigilantism is most likely to

occur. Within that context the other criteria, such as a dysfunctional state, the existence of power vacuums as well as high levels of violence are more likely to exist of which high levels of violence is the next context criterion.

- **High levels of violence**

High levels of violence in a society in transformation may refer to high levels of political violence, communal violence as well as high levels of crime, especially high levels of violent crime, with low levels of prosecution.

Huntington (1968), Migdal (1987), Geldenhuys (1999) and Zartman (1995) indicate in their conceptual frameworks utilised in this study that high levels of violence create a context conducive to the existence of political decay and therefore also to the occurrence of vigilantism.

But what can be classified as violence? According to Himes (1980: 104), violent conflict can be defined as the "...intentional struggle between collective actors that involves the application of significant social power for the purpose of injuring, disrupting, or destroying human beings, human psyches, material property and/or socio-cultural structures." In other words, applying violence occurs intentionally. When a society adopts a culture of violence and violence is entrenched in every facet of that society, socially and politically, that society is in disequilibrium. Anstey (2002: 46) argues that acts of violence that fall within Himes' definition are riots, lynching and vigilantism.

Political violence refers to clashes between supporters of different political groups as well as to communal violence as a result of dissatisfaction with the performance of the state. Huntington (1987: 4) indicates that rapid social change and rapid mobilisation of new groups into politics, coupled

with the slow development of political institutions, are mainly responsible for violence and instability in a society in political change. In other words, the shift of political power to a new government, high expectations and slow delivery will result in violence and instability.

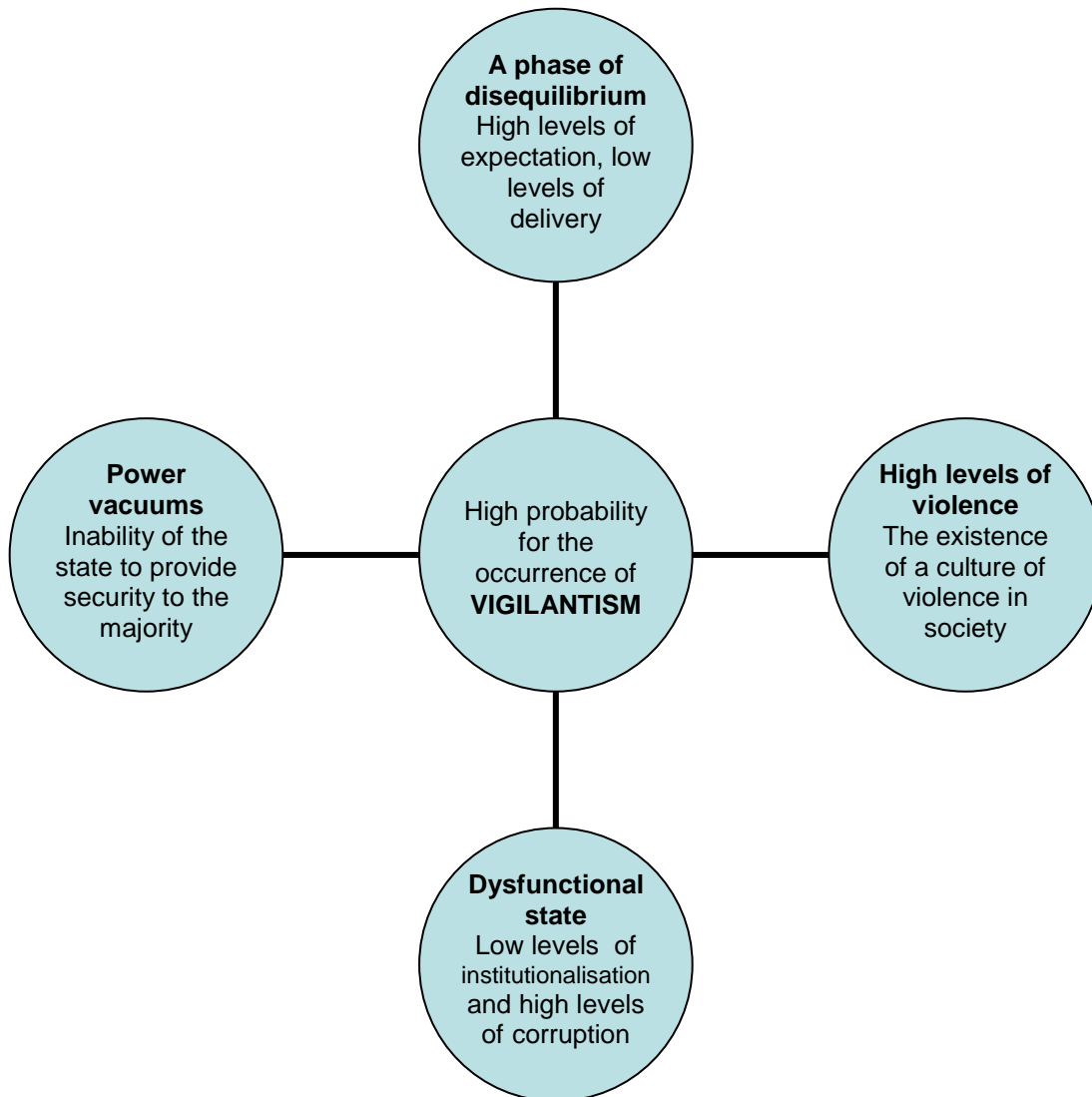
Social violence may refer to domestic violence and high levels of crime, specifically violent crimes.

As crime is given as the main reason for the occurrence of vigilantism, continuous high levels of crime will result in the continuous presence of vigilante groups. The continuous high levels of crime with low levels of prosecutions also reflect on the previous criterion of a dysfunctional state. High levels of crime are viewed as a sub-criterion of the high levels of violence context criterion.

One can therefore conclude that the context in which vigilantism would be most probable to occur is ***a society in a state of negative change, and being dysfunctional where power vacuums exist and high levels of violence are present. When the state then fails to deliver on the function of providing security, the society has to provide a counter activity.***

The following diagram (Fig, 4.10) illustrates the identified context criteria which create an environment in which the occurrence of vigilantism is most likely to occur:

FIG: 4.10: Context criteria for vigilantism



With this conceptualisation of the context in which vigilantism is likely to occur, it is necessary to apply the criteria to the post-1994 South African environment in order to determine whether the South African governance environment is indeed conducive to vigilantism to occur at such a level that it becomes indicative of a state being in the process of decaying politically.

4.2.2.1 Application of contextual criteria to post-1994 South Africa

The post-1994 South African environment has to be tested against each of the identified context criteria, namely a society in disequilibrium, a dysfunctional state, the existence of power vacuums and high levels of violence in order to determine whether it is conducive for the occurrence of vigilantism.

4.2.2.1.1 A society in disequilibrium

South Africa is undisputedly a society in political change which only started in 1994 when the first democratic election was held and the African National Congress (ANC) won with a majority vote of 62%. South Africa can therefore be considered a young democracy.

After 1994 high expectations existed that the state would at last be in a position to protect all its citizens equally and deliver basic services (Sekhonyane and Louw, 2002: 3). However, according to Nina and Schärf (2001: 5), the first four years were devoted to policy formulation and internal transformation at the expense of service delivery. The transformation process in South Africa was therefore much slower than expected by both government and the people of the country.

Indicative of this is South Africa's high unemployment rate and consequent high level of poverty. South Africa has an unemployment rate of almost 40%, which is extremely high and therefore a pressing socio-political problem is facing the South African government (Kingdon & Knight, 2005: 1). Such a high unemployment rate makes the task of government to alleviate poverty and inequality practically impossible. The first step is to increase people's access to jobs and income generation opportunities; thus the reduction of the unemployment rate - with which the new South African government has had very little success up till now. Terreblanche (2004: 11) notes that poverty and

unemployment may become worse over the next decade. Duvenhage (2005: 29) writes that about 22 million people in South Africa are living below the poverty line. The result is therefore that the poor simply become poorer and see very little realisation of their expectations with regard to the new democratic state.

In 2004 the poverty rates per province in South Africa, which are measured in accordance with income (the poverty rate is an income equal to R5 057-00 and ultra poverty rate is an income equal to R2 717-00 per annum). According to the Provincial Decision-making Enabling (PROVIDE) project, of which statistics were taken from the different provinces' research performed, the figures were as follows (Pauw, 2005: 1):

Table 2: Poverty rates 2004

Province	Poverty rate	Ultra-poverty rate
Limpopo	67.3%	39.9%
North West	52.2%	27.6%
Gauteng	25.8%	11.2%
KwaZulu-Natal	54.3%	32.2%
Western Cape	20.8%	6%
Eastern Cape	68.7%	45.5%
Free State	57.2%	34.9%
Mpumalanga	51.7%	25.1%
Northern Cape	48.5%	21.7%

It is important to note that the majority of the poor were and still are in the townships and the majority of the ultra-poor in the informal settlements in South Africa. The poverty rate is in direct correlation with the unemployment rate. The following table indicates the unemployment rates, as found by the PROVIDE project (Pauw, 2005: 1), according to the strict, and not the broad, definition of unemployment. The strict definition refers to the unemployed who did not work during the seven days prior to the interview, want to work and are available to

start work within a week of the interview and have taken active steps to look for work or to start some form of self-employment in the four weeks prior to the interview. The broad definition excludes the part of the strict definition relating to the unemployed taking active steps to look for work or started some form of self-employment in the four weeks prior to the interview. The table also indicates the unemployment rate of Africans who mainly reside in townships and informal settlements which experienced a much higher rate than the average for each of the provinces.

Table 3: Unemployment rates 2004

Province	Unemployment rate	Unemployment rate : Africans
Limpopo	29.7%	47.6%
North West	29.9%	44.9%
Gauteng	25.8%	38.5%
KwaZulu-Natal	27.9%	42.0%
Western Cape	27.3%	38.0%
Eastern Cape	18.0%	30.0%
Free State	27.5%	39.5%
Mpumalanga	28.1%	38.8%
Northern Cape	22.6%	34.0%

The typical jobless person is, according to Makgetla (2005: 13), an African under 30 years who dropped out of school at about the 11th grade. Approximately 2.7 million people between ages 16 and 30 cannot find a paying job. 60% of the unemployed are young people.

A society in transformation faces many challenges as institutions need to undergo many changes which could result in a dysfunctional state if not managed properly, which is the next contextual criterion.

4.2.2.1.2 Dysfunctional state

An indication that South Africa's level of institutionalisation can be rated as becoming lower is that South Africa fell back from the 38th position, in 2005, to the 50th position in 2006, out of 55 countries with regard to economic competitiveness according to the 2007 issue of the IMD World Competitive Yearbook (Van Tonder, 2007: 1 & Duvenhage, 2007: 55). Reasons given for this dysfunctional state by Dr Stéphane Garelli, director of the IMD Competitiveness Centre, to Van Tonder (2007: 1) are insufficient infrastructure, lack of capacity and the high unemployment rate, the high crime rate and corruption, to name but a few. With regard to the rating on how well the government is doing, South Africa deteriorated from position 25 in 2005 to position 35 in 2006. One of the reasons for this deterioration is the inability of the government to protect its citizens and their property (Van Tonder, 2007: 1).

7.5 million people in South Africa are still in need of adequate housing. Mass protest actions that had taken place in poverty stricken neighbourhoods and informal settlements in the Western Cape, Eastern Cape, KwaZulu-Natal, Mpumalanga and Free State in 2005 was a clear indication that the gap between the newly-enriched layer who benefited from 11 years of democracy and those who have been left behind has widened to breaking point (Johnson, 2005: 2 – 3). South Africa experienced more than 50 community protests in eight of the nine provinces in 2005, highlighting dissatisfaction with the slow provision of housing as well as low levels of service delivery in townships and informal settlements (Booyesen & Stofile, 2005: 9). Informal settlements are, however, continuing to increase in South Africa and was estimated at 1.376 million informal dwellings in 2004 while 'slum' housing is projected to increase to about 2.4 million by 2008 (Richards et al., 2006: 375). Huntington (1965: 393 - 394, 405 - 411; 1968: 1 - 8) indicates that a state with low institutionalisation is characterised by an inability to maintain order, stability and effective governance. The reaction from communities throughout the country indicated that the state was unable to satisfy

their needs with regard to basic services. Political institutions in the post-1994 South Africa were and still are weak but social forces are strong, which, as argued by Huntington (1965: 416), create societal circumstances favourable for praetorianism. This situation causes power vacuums and those needs are filled by people's courts in South Africa's townships and informal settlements.

The low arrest and prosecution rate is indicative of a low level of institutionalisation in the criminal justice system. According to a report from the South African Law Commission, in only 27 out of 100 murder cases someone is arrested and only 22 of these files eventually go to court; in only 13 out of 100 incidents of armed robbery someone gets arrested and only 10 of these files go to court; and only in 57 out of 100 rape cases someone gets arrested and only 44 of these files go to court. Only 6 out of 100 violent crimes that do go to court end with a guilty sentence. The report also indicated that criminals in South Africa are under the impression that they will not be punished for their crimes and this is due to SAPS not being able to successfully investigate the majority of cases classified as violent crimes to the point that it goes to court and with a high probability of a guilty sentence (Steenkamp, 2007: 5). The Deputy Minister of Justice, Johnny de Lange, said in parliament on 5 August 2008 that one million crime scenes are not even visited by SAPS due to a shortage of capable people that can collect evidence. There is a massive shortage in detectives with too little resources to investigate crime. De Lange acknowledges that the criminal justice system is dysfunctional (Steenkamp, 2008: 1 - 2).

Harris (2001: 25) explains that vigilantism is a product of criminals "getting away with it" in post-1994 South Africa due to negligence, overcrowded jails, poorly trained prosecutors, corruption and poor investigations. Vigilantism is therefore viewed as a solution to the practical failings of the criminal justice system in order to regain order within a community.

The criminal justice system also fails as the majority of the people in South Africa, especially those in informal settlements, do not have easy access to either the police or the justice system. Insufficient service delivery by local SAPS branches in these communities causes vigilantism to thrive.

With 125 521 police officers in 2007 the SAPS remains ill equipped, overworked and poorly trained (Helfrich, 2007: 2). In a study done by Sekhonyane (2003: 12) it was found that many detectives are ill-equipped to deal with their task and most are overburdened. In 2000, the ratio of recorded crimes to detectives in the country was 118:1. Of the roughly 20 000 detectives in the SAPS, at least a third has not received basic investigative training.

According to Minnaar (2003: 16), people have no faith in the police. In some areas, specifically in informal settlements, the police are reluctant to patrol at night, as there are neither streetlights nor tarred roads, and the shacks have no street numbers. Residents of these informal settlements also complain that criminals that are arrested are almost never punished, they are quickly released on small bail amounts or their cases take a long time to come to court. People feel that if the police were more effective against crime, vigilantism would not occur. These communities are often faced with either organizing their own policing, or facing the threat of being swamped by criminal gangs. Communities experiencing lawlessness and minimal police presence, see community vigilantism as a legitimate effort to maintain a form of law and order. Sekhonyane and Louw (2002: 12) add to this by writing that vigilantism is more pronounced in areas where police stations are located far from residential housing, and in communities where there are poor police-community relations. State-provided housing is vulnerable to break-ins and often houses are not fenced. Sekhonyane and Louw (2002: 12) elaborate that very few community members in these areas use any form of target hardening, such as burglar guards on windows and doors, or concrete walls around the property.

Access to justice is impeded both by physical and resource-related constraints, which make the police and courts inaccessible, as well as the reduced participation in criminal justice processes, which is a result of a lack of understanding about the complex legal system. Victims, witnesses and the public in general, often do not understand why an accused person can be granted bail for an offence that is regarded as serious. Many feel that criminals are afforded too many rights (Sekhonyane & Louw, 2002: 20, 22). The notion of state-provided justice is also still alien to many South Africans and in the absence of service from the criminal justice system, communities feel compelled to rely on the only methods that appear to have worked previously - those of vigilantism (Sekhonyane, 2003: 12).

Clearly the level of institutionalisation of the criminal justice system in South Africa is low as the society is described as traumatised and living in fear due to the high crime rate and low levels of prosecution. It can be concluded that this sector in South Africa is dysfunctional.

With regard to the sub-criterion corruption, research done by Transparency International places South Africa 51st on the list of the most corrupt countries and South Africa falls within the category of “seriously” corrupt (Von Keyserlingk, 2006: 10). In the Transparency International annual corruption barometer report for South Africa of December 2004, the police service was seen as the most corrupt institution in South Africa, with parliament and politicians coming second (Terreblanche, 2005: 4).

771 incidents of financial mismanagement, of which two thirds were theft and corruption, in the 2005/06 book year were reported to the Civil Service Commission. These incidents resulted in a loss of R45 million (De Lange, 2007: 5). In 2006, according to Faull (2007: 5), in an Afrobarometer survey respondents were asked ‘how many’ of the police they thought were corrupt, 48% of the respondents replied “all of them” - this is 10% more than in 2002. The

survey also indicated that 50% of respondents did not trust the police at all. High levels of corruption therefore lead to certain perceptions such as that state institutions are not to be trusted. Corruption is found in every state department and although the government indicated that it will not tolerate corrupt activities, the level of institutionalisation and the fact that South Africa is in a phase of negative change make it more conducive to corruption to take place - pushing the country into the direction of becoming a dysfunctional state.

With the state not being able to perform its function with regard to safety and security, power vacuums will exist. Power vacuums are the next of the context criteria to be applied to the South African context.

4.2.2.1.3 Power vacuums

In a national victims-of-crime survey that was performed in 2003, it was found that only 29% of robbery victims report the crime to the SAPS (Du Toit, 2007: 8). Clearly the public has become used to the fact that perpetrators will not be caught by the police and therefore, with regard to robbery, does not even bother to report the crime. 75% of South Africans strongly believe that crime increased during 2006 despite opposite statistics issued by SAPS. It is regarded as a perception driven by fear, as found by the international market research company, AC Nielsen. 60% of those interviewed felt that government was not doing enough to fight crime and more than a third of the victims had little confidence in the SAPS and did not even report the crime (Geldenhuis, 2007: 4).

Barry and Rüter (2005: 45) explain that conflict is inherent in the relationships between the general community and outside agencies such as the authorities in informal settlements in South Africa. The main reason for this is the fact that the police under the apartheid regime disregarded the rights of African residents. Random arrests, torture and assassinations were, at times, common events (Faull, 2007: 2). Division within informal settlements is mainly due to competition

for power, resources and land with an underlying need for survival. Leaders within informal settlements act as gatekeepers to the outside state agents (Barry & Rüther 2005: 45). This again indicates that community leaders who will also play a leadership role in the people's courts become strongmen, taking over control and power from the state. Zartman (1995: 1) argues that, by the time the state collapses, power and order are up for grabs by local groups as power vacuums exist. The result is a battle for social control as it is now scattered, according to Migdal (1987: 49, 177), in small social organisations causing a web-like society. The state's power is diluted and its sovereignty is under threat by people's courts, indicating a state that is in political decay.

Phosa (2007: 2) indicates (in his presentation) that some of the results of crime in South Africa are a society obsessed with security, a population living in fear, a greater disregard for the law and the potential that vigilante groups might take the law into their own hands. He further states that the judicial system suffers from overload and understaffing. The criminal justice system of South Africa is regarded as unable to cope with the high levels of crime and is therefore unable to protect all the citizens of this country and their property, resulting in a power vacuum.

This power vacuum is filled in two ways in South Africa. In the wealthier areas it takes the form of paid security services, while in the poor areas it takes the form of vigilantism. Nina and Schärf (2001: 6) write that the "...vigilantes are seen to be achieving that which the state ought to, but cannot do, namely protecting ordinary citizens from unacceptably high crime".

The private security industry has boomed, with an annual turnover of R14 million. In 2006 there were 283 700 registered security guards employed by 4 200 businesses. South Africa has about 2 500 private security firms. There are more than double as many private security guards as state police officers performing the function of protecting people and their property (Engelbrecht, 2006: 1).

Very little information exists on the exact number of alleged criminals that have been assaulted or killed by vigilante groups since 1994 despite a large number of incidents. A reason is that many of these incidents have not received media attention and a conspiracy of silence also goes with these types of incidents. However, it has emerged that Gauteng residents have stoned to death more than 20 suspected criminals in the period 1999 to 2001 (Motale, 2001: 1). Figures recorded in the Race Relations Survey for 2000-2001, as reported by Laurence (2002: 28), showed that every three days vigilantes, 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, murder a suspected criminal. As the survey only represented reported vigilante killings, the figure may even be higher than the 137 killings for the period covered by the survey (Laurence, 2002: 28). Another indication of the number of vigilante incidents is that from 1996 to 2000 almost 300 charges were made against members of Mapogo-a-Mathamaga. These charges included assault, murder and attempted murder, which were laid with the police against Mapogo (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 various provinces reveal that hundreds of cases of assault, attempted murder, malicious damage of property, arson and murder can be linked to vigilante action during the 2002/2003 period (Anon b, 2003: 1).

It seems that the vacuum with regard to the security industry has already been filled within the wealthier areas of South Africa. The threat is, however, that increased occurrence of vigilantism can result in this vacuum also being filled in the poor areas. In some areas of the poor this may already be the case due to a lack of trust in the capabilities of the criminal justice system.

However, South Africa also has one of the highest violent crime rates in the world. This is a clear indication of the occurrence of high levels of violence in society.

4.2.2.1.4 High levels of violence

According to Loots (2005: 1), one of the legacies of apartheid was the developing of a “culture of violence” within the South African society. A culture of violence refers to a popular means of dealing with problems within the family, sexual relations, in schools and in the business and political environment (Du Toit, 2006: 11). Simpson (1993: 1) writes: “It has been argued that the legacy of apartheid has bequeathed to South Africa a ‘culture of violence’. This has been rooted in the notion that violence in South Africa has become normative rather than deviant and it has come to be regarded as an appropriate means of resolving social, political and even domestic conflict.” The frequent occurrence of rape in South Africa is indicative of the high levels of societal violence. 50% of all cases heard before courts are of rape (Njoki, 2006: 1). Du Toit (2006: 11) notes the South African society progresses through cycles of violence. South Africa’s past is one of violence and its citizens still live with some form or another of institutional violence. Thus the majority of the people in South Africa have had some form of military training in the course of their lifespan. The exposure of young children to violence also enhances this culture of violence (Du Toit, 2006: 11).

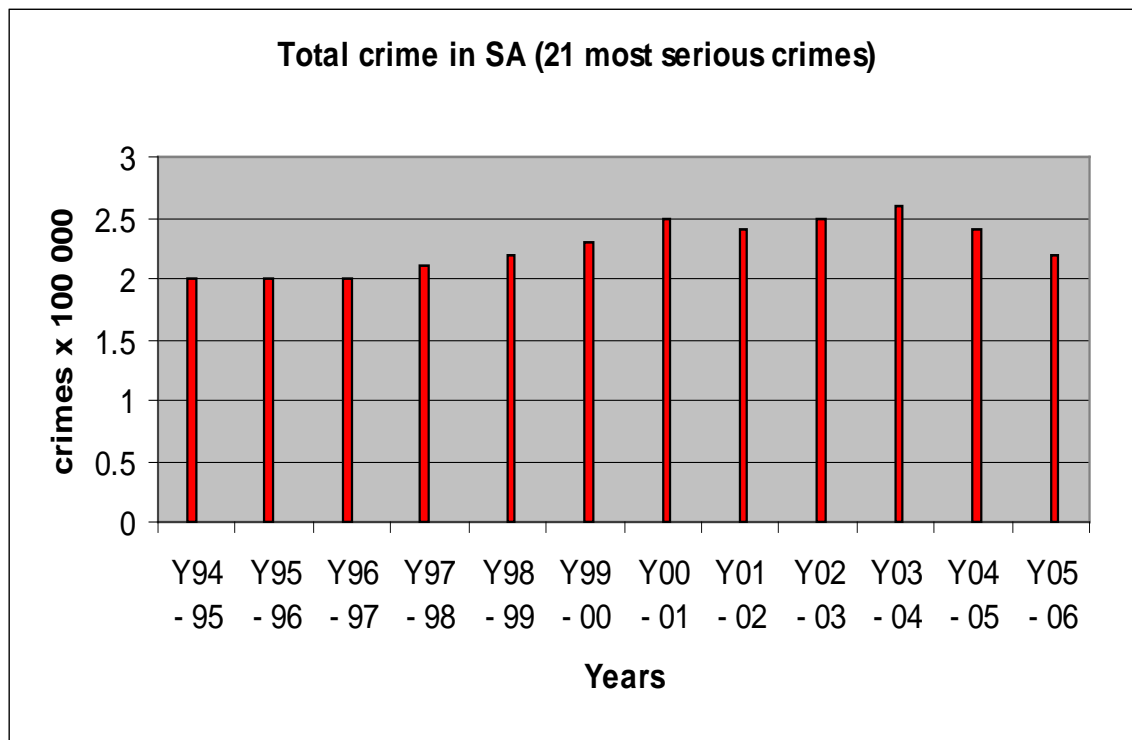
Over the 12-year period since 1994/95 the total for the 21 most serious crimes increased by 7%, although overall crime levels have dropped by 18% (Du Toit, 2007: 1). These most serious crimes, still on the increase, include violent crimes. According to Loots (2005: 3), at least 90% of violent criminals in South Africa get away with their crimes. This is the situation that frustrates but also scares people in South Africa, resulting in them living in fear. Another indication of the high level of violence in South Africa is the number of police officers killed

every year and the fact that it is on the increase. Van Rooyen (2007: 2) writes that, of the 136 policemen who had died in the line of duty in 2006/07, 108 were murdered compared to 95 in 2005/06.

Reasons given for these high levels of violence are the high levels of poverty, unemployment and inequality as well as easy access to small arms and the strains of political power (Njoki, 2006: 1).

The crime rate in South Africa with regard to the 21 most serious crimes has remained consistently high during the period 2001 to 2004 which can be described as a crime wave as even higher crime rates were experienced. The following diagram provides an overview of the total crime in South Africa for the period 1994/95 to 2005/06 (Louw, 2006: 2):

Fig. 4.11: Total crime in South Africa 1994/95 to 2005/06



(Louw, 2006: 2)

Currently violent crime is seen as the number one form of violence in South Africa. South Africa also experienced political violence during 2002 and 2003 in KwaZulu-Natal with more than 50 people dying in the violence between ANC and IFP supporters (Anon c, 2003: 1). In January and February of 2006, in the run-up to the local government elections of March 2006, incidents of political violence resurfaced in KwaZulu-Natal. An ANC candidate was murdered and a Democratic Alliance (DA) candidate assaulted (Mbanjwa & Pewa, 2006: 1). Political violence was also experienced with rightwing extremist bombings in 2002. In 2005 to 2007 South Africa saw community protests against government with regard to service delivery as well as demarcation decisions of government residents were protesting against - such as in Khutsong, Gauteng Province. Incidents of violence or threats of violence occurred during these protests. Examples of such violent protests are:

- In the North West Province during February 2007 violent protests resulted in 34 people being arrested after complaining about lack of service delivery and then barricading streets and burning tyres, breaking into stores and throwing stones at vehicles (Anon a, 2007: 9).
- During May 2007 in Petsane, Reitz, in Free State Province, 31 people were arrested after violent protests against low levels of service delivery. Angry residents threw stones and burned tyres in the road (Van Wyk, 2007: 1).

South Africa, with an established “culture of violence”, can therefore be viewed as a country experiencing high levels of violence.

4.2.2.2 Conclusion

It can be concluded that South Africa in general does comply with the criteria set out to provide a context within which the occurrence of vigilantism is most probable - that of a state in disequilibrium, a dysfunctional state specifically with

regard to its criminal justice system, power vacuums that exist and high levels of violence.

South Africa is a society experiencing negative change in spite of high economic expectations among the majority of the population. Because 50% of the population have not experienced much of the benefits from the new democracy, it leads to high levels of disappointment regarding these expectations (Terreblanche, 2002: 36).

South Africa is also dysfunctional with regard to the criminal justice system, since it fails to protect its citizens. The high crime rate is indicative of the failure. High levels of corruption are also an indication of the dysfunctionality of the state. One must mention that South Africa is not yet dysfunctional in its totality, but with regard to its function of providing security, it is failing dismally.

South Africa dysfunctions in providing security which creates power vacuums. These vacuums have already been filled by a R40 billion private security industry as well as by vigilante groups in the poor areas of South Africa. PAGAD and Mapogo-a-Mathamaga were the most prominent during the period 1996 to 2002. Incidents of vigilantism continue to occur but it is not as organised and prominent as during that period.

South Africa has been classified as a country with a “culture of violence”. It manifests in the high levels of violent crime creating a context in which the probability for the occurrence of vigilante actions are high.

In the light of the identified context criteria, the occurrence of vigilantism in South Africa is to be expected. If South Africa continues to provide the current context, which is conducive to the occurrence of vigilantism, an increase in vigilantism can be expected.

One must, however, determine whether the activities of groups such as PAGAD, Mapogo-a-Mathamaga and people's courts in South Africa are real vigilantism. Operational criteria identified in this study must therefore be applied to South Africa's so-called vigilante groups. Vigilante groups identified as case studies are PAGAD, Mapogo-a-Mathamaga and people's courts that are active in various poor communities across the entire country. PAGAD and Mapogo-a-Mathamaga attracted a huge amount of attention from the media and academics during the period 1996 to 2002 and became household names in South Africa, as they were the first groups to take an organised stand against high levels of crime in their respective communities in post-1994 South Africa. Because their activities have been well-documented through the media and researchers, it makes them ideal case studies. People's courts have not received the same attention due to the fact that their activities are not always being reported in the media or to the SAPS due to a higher level of secrecy. Their lesser prominence compared to PAGAD and Mapogo-a-Mathamaga during 1996 to 2002 may also have allowed people's courts to continue with their activities almost unnoticed while the media and government focussed on PAGAD and Mapogo. However, the existence of people's courts is an indication of the fact that vigilantism is a continuous phenomenon in post-1994 South Africa, making it an important case study.

It is important to have an understanding of the operational nature of vigilantism so as to be able to determine whether our selected case studies, PAGAD, Mapogo-a-Mathamaga and people's courts, can indeed be classified as vigilante groups.

4.2.3 Conceptualisation through specific criteria

The question that needs to be answered in order to conceptualise vigilantism through operational criteria is: 'What is vigilantism?'

The word vigilantism is derived from the word vigilante (derived 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). Johnston (1996: 222 - 232) identifies six elements that characterise vigilante activity:

- **Vigilantism is more than a sporadic act, as it involves premeditation, planning and organisation**

For vigilantism to occur the participating agent must engage in some form of preparatory activity such as the surveillance of an intended victim or the observation of a particular location. Even cases of so-called “spontaneous vigilantism” involve predisposition and premeditation. Organisation is also an important part of determining whether the vigilante acts are “one-off” events, such as mob justice, or for a more long-term mobilisation of members for some highly organised collective end, as seen in vigilante organisations such as PAGAD and Mapogo-a-Mathamaga. De la Roche (1996: 103) indicates, when defining vigilantism, that it displays a high level of organisation, separating it from riots and lynching. Harris (2001: 20) also found that there is a degree of consensus and planning within people’s courts as indicated by, for example, the Ivory Park people’s court’s code of punishment which indicates that an alleged murderer’s punishment would be death, either by being necklaced or by being executed at gunpoint; while for theft the alleged criminal will receive 50 lashes. This characteristic distinguishes vigilantism from random crime.

- **Vigilantism is conducted by private citizens acting on a voluntary basis**

Mapogo consisted of private citizens that provided protection to community members and business owners. According to Sekhonyane and Louw (2002: 24 - 26), however, Mapogo-a-Mathamaga presents an interesting exception in terms of this criteria in that its services are not

voluntary. Members (receivers of their services) must pay an annual fee in order to receive assistance or protection from Mapogo-a-Mathamaga. Mapogo's vigilante actions were therefore conducted by private citizens but on a contract basis and not on a voluntary basis.

- **Activity undertaken without the state's authority or support**

It is these modes of autonomous citizenship that provide the key to understanding vigilantism. Sekhonyane and Louw (2002: 26) point out that vigilante groups very often engage in illegal acts such as kidnappings, *crimen injura*, malicious damage of property, theft, robbery and sabotage. But, according to the communities, these vigilante groups do not operate beyond the law, but are the law within that specific community (Vanderhaeghen, 2003: 6). Abrahams (1998: 15) writes that vigilantes see themselves as substitutes for the state with regard to providing protection and order. By definition, the term vigilantism describes activities that occur beyond the parameters of a particular legal system, purportedly to achieve justice (Anon d, 2003: 16).

- **Force is either applied or threatened**

With vigilantism the aim is to create a level of intimidation greater than the one 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 performed by Harris (2001: 3) of the Centre for the Study of Violence and Reconciliation shows that violence, especially in an extreme form of corporal punishment, is an integral feature of vigilante methodology. At an immediate level, violence serves a punishing function. In addition to this, vigilante punishment also serves a symbolic role, which extends beyond the immediate victim to intimidate those witnesses to the vigilante spectacle. Contained within this symbolism is a preventative function which serves to warn, and thereby control, the future actions of both victim and audience. Harris' (2001: 13)

study of media articles spanning 1991 to 2000 reveal violence in all but a tiny minority of cases in which violence was intended but prevented through “last minute” police or community intervention. In many cases, victims die during the act of vigilantism, rather than after the vigilante experience, which suggests that death is often the intention of vigilantism. Abrahams (1998 :9) also identifies “...varying degrees of violence...” as a typical characteristic of vigilantism and also in comparing it with the Mafia. Sekhonyane and Louw (2002 : 24-26) argue that vigilantism is characterized by acts of severe violence including serious assault and murder of alleged criminals and that punishment often exceeds the crime allegedly committed and is meted out in the absence of any form of evidence. Vigilante groups do not hesitate to punish a person severely, even in the absence of evidence. In fact, punishment is often used to extract confessions. For example, the Mamelodi East Youth Against Crime (MEYAC) does not give suspected criminals a chance to state their case or defend themselves; the suspects are simply assaulted for crimes they have allegedly committed (Kotlolo, 1999: 13). The Guguletu vigilante group, also known as the law-enforcing zone committee, run by taxi drivers, made it clear that if suspects do not cooperate they are whipped until they tell the truth (Ntabazalila, 1998: 13). Here vigilantism, through Strange’s (1996: 110) work, can also be compared with the Mafia, as the threat of violence is always present.

- **Reaction to crime and social defiance, in other words a reaction to the real or perceived transgression of institutionalised norms**

According to Harris (2001: 4), in the post-1994 period, vigilantism has been predominantly defined by recourse to “fighting crime”. Harris found that vigilante violence is frequently justified as “filling the policing gap” due to police inefficiency, corruption and collaboration with criminals and practical failings of the criminal justice system. Zartman (1995 : 10) argues that it is an ultimate danger criterion when government officials operate on

their own account which is evident in high levels of corruption and when law and order are consistently violated by the police. Nina (2000: 20) indicates that vigilantism exists to protect the community against crime or social decay. Vigilantism with the focus on social control does not necessarily involve the appropriation of sovereign state power and does not hold a threat to this power. However, vigilantism with the focus on crime control 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. Vigilante methodology is closely linked to its underlying motive or cause (Harris, 2001: 20).

- **Personal and collective security, in other words vigilantism, aims at offering people the assurance that established order will prevail**

The motivation for many vigilante actions arises from a popular desire to 'do something' when formal systems of control are, apparently, ineffective. In other words, power vacuums exist due to, according to Duvenhage (2003: 66), the inability of the state to provide security to its citizens on a relatively permanent basis. Vigilantes are therefore self-appointed law enforcement groups that appear due to the non-existence, inefficiency or corruption of government security structures (Anon d, 2003: 16). It is important at this point to indicate the differences between vigilantism and terrorism. Heywood (2002: 382) describes terrorism as "... the use of terror for furthering of political ends; it seeks to create a climate of fear, apprehension and uncertainty". Vigilantes aim at ridding the community of a climate of fear; not to create it as terrorists do. Methods used by vigilantes and by terrorists also differ. The most common forms of terrorist action, according to Heywood (2002: 382), are assassinations, bombings, hostage seizures and plane hijacks. Vigilantes make use of assault, which is meant as corporal punishment, murder as many of the suspected criminals die during the assault, and with others the aim is death of the suspect, for example by necklacing. Other methods are damaging

property of suspects or even setting it alight. Vigilantes' targets are offenders within a community while the targets of terrorism are those that are in the way of them achieving their political ends, which can even have a global reach. It is therefore clear that there are very distinct differences between terrorism and vigilantism regarding their aims, targets and methods. (Compare Chapter Five paragraphs 2.2 and 2.3 which analyse PAGAD in a case study as a vigilante group evolving into a terrorist group.)

Another element which is characteristic of vigilantism, but not mentioned by Johnston, is that vigilante actions often involve **a conspiracy of silence**. There have been incidents of vigilante action in post-1994 South Africa where a group of residents killed a suspected criminal. Often these incidents are never reported, nor do any witnesses come forward (Minnaar, 2003: 16). Vigilantism is shrouded in a conspiracy of silence due to intimidation, support and/or fear of being convicted due to vigilante crimes. According to Minnaar (2001: 13), this element also allows people's courts to flourish. The conspiracy of silence "protects" those involved in vigilante acts. This element increases the danger vigilantism poses to a state, as the government may not know how huge the problem is until its authority has been undermined to a point where it cannot be rectified without brute force.

After reviewing the main elements that characterise vigilantism, two definitions of vigilantism, that of Johnston and the other of Scruton, can be highlighted as the best.

Johnston (1996: 232), using his elements that characterise vigilantism, defines 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.”

Vigilantism as defined by Scruton (1982: 485 - 486) 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.”

However, the following definition of vigilantism is considered best to represent the character of this phenomenon discussed earlier and to apply to the post-1994 South African context: ***Vigilantism is the 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, protected by a conspiracy of silence, in reaction to the absence or ineffectiveness of a formal system, aiming to re-establish order.***

4.2.3.1 Conclusion

From the identified operational criteria, three potential case studies stood out with regard to vigilantism in post-1994 South Africa: PAGAD, Mapogo-a-Mathamaga and people's courts.

PAGAD and Mapogo-a-Mathamaga must be studied from a historical point of view. PAGAD featured from January 1996 to 2000 while Mapogo featured from August 1996 to 2002. In these periods PAGAD and Mapogo moved through the phases of vigilantism and were only fully fledged vigilante organisations for certain periods in that time – PAGAD from August 1996 to July 1998 and Mapogo from November 1996 to 2002. People's courts will, however, be studied as a continuous form of vigilantism. People's courts will also only be studied when

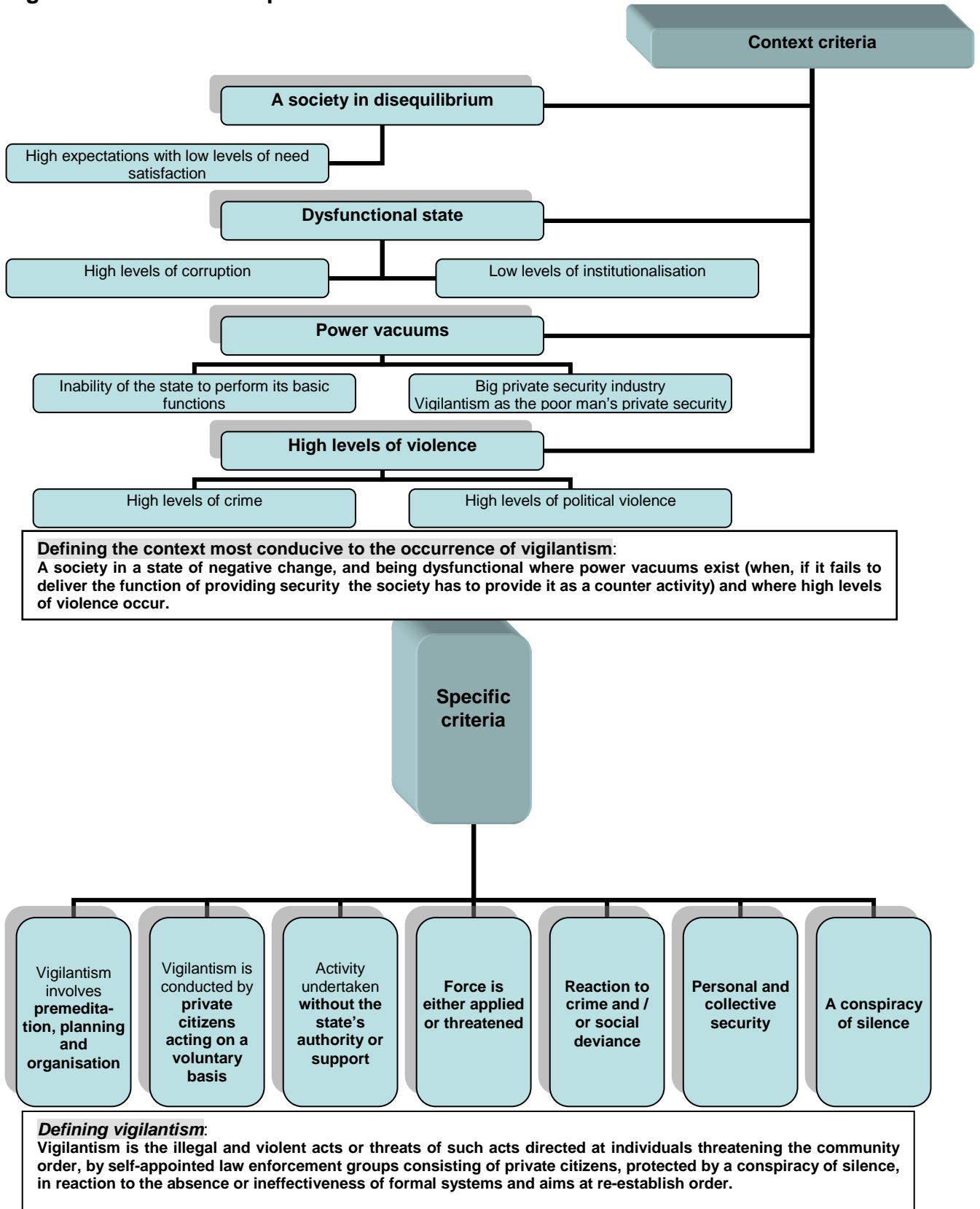
surfacing as fully fledged vigilante groups and not within the other phases of vigilantism. These vigilante groups surfaced from 1994 to 2007 and remained prominent even after PAGAD and Mapogo-a-Mathamaga disappeared from the vigilante scene. People's courts are referred to by many different names in the media such as kangaroo courts, mob justice, community courts, street committees and anti-crime groups. However, not all people's courts cross the line to the stage of becoming vigilante groups, but many do comply with the characteristics of vigilantism. Examples of some of the known people's courts in South Africa that comply with the characteristics of vigilantism are the Eyona Taxi Association of Gugulethu as well as the taxi association of Langa, the A-team of Ezakheni, the Cleaners and Black Scorpions of KwaMashu, the MEYAC and the Peninsula Anti-Crime Agency (PEACA) in Khayelitsha.

The case studies will be conducted in the following chapters in accordance with the operational criteria to determine whether they can indeed be classified as vigilante groups and also what their impact were or still is within the areas they operated or still operate.

4.2.4 Summary

The following diagram (Fig 4.12) provides a summary of the context and specific criteria identified to measure the identified case studies against, in order to provide a theoretical context for the occurrence of the phenomenon.

Fig. 4.12: Context and specific criteria as measurement for case studies



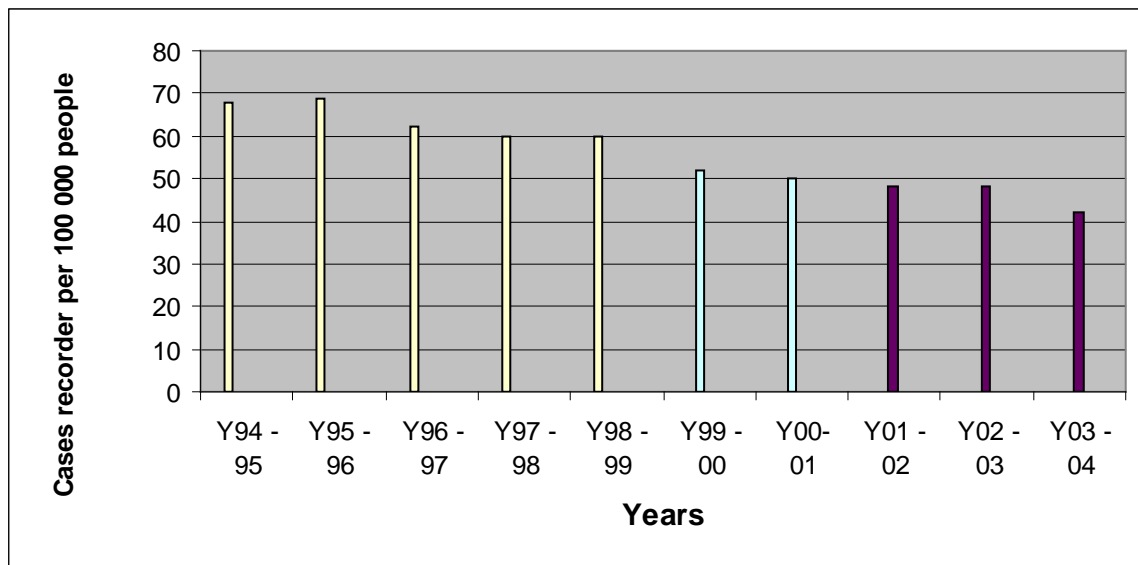
CHAPTER FIVE

PAGAD AS A CASE STUDY OF VIGILANTISM IN SOUTH AFRICA

5.1 INTRODUCTION

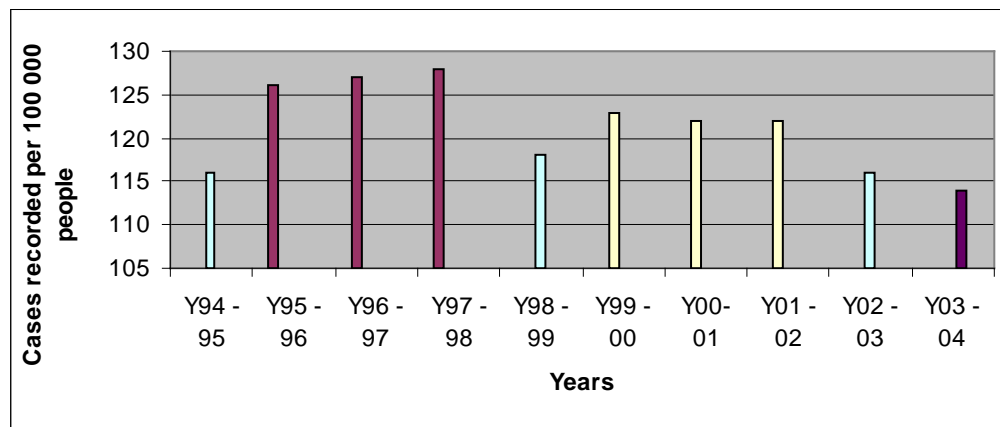
In the midst of the crime wave that broke over South Africa since its first democratic elections in 1994, People against Gangsterism and Drugs (PAGAD) established itself as the foremost vigilante group in the country, and successfully took the law into its own hands (Edmonds, 1998: 28). Crime rates in South Africa reached a peak (some of its highest statistics) in the financial year 1995/1996 with a murder rate of 67,9 cases reported per 100 000 citizens and rape of 125,9 cases per 100 000 people as indicated in the following two graphs developed by the Institute for Security Studies (Anon a, 2005: 1) for the period 1994 to 2004.

Fig. 5.1: RSA total for murder for the period 1994 to 2004



(Anon a, 2005: 1)

Fig. 5.2: RSA total for rape for the period 1994 to 2004



(Anon a, 2005: 1)

According to Minnaar (2001 : 30), PAGAD represents the most complex as well as most well-organised, in militaristic terms, of all the vigilante groupings in post-1994 South Africa and is therefore an important case study regarding vigilantism due to its organised nature and measure of impact.

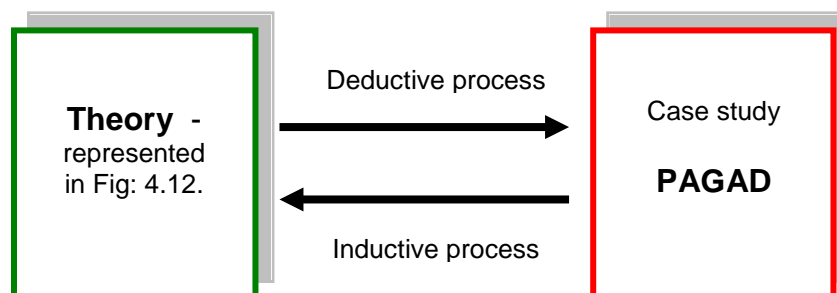
Important contextual features of PAGAD were that it was an urban-based vigilante grouping and focussed on urban crime problems such as drug dealings and gangsterism. The Cape Flats area, on the outskirts of Cape Town, where PAGAD was established, consisted of a large Muslim community, and also important is that the Cape Flats was and still is “unacceptably impoverished” (Standing, 2003: 1). These features will be further discussed in this chapter as they played an important role in the identity of PAGAD, not only as a vigilante group, but also in becoming a terrorist group fighting a small scale revolution in the Cape Metropolitan area.

PAGAD was, however, mostly active from 1996 to 2000 and will therefore have to be studied from a historical point of view although indications exist that PAGAD may be returning as a vigilante group. Botha (2007: 1) explains that a

number of incidents led to this belief such as on 18 June 2007 300 community members of the Cape Flats took to the streets and targeted suspected drug outlets in Mitchell's Plain and on 19 June 2007 2 000 people marched to the house of a suspected Tik dealer and set the house alight. This indicates that the underlying reasons for the establishment of PAGAD in 1995 still existed in 2007, which further stresses the importance of PAGAD as a case study.

The theoretical framework in which PAGAD will be analysed will be deductive by applying the model for context and specific criteria for the phenomenon (see Fig. 4.12) and determining similarities with the identified criteria both contextual and specific by providing motivations through the conceptual frameworks of Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987 & 1988), Geldenhuys (1999), Zartman (1995), Abrahams (1998), Minnaar (2001 & 2002) and De la Roche (1996). The analysis will be inductive by indicating which dimensions of PAGAD fall outside the set model for vigilantism as well as those that are unique to PAGAD by continuously referring back to the said model. This theoretical framework can be explained in the following diagram (Fig. 5.3):

FIG. 5.3: Theoretical framework for the analysis of PAGAD as a case study



Before starting with the analysis of PAGAD through the context and specific criteria, a historical overview of the vigilante group will be given covering its

origin, its development as a vigilante organisation and its development from a vigilante group to a terrorist group. This will be done through deductive analysis by identifying similarities with the developed theory on vigilantism. The phases of vigilantism, as explained in Fig. 3.5 in Chapter Three par. 3.3.2, will also be utilised in this broad analysis of the background of PAGAD so as to determine how PAGAD progressed through these phases during the period of its active existence.

The summarised phases of vigilantism for this analysis are:

- First phase: A community outcry, indicating the community's dissatisfaction with, for example, the high levels of crime by holding peaceful protest marches or writing letters indicating their dissatisfaction to politicians.
- Second phase: Community involvement, which can include actions such as citizen arrests of alleged criminals and dropping them off at local police stations.
- Third phase: Vigilantism where the focus is on the alleged criminals, dealing with them through violent methods and no longer utilising the local police force as they now take the law into their own hands.
- The final phase, which is extreme, is that of subversion as a mini-revolution that has developed due to the state's inability to perform one of its basic functions of providing personal security to its citizens and the state's inability to put a stop to vigilantes taking control of communities. This phase is characterised by acts of terrorism and warlordism. As PAGAD did indeed develop into a terrorist organisation, it is important to note the fundamental difference between vigilantism and terrorism. According to De la Roche (1996: 103 -119), the distinctions are as follows:
 - vigilantism focusses on an individual, a criminal, while terrorism focusses on a collective, the state; and
 - vigilantism has a shorter lifespan than terrorism because as soon as criminals or deviants are no longer a threat within a community,

vigilantism will also no longer occur, while terrorism has a longer lifespan since a terrorist group's aim is political by nature.

Progression from one phase to the next is due to continued dissatisfaction and specific needs not being met by the state, as will be illustrated in the following background analysis of PAGAD. The background analysis of PAGAD will commence with the formation of PAGAD in 1995 as a community outcry, until it started being involved in vigilante activities in 1996 and ultimately developed into an urban terrorist group in 1998, which will be indicated as a unique dynamic of this case study. Correlation with the set theory will be indicated throughout the background analysis, which will provide a base line from where the context and specific criteria can be applied.

5.2 BACKGROUND ON PAGAD AS VIGILANTE ORGANISATION

PAGAD was established in Cape Town during November 1995 in response to the community's dissatisfaction with the high levels of crime in the area. PAGAD's support base was initially located in Athlone but rapidly spread to other areas such as Bo-Kaap, Heideveld, Mitchell's Plain, Retreat, Salt River, Lansdowne, Kensington, Pelican Park and Manenberg. In time PAGAD even attracted support from areas further away such as Strand, Clanwilliam, Worcester, George, Paarl and Beaufort West (Botha, 2001: 38). However, the organisation developed from a popular anti-crime movement to a violent and therefore illegitimate vigilante organisation to an urban terror group in a relatively short space of time threatening not only the state's monopoly on the use of coercive force but also the very foundations of the country's constitutional democracy (Dixon & Johns, 2001: 5).

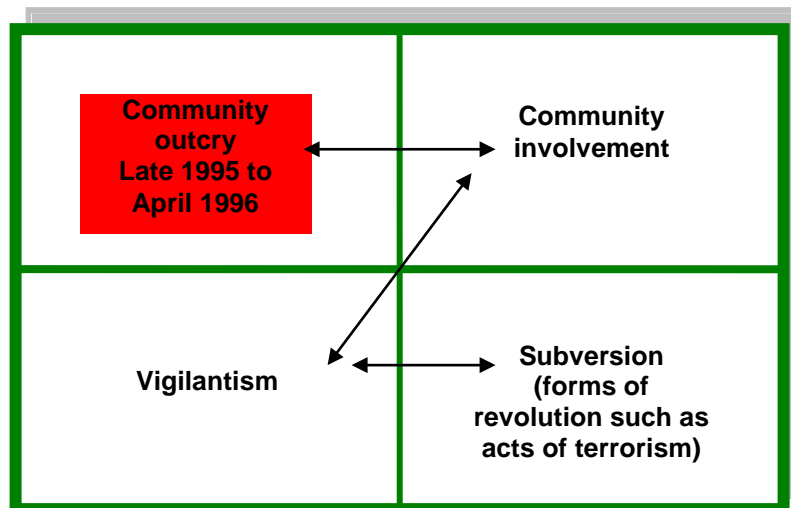
PAGAD was a very dynamic and complex movement as it progressed through the phases of community outcry and community involvement before becoming a vigilante group, and even reached the phase of bifurcation when it evolved into

an urban terrorist group. The background analysis of PAGAD will be divided into the birth of PAGAD, PAGAD as a vigilante organisation and lastly PAGAD as a terrorist group.

5.2.1 The birth of PAGAD

During the formation of PAGAD one can identify a community outcry as a public reaction to crime, to be specific to gangsterism and drug dealing in the Cape Flats area as indicated in Fig. 5.4.

FIG. 5.4: PAGAD – a community outcry



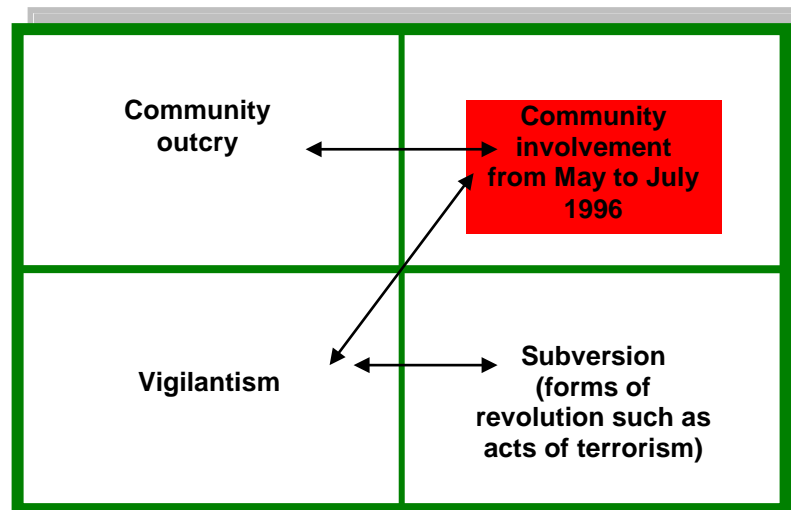
According to Farouk Jaffer, PAGAD's first chief co-ordinator, PAGAD had its origins in October 1995 through meetings in the communities of the Cape Flats area to address community-related problems and then was established in November 1995 (Le Roux, 1997: 52). The majority of the members of PAGAD were Muslims, although it was not exclusively Muslim. But, according to Tayob (1996: 24), its "... marches, scarves and slogans evoked scenes from international Islamic movements". The original aim of PAGAD was to oppose suspected criminal gangs and drug dealers in the Cape Peninsula, in and around

Cape Town. However, the organisation, only became public in early 1996 when it started with anti-gangs and drugs protest marches. This correlates with Huntington's (1968) theory regarding the interaction between high levels of political participation and low levels of institutionalisation which contribute to political decay (Huntington, 1991: 69. Also compare Chapter Three par. 3.2.1). The theory indicates that political change creates expectations which result in an increase in social and political mobilisation that can be seen as participation. The previously disadvantaged people in South Africa such as those in the Cape Flats expected to feel safer in the new democracy but change happened too slow for the people in the Cape Flats and made their environment, which was controlled by gangs and drug lords, less tolerable, resulting in a community outcry for government to act. These acts fall within the first phase of vigilantism as their acts were to make government aware of the issue of gangs and drug dealers in their communities and its impact on their lives and to not address the problem themselves.

From January to June 1996 PAGAD held numerous public meetings, demonstrations and marches (Dixon & Johns, 2001: 14). All these were done without any incidents of violence. One can therefore say that PAGAD started out as a frustrated but still law-abiding organisation and not as a vigilante group that involved itself with illegal activities by taking the law into its own hands. Abrahams writes (1998: 170) that vigilante groups evolve out of a persistent failure of the state to react in addressing social failures and also, according to Zartman (1995: 8), state collapse is a long-term "degenerative disease" based on the state's inability to perform its basic functions such as providing security. In other words, PAGAD progressed to the next phase of vigilantism directly due to this persistent inability of the state to address their problem over a period of time when gangs and drug lords ruled their communities. As Standing (2004: 25) argues: "... everything has changed yet nothing has changed...", meaning that although the political scene in post-1994 South Africa changed dramatically, the lack of personal security for the people of the Cape Flats remained the same.

PAGAD progressed from the phase of a “community outcry” to the next phase, namely “community involvement”, as PAGAD actively showed their dissatisfaction with the situation of high crime in their community, all in less than six months from its establishment as indicated in the following diagram (Fig. 5.5):

FIG. 5.5: PAGAD – community involvement



According to Duvenhage (2003: 66), the state’s inability to provide security and social needs to its citizens on a relatively permanent basis, is an indication of political decay (compare Chapter Three par. 3.2.2). Transformation has promised much to the people of the Cape Flats but very little was delivered, changing the process of transformation to a process of disequilibrium. In a state of disequilibrium there is a continuous adaptation in order to survive in an environment where the strongest dominates and the state shows an inability to provide security and social needs on a continuous basis (Duvenhage, 2003: 57, 59). PAGAD did not receive the reaction from the state that it hoped for, namely a safer environment to live in, resulting in them progressing to the next phase of vigilantism which indicated signs of political decay in South Africa at that time.

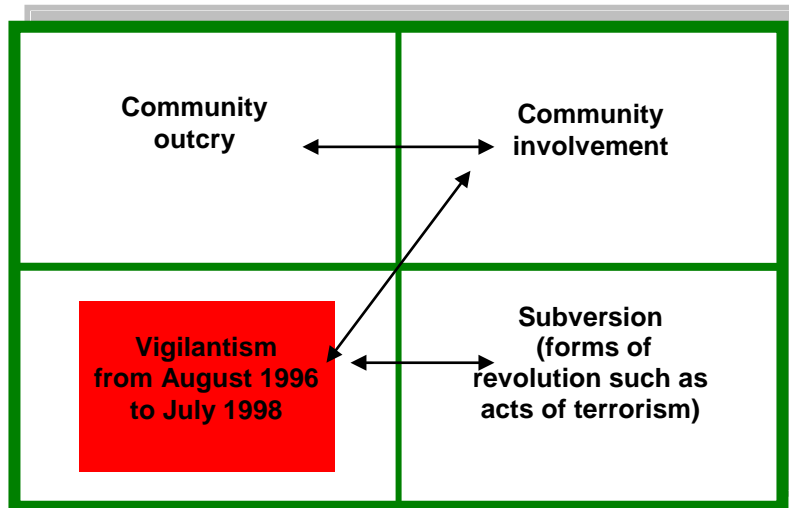
In May 1996 PAGAD marched to Parliament to call on government to address the problems of gangsterism and drugs and gave government 60 days to respond. PAGAD was, however, dissatisfied with government's response and started a programme of action which included marches to drug dealers' homes and issuing ultimatums to them to stop drug dealing (Dixon & Johns, 2001: 14). PAGAD wanted to work with government but expected government to act upon their urgent requests of dealing with crime within their communities. If the state reacted in a more satisfactory way by taking definite steps to ensure a safer environment for the people of the Cape Flats, one would have seen PAGAD moving back to the first phase of vigilantism and later ceasing to exist. Government's lack of response to this urgent call from the Cape Flats communities indicated, as Zartman (1995: 1) explains, that the state was not able to perform this basic function, resulting in the function of providing security falling into the hands of local groups, in this case PAGAD (compare Chapter Three par. 3.2.5). This situation again emphasises that the state was in a phase of disequilibrium and not of transformation due to this inability to provide security, resulting in what Duvenhage (2003: 57) refers to as political survival. In other words, the response of government to the calls of the community determined PAGAD's progression to the next phase, that of vigilantism resulting in PAGAD becoming a role-player outside the control of the state as it made its own rules so as to ensure a safer environment for its community.

5.2.2 PAGAD as a vigilante organisation

In August 1996 Rashaad Staggie, the co-leader of the "Hard Livings Gang" a powerful gang on the Cape Flats and twin brother of Rashied Staggie, was set alight and shot, in full view of the police and the television cameras, following a PAGAD protest march to his house in Salt River (Minnaar, 2001: 31). This was the first act of PAGAD as a vigilante organisation as it involved themselves with illegal actions by taking the law into their own hands and it was a turning point in

the way PAGAD functioned. The following diagram (Fig. 5.6) indicates that PAGAD was now in the phase of a full-fledged vigilante organisation.

FIG. 5.6: PAGAD – a vigilante organisation



PAGAD now bypassed the law and Abrahams' (1998: 8) vigilante mode in action can be identified, since PAGAD no longer relied on the state for protection but now dealt with criminals themselves. PAGAD now saw themselves as substitute for the state in pursuit of order within their communities, which is, according to Abraham (1998: 15 - 16), a form of self-help (compare Chapter Three par. 3.3.3). This support for non-state policing, as explained by Baker (2004: 184), undermines the legitimacy of the state police, which could result in a view that the state police is irrelevant and ultimately also the state itself. It is within this context that vigilantism becomes a threat to the sovereignty of the state.

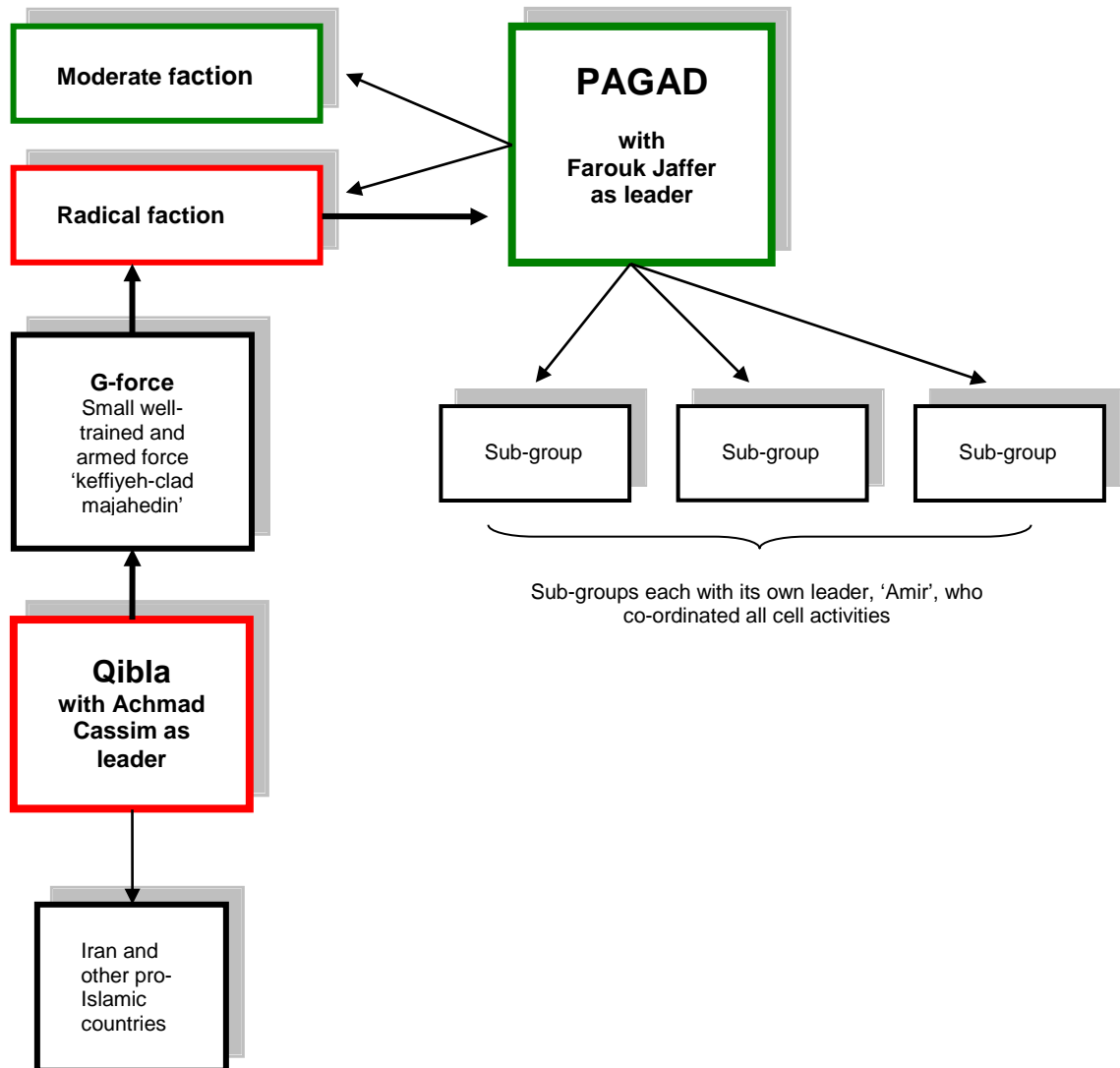
PAGAD was organised into sub-groups, each with its own leader, called an "Amir", who coordinated all cell activities (Le Roux, 1997: 59), which also indicates its level of organisation and structure. In line with Zartman's (1995: 10) theory on collapsed states, central government lost its power base which at this stage fell into the hands of PAGAD within the Cape Flats, as the community now

turned to PAGAD to fulfil the basic function of the state of providing personal security.

During September 1996 a power struggle within the organisation, between the moderate leadership and the more militant pro-Qibla leadership, reached a climax. PAGAD was divided at this point into two factions, a moderate faction consisting of the majority of the members of PAGAD and a radical faction that consisted of Qibla-members which made up the G-force group, a small well-trained and well-armed force (Le Roux, 1997: 59, 61).

Qibla was created in South Africa in the 1980s to promote the aims and ideals of the Iranian revolution. Qibla sought to propagate, defend and implement strict Islamic principles in South Africa and to transform South Africa into a full-fledged Muslim state (Botha, 2001: 40). Qibla had close relations with Iran and other pro-Islamic countries. Since its formation Qibla was led by Achmad Cassim (Le Roux, 1997: 52). The structure of PAGAD and its relationship with Qibla, at this stage of its existence, is illustrated in the following diagram (Fig. 5.7):

FIG. 5.7: PAGAD's structure



The moderate leadership of PAGAD which consisted of Nadthmie Edries, Farouk Jaffer and Ali Parker stood against the militant PAGAD populists and the fundamentalist and political extremist Qibla faction. The moderate leadership wanted to work with government in the fight against crime while the other group had an anti-state rather than an anti-crime agenda. The final break came when Parker, Edries and Jaffer were suspended from PAGAD after Parker claimed in the press that Qibla was in control of PAGAD (Botha, 2001: 43 - 44). The post-

September period shifted PAGAD's emphasis again from the inability of the state to deal with crime to the necessity to establish an Islamic state by way of revolution. This emphasises Davies' (1971: 370) argument that low levels of need satisfaction result in high levels of probability of a revolution. This is also in line with Huntington's (1965: 416) argument that praetorianism becomes a possibility when political institutions are weak and social forces strong, resulting in power vacuums. In such a society law and order is lacking and there is an absence of civil obligation towards the state as the state fails to meet their needs. This was the case in the Cape Flats in 1996 as the people turned their back on government structures so as to solve their own security problem and with time government structures became the target. Clearly PAGAD's existence and level of impact indicated a state in political decay.

Even though PAGAD's focus had shifted, it still had much public support mainly due to its ability to focus international attention on the South African crime situation and the government's inability to deal with the situation (Botha, 2001: 43 - 44). However, at this stage PAGAD's actions were still within a vigilante style as its actions were focussed on criminals. From August 1996 to January 1997 PAGAD's covert structure, G-force, were responsible for 50 violent actions against drug dealers. But these incidents increasingly involved the use of explosives (Minnaar, 2001: 32), which already indicated a more militaristic style of action. In this phase, PAGAD can also be compared with Migdal's (1987: 402) strongmen as they provided viable survival strategies to the people of the Cape Flats (compare Chapter Three par.3.2.3).

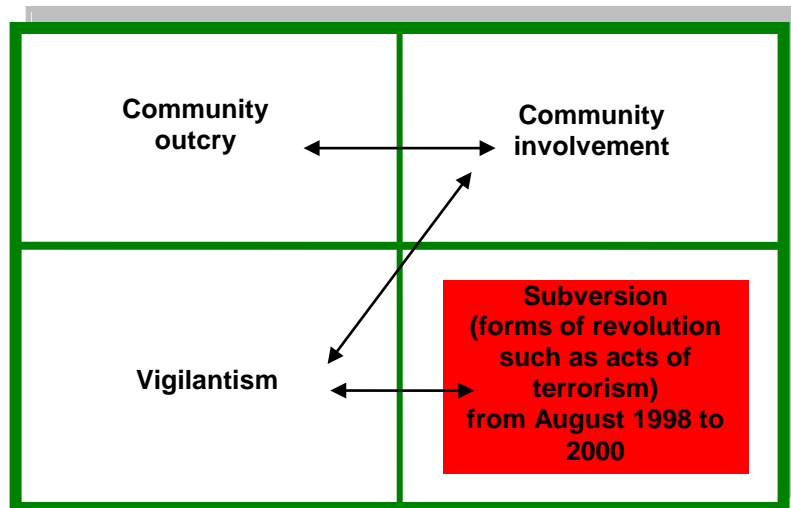
Since January 1997 PAGAD's marches and meetings were characterised by the open display of firearms by its supporters. The usage of explosives became more popular. During June, July and August 1997 numerous bombings of houses of alleged gangsters and opponents or critics of PAGAD took place (Minnaar, 2001: 34).

PAGAD as a vigilante organisation placed the state in Duvenhage's (2003: 57) phase of disequilibrium and well on its way to vigilantism's phase of subversion due to conflicting power bases. Geldenhuys' (1999: 43) argument that in a collapsed state law and order no longer exists, is relevant at this stage of PAGAD's existence although only within the Cape Metropolitan area, but it was also an indication of the signs of political decay within the state as a whole.

5.2.3 PAGAD as terrorist group

On 6 August 1998 the nature of the activities of PAGAD changed with the detonation of an explosion outside the offices of the police special investigation task team in Cape Town. PAGAD was now no longer a vigilante group but an urban terrorist group and in the phase of subversion, as its action was not only aimed at criminals but also against a state institution (Botha, 2001: 54), as indicated in the following diagram (Fig. 5.8):

FIG. 5.8: PAGAD in the phase of subversion



Police statistics of 1998 indicated that PAGAD were blamed for 188 violent attacks and 28 PAGAD suspects were arrested (Minnaar, 2001: 34). The activities of PAGAD can be compared, in this phase, with those of Huntington's

(1968: 197) radical praetorianism, since PAGAD operated as a mini-military that took over control in the Cape Flats and controlling through applying fear in the larger Cape Metropolitan area. This situation threatened the state's existence as an independent political entity, which is a feature of Geldenhuys' (1999: 43) collapsed state seeing that the state no longer had sovereign control over the Cape Flats and was also no longer the security guarantor for the area, because that duty had been taken over by PAGAD.

The year 1999 started with a bomb blast, a number of assassinations and a raid on a police station in the Western Cape, as the campaign against drug lords and the police continued. The assassinations included that of a police official, Capt Bennie Lategan, on 14 January 1999, who investigated PAGAD's criminal activities (Minnaar, 2001: 34). Acts of urban terrorism committed by PAGAD during 1999 focussed on public places and police stations, killing and injuring innocent people. A mini-revolution was under way in the Cape Metropolitan area which highlighted the state's power being diluted – which, according to Du Toit (1995: 27), is one of the dangers of the existence of Migdal's strongmen. Power, in other words, shifted to the periphery which was grabbed by PAGAD, resulting in central government losing its power base.

In 2000 at least 14 prominent acts of terrorism took place of which again many were car bombs detonated outside restaurants, coffee shops and night clubs but also one near the United States consulate in Cape Town. The assassination of regional court magistrate Piet Theron outside his home as well as of Yusuf and Fahiemah Enous, who were prepared to testify against PAGAD members, were also acts of terrorism and not of vigilantism (Botha, 2001: 57).

Up to 11 October 2000 16 members and supporters of PAGAD were convicted of terror-related crimes with many more criminal cases pending against more PAGAD members (Botha, 2001: 60 - 61). Clearly the focus of PAGAD was at this stage not on criminals but the state and its institutions.

During a full onslaught from government to stop PAGAD's reign of terror in South Africa's mother city, Cape Town, many of PAGAD's members and leaders were arrested. These arrests as well as the withdrawal of much of the public's support, due to its terrorist nature, broke the back of PAGAD. PAGAD still has not recovered. Botha (2007: 1) argues that it seems that there is a call from the communities of the Cape Flats for the return of PAGAD as it is viewed to be the only force able to deal with drug dealers and gangs with some measure of success. The reason for this possible resurfacing of PAGAD is that the state did not address the underlying causes of PAGAD's original formation.

PAGAD, as a prominent vigilante organisation from August 1996 to 1998, cannot be downplayed, since it focussed the attention of the public, government and even the international community on South Africa's rising crime problem as well as the government's inability to provide personal security to its citizens. In other words, it indicated that South Africa experienced features of political decay which resulted in the establishment of PAGAD, but more so the lack of response of the state when PAGAD was in the first two phases of vigilantism, resulting in it becoming a vigilante organisation. The state was directly responsible for it. However, its development into an urban terrorist group falls outside the model for vigilantism and is a unique dimension of this case study as, according to De la Roche (1996: 188 - 199), a vigilante group's existence is determined by its relevance; thus by the behaviour of alleged criminals and therefore ceases to exist once criminals have moved on or modified their behaviour (compare Chapter Three par. 3.3.2). PAGAD as a vigilante organisation did not cease to exist due to this reason but because it was reinvented as vehicle to fight a "Jihad", a religious war, aimed against the government, for the Islamic faith.

One must therefore now determine whether the context, during the period in which PAGAD developed into a vigilante organisation and existed as one, was conducive to the occurrence of vigilantism according to the model of the phenomenon's context criteria.

5.3 CONTEXT THEORY APPLIED TO PAGAD

As already indicated, PAGAD had risen from a Muslim-dominated community, plagued by crime and poverty. These are context characteristics that played an important role in the development of PAGAD through all the phases of vigilantism – a community outcry, community involvement, vigilantism to subversion.

The South African context which gave rise to PAGAD will be analysed according to the context theory that includes a society experiencing negative change / disequilibrium, a dysfunctional state, the existence of power vacuums and high levels of violence. These criteria with the focus on the Cape Metropolitan area, specifically in the Cape Flats with its own characteristics, will be individually discussed from which a conclusion will be drawn as to whether the context theory developed in Chapter Four is relevant to the occurrence of PAGAD as a vigilante organisation.

5.3.1 A society in disequilibrium

The first democratic elections in South Africa which started a process of change only took place eighteen months before the formation of PAGAD in 1995. South Africa was therefore still in a phase of system stress when PAGAD started with protest marches and demonstrations in early 1996. Duvenhage (2003: 51) explains that system stress refers to those factors that inhibit the system to function optimally and include incompetent state officials, financial management problems, inadequate procedures and control measures to provide good quality service (compare Chapter Three par. 3.2.2). Expectations were therefore high and, according to Huntington, as described by Duvenhage (1994: 153), people were yearning for the qualities of “good life” after the oppression under the apartheid system. The level of need satisfaction in the Cape Flats area during the period 1995 to 1998 must therefore be determined. The unemployment rate

and poverty levels within the Cape Flats could provide an indication of the level of need satisfaction.

The unemployment rate in 1996 in South Africa was, according to the broad definition, 35,6% and in 1998 38,6% (Kingdon & Knight, 2005 : 1). Compared to this, according to Standing (2004: 33), the Cape Flats was exceptionally impoverished with an unemployment rate of 46%. For young people under the age of 30 the unemployment rate was even worse at 61%. Even those who were employed received low wages and experienced a highly flexible labour market resulting in uncertainty regarding income. This high level of unemployment is directly indicative of the high levels of poverty in the Cape Flats area and placed much pressure on the government as expectations were high with the first democratic elections of 1994 still fresh in everybody's minds.

Abrahams (1998: 170) explains that vigilantism is much more likely to occur in poor communities as they view the state to be ineffective and corrupt and also because the communities cannot afford formal forms of security (compare Chapter Three par. 3.3.3). The people of the Cape Flats felt socially excluded and experienced a state in disequilibrium or negative change rather than in transformation, which would have meant positive change to them. Huntington's (1968: 57-59) argument that low levels of need satisfaction are a clear indication of a dysfunctional state is relevant at this point. Also, according to Davies (1971: 370), if low levels of need satisfaction are prolonged it can result in a revolution. In the case of PAGAD the organisation with time, due to little response from government regarding their urgent need for better personal security and with an existing feeling of being marginalised economically, resulted in a mini-revolution in the Western Cape.

One can therefore conclude that the Cape Flats communities experienced a state in disequilibrium, since their need satisfaction was extremely low as a direct

result of high levels of unemployment and poverty. Placing further pressure on their level of need satisfaction was the fact that the state was dysfunctional.

5.3.2 Dysfunctional state

A public survey conducted during 1996 illustrated an increase in pessimism concerning the state of South Africa's civil service. The survey identified the following problems that affect the state's ability to deliver effective services in South Africa (Anon a, 1997: 2):

- low salaries and poor working conditions, which resulted in low morale and productivity, with many experts leaving and an inability to attract suitable expertise;
- outdated and insufficient financial management, administrative systems, organisational structures and information systems;
- gross ineffectiveness and loopholes which are open to exploitation due to the fragmentation of government administration; and
- a lack of access to services.

These problems correlate with the factors that are responsible for system stress in a state that can even result in what Duvenhage (2003: 51) refers to as "component failure". This seems to be what happened to the criminal justice system as it was dysfunctional in South Africa during the period under discussion. Only by 1998 the six waves of staff appointments in the SAPS were completed and only then could they start focussing on their tasks at hand. The first post-apartheid White Paper on Safety and Security was published as late as September 1998 while crime has been rising continuously and dramatically from 1994 to 1996 (Nina & Schärf, 2001: 5).

For the period January 1996 to June 1998 in South Africa, for every seven murders reported only one ended in conviction, one conviction for every 50 hijackings, one for every 34 armed robberies and one for every 13 rapes. These

figures indicate that in the period during which PAGAD was active as a vigilante organisation, dysfunctionality of state institutions was a problem distributed throughout the criminal justice system, from charge offices to the courts (Steinberg, 1999: 48). The murder rate also increased, according to the Institute of Security Studies (Anon a, 2005: 1), from 2 732 cases in 1994/95 to 3 256 in 1995/96. The criminal justice system during 1996 to 1998 in South Africa was on a very low level of institutionalisation which also affected the Cape Flats area and the general feeling among residents was of not being safe from criminals and not being protected by the state.

According to Transparency International's Perception Index for 1996, South Africa ranked 23rd in the world with regard to its perceived level of corruption - a score of 5.62 for 1995 and 5.68 for 1996. This was just above the score of being classified as being seriously corrupted (Lambsdorff, 1996: 1). However, the public's perception with regard to corruption in government was a different picture. In a survey done by Idasa and Afrobarometer it is indicated that in 1997 50% of all South Africans felt that "all" or "most" national government officials were involved in corruption (Anon b, 2005: 1). In a telephonic survey conducted in 1997 only 4% of Cape Flats respondents said that there was no corruption in the SAPS (Standing, 2003: 4). The people of the Cape Flats did not see the SAPS as law enforcers, but rather as part of the crime problem, as many worked with gang members (Standing, 2004: 39). Zartman (1995: 10) writes that one of the characteristics of a state about to collapse is when agents of law and order such as police officers consistently break the law themselves, which seems to have been the case in the Cape Flats during this period (compare Chapter Three par. 3.2.5).

Regarding service delivery in the Cape Flats, Standing (2003: 1) explains that the infra-structure of the Cape Flats was extremely poor in this period due to the legacy of apartheid during which most funds went into white areas. The result was a housing backlog of 40 000 houses and dilapidated and overcrowded

schools and hospitals. Standing (2003: 1) compares the Cape Flats with an urban ghetto with depressing social features. The process of change in South Africa was much slower than was expected. This also added to a low need satisfaction rate within the Cape Flats area. A state that does not pay attention to the needs of its citizens is, according to Zartman (1995: 10), also a characteristic of a state about to collapse. Housing, education and health are some of the basic needs of citizens of a state and it is clear that the South African government was incapable of paying attention to these needs of the majority of its citizens as was experienced by the people in the Cape Flats. This supports Huntington's (1965: 393 - 394, 405 - 411; 1968: 1 - 8) theory that a state with low institutionalisation is characterised by an inability to maintain order, stability and effective governance. Low levels of institutionalisation are a feature of political decay.

Clearly South Africa was a dysfunctional state during the period PAGAD was established, and especially within the Cape Flats area people felt they were left behind as service delivery levels were very low and its infrastructure almost non-existent. The criminal justice system, which the people felt failed them dismally, resulted in power vacuums and in people experiencing the need to provide their own security and to deal with drug dealers and gangs themselves.

5.3.3 Power vacuums

According to Nina and Schärf (2001: 6), in the absence of the state's ability to cope with the high levels of crime, citizens have appropriated that function to themselves which was demonstrated dramatically in the Western Cape where PAGAD took it upon itself to deter drug dealers and gangsters from continuing with their business. This situation coincides with Zartman's (1995: 5) argument that the collapse of a state means that certain functions are no longer performed by the state and that citizens then automatically take over those functions.

But how big was the problem within the Western Cape where it was necessary for people to take the law into their own hands with regard to drug dealers and gangs in the period PAGAD came to the forefront? The Cape Flats was referred to as “Klein Bosnia” and also “The battlefield” due to the entrenched presence of gangs (Redpath, 2001: 34). The Cape Metropolitan area, during the period under discussion, had 137 gangs with an estimated total of more than 80 000 members. From October 1994 to March 1995 253 murders occurred in the Cape Flats area of which half was gang related (Kinnes, 1995: 5). In 1995 the police seized 65 kg of cocaine in the Cape Flats. The amount not seized by police was estimated to be ten times higher. During the time, Rashaad Staggie sold drugs from his house worth R100 000 per day. These gangs were so powerful that the Olympic Bid Company agreed to negotiate with the gangs’ front organisation, CORE, until PAGAD threatened them for treating the gangs as legitimate (Gottschalk, 2005: 3 - 4). Abrahams (1998: 170) mentions that vigilantism responds to a range of persistent imperfections in the state system and then becomes a substitute for the state in pursuit of order resulting in, according to Migdal (1987: 40, 177), a fragmentation of social control or power vacuums being filled by non-state groups (compare Chapter Three par. 3.2.3).

One can therefore conclude that the criminal justice system in South Africa was dysfunctional at this stage and, as indicated in the previous context criteria, was a dysfunctional state, and therefore not able to address this grotesque problem concerning gangs and drug dealers within the Cape Flats communities, which resulted directly in the creation of a power vacuum which was filled by PAGAD. The state was unable to perform its function of providing the people of the Cape Flats with personal security and that resulted in these people being exposed to violence on a daily basis.

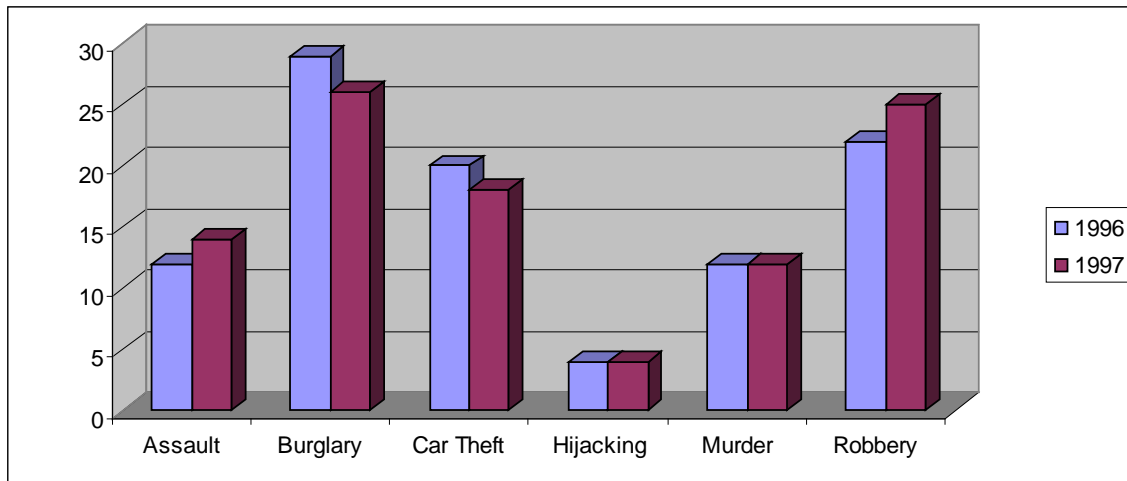
5.3.4 High levels of violence

An indication of the high levels of violence is reflected in the high number of violent crimes. The Western Cape had for the period 1995/1996 3 256 murders, 32 260 assaults with the intent to inflict grievous bodily harm and 36 409 cases of common assault (Anon a, 2006: 1).

The Cape Flats area was characterised by high levels of inter-personal conflict, especially domestic violence and assault involving knives and guns. Standing (2004: 33) writes that the Department of Psychology at the University of Cape Town found that many children on the Cape Flats displayed symptoms of post-traumatic stress disorder due to excessive exposure to violence directed at themselves, their friends and/or their relatives. This was proved further through a survey undertaken in 2001 which indicated that 97% of children in the Cape Flats reported hearing gunshots, near half had seen a dead body of a relative or someone they knew who died of unnatural causes. The high levels of violence on the Cape Flats resulted in zones that were no-go areas for non-residents due to street gangs and the risk of violent assault or hijacking (Standing, 2003: 1 - 2). Murder, rape and drug abuse were daily experiences for the people living and working in the Cape Flats. Knox and Monaghan (2002: 44) indicate that people talked of being “on hold” and dictated by the gangs. At this stage the state had already lost its monopoly on legal violence in the Cape Flats as gangs ruled entire areas. Huntington (1968: 63) argues that modernization encourages violence due to weak political institutionalisation as expectations are high and the state is unable to deliver. Du Toit (1995: 32) also explains that Migdal argued that, in a weak state, bypassing the rule of law becomes a form of survival meaning that high levels of violence are present. As South Africa was in a state of disequilibrium, as already indicated in par 3.1, the arguments of Huntington and Migdal are relevant as the criminal and justice process was dysfunctional and could not perform its duties as was expected in a democratic country.

The following diagram (Fig. 5.9) indicates the high levels of violent crime in Cape Town for the period 1996 to 1997 (Camerer & Louw, 1998: 2).

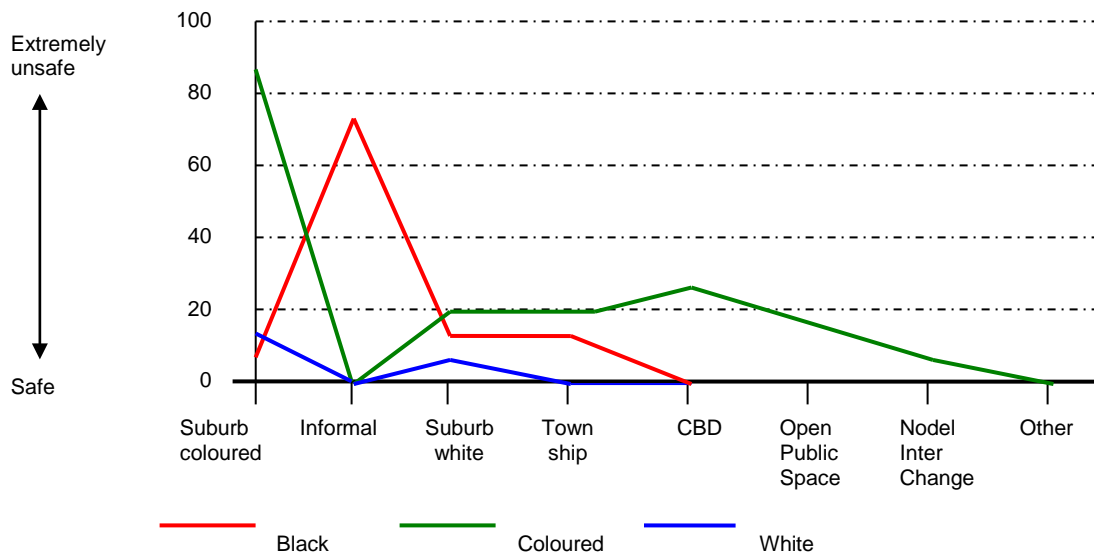
FIG. 5.9: Comparative levels of crime in Cape Town, 1996 -1997



(Camerer & Louw, 1998: 2)

The national victim survey, conducted by the Institute for Security Studies, indicated that during 1997 although the rich were more likely to be victimised than the very poor, the poverty-stricken were nearly 80 times more likely to die or get hurt by crime than the well-off. This indicated that higher levels of violence were involved in the crime afflicted on the poor (Steinberg, 1999: 48). This made the Cape Flats, which was and still is a poverty stricken area, a dangerous area to live in, as is indicated in the following graph from Camerer and Louw (1998: 1).

FIG. 5.10: Parts of Cape Town regarded as most unsafe in 1998



(Camerer & Louw, 1998: 1).

Taxi-violence was also rife during this period. Between 1994 and 1999 it was estimated that between 1 500 and 3 000 people were killed in taxi violence in the Gauteng Province alone while in the Western Cape killings already started in 1993 when seven taxi drivers were shot (Gottschalk, 2005: 1). Dugard (2001: 17) of the Centre for the Study of Violence and Reconciliation notes that taxi violence was rife in the Cape Peninsula from 1994 to 2000.

Clearly the people in the Cape Flats were living in constant fear, as violence surfaced in many facets of their daily lives and fear, according to Gottschalk (2005: 8), is "...a nursery for polarisation and extremism..." which made the occurrence of vigilantism so much more likely in this area and the formation of PAGAD not surprising. The fact that the people of the Cape Flats were exposed to violence on a regular basis also impacted on the acceptability within the community of the use of violence against gangsters and drug dealers once PAGAD was formed.

5.3.5 Summary

In the Cape Flats area in the Western Cape during the period PAGAD was formed and developed into a vigilante organisation, 1996 to 1998, all the context criteria for the occurrence of vigilantism in post-1994 South Africa were present.

Huntington (1968: 57 - 59) argues that a low level of need satisfaction is a clear indication of a state experiencing political decay. The communities in the Cape Flats experienced a state in disequilibrium in the period 1996 to 1998 due to very low levels of need satisfaction. The low level of need satisfaction which is directly related to the high unemployment rate, resulting in high levels of poverty caused people to feel marginalised. When this low level of need satisfaction or, according to Huntington, described by Duvenhage (1994: 153), a yearning for the qualities of “good life” is prolonged, the result can be a revolution. In the case of the Cape Flats the result was a mini-revolution within the community as they revolted against the state’s inability to provide security and took up the task themselves.

The state was dysfunctional due to high levels of corruption, specifically within the SAPS according to the perceptions of the people of the Cape Flats, poor infra-structure within the Cape Flats area regarding housing, education and health, and an overall dysfunctional criminal justice system in the country. The result was that people viewed the state as incapable of performing its function of providing personal security to its citizens. Zartman’s (1995: 10) argument is that a state in a process of collapse reflects the features of agents of law and order such as police officers, consistently breaking the law themselves and the state not paying attention to the needs of its citizens. Further, according to Huntington (1965: 393 - 394, 405 - 411; 1968: 1 - 8), due to low institutionalisation and resultant inability to attend to those needs, the Cape Flats was experiencing a state in the process of collapse, since it was dysfunctional.

Power vacuums existed because the state was unable to address the problem of gangsterism and drug dealers in the Cape Flats, seeing that the state was in disequilibrium and dysfunctional. The state in the Cape Flats area was therefore in a state of collapse or political decay, according to Zartman's (1995: 5) argument that collapse means that certain functions are no longer performed by the state and the citizens then automatically take over those functions.

High levels of violence existed within the Cape Flats area in all spheres of people's lives to the point that areas were controlled by gangs creating no-go areas to all who are non-residents. The effect was that the state shrank as a state because a part of its geographical area was no longer under its control. Du Toit (1995: 32) refers to Migdal's argument that in a weak state bypassing the rule of law becomes a form of survival, meaning high levels of violence are present as was the case in the Cape Flats.

It is clear that the context within the period PAGAD was formed and progressed through the phases of vigilantism was most conducive to the occurrence of vigilantism and also indicative of a weak state or a state in collapse in the Cape Flats area. However, the fact that PAGAD was hijacked by its radical faction and turned into an urban terrorist organisation which turned against the state and its institutions is a unique dimension of PAGAD as a case study. This turn of events within PAGAD, however, indicates the danger of vigilante groups as they can be misused by members for their own goals that have nothing to do with those of the vigilante organisation. What can also be highlighted as a unique dimension of PAGAD as a case study is the fact that it seems that religion also played an important role, being that of Islam. Although PAGAD indicated at its formation that it was not exclusively Muslim, its connection with Qibla who has Iranian and other pro-Islamic connections, created the image that PAGAD was more a Muslim liberation organisation than a traditional community vigilante group. The focus of PAGAD was also unique as they acted only against gangsters and drug

dealers. It seems that other crimes were overshadowed by those of gangsterism and the selling of drugs, because rapists or thieves were never targeted.

It can therefore be concluded that although PAGAD had unique dimensions for the period August 1996 to July 1998 when it operated as a vigilante group, it fitted into the context model of the phenomenon vigilantism. After this period, however, PAGAD moved out of the model as its focus, modus operandi which was being guided by an Islamic “Jihad” had no identification with that of a vigilante organisation.

It is therefore at this stage important to determine whether PAGAD adhered to the specific or operational criteria of vigilantism in order to be classified as a vigilante organisation for the period August 1996 to July 1998.

5.4 APPLICATION OF SPECIFIC CRITERIA TO PAGAD

The specific criteria for vigilantism, as illustrated in Fig. 4.9, will be applied to PAGAD in order to determine whether the organisation can indeed be classified as a vigilante organisation, even though for only a certain period of its existence - August 1996 to July 1998. The period in which the organisation had completed the first two phases of vigilantism is also relevant with regard to the application of the specific criteria as it indicates the reasons for its establishment.

The seven specific criteria will be dealt with under four headings, since some of the criteria are grouped together and will be treated as follows:

- Vigilantism occurs as a reaction to crime and/or social deviance.
- The aim of vigilantism is to obtain personal and collective security.
- Vigilantism is conducted by private citizens acting on a voluntary basis.
- Vigilantism involves premeditation, planning and organisation.

- The activities undertaken by the vigilante group is without the state's authority or support.
 - Force is either applied or threatened.
- A conspiracy of silence

5.4.1 Vigilantism - a reaction to crime and/or social deviance with the aim to provide security and order conducted by private citizens on a voluntary basis

PAGAD started out as a group of about ten *concerned residents* (private citizens) in the Cape Flats who held house meetings to address certain problems in the community, focussing on the scourge of *gangsterism and drugs*. This reaction of PAGAD can be attributed to the state's low levels of bureaucratic abilities in this period which, according to Geldenhuys (1999: 43), is an indication of a weak state (compare Chapter Three par. 3.2.4). The reason for it is that PAGAD arose as a vigilante group after repeated instances of deviant behaviour by gangsters and drug lords and after the state failed them through being incapable of providing in their demand for a secure environment to live in, which is also in line with the argument of De la Roche (1996: 188 -199). PAGAD therefore filled this power vacuum created by the disfunctionality of the state with the aim of providing personal and collective security to the people of the Cape Flats themselves.

As support grew and house meetings turned into public meetings, PAGAD was able to act as a pressure group in 1996, mobilising thousands of people at any given time, all on a *voluntary basis*. PAGAD's aim was to bring a just social order and to rid their community of gangsterism and drugs through making people conscious of the problem (Kempen, 1999: 8). PAGAD's support grew from 6 000 in May 1996 to an estimated 100 000 during 1997. More than a year after the Staggie murder, the Western Cape-based Pagad had branches in four other

provinces: Gauteng, KwaZulu-Natal, Eastern Cape and North West Province (Edmonds, 1998: 28). Migdal's (1987: 40,177) strong states and weak states theory applies, seeing that social control has been dispersed to Pagad as a social organisation with its own rules.

PAGAD therefore was established as a reaction to the high levels of crime due to gangsterism and drug dealers in their community. Those involved in PAGAD were all private citizens from the Cape Flats community and became involved on a voluntary basis. Once PAGAD turned into an urban terrorist group they no longer fitted this specific criterion, since their reaction was turned towards the state and its institutions and no longer aimed at criminals; and also the aim was no longer personal and collective security but a "Jihad".

5.4.2 Premeditation, planning and organisation

PAGAD had a two-pronged strategy to combat crime: confrontation directed at government, and confrontation directed at those who perpetrate crime (Botha, 2001: 46). Confrontation in this sense refers to protest marches to parliament and at attempting to raise government's awareness of their severe problem with gangsters and drug dealers, and does not refer to confrontation in the form of bombs. PAGAD's activities were all well-planned with premeditation aimed at specific individuals, drug merchants and gangsters and PAGAD was also well-organised with a structure of leadership with Farouk Jaffer as its first coordinator (Botha, 2001: 39).

When PAGAD was formed, they adopted a strategy of consulting with government and its various departments. But when government failed to respond, they changed their strategy to one of confrontation with drug merchants and gangsters through marching to their homes and delivering ultimatums to them (Kempen, 1999: 8). According to the police, PAGAD conducted 54 protest marches between 4 August and 26 December 1996 (Le Roux, 1997: 62). The

marches were intended to serve as a popular show of force, and to present suspected drug dealers with threatening ultimatums to cease their “nefarious” activities (Botha, 2001: 52). Rashaad Staggie, the co-leader of a powerful gang in the Western Cape, the “Hard Livings Gang”, was set alight and shot following one of these protest marches of PAGAD to his house in Salt River (Minnaar, 2001: 31). This added violence to their method of getting rid of those who are socially deviant. The change in strategy emphasises the power vacuum that was created by the state’s inability to provide security to these communities which is a feature of Zartman’s (1995: 1) “collapsed states”. It also indicates a continuous adaptation in an environment where the strongest dominate, which is a characteristic of Duvenhage’s (2003: 59) phase of disequilibrium.

PAGAD also met this operational criterion as it was well-organised with a formal structure and it planned its actions in advance through meetings. The number of people that took part in its protest marches is also indicative of its ability to organise and plan.

5.4.3 Violent and illegal acts

Throughout its existence, PAGAD had adopted a militant approach to achieve its objectives, which was 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. At the same time PAGAD’s G-force would engage in activities that were violent and illegal (Botha, 2001: 52). In August 1996 PAGAD’s actions resulted in its first of many fatalities, when they killed Rashaad Staggie. PAGAD broke the law by threatening, harassing and murdering individuals who sold drugs or promoted gangsterism. The war between PAGAD and the gangs in the Cape Flats claimed lives with monotonous regularity, and many innocent victims were caught up in the violence. PAGAD claimed the death penalty as the ultimate punishment for sinners against society (Edmonds, 1998: 28 - 29). SAPS claimed in 2002 that

PAGAD members have killed at least 24 prominent gangsters during its existence (Adams, 2002: 15).

PAGAD's violent nature, however, crossed a line when detonating explosives outside the offices of the police special investigation task team on 6 August 1998, as it indicated that PAGAD was no longer a vigilante group within the boundaries of legitimate dissent, but became more involved in urban terrorism. Attacks were no longer focussed on drug dealers and gangsters, but tended to target public places and places of entertainment. Between January and August 1999, six bomb explosions injured 81 people, while 17 people were killed in armed attacks (Botha, 2001: 54 - 56).

What started out as a campaign against gangsters apparently became a battle against the police and the courts (Ray, 2000: 3). Le Roux (1997: 76, 78) explains that there can be little doubt that the government's inability to provide effective government in the form of adequate protection for all its citizens had effectively armed militant organisations such as Qibla with an excuse to promote their radical aims and objectives. PAGAD single-handedly focussed international attention on South Africa's escalating crime situation, as no organisation has ever done. This extreme development of PAGAD stresses the danger of vigilante organisations or groups if left unattended by the state as they hold the potential of resulting in mini-revolutions within their communities threatening the state's independence as a political entity as explained in Geldenhuys' (1999: 43) *staatsverval* or can also be referred to as Huntington's (1968: 197) radical praetorianism (compare Chapter Three par 3.2.1, 3.2.4). These violent acts committed when PAGAD was classified as an urban terrorist group, however, fall outside the model for vigilantism as its fight then was with government and not with criminals. This type of violence, making use of different types of bombs which kill indiscriminately, is not associated with vigilante acts as its results are chaos and insecurity, the opposite of the aim of any vigilante group. However,

this is also an indication of state collapse, as PAGAD as an urban terrorist group indicated the breakdown of societal infrastructure (Zartman, 1995: 6 – 7).

One can, however conclude that, during the period that PAGAD was a vigilante organisation – August 1996 to July 1998 – it did make use of violent methods aimed at criminals (gangsters and drug dealers), which were in many cases lethal. PAGAD therefore also conformed to this specific criterion as a vigilante organisation.

5.4.4 A conspiracy of silence

PAGAD thrived on secrecy, according to Edmonds (1998: 28), which could clearly be observed with members covering their faces during protests and marches and also in the clear division between open activities and those planned and executed by PAGAD's more covert structure, the G-force. The Cape Flats was also a closely knit community which supported PAGAD as a vigilante organisation and therefore shared this conspiracy of silence by protecting its own. Anyway, the SAPS was viewed to be corrupt and cohering with the gangs; so people did not trust them (Standing, 2004: 39). At this point PAGAD can be compared with Migdal's strongmen who made the rules within the Cape Flats, resulting in a dilution of the state's authority (compare Du Toit, 1995: 27). PAGAD therefore became the authority in the Cape Flats in which the state was considered an entity that could not fulfil its function of protecting its citizens.

This conspiracy of silence within the organisation, as explained by Minnaar (2002: 120), made it more difficult for government authorities to investigate and put an end to the illegal activities of PAGAD.

PAGAD therefore also complied with this specific criterion of vigilantism, because a conspiracy of silence was a part of its daily existence when it acted as a vigilante organisation.

5.4.5 Summary

PAGAD, from 1996 to 1998, attracted much attention from the media, the public and even internationally who branded PAGAD as a vigilante organisation. After applying the specific criteria identified in this study to PAGAD it can be concluded that PAGAD complied with the specific criteria and can be classified as a vigilante organisation for the period August 1996 to July 1998.

PAGAD arose out of the Cape Flats community as a vigilante group after a long period of the community being tormented by gangsters and drug dealers and after no response from the state on the communities' demand to ensure their safety. PAGAD took up the task themselves in dealing with the gangsters and drug lords and consisted of community members of the Cape Flats. PAGAD's formation was a reaction to crime and social deviance and wanted to obtain personal and collective security conducted by private citizens on a voluntary basis. Social control by the state was therefore dispersed as PAGAD filled the power vacuum created by the state's low level of bureaucratic abilities indicating that the state, for the people in the Cape Flats, was indeed a weak state experiencing political decay.

PAGAD was well-organised, planned their activities and acted with premeditation, which was evident when they confronted gang leaders and drug lords. PAGAD continuously adapted in an environment where only the strongest dominate and they were taking up the challenge against criminals who controlled their communities. This situation was typical of Duvenhage's (2003: 59) phase of disequilibrium as the state showed an inability to provide security and social needs on a continuous basis resulting in power vacuums that were up for grabs by a group such as PAGAD.

The violent and illegal nature of PAGAD's activities is captured in what Edmonds (1998: 28 - 29) refers to as the war between PAGAD and the gangs of the Cape

Flats claiming lives with monotonous regularity, with PAGAD claiming the death penalty as the ultimate punishment for gangsters and drug dealers. This level of violence again emphasises that the state was weak as PAGAD simply bypassed the law to obtain their goal of obtaining security within the community. PAGAD therefore also complied with this criterion of a vigilante group as their acts were violent and illegal.

PAGAD thrived on secrecy and a conspiracy of silence was evident in the way members covered their faces and the fact that PAGAD was structured into sub-groups which made it difficult for the police to investigate the illegal activities of PAGAD. PAGAD therefore complied with the criterion of a conspiracy of silence. PAGAD became one of Migdal's strongmen within the Cape Flats and diluted the state's authority indicating again that the state was weak and in disequilibrium.

For the period that PAGAD acted as a vigilante organisation, from 1996 to 1998, the organisation complied with all the specific criteria of a vigilante organisation and through that also indicated that the state was a weak state to the people of the Cape Flats area during this period.

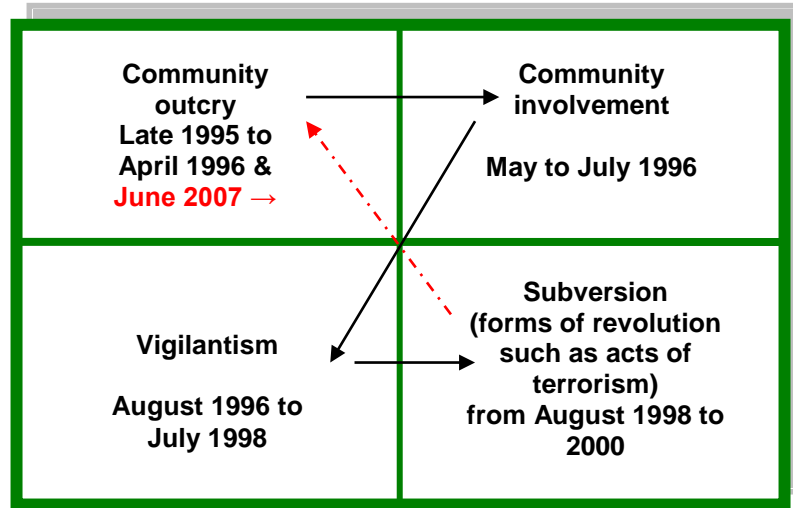
5.5 CONCLUSION

The contextual theory was applied to the period PAGAD was launched at the end of 1995 and continued to be active as a vigilante organisation up to 1998 before turning into an urban terrorist organisation. It was found that the environment was indeed conducive to vigilantism to occur, seeing that the society was in disequilibrium, the state was weak and also dysfunctional due to system stress, in particular the criminal and justice system. Power vacuums occurred because of this dysfunctionality specifically with regard to providing security to the communities in the Cape Flats area and the function was taken over by PAGAD while the environment was also characterised by high levels of violence not only in the Western Cape but in the country as a whole.

PAGAD also had all the characteristics of a vigilante group within the period 1996 to 1998, although their acts of urban terrorism from 1998 did indeed move PAGAD to a more extreme violent group, with a more Islamic fundamentalist focus. Their methods, such as bombings and assassinations, focussed on political targets, including public places and government structures and are a clear indication that they had become an urban terrorist group and were no longer a vigilante group. This phase of PAGAD falls outside the set theory on vigilantism in post-1994 South Africa and is viewed to be a unique dimension of the organisation. However, it is an indication of how dangerous it is if government does not react immediately against vigilante groups that take the law into their own hands but leaves them to grow and to prosper. The end result can be chaos and anarchy. Vigilante groups are the ideal vehicles for extremist groups to hijack for their own political goals.

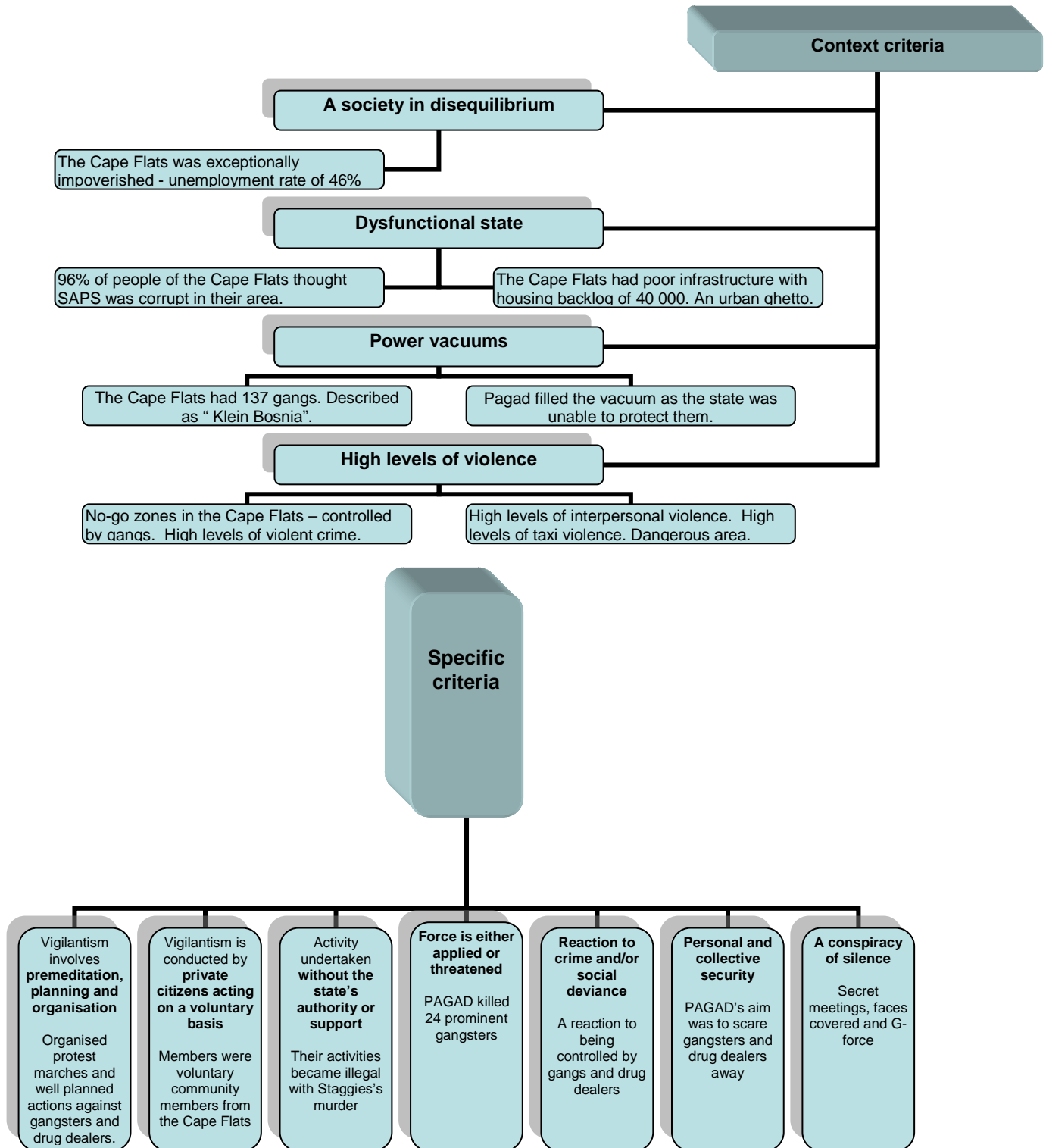
The following diagram (Fig. 5.11) indicates the development of PAGAD through the phases of vigilantism compared to those of a terrorist group and resurfacing in 2007 in the phase of a community outcry. It is indicated in the diagram that PAGAD kept progressing through the phases and did not return to a previous phase, seeing that their demands for action from government never were satisfied, resulting in it growing into a vigilante organisation and ultimately reaching the phase of subversion as an urban terrorist group. It therefore indicates that the phase of vigilantism is not a permanent phase but rather a strategic temporary phase of which its time span depends on the reaction of the state to either give attention to the reasons for the existence of the vigilante organisation – lack of security – or force the vigilante organisation back to the first or second phase of vigilantism.

FIG. 5.11: PAGAD progressing through the phases of vigilantism



PAGAD as a case study supports the context theory and also meets to the specific criteria for vigilantism for the period August 1996 to July 1998. This application can be illustrated as follows in the diagram for context and specific criteria for the occurrence of vigilantism (Fig. 4.12) utilised throughout the analysis of PAGAD in this chapter:

FIG. 5.12: Context and specific criteria applicable to PAGAD as a vigilante organisation



PAGAD supports the theory set out for the occurrence of vigilantism in post-1994 South Africa with only its unique dimension of developing into an urban terrorist group falling outside the bounds of the theory. Due to the uniqueness of this dimension the fact that PAGAD turned into an urban terrorist group is not viewed to be a characteristic but it must be added to the theory as it is an exception to the rule. However, it serves as an illustration of the danger of vigilante organisations not being addressed by the government sooner rather than later.

CHAPTER SIX
**MAPOGO-A-MATHAMAGA AS A CASE STUDY OF VIGILANTISM IN
SOUTH AFRICA**

6.1 INTRODUCTION

To date Mapogo-a-Mathamaga was the largest and most active established vigilante group in post-1994 South Africa. It had both an urban and rural membership base in at least five provinces; had support from members across race and class divisions and had paid-up members and operated like a private security company with price flexibility that allowed it to serve the poor and the wealthy. This achievement of Mapogo made it a more serious threat to the new democracy in South Africa than other similar vigilante organisations (Sekhonyane & Louw, 2002: 28). Mapogo-a-Mathamaga is therefore a very important case study to test the set theory for the occurrence of vigilantism according to the context and specific criteria.

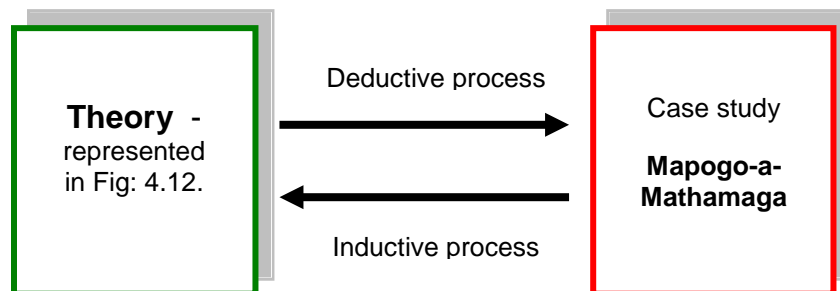
Important contextual features of Mapogo were extreme poverty of the people in the Sekhukhune and Nebo areas where Mapogo originated from, very high crime rates in these areas with local businesspeople prone to being robbed and murdered, local police being mistrusted, deep intergenerational rifts and a reappraisal of traditional authority (Oomen, 2004: 156). These features will be further discussed in this chapter as they played a vital role in the establishment of Mapogo as well as its identity not only as a vigilante group but its later establishment as a legitimate security company.

Mapogo-a-Mathamaga will be studied from a historical point of view as it lost its prominence as a vigilante organisation in 2002.

The theoretical framework in which Mapogo will be analysed will be deductive by applying the model for context and specific criteria for the phenomenon (see Fig.

4.12) and determining similarities with the identified criteria both contextual and specific by providing motivations through the conceptual frameworks of Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987 & 1988), Geldenhuys (1999), Zartman (1995), Abrahams (1998), Minnaar (2001 & 2002) and De la Roche (1996). The analysis will be inductive by indicating which dimensions of Mapogo fall outside the set model of vigilantism as well as those which are unique to Mapogo by continuously referring to the said model. This theoretical framework can be explained in the following diagram (Fig. 6.1):

FIG. 6.1: Theoretical framework for the analysis of Mapogo-a-Mathamaga as a case study



Before starting with the analysis of Mapogo through the context and specific criteria, a historical overview of the vigilante group will be given covering its origin, its development as a vigilante organisation and its development from a vigilante group to a legitimate security company. This will be done through deductive analysis by identifying similarities with the developed theory for vigilantism. The phases of vigilantism, as explained in Fig. 3.5, will be utilised in this broad analysis of the background of Mapogo so as to determine how Mapogo progressed through these phases during the period of its active existence. The phases of vigilantism in short are as follows:

- first phase: a community outcry,
- second phase: community involvement,
- third phase: vigilantism, and
- the final phase: subversion.

As previously indicated, movement from one phase to the next or back to a previous phase is a direct result of specific needs; in the case of Mapogo the high crime rate in their communities not being addressed by the state and/or the continued dissatisfaction will be illustrated in the following background analysis of Mapogo-a-Mathamaga. The background analysis of Mapogo will commence with the formation of Mapogo in September 1996 as a community outcry, until it started being involved in vigilante activities in November 1996 until it eventually evolved into a legitimate security company in 2003 which will be indicated as a unique dynamic of this case study. Correlation with the set theory will be indicated throughout the background analysis, which will provide a baseline from where the context and specific criteria can be applied.

6.2 BACKGROUND ON MAPOGO-A-MATHAMAGA

Oomen (1999: 52) gives three reasons for Mapogo's success as a vigilante organisation. The first was the fact that Mapogo was highly organised and had a high public profile with an effective public relations system, which promoted the notion of an "African way of punishing" (by means of corporal punishment). The second reason was the state's failure to protect its citizens. Thirdly, Mapogo's popularity was strengthened by a lack of understanding of features of the criminal justice system, especially the prohibition of corporal punishment, the rights of criminals and bail law within the communities of Sekhukhune and Nebo in the then Northern Province. These reasons make Mapogo an interesting case study with regard to the study of vigilantism as a feature of political decay in post-1994 South Africa. It provides a picture of a system that was not able to provide the function of protection of its citizens and it opened up a power vacuum that was

filled by Mapogo. As Zartman (1995: 10) writes when the state collapses, order and power fall into the hands of local groups – in this case Mapogo-a-Mathamaga. This situation was an indication that South Africa had definite features of political decay when Mapogo-a-Mathamaga was formed and then progressed through the phases of vigilantism to becoming a full-fledged vigilante organisation in November 1996, only three months after its formation.

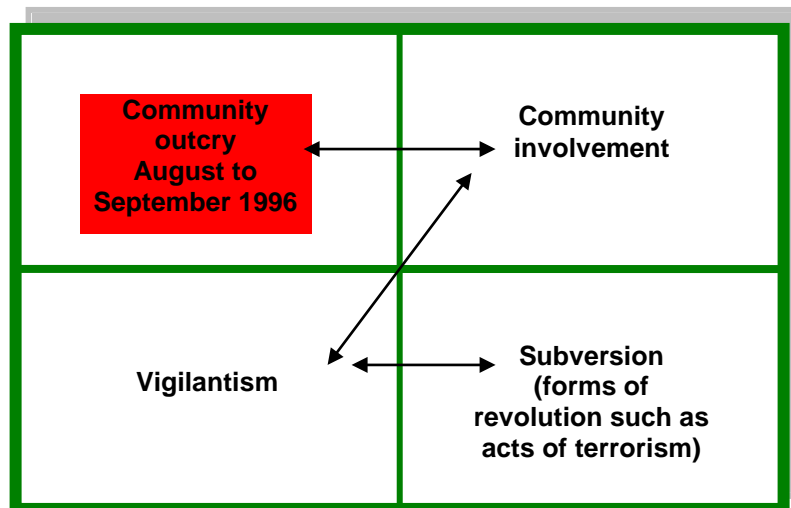
The development of Mapogo through the phases of vigilantism will be analysed under the birth of Mapogo, Mapogo as a vigilante organisation and finally Mapogo as a legitimate security company which is a unique dynamic of this case study.

6.2.1 The birth of Mapogo-a-Mathamaga

Mapogo-a-Mathamaga was established on 25 August 1996 in the Sekhukhuneland Village in the Limpopo Province, then known as the Northern Province. The organisation's president was Monhle Magolego, a wealthy businessman, and part of the success of the organisation was due to his charismatic leadership. The organisation got its name from a Sotho proverb meaning the leopard can change its colours and become a tiger when provoked. Local businessmen started Mapogo after the murder of eight local businessmen in separate incidents and a spate of burglaries of business premises during July and August 1996 (Minnaar, 2001: 25). This reaction was almost expected, according to De la Roche's (1996: 188 - 189) argument, that vigilante groups arise after repeated instances of deviant behaviour such as repeated robberies and/or murders within a community, and important also, with little response from the state to rectify the deviant behaviour. One can therefore already indicate that there was a breakdown in law and order as well as in good governance in South Africa during the period Mapogo was established in the Limpopo Province when compared to the theoretical perspective of Zartman (1995: 6 – 7).

The establishment of Mapogo as a reaction to crime placed it in the first phase of vigilantism, a community outcry, with its initial aim to protect businesses and their owners. The fact that there was a need for people to protect them from criminals is an indication that the state was not performing its function of providing personal security to the satisfaction of the communities of Sekhukhune and Nebo. Mapogo's intention at first was not to take the law into their own hands but to make government aware of the situation. Mapogo in the phase of a community outcry is illustrated in the following diagram (Fig. 6.2):

FIG. 6.2: Mapogo-a-Mathamaga – a community outcry

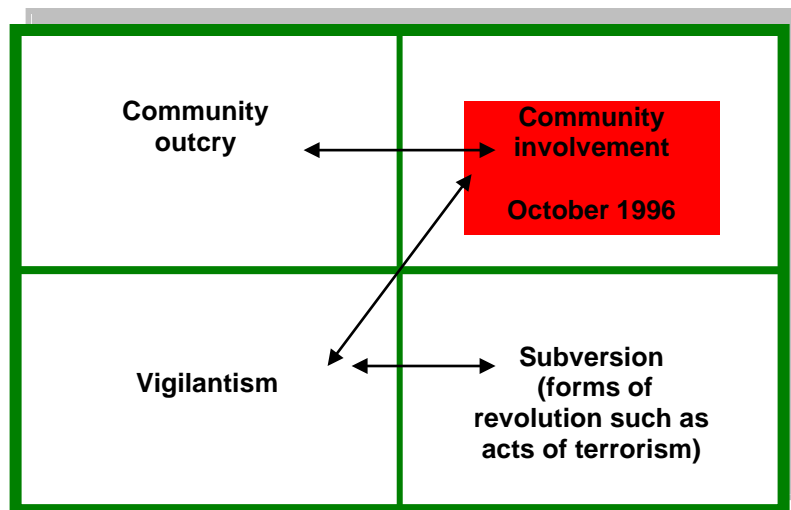


One of Mapogo's first organised activities was when over a hundred businesspeople marched to Pietersburg, now known as Polokwane, where they demanded of the provincial MEC for Safety and Security, Seth Nthou, that the murder and robbing of members of their community had to be attended to immediately. The group also demanded that criminals be given heavy penalties – even the death penalty (Oomen, 2004: 156). Mapogo members experienced a lack of the execution of the law in order to protect them and their businesses. The state institutions, specifically the criminal justice system, were failing in performing their duties which resulted in power vacuums which were in

this case filled by Mapogo. Huntington (1965: 416) argues that low levels of institutionalisation – a dysfunctional criminal justice system - with high levels of political participation – people demanding in an organised manner personal and communal security - results in features of political decay of which vigilantism is one (compare Chapter Three par. 3.2.1).

Mapogo’s initial modus operandi was to make civil arrests of suspects and hand them over to the police. Their support soon grew from 1 000 paid up members to more than 2 000 operating in towns and townships in Limpopo such as Nebo, Sekhukhune, Tafelkop, Jane Furse, Motetema, Ga-Masemola, Ga-Marishane and Groblersdal (Minnaar, 2001: 25). Mapogo now progressed to the next phase of vigilantism, namely that of community involvement as they themselves caught criminals, but still expected the system to handle their sentencing and punishment as they handed them over to the local authorities, which is illustrated in the following diagram (Fig. 6.3):

FIG. 6.3: Mapogo-a-Mathamaga – community involvement



It is Important to note that Mapogo members were required to pay a membership fee and only paid up members received protection from the organisation - but with a different fee structure for the poor and the rich (Sekhonyane & Louw, 2002: 36, 38). These members displayed the leopard emblem of Mapogo on

their premises, a signal to would-be criminals that they will be tracked down, caught and dealt with in the same way that a leopard stalks and devours its prey (Dempster, 2002: 2). This unique feature of Mapogo falls outside the set theory for vigilantism as according to Abrahams (1998: 165 - 166), trading in protection as a commodity is more a feature of the Mafia than a vigilante group. This dimension indicates the desperateness of the communities for protection against criminals and specifically the inability of the state to perform this basic function which is typical of a state in disequilibrium (Duvenhage, 2003: 53). Such a state in disequilibrium is unable to provide security and other social needs on a continuous basis (Duvenhage, 2003: 57. Also compare Chapter Three paragraph 3.2.2.).

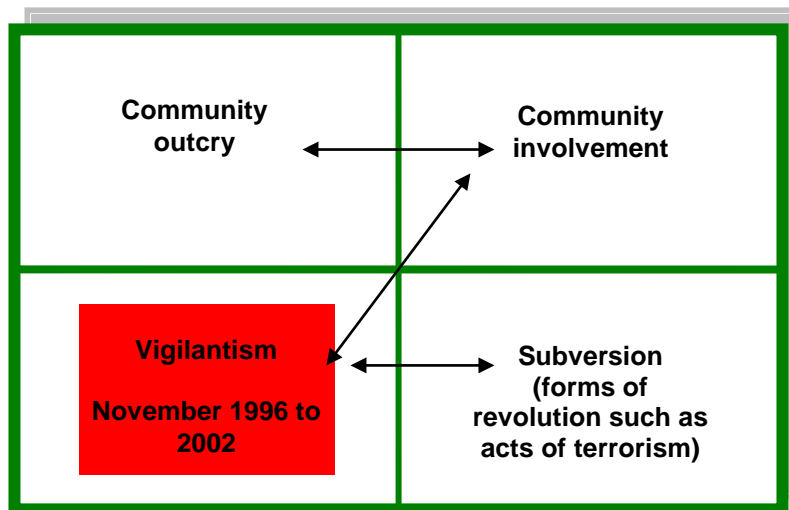
Only weeks after their protest march to Polokwane, due to dissatisfactory reaction from the government, as police released a number of suspects which Mapogo handed to them, Mapogo changed its tactics. Alleged criminals were apprehended after dark, confessions beaten out of them and only then were they handed over to the police (Minnaar, 2001: 25). In some instances suspects died as a result of the beatings and were even dragged behind vehicles or thrown into crocodile-infested rivers in order to obtain confessions (Knox & Monaghan, 2002: 47). Suspects were therefore denied any form of justice as they were presumed guilty and were not given any opportunity to defend themselves. Mapogo was therefore at this stage a full-fledged vigilante organisation.

6.2.2 Mapogo-a-Mathamaga as a vigilante organisation

From November 1996 Mapogo started meting out punishment - in Magolego's own words: "Corporal punishment is the best approach. There are no suspects, just criminals. If you are caught red-handed, you are a thief. The case is remanded, street justice is applied." Soon reports began to surface of Mapogo members beating up suspected criminals and then dragging their bleeding bodies to police stations. This harsh attitude towards punishment resulted in many of

Mapogo’s members being arrested, including Magolego himself, and many suspected criminals dying (Sekhonyane & Louw, 2002: 38 - 40). Mapogo now acted like Migdal’s (1987: 402) strongmen as Mapogo offered viable survival strategies to its members. This situation resulted in what Migdal (1988: 40, 177) refers to as a “weblike society” as social control was not only in the hands of the state but dispersed among social organisations such as Mapogo indicating a state experiencing political decay (compare Chapter Three par. 3.2.3).

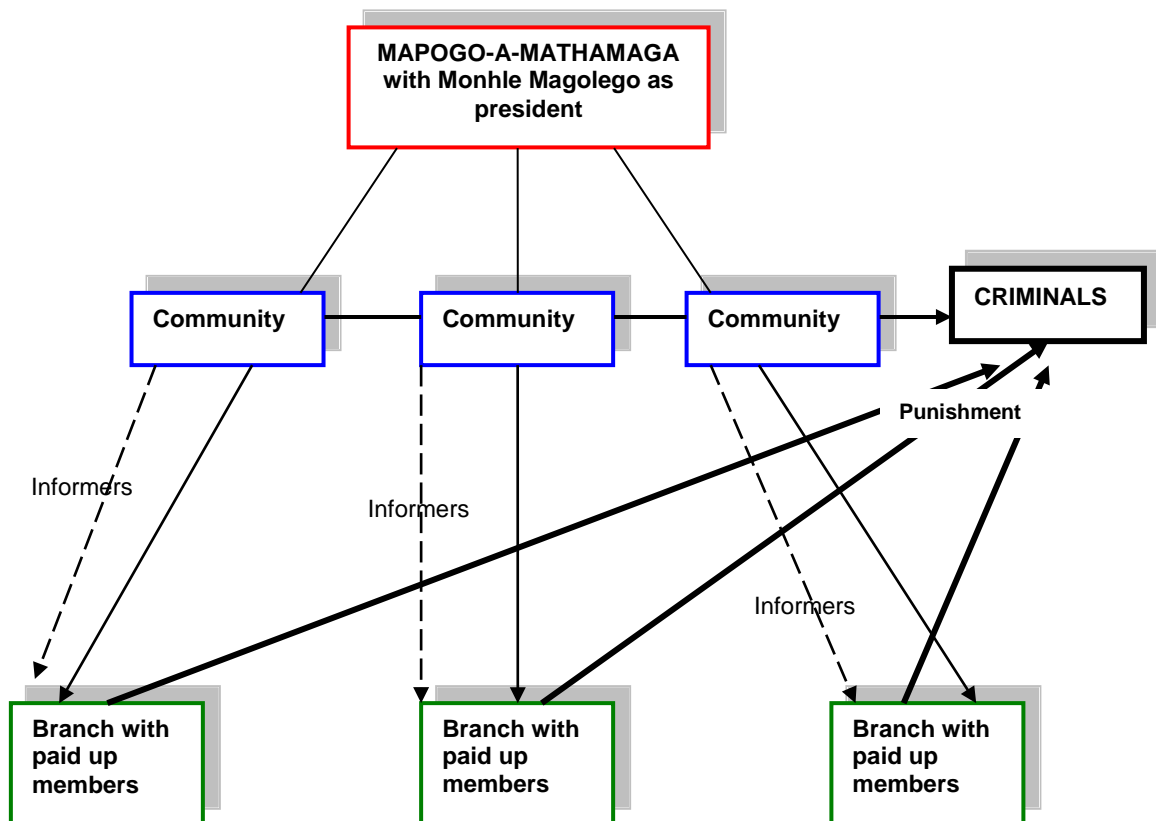
FIG. 6.4: Mapogo-a-Mathamaga – a vigilante organisation



Mapogo gained popularity and expanded to the rest of Limpopo Province, as well as to Mpumalanga, Gauteng, North West and Free State. By August 1997 Mapogo had 3 500 members and further increased to 70 000 by 2002. The organisation was well-structured as branches could only be set up under the guidance of the central executive and in accordance with the organisation’s constitution (Oomen, 2004 : 157). The popularity of Mapogo indicated that law and order did not exist where Mapogo made the rules. Such a situation threatens the state’s existence as an independent political entity and results in a collapsed state (Geldenhuys, 1999 : 43).

Mapogo operated as follows: Members came from the local communities which then formed a branch. Paid up members would register a complaint at its branch about a crime that was committed. The branch would make use of informants within the communities to determine who was responsible for the crime and where the suspected perpetrator(s) is/are. Members would then apprehend this alleged criminal and give him/her some Mapogo “medicine”. The following diagram explains the structure of Mapogo during this period of its existence as a vigilante organisation and also indication its modus operandi (Fig. 6.5):

FIG. 6.5: The structure of Mapogo-a-Mathamaga as a vigilante organisation



According to Minnaar (2001: 29), Mapogo grew so fast that several branches “...appeared to act independently resulting in members becoming a law unto themselves and meting out punishment irrespective of organisational control mechanisms...”. This correlates with what Abrahams (1998: 15-16) writes -

vigilantes see themselves as substitutes for the state in pursuit of order. They view themselves therefore as above the law and act like Migdal's (1987: 402) strongmen within his "Triangle of Accommodation". Migdal (1987: 177) further adds that these small social organisations jealously protect their way of social control which is what happened with some of Mapogo's branches. This is a clear indication of features of political decay existing in post-1994 South Africa as the state's institutions were incapable of performing their functions and in turn incapable of preventing or controlling these branches of Mapogo to act as strongmen. This again correlates with Huntington's (1965: 416) low levels of institutionalisation versus high levels of political participation resulting in ineffective governance and low levels of satisfaction regarding services rendered by the state (compare Chapter Four par. 4.2.1.1).

The year 2000 saw the increasing fragmentation of the organisation with increased efforts of the police to prosecute Mapogo members for vigilante acts - with over 300 cases under investigation against 600 Mapogo members. Members were accused of murder, attempted murder, kidnapping, common assault and assault with intent to cause grievous bodily harm. Many cases were, however, withdrawn or dropped as witnesses were too intimidated to testify in court (Minnaar, 2001: 29).

In October 2001 Magolego was arrested again, this time for the murder of a former chairperson and Mapogo member, Motlatsi Mafisa, after eluding the courts in the Limpopo Province for over four years (Sekhonyane & Louw, 2002: 44).

The arrest and prosecution of Mapogo foot soldiers, and especially that of Magolego, decreased the group's activities. Magolego however attempted to regroup and tighten his control over Mapogo but there was a growing realisation that the long-term future of Mapogo lies within the structures of the law (Minnaar, 2001: 30).

5.2.3 Mapogo-a-Mathamaga as a legitimate security company

In 2003 Mapogo joined the ANC and said that Mapogo is going to collaborate with government in the fight against crime (Kwapa, 2003: 4). Mapogo was no longer a vigilante group but became part of the formal security industry. This development of Mapogo placed it back into the first phase of vigilantism, namely that of a community outcry, as a need for private security is still an indication that the state is not performing its function of providing personal security to all its citizens.

Mapogo as a prominent vigilante organisation from 1996 to 2002 indicated the level of political decay – social instability and a dysfunctional state - that was experienced during that period in South Africa as it was able to operate for six years before local authorities were able to break its back with arrests. The disfunctionality of the criminal justice system and the lack of response from the state to their community outcry were the main reasons for the establishment of Mapogo as a vigilante organisation. Mapogo charging a fee to its members in order to obtain their services as well as Mapogo's development into a legitimate security company are unique features of this case study which do not apply to the previous case study, PAGAD. These unique features of Mapogo will be further discussed in this chapter under the context criteria and the specific criteria in order to determine the impact on the set theory on the occurrence of vigilantism.

It must therefore now be determined whether the context during the period 1996 to 2002, in which Mapogo developed into a vigilante organisation and existed as one, was conducive to the occurrence of vigilantism according to the model of the phenomenon's context criteria.

6.3 CONTEXT THEORY APPLIED TO MAPOGO-A-MATHAMAGA

As indicated earlier, Mapogo grew and developed as a vigilante organisation in an area with extreme poverty, very high crime rates where local businesspeople were prone to being robbed and murdered and local police being mistrusted (Oomen, 2004: 156). These are important contextual circumstances of this case study of Mapogo as a vigilante organisation in post-1994 South Africa. It is important to note that Mapogo also had features that fell outside the set theory as was determined in the background analysis of Mapogo, and are:

- Mapogo only assisted members who paid for their services; and
- Mapogo developed from a vigilante organisation into a legitimate security company after 2002.

The context criteria will be individually analysed in this case study. The criteria are: a society in disequilibrium, a dysfunctional state, the existence of power vacuums and high levels of violence. The aim will be to determine whether the context during which Mapogo was formed and developed into a full-fledged vigilante organisation was conducive to the occurrence of vigilantism. The analysis will focus on Limpopo Province and specifically the Sekhukhune and Nebo areas where Mapogo originated and developed from a community outcry into an almost national vigilante organisation. It is, however, also important to note some national trends at that stage in South Africa, as it influenced people's perceptions, also in Sekhukhune, regarding for example the prevalence of corruption within the criminal justice system.

6.3.1 A society in disequilibrium

South Africa was a society still in "transformation" with the formation of Mapogo-a-Mathamaga in 1996. The country was in the phase of system stress but also with definite features of disequilibrium due to high levels of expectations created by promises made during the pre- and post-1994 elections but with low

satisfaction rates caused by very high unemployment and poverty rates in the country.

Mapogo originated from the then Northern Province, which was not only South Africa's poorest province, but also an area with high unemployment and illiteracy rates.

During 1996 the unemployment rate was an estimated 41%. Also in this period over 50% of the population in the province earned less than R500 per month. Regarding illiteracy 49% of the province's people had no schooling, with only 14% who completed their schooling (Sekhonyane & Louw, 2002: 28 - 29). The illiteracy rate supports the fact that Mapogo was able to misuse the lack of understanding of the criminal justice system which was previously indicated as one of the reasons Mapogo was so successful as a vigilante group (Ooman, 1999: 52).

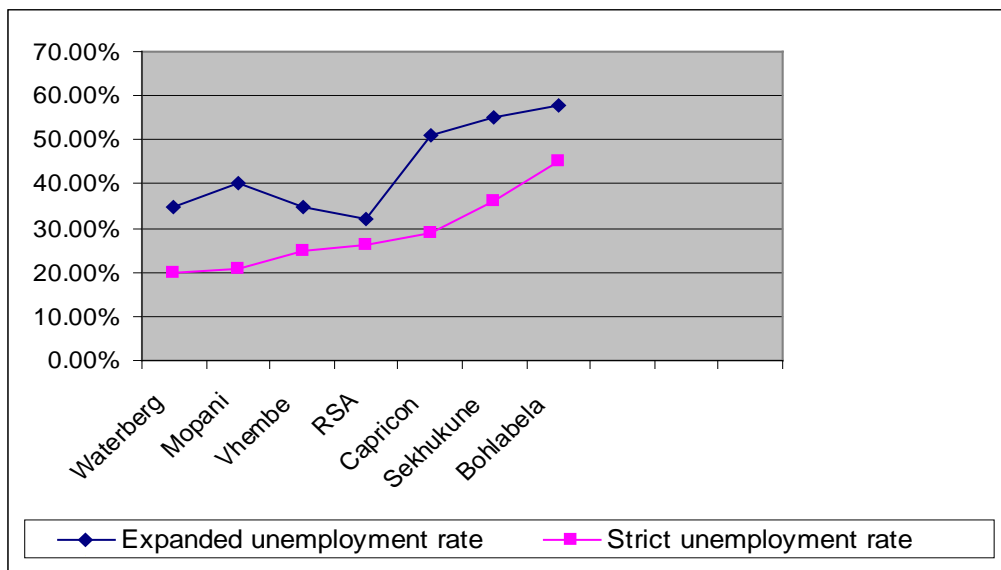
According to the National Census of 2001, the Northern Province was home to 11,8% (5,56 million people) of South Africa's population, of which 97,1% were African. 86,8% of the population of the province lived in rural areas compared to the national average of 63%. 51,9% of households in the province were involved in production for home consumption through some form of agriculture compared with the national average of 19,3%. The province was characterised by high levels of poverty, inequalities in the distribution of income and unemployment (Pauw, 2005: 1 - 4).

With regard to the Sekhukhune area, according to the expanded unemployment rate, 55% of people were unemployed and according to the strict unemployment rate 45%. Sekhukhune had the second highest unemployment rate when compared with the other districts in the province (Pauw, 2005: 17). The strict unemployment rate refers to those people within the economically active population who do not have employment but wish to work and have taken active

steps to search for work while the expanded unemployment rate includes also people not actively looking for work through formal labour structures.

The following diagram (Fig. 6.6) compares the unemployment rates of the different districts in the Limpopo Province, indicating that the Sekhukhune area had the second highest unemployment rate:

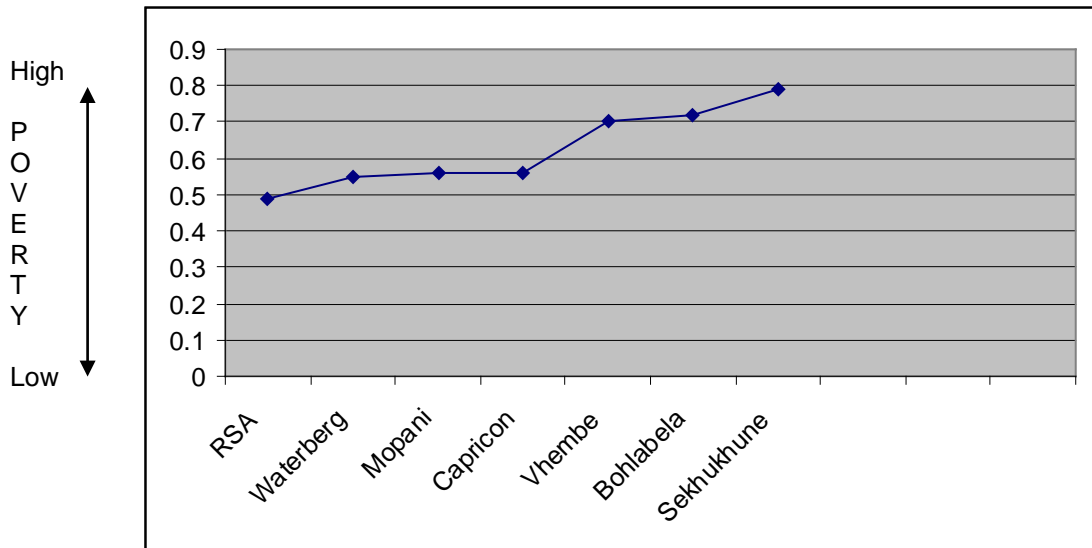
FIG. 6.6: Limpopo Province unemployment rate



(Pauw, 2005 : 17)

The Limpopo Province's poverty rate of 67,3% was significantly higher than the national average of 49,8%. The Sekhukhune area, however, had an even higher poverty rate of 79,1% (Pauw, 2005: 9). This situation, according to Abrahams (1998: 170), made it highly likely that vigilantism could occur as vigilantism typically emerges in poor communities (compare Chapter Three par. 3.3.3). The following diagram (Fig. 6.7) compares the poverty rate of the other municipal districts of the Limpopo Province and the RSA poverty rate measured against the percentage of people having a lower income than R5 057-00 per annum:

FIG. 6.7: Limpopo Province poverty rate



(Pauw, 2005: 9)

It can be concluded that Limpopo Province and specifically the Sekhukhune area had very high levels of unemployment, poverty and illiteracy. The result was very low levels of need satisfaction. Abrahams (1998: 170) argues that vigilantism responds to a range of persistent imperfections in the state system and with such low levels of need satisfaction in the Sekukhune area and even the entire Limpopo Province the formation of Mapogo could have been predicted. In other words, the area in which Mapogo originated from experienced a state in disequilibrium. Duvenhage (2003: 54) explains that this phase is characterised by a survival mode resulting in people depending on other structures than the state, as people are disillusioned by the expectations created with the formation of a democratic state in 1994. The main reason for this situation can be attributed to a dysfunctional state, which is the next context criterion to be discussed.

6.3.2 Dysfunctional state

Low levels of institutionalisation were obviously evident within the criminal justice system of South Africa during the period Mapogo was formed and flourished as a vigilante organisation. Schönreich (1999: 1) indicates: "The South African criminal justice system is in a state of crisis." In 1998 about 2 223 868 crimes were reported to the police of which only 203 071 ended in the conviction of the accused. The weak links in the criminal justice system are highlighted by Schönreich (1999: 1,12) as:

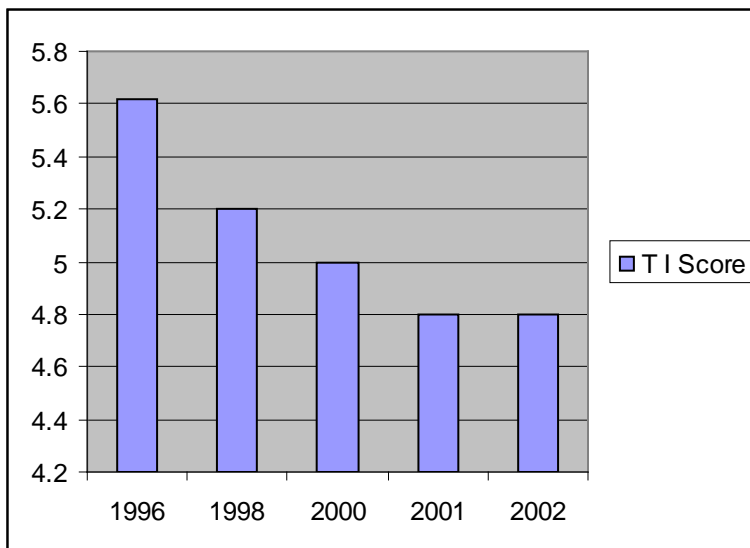
- too many cases are withdrawn before they go to trial, of which one reason is a lack of faith in the system and the other a lack of capacity;
- too many cases go undetected - about half of all police cases - due to the police's weak criminal investigation capacity and the public's general unwillingness to testify in criminal cases and to assist the police in its investigations; and
- the prosecution service's lack capacity, especially adequately trained prosecutors. Between 1994 and 1998 approximately 546 prosecutors resigned.

This situation can be partly explained by the statement of George Fivaz, outgoing national commissioner of police, at the end of 1999 that close to a quarter of SAPS members were "functionally illiterate". In March 2000 Minister Steve Tshwete revealed that almost 35 000 police officers had a standard eight qualification or lower. A further 8 000 police officers did not have a driver's license. The low educational levels and lack of crucial skills of many SAPS members made it difficult, and even impossible, for them to write down complaints, fill out dockets, give articulate testimony in court, drive to a crime scene, or fulfil any but the most basic policing duties (Schönreich, 2002: 12). During the period that Mapogo had taken over the functions, the South African Government did not have the capacity to fulfil its function of providing personal security to its citizens.

According to Sekhonyane and Louw (2002: 29), the situation in Limpopo Province was even worse than in the rest of the country during the period 1996 to 2002 as it only had 92 police stations, with only 7 980 police officers. They further indicated that Limpopo had the highest ratio of civilians to police officers in South Africa; consequently it was impossible for the police to cope with the crime rate - resulting in few arrests and fewer prosecutions. Their study found that in 1999 Limpopo had the highest average number of cases per detective - 97 cases per detective. In 2000 for every police officer there were 682 civilians in the Limpopo Province while in the rest of the country the ratio was 1 to 424. Mazrui (1995: 29) indicates that a crisis in governance can lead to the collapse of law and order. The change from an apartheid regime to a democratic state has resulted in a crisis in governance, especially in Limpopo Province. Basic functions such as maintaining law and order have become an impossible task due to low levels of institutionalisation while high levels of political participation demanded this function to be performed well. This correlates with Huntington's (1991: 69) argument that high expectations create stress in the social fabric that in turn stimulates political mobilisation which is a pattern of political instability (Chapter Four par. 4.2.1.1). The threat of the situation is that, according to Zartman (1995: 5), the weakening of one function drags down other functions of the state (compare Chapter Three par. 3.2.5). This brings a state even closer to collapse as state collapse is the breakdown of good governance and of law and order.

Transparency International gave South Africa the following scores for the period 1996 to 2002 indicating that the perception of the level of corruption has increased steadily from 1996 to 2002 which is also an indication of a dysfunctional state.

FIG. 6.8: South Africa's scores by Transparency International for the period 1996 to 2002



During 2001 and 2002 South Africa fell below the score of 5 and was then classified as seriously corrupt. The lower a country's score the more corrupt it is. Although the figures are not broken down into provinces, so as to determine the TI score for the Limpopo Province specifically, is it indicative of an overall perception of the existence of high levels of corruption within the country which is also relevant for the Limpopo Province.

The police and the court system in Limpopo were not trusted by the communities, especially in the Sekhukhune area. Cases reported to the police were not attended to and when a case did inspire police action and reached the courts, the case often dragged on for years and is often finally dismissed on technical grounds. Oomen (2004: 156) mentions that the station commander of Jane Furse indicated that a number of people working at the station had been accused of corruption and held therefore little legitimacy within the communities. This coincides with Zartman's (1995: 5) state collapse including the breakdown of good governance and law and order due to low bureaucratic abilities, which in turn is also a characteristic of Geldenhuys' (1999 : 43) weak state. This situation created a power vacuum that was easily filled by Mapogo. Zartman (1995: 1)

contends that, when the state collapses, power and order are up for grabs by local groups (compare Chapter Four par. 4.2.1.5).

Clearly the criminal justice system was dysfunctional when Mapogo was established, and even beyond 1996 which assisted the vigilante organisation in having a long lifespan. South Africa was also becoming more corrupt, adding to its overall level of dysfunction which included level of service delivery from the police and the courts in the Sekhukhune area. This situation of dysfunctionality resulted in the existence of power vacuums - the next context criterion for the occurrence of vigilantism that will be discussed.

6.3.3 Power vacuums

From the previous context criterion, a dysfunctional state, one could conclude that the criminal justice system was dysfunctional as it could not cope with the crime levels. This was due to a lack in resources, poor systems and also due to the communities not trusting the police and courts responsible for enforcing the criminal justice system in their area. The result was the occurrence of a power vacuum.

Between 1996 and 2000 the number of functional SAPS employees in South Africa declined by 11%. Over the same period recorded violent crimes increased by 21% and less serious crimes by 32% (Schönnteich, 2002: 6). This clearly indicates a system that could not cope and was also losing the battle against crime. These power vacuums made people hungry for security and it is clearly indicated by the success that Mapogo enjoyed in both urban and rural areas in at least five provinces as well as having support from members across race and class divisions (Sekhonyane & Louw, 2002: 28).

The result of the power vacuum in the Sekhukhune area was the high crime rate and a discredited police force. The widespread mistrust of the police was also

fed by the involvement of the police force in enforcing apartheid laws only a few years back creating a general feeling of lawlessness (Oomen, 2004: 156). This situation coincides with Huntington's (1968: 192) societal circumstances for praetorianism, which are "... a society which lacks law, authority, cohesion, and discipline ... where in short, political institutions are weak and social forces strong" (compare Chapter Three par. 3.2.1). It also coincides with Zartman's (1995: 1) argument that when the state collapses, order and power are up for grabs by local groups or, according to Duvenhage (2003 : 54), the inability of the state to provide good service causes institutions outside the government to take over those functions. Mapogo was a strong social force which filled the power vacuum created by the inability of the state to provide personal security to the citizens in the Sekhukhune area and even wider as Mapogo grew and expanded its operational geographical area, undermining the state's criminal justice system and even to some extent making it irrelevant. Due to the dysfunctionality of the state, in specific with regard to its criminal justice system, power vacuums were created. The occurrence of power vacuums also indicates that the state is experiencing political decay.

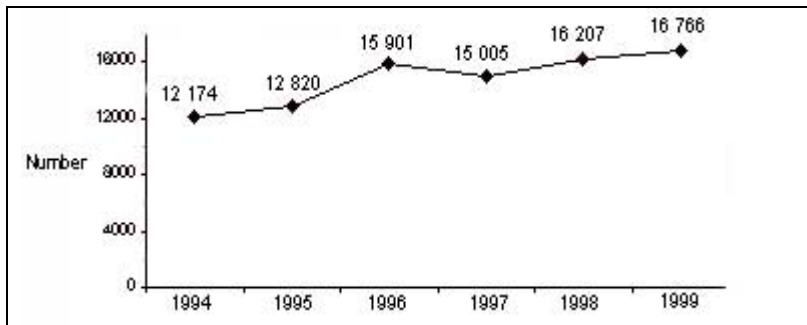
The conclusion is therefore that a definite power vacuum occurred during the period Mapogo-a-Mathamaga was formed in 1996 in the Sekhukhune area and that this contextual criterion was conducive to the occurrence of vigilantism acts by Mapogo.

6.3.4 High levels of violence

The levels of property crime as well as murder in Limpopo are of specific interest with regard to this case study as it was one of the main reasons for establishing Mapogo in 1996.

According to the following diagram (Fig. 6.9) from SAPS, property crime in Limpopo Province increased from 12 174 incidents in 1994 to 16 766 incidents in 1999 (Sekhonyane & Louw, 2002: 34).

FIG. 6.9: Recorded property crime, central area, Limpopo Province, 1994-99



(Sekhonyane & Louw, 2002 : 34)

Aggravating robbery, which is a violent crime, decreased from 9 774 incidents during 1994 to 9 650 incidents in 1995 but then steadily kept on increasing to 9 885 in 1996 and 10 580 in 1997 (Sekhonyane & Louw, 2002: 32).

Minnaar (2001: 5) indicates that the overall crime rate rose continuously and dramatically from 1994 to 1996 and then stabilised somewhat as a national phenomenon, while the fear of crime continued to rise. According to 1998 Interpol statistics, South Africa had the highest per capita rates of murder, robbery and violent theft and the second highest rate of serious assaults (Schönteich, 2002: 7).

Violent crimes were a common occurrence in the Limpopo Province, especially in the Sekhukhune area. This is also supported by the fact that eight businessmen were murdered during robberies over a short period. The Sekhukhune area was a rural area with a high illiteracy rate and where the people still relied much on traditional ways of doing things. Mapogo propagated the African way of punishing, which involved corporal punishment. The way in which it was

acceptable to its members, who also had to pay Mapogo for its services, indicates that it was also not uncommon to deal with a deviant member of a community in such a manner. Huntington (1968: 63) argues that violence is a result of weak political institutionalisation and Migdal (1987: 397) explains that bypassing the rule of law becomes a form of survival in a weak state that is unable to perform its function of maintaining law and order. The violent manner in which Mapogo handled suspected criminals was an indication that violence has become a culture in South Africa. The state was experiencing political decay as it was unable to maintain law and order, resulting in a need for an organisation such as Mapogo-a-Mathamaga.

South Africa was therefore a country experiencing high levels of violence during and also after the period Mapogo was established in 1996, meaning that this context criterion was applicable to the formation of the vigilante organisation.

6.3.5 Summary

In Limpopo Province and the Sekhukhune area, specifically during the period Mapogo was formed and developed into a vigilante organisation, 1996 to 2002, all the context criteria for the occurrence of vigilantism in post-1994 South Africa were relevant.

With an unemployment rate of 45%, a poverty rate of 79,1% and an illiteracy rate of 49% in the Sekhukhune area the need satisfaction rate was very low, indicating a state in disequilibrium to the communities which supported the establishment of Mapogo in 1996. The context was therefore conducive to the occurrence of vigilantism as the people were already in survival mode resulting, according to Duvenhage (2003: 54), in people depending on other structures than the state to raise their need satisfaction.

Limpopo Province had a ratio of 1 police officer for every 682 civilians. Added to the inadequate number of police officers was the police in Limpopo Province in specific the Sekhukhune area also discredited as they were not trusted due to their involvement in corruption. This low bureaucratic ability is a characteristic of a weak state, according to Geldenhuys (1999: 43), but the threat of the situation being, according to Zartman (1995: 5), that the weakening of one function drags down other functions of the state.

Power vacuums existed in the Limpopo Province and specifically in the Sekhukhune area due to the inability of the state to provide security to the people and crime rates remaining very high and the local security structures insufficient. It coincides with Zartman's (1995: 1) argument that when the state collapses, order and power are up for grabs by local groups. In a sense the state collapsed in the Sekhukhune area where Mapogo took over the function of providing security to businesses and communities and became the new rule maker.

The already high levels of property and violent crimes were on the increase during the period in 1996 when Mapogo was established and as Huntington (1968: 63) writes, violence is a result of weak political institutionalisation. Thus, the high levels of violence directly result in the state being dysfunctional as the state was unable to maintain law and order at that point in time.

It is clear that the context within the period Mapogo was formed and then progressed through the phases of vigilantism was most conducive to the occurrence of vigilantism. It is also indicative of a weak state or a state in collapse in Limpopo Province, specifically in the Sekhukhune area where Mapogo was first established. However, the fact that Mapogo was able to run the organisation like a business by charging membership fees is a unique dimension of Mapogo. This dimension of Mapogo, however, indicates the danger of vigilante groups as even the poor were willing to contribute financially, which in turn indicates the survival mode the people were in. Mapogo therefore provided

a viable option to the people and filled the power vacuum taking some of the state's power from it. What must also be highlighted of Mapogo as a unique dimension in this case study is the fact that Mapogo did not disappear after some of its members were arrested and prosecuted, Mapogo simply evolved into a legal security company as the original need for its existence was still present.

It can therefore be concluded that, although Mapogo had unique dimensions for the period 1996 to 2002 while it operated as a vigilante group, it fitted into the context model of the phenomenon.

It is therefore at this stage important to determine whether Mapogo adhered to the specific or operational criteria of vigilantism in order to be classified as a vigilante organisation for the period 1996 to 2002.

6.4 APPLICATION OF SPECIFIC CRITERIA TO MAPOGO-A-MATHAMAGA

The specific criteria for vigilantism as illustrated in Fig: 4.9 will be applied to Mapogo-a-Mathamaga in order to determine whether the organisation can indeed be classified as a vigilante organisation even though for only certain periods of its existence, which was identified as from November 1996 to 2002. The period in which the organisation progressed through the first two phases of vigilantism is also relevant with regard to the application of the specific criteria as it indicates the reasons for its establishment.

The seven specific criteria will be handled under five headings as some of the criteria are grouped together and will be handled as follows:

- Vigilantism occurs as a reaction to crime and/or social deviance.
- The aim of vigilantism is to obtain personal and collective.
- Vigilantism involves premeditation, planning and organisation.
- The activities undertaken by the vigilante group is without the state's authority or support.
- Force is either applied or threatened.

- Vigilantism is conducted by private citizens acting on a voluntary basis.
- A conspiracy of silence exists among the community members within which the vigilante group operates.

6.4.1 A reaction to crime and/or social defiance with the aim to provide personal and collective security

Mapogo-a-Mathamaga was established in reaction to a crime wave in 1996 in the Sekhukhune / Nebo area during which eight local businessmen were killed in separate incidents of violence (Kempen, 1999: 8). The organisation claimed that its membership grew from 100 in 1996 to 70 000 in 2002, of which many were white farmers and businessmen, with 72 branches throughout South Africa (Sekhonyane & Louw, 2002: 36). Mapogo's members could be broadly divided into three groups: black businesspeople, white farmers and community members (Oomen, 1999: 47). The growth of Mapogo to the largest vigilante organisation in post-1994 South Africa was a clear indication of a need for personal security as the state failed to perform this function. Duvenhage (2003: 54) argues that when the state is unable to provide good service with regard to personal security, the result is that institutions, such as Mapogo, take over these tasks. The state in turn loses its position as sovereign institution as it is no longer the only actor to allocate norms. This is supported by the organisation's 1996 constitution stating that "...as the state and its political rulers do not have the ability to stop the crime wave that specifically targets businesspeople...and the police are understaffed, ill-equipped and demoralised, all good men and women must now bond together to show the criminals that there are men and women in these areas who are no longer prepared to take the situation lying down and...to suffer injuries, humiliation and loss of life and property by these swaggering criminals" (Oomen, 1999 : 46).

For the general population, the attraction of Mapogo was simply that it responded to the growing sentiment that the new Constitution of South Africa and the

government are 'criminal friendly'. In the words of its leader Magolego, "We do not consider that a criminal has human rights. He has got no rights to keep his mouth shut when asked to tell the truth about crime...we believe in corporal punishment" (Sekhonyane & Louw, 2002: 42, 43).

One can therefore conclude that Mapogo was formed in reaction to crime and social deviance in the Sekhukhune / Nebo area with the aim of providing order to the community again by taking the law into their own hands as from November 1996 as a vigilante organisation. Mapogo therefore complied with this operational criterion for vigilantism which is also an indication of features of political decay that existed in South Africa during that period.

6.4.2 Premeditation, planning and organisation

Mapogo was, according to Oomen (1999: 46), strongly organised and professional and maintained a high public profile. Mapogo was led by an executive committee, with a general council and a management body.

During 1999 Mapogo had more than 30 vehicles, all equipped with two-way radios. They had their own team of lawyers and prosecutors as well as their own constitution. Mapogo-a-Mathamaga was a registered closed corporation and operated in a legal way as a business (Kempen, 1999: 8).

Mapogo acted with premeditation, as Kempen (1999: 8) points out, that when somebody committed a crime against a member of Mapogo, the member complains to Mapogo and Mapogo then does its own investigation to trace the alleged criminal with the assistance of local Mapogo members and community informers. When they catch the alleged criminal, recover the stolen property (if applicable) and return it to the victim, the suspects are punished. Innocent people was however also branded as criminal by members of Mapogo by

mistake, as criminals claiming to be members of Mapogo, used Mapogo as a cover to pursue private agendas.

Mapogo rapidly grew into a lucrative self-defence unit favoured by white South Africans. Mapogo increasingly targeted wealthy clients such as those in Pretoria and Johannesburg. Mapogo became the most radically integrated anti-crime force in South Africa (Morobi, 2000: 12). Political institutions in South Africa were weak during this period which resulted in Mapogo becoming a strong social force in accordance with Huntington's (1965: 416) arguments regarding praetorianism and political decay. Mapogo operated like a mini-military force providing protection to whoever was willing to pay for it, but allocating the right to itself to operate outside the law regarding its methods when dealing with criminals.

Mapogo-a-Mathamaga therefore also complied with this specific criterion for vigilantism as they acted with premeditation, planned their actions and had an established structure who organised activities. The level of organisation of Mapogo compared to that of a mini-military force taking over the function of providing personal security to members of certain communities who were willing to pay for the service and also support the fact that Mapogo's methods mostly were violent towards alleged perpetrators.

6.4.3 They acted outside the law and it always involved violence

After its establishment, Mapogo initially worked within the parameters of the law. Its lawful approach changed after the police released a number of suspects which Mapogo caught and handed over to the police (Sekhonyane & Louw, 2002: 38). In reaction to this Mapogo started to act outside the law as they felt the system had let them down.

The methods used by Mapogo were brutal and violent and included 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, their methods were nothing new in the African tradition and the disciplining must be looked at in the context of African culture (Barron, 1998: 18). According to Ngobeni (2001: 34), by 2001 more than 20 people had died at the hands of Mapogo members. Mapogo acted in accordance with their own sets of rules as they viewed the state as incapable of performing the function of providing personal security to the majority of its citizens and Mapogo therefore had to take up the task themselves. Mapogo was in Abraham’s (1998: 9) vigilante mode during this period as they bypassed the state and acted in accordance with Migdal’s (1987: 402) strongmen, as they offered a viable survival strategy to its members (compare Chapter Three par. 3.3.3 & Chapter Four par. 4.2.1.3).

The SAPS in the then Northern Province subsequently arrested hundreds of Mapogo members, including Magolego himself, on various charges, such as murder, assault and attempted murder. Between 1996 and May 2000, at least 308 Mapogo foot soldiers were arrested (Sekhonyane & Louw, 2002: 44).

It is clear that Mapogo complies with this operational criterion of vigilantism as they acted outside the law as from November 1996 with their acts of assaulting and even murdering suspected criminals. Their acts also always involved violence as their belief in giving criminals some “medicine” involved at least sjambokking an alleged criminal. To Mapogo the “medicine” was more successful for deterring criminals from continuing with their criminal activities than actions of the criminal justice system of the country.

6.4.4 Conducted by private citizens on a voluntary basis

Mapogo’s vigilante acts were conducted by private citizens but what distinguished Mapogo from other vigilante groups, was that interested parties

were required to join and pay a membership fee. Only members or clients received protection from Mapogo (Sekhonyane & Louw, 2002: 38), so although Mapogo's vigilante activities were conducted by private citizens, it was not on a voluntary basis but on a contract basis. This unique dynamic of Mapogo falls outside the set theory of vigilantism as vigilantes in most instances do it for the cause and not for money. Mapogo was, however, managed like a business, although it acted as a vigilante organisation. Although this dynamic, compared to PAGAD, is unique, it must be considered a probability in vigilantism in post-1994 South Africa due to the high levels of unemployment and poverty in the country. Vigilantes may view it as an economic opportunity to get paid for a service rendered, especially in the poor communities who cannot afford to make use of security companies. One can therefore conclude that this is an important dynamic of Mapogo that needs to be included in the set theory that vigilantism can be either on a voluntary basis or as a contract between community members and a vigilante group who gets paid to rid their area of criminals. This coincides with Zartman's (1995: 1) argument that when a state collapses, order and power fall into the hands of local groups. This situation indicates the possibility of further political decay within the country.

6.4.5 A conspiracy of silence

Despite the high number of arrests, only 14 of Mapogo's foot soldiers were convicted of various offences. According to a police investigating officer, the reason for the low conviction rate was the intimidation by members of Mapogo of witnesses and police officers involved in the investigations (Sekhonyane & Louw, 2002: 45). The conspiracy of silence about Mapogo seemed to be forced in certain instances, but its high membership numbers also indicate that Mapogo was in demand and appreciated, which is an indication of approval of their methods and would ensure a conspiracy of silence from its members.

This operational criterion of vigilantism results in it being very difficult for authorities to put an end to a well-established and well-organised vigilante organisation as was the case with Mapogo. Such a situation also creates a threat to democracy and becomes a feature of political decay itself. Mapogo therefore undermined state power and threatened the state as independent political entity in accordance with Geldenhuys' (1999: 43) phases of a collapsed state (compare Chapter Four par. 4.2.1.4).

It can be concluded that Mapogo-a-Mathamaga did comply with the specific criterion of a conspiracy of silence which also emphasized its threat to political structure and resulting in the state moving towards a phase of political survival.

6.4.6 Summary

After applying the specific criteria identified in this study to Mapogo-a-Mathamaga it can be concluded that Mapogo complied with the specific criteria during the period 1996 to 2002, with the exception of acting on a voluntary basis, and can be classified as a vigilante organisation as the exception is viewed as a unique feature that should be included in the understanding of the phenomenon.

Mapogo was established to restore law and order and deal with criminals themselves as they felt the state failed them. According to Duvenhage (2003: 54), this situation indicated that the state was experiencing political decay as Mapogo took over the task of providing security implying that the state was unable to do so.

Mapogo was well-organised with a logistical support system. It had a network of informants assisting members in tracking down alleged criminals. Its actions were therefore premeditated and planned. Mapogo operated like a mini-military taking over the function of the state. The situation was created due to, according to Huntington (1965: 416), weak political institutions and strong social forces

again indicating that the state was weak and in a phase of disequilibrium where Mapogo flourished as a vigilante organisation.

Mapogo's methods were brutal and violent which resulted in the deaths of more than 20 people in 2001. 308 of Mapogo's foot soldiers were arrested by May 2000, indicating also that it acted outside the law. Mapogo was acting like one of Migdal's (1987: 402) strongmen, making their own rules and offering viable survival strategies to its members. Mapogo's existence and the fact that its violent methods did not affect its membership numbers indicate that the state was unable to enforce law and order and was in collapse.

Although Mapogo's vigilante activities were conducted by private citizens it was not on a voluntary basis as only people who paid for their services received their services. This is a unique feature of Mapogo that falls outside the set theory for vigilantism. This feature must, however, be considered to be included in the set theory due to the high levels of unemployment in the country and the still high crime rates, seeing that it may be viewed as an economic opportunity by vigilante groups or people's courts. However, if this becomes a regular feature in vigilante groups in South Africa it will be a definite indication that the state is in collapse and order and power will fall into the hands of local groups.

The conspiracy of silence with regard to Mapogo was on the one hand forced through the intimidation of witnesses but also voluntary as its members supported its constitution and methods of dealing with alleged criminals. Geldenhuys (1999: 43) indicates that, in the phase of collapsed states, the state's power is undermined and threatened. Mapogo's conspiracy of silence undermined and even threatened the state's power as it protected them in some instances from being prosecuted.

For the period that Mapogo acted as a vigilante organisation, from 1996 to 2002, the organisation complied with all the specific criteria of a vigilante organisation

and through that also indicated that, during this period the state was a weak one to the people of Limpopo Province and specifically in the Sekhukhune area.

6.5 CONCLUSION

It can be concluded that the context theory is also applicable to Mapogo-a-Mathamaga as a case study of vigilantism in post-1994 South Africa. The analysis indicated that South Africa as a society was in a state of disequilibrium specifically the Sekhukhune and Nebo areas in Limpopo Province, when Mapogo was established in 1996 until it stopped functioning as a vigilante organisation in 2002. Sekhukhune area also experienced the state as dysfunctional, specifically with regard to its criminal justice system which was in a crisis mainly due to the transformation process and the increased crime rate. Power vacuums occurred because of this situation which was taken up by Mapogo at that time. Mapogo was welcomed as an alternative structure in providing security while the state's structure was not trusted nor even understood; that made Mapogo more acceptable across race and economic classes. Lastly South Africa also experienced high levels of violence. Furthermore, it was important that property crimes and aggravating robbery were very high in Limpopo Province at this stage, adding to the fears of the communities in Limpopo and specifically in the Sekhukhune area where they no longer felt safe in their country and felt that the state was unable to protect them.

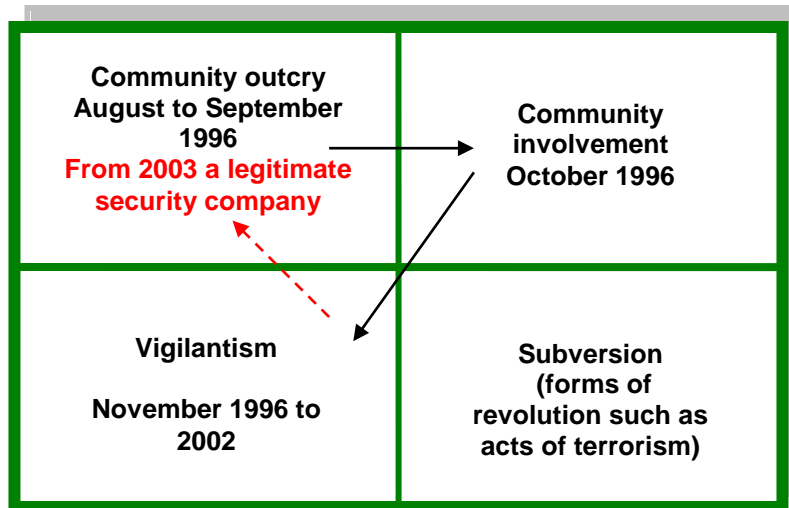
Mapogo also complied with the specific criteria for vigilantism with the exception of not acting on a voluntary basis but rather being contracted. Membership was therefore not voluntary as only paid members received protection from Mapogo. Hence Mapogo was not a voluntary vigilante group although it consisted of private citizens. The other criteria Mapogo complied with indicated that Mapogo was established in reaction to the murder of eight businessmen in separate incidents in the midst of a crime wave in the province and specifically in the Sekhukhune area. Their aim was to restore law and order. Mapogo was well-organised and acted with premeditation. There was also a conspiracy of silence

present with Mapogo, although not always voluntary as some people were intimidated not to divulge information about Mapogo's illegal activities. Mapogo-a-Mathamaga, however, flourished under the high crime rate in South Africa, which ensured its expansion in becoming a national vigilante group across all race and class lines despite the fact that people had to pay to become members.

The fact that so many people were willing to pay for its vigilante services, again emphasised how huge the problem of crime was and that the state was unable to fulfil its function of ensuring the safety of its citizens indicating a state experiencing political decay and allowing this function to be taken up by local groups such as Mapogo.

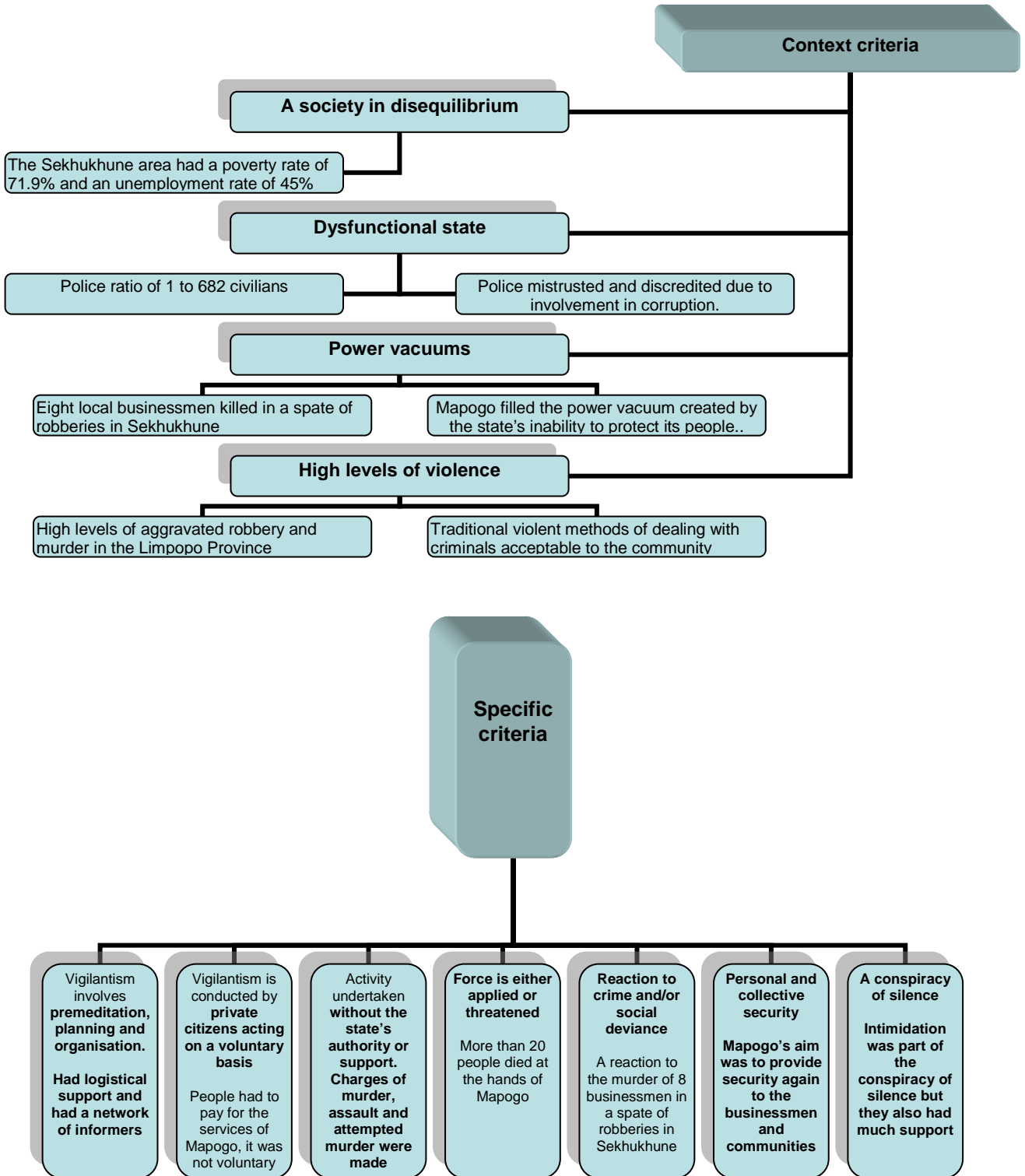
Mapogo went through the first two phases of vigilantism in just two months before turning into a vigilante organisation in November 1996. Mapogo, however, turned into a legal security company in 2003, which is also a unique feature, indicating that features of political decay are still present in the South African state. This study of Mapogo therefore also indicates that the phase of vigilantism is not a permanent phase but a strategic temporary phase in which a group wants to achieve a certain strategic objective; that of security for its community. The following diagram (Fig. 6.10) indicates how Mapogo developed through the phases of vigilantism until it turned into a business that was no longer involved in illegal modus operandi.

FIG. 6.10: Mapogo-a-Mathamaga through the phases of vigilantism



Mapogo as a case study supports the context criteria and also complies with the specific criteria for vigilantism for the period November 1996 to 2002 as a full-fledged vigilante organisation. This application can be illustrated as follows in the diagram for context and specific criteria for the occurrence of vigilantism (Fig. 4.12) which were utilised throughout this chapter for the analysis of Mapogo, and is a model for the set theory for vigilantism:

FIG. 6.11: Context and specific criteria applicable to Mapogo-a-Mathamaga as a vigilante organisation



Mapogo-a-Mathamaga as a case study supports the theory set out for the occurrence of vigilantism in post-1994 South Africa with only its unique dimension of it not being a voluntary organisation but that business people or members of the community had to pay to receive protection. Mapogo, however, had price flexibility that allowed it to serve the poor as well as the wealthy. This feature must, however, be considered included in the set theory due to the high levels of unemployment in South Africa and the high crime rate as it may be viewed as an economic opportunity by vigilante groups or people's courts. Such a situation will, however, push the country further into a phase of disequilibrium or towards a collapsed state. This may therefore become a unique specific criterion, although not absolute, for vigilante groups within the South African context.

CHAPTER SEVEN
**PEOPLE’S COURTS AS A CASE STUDY OF VIGILANTISM IN
SOUTH AFRICA**

7.1 INTRODUCTION

“Several hundred people have died at the hands of self-appointed crime fighters and many others have been injured. Vigilante organisations and groups continue their criminal actions while the official crime-fighting agencies appear helpless” (Sekhonyane, 2003: 12). Incidents of vigilantism have become a regular scene in many townships and informal settlements in South Africa. Statistics of the Independent Complaints Directorate indicated that 71 people were killed in vigilante attacks during 2005 – double the number of incidents in 2001. Four hospitals in Gauteng and Pretoria indicated that, during 2006, there was a marked increase in the number of suspected vigilante trauma cases that they had treated (Maughan et al., 2006: 1). Acts of vigilantism have become a regular occurrence in the post-1994 South Africa and will be studied here as a case study under the umbrella term people’s courts.

It would also be important to draw a clear distinction between vigilantism and xenophobia as xenophobia can be mistaken as a form of vigilantism, but it is not. Xenophobia is broadly defined as hatred towards foreigners, while vigilantism is an attempt to restore community order by acting against those who threaten this order. The differences between xenophobia and vigilantism conducted by people’s courts will be discussed in more detail in this chapter.

People’s courts are referred to by many different names in the media such as kangaroo courts, mob justice, community courts, street committees, informal justice and anti-crime groups. However, not all people’s courts cross the line to become vigilante groups, but many do display the characteristics of vigilantism. Examples of some of the known people’s courts that featured in post-1994 South

Africa that comply with the characteristics of vigilantism are the Eyona Taxi Association of Gugulethu as well as the taxi association of Langa, the A-team of Ezakheni, the Cleaners and Black Scorpions in KwaMashu, the MEYAC and the Peninsula Anti-Crime Agency (PEACA) in Khayelitsha. Many other have no names, are less organised but add to the regular occurrence of vigilantism in South Africa.

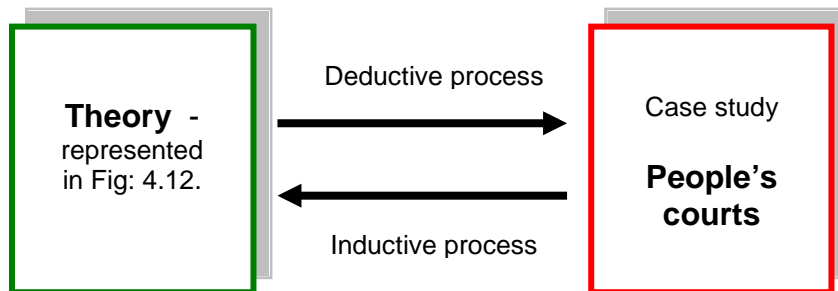
Important contextual features of people's courts in South Africa are that they exist only in townships and even more so in informal settlements that are characterised by poor infrastructure and high levels of poverty and unemployment. High crime rates are prevalent in these areas and, according to Sekhonyane (2003: 12), in these communities "...no crime is small.". These features will be further discussed in this chapter as they play an important role in the existence of people's courts since, according to Nina (2000: 23), they turn a 'good' community into a 'bad' one due to their willingness to take the law into their own hands.

People's courts are no new phenomenon in the South African dispensation and regular incidents of vigilantism took place through people's courts in the early 1980s and 1990s in townships (Minnaar, 2001: 6). One would have expected that this phenomenon would have disappeared after the first democratic elections had taken place in South Africa in April 1994. However, the reality is that not a year has passed, since that election, without incidents of vigilantism through some form of people's court. People's courts will therefore be studied as a current and ongoing phenomenon and not from a historical point of view, although incidents since the democratic elections will be used as examples in its analysis as a case study. But this case study differs from the previous two case studies as it is a generic case study as it covers people's courts all over South Africa involving themselves in vigilante acts under one umbrella. Vigilante actions by people's courts take place widely in the South African context. They

are not found just in one specific community but in many and they function independently from one another.

The theoretical framework in which people's courts will then be analysed will be deductive by applying the model for context and specific criteria for the phenomenon model (see Fig. 4.12) and determining similarities with the identified criteria both contextual and specific by providing motivations through the conceptual frameworks of Huntington (1965 & 1968), Duvenhage (2003), Migdal (1987 & 1988), Geldenhuys (1999), Zartman (1995), Abrahams (1998), Minnaar (2001 & 2002) and De la Roche (1996). The analysis will be inductive by indicating which dimensions of people's courts fall outside as well as those unique to people's courts by continuously referring back to the said model. This theoretical framework can be explained in the following diagram (Fig. 7.1):

FIG. 7.1: Theoretical framework for the analysis of people's courts as a case study



Before commencing with the analysis of people's courts through the context and specific criteria as set out in the model, Fig. 4.12, of the set theory a historical overview of people's courts in both pre-1994 and post-1994 South Africa will be given. This will be done through deductive analysis by identifying similarities with the developed theory of the occurrence of vigilantism.

The background analysis will be done by first giving a short overview of people's courts' existence in pre-1994 South Africa. Its occurrence will then be analysed within the period post-1994 to 2008, identifying context characteristics as well as where the phenomenon correlates with the set theory and where it has unique dynamics that have not been included in the theory.

The first action step before starting analysing this case study is to conceptualise people's courts so as to have a clear understanding of what is meant by the utilisation of the concept within this study. In this conceptualisation the distinction between vigilantism and xenophobia will also be drawn so as not to confuse acts of one phenomenon with those of the other.

Conceptualisation will be done by starting with an understanding of what a court of state is and what the differences between a court of state and a people's court therefore are. The identifying characteristics of a people's court as utilised in this study will also be utilised to provide a clear description of what is understood as a people's court.

7.2 CONCEPTUALISATION OF PEOPLE'S COURTS

According to the Oxford Dictionary of Law (Martin & Law, 2006: 136), a court is described as "(a) body established by law for the administration of justice by *judges or *magistrates". A judge is described as "(a) state official with power to adjudicate on disputes and other matters brought before the courts for decision" (Martin & Law, 2006: 295). A court is therefore a legal structure that has the authority of the state to decide over matters brought before it. The state must then prove beyond reasonable doubt that a person is guilty and the accused has the right to legal representation and is also given the opportunity to defend him/herself during the proceedings.

What is then the difference between a court of the state and a people's court?

- A court of the state provides formal justice while justice of a people's court, according to Knox and Monaghan (2002: 11), is informal as it acts outside the boundaries of the formal criminal justice system. People's courts involve themselves in acts of vigilantism which is defined in this study as the 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, protected by a conspiracy of silence.
- People's courts "...do not distinguish between civil and criminal matters but deal with problems" (Schärf, 2001: 46) while the courts of the state do distinguish between the two.
- People's courts are more accessible to people living in that community, while access to the courts of the state is impeded both by physical and resource-related constraints as well as the people's lack of understanding of the complex legal system. Victims, witnesses and the public in general often do not understand why an accused person can be granted bail for an offence that is regarded as serious (Sekhonyane & Louw, 2002: 20, 22). The use of customary law in people's courts consists of rules and customs of the particular community. African people still identify with their customary law, rather than with other laws that baffle the learned and ordinary people alike (Peters, 1999: 9).
- People's courts provide immediate judgement as well as punishment while a state court can take months, even years, before a verdict is given. In a people's court the accused is not given the opportunity to defend himself and the people's court does not have to prove anything as it accepts the complainant's word as enough proof.

From these differences between a court of state and people's courts one can derive the following characteristics of people's courts:

- They consist of private citizens of a community.

- They deal with all community problems, civil and criminal.
- They are accessible to the community.
- They act as judge, jury and executioner against an alleged wrongdoer.
- They act outside the law.
- They resort to violent methods.

A people's court can be described as ***a community-based informal structure that takes over the judicial function of the state within that community by acting outside the law as judge, jury and executioner with the aim of providing order in the community through meeting out violent punishment to alleged wrongdoers.***

People's courts have their roots in community courts as far back as the 19th century since the urbanisation of Africans in townships where they created structures to help them cope with the hazards of township life (Schärf, 2001: 44). People's courts are therefore nothing new in South Africa and it seems their reason for existence also has not changed, since communities are making use of them to survive in the areas where they live.

What is then the difference between vigilantism and xenophobia? Heywood (2002: 433) describes xenophobia as "(a) fear or hatred of foreigners...". The fear or hatred is aimed at a specific nationality or all nationalities other than that of themselves. The aim of xenophobic attacks would be to get rid of the foreigners by scaring them away or even killing them. The main underlying reason why xenophobia occurs is that there are limited economic resources and locals feel that they must now also compete with foreigners for those resources. South Africa's high unemployment and poverty rate therefore provides a context for xenophobia to take place (compare Chapter Four paragraph 4.2.2.1.1). These resources include economic opportunities, housing, education and health services. Although the context criteria for the occurrence of vigilantism may also be applicable to xenophobia, the specific

criteria are not the same. The focus of vigilantism lies in norms and values of a community while xenophobia lies in economic survival in the South African context. Vigilantes' targets are deviants of their norms and values such as criminals in the South African context, be it a foreigner or a local, while xenophobia attacks are exclusively targeted against foreigners. The xenophobia attacks which dominated the media nationally and internationally during the period March to June 2008 while this study was still under way, emphasised that all was not well as locals were taking out their frustration of fighting to survive on a daily basis on those they viewed as the enemy – the foreigners in their communities. Xenophobia therefore supports the fact that the state is in disequilibrium and not in transformation, creating a context for vigilantism to occur.

Utilising this understanding of what a people's court is, the analysis of the case study can be done by starting with a background analysis of people's courts in post-1994 South Africa.

7.3 BACKGROUND ON PEOPLE'S COURTS WHEN ACTING AS VIGILANTE GROUPS

In providing a background overview of people's courts in South Africa one must also include their activities in the 1980s and early 1990s. People's courts' once provided solutions to communities when the then apartheid government failed them in providing security. This is still the case even under the new democratic government as "(i)n the absence of service from the criminal justice systems, communities feel compelled to rely on the only method that appears to have worked previously", says Sekhonyane (2003: 12), meaning under the apartheid regime.

The background analysis of people's courts will therefore be divided into pre-1994 occurrence of people's courts and post-1994 occurrence of people's courts.

Post-1994 people's courts will cover the period from April 1994 to 2007. Examples will be provided of incidents of vigilantism in every year from 1997 as it seems that incidents increased from then on and the vigilante scene was also dominated in available literature reports on PAGAD and Mapogo-a-Mathamaga. The set theory will also be utilised to determine whether any correlation exists between each period and a state in political decay.

7.3.1 Pre-1994 people's courts

The emergence of people's courts in the 1980s was regarded as a continuation of the forms of self-regulation and community discipline that have long been a feature in the black communities in South Africa (Buur & Jensen, 2004: 142). Nina (2001: 105) writes that a consistent perception was developed through the 1980s and early 1990s that the state was a non-legitimate entity which could not guarantee peace and order in black communities. The result was that community structures emerged as the sole guarantor of stability, and the structures were viewed to be part of the anti-apartheid struggle. Minnaar (2001: 6) points out that, during this period, many incidents occurred during which township residents took the law into their own hands. The state was in Duvenhage's (2003: 59) phase of disequilibrium or, what Zartman (1995: 1) refers to as a state in collapse. These communities lived in an environment where order and power were up for grabs to local groups, in this case people's courts, since the state was unable to perform the function of providing security to them.

Although people's courts' original aim was to rid communities of all criminals, they soon got out of control and became, as Minnaar (2001: 6) says, a law unto themselves. One can compare people's courts with Migdal's (1987: 402) strongmen as they dilute the power of the state, especially within the communities where they operated (compare Chapter Three par. 3.2.3).

People's courts were also in many instances hijacked by political forces in these communities to get rid of rivals or to get control over the community. These led to the notorious necklace method of executing enemies, such as those assisting the apartheid government, and were viewed as traitors to the cause.

To counter the politicised people's courts, the apartheid government sponsored vigilante groups such as the Witdoeke in the Western Cape, the Three Million Gang in the Free State and Northern Cape, Imbokodo in KwaNdebele and Oqondo in Natal (Anon a, 2001: 17). These people's courts ensured that people complied with apartheid laws and were violent and organised (Sekhonyane, 2001: 11). People's courts therefore thrived under the apartheid government, indicating that the state was experiencing political decay and was in the phase of dynamic equilibrium bordering on the phase of disequilibrium.

However, it is more important to make an analysis of people's courts in post-1994 South Africa as one would have expected not to see a return of these groups after 1994, but as already indicated, regular incidents of vigilantism have occurred during the period 1994 to 2007.

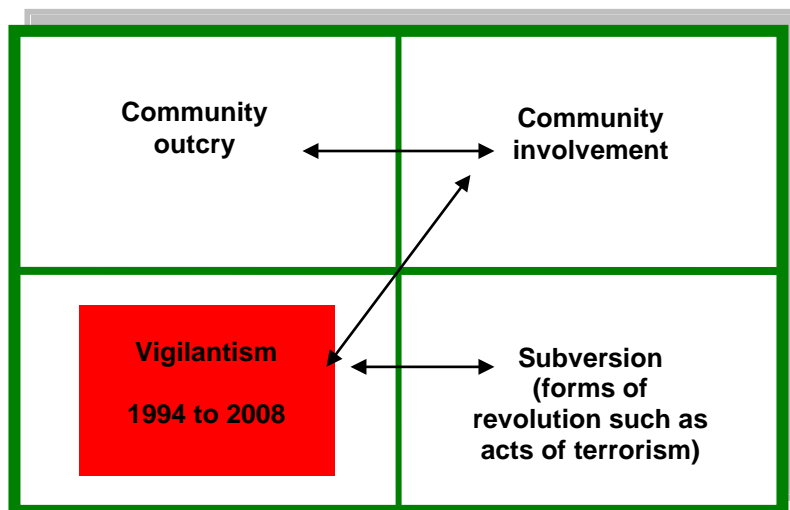
7.3.2 Post-1994 people's courts

Minnaar (2001: 5) mentions that, during the period 1994 to 2001, a vigilante incident occurred somewhere in South Africa almost every week. Knox and Monaghan (2002: 81 - 82) write that after the democratic elections of 1994 some reforms to the structures of law and order, inherited by the new government, took place but these reforms did not result in the eradication of people's courts in the townships but rather resulted in an increase in extra-state forms of law and order. For those who could afford it, these other forms of security are private security companies while the poor looked upon people's courts for protection.

The focus of people's courts in post-1994 South Africa has been predominantly defined as recourse to fight crime, because poor service delivery and the inaccessibility of the criminal justice system to many people made them feel let down by their new government (Harris, 2001: 4).

People's courts will be studied in the phase of vigilantism as the focus will be on actual incidents of vigilantism, and not when they are still developing and progressing through the first two phases – a community outcry and community involvement. The reason for this is that the analysis of people's courts will be on all the groups active in post-1994 South Africa as a collective and not individually, although examples will be taken from specific vigilante groups to explain a specific dynamic or criterion. People's courts as vigilante organisations are illustrated in the following diagram (Fig. 7.2) in accordance with the phases of vigilantism:

FIG. 7.2: People's courts as vigilante organisations



Although the media was dominated by reports of vigilante activities of the high profiled PAGAD and Mapogo-a-Mathamaga during the period 1996 to 2001,

large numbers of people's court type vigilante incidents took place in South Africa over that period of which many did not receive any media attention at all (Bruce, 2001: 9).

An overview of some of the people's court incidents through the period 1997 to 2005 is necessary so as to determine a continuous occurrence and relevance. Incidents for the period 2006 and 2007 are indicated in Annexure A.

7.3.2.1 Incidents of vigilantism by people's courts in 1997

In January 1997, in Khayelitsha, residents destroyed a shack belonging to alleged rapists (Ntabazalila, 1997: 6). In February 1997 a woman was stoned to death in Mamelodi because her son was an alleged criminal (Anon b, 1997: 12). In Chatsworth an alleged rapist was burnt alive by a mob of about 800 people and in Eastwood outside Pietersmaritzburg another alleged rapist was brutally assaulted (Gibson, 1997: 3). During 1997 a formal people's court was also established in Diepsloot Extension 1 that severely beat and even shot alleged criminals. At the end of March 1997 ten victims suffered at the hands of the people's court (Beaver, 1997: 7). In Boipatong in the Vaal Triangle a people's court operated with about 100 community elders meting out punishment of up to six sjambok lashes with widespread community approval. This people's court was already established in 1994. In July 1997 the police was investigating three cases of assault against this people's court (Mothibeli & Masipa, 1997: 1). In Ezakheni in KwaZulu-Natal a people's court, known as the 'A-team' ruthlessly tracked down suspected criminals and then made public spectacles of them (Govender, 1997: 21).

During this period the response of the state to rising crime levels was inconsistent, and budgetary support for the police minimal. Kotzé and Du Toit (1997: 69, 71) indicate that the state institutions providing physical and economic security to citizens during this period were weak. This situation is supported by

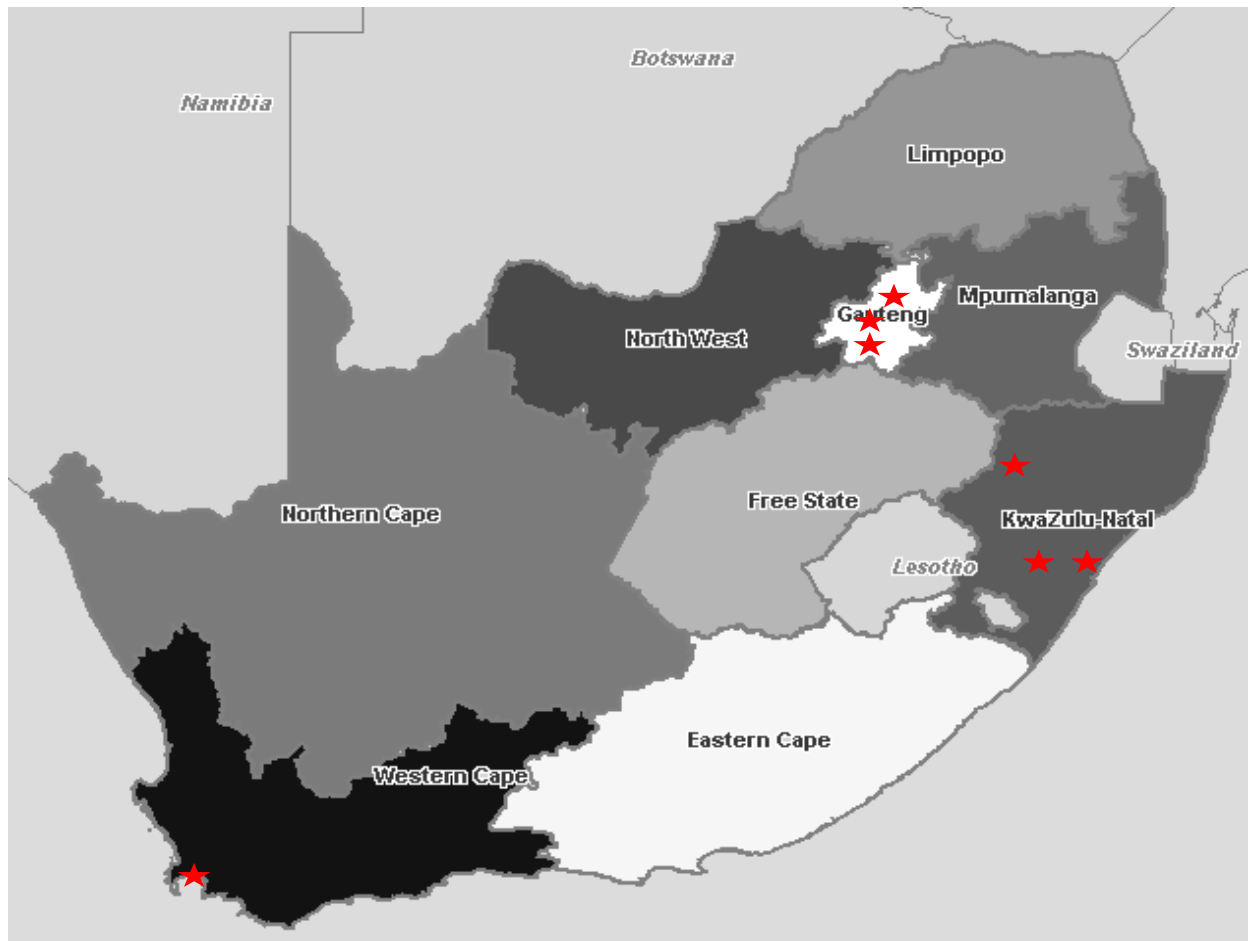
Zartman's (1995: 6 - 7) argument that a breakdown of good governance, law and order results in the state collapsing (compare Chapter Three par. 3.2.5). The number of incidents of vigilantism in 1997, only three years after the first democratic elections, indicates that people in certain communities did not trust the state to protect them. Levels of institutionalisation were therefore low while political participation was high, resulting, according to Huntington's (1965 & 1968) theories, in patterns of political decay.

The following is a summary of incidents of vigilantism by people's courts during the period 1997 as reflected in some media publications:

Heading	Date	Newspaper	Pp
Crowd demolish alleged rapists' shack	30-01-1997	The Cape Times	6
How a crowd burned a man alive	23-02-1997	Sunday Tribune	18
Police plead helplessness in face of mob justice	23-02-1997	Saturday Argus	10
Kangaroo courts to deal with criminals	07-03-1997	The Leader	1
Boendoehof vat wet in eie hand	09-03-1997	Rapport	13
Diepsloot police to counter kangaroo court	11-03-1997	The Star	2
Jumping to the tune of the kangaroo court	29-03-1997	Saturday Star	7
Victims who survive are too scared to speak against kangaroo courts	06-04-1997	Sunday Tribune	8
Mob justice again gaining momentum	08-07-1997	The Star	1
People's courts and lynchings take hold in Gauteng	08-07-1997	Cape Argus	5
'We'll teach you a lesson today' – Kangaroo courts still wield a reign of terror among residents of Boipatong	13-07-1997	City Press	14
These thieves give back their loot – street justice is bearing fruit in a small Kwazulu-Natal town	07-09-1997	Sunday Times	21

The distribution of incidents of vigilantism during 1997, which was mainly concentrated in the Gauteng, KwaZulu-Natal and Western Cape provinces, is illustrated in the following diagram (Fig. 7.3):

FIG. 7.3: Distribution of incidents of vigilantism during 1997



7.3.2.2 Incidents of vigilantism by people's courts in 1998

In February 1998 two men were stoned, in separate incidents, by an angry mob in Mamelodi. One was accused of rape and murder and the other of theft (Anon a, 1998: 11). In early 1998 the Cleaners, a people's court in KwaMashu, was established meting out punishment to murderers and rapists (Kempen, 1999: 8). In June 1998 four alleged murderers were assaulted and set alight by angry residents of Diepsloot (Coetzee, 1998: 4). In Guguletu in the Western Cape a people's court was established, consisting of taxi drivers at the Guguletu taxi rank in NY1 who meted out beatings to alleged criminals during 1998 (Ntabazalila, 1998: 13). In October 1998 the Langa community in the Western

Cape followed the example of Guguletu and made use of taxi operators to assist with combating crime. For example, a murder and rape suspect was beaten up and shot at close range and left for dead by the taxi drivers (Mokwena, 1998: 3). In Khayelitsha in November 1998 three men accused of robbing township residents were beaten up by an angry mob until they were unconscious (Mnyakama, 1998: 3).

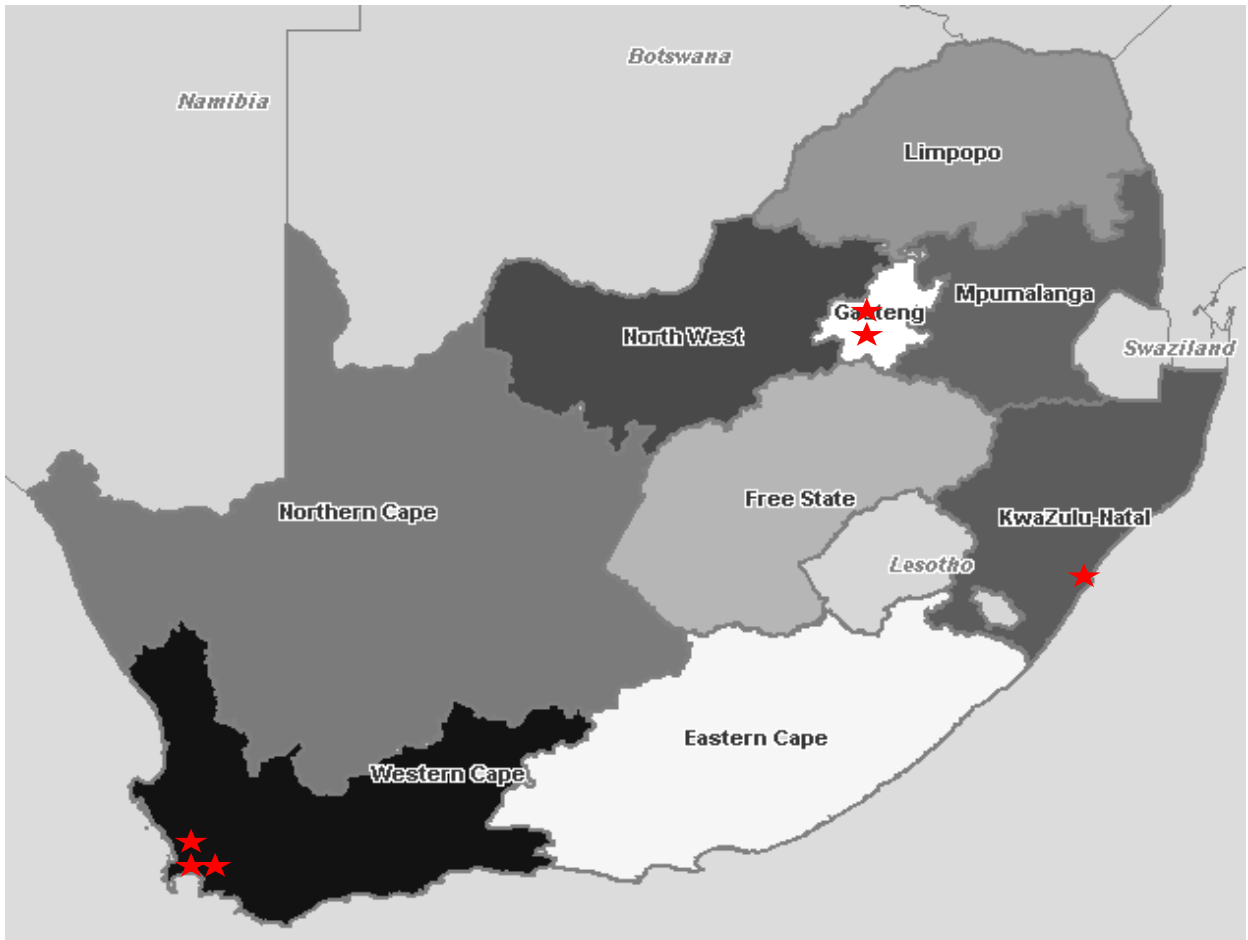
During 1998 vigilantism through people's courts increased. David Bruce of the Centre for the Study of Violence and Reconciliation was quoted saying: "Current evidence of high levels of vigilantism would appear to be a manifestation of public disillusionment with, and a lack of confidence in, the criminal justice system" (Anon b, 1998: 4). One can indicate that this situation was typical of Duvenhage's phase of dynamic equilibrium as it refers to situations where an environmental crisis – in this case the very high crime rate – results in an immeasurable dynamic, which in turn leads to abnormal demands on the ability of the state. The criminal justice system was not able to provide the security the citizens expected in a democratic country, resulting in them losing confidence in it and deciding to return to the old ways which they knew and trusted – people's courts.

The following is a summary of incidents of vigilantism by people's courts during the period 1998 reflected in some media publications:

Heading	Date	Newspaper	Pp
Mob kill 2 in separate incidents	23-02-1998	Pretoria News	1
Kinders wreed tereggestel	05-03-1998	Die Burger	1
4 vermeende moordenaars gekap, aan brand gesteeek	15-06-1998	Beeld	4
Street justice the best on offer	20-08-1998	The Cape Times	15
Why a community is taking an eye for an eye	24-08-1998	The Cape Times	13
Boendoehowe laat misdaad in buurt glo afneem	25-08-1998	Die Burger	2
Teen 'murder suspects' beaten up by angry mob	05-10-1998	Cape Argus	4
Suspect 'critical' after Langa beating	13-10-1998	The Cape Times	3
Crowd dispenses 'justice'	09-11-1998	The Cape Times	1
3 battered in Khayelitsha street justice	09-11-1998	Cape Argus	3
Mob justice for boys after robbery	23-12-1998	Cape Argus	3

The distribution of incidents of vigilantism during 1998, which were again concentrated in the Gauteng, KwaZulu-Natal and Western Cape Provinces, is illustrated in the following diagram (Fig. 7.4):

FIG. 7.4: Distribution of incidents of vigilantism during 1998



7.3.2.3 Incidents of vigilantism by people's courts in 1999

In February 1999 seven youths, accused of being in possession of an unlicensed firearm, were brutally assaulted by members of the Mamelodi East Youth Against Crime, a people's court (Kotlolo, 1999: 2). In March 1999 in separate acts of vigilantism in Thembisa, Soweto and in Orange Farm, three alleged criminals died at the hands of angry mobs (Makgamele, 1999: 5). In April 1999 in the

Black City squatter camp in Nyanga East, two alleged thieves died after being hanged and beaten by members of the community while being questioned about their alleged crimes (Mnyakama, 1999: 1). In Guguletu five alleged rapists were sjambokked, organised by the Eyona taxi organisation operating as a people's court. This vigilante act took place in front of television cameras and was broadcasted by the SABC and BBC (Thompson, 1999: 1). In May 1999 two youths accused of theft were severely assaulted by members of the Nyanga community outside Cape Town. One of the youths was hanged and died (Pokwana, 1999: 1). In June 1999 in Durban in the Warwick Triangle area, street justice was meted out by taxi operators and members of the community to two muggers when they were severely beaten after having been caught stealing (Harper, 1999: 10). An alleged stock thief was severely assaulted and then killed by members of a people's court in Madibogo near Vryburg in the North West Province (Du Preez, 1999: 14). In July 1999 in Tembisa, on the East Rand, eight suspects were executed following a people's court justice process (Ramashia, 1999: 16).

Regular incidents of vigilantism continued in the course of 1999. During this period the poverty-stricken were nearly 80 times more likely to die or get hurt by crime than the well-off in South Africa (Hamber, 1999: 7). People in the areas where people's courts existed and where regular incidents of vigilantism occurred, were therefore living in fear and also felt that the state has failed them. The result was that law-abiding citizens became criminals themselves as they became involved in vigilantism. This supports Abraham's (1998: 170) claim that vigilantism typically emerges in poor communities and where law enforcement is inadequate. The state is therefore viewed as corrupt and ineffective. Due to the state's low level of bureaucratic ability, specifically in the criminal justice system, one identifies Duvenhage's (2003: 59) phase of disequilibrium in which there is a continuous adaptation to survive in an environment where the strongest dominates. The communities therefore had to adapt to the weakness of the criminal justice system and provide their own security through establishing

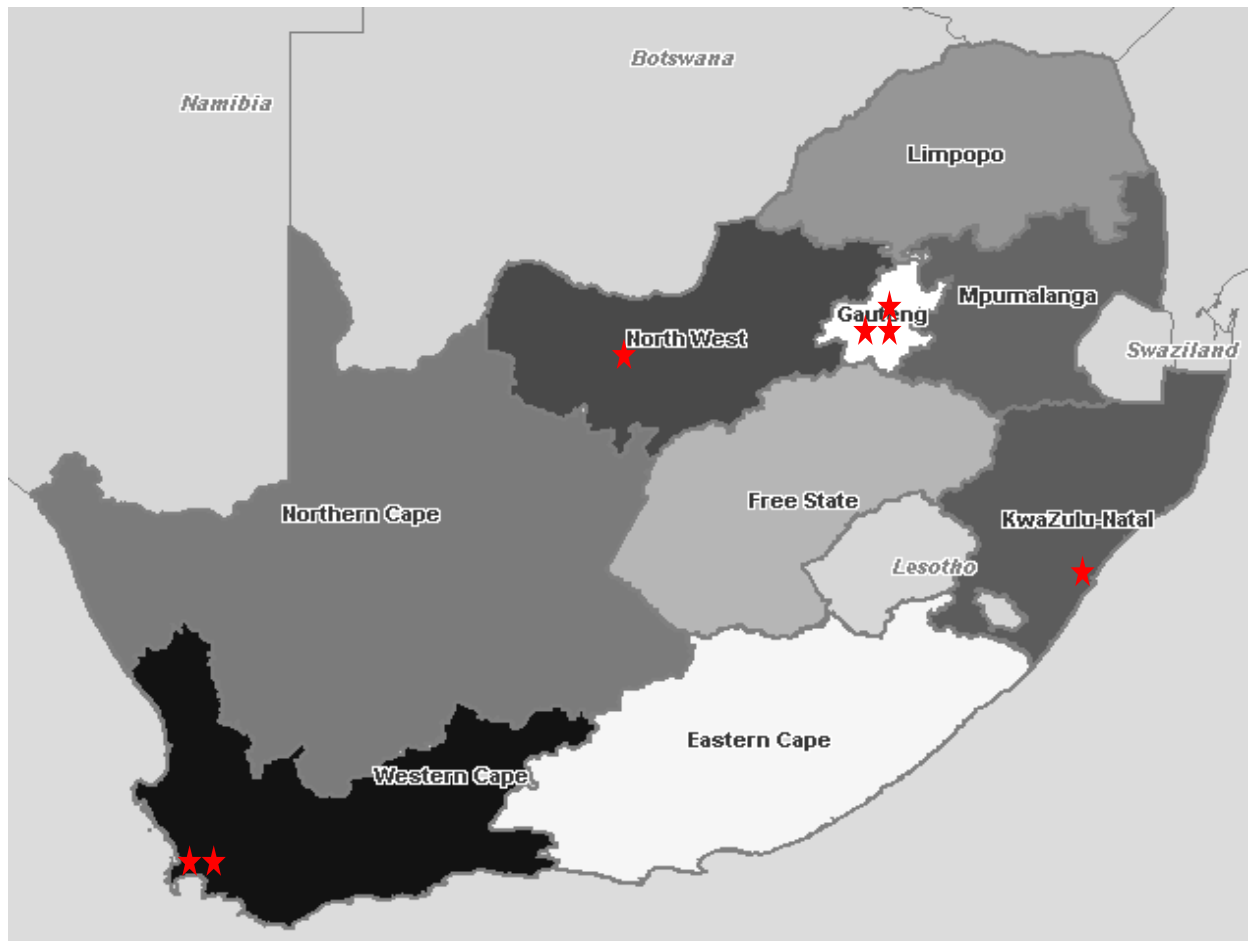
people's courts. People's courts therefore made their own rules in order to protect themselves against criminals.

The following is a summary of incidents of vigilantism by people's courts during 1999 as reflected in some media publications;

Heading	Date	Newspaper	Pp
Vigilantes gave us a good hiding – youths	12-02-1999	Sowetan	2
Man accused of theft dies after hours-long beating by mob	01-03-1999	The Star	2
Street justice takes toll	06-03-1999	Saturday Star	5
Pupil hanged over 'stolen' TV	23-04-1999	The Cape Times	1
Boendoehof-slanery geprys	29-04-1999	Beeld	1
Man hanged for alleged theft of TV set and hi-fi	02-05-1999	City Press	1
Four in court after 'bookworm' lynched by street justice group	04-05-1999	Cape Argus	3
'Please whip our sons...' Kangaroo courts take over streets	08-05-1999	Independent on Saturday	5
Beaten conman owns up	20-05-1999	The Natal Witness	1
Here, if a crook gets caught, he gets a hiding	19-06-1999	Independent on Saturday	10
Polisie red vier mans van Kayamandi boendoehof	23-06-1999	Die Burger	2
'Veedief' wreed 'tereggestel'	29-06-1999	Beeld	14
Affordable justice ... or jungle law?	03-07-1999	Independent on Saturday	9
Barbarism rises as justice fails – dissatisfaction with the law is leading various communities to apply street justice	11-07-1999	Sunday World	16
Vigilantism takes off and threatens President Mbeki's government with 'being in office but not in power'	16-07-1999 17(28)	Southern Africa Report	1-2
'Free kangaroo court suspects'	22-07-1999	Cape Argus	2
Street justice brings anarchy to Alexandra	01-08-1999	The Sunday Independent	5

The distribution of incidents of vigilantism during 1999, which were again concentrated in the Gauteng, KwaZulu-Natal and Western Cape Provinces, and the incidents in the North West Province, are illustrated in the following diagram (Fig. 7.5):

FIG. 7.5: Distribution of incidents of vigilantism during 1999



7.3.2.4 Incidents of vigilantism by people's courts during 2000

In September 2000 five young men were shot dead in a house in Inanda which allegedly was the work of the people's court, The Cleaners, and in the Eastern Cape a 15-year old boy was beaten to death by an angry mob after he had been accused of raping an 11-year old girl (Meyer, 2000: 18). Sixteen people were reported being killed during 2000 by vigilante groups in the Port Elizabeth area, mostly in the informal settlements of Walmer, New Brighton, Kwazakhele, Zwide and Motherwell (Matyu, 2000: 6). There were 137 reported vigilante killings in South Africa between January 2000 and March 2001 (Laurence, 2002: 28).

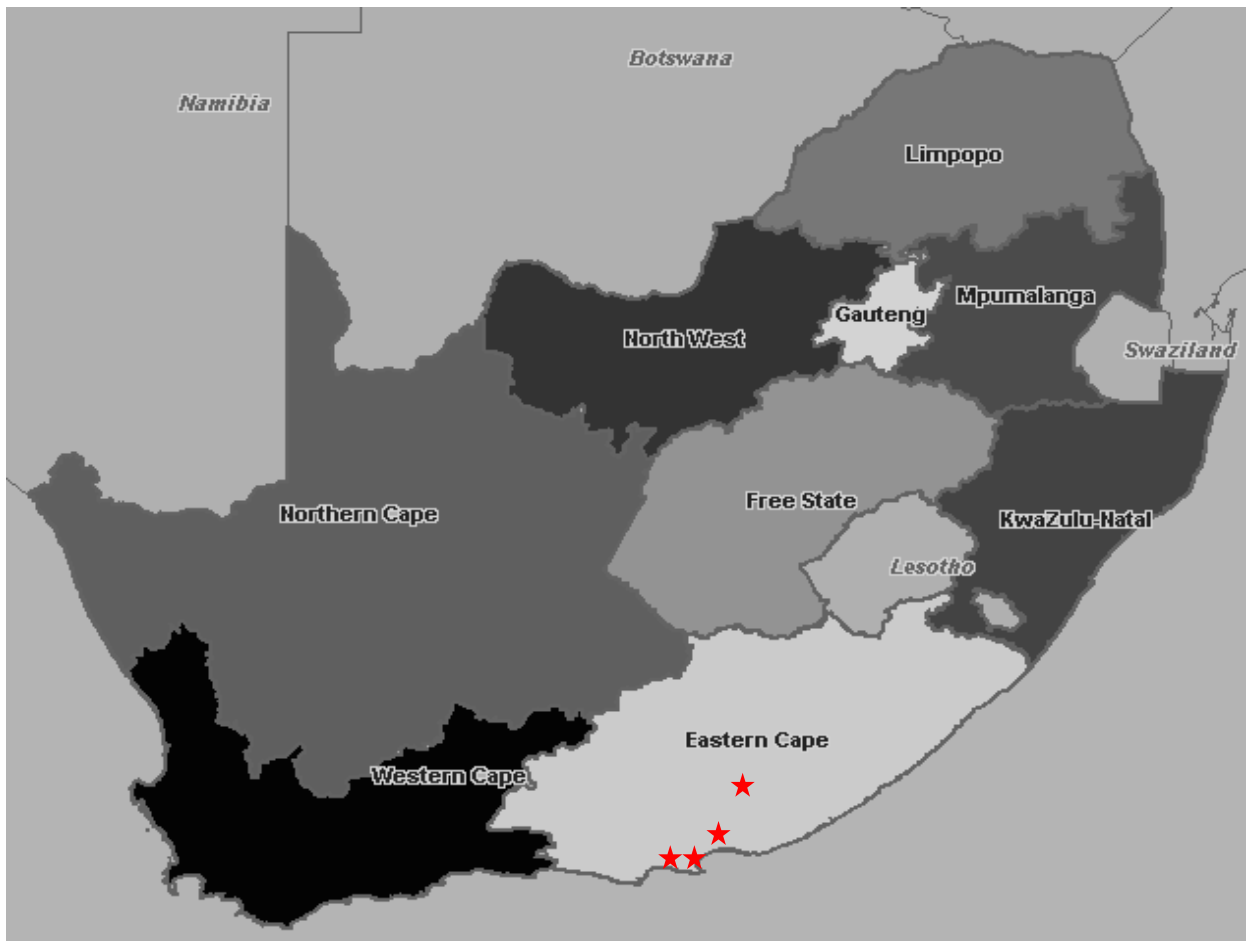
There was still no indication that vigilante acts were decreasing in 2000, indicating that the level of institutionalisation with regard to the criminal justice system in particular was low while political participation remained high, indicating that the state was experiencing negative change rather than transformation. According to Nina (2000: 20), “(t)he perception that order is under threat seems to be the key indicator for the emergence of a vigilante reaction”. He wrote that the result is that “good communities” turn into “bad communities” as they become criminals themselves by taking the law into their own hands through vigilante actions. The communities are therefore in Abrahams (1998: 8) vigilante mode as they confront criminals themselves and do not expect the state to do so. As Du Toit (1995: 32) writes in his analysis of Migdal’s theory, bypassing the rule of law becomes a form of survival and in turn indicates a weak state.

The following is a summary of incidents of vigilantism by people’s courts during 2000 as was reflected in some media publications. It must be kept in mind that the media was focussing more on Mapogo-a-Mathamaga and PAGAD at this time due to the fact they were of national interest:

Heading	Date	Newspaper	Pp
‘I shoot the bastard – that’s my policy’	22-04-2000	Saturday Star	13
Boendoehowe	21-07-2000	Beeld	16
The law of Dirty Harry	18-09-2000	Daily News	7
Vigilantism threatening policing and justice system	11-10-2000	The Star	5
PE cops fear mob killings could lead to total anarchy	05-12-2000	EP Herald	6

The distribution of incidents of vigilantism during 2000, which were mainly concentrated in the Eastern Cape Province, is illustrated in the following diagram (Fig. 7.6):

FIG. 7.6: Distribution of incidents of vigilantism during 2000



7.3.2.5 Incidents of vigilantism by people's courts in 2001

In the Eastern Cape, the Umfela Ndawonye group killed and attacked suspected criminals in vigilante violence (Anon b, 2001: 3). A mob killed four suspected criminals in two separate incidents in Soweto in February 2001 (Anon c, 2001: 8). During July 2001 incidents of vigilantism took place in the Angola and Pimolong squatter camps outside Pretoria: also in Grabouw, Inando and Soweto where suspected criminals were necklaced, beaten, shot and stones thrown at them resulting in many deaths. During November 2001 three people were killed in the Strand, two suspected rapists and a murderer, by an angry mob. In Kahelitsha

two suspected criminals were beaten to death and in Lwandle a suspected thief was stoned (Williams, 2001: 3).

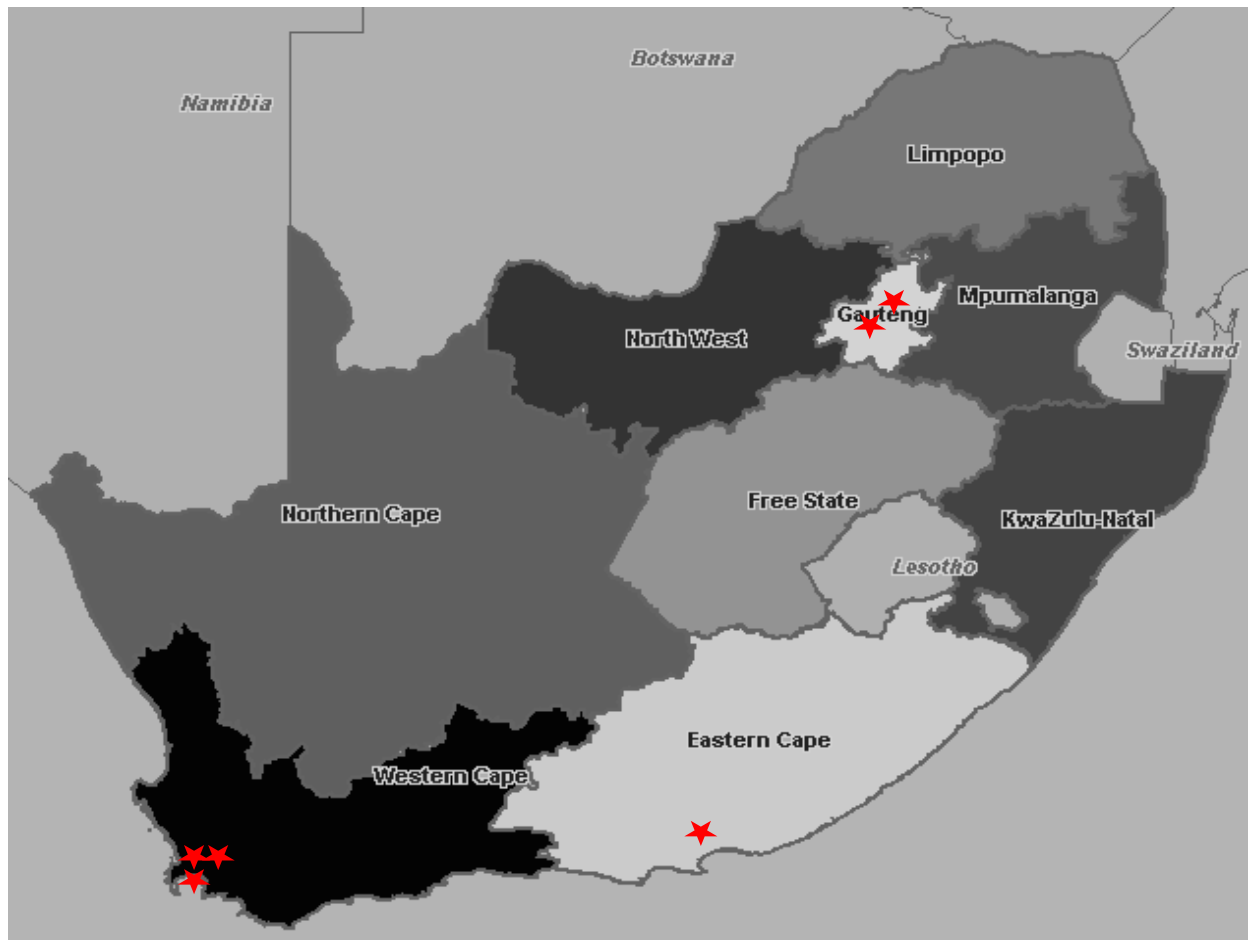
During this period vigilante actions were justified by people's courts as filling a policing gap because of police insufficiency and corruption (Harris, 2001: 4). Zartman (1995: 5) argues that state collapse means that certain functions are no longer performed by the state, which are then taken over by citizens. In turn, Duvenhage (2003: 54) writes that the inability of the state to provide good services, specifically regarding law and order, results in institutions outside the government taking over these tasks. Clearly there was a power vacuum created by the low level of performance by the criminal justice system in South Africa, which was filled by various people's courts across the whole of South Africa - an indication of a society experiencing patterns of political decay.

The following is a summary of incidents of vigilantism by people's courts during the period 2001 as reflected in some media publications. In this period most articles published regarding vigilantism focussed on Mapogo-a-Mathamaga, which explains the few articles published in the larger newspapers in South Africa.

Heading	Date	Newspaper	Pp
Jungle justice time-bomb	25-02-2001	City Press	8
'It's war,' vow residents	25-02-2001	City Press	1
Faltering system fathers vigilantes	04-03-2001	Sowetan Sunday World	17
Some police support mob law	05-03-2001	Sowetan	9
Suspected tomato thief 'died after beating'	11-09-2001	Pretoria News	2
Mob-justice on the rise in crime-ridden Cape townships	11-11-2001	Sunday Independent	3
Swart gemeenskappe straf misdadigers self	06-12-2001	Afrikaner	3
Spectre of mob rule rears its head	19-12-2001	The Herald	4

The distribution of incidents of vigilantism during 2001, which were concentrated in the Gauteng, Eastern Cape and Western Cape Provinces, is illustrated in the following diagram (Fig. 7.7):

FIG. 7.7: Distribution of incidents of vigilantism during 2001



7.3.2.6 Incidents of vigilantism by people's courts in 2002 and 2003

In January 2002 three alleged murderers were necklaced in Khayelitsha after having been found guilty by a people's court (Arends, 2002: 1). A man suspected of raping a child was beaten to death by a mob in Mdwebu, KwaZulu-Natal (Laurence, 2002: 28). In May 2002 three alleged gangsters were hacked to death in Khayelitsha by an angry mob (Pigou, 2002: 23). In June 2002 the mayor of Mnquma near Queenstown was arrested for running a people's court with various charges of murder and assault against him (Titi, 2002: 1).

In May 2003 two suspected thieves were necklaced by members of the Braamfischer squatter camp community outside Johannesburg (Sara, 2003: 2).

During June 2003 another five suspected criminals were necklaced in townships around Johannesburg (Laurence, 2003: 11). In July 2003 three suspected criminals were stoned and hacked to death in the Lindelani informal settlement near KwaMashu. One of them was also necklaced (Anon c, 2003: 1).

During this period, 2002 to 2003, it seems that the incidents of vigilantism dropped somewhat. However, this assumption only is based on the decline of media reports on such incidents. Post-1994 vigilantism is largely explained in terms of high levels of crime, public perceptions that government is unable to respond to the public's needs, poor service delivery by safety and security government structures, in specific the police, as well as the inaccessibility of justice to most South Africans (Sekhonyane & Louw, 2002: 10). Duvenhage (2003: 65) is of the opinion that the inability of the state to provide security and social needs on a relatively permanent basis to its citizens has created circumstances for political decay. Therefore in this period, circumstances were still conducive to the occurrence of vigilantism, although the number of media reports reflected that there was a drop in incidents.

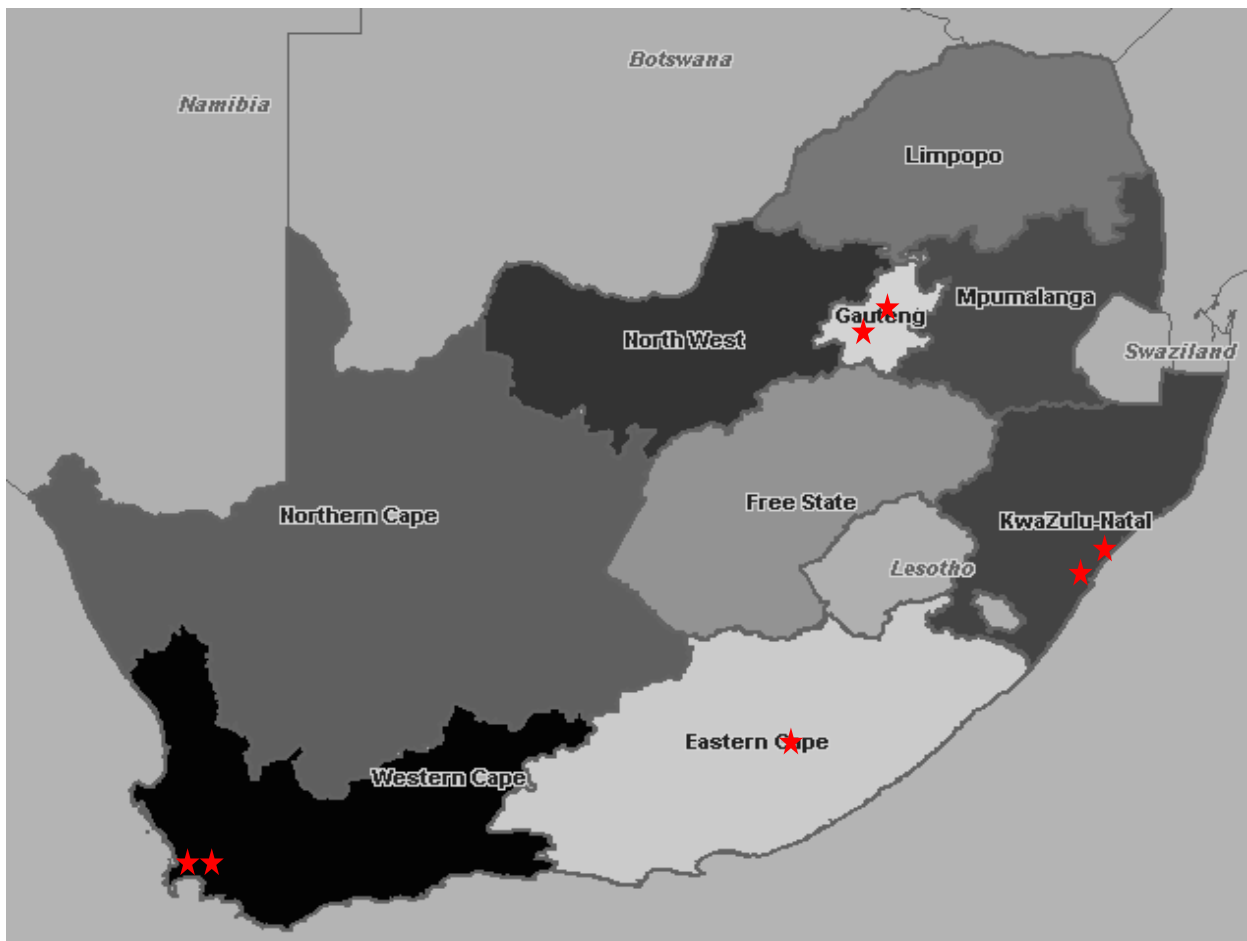
The following is a summary of incidents of vigilantism by people's courts during the period 2002 to 2003 as reflected in some media publications:

Heading	Date	Newspaper	Pp
Boendoehowe	18-01-2002	Beeld	10
Drie in Khyelitsha volgens halssnoermetode tereggestel	14-01-2002	Burger	1
A new generation of vigilantes haunts SA	01-02-2002	Financial Mail	28
State must share blame for mob killing	08-02-2002	The Herald	6
Vigilantes on the rise	30-05-2002	Sowetan	2
Scourge of 'instant justice'	31-05-2002	Sowetan	22
Mayor charged with running illegal court	04-06-2002	Daily Dispatch	1
Behind every good vigilante	24-10-2002	Star	15
Wresling with rustling	02-02-2003	Natal Witness	6
Polisie red 4 verdagtes in Nyanga	10-02-2003	Burger	7
Swartes sukkel nie met misdadigers	27-03-2003	Afrikaner	12
South Africa vigilante numbers rise File://A:\AM%2-%20South%20Africa%20vigilante%20numbers%20rise.htm	30-05-2003	ABC online	
Only effective policing will stop vigilantism	01-06-2003	City Press	18
Vigilantes supported as crime levels soar	02-06-2003	Sowetan	12

'Necklace' vigilantism against criminals spreads	06-06-2003 21(23)	Southern African Report	4-6
Vigilante killings are symptoms of breakdown	08-06-2003	Sunday Times	16
Vigilantism rooted in our psyche	10-06-2003	Star	12
Winter of vigilantism	24-06-2003	Sowetan	14
When mob is judge, jury, executioner	26-06-2003	Cape Times	11
Pro-vigilantism group protests in KwaZulu-Natal File:///A:/SABCnews.com-south_africa-crime1justice.htm	30-07-2003	SABCnews online	

The distribution of incidents of vigilantism during 2002 and 2003, which were concentrated in the Gauteng, KwaZulu-Natal, Eastern Cape and Western Cape provinces, is illustrated in the following diagram (Fig. 7.8):

FIG. 7.8: Distribution of incidents of vigilantism during 2002 and 2003



7.3.2.6 Incidents of vigilantism by people's courts in 2004

In January 2004 a Langa resident, suspected of housebreaking, was stoned to death. When his brother intervened, he too was killed by community members (Anon a, 2004: 8). In May 2004 a man suspected of murdering a seven-year old boy in KwaMashu was hacked to death by members of the community. Three houses were also burnt down during the rampage (Mhlongo, 2004: 3). In Moletji near Polokwane a suspected rapist was severely assaulted by members of the community (Fourie, 2004: 2). In Mamelodi two men accused of murder were stoned to death and one's body burnt using a tyre by a mob of about 500 people. The residents set out to find and punish members of a criminal gang who had been terrorising the community for months (Mfoloe, 2004: 2). In June 2004 in the Ngangelizwe township near Umtata a mob stoned a suspected car thief and a suspected armed robber to death in Zibungu near Tsolo (Anon b, 2004: 3).

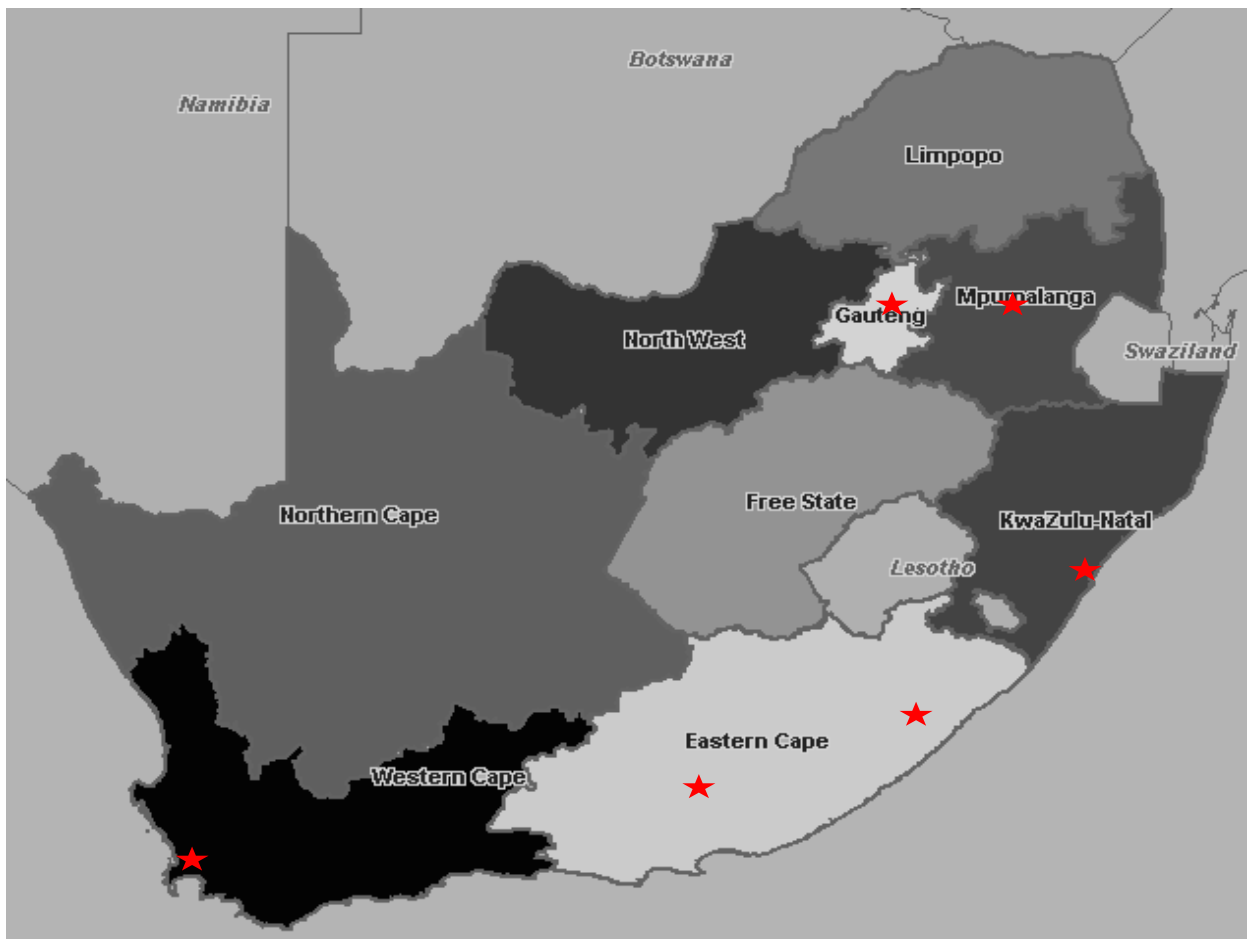
From the incidents it is clear that the people's courts had no intention of handing over the alleged criminals to the local authorities but to deal with them using extreme measures. Vigilantes see themselves as substitutes for the state and take over the function of security (Abrahams, 1998: 15 – 16). Therefore it was no longer an option to involve the police, because their capabilities were questionable to the communities. The leader of the people's court, PEACA in Khayelitsha, said during an interview that "...the police are lazy and usually drunk" (Hootnick, 2003: 55). Although vigilantes drew attention to the inability of the state to perform this function, due to low levels of institutionalisation, the weakening of one function drags down others with it, says Zartman (1995 : 5). The result would therefore be overall low levels of institutionalisation which is characterised, as argued by Huntington (1965: 393 – 394, 405 – 411; 1968: 1 – 8), by an inability to maintain order, stability and effective governance.

The following is a summary of incidents of vigilantism by people's courts during 2004 as reflected in some media publications:

Heading	Date	Newspaper	Pp
Mob on rampage over dead boy	18-05-2004	Daily News	3
'Reeksverkragter' opgedons	22-05-2004	Beeld	2
Mob 'necklaces' man	24-05-2004	Sowetan	2
Suspects slain in mob justice	24-05-2004	Pretoria News	3
Suspected criminals stoned to death	01-06-2004	Daily Dispatch	3
Cops move to curb mounting vigilantism	14-06-2004	This Day	2

The distribution of incidents of vigilantism during 2004, which were again concentrated in the Gauteng, KwaZulu-Natal, Eastern Cape and Western Cape provinces but also with incidents in Mpumalanga, is illustrated in Fig. 7.9 below:

FIG. 7.9: Distribution of incidents of vigilantism during 2004



7.3.2.8 Incidents of vigilantism by people's courts in 2005

In January 2005 a youth suspected of murder was severely assaulted and burned by a vigilante group in Botshabelo near Bloemfontein. SAPS members were also attacked by the mob when they tried to arrest one of the suspects involved in the vigilante act (Setena, 2005: 1). In Umfolozi two people were beaten to death by vigilante groups and in KwaMbonambi near Richards Bay in KwaZulu-Natal two men were severely beaten by community members after they were caught with stolen goods (Mhlongo, 2005: 4). In Duncan Village near East London a number of members of the community first assaulted and then threw boiling water over a suspected vehicle thief. Later the man died of his burn wounds (Anon c, 2005: 4). In February 2005 a vigilante group of about 100 people from Hillbrow, Johannesburg, assaulted and stoned an alleged murderer (Steenkamp, 2005: 8). In March 2005 an alleged cellular phone thief was beaten to death in Bethelsdorp by a group of community members (Matyu, 2005: 8). In April 2005 an angry group of about 100 people of Orange Grove near East London involved themselves in an act of vigilantism by hacking an alleged child rapist to death (George, 2005: 1). In May 2005 in Gugulethu a man who allegedly stole a bicycle was beaten to death by angry residents (Maposa, 2005: 5). In Zebediela in Limpopo a man was stoned to death by angry community members after having been accused of raping a teenager and her friend (Anon d, 2005: 6). In June 2005 three suspected murderers were severely beaten by a vigilante group in Olivenhoutbosch informal settlement outside Centurion. Two of them died of their injuries (Shonisani, 2005: 3). In September 2005 an alleged child rapist was stoned to death in Soweto by a group of angry community members (Roestoff, 2005: 7). People's courts became a pattern in Dassenhoek near Marianhill, west of Durban, as two alleged gang members were stoned to death and set alight, according to Mapumulo (2005: 7). In October 2005 in Soweto three suspected thieves were attacked and beaten by community members. All three died of their injuries (Molosankwe, 2005: 2). Mapumulo (2005 a: 8) writes that, in November 2005, vigilante justice continued to plague

KwaZulu-Natal when a mob killed a man they claimed was responsible for rapes and murders in the Mpumalanga township near Durban. He was beaten, stoned and set alight. At Dassenhoek, near Marianhill, two people were stoned to death and set alight in another instance of vigilantism during October 2005. In October and November 2005 six people were killed through acts of vigilantism in the Johannesburg area (Motsepe, 2005: 4).

From this overview of the period 2005 it seems that there was a huge increase in incidents of vigilantism compared to the preceding period, as is also illustrated in the summary of incidents reflected in media articles. This increase is also supported by the Independent Complaints Directorate's report which indicated an increase of 184% in the number of vigilantism cases (Benton, 2005:1). Goldstone (2005: 1) indicates that vigilantism was on the increase in the surrounding townships and informal settlements of Durban. The vigilantes justify their need to take the law into their own hands by saying that the state is unable to protect its citizens from criminals and that the crime rates are increasing. It is important to bear in mind that vigilantes only arise after repeated instances of deviant behaviour, according to De La Roche (1996: 188 -199). Consequently a community would only resort to vigilante action if the state has repeatedly failed them and criminals have continuously disrupted order in their area. Abrahams (1998: 170) writes that vigilantism responds to a range of persistent imperfections in the state system (compare Chapter Three par. 3.3.3). Clearly, at this stage the state was showing persistent imperfections, resulting in the breakdown in law and order resulting in the emergence of people's courts acting like Migdal's (1987: 402) strongmen. Social control is dispersed among various local groups that each has its own rules (Migdal, 1987: 40, 177). Strongmen therefore dilute state power and this situation results in extending patterns of political decay.

The following is a summary of incidents of vigilantism during the period 2005 as reflected in some media publications:

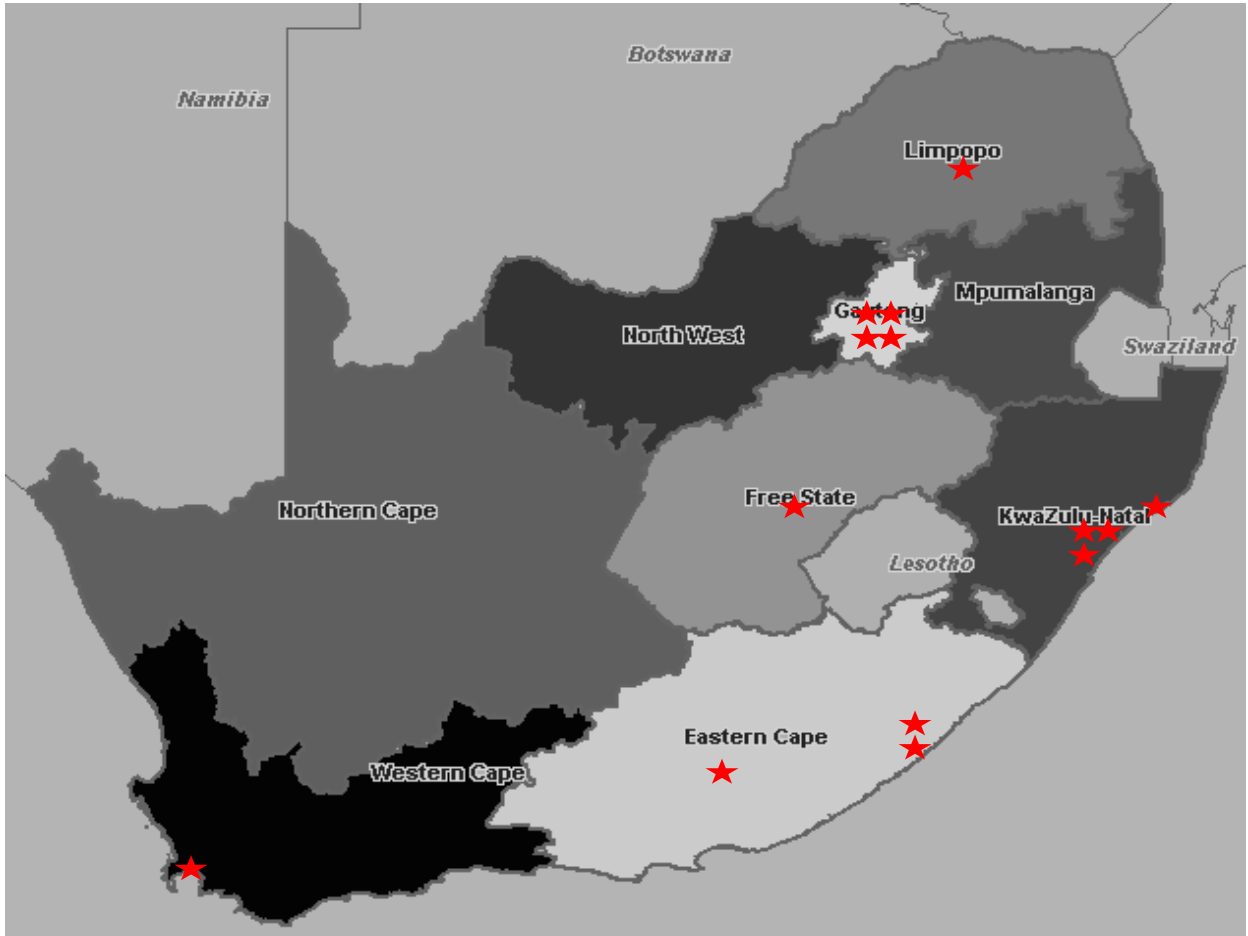
Heading	Date	Newspaper	Pp
Mob turns on police following attack	12-01-2005	Express	1

Man dies after rape bid brings lynch mob	13-01-2005	Citizen	9
Warning after vigilante killings	18-01-2005	Daily News	4
Police save four Diepsloot 'robbers' from angry mob	24-01-2005	Citizen	6
Gemeenskap gooi glo kookwater oor dief	24-01-2005	Beeld	4
Taximan held for beating up five robbers	02-02-2005	Citizen	1
Skare vermoor man wat twee glo doodskiet	07-02-2005	Beeld	8
Alleged cellphone thief beaten to death	07-03-2005	The EP Herald	8
Mpumzu mob justice	31-03-2005	Natal Witness	3
Police act to save suspect from mob	12-04-2005	Daily Dispatch	1
The day a people cracked – community exacts vengeance after child is raped	13-04-2005	Daily Dispatch	1
Mob killing: a mom's grief	17-04-2005	Sunday Tribune	5
'Angry mob beat bike thief to death'	02-05-2005	Cape Argus	5
Inwoners steek verdagte se plek aan die brand ná doodskietery	02-05-2005	Beeld	7
Police 'stood by' as angry mob exacted justice	19-05-2005	Cape Times	1
Police save youth from lynch mob	19-05-2005	Pretoria News	4
Polisie doen glo niks toe skare verdagte toetake	20-05-2005	Burger	7
'Verkrachter' in Limpopo gestenig	24-05-2005	Beeld	6
Mob mayhem leaves 2 dead in Centurion	14-06-2005	Citizen	3
Police save three stone-throwing strikers from kangaroo court	13-08-2005	Saturday Weekend Argus	1
Women seek street justice for rapists	25-08-2005	Daily Dispatch	1
Threat of street justice for 'rapist'	26-08-2005	Sowetan	9
Mob justice in Soweto	02-09-2005	Citizen	7
Libode mob turns on suspect after women hacked to death	05-09-2005	Daily Dispatch	1
Frenzied mob kills man	07-09-2005	Natal Witness	3
Mob justice spirals – report	27-09-2005	Pretoria News	1
Mob tries to burn home of boxer's killer	27-09-2005	The EP Herald	6
Failure of system breeds vigilantism	10-10-2005	Pretoria News	3
Mob justice triggered by 'criminal impunity'	11-10-2005	Star	3
Mob burns man's private parts with candle flame	16-10-2005	City Press	4
Community celebrates as victim of mob justice is laid to rest	20-10-2005	Star	2
Neighbourhood watch turn to mob justice	20-10-2005	Weekly Mail and Guardian	8
Two killed in vigilante foray – 8 in court	25-10-2005	Cape Times	6
Mob beats thief to death	25-10-2005	Cape Argus	1
Car theft suspect dies in mob attack	31-10-2005	Pretoria News	3
Mob kills feared thug	01-11-2005	Natal Witness	1
Stoning trend – mob justice increasing countrywide	15-11-2005	Sowetan	4
Angry residents stone and burn DVD thieves	18-11-2005	Daily News	1
Nigel vigilantes slay two youths	24-11-2005	Citizen	3
CBD kangaroo court as mob turns on suspect	10-12-2005	Pretoria News	1

The distribution of incidents of vigilantism during 2005 in six of the nine provinces of South Africa – Gauteng, KwaZulu-Natal, Eastern Cape, Western Cape as well

as Free State and Limpopo Provinces - is illustrated in the following diagram (Fig, 7.10):

FIG. 7.10: Distribution of incidents of vigilantism during 2005



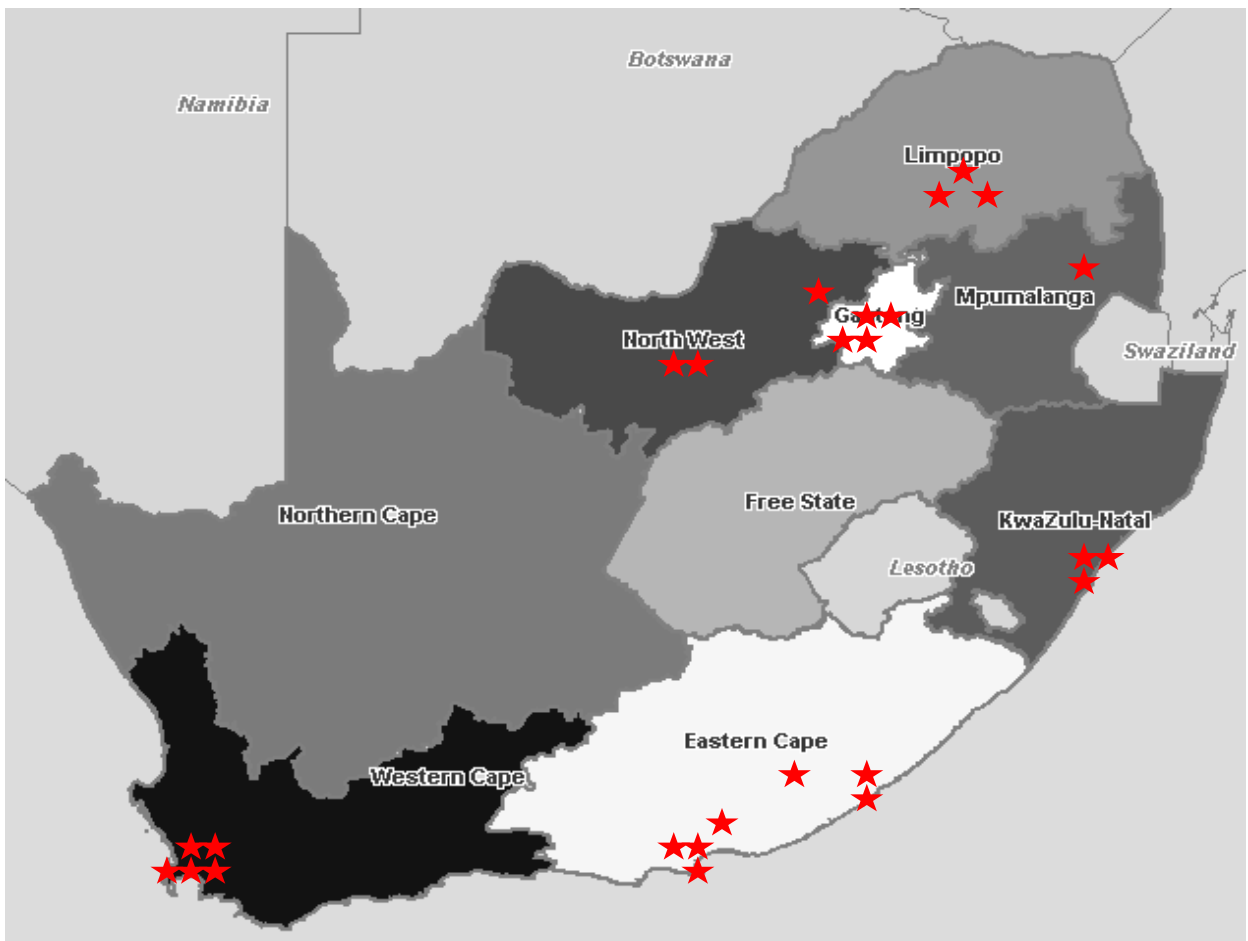
7.3.2.9 Incidents of vigilantism by people's courts from 2006 to early March 2008

An overview of media reports on incidents of vigilantism is attached as Annexure A. The media reports cover the period April 2006 to early March 2008. 71 incidents are reflected in the annexure, but it does not indicate those incidents not covered by the media, or those covered in smaller community newspapers. The number of incidents indicates a continuation of the high number of incidents

measured in 2005. The vigilante actions by people's courts in this period were brutal with many fatalities, and alleged criminals were the targets.

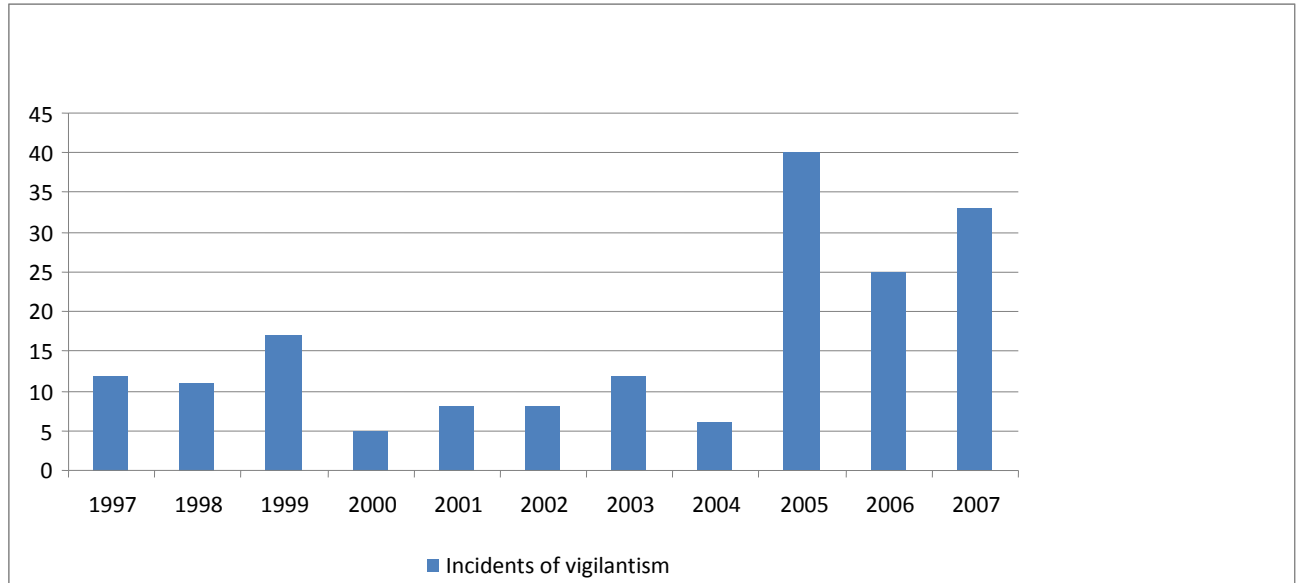
The distribution of incidents of vigilantism during 2006 until March 2008 in seven of the nine provinces – Gauteng, KwaZulu-Natal, Eastern Cape, Western Cape, Limpopo as well as the North West and Mpumalanga Provinces - is illustrated in the following diagram (Fig. 7:11):

FIG. 7.11: Distribution of incidents of vigilantism for 2006 to early March 2008



The number of incidents of people's courts involved in vigilantism as reflected in media articles over the period 1997 to 2007 can be presented in the following diagram (Fig. 7.12):

FIG. 7.12: Incidents of vigilantism by people's courts as recorded in media reports: 1997-2007

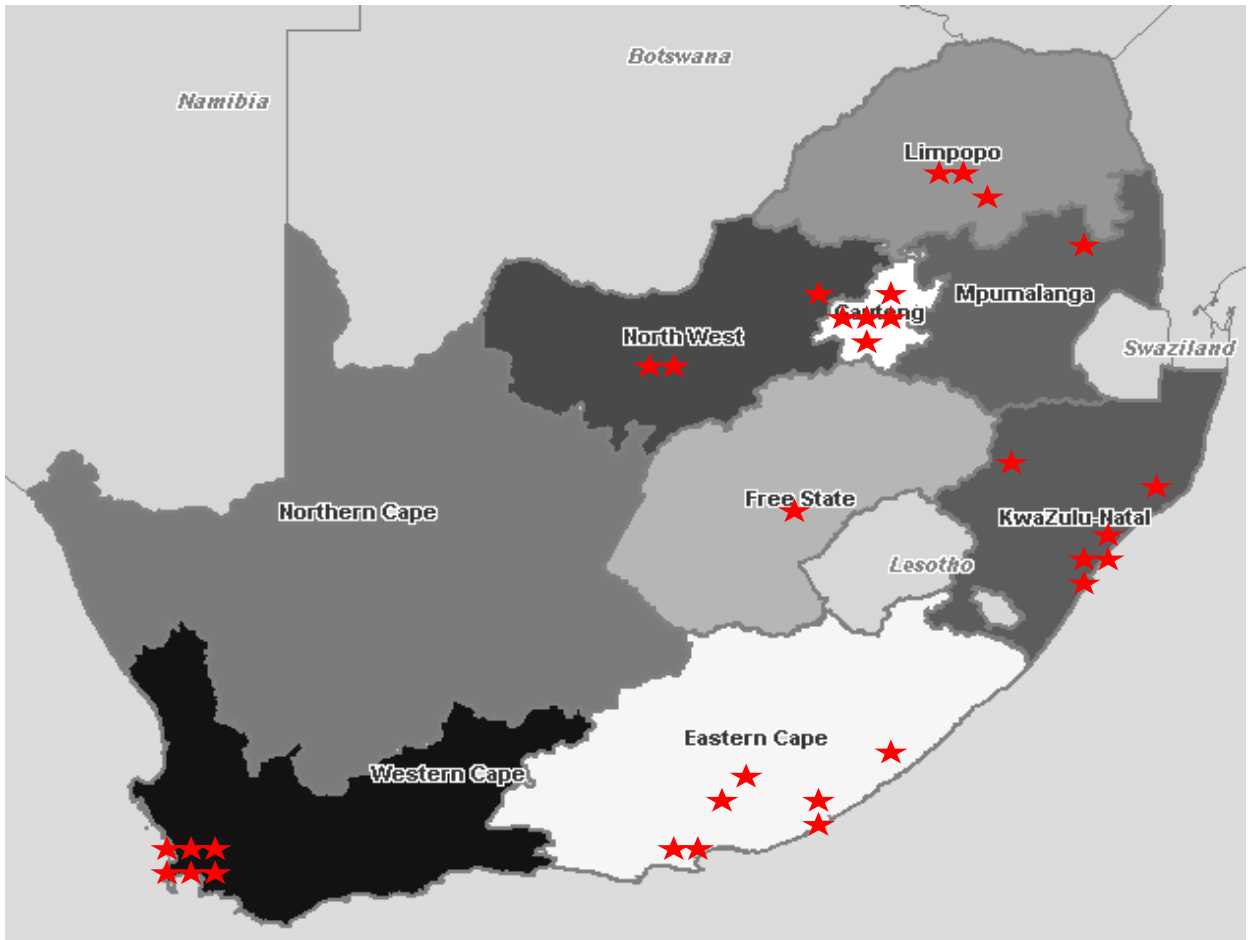


The occurrence of vigilantism is not a feature unique to South Africa in the 21st century, but rather a global phenomenon. According to Sen and Pratten (2007: 1), news headlines are replete with accounts of global vigilantism giving the following examples: "... 'N. Ireland's alternative police forces', Australian 'vigilantes' plan coastal patrols', 'Mob justice in rural Guatemala', 'Vigilantes set for Mexico border patrol...". These reports mention that people have taken the law into their own hands to prevent crime, insurgency and illegal immigration. Abrahams (2007: 425) writes that vigilantes step in to uphold law and order when they are of the opinion that the state is failing to do so.

The distribution of incidents of vigilantism from 1997 to March 2008 is illustrated in Fig 7.13 below, which indicates the hot spots in eight of the nine provinces of South Africa – Gauteng, KwaZulu-Natal, Eastern Cape, Western Cape, North

West, Limpopo, Mpumalanga and Free State Provinces - for the occurrence of the phenomenon:

FIG. 7.13: Distribution of incidents of vigilantism from 1997 to early March 2008



Vigilantism has been and still is a regular phenomenon in many townships and informal settlements in South Africa. People's courts seems to be flourishing in specific informal settlements or the poorer townships areas around the larger cities in South African in specific Gauteng and the Western Cape as is indicated in Fig. 7.13. This can be attributed to urbanisation at a speed that government cannot control or prepare for, leading to vast informal settlements, high levels of

poverty and unemployment. This situation will be further illustrated in the application of the context theory to people's courts.

The excessive violence involved in all the incidents mentioned in this study is alarming, since hundreds of people have already died during this period in South Africa due to the existence of people's courts, and clearly the reason for their existence is related to the pattern of political decay resulting in low levels of institutionalisation while high levels of political participation exist. High levels of expectations after the first democratic election in 1994 and continued high levels of inequalities caused, as Huntington (1991: 69) argues, stresses and strains in the social fabric. The low levels of institutionalisation in the country, to be specific the criminal justice system, result in an inability to maintain order, stability and good governance (Huntington, 1965: 393 – 394, 405 – 411, 1968: 1 – 8). In turn this situation creates power vacuums creating a context, according to Duvenhage (2003: 56), in which the state is not the only roleplayer allocating norms. When strongmen, in this case people's courts, start making the rules it is an indication, says Migdal (1987: 397), of a weak state. Du Toit (1995 : 27) explains in his analysis of Migdal's works that weak societies are defined by their low level of social control, and regular occurrence of vigilante acts is a clear indication that South Africa has a very low level of social control and therefore a weak society (compare Chapter Three par. 3.2.3).

From this background analysis of people's courts one can conclude that there were regular occurrences of vigilantism through people's courts in post-1994 South Africa. These incidents of vigilantism also indicate that South Africa as a state experienced and still is experiencing patterns of political decay. It must therefore now be determined whether the context during this period correlates with the context criteria for the occurrence of vigilantism in accordance with the set theory of the phenomenon.

7.4 CONTEXT THEORY APPLIED TO PEOPLE'S COURTS

As was indicated in the background analysis, people's courts as vigilante groups are active in townships, but more so in informal settlements where poverty, unemployment and crime rates are very high. Because the majority of the incidents takes place in informal settlements and to a lesser degree in the more formal townships, the focus of the context criteria will be applied to these areas in South Africa.

The context criteria that will be individually analysed against the case study are a society in disequilibrium, a dysfunctional state, the existence of power vacuums and a high level of violence. The aim will be to determine whether the context from 1994 until the present in townships and informal settlements in which people's courts are formed and operated was and still is conducive to the occurrence of vigilantism. The focus will therefore be on townships and informal settlements during the period 1994 to 2008.

7.4.1 A society in disequilibrium

Apartheid policies left the majority of South Africans living in a highly unequal society. Zegeye & Maxted (2003: 1) write that a situation of "plenty amidst poverty" existed. They further report that the first fully representative household income survey done in 1993 found that 19 million people, just under half of the population at that time, were living in poverty. The first democratic elections held in April 1994 created very high expectations in many people who hoped that the inequality would diminish and that all would benefit. However, a survey indicated that, of the approximately 717 000 live births in 1999, three quarters were born into low-income households and 45% of the population, about 18 million, lived on less than \$2 a day as measured by the World Bank (Zegeye & Maxted, 2003 : 10). Patterns of political instability therefore existed and, according to Huntington (1991: 69), high expectations and great inequalities "...create(s)

stress and strains in the social fabric...”, stimulating political mobilisation and demands for political participation. Davies (1971: 372) explains that continuous low levels of need satisfaction will result in conflict (compare Chapter Four par. 4.2.1.1). The continuous high levels of poverty after the first democratic elections in South Africa resulted in people losing faith and viewing the state as not in transformation – positive change – but rather in disequilibrium – negative change.

In an analysis conducted in an informal settlement in the Vaal Triangle it was found that the unemployment rate was 94% among respondents and 80% among their partners and two thirds of care-givers had an income of below R500-00 per month (Oldewage-Theron et al., 2005: 13). This indicates that the unemployment rate in informal settlements is extremely high and as a result the poverty rate as well. A study done in 2006 in three informal settlements in the Cape Metropolitan area found that unemployment levels were 39.5%. 14.3% of households in these settlements often went hungry and a further 39.4% of households occasionally went hungry. 36% of people in the Cape Metropolitan area lived in poverty in 2005, which is up from 25% in 1996 (Anon b, 2006: 1).

The need satisfaction in South Africa’s poor townships and informal settlements is extremely low, since 27.1% South Africans are ultra poor, meaning 27.1% of people in the country often go hungry (Pauw, 2005: 1). This is directly linked to the high unemployment rate, especially among Africans who mainly reside in townships and informal settlements. This situation was also a continued reality in these residential areas from before the first democratic elections in April 1994 and is still a reality. Duvenhage (2003: 67) writes that low per-capita income and the gap between rich and poor are factors contributing to political decay (compare Chapter Four par. 4.2.1.2). South Africa was and still is experiencing features of political decay as more than a quarter of its population is ultra-poor and half of the population is classified as poor. To more than half of the population, a state in disequilibrium is a reality due to the continuous low level of need satisfaction.

7.4.2 Dysfunctional state

A growing number of people are living in informal housing, such as shacks in informal settlements in South Africa. The number grew from 1.05 million in 1996 to 1.38 million in 2001. According to Oldewage-Theron et al. (2005: 13), 13.5% of all South African households live in informal settlements. Informal settlements refer to areas where people do not have any legal tenure to the land they occupy; the settlements are outside the formal planning process and the dwellings are informal as they are built by the people themselves from basic materials. These households lack or have very low levels of basic services such as water and sanitation.

Citizens involved in peoples' courts' vigilante activities have no confidence in the police's ability due to their capacity and competency problems. The community of Ezibeleni who experienced vigilante attacks on alleged criminals complained that they are tired of local police who cannot assist them as they are "...hamstrung by insufficient resources" (Kabeli, 2006: 3). South Africans are, according to Makgamele (1999: 5), frustrated either by insufficient police services or a justice system that metes out lenient sentences. The Independent Complaints Directorate (ICD) also indicated in a report that there was an increase of 18% of reports received from the public indicating serious criminal offences allegedly committed by the police (Benton, 2005: 1). This is one of Zartman's (1995: 10) ultimate danger signs for a state in collapse as the state loses control over its own state agents such as the police consistently breaking the law themselves. According to Faull (2007: 9), South Africa, that has high and rising levels of corruption, is not implementing anti-corruption strategies effectively, also in the security sector. He further wrote that although the Code of Conduct applies to all SAPS members it is easily ignored at station level due to a lack of management. There is also a culture of silence within the police, which hampers the execution of police anti-corruption measures. This indicates that, although the government makes good policies, the lack of implementation thereof

indicates low bureaucratic abilities together with high levels of corruption indicating, according to Geldenhuys (1990: 43), characteristics of a weak state (compare Chapter Three par 3.2.4). The following table indicates the number of police officers arrested in the period 1996 to 2001, and those suspended from 2002 to 2005 due to their involvement in corruption.

Table 4: SAPS corruption data, 1996 to 2005

Year	Number of reports received	Number of arrests/charges	Number of convictions	'Corruption related' suspensions	'Corruption related' suspensions without pay
1996	2 300	249	30	-	-
1997	3 108	429	78	-	-
1998	3 779	475	128	-	-
1999	4 618	844	147	-	-
2000	6 974	1 048	193	-	-
2001	4 275	592	138	-	-
2001/02	2 370	1 332	-	39	833
2003	-	-	-	37 (9)	310 (101)
2004	-	-	-	48 (13)	413 (164)
2005	-	-	-	56 (13)	473 (220)

(Faull, 2007 : 9)

The disfunctionality of the state with regard to service delivery as well as high levels of corruption in SAPS caused and are still causing power vacuums as people, especially in poor communities, resort to vigilantism through people's courts once again to find a sense of control within their communities. This situation turns "good communities" into "bad communities", placing the state in an environment of political survival.

7.4.3 Power vacuums

Most of the cases reported to the ICD related to charges of neglect of duty by police, while 6.4% related to the failure or refusal to perform duties (Benton, 2005: 1 – 2). Another problem is that 25% of police officers are illiterate, resulting in 75% of serious crime cases not even reaching the courts due to an inability to take down statements from victims (Mabasa, 2004: 2). The lack of willingness as well as a lack of capacity within the police result in power vacuums as people lose trust in the system and in some communities do not even bother to report crimes, but prefer dealing with it through local people's courts. Shaw and Camerer (1997: 16) write that crime prevention is a local issue as it is shaped by local conditions and circumstances. Poor people in townships and informal settlements cannot afford to pay for security offered by security companies. They also are not able to install much security measures; therefore if the state cannot protect them, then they will resort to vigilantism. Abrahams' (1998: 24, 170) approach is that vigilantism typically emerges in poor communities, especially as law enforcement is inadequate in these areas and the state's authority is spread unevenly. One notices therefore the rise of Migdal's (1987: 402) strongmen who take over the role of the state, where it is lacking in these communities, and provide their own security in the form of vigilantism. The state is therefore undermining its own sovereignty due to its inability to perform all its basic functions to most of its citizens most of the time.

Power vacuums, specifically with regard to the provision of personal security, have existed since 1994 and still exist as the continuous vigilante activities of people's courts are proof of this. High levels of violence would also then be present, as will be discussed under the next context criteria.

7.4.4 High levels of violence

A city victims survey done in Pretoria found that people living in townships and informal settlements were far more worried about safety at night than those in the suburbs. 70% of residents in informal settlements and 63.5% in townships felt very unsafe at night. In Durban 48% of people living in townships and 57% in informal settlements felt unsafe at night (Anon c, 1998: 4).

According to Knox and Monaghan (2002: 65), the poor, especially Africans, tend to be the victims of violent crime. The poor experience a disadvantage with regard to protection from the state. Knox and Monaghan (2002: 65) further write that for people living in townships and informal settlements, fear of crime and victimisation is a daily reality; therefore the communities view victims of vigilante attacks as deserving the treatment they receive.

The percentage of violent crime in South Africa is high and it is the nature and extent of violence that sets this country apart from others. Although the state boasted about crime rates dropping, it must be kept in mind that crime rates were exceptionally high and that a drop in the crime rate is not as such experienced by the public. For example, the figure for murder in 2004/05 was 18 798 which represented a ratio of 40.3 per 100 000 of the population that far exceeds the international norm of 5.5 per 100 000 (Burger, 2006: 110). Violence is therefore a continuous reality within communities of especially the poor. Huntington (1987: 4), Geldenhuys (1999: 42 - 43), and Zartman (1995: 207) argue that high levels of violence create a context conducive to the existence of political decay (compare Chapter Four par. 4.2.1.5). The high levels of violent crimes that continue to be an issue in South Africa even in 2008 also indicate low levels of institutionalisation within the criminal justice system, failing people in poor communities. Duvenhage (2003: 54, 66) contends that the inability of the state to provide security and stability to its citizens, causes institutions outside the government to take over these tasks. People's courts are therefore an indication

that the state is in political decay and the vigilante activities of these people's courts causes a further increase in violence as their methods are of a violent nature.

High levels of violence, especially violent crime, have been present since 1994 within communities of the poor in South Africa, making the context conducive to the occurrence of vigilantism and indicating a state in political decay.

7.4.5 Summary

In South Africa's townships and informal settlements throughout the period April 1994 to end 2007 all the context criteria for the occurrence of vigilantism were present.

With an average poverty rate of 49.61%, an average ultra-poverty rate of 27.1% and an average unemployment rate among Africans of 49.61%, of whom the majority resides in townships and informal settlements, as was indicated in Chapter Four, the need satisfaction rate is very low, indicating a state in disequilibrium for these communities. The context was and still is conducive to the occurrence of vigilantism as the people feel economically marginalised. Duvenhage (2003: 67) holds that low per-capita income and the gap between the rich and the poor are factors contributing to political decay.

13.5% of all South African households live in informal settlements. 7.5 million people in South Africa are still in need of adequate housing. According to Huntington (1965: 393 - 394, 405 - 411; 1968: 1 - 8), a state with low institutionalisation is characterised by an inability to maintain order, stability and effective governance (compare Chapter Three par. 3.2.1). This is also supported by the fact that the government makes good policies such as anti-corruption policies but lacks the capacity to implement it, indicating low bureaucratic

abilities. The state was and still is dysfunctional as it is unable to provide good service delivery to all its citizens.

Most cases reported to the ICD are charges of neglect of duty by police. 25% of police officers are illiterate. An unwillingness among some as well as lack of capacity among police officers to provide the required service to the citizens of South Africa causing power vacuums especially in townships and informal settlements to exist. The result is a battle for social control, since it is now scattered, Migdal (1987: 49, 177) says, in small social organisations causing a web-like society.

Poor Africans tend to be the victims of violent crime and live in constant fear of becoming victims. South Africa experienced continuous high levels of violent crimes from April 1994 to 2007. Huntington (1987: 4), Geldenhuys (1999 : 42 43), and Zartman (1995: 207) argue that high levels of violence create a context conducive to the existence of political decay.

It is clear that the context within the period April 1994 to early 2008 during which regular incidents of vigilantism through people's courts occurred was most conducive to the occurrence of vigilantism and also conducive of a weak state or a state in collapse. The context criteria were and still are especially relevant within informal settlements and townships where poverty levels are very high, of which many are concentrated around the cities in Gauteng (Johannesburg and Pretoria), the Western Cape (Cape Town), Natal (Durban) and the Eastern Cape (Port Elizabeth and East London) where urbanisation has been especially a problem. The fact that incidents of vigilantism have occurred with regular intervals in South Africa and especially around the areas where high levels of urbanisation have been noted, as indicated in the background analysis of this case study and illustrated in Fig: 7.13, is proof of this.

It can therefore be concluded that people's courts fit into the context model of the phenomenon and it is important at this stage to determine whether people's courts adhere to the specific criteria of vigilantism in order to be classified as vigilante organisations for the period April 1994 to early 2008.

7.5 APPLICATION OF SPECIFIC CRITERIA TO PEOPLE'S COURTS

The specific criteria for vigilantism, as illustrated in Fig: 4.9, will be applied to people's courts in order to determine whether they can indeed be classified as vigilante organisations. The period from which examples will be taken to support or refute whether or not people's courts do fit a specific criterion will be April 1994 to early 2008.

The seven specific criteria will be dealt with under five headings as some of the criteria are grouped together and will be handled as follows:

- Vigilantism occurs as a reaction to crime and/or social deviance.
- The aim of vigilantism is to obtain personal and collective security.
- Vigilantism involves premeditation, planning and organisation.
- The activities undertaken by the vigilante group is without the state's authority or support.
- Force is either applied or threatened.
- Vigilantism is conducted by private citizens acting on a voluntary basis.
- A conspiracy of silence exists among the community members within which the vigilante group operates.

7.5.1 A reaction to crime and/or social deviance with the aim to provide order

Minnaar (2003: 3) writes that communities that experience lawlessness and minimal police presence, see community vigilantism as a legitimate effort 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, where very little official control is exercised or basic services are delivered by the authorities. The informal settlements that have received a huge amount of media attention, due to the vigilante activities taking place there, are Khayelitsha, Gugulethu, Boipatong, Nyanga, KwaMaye, and Ivory Park. In combating vigilantism, the police have consistently called for communities not to take the law into their own hands but rather to hand suspects over to them with any evidence so that such suspects can be properly prosecuted. However, vigilantism responds, according to Abrahams (1998: 170), to a range of persistent imperfections and unless those imperfections are rectified, people's behaviour with regard to the utilization of people's courts will not change (compare Chapter Three par. 3.3.3).

According to Ger (1999: 8), the function of people's courts is to determine what wrongful act has been done to threaten peaceful co-existence in the community and then to do what is necessary to restore order. If their role in deterring criminal behaviour within a community is removed, they may suffer a corresponding loss of respect. With a loss of respect the people's courts lose legitimacy and without **legitimacy** they will be ineffective and no different from the formal courts whose ineffectiveness is the reason for the existence of people's courts.

John Mdayi, a "judge" in the A-team people's court, said that people have lost faith in the justice system. In a democracy, people are free to do what they want. Their aim is to restore law and order in their community (Pokwana, 1999: 1).

Clearly people feel that the state does not have the ability to provide security to them, resulting in, as argued by Duvenhage (2003: 56), many role-players competing to perform this function. In other words, as Du Toit (1987: 407) explains in his analysis of Migdal's theory: "Bypassing the rule of law has become a form of survival..." for people in townships and informal settlements.

People's courts therefore comply with this specific criterion as they are formed in reaction to crime and aim to provide order within their communities.

7.5.2 Conducted by private citizens on a voluntary basis

An example of private citizens becoming involved in vigilante activities on a voluntary basis is that of the Gugulethu community in the Western Cape that has been plagued by crime for years. Cases reported to the Gugulethu police were not attended to and the community felt that the police were collaborating with the gangsters. The relationship between the community and the police soured with time and the community started reporting crimes to the community police forum. The community of Gugulethu reached the end of their tether in June 1998 when a journalist was assaulted by SAPS members when he reported a vehicle accident at the Gugulethu police station. The community held a sit-in at the police station in protest against the situation and demanded better service to the community. Government representatives promised that steps would be taken to deliver a better service to the community. Nothing came of it and the community then started reporting their criminal-related cases to taxi drivers at the Gugulethu taxi rank, who became known as the law-enforcing zone committee, i.e. a people's court. 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).

The A-team of Ezakheni is on the other hand unemployed people who are providing the service of running a people's court as a voluntary to the community (Govender, 1997: 21).

PEACA in Khayeltsha runs a charge office from a metal shack and provides security services to its community such as protecting old women when collecting their old age pension but on the other hand also beating confessions out of crime suspects (Hootnick, 2003: 55). PEACA is a clear example of a people's court run by private citizens that provides services to the community of which not all is vigilantism by nature but that they do cross the legal line is, however, clear. PEACA also distinguishes itself by taking a 10% cut from money collected from a respondent to pay for food and their phone (Tshehla, 2003: 4). This corresponds to some extent with Mapogo working on a contract basis.

These examples of people's courts operating in post-1994 South Africa supports Zartman's (1995: 1) argument that when a state collapses, order and power are up for grabs by local groups. A collapsed state or, as Geldenhuys (1999: 43) terms it, a weak state, lacks internal cohesion and has low bureaucratic abilities (compare Chapter Four par. 4.2.1.4). South Africa lacks internal cohesion as some communities provide their own security separate from the state due to the state's low bureaucratic abilities in especially the criminal justice system. The specific criteria of vigilante acts being conducted by private citizens on a voluntary basis are therefore also relevant to people's courts.

7.5.3 Premeditation, planning and organisation

People's courts, guilty of vigilantism, do indeed comply with the characteristic of premeditation, planning and organisation. Examples indicating this are where a criminal's bail in the state court is being paid by the community for the alleged criminal to be judged and punished by the people's court. In July 1999, residents of the Winnie Mandela squatter settlement east of Johannesburg joined forces to

raise the R4 000 bail money for accused murderer Johannes Manamela. As soon as he stepped out of jail, he was taken to a people's court, quickly judged and killed by the mob (Dempster, 2002: 2). This action taken by members of the Winnie Mandela squatter settlement was well-planned and well-organised. The people's court in Ezakheni, known as the A-team, are also well-organised and act with premeditation as they track down suspected thieves, rapists and murderers before making a public spectacle of them as they have to march down the street with the goods that they have stolen. They even occasionally travel as far as Gauteng and Durban to hunt down criminals (Govender, 1997: 21).

People's courts therefore act like Migdal's (1987: 402) strongmen. They, and not the state, make the rules within their communities, diluting the state's power and indicating a state in political decay.

7.5.4 They act outside the law and it always involves violence

The people's court, ran by the Eyona taxi association, took over policing in Guguletu. The courts handle more than 15 cases a day and are heavily biased in favour of the complainant. 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 by the police and charged with kidnapping, attempted murder and murder (Mokwena, 1999: 3) – all acts of extreme violence.

The Cleaners punish those who commit serious crimes such as murder and rape by shooting them dead and the accused of other crimes are sjambokked. The community also mandated this people's court to patrol the streets at night. Strangers who are found in the streets are simply sjambokked (Kempen, 1999: 8).

The taxi operators of Langa in the Western Cape, having taken over the SAPS's functions, also beat up suspects before handing them over to the police and even as recently as early 2004 a suspected criminal was stoned to death along with his brother who tried to intervene (Anon a, 2004: 8).

Other areas in the Western Cape that have regular incidents of vigilantism under organised peoples' courts are Khayelitsha and Alexandra that were responsible for the necklacing of some suspected criminals.

People's courts also comply with this specific criterion and fall within Huntington's (1965: 416) praetorian societal circumstances which are "...a society which lacks law, authority, cohesion, and discipline and consensus, where private interests dominate public ones...". People's courts act like mini-militaries within their communities.

7.5.5 A conspiracy of silence

People do not report or come forward as witnesses when suspects are killed or badly beaten after being judged by a people's court, even if thousands witnessed the crime (Minnaar, 2003: 2). The reason for the silence is either fear or consent or both.

Residents reacted with anger to the arrest of members of the Guguletu people's court in 1999, because the men were providing an invaluable service in combating crime in their community (Mabaso & Gophe, 1999: 2). On 30 July 2003 an angry group of pro-vigilantism protesters from the Lindelani informal settlement near KwaMashu marched to the Durban North police station protesting against the arrest of a man accused of being involved in the killing of three suspected criminals in the area. The suspects were hacked and stoned to death. The people demanded the man's release (Anon a, 2003: 1). The fact that people support vigilante action in certain areas and react in anger when people

are arrested when involved in such activities is a clear indication that communities will not testify against such people or even report such crimes to the SAPS but rather comply with a conspiracy of silence.

Makgalemele (1999: 5) writes that members of the community that do indeed inform SAPS about those involved in vigilante activities are harassed and intimidated by the rest of the community as happened at Orange Farm in Gauteng.

One of Zartman's (1995: 10) characteristics for a state in collapse is when power moves to the periphery and falls into the hands of power-grabbers or future warlords (compare Chapter Three par. 3.2.5). People's courts intimidate and terrorise people within their communities, much like warlords, enforcing their silence when it is not voluntary. People's courts are therefore an indication that the state is weak and has lost some of its power.

7.5.6 Summary

After applying the specific criteria in this study to the case study it can be concluded that people's courts in post-1994 South Africa comply with the specific criteria and can be classified as vigilante organisations.

The function of people's courts is to determine what wrongful act has been done endangering the peaceful co-existence in the community and then to do what is necessary to restore that peace in other words, as Du Toit (1995: 407) explains in his analysis of Migdal's theory: "Bypassing the rule of law has become a form of survival..." for people in townships and informal settlements.

The actions of the A-team of Ezakheni, the Guguletu taxi drivers acting as a people's court and PEACA in Khayelitsha are examples of vigilante acts conducted by people's courts as private citizens on a voluntary basis but with the

possibility of crossing the line to act on a contract basis. These examples of people's courts operating in post-1994 South Africa support Zartman's (1995 : 1) argument that when a state collapses, order and power are up for grabs by local groups.

People's courts in post-1994 South Africa also comply with the specific criterion of premeditation, planning and organisation, as they in some cases pay the bail of alleged criminals so as to punish them themselves, or hunt down alleged criminals even in other towns/cities. People's courts therefore act like Migdal's (1987: 402) strongmen. They, and no longer the state, make the rules within their communities, indicating features of a weak state.

Acts of kidnapping, attempted murder and murder are involved when people's courts punish alleged criminals. They therefore act in a violent manner and outside the law. People's courts act like mini-militaries within their communities, seeing that the societal circumstances of Huntington's (1965: 416) praetorianism are evident.

A conspiracy of silence is observed with people's courts and people do not report vigilante crimes – either out of support or fear. One of Zartman's (1995: 10) characteristics for a state in collapse is when power moves to the periphery and falls into the hands of power-grabbers or future warlords. People's courts can be compared with warlords, which indicate a state in collapse.

People's courts act as vigilante organisations as they comply with all the specific criteria of a vigilante organisation and, in so doing, also indicate that the state is weak in townships and informal settlements.

7.6 CONCLUSION

Many people's courts across the whole of South Africa are crossing the line by taking the law into their own hands and are taking on the characteristics of a vigilante group, resulting in them not only breaking the law and undermining stability themselves but in a sense becoming the law in their respective communities. Such non-state groups, according to Van Creveld (1991: 225), are not recognising the state's monopoly over violence and are therefore undermining the sovereignty of the state. Although Van Creveld did not refer to vigilantes as one of these non-state groups, can vigilante groups also be classified as a non-state group that undermines the sovereignty of the state. But as with the previous two case studies, people's courts are only temporarily in the phase of vigilantism although for longer periods, since they are not as prominent as PAGAD or Mapogo were and therefore receive much less attention from the state. People's courts' level of vigilante activity also depends on the level of dissatisfaction and frustration within the community, meaning that a people's court can be very active in one month, while inactive the next as criminals may have fled the area or the state may have acted in an agreeing manner.

The level of organisation and planning that is evident in the examples given indicates that vigilantism in post-1994 South Africa is not sporadic and isolated cases of mob violence. This indicates that South Africa is experiencing a state in political decay.

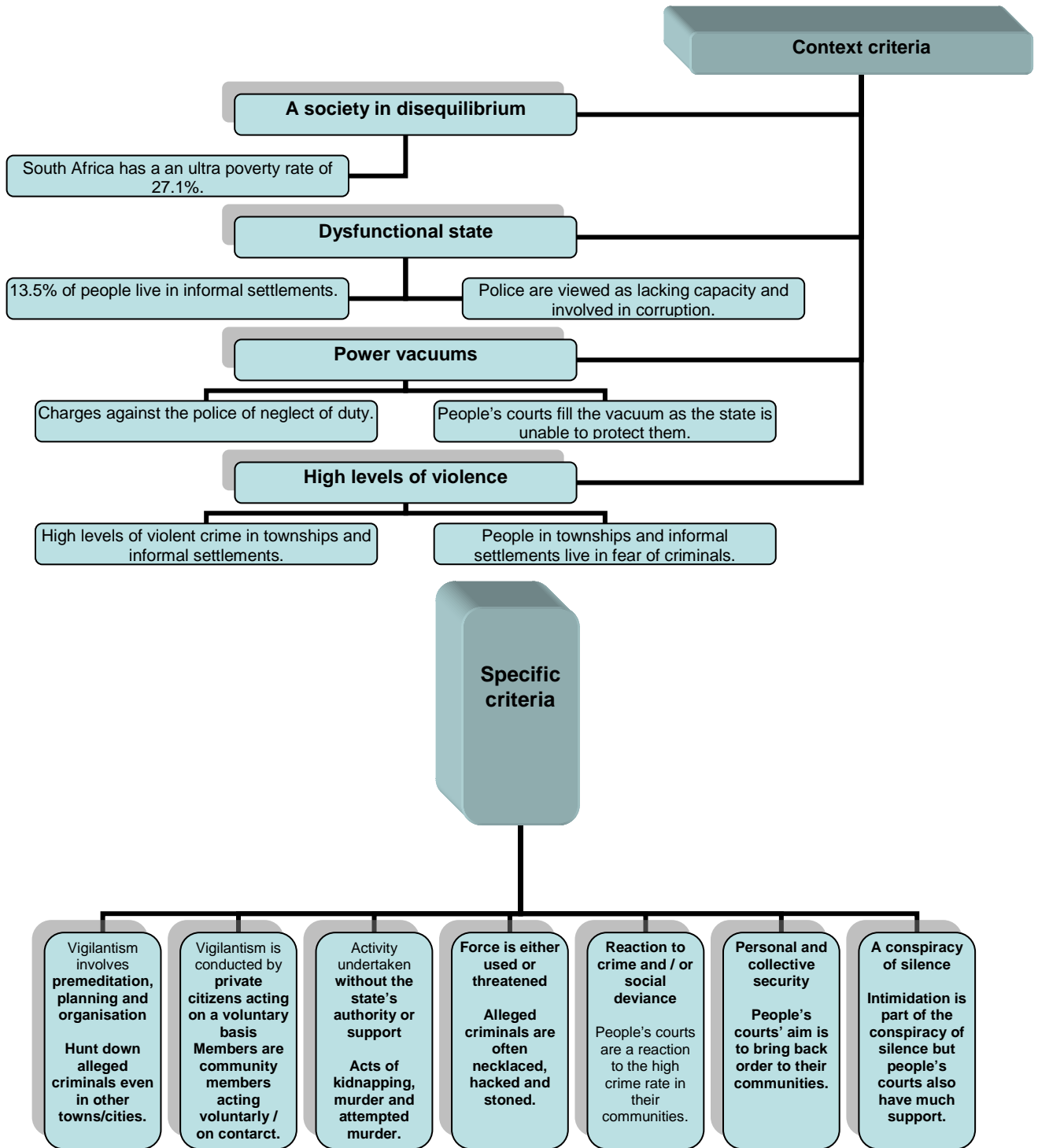
It can then be concluded that the context theory is also applicable to people's courts as a case study of vigilantism in post-1994 South Africa. The analysis indicated that South Africa as a society was and still is in a state of disequilibrium, specifically in townships and informal settlements. Townships and informal settlements also experience the state as dysfunctional, specifically with regard to its criminal justice system which is in a crisis, mainly due to the process of change and the continuous high crime rate. This situation is especially

relevant in areas where urbanisation took place at a high rate such as around the larger cities – Cape Town, Johannesburg, Pretoria, Durban, Port Elizabeth and East London. Low levels of service delivery, specifically with regard to housing, added to this criterion being present. Power vacuums occurred because of this situation, which was taken up by people's courts. People's courts remain popular as they have been active since 1994 up till early 2008 as an alternative structure in providing security, while the state's structure was not trusted or lacked capacity. Lastly South Africa also experiences high levels of violence. Also important is the fact that violent crimes in townships and informal settlements were and still are very high, adding to the fact that these communities are living in fear, especially at night, as the state is unable to protect them.

People's courts also comply with the specific criteria for vigilantism. People's courts are established in reaction to the high crime rate in the communities in townships and informal settlements. Their aim is to restore law and order. People's courts are well-organised and act with premeditation. A conspiracy of silence is also present, although some people are intimidated not to divulge information concerning the people's courts' illegal activities. People's courts are conducted by private citizens on a voluntary basis, but also in some instances on a contract basis. People's courts flourish under the high crime rate in South Africa, which ensured their continued existence and support from the communities.

People's courts as a case study support the context criteria and also apply to the specific criteria for vigilantism for the period April 1994 to March 2008 as full-fledged vigilante organisations. This application can be illustrated in the following diagram (Fig 7.14):

FIG. 7.14: Context and specific criteria applicable to people's courts as vigilante organisations



People's courts fully support the theory set out for the occurrence of vigilantism in post-1994 South Africa. There are no unique dimensions as was the case with PAGAD and Mapogo-a-Mathamaga. The fact that people's courts have continued to feature continuously up to the present day indicates that the state is indeed experiencing features of a weak state and is unable to provide all its citizens with adequate personal security most of the time, which would dissolve the need for people's courts.

CHAPTER EIGHT
**THEORY VERIFICATION AND THEORY BUILDING ON THE OCCURRENCE
OF VIGILANTISM IN POST-1994 SOUTH AFRICA:
SUMMARY AND CONCLUSION**

8.1 INTRODUCTION

In the absence of government, "... men live without other security, than what their own strength, and their own invention shall furnish them withal ..." and life would be under such circumstances "... solitary, poor, nasty, brutish and short ..." (Hobbes, 1904: 84).

The aim of this study was to develop a theoretical explanation for the occurrence of vigilantism in which communities, through their own strength and own invention, provide their own security in post-1994 South Africa. Current available literature lacks theory to explain and understand vigilantism as a feature of political decay, while available theories on political decay do not include vigilantism as a feature. Vigilantism, as a phenomenon that undermines the authority of the state, makes it important to have a clear understanding of it and to be able to predict when it is most likely to occur in order to establish preventative measures, restoring the state.

The available, but limited, literature that was closest to providing some explanation for the occurrence of the phenomenon (though not referred to specifically) had to be utilised to draw a deductive line through identified case studies in order to provide a theoretical framework for this study. This chapter provides the most important conclusions with regard to the theoretical framework developed after testing it against the case studies – PAGAD, Mapogo-a-Mathamaga and people's courts.

The study followed both a deductive and inductive process of theory construction. With the deductive process, the topic that was picked (for which theory was needed to be constructed) was vigilantism in the post-1994 period within the South African context. A reconstruction of the field of study was then done by means of a preliminary analytical framework based on existing conceptual frameworks, namely those of Huntington (1965 & 1968), Duvenhage (2003), Migdal (1988), Geldenhuys (1999), Zartman (1995), Strange (1996), Black (1976), De la Roche (1996), Abrahams (1998), Johnston (1996) and Minnaar (2001 & 2002). With the inductive process, this preliminary analytical framework was verified by applying it to selected case studies – PAGAD, Mapogo-a-Mathamaga and people's courts – and specific observations were made. The case studies showed correlation with the analytical framework but also some deviations. Patterns were then discovered which answered the questions when, why and how vigilantism occurs in the set context. These patterns provide a tested analytical framework for a theoretical understanding of the phenomenon.

This chapter will commence by providing a comprehensive background of what has already been done in the field, indicating the most important shortcomings with regard to providing an explanation for the occurrence of vigilantism. The characteristics of a good theory will also be re-emphasised briefly as these characteristics will be used to determine whether this study has succeeded in providing a theoretical framework for the occurrence of vigilantism in post-1994 South Africa.

The chapter will provide a comprehensive summary of all the works utilised in developing the preliminary theoretical framework, both contextual and specific, indicating their contributions as well as their limitations with regard to the aims of this study.

The most important part of the study will follow with the formulation of a theoretical framework. The preliminary theoretical framework will be adapted

along the way, by utilising the information obtained through the analysis of the case studies, thus producing a final theoretical framework for the phenomenon.

8.2 BACKGROUND TO THE STUDY

The available literature which addresses the phenomenon lacks order and structure. They were lacking in theory to explain and understand the phenomenon. Previous research (Swanepoel, 2004; Swanepoel & Duvenhage, 2007) attempted to give some prominence to the phenomenon as a feature of decay in post-1994 South Africa. However, it was done at a more analytical level. It did not present a theoretical framework for the occurrence of the phenomenon.

As was indicated in the analysis of the case studies, vigilantism has been a recurring phenomenon in post-1994 South Africa. A theoretical understanding of the phenomena indicates political decay.

In South Africa, studies on this phenomenon have been given some attention, but they are limited to the field of Criminology. Minnaar's (2001 & 2002) work provides most insight into the phenomenon in post-1994 South Africa, in particular his work on "new" vigilantism in post-1994 South Africa. His work provides a classification for what acts can be viewed as vigilante acts. Minnaar's (2001: 13) work also supported the need to add the specific criterion of a conspiracy of silence. He also stresses that vigilantism undermines state power and can be viewed as a threat. In the light of this study, the main shortcomings of Minnaar's work are that it lacks theoretical context and that he reasons from a Criminology frame of reference. He does not attempt to provide a political explanation, which is the focus of this study.

Johnston's (1996) work was used and viewed as prominent with regard to the study of the phenomenon at a more international level. Johnston's aim in his work "What is vigilantism?" was to define vigilantism. His definition, however, only

provided a starting point for an empirical analysis of the phenomenon. Johnston's work therefore attends to the question "what?" but never attempts to answer "Why does vigilantism occur?", "When is vigilantism most likely to occur?" and "How does vigilantism occur?", which are the specific aims of this study.

Abrahams' (1998) operational typology "Vigilantism and the state" provides some explanation for the phenomenon, in particular the identification that vigilantism is more prominent in poor communities and that there is collective sanction for the acts of vigilantism. This was also observed in the case study of people's courts where it was found that vigilantism is more prominent and active in informal settlements where poverty levels are very high, whilst the acts are supported by the communities. Vigilantism is a form of self-help, and violence is always involved in acts of vigilantism. However, Abrahams' work falls short as it can only be classified as an operational typology for vigilantism, because he only provides general characteristics of the phenomenon. Furthermore, Abrahams' frame of reference is that of Social Anthropology and not of Political Science.

Black's (1976) paradigm "The behaviour of law" and De la Roche's (1996) work "Collective violence as social control", which is a contribution to Black's paradigm, provide further insight into vigilantism, which is viewed as a form of social control by Black. Black's (1976) argument that when the law is weak, social forces are strong provides support for the context criterion of a state in disequilibrium. Under such circumstances, it is highly likely that vigilantism will occur, as vigilante groups can be viewed as social forces within communities. De la Roche's (1996) contribution to Black's paradigm classified vigilantism as a form of collective violence which occurs after repeated instances of deviant behaviour. This indicated that vigilantism is not the first reaction to deviant behaviour from a community. However, if the law is weak and deviant behaviour recurs, vigilantism will be a likely option that a community will turn to as a form of self-help. These two works are, however, found to be too simplistic and can also only assist the study with the why? question.

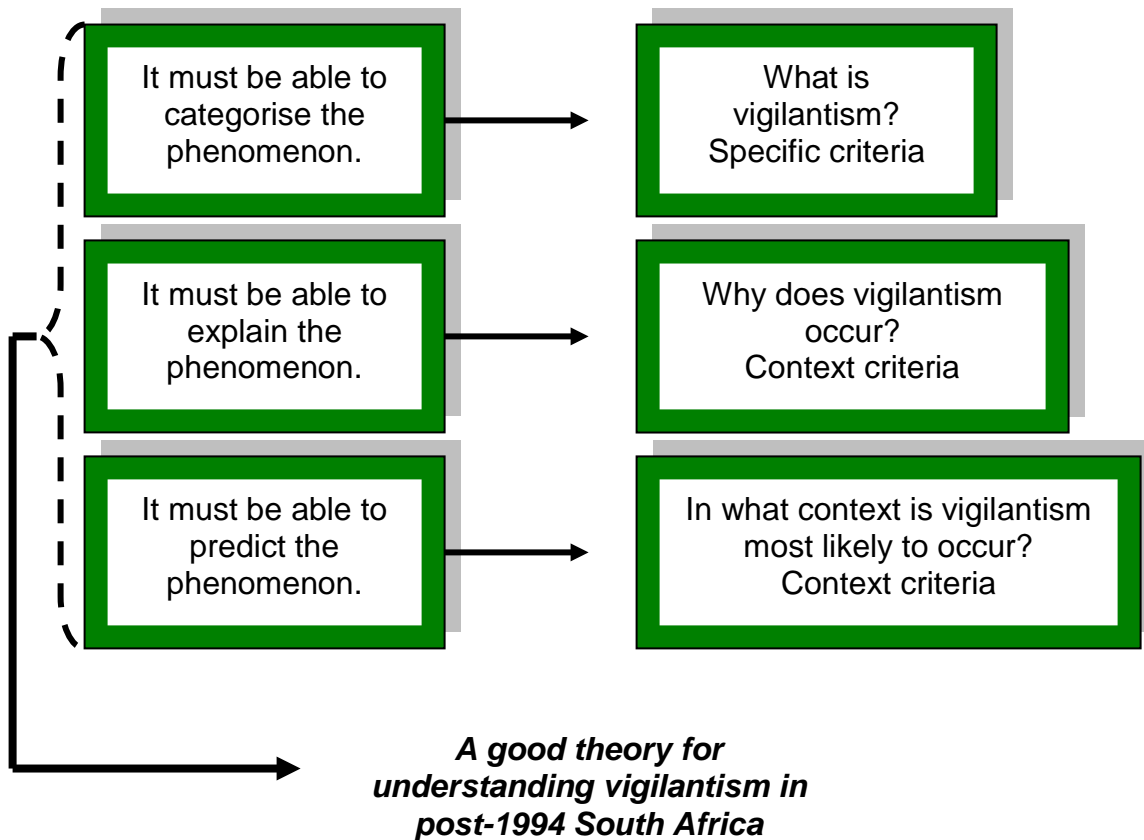
Due to limited applicable literature of high academic value available on the phenomenon, works that do not refer to the phenomenon itself, but are of high academic value also had to be utilised. Strange's (1996: 111 – 117) "The retreat of the state ..." provides some operational insight into the phenomenon when compared to the Mafia, which she discusses in her theory. Strange's work is, however, done from an economic frame of reference and has limited applicability to the study, since only comparisons with the characteristics of the Mafia are applicable. The Mafia, although there are many parallel commonalities between it and vigilantism, cannot be classified as a vigilante organisation, because its aims do not lie in the norms and values of a community but in making money. A broad parallel can, however, be drawn between the Mafia and Mapogo-a-Mathamaga that acted on a contract basis and not voluntarily as they only provided protection to those who paid for their services. The case study of Mapogo therefore supported the utilisation of Strange's work in this study.

The above-mentioned works provide insight into the specific criteria of "What is vigilantism?", as well as some support for the utilisation of the selected contextual conceptual criteria that will be discussed under par. 8.3. This is valuable, as none of the contextual conceptual frameworks utilised specifically refer to vigilantism as a feature of political decay. Through the study of the specific conceptual frameworks there was a clear indication that vigilantism is more prone to occur in a country which is experiencing political decay than in a strong state. Most of these works refer to a lack of law and order, which is typical in a weak state, as being present when communities resort to vigilantism to regain a sense of control. However, none of these sources of information on the phenomenon specifically provide a theoretical explanation for vigilantism on their own or even combined, as they are all too simplistic in the authors' aims of what they wished to achieve in addressing the phenomenon, with little or no theoretical point of departure and also not within the Political Science field of study. This made it necessary to utilise literature that aimed at providing some explanation for states which are experiencing political decay. These works, however, do not specifically

mention vigilantism as a feature of a state in disequilibrium and only provide a context in which the phenomenon can be placed. These works included Huntington's (1965 & 1968) political decay theories, Duvenhage's (2003) perspective on political decay as a pattern of political change, Migdal's (1987 & 1988) strong states weak states theory and strong societies weak states theory, Geldenhuys' (1999) contextual typology on state collapse and Zartman's (1995) theory on collapsed states. None of these works could provide an explanation for the phenomenon on its own, but with relevant extracts of each combined with the more specific works of Minnaar (2001 & 2002), Abrahams (1998), Black (1976), De la Roche (1996), Johnston (1996) and Strange (1996), a theoretical framework was developed.

It can therefore be concluded that, despite the fact that incidents of vigilantism are a recurring phenomenon in South Africa which undermine the authority of the state, no available literature provides a theoretical political explanation for it. The literature utilised in this study all made valuable contributions to the development of a theory for vigilantism as each provided some insight into the context for the occurrence of the phenomenon. It is, however, at this point important to again determine "What is a good theory?" in order to determine whether the analytical framework developed in this study can be classified as such. The following diagram provides an overview of the criteria of a good theory as discussed in Chapter Two:

FIG. 8.1: Criteria for a good theory as applied to vigilantism



With these criteria in mind, it is important to briefly look at the works utilised in developing the theoretical perspective for vigilantism and indicate their contributions, as well as their shortcomings.

8.3 CONTRIBUTIONS TO UNDERSTANDING VIGILANTISM

Works utilised in this study to develop a theoretical framework towards understanding vigilantism were divided into two categories: contextual conceptual frameworks and specific conceptual frameworks. The contextual conceptual frameworks are those that do not specifically refer to vigilantism as a feature of political decay, but provide a context in which the phenomenon can be placed.

These conceptual frameworks were utilised to develop contextual criteria for the occurrence of vigilantism. The specific conceptual frameworks are those that specifically refer to the phenomenon, with the exception of Strange's work, which was utilised as a model to compare the phenomenon with that of the Mafia. These conceptual frameworks were utilised to develop specific or operational criteria for vigilantism. The specific criteria assisted in answering the question "What is vigilantism?", while the contextual criteria provided answers to the questions "Why does vigilantism occur?" and "When is vigilantism most likely to occur?" The specific contextual criteria were, however, also utilised to provide support to arguments of the contextual conceptual frameworks so as to draw parallel lines towards the specific phenomenon under discussion as the contextual conceptual frameworks utilised do not specifically refer to the phenomenon.

The contextual conceptual criteria included works of Huntington (1965 & 1968), Duvenhage (2003), Geldenhuys (1999), Migdal (1987 & 1988) and Zartman (1995).

Huntington's (1965 & 1968) contribution, derived from his political decay theories, to understanding the phenomenon is that a state with low levels of institutionalisation is characterised by an inability to maintain order, stability and good governance which, when social forces are strong, is conducive to the occurrence of praetorianism. Vigilante groups can be compared with mini-militaries taking over the function of providing security within a specific community. In other words, praetorianism takes place, but on a much smaller scale. Through Huntington's work, support was found for the contextual criterion for vigilantism of a dysfunctional state, the presence of high levels of violence and a society experiencing negative change. Huntington's theory provides a macro perspective for a state experiencing political decay and is therefore too broad for this study, which focuses on one feature of political decay only, namely that of vigilantism. Although Huntington does not specifically refer to vigilantism

as a feature of political decay, his work assisted in identifying a context most conducive to the occurrence of the phenomenon.

Duvenhage's (2003: 47 - 67) perspective of political decay as a pattern of political change, in which he uses Huntington's decay theories as a point of departure, also provides some contributions to the understanding of the phenomenon. His contribution lies in his arguments that disequilibrium is characterised by a continuous adaptation in order to survive in an environment where the strongest dominates. Communities therefore see the utilisation of vigilantism as a means to survive, since the state is viewed as not having the capacity to protect them against criminals. Through Duvenhage's (2003) work the context criteria, a dysfunctional state, a society experiencing negative change, and the existence of power vacuums were identified. His work is classified as a macro typology and is also viewed as too broad for providing an explanation for the phenomenon, as little attention is paid to specific features of political decay, such as vigilantism, which he also does not refer to.

Migdal's (1987: 402) strong states and weak states theory also contributes to some extent to the understanding of vigilantism. His main contribution lies in his argument that in weak states strongmen provide viable survival strategies to their followers by making their own rules. Vigilante groups are viewed as strongmen but on a much smaller scale, because their influence is limited to a specific community. Migdal's work assisted in identifying a dysfunctional state, the presence of high levels of violence, and power vacuums as contextual criteria for the occurrence of vigilantism. Although his contextual criteria provide a certain context in which vigilantism can be placed, he also does not identify vigilantism as a feature of a weak state which is viewed as a shortcoming in the aforementioned study.

Geldenhuis' (1999) contribution is derived from his work on collapsing states and lies in the fact that a weak state experiences a lack of internal cohesion and low

bureaucratic abilities and that in a collapsed state, law and order no longer exist. Communities making use of vigilantism are already experiencing a state of collapse within their residential areas due to the state's low bureaucratic abilities. Through Geldenhuys' contextual typology, the contextual criteria, namely a dysfunctional state, the existence of power vacuums, the occurrence of high levels of violence and a society experiencing negative change are identified. Although Geldenhuys' work assisted in identifying four contextual criteria, his work was found to be limited as it also does not refer to vigilantism specifically, even when there is no law and order in a collapsed state.

Zartman's (1995: 10) theory on collapsed states of 1995 comes closest to providing a contextual framework for the understanding of vigilantism. His contribution is his clear indication that when the state has collapsed, basic functions are no longer performed by the state and people also no longer demand them from the state as they already have taken over those functions – such as providing their own security. Communities resorting to vigilantism therefore view the state as collapsed. They experience the state as incapable of performing the function of providing safety and security against criminals within their community. Zartman's (1995: 207) theory provided support for the contextual criteria of a dysfunctional state, the presence of high levels of violence, and the existence of power vacuums for the occurrence of the phenomenon. Zartman, however, also does not refer to vigilantism specifically in his theory, which is the only shortcoming of his work regarding this study.

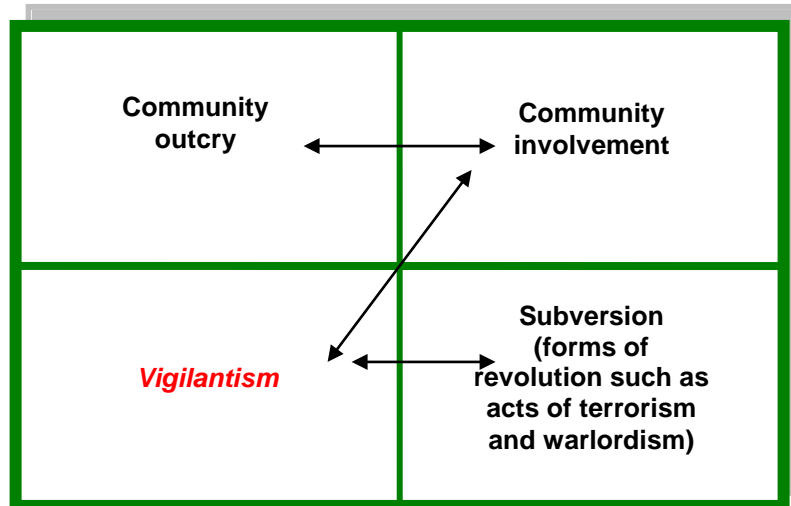
Through these works, four context criteria for vigilantism were identified:

- A society experiencing negative change/disequilibrium
 - Low levels of need satisfaction
- A dysfunctional state
 - High levels of corruption
- Power vacuums exist
- High levels of violence

- High levels of crime

When all four contextual criteria are present in a state, or experienced at high levels within a community, the occurrence of vigilantism is very likely. The reason for this is that these criteria are viewed by a community as their motive for the necessity to take the law into their own hands so as to re-establish order. It must be kept in mind that vigilantism is never a community's first reaction when the situation, as reflected in the mentioned criteria, is experienced as a community would progress through the phases of vigilantism and first find themselves in the phase of a "community outcry" in which a community indicates to the state their dissatisfaction with the context which they experience, through peaceful forms of protest. If the state then does not provide some form of improvement to the community's situation, they will progress to the second phase of "community involvement", which will include actions such as citizen arrests. If the community still does not feel the state can provide in their need for security and the context criteria are all still relevant to them, they will turn to acts of vigilantism in an attempt to restore order. In extreme cases, these vigilante groups can progress to the phase of subversion and cause a mini-revolution within their community as vigilante acts turn into terrorist acts with the state as the enemy. An important observation is that a people's court progresses from one to the next or regresses to the previous phase depending on the state's reaction to either their outcry for security or their own legitimate involvement in apprehending criminals in their communities. However, if the people's courts do not get the required reaction from the state, chances are good that they will proceed to the next phase of involving themselves in acts of vigilantism. This phase is, however, also not permanent as the group can regress to previous phases depending on the state's response, but also to the next phase of subversion if the people's court members act like warlords in their communities. Fig. 8.2 below utilised in this study indicates these phases:

FIG. 8.2: Phases of vigilantism



The specific conceptual frameworks that provided more insight into the phenomenon itself included works of Strange (1996), Black (1976), De la Roche (1996), Abrahams (1998), Johnston (1996) and Minnaar (2001 & 2002), from which specific criteria for vigilantism were identified.

Six specific criteria for vigilantism were identified through the analysis of the afore-mentioned specific conceptual frameworks. They are:

- Vigilantism is more than a sporadic act, as it involves premeditation, planning and organisation.
- Vigilantism is conducted by private citizens acting on a voluntary basis.
- Vigilantism is an activity undertaken without the state's authority or support.
- In vigilante acts, force is either applied or threatened.
- Vigilantism is a reaction to crime and social deviance; hence a reaction to the real or perceived transgression of institutionalised norms.
- Vigilantism aims at providing personal or collective security, therefore to offer people the assurance that the established order will prevail.
- There is a conspiracy of silence that accompanies acts of vigilantism.

Acts of vigilantism are, according to these specific criteria, defined as ***the 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, protected by a conspiracy of silence, in reaction to the absence or ineffectiveness of formal systems, aiming to re-establish order.***

In order to determine whether the identified contextual and specific criteria were reflecting the principles of the phenomenon – what?, when? and why? – they were tested against three case studies, namely PAGAD, Mapogo-a-Mathamaga and people’s courts. The outcomes will be discussed through which a theoretical framework for understanding, explaining and predicting the phenomenon will be provided.

8.4 THE FORMULATION OF A THEORETICAL FRAMEWORK TOWARDS AN UNDERSTANDING OF VIGILANTISM

From the contributions taken from the available literature on the phenomenon and from those that provide an understanding regarding political decay, specific and contextual criteria have been derived (the deductive process) which provided this study with a preliminary theoretical framework. In developing a theoretical framework, the questions what?, why? and when? regarding vigilantism must be answered, as they form the basis of a good theory. The preliminary theoretical framework was tested against PAGAD, Mapogo-a-Mathamaga and people’s courts as case studies, in order to determine whether the framework is able to answer these questions so as to classify it as a theoretical framework for understanding the phenomenon. The following was found through this inductive process:

In answering the question “What is vigilantism?”, the specific criteria were utilised to assist in determining when a community group becomes a vigilante group, thus distinguishing vigilantism from pure criminal acts and other phenomena such

as terrorism and xenophobia. According to the specific criteria for the phenomenon, vigilantism takes place when a group's actions are:

- a reaction to crime or social deviance,
- aiming to gain personal and collective security for that community,
- taking place with premeditation, planning and organisation,
- conducted by private citizens acting on a voluntary basis,
- without the state's authority or support,
- characterised by the application or the threat of force, and
- shrouded in a conspiracy of silence.

These specific criteria were tested against the case studies of PAGAD, Mapogoga-Mathamaga and people's courts and the following observations were made:

With PAGAD, it was found that the specific criteria assisted in pinpointing the exact period that it operated as a purely vigilante group. Although PAGAD was established in December 1995 and is still active today as an organisation, PAGAD only operated as a vigilante group for the period August 1996 to July 1998. During the other periods, PAGAD found itself in one of the other three phases of vigilantism. From late 1995 to April 1996 PAGAD was in the phase of "a community outcry" and from May to July 1996 in the phase of "community involvement". From August 1998 to 2000 PAGAD was in the phase of subversion and was classified as an urban terrorist group, which is a unique dimension in this case study. The specific criteria are therefore successful in categorising the phenomenon with regard to PAGAD. The study of PAGAD indicated that if the needs and demands of a community are left unaddressed by the state, the community will keep progressing to the next phase of vigilantism. This indicates the danger, should the situation be left unattended for too long. It may then even reach the phase of subversion, resulting in a mini-revolution with the state as the enemy. The reappearance of PAGAD in 2007 in the phase of a "community outcry" should therefore already be an indication to the state that all is still not well in the community and their concerns need to be addressed before they again

progress to the next phase. It was also found that PAGAD's formation was a reaction to crime on the Cape Flats, specifically against the drug and gang lords. The people involved in PAGAD were community members who acted on a voluntary basis. PAGAD's actions were also well-planned, with premeditation and organisation, as specific individuals were targeted. The group had specific leaders, and members of the community acted as a unit. PAGAD therefore had collective sanction for its actions from the community distinguishing it from the criminal gangs which it was targeting. PAGAD progressed to the phase of vigilantism the moment Rashaad Staggie was murdered in full view of the media – in other words, the moment they made use of violent and illegal acts with many more such acts following. PAGAD thrived on the last specific criterion, a conspiracy of silence. They were a closely knit community that protected the identity and the actions of the group. PAGAD therefore provided support for the identified specific criteria which again provided the answer to “What is vigilantism?”

With Mapogo-a-Mathamaga it was also found that the organisation could be classified as a vigilante group by applying the specific criteria – with one important exception – they did not act voluntarily. Only paid-up members of Mapogo received protection, although Mapogo did distinguish between the poor and the rich with regard to their tariffs. It is important to note this exception in the South African context with high unemployment rates and rising living costs. A vigilante group which is run like a business may become a viable option for the unemployed who are also victims of crime, and communities seem to be willing to pay for such services – as was proved by the success of Mapogo. The criterion of private citizens acting on a voluntary basis will therefore be adapted to also include this dimension, as was identified through the case study of Mapogo. The criterion will be adapted to ***private citizens acting on a voluntary basis or on a contract basis (since members of the community pay for their services)***.

Regarding the other criteria, it was found that although Mapogo was established in August 1996, it progressed to the phase of vigilantism via the phase of a “community outcry” and “community involvement” during the period November 1996 to 2002. It was found that it complied with all the specific criteria during the period it acted as a vigilante group, with one exception. Mapogo was established in reaction to crime, specifically to the murder of eight businessmen over a short period of time. Mapogo acted with premeditation, planning and organisation as it was a structured organisation with an infrastructure, well-equipped and with a specific *modus operandi* when apprehending alleged criminals. Their acts were illegal and in many cases severely violent. Many people died due to Mapogo’s “punishment”. The conspiracy of silence was also very effective with Mapogo making the task of the police extremely difficult when investigating their illegal acts. All those working for Mapogo and who were members of the organisation were private citizens. Mapogo therefore provides support for the identified specific criteria which provides the answer to “What is vigilantism?”, but also assists in identifying a new dimension in answering this question within the South African context.

The specific criteria were also able to assist in identifying people’s courts as vigilante groups. There are many community groups that try to address the problem of crime in their areas but do not become involved with vigilante activities. Vigilantism is never the first reaction of people to high levels of crime and social deviance. People’s courts therefore progress through the first two phases of vigilantism before reaching the point where they feel they have to create their own security as the state does not react to their demand for better protection. The phase of vigilantism is also not permanent with regard to people’s courts as they will regress to one of the previous phases once the state reacts to their actions, either by taking action against those involved in acts of vigilantism or by providing better security to the community. It was observed that all the specific criteria are applicable to people’s courts. It was found that the communities of informal settlements and poorer township areas around the

bigger cities in South Africa are more involved in vigilante acts. This is attributed to rapid urbanisation resulting in lack of proper infrastructure and high levels of poverty due to high levels of unemployment. It was also found that informal settlements are prone to high levels of crime and due to a lack of police visibility people feel that they can only depend on themselves for protection.

People's courts progressing to the phase of vigilantism are therefore caused by a reaction to crime, aiming to restore order within their community. People's courts are conducted by private citizens on a voluntary basis. The adapted criterion, namely that vigilante groups can also act on a contract basis, as discussed under Mapogo-a-Mathamaga, can also be relevant to people's courts as they exist primarily in very poor areas where unemployment and poverty are rife and as was proven in the analysis of the case study, the provision of security is a much-needed "service" in many of those communities. Support for this assumption was found with the people's court PEACA, which acted in some instances on a contract basis (see par 7.5.2). The vigilante acts of people's courts also involve premeditation, planning and organisation, although less so than in the cases of PAGAD and Mapogo. An alleged criminal is targeted, and when apprehended, punishment is meted out. The people involved then simply disperse with the common understanding that no information on this act is to be reported to the authorities, making these groups very dangerous to the authority of the state. They act like mini-militaries in their communities, taking the law into their own hands and meting out violent punishment. This has resulted in many deaths across the whole of South Africa since 1994, and deaths still occurred in 2008. People's courts also provided support to the identified specific criteria which provides the answer to "What is vigilantism?" They also give support to the new dimension identified from the study of Mapogo-a-Mathamaga due to the specific communities in which people's courts, as vigilante groups, are mostly active.

One can therefore conclude that when the question "What is vigilantism?" is posed, the answer within this theoretical framework will be:

When a group's actions are a reaction to crime or social deviance, with the aim of gaining personal and collective security for that community, acting with premeditation, planning and organisation, with force and violence or the threat thereof, conducted by private citizens acting on a voluntary or contract basis without the state's authority or support and are shrouded in a conspiracy of silence, the actions can be classified as those of vigilantism.

In answering the questions "When does vigilantism take place?" and "Why does vigilantism take place?" in this theoretical framework, the identified context criteria were utilised.

These context criteria were tested against the three case studies in order to determine whether these criteria were relevant during the periods they were categorised, in accordance with the specific criteria as vigilantes.

During the period (August 1996 to July 1998) PAGAD acted as a vigilante group, it was found that the environment in which PAGAD was established and had flourished in, namely the Cape Flats in the Western Cape, was conducive to the occurrence of vigilantism in accordance with the identified context criteria that were present at the time. The Cape Flats was exceptionally impoverished with high levels of unemployment. It was described as an urban ghetto and a battlefield due to the many gangs and drug dealers who operated in the area. The area was characterised by high levels of violence, resulting in the people feeling robbed of their freedom and not sharing in the new democracy. The people of the Cape Flats felt that the state had failed them, despite their demands for action against the drug dealers and gangsters. They felt isolated and marginalised, resulting in them resorting to filling the power vacuum that existed within the Cape Flats regarding the provision of safety and security; they thus took the law into their own hands. PAGAD as a case study therefore supports the context criteria for this theoretical framework in explaining the

phenomenon and answering the question: “Why did PAGAD as a vigilante group exist in the Cape Flats?”

During the period (November 1996 to 2002) that Mapogo-a-Mathamaga operated as a vigilante organisation, it was also found that all the context criteria were present, creating a context in which the probability for vigilantism to occur was very high. The geographical area in which Mapogo originated – Sekhukhune in the Limpopo Province – was characterised by very high levels of unemployment, poverty and illiteracy. The need satisfaction level was therefore very low in this area. During the period Mapogo flourished as a vigilante group, the then Northern Province, experienced insufficient policing structures and capacity. This resulted in a lack of law and order and the existence of power vacuums. People did not trust the local police services due to alleged corruption and a lack of a willingness to assist. Violent crimes were common in the area, increasing the need to have the power vacuum filled by providing security. Vigilante groups are based on a need and will only be supported by communities if their needs are real and much desired, since vigilantism is never the first choice of action. Mapogo-a-Mathamaga as a case study also supports the context criteria for this theoretical framework in providing an explanation for the occurrence of the phenomenon.

People’s courts as vigilante groups have been defined in this study as ***community-based informal structures which take over the judicial function of the state within that community by acting outside the law as judge, jury and executioner with the aim of providing order in the community through meting out violent punishment to alleged wrongdoers.***

People’s courts have been active since the dawn of the new democratic state, and incidents of vigilantism were still reported in 2008. The focus of people’s courts in this study was only on the phase of vigilantism, although these groups also progressed through the first two phases of vigilantism before taking the law into their own hands. In the analysis of people’s courts, it was found that they are

based in townships but are most prevalent in informal settlements. These areas are characterised by a very low need satisfaction level, as poverty and unemployment levels are very high. It is also in these areas where the ultra-poor live. They do not know where their next meal will come from. These people therefore experience the state as being in disequilibrium and also dysfunctional as they do not experience any improvement in their lives. It is also in these areas where there is no or very little police presence due to the lack of no or very poor infrastructure. The result is that people live in fear of criminals on a daily basis. This is due to the existence of a power vacuum regarding the provision of security to their communities. In these areas, a “culture of violence” is still very real, due to the legacy of apartheid. This is reflected in the violent nature of many crimes and in the way the people’s courts deal with many of the alleged criminals, Incidents of necklacing still occur. Living in poverty already is a battle for survival, without being held ransom by criminals. This results in them progressing much quicker through the first two phases of vigilantism. The state is seen as doing nothing to resolve the situation. People’s courts, which resort to vigilantism therefore support the context criteria as set out for this theoretical framework and assist in explaining the phenomenon and also in predicting when and where it is most likely to occur within the South African context, as people’s courts are a continuing feature of political decay.

The case studies therefore indicate that the context criteria is correct in explaining why the phenomenon occurred and is still occurring and also in predicting when and where it is most likely to occur.

The context criteria identified provide the following answers to the questions why? and when?:

Vigilantism is most likely to occur in a society in disequilibrium, within a dysfunctional state resulting in power vacuums, and where high levels of violence are experienced.

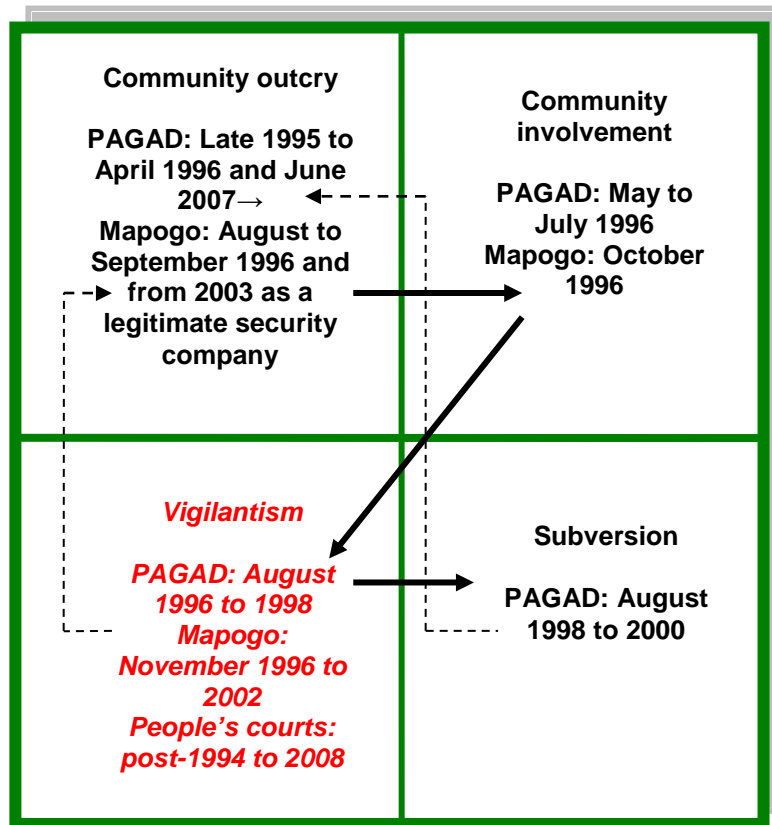
A society in disequilibrium experiences a state incapable of providing order, stability and good governance. Due to high expectations that the change would be positive rather than negative, much frustration is experienced by those whose need satisfaction is lowest, namely the unemployed, those living in poor conditions such as informal settlements and whose freedom has been hijacked by criminals.

A society in disequilibrium would also experience the state as dysfunctional as the state will have low levels of institutionalisation or bureaucratic abilities. A dysfunctional state is characterised by high levels of corruption and low levels of service delivery, which includes providing safety and security. Again, this will be felt much more by the poor and those awaiting a better life as the lack of service delivery will be blamed on politicians (representatives of the government) who enrich themselves with state funds at the people's expense.

In a dysfunctional state power vacuums will exist due to the inability of the state to perform all its functions. When the function of providing security to its citizens is not performed to the satisfaction of its citizens, as a recurring issue, the resulting power vacuum will be filled by the rich through the utilisation of expensive security companies and by the poor through the utilisation of vigilantism.

When power vacuums exist with regard to the function of providing security, law and order no longer exist. The result will inevitably be the presence of high levels of violence. Violence will become part of the culture of a country. People will not feel safe and will be fearful. This increases the possibility of vigilantism as people would want to take back control since the state is viewed as not being capable of doing it for them.

FIG. 8.3: Case studies within the phases of vigilantism



It is important to note that the phase of vigilantism, illustrated in the diagram, is a temporary phase as it is not the preferred phase for people. It is not natural to take the law into one's own hands, as it is expected that the state will provide sufficient security to its people. PAGAD and Mapogo-a-Mathamaga were in this phase only for a certain period during their existence, although due to their prominence as vigilante organisations, the state used a considerable amount of capacity to ensure they are moved out of this phase. With people's courts the situation is slightly more complex, since the state does not appear to act with the same force against them as was the case with PAGAD and Mapogo. The main reason for this is that people's courts are scattered across the country and are also mainly in areas such as informal settlements where the infrastructure is poor and with no or little police presence. This makes it ideal for criminals to live in these areas and for people's courts to operate there, with little interference from

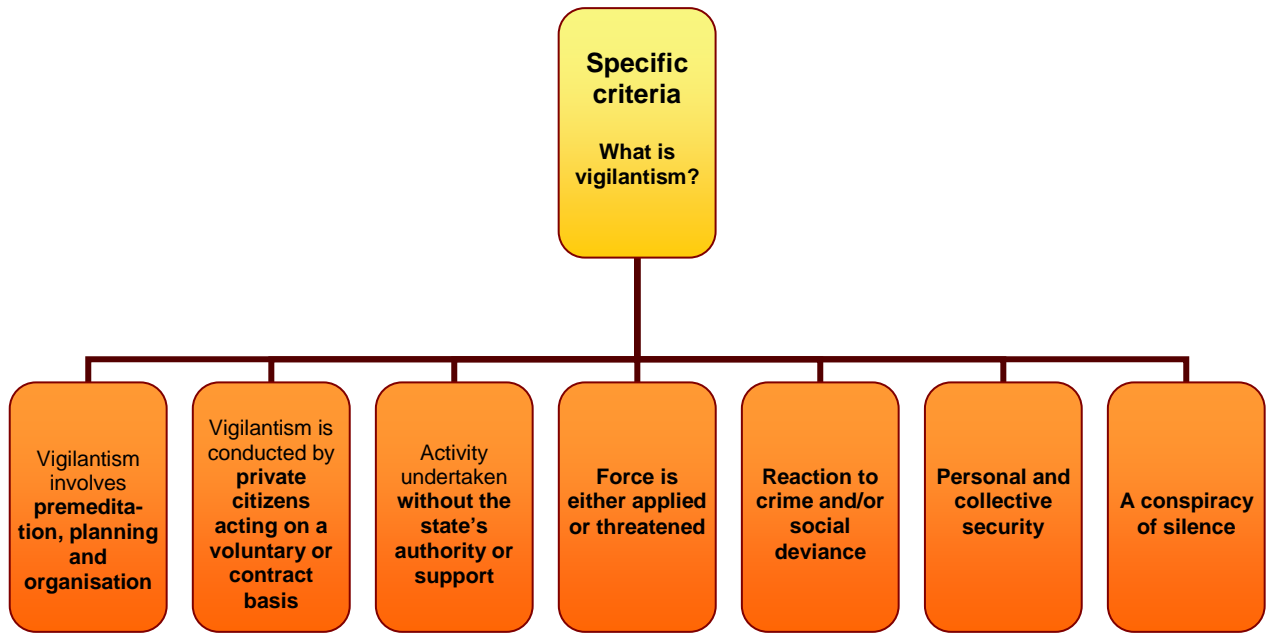
the state. Once they reach the phase of vigilantism, people's courts are therefore much more likely to remain longer in this phase before regressing to one of the previous phases. This means that the state will have to first provide better protection to the people before they will give back the authority to the state to once again make the rules in their community.

It can therefore be concluded that vigilantism occurs because the state is viewed by a community as being in disequilibrium due to very low levels of need satisfaction and as being dysfunctional due to high levels of corruption and low levels of institutionalisation, since low levels of service delivery are experienced, specifically with regard to safety and security. This results in power vacuums which are likely to be filled by a vigilante group if the need is very high within that community, especially when coupled with the presence of high levels of violence.

The occurrence of vigilantism can then be predicted on the basis of these contextual criteria. If a community experiences all four contextual criteria at a high level, the need will develop to fill the power vacuum and to take the law into their own hands by creating their own set of rules for their community in order to reclaim social control.

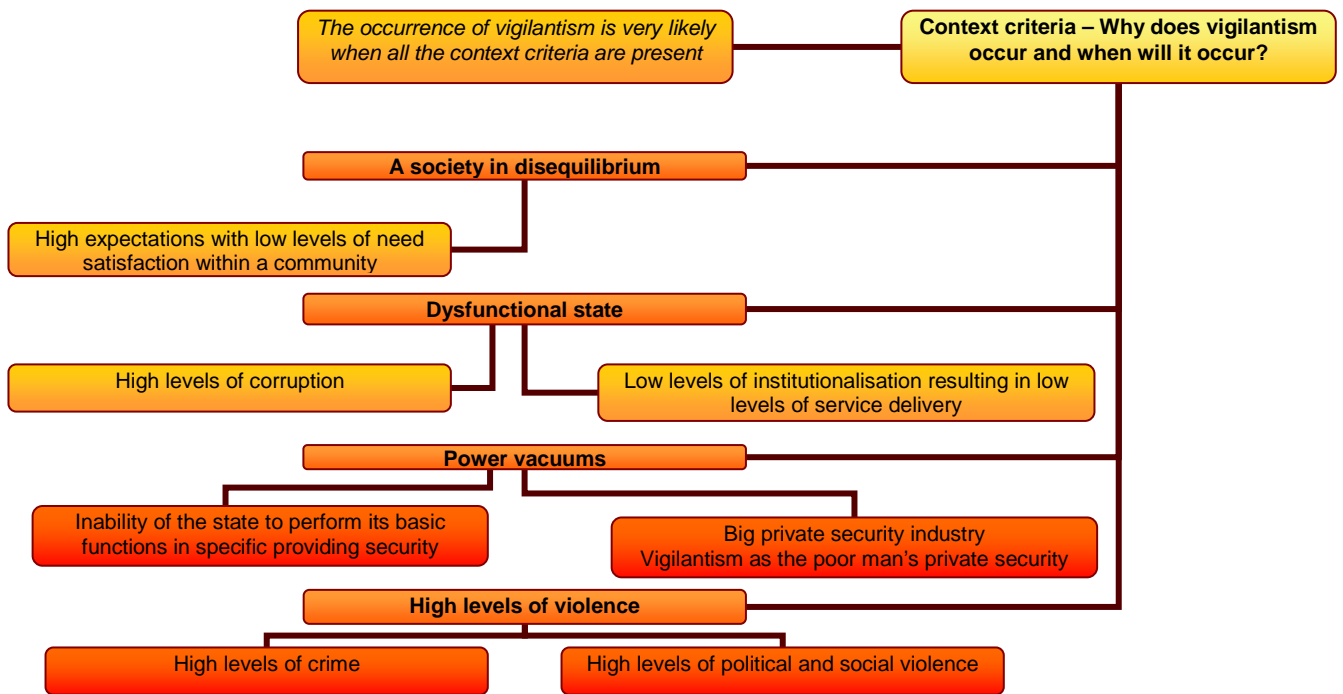
The theoretical framework can be illustrated in the following diagram (Fig. 8.4) that has been utilised throughout this study, with the necessary changes applied. These, include placing the specific criteria first and then the context criteria, as one would first ask the question "What is vigilantism?" before posing the question "Why does vigilantism occur?" and "When would vigilantism most likely occur?":

FIG. 8.4: Summary of specific and context criteria as illustration of the theoretical framework for understanding vigilantism



What is vigilantism?

Vigilantism is the 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 or contracted citizens, protected by a conspiracy of silence, in reaction to the absence or ineffectiveness of formal systems, aiming to re-establish order.



Defining the context most conducive to the occurrence of vigilantism and also explaining why vigilantism takes place: A society in a state of negative change, and being dysfunctional where power vacuums exist (if it fails to deliver the function of providing security, the society has to provide it as a counter activity) and where high levels of violence are present.

8.5 VIGILANTISM: FUTURE PROSPECTS

This study has shown that vigilantism is a reality in post-1994 South Africa and a real threat to the authority of the state. Vigilantism has only continued to manifest itself through people's courts after 2003, and not through high profile organised groups such as PAGAD and Mapogo-a-Mathamaga. In this lies a further danger, as people's courts are regularly responsible for the violent, and in many cases the death of alleged perpetrators, without the state or its people taking real notice.

There is no indication yet that vigilantism through people's courts will or is diminishing. One of the main reasons why these groups will continue functioning like mini-militaries in some informal settlements in South Africa is that the state appears to be indifferent to these groups and their acts. Besides condemning the acts through media releases, very little is being done to prevent such acts by rendering the expected quality security services to ensure law and order or even stop such acts, since many media articles indicate that crowds have prevented the SAPS from intervening. This appears strange when compared to the way in which the state reacted to the xenophobic attacks that peaked during March to May 2008 in some of the informal settlements and townships in the country. The state utilised all its resources to stop the attacks on foreigners. What then, is the difference? Are the lives of foreigners worth more than those of locals, or is it because of the international media attention the xenophobic attacks received?

The indifference of the state towards people taking the law into their own hands against alleged criminals through people's courts means that one can expect these vigilante acts to become a regular phenomenon in our informal settlements and townships. It may even result in another Mapogo being created that may stretch across communities, collecting payment from people for their protection against criminals, meting out punishment themselves and creating large no-go areas for the police, as the area will be controlled by the vigilante group.

Therefore, mini-warlords would control the informal settlements in which the state is no longer recognised.

As indicated in the diagram (Fig. 8.3) which illustrates the phases of vigilantism, a vigilante group can regress to a previous phase depending on the reaction from the state on the demands of the community concerning safety and security or to their illegal acts. The process is therefore reversible and not permanent.

The remedy for vigilantism is two-fold. The first is that the state must not act as if acts of vigilantism have no impact on the stability of the country and as if vigilantism is limited to isolated incidents. The state must act against vigilantism in the same way it acted to stop and prevent the xenophobic attacks of 2008 – by utilising all its available resources. People must understand that vigilantism will not be tolerated, because the state has the monopoly on legitimate violence. The second remedy is, however, a long term objective, since the state will have to give attention to the context criteria, creating situations most conducive for the occurrence of vigilantism. The context criteria must not be denied or be seen as insignificant by government.. Rather, active steps should be taken to address these criteria so as to ensure that people feel safer and more satisfied with regard to their needs. This remedy is therefore complex as it will need the political, economic, socio-economic and safety and security spheres to come on board and play an active role in handling the situation. Once communities realise that the state is listening to them and actively taking steps to address their concerns, communities will no longer feel marginalised, isolated and left to provide for their own security. It is also important that communities must be part of this process through consultation regarding their concerns and be made to feel part of the solution. If communities are willing to go as far as taking the law into their own hands to resolve a situation which is unacceptable to them, surely they would be willing to work with the authorities. However, the results must then be more successful investigations, more successful arrests and more successful

prosecutions. Hence the criminal justice system must become understandable to local communities – it must be more acceptable, trusted and successful.

Vigilantism is not going to go away by itself, but will rather increase and become an even more regular phenomenon in South Africa. It is the responsibility of the state to recognise this fact and to take the required steps to reverse vigilante groups back to the non-vigilante phases – “a community outcry” and/or “community involvement”. Communities in these phases can then be better managed by making them part of the system and therefore also part of the solution, turning a negative situation in a positive one.

8.7 CONCLUSION

The objective of this study was to develop a theoretical understanding of vigilantism in post-1994 South Africa. This was fulfilled by studying the available literature on the phenomenon, as well as literature that provided a contextual framework in which the phenomenon can be placed. Through this deductive process a preliminary theoretical framework was developed and was then tested against three case studies – PAGAD, Mapogo-a-Mathamaga and people’s courts, which ushered in the inductive process of the study. The final objective was then to develop a theoretical framework for the phenomenon from the preliminary theoretical framework by applying the observations made through the analysis of the case studies that would be able to categorise (what is vigilantism?), explain (why does vigilantism occur?) and predict (when would vigilantism most likely take place?) in post-1994 South Africa.

It was found that vigilantism is a trans-disciplinary phenomenon, as most of the existing research that was done on vigilantism was from the study fields of Sociology, Social Anthropology and Criminology. It was also determined that no single work utilised for this study could provide an explanation for the phenomenon on its own, resulting in a vacuum with regard to a specific

theoretical framework explaining vigilantism, especially within the field of Political Science of which the Programme in Governance and Political Transformation forms part.

A common denominator that has been identified from all the literature studied supported that vigilantism is a feature of political decay as its occurrence is explained on the basis of a lack of law and order and good governance, as well as an inability of the state to provide in social needs. Recurring acts of vigilantism are therefore not found during the positive process of transformation but at the time of the negative process of disequilibrium. The study therefore referred to disequilibrium, and not transformation, as the sphere of change within which vigilantism is a feature.

It was observed that, as a feature of political decay, vigilante groups take over a function of the state: that of providing security to its citizens. These vigilante groups make their own rules for their communities, from which they receive collective sanction, as the state has lost its authority in that community. One therefore finds mini-states within South Africa, leaving a fragmented state over which the government will increasingly have less control.

From the utilised works, various contributions were obtained from which specific and contextual criteria were identified for the phenomenon in order to provide answers to the questions what? why? and when? These are the most important characteristics of a good theory. These criteria were tested against the selected case studies. Certain observations were made with regard to each case study, of which the first was that the case study complied with the contextual criteria within the communities in which they operated and thrived as vigilante groups because of it. The communities were and are characterised by extreme poverty, unemployment, low levels of service delivery (also from SAPS), poor or no infrastructure, high levels of crime and high levels of violence. The communities therefore viewed the state as being in disequilibrium and dysfunctional, creating a

need in them to turn to an alternative form of protection – that of vigilantism. It was also found that all three case study subjects can be categorised as vigilante groups for certain periods of their existence, as they all complied with the specific criteria of the phenomenon for those periods. The only exception was that Mapogo-a-Mathamaga operated on a contract basis and not on a voluntary basis, which was incorporated into the final theoretical framework.

This specifically confirms that vigilante groups are active and thriving in many communities in South Africa, while the context criteria prove that the country is ripe for more such groups to progress to the phase of vigilantism.

Vigilantism occurs because a community perceives society as being in a phase of disequilibrium based on a low need satisfaction level and continuous high levels of poverty and unemployment. The community experiences the state as dysfunctional, due to perceived high levels of corruption and actual low levels of service delivery regarding housing, infrastructure and policing. High levels of violence are experienced by the community due to the high incidence of violent crimes such as rape and murder. The community therefore views the state as incapable of protecting them against criminals and a need grows, demanding such protection – first through community outcry, then community involvement and finally a progression to vigilantism. This occurs if the state is unable to react to their demands for action against criminals to ensure community safety.

Vigilantism can therefore be predicted in communities that experience society in disequilibrium, with high levels of violence, and the state as dysfunctional, resulting in power vacuums. South Africa has numerous communities that experience society as such, to whom life is already ***solitary, poor, nasty, brutish and short***. They are forced, with their ***own strength and their own invention***, to create their own security, since government is absent in their communities.

No state can allow such a situation to exist and yet remain in control. Thus this phenomenon must not be left unattended as it will grow and become unmanageable, as feeling safe and secure is a basic need of every human being.

ANNEXURE A

Heading	Date	Newspaper	Pp
Residents assault child rape suspect	06-01-2006	Daily Dispatch	4
Fifty held after mob beats gang member to death	06-01-2006	The EP Herald	6
Shooter beaten to death by mob	18-01-2006	Star	2
Mob attacks father of dead child	08-02-2006	Daily News	3
Burglars beaten by pupils and parents	15-02-2006	The EP Herald	3
Inwoners vang roof-verdagte, slaan hom dood	20-03-2006	Beeld	6
Taking the law into their own hands	29-03-2006	Citizen	3
Mob stones rapist, killer to death	13-04-2006	Sowetan	4
Jungle justice: Mob breaks into police van and kills hijack suspect	28-04-2006	Sowetan	4
Mob turns on police: Police attacked after chasing suspects	10-05-2006	Sowetan	5
Robbery suspects hit and stoned in mob attack	23-06-2006	Pretoria News	2
Man dies as dispute ends in mob justice	03-07-2006	Pretoria News	3
Robber battered by mob	12-07-2006	Natal Witness	2
Vigilantes on the rise: Soaring crime sparks street justice	28-07-2006	Cape Argus	1
Brand, klippe en stokke vir 'misdadigers': Ontstokes maak 3 verdagtes dood	28-07-2006	Beeld	7
Muizenberg police seek witnesses after mob of 30 men lynches suspected burglar	24-08-2006	Cape Times	4
Drie dood toe inwoners met mening onder roofverdagtes inklim	07-08-2006	Burger	9
Furious mob of 500 hands over rape suspects	15-08-2006	Daily News	3
Residents try to torch murderer	16-08-2006	Star	2
Vigilante violence claims 21 lives in Eastern Cape	12-09-2006	The EP Herald	6
Enough is enough as crime spirals out of control: Communities take law into own hands, hospitals treat more and more vigilante victims	12-10-2006	Star	1
Man killed in mob justice attack	23-10-2006	Pretoria News	5
2 'reeksverkragters' gestenig ondanks polisie se begeleiding: Skare val ook vier polisieledede aan' verwoes 3 voertuie	27-10-2006	Beeld	4
Vigilantes blamed for youths' deaths	06-11-2006	Cape Argus	3
Man accused of raping five-year-old dies after attack by members of community	07-11-2006	The EP Herald	2
Fed-up pupils take revenge on armed muggers: It was mob justice, says their principal	10-11-2006	Daily Dispatch	3
Mob chases killer, stones him to death	13-11-2006	Citizen	4
Mob killings: villagers blame police	18-11-2006	Daily Dispatch	10
Alleged rapist beaten to death by PE mob	29-11-2006	The EP Herald	5
"Those ladies came to my house to kill': Across South Africa, people fed up with crime are taking the law into their own hands beating – sometimes killing – young offenders	10-12-2006	Sunday Times	17
Crime lends lustre to kangaroo justice	17-12-2006	Sunday Times	17
Man beaten after killing	18-12-2006	Natal Witness	2
Mob revenge for child's death after dog attack	12-01-2007	Sowetan	6
Mob kills burglar	14-02-2007	Citizen	8
Frustrated mob stone ATM robbers	25-02-2007	Sunday Tribune	2
Rapist is necklaced by mob	25-02-2007	Citizen	3

Mob kills two men over theft	26-02-2007	Pretoria News	3
Man beaten, burnt in mob-justice killing	26-02-2007	Star	6
Villagers necklace gangster	04-03-2007	City Press	11
Youths found lynched: 5 arrested	09-05-2007	Sowetan	9
'Vegetable thief' beaten to death	12-03-2007	Cape Argus	5
Angry mob turns on police	26-03-2007	Cape Times	1
Robbery victim stoned to death; suspect beaten up	02-04-2007	Pretoria News	2
60 woedende inwoners takel 3 wat glo steel	02-04-2007	Beeld	2
Angry mob kills alleged robber, tries to burn his body: 'Feared man stoned to death for terrorising Ekurhuleni community'	04-04-2007	Star	2
Verdagte van skare gered	19-04-2007	Beeld	20
Geen genade vir vermeende dief	07-05-2007	Beeld	6
Youths found lynched: 5 arrested	09-05-2007	Sowetan	9
Residents assault alleged thief	10-05-2007	Witness	3
Vigilantes kill robber	28-05-2007	Witness	3
Mob beats suspect after death	04-06-2007	The EP Herald	2
Mob justice leaves 1 dead, 1 critically injured	05-06-2007	The EP Herald	3
Gemeente gooi 'rower' in die vuur	11-06-2007	Burger	4
Man stoned to death by mob after fatal stabbing outside Bay tavern	12-06-2007	The EP Herald	4
Vigilantes attack 'drug dens'	19-06-2007	Cape Argus	1
Rise in vigilante action linked to hundreds of cases – report	04-07-2007	Cape Argus	5
Vigilante mob kill two	27-07-2007	Citizen	6
Two sons lost to mob justice	02-09-2007	City Press	5
Three killed by vigilante action	02-10-2007	Daily Dispatch	1
Police arrest eight for assaulting 'thieves'	08-08-2007	Daily Dispatch	3
Masked vigilantes hit streets	24-09-2007	Cape Argus	1
Mob stones to death man accused of killing HIV-positive son and girlfriend	14-10-2007	City Press	6
Mob urges police to free vigilantes	17-10-2007	Citizen	3
Vigilantes skop en slaan 'dief'	03-11-2007	Burger	10
Man 'necklaced' after shack owner stabbed in robbery	03-12-2007	Cape Times	3
More mob justice served on street children	20-12-2007	Daily Dispatch	5
Mob justice growing	12-01-2008	Weekend Post	8
Soweto mob beat suspected killer to death	22-01-2008	Star	2
Mob beats 'cable thieves'	24-01-2008	Witness	3
Mob attack on suspect	16-02-2008	Witness	3
Residents corner, kill two youths	21-02-2008	Sowetan	4
Murder suspect beaten to death by angry mob	03-03-2008	Pretoria News	3

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SUMMARY

TITLE: Vigilantism as a feature of political decay in the post-1994 South African political dispensation: A theoretical perspective

CANDIDATE: MP Swanepoel

DEGREE: PhD in Governance and Political Transformation

YEAR: 2008

UNIVERSITY: University of the Free State

SUPERVISOR: Prof. A. Duvenhage

CO-SUPERVISOR: Dr. T. Coetzee

The main aim of this study was to develop a more comprehensive theoretical perspective of the occurrence of vigilantism in post-1994 South Africa as available literature lack order and structure in their explanations of this phenomenon.

The study started with the development of a metatheoretical framework for the investigation in which it was concluded that the development of a theory for vigilantism through this presentation will be influenced by life experience and philosophical framework, the selection of available valid and reliable information by means of a literature study as well as the selection of scientific methodology; and by the fact that the study will be undertaken within the Political Science discipline. The aim would therefore be to provide an analytical component by

answering the question “What is vigilantism?”, a strategic component by answering the question “How does vigilantism take place?” and a normative component by answering the questions “Why does vigilantism take place? and When would it most probably take place?”

Literature selected for the study was divided into two categories, namely contextual conceptual frameworks and specific conceptual frameworks. Contextual conceptual frameworks utilised were those of Huntington, Duvenhage, Geldenhuys, Migdal and Zartman, while the specific conceptual frameworks were those of Strange, Black, De la Roche, Abrahams, Johnston and Minnaar. A common denominator that was identified in all the contextual and specific typologies, models and theories discussed, supports the idea that vigilantism is a feature of political decay, since its manifestation is always explained on the basis of law and order lacking, a weak government, an inability of the state to provide security and social needs, social organisations (vigilantes) applying their own rules, low bureaucratic abilities and the state failing to perform all its functions.

Four broad contextual criteria were identified while studying the contextual conceptual frameworks, namely a society in disequilibrium, a dysfunctional state, the existence of power vacuums and the presence of high levels of violence. The occurrence of vigilantism can be predicted on the basis of these contextual criteria and it was found that South Africa generally does comply to these criteria in the post-1994 period.

Through the specific conceptual frameworks, a definition for vigilantism was developed which also provides specific criteria to determine whether the acts of a group can be classified as those of vigilantism and reads as follows: *Vigilantism refers to the 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, protected by a conspiracy of silence, in reaction to the absence or ineffectiveness of the formal system, aiming at reclaiming order.

The contextual and specific criteria were tested against three case studies – PAGAD, Mapogo-a-Mathamaga and people's courts. The study found that all three case studies supported both the contextual and the specific criteria but with the following two exceptions:

- PAGAD progressed to the phase of subversion as it turned into an urban terrorist group. This indicated the danger of vigilantism if left unattended by the state.
- Mapogo-a-Mathamaga charged a fee for its protection, indicating that a vigilante organisation can also be contracted and does not act on a voluntary basis.

The study of people's courts indicated that incidents of vigilantism through these groups have been taking place since 1994 and are still continuing. People's courts are scattered all over the country and are mainly found in informal settlements and very poor townships.

It is important to note that the phase of vigilantism is temporary by nature, since it is not the preferred phase of people.

This study has shown that vigilantism is a reality in post-1994 South Africa and a real threat to the authority of the state and requires the state's attention and immediate action.

Keywords: Vigilantism, Disequilibrium, Dysfunctional state, Political decay, Praetorianism, High crime rate, People's courts, PAGAD, Mapogo-a-Mathamaga

OPSOMMING

TITEL: Vigilantisme as 'n kenmerk van politieke verval in die post-1994 Suid-Afrikaanse politieke bestel: 'n Teoretiese perspektief

KANDIDAAT: M P Swanepoel

GRAAD: PhD in Regering en Politieke Transformasie

JAAR: 2008

UNIVERSITEIT: Universiteit van die Vrystaat

STUDIELEIER: Prof. A. Duvenhage

MEDE-STUDIELEIER: Dr. T. Coetzee

Die hoofdoel van hierdie studie was om 'n meer omvattende teoretiese perspektief van die voorkoms van vigilantisme in post-1994 Suid-Afrika te ontwikkel, aangesien beskikbare literatuur mank gaan aan orde en struktuur in hul verduidelikings van dié fenomeen.

Die studie is ingelei deur die ontwikkeling van 'n metateoretiese raamwerk vir die ondersoek waarin daar tot die gevolgtrekking geraak is dat die ontwikkeling van die teorie vir vigilantisme deur hierdie aanbieding beïnvloed sal word ten gevolge van die toepassing van lewenservaring en filosofiese raamwerk, die keuring van beskikbare geldige en betroubare inligting aan die hand van 'n literatuurstudie asook die keuse van 'n wetenskaplike metodologie asook die feit dat die studie

binne die dissipline van Politieke Wetenskap onderneem sal word. Die doel sou dus wees om 'n analitiese komponent te voorsien deur die vraag "Wat is vigilantisme?", 'n strategiese komponent deur die vraag "Hoe vind vigilantisme plaas?" en 'n normatiewe komponent deur die vraag "Waarom vind vigilantisme plaas? en In watter omstandighede sal dit eerder plaasvind?" te beantwoord.

Literatuur wat vir die studie gekies is, is in twee kategorieë verdeel, naamlik kontekstuele konseptuele raamwerke en spesifieke konseptuele raamwerke. Kontekstuele konseptuele raamwerke wat benut is, is dié van Huntington, Duvenhage, Geldenhuys, Migdal en Zartman, terwyl die spesifieke konseptuele raamwerke dié van Strange, Black, De la Roche, Abrahams, Johnston en Minnaar is. 'n Gemene deler wat geïdentifiseer is in al die kontekstuele en spesifieke tipologieë, modelle en teorieë wat bespreek is, ondersteun die gedagte dat vigilantisme 'n kenmerk is van politieke verval, aangesien die manifestasie daarvan altyd verklaar word op grond van 'n gebrek aan wet en orde, 'n swak regering, die staat se onvermoë om sekuriteit en in sosiale behoeftes te voorsien, die feit dat sosiale organisasies (vigilante) hulle eie reëls toepas, beperkte burokratiese vermoëns en die staat wat nie daarin slaag om al sy funksies uit te voer nie.

Vier breë kontekstuele kriteria is tydens die bestudering van die kontekstuele konseptuele raamwerke geïdentifiseer, naamlik 'n onewewigtige samelewing, 'n disfunksionele staat, die voorkoms van magsvakumes en die teenwoordigheid van hoë vlakke van geweld. Die voorkoms van vigilantisme kan op grond van hierdie kontekstuele kriteria voorspel word en hierdie studie het bevind dat Suid Afrika in sy post-1994 periode aan hierdie kriteria voldoen.

Deur die spesifieke konseptuele raamwerke is 'n definisie vir vigilantisme ontwikkel wat ook spesifieke kriteria bied om te bepaal of die optrede van 'n groep geklassifiseer kan word as dié van vigilantisme, en lui soos volg: *Vigilantisme verwys na die onwettige en gewelddadige handeling of dreigemente*

van sodanige handeling wat gerig is op individue wat die gemeenskap bedreig deur selfaangestelde wetstoepassende groepe wat bestaan uit private inwoners beskerm deur 'n sameswering van geheimhouding, uit reaksie op die afwesigheid of ondoeltreffendheid van formele stelsels wat daarop ingestel is om die orde te herstel.

Die kontekstuele en spesifieke kriteria is ten opsigte van drie gevallestudies getoets – PAGAD, Mapogo-a-Mathamaga en volkshowe. Die studie het bevind dat al drie gevallestudies beide die kontekstuele en spesifieke kriteria ondersteun, maar met die volgende twee uitsonderings:

- PAGAD het gevorder tot die fase van ondermyning van die wettige gesag, want dit het verander in 'n stedelike terroristegroep. Dit het die gevaar van vigilantisme ingehou indien die staat nie aandag daaraan sou skenk nie.
- Mapogo-a-Mathamaga het lidmaatskapgeld ingevorder vir sy beskerming en daardeur aangedui dat 'n kontrak met 'n vigilant-organisasie aangeaan kan word en dat dit nie op vrywilligerbasis optree nie.

Die studie oor volkshowe het aangedui dat vigilantisme-insidente deur hierdie groepe reeds sedert 1994 plaasvind en nog steeds voorkom. Volkshowe kom oral in die land voor, en dit word hoofsaaklik in informele nedersettings en baie arm dorpsaanlegte (townships) aangetref.

Dit is belangrik om daarop te let dat die vigilantisme-fase tydelike van aard is, aangesien mense nie hierdie fase verkies nie.

Die onderhawige studie het getoon dat vigilantisme 'n werklikheid in post-1994 Suid-Afrika is en dat dit ernstige gevaar vir die gesag van die staat inhou en dat dit die staat se aandag en onmiddellike optrede vereis.

Sleutelwoorde: Vigilantisme, Disekwilbrium, Disfunsionele Staat, Politieke Verval, Praetorianisme, Hoë Geweldkoers, Volkshowe, PAGAD, Mapogo-a-Mathamaga