VIGILANTISM IN SOUTH AFRICA IN THE PRE- AND POST-1994 PERIODS:
CAUSES, SIMILARITIES AND DIFFERENCES

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ABSTRACT
The end of the Cold War resulted in governments focusing more on the prevention of crime and violence with superpower rivalry no longer obscuring other socio-political issues. Increasing media focus on incidents of vigilantism and the way in which it manifests as mob and related political violence, xenophobia, organised crime and related gang activities, raises the question as to what extent the lack of proper policing is responsible for the occurrence of these phenomena. Some of them are claimed to be crime-combating activities in the absence of proper policing and are regarded as part of alternative ordering structures in South African society with the affected communities in many instances accused of incompetency and corruption against the police by the affected communities. Vigilantism in its many manifestations poses serious problems for policing and democracy in general. This article assesses vigilantism in some of its manifestations as forms of non-state violence, as well as the causes of vigilante activities. The phenomenon of vigilantism in the period prior to 1994 is compared to the post-1994 period in terms of causes/motives, different manifestations, policing, and activities disguised as acts of crime prevention.

Keywords: corruption; crime; fear; mob justice; organised crime; people’s courts; policing; violence; vigilantism; xenophobia; ‘necklacing’.

INTRODUCTION
The global incidence of vigilantism manifesting as, amongst others, mob violence, mob justice, xenophobia and gangsterism, inevitably raises the question regarding the underlying causes for these phenomena. In the global context, it appears as if failure or neglect by a government of its responsibilities to protect its citizens is one of the main causes of the incidence of vigilantism. A void in the security sector that usually develops during periods of political transformation, is generally exploited by vigilantes and criminal elements to further their own interests (Shaw, 2002:1-8). As a point of departure, incidents such as mob violence and -justice, xenophobia, and emanations of these phenomena, such as people’s courts and some gang-related activities, will be treated as manifestations of vigilantism and non-state violence.

Since the demise of the Cold War research on crime and the activities of organised criminal groups which traditionally resorted under the disciplines of criminology and sociology (Von Lampe, 2006: 77-78), has expanded to the disciplines of political science and international relations. This expansion amongst others relates to the broadening of the field of security studies to include new threats to security such as non-state violence in communities, as well as organised crime, in addition to the traditional focus on military threats. This development found expression in works and publications such as those by Buzan (cf 1991:1-72) and Snyder (cf 2008:1-94) on the broadening of the field of security studies. The phenomenon of violence, including non-state violence and violence by non-state actors, is discussed amongst others by Kerr (cf 2007:121-135) and Hough (cf 2008:65-141). Hough (cf 2008:229-240) also points out the rise of failed states, crime, corruption, and the increased and more noticeable disregard of crime by corrupt governments since the early 1990s.
Lambrechts suggests that states must possess a high level of certain capabilities in order to survive, the provision of security being the most important. She further argues that weak states usually find it difficult to achieve these goals (2012:788-789). The inability of states to provide the basic security demands of citizens results in a collapse of the state, which then, according to Zartman (1995:1-4), creates a void which is filled by non-state actors such as local groups which assume control of certain areas. The involvement of a number of non-state actors in security-related issues, competing for control of certain areas or markets, must eventually result in non-state violence.

Security in South Africa is to a considerable extent linked to the country’s political past (Van der Spuy, 1990:85-105). Security and the crime situation were viewed differently by the various population groups, which subsequently resulted in different responses, some regarded as legal and others as illegal, or at least of questionable legality. The policy of apartheid and the ensuing increase in crime resulted in different illegal, non-state-driven approaches to self-protection by the respective sections of the South African population, some of which still persist. In South Africa, initiatives by the public to improve their security following the increases in crime levels since 1994, are partially a result of perceptions of inadequate public policing (Statistics South Africa, 2011:2-3).

This article investigates the incidence of the various manifestations of vigilantism as a response to, and as alternative ordering structures in South Africa in the real or perceived absence of acceptable public policing and a lack of trust in the criminal justice system. The emphasis will be on the post-1994 period.

MANIFESTATIONS OF VIGILANTISM: A CONCEPTUAL FRAMEWORK

In order to explain the occurrence of vigilantism, it is necessary to determine what is meant by ‘legal and/or illegal community crime-combating initiatives’. Legal initiatives and activities can be described as those clearly within the ambit of the law such as so-called ‘Neighbourhood Watch’ structures, while illegal initiatives and activities are viewed as those committed outside the parameters of the law, and regarded as such by the state and the majority of the community. Effective policing requires the assistance, or at least the moral support of the majority of the population, which was not the case prior to 1994, and also, to an extent, after 1994, although for different reasons. This resulted in the creation of alternative ordering structures, some of a purely criminal nature, as well as some private crime combating initiatives to augment personal security. For the purpose of this article, only alternative ordering structures involved in vigilante activities outside the ambit of the law will be discussed.

The term ‘vigilantism’ is widely used to describe unorthodox community actions in response to a perceived absence of a proper, functional criminal justice system (cf Schärf, 1989:213-233 & Rakgoadi, 1995:1-2). Initiatives or activities are regarded as unorthodox when they are against “correct or currently accepted opinions”, “not generally accepted as right”, or not in “harmony with what is authoritatively established or approved” (Sykes, 1984:721). Vigilante activities and related initiatives are by their nature usually unorthodox, constituted outside the parameters of the official legal system, and therefore regarded as illegal. These actions are not necessarily ‘anti-government’, or ‘non-state’, for example, when considering the relationship between state agencies, political administrations and vigilante groups and gangs. While some vigilante groups in the 1980s were opposed to the political order at the time, other ‘conservative’ vigilante groups were according to Buur (2010:28), more “concerned to defend their way of life against…[others].”

Vigilantism is a process that in its first or emergence phase, often complies with popular forms of justice and the political and legal dispensation. This process might later develop to include illegal actions. The question that arises is to what extent, if any, illegal or unorthodox actions by a community can be justified in response to a dysfunctional criminal
justice system. Nina (2000:1-2) also raises the question as to whether ‘popular justice’ or ‘community justice’ is acceptable in the absence of constitutional justice.

Political violence in the name of communal security is a global phenomenon. Shaw (2002:67) posits that when society loses confidence in the ability of the criminal justice system, and sometimes resorts to illegal self-help methods and vigilante-type activities. Similarly, when the public loses faith in government’s ability to offer protection, it can undermine the functioning of the criminal justice system (Burton, Du Plessis, Leggett, Louw, Mistry & Van Vuuren, 2004:67).

A ‘mob’ is a group of unorganised vigilantes or individuals acting at the spur of the moment in pursuit of their own interests, or what they perceive as justice. Mob violence as a related form of vigilantism has been recorded in Africa for well over a century and appears to occur more spontaneously, while other forms of vigilantism are executed in a more organised manner. The portrayal of mob justice by the South African media over the years consisted of groups of people flogging or necklacing criminals, kangaroo courts setting perceived thieves alight, or mobs stoning supposed criminals to death (Buur, 2010:26-27).

Examining and assessing vigilante activity are complicated by the fact that it results from a wide range of incidents. Urbanisation, inefficient service delivery on all levels of government, unemployment, high levels of crime, a dysfunctional justice system and police inefficiency are all factors that contribute to vigilantism. In this regard, Minnaar (2001:5) posits that “[v]igilante acts in South Africa are certainly not straightforward or simple but rather complex social reactions to varying and different situations although the bottom line remains individuals taking the law, for whatever reason or motivation, into their own hands.” It is not possible to discuss all, or even most of the causes for vigilante activities in this article, but reference will be made to some of the more important causes leading to such activities in South Africa.

Considering the various forms in which vigilantism manifested in South Africa prior to 1994, some of these manifestations, including illegal crime combating initiatives and alternative ordering structures, will be briefly discussed.

MANIFESTATIONS OF VIGILANTISM PRIOR TO 1994
Informal structures as instruments to settle disputes in African townships date back as early as the 1930s. Examples of these conservative dispute settling structures are the Makgotla (plural) that existed around Johannesburg and the oQonda in the Durban area (Xaba, 1995:63-64). The Lekgotla (singular), with its roots to be found in African culture, was a type of court presided over by community elders to settle disputes in the community and to instil discipline among the youth (Rakgoadi, 1995:2). These structures are the predecessors of the people’s courts that were established in the 1980s. The order enforced by the Makgotla

“invoked traditional tribal values of patriarchy and gerontocracy…When necessary their courts (called Makgotla) mobilized a patrol to execute a certain order…[and] augmented local authority rule. They were directly linked to certain community councillors and their courts had their own vigilante enforcement arms” (Schärf, 1989:222).

The existence of conservative types of people’s courts as part of the African culture (cf Xaba, 1995:51-54), is mainly the result of an alien and inaccessible Western legal system deemed as inappropriate to deal with the types of conflict which most South Africans have to deal with on a daily basis (South African Law Commission, 1999:3-4).

The Makgotla are also generally regarded as the precursor to the African township police (Municipal Law Enforcement Officers (MLEOs)) who had to deal with black-on-black crime. The implementation of the planned township police was a protracted process, which resulted in the flourishing of the Makgotla and other vigilantes in townships until the
The establishment of MLEO’s in 1984 (Brewer, 1994:281). Although it was established as a movement to instil order in townships in the 1930s, the Makgotla were later criticised for their brutal methods and kangaroo courts. By the mid-1970s these structures became unpopular, mainly as a result of councillors in townships more and more being seen as representatives of the government. Opposition to the old conservative people’s courts gave way to a new style of people’s courts, concomitantly with an open and popular rejection of the state and its legal institutions. Xaba (1995:61-65) states that these new type of peoples courts were to a large extent taken over by irresponsible and unemployed groups of youths not interested in education or going to school, who were either self-selected or voted into leadership positions. This compromised the impartiality of the courts, and corporal punishment, in many cases resulted in the death of accused. By the 1980s the Makgotla were regarded as a vigilante organisation, and were barred from patrolling the streets of Soweto by the police (Roth, 2001:212).

The big difference between the conservative and the new style people’s courts was a change from mostly restitutory sentences meted out aimed to ‘heal the offender’ prior to the 1980s, to emphasis on repressive punishment by the new type of courts managed by the youth during the 1980s and early 1990s. It is this change in the application of justice by people’s courts and the views of the ‘new leadership’ in townships in the early 1980s that “conjures up images of wild youth running rampant in an environment without social controls, issuing violent punishment without any consideration of facts” (Xaba, 1995:54). The difference between the conservative, and ‘new-style’ people’s courts can according to Xaba, also be associated with conservative and radical African politics prior to, and after the early 1980s respectively (1995: 54). The conservative type of people’s courts such as the Makgotla or the oQonda “sought to resolve domestic and neighbourhood disputes in line with the established legal system. These courts although illegal, were deemed as rather successful, and operated tacitly with the unofficial approval of the criminal justice system at the time” (Xaba, 1995:64).

Buur (2010:35) argues that in addition to the failure of the state to provide sufficient protection to the African population in townships, “non-state self-regulation and Makgotla developed in tandem with what, in a limited sense, can be termed the ‘political mobilisation’ of African urban and peri-urban dwellers.” This ‘political mobilisation’ refers to the formation of self-defence units (SDUs) (Rakgoadi, 1995:1-2); street patrols and street committees; as well as people’s courts, which in the mid-1980s gradually replaced the Makgotla (Schärf, 1989:222-225).

In the early 1980s, the general view was that the state was responsible for security on all levels of government (Anon, 1983:4). The community crime combating initiatives as a sub-type of vigilantism that were used to improve residential and personal security in the period prior to 1994, differed to some extent from those observed after 1994. Prior to 1994 various sections of the South African population responded differently to crime and perceptions of insecurity. For various reasons the initiatives and responses of whites differed from those of the non-white section of the community. People of colour reverted to civil society initiatives prior to 1994 out of protest, as they regarded the government of the day as not representative of the total population, but also to protect their communities against crime in townships and rural areas which were not well policed at the time (Kirch, 2010:26-28).

Schärf (1989:207-208) identified two distinct categories of alternative ordering structures that existed in South Africa prior to 1994.1 The first category can be termed state-initiated and/or state-condoned structures that performed crime combating and social control functions. The second category “either claims partial autonomy because of the state’s ineffectiveness at policing their areas or which consciously rejects the state’s monopoly over the right to order and police South African society” (Schärf, 1989:208). The state-initiated and/or state-condoned category included “private police forces, neighbourhood watches...,
state tolerated right-wing vigilante groups, co-opted ordering/policing structures in African
townships such as “street committees...as well as the use by the state of street gangs to
achieve a particular type of order in townships”, while the second category amongst others
comprised groups in African townships aligned with liberation movements of the 1980s,
being part of “an initiative to set up organs of people’s power to pre-figure a part of the post-
apartheid infrastructure of ordering and adjudication” (Schärf, 1989:208).

Vigilante groups were common prior to 1994, both in townships and in rural areas. During the 1970s, forced removals of certain sections of the population and the subsequent breakdown of family and community support and control led to an increase in the number of street gangs. The fear imposed on the community by these gangs resulted in the formation of peace-keeping structures in many of the affected townships in the late 1970s. Some peace keepers were also used by gang members to perform activities outside the accepted parameters of peace-keeping activities (cf Schärf (1989:207-220). The combating of liberation movement activities by South African security forces prior to 1994 also impacted on civil society crime-combating initiatives. It amongst others, led to the emergence of vigilante groups and gangs in areas that were insufficiently policed, and especially so during periods when police had to focus on political violence. This void, in addition to mob justice and large scale mob violence, also resulted in gang-related activities (Nina, 2000:1-2).

Bruce and Komane (1999:2) identified four types of vigilante activities prior to 1994 namely the Makgotla, SDUs, police vigilantism and conservative vigilantism. Referring to “conservative groupings” when describing patterns and activities of vigilantism in South Africa, Haysom states that vigilantism as a term, is prone to confusion (1990:67). The conservative pattern of vigilantism can be described as the practise by “violent, organised, and conservative groupings operating within black communities ...[who would]...act to neutralise individuals and groupings...opposed to the apartheid state and its institutions” (1990:67).

In the 1980s ‘self-defence units’ aligned with liberation movements were formed as part of a broader strategy which included attacks on security forces. Stadler (1997:78) argues that the people’s courts, and the establishment of SDUs were part of this broader strategy. The goal with these structures was the replacement of existing government structures with “alternative structures of people’s power”. The number of these SDUs increased significantly after September 1984 (Schärf, 1989:208-227), resulting in the declaration of a State of Emergency in 1985 and 1988 respectively (South African History Archive, 2015). These structures, which were formed on instruction of, and aligned to liberation movements and generally referred to as “organs of people’s power”, were created to further the campaign of resistance against the political dispensation at the time (cf Stadler, 1997:42-55 & 64-77). According to Minnaar (2001:6), the SAP claimed in 1988 that:

“...much of the activities of the People’s Courts...have been stamped out... In 1990 [however] their public activities once again resurfaced but the debate and concerns shifted from...the national liberation struggle to the question of their potential role as township courts in crime prevention and dispute resolution.”

SDUs that were formed in the 1980s were established purely to augment the goals of the liberation struggle, but their functions changed in the run-up to the 1994 elections, while the SAP received many complaints of alleged intimidation by the SDUs. Following the realisation that a new political dispensation was underway, the African National Congress (ANC) created ‘new styled’ self-defence units (SDUs) when its main function was changed to focus on protection. It can, however,be deduced that these structures would also have been used to organise and prepare for the 1994 elections, and in this regard it was alleged that SDU members visited homes of residents in townships ‘advising’ them on how to vote (Stadler,
1997:74-77). As in the 1980s, some of these structures were, however, infiltrated by criminals (Rakgoadi, 1995:1-3; Stadler, 1997:83-86).

The role of the youth was problematic, mainly due to ill-discipline, which brought them into conflict with older people in the community and organisations such as the Makgotla, and Mapogo a Mathamaga Business Shield (hereinafter referred to as Mapogo), which will be discussed later. As the Makgotla (and oQonda) courts were usually presided over by older men from the village or township, the resistance of communities against the people’s courts when these were later taken over by ill-disciplined youths, who in many instances abused the structures for their own benefit (Rakgoadi, 1995:2), is understandable.

Gangsterism can at times manifest as vigilantism when it flows from a situation where the police had lost control in a specific area, and usually when large-scale violence and/or lawlessness exists. Gangs, similar to political organisations and vigilante groups related to these political organisations, assume territorial control in the area where they dominate, usually by intimidating community members. They then rule by terrorising the community, demanding fees for protecting businesses, and inhibiting political mobilisation, recreation, and religious activities. Instilling law and order in the community is therefore in essence denying other gangs access to their market area (Smit, 2003:10-12). This can be described as ‘public order’ induced by fear. As their illegal means of survival make them vulnerable to the police, they are sometimes willing to co-operate with the police, and trade information and services in order to be allowed to continue their operations (Smit, 2003:10-12).

Prior to 1994 and especially the 1994 elections, South Africa experienced exceptionally high levels of violence which manifested amongst others in the form of:

- political and unrest-related deaths and mob violence by groups on the left and right of the political spectrum;
- political and unrest-related deaths, violence and right-wing vigilantism against organisations and groups to the left of the political spectrum, as well as persons supporting left-wing groups and organisations;
- political and unrest-related deaths and violence as a result of leftist vigilantism and political intolerance amongst leftist groups such as the Azanian People’s Organisation (AZAPO), Azanian National Youth Unity (AZANYU) and the UDF;
- Hit-squad assassinations, covert, planned night-time activities and retaliatory killings;
- killings related to self-defence units (SDUs);
- killings related to the minibus taxi-industry;

A new political dispensation in South Africa from 1994 onwards; transformation of the South African Police Service (SAPS), spiralling crime and a perception that the police are not capable of providing sufficient security to the South African public, resulted in a number of vigilante activities, including illegal community crime-combating initiatives and mob justice, some forms of criminal structures, as well as vigilante groups and activities emanating from these. The nature of vigilantism underwent certain changes after 1994, mainly as a result of political change in South Africa and the concomitant transformation of the country’s security architecture.
MANIFESTATIONS OF VIGILANTISM AFTER 1994: CAUSES AND TRENDS
The transition to democracy in 1994 has not led to a decrease, nor to an end in vigilantism. Underlying conditions leading to popular vigilantism are still present and may even be deepening, while participation in and support for vigilantism remains widespread (Lee & Seekings, 2002:96). In the post-1994 period, one of the main causes for vigilantism as a community response to rising crime was inadequate policing. However, while it is important to consider the quality of policing available to the community, solely focusing on “the current shortcomings of policing, corruption and a dysfunctional criminal justice system…obscures the complexity of the issue and…in some cases even lends moral legitimacy to vigilantism” (Von Schnitzler, Ditlhage, Kgalema, Maepa, Mofokeng & Pigou, 2001:9).

A dysfunctional criminal justice system will engender more organised crime and gang-related activities, as criminals and gang members regard chances of arrest and successful prosecution as remote. The inefficiency of the criminal justice system is further more visible in the poor, rural areas where police numbers and visibility are low (Von Schnitzler et al, 2001:8-9). Such circumstances are especially conducive to vigilante activities by the community and self-help methods in the absence of proper policing. This will, in many instances, result in mob justice and related violence. In 2003, the Transvaal Agricultural Union (TAU), for example, attributed the growth of vigilante groups and organisations such as Mapogo to the failure of government to protect South African citizens (SAPA, 2003:9).

After the 1994 elections South Africa experienced exceptionally high levels of violence which manifested, amongst others, in the form of:
- political and unrest-related deaths and mob violence;
- killings related to self-defence units (SDUs);
- killings related to the minibus taxi-industry and service delivery protests;
- deaths and violence related to labour unions and labour action;
- xenophobic violence and the killing of illegal aliens; and

Minnaar (2001:3-4) lists various types of incidents in the post-1994 period that are considered to be vigilante activities. These incidents can be grouped into the following broad categories:
- Spur-of-the-moment and mob-style emotive reaction which includes instant, and on-the-scene-action taken by the public, such as ‘caught-in-the-act’ public response, and immediate ad hoc and summary justice;
- Hit-squad assassinations (to include execution-type killing), and covert, planned night-time activities such as ‘firebombing’, and/or the burning down of a suspected criminal’s residence;
- People’s courts and related activities such as bundu courts or kangaroo courts’. (It must be noted that all people’s courts are constituted outside the parameters of the law);
- Retaliatory reaction, which includes methodical and pre-mediated acts of vigilantism where the victims partcipate in the activities, as well as acts where victims are not the perpetrators of acts of vigilantism; and
- The unlawful ‘cleaning-up’ of the community by acts such as ridding the community of alleged witchcraft, expelling criminals from the community after sentencing by a people’s court, and the eviction of illegal squatters (Minnaar, 2001:3-4).

With reference to the abovementioned forms of violence, Smit and Cilliers (1998:202-203) posited that the:
“…new democratic government…[has] to re-establish voluntary compliance with the law and simultaneously protect the society against violations of the rules of behaviour…[the] fact that [crime has] increased, is an indictment of the quality of services rendered by the criminal justice system. The system is seen to be unable to prevent violence, and unable to offer protection and assistance to victim or witness.”

Criminal opportunists also at times disguise these offences as ‘crime combating initiatives’, or exploit situations of anarchy to further criminal interests. Variants of vigilantism as unorthodox and/or illegal structures such as self defence units (SDUs), organisations such as People Against Gangsterism and Drugs (PAGAD), Mapogo a Mathamaga; and the prevalence of ‘mob justice’ (also referred to as ‘popular justice’ or ‘community justice’) need to be analysed in order to understand the nature of these phenomena. PAGAD and Mapogo, which were both regarded as vigilante groups, featured prominently during this period and especially the late 1990s.

**People Against Gangsterism and Drugs and Mapogo a Mathamaga**

The inability or unwillingness of the police to address drug and gang-related issues in the Western Cape led to the founding of the vigilante group PAGAD in 1995. Dixon and Johns (2001:3-4) postulate that the establishment of PAGAD as a response to disillusionment with the State’s apparent inability to respond to repeated demands for action against drug dealers, crime and gangsters, serves as an example of how communities can respond when the police are absent or refuse to act. This group took the law into their own hands in townships around Cape Town in reaction to their perception that the police were not capable of addressing the drug problem in these areas. PAGAD’s activities eventually led to the execution of a well-known Cape Town drug lord (Dixon & Johns, 2001:3-4). Subsequently, four key PAGAD leaders were arrested and charged with the murder of Rashaad Staggie. In 2002, however, they were acquitted on murder charges, but found guilty of public violence (Davis, 2013:3). PAGAD also established a military wing called the G-Force which functioned as small groups and cells. It was generally believed that this group had been responsible for various acts of sabotage in the Western Cape in the late 1990s, and especially a series of explosions in 2000 (South Africa History Online, 2014). In response to these explosions and other acts of violence, the then South African Safety and Security Minister, Steve Tshwete, categorically stated in parliament that the SAPS and Scorpions were absolutely convinced that PAGAD was behind these acts of terror (Nqayi, 2000:1-3).

In 1999 the US State Department's Office of the Coordinator for Counterterrorism included PAGAD in its report on active terrorist groups around the world (Ngcai, 2001:1-2). PAGAD went underground after police action in 1999/2000, but resurfaced on the Cape Flats in September 2013 when its leader was released on parole (Davis, 2013:5). In a show of force, PAGAD members were seen driving around in the residential areas close to the homes of known drug dealers. Incidents of arson, petrol and pipe-bomb attacks have been reported since July 2013. Although PAGAD currently cannot be linked to these incidents, at least three explosions coincided with the presence of PAGAD convoys near the scenes of the explosions (Davis, 2013:5).

Leaders of what was called the ‘New PAGAD’ threatened to return to vigilante action as the community claimed that it was held hostage by a handful of gangsters. In August 2011, Pumza Fihlani writing for BBC News at the time (2011:1-2), reported that “[t]here are two schools of thought in [the] community – some believe that the police are in cahoots with the drug lords and others simply feel that the police are not equipped to rid the streets of thugs”. Since it became known in mid-2013 that convicted drug lord Rashied Staggie was to be released from prison in September 2013, PAGAD has increased its visibility and presence on
the Cape Flats. In some views it can be expected that the Western Cape will see a return to the violence experienced in the late 1990s (Davis, 2013:5).

Mapogo was originally founded as an anti-crime group in the Sekhukhune region of the Limpopo Province in 1996. The organisation was founded by a group of local businessmen in response to the high incidence of murders and robberies in that province. Mapogo draws its name from a Sotho proverb meaning ‘If you [the criminal] conduct yourself like a leopard, remember the victim can change into a tiger’. The group, however, soon became known for its illegal and strong-arm tactics when dealing with suspects (Von Schnitzler et al, 2009:4-5). The organisation’s influence has spread and since 1996 it has opened branches in Mpumalanga, the Free State, Northern Cape and Gauteng (Minnaar, 2001:28).

Mapogo’s growth must firstly be seen against the background of the historical role of the youth as a political force during the struggle in the 1980s, as well as the lack of efficient policing in this period. Mapogo has from the start adopted a firm anti-youth stance, and it is argued by Von Schnitzler et al (2009:8-9) with specific reference to the Limpopo Province, that many of the characteristics of youth rebellion seen in the 1980s are still prevalent. Similar to the 1980s, an undisciplined youth has been endeavouring to wrench control from the elders, which is regarded by many community and Mapogo’s members, as the main source of social and criminal unrest. This explains Mapogo’s vigilantism and strong anti-youth stance, and studies on the relationship between crime and age appear to substantiate this claim (Von Schnitzler et al, 2009:8-9).

Mapogo, which registered as a security company in 2001, is, however, in some circles still regarded as a vigilante organisation due to its strong-arm tactics when dealing with suspects. A large number of assault cases were investigated against at least 600 Mapogo members in 2000, but the criminal justice system was struggling to cope with the prosecution of these accused (Von Schnitzler et al, 2001: 5-9 & 34-35). After the SAPS assembled a special task team to re-investigate cases against Mapogo members that had been withdrawn, only nine were eventually arrested and prosecuted (Minnaar, 2001:29).

**SDUs, people’s courts and related activities**

After the institution of the South African National Defence Force and the South African Police Service, the reason for the existence of the SDUs (also referred to as self-protection units or SPUs), disappeared and, due to problems with accountability, the ANC pursued their immediate disbandment after the 1994 elections. If SDUs still exist in the 1994 format, it is without official sanction of the ruling party. Stadler (1997:87) also posits that the “contemplated incorporation of these [units] into the NPKF was to [be met] with very limited success”.

With the public becoming increasingly dissatisfied with police performance (Statistics South Africa, 2014:33 & 49), threats to resort to self-help methods are becoming more common (Joubert, 2010:22). In a survey conducted by Statistics South Africa (2014:32), it was found that the public’s satisfaction with the performance of the police decreased from 62,4 per cent in 2012 to 59,2 per cent in 2013/2014. This survey also measured the satisfaction/dissatisfaction of the public with the courts in South Africa. The reasons for dissatisfaction with the court system that are listed are amongst others:

- not enough convictions (12,9 per cent);
- cases take too long to be finalised (27,2 per cent);
- no proper notices for hearings are served 4,7 per cent);
- courts are too lenient on criminals (35,9 per cent);
- perpetrators are released unconditionally (17,1 per cent); and
- the rest (2,2 per cent) is listed as ‘other’ (Statistics South Africa, 2014:32).
Some communities further choose not to contact the police with information, which is either the result of fear (Lewis, 2004:2), or a sign of distrust in the police (Statistics South Africa, 2014: 49-50). Criminals and gang members can move around safely in these areas, and a shift in their activities from political-related actions to criminality becomes easy. The distinction between political violence, vigilantism and criminal activity becomes blurred, most often also resulting in mob violence as has happened with the mob killings around Pretoria and Centurion since 2008 (Mbanjwa, 2008:1-2; Anon, 2013a:1; Anon 2013b:1; and Mlandu, 2014:1). Rakgoadi (1995: 4) referring to the ‘new styled’ SDUs in the run-up to, and the period just after the 1994 election, states that in many instances SDU members have crossed the line, and have subsequently been stigmatised by communities as killers and criminals. Stadler (1997:77-86) confirms the transformation of some SDU’s into criminal gangs after 1994.

The phenomenon of people’s courts and related mob justice became common in the late1990s with communities losing faith in the criminal justice system (Nina, 2000:1-3; Dixon & Johns, 2001:1-4), resulting in them punishing or killing suspects in the absence of efficient policing, as had happened in the Western Cape (Damon & Mokwena, 1998:1-2). This public reaction to the perceived lack of policing is clearly visible in the number of reported incidents of vigilante/self-help activities and mob violence.

South Africa’s criminal justice system was considered to be in a crisis already by 1996 (Shaw, 1996:9). In addition to PAGAD’s activities from this time, various incidents reflecting the South African community’s lack of trust in the criminal justice system during the period 1994-2000 were reported. ‘Zone committees” in the Western Cape took the law into their own hands by punishing criminals who were apprehended by members of the community. This occurred because formal processes that follow the arrest may put criminals back on the street within hours, leading to much frustration and sometimes to vigilante-type action by these communities. This type of vigilante action generally called ‘mob justice’ is the direct result of a perceived failure of the criminal justice system (Anon, 1998:10).³ It seems that there had been an increase in self-help vigilante type actions from early 2000. The inefficiency of the criminal justice system as a primary cause of mob justice is demonstrated by the case of a man from Mitchells Plain in the Western Cape who has been arrested 42 times for crimes ranging from attempted murder and rape, to drug offences, only to be released on bail repeatedly. Another Mitchells Plain drug lord and taxi owner was also released on bail despite objections from the community when other taxi owners demanded his release after ‘listing his good qualities’. In none of these two cases were the communities’ concerns considered (Johns, 2009:9).

In 2001, in a report investigating the prevalence of vigilante activities that was prepared by the Institute for Security Studies in conjunction with Nedbank, it was stated that “the public seeks a criminal justice system which is cost-effective, time-saving and produces results that people can see. As a result, vigilantism, as part of the many community initiatives to fight crime, has found a niche in an ailing criminal justice system…vigilante groups exist throughout South Africa [in one form or another]. Supporters of vigilantism argue that the high level of crime and the government’s perceived failure to curb crime, necessitates strong action from communities” (Sekhonyane, 2001:5).

Although the SAP claimed that much of the activities of the People’s Courts have been stamped out by the late 1990s, some of these structures resurfaced as Anti-Crime Committees (ACCs), with crime combating as their primary goal. In some instances these ACCs came in conflict with the police due to their unwillingness to forfeit the function of crime investigation to the police (Buur, 2010:42).

Referring to the lack of policing and the operation of people’s courts in the post-1994 period Minnaar (2001:7) argues that it appears as if people’s courts had “become more prevalent in the informal squatter settlements where very little official control by the
Botha

authorities extends. These communities are often faced with either organising their policing and community guards or facing the very real threat of being swamped and controlled by criminal gangs and organised syndicates.” As with the Makgotla of the pre-1994 period, Minnaar concluded in 2001 that people’s courts in squatter settlements were also responsible for ensuring “discipline of community members, the orderly occupation of plots and the implementation of and acquiescence to the local squatter committee decisions.”

A study of the Diepsloot community to the west of Centurion in respect of people’s courts and vigilantism in 2001 came to the conclusion that “vigilante actions will continue…until there is a marked improvement in police service delivery and the more effective working of the criminal justice system” (Minnaar, 2001:25). It appears that this conclusion is still valid in view of the following incidents reported since 2008:

- In March 2008 two Zimbabweans were beaten to death in an informal settlement near Pretoria after being accused of robbery. This followed several similar attacks around Pretoria that were not fatal (Mbanjwa, 2008:1);
- In May 2013 two Zimbabweans were shot by a Somali shopkeeper after they allegedly tried to rob his shop (Anon, 2013a:1);
- An armed robber was stoned to death in Centurion in December 2013 after a gang robbed a shop in an informal settlement near Centurion. Residents claimed that this was the result of the police’s failure to protect them (Anon, 2013b:1); and
- Two people accused of crimes were killed in January 2014 in the same area by a mob of angry residents (Mlandu, 2014:1).

Considering the findings of the abovementioned study conducted by Minnaar, it is also important to refer to incidents of labour-related and xenophobic violence as a form of vigilantism in South Africa. In addition to the abovementioned vigilante attacks in the Diepsloot and Centurion area, a wave of labour-related vigilante attacks occurred in South Africa in 2006 (Berg & Gabi, 2011:1-3 & 23), and 2013 (SAPA, 2013:1), resulting in the death of a large number of individuals. South Africa also experienced a large number of xenophobic attacks in 2008 (Polzer & Takabvirwa, 2010:3-8), and in April 2015 (Kwanele, 2015:2-3), also resulting in a large number of deaths.

The latest spate of xenophobic attacks which started in the Durban area in mid-April 2015 (Mhlongo & Mchunu, 2015: 1-2), quickly spread to other parts of the country, amongst others, the Central Business District of Johannesburg. The escalation of these violent attacks on foreign nationals forced the deployment of the army to bring the situation under control (Hunter & Mataboge, 2015:2). An important characteristic of the latest xenophobic attacks is that they appear to be well-organised, while foreigners launched retaliatory attacks in the Durban area (Mhlongo & Mchunu, 2015:1).

Pre-1994, vigilantism in South Africa manifested as mob justice, for instance ‘kangaroo courts’, mob violence, such as the burning down of properties and killing of people by the “necklace” method, and related phenomena that ensue from the above, such as attacks on foreigners, some types of gangsterism, and crime committed under the guise of community security initiatives. In the period after 1994, vigilantism manifested in similar ways, although the causes differed. Structures and organisations that existed in the pre-1994 period changed or ceased to exist.

Statistics South Africa’s most recent statistics (2014:3 & 50) reveal that where crime is not reported to the police, in many instances it is reported to a traditional authority, a local gang or local vigilante group. This is clearly a trend back and similar to the years where crime, domestic and community issues were reported to, and handled by traditional and conservative structures such as the Makgotla and oQonda. The reasons for this trend, however, differ from those in the pre-1994 period. Crime in many instances is not reported to
the police because in 28.1 per cent of these cases it is believed that the police are unable or unwilling to react. What is most disturbing is that it appears that vigilantism has become the most common motive for murder (‘discipline’ or arrest: 30.1 per cent; outstanding debt: 21.9 per cent; and gang- or group-related motives: 10.5 per cent). This survey also reveals that in excess of 74 per cent of crimes committed, the motive was drug related (Statistics South Africa, 2014: 16-19 & 62).

A COMPARISON OF VIGILANTE ACTIVITIES IN SOUTH AFRICA: PRE- AND POST-1994
Changes in vigilante activities in the period after 1994 compared to those prior to 1994, are mostly linked to changes in the political dispensation in South Africa, as well as high levels of crime and inadequacies in the criminal justice system. The most prominent vigilante activities prior to 1994 are summarised and compared to those after 1994 in Table 1 below.

Table 1: A comparison of vigilantism in South Africa in the pre- and post-1994 periods

<table>
<thead>
<tr>
<th>Manifestation indicator</th>
<th>Pre-1994 period</th>
<th>Post-1994 period</th>
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<tbody>
<tr>
<td>Organisation or movement</td>
<td>- Structures and activities linked to some right and left wing groups;</td>
<td>- Structures and activities linked to some right wing groups, criminal gang and structures;</td>
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<td></td>
<td>- Activities linked to some left wing groups associated with the ANC/UDF,</td>
<td>- Activities linked to some left wing groups associated with the ANC/UDF, AZAPO, PAC and other liberation movement structures such as labour unions;</td>
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<tr>
<td></td>
<td>AZAPO, PAC and other liberation movement structures such as labour unions;</td>
<td>- Makgotla;</td>
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<tr>
<td></td>
<td>- Makgotla;</td>
<td>- People’s courts/kangaroo or bundu courts;</td>
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<tr>
<td></td>
<td>- People’s courts/kangaroo or bundu courts;</td>
<td>- Street- and area committees, Anti-crime Committees and street patrols;</td>
</tr>
<tr>
<td></td>
<td>- SDUs, SPUs, street- and area committees and street patrols.</td>
<td>- PAGAD; and</td>
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<td></td>
<td>‘Cleaning up’ operations by some right wing groups such as removing of vagrants from certain suburbs, with associated and related violence;</td>
<td>- Mapogo a Mathamaga.</td>
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<td></td>
<td>‘Cleaning up’ operations by some community members such as the violent removal of alleged witches and criminals from the community;</td>
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<td></td>
<td>People’s courts activities, including bundu courts, kangaroo courts and mob violence. These include killings by the ‘necklace’ method or stoning, and causes were mainly of a political nature;</td>
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<tr>
<td></td>
<td>Incidents of violence</td>
<td>Increased number of incidents of xenophobic attacks; and</td>
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<tr>
<td></td>
<td></td>
<td>Labour-related violence.</td>
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</table>
amongst left wing political factions; and
- Labour-related violence.

<table>
<thead>
<tr>
<th>Objectives and motives</th>
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<tbody>
<tr>
<td>- Instilling order in the community, dealing with disputes in the community, and sentencing of criminals and troublemakers;</td>
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<tr>
<td>- Sentencing of, and ordering the punishment (usually the execution) of alleged police informers;</td>
</tr>
<tr>
<td>- SDUs, SPUs, Street-, Area-, and Zone Committees served as unofficial law enforcement instruments of the Makgotla and people’s courts.</td>
</tr>
<tr>
<td>- Instilling order in the community, dealing with community and domestic disputes, and sentencing of criminals and troublemakers;</td>
</tr>
<tr>
<td>- Sentencing of, and ordering the punishment (in some instances death by necklace method or stoning) for criminals in the community;</td>
</tr>
<tr>
<td>- SDUs, SPUs, Street-, Area-, and Zone Committees serve as unofficial law enforcement instruments of the Makgotla and people’s courts.</td>
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<tr>
<th>Strategy and tactics</th>
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<tr>
<td>- Older men in the community presided over people’s courts and meted out punishment;</td>
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<td>- Acted as the unofficial ‘police’ of the people’s courts and carried out the courts’ order.</td>
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<tr>
<td>- Creating ‘no-go areas’ or ‘liberated zones’ and ‘organs of people’s power’ such as people’s courts, area-, street- and block committees</td>
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<tr>
<td>- Older men in the community preside over people’s courts and mete out punishment;</td>
</tr>
<tr>
<td>- Instil fear in the communities by sentencing criminals/witches to death by ‘necklacing’ or stoning;</td>
</tr>
<tr>
<td>- Act as the unofficial ‘police’ of the people’s courts and carry out orders of courts;</td>
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<tr>
<td>- Eliminate drug dealers in areas where they have a presence by setting them or their homes alight, drive-by shootings or hit-squad assassinations;</td>
</tr>
<tr>
<td>- Eliminate criminals or alleged criminals in areas where they have a presence by arrest, torturing for information, and punishment by whipping, or even killing them.</td>
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</tbody>
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Prior to 1994, vigilantism, violence, and related deaths were mainly attributed to political causes and intolerance, although crime and human security played a role in non-white areas. What can be referred to as “turf wars” between groups to the left of the political spectrum also contributed to a large number of vigilante incidents such as summary killings, executions and retaliatory deaths. Violence by white vigilante groups aimed at black people and supporters of black political groups and organisations, was also prevalent (SAIRR, 1988/89:467-469 & 617-619; SAIRR, 1993/94:no page numbers).

From 1994 onwards, political conflict and violence had declined steadily and vigilant activities, non-state violence and related deaths are now mainly be attributed to social causes such as crime, inefficient policing and a largely dysfunctional criminal justice system. In
1996 numerous incidents of taxi violence, people’s court activities and deaths by ‘necklacing’ were reported (SAIRR, 1995/96:51-57), while PAGAD’s activities were becoming an increasingly serious problem for the police and the community on the Cape Flats by 1997 (SAIRR, 1997:71-72). In 1998, the SAIRR revealed that crimes related to ‘informal’ justice such as the killing of persons believed to be witches, necklacing, people’s courts and illegal trials, murders resulting from sentencing by people’s courts, and murders arising from mob action were more prevalent than expected (SAIRR, 1998:33-34).

By 2001 it was becoming clear that increasing crime resulted in more people turning to self-help methods; that nearly 50 per cent of the South African population supported vigilantism in some form or the other; and that PAGAD and Mapogo were responsible for killing a large number of people by practising and executing informal justice (SAIRR, 2001:73-82). More recently, police inefficiency, a lack of service delivery and problems within the criminal justice system are now the main causes for vigilant activities (Anon, 2013b:1; and Mlandu, 2014:1-2). As long as these factors are present, vigilantism will increase to the same factor as state efficiency decreases.

Vigilantism, organs of people’s power, and popular structures such as people’s courts in South Africa evolved through three broad phases since the early years of the 20th century (cf Minnaar, 2001:3-8; and cf Xaba, 1995:51-69). Firstly, the vigilantism and alternative ordering structures in the pre-1980 period emanates mainly from the African tradition and culture. The exposure of the non-white community to an alien western legal system which was not structured to resolve many of their disputes and problems which included crime, also forced this part of the South African community to use alternative ways of dispute resolution which was known to them, this being perceived as vigilantism by a western legal system. The second phase is linked to the radical politics in South Africa during the 1970s, 1980s and early 1990s, where vigilantism flowed from dissatisfaction by non-white South Africans with the pre-1994 political system. This led to many deaths following sentences handed down by people’s courts, but also to deaths following sporadic violence and mob justice. The third phase in the evolution of vigilantism in South Africa is the post-1994 phase. After 1994, vigilante activities can mostly be linked to the dissatisfaction of various sections of the South African community with issues such as the criminal justice system, and factors mentioned above.

CONCLUSION

Vigilantism as a phenomenon cannot be attributed to one specific factor, and socio-economic factors such as urbanisation, inefficient service delivery, unemployment, high levels of crime, a dysfunctional justice system and police inefficiency are cited as factors that contribute to vigilantism. The manner in which vigilantism manifested prior to 1994 has not changed much, although the reasons for the prevalence of some types of vigilantism has evolved. The incidence of vigilantism in the form of unorthodox, and in some instances illegal community initiatives such as SDUs, Street Committees and groups established to counter crime in certain areas such as the Western Cape prior to, and after 1994, can to a certain extent be ascribed to the absence of a proper, functioning, criminal justice system. Mob justice as a sub-category of vigilantism is sporadic, unco-ordinated and usually the result of emotional reactions, incitement or revenge. It happens randomly, is usually triggered by incidents in the community that cause anger or fear, and tends to gain a momentum of its own.

Since 1994, the reasons for the occurrence of mob justice and mob violence has changed, while there was a significant increase in the frequency of xenophobic violence. Vigilantism in the form of politically-related deaths appears to have subsided compared to the early and mid-1990s. After 1994, the inability of the police to deal with crime effectively
exacerbated the new type of vigilantism and led to an increase in gang-related activities as gang members knew that the probability of their arrest was small.

More recent incidents of vigilante killings and the practising of informal justice (which appear to be on the rise), can mainly be attributed to socio-economic causes, where political-related issues were the activators for vigilantism prior to 1994. Police corruption also contributes to an increase in gang-related activities. Gang members who do get arrested are assisted to be released on bail by bribing corrupt police officers, or police members are part of gangs, as in the Western Cape and Westbury in Gauteng. This causes communities to react in an illegal manner, resulting in vigilantism manifesting in the form of mob justice, mob killings and in some instances sentencing by kangaroo or bundu courts.

ENDNOTES

1. See Stadler, 1997:42-55 & 64-77 regarding the role of alternative ordering structures. The ANC’s strategy was built on the concept of alternative structures in the 1980s.
3. Residents of Khayelitsha critically injured two youths accused of raping and killing a popular Khayelitsha woman, and Gugulethu residents whipped suspects accused of housebreaking and paraded them naked through the township. Thirteen suspects accused of hijacking a truck were arrested by Gugulethu residents and handed over to the police (Die Burger, 22 August 1998).

LIST OF REFERENCES


