Volatile Sovereignty: Governing Crime through the Community in Khayelitsha

Gail Super

This paper asks what crime prevention looks like for residents in informal settlements in Khayelitsha, a black township on the outskirts of Cape Town. It engages with the idea of vigilantism and hybrid policing formations, analyzing the overlaps and intersections between legal community-based crime prevention initiatives, and local 'punitive practices'. The focus is not on the intensely violent spectacle of 'mob justice', where suspects are killed, but on the more ubiquitous, hybrid formations that also fall on the vigilantism continuum. These include coercive practices such as banishment, corporal punishment, retrieval of stolen goods by local policing formations and, trials conducted by street committees. The core argument I make is that, at times, particularly in poor areas where the state is absent and encourages citizens to take responsibility for their own crime prevention, the boundary between legality and coercive illegality collapses in on itself. Thus, the notion of voluntarism, that is so important to official discourse on crime, is particularly problematic when applied in poor communities with high rates of unemployment and high crime rates. As such, the state's encouraging of citizens to take responsibility for their own safety, alongside a punitive state discourse on crime and criminality, creates the space for illegal vigilante style actions to emerge in the shadow of legal crime prevention initiatives.

We chased the witchdoctor away from Khayelitsha. We went in his house, saw lots of medicine, snakes. He lived in E block. We told him: you can't stay in Khayelitsha so he left.

Introduction

The incident described in the quotation above occurred at the start of 2013. It was related to me by a taxi driver who, at the time, was the head of a local anti-gang initiative. In Khayelitsha the words "gangster" or "gangs" refer to young people, boys. This initiative involved a group of taxi drivers who, at the request

of teachers and community members, broke up fights between rival gangs. In this instance, the children were armed with both *pangas*[1] and amulets, the latter having been allegedly provided by the "witchdoctor." The taxi drivers, armed with *sjamboks*,[2] beat the children, confiscated their weapons and warned them not to fight again. After that 50 taxi drivers, in five mini bus taxis, drove to the witchdoctor's house. They forced him to leave the area.

Background

Khayelitsha, meaning "new home" in Xhosa, is situated approximately 30 km from Cape Town's city centre. Established in 1983, it was the last area of the city to be formally reserved for black people, prior to the repeal of the 1945 Native Urban Areas Act. This legislation required urban authorities to establish separate residential locations (townships) for "natives" and to exercise control over "native immigration" into urban areas. Its peripheral location was characteristic of *apartheid* planning and it was developed as a "dormitory suburb," consisting of low-income people who commuted to Cape Town for work. At the time of its establishment a tin hut was erected for each family, along with a bucket toilet, one tap per four plots, high-mast street lighting and, a refuse removal service (O'Regan and Pikoli 2014: 30–33).

Khayelitsha is ethnically and linguistically homogenous with 98.7 percent of the population being black and speaking isiXhosa. Youth unemployment is more than 50 percent and most residents have not completed grade 12 (ibid.). Almost half of Khayelitsha's households live below the food poverty line and there is a significant difference between income distribution within Khayelitsha vis a vis the Cape Town population.[3] More people in Khayelitsha live in shacks than in formal dwellings (O'Regan and Pikoli 2014: 37) and it is more crowded than other townships (Frith 2013).[4] Informal settlements, many of which are situated in low-lying flood prone land, exist alongside established suburbs (Affordable Land and Housing Data Centre, undated: 91). Residents live in tin shacks, with many accessing electricity illegally, sharing communal water taps and relying on inadequate sanitation arrangements (such as outside portable toilets).

---

[1] A panga is similar to a machete.

[2] A club-like weapon.

[3] In 2011, the annual median household income was about R20 000 (less than 2000$) whereas in Cape Town as a whole it was R40 000 (Seekings 2013: 14).

[4] The Western Cape, along with Gauteng experienced the highest inflow of people during the 10 years between the 2001 and 2011 censuses (Census 2011: 27).

The air in Khayelitsha is punctuated by the pungent aroma of meat cooking on outside fires, coupled with the stench of blocked drains and overflow pipes. Thin dogs, seeking out food-scraps, roam the pedestrian crowded streets. Minibus taxis, spaza shops, shebeens[5] and other small businesses (offering services such as tyre repair, hair braiding and fruit vending) add to the sense of hustle and bustle. The infamous porterloos and outside toilets that line the perimeters of the informal settlements, together with mounds of uncollected garbage, contribute to a general sense of vibrant decay, what the Western Cape provincial government refers to as a "zone of poverty and unemployment" (Department of Community Safety 2009: 20).

The three police stations in Greater Khayelitsha—Lingelethu West, Harare and Site B—have far less than the average 283 police personnel per 100,000 residents. At 111.32, Harare has the lowest number of police personnel to population in the Western Cape. Camps Bay and Wynberg, both predominantly white middle to upper class suburbs, have a police to population ratio of 959.51 and 852.57 per 100,000, respectively (Redpath, cited in O'Regan and Pikoli 2014: 315). In 2012–2013, there were 354 murders in "Greater Khayelitsha"[6]—the highest numbers of murders for any township in South Africa. The combined figures for attempted murders, sexual offences, assault with intent to do grievous bodily harm and robbery with aggravating circumstances also topped the charts (De Kock, cited in O'Regan and Pikoli 2014: 44).

Research Question and Core Argument

This article asks what crime prevention looks like for residents in Khayelitsha's informal settlements. It engages with the idea of vigilantism and hybrid policing formations, analyzing the overlaps and intersections between legal community-based crime prevention initiatives, such as officially sanctioned neighborhood watches, and local "punitive practices" (Gray 2013: 518) when residents break the law, or overstep the bounds of legality.

The literature on legal pluralism has engaged extensively with the idea of legality and legal consciousness (de Sousa Santos, 1987; Ewick and Silbey 1992; Merry 1988). I use the term "legal" to refer to technologies that are sanctioned by official (state) law. The core argument I make is that, at times, particularly in poor areas where the state[7] is absent and encourages citizens to take responsibility for

---

[5] Illicit alcohol outlets.

[6] The combined figures from the three police stations in Khayelitsha.

[7] I use the term "state" loosely, to include its national, provincial, and local manifestations.

their own crime prevention, the boundary between "legality" and coercive illegality collapses in on itself. Flowing out of this, I argue that responsibilizing the community, via the state's discourse of "community based crime prevention," without appropriate state financial and logistical support, results in a dangerous situation, a governmentality gone wrong. Thus, the notion of voluntarism, that is central to official discourse on crime, is particularly problematic when applied in poor communities with high rates of unemployment and crime. Indeed, as I argue, the very notion of "community" is problematic, particularly in "distressed neighborhoods" (Herbert, cited in Delgado 2008: 27) where there is a paucity of civil institutions to counter the absent state (Comaroff and Comaroff 2004; Amin 2005; Pillay 2008). Although this case study focuses on South Africa, my findings about the dangers of harnessing the "community" in the service of crime prevention are informed by and, applicable to, other contexts of inequality. Garland's (1996: 451) seminal definition of "responsibilisation" as "central government seeking to act on crime ....indirectly," by seeking to activate "action on the part of non state agencies and organisations" is a useful framework within which to situate this "turn to community" in South Africa, except that here, it is coupled with the 1980s rhetoric of grassroots revolutionary populism (when street committees were promoted as tools of popular justice by the liberation movement).

The South African state has adopted this populist responsibilization discourse together with a punitive discourse on crime and criminality. It also deploys a distancing maneuver in regard to those who "take the law into their own hands" by setting up a binary between the law and its other—the unlawful or illegal. This is disingenuous because, as I argue, encouraging citizens to take responsibility for their own safety (including making citizen's arrests), whilst simultaneously promoting harsh crime policies, creates the space for illegal vigilante style actions to emerge in the shadow of legal crime prevention initiatives.

Methodology

This article is based on research conducted between 2012 and 2015. The methodology consisted predominantly of selective in-depth semistructured interviews with 59 people. Interviews averaged an hour and were conducted in English, apart from with four victims of vigilantism (conducted in isiXhosa via a translator).

I followed an inductive process, starting by interviewing five members of the Social Justice Coalition (SJC), an activist organization based in Khayelitsha. The SJC was a driving force behind the establishment of the Commission of Inquiry into Policing in

Khayelitsha (hereafter referred to as "the Commission"), established by the Western Cape Premier in 2012. The Commission was mandated to investigate "Allegations of Police Inefficiency and of a Breakdown in Relations between the Community and the Police in Khayelitsha" as allegedly indicated by a "spate of vigilante attacks" (Zille 2012).[8] During this initial research phase I also observed three weeks of proceedings in a High Court case—where six people were charged with kidnapping and murdering four youth who were alleged to have stolen the television set of one of the accused.[9] I supplemented my initial interviews and observations with documentary sources, including newspaper reports on vigilantism and, documentation made available by the Department of Community Safety (DOCS). I also attended SJC meetings around its now defunct mass "Campaign for Safe Communities" and those that it organized to lobby for the Commission. This enabled me to gain a sense of popular discourse on vigilantism. In terms of this discourse, vigilantism occurred when people "took the law into their own hands" due to police incompetence. Therefore, so the argument went, a more efficient police force would solve the problem of vigilantism.

After this initial phase, I adopted a more targeted sampling strategy and refined my interview questions. I used two residents to assist me in tracking down individuals who had either been referred to in previous interviews or from incidents that I had read about in the media. I utilized a snowball approach with my initial analysis determining where to go, and what to look for, in my next round of interviews (Massoud 2015). Since most incidents of "mob justice" took place in informal settlements I shifted my focus to these locations. Interviews were conducted with members of various informal community patrol groups,[10] neighborhood watches,[11] street and area committees from 10 areas,[12] four residents who self-identified as "vigilantes," four mothers whose children were beaten to death, "ordinary"

---

[8] I had intended attending the Commission hearings as the starting point of my research but, due to a lengthy court battle launched by the Minister of Police against the Premier, hearings only commenced in 2014.

[9] *The State vs Mziwabantu Mncwengi, Mzimasi Mncwengi, Buyelwa Mncwengi, Lumnko Babalaza, Xolani Makapela, Mawende Siboma (unreported).*

[10] These male only groups patrol the convoluted alleyways between shacks during weekend nights and play a central role in retrieving stolen goods.

[11] The main difference between neighborhood watches and community patrols are that the former are supposedly accompanied by police during patrols, women are encouraged to patrol, members receive training from DOCS and, are given yellow bibs.

[12] Area committees are elected in the informal settlements where there are no formally designated streets and street committees operate in established suburbs. However,

residents in 10 informal settlements,[13] members of the South African National Civic Association (SANCO) and, a senior member of the Congress of Democratic Taxi Associations. After every interview I gave my telephone number to interviewees and requested them to give me a missed call should they wish to share any further information. I would then call them back and arrange for a follow-up interview. I paid a small stipend in compensation for the time spent talking to me (Maxfield and Babbie 2010). Interviews were conducted in shacks, at shopping centers, community halls, inside my car, courtyards and restaurants—wherever the interviewee felt comfortable talking to me. In all instances I traveled to Khayelitsha to interview participants.

Interviewees and witnesses consistently referred to street and area committees and their role in resolving (and sometimes exacerbating) local conflict. I, therefore, sought to interview as many street committee members as possible. Street committees have a link, tenuous as it may be, to the African National Congress (ANC) aligned SANCO[14] and sometimes street committee members were also executive committee members of SANCO branches. As discussed in the paper street committees are involved in both popular justice initiatives as well as (to some extent) coercive crime prevention and punishment activities. They also represent the vague, amorphous and elusive "'community" that is central to official discourse on crime and on which community-based crime prevention talk hinges. As such they constitute an important part of the story told here.

I did not record interviews because I wished to allay potential fears about confidentiality and was concerned that recording would undermine the establishment of a rapport with interviewees (Irvine and Gaffkin 2006, Newburn 2007). Instead, I sought permission to take notes during interviews.[15] I typed these up every evening and coded the responses by reading and rereading my notes, underlining words that consistently appeared and highlighting recurrent issues. Thus, I sought a continuous interplay between data collection and analysis. I identified the ways that interviewees engaged in crime prevention, whether they perceived these to be effective, the interaction with

---

there are some street committees in informal settlements, particularly where there is a road traversing the area.

[13] I use inverted commas to refer to those informal settlements where, for reasons of confidentiality, I am not using the actual name.

[14] Established in 1992, SANCO constituted an attempt to bring all of the civics, and the street committees, under the umbrella of one organization.

[15] This was always granted.

lawful state sanctioned initiatives, the extent to which coercion or violence was deployed and, the organizations or formations involved.[16] I identified representative quotes from the interviews as a means of highlighting my main findings and to describe a particular situation in the most graphic way possible (Beckett and Evans 2015). The six empirical sections were constructed around the main data that emerged from the interviews and fieldnotes— highlighting key words and issues that consistently emerged and were all, in some way, representative of hybrid combinations of law and its other.[17]

Analytical Frameworks

The focus of the article is not on the intensely violent spectacle of "mob justice," where suspects are killed, sparking widespread media coverage and outrage amongst certain sectors of South African society. Instead, it is concerned with more ubiquitous, hybrid formations, that also fall on the "continuum" (Huggins 1991: 8) of vigilantism, and which, to some extent or other, the formal (political) state, and its agents, tacitly tolerates. These community level formations are often overlooked in academic literature, precisely because they are "labile" (Abrahams 1998: 7), ephemeral, difficult to research and, may overlap with legal initiatives.

Vigilantism has been part of township life for generations (Brewer 1994; Kynoch 2005; Shaw 2002) and the range of "violent social practices" that fall under its' umbrella are particularly acute in "frontier" societies (Abrahams 1998: 24), characterized as they are by endemic unemployment and high levels of vulnerability. While I am not arguing that violent forms of community mobilization (and reconfiguration of state law) occur only in "frontier" societies, this blurring of the boundary between the legal and illegal is particularly "visible"[18] in marginalized resource strapped areas, where "communities" are urged to be "responsible." Thus, Abrahams (2008: 426) use of the term "frontier," as referring to more than just spatial distance between the center and the periphery, serves as a useful framing device. Frontiers include the boundaries created by cultural differences,

---

[16] A "formation" (Buur and Jensen 2004) denotes an entity that is less defined and more ephemeral than well-known vigilante organizations- such as PAGAD (in South Africa) or the Minutemen in the United States.

[17] The section on "Street committees and "dual power" is based on secondary sources to add historical context.

[18] I use inverted commas because in fact these practices are largely invisible, insofar as they operate under the radar and police often turn a blind eye to them.

by temporal flows such as between night and day, by transitions from one social form to another and, by inequality and severe poverty. In frontier zones the state is often viewed as absent, ineffective and corrupt (Little and Sheffield 1983: 796; Pillay 2008; Rodgers 2008: 358).

The ineffective or absent state explanation, which is popular in South Africa, suggests that vigilantism has re-emerged in South Africa's black townships as a result of high crime rates and state failure to provide security for its citizens. This is attributed to inefficiency and corruption on the part of the police and the criminal justice system (Dixon and Johns 2001; Lee and Seekings 2002; Schärf and Nina 2001; Swanepoel, Duvenhage, and Coetzee 2011; Tshehla 2005). For the most part these perspectives present vigilantism as a Hobbesian "feature of the state of nature," as being outside of and in opposition to, "legal order" (Lenz 1988: 126) and as constituting a threat to the rule of law and state formation (Häefele 2006; Lee and Seekings 2002; Martin 2010; Rush 2015; Shaw 2002; Sekhonyane and Louw 2002; Swanepoel, Duvenhage, and Coetzee, 2011; Tabane 2013). This fails to acknowledge how the state and its agents, both discursively and in practice, shape and produce violent policing activities and, in this sense, enjoy a complicated relationship of complicity. It ignores how the term is more of a "relational phenomenon" (Abrahams 1998: 7) than a thing, often reflecting the political leanings of those who deploy it (Super 2014), with a lack of clear "conceptual and empirical boundaries" (Buur and Jensen 2004: 148). Similarly, it ignores the fact that "criminality" is itself a product of power relations that are constituted by race, class and ethnicity (Pillay 2008). Tankebe's (2009) argument—that expressions of support for vigilantism are a reflection of "perceived procedural injustice" and, that procedurally fair treatment promotes legitimacy in the eyes of the governed—is more nuanced than the "ineffective policing causes vigilantism" thesis. However, he does not engage with the non-universal meaning of legitimacy (Johnson et al. 2014: 949). This article argues that perceptions of legitimacy shift, depending on the context.

In contradistinction to the above arguments is a body of literature, not limited to South Africa, that theorizes an alignment of state and vigilante objectives. Goldstein (2008), in the context of Bolivia, points out that, like neoliberal rhetoric, vigilantism encourages private actions by citizens. Similarly, Jarman's (2008: 343) work on Northern Ireland suggests that we need to view vigilantism as part of a wider continuum of policing activities, rather than as something beyond the bounds of legitimacy. Pratten and Sen (2008: 3) argue that state responsibilisation of "non-state" actors has resulted in a blurring of the distinction between

public and private and, Fourchard (2011: 609) argues that vigilantism and community policing in South Africa are "two sides of the same mobilization process." This article draws on, and adds to, this literature, arguing that illegal forms of crime prevention have emerged out of state sanctioned lawful crime prevention initiatives, in a specifically post-apartheid manifestation. These forms of vigilantism are not an outright flouting of the law, as argued in the mainstream literature.

I show how the melding of state discourses—on neoliberal responsibilization, communitarian empowerment through the "social" and, on grassroots mobilization- has egregious consequences. This is so not only because it continues the "volunteer tradition of citizen-policeman" (Brewer 1994: 309), but it also ignores historically violent modes of popular sovereignty and the overlaps between vigilantism and popular justice in poor black townships. Given the blurry boundaries between popular justice and vigilantism[19] I argue that it is not surprising that the street committees that emerged in the 1980s slipped between vigilantism and popular justice and continue to do so today, albeit in a modified way (Kynoch 2005; Pillay 2008). I use the term popular justice, both broadly, to denote its location "on the boundary between state law and indigenous law" (Merry 1993: 35) and also in a more specifically socialist sense. The latter is based on Marxist- Leninist theory that promotes people's courts as vehicles for empowering the masses and creating a new society based on a "revolutionary vision" (Merry 1993: 43). In the next section, I discuss popular justice initiatives in the 1980s in the context of "dual power."

Street Committees and "Dual Power"

The term "street committees" first arose, during the 1980s, in the townships of the Eastern Cape.[20] The idea was that each street would form a committee, with an area committee as the second leadership tier, and the local civic as the township's highest representative body (Adler and Steinberg 2000). These institutions emerged both as a "prefigurative ideal" (Allison 1990)—to establish counter-hegemony against the state—and, also as a tactic to fill the gap left by activist campaigns to make the townships ungovernable

---

[19] Both are "fleeting" (Merry 1988: 49) forms of local ordering that exist in the interstices between law and non-law, and always capable of "sliding in one direction or another" (Abrahams 1998: 7).

[20] According to Lenin and Trotsky's theory of "dual power" there are two centers of power in the pre-revolutionary period—the "revolutionary class" and the government (cited in Allison 1990: 411).

(Adler and Steinberg 2000).[21] Although in practice there was much unevenness, street committees and the ideology of participatory democracy became hegemonic throughout the South African civic movement (Cherry 2000). Then, as now, there were serious organizational problems and the practices perpetrated in the name of this ideal did not always live up to expectations (Adler and Steinberg 2000; Allison 1990; Cherry 2000; Seekings 2001).

"People's courts" were justified as being part of the struggle for dual power as well as a prefigurative practice of what justice under a socialist post apartheid dispensation could look like (Allison 1990; Burman and Schärf 1990; Horwitz 1992; Schärf and Nina 2001). In Cape Town, street committees were the primary informal courts in the townships, but there were many other bodies that also set up courts, such as criminal gangs, sports teams and the youth (Burman and Schärf 1990: 426). Struggle activists presented "people's power" as the "collective strength of the community" (Sisulu 1986), yet, as is the case today, the community was both a site of contestation and a powerful ideological legitimating device. As Seekings (2001: 92) points out "the prefigurative ideal was all too often submerged under the sordid dynamics of local politics." According to Burman and Schärf (1990: 722) in Cape Town, where political organizations were not strong enough to control people's courts, they were "diverted from their original goals and used to promote the interests of those who usurped them." They were also characterized by intergenerational conflict between older men and youth as well as discrimination on the basis of gender (ibid.).

Just as the apartheid state depicted township activists as violent criminals, stripping their acts of a political dimension, so too did the "comrades," sometimes commit violent acts in the name of politics and accuse the South African government officials of being the true criminals. What might be regarded as gratuitous acts of violence, such as "necklacing" assumed some kind of political salience, due to the fact that the targets of these acts were accused of being apartheid collaborators (Super 2013). At the same time, although the line between politically motivated, and hence justifiable crime, and unjustifiable, non-politically motivated crime, was a blurred one, as is the case today, crime was regarded as a threat to "community solidarity," criminals were considered counterrevolutionary (Marks and McKenzie 2001) and, were treated harshly (Super 2013). Thus, there were clear overlaps between popular justice and vigilantism (Buur and Jensen 2004; Kynoch 2011; Seekings 1992; Wilson 2002), even though, at the time, the

---

[21] The campaign to make the townships ungovernable was based on mass protests, boycotts, and strikes against the township local authorities.

term "vigilante" was reserved for "violent, organised and conservative groupings" operating against left wing activists, in terms of unacknowledged state political directives (Haysom 1989).

In the next section, I discuss how street committees work in practice, in the face of a political discourse that deploys the "rhetoric of empowerment and capacity building" (Amin 2005: 614). Responsibilization is punted as a form of 1980s grassroots mobilization, promoting street committees and "communitizing" crime prevention.

Mobilizing Communities

In 1999, the Gauteng provincial government launched a public campaign to reignite street committees in an effort to engage communities to fight crime "constructively" (Minnaar 2001: 40). President Zuma has also called on township communities to revive street committees in terms of a populist discourse, which harks back to the liberation struggle. This form of governance, what Darracq (2008: 595) refers to as operating in terms of a "liberation paradigm," valorizes local level initiatives by constantly seeking to mobilize communities on the ground. It is South Africa's version of the "Third Way." And, indeed, street and area committees are common in Khayelitsha.

Whilst in theory street committees constitute a type of executive committee, consisting of 15 members who meet once or twice a week, and attend a weekly SANCO branch meeting—with all the other street committees in the branch—meetings are not well attended. Many members attend up to four meetings per day, are unemployed, unpaid, and suffering burnout. General meetings, at times also poorly attended, take place once per week, or more frequently if necessary, and should be attended by all the residents in the area. These are the fora where the "community" makes decisions, the theory being that "in the name of democracy the street committee never makes a decision on its own: it calls the general meeting" (area committee chairperson, "M" informal settlement, December 7, 2014). Although most street committee members are paid-up SANCO members and attend the local SANCO branch meetings, I came across street committees where members were not affiliated and did not attend SANCO meetings.[22] As such the allegedly cohesive community that the street committee represents, is, as was the case in the 1980s, not as united as it seems.

---

[22] Some were instead, affiliated to the Economic Freedom Front (EFF), a party established in 2013, by disaffected ANC youth league members. The EFF describes itself as a "radical and militant economic emancipation movement" (http://effighters.org.za/about-us/).

One might have thought that, with the advent of a democratic dispensation, there would no longer be a need for "people's courts" in South Africa's black townships,[23] however, this has not been the case. But, nor is this a simple case of a historical residue from a previous era merely ticking over into a new era, since there have been definite shifts in the way that popular justice is meted out. Whereas in the past there was tacit acceptance of "violent forms of vigilantism" if it was initiated by, or had the consent of street committees (Lee and Seekings 2002: 114), street committees no longer openly impose violent punishments. When street committees ask SANCO for advice they are warned not to "take the law into their own hands, to call the police and not hit/kill" (SANCO office bearer, Enkanini, August 16, 2014), because "due to *ubuntu*…we can't beat anymore" (area committee deputy secretary, "En," June 16, 2014). The chairperson of an area committee blamed this for the low attendance at general meetings: "People won't come to the meeting because they can't see the point. They won't come because there's no outcome. Residents aren't satisfied about how we judge some of the cases" ("XX" informal settlement, December 7, 2014).

As Fourchard (2011: 624) points out, "the administration of violence is slowly but nevertheless gradually changing within these organizations," as evidenced by references to the courts, to *ubuntu*, and to human rights. This has not canceled out other "codes," but has resulted in "uneven and unstable mixings of legal codes (codes in a semiotic sense)" (de Sousa Santos 1987: 298)—what de Sousa Santos refers to as "interlegality." The result is a volatile hybrid of human rights, constitutionalism, and violence.

The same chairperson who complained that people no longer attended meetings because matters were inadequately resolved also stated that:

> we as a committee have told residents to see about a certain shack. We can't take the decision to burn it down but the community can because they are tired of what's happening in the area… we can't take that decision as a committee because we will be in trouble… If they say they are going to kill the person I have to look away (December 7, 2014).

In one instance—where a "*skollie*"[24] had murdered someone and stolen a laptop—the male members of the area committee solicited the help of male residents and conducted a search. They

---

[23] See Nina (2001: 115) who somewhat naively wrote that: "in the future South African society, provided that a democratic political dispensation is put in place, ordinary citizens might not need to engage in crime prevention activities."

[24] A colloquial term for gangster.

found the stolen goods and burnt the shack of the alleged perpe-
trator. According to my source, who was a SANCO office holder,
"they never said anything at the SANCO meeting because
SANCO wouldn't agree – that's why they don't tell you" (August
16, 2014). She also differentiated between her official capacity as
a SANCO office holder and as a member of the community:

> when crime happens it affects me as a member of community.
> When I see there's something happening I have to go, not as a rep-
> resentative of SANCO, but as a community member. Then we have
> the meeting and I report what I saw [as a member of the commu-
> nity]. In most cases where a thief is caught– there is no time to call
> the area committee – they call the whole community to come to the
> open space and the community decides. If it comes from the area
> committee then the police blame the committee (ibid.)

A witness in the court case that I observed, who used to be a
street committee member and, whose son had been beaten to
death for allegedly stealing a television set, stated that when a
suspect refused to tell the truth they were "smacked":

> The smacks are from the community, not the street committee.
> No-one from the street committee even watches. They know the
> law: by the time we decided to give lashes there are a few people
> who are supposed to give lashes, not everyone' (August 19, 2014).

In this way, then, there is an "outsourcing"[25] from organiza-
tions—street committees and SANCO branches—to "formations"
(Buur and Jensen 2004). Formations are much more labile than
organizations, enabling the latter to maintain a form of "public
authority" (Lund 2006), which does not come at the expense of
violent forms of popular justice. This entails a process of identity
shifting (Cooper-Knock 2014), or "code switching" (Anderson
1999: 132): when my interviewee shifts from being a SANCO
office bearer, to a member of the "community," she can partici-
pate in "street justice" (Anderson 1999: 10). This works to main-
tain a violent specter of order, paying lipservice to state law.

An area committee chairperson, who had received training from
the SJC in how to chair a meeting in a procedurally fair way, recog-
nized that he had to "take the accused's side" during "interrogation"
(September 22, 2014). However, he acknowledged that at times the
females are asked to go outside so that the men can intimidate the
"accused" into confessing. This generally worked because "usually
when the ladies go outside … the truth comes out because the

---

25   I am indebted to Sarah Jane Cooper-Knock for pointing this out to me.

criminal knows he will get beaten." At the same time, he also told me that "the community knows that it's illegal to beat, [that] vigilantism is not allowed but we just do it to scare. Mostly this works" (ibid.). He stated that a "confession" is obtained by:

> pretending we are in a court of law asking questions such as where were you on Friday night at this time? We try to prove his guilt because there will be neighbours as witnesses. ….As we interrogate the accused some people will comment that 'it's written on your face that you committed a crime'.

Thus, contrary to mainstream discourse, vigilantes do not function in opposition to the formal criminal justice system, but support it, albeit in terms of a "subversive legal consciousness" (Serban 2014: 789). The idea of the law is called on—via a distorted form of formal court procedures—to legitimate the obtaining of a confession by the area committee. In their drive to be "legitimate" street and area committee members must be both part of, and separate from the community. In this way then popular justice and vigilantism slide into one another, as do law and its other.

Banishment, discussed in the section below, occurs when a morally problematic individual is coerced into leaving an area. It serves both as a technology of crime prevention and punishment and is sometimes the "sentence" that a general meeting will impose. It is a vivid reminder of the spatial dimension of punishment.

Banishment and the Frontier

Banishing is a common remedy deployed by the "moral community" (Buur and Jensen 2004: 144) against "dangerous" individuals. It is effected either by informal curfews, in terms of which a group of people (often armed with *sjamboks*) patrol an area at night, confronting those who look suspicious and instructing them to leave; by talking to the family of a suspected criminal and instructing them to ensure that the person leaves the neighbourhood; by demolishing the person's dwelling (either by burning or destroying it with hammers) and finally; by killing the person (Super 2014).

Banishment is rendered possible because accommodation arrangements in informal settlements consist of a volatile mix of transient and long-term residents. This volatility is compounded by the links that most residents have with the Eastern Cape: not only are 69 percent of adults born in the Eastern Cape (O'Regan and Pikoli 2014) but, despite having lived in Khayelitsha for years, many refer to the Eastern Cape as "home" and make regular visits. There is much back and forth between the two areas,

with new "immigrants" arriving and old ones returning, for the holidays or more permanently. Simkins refers to this as "oscillating migration."[26] It is because there is a space/place—what Palmer (1998: 95) refers to as a "definite homeland which is outside the territory claimed by the perpetrators" that expulsion is a likely option.

A newspaper article reported on how "angry residents" burnt the shack of a woman who had allegedly abducted a baby from a hospital (Nombembe 2014) and, in this way, there was a purging. The incident of the "witchdoctor" described at the start of the paper was similar, in the sense that someone who had transgressed the moral boundaries of the "community" was instructed to leave. A street committee member, seated in my car which was parked outside the Site B police station, a few blocks away from the "X" informal settlement, told me how, as a crime prevention coordinator, he and other men had destroyed the house of two alleged robbers after they were released on bail: "we broke the house, beat the person and called the police to tell them to take the person. They never came back" (August 16, 2014). There are many more examples.

Banishment serves both as a technology of prevention as well as punishment. It is a mode of guarding the moral *and* territorial boundaries of informal settlements and it functions as "border control" (Aas 2014: 521) both literally, and in the sense of defining and defending the boundaries of membership. The primary focus is not on moral censure per se, but on who has the right to be in an informal settlement.[27] The term "frontier" is particularly salient because banishment is a technology to both police and establish the boundaries of particular communities, boundaries that are not set in stone but are established, and re-established, through contested processes. As an area committee member stated: "if you take the person to the police station he stays for a few days and then he's back so sometimes it's better that he's chased away" (June 16, 2014). An old man living in a shack in Site B RR informal settlement was adamant that there was no vigilantism in his neighborhood but that

> If [in the case of a stabbing] the police arrest and then release …the crowd or their community tell him to go and he leaves the area. … because you can't say no, when the community gets mad, so you will move, you will do what they say (July 21, 2014).

---

[26] Personal notes taken during evidence given by Professor Simkins at the Commission on 27 January 2014.

[27] See Aas (2014: 521) who uses the term "bordered penality" in her work on the criminalization and punishment of undocumented migrants in Norway.

To the uninformed, driving past on the highway, informal settlements appear as a cacophony of shacks, one on top of the other. However, existence here is not a "free for all" and the presence of outsiders and insiders is tightly regulated. In informal settlements a prospective resident is required to furnish the street or area committee with an official letter,[28] which states the reason for leaving the previous residence and, the contact details of two referees. Where a resident wishes to sell the rule is that the shack should first be offered to "locals" (people living in the area). This is done by informing the street committee. Only after it has been on offer for 3 months can it be sold to an outsider, provided that the required credentials are furnished. In this way then the street committee plays a vital role in regulating who lives in informal settlements.[29] One of the reasons given to me was because "we don't want criminals living in our area" (street committee member, "R" settlement, October 4, 2014). In future research it would be worthwhile looking at the extent to which these rules are adhered to or broken, and the informal political economies at play.

Banishment, in the case of children, under the age of 18, who still reside with their parents, is directly or indirectly imposed. One interviewee told me that when a community member was robbed by a youth he was not "chased away but his parents sent him back to the Eastern Cape" because they knew the consequences: "we can beat the kid or chase both the kid and the parents away" (member of street committee, PJS informal settlement, August 11, 2014). In another instance SANCO called a meeting with the parents of a "problem child" and the decision was that the child had to leave the area: he now lives in another section with his grandmother (member of street committee, R settlement, October 4, 2014). Thus, it matters only that the "criminal" moves away from "here," rather than the whole township, and the process of banishment involves "negotiation" with the parents or relatives of suspected criminals.

These practices, while formally illegal, are defended by agents of the state and differentiated from incidents of "mob justice." According to a high ranking police witness at the Commission, whether it was a case of housebreaking or "child molestation" none of these "formal meetings" were accompanied by violence: "these people were just motivated to leave" (Colonel Nel, Commission: 4635). These practices of banishment are a clear

---

[28] This means that it should be on a letterhead.

[29] Like all modes of social control, it does not always work and when unwanted outsiders are found to be living in informal settlements it causes some degree of conflict.

example of how legality and coercive illegality collapse into each other in marginalized areas, where residents are largely invisible to the state and where the "right" to reside in shacks lacks formal legal status and is dependent on access to political and social networks. In the next section, I discuss how legal and illegal policing combine in the context of state responsibilization discourse.

Anti-Crime Patrols

Informal settlements in Khayelitsha constitute an example of a "spatial frontier zone" where nocturnal social control is weaker than in daylight (Abrahams 1998: 26). In this section, I discuss how neighborhood watches and their less formalized counterparts (community crime patrols) police these nocturnal spaces. These township patrols are a deeply entrenched tradition in the history of South African townships (Brewer, 1994; De Klerk 1999; Fourchard 2012; Horwitz 1992). They have been actively encouraged by the post-apartheid South African state, across former townships and formerly white suburbs.

The National Development Plan 2030 promotes an active citizenry to "build community participation in community safety" (Lawrence, cited in O'Regan and Pikoli 2014: 152). Similarly the Western Cape's DOCS has adopted a "whole of society approach"—based on the idea of "making safety everyone's responsibility" (Lawrence, *op cit*: 150). DOCS seeks to "expand community participation in public safety" by "mobilising communities against crime" and encouraging "community safety structures" (Department of Community Safety 2010: 21.1.1: 34–35). These include neighborhood watches, street committees, street watches, block watches, farm watches, and flat watches (Department of Community Safety 2010: 8). Social crime prevention, which initially sought to reduce the "socio-economic and environmental factors conducive to criminality" (Department of Safety and Security 1998: 44), has been diluted to the extent that it now refers largely to situational crime prevention.[30] Thus, the South African Police Service measures the success of its "social crime prevention strategy" in terms of the number of crime awareness programmes, neighborhood watches, business forums and street committees that are established to deal with crime (Lamoer 2014).

---

[30] Situational crime prevention centers around reducing the opportunities for criminals to commit crime. It has been critiqued for being silent about macro causative factors such as poverty and inequality.

Neighborhood watch members in the well-off middle-class white suburbs support the police by, for example, purchasing walkie-talkies for them but, in Khayelitsha, members look to the police for support. Whereas private security companies play a key role in assisting neighborhood watches in affluent areas, residents in informal settlements cannot afford these services. They are totally dependent on the state. Interviewees consistently complained about not receiving remuneration, and lacking kit, apart from yellow bibs—which make them look official. As Herbert (cited in Delgado 2008) argues in the context of the United States, community policing cannot solve structural problems. Residents in frontier zones lack connections with other social groups because of their structural isolation. Whereas bonding social capital (inward orientation with relatively powerful ties (Browning, Feinberg, and Dietz 2004: 525) is present, bridging social capital (connections across social groups and areas)—is not. Neoliberal discourse on ethical voluntarism, which presents local cohesion as a cure for structural ills (Amin 2005), overlooks the lack of resources and inequality between areas as well as the "cultural transmission" (Anderson 1999) of violent community-based norms. My findings in relation to residents in Khayelitsha are applicable to other marginalized communities whose residents lack the time or energy to attend "evening meetings with the police month after month" (Herbert, cited in Delgado 2008: 1197), or to consistently engage in anti-crime patrols.

It is not surprising that anti-crime patrols have a very small base of active membership and the fact that their effectiveness is totally dependent on unemployed volunteers, who are already severely stretched, is an important factor in their lability. According to a VPUU employee there were 1800 neighborhood watches in the Harare Policing precinct in 2006 but this had dwindled to less than 100 by 2011 (August 13, 2014). The chairperson of the "Father's Committee", a community patrol group in "XX" informal settlement, told me that DOCS had trained him in patrolling and that although "in those days we had a radio- now we have nothing" (February 1, 2014). All interviewees complained that neighborhood watches, like Community Policing Forums, were ineffective and sporadic. This lability applies even more so to community patrols, because these groupings do not have the overt support of the police, such as it is. In two instances I heard about groups only because their members had been arrested—in one case for destroying a shack, and in the other, for murder.

The layout of informal settlements makes them difficult to patrol. There is often only one access road into the settlement, sometimes none at all, making vehicular use all but impossible. The

footpaths are narrow and, in winter, often become waterlogged and difficult to navigate. There is a lack of working streetlights. The technologies that are available to neighborhood watch members in affluent suburbs, to displace potential threats, are not available in poorer areas. It is not surprising that neighborhood watches and community patrols resort to more coercive tactics to essentially achieve the same result—which is to force potential criminals to leave an area.

Neighbourhood watches and community patrols impose an informal curfew after nine pm, when they conduct patrols.[31] The curfew, which has historical precursors in the 1930s Vigilance Associations is premised on the theory that black men should not be walking around at night (Faul, cited in O'Regan and Pikoli 2014: 323) and, a clear (re)iteration of the colonial and apartheid constructions of young black young men as dangerous. I was told that: "the nine pm rule is because we are trying to make people not be on the street" (Sector four neighborhood watch member, September 16, 2014), that "after 9 we don't like people walking around – especially youngsters" (community patrol group member, August 16, 2014) and that, in Site B, the decision to enforce a curfew was made by the commander at the Site B police station (Sector four neighborhood watch member, September 16, 2014). If this is indeed the case, and since there is no curfew law in South Africa, then the frontier between vigilantes and the state is "more fictional than we would initially think" (Abrahams 1998: 95).

The figure of the criminal outsider takes different shapes, depending on the context. One interviewee stated that it was problematic that the "Somalian shops' stayed open after 23h00 and in one instance a neighborhood watch noted "late trading of foreign national" in its incident report (Violence Prevention Through Urban Upgrading, December 2012). Thus, criminals are constructed in terms of a discourse that is suspicious of foreigners—black foreigners who are living in the predominantly Xhosa Khayelitsha and, so populist and state discourse goes, taking away employment and business opportunities from South African citizens. Foreign shop-owners, particularly Somalians, are targeted for not adhering to the by-laws on trading hours (minor administrative transgressions).[32] Similarly, the curfew is often

---

[31] At one stage taxi associations also imposed curfews in Khayelitsha (De Kock in 'Khayelitsha Commission': High Court Papers : 282).

[32] See Pillay (2008: 152) who cogently argues that:
> Black South African townships, suffering the structural violence of poverty and unemployment have also cohered around that which comes from outside and threatens, or perceived to threaten, or impede the life chances of local citizens….The target around which "community" coheres in this particular instance becomes foreign Africans….

imposed against those "naughty" people, against whom the community must guard itself, who come from other areas to drink in "our" shebeens and then hang around to do crime (member of informal patrol group, S section, January 25, 2014). According to SJC records a man who was entering an outside toilet at 23h30, was punched and kicked by neighborhood watch members because he was violating the curfew (SJC records, April 4, 2011).

A respectable 60-year-old woman, who was very involved in community activities and a longstanding ANC member, told me, as I sat on the couch in her spotlessly clean shack, that she was explicitly against the violence of the local community patrol group. Yet, she admitted that "even us [the sector Four neighbourhood watch], if you are very naughty and you refuse to spread your legs and hold your arms above your head we will *sjambok* you" (September 16, 2014). And, indeed, neighborhood watch members have been known to mete out punishment in the name of crime prevention. In one instance a neighborhood watch reported that its members had made a person who "sprayed" them with water do 36 push ups for "punishment" (Commission: 2736) and in another the members had seen some men carrying "big stones". When they enquired as to the reason for this "the people started swearing and shouting at us and throwing the stones at us. We started throwing the stones back at them. X was hit and fell down. We called a van to check on him." It is interesting that the state was only called on after the neighborhood watch members threw stones at the alleged wrongdoers, seriously injuring someone, to the extent that he collapsed.

The Neighbourhood Watch Learner Guide, which is given to members when they participate in the training provided by DOCS, discusses exceptions to the general constitutional rule that no one may be arbitrarily arrested and unlawfully deprived of property. Even for an English speaker, with a legal background, its ambivalence is astonishing.[33] At best this is a gray area of the law, at worst it might be considered as encouraging citizen's arrests in highly dangerous contexts. No wonder then, that neighborhood watches involve themselves in "stolen goods interventions" (VPUU, December 2012). This is an example of how coercive policing initiatives emerge in the shadow the state's drive

---

[33] It states that:

a private person (such as a member of a Neighbourhood Watch) may without a warrant arrest someone who commits or attempts to commit in his/her presence, or whom he/she reasonably suspects of having committed an offence referred to in Schedule One of the Criminal Procedure Act; whom he/she reasonably believes to have committed any offence and to be escaping from and to be freshly pursued by a person whom such private person believes to have authority to arrest that person for that offence. . .(Department of Community Safety, 2013: section 25:1.)

to have communities become involved in local crime prevention initiatives. Yet, at the same time, there is a distancing because the state cannot be seen to be complicit in overt violence. This brings to mind Johnson's argument that even lawful self-help groups have the potential to exercise or threaten force—which potential may in and of itself not be unlawful (Johnson 1996). Similarly, Abrahams (1998: 7) argues that this instability is not so much because anti-crime patrols "emerge in a legal twilight zone" but because they are "rather labile…manifestations [that] are relatively short-lived and always capable of slipping and sliding in one direction or another". So something that appears to be positive, because it "creates order out of chaos" (Rodgers 2008: 359) has the potential to rapidly become something negative.

The next section discusses how the "moral community" produces its other, the criminal, and how the social construction of criminality impacts both the targets, and degree, of violence used against outsiders.

Constructions of Criminality

At the opening of Parliament in 1995, President Mandela blamed crime and violence for "eroding the foundation of our democracy", necessitating a "harsher approach" (Department of Safety and Security 1999: 9). In 1999, the Deputy Minister of Justice boasted that mandatory minimum sentences and restrictive bail laws were "progressive" (*Hansard* 1999: col. 2756) and in 2001, the Minister of Safety and Security stated that prisons were overcrowded because the police were doing their job and that "all what we need … is to fully rally behind the police and to declare that the fight against crime is our fight" (*Hansard* 2001: col. 2470). Political leaders have also called on police to "kill the bastards" (The Star 2008), to "teach them a lesson" (The Citizen 2008) by means of the use of lethal force and to show "no mercy" (Burger 2009 cited in Bruce 2010: 9). Foreigners are targeted by this punitive discourse. In 1997, the Minister of Justice stated that "the influence of a large number of illegal aliens in South Africa…had a significant impact on criminality" (*Hansard* 1994, col: 2074). The Minister of Safety and Security has referred to "havens of criminality" (Hansard 2000 question 49: col 892) as being the places where many illegal aliens are netted in cleanup operations and, arbitrary arrests and detentions of asylum seekers are common occurrences (Buur and Jensen 2007; Landau 2005). Special operations such as Operation Aliens and Operation Fiela[34] aim to arrest and

---

[34] Operation Fiela, ("sweep clean") was launched by the government in response to the violence against foreigners that broke out in April 2015. It's purpose was to rid the

deport "illegal immigrants" because of their alleged criminality. This "hyper-politicisation of penal policy" (Gottschalk 2013: 217), and the targeting of black people from other countries, frames the field of punishment (and other "self-help" initiatives) in Khayelitsha.[35]

Community crime control initiatives often focus on young men, particularly when they are suspected of committing offences that offend a community's sense of justice. According to a police report, between April and June 2012 there were 78 recorded "vigilante incidents" in Khayelitsha (South African Police Service, unpublished). These all resulted in death: most of the victims were young black men, between the ages of 18 and 30. Half had been caught in the act (or were suspects) of stealing, robbing, or, housebreaking and, 10 had recently been released from prison and/or remand detention. Whereas a youthful *skollie* will be banished, assaulted, chased away, or maybe even killed, this rarely occurs in the case of drug dealers, because they occupy powerful positions within the community and are believed to be protected by the police.

Although interviewees consistently raised the problems of young drug users who committed crimes, suspected criminals (see also Jensen 2008) who were out on bail, and young men returning from shebeens late at night, domestic violence was not considered to be worthy of intervention, nor was vigilantism itself. As the chairperson of the area committee in "M" informal settlement told me: "we can't force a husband to love his wife" (September 22, 2014). His attitude is not unusual (Citizen Surveys and Centre for Justice and Crime Prevention 2011). I was told that "if a woman cries they ignore her but if they shout: 'it's a robbery' then everyone comes out" (community journalist, August 19, 2014).

The distinctions that are drawn between various types of criminality impact on the responses. A street committee member in PJS informal settlement told me that in the case of gangsters fighting—"small kids between the ages of 13–15"—they would call the parents and the police because the community was "too scared to break up the fight - we ask the police to come and patrol because we can't catch them by ourselves because they have sharp weapons." "Robbers," conversely, are "dealt with by the community" but drug dealers are "too powerful" (former CPF member, August 16, 2014**).**

Whereas street committee members "look the other way" in the case of street justice—itself constituted by violence and, as such, also a crime—a person who commits theft will be assaulted and/or ostracized. Thus, the politics of identification play off

country of "illegal weapons, drug dens and prostitution rings" and it targeted foreign nationals (Jordaan 2015).

[35] See Buur (2003), who makes a similar argument.

against a politics of distinction (Austin, cited in Delgado 2008: 1211). Just as the predominantly white residents in well-off suburbs react to crime by insulating themselves from the mainly black poor who are viewed as potential criminals (Pillay 2008; Shaw 2002) so too do residents in poor black areas seek to insulate themselves from those who they perceive to be a threat to their security. Both forms of insulation have racial and class overtones but deploy different technologies. Precisely *who* constitutes the community and *what* offends its sense of justice are also differently constituted.

In one instance, in a typical distancing maneuver, where a group of young Zimbabwean men were necklaced and burnt alive the police claimed that this was "vigilantism... in retaliation for a bar fight death" and in in "no way linked to xenophobic attacks..." (Evans and Wicks 2015). In another, a black gardener on his way to work in a white area was *sjambokked* by a white male who suspected him of trying to break into his car (Geach 2014). Thus, the archetypal young black male is a morally ambiguous and potentially criminal figure in both rich and poor areas. In both contexts, the person must leave the area because he constitutes a threat but the discourse underlying the threat is different: in the one area it is laced with xenophobia and in the other with a more generalized form of blanket racism (against black men)—both are forms of "vigilantism" manifesting within specific local political contexts.

So too, does the "community" "take on different meanings in different conditions of economic and social well-being and in different institutional settings" (Amin 2005: 623). Because frontier communities are economically and politically trapped in, and delinked from, "networks of spatial links" (Pillay 2008: 150) they are particularly fragmented. Although a SANCO member stated that "SANCO" is the "community" (September 16, 2014), when it comes to retrieving stolen property the meaning of "community" is more restricted. As a community crime patrol member from the same area said:

> if you don't attend street committee meetings it's hard to help you because it seems like you aren't with us ....if you don't come we refer you to the police because we can't help you: you are staying with us but you aren't part of it (August 16, 2014).

The line between "community" and "mob" is not an obvious one and, sometimes, the same person is both upright member of community, as well as vilified member of mob. One of my interviewees was a member of the local neighborhood watch, a community crime patrol group and the Khayelitsha Community Police Forum. He had participated in the demolition of three

shacks, after a decision to this effect was taken at a general meeting of the street committees in his area (February 1, 2014).

In part, whether or not one survives a vigilante attack, or is attacked at all, depends on how well networked the person and/or his relatives are within the area. I was told that

> if I stole something from my own community - in my own area – I would be beaten by the community but I wouldn't be killed, unless someone came there drunk and beat me in my head… there is always more chance that someone from another community would be killed' (resident in Khayelitsha Town Two, October 19, 2013).

Similarly the Deputy- Secretary of an area committee in the Endloveni informal settlement told me that the type of punishment inflicted depended on how the person interacted "with the community" (June 16, 2014). This is consistent with Larcom's work in the New Guinea Islands—that harsher and more violent punishments are imposed on those at a "greater social distance" (Larcom 2015: 183).

A female who was beaten by a community patrol for suspected drunkenness told me that this would not have occurred in her own neighborhood (resident in R settlement, June 16, 2014). She also stated that when the Somalian shopkeepers in her neighborhood were robbed no-one stood up for them but that if she were robbed the community would find and punish the offender (ibid.). Thus, just as state discourse targets foreigners as criminals and for being somehow illegitimate so too are they ignored by the "moral community" when crimes are committed against them. This selective attitude is borne out by research conducted by Gastrow and Amit (2012).[36] In this way then, ethnic identities and spatial differentiation (itself a marker of class: who is there legitimately and who is not) are "crucial markers" (Kynoch 2005: 500) in the construction of both criminality and victimhood. The conferring of outsider/insider status functions as a mode of boundary setting, in the same way as the other crime prevention technologies discussed in this article.

The Case Number

This section argues that just as a case number is important for those in affluent suburbs, without which they cannot lodge an insurance claim, so too is it an important tool in the retrieval of stolen property in informal settlements, but for different reasons.

---

[36] See also evidence by Vickie Igglsedon before the Commission given on February 4, 2014 and Sosibo, de Wet and Zwane (2014).

In both instances, there is an interaction with official law for purposes not quite contemplated by it.

According to research conducted by Seekings (Seekings 2013: 24) a far smaller proportion of Khayelitsha residents said that they would go to the police to solve problems of house-breaking than was the case in white/colored neighborhoods. Instead, a significant minority of respondents said that they would solve the problem locally—through friends, neighbors, or local organizations—rather than the police. In the murder trial that I observed the state eyewitnesses testified that had the accused followed the standard practice of reporting the incident (a stolen television) to the street committee the deaths of the suspects could have been avoided. A young woman living in a tin shack in Enkanini—a shack that was big enough to hold little more than a double bed and a hot plate—told me that when her blankets and hair-iron were stolen during a break-in she did nothing because she did not see the thieves, but that if she had seen them she would have alerted the "community" to assist her in retrieving her goods (October 16, 2013).

Conversely, many interviewees stated that a "case number" is required for non-state actors to assist in the retrieval of stolen property. This represents a distinctive shift from the 1980s, where the police were largely irrelevant to the solving of criminal cases in black townships. In the post-apartheid era, a clear link to the police, and a form of official authorization, is now being claimed: "without the case number there's nothing we can do because everything that we do, the police must know about first" (member of community crime prevention committee, "X" informal settlement, August 16, 2014). Thus, ostensibly competing types of authority—the police and the community—complement each other, when they informally collaborate.

According to my interviewee, the police were aware that they searched, and if necessary, assaulted suspects:

> We don't beat that much, just to get them to tell us what is going on. If the suspect refuses to talk to us we call the community: the police do come but they don't take that person without our permission. They don't just come and take the person while we are busy …. They are happy because we are helping them to find the guys. Sometimes the police are already looking for the guy (ibid.).

This is consistent with Owen and Cooper-Knock (2015: 8) whose research in Nigeria and Kwamashu led them to argue that the "bureaucratic role of the Police is crucial" insofar as this is a means to both "create records and take action".

A former member of the Amadlozi, a vigilante organization in Port Elizabeth, whom I interviewed during a break at the

Commission hearings, after proudly showing me newspaper clippings about the Amadlozi, explained that there was:

> nothing wrong with the victim going to the police and getting a case number – just to make sure we are covered- because for us it's important to have a case number ... as members of the community we want to be on the safe side. Because when we find the suspect it's important to get the goods back before they get taken to the Eastern Cape where they get sold and you never see them again. We follow the lead and get the suspect – if the suspect is willing to talk (because all is pointing to him) there is no need for a massage and if he doesn't talk yes he will get a little massage and he talks and we find the goods and it's only then we take him to the police (January 29, 2014).

His reply to my question of why he would take the person to the police, after retrieval of the goods, was that prevention was "better than cure," that "the law" had to "take it's course" and that "the judicial system must do its duty: we already assisted the Investigating Officer. We made the job easier." This is ironic, considering that in fact the law is patently *not* taking its course. Instead, what we are seeing, is the balancing of an ideal "law" that Khayelitsha's residents desire—one which involves the police cracking down on criminals, locking people up for more than the requisite 48 hour period,[37] making communities safer and, returning stolen property—with the one that they expect—that the law will not assist them because its agents are corrupt, inefficient and "on the side of criminals." (See also Cooper-Knock 2014). One only has to peruse the record of the Commission to find overwhelming references to police and overall criminal justice system inefficiency. Interviewees (and Commission witnesses) consistently expressed frustration because when "criminals" were arrested they were "immediately" released back into the community. The chairperson of the Father's Committee, who had himself spent 15 years in prison and had allegedly never seen a social worker, stated that: "a criminal is supposed to go behind bars for a long time. He can't stay with people" (February 1, 2014).

Clearly, there is state complicity. Thus, a school principal testifying at the Commission, stated that the police had witnessed him driving with suspects in the back of his truck in order for them to show him where the stolen goods were being sold. The police made no effort to charge the suspects and commence with investigations (Mr. Mjonondwana, January 28, 2014). Similarly, a senior

---

[37] The bill of rights provides that the police cannot detain a suspect for longer than 48 hours, without bringing them before a court of law.

prosecutor from the Khayelitsha Magistrate's court publicly requested residents who were attending a "community meeting" in Enkanini, to assist the state in collecting evidence. As she put it:

> It is you, the community, who have to bring us the information so we can do our job to put away the criminals... If you don't come to court we can't help to put away the bad people... If we stand together in the quest, that is to bring down the accused, then it's the only way we are going to go forward (March 4, 2015).

By asking residents to take responsibility for collecting evidence, the state creates the space for violent illegality and simultaneously shapes the vilification of criminals by framing it as a "good" people versus "bad" people issue.

Conclusions

In South Africa, both the rich and the poor are expected to buy into the ideas of serving the community through voluntarism. This article has argued that, in a context of deep scarcity, it is dangerous to render the "community" responsible for crime prevention because it overburdens those who are most in need of state support. Not only does the discourse of community crime prevention gloss over macro-socioeconomic conditions; the extent to which historically violent modes of "popular sovereignty" still play out; localized power struggles; levels of violence and; the presence of hated outsiders—such as ex-prisoners, people released on bail and foreigners—but it also creates a fractured and volatile solidarity around crime and criminality. The result is an unstable mix of different forms of control, a blurring of the legal and illegal.

The article has sought to provide insights into the governance of security in Khayelitsha. It has described how the variegated informal arrangements between the police and local actors distort "more visible legal logics" (Valverde 2008: 10)—such as the principles of penal law (due process, the presumption of innocence, no detention without trial) that are enshrined in constitutional democracies, but only ever incompletely realized in practice. This interaction between "legal" and "illegal," the configuration and reconfiguration of civic action, of legal consciousness and, of state law was examined in the empirical sections of the paper. Whether via street committees which sit as people's courts, neighborhood watches, informal patrols, banishment, or laying a criminal charge at the police station, the effect is to tolerate violence and to keep it in the space of the local. However, when the violence becomes

too spectacular, then the state distances itself from those who "take the law into their own hands."

Just as there are linkages between the police and the mob (Cooper-Knock 2014), so too are there linkages between the mob and the community: at times the very same people constitute both and, as such, the term "community" is a problematic concept. I have shown how, when suspected criminals are released on bail, the police and courts are perceived to be acting ineffectively, thus necessitating more permanent forms of expulsion—such as the destruction of shacks, or even death. As such the concept of "effectiveness" is dangerous and the quest for legitimacy in the eyes of a deprived and fragmented community, that coheres around crime, can only be met by permanent expulsion, such long- term imprisonment, itself a form of legal banishment which has deleterious social consequences.

Like power, legitimacy is not something that can be seized, but is constantly negotiated and the paper has described how, in seeking to maintain legitimacy both vis a vis the state and also local residents, street committee members "look the other way" when violent acts of street justice take place. The ANC, too, has sought to maintain its legitimacy as a ruling party. Once it transitioned from being a liberation movement, engaged in popular justice, to becoming the governing party it sought to maintain credibility by framing neoliberal responsibilization rhetoric in the cloak of revolutionary populism. It combined this with a punitive discourse on crime and foreigners, particularly foreigners from other African countries. The article has argued that, given the cultural and historically violent context of popular justice, coupled with inequality, scarce resources and, an absent state, the connections between dual power and vigilantism have, at best exacerbated and, at worst, shaped an already volatile situation. Thus, the state has, via its discourse and practices (including omissions), created the space for legal community based crime prevention technologies to slide into illegal vigilantism.

Given the fuzziness of the discourse of neoliberal responsibilization, communitarianism and grassroots democracy and the way they play out on a multiscalar level in South Africa, it is not surprising that things go wrong during implementation, particularly as all three fail to address inequality. Whereas the rich can outsource to private security companies the poor cannot: they have only their time, which is an already stretched resource. Thus, the violence which underpins all forms of exclusion—both legal and illegal—plays out far more visibly in informal settlements than in affluent neighborhoods, yet, at the same time it is also invisible because it is occurring on the frontier—affecting poor people who live far from the city center. This phenomenon is not limited

to South Africa but occurs, particularly in contexts of deep inequality, throughout the world.

The hybrid security assemblages that assemble and disassemble in Khayelitsha's informal settlements, and in other marginal areas, throw the ambiguities of liberal theory and the (non) "singular nature of the rule of law" (Valverde 2008: 5) into stark relief. It is here, on the local scale, on the frontier, that the incompleteness of the liberal democratic state formation project is most obvious and where future research should be focused. When social crime prevention is watered down and woven into the discourse of the "responsible community," as has been the case in South Africa, the technologies of community policing and community-based crime prevention become penetrated by violent "forms of [illegal] local justice" (Hornberger 2013: 12). At the same time, these local forms are also penetrated by state law. Thus, the discourse and practices of human rights, *ubuntu*, due process and, bureaucratic policing procedures (such as registering a case) are all braided into local security assemblages. State law is not so much absent, as reconfigured, with the spectacles of legal and illegal being graphically interwoven with each other.

References

Aas, K. (2014) "Bordered Penality: Precarious Membership and Abnormal Justice," 16(5) *Punishment & Society*, 520–41.

Abrahams, R. (1998) *Vigilant Citizens, Vigilantism and the State*. Cambridge, Malden: Polity Press.

———. (2008) "Some Thoughts on Vigilantism," in Pratten, D., & A. Sen, eds., *Global Vigilantes*. New York: Columbia University Press.

Adler, G. & J. Steinberg (2000) "Introduction," in Adler, G., & J. Steinberg, eds., *From Comrades to Citizens, The South African Civics Movement and the Transition to Democracy*. New York: Macmillan Press: Houndsmills, Basingstoke, Hampshire, London, St Martins Press.

Affordable Land and Housing Data Centre (undated) *Suburb Profiles*. Available at: http://www.alhdc.org.za/static_content/?p=91 (accessed 30 June 2015).

Allison, J. (1990) "In Search of Revolutionary Justice in South Africa," 18 *International J. of the Sociology of Law* 409–28.

Amin, A. (2005) "Local Community on Trial," 34 *Economy and Society*, 612–33.

Anderson, E. (1999) *Code of the Street, Decency, Violence and the Mora Life of the Inner City*. New York/London: WW Norton and Company.

Beckett, K. and Evans, H. (2015) "Crimmigration at the Local Level: criminal case processing in the shadow of deportation," 49 *L. and Society Rev.* 241–277.

Brewer, J. (1994) *Black and Blue, Policing in South Africa*. Oxford: Clarendon.

Browning, C., S. Feinberg, & R. Dietz (2004) "The Paradox of Social Organization: Networks, Collective Efficacy, and Violent Crime in Urban Neighborhoods," 83(2) *Social Forces* 503–34.

Bruce, D. (2010) "An Acceptable Price to Pay? The Use of Lethal Force by the Police," *Criminal Justice Initiative, Occasional Paper Series 8*, Open Society Foundation, Available

at: http://osf.org.za/wp/wp-content/uploads/2012/09/CJI_Occasional_Paper_81.pdf (accessed 5 January 2014).

Burman, S., & W. Schärf (1990) "Creating People's Justice: Street Committees and People's Courts in a South African City," 24(3) *Law and Society Rev.* 693–744.

Buur, L. (2003) "Crime and Punishment on the Margins of the Postapartheid State," 28(1) *Anthropology and Humanism* 23–42.

Buur L., & S. Jensen (2004) "Introduction: Vigilantism and the Policing of Everyday Life in South Africa," 63(2) *African Studies* 139–52.

———. (2007) "The South Africanisation of post-apartheid South Africa: nation-state building and consequences for mobile livelihoods," in L. Buur, S. Jensen & F. Stepputat, eds., *The Security-Development Nexus: Expressions of Sovereignty and Securitization in Southern Africa*, Pretoria: HSRC Press.

Census (2011) *Statistical Release (Revised)*. Available at: http://www.statssa.gov.za/publications/P03014/P030142011.pdf (accessed 29 June 2015).

Cherry, J. (2000) "Hegemony, Democracy and Civil Society: Political particpation in KwaZakkele township. 1980-1993," in Adler, G. & J. Steinberg, eds., *From Comrades to Citizens, The South African Citizens Movement and the Transition to Democracy*. New York: Macmillan Press. 86–113

Citizen Surveys and Centre for Justice and Crime Prevention (2011) "Community Safety Barometer," Cape Town: Department of Community Safety, April.

Comaroff, J., & Comaroff, J. (2004) "Criminal Obsessions, after Foucault: Postcoloniality, Policing, and the Metaphysics of Disorder," 30(4) *Critical Inquiry* 800–24.

Cooper-Knock, S. (2014) "Policing in Intimate Crowds: Moving Beyond 'The Mob' in South Africa," 113 *African Affairs* 563–82.

Darracq, V. (2008) "The African National Congress (ANC) Organization at the Grassroots," 107(429) *African Affairs* 589–609.

De Klerk, J. (1999) "Community Policing Forums' – Inducing Vigilantism, 92 *Servamus* 48–52.

De Kock, C. (2012) "Serious Crime in Khayelitsha and surrounding areas, Crime Research, Crime Intelligence," Affidavit of Major-General De Kock (AL30), 3 August 2012, Available at: http:///www.khayelitshacommission.org.za/images/highcourt papers/282 (accessed 15 April 2014).

Delgado, R. (2008) "Law Enforcement in Subordinated Communities: Innovation and Response," 106 *Michigan Law Rev.* 1193.

Department of Community Safety (2009) "10 Safety Audits. Final Report on Khayelitsha Police Station," Cape Town, 30 March. KPMG Services.

———. (2013) "Community Safety Neighbourhood Watch Training Learner Guide," Cape Town.

———. (2010) "Uniform Constitution for Community Police Forums and Boards in the Western Cape."

Department of Safety and Security (1998) "White Paper on Safety and Security. In the Service of Safety, 1998-2003," September.

———. (1999) "Policing Priorities and Objectives for 1999/2000."

de Sousa Santos, B. (1987) "Law: A Map of Misreading. Toward a Postmodern Conception of Law," 14(3) *J. of Law and Society* 279–302.

Dixon, B. & L. Johns, (2001) "Gangs, Pagad and the State: Vigilantism and Revenge Violence in the Western Cape," Johannesburg: Centre for the Study of Violence and Reconciliation.

Evans and Wicks (2015) Available at: http://www.news24.com/SouthAfrica/News/Viral-video-shows-vigilantism-not-xenophobia-police-20150411 (accessed 11 April 2015).

Ewick, P., & S. Silbey (1992) "Conformity, Contestation, and Resistance: An Account of Legal Consciousness," 26 New England Law Rev. 731–49.

Fourchard, L. (2011) "The Politics of Mobilization for Security in South African Townships," 110/441 *African Affairs* 607–27.

———. (2012) "Security and Party Politics in Cape Town," 43 *Geoforum* 199–206.

Frith, A. (2013) *Dot-Maps of Racial Distribution in South African Cities*. Available at: http://blog.adrianfrith.com/dot-maps/(accessed 19 August 15).

Garland, D. (1996) "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society," 36(4) *British J. of Criminology* 445–71.

Gastrow, V., & R. Amit (2012) "Elusive Justice, Somali Traders Access to Formal and Informal Justice Mechanisms in the Western Cape," *ACMS Research Report*, Johannesburg: University of the Witwatersrand.

Geach (2014) Available at: http://www.iol.co.za/news/crime-courts/search-for-man-who-whipped-gardener-1.1778304#.Vdwr0-lEew4 (accessed 11 November 2014).

Goldstein, D. (2008) "Flexible Justice: Neoliberal Violence and Self-Help," in Pratten, D., & A. Sen, eds., *Global Vigilantes*. New York: Columbia University Press.

Gottschalk, M. (2013) "The Carceral State and the Politics of Punishment," in Simon, J., & R. Sparks, eds., *The Sage Handbook of Punishment and Society*. Los Angeles, London, New Delhi, Singapore, Washington, DC: Sage.

Gray, P. (2013) "Assemblages of Penal Governance, Social Justice and Youth Justice Partnerships," 17 *Theoretical Criminology* 517–34.

Hansard, Appropriation Bill, Debate on Vote 6, Justice, Vol. 1 (1994), cols. 1–2304.

Hansard, Appropriation Bill, Debate on Vote 20 (1999), Justice, cols. 1747–3494, 10 March to 25 March.

Hansard, "Interpellations, Questions and Replies," 2 February – 14 April, Vol. 36A (2000), cols. 1–1284.

Hansard, "Interpellations, Questions and Replies," Vol. 42 (2001), 15 February-28 June, cols. 1–2960.

Häefele, B. (2006) "Vigilantism in the Western Cape," Department of Community Safety, Provincial Government Western Cape. Available at: https://www.western-cape.gov.za/text/2006/4/vigilantism_in_the_western_cape (accessed 4 December 2012).

Haysom, N. (1989) "Vigilantes: A Contemporary Form of Repression." Johannesburg: Seminar paper presented at the Centre for the Study of Violence and Reconciliation, Seminar No. 4, 25 May.

Hornberger, J. (2013) "From General to Commissioner to General—On the Popular State of Policing in South Africa," 38 *Law & Social Inquiry* 598–614.

Horwitz, D. (1992) "Images of People's Justice in a Changing South Africa," Unpublished MA Thesis in School of Criminology at Simon Fraser University.

Huggins, M. (1991) "Introduction: Vigilantism and the State – A Look South and North," in Huggins, M. ed., *Vigilantism and the State in Modern Latin America, Essays on Extralegal Violence*. New York, Westport, Connecticut, London: Praeger.

Irvine, H., & M. Gaffkin (2006) "Getting In, Getting On and Getting Out: Reflections on a Qualitative Research Project," 19(1) *Accounting, Auditing & Accountability J.* 115–45.

Jarman, N. (2008) "Vigilantism, Transition and Legitimacy: Informal Policing in Northern Ireland," in Pratten, D., & A. Sen, eds., *Global Vigilantes*. New York: Columbia University Press.

Jensen, S. (2008) "Policing Nkomazi: Crime, Masculinity and Generational Conflicts," Pratten, D., & A. Sen, eds., *Global Vigilantes*. New York: Columbia University Press.

Johnson, L. (1996) "What is Vigilantism?," 36(2) *British J. of Criminology* 220–36.

Johnson, D., E. Maguire, & J. Kuhns (2014) "Public Perceptions of the Legitimacy of the Law and Legal Authorities: Evidence from the Caribbean," 48(4) *Law and Society Rev.* 947–78.

Jordaan, N. (2015) "Operation Fiela 'demoralises and dehumanises' migrants," Available at: http://www.timeslive.co.za/local/2015/07/22/Operation-Fiela-demoralises-and-dehumanises-migrants) (accessed 22 July 2015).

Kynoch, G. (2005) "Crime, Conflict and Politics in Transition-Era South Africa," 104(416) *African Affairs* 493–514.

———. (2011) "Of Compounds and Cell Blocks: The Foundations of Violence in Johannesburg, 1890s – 1950s," 37(3) *J. of Southern African Studies* 463–77.

Lamoer, A (2014) "Western Cape Annual Performance Plan 2012/2013," Annexure PC1, Affidavit of Provincial Commissioner Western Cape, Arno Heinrich Lamoer, Available at: http://www.khayelitshacommission.org.za/images/witnesses/83._Lieutenant_General_Arno_Lamoer.pdf (accessed 15 April 2014).

Landau, L. (2005) "Transplants and transients: nativism, nationalism and migration in inner-city Johannesburg," Johannesburg: Forced Migration Studies Programme, Working Paper #19.

Larcom, S. (2015) "Internalizing Legal Norms: An Investigation into the Legitimacy of Payback Killings in the New Guinea Islands," 49(1) *Law & Society Rev* 178–208.

Lee, R., & J. Seekings (2002) "Vigilantism and Popular Justice After Apartheid," in Feenen, D. *ed., Informal Criminal Justice*. Farnham, Burlington: Ashgate.

Lenz, T. (1988) "Republican Virtue and the American Vigilante," 12 *Legal Studies* 117.

Little, C., & C. Sheffield (1983) "Frontiers and Criminal Justice: English Private Prosecution Societies and American Vigilantism in the Eighteenth and Nineteenth Centuries," 48(6) *American Sociological Review* 796.

Lund, C. (2006) "Twilight Institutions: Public Authority and Local Politics in Africa" 37 *Development and Change* 685–705.

Marks, M., & P. McKenzie (2001) "Alternative Policing Structures? A Look at Youth Defence Structures in Gauteng," in Schärf, W., & D. Nina, eds., *The Other Law, Non-State Ordering in South Africa*. Lansdowne: Juta.

Martin, J. (2010) "Vigilantism and Informal Social Control in South Africa," 23(3) *Acta Criminologica* 53–70.

Massoud, M. (2015) "Work Rules: How International NGOs Build Law in War-Torn Societies," 49(2) *Law and Society Rev.* 333–64.

Maxfield, M., & E. Babbie (2010) *Research Methods for Criminal Justice and Criminology*, Stamford: Cengage Learning.

Merry, S. (1988) "Legal Pluralism," 22 *Law and Society Rev.* 869–96.

———. (1993) "Sorting out Popular Justice," in Merry, S., & N. Milner, eds., *The Possibility of Popular Justice: A Case Study of Community Mediation in the United States*, Ann Arbor: University of Michigan Press.

Minnaar, A. (2001) *"The New Vigilantism in Post-April 1994 South Africa: Crime Prevention or an Expression of lawlessness."* Pretoria: Institute for Human Rights and Criminal Justice Studies Technikon RSA.

Newburn, T. (2007) *Criminology*. Portland, London: Willan.

Nina, D. (2001) "Popular Justice and the 'Appropriation' of the State Monopoly on the Definition of Justice and Order: The Case of Anti-Crime Committees in Port Elizabeth," in Schärf, W., & D. Nina, eds., *The Other Law, Non-State Ordering in South Africa*. Lansdowne: Juta.

Nombembe, P. (2014) *Cries Got Baby Back to Mom*. Available at: http://www.timeslive.co.za/thetimes/2015/01/06/cries-got-baby-back-to-mom (accessed 6 January 2015).

O'Regan, K., & V. Pikoli (2014) "Towards a Safer Khayelitsha, Report of the Commission of Inquiry into Allegations of Police Inefficiency and a Breakdown in Relations Between SAPS and the Community of Khayelitsha" August, Available at: http://www.khayelitshacommission.org.za/images/towards_khaye_docs/Khayelitsha_Commission_Report_WEB_FULL_TEXT_C.pdf (accessed 15 September 2014).

Owen, O., & S. Cooper-Knock (2015) "Between Vigilantism and Bureaucracy: Improving our Understanding of Police Work in Nigeria and South Africa," 19 *Theoretical Criminology* 355–75.

Palmer, A. (1998) "Colonial and Modern Genocide: Explanations and Categories," 21(1) *Ethnic and Racial Studies* 89–115.

Pillay, S. (2008) "Crime, Community and the Governance of Violence in Post-Apartheid South Africa," 35 *Politikon: South African J. of Political Studies* 141–158.

Pratten, D., & A. Sen (2008) "Global Vigilantes: Perspectives of Justice and Violence," in Pratten, D., & A. Sen, eds., *Global Vigilantes*. New York: Columbia University Press.

Rodgers, D. (2008) "When Vigilantes Turn Bad," in Pratten, D., & A. Sen, eds., *Global Vigilantes*. New York: Columbia University Press.

Rush, N. (2015) "Rejecting Rights: Vigilantism and Violence in Post-Apartheid South Africa," 114/456 *African Affairs* 341–60.

Schärf, W. (2001) "Policy Options on Community Justice," in Schärf, W., & D. Nina, eds., *The Other Law, Non-State Ordering in South Africa*. Lansdowne: Juta.

Schärf, W. and D. Nina (2001) "Introduction: The Other Law," *The Other Law, Non-State Ordering in South Africa*. Lansdowne: Juta.

Shaw, M. (2002) *Crime and Policing in Post-Apartheid South Africa Transforming Under Fire*. London: Hurst and Company.

Seekings, J. (1992) "The Revival of "People's Courts": Informal Justice in Transitional South Africa," in Moss, G., & I. Obery, eds., *South African Review*, Vol. 6. Johannesburg: Ravan. 186–200.

———. (2001) "Social Ordering and Control in the African Townships of South Africa: An Historical Overview of Extra-State Initiatives from the 1940s to the 1990s," in Schärf, W., & D. Nina, eds., *The Other Law, Non-State Ordering in South Africa*. Lansdowne: Juta.

———. (2013) *"Economy, Society and Municipal Services in Khayelitsha, Report for the Commission of Inquiry into Allegations of Police Inefficiency in Khayelitsha and a Breakdown in Relations between the Community and the Police in Khayelitsha."* Cape Town: Centre for Social Science Research, University of Cape Town.

Sekhonyane M. & A. Louw (2002) "Monograph 72: Violent Justice, Vigilantism and the State's Response," Available at: http://www.issafrica.org (accessed 1 April 2014).

Serban, M. (2014) "The Loss of Property Rights and the Construction of Legal Consciousness in Early Socialist Romania (1950–1965)." 8 *Law and Society Rev.* 773–805.

Social Justice Coalition: Community Testimony for 'Safe and Clean Toilets Campaign' (unpublished).

Sisulu, Z. (1986) "Keynote address at the NECC (National Education Crisis Committee) Conference, Durban, 27-28 March 1986 (AK 2915 CALS A1.3), South African History Archives, University of the Witwatersrand.

Sosibo, K., P. de Wet, & T. Zwane (2014) "Township Politics Fuels the Attacks," *Mail and Guardian*, January 30-February 5.

Super, G. (2013) *Governing through Crime in South Africa, The Politics of Race and Class in Neoliberalizing Regimes*. Farnham, Burlington: Ashgate.

———. (2014) "20 Years of Punishment (and Democracy) in South Africa, the Pitfalls of Governing Crime through the Community," 48 *South African Crime Q* 7–15.

Swanepoel, M., A. Duvenhage, & T. Coetzee (2011) "Vigilantism: A Theoretical Perspective as Applied to People's Courts in Post-1994 South Africa," June. North West University, Available at: http://www/dspace.nwu.za (accessed 12 January 2013).

Tabane, R. (2013) "Brutality prevails when hope is lost," *Mail & Guardian*, November 8–14.

Tankebe, J. (2009) "Self-Help, Policing, and Procedural Justice: Ghanaian Vigilantism and the Rule of Law," 43(2) *Law and Society Rev.* 247–70.

The Citizen (2008) "SAPS Must Fight Fire With Fire," 12 November.

The Star (2008) "'Kill the bastards' – Minister's Astonishing Order to Police," 10 April.

The State v. Mziwabantu Mncwengi, Mzimasi Mncwengi, Buyelwa Mncwengi, Lumnko Babalaza, Xolani Makapela, Mawende Siboma, Case Number SS03/2013, Western Cape High Court, South Africa, part-heard.

Tshehla, B. (2002) "Non-state justice in the post-apartheid South Africa - a scan of Khayelitsha," 6 *African Sociological Rev.* 47–70.

Valverde, M. (2008) "Analyzing the Governance of Security: Jurisdiction and Scale," 1 *Behemoth: A J. on Civilisation* 3–15.

Violence Prevention through Urban Upgrading, Volunteer data, December 2012, unpublished mimeo.

Wilson, R. (2002) *The Politics of Truth and Reconciliation in South Africa, Legitimizing the Post-Apartheid State*. Cambridge, New York, Melbourne, Madrid, Cape Town: Cambridge University Press.

Zille, H. (2012) "O'Regan and Pikoli to Head Khayelitsha Policing Inquiry. Politicsweb," Available at: http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=321110&sn=Detail&pid=71654 (accessed 22 August 2012).

Gail Super *is a Research Associate at the Centre for Criminology, Department of Public Law, University of Cape Town, South Africa. She received her PhD in Law and Society from New York University. Her research in the field of Punishment and Society is inter-disciplinary. She draws on sociology, criminology and, law to examine vigilantism, community-based crime prevention, the politics of punishment and, criminology in South Africa. Apart from her book,* 'Governing through Crime in South Africa, the Politics of Race and Class in Neoliberalizing Regimes' *(Ashgate, 2013) she has published in the* British Journal of Criminology, Theoretical Criminology *and the* South African Crime Quarterly.