Curbing the Killing Fields: Making South Africa Safer

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Final draft of chapter and paper subsequently published as:

Van der Spuy, E. & Shearing, C. 2014. Curbing the Killing Fields: Making South Africa Safer. *The Annals of the American Academy of Political and Social Science*, 652(1): 186-205.

Van der Spuy, E. & Shearing, C. 2014. Curbing the Killing Fields: Making South Africa Safer. In: Rotberg, R. Ed. *Governance and Innovation in Africa: South Africa after Mandela*. Waterloo, ON: CIGI, 237-258.

Abstract

South Africa is often held up as an enviable example of a country that avoided a full-blown civil war. Twenty years into the new constitutional democracy, however, the continuation of social conflict and criminal violence begs the question as to whether South Africa deserves to be described as “post-conflict.” In this article, we take stock of contemporary conversations about crime. First, key dimensions of South Africa’s crime problem are described, drawing on a composite report on violent crime published in 2009 by the Centre for the Study of Violence and Reconciliation (Johannesburg). We then focus on three recent episodes to illustrate some of the dimensions of violence in South Africa’s multi-faceted society. Finally, we take stock of some select approaches to dealing with violent criminality and review ideas for containing crime and making South Africa safer.

Keywords: South Africa; violent crime; safety; policing; crime policy

NOTE: Thanks to Jeffrey Lever for his many critical comments along the way.

The Killing Fields in South Africa in Broad Perspectiveⁱ

South Africa has always been a violent, crime-ridden country. The inauguration of the new government under President Nelson Mandela of the African National Congress (ANC), elected by universal franchise in April 1994 was a time of near universal euphoria. This democratic transition led many to hope that the popular legitimacy bestowed by a democratic regime would bring about much higher levels of social harmony, including a sharp reduction in the rate of violent crime. It did not happen. Instead, as political conflict subsided, violent crime rates continued ever upward (a trend that had with hindsight become evident in the rate of homicide since 1985) (Shaw 1997).

From the mid-1990s the “crisis in crime” in the new South Africa became the subject of heated debate. Rates of violent crime were not only rising from an already high base, but the criminality itself seemed malevolently brutal (Altbeker 2007). Homicide as a proxy indicator of violent crime illustrates the point. In a United Nations study involving calculations of average homicide rates for the 20-year period 1980 to 2000, Shaw, van Dijk, and Rhomberg (2003, 44) found the global average homicide rate to be 7 per 100,000. For the same time period, the comparable rates for South Africa and Columbia were 59 and 68, respectively; i.e., eight to nine times the global average. But it was not just murder. Using police-recorded data for 2002 to arrive at a comparison of countries included in another survey, the South African rate of reported rape topped

the list of countries at 116 per 100,000 compared to 24 for the United States and 22 per 100,000 for England/Wales (Harrendorf, Heiskanen, and Malby 2010, 25).

This crime trend began to reverse itself in 2004. That it has indeed begun to decline significantly from that date seems indisputable. Statistics released by the South African police reveal quite large reductions in some of the national rates of serious crime for the eight-year period between 2004 and 2012. Comparable data from other sources confirm that the trend is downward. The reductions hold sway for almost all categories of crime except nonresidential robberies. For example, assault with grievous bodily harm declined by almost a third from 535 to 381 per 100,000. Robbery with aggravating circumstances had been reduced by 30.5 percent, from 272.2 to 200.1 per 100,000. Murders have been reduced by 27.6 percent, which translates into a reduction per 100,000 of the population from 40.3 to 30.9 between 2004 and 2012 (South African Police Service [SAPS] 2012a).

These declining rates in homicide support both positive and negative interpretations. The good news is that the homicide rate has dropped sharply over an eight-year period;ⁱⁱ but, on the other hand, South African figures remain four-and-a-half times higher than the (available but very incomplete) global average of 6.9 murders per 100,000 (Parker 2012).

The reduction in police-recorded crimes, however, has not translated into radically improved perceptions of safety among South Africans. Fear of crime has declined somewhat, but a country-wide survey of households conducted by Statistics South Africa (2012, 2) found that 35 percent of households were of the opinion that crime had increased, 30 percent indicated that crime had stayed the same, and 37 percent believed that both violent and nonviolent crime in their neighbourhoods had decreased. Fear of home burglary in particular remains rampant; it was described by 57.4 percent of households as the most feared crime, followed by street robbery (29.6 percent), murder (38.8 percent), and sexual assault (23.6 percent).

From its inception in 1994, the ANC government found the high rates of violent crime an unexpected but unavoidable major policy challenge. The first phase of ANC rule followed an idealistic course. High-minded policy documents directed the administration's sweeping liberal reforms. The ensuing reality check, however, was not far ahead—along came the rise in the rates of violent crime. Policies regarding crime, policing, and the criminal justice system came under heavy pressure. The original policy reform included reversal of the coercive and race-based measures of the old regime and the replacement of personnel. Having been more or less forced to abandon long-standing socialist approaches before its advent to power, the ANC government had adopted a seemingly radical policy document of socioeconomic reform—the Reconstruction and Development Program (RDP). Facing state bankruptcy by 1996, the

government was forced to adopt a domestic equivalent of the structural adjustment programs that the International Monetary Fund (IMF) had imposed on Africa since the 1980s. Numerous reform programs fell by the wayside, including extensive reform of the South African police. Another casualty was an overarching National Crime Prevention Strategy (NCPS), embracing all relevant ministries that had been adopted just as budget cuts took effect. Thereafter, government strategy alternated between the coercive and punitive and the more liberal ideas that continued to flow from Western consultants. We consider some of these developments here.

Neither reform nor punishment had brought immediate gains on the crime front by the mid-2000s. Consequently, the criminal justice cluster under the Ministry of Safety and Security engaged a respected Johannesburg-based research institution, the Centre for the Study of Violence and Reconciliation (CSVR), to conduct research and provide recommendations on how to combat crime. Experienced researchers, using up-to-date criminological knowledge, produced a report that was extensive and well-informed (CSVR 2007, 2008a, 2008b, 2008c, 2008d, 2010).

When the CSVR conclusions were made public, an uproar ensued. The ministry and its secretariat, together with parliamentarians, felt that the CSVR had failed to provide what had been wanted. For example, the Police Secretariat, Jenni Irish-Qhobosheane remarked, "There was nothing incredibly new that hit us in the face or took us by surprise, for example, the recommended innovations and suggestions are not anything new" (Defence Web 2010).

The truth of the matter is, however, that the CSVR's researchers had conscientiously gone through a mass of material, thoroughly assembled frightening statistics in all their detail (while observing correctly just how unsatisfactory the country's, and especially the police's, data collection was), and responded with an analysis that reflected mainstream conventional wisdom in academia in South Africa, and elsewhere, about why young men commit so much violent crime. The "legacy of apartheid" still weighed heavily on the country, with widespread poverty, deprivation, social exclusion, and social dislocation (CSVR 2010, 5). The result was a "culture of violence" fed by unmet expectations and a highly materialistic and exhibitionist culture.

The CSVR study was concerned almost solely with what might be termed run-of-the-mill violent crime. But the violence that so wracks the country is by no means limited to such crime. Indeed, while the researchers were busy collecting historical data, the country experienced one of its most pronounced outbreaks of mass violence since democracy in 1994. In May 2008, sixty-two people were killed in mob violence in several major cities. These were the so-called xenophobia riots. The victims were from mostly other African countries (Kapp 2008, 1986).

In addition, from 2008 onwards “collective violence” on a much less lethal scale had already become widespread. Three forms of this violence were predominant. First, there was violence associated with strike action. A second form represented a sort of re-run of mass action that was so prevalent in the 1980s and that involved local communities expressing their violent dissatisfaction with one or another expected provisions of state services, or what are now simply termed “service delivery protests” (von Holdt et al. 2011). Both of these forms of protest are now so common that they pass hardly remarked on beyond the areas affected. The third form has been commonly termed “vigilantism,” in which groups of (mostly) township residents turned on alleged mis-doers and killed them.

Crime, Justice, and Policing: Three Recent Episodes

South Africa’s killings fields are spread across a wide frontier, both spatially and socially. They traverse the border between the private and public domain, and stretch from urban localities into the rural hinterland. The protagonists in the violent dramas—be they perpetrators, victims, or bystanders—include a cosmopolitan spread of South Africans. And yet identities forged along race, class, gender, and age lines converge in such a way that predominantly poor young black and Coloured men and women are pushed to the forefront of the crime drama, in their capacities as both perpetrators and as victims. In the background looms a state operating often ineptly, albeit in a difficult environment. The following three sketches attempt to provide more concrete illustrations of the kinds of insecurities South Africans confront and to whom or what they turn for comfort. The three crime stories offer no more than snapshots of the bigger picture of injury and violence in South Africa.

Bredasdorp: Lethal rape and acquaintance violence

Concern about sexual violence dominates South African discussions on the topic of violent crime. But even to a public hardened by frequent media reports of rape, what occurred in February 2013 in the small rural town of Bredasdorp, about 180 kilometres from Cape Town, was hard to digest. In the early morning of February 2, Anene Booysen was found on a construction site. Just five hours earlier she had been socializing with friends at a local pub. She suffered a terrible death. She was gang raped, her fingers and legs broken, her throat slit, a broken glass bottle lodged in her stomach, and her entrails plucked out and covered in sand (Die Burger 2013).

It was in this unfortunate way that fame came to Anene Booysen. President Jacob Zuma described the incident as “shocking,” “cruel,” and “inhumane” (SAPA 2013).

In the days and weeks that followed Booysen's death, the scourge of rape was debated. The endemic nature of abuse in intimate relationships was re-emphasised and much was made about the link between sexual violence and wider societal violence (Lancaster 2013.) Several months after the brutality, there was also not much consolation to be derived from the criminal justice system. Several of her "acquaintances" had been arrested, but only one was held on criminal charges.

When it comes to sexual violence in South Africa dramatic terms are often used to describe the state of affairs. For example, one of the six CSVr reports was titled: "A State of Sexual Tyranny" (CSVr 2008b). The report documented the widespread incidence of sexual assault, in particular rape, against women in South Africa. It made a point to say that such victimization of women (the bulk of them under the age of 20) is not confined to the major urban areas but appears to be common in various rural locales. It estimated that rape is probably reported to the police approximately one in four times, and argued on this basis that it can be estimated that 300,000 rapes take place per annum (CSVr 2008b, 28). The majority of male sexual assailants are men known to the victim, though "stranger" rape is not infrequent in the urban areas. Gang rape, too, the report noted, is frequently encountered.

Research into the problem of sexual violence has proliferated over the past two decades. Estimations of risk vary from one dataset to another, but all concur that for South African women the risk of sexual violence is extremely high. According to official police statistics, 64,514 sexual offences were reported in 2011/2012 (which incidentally constitutes a decrease of 6.7 percent from 2004/2005) (SAPS 2012a). The total number of sexual offences for that year amounted to 179 per day, or seven every hour. The picture worsens when we review research conducted by a number of leading field organizations. One study in Gauteng revealed that one in four of the women whom they interviewed had experienced sexual violence (Gender Links and Medical Research Council 2010). Overall, only one in twenty-five women who had been raped reported it to the police. Data also capture that at 8.8 per 100,000, South Africa has the highest reported intimate female homicide rate in the world (Norman et al. 2007, 697). Research targeting men as potential offenders paints a further worrisome picture. In a study using a randomly selected sample of men, aged between 18 and 49, from the general population of the Eastern Cape and KwaZulu-Natal provinces, Jewkes et al. (2010, 23) established that 27.6 percent of the 1,686 men had forced a woman to have sex, and the majority had done so more than once. In exploring the motivations underlying rape, researchers have found that feelings of sexual entitlement, a desire to have fun, or anger were key motivations. Such findings led Jewkes et al. (2010) to comment: "What we see here is a set of attitudes reflecting men's views that they are legitimate in the use of violence against women, and women in many respects acquiescing to this."ⁱⁱⁱ

However, in its analysis of the problem, the CSVR report does not go beyond the standard explanations, reporting that there is an all-pervasive “culture of patriarchy” and sexual entitlement on one hand (CSV 2008b, 83), and a “crisis in masculinity” (“insecurity and threatened masculinity”) (CSV 2008b, 90) among lower class men on the other. Here, the CSV report simply echoes the explanatory constructs used in other leading research on the topic (see Jewkes et al. 2010; Moffet 2006). In such discussions, the crisis in masculinity is linked to the unsettling experiences of “structural exclusion” and “relative deprivation” in the post-apartheid order. In its recommendations, the CSV report argued that an investigation into the sources of men’s insecurity would go some way toward “understanding” the psychosocial dynamics at play among emasculated men in the postcolony.

Marikana: A platinum mine, striking workers, and lethal force

After 1870 the major driver of South Africa’s industrial revolution was mining of the country’s abundant mineral resources. Indeed, without the discovery of the extensive diamond and gold fields between the 1860s and 1890 it is hard to conceive how the country could ever have become sub-Saharan Africa’s leading industrial economy. After diamonds and gold came coal and platinum. The mining industry attracted international capital, entrepreneurial ability, skilled labor, and an almost unquenchable demand for tens of thousands of cheap workers doing the dirty work at the mining seam-face.

Along with the rise of the mining industry came unionization, industrial turmoil, and violent clashes between workers and state law and order forces, not to mention the institutionalization of a captive migrant black labor force. A century or so after the initial discoveries, mechanization, deracialization, and more sophisticated managerial techniques appeared to have brought stability to the mines. The majority of the massive bloc of black miners had united behind one organization, the National Union of Mineworkers (NUM).

Appearances were, however, deceptive. As the established union and affiliate of the ANC-aligned trade union federation—the Congress of South African Trade Unions (COSATU)—the NUM had grown lax and unresponsive to the most vociferous voices in its ranks. (Southall 2012). A rival yet unrecognized body began to build support among leading sectors of mine workers. The Association of Mineworkers and Construction Union (AMCU) challenged the hegemony of the NUM. On the platinum mines, the AMCU gained the key support of machine rock drillers, behind whom many of the lesser-skilled rank-and-file miners lined up. For reasons that are hard to fathom, neither

management, the NUM, nor the state itself positioned themselves to defuse a looming crisis.

As an unrecognized union, AMCU was unable to call on available industrial reconciliation mechanisms. The resulting strike at the Marikana platinum mine near Rustenburg grew totally out of hand. The rock drillers were striking for a two-fold wage increase at a time when the global demand for platinum had decreased and lower prices had been eating into the industry's profits (Southall 2012). Before long, the strike turned violent. In the first week, ten people died; six were mineworkers, two security guards, and two policemen. The policemen were hacked to death. Then a large group of miners assembled on a small hill outside the mine overlooking the waiting police cordon. The strikers held spears and sticks in their hands. They advanced and the police opened fire with automatic weapons. When the police ceased firing, there were thirty-four dead strikers. Just how they all died immediately became controversial. Allegations arose that only sixteen died when police first opened fire and that the rest were killed as police pursued fleeing strikers outside the glare of the media (Chapple and Barnett 2012). Immediately, the killings became public. The national commissioner of police, Riah Phiyega, appeared on national TV and made the injudicious comment that no one should point fingers or assign blame. But of course fingers were pointed at the police, who deployed deadly force at dispersing strikers instead of using less lethal strategies of crowd management (Bruce 2012). Soon there was talk of a "toxic collusion" between "state and capital", which had paved the way for state violence (Alexander et al. 2012). Further allegations of police tampering with the crime scene cast additional aspersions on the role of the police (Hlongwane 2012). Shortly after the shooting, the president appointed the Farlam Commission to examine the role of the mining company, the labor unions, the workers, and the security forces in escalating the conflict and to examine the police's use of lethal force. The Farlam Commission hearings revealed a security organization under stress and in considerable disarray.

Khayelitsha: Informal settlement, police inefficiency, and self-help justice

The sprawling township of Khayelitsha, east of Cape Town, combines extreme density, socioeconomic underdevelopment, and high rates of unemployment, all of which affect its youth population. Population estimates for the area vary considerably but even the lower end of the scale estimates that 600,000 people are squashed into an area of six square kilometres. Incidents of violent crime are, by national comparison, high in the area.

In October 2011, 500 Khayelitsha residents gathered outside the office of Helen Zille, Premier of the Western Cape Province, calling for a commission of inquiry into the

state of policing in that province. A consortium of NGOs active in the area (Equal Education, Social Justice Coalition, and the Treatment Action Campaign) represented by the Women's Legal Centre, had started to lobby for official action some time before this demonstration (Davis 2012). Zille referred the issue to the office of the provincial commissioner and later to Phiyega, the newly appointed national police commissioner. Phiyega acknowledged receipt of the complaints in June 2012 and requested a three-week delay to investigate them.

The heart of the petitions was that the police response to incidences of widespread criminal victimization in Khayelitsha had long been inadequate. In the submission prepared by the Women's Legal Centre to the office of the Premier it was argued that widespread perceptions of police indifference, incompetence, and corruption had contributed to a loss of community faith in the police. The gap left by the police had been filled by self-help "justice." Anticrime vigilante killings, so the argument went, had shown a steady increase in recent years. During the course of 2012 alone, twenty anticrime mob killings—often termed "vigilantism"—occurred in the informal settlements of the area (Nombembe 2012; John 2012). Civil society spokespersons argued that such killings, often spontaneous, were symptoms of much deeper issues related to the state neglect and police inefficiency, which had resulted in a consequent breakdown of trust in the police (De Waal 2012).

Shortly after the inquiry into policing in Khayelitsha, politicking began. The minister of safety and security sought a court interdict, which questioned the constitutionality of the inquiry. The minister's reaction was hardly surprising given the fierce contestation between an ANC-aligned national ministry and the Democratic Alliance's control of the Western Cape provincial government. To subpoena the provincial police to appear before the commission was deemed a direct attack on the national ministry. In January 2013, the High Court dismissed the interdict, paving the way for public hearings.^{iv} The ministry then indicated that it would appeal the case to the Constitutional Court.

Interestingly enough, from documentation submitted to the commission, it appears that the police did in fact appoint a task team to make a "qualitative assessment" of the allegations that civil society made. During July 2012, inspections were held at three police stations in Khayelitsha: Site B, Harare, and Lingeletu West. The report of the task team (marked confidential) paints a picture of institutional disarray. All three stations had benefited from infrastructural upgrades, which flowed from the presidential police station plan, an initiative dating back to 1999. Over the past decade, the police in the area had received increases in both personnel and vehicles. Despite being "relatively well resourced," noted the task team, the police were not meeting the expectations of the community. There were high rates of absenteeism

(almost a third on any given day), poor record keeping, and weak investigative action (SAPS 2012b, 8–9). In all three of the stations a large number of police personnel had been subjected to internal disciplinary procedures, some repeatedly, for various incidences of misconduct (SAPS 2012b, 15). Relations between community police forums and police management, conceded the task team, were indeed adversarial and trust was low.

The issues raised by the Khayelitsha case study have much wider implications. First, the case provides a stark reminder of the kinds of safety challenges that confront the poor across South Africa—an enduring feature of criminalization that first emerged with some clarity from a pioneering enquiry by Louw and Shaw in 1997. Second, the Khayelitsha case also serves as a reminder that in the absence of a capable public guardian, the poor will devise self-help strategies of which vigilantism may be one. Self-help is not new. Organized community action and self-help justice can be traced at least as far back as the 1930s among urban working-class populations. What makes the incidents since the late-1990s somewhat different is the extent to which organization was lacking, and how, what in the past, had been termed “vigilantism” has deteriorated into on-the-spot reactive mob violence (von Holdt et al. 2011).

To expect anything much from a public enquiry into the state of the police in Khayelitsha would be unwise, although the background research that the Commission has requested into demographic trends and socioeconomic conditions in the area may have great potential. Its capacity to spur physical and economic growth is, of course, minimal, but the report may bring some relief regarding the safety concerns of residents and do something to energize the police.

The State of Policing and the State Police

Questions about the quality of police and policing in South Africa is a central theme running through these three crime stories. The commissions of inquiry—whether focusing on police community relations in Khayelitsha or the Marikana massacre—focus very directly on the national crisis of police (dis)organization. The decline in specialist policing expertise in various areas has long been a source of worry. Decisions that led to the disbanding of specialist police units have undermined dedicated police capacity in areas such as public order, organized crime, anticorruption, and sexual violence. Add to this already long list the corrosive influence of corruption (big and small) involving the top, the middle, and the bottom of the police organization. Furthermore, even among senior officials within the police, there is now open admission of a yawning deficit in command and control throughout the organization.

A program of “en masse” recruitment initiated in 2002 led to a rapid rise in the number of police. It has been described as a costly policy choice. During the 10-year period 2002 to 2012, the number of police personnel increased by 65 percent. Such a rapid increase in personnel has had debilitating effects on all systems of administration from recruitment to selection through to training and deployment (Bruce 2013). The then-Commissioner of Police Bheki Cele conceded in 2010 to the relevant parliamentary portfolio committee that “we have not been big on quality, we have been big on quantity. People have been thrown in by chasing quantity rather than quality” (Newham and Lancaster 2012). Organizational woes extend to electronic data capturing systems, as well—in 2013 only 79 of 1,125 police stations had access to the electronic docket system, which was established over a 10-year period at a cost of R418 million (Newham and Lancaster 2012).

In a presentation to the Portfolio Committee on Police (26 March 2013), researchers based at the Institute for Security Studies produced damning answers to the question, Does the SAPS have a problem with abuse of power? (Newham 2013). The presenter noted that over a period of 10 years there had been a 313-percent increase in the number of brutality-related criminal cases opened up against police officials by the Independent Police Investigative Division. During 2011/12, SAPS charged 1,050 of its own members with corruption-related offences. Total civil claims against the police have doubled over 2012–2013. Abuse of police power has increased as internal control and disciplinary systems for investigating police misconduct have weakened (Newham 2013).

After 20 years of concerted efforts to modernize systems and democratize procedures, the South African police are still not professionalized. Drawing on public opinion surveys, two-thirds of the adult South African population think that corruption is a widespread problem in the police, 41 percent of the population do not trust the police, and a third interviewed in another study (Futurefact 2013) indicated that they were scared of the police. To all this, one could add indications of growing political interference in the operational mandate of the police—an issue that the Farlam Commission explored (Bruce 2012). But the sources of institutional malaise emanate in part from outside the organization. Political pronouncements of a “war on criminals”—or in the strident words of a former deputy minister of safety and security, a pronouncement to “kill the bastards” and worry about the legal consequences later—have created an environment conducive for police excess (Burger 2013). For many, Marikana occurred because of ill-trained and ill-disciplined police encouraged by the inflammatory “war on crime” rhetoric from a political elite increasingly nervous about manifestations of social disorder.

In informal settlements, such as in Khayelitsha, the failure of the police to respond to the ordinary safety concerns of the poor mirrors the deficiencies of service

delivery by the state in areas such as education and health. The risk of criminal victimization is shared unevenly among South Africans. National victimization studies reiterate that it is much more dangerous to live in a lower-class poverty-stricken neighborhood than in a middle-class suburb. As Shaw and Louw (1998, 10) put it: “[R]ace—and its overlay with class—are key determining factors of who is affected by crime.” And, unlike their middle-class counterparts who have long turned to the private security industry to service their safety needs, the poor will have to make do with the informal resources at their disposal.

Making Sense of Social and Criminal Violence

Conventional social science in South Africa: The CSVr reports

Making sense of competing and overlapping perspectives on social and criminal violence is a particular challenge in the conversation about crime. There is no shortage of these perspectives. Commentators have little difficulty in reciting the many factors that structure antisocial motivations and actions. For example, the final report by the CSVr, *Tackling Armed Violence*, captures academic wisdom on the topic (CSVr 2010). “The core of the problem of violent crime,” the report states, “is a culture of violence and criminality” (CSVr 2010, 18). This culture of violence is “associated with young men who tend to be invested in some kind of criminal identity” (CSVr 2010, 7). What then underlies this “culture”? The same report lists the following as the answers: the high-level or “structural” issues of “inequality, poverty, unemployment, and social exclusion, and marginalisation.” One derives from these factors “values relating to crime and violence ... inadequate child rearing and inappropriate youth socialisation,” together with “weaknesses of the criminal justice and aligned systems” (CSVr 2010, 10).

At first sight there is an almost self-evident validity to these propositions. Most criminologists will assent to the claim that “young men” (between the ages of 15 and 34, or thereabouts) make up the bulk of violent perpetrators (Seekings and Thaler 2010; Centre for the Study of Violence and Reconciliation 2008b). This is an assertion of fact, and empirical data bear it out almost universally. Yet there seems to be very little agreement about why this is true. The CSVr reports lean heavily on the fact that young men experience a “crisis of masculinity” as the reason. More plausible explanations draw from multi-disciplinary “life-cycle” theories. These have the virtue of transportability across locales. Then there are arguments outside the social sciences that propose that young men tend to be the risk takers, and that those with the least to lose—that is, with the least valuable social and economic assets that translate into reproductive success—will raise the stakes by engaging in crime and violence. In terms

of theoretical and empirical depth, the CSVR choice to cite the structural issues as the problem fares badly.

It seems altogether obvious that inequality, poverty, unemployment, social exclusion, and marginalization would generate the underlying psychosocial mechanisms that might turn people against the dominant mores. But in a study by Seekings and Thaler (2010), data suggest that the interconnections are not at all straightforward. Much more research is required before finer distinctions can be made about the particular category of young men driven or attracted to violent crime.

Finally, it should be noted that the concept of a “culture of violence” has not gained strong empirical support since it was first articulated by Marvin Wolfgang and Franco Ferracuti in 1967.^v Interestingly, the first report of the CSVR (CSVr 2007) stated that “violence has come to be regarded as a valid means of self-assertion, and of gaining cooperation, respect, and compliance from others, especially among other young men” (p. 170). In the section headed “Normalisation of Violence” in the report, the CSVR authors articulate the idea of a culture of violence, describing “a situation where violence is regarded as a viable and legitimate way of resolving problems or protecting one’s interests” (p. 169). A “viable and legitimate way of resolving problems” by violence would on the face of it constitute a veritable culture of violence. Nevertheless, the report provides no sound evidence (such as survey data) to support this conclusion. The point could still be valid, however, if persons in this “culture” were indeed “in that condition which is called Warre; and such a warre, as is of every man against every man” (Hobbes 1651/1968, 185). To put it another way, groups so situated are effectively “stateless,” lacking the protection, and the pre-emption of retributive violence, that began with modern state-building (Pinker 2011, 101). There are persuasive reasons, to which the first CSVR report refers, to think that large sections of the population in twentieth-century South Africa were more or less stateless, in somewhat the same way that the people in the lowest strata of industrialized states were. Insofar as large sections of the poor continue to experience structural exclusion from the spoils of the post-Apartheid state and its economy, violence will continue to appeal as a means to protect and advance personal interests.

The burden of the past

The CSVR study refers to the past mainly in its first report. There is a rich (and perhaps a too neglected) historical literature concerning crime and violence in South Africa. Gary Kynoch (2005, 2013) is only one of the more recent historians who has argued that too much attention has been given to the recent past, thereby ignoring the structural continuities that characterized much of the twentieth century. His argument

questions the view that contemporary violence is mostly a by-product of political transition in South Africa and the social “looseness” that it introduced. Other work from much earlier in the twentieth century had made more or less the same point. A masterly study in the 1949 edition of the *Handbook on Race Relations in South Africa* edited by Ellen Hellmann (1949) with a chapter by Jack Simons (1949) on ‘Law and its Administration’ documented the dislocations and disorder that were afflicted the urban black population—mining-led industrialization, control of movement, poverty, and harsh policing. Their work was taken further by a new generation of scholars from the 1970s onward. Phillip Bonner (1988), for example, pointed out the extent of youth unemployment, the growth of urban gangs, and the growing impact of a new consumer culture on black youth between 1939 and 1955. Bonner made much use of the concept of “social dislocation” to indicate the way in which family life and a more cohesive value system were being shattered. Clive Glaser (2000) in his study of gangs in Soweto did for that area what Don Pinnock (1984) had done for the Cape Flats in his work on the gang culture there. Pinnock and others also highlighted the rise of self-help justice by township residents attempting to act as “civic guards.” Goodhew (1993) traced the emergence of a “People’s Police Force” in the Western Areas township on the Rand from 1930 onward. He sounded what became a familiar note in the older literature on the cleavages among the black population, with the older, more educated generations attempting to combat the tide of “youthful violence” (Goodhew 1993, 451).

In original, Kynoch’s 2013 study probes the very nature of the “transition” violence that accompanied political changes after 1990. In this study, he offers a revisionist account of political conflict and challenges the overly simplified and deeply romanticized depiction of political violence against a repressive state. A “more inclusive, morally fraught picture emerges from the voices of those who survived the township wars” (Kynoch 2013, 7).

The problem of the present

In the run-up to 1994, and for some years after, the ANC and its intellectual allies set out a program of policing reform based on the argument that a democratic government would enjoy a public legitimacy that the apartheid state could never have achieved. What was needed was a transformation of the state police from a coercive force to a community-supported force. Enjoying popular legitimacy, the police would no longer be viewed as the enemy; through such mechanisms as community policing (as embodied constitutionally in such institutions as community-police forums, the rule of law, and an effective police oversight board), the masses would work together with beat officers to combat crime. Subsequent ethnographic studies on everyday policing in the

new century by scholars such as Jonny Steinberg (2008), Antony Albeker (2005), and Andrew Brown (2008) painted not altogether unflattering pictures of the new police in action. The general tone was that the cops indeed had a difficult job, but ‘that even the worst among them’ did more good than the usual public do-gooder (Altbeker 2005, xiv). Still, it was not easy going. Steinberg concluded that “the consent of citizens to be policed is a precondition of policing” and that it was not always forthcoming (Steinberg 2008). A later article by the same author paints an altogether bleaker picture: the quality of policing had deteriorated (Steinberg 2012) and the SAPs was widely viewed among poorer communities as corrupt and unresponsive to public grievances.

In contrast to the argument about the absence of a normative contract, others approach the crime problem from a situational point of view. They take as a point of departure the commonplace criminological lore that a small proportion of the population is responsible for the bulk of crime. The quotations from the CSVR report to which we referred earlier imply this proposition. Albeker (2007) makes the point more stridently as he turns to South Africa’s “crisis of crime.” He argues that focusing on crime prevention in crime policy just after 1994 was a grave mistake. It meant that “those parts of the criminal justice system devoted to finding and punishing criminals have suffered the cruel neglect of the ugly stepchild.” What is required is a complete policy reversal, i.e., a reorientation away from fighting “crime” and the underlying social conditions toward fighting “criminals” (Altbeker 2007, 142). The immediate task at hand is “to find and to prosecute people who commit crimes” (p. 147). Investigative and prosecutorial efforts need to get “the worst offenders behind bars” (p. 151). An aggressive program aimed at incarcerating a substantially larger number of violent offenders (despite the social costs) would have positive spinoffs. Albeker’s argument in favor of refocusing criminal justice energies on processing criminals runs up against old criminological wisdom, however. Society gets the crime that it deserves; inequality and all the usual social inequities lead inexorably to the killing fields that we now see today (Dixon 2012). Or do they?

Safety and Security: Future Prospects?

As this volume makes clear, there are many ways in which Mandela’s legacy might be conceived. If it is conceived as embodying a profound optimism for a better future that inspired South Africans, the security policies of the 1990s might be regarded as a feature of Mandela’s legacy.

The central thrusts of these policy proposals were remarkably consistent. This consistency was embodied in two features.

- First, the policies sought to ensure that South Africa had an effective and accountable police force (and broader criminal justice system) that would focus its attention on doing what police do best. Namely, successfully and legitimately, applying what Egon Bittner (1970) has termed “non-negotiable coercive force” or the credible threat of such force (Shearing and Leon 1977), by agents of the state that would restore peace in the face of threats to it. Bittner (1974, 30) expressed this sense of force as a source of peace when he argued that police were, and should be, an agency to which people can confidently turn when something-serious that “ought-not-to-be-happening-and-that-someone-had-better-do-something-about-now” has occurred.
- Second, these policy statements argued that safety could not be realized through police action alone. Rather, achieving safety required a holistic societal response that enabled the identification, mobilization, and coordination of a wide range of resources.

Achieving these intentions was left to the new, and democratically elected, government to accomplish. The government decided in 2000 to shift away from these policy directions and to implement policy that has led to a very different South Africa than was envisaged during the 1990s.

In reviewing, and seeking to understand, these developments, a useful place to start is with the National Crime Prevention Strategy (Department of Safety and Security 1996). Bold in spirit, this strategy articulated a vision of a post-apartheid engagement with citizen safety as opposed to state security—a turn toward what was beginning to be captured internationally by the concept “human security.” Its thrust was clear and concise—what was required for a safe, and just, South Africa was a competent police force along with an active citizenry who shared a common vision of a country in which its citizens live, work, and play in peace.

Other, related policy documents developed throughout the 1990s shared this vision. These included the report of the Goldstone Commission that established the framework for the policing of South Africa’s first democratic election in 1994 (Heymann 1992)—a policy that was translated into practice and that had much to do with the success of the that election (see Kinnes 2013 for an analysis of what transpired in public order policing later; see also Marks 2005).

The National Crime Prevention Strategy was presented as heralding a “new beginning” for the governance of security within South Africa that was to be achieved through whole-of-society and whole-of-government “policing webs” (Brodeur 2010). These plans never materialized. In the words of the National Planning Commission (2011):

[A]lthough this strategy incorporated cutting-edge international thinking and was widely recognised as sound, it was never fully institutionalised as a holistic and comprehensive strategy that focused on all the factors that produced crime and insecurity. (p. 357)

Indeed, as early as the end of the 1990s there was an explicit shift that distanced the South African government from its initial post-apartheid vision (Hornberger 2013). The more combative discourse—that saw the police as occupying the full range of policing roles and portrayed criminals as legitimate targets of a more “forceful” approach—advocated an approach that in its twenty-first-century guise has come to be associated with a “shoot to kill” policy.

Again the 2011 National Planning Commission is instructive.

In March 2000, the National Crime Combating Strategy superseded this policy [the 1996 policy] and advocated a very different approach, focusing more on criminal justice resources. As a result, the police were inappropriately envisaged as an all-purpose agency, rather than a highly specialised resource to be deployed strategically. This led to a police agency stretched beyond its capacity, with a mandate that is impossible to fulfil, and disenchanted police officers with fragile authority and legitimacy. (p. 357)

Hornberger (2013), in a wonderfully nuanced analysis, has, along with Steinberg (2011), explored how the widening of the police mandate to include crime prevention broadly understood (the role that a policing web was initially envisaged as pursuing) has worked to further the alliance that was already emerging at the end of the 1990s between a frustrated public and a police that was generalizing the use of force to a wide range of policing functions from prevention to detention.

Despite the government’s turn away from the National Crime Prevention Strategy’s focus on a policing web, elements of such a web can be found across South Africa, albeit often operating in far from ideal conditions. These elements have emerged as citizens, across all socioeconomic levels, have looked for, and taken up, spaces that have enabled these citizens to act to preserve their safety—sometimes in perfectly legitimate ways but often through violent initiatives that mirror and extend the combative actions of police. Both sorts of initiatives have been documented (e.g., Baker 2002; Buur 2006).

The National Development Plan focuses its attention on how legitimate initiatives might be encouraged and integrated to form elements of policing webs. The plan considers large-scale developmental project such as Violence Prevention through Urban Upgrade (VPUU). VPUU was introduced by the City of Cape Town in 2005 in partnership

with the German Federal Ministry (BMZ) and the German Development Bank (KfW). VPUU utilizes a “holistic” and “community-based approach” to violence prevention that is realized through the improvement of urban infrastructure and services.^{vi}

Another example of a web-based approach to safety that the plan identifies, this time spearheaded by the Federation de Internationale de Football Association (FIFA), was the policing of the 2010 World Cup, which adopted an explicitly whole-of-society approach (Berg, Nakueira and Shearing 2014). A similar approach, that also included police within a wider policing web, is the way in which, in several areas, police and community initiatives were integrated to respond to the xenophobic violence of 2008 (Igglesden 2008). Other examples of legitimate community initiatives that were drawn into policing webs include the Community Safety Volunteer Programme, operating in Gauteng and the Western Cape and KwaZulu-Natal—all mentioned in the National Development Plan. In addition to these better known examples, there are many other illustrations of regulated subterranean policing webs that have existed, and still exist, in communities across the country that have acted legitimately to promote the public good of security, including, for instance, a dispute resolution project that resolved tens of thousands of local disputes a year before it closed down because of lack of government support (Froestad 2013). To this array of community-focused programs must be added the equally vast landscape of private sector initiatives, including those of the private security industry—an industry that, on a per capita basis, is among the largest in the world (Berg and Nouveau 2011). For a safe South Africa to be realized, the plan argues, a wider range of state and nonstate capacities need to be mobilized at all levels, which requires shifting to an integrated approach, with active citizen involvement and co-responsibility (p. 356).

At present, the likelihood of this vision being realized is remote. There have been indications that the government does not intend to adopt the plan’s policing vision. In 2013, a draft Green Paper on policing was released by the Civilian Secretariat for Police, located within the ministry of police. This paper, although it was short on specific recommendations, suggests that the government might do well to re-endorse the thinking in the National Crime Combatting Policy (SAPS 2000). Hornberger, writing before the Green Paper, argues that the powerful alliances that gave birth to the combative strategy of 2000 continued to hold sway 13 years into the twenty-first century. She argued that criticizing the state for its support of the combative policies of the police “misses its mark [as] it reifies the state as cause, instead of seeing how the state is permeated by popular social forces” (Hornberger 2013, 15). What Hornberger’s analysis makes clear is that the vision set out in the National Development Plan finds little support within the political environment of an ANC-dominated South Africa. What is much more likely is that there will be more of the same.

This is not a hopeful note on which to conclude this article. More promising is the Independent Commission on Policing for Northern Ireland (Patten 1999), which was established to transform a violent and oppressive policing regime that has strong resonances with South Africa. The Patten Commission proposed an architecture for policing reform premised on three design principles that, if and when an appropriate political climate emerges in South Africa, would work to institutionalize the National Development Plan's proposals.

The first is a “whole-of-society” principle. This principle call for the recognition that effective policing requires governments to enable the emergence of policing webs that identify, mobilize, and coordinate a range of societal resources (public, private, and civil). The second principle recognizes that to establish effective policing webs, governments should establish policing budgets, rather than police budgets, that enable them to support and coordinate a range of policing capacities. The third principle requires the establishment of civilian oversight mechanisms, such as policing boards, that are responsible for monitoring the activities of policing webs on behalf of citizens and providing governments with advice on how to facilitate their effective and legitimate functioning.

If this limited set of guidelines—what the Patten Commission conceived of as a “golden thread”—were adopted, it would make fundamental changes to the architecture of South African policing. The critical question is, When might a political configuration emerge that would find such a transformation desirable? In 2013, such a time seemed to be some way off.

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Notes

ⁱ The OED defines a killing field as a “place of warfare or unrest associated with heavy loss of (civilian) life, esp. as the result of massacre or genocide; (also, in extended use) any place in which a murder or other killing occurs. Popularized as the name of the film *The Killing Fields* (released 1984), concerning events in Cambodia (or Kampuchea, as it

was then named) under the Khmer Rouge regime.” Oxford English Dictionary. Available from: www.oed.com (accessed 28 October 2013).

ⁱⁱ The reasons underlying such decline, however, remain ill understood. Altbeker (2008) has argued that the key to variations in murder rates seem to lie in variations in robbery rates. Others again postulate that the decline in homicide is a function of the very steep decline in firearm homicides, which in turn may be linked to fundamental changes in the regime of firearm controls after 2000.

ⁱⁱⁱ See also Smith (2012).

^{iv} Minister of Police and Others v. Premier of the Western Cape and Others, [2010] Case CCT 13/13.

^v Part of the reason may be that “culture” itself is such a fuzzy notion, but insofar as it implies normative consent to the employment of violence, the evidence is not very supportive for the subcultural group to which Wolfgang referred. But that was in the United States, and cross-cultural tests are not to be found. If by “culture” it is meant that people imitate and internalize what they see around them, there must be incentives to perpetuate what is inherently risky activity (unless one is referring to only victims who cannot retaliate).

^{vi} See

http://www.capetown.gov.za/en/DesignCapital/Documents/BIDBOOK_CS_1_1_CS_1_1.pdf.