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Living with non-state policing in South Africa: the issues and dilemmas

ABSTRACT

Though policing is widely regarded as an inherently public good, in reality non-state policing is widespread in South Africa, doing everything that the public police force does. The paper examines the extent, nature and attitudes towards, non-state policing in South Africa in its different forms, that is, autonomous citizen responses, 'responsible' citizen responses and commercial private security. The paper concludes by assessing the social and political implications of non-state policing.

INTRODUCTION

Policing is an elastic concept, but is normally associated with an array of functions including regulating society and maintaining order, preventing crime, responding to crime and restoring order, and the use if necessary of instruments of coercion to assist in any of those roles. The nature of these functions cause policing to be widely regarded as an inherently public good, whose provision should reside in the hand of a single monopoly supplier, the democratic state. In the state's hands, it is argued, policing activities can be required to be accountable, consistent and humane. Given this prevailing discourse, therefore, it is remarkable that in reality, policing by formal and informal

groups other than the state police is so widespread in democracies and has been for a very long time. In the case of South Africa it is found engaged in street patrolling, guarding private and public property, order maintenance, arrest, search, detection, surveillance, inspection, traffic control, crowd marshalling, risk management, the transportation of cash and personal escort/protection. In fulfilling many of these duties it bears firearms and other means of coercion, such as handcuffs, truncheons and pepper spray to, if necessary, enforce its activities. In other words, such policing groups do everything that the public police force does and do it as the police do it. Or, put another way, 'policing' is a broader activity than simply what The Police do.

The ubiquity of contemporary non-state policing raises important normative and policy issues about what attitude democracies should take to it. Does it constitute a vital assistance to weak states faced with under-resourced public police, or does it constitute a threat to the state by allowing a function to be conducted by private elements over which the state should have a monopoly? How should states respond to it? This paper sets out to address these questions with respect to democratic South Africa. In particular, it will outline the extent and nature of non-state policing and the political attitudes to it, before considering their implications to state policing and communal life in South Africa.

Non-state policing is a broad category that can cover anything from the commercial security firms, through semi-official community guards and patrols, to formal and informal vigilante groups. Bringing together into a single analytical category such diverse activity is not, however, without its problems. Some would insist that collapsing the whole field of policing that takes place outside of the public sphere, is to merge phenomena that are inherently separate. It is true that vigilantism and commercial

security firms, to take both ends of the non-state policing spectrum, have significant differences in their organisational structure, legality and how they define social deviance and the type of 'order' they wish to establish. Nevertheless they do have important features in common. Both are forces of coercion engaged by groups of society to preserve social order. And both, despite the rhetoric of the state, are controlled only poorly or not at all by state institutions and have minimal accountability to the public. They may well be concentrated in particular communities distinguished by their race and class, but they have similar origins. First, they are continuations of an established culture of self-reliance; for the white community, what might be loosely termed a 'frontier' culture; and for the black community, the traditional forms of village and clan protection and popular justice. Second, they both arise from communal dissatisfaction with the state policing services as experienced under apartheid and under the current democratic regime. Non-state policing, whatever its form, is shaped, not by the national public agenda, but largely by their clients, who individually or communally provide the financial and/or social support for the groups to operate on their behalf. The whole spectrum, therefore, arises from similar roots, similar needs, similar relationships and even at times employ the same people. The fact that, whatever their form, non-state policing services by-pass the South African Police Service (SAPS), means that they also have similar implications for the perception and role definition of the SAPS. The debate on policing in South Africa and the contribution of the state cannot ignore them. This paper, therefore, argues, as Johnson in his, *The Rebirth of Private Policing* (Johnson 1992), that there is considerable analytical gain to be had from taking them together.

As for an inclusive collective term, there is much to be said for calling these services ‘private’ policing, as the antonym of ‘public’ policing. Both Johnston and Schonteich discuss vigilantism in terms of ‘private policing’ and Alice Hills, in her recent book *Policing Africa*, writes of informal systems under the heading ‘The growth of private policing’ (Johnson 1992; Schonteich 1999; Hills 2000). Nevertheless, the common use of ‘private policing’ in South Africa to indicate commercial security firms makes this problematic. There is also the issue that ‘public’ and ‘private’ get confused when public police act in a private self-regarding way or when they act in a privatised way, that is, protecting some communities rather than others. This article, therefore, will use the admittedly awkward term, ‘non-state policing’, to cover all policing activity other than that performed by the state police force.

THE BLURRING OF THE PRIVATE/PUBLIC BOUNDARY

If anything, South Africa’s political transition in 1994 has seen a resurgence of crime.¹ Some would say this was the inevitable result of social controls being relaxed, the ‘growth of the illegitimate opportunity structure’ and discovery by marginalised people that there was to be no change in their standard of living (Kinnes 2000: 1, 12). Whatever the true rate of crime, as opposed to reported crime, there is certainly an increase in personal insecurity.² Together, the increase in crime and in personal insecurity have been matched by an increase in non-state policing.

The rise of non-state policing in South Africa can be interpreted as one more aspect of the libertarian agenda promoting a shift from the public to the private, with the apparent loss of public accountability. It should not be forgotten, however, that this shift is in some ways a return to the position known in the second half of the nineteenth century, when all policing was local, voluntary and discretionary, whether by African villages and clans, or by white collective responses in the 'frontier spirit'. The assumption of policing responsibilities by the public authorities from communities only took place in South Africa in the latter half of the nineteenth century e.g. Cape Town in the 1850s, the Natal Mounted Police 1874 and the Transvaalsche Rijdende Politie 1881 (Schonteich 1999: 14). The centralisation of the South African police force did not occur until 1913. Even then the policing was primarily urban, the rural areas being responsible for their own security.

No area of society took more trouble than the mining industry to organise, train and arm company police of its own. Philip quotes from a leaked confidential report of Gold Fields, outlining the role of its security service. It was to cater for 'prevention and detection of crime; protection of company assets; control of vulnerable and vital areas; screening of personnel; combating of labour unrest; combating subversive activities; training, supervision and administration of the security force; and liaison at a local level with the SADF, SAP and civil defence (Philip 1989: 214). Mine security has long been equipped with anti-riot vehicles, riot dogs, tear gas, sjamboks, guns and pistols, and have used them, amongst other things, to break strikes (e.g. the miners' strike 1987) and disrupt union meetings (Philip 1989: 215).

Though non-state security slowly decreased during the first half of the twentieth century, as the size and influence of the state increased, even as late as 1972 the South African Police (SAP) was only 34,500 strong. Yet with the increasing security problems of the 1970s and 1980s, and the SAP focus on this, non-state policing once more came into its own. This affected both white and black neighbourhoods and caused them to depend more than ever on non-state policing for crime prevention and detection. White neighbourhoods sought protection from commercial security firms in what Shearing and Stenning call a 'silent' revolution, since the expansion occurred with little public debate or input and control from the state (Shearing & Stenning 1983: 501). The expansion of this commercial security, unlike most other countries, was actively encouraged by the Government to relieve pressure on the overstretched SAP (Philip 1989: 213-4; Irish 1999: 12). The National Key Points Act 1980 went so far as to require 'key' strategic installations and factories to seek commercial protection, at the same time granting greater powers to such security guards. Black neighbourhoods were, of course, not just neglected by the SAP in terms of crime, but were positively harassed by them as part of the apartheid Government's counter insurgency strategy to restore 'normality' to ungovernable townships. This included patrols, house-to-house searches, roadblocks, monitoring of organisations and arrests. In addition the state provided arms covertly for local 'warlords' and anti-UDF militias (usually called 'vigilantes' in South Africa – See Haysom 1989 & 1990). They operated against individuals and groups opposed to apartheid and in turn often spurred anti-vigilantist groups against perceived collaborators with the regime (Brogden & Shearing 1993: 85-88; Haysom 1989: 188-199; 1990: 63-82). Other self-styled self-defence units (SDU) and self-protection units (SPU) arose to

fight off rival political militias such as those associated with the ANC and the IFP in KwaZulu-Natal (Shaw 1995: 41-42). The apartheid years also saw a large number of autonomous groups arise to deal with township crime, frustrated that the SAP did so little to protect their residents or investigate crime. There were vigilante groups, street committees, the Makgotlas (a revival of customary courts with an ethnic base) and the Township People's Courts, which covered a range of procedures from responsible and orderly investigation with restrained punishments, to the summary violent justice of the Comrades and kangaroo courts (Seekings 1992; Brogden & Shearing 1993: 143-165). Both white and black communities had ready access to guns either legally, on the black market or from the agents of their acknowledged political leaders.

So was established a tradition by both white and black communities of seeking their own forms of policing in a context where the state offered very little and what was offered was seen as at best, inadequate and at worst, hostile, racist and illegitimate.

The overall picture of non-state policing in the last twenty years is perhaps captured, not by thinking in terms of a straightforward loss from the public arena back to the private one, but of a growing interpenetration and overlap; or even of the growth of non-state policing into new, previously unpoliced areas. Examples of this inter-penetration abound. There is recruitment from one sector to the other, so that state police (and state security force personnel) have been recruited by private security firms, autonomous residential security organisations and vigilante groups.³ In addition, community anti-crime groups such as the apartheid-era SDUs and SPUs have been absorbed into the public police reservists. Then there is an increasing exchange of information about the patterns of crime, policing techniques, anti-crime technology⁴ and (at least covertly) the

disclosure of public criminal records to private police groups (Shaw 1995: 79). Finally, private security personnel have been engaged by public and quasi-public bodies, such as the South African Railways and the Airports Company, which is in charge of South Africa's three international airports. It is not easy, therefore, to maintain a sharp distinction between state and non-state as some authors have done (Irish 1999: 9-10).

The traditional distinction sees the one offering protection to the public and the other to their clients. Yet in the South African context, the public police still do not offer a uniform service, or at least certain sections of the public feel relatively neglected compared with others.⁵ On the other hand, non-state policing, both commercial and informal, very often offers protection 'beyond the bounds of duty', that is outside its client base, if for no other reason than it is good for support (financial and communal) to be seen to be public spirited. Nor is the distinction between state and non-state policing clear cut when it comes to accountability, as if the one is only accountable to the market and the other to various levels of government and thus to the electorate. Security companies, at least, have to operate under the law passed by citizens' representatives and are liable to penal sanctions if they do not; whilst on the other side of the divide the transparency and accountability of the public police is apparently not sufficient to prevent significant levels of criminality, corruption and human rights abuses among them. In fact, the Independent Complaints Directorate is not able to conduct its own investigations but has to rely on the police, which is hardly an effective way of publicly monitoring the police.⁶ It is true that the state police have special legal powers which private guards do not have, but in a country where access to firearms licences is readily available and used, and citizens have the right to use coercion to arrest others suspected of committing

serious offences, the gulf between the two groups is not so vast. In the light of the above there does seem a case for arguing that the distinction between private and public policing is currently blurred and increasingly problematic in South Africa.

CATEGORIES OF NON-STATE POLICING IN SOUTH AFRICA

It is important to make some distinction between types of non-state policing. Johnston has categorized them into three basic categories (Johnston 1992). Firstly, there are what he calls the autonomous citizen responses, that is, groups that not only act independently of the state police, but often do not co-operate with it and are prepared to break the law to achieve their goals of protection and investigation (or even trials and sentencing). They are characterised by reactive, *ad hoc* and often violent methods of control. These groups are often called vigilantes. According to Daniel Nina,

Vigilantism will adopt either a crime or social order approach. In either case, it is linked directly to the use of physical force and intimidation at levels not normally used by the state. In the denial of the state as the guarantor of the social order, vigilantism will invoke an 'imagined order' that either existed in the past (in its decadent mode), or never existed but is desired (in its idealized mode)... Vigilantism appropriates state functions in a way that creates a parallel sovereign power that is unregulated (Nina 2001).

Vigilante groups were widespread under apartheid in the townships and frequently had a political agenda. Since the democratic transition, however, such activity has returned to

focusing on social ordering and crime control rather than political activity. The former need not necessarily be against the law, although clearly were as regards the 300 witchcraft related murders between 1990 and 1999 in the Northern Province (Hills 2000: 61). The crime control element is fuelled by frustration with respect to the SAPS's inability, through lack of resources and training, to provide security, or who, in extreme cases, actually collaborate with criminals (See *Mail & Guardian*, 18.8.2000). Currently Self-Defence Units and Self Protection Units (Thulare 1996: 51; cf. Shaw 1995: 41-2), kangaroo Courts and anti-crime groups are found across the country and deaths frequently occur at their hands.⁷

Though most vigilantes are small, loosely organised and sporadic, there are some large formal ones as well. The largest such vigilante group in South Africa is 'Mapogo a matamaga', formed in 1996 in the Northern Province. The group has become infamous for its sjambokking and brutal assaults of alleged criminals. Initially concerned with protecting rural communities, it now also patrols the suburbs of Johannesburg and Pretoria. Its leaders claim 10,000 members in Gauteng and 40,000 in Northern Province and Mpumalanga. Its president says:

Naturally, as crime is escalating in all places, almost everyone wants to join Mapogo. They feel protected by us because of our approach to crime. The main thing that attracts members...is that we know how to deal with criminals. We believe in corporal punishment and that really works (*Africa Research Bulletin*, 1.2000).

They say their investigations are effective because they work with the community members, then 'arrest' the alleged criminal. Before handing them over to the police,

members mete out their own brand of 'medicine' to the suspects to 'cure them of their bad ways' (*Africa Research Bulletin*, 1.2000; *Mail & Guardian*, 28.1.2000).

Another well-known vigilante group is 'People Against Gangsterism and Drugs' (PAGAD), based largely in Cape Town. Concern about local gang killings in Cape Town had reached a point by 1994 that an influential anti-crime group representing 30 communities was formed. It worked within the law using marches and demonstrations, both to condemn gang violence and to protest against police policies that were perceived as racist for their failure to allocate adequate resources to the black and coloured communities and their poor response to (if not complicity with) the organised crime. In 1996 they were overtaken by PAGAD (People Against Gangsterism and Drugs) a group that felt no constraint to work within the law. It began with a series of widely publicised punishments and assassinations of drug dealers. Following ultimatums to them to leave the area or face 'the mandate of the people', they launched bomb attacks on most of the leading drug dealers. Within two years they had executed 30 gang leaders and drug dealers and had seriously decimated the gangs, although not without precipitating reprisals from the newly allied gangs (Kinnes 2000: 37). Over time PAGAD attacks shifted to police officers, police stations (for weapons) and businesses that refused to make 'donations'. By June 1998 they appeared to adopt an Islamist anti-West agenda and switch their attention to Western capitalist targets, if the spate of bomb attacks in Cape Town (18 between June 1998 and August 2000) is correctly attributed to them. Initially the media, business and some members of the Government were sympathetic to their anti-crime initiative, but as it has adopted its urban terrorist stance, any support has

evaporated, except for certain elements of the Islamist community. (Shaw 1996: 170-1; *Eastern Province Herald*, 19.7.2000)

In addition to the autonomous citizen responses, there are what Johnson calls 'responsible' citizen responses. These refer to those that are done with the approval or co-operation of the public police. Some are based on residents groups, such as those in KwaZulu-Natal who operate vehicle patrols with the co-operation of the SAPS and private security firms. Similarly, the residents of Observatory, a district in Cape Town, have formed a non-profit company and hire police reservists for armed foot patrols. Others are based on city businesses such as the blocks in the city centre of Johannesburg, which are protected and patrolled by security guards (Shaw 1995: 77). Still others are based on farms such as the 'Farm Security Service' in the Free State, which has engaged security firms to patrol the farms following a large numbers of attacks and killings.⁸ Though it is being set up and paid for by farmers, it co-operates with the police and local commandos (*Africa Research Bulletin*, 9.1998). It should be pointed out, however, that SAPS approval does not necessarily mean that the 'responsible' groups avoid the brutality of the vigilantes. In KwaZulu-Natal it was reported that employees of a private farm protection organisation (including police reservists), working with the SAPS and SADF, had engaged in a string of attacks on farm labourers, leaving two dead and sixteen badly injured. The assaults were against those suspected of housebreaking and holding illegal weapons (*Mail & Guardian*, 8.9.2000).

Also working within the framework of the Constitution and the law, but providing their own distinctive policing, are some of the tribal communities of the former homelands and elsewhere. 1,500 traditional courts are recognised in the Black Administration Act.

Many have largely broken down as a result of the forces of modernisation and the discrediting of the traditional leaders due to their collaboration with the apartheid regime. In these circumstances, those found guilty in the traditional courts simply ignore the fines imposed. Others, however, have maintained a measure of authority over those living under the jurisdiction of a chief. In these situations arrests are made by tribal police and courts pass verdict on those who have disturbed the social order by their petty theft, fights, out of wedlock pregnancies, adultery and civil disputes. Though they police customary law, traditional leaders do so only within the spirit and objects of the Bill of Rights. (Zwane 1994: 43; Stack: 1997: 23-4).

The third group of non-state policing is the registered private security industry, which, amongst other things, provides guards and armed response units to protect the wealthier suburbs, and hence largely white communities, of every South African city. Once dominated by white entrepreneurs, it has recently seen a rapid expansion in black owned businesses, some of which have grown into large businesses thanks to Government tender procedures that favour black or racially diverse companies (Irish 1999: 19). The industry now employs 167,000 active security officers.⁹ This is 40,000 more than the SAPS and 86,000 more than SAPS personnel who perform policing duties (Schonteich 1999: 1). Of the 5,586 government licensed security businesses, 4,180 are concerned with what might be termed policing, namely 2,960 undertake guarding, 690 offer armed response upon electronic alarm systems being triggered and 530 are engaged in cash-in-transit businesses.¹⁰ The Government agency responsible for supervising the industry, the Security Industry Regulatory Authority (formerly the Security Officers Interim Board prior to February 2001), checks for criminal records of would be employees (though not

after their employment), inspects firms' records, and approves the training centres where courses are offered for different levels of security duty. The courses, however, offer only the most rudimentary knowledge of law and use of firearms. In South Africa, security guards do not have the powers of the SAPS, only those belonging to all citizens, but these include the right to hold a gun under licence and to use that weapon, or other means such as C/S or pepper gas, in self-defence or to effect a citizens arrest of someone suspected of a serious crime.

The industry has been plagued with dubious practices, particularly by some of the small, sometimes unregistered, operators. These have tried to establish themselves by cutting costs through paying wages below the national minimum and skimping on firearms training. Stories of illegal activities and of the misuse of weapons are common. Perhaps the most notorious was that of Louis van Schoor who, as a private security guard shot dead 41 alleged burglars over several years in the late 1980s. Shocking as the shootings were, there was also the parallel story that the SAPS and magistrates had repeatedly failed to prosecute him or had discharged him (Shaw1996: 169; Shaw 1995: 79). Another tragic case was when security officers, armed with electric batons for crowd control, provoked a stampede at Tembisa near Johannesburg in 1996 leaving 16 dead. At the more mundane level, it is disturbing that the industry is so weakly supervised. The regulatory authority when it was known as the Security Officers Interim Board, revoked the accreditation of 30 training institutions and a handful of registered firms, but contraventions of the code of conduct by registered firms is widespread and the SAPS has done little to tackle the large number of unregistered security businesses operating outside the law.

Inevitably over such a large country as South Africa, there is considerable local variation and generalisation about non-state policing is difficult. The case study of Grahamstown that follows is, therefore, a highly localised account. Nevertheless it illustrates some of the normative and policy issues involved. It does not seek to give equal weight to all three categories of non-state policing, but to record the actual balance found there. This means, therefore, that much of the account focuses on commercial guarding.

THE CASE OF GRAHAMSTOWN

Grahamstown is a small city of 120,000 in the Eastern Cape, roughly mid-way between Port Elizabeth and East London. The city is still, as regards settlement patterns, largely divided by race, with a smaller affluent west Grahamstown and the larger and much poorer townships lying to the east. It has 4 police officers on patrol duty at any given time and 2 response vehicles (although in the daytime it is effectively 19, counting detectives, public order police and the crime prevention unit). For all its apparent calm in the city centre, there are something like 600 cases per month of reported crime. As regards serious crime, between August 1999 and August 2000 monthly averages were 4 for murder, 8 for rape, 9 for robbery, 89 for housebreaking and theft, though reported crime overall is said to be down on 1999.¹¹ What is the evidence of the three types of self-policing in the city?

A survey of 120 homes in the wealthier western suburbs showed 83% were protected by electronic alarms linked to a security firm's armed response team, which attended to calls within minutes. Those that were not protected were found to be mainly stoics, dog owners, stay-ins, or all three. Overall some 1800 homes are currently covered by such security provision. Security firms, the in-house security provision of Rhodes University Campus Protection Unit, the local municipality and other interested parties meet monthly with the SAPS in a Multi-Disciplinary Meeting to consider crime patterns and strategies for handling these. The two principal security firms, however, confirmed that their first priority was to protect the interests of their clients rather than to defend the rights of citizens, although the distinction tended to be blurred (contra Shaw 1996: 170 and Irish 1999: 1-2) and public interest concerns did have some place in their corporate policy.

The largest private security business in town, founded 1991/2, has 70 guards (4 women) and services 1300 homes. Its owner essentially saw himself as running a private business operation, although his sense of public responsibility extended to being a good neighbour to non-customers, if for no other reason than it 'was good for business'. In his view the then Security Officers Interim Board had very little teeth and although it had fined the company for 'administrative failures' as regards using unregistered guards, he knew of no firm who had been struck off the registration list.¹² Nor was there any sense in which the firm was accountable to any local authorities. Guards patrolled inside and outside business premises, such as banks and supermarkets and around the University perimeter (although this entails patrolling public highways, not private roads) and the main shopping precinct and its surrounds. Guards, if need be, used pepper gas and handcuffs to restrain suspects prior to being handed over to the SAPS. Only the armed

response unit carried guns, which they did on the basis of holding a personal gun licence. Since the firm began business, there had only been one incident where a guard had had to use a gun in self-defence (when attacked with a knife). Otherwise 'armed response' was more about deterrence and reassurance to customers than a practical tool. Guards were encouraged not to use firearms if at all possible, except as warning shots, because of the 'legal consequences'. The relationship with the SAPS was one of respect for specialised area units like detectives and dog patrol that could be phoned on a direct line, but the city policing and its operations office were regarded as very poor, owing to the long delay in answering phones. It was alleged members of the public could wait up to an hour for a response for help.¹³

The second largest security firm serviced 500 homes. Like its competitor, its owner saw it primarily as a business, rather than having any social or community role, although he was similarly willing to engage in policing outside the client relationship. In particular, it was claimed that on its night patrols through the city centre its guards would stop at anything that looked suspicious in the town to scare off would be offenders. They guarded private school premises, undertook city centre street patrols on behalf of a number of businesses and guarded certain municipal properties. They were also negotiating with the municipality to be a help-line for residents with problems concerning public services. Their guards used handcuffs when necessary and preferred to take suspects to the police station rather than waiting for the SAPS to arrive on the scene. Like their competitors they sought, if at all possible, to avoid the use of firearms, though their 'armed response teams' carried them.¹⁴ The only other significant private security organisation is The Campus Protection Unit, which patrols the Rhodes University campus

and its environs and the public roads that go through it. The 22 guards work in close co-operation with the security firm that patrols the perimeter and also arrest persons. Those arrested are taken to the unit base, photographed and handed over to the SAPS. In addition, they provide escorts for students at night on request. They are not allowed by the university to use any coercive methods, so they have to rely on persuasion and the sanction of reporting students to the university authorities for disciplinary procedures.

Managers and guards of all three organizations were uncertain about the extent of their role. One firm claimed that all its guards were sworn in as peace officers, so that they had the power of arrest for less serious offences. Yet though some of its guards believed this, others denied it. Guards of both firms also held divergent views about the circumstances in which they were prepared to use firearms. Despite the speed of their response to alarm calls from owners or through the electronic systems being triggered and the presence of large signs on private homes warning of their surveillance, both firms and the campus security conceded that break-ins continued.

In addition to private security firms, there are a number of autonomous citizen responses in Grahamstown. Schonteich's research found that although overall 61% of Eastern Cape residents said there had never been an incident of vigilante activity in their community, there was a much higher reporting of it among black respondents. Only half of them 'could say with certainty that no act of vigilantism had taken place in their community, with 20% saying there had and 31% being unsure' (Schonteich 2000: 50). On the other hand 75% of white and coloured respondents said that no acts of vigilantism had ever taken place in their communities. In Grahamstown this same racial pattern is apparent. There had been several groups operating in the townships during the apartheid

era, but after 1994 the principal one was the 'Anti-Crime Committee' (ACC). This organised street patrols and investigated cases brought to it of theft, rape and the like by the community. Their Organiser said that they were able to establish the 'guilty party' through the use of informers, who would not have given evidence to the police because of their negative attitudes towards them developed over the apartheid era. The ACC would then confront the suspect and use 'persuasion' to get them to hand back the goods and money, although it was not explained to what degree the persuasion went. Some suspects were handed over to the SAPS, but it seems others were given community sanctions. Schonteich's black focus group in Grahamstown alleged that suspects were only apprehended if they could be identified and if there was strong evidence against them, such as the stolen item being found in their possession. In the case of rape it was alleged that the victim had to obtain a medical certificate to show she was raped (Schonteich 2000: 52-53). In 1996 the group had a serious leadership split, some saying it was over accusations of officials taking monies and goods for their own use, some saying that the leadership was perpetuating itself in power, and others saying it was a rift over allegiance to the ANC and UDM. Since then, township residents report that other more informal groups (street and area committees) operate as investigators, tribunals and judges. The SAPS admit to being aware of at least 2 informal groups in the townships. For example an alleged rapist of a 15 year old girl was summoned to a community meeting 8 days after the incident to defend the charge and probably face whipping (although it was admitted by one interviewee that some such criminals are 'shot'). On twice failing to attend, the angry community members tore down his wattle and daub house.¹⁵

As regards 'responsible' citizen policing in Grahamstown, the best illustration of such a group is the Car Guards, which operate in the city centre, offering personal surveillance of parked cars for a voluntary contribution. The scheme was begun in 1997 on the initiative of a local man who presented a case to the SAPS and the Municipality of protecting tourism, providing employment and reducing car theft.¹⁶ The volunteer group was approved on condition that guards had their fingerprints checked for criminal records, were clean, well mannered and were not drunk on duty! Though guards are registered with the Municipality, they are accountable to their Organiser and through him to the Community Police Forum.

Guards wear bright over-jackets to distinguish themselves (and which they have to hire from the Scheme Overseer for R5 per day) and work a day or a night shift. There are 200 guards on their books, though rarely more than 40 operate on any one day. If a car thief is spotted, they call for help from one another or by phone to their Organiser and seek to arrest the person. If the person is detained, the Organiser normally calls upon one of the security firms to take the accused to the police station. According to a SAPS source, they have reduced car theft in the city centre by 70-80% and thus have the strong approval of the SAPS. They also offer their services to public functions on the townships.¹⁷

One small area of 4 roads in the wealthier suburbs has its own 'proglers' or 'bobbies on the beat'. Four police reservists, two male and two female, are employed (for 55R per month per participant in the scheme) by some of the residents to patrol their roads 7am to 5pm. They wear SAP (sic) bibs and simply carry radios. The scheme, which was actually initiated by the local Community Police Forum after a spate of burglaries in which one burglar was shot dead, has the recognition of the SAPS. A similar action has

recently been undertaken by the residents of another small private estate, who pay for two private guards to patrol their area 6pm to 6am.¹⁸ It is intended to hand this over to the Community Police Forum once it is up and running.

The spatial pattern of non-state policing in Grahamstown is clear. The townships resort to vigilantes (with a few using security firms) and the wealthier suburbs use security firms and semi-official self-policing. In the city centre, where the two communities overlap, are found the security firms and the semi-official self-policing.

THE POLITICS OF NON-STATE POLICING

How does South African society at the national and local level view the various non-state policing initiatives? Taking private security firms first. The SAPS themselves at the national and the local Grahamstown level, welcome partnership with security firms. Deputy National Commissioner of the SAPS, Zolisa Louisa said, May 1998, 'The question is not whether the police and the private security industry should co-operate. The question is how this co-operation should manifest itself' (quoted in Schonteich 1999: 27). A Police Task Team within the National Standards Management Services Division published a report June 1997 suggesting areas where the security industry could assist the SAPS. Included in the list was guarding buildings and shopping malls, transporting prisoners to court, responding to house alarms and the sharing of information and technical advice concerning CCTV (Schonteich 1999: 28). Locally a senior policemen

based in Grahamstown reiterated the desire to work with private security firms, seeing it as a valuable release of the SAPS time so that they could concentrate on *their* top priorities of murder, rape and armed robbery. Their position was that the SAPS '*must* make use of private security', though it was also one very much committed to developing community policing.¹⁹

The position of national and local politicians is more equivocal than the SAPS. The ANC Government and in particular the senior Government ministers and officials with responsibility for security, are deeply suspicious of the key players within the commercial security industry, even though they recognize that the industry is here to stay. On the other hand, the policy of the national DP (now the Democratic Alliance) has been to co-ordinate more efficiently the Government departments concerned with the criminal justice system, to increase budget allocations, to establish municipal police forces funded on rates following a local referendum and to outsource non-core activities such as the SAPS secretarial services and guarding of public buildings and police stations (The Democratic Party 1999). The local DP, though uneasy with non-state policing in principle, takes a pragmatic attitude to the existence of non-state policing.²⁰

The security firms are very keen that co-operation with the SAPS should continue, no doubt to provided them with enhanced legitimacy. One of their national spokesmen, Roy Farlane, has said that, 'private sector security is a sizeable and powerful ally of government and law enforcement agencies' (quoted in Shaw 1995: 77). At the local level, also, the security firms interviewed in Grahamstown had no reason to think that the SAPS felt threatened by them, but rather that the SAPS welcomed their contribution. There was contact both socially and through debriefing meetings, although little detailed

information about particular suspects was exchanged. Employees in private security organisations also seem anxious to work together with the SAPS in the fight against crime, rather than be seen as rivals. Indeed the evidence was that when incidents occurred in Grahamstown, there was an expectation of co-operation.

As regards the local business community, proprietors perceived security firms as both an essential deterrent and as an efficient and fast responder. The deterrent aspect was primarily about businesses not being able to afford the disruption of break-ins, rather than the cost of property loss, which was covered anyway by insurance. Most, too, were convinced that the 'armed response' protection cover really did deter. Concerning the speed of response, there was a widespread belief that the SAPS would either not answer the phone, or even if they did, would be inordinately slow in responding. One businessperson cited the illiteracy of the police clerk who answered the phone, such that they were unable to take down properly the address of the scene of the crime. Whatever the truth of these perceptions, they were widely held and were sufficient for everyone interviewed to shrug off worries about the training, practices and accountability of security firm guards. They shared a pragmatic rather than principled approach to policing, namely 'does it work?' None saw more SAPS personnel as the answer, though this was regularly called for by the regional newspaper. Interestingly, although Schonteich's white focus group in Grahamstown 'felt that the police were doing a good job and that they tried to solve most of the crimes reported to them', the group stated that they 'would prefer to report crimes to private security companies' (2000: 24).

The local police take the same position with the 'responsible' citizen policing as they do to the security firms. They are also seen as providing a valuable complement to public

policing, extending their limited resources.²¹ Local politicians are not so certain. The DP had no particular position, apart from general pragmatic support, but the local ANC believed that whilst they made a valuable contribution to reducing crime and creating employment, it would prefer the Municipality to control them so as to ensure proper training and full accountability to the public and so that the interests of private individuals can be excluded.²² It was interesting that one of the police reservists on the street patrol for the residents of Fitzroy street and herself a township resident, was also uncomfortable with what she saw as two levels of policing – one for the rich and one for the poor.

Local citizens generally perceived groups such as the Car Guards and resident street patrols as a useful source of protection, although residents were irritated that they had to pay both meter charges and the Car Guards. Indeed the Community Police Forum was responsible for the Car Guards and the street patrols, (responding to an initiative from the one and taking the initiative in the other).²³ There was also some sympathy in the community, however, for the local press call for greater regulation of the Car Guards following incidents in Port Elizabeth where guards had assaulted car owners and a traffic warden attempting to give a ticket to a car whose meter time had expired. The comment of the spokesman for the Traffic Department in Port Elizabeth that the ‘car guard industry was in a state of chaos’ was, however, regarded as something of an exaggeration.

There has been widespread denunciation of autonomous groups by authorities at the national and local level. The South African Minister of Safety and Security has campaigned vigorously against them and visited townships with the specific intention of seeing local vigilantism and kangaroo courts dismantled. At the local level, too, both the

ANC and DP denounced them. This official position, however, does not fully capture the attitudes of the people of Eastern Cape. Schonteich found that 49% of the residents of the Province supported alternative or traditional forms of punishment such as peoples' courts, expulsion from villages and fines to be paid to the community leaders, or compensation to the victim. This support was especially pronounced among rural inhabitants (75%, as opposed to 46% for urban areas and 45% for small towns) and also among black respondents (62%, as opposed to 37% for coloured and 38% for white respondents). He found that such activities were justified by the respondents on the grounds of their effectiveness in ensuring offenders were punished, the support they lent traditional leaders and the efficiency with which they were able to access local information on crime. Those who opposed them on the other hand, did so on the grounds that there should be one law for all and that the criminal justice system of the state should be responsible for punishing offenders (Schonteich 2000: 45-7). Most local support appeared to come from the black/township dwellers, who argued that they preferred to see the community take the responsibility.

Though no one foresees the early eradication of non-state policing, whatever its manifestation, it is clear that South African society is far from reaching a consensus about its attitude in principle towards it and what should be the future policy.

THE SOCIAL AND POLITICAL IMPLICATIONS OF NON-STATE POLICING

Non-state policing is engrained in every community of South Africa. It is ubiquitous to the point that few challenge its legitimacy, even if they criticise some of its practices. There are few in South Africa who would insist that the state be given a monopoly of all policing functions and that non-state policing should be proscribed, with its units disbanded and/or absorbed into police reserves. Many would concede that the market can never ensure that there is equal provision and access (Thulare 1996; Zwane 1994; Shaw 1995), but deficiencies in available resources, training and institutionalised accountability for the SAPS make it impossible to contemplate them simply taking over non-state police roles in addition to their current responsibilities. For all the fine words of the South African Constitution asserting the right to ‘freedom and security of person’, the state is not yet in a position to provide that through the sole use of its own police force. Even the force it does have has not yet been brought under full democratic control. Despite the formal institutions of oversight (the Ministry of Safety and Security, National and Provincial Parliaments, the Municipalities and Local Community Police Forums) there are serious problems with lawless behaviour by the SAPS. There are at the time of writing (August 2000) more than 14,000 criminal cases against members of the SAPS before the courts or under investigation. More than 1000 policemen have been charged with corruption since 1996. These include not just petty misdemeanors, but car theft, murder, rape and syndicate crimes such as hijackings.²⁴ The priority for the Government is surely to improve the quality and strength of the SAPS. In the foreseeable future, therefore, non-state policing will continue to be an integral part of South African life.

If non-state policing is inevitable and indispensable, then many see the immediate task as bringing the ‘responsible’ elements under thorough statutory legislation, so that it is

more fully accountable to the public and a fit to be a partner for the SAPS. Thus the ANC government made a step towards this with its Security Industry Regulation Bill, 2001, which requires compulsory registration of security service providers and intends to enforce standards more strictly than the previous Security Officers Acts of 1987 and 1997. Even this approach, however, is likely to be hampered by the lack of resources to implement recommendations. The former Security Officers Interim Board was manifestly under-resourced and it remains to be seen if the registration levy is sufficient to self-finance the new Security Industry Regulatory Authority. As regards autonomous groups, they will continue to be outlawed, although little is likely to be done to bring them to an end. It is revealing that between 1996-2000 there were 607 arrests of Mapogo members, but only 63 came to court and only 14 led to convictions (Sekhonyane 2000: 3).

Such tighter regulatory control would still, of course, allow for the possibility of further delegation to the security industry of roles currently undertaken by the SAPS. Schonteich argues for extending privatisation, placing most policing functions, apart from where the use of firearms is required, in the hands of commercial companies. In its favour such a strategy would release the SAPS to specialise in 'bandit catching' (Schonteich 1999). Superficially it is attractive to consider tapping into the large resources of the commercial security industry. There are thought to be three times as many commercial security guards in South Africa as uniformed police and twice as many vehicles. However it is unlikely to be attractive to the ANC Government, wedded to the principle that all social services should be offered on the basis of universal provision rather than being no more than a guaranteed minimum provision. Many, too, would be

uneasy with increasing accountability to clients, rather than to the wider public. The only possible change might be a degree of state co-optation as regards some of the 'approved' private initiatives, in particular the city car guards. Bringing car guards, or even street patrols, operationally under the umbrella of the state police would curtail the excesses and could be financed by local taxes.²⁵ Overall, therefore, there seems little likelihood of any serious change in the current policing structure in South Africa.

Nor is there likely to be a change in social practices as regards the use of non-state policing. Exigencies demand and practice has habituated anticipation by (and in large measure a support for) non-state forms of policing. Such is the current low priority given by the SAPS on protection of property that few, including the SAPS themselves, would deny that non-state policing of whatever hue is seen as the best available deterrent and the fastest responder in time of emergency. The specific form of non-state protection that people look to, however, will be determined as much by financial ability as community tradition.

Those able to afford razor fencing, high walls, electronic devices linked to armed response units, or physical guarding of property, have reported feeling an increased sense of security when within the confines of their purchased security. Yet daily news reports remind them that it is by no means complete security and certainly does not extend to when they venture out of their 'forts'. Those with less income will continue to look to local level self-help groups and autonomous security groups. The difference in cost is not inconsiderable; armed response firms typically charge at least R3-4000 p.a., street patrols cost around R650 p.a., and Mapogo's annual subscription is R50-165 (though farms and big businesses can be charged up to R10,000).

Though the security sought may have different levels of sophistication, legality and effectiveness, there is one feature that is becoming increasingly common to all communities, namely, social isolation. Communities become wary of the stranger in a crime-ridden society and non-state policing is the method chosen by many for securing exclusion. 'No-go areas' keep the SAPS, opposition political groups and 'undesirables' from their streets in black townships. In the largely white suburbs more physical barriers are used to establish 'gated communities' behind road booms and high walls patrolled by commercial security guards and barring undesirable new residents and casual passers-by (*Mail & Guardian* 12.1.2001). Yet when sections of society insulate themselves in this fashion, dialogue across political, class, and racial divides withers. Social exclusion and urban fragmentation is no basis for the sense of a common identity, which must be the foundation for South Africa's democracy. To many this development has echoes of the apartheid days of racial segregation that were supposed to have been abandoned.

There are other adverse effects, too, of this continuing reliance on non-state policing. The widespread use and support for non-state policing undermines the legitimacy of the SAPS. It is ironic that action, which claims it supplements and strengthens their legitimacy and frequently has explicit or at least implicit SAPS support, appears to have a contrary effect. Non-state policing in its various forms is becoming institutionalised in substantial sectors of society as the normal channel of criminal justice. This is particularly true in two contexts. First, where the SAPS stand back, either to allow natural justice to take its course, as they did in the murder of a gangland leader in the Cape Flats,²⁶ or in their failure to successfully prosecute criminals, as in the case of the security guard and ex-policeman who shot dead 41 alleged burglars over a space of a few

years (Shaw 1995: 79). In such situations the state ceases to be seen as a credible guarantor of personal security. The other area where non-state policing is becoming institutionalised is in the rural communities, again because of the absence of visible SAPS policing. Pelsner et al. report that of 756 interviewed across the country in 1998, 7% said that their community made its own arrangements to protect itself, with 80% saying they thought this was an effective way of securing the area. The underlying cause of this use, or willingness to use, non-state policing, was dissatisfaction with the SAPS. Only 35% of all respondents believed the SAPS could control crime in their area. The majority of rural respondents said the SAPS in their area were doing a poor job to control crime. Indeed, most rural respondents rarely, if ever, saw a SAPS official and with the scarcity of transport and telephones, had limited access to the SAPS (Pelsner et al. 2000: 37-38 and 60-63). A similar finding was reported from a survey of 971 KwaMashu residents. In this case nearly 60% thought local people solved crimes better than the SAPS (*Africa Research Bulletin*, 5.2000). The danger of an irrelevant state police is that it can be extended to seeing the state itself as irrelevant. And why, people might ask, engage with a state that fails to offer such a basic service as personal security and when private initiatives are available?

Another cause for concern is the degree to which the scale of non-state policing in South Africa might be exacerbating inequality. The nature of non-state policing means that it can offer no equality of accessibility and adjudication, and at times even denies people their legal and constitutional rights. Access to non-state policing services is uneven, depending on location and/or wealth. Discriminatory policing was the hallmark of the apartheid era by both private and public forces. Much has changed since 1994, but

few would deny that race and politics still influence private (and public) policing. For community self-help groups it depends on local initiative and by no means all people are offered any provision at all. At the commercial end of policing provision, it is clearly related to class and this of course is still closely linked in South Africa to race. In practice, therefore, many citizens have no ready access to guarding and protecting police services from the private sector (or for that matter, the public sector). The right to freedom and security is not universally available. In cases where non-state policing undertakes adjudication, there are inevitably serious concerns about standards of investigation, scrutiny of evidence, the sanctions available and a consistency of treatment for citizens. Amidst stories of sincerity and earnestness, are others of hasty verdicts, presumption of guilt and even 'courts' taken over by gangs or local powerful figures bent on extortion (Brogden & Shearing 1993: 162-163).

Beyond the discrimination of provision is the nurturing of attitudes of discrimination. Some non-state policing promotes an under-class of citizens. The discourse is of 'undesirable elements' and of those who act in a 'sub-human' way. They must be 'cleansed' from society by any means available since they have forfeited their rights. Non-state police responses to them (and the SAPS, sadly) have been guilty of discarding lawful and humane procedures of investigation, detention, trial and punishment. This violence continues with apparent impunity, since its 'victims' are the 'dangerous classes' of criminals who do not deserve protection.

A final cause for concern is the potential for some aspects of non-state policing to provoke a still wider use of violence. South Africans are divided over the right of individuals to carry weapons or to use other means of physical force over others. The

right to self-defence and/or citizen arrest has to be weighed against the right to individual protection from unreliable and hasty methods of justice that may use violence without adequately establishing guilty. Few would deny, however, that the more extensive the carrying of instruments of coercion, the harder to control their responsible use. It is well known that instruments of violence, especially knives and firearms, are widely owned in South Africa. Though often the firearms are illegal, it has to be admitted that it is very easy to obtain gun licences, even after recent legislation which raised the age of legal gun ownership from 18 to 21 (unless they are farmers, or have opened businesses), limited ownership to one gun for self defence (and 4 for hunting) and required renewal of the permits periodically. Four and a half million are registered and millions more are unregistered in a country with only a population of 43 million.

It is within this gun culture, where there are high levels of violent crime and where people want to protect themselves with weapons, that non-state policing operates. Not surprisingly, it commonly allows its agents to carry instruments of coercion, whether chemical sprays, handcuffs, batons and licensed pistols in the case of commercial security firms; or a variety of weapons in the case of informal non-state policing. Even in the commercial and 'responsible' citizen group sector, the training is minimal and the guidelines for use are basic. In the autonomous citizen sector, of course, there are very few restraints at all. With the Government doing very little to tackle the ownership and use of firearms and other weapons generally and their use by non-state policing groups in particular, they are freely used in the course of non-state policing with little supervision.

The most fundamental human responses to the use of force is counterforce. Criminal violence threatens and angers people: threatened they try to defend themselves; angered

they want to retaliate (Gurr 1970: 232). But as citizens arm themselves, or call on armed non-state policing personnel for protection and revenge, the fear is that criminals will undertake their activity prepared to meet defensive violence with violence. As PAGAD members, for instance, paraded their Uzi submachine guns, Magnum revolvers and automatic rifles, the gangs of the Cape Flats formed a coalition to fight the vigilantes, and increased their organisational and weaponry sophistication to counter the common threat. One court case revealed that 'The Hard Livings' gang stole military-type weapons from a police armoury in an effort to match PAGAD.

CONCLUSION

The issue of policing is but one measure of democratic progress, but it is not an insignificant one. In 1994 South Africa officially abandoned apartheid and embraced democratic constitutionalism. Seven years later the prevalence of non-state policing permits the continuance of authoritarian values and practices; divides communities on the basis of their ability to secure alternative policing for a failing state provision; and nurtures the view that the rule of law is more of an obstacle to maintaining social order than as an effective guarantee of it. With a state monopoly of policing being a non-viable option for a country with limited public resources like South Africa, some other way must be sought to ensure that a public good like policing becomes accountable, consistent and humane.

NOTES

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1. In a survey of victims of crime in the last twelve months it was found that 16% of the black population, 39% of the white, 18% of the coloured and 32% of the Indian were affected. 'This would appear to represent more than a doubling of crime experiences during the last four years' (Humphries 2000: 4). (The use here and elsewhere of racial categories does not imply that the author condones the apartheid racial divisions.) According to the Crime Information Analysis Centre of the SAPS (quoted in Schonteich 2000: 21), the 20 most common serious crimes increased from 1,998,000 reported crimes in 1994 to 2,154,000 in 1998, an increase of nearly 8%, though the population in that time rose 10%.

2. In 1997 47% said they felt unsafe, compared with 16% in 1994 (Schonteich 1999: 15). Data from the November 1999 Human Sciences Research Council National Opinion Survey show 44% 'personally felt safe or very safe most days', 47% 'felt unsafe or very unsafe' (Humphries 2000: 1).

3. One of the reviewers of this article made the pertinent observation that the private security industry played an important role in the transition to democracy in South Africa by absorbing from the former security establishment and liberation armies those who had few other skills.

4. For example, Port Elizabeth is introducing an automatic photo reader system to catch speeding motorists. The Technology will be installed and maintained by a private firm that will take 30% of the income from the ensuing traffic fines (*Eastern Province Herald*, 3.8.2000).

5. According to the Department of Safety and Security's *In Service of Safety: white paper on safety and security*, Pretoria 1998: 4, '74% of the country's police stations were situated in the white suburbs or business districts' (quoted in Pelser et al. 2000: 58). The number of residents per police officer in 2000 range from 313 in Free State to 669 in Northern Province, with Eastern Cape as 462 (Schonteich 2000: 17).

6. The Human Rights Committee of South Africa says that crime statistics for 1997 indicate that police officers are 'almost three times more likely to be involved in criminal activities than members of the general public (quoted in *Mail & Guardian*, 18.8.2000).

7. See *Mail & Guardian*, 11.8.2000. In October 2000 the *Eastern Province Herald* reported a man accused of housebreaking and rape was beaten to death by locals at Lujecweni (3.10.2000) and at Walmer Township residents attacked five youths who had allegedly been involved in robbery and the stabbing to death of an old man. They were so badly beaten that one was reported to have died (3&6.10.2000).

8. Farm killings, in South Africa numbered 464 between 1994 and February 1998, and 2,730 attacks between 1992-7.

9. Security Officers Interim Board (quoted in *Eastern Province Herald* 20.7.2000); it had been 100,000 in 1997. There are also something like 60,000 working in 'in-house security' and an unknown number in other sectors of commercial security such as private investigation and intelligence.

10. Security Officers Interim Board figures for 1998 (quoted in Schonteich 1999: 23).
11. Interviews with Crime Analysis Officer for Grahamstown and with senior police officers August 2000. Figures for the Eastern Cape reveal high crime levels. The reported number of the 20 most serious crimes increased from 244,176 in 1994 to 255,474 in 1998, an increase of 4.6%. Reported murders in the same period fell to 3,769 from the 1994 figure of 4,492 (CIAC figures quoted in Schonteich 2000: 21). Humphries reports that 19% of the Eastern Cape residents said they had been victims of crime in the last twelve months (Humphries 2000: 5).
12. The firm was also a member of South Africa Intruder Detection Service Association (SAIDSA), though there was no sense of accountability to them either.
13. Interview with proprietor, 19.8.2000.
14. Interview with proprietor, 2.9.2000.
15. *Eastern Province Herald*, 25.8.2000, and interviews with Steven Crossman, journalist with East Cape News and with a neighbour who asked to be anonymous.
16. There had initially been two groups, but one soon sold out to the current one.
17. Interview with Organiser, 8.8.2000.
18. This street patrol was organised on the initiative of police officers living there!
19. Interview with senior police officer, 2.8.2000. The SAPS members are being sent on a one-year management and specialised skills course in a bid to improve community policing (*Eastern Province Herald*, 18.8.2000).
20. Interview with Chairman, 21.8.2000.
21. Interview with senior police officer, 2.8.2000.
22. Interview with local ANC Regional Representative, 23.8.2000.

23. Interview with Chair, 30.8.2000.

24. P. Pigou writes in the *Mail and Guardian* 18.8.2000, 'Last weekend's papers included stories of three Eastern Cape policemen who have been charged with culpable homicide...after allegedly running over and killing a teenager who was dragged behind a moving car; a man who was allegedly abducted, assaulted and buried alive by members of the East Rand murder and robbery unit; a juvenile who was illegally locked up in police cells with adult prisoners and killed; a 16 year old girl who is suing the police after being raped in police cells and infected with HIV by a police officer...; and a member of the police crime intelligence unit allegedly linked to a prostitution racket in Johannesburg'.

25. The most radical proposal is that which seeks to actively promote self-policing by local 'communities', whether territorial or not (Brogden & Shearing 1993). In other words it argues for giving the major role of ordering communities to communities. It has as its premise that policing is everybody's business. This would mean that the neighbourhood can determine what is acceptable, for instance, in terms of noise, beach nudity or licensing hours; the football club or Trade Union can decide what levels of marshalling they want at match or march; the business company can have its own policy as regards employees caught stealing company property; the Muslim community can ban alcohol sales/use from its locality; and the tribal authority can determine its 'traditional' rules (Zwane 94, Stack 97).

26. Rashazd Staggie, the hard Livings gang boss was publicly murdered in August 1996 during a PAGAD demonstration outside his Cape Flats home.

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