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Dirty Harry is back: Vigilantism in South Africa – The (re)emergence of the ‘good’ and ‘bad’ community

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INTRODUCTION: TELLLING THE STORY

In the 1970s film classic Dirty Harry, Clint Eastwood explores the limits of the ‘good’ versus the ‘bad’ citizen in the struggle for a safe and crime-free society. As a ‘good’ citizen, Eastwood is a police officer (Inspector Harry Callahan) from San Francisco trying to eradicate crime in a society where the level of crime is high, and where the constitutional rights of criminals are valued more highly than those of their victims and the law enforcement officers. He confronts the limitations of a criminal justice system that grants rights to criminals in a way that limits the ability of the police to pursue a strong ‘law and order’ approach.

Eastwood plays the role of the ‘bad’ citizen – a person who misuses his powers as a police officer and acts illegally in his fight against crime. He often disregards the rule of law, as is apparent in his clashes with the district attorney and the mayor of San Francisco who respect the law.

At the end of the film, by violating the law and the instructions of his superiors, Inspector Callahan apprehends and kills a vicious criminal. “Now you know why they call me Dirty Harry, I shoot the bastard, that is my policy,” Eastwood tells his supervisor. The film ends symbolically when, after shooting the ‘killer’ (the way the criminal is referred to in the film), Inspector Callahan throws away his police badge. The law, in the eyes of this ‘good’ citizen and police officer, limits the system’s ability to combat crime.¹

THE INTELLECTUAL PROBLEM: DIRTY HARRY IS BACK!

Dirty Harry provides a motive to examine the (re)emergence of vigilantism in post-apartheid South Africa. Vigilantism, including different normative variations, has existed in South Africa for many years, although its nature and shape have changed over time. For example, one of the more popular slogans used during the anti-apartheid struggle was ‘one settler, one bullet’, accredited to the Pan Africanist Congress (PAC). In 1994, the PAC agreed to participate in the political transformation of the country, and withdrew the use of this slogan. More recently, People Against Gangsterism and Drugs (PAGAD) used a variation of the slogan – one bullet, one peddler – in 1996 at the peak of its anti-drug and anti-crime campaign.

Many of the expressions of popular justice that numerous academics examined in the 1980s and early 1990s, are simply different versions of what is popularly known as vigilantism. This being said, it has been problematic to use the term vigilantism for the pre-1994 period in South Africa as the political and social context was vastly different and the terminology was rather that of ‘popular justice’ or ‘community justice’. These were, in fact, merely referring to forms of vigilantism, as are the ongoing campaigns against witches and evil spirits in areas such as Mpumalanga. In KwaZulu-Natal in the early 1990s, for example, community members lashed a woman 250 times because of allegations that she was a witch. The case was defined as one of popular justice. A similar
incident in Guguletu after 1994 was classified as 'vigilantism'.

During the emergence phase of vigilantism, popular forms of justice often comply with the political and legal dispensation. This process, however, does not exclude the emergence, within the discourse of 'community initiatives', of other phenomena which violate the law on behalf of the community, as well as guarantees provided by the constitutional order to everyone.

The emergence of a 'good' or 'bad' community therefore refers to normative judgements - these are relative (and socially redefinable) adjectives that change according to historical circumstances. Communities that were perceived as 'good' in the past (during the phase that led to the re-emergence), are 'bad' in the new political dispensation.

Many communities may therefore have been involved in acts of policing and justice which would be seen as manifestations of acts of vigilantism today. The struggle for 'people's power' in the 1980s considered the initiatives of black communities, including people's courts and other physical punishments, as legitimate. Lack of state legitimacy did not necessarily constitute a lack of community sanction and recognition.

In the context of post-apartheid South Africa, the continuation of popular forms of justice could maintain the logic of the 'good' community doing business as usual, following old traditions. However, in the context of a democratic society abiding by the rule of law, a 'good' community, which through the continuation of old practices and styles (pre-1994) denies the functionality of the state and the rights that now exist for all, might become a 'bad' community.

In the 1980s, many expressions of popular justice or community justice were framed within the political developments of the time, in particular within the motto of 'organising people's power'. In the late 1980s and early 1990s (before the 1994 election), many communities engaged in formal training with academics and members of non-governmental organisations (NGOs) to assist them in bringing their practices of popular justice in line with a culture of human rights. Between 1994 and 1997, this process came to a halt, leaving organs of popular justice and community justice without formal external assistance. A renewal of formal interaction between community initiatives on crime prevention and policing with external facilitators began again in 1998, this time in the form of formal training and other support.

It is the relationship between the past and the present, between the 'good' and the 'bad' community, between a culture of human rights and constitutional rights, and the essential matter of state sovereignty, that forms the thrust of this article. The emergence of vigilantism in post-1994 South Africa is a continuation of old practices of popular justice and policing. This article will use the examples of vigilantism in the Western Cape to illustrate its central thesis by referring to PAGAD and the communities in Guguletu (a township near Cape Town).

CONCEPTUAL DEFINITIONS: THE NEED TO DEFINE THE REAL

Communities, Rose (1996) argues, are part of the new imaginary collective
where people co-exist. The emergence of the ‘community’ as the centre of the collective identity has implications for the general society, or the nation-state where the community is located. Communities that defy the existing order, as regulated by the state, can be defined as ‘bad’. Those who support the existing order are categorised as ‘good’.

Moreover, both normative definitions of the ‘good’ and the ‘bad’ are historically bound and, as such, have a relative meaning. What is ‘good’ or ‘bad’ is relative to who determines the social meaning of a community’s behaviour. As a result, communities that engage in vigilante practices in post-apartheid South Africa, do so at the risk of being labelled ‘bad’ by the state – despite the inability of the state to provide a safe and secure environment for the community.

To be a ‘good’ community, its members must adhere to the existing legal order. However, when that existing order does not guarantee the safety and security of the community, the emergence of the ‘bad’ community is a possibility. It is here where the phenomenon of vigilantism can be located – the need to protect the community.

Jensen has an interesting way of illustrating this argument:

"In other words, PAGAD’s campaign on behalf of the ‘people’, the community ... worked against the moral decay scourging the community. PAGAD also tried to build a partnership with the state through contacts with ministers, police and attorneys-general. However, their extra-legal activities made such cooperation difficult. Furthermore, the construction of the innocent people suffering from the attacks of evil also included a construction of a more or less complacent state ... This antagonism vis-à-vis the state became clear very quickly. The state was seen as destructive to the peoples’ attempt to protect themselves. Thus the wearing of facial cover and the carrying of firearms in a legal march became illegal. It seemed as if the police wanted to stop PAGAD from growing ... This antagonism became still clearer when prominent members were charged with sedition and murder following the executing of Staggie. The new democratic state was increasingly seen as a part of the problem."  

The academic literature on vigilantism does not provide substantial comparative definitions of what it is. According to Johnston:

"Vigilantism arises when some established order is perceived to be under threat from the transgression (or potential transgression) of institutionalized norms. Vigilantism is, in other words, a reaction to real or perceived deviance. This distinguishes it from mere ‘establishment violence’."

The perception that order is under threat seems to be the key indicator for the emergence of a vigilante reaction. As in the case of Dirty Harry, the concerted reaction requires just one individual who, in the pursuit of ‘order’, creates a new law outside the state’s legal order. In Dirty Harry, Inspector Callahan deals with a perceived liberal criminal justice system that protects the rights of people detained and arrested by the police. In this sense, the ‘order’ that Callahan wants to adhere to is no longer in existence. Instead of obeying the (new) law, Callahan decides to defend the old ‘order’ by disregarding the law.

The ‘good’ and the ‘bad’ communities in South Africa face similar dilemmas. Since 1994, the problem is how to guarantee a type of ‘order’ that seems to have existed in the past, but which is now either questioned or badly affected by a legal system that seems to defend ‘criminals’.

Vigilantism, as Johnston suggests, exists to protect the community against crime or social decay:

"It is possible, then, to draw a distinction between two modes of vigilantism: one having a focus on ‘crime control’, the other being concerned with ‘social control’ or, more
specifically, with the maintenance of communal, ethnic, or sectarian order and values ...."4

The difference between exercising 'crime control' or 'social control' rests in the premeditated act by a vigilante movement to exercise sovereign powers. In particular, 'crime control' inevitably requires the appropriation of sovereign state powers. On the other hand, vigilantism as 'social control' does not necessarily involves the appropriation of sovereign state power. The churches, for example, have historically exercised 'vigilante' functions over its members to keep them on the right religious path. The distinction is an important one. For example, within certain sectors of the Muslim community in the Western Cape, there is a continuous mixing of 'crime control' and 'social control' as a type of vigilantism. Both expressions, however, do not represent the same level of threat to the constitutional order. Vigilantism as 'crime control' represents a threat to the state and its sovereignty. The killing of alleged drug dealer Rashaad Staggie by alleged members of PAGAD in 1996, is an example of this. On the other hand, statements by Muslims Against Illegitimate Leaders (MAIL) that they will 'hound' ANC (Muslims) leaders because they were not unifying their community, constitute 'social control'. The latter behaviour does not hold a threat to state sovereign powers.

Johnston5 argues that vigilante activities have the following characteristics:

- Vigilantism is more than a sporadic act; it involves premeditation and planning.
- It is conducted by private citizens acting on a voluntary basis.
- It involves the use of, or the threat to use force. The imposition of vigilant order is exercised by creating a level of intimidation greater than the one used by the state.

- It rejects crime and social deviance. In its 'crime control' or 'social control' mode, vigilantism invokes the need to re-establish a particular type of order that is under threat by deviant social behaviour.
- Vigilantism operates under the premise that the security of the person or the community is under threat.

The South African experience of non-state violence, either by a ‘third force’ or by disrupted elements of society, raises the question of the appropriateness of a normative definition for vigilantism. What was defined as political violence in the past, can be classified as vigilantism today.

Vigilantism will adopt either a crime or social control 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 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 idealised mode).

In defence of an ‘imagined order’, vigilantism establishes ‘counterhegemonic’ practices.6 These not only challenge state authority, but also change the state agenda. In this regard, by developing a discourse on an ‘imagined order’, vigilantism creates a new political and social environment, which forces the state to adopt a tough ‘law and order’ approach. In many cases, vigilantism forces the state to take a tough stance on crime, or on the public tolerance of political and social activism. New legislation and greater police powers are among the measures that can result from appeals by vigilante organisations on the state.
Both normative concepts of community and vigilantes impact on some of the essential elements of the state: that of its authority and its sovereign functions to guarantee a particular order. The role of the state embodies the protection of its citizens, the guarantee of a constitutional order, the adherence to the rule of law, and a monopoly on the use of violence. It is on the question of the rule of law, and the monopoly on the use of violence where vigilantism clashes with the sovereign powers of the state. As Johnston suggests, vigilantism arises because of a perceived or real threat to a defined (community) order. Vigilantism appropriates state functions in a way that creates a parallel sovereign power that is unregulated. Different to other forces competing with the state for sovereign or quasi-sovereign powers, vigilantism is a reactionary and undermining force to state sovereign powers.

TRANSFORMATION IN THE ROLE OF THE STATE: TOWARDS MULTIPLE SOVEREIGNTIES?

The model of the nation-state has become the accepted model of organising societies. The state has been seen as an agent of modernisation – of social transformation to safeguard accepted standards of living (for example, health, education and human security). One of the essential functions of the state, in addition to guarantees of social order, is that of providing the necessary means and resources for the safety and security of its citizens.

However, the modern state no longer exclusively guarantees the safety of its citizens. In some countries, this function has been, or is being privatised and run by the private and corporate sectors. In this regard, the (re)emergence of vigilantism needs to be located in the decentralisation of the state and the social fears people have about their quality of life and their safety. Many developing countries do not even approximate the ideal modern state. Johnston’s normative definition on vigilantism, as discussed above, needs to be re-examined in light of the transformation of the state.

The social order that seems to be under threat, as suggested by Johnston, could also be a reflection of the limitations of the state to respond to the needs of a particular community, in particular when the community in question feels neglected by the state’s response to its security. The rich get better (corporate-driven) security, while the poor get a poorly and budget-limited state service.7

The decentralisation of the state impacts on the role that the communities ‘outside there’ adopt. Vigilantism arises from the perception that the state is doing nothing to assist the community in guaranteeing its safety.

Behind the discourse of state decentralisation and deregulation, another parallel discourse of ‘just do it’ is emerging. The tension between the transformation of the state, and the reaction of communities demanding the state to do something, can lead to the emergence of new forms of vigilantism that, in the case of South Africa, can be analysed as a continuity from the past: the (re)emergence of vigilantism.

LIMITATIONS OF THE CRIMINAL JUSTICE SYSTEM – JUST DO IT!

Communities react to crime in different ways. The ‘good’ community reacts to an increase in crime by demanding more state initiatives to combat crime. Within the current process of state transformation, vigilantism seems a reasonable alternative response to crime.

It is acknowledged that the state is a limited player with regard to crime prevention. The idea that the state has a monopoly on its sovereign powers to guarantee the safety of its citizens is a myth. Thus, regardless of what the ‘good’ community needs, the state is no longer the sole guarantor of safety and security. This limits our expectations of the role of the state, as well as the quality of life that people expect to live.

Garland defines this problem in a succinct way:
"The promise [by the state] to deliver 'law and order' and security for all citizens is now increasingly replaced by a promise to process complaints or apply punishments in a just, efficient and cost-effective way. There is an emerging distinction between the punishment of crime which remains the business of the state, and the control of crime which is increasingly deemed to be 'beyond the state' in significant respects."

There is a general acceptance that crime is too extensive and complex to be dealt with solely by police and state agencies, and that the profit motive (outsourcing) is not to be feared in policing.

As a result, the rich will be policed preventively by making use of commercial security, while the poor will be policed reactively by enforcement-oriented public police forces. Since there is a qualitative difference in the efficacy of these approaches – deterrence versus prevention – the poor end up being less secure.

Nina and Russell have examined the implications of state transformation and privatisation in the South African context. They argue that, in the period of building a new democracy when the state is weak and corporate capital is strong, privatisation without proper regulation can affect human rights and the constitutional rights of ordinary citizens.

Analysing the particular case of South Africa, they argue:

"The transformation of the state, and the decentralisation of its traditional functions (at least, more clearly since the 1940s onwards) have given way to the development of parallel corporate sovereign spaces, where the culture of rights as protected within the logic of the state is fragmented and qualitatively diverse. This aspect will have a conflictive impact in the areas now to be controlled by corporate capital such as private policing, where lack of regulation can give way to a very uncertain existence."

In South Africa, the state had little influence over many communities in the past. Community responses to the illegitimacy of the state varied, but a common factor across many communities was their willingness to take the law into their hands through organising popular forms of justice.

Today, nearly six years after the country’s first democratic election, many of the communities that were active in responding to the illegitimacy of the criminal justice system are still active. What has changed, is the public’s perception of the legitimacy of community initiatives, and the political legitimacy of the state. The 'good' community turns into the 'bad' community, and vigilantism (re)emerges. This is the case of, for example, Guguletu, considered to be a 'good' community in the pre-1994 period. During this period, the community kept its practices of popular justice within the confines of a human rights culture. However, Guguletu residents are currently taking advantage of the culture of popular justice, and it has become a 'bad' community by engaging in vigilante activities.

FROM ORGANISING PEOPLE'S POWER TO CONSOLIDATING DEMOCRACY

Forms of non-state justice have existed in South Africa for many years. In
particular, in the society existing outside the dominant European society in South Africa, forms of informal justice co-existed with the formal. The Western European legal system cohabited throughout the centuries with indigenous practices.

The European system attempted to manipulate these forms of justice by organising them into 'tribal laws' – especially in the rural areas. However, in the urban areas, new variations of informal justice emerged. It is in the urban centres where the story of popular forms of justice in South Africa begins, and where the contemporary phenomenon can best be understood.

During the 1980s, as part of the process of making the townships 'ungovernable' for local authorities, a parallel system of institutions emerged. This was embodied in the development of structures of justice and policing that contested the (il)legitimacy of their equivalent in the apartheid institutions.13

Many township organs of people's power engaged in rough justice and brutality. This was the case in, for example, Alexandra, a black township in Johannesburg. After the repression that the government exercised over the leadership of people's courts, a new tier of younger leaders took over these structures, and openly engaged in human rights abuses.14

However, parallel to this brutal process that took place from the mid-1980s onwards, a different development occurred. An attempt was made to learn from past mistakes. Out of this process, a new era in the history of popular justice emerged in the early 1990s. Greater emphasis was placed on accountability, respect for human rights, and an attempt to incorporate forms of popular justice into the judicial system of the (then future) democratic society.

The early 1990s saw a proliferation of external interventions (via NGOs and academics) in organic forms of popular justice. The thrust of this process, which lasted until early 1995, was that of bringing practices of popular justice in line with a culture of human rights.15

During this period, popular justice was regulated in a way never before seen in the country. It achieved at least three objectives:

- It incorporated external assistance to the organs of popular justice, for the purpose of training and self-regulation.
- It created limits to 'popular sovereignty' within a culture of human rights, which assisted in defining the scope of popular actions geared to control crime and disorder.
- It introduced and consolidated the vision that organs of popular justice should be incorporated into the formal justice system.

However, the tension between self-regulation based on human rights, and open brutality, is always there. The line that divides popular justice from vigilantism is easy to cross.

**THE RISE AND RISE OF VIGILANTISM**16

The argument contained in this article is that contemporary vigilantism in South Africa is a continuation (by other means) of popular forms of pre-1994 justice.

Vigilantism appropriated the following from popular justice:

- the principle of popular sovereignty - the 'people shall govern';
- the creation of a parallel order to that of the state;
- a militant and defiant mode, reminiscent of the mid-1980s;
- the exclusion of external agents from the community;
- a collective memory that can remember that 'we knew how to protect ourselves in the past';
- a continuous interchange between 'social control' and 'crime control' practices, sometimes appropriating sovereign state powers, sometimes just exercising the right to freedom of expression; and
a complex populist discourse that lacks clear ideological foundations.

Contemporary forms of vigilantism, using Johnston's normative definition, are a departure and incorporation of popular forms of justice that existed in South Africa for many decades. Existing practices of vigilantism in South Africa do not conform to a simple one dimensional definition. In fact, the examples of vigilantism in South Africa cross between the 'good' and the 'bad' community.

However, contemporary forms of popular justice, although a continuation from the past, also represent a clear departure from years of self-regulation. It is important to take notice of the following elements:

- New forms of popular justice, or vigilantism, rely less on traditional mechanism of accountability, as was the case in the late 1980s and early 1990s. Today, the emphasis is on 'speedy justice', where the lines of accountability are more confusing.
- The use of physical force is a departure from the directions taken by organs of popular justice in the early 1990s. The argument at present is that the state is not capable of controlling crime, hence the community must do it.
- The current exclusion of external assistance is similar to what occurred in the mid-1980s when, under a veil of secrecy, external help was avoided.
- The most important distinctive feature of the current situation (compared to that of the 1980s and early 1990s), is that current manifestations of vigilantism invoke an 'imagined order'. It is not the order of the past that is being invoked, but an ideal order of peace and security still to come.
- What was revolutionary in the past, when communities were organising 'people's power', is reactionary today, particularly as the current system of rights and duties is being threatened.

- Current perpetrators of popular justice or vigilantism are still primarily black, but increasingly include white communities. Class is also not a unifying factor anymore.
- Popular justice existed in the past as an act of political resistance, challenging the state's authority and its legal system. Today's vigilantism partially adopts a political statement against the state. The contextual difference lies in the fact that, what was politically correct in the past, is more difficult to justify today.

Vigilantism is manifested throughout South Africa. However, it is in the Western Cape that the most interesting and clear manifestations of this phenomenon occur in the form of PAGAD, and the Guguletu-based Cape Amalgamated Taxi Association (CATA).17

**PAGAD**

PAGAD emerged in early 1996 as a response to the apparent state of decadence that the new dispensation brought to communities where drug dealers and gangsters were out of control. PAGAD made the following claims during its first year (1996-97) of operation:

- Drugs and gangsterism were destroying many communities.
- The state was not able to handle the crisis created by drug dealers and gangsters, because the state is corrupt, inefficient, and does not have the capacity to handle the crisis.
- The only alternative left to the community was for PAGAD to facilitate a 'community response' to the problem.

During 1997, the relationship between PAGAD and the state became more complex. At the end of 1997, PAGAD agreed to enter into negotiations with the state. The negotiations were called...
off when the South African Police Service could not agree to all PAGAD’s demands, and PAGAD alleged that the police had a double agenda.\textsuperscript{18}

During 1998, PAGAD scaled down its public activities. Allegations were made that PAGAD was involved in serious criminal and terrorist activities. This involved the bombing of academics’ houses and shopping centres. Although no one from PAGAD claimed responsibility for any of these acts of terrorism, sections of the media and the state blamed PAGAD.\textsuperscript{19}

PAGAD swings from the ‘good’ community (the negotiation process in 1997), to the ‘bad’ community.\textsuperscript{20} However, its capacity to survive internal crises of leadership, police repression, and opposition to its \textit{modus operandi} suggests that there is public support for its actions. PAGAD’s initial campaign (in the ‘crime control’ mode) was supported by many communities.

However, PAGAD’s ‘social control’ mode has moved beyond its initial agenda on crime. The state’s inability to handle PAGAD (beyond repressing the organisation) suggests that the social drive of this organisation is still grounded in community needs and aspirations.

**GUGULETU**

Guguletu is a township located on the outskirts of Cape Town. It has a population estimated at around 150 000 people. The township was created in the mid-1960s for migrant workers from the Eastern Cape employed in the Cape Town metropolitan area. Guguletu has a rich history of popular justice in operation. From the late 1980s to the transitional period of 1994, Guguletu’s structures of popular justice were supported by many academics and NGOs.

In the recent past (1990-95), Guguletu was seen as a model for popular justice activities. This coincided with the direct intervention of external assistance (to the community). However, as external assistance diminished, Guguletu’s community organs of popular justice developed a course of their own. Since 1996, external help to the community, provided by NGOs to assist in the process of developing organs of popular justice, decreased. This was probably because of decreases in international funding for such activities.

It is in light of this history that the recent phenomenon of ‘mob justice’ in Guguletu needs to be analysed, particularly, from August 1998 when CATA took action against ‘criminals’. For example, alleged rapists, murderers, burglars, and thieves have been physically assaulted and paraded naked down the streets of Guguletu.\textsuperscript{21}

The experience of Guguletu again portrays the dilemma of the ‘good’ and the ‘bad’ community:

- The community has ‘appointed’ its own representatives to deal with the problem of crime, during a period when the police had no credibility among members of the community. The problem of police credibility is serious in Guguletu. In August and September 1998, during the period of vigilante action, the area’s police station was first closed and then reopened. A number of its police officers were deployed to other areas.

The Guguletu community, as with the case of PAGAD, adopted vigilante behaviour in particular cases and circumstances (the ‘bad’ community). However, it also tried to do something to address a particular community problem (the ‘good’ community). However, in both manifestations, state sovereignty is abrogated, resulting in human rights abuses and constitutional rights violations.
CONCLUSION

Vigilantism, as a continuation of, or a deviation from popular forms of justice, has been latent in South Africa for many years. However, in the transitional period (1990-94), such types of community actions were self-regulated with the assistance of external facilitators. Current forms of vigilantism deviate from those of the past. Today, vigilantism invokes a particular ‘imagined order’ that never existed in South Africa and that, in terms of its content, is more reactionary than the current constitutional order.

It is likely that South Africa’s long tradition of popular forms of justice will continue. What is unclear, is whether this tradition will continue to adopt, on certain occasions, a vigilante mode. A clear, swift and intelligent response is needed from the state to handle this problem.

Problems of crime and the transformation of an ‘imagined’ or ‘real’ social order are not solved through the adoption of vigilante activities. Moreover, vigilante activities associated with a political motive, should not be permitted in today’s democratic society. The possibility exists that, should the state fail to take the necessary measures against vigilantism, this form of popular justice will remain a constant feature of South Africa.

Almost by definition, the state should not tolerate people who take the law into their own hands. While external assistance should be provided to assist in the self-regulation of the organs of popular justice, legislation should be enacted to regulate the emergence of popular forms of justice and policing. Legislation should also be put in place to address the complaints of communities about high levels of crime and related social problems, while education on human and constitutional rights should be provided to all.

In the end, the use of Dirty Harry methods will not necessarily be effective in combating crime. An accountable state and a regulated civil society, where people respect the law and obey their constitutional obligations, might allow us to avoid Inspector Callahan’s mistakes.

ENDNOTES

1 The end of the film is relevant to the discussion on vigilantism in South Africa. Dirty Harry evolved into a sequence of five films. The films portray the life of this ‘good’ and ‘bad’ police inspector who is restricted by the criminal justice system to combat crime, and his use of ‘illegal’ methods to fight crime. See, among others, The dead pool (1988, directed by Buddy Van Horn).


5 Ibid.


9 Bayley & Shearing, op cit, p 587.


11 Ibid, p 165.

12 E Ntabazalila, Why a community is taking an eye for an eye, Cape Times, 24 August 1998.

13 The use of popular justice to make the townships ‘ungovernable’ has been extensively documented. For different interpretations and a history of the


15 This has been examined by many (see, for example, B Grant & P J Schwikkard, ‘People’s courts?’, South African Journal on Human Rights, 7, 1991; Nina, 1995; H van der Merwe, Informal justice: The Alexandra Justice Centre and the future of interpersonal dispute resolution, Working Paper 21, Centre for Applied Legal Studies, University of the Witwatersrand, 1994). The process raised the expectations of some communities, when in 1995 a formal submission was presented to the Constitutional Assembly Theme Committee V (on the judiciary) for constitutional recognition of organs of popular justice (see F Kobese, M Monyela & D Nina Memorandum on popular justice, submitted to the Constitutional Assembly Theme Committee V, 1995).


17 This does not exclude the fact that various manifestations of vigilantism are emerging throughout the country. However, for the purpose of this article, the two experiences in the Western Cape are sufficient. Moreover, the Guguletu experience seems to be spreading in the Western Cape area (see M Mokwena, Suspect ‘critical’ after Langa beating, Cape Times, 13 October 1998).

18 Much of this information was gathered through conversations with people involved in the process. They have asked to remain anonymous. PAGAD’s claim of the police’s ‘double agenda’ was motivated by the police stating that they wanted to negotiate, and the police trying to enforce the law by arresting PAGAD members for alleged illegal activities. The process was nevertheless quite successful in regulating PAGAD marches to alleged druglords’ residences.

19 This is a serious allegation. At the time of writing, no one has been charged for the bombing of an academic’s residence in July 1998, and the bombing of a shopping centre in September 1998.


21 J M Maneli, Stop it, plead cops as street justice strikes, Cape Argus, 22 September 1998.

22 It is too early to give a final assessment of the Guguletu phenomenon. All comments made at this stage will have to be re-examined at a future date.