Guardian or Gangster?
Mapogo a Mathamaga: A case study

by

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Acknowledgments

The Violence and Transition Series is a product of an extensive research project conducted by the Centre for the Study of Violence and Reconciliation (CSVR) into the nature and extent of violence during South Africa's transition from apartheid rule to democracy. This series comprises a set of self-contained, but interrelated reports, which explore violence across the period 1980 to 2000 within key social loci and areas, including:

- Revenge Violence and Vigilantism;
- Foreigners (immigrants and refugees);
- Hostels and Hostel Residents;
- Ex-combatants;
- State Security Forces (police and military), and
- Taxi violence.

While each report grapples with the dynamics of violence and transition in relation to its particular constituency all are underpinned by the broad objectives of the series, namely:

- To analyse the causes, extent and forms of violence in South Africa across a timeframe that starts before the political transition and moves through the period characterised by political transformation and reconciliation to the present;

- To assess the legacy of a violent past and the impact of formal democratisation and transition on the contemporary nature of violence by researching continuities and changes in its form and targets;

- To investigate the role of perpetrators and victims of violence across this timeframe;

- To evaluate reconciliation strategies and institutions, such as the Truth and Reconciliation Commission, established to ameliorate future violence in South Africa;

- To develop a macro-theory for understanding violence in countries moving from authoritarian to democratic rule, i.e. "countries in transition", and

- To contribute to local and international debates about reconciliation and justice for perpetrators and victims of gross violations of human rights.

Through these objectives, the Violence and Transition Series aims to inform and benefit policy analysts, government officials and departments, non-governmental and civic organisations, and researchers working in the fields of:

- Violence prevention;
- Transitional criminal justice;
- Victim empowerment;
- Truth commissions;
- Reconciliation;
- Human rights, and
- Crime prevention.

As a country emerging from a past characterised by violence and repression South Africa faces new challenges with the slow maturation of democracy. Violence today is complex, dynamic and creative in form shaped by both apartheid and the mechanisms of transition itself. In order to understand - and prevent - violence during transition in South Africa and abroad an ongoing action-research agenda is required. Through this series the Centre for the Study of Violence and Reconciliation offers an initial and exploratory, yet detailed, contribution to this process.

The Violence and Transition Series is funded by the International Development Research Centre (IDRC).

Work on the project focusing on the Truth and Reconciliation Commission was supported by the Embassy of Ireland, the Charles Stewart-Mott Foundation and the Scottish Catholic

International Aid Fund (SCIAF).

Contents:

Executive Summary

Since its launch in 1996, the anti-crime group Mapogo a Mathamaga has been embroiled in controversy. Set up by a group of businessmen in the Northern Province in response to a

spate of murders and armed robberies, the group soon became known for its illegal and strong-arm tactics when dealing with criminal suspects. Consequently, Mapogo is now commonly referred to as a vigilante group.

This report provides insight into the organisation from a range of perspectives offered by those living and working in the Northern Province. This includes the views of Mapogo members (both current and former), traditional leaders, and other political, civic and trade union leaders, as well as the policing authorities and victims of Mapogo.

The report examines the political and social context from which Mapogo has emerged, how the organisation was set up, who was involved and some of the key factors that have influenced its development.

With crime remaining a major political issue, the report looks at how the criminal justice system is coping in the Northern Province, and examines some of the reasons suggested as to why people take the law into their own hands. It also explores how the intergenerational conflict that characterised aspects of the political revolt of the 1980s continues to manifest itself in the ideology of Mapogo.

The report looks at the structure of the organisation, the methodology of Mapogo's practices and the extent to which the organisation is in control of its constituent parts. The report considers Mapogo's various fields of operation from private security services to property recovery, from punishment beatings to intimidation of farm workers. It also tackles the contested terrain of Mapogo's popular appeal and considers how reference to 'African justice' is used as a justification for brutal behaviour.

The report also examines the government's seemingly ambiguous response to the criminal conduct of Mapogo during the late 1990s, and explores the implications of Mapogo and its leader's connections to other political parties and rightwing organisations.

Despite negative publicity and internal conflict, Mapogo continues to grow and now claims to have over 40,000 members and over 90 branches operating in 5 provinces. This report offers some understanding of the complexities that continue to influence the development of and reaction to South Africa's most popular vigilante group.

Introduction

Vigilantism has been part of South Africa's informal policing strategy for decades. During the 1980s and early 1990s, when informal policing intensified with the establishment of People's Courts and street committees, the term 'vigilante' was largely used to denote state-sponsored groups which sought to undermine the liberation movement. Whilst participants in these vigilante activities joined for various reasons, and were by no means always ideologically motivated, all of these groups were characterised by social conservatism and the aim to act against the generally progressive youth movements.

Although vigilantism ceased to be a tool of repression with the general elections in 1994, it has not disappeared. Just as the nature of violence more generally is said to have changed from political to criminal violence, current vigilantism is seen as a response to the high

rates of crime and a weak criminal justice system. Rather than being politically motivated, as were the majority of vigilantes during the 1980s, these groups argue that their sole aim is to act against crime in a situation where the police and the judiciary are seen as inefficient and corrupt.

However, several questions remain: Is it possible to draw a clear line between the violence during apartheid and the violence of today? Can political and criminal violence be seen as two mutually exclusive categories? Is the current vigilantism merely a response to crime? Does it involve some politicised elements?

Besides shedding some light on these questions, this report aims to analyse the recent growth of vigilante activity and contextualise it historically and politically by looking at one of the numerous vigilante groupings that have developed since 1994.

Founded in 1996, Mapogo a Mathamaga (hereafter, Mapogo) is a vigilante group that initially operated mainly in the Sekhukhune region of the Northern Province. Since then, its influence has spread and there are now branches in Mpumalanga, the Free State and Gauteng. Mapogo, which draws its name from a Sotho proverb meaning 'If you [the criminal] conduct yourself like a leopard, remember the victim can change into a tiger', has become infamous for its brutal methods of apprehending and 'punishing' alleged criminals. Information about Mapogo has largely been provided by the media, which often have delved into the cruelties committed by its members, but rarely gone beyond scant descriptive representations. This report thus also aims at providing a more in-depth analysis able to illuminate the conditions that have led to the development of the group and accounting for its dynamics since its inception.

Methodology

Field research for this report was preceded by an in-depth literature review tracing the concept of vigilantism and its usage within both academic and non-academic writing. The literure review also provides an historical perspective on the occurrence of vigilantism in various contexts, focusing in particular on the various manifestations of vigilantism in South Africa's recent history. Another component of preparatory research involved the collection and analysis of media coverage of current vigilantism, and Mapogo more specifically. The findings of this review and the media analysis informed the field research, in particular with regards to the development of questionnaires and the selection of interviewees.

Field research was largely based on two series of interviews conducted in the Northern Province, involving both high-ranking officials in government, political parties and unions as well as victims, beneficiaries and members of Mapogo. It was complemented by the gathering of official documents and statements produced by a number of these bodies, including the office for the MEC for Safety and Security and the ANC Northern Province.

The first field trip in August 1999 was designed to give a broad overview of perceptions of Mapogo within these constituencies. Twenty interviews were conducted in both the urban environment of Pietersburg and, at a more grass-root level, in the surrounding rural areas of Sekhukhuneland. A preliminary report was written in order to assess the findings and to

detect potential information gaps. Based on the preliminary report, a second field trip into the region in March 2000 was organised, aimed at following up a number of the interviews - among them an interview with Mapogo's president, John Monhle Magolego. This second field trip also enabled us to give voice to previously excluded constituencies and to trace the more recent developments of the dynamics of and attitudes towards Mapogo. In addition, an interview conducted with Professor Delius of the history department at the University of Witwatersrand provided an historical perspective of the situation in the Northern Province.

Several obstacles had to be taken into account in the analysis of the interviews. Firstly, the limited number and qualitative nature of the interviews pre-empted any easy generalisation. However, interviews have provided contextual research material conducive to understanding the complex dynamics of vigilante activity, and can thus be seen as indicative of the views of different stakeholders. Secondly, the majority of constituencies interviewed, had various stakes and interests, and these may have influenced the statements made. Whilst this may blur the research findings, it simultaneously illuminates the extent to which policing - both formal and informal - remains a politicised issue in post-1994 South Africa. Thirdly, interviewees in rural communities and townships were often reluctant to talk freely out of fear of repercussions from Mapogo. Another potential shortcoming is the fact that research had to be restricted to the Northern Province, to the exclusion of more recent manifestations of Mapogo in other provinces. However, given the fact that the Northern Province is the place of Mapogo's emergence and that the province, and more specifically the Sekhukhune area, continues to be the area of its main influence, it is believed that this will provide information from which to extrapolate for other regions.

The context of Mapogo's emergence

In order to account for the growth of Mapogo a Mathamaga, it is essential to understand the conditions that have enabled and fostered its emergence. The line of argument most commonly brought forward by commentators, namely that high crime rates coupled with a weak police force have produced groups like Mapogo, is only superficially convincing. Although this is indeed an important factor, which can account for the lack of trust in the police force and for the frustration with the criminal justice system moregenerally, it cannot explain the emergence of vigilantism as an inevitable result of this. In order to do so, it is important to provide a broader picture of the complex dynamics that facilitated and prompted Mapogo's emergence. While this section will briefly outline the context of Mapogo's emergence, some of the issues mentioned here will be taken up and discussed later in more detail.

Existing on the Periphery

As Delius (1996) states at the beginning of his study on the region, the Northern Province is 'marginal economically, socially and discursively' and one may add 'politically and geographically' to that. Located in the northeast of the country, far away from the urban centres and, often sidelined in attention and resources, the Northern Province remains the poorest province in South Africa. A recent socio-economic profile of the region reveals that it contributes the least to the gross national product (GNP) and has an unemployment rate of 46%, the second highest rate in the country (Statistics South Africa, 2000). Categorised as 90% rural, the main sources of income are farm labour, subsistence farming and

migratory labour. Especially in the former 'independent' homeland of Venda and the 'self-governing' territories of Lebowa, Gazankulu and KwaNdebele, the province has a history of apartheid underdevelopment and social engineering that has left the majority of its citizens illiterate and with a close to non-existent infrastructure.

Alongside the misery created by apartheid, the homelands system was built on and safeguarded by a black elite. Composed mainly of local chiefs and administrators, and a minute bourgeoisie consisting of local businessmen and civil servants, this elite benefited from apartheid policies. Because of the need for business licences in designated areas and lack of transport, businessmen were able to exploit their monopoly status and 'benefited in the limited sense that competitive pressures were artificially reduced by apartheid' (South African Truth and Reconciliation Commission (TRC) Report, vol. 4, chp. 2). The local chiefs were often directly put in place by the government and usually not accountable to the community. This system that has been described as 'decentralised despotism' (Mamdani, 1996) created a minority of people who were socially conservative, who had a stake in the upholding of apartheid and, hence, could act as a bulwark against radicalism and progressive political movements. This constellation - a small administrative and political elite coupled with a small economic elite - enabled the apartheid government to control the 'homelands' without having to directly intervene. The homeland policy created divided communities and nepotism, and was able to contain political resistance to a certain degree.

Two issues with particular relevance for a discussion of vigilantism arise from an historical account of the region. Firstly, the relationship between black business and the politicised youth of the 1980s continues to play a role. Secondly, the current lack of legitimacy in the rule of law is, at least, partly rooted in the history of the mistrust in apartheid and the homeland administration.

Intergenerational and political revolt - The 1980s in Sekhukhune

Despite marginalisation and the various strategies employed by the apartheid regime to repress political activism, it would be wrong to see the region as the passive victim of social engineering. Rather than seeing the population of the Northern Province merely as peasants unaffected by the political movements during the last decades, Delius (1996) provides ample evidence of the struggles in the region, which were strongly interlinked with the struggles taking place in the urban areas.

The long history of political struggle is marked by two revolts in the 1950s and further revolts in the 1980s. While the former was organised mainly by migrant workers to defend the residual autonomy of the region, the latter was part of the Comrade movement during the 1980s. Here, youth mobilised against apartheid and its agents and beneficiaries in the homelands, including local chiefs and business people. A revolt in 1986 was primarily a reaction to the break-up of the social order, which had intensified during the '70s and '80s with increasing migrant labour and unemployment. The youth movement attempted to infuse the area with a new social order able to rid itself of the detrimental influence of apartheid and its agents. At its beginning, the youth movement was ideologically aligned to the African National Congress (ANC) and the wider political struggle. Shortly after its emergence, however, it fed off an eclectic mixture of ideas, including witchcraft beliefs, which often resulted in the burning of alleged witches in the name of progress and harmony. Indicative of these 'ideological inconsistencies', is the fact that while the Comrade

movement in Sekhukhune was a political revolt against apartheid and an intergenerational revolt against elders, many of whom were perceived as beneficiaries of apartheid, the movement was often also directed against women who, because of mounting migrant work, were often playing the role of heads of households.

The youth movement revealed business in the region as beneficiaries of apartheid and mobilised against it. As Delius (1996) observes:

> Businessmen in the village were particularly aggrieved and threatened by the actions of the youths. They were subjected to regular demands for food and money, and their persons and property were threatened if they refused. (p.189)

The right-wing vigilantes that emerged at the height of the conflict in the mid-eighties were a violent and state-sanctioned response by 'bourgeois patrons [who] mobilised men on neo-traditional lines in a violent bid to restore stability' (Charney, 1991, p. 24).

Haysom (1989) has referred to this vigilantism as the 'privatisation of repression'. He writes:

> Like privatisation it has ideological benefits. It provides a justification for the existence of the state of emergency. It accomplishes the disorganisation of black communities and their popular organisations without the intervention of the security forces, and it lends lustre to the racist belief that the real source of conflict in the townships is a propensity to internecine strife. Vigilantism constitutes an internal equivalent of the policy of destabilisation. (Haysom, 1989a)

As part of the government's hidden 'third force' strategy designed to deflect responsibility for the ongoing violence, the details about these activities only officially emerged during the hearings of the South African Truth and Reconciliation Commission (TRC). An extract of the ANC submission to the TRC (1996), for example, states:

> The 'vigilantes' were responsible for massive bloodshed and misery as they launched their onslaught against pro-democracy groups. Often drawn from conservative traditional groupings, the ranks of the desperately unemployed and even criminal gangs, the vigilantes intervened in local politics when called upon or paid to do so. In all cases they violently attacked members of pro-democracy groups, acted in support of unpopular local or regional authorities which the apartheid regime saw as being essential to the success of its limited reform programme, and were allowed to operate brazenly by the SAP, who either refused to intervene or actively supported such groups.

In the areas of today's Northern Province, this earlier vigilantism, was a complex amalgam of government repression, the protection of local interests, criminal activity, and intergenerational conflict.

Many of these dynamics are still prevalent in the region, and are an important factor for the analysis of today's vigilantism. Delius argues that, similar to the conflict in the 80s, there is

a strong generational dimension to Mapogo's ideology 'which is that we've got to re-assert the control of the elders and that it is time that these youth are put in their place and taught to listen (interview, 2000)

Indeed, youth is still seen by many as the main source of social and criminal unrest, and Mapogo's members usually refer to young people as the main culprits. While this claim has been substantiated by studies on the relationship between crime and age, what is usually ignored by people making the simple equation 'youth = crime' is the fact that they are also most likely to be the victims of crime and that South Africa's population is made up of a very high proportion of young people (Schönteich, 1997). Most importantly, an understanding of the historical role of youth as a political force during the struggle is essential to grasp the full meaning and connotations of Mapogo's anti-youth stance.

Having lost their monopoly and beneficiary status, businesses feel increasingly threatened by a number of forces non-existent during apartheid. As Delius argues, 'black businessmen were protected by the apartheid system, given a protective niche … . That's been taken away and they're exposed to all sorts of threats (interview, 2000). Increasing mobility among residents, for example, means that many businesses have lost their monopoly in small areas and are forced into greater competition, sometimes with large chain stores that have moved into the area.

Crime and Policing

Policing, the second issue arising from an historical account of the region, is of similar importance to the current flourishing of vigilantism. Indeed, lack of efficient policing is often the main issue brought forward by mainstream commentary to explain the rise of Mapogo and vigilantism more generally. While policing is an important aspect to consider, solely focusing on the current shortcomings of policing and the criminal justice system more generally obscures the complexity of the issue and, in some cases, even lends moral legitimacy to vigilantism.

While the inefficiency of the criminal justice system is felt across the country, it is most visible in the poor, rural areas where Mapogo first emerged. Here, police distribution is lowest and resources are particularly scarce. Resorting to private security companies, as many wealthier white areas have done, is not an option for the majority of the population, who are, therefore, dependent solely on the police force for their safety. These deficits were acknowledged by Jack Mokobi, Spokesperson of the Premier's Office, Northern Province:

> There's been a vacuum in terms of crime prevention and crime combating … .
> In the rural areas, people are living on average 300 kilometres from the nearest
> police station. So you can commit a crime, you can kill somebody and it will
> take the next three to four hours for the police to arrive. (interview, 2000)

Contrary to the thesis that directly links poverty to crime, the Northern Province consistently has the lowest level of reported crime across all types (Shaw, 1998). Yet, even here crime is on the increase and police resource distribution is the lowest in the country (Shaw & Louw, 1998).

The majority of interviewees from political parties had little concern about the crime rate.

Sello Moloto, Provincial Secretary of the South African Communist Party (SACP) and MEC for Health, for example, argues that 'it's generally accepted that the Northern Province is relatively peaceful and the crime rate is very low … criminal offences in terms of stealing and having organised syndicates is not something which is very prevalent in the Northern Province' (interview, 1999). He argues moreover that the rising concern about crime is due to the issue being 'over-sensationalised' to a point where it has become 'emotive' (interview, 1999).

These views are similarly expressed by Mr Laategan, New National Party (NNP) MPL, who argues that the province is tranquil compared to others, since it is a 'rural area … [with] not so many opportunities to steal and rob' (interview, 1999). However, he sees a danger in people moving in from outside, especially from Gauteng:

> Criminals 'have [now] converted this tendency of stock theft into a business enterprise, where systematically, these people from the Rand moved in and clean up an area of cattle and whatever they can find and go back'. (interview, 1999)

It is not clear how much purchase this argument has in reality, and it has not been confirmed by statistics, but it corresponds to the feeling of a rising number of people who argue that crime moves in from outside rather than being inherent in the region.

These pronouncements, and statements made by officials about crime are striking for two reasons. Firstly, commentators largely referred to statistics when talking about low crime rates. Whilst statistics are useful and necessary in providing a general overview of the situation in the Northern Province, they leave a lot to be explained. It is, for example, questionable to what extent statistics are able to account for the perception of crime within the communities. Asked about the prevalence of crime in the province, Delius notes that:

> There's the formal statistics that tell us that the Northern Province has the lowest crime rate in the country … but I do think that crime rates are about what you're used to and what is different, and I think what we're dealing with here is a transition from societies which had an extremely low rate of crime to societies in which crime has become an issue. (interview, 2000)

Secondly, 'crime' is frequently equated with theft and robbery. Violent crimes or crimes that often remain underreported, such as domestic violence or rape, are curiously absent from the majority of statements. This corresponds to Mapogo's focus on property-related crimes, which will be discussed below. In contrast to the Mapogo version of what constitutes crime, three out of the six political organisations interviewed mentioned rape as one of the most pervasive crimes in the province. Mr Roedolfse, from the African Christian Democratic Party (ACDP), for example, argues that 'we sit with a severe crime problem like rape … and [in this] we are one of the leading countries in the world' (interview, 1999). He moreover links the high incidence of rape and violent crime to the general 'aggro culture' (interview, 1999) in South Africa, which arose from its history of colonisation and apartheid. According to him, this culture of aggression is responsible not only for the high rates of violent crime, but also for the emergence of vigilante groups, like Mapogo.

Hence, although statistically crime rates are low in the region, rural communities have experienced a considerable increase in crime and frustration with the criminal justice system in combating it. The current inefficiency of policing and the criminal justice system has to be seen as one of the main reasons for the emergence of vigilante groups. Yet, the breeding ground for vigilantism in South Africa has to be located within the history of informal justice and the precarious relationship between the police and the communities in the past.

The transformation of the South African Police Service (SAPS) has been a slow process and is by no means complete. Besides greater provision of resources and training, one of the biggest challenges is the establishing of legitimacy and trust, since, as Rauch argues:

> Popular memories of brutal and racist policing, combined with a deep historical mistrust of the SAP, created overwhelming scepticism about the ability of the police force to ever act in a non-partisan manner. (Rauch, 1993, p. 3)

Most policing during apartheid served the aim of upholding the status quo through repression and intimidation. Lack of trained personnel and the 'sunset clause' established in the negotiated settlement meant, furthermore, that the 'old' police force has structurally remained largely intact. Another challenge for the transformation of the police is the integration of the homeland administration and police force.

Although officially 'independent', the police force in the homelands exhibited similar structures to thier apartheid counterpart but it was debilitated by a lack of resources. The police personnel in the homelands very often came from a security background trained by the SAP, were socially conservative and accountable to the local chief rather than the community as a whole. Research conducted in Lebowa in the early 1990s established the extent to which residents viewed the police force as a 'product of apartheid' (Marais, 1992, p. 3). As Marais (1992) observes:

> Homeland police forces will be an important building block of the 'new South Africa'. A legacy of illegitimate political elites, discrimination and a tradition of self-service within the civil service has left them arguably in a worse condition than the South African Police. These agencies cannot however be wished away and debates around their transformation are of vital importance. (p.11)

The importance of this issue for policy-making has been recognised by officials more recently. As Mokobi told us:

> Trust was eroded over time in this country, because of the role that the police were seen to be playing in enforcing apartheid. And we need to go a long way to rebuilding that trust. (interview 2000)

One of the strategies adopted by the new government to establish more legitimacy and accountability was the establishment of Community Police Forums (CPFs) (Department of Safety and Security, 1997) aimed at promoting greater co-operation between community and the police whilst, at the same time, functioning as a monitoring device against police corruption and abuse. In theory, and given the lack of viable alternatives, this policy may

have been adequate. The implementation, however, has not been successful in many areas. Problems encountered included dominance of certain interest groups within the forums, the lack of a working relationship with local police stations and the lack of participation on the part of the public. As Schärf (1997) observes:

> Unfortunately, the track record of change of mind, and change of practice among officials since the national election is not particularly impressive. It may be early days but the tendency (among the police to name one sector) has been to manifest a high degree of scepticism to the introduction of Community Policing, for example, and they have generally shown limited commitment to substantive change. They have always seen themselves as senior partners, and viewed community participation as an irritant and waste of time. (p. 21)

Civil Society

A history of distrust in state institutions during apartheid means also that engagement - either positive or negative - with the few state initiatives that have been established by the new government in the region is rare, and that civil society more generally is weak in the rural areas. As Thornton (1999) argues:

> The state - recently thought all powerful - has crumbled with the collapse of the old Homelands of Lebowa and Gazankulu. The new Provincial administration appears confused. There is no local funding at all for the new government authorities who are thus paralysed. Order - what there is of it - is maintained by family and kin groups, 'traditional authorities', church organisations such as the Zionist Christian Church, traditional healers, groups of youths and young men who call themselves 'civics', some parastatals such as the electrical supplier ESCOM, and other informal organisations … . The dearth of effective state institutions and the very low level of involvement with political parties, interest groups or other ostensibly political organisations must force us to ask what civil society could possibly mean here with neither an effective state nor effective political organisations. (p. 95)

Although Thornton draws the conclusion that the notion of civil society has to be broadened and reconceptualised to account for the types of organisations in the rural areas he mentions, it may be more adequate to see civil society in these areas as weak and, at best, emerging. The diversity of 'traditional' and 'religious' institutions that currently maintain order, should be located not within cultural and 'fundamental difference' as Thornton would argue, but should rather be seen as a result of apartheid's homeland policy. This policy actively hindered the emergence of a civil society by promoting a traditional, artificially 'tribal' authority and thereby denying citizens civil rights and channels for political expression and accountability. In South Africa's rural areas, it is therefore, especially important to have a strong state presence in order to transform and develop a society marked by division and fracture. Because, in the absence of a strong civil society and with the lack of state presence, vigilantism is able to claim not only the moral high ground for the administration of 'justice', but is also able to claim it is acting on behalf of the community.

Mapogo's emergence, then, cannot be explained solely by pointing to high crime rates and

the inefficiency of the criminal justice system. While these are undoubtedly important factors in the development of vigilantism, Mapogo's emergence needs to be located within a more complex web of historical contingencies that include the tradition of informal justice as much as the lingering social dynamics created by the homeland system.

The emergence of Mapogo

Mapogo's Structures

Mapogo a Mathamaga Business Shield was founded in August 1996 by a group of businessmen from Sekhukhuneland in the Northern Province. According to one of its founding members, the organisation was established against the backdrop of unprecedented levels of crime including ôcar hijacking, house breaking, theft of valuables, murder, assault, etc (Mr Mashifane, interview, 1999). Businessmen felt that they were targeted by criminals in the area and that neither the police nor the criminal justice system more generally was willing or able to offer them protection or reduce the crime rate in the region. One of the members expresses his frustration with the local police by recounting his experiences:

> I had about 50 dockets whereby fingerprints [of the culprits] were taken, but the police did not manage to make a breakthrough with even a single docket. When we reported the case to the police sometimes they came, sometimes they did not, and if they did come, they would not do follow-ups on those cases. (Mr Mashifane, interview, 1999)

These grievances are expressed in the preamble of Mapogo's (1996) constitution:

> The areas of Nebo and Sekhukhune and surrounding areas are presently suffering under an unprecedented wave of crime and lawlessness, where criminals are openly flaunting their crimes in complete contempt of law and society … the state and its political rulers do not have the political will and/or ability to stop this wave of crime by giving tangible and material support and encouragement to the police and by devoting adequate funds for law enforcement and to see to it that these funds are spent properly and effectively.

While Mapogo was formed as a response to these grievances, when asked about the final trigger for the establishment of the group, members usually refer to the killing of eight businessmen within the period of two months in July and August 1996.[1] At the funeral of one of the victims, the idea of Mapogo was mooted and consolidated (John Magolego, interview, 1999). This event culminated in a series of meetings among the businessmen, which eventually resulted in the drawing up of the constitution and a memorandum to the MEC for Safety and Security detailing Mapogo's grievances and demands.

Both the constitution, which urges members to work within the law (Mapogo constitution, 1996), and the memorandum are an indication that Mapogo initially attempted to employ legal methods to apprehend criminals and to co-operate with the police. According to Minnaar, 'the group initially arrested suspects and handed them over to the police, but changed tactics after police released a number of the suspects' (Minnaar, 1999, p.16).

Indeed, three months after its establishment in November 1996, a media statement issued by the office of the MEC for Safety and Security (1996) condemned Mapogo for its brutal methods and its disregard for the rule of law. Nina (2000) argues that this gradual move from compliance to circumvention of the law by vigilante groups is a common phenomenon.

Mapogo's Methods

According to many respondents, Mapogo does not follow due process. Suspects are not presumed innocent, and there is no separation between investigation, prosecution and conviction. Members have to pay an annual fee, ranging from R100 to R10 000 depending on their status or the size of their businesses. Paid-up members who have become victims of crime usually call Mapogo, recount the incident and name suspects. Mapogo then tracks down the alleged offender, demands the whereabouts of the stolen goods and metes out punishment. Investigation into the allegations is scant and members usually rely on suspicions, rather than evidence. The suspect does not get the chance to defend himself or herself against the allegations. Asked about allegations of using force to obtain confessions, Mapogo's President Magolego responded with an allegory:

> I don't want to deny that if a sponge is retaining water and water is needed out of the sponge, we have to squeeze it a little. That is what happens with Mapogo and in most cases they are successful … I always say that if a patient drinks my medicine, I don't regret it, my medicine is never wasted. (interview, 2000)

This medicine, more often referred to as 'African medicine' is corporal punishment in various forms. Sjambokking, i.e. beating the suspect with a leather whip, sometimes soaked in peri-peri sauce, is most commonly used, but members have also been accused of dragging people behind cars, or throwing suspected criminals into crocodile-infested rivers. [2] The degree of punishment is arbitrary and dependent on the individual member meting it out. According to the president:

> At times members of Mapogo get very furious and they cannot control themselves. Especially if they are confronted with a hardened criminal … . When Mapogo come into the picture and grabs such a person, what do you expect from them? They can even kill you. (interview, 2000)

During both interviews, Magolego made no attempt to justify or deny the often arbitrary use of violence. On the contrary, as in the statement above, he endorsed it, and even displayed pride about the contravention of not only the South African constitution, but also Mapogo's own constitution. The fact that Magolego had no inhibitions about openly talking about his acts is an indication of the lack of state intervention.

> As was the case with the conservative vigilantes of the apartheid era, it appears that those involved in vigilante action today are most unlikely to face legal consequences for their actions. (Bruce & Komane, 1999, p. 41)

Indeed, Mapogo rarely faces legal consequences for their actions. Yet, 30 members, among them the president John Magolego, have been charged with various crimes, ranging from

murder, attempted murder and abduction to assault. The majority, however, have been released on bail paid by the funds accumulated through the collection of membership fees.

Hundreds of people have been subject to Mapogo's violent punishment and more than 20 people have died through beatings (*Mail & Guardian*, 2000a). A victim of this 'instant justice' recounts his experience of 'punishment' by Mapogo:

> I was at home on a Saturday afternoon … . A certain boy from [V's] came to my home. He had broken into a shop on Thursday and when they [Mapogo] came, they found him at my place. [W] and [X] and [Y] stood on my stoep and asked for this boy, [Z]. He was in the house and I was outside not suspecting a thing. I told them he was in the house, but then when I tried to get into the house they wouldn't let me. They took both [Z] and me. When I asked them what I had done, they said I had harboured a criminal. I did not know what he had done. They then beat me up and took me to … . When we came back they decided to go and get my wife. I told them they would never get my wife. They also got the boy's friend called [U]. They squeezed my wife's finger, but did not beat her. They took us to … and beat us with wooden sticks and steel rods. They took us to [X's] shop and beat us up again, with sjamboks and sticks. … They beat us up a lot, even this other hand no longer functions anymore. Then they took us to the police station. (victim, interview, 2000)

In an informal discussion with an acquaintance of the victim, we were told that the victim was so traumatised after the abuse by Mapogo that he disappeared for a week into the mountain. His wife also talked about being traumatised after having to witness her husband being brutalised.

Mapogo's membership

At its outset, Mapogo clearly served a very limited number of people and was concerned mainly with crimes relating to property. Concerns of the more general population, such those about rape or assault, were not considered.

Glancing at Mapogo's objectives as laid out in its constitution, one could be led to believe that fighting crime is not its main mission. The emphasis appears to be on the promotion of business interests in the broadest sense, including the promotion of 'economic empowerment and [its] highest form, entrepreneurship' and even 'to inculcate a culture of love and tolerance among members' (Mapogo Constitution, 1996, p.2). This emphasis is reiterated by the United Democratic Movement's (UDM) chairperson, Kingsley Masemola, who argues that Mapogo's initial motivation was to promote their members' businesses by 'collective bargaining', and that the mission to fight crime was adopted only later (interview, 1999). He goes on to point out that 'Mapogo is not a group of hooligans. They are a group of business people who own businesses throughout the province' (interview, 1999).

It is difficult to establish the extent to which Mapogo engaged in business promotion activity or to what extent this was rather a means of establishing legitimacy and respectability in the face of the numerous allegations against them. Yet, it becomes obvious, that at least initially, Mapogo was established by and directed at the business constituency in the rural areas of Sekhukhune and Nebo. Shortly after its establishment, however, people

from a variety of backgrounds started to join and membership, which is said to approach 60 000, now includes white businessmen from the urban areas of Pietersburg as well as farmers a contentious issue that will be elaborated on below. Having begun its activities in a small area in the Northern Province, Mapogo has, within the last four years, opened branches in the provinces of Mpumalanga, the Northwest Province and the Free State. Membership has even reached as far as Gauteng, with the recent opening of a branch in Pretoria.

In June 2000, Mapogo started a professional security firm, allegedly separate from the main organisation. According to Magolego, 'Mapogo a Mathamaga Security Services', operates like any other security firm and does not use sjamboks. Yet the new company does not only use the same logo as the main organisation, it also recruits its guards from Mapogo members. And, most importantly, its head is John Magolego, who has repeatedly expressed his commitment to corporal punishment (*Mail & Guardian*, 2000b). This new venture appears to be an attempt at recruiting more respectable and wealthier clients who would be reluctant to join an unregistered organisation infamous for its illegal acts.

Mapogo 'out of control'

Given this enormous expansion within a short period of time and the diversity of members, there have been concerns that Mapogo are 'getting out of hand'(respondent, 2000). Whilst this is a valid concern, it was surprising that a large number of people we talked to, especially within the political parties, saw this factor as the main problem, rather than attacking Mapogo's illegal methods and unaccountability in principle. The chairperson of the Pan African Congress (PAC) Northern Province, M.C.J. Mphalele, for example argued that 'the problem with the organisation is that it is getting big and difficult to control' (interview, 1999). The accounts given by victims of Mapogo supported this concern. One victim recounted an incident where she was punished by Mapogo members for 'talking too much' (victim, interview, 2000). On complaining about it to the local branch, however, it emerged that the executive members were unaware of the incident. According to Seth Nthai, Premier at the time:

> Magolego is not in control. When there is a Mapogo incident, it is not clear that Magolego's network even knew about it. The thing has snowballed out of his control. (Business Day, 1999)

Considering Magolego's often contradictory, but nearly always, violent pronouncements, it is questionable whether this control is even desirable. But Mapogo members deny this claim and argue that the organisation has a regulated and regulating structure, which involves having three to four commanders in each area and holding monthly seminars to control its members (News Headlines, 19.8.1999). According to Magolego himself, several branches are independent and:

> We have some leaders who will monitor, make sure things go well. Not necessarily myself. I don't have to be there. I am the leader of course. As a pyramid style, I'm right on top here and down there, there must be some guys to see to it that things go on normally. (interview, 2000)

Alongside concerns about Mapogo's lack of control, this 'pyramid style' has also led people to express the opposite concern, arguing that Magolego is a 'dictator' (respondent, 2000). Supportive of this allegation are the increasing internal conflicts that resulted in the dismissal of the executive committee by Magolego. Former chairperson and member of the discarded executive committee, Dinkonyana, expresses his frustration with Magolego:

> There came a time when we were in disagreement with leadership. The terms of our agreement with government were being disregarded, especially by our leader. He started to be on bad terms with the government. The government used to call meetings with the executive committee, but he never attended. We tried to advise him to go … . We started to see that things were getting out of hand. From then on divisions became apparent. (interview, 1999)

A number of other issues, such as Magolego's political involvement, which will be discussed in more detail below, and the lack of accountability for the organisation's funds, led to a split within the organisation. A new group was formed by certain former members of Mapogo, among them Peter Dinkonyana.

Sekhukhuni se bonwa ke Sebataladi (Sebokese), a Sotho expression meaning that if one commits a crime, he should know that people are watching (African Eye News Service, 8.9.1999) was launched in September 1999. Apart from the frustrations with Mapogo expressed above, chairperson of Sebokese, Timothy Moifo, also emphasised the fact that it was important to work with the police and without using force (interview, 2000). According to Charles Nkadimeng, the working relationship is good, as the group has joined the Community Policing Forums (CPFs) and holds regular meetings with representatives of the MEC for Safety and Security. Magolego, however, suspects a hidden agenda behind the co-operation:

How can Nong meet people who haven't even started operating? I believe it's Nong's trick to bring confusion into my organisation by telling the new group they will not be arrested. How about if they create more chaos in the province? … I find it irresponsible to associate with people whose agenda is still unknown (African Eye News Service, 13.9.1999).

Although Magolego is obviously concerned about the formation, with a membership of only 200 at the time of writing, the impact Sebokese will have is still unclear. Yet it appears that the continuing internal conflicts and splits within Mapogo are an indication of growing awareness on the part of many executive members that structures that work outside the law are not viable in the long term, and that working within the established structures has advantages.

Mapogo's Populism

> All that works is psychology. (John Magolego, Interview, 2000)

Mapogo's success, both in terms of the alleged reduction in crime and in terms of the rising membership, has been attributed largely to its violent methods, which are able to deliver instant justice. However, during the research it became obvious that Mapogo's appeal relies to a great extent on the deployment of a populist rhetoric, including symbolism and

references to notions of African justice. Similarly, it emerged that Mapogo's ability to contain crime rests largely on the creation of fear within communities.

African Justice or 'thuggery with an excuse'?

> In the denial of the state as sole guarantor of the social order, vigilantism will invoke an 'imagined order' that either existed in the past, or never existed but is desired. (Nina, 2000, p.7)

Mapogo's president, John Magolego, has become infamous for arguing that Mapogo's methods have their origins in traditional African notions of justice, including both restorative and retributive measures. Rather than elaborating on investigation and cross-examination, here the emphasis is said to be on instant justice and a more victim-centred approach. Rather than relying on seemingly endless trials obstructed by the rights enjoyed by the accused, and which often only lead to small bail payments, as well as a corrupt police force that rarely manages to return stolen goods to the victim, Mapogo responds with swift, violent punishment and the promise to repair the damage done to the victim (of the alleged crime).

Whilst it could be argued that Mapogo's methods are a temporary solution to deal with high crime rates and a weak criminal justice system, Magolego's explanation is more fundamental. To him Mapogo is an organisation set up not only to address the current failures of policing, but also as a way of dealing with crime that is fundamentally different from and superior to the 'Western system'. His idea of the incompatibility of African and Western ways of dealing with crime is clearly expressed in his annual presidential address given in August 1999:

> This man has three children and is working. He does crime in his life and according to the [Western] law, he should be thrown in jail for hundred years. Who is going to feed his children and wife? Is that a way to build a nation or to destroy a nation? The children of this man will grow and become criminals, because no one is feeding them. An African man will take that man and tell him to sjambok him so that he will get rid of this criminal behaviour and go work for his children. What I am saying is that the African way to stop crime is best. (Magolego, 29.8.1999)

Considering the current weakness of the criminal justice system and the police, and the apparent impunity of criminals in the areas where Mapogo thrives, this approach and its reasoning may be persuasive in its populist 'logic'. To what extent, however, can it be seen as an expression of traditional justice?

Charles Nkadimeng, Spokesperson for the MEC for Safety and Security in the Northern Province, was adamant that Mapogo's reference to African justice did not reflect reality:

> Mapogo don't work on those [traditional] lines. Theirs is simply to be informed that Mr or Mrs X is a suspect in that case and then they go and deal with that particular person. Whereas in the system we are talking about, the person is given some level of justice. He or she has to be brought before the [tribal court]. He or she must explain, there is a hearing of some sort. With the Mapogo there

is no hearing. … More often one would have to admit to save one's life. (interview, 2000)

Yet, traditional healers and leaders we talked to at Mapogo's third anniversary were largely supportive of their activities. Arguing that the idea of Mapogo is sanctioned by the ancestors, a number of them see Mapogo as the only way to restore order and the lost moral fibre in their communities.[3] Although especially the healers phrased their support in culturalist terms, it is important to mention that a number of them own businesses in the area, and thus may be supporting Mapogo for reasons unrelated to tradition. However, support for Mapogo's methods also came from a more formal traditional vantage point, largely with reference to the issue of corporal punishment.

Whilst officially taking a stance against Mapogo's methods, the provincial chairperson of the Congress of Traditional Leaders (Contralesa), Kgoshi Setlamorago Thobejane, largely supports Mapogo's rejection of the notion of rights, arguing that these concepts are foreign to Africans. Strongly reminiscent of the cultural relativism employed by the apartheid engineers to justify 'separate development' and the denial of rights to Africans, he goes on to state that '… fundamental rights are good as much as they cannot be applied, raw as such, to a given society. We are a different society'(interview, 2000). Asked about the veracity of Mapogo's claim to African justice Thobejane furthermore argued that Contralesa:

> has been calling for corporal punishment to be retained. When they [Mapogo] are saying they are dealing with the problem in an African way, it's because they are defying the present abolition of corporal punishment. (interview, 2000)

Mapogo's support by the tribal leaders largely rests on a reduction of 'African justice' to corporal punishment. Indeed, Thobejane showed surprisingly little disagreement with the lack of any trial in Mapogo's operations, finding it 'unfortunate', but balanced out by the strong emphasis 'on locating and investigating' (interview, 2000).

While it could be argued that corporal punishment is indeed inherent in African modes of socialisation (Peter Deluis, interview, 2000), it has also been linked historically to the maintenance of colonial rule. Mamdani, for example, argues that:

> Corporal punishment was not only an integral part of the colonial order, but a vital one. In the Portuguese colonies, the palmatoria, a punishment delivered by means of a beating on the hands, became the symbol of the colonial legal system. The French, the British and the Boers preferred to administer the strokes of a hippopotamus hide - called the mnigolo in Malinke, the kiboko in Kiswahili, and the sjambok in South Africa - on parts of the body less exposed but more sensitive. (Mamdani, 1996, p. 126)

This intervention raises larger issues around the origins of 'customary law' and the extent to which notions of tradition that are prevalent today, have been distorted or even created by colonial rule in co-operation with tribal leaders wanting to maintain local power. During the previous dispensation, traditional authorities, civil administration and businesses were often united in the common stake they had in the maintenance of the status quo. Indeed, right-

wing vigilantes during the 80s operated largely with the support of all three groups. To what extent this alliance continues today is unclear, but Mapogo and the traditional leaders we talked to were united in their blame of the current crime situation on democracy and the constitutional provision of rights. Mapogo's president, Magolego, even went so far as to argue that the 'spirit of lawlessness' started with the Soweto uprising in 1976 and that 'before 1976 there was order … and the administration was good' (interview, 2000). Hence there are grounds on which Mapogo's 'Africanism' can be seen as a handy justification for the rejection of rights and the re-assertion of power by groups who benefited from apartheid. As Wilson argues:

Instead of being vestiges of the traditional African past, the notions of tribe and tribal law are part of a more recent political narrative about 'community' and an assertion of autonomous governance vis-a-vis the state (p. 85).

Supportive of this claim, the chairperson of the ANC, Benny Boshielo, links Contralesa's support of Mapogo to their general marginalisationin the post-1994 era, arguing that Contralesa's informal alliance with Mapogo is due to their common dislike of the ANC and their relative loss of power after the end of apartheid (interview, 2000). He furthermore distances himself from any claims to culture, asserting that:

There are certain things, which are African, but we think they are wrong. Even now the women are up in arms, because they want rights. And we cannot say, because it is African, therefore the women are wrong, because they are right (interview, 2000).

Symbolism

Vigilante violence is extreme and symbolic terror. ([Haysom, 1989b](), p.4)

Mapogo's efforts to present members with ready-made solutions and simple, 'logical' equations are best exemplified by its use of powerful imagery. Starting from the organisation's name taken from a Sotho proverb, Mapogo's public pronouncements and display are coloured by an eclectic mixture of images. Criminals are regarded as 'ill' members of society, needing to be 'cured' by Mapogo's 'African medicine' and Magolego explains the ascendancy of crime in this way:

> The kitchen has to be clean. If the owner leaves it dirty, it gets cockroaches. Are the cockroaches at fault? No, the owner is at fault. The government does not clean up its own rural areas and so cockroaches pop up. The government is at fault. (HRC Quarterly, 2000)

The opening of a new branch is usually accompanied by a ritual-like event involving the gathering of followers equipped with Mapogo T-Shirts and flags, and the strapping of large banners onto cars. One such event is recounted in the following excerpt from a newspaper article:

> The Mapogo convoy headed off shortly afterwards, the yellow bakkie setting a slow pace on account of head wind, which threatened to wrench the banner from its moorings. Once in Mogodi, they drove, horns blazing, to the house of the local chief, who had invited them a month earlier. While Magolego and

some of his senior followers conferred with the chief, the rest sat under trees, wandered around whipping the air, or sang and danced the group's song, sjambok waving … . And then Magolego appeared from the chief's house, having swapped his grey suit for a ceremonial blazer with gold trimmings. He strode regally between two line of chanting, sjambok-waving followers, and then climbed into his BMW to lead the procession to a packed community hall where local residents were waiting to join. (Mail & Guardian, 1999)

The glamorous display of power in conjunction with the legitimacy generated through the consultation with the local chief is undoubtedly part of Mapogo's strategy to win supporters.

Fear as a tool

Rooting out vigilante movements, once they are established, is never easy. And this is not because they find widespread acceptance in the communities they operate in. Instead, they are able to perpetuate their existence largely because of the fear they generate. (The Sowetan, 22.7.1999)

Green has argued that fear and uncertainty are often employed as a means of social control. She describes how the invisible violence of fear and intimidation (Green, 1994) is often able to contain entire communities, without a constant display of actual violence. Similarly, Taussig has referred to the creation of a culture of violence, where disorder and the arbitrariness of power are practised as an exquisitely fine art of social control (Taussig, 1992). Whilst these commentators have written about fear in different contexts, and mostly in relation to an oppressive state, vigilantism usually employs similar strategies. Indeed, as Johnston argues, 'the imposition of vigilante order is exercised by creating a level of intimidation greater than the one used by the state' (Johnston, 1996, p. 228).

During our research, the impact of the fear created by Mapogo within communities became most obvious when talking to victims and community members more generally. Many were scared to make any explicit comments on Mapogo out of concerns about repercussions. It soon became apparent that fear is one way in which Mapogo members are able to wield influence. This was freely admitted to by Mapogo's president:

if you tell them about Mapogo, no one will touch their businesses, … once they see the sticker of Mapogo. This thing of Mapogo has been well marketed through my interviewing publicly, delegations, newspapers, talking and so on. … All those things made it strongly possible for people to get the whole story about Mapogo and consequently people had all information and are scared of Mapogo. (interview, 2000)

Indeed, according to Jack Mokobi:

In areas like Lewobakgomo, and even here in town, white people join Mapogo not because they believe in them, but because if I have a sign or the shield there in my business, I am assuming that people will be afraid to even touch my property. … You know they don't have the response capacity, you know it's all in the mind. (interview, 2000)

The dangerous dimensions of the fear generated by Mapogo emerged when we talked to union representatives, whose responses will be discussed in more detail below. They argued that employers and farmers often use the threat of Mapogo to discipline workers, and that workers are often so intimidated by Mapogo that they do not report abuse by employers to the police.

Mapogo's Reception

Community

This 'fear factor' makes an assessment of community support and the general perception of Mapogo within communities a difficult task. Delius argues that generally, 'these are communities, which don't believe that you should babble on to outsiders about what you're thinking (interview, 2000). This is compounded by the fact that Mapogo is a particularly 'hazardous' topic and many people are afraid to talk freely. A victim of Mapogo argues that the police, the chief and the community 'are doing nothing, they just stand and watch, because they are afraid of Mapogo' (interview, 2000). This supports Minnaar's (1999) assertion that vigilantism often involves a 'conspiracy of silence by the whole community' (p.5). Informally, a number of people complained about Mapogo and told us they hoped our work would assist in the fight against the group.

Another difficulty of assessing community perceptions of Mapogo is the lack of any clear definition of community. According to Friedman:

> This is no semantic quibble. … In reality 'the community' is not a uniform, definable entity: communities are extremely divided with little commonalities in terms of needs and aspirations. (cited in Pelser, 1999, p.4)

While this true for South Africa in general, the Northern Province in particular is characterised by a diverse population. Alongside social, political and generational divisions within communities, the area itself is demographically heterogeneous. Fairly traditional villages, where traditional authorities continue to command respect, are sometimes in close proximity to relatively urban townships, rural slums grow next to more developed areas. These variables undoubtedly impact on the way in which people see Mapogo and it is thus impossible to reach any straightforward answer to the question of community support for Mapogo.

Rather than talking about 'community support' it may be more fruitful to examine the support given to Mapogo by factions of the community. Union representatives, for example, emphasised the class character of Mapogo's support within communities. Jack Tshwene, representative of the National Union of Metalworkers of South Africa (NUMSA) argued that 'it is only those who have properties who are satisfied' (interview,1999). Gender, too, influences support. Research carried out by the Human Rights Committee found that women acknowledged that the areas had become safer since Mapogo's emergence, yet at the same time were highly critical of Mapogo's failure to deal with domestic violence and rape. (HRC Quarterly, 1999)

According to Delius, communities in the Northern Province are divided along generational lines and Mapogo thrives on this division:

Mapogo's ideology is that there's a strong generational dimension to it, which is that we've got to reassert the control of the elders, and that it is time that these youth are put into place and taught to listen. And … to some extent everybody else is a spectator in that collision, but I'm not sure if they're passive spectators. … They can operate in this context because there's a strong sense that things are getting out of control, and that something has to be done. So that people have a variety of attitudes about Mapogo, but you are unlikely to get a powerful community-based counter-mobilisation. (interview, 2000)

Indeed, in the four years of Mapogo's existence there has only been one case of open protest against its operations. In 1996, when Mapogo's brutal methods first became known, a group of villagers started to protest and boycotted the businesses of Mapogo members until Mapogo had reached an agreement with the provincial government to work within the law. The agreement was disregarded by Mapogo shortly after that.

Spokesperson of the Premier's office, Jack Mokobi, argues, however, that there is 'community support' for Mapogo mainly because Mapogo employs instant, visible justice:

A person gets arrested, assaulted and he goes and says 'I have stolen these things, here they are', and Mapogo take them back. Whereas when you follow the correct criminal procedures, it might take up to a year to finalise a case. (interview, 2000)

Frustration with the often slow proceedings of the criminal justice system is indeed one of the main reasons for support of Mapogo. Yet while it is indisputable that the criminal justice system is inefficient in many areas, this frustration is also often due to lack of knowledge about its workings. Limited information about rights and the mechanisms available to realise them, and lack of understanding of the criminal justice system are particularly frequent in rural areas. Research carried out by the Community Agency for Social Enquiry (CASE), for example, found that 86% of respondents opposed bail for murder or rape suspects. Yet, 'focus group participants were largely unaware of the reasons for the bail system' (Pigou, Greenstein & Valji, 1998, p.10).

Another potential reason for the support of 'instant justice' is South Africa's long history of informal justice, involving earlier vigilantes, Makgotlas and the People's Courts of the 1980s. Communities, which for decades were virtually dependent on informal justice to solve disputes and trial criminals, are now forced to rely on a criminal justice system that often appears to be far removed, costly, inefficient and corrupt. As Nina argues, current vigilantism thrives on this collective memory 'that can remember that we knew how to protect ourselves in the past' (Nina, 2000, p. 7). Given this historical context and the frequent absence of visible legal alternatives provided by the state, as well as the financial interests that the businesses have in dealing with crime, the current flourishing of, and support for, informal justice mechanisms is unsurprising.

Government

Crime prevention and policing have become heavily politicised issues in South Africa. This is not surprising, given that crime prevention in transitional societies usually also means reclaiming the moral high ground of justice that was corroded by the old regime. A perhaps

even greater challenge for the government is to deal with competing discourses of 'popular justice' that developed and gained legitimacy during the apartheid period. Whilst a lot of former informal justice mechanisms have disappeared in the post-1994 period, the readiness to resort to paralegal mechanisms has not. This is especially true in rural areas where civil society is weak and the government has to grapple with the predominance of traditional authorities, taxi groups and other organisations. Here, vigilante rhetoric is only one of a variety of claims to justice, even if it is one with extremely violent results and the backing of a diverse range of people.

Initially, the new government approached the daunting task of establishing legitimacy for the rule of law by adopting a human rights rhetoric, able, on the one hand, to make a break with apartheid law enforcement and, on the other hand, to transcend and bring together various claims to justice without necessarily contradicting them. As Wilson asserts, 'human rights currently serve a centralising project, drawing local ideas and institutions of justice into the state and expelling all that does not fit' (Wilson, 2000, p.85). Yet, at least in the areas where groups like Mapogo continue to spread, this strategy has been unsuccessful. And this is not, as tribal leaders, farmers, Mapogo members and some critics would have us believe, because democracy is foreign to Africans, but because the state has failed in these areas. As Delius argues:

> If the state does not deliver you basic things, then democracy is under threat, …
> because if you don't deliver law and order effectively, if you don't secure
> people's lives and property, then your capacity to delegitimise alternative forms
> of authority is limited, … your chances of developing a human rights culture
> and a democratic culture are enormously undermined. Mapogo is a symptom.
> (interview, 2000)

The government's position on Mapogo can at best be described as ambiguous. During the four years of Mapogo's existence the office of the MEC for Safety and Security has issued various statements, all of which condemn Mapogo's unlawful activities, yet on various occasions meetings between Mapogo and the MEC's office have been arranged. In December 1996, in a detailed letter of response to the memorandum Mapogo sent to the MEC's office, the office acknowledges some of the grievances indicated by Mapogo. It also invites the group to join CPF structures and expresses its unwillingness to 'allow any person or grouping to take law onto themselves' (MEC Safety and Security, 2.12.1996). It is important to mention that this response was issued after the illegal and violent activities engaged in by Mapogo were publicly known. Fully aware of the criminal potential of Mapogo, the office invited the organisation to join the CPFs, rather than condemn its actions outright and start investigations into the group.

Unable to bring Mapogo to work within the existing structures, the government opted to work with Mapogo outside the structures of the CPFs. In August 1997, an agreement was reached between the MEC's office and Mapogo, which established the co-operation between the two parties on the premise that Mapogo's members work within the law. Moreover, it established the setting up of a joint task team (Joint Communique, 1997). According to the spokesperson of the MEC for Safety and Security, Charles Nkadimeng, this co-operation was successful and 'we were beginning to see something of a decline in crime in those areas' (interview, 2000). Yet one faction within Mapogo supported by Magolego continued using violent methods and Magolego stopped attending the meetings.

The failure of the co-operation supports critics who have been arguing that vigilante groups should not have been given recognition by government.

As Serobi Maja admits:

> To some extent we assisted these people, I am sorry to say. We assisted in giving them prominence by recognising them, by holding media interviews with them … . Of late we have been dealing with them like we deal with any other group. (interview, 1999)

This incident is indicative of the lack of clear strategy from the government to deal with vigilante groups. Wavering between trying to confront and trying to co-opt Mapogo, the government has failed in both strategies. The inevitable result is the continued spreading and strengthening of the group, and possibly even worse, the loss of credibility and trust in the government by the public. Shaw (1997) has pointed to this danger with reference to Latin American examples of policy against vigilantism:

> This conclusion is easy for the citizen to draw: if a state is ineffective in deterring the criminals who originally contributed to the potential for vigilantism, it also lacks the capacity to deter the vigilantes … . Seeking to co-opt vigilante leaders and placate criminals, while it will ensure peace in the short term will over time undermine the last shreds of public confidence in the criminal justice system. The greatest danger is to do nothing - allowing vigilantism, because it has short-term advantages to the state, to run its course. (Shaw, 1997, p. 11)

According to Shaw the only solution for government is the establishment of an effective criminal justice system 'as a matter of national priority' and he sees this as a difficult yet not impossible task.

The pronouncements of recently appointed Safety and Security Minister, Steve Tshwete, appear to be an attempt at co-opting vigilante rhetoric and playing into the hands of those who argue for a 'tough stance on crime'. This would support Nina's (2000) assertion that

> 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. (p. 7)

Although Tshwete has taken a strong stance against vigilantism and specifically against PAGAD (Laurence, 1999), it could be argued that his strategy is encouraging police brutality and even police vigilantism. Indeed, statements by Tshwete such as 'we will tackle these scum the way a bulldog tackles a bone' (Business Day, 2000b), are not that dissimilar to Magolego's pronouncements. While Mapogo's leader Magolego has reacted to the appointment of Tshwete by saying he would 'give him a chance', Mapogo's actions continue unperturbed and Tshwete's crime strategy, to date, appears to be more about rhetoric than actual crime reduction.

Opposition Parties

Most of the opposition parties in the Northern Province condemn Mapogo's activities yet in the same breath usually hold the government responsible for the lack of crime control and the current flourishing of vigilantism. The New National Party (NNP), for example, argues that 'the reason for the existence of Mapogo is that of the making of the ANC government. If you put a good government in place, Mapogo will disappear' (Mr Laategan, interview, 1999). Henry Mashabela, the Azanian People's Organisation's (AZAPO) provincial organiser, argues that 'organisations such as Mapogo are a result of the fact that we have a government that refuses to govern' (interview, 1999). According to him, government is not protecting the people. It is failing in one of its most essential mandates, the monopoly to use force. In a similar vein, Mphalele of the Pan African Congress (PAC) remarks that 'it is the view of the PAC that the present government has been too soft on crime' (interview, 1999). The parties are united not only in the condemnation of government's policies on vigilante groups and crime, but also in their concern about the involvement of Mapogo's leader Magolego with the United Democratic Movement (UDM).

Mapogo and the UDM

Indeed, John Magolego's joining of the UDM has provoked a great deal of controversy and has led many to suspect a hidden political agenda behind Mapogo. As African Christian Democratic Party (ACDP) chairperson Roedolfse asserts:

> I think vigilante groups stem from the inherent need of society for peace and stability … . Needs can be exploited, because I know Mr. John Magolego was the number two candidate on the UDM provincial list, so he has definite political aspirations. (interview, 1999)

This was also the feeling of a group of former Mapogo members, who argue that one of the main sources for the internal conflict, which ultimately led to the split, was Magolego's political involvement, which was seen as an attempt to bring Mapogo as a whole into politics. As former executive member and current Sebokese member Dinkonyana recounts:

> He announced that he was joining UDM. He asked us to help him get to the top ranks of UDM. It began to dawn on us that the man was using us as supporters. (interview, 1999)

This is not the first time that Magolego has been involved in politics. In 1994, he ran for the National Party and after having been unsuccessful in the election allegedly approached the Inkatha Freedom Party (IFP) (HRC Quarterly, 1999). While this may reveal a lot about Magolego's political allegiances, it may also be proof of the allegation that his involvement is more to do with publicity and less to do with ideology. According to Jack Mokobi, 'Magolego joined UDM, because his popularity went to his head' (interview, 2000). Magolego's own explanation for his involvement with the UDM would support this speculation:

> I personally went there and joined the UDM as a person who is looking for a platform … so I could bring my views into parliament … I would simply stand up and speak my mind. More so, I could see that the government was having a

nasty attitude towards Mapogo. (interview, 2000)

Rather than being in any way ideologically motivated, it appears that Magolego's involvement with opposition parties is a (so far unsuccessful) attempt at expressing his discontent with the current dispensation in an institutional framework. Considering the Northern Province is one of the regions where the ANC was able to gain nearly 90% of the vote in the 1999 General Election, compared to 2.57% for the UDM (Independent Electoral Commission (IEC) Election Results, 1999), this attempt was unsuccessful and, after realising his miscalculation, Magolego left the UDM. Asked about his current involvement with politics he responded with a bizarre statement that could be taken as an indication of not only his own feelings of importance, but also of his entanglement in contradictory claims that lack any straightforward strategy or ideological motivation:

Mapogo is already in politics, because we are debating the law of the country … . Just as when Mandela and his group were worried about influx control and pass laws. This is exactly the same thing. We cannot deny the fact that we are on the verge of starting a political party. (interview, 2000)

As an aside, Magolego sees the 1976 Soweto uprising as the 'beginning of all lawlessness' in South Africa. Regarding Mapogo's politics more generally, Mokobi argues that 'the problem is the more they grow, the more they aren't sure what they want to do' (interview, 2000).

The government's reaction to Mapogo has shifted since the expression of the organisation's political interests. Indeed, it was only after Magolego's running for the UDM, that the government adopted a strictly anti-Mapogo stance. This contributed to the widespread belief that government is more interested in political gains than the welfare of the population. As Mphalele from the PAC argued:

The present government was not so hard with Mapogo in the beginning and the reason they have become so hard is that the leader of Mapogo, Magolego, identified himself with a certain political party. (interview, 1999)

White Mapogo members - self-defence or racist backlash?

It is quite surprising that we haven't heard of Mapogo beating up an Indian or a white guy for having committed crime. (Benny Boshielo, interview, 2000)

Mapogo started as a black organisation in mainly black areas around Sekhukhune and Nebo. As it spread, its membership also diversified. When Mapogo began to operate in the urban areas of Pietersburg, increasingly white businesses and farmers joined the group. Currently Mapogo has about 10 000 white members (Montana, 1999), most of whom are farmers, and a white chairperson. The recent launch of a new branch in Nelspruit was attended by 900 whites. In recent months, the involvement of whites in the group has become so strong that a local Pietersburg newspaper called Mapogo 'the most integrated organisation in South Africa.' Yet this statement obscures not only the fact that Mapogo's victims remain homogenously black, but also that there has been considerable concern

about the predominance of right-wingers among white Mapogo members. Indeed, the controversy appears to be not so much about the involvement of whites per se, but rather about their motivation for joining Mapogo. The question behind most discussions is ultimately whether whites join simply to protect themselves against crime, or whether there is a larger reactionary agenda behind their membership.

Many of the interviewees who supported the idea of Mapogo generally were highly critical of its interaction with farmers. Henry Mashabela, representative of AZAPO, argued that what he finds 'very unpleasant about Mapogo is the fact that they've gone to bring farmers into their fold, because these are the people who deal ruthlessly with our people' (interview, 1999). Similarly, Mphalele from the PAC argues that 'Mapogo has contributed a great deal towards the stability we have today', but that when farmers join 'Mapogo are being used as a tool for oppression of their own people' (interview, 1999). Many interviewees saw both the joining of high profile right-wingers and the increasing membership of farmers as indications that Mapogo 'may find themselves being involved in some counter-revolutionary activities' (Benny Boshielo, interview, 2000). Yet the majority were unable to elaborate on these allegations.

Three issues, which are often collapsed by commentary, need to be examined separately in this context. Firstly, the involvement of high-profile right-wingers, secondly, the membership of farmers, and their general position in post-apartheid South Africa and thirdly, the use of Mapogo by employers to intimidate workers, both in rural and urban areas.

High-profile right-wingers

South Africa's transition has been severely disturbed by the activities of the right-wing. While the threat has been contained there is still considerable concern about forces such as the Afrikaner Weerstandsbeweging (AWB). In this context, fears about the politicisation of vigilante groups especially in the rural areas are not wholly unfounded. Some commentators go as far as suspecting that vigilante groups are merely an instrument of old apartheid forces. Justice Putsii, chairperson of the SACP Sekhukhune, for example argues:

> While our movement is faced with the challenge of overcoming the devastating socio-economic legacy left behind by apartheid, the agenda of the right-wing forces is to destabilise our efforts. Their immediate aim is to identify the most burning issues in the communities and then to create the impression that the progressive forces in the province are both unwilling and unable to address them. Specifically, the National Party is most certainly behind the 'deployment' of vigilante groups whose stated aim is to 'combat crime'. For example, the Mapogo a Mathamaga are undermining the legitimacy of our new democracy by taking the law into their own hands. (Umsebenzi, June 1997)

This suspicion of a hidden agenda runs through many pronouncements about Mapogo. This statement is extreme in its sole consideration of vigilantism in the context of right-wing elements, and without probing other potential reasons for vigilantism, such as failure on the part of the government to provide effective crime prevention and protection. And yet, there are grounds on which to link the organisation to right-wing elements.

The membership of Gaye Derby-Lewis, wife of Clive Derby Lewis, who is currently serving a life sentence for his involvement in the killing of Chris Hani, has been seen by many as proof of Mapogo's association with right-wingers. Similarly, the official invitation by Eugene Terre-Blanche to attend the launching of a new branch in the AWB stronghold of Ventersdorp has raised considerable concern.

John Magolego reacted to concerns about the involvement of the right-wing by arguing that membership was beyond his control. He explains,

> Those are panic buttons … . This is an organisation, it is not a club or a sort of security company … . All those who have an anti-crime mind, those who feel sorry for what is happening in South Africa are welcome. We cannot choose. This is a democratic country. (interview, 2000)

It is indeed questionable whether the membership of high-profile right-wingers can be linked to a larger political agenda. Although this is a valid concern, it is important to differentiate between involvement of high profile right-wingers, which might be trying to gain only publicity and the involvement of white farmers. In the majority of cases, and especially with regards to the farmers, the motivation to join Mapogo stems from a variety of reasons. A closer look at the involvement of farmers may illuminate this.

Farmers

While the concern about Mapogo's association with high-profile right-wingers seems to be over-sensationalised, the involvement of white farmers is a much more complex and widespread issue and the underlying issues are much more structural in nature.

Farmers have always had an ambiguous position in South Africa. While they are generally the most conservative force in the country and much brutal exploitation takes place on farms, at the same time they are in a vulnerable position, both economically and geographically. Especially in the Northern Province, which is the only province having voted negatively to de Klerk's referendum about the continuation of reforms, and the stronghold of the AWB, farmers tend to have strong right-wing leanings. This can be at least partly explained by the wide-spread perception of being 'under threat'. According to Segal (1990), 'at the heart of the white agricultural sector lies the fear that their land will be taken away' (p.16). In the post-1994 period, this fear has intensified, despite the fact that the proposed land redistribution policies are far from being realised and the social dynamics in the rural areas have structurally remained the same.

In recent years farmers have increasingly been threatened by farm attacks. According to a study by Schönteich (2000), in the last three years farm attacks nearly doubled from 433 in 1997 to 809 in 1999. Farmers explain the attacks with reference to land and usually argue that the attacks are political rather than criminal in nature. Frequently, it is argued that the attacks are part of an orchestrated plan by radical black forces, such as the Azanian People's Liberation Army (APLA), to drive farmers off the land. Right-wing groups, such as the Freedom Front (FF), even talk about a 'rural race war'. This reasoning allows them to present the attacks as exceptional rather than in line with the general crime situation in South Africa and also directs attention away from other possible causes, such as revenge attacks by abused workers or factors such as relative deprivation between farmers and those

living on the land.

Since farms often cover large areas, policing is a difficult task. As Schönteich argues:

> Given that the police and the army do not have a rapid response capability in
> the country's rural areas, it is crucial that farmers and smallholders themselves -
> through the organised structure of the South African National Defence Force's
> commando system or the police reservist system - take greater responsibility for
> their, and their community's safety. (Schönteich, 2000, p. 2)

Yet co-operation with organised structures is not something that white rural settlers have
traditionally been used to. During apartheid use of force was frequent and indirectly
supported by the state. As Ball observes:

> Arbitrary violence by farmers appears to be an accepted part of the rural social
> fabric. Judges almost condone it by their light sentences and police certainly
> don't appear to act vigorously against it. (cited in Marks & Andersson, 1990, p.
> 58)

Compounding the general reluctance to work with organised structures is the current
weakness of these structures. Farmers often circumvent organised structures and join
groups that are able to respond faster. Although this reasoning would appear most logical,
when we talked to farmers in Duiwelskloof, their explanation for joining Mapogo was more
extreme:

> The only thing black people understand is violence and authority. They don't
> understand democracy, they need a chief. That's their tradition, their culture.
> They can't help it. Mapogo is the best invention since the wheel, because they
> beat the hell out of them, and that's all they understand. (interview with white
> farmers)

Mapogo has provided farmers not only with a cheap and efficient security, it has, most
importantly provided them with a justification to use force. Indeed, in this statement, the
use of 'culture' as an excuse for violation of the law and rights becomes most salient, and
the underlying danger of Mapogo's 'African justice' argument and Contralesa's championing
of corporal punishment becomes most obvious. Historically and especially during
apartheid, cultural relativism has been used to justify racist policies, and has in this way
become a brand of racism of its own. Today, this argument continues to lend moral force to
the circumvention of the law. Apart from providing farmers with the moral legitimacy to
employ force, Mapogo has also enabled farmers to use violence without having to be
personally involved. This was admitted to freely by farmers:

> I'm a white farmer and most of the criminals are black. If I shoot the black
> attacker dead on my farm, I would be labelled a racist. So why suffer all the
> humiliation and nightmares thereafter, if Mapogo can do the job for me at a fee.
> (The Star, 7.11.1999)

While suspicions of a systematic 'counter-revolutionary backlash' may be overstating the

case, it is clear that Mapogo is providing farmers with more than just cheap and fast security. As a document produced by the ANC Northern Province puts it,

> many white business people, Afrikaner Verkramptes and Boer Farmers who do join Mapogo a Mathamaga, do so for very different reasons. They have found in Mapogo a legitimate 'Black' vehicle to deal with Blacks. Many people who suffer at their hands are young African males, the Trouble-Makers of the past, who must be 'dealt' with. It is inconceivable that an Afrikaner will ever suffer the wrath of Mapogo. (ANC Northern Province, 2000)

Mapogo against workers

If the farmers' use of Mapogo against attackers can still in many cases be explained and is not necessarily politically motivated, the recent use of Mapogo to discipline workers defies any excuse. There have been several cases reported by Unions, in which intimidation and threats of Mapogo were used against workers.

Workers in the agricultural sector are some of the most disadvantaged in South Africa. Wages are low and workers are significantly disempowered. As Segal (1990) argues, in the farms 'the relationship between master and serf … [stood] as the embodiment of apartheid society' (p.6). With the break-up of apartheid, these dynamics intensified, rather than lessened. Segal goes on to argue:

> Perhaps one of the most important factors in explaining the violence is the collective and individual fear of white farmers. In an unconscious manner, the farmers have elaborately constructed a worldview, which allows them to both explain and justify their behaviour as defensive. Interviews confirm that they are clinging desperately to a pattern of life and cultural ways that are in danger of being eroded. The increasing feeling of being under attack has led to a hardening of the interface between farmers and black labourers. (Segal, 1990, p. 6)

According to Schönteich, writing ten years later, 'the relationship between farmers and traditional farm labour appears to be, despite claims to the contrary by farmers and security personnel, increasingly hostile and distrustful, and sometimes violent' (Business Day, 2000a). Indeed, it has been argued that the increasing farm attacks are often revenge attacks by abused workers.

In this context, the use of Mapogo to discipline workers is an even more precarious issue. The unions especially see Mapogo as a 'serious problem'. Robert Makhubela, a representative from the South African Agricultural Plantation and Allied Workers Union (SAAPAWU), recalls a case of a shopsteward who, after demanding an increase of wages, was brutalised by the farmer. On hearing of this assualt, Makhubela called a meeting between union and employer only to be told by the latter that he was a member of Mapogo and, hence, not accountable to anybody. According to Makhubela this is not an isolated incident:

> The sector that we are organising is the most disadvantaged sector, where workers are earning very meagre salaries … and the workers demand

reasonable wages. And you find that when workers put forward their demands, to their employers, they are always threatened. So the employer will threaten to call Mapogo to call those workers to order. We trust that this can happen because if the employer can suspect or can decide to make some of his property disappear, he can allege that those have been taken by the workers, then they are going to call Mapogo. In all the farms that we are organised, employees are always threatened by these employers … calling Mapogo and the likes. And this thing is violating the workers' rights as contemplated in LRA and the Conditions of Employment Act. And most of the employers are using Mapogo a Mathamaga as a shield against offering basic rights to workers. (interview, 1999)

Whilst this phenomenon appears to be most widespread on farms, similar cases have been reported in companies in urban areas. Jack Tshwene, a representative of the National Union of Mineworkers South Africa (NUMSA), recounted a number of incidents where businesses used Mapogo not only as security, but also to threaten workers. One worker, who was scheduled to report abuse by his employer to the CCMA, was severely assaulted by Mapogo the night before and consequently withdrew the case. Tshwene expressed concern that Mapogo were being used to violate workers rights:

I believe that the involvement of Mapogo will at the end of the day affect our shop stewards. They will be scared to raise issues with management, believing that their lives will be at stake. (interview, 1999)

While the existence of an orchestrated right-wing agenda behind Mapogo is unlikely, the three issues examined here point to the fact, however, that Mapogo is susceptible to a membership that is in fundamental disagreement with government and generally does not support the constitution or the notion of human rights. It is this feature that also unites a great number of white right-wing support with the support from traditional authorities.

Mapogo's Future

Given Mapogo's haphazard development to date and the limited nature of this report, it is difficult to speculate about the future of the group (see Postscript below for 2000 update).

While informal justice mechanisms continue to thrive in South Africa, Mapogo appears to have lost some of its strength in recent months. The continuing internal conflicts and splits, mainly on the grounds of disagreement with the violent methods persistently endorsed by Magolego could signal a change of direction. Clearly, many members see work within the CPF structures as a more efficient means to tackle crime, especially given the large sums spent on bail payments for jailed members. The recent opening of Mapogo's allegedly law-abiding security company also supports this hypothesis. And yet, as long as there is no efficient criminal justice system in place and the state generally continues to be largely invisible in the rural areas which remain brutalised by the legacy of apartheid, groups like Mapogo will continue to mobilise support.

Conclusion

Although this research project is time-bound and specifically focused on Mapogo a Mathamaga it does reflect certain vigilante trends in present day South Africa. As a case study therefore, the Mapogo example contains valuable lessons about violence and justice during transition. It also provides insight into some of the specific dynamics of one particular manifestation of vigilantism, namely, the workings of a regionally based, and relatively well-organised and structured group. At the same time, however, this case study exposes the extent to which facets of vigilante violence remain enigmatic and unclear. It is important that whilst we identify and recognise trends and the general characteristics of vigilantism, we should avoid oversimplifying causes, and examine the specific conditions that influence a particular set of dynamics. Although similarities can be identified, each manifestation of vigilantism, whether linked to Mapogo or elsewhere, is unique. Consequently, future research into both the specific nature of Mapogo, and vigilantism more generally, is recommended.

The rise of Mapogo a Mathamaga is undoubtedly predicated on increasing levels of crime, whether perceived or real, coupled with a weak criminal justice system (CJS) struggling to find its feet. More generally, Mapogo cannot be understood in isolation from South Africa's political transition. As this research suggests, mistrust in the police force, lack of legitimacy of the rule of law, and socio-economic inequality are products of apartheid that the new government has to grapple with. Together with a history of informal justice mechanisms and a weak civil society - at both national and regional levels - these factors provide a terrain that allows vigilante groups today to claim a moral high-ground for the administration of 'justice'. Located somewhere in this blend of factors, Mapogo emerges as a by-product of South Africa's transition, at a time when 'crime' has become the dominant social preoccupation.

The threat of crime, together with the failure of the criminal justice system to prevent it, does not fully explain the emergence and persistence of Mapogo. While the group espouses a 'crime fighting' discourse, it is crucial to recognise that many of its 'crime fighting' methods and various members are themselves criminal. The crime of vigilante violence, coupled with crimes committed for personal gain beneath the banner of 'justice', remains an area that does not seem to have been prioritised within the criminal justice system. This also appears to be the case in relation to Mapogo. For example, it has taken four years to establish the 'Gijima Tsotsi' unit that is now tasked with specific investigations against the group. This contrasts with the government's more rapid and public response to Pagad. In this sense, it is a weakness of the CJS which sustains Mapogo. However, this weakness lies, ironically, in the failure of the police and courts to effectively deal with the group as an entity, rather than to fight other forms of crime. The reasons for this apparent failure, or lack of political will, to address Mapogo-related crime need to be further researched. It may simply reflect a broader malaise within the CJS, and not as has been suggested, a reflection of political considerations. As we do not have an accurate overview of what action has been taken by the authorities, it is important to evaluate and monitor any steps that have been taken to investigate and act against the criminality of the organisation.

The apparent failure of the state to prioritse and criminalise the violence of Mapogo's methods must also be understood in relation to the politics and economics that surround the group (Pigou, in personal communication). As this report suggests, Mapogo has emerged in

a region with a long tradition of political struggle, linked as much to business interests as political ideology. This tradition continues to play out through the history of the organisation itself, from the initial founding group of businessmen to the more recent formation of a private security company. Working alongside the economic dynamics of Mapogo, political interests - internal and external - further complicate the picture. These interests span a range of areas, from Magolego's involvement in politics,[4] to the broad-base of ANC support offered by many Mapogo members.

In trying to understand the Mapogo phenomenon, it is difficult to separate politics, economics, justice, personal gain, individual leadership, and socio-legal forces (such as the criminal justice system) from each other. They are interconnected factors that culminate in the violence of contemporary vigilantism. With this recognition, the Mapogo case study does suggest various avenues for intervention. In a very general sense, these include:

- the provision of legal and human rights education;
- efforts to strengthen civil society in a way that makes community policing feasible and lawful;
- the implementation of an effective, accountable and accessible criminal justice system;
- the evaluation and monitoring of existing strategies to combat
- both crime in general and vigilante violence in particular; ongoing research into the dynamics of vigilantism, with a specific focus on the factors that have resulted in Mapogo's success.

As much as the Mapogo example points to areas for intervention, it also warns of the creative and dynamic nature of violence during transition. Not only does it hold lessons for vigilantism in its past and current form, the organisation (along with other modes of vigilantism) also contains the kernel for future manifestations of violence. For example, the shift towards the privatisation of security through the group's private security company, possesses the potential for different and new forms of human rights violations and abuses. As issues of transitional 'justice' are thrown into the spotlight by the violence of vigilante acts, the constant challenge therefore, is to recognise and act on both the continuities and changes within vigilante trends and methods.

Postscript

by Piers Pigou (December 2000)

Controversy and speculation continued to follow Mapogo a Mathamaga and its outspoken leader Montle John Magolego throughout 2000. Internal divisions within the organisation continued to develop and threatened to split the group over its policy of sjambokking criminal suspects, as well as the role of Magolego, whom dissidents labelled as a 'dictator' (*Daily Mail & Guardian*, 9/5/2000).

In response to appeals for the authorities to clamp down on Magolego by members of dissident groups earlier this year, the police in the Northern Province have attempted to act against the group, with over 300 cases under investigation against 600 Mapogo suspects. But the criminal justice system is struggling to deal effectively with the illegal actions of

the group. In its most high profile case to date, Magolego and 11 Mapogo members were cleared of murder and assault charges in August because witnesses were too frightened to testify against them (*City Press*, 27/8/2000).

In midyear Magolego ignored attempts by Mapogo's executive committee to suspend him and launch an internal commission of inquiry into allegations that he misused funds for personal benefit and neglected the membership, especially refusing to pay the bail of those members who remained in prison awaiting trial (*Daily Mail & Guardian*, 15/6/2000a). In an about turn, Magolego now appears to have averted the attempts to dethrone him, with those seeking to remove him now apparently sidelined and out in the cold.

Meanwhile Mapogo a Mathamaga continues to grow and now boasts a membership of over 40,000 and 90 branch offices. Magolego has also launched a professional security firm, Mapogo a Mathamaga Security Services, which offers bodyguards and security to banks, the commercial sector and residential areas. According to Magolego suspected criminals apprehended by his security company are not flogged, but handed over to the police (*Daily Mail & Guardian*, 15/6/2000b).

Attempts to gain respectability, however, have not been altogether successful as evidenced by reactions to recent revelations that Mapogo was providing security at Mpumalanga's multi million Rand legislature complex under construction in Nelspruit (*City Press*, 27/8/2000). Embarrassed officials ordered the construction company to get rid of Mapogo, despite claims that Mapogo had succeeded where conventional crime control measures had failed.

In the wake of recent criminal cases against Mapogo members collapsing, the Department of Public Prosecutions recently declared its intention to conduct a comprehensive probe of the group. In November 2000, the Northern Provinces most senior prosecutor, Dr Silas Ramalte, announced that his office would be setting up a special task team to tackle the hundreds of unresolved cases pending against Mapogo (*Daily Mail & Guardian*, 7/11/2000). As support for the group appears to continue to grow in the face of widespread public cynicism regarding the criminal justice system, it remains to be seen whether the State will succeed in its mission to 'tame the tiger'.

Notes:

[1] The details of this account vary and have neither been confirmed nor denied by the office of the MEC for Safety and Security.

[2] cf. Sowetan 8.6.99 and Star, 15.6.99.

[3] Informal discussions with traditional healers during Mapogo's Third Anniversary, Jane Furse, 29.8.1999.

[4] In addition to his political ideals, Magolelgo's leadership qualities and personal style also appear to contribute to the group's success. Magolego's populist appeal appears to resonates with certain sections of the community. The role of individuals in either generating or preventing vigilante violence represents another, and crucial, aspect to consider and

analyse.

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