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CITIZEN'S CO-PRODUCTION OF PUBLIC SAFETY AS A SYMPTOM OF STATE FAILURE: THE CASE OF SOUTH AFRICAN VIGILANTISM

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ABSTRACT

The growing interest in co-production of public services reflects the need to liberate from the dichotomy between state and market provision. Whereas the concept of co-production is not new, it gained broader recognition among public administration scholars in recent years. What is characteristic for the academic discourse on this idea, is a strong focus on the benefits of co-production such as effectiveness, efficiency, responsiveness and quality of public services. This article provides more critical insight into co-production of public security by exploring the phenomenon of vigilantism in South Africa. The major aim of this article is to examine the major reasons for the expansion of vigilantism in this country and to specify the key risks associated with this process.

INTRODUCTION

Co-production of public services is now among the hottest topics in the international academic discourse in the area of public management. However, this concept itself is not a recent invention. It appeared in the American literature during the 60s; however, the first wave of greater interest in this model was triggered by the work of a research team at the University of Indiana in the 1970s and early 1980s (Parks et al. 1981). A new aspect of the theoretical debate in recent years is the perception of co-production as a potential strategy to address the challenges faced by modern welfare states (Pestoff, Osborne and Brandsen 2006), or as a missing element in the debates on the reform of democracies and welfare states (Pestoff 2006). The initial discourse on co-production had a rather descriptive orientation, and was based on the recognition of the complex character of public service delivery, which was different from typical production schemes. A particular insight was that many public services cannot be produced solely by the providers, and require a more or less extensive engagement by the customers. For instance, a public school cannot provide a good quality education without efforts by the students; and a public library is unable to ensure a high level of book circulation without the contributions from its patrons (De Witte and Geys 2012). Co-production,

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therefore, was initially perceived as an inevitable component of public service delivery.

However, the evolution of the idea of co-production, and the evolution of the theoretical discourses on public service deliveries, opened room for more normative interpretations of co-production as a response to the inefficiency of both the bureaucratic and the market models of public service provision. Furthermore, the concept evolved in line with a broader vision of participatory and collaborative governance. Today, co-production is not limited to the customers' engagement in the direct service delivery, but also includes participatory arrangements for policy designs, financing and the evaluation of public services (Bovaird and Löffler 2012).

Along the way, advocates of co-production have unveiled an extensive catalogue of its potential benefits. These include: better quality of services; potential for cost reduction; increased trust between citizens and governments; and the greater engagement of citizens in the public domain. Such enthusiasm for co-production and its promises is justifiable within the context of its evolution, where disappointment with both the traditional, bureaucratic model of service delivery and the adverse effects of extensive marketization have fostered a search for a "third way." Nonetheless, I argue that it is crucial not only to focus on the strengths and potential benefits associated with co-production, but also to recognize its "dark side."

This article sheds light on the dark side of co-production by describing the vigilantism movement in South Africa. The major aim of this article is to provide an insight into factors that led to emergence of this phenomenon. Discussion on South African experiences with vigilantism is preceded by more general considerations about citizens' co-production of public safety.

CONTROVERSIES AROUND CO-PRODUCTION OF PUBLIC SAFETY

It is clear that crime control and crime prevention might be more effective thanks to contributions from citizens. For instance, Meijer (2012) describes the Dutch Burgernet project and the positive effects it entailed, where residents of selected neighbourhoods cooperated with the police in dealing with minor crimes. In the broader context of public safety, volunteer fire departments are widely used, and are probably one of the most disseminated forms of co-production (Haynes and Stein 2014).

However, Brewer and Grabosky (2014) expose the dark side of public safety co-production, as illustrated by the history of vigilantism and lynching in the United States. According to their study, neighbourhood watches are the largest form of crime prevention in the U.S., and cover the residential areas of over 40% of Americans. Some positive results of their activities are evident, including a decreased fear of crime in some areas, or a higher citizens' satisfaction with police performance. But despite these benefits, Brewer and

Grabosky unveil numerous challenges associated with this police-community co-production.

First of all, they argue that crime control provided by unprofessional services can imply a higher risk of power abuse and excessive harm. But what is equally important, is the risk that some groups might use neighbourhood watches to introduce their own “safety” regime outside of state control. There is evidence that some neighbourhood watches target selected groups of citizens, e.g. ethnic minorities (Brewer and Grabosky 2014). Obviously, not all participants in police-community groups are motivated by a sense of civic virtue and public interest. For some of them, it might be a vehicle to pursue their own vision of social order that is not compatible with existing laws. In other words, it might be used as a strategy for capturing public services, in order to impose a specific political and ideological view. A lack of accountability to the community and the state invigorates this threat. Hence, co-production in crime control appears to be a particularly risky endeavour, which may even result in a direct and serious challenge to fundamental human rights, including personal safety and freedom. Co-production is therefore not only an issue for the effectiveness of the public service provision, but also is related to securing the key values of a democratic society.

THE NATURE OF VIGILANTISM IN SOUTH AFRICA

“Fifty-one vigilante attacks have been recorded in Khayelitsha over the past seven months – and up to nine mob justice incidents occur in the area every month. Khayelitsha Cluster Commander Major-General Johan Brand said the statistics included murders, attempted murders and cases of assault with intent to do grievous bodily harm as recorded at Khayelitsha’s five police stations. Khayelitsha, Masiphumelele and Dunoon have been marred by a spate of vigilante attacks in recent months. While 51 incidents were reported to police stations in Lingulethu West, Khayelitsha, Harare, Lwandle and Macassar between April and October, 69 similar cases were reported over the same period last year, Brand said.

Three years ago, Western Cape Premier Helen Zille identified Khayelitsha as a problem area and established the Khayelitsha Commission of Inquiry to investigate a breakdown in relations between police and the community,” as reported on the IOL news portal dated on 4 November 2015 (Dano 2015). It is one of many reports from recent years about vigilante attacks in South African major cities.

However, an increasing problem of vigilantism is not a recent addition to the list of challenges faced by this country. According to the report of the Department of Community Safety of the Provincial Government of the Western Cape, there has been an increase of vigilante incidents since at least 2001 (Haefele 2006). Buur and Jensen (2004) noted that some forms of vigilantism

have already developed in the apartheid state. Some of those formations served as a “hidden hand” of the regime, while others have been supported by liberation forces. According to Schaerf (2001), apartheid era vigilantism could be characterized by state-orchestrated violence against specific groups of citizens, whereas in the post-apartheid state it is represented primarily by civilian-initiated movements set up in reaction to increasing levels of crime. Another new form of vigilantism are organizations providing some security services for a fee. The emergence of vigilantism in the post-apartheid state is usually linked with the establishment of PAGAD (People Against Gangs and Drugs). This group formed in 1996 was initially aimed at tackling high incidence of drugs and gangs among the young population. However, it has quickly transformed into a radical, paramilitary group planting bombs and killing people (Power and Vermooten 2009). PAGAD declared jihad against drug dealers from the city of Cape Town and over a few years has murdered around 100 people, not only those involved in drug trade, but also random individuals (Martin). Moreover, there is some evidence that some PAGAD members were actually involved in the drug trade they were fighting against (Buur and Jensen 2004).

Another form of vigilantism in South Africa are people’s courts defined by Swanepol, Duvenhage and Coetzee (2011) as “community-based informal structure that takes over the judicial function of the state within that community by acting outside the law as judge, jury and executioner with the aim of providing order in the community through meeting out violent punishment to alleged wrongdoers.” People’s courts could be perceived as a more advanced form of vigilantism that goes beyond policing and involves performing judicial functions of the state by non-state actors. Similar to community policing, the people’s courts are rooted in historical institutions. Informal courts existed in the rural parts of South Africa from the arrival of the first magistrates. Urbanization and rapid growth of townships only created advantageous conditions for further expansion of this form of non-state judiciary (Burman and Schaerf 1990).

The approach of post-apartheid governments towards vigilantism has been rather mixed. The African National Congress has adopted an eclectic strategy to address the increasing problem of crime. It has primarily aimed at legitimizing the state police. At the same time, the concept of community policing has been also recognized as one of the major instruments supplementing state’s intervention (Super 2015). It should be noted, though, that there were no significant initiatives leading to more formalized and structured involvement of vigilante movements into partnerships with the state institutions (Schaerf 2001).

The nature of vigilantism in South Africa is similar to other countries where this phenomenon could be observed, yet it also has some country-specific features. For many authors discussing this phenomenon, it is clear that the emergence of the vigilantism movement in South Africa has been triggered by

the state's incapacity. International comparative studies demonstrate that vigilantism does not play a significant role in countries where the state provides its security institutions with adequate capacities (Hoffman 2012). Wherever the state performs its core functions more or less effectively, there is no need for the citizens' self-organization. Dysfunctionality of the state creates a vacuum that could be maintained by other, non-state actors.

The Guardian reported in 2015 that house robberies reached their highest ever annual recorded total, passing the 20,000 mark for the first time. Furthermore, street robberies increased by around 9.7% compared with the previous year (Smith 2015). It is obvious that security problems in South African cities have not been effectively mitigated and the state police fail to provide citizens with basic level of security. More affluent people react to this by hiring more private security companies to protect their property and ensure personal security. The number of officers working for private security companies has already doubled the number of police officers. As a percentage of GDP, South Africa has the largest private security sector in the world (Abrahamson and Williams 2010). For those who cannot afford private security coverage, civilian-initiated vigilantism movements remain the only option to increase the level of personal security.

State's incapacity not only creates a demand for vigilantism, but also encourages vigilante groups by perceptions that their members would not face any counter-measures from the state (Gutteridge and Spence 1997). If the state is unable to provide security to the population, it will not effectively oppose the groups aiming at taking responsibility for this task. State's absence or passivity is an invitation to take control over the public goods (in this case – public security) that are not properly managed via state intervention. In that sense vigilantism is also a strategy for establishing a new legal-political order (Buur 2006) or capturing the state by the groups building their authority on capacity to ensure some level of security to the population of a given territory.

Gutteridge and Spence (1997) also noted that vigilantism in South Africa (in Latin America too) is fostered by the dominant culture of violence. This culture has strengthened by the rhetoric of post-apartheid governments where the need for radical and brutal reaction against crime was emphasized. High acceptance to violence manifested in the state's policy encourages non-state actors and creates an obstacle to holding them accountable for any abuses or excessive use of force. Furthermore, a high number of human rights violations committed by state officers devastates the citizens' trust of the state and naturally turn the population towards vigilante groups.

It should be underlined that the state's incapacity is not the only explanation for the expansion of vigilantism available in the literature. Schubert (2013) attempts to challenge this dominant approach to exploring this phenomenon by suggesting that vigilantism results from unwillingness of the ruling upper class to address security needs of poorer populations. In other

words, the problem does not lie in lack of resources or general weakness of state institutions, but in deliberate policy of the state driven by the interests of the ruling class. If we follow this interpretation, reducing the excessive role of vigilante groups would require not only increasing allocation of resources to public security forces, but first empowering poorer groups in the public policy processes. Otherwise, it is very likely that potential improvements in the capacity of state security forces will be allocated solely to provide better coverage to more affluent groups, strengthening the discriminatory patterns of access to public services.

CONCLUSION

Poor performance of state's security apparatus is clearly one of the major factors triggering the expansion of vigilantism in South Africa. However, in the specific context of this country vigilantism seems to also be an important component of the traditional governance structures. This complex nature of public security co-production in South Africa is both an opportunity and a threat. Community engagement and experience in ensuring safety might be utilized to foster the effectiveness of official security forces. On the other hand, parallel, informal security groups remaining outside state's control are prone to excessive use of force and serious violations of citizens' rights and freedoms. It is clear that the most effective solution to this dilemma would be to establish partnerships between community groups and state police forces based, for example, on above-describe Dutch *Burgernet* model.

There is some evidence that such partnerships between state police and vigilante groups occur. As Baker (2002) noted, there is an increasing exchange of information about patterns of crime or policing techniques between state institutions and informal groups. However, the fundamental condition for such model to be implemented is to ensure that basic level of public security are effectively guaranteed by the state. Community groups may provide some added value, yet they could not replace the institutions subject to democratic governance and accountability schemes.

REFERENCES

- Abrahamson R. and Williams M. C. (2010). Privatising Africa's everyday security, online: <https://www.opendemocracy.net/opensecurity/rita-abrahamsen-michael-c-williams/privatising-africas-everyday-security#2> (accessed: 18/12/2016).
- Baker B. (2002). Living with non-state policing in South Africa: the issues and dilemmas. *The Journal of Modern African Studies*, 40(01), 29-53.

- Bovaird T. & Löffler E. (2012). From engagement to co-production: The contribution of users and communities to outcomes and public value. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 23(4), 1119-1138.
- Brewer, R., & Grabosky, P. (2014). The Unraveling of Public Security in the United States: The Dark Side of Police-Community Co-Production. *American Journal of Criminal Justice*, 39(1), 139-154.
- Burman S. and Schärf W. (1990). Creating people's justice: Street committees and people's courts in a South African city. *Law and Society Review*, 693-744.
- Buur, L. (2006). Reordering society: vigilantism and expressions of sovereignty in Port Elizabeth's townships. *Development and Change*, 37(4), 735-757.
- Buur L. and Jensen S. (2004). Introduction: vigilantism and the policing of everyday life in South Africa. *African Studies*, 63(2), 139-152.
- Dano Z. (2015). Vigilante attacks on the rise in Cape, online: <http://www.iol.co.za/news/crime-courts/vigilante-attacks-on-the-rise-in-cape-1940084> (accessed: 18/12/2016).
- De Witte K. & Geys B. (2012). Citizen Coproduction and Efficient Public Good Provision: Theory and Evidence from Local Public Libraries, *Wissenschaftszentrum Berlin: Discussion Paper*, SP II 2012-108.
- Gutteridge W. F. and Spence J. E. (1997). *Violence in Southern Africa* (Vol. 5). Psychology Press.
- Haefele B. (2006) Vigilantism in the Western Cape, online: https://www.westerncape.gov.za/text/2006/4/vigilantism_in_the_western_cape.pdf (accessed: 18/12/2016).
- Haynes H. J. G. and Stein G. P. (2014) *U.S. Fire Department Profile*. Quincy, MA: NFPA Fire Analysis and Research.
- Hoffman P. (2012). Vigilantism: The Last Resort of the Unprotected, online: <http://worldjusticeproject.org/blog/vigilantism-last-resort-unprotected> (accessed: 18/12/2016).
- Martin G. (Ed.). (2011). *The Sage encyclopedia of terrorism*. Sage Publications.
- Meijer, A. (2012). Co-production in an information age: Individual and community engagement supported by new media. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 23(4), 1156-1172.

Parks R. et al. (1981). Consumers as coproducers of public services: Some economic and institutional considerations, *Policy Studies Journal*, 9(7), 1001-1011.

Pestoff, V. (2006). Citizens and co-production of welfare services: Childcare in eight European countries. *Public Management Review*, 8(4), 503-519.

Pestoff V., Osborne S. P. & Brandsen T. (2006). Patterns of co-production in public services: Some concluding thoughts, *Public Management Review*, 8(4), 591-595.

Power G. and Vermooten D. (2009). *Not by Might, Nor by Power*, Charisma Media.

Schaerf, W. (2001). Community Justice and Community Policing in Post-Apartheid South Africa. *IDS Bulletin*, 32(1), 74-82.

Schuberth M. (2013). Challenging the weak states hypothesis: Vigilantism in South Africa and Brazil. *Journal of Peace, Conflict & Development*, (20), 38-51.

Smith D. (2015). Calls for inequality to be tackled in South Africa as violent crime rises, *The Guardian*, online: <https://www.theguardian.com/world/2015/oct/01/south-africa-violent-crime-murders-increase-inequality> (accessed: 18/12/2016).

Super G. (2015). Violence and Democracy in Khayelitsha, Governing Crime through the 'Community'. *Stability: International Journal of Security and Development*, 4(1).

Swanepoel M. P., Duvenhage A. and Coetzee, T. (2011). Vigilantism: a theoretical perspective as applied to people's courts in post-1994 South Africa, online: https://dspace.nwu.ac.za/bitstream/handle/10394/7540/Vigilantism_v36_n1_a7.pdf?sequence=1 (accessed: 18/12/2016).