

# **A Game of Monopoly: is Blue the Winning Colour?**

**An analysis of police legitimacy in the hybrid context of Cape Towns polarised coloured townships**



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**Abstract**

This thesis examines how police legitimacy is shaped in the hybrid context of the polarized coloured townships on the Cape Flats. Social boundaries are visible in every aspect of day-to-day life for the local citizens, and the maintenance of these boundaries by gangs leads to a high security threat. The police is supposed to be the provider of security on behalf of the government, but is perceived as very ineffective in doing so. By analysing the relationships in this dynamic security governance, this thesis highlights how police legitimacy is influenced by the relations between the other actors in the security provision. Due to the lack of government presence in the coloured communities, it is argued that the government allows gangs to thrive, since it is beneficial for the both of them. As a result, gangs become the biggest threat to security, but partially take over some of the security provision in the coloured areas at the same time. This causes that the police lacks legitimacy, since they are perceived to represent a government that is valued as racist and ignorant. The hybridity is shaped along racial lines, since gangs are a product of the boundaries created by the government. As a result, the government undermines both their own legitimacy, and above all, the legitimacy of the police.

**Key words:** police legitimacy, hybrid governance, gang violence, security, social identity, racism, South Africa

“I hate police, I hate them. I hate them to my fullest hatreds.”<sup>1</sup>

- W. -

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<sup>1</sup> Author's interview with respondent W., Vrygrond, 18-05-2018

### **Abbreviations and Acronyms**

ANC	African National Congress
CDF	Community Development Forum
CPF	Community Policing Forum
DA	Democratic Alliance
SANDF	South African National Defence Force
SAPS	South African Police Service

### **Afrikaans terms**

<i>A hiding</i>	Getting a beating by someone
<i>Shebeen</i>	Unlicensed liquor outlets
<i>Skollie</i>	Thieves

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# Introduction

*“A winner is a dreamer who never gives up”*

*- Nelson Mandela -*

South Africa, the country of Nelson Mandela, the Nobel peace prize winner in 1993 for his fight against apartheid. He became the first black president of South Africa, and the first president chosen in the first non-racial national elections. Everybody over the age of 18 was allowed to vote, all racial groups included. His words “as we are reminded of the terrible past from which we come as a nation; the great possibilities that we now have; and the bright future that beckons us” became a symbol of hope.<sup>2</sup> Mandela’s fight against racism, his fight against the legacy of the apartheid, and his idea of peaceful reconciliation inspired the world.

Or South Africa, the country of Jacob Zuma, the president who announced his resignation with immediate effect on February 14<sup>th</sup>, 2018. Forced to resign under the pressure of his own party. The leader, that has been in and out of court, fighting allegations of corruption, fraud, rape, illegal arm deals, and mismanagement. Known for spending government tax money on his own house.

Two presidents, both representatives of the ANC, and both internationally famous for what they did. However, their reputation couldn’t have been more opposite of each other. Two faces of South Africa. Yet, it is Cape Town that is called the city of two faces. Two sides that are just as far apart from each other as those two presidents. On the one side it is known as the ‘place-to-be’ for tourists, with the amazing beaches, the winelands, and the table mountain with its breath taking views. The city developed since the end of the apartheid in 1994 rapidly into this ‘world city’. On the other side the city is known to be one of the most dangerous cities in the world. In 2017, Cape Town got ranked as the 13<sup>th</sup> most violent city in the world, due to the high murder- and crime rates.<sup>3</sup> Those rates are mostly caused by the townships outside urban Cape Town, also known as the Cape Flats. The government during the apartheid, the National Party, forcefully moved non-white people from the inner-city of Cape Town to lesser areas, separated by race.

On the first celebrated Freedom day, a celebration day celebrated on the day the first free democratic election were held, Nelson Mandela stated:

“Freedom would be meaningless without security in the home and in the streets. It is for this reason that government has set in motion a plan to deal firmly with crime and violence. Discussions have been completed to allocate more resources for the training of police officers,

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<sup>2</sup> Nelson Mandela addressing the parliament on the first Freedom Day celebrations, 27 April 1995

<http://www.anc.org.za/content/speech-president-nelson-mandela-freedom-day-celebrations>

<sup>3</sup> <https://www.businessinsider.nl/most-violent-cities-in-the-world-2017-4/?international=true&r=US>

improving facilities in areas ignored under apartheid, and to facilitate the setting up of more Police Community Forums.”<sup>4</sup>

It was a promise for equality, for security, for protection and for a cooperation between local citizens and the police. However, 24 years into democracy, and the crime rates are still high, and even increased over the past five years. Especially in those ‘areas ignored under apartheid’, which are both the black and the coloured townships.

This research focusses on the coloured townships of Cape Town, where the violence is caused by the presence of notorious gangs, who thrive by their trade in drugs. The gangs bring in a lot of violence in their fight over territorial boundaries. This violence, and the coloured townships in general, have long been overlooked by the South African state, which started during the apartheid, but still seems to be the case. These high murder- and crime rates, made me wonder how Mandela’s promise for more police, more resources, and more training, is visible in the current dynamics. In order to study the police, as the provider of security, I chose to look at how their legitimacy is shaped.

Police legitimacy is depending on the support of the people they police. Tyler (1990) argues that legitimacy is dialogical or relational, which allows a flexible approach. Those in power make claims to be legitimate, and there is an audience responding to this claim. The definition of legitimacy I chose to use in this research is “a property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed. It represents an acceptance by people of the need to bring their behaviour into line with the dictates of an external authority” (Tyler 1990: 25 in Sunshine & Tyler 2003: 514).

Legitimacy can be seen as the indicator of the relationship between police and the public. However, it is in the ‘acceptance’ of the power-holders claim on legitimacy that the discussion takes place. Without this support of the local people, an institution or organisation cannot be seen as legitimate. The police needs members of the community to engage in proactive behaviours that help the police fight crime. When citizens hold the police to be legitimate, they are more likely to cooperate with officers, defer to them in moments of crisis, and obey the laws they enforce and to a certain extent embody (Bradford et al. 2013b: 4). It is believed that people will voluntarily comply with institution’s rules, if they view that authority as legitimate. However, people will not cooperate if they question the legitimacy of the laws the institutions enforce (Murphy & Cherney 2012: 197).

There is a body of research that explore on which features of legitimacy people base their evaluations. It comes back to two models, which are complementary, but at the same time subject to debate. The first model is instrumental. These instrumental models advocate that people make judgments about the effectiveness of the police, and based on those judgments they will accept and cooperate with

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<sup>4</sup> Nelson Mandela addressing the parliament on the first Freedom Day celebrations, 27 April 1995  
<http://www.anc.org.za/content/speech-president-nelson-mandela-freedom-day-celebrations>

authorities. So, if the police is viewed as effective, people are more willing to cooperate, because there is a greater likelihood of concrete results. Effectiveness includes effective control of crime and criminal behaviour, the creation of a credible sanctioning threats for those who break the rules, and the fairly distribution of police services across people and communities (Sunshine & Tyler 2003: 514-517).

On the other side of the debate, scholars are focussing on normative fairness. This is mostly measured by procedural justice, a model introduced by Tyler (1990). This model argues that police legitimacy is linked to peoples judgments about the fairness of the processes through which the police makes decisions and exercise their authority (2003: 514). Tyler (2004) explains that his model refers to people's perceptions of the treatment they receive during the processes involved in decision-making. It consists of participation, neutrality, treatment with dignity and trust (2004: 94-95). This will create a positive obligation to obey, which has the ability to facilitate voluntary cooperation. Cooperation is motivated by personal values, it is self-regulatory and does not depend upon the ability of the authorities to effectively deploy incentives or sanctions to secure desired public behaviour (2004: 89).

Scholars have been debating which model is more important in shaping peoples willingness to cooperate with the police. Most of those researches, conducted in London, the US, and Australia, put forward that procedural justice-based approaches to policing have various advantages over instrumental approaches (Bradford 2014: 37, Sunshine & Tyler 2003: 535, Murpy et al. 2008: 151, Hinds & Murphy 2007: 36-38). The role of procedural justice in shaping legitimacy, is crucial because more often than not, the police cannot provide people with what they want, nor can they control the crime rate. Therefore, fairness is more controllable than effectiveness, and for this reason, seen as more important in shaping legitimacy (Sunshine & Tyler 2003: 524). Based on those researches, it is safe to conclude that people are more accepting of and cooperative with the police when they are treated in a fair and respectful way.

However, the most important critique on those studies is that all those studies were conducted in countries which can be seen as relatively stable and wealthy societies, where the police are a well-established component of democratic governance. Yet, this 'procedural justice effect' is not much tested in societies where social order is more delicate and where the position of the police is less secure (Bradford et al. 2013a: 247). To fill this gap, Bradford et al. (2013a) did research on police legitimacy in South Africa and this research had a surprising outcome: South Africans place greater emphasis on police effectiveness, than on procedural fairness, compared to the previous researches (2013a: 256). This research had an explorative character, guided by two propositions: police legitimacy depends on the behaviour of police officers, and legitimacy is influenced by social and political context. Both of those propositions got confirmed through their qualitative research, however, to what extend and how those ideas might be influenced by the social context are left out.

In order to test these propositions further, and to understand to what extend the behaviour of the police got influenced by the social context, I chose to use 'boundary theory' as an analytical lens to look at the legitimacy of the police. My aim is to look beyond those existing understandings, and add another

perspective on police legitimacy. Because, as will be shown later, boundaries are still visible in many parts of every-day life of the people in the coloured communities. People are highly aware of the groups they are part of, and behave to the 'rules' of this group. Race, ethnicity and skin colour are all part of the social identity, and are indicators of groups. Social identity can be defined as "the total set of cognitions an individual has regarding who (s)he is. The self-concept thus subsumes the answers a person gives to the question 'who am I'? Social identities are those aspects of the self-concept which derive from the individuals' knowledge of his/her membership in a social group (or groups) together with the value and emotional significance attached to that membership" (Tajfel 1981: 255). Social identity is both how people see themselves as part of a group, and how others ascribe certain characteristics to that group.

Therefore, social identity can be used to research the influence of the social context on police legitimacy. The relevance of research on the link between social identity and police legitimacy is not only stressed by Bradford et al. (2013a). Also Tankebe (2012) concludes that his research is not generalisable to different socio-political contexts, and that further research is needed on the influence of this context (2012: 127-128). Additionally, both Bradford (2014) and Hinds and Murphy (2007) conclude that race, ethnicity or social identity might influence people's perceptions of the police, but that it needs to be subject to further research.

The way social identity might influence police legitimacy is researched by Bradford et al. (2013b). They explain that the way the police behaves toward groups or individuals during personal encounters is important, because it communicates information; if the police treats people fair, people will identify themselves in a positive way with the group the police represents. In that way, police behaviour communicates to the individual information about their status and position within a group (Bradford et al. 2013b: 4). Fairness in those encounters communicates a message that a person is valued and respected. However, unfair treatment signifies that the police does not consider them to be an important or valued member of the community (Murphy & Cherney 2012: 184). Based on individual encounters with the police, evaluations are made. Such evaluations are revised and shared with others over time, through which people develop a position in relation to the authority and its system of laws. The police represents the government, but also belong to other groups. Bradford et al. (2014) state that "the police may represent different social groups in a contingent, context dependent fashion: the meaning of those groups may vary between collectives and individuals, and the nature of the formations involved is often contested" (2014: 7).

The collective of the police represents the government, but individual police officers also have social identities. As stated above, police behaviour communicates important information, and through the way the police officers behave toward the local citizens as representative of a certain racial group, it will communicate a message about the relationship between those groups.

### **Wrong assumptions**

The legitimacy of the police and the analytical frame of boundary theory led to the following research question:

*How is the legitimacy of police officers influenced by social identity in the ‘war on gangs’ in the coloured townships in Cape Town in the rising violence of the past 5 years?*

At the core of boundary theory lies the assumption that judgements about police legitimacy are shaped by personal encounters with the police, and the way police officers behave during those encounters. My assumption was that both effectiveness and fairness were not the main shaper of the judgements about the police, but that their social identity would be the most dominant feature. Their individual social identities, in combination with the way they behave toward local citizen, would communicate a message about the group the police belongs to and the group the local belongs to. However, what I didn’t take into account is that the police are seen as so ineffective that there are barely personal encounters to measure my research. The absence of personal encounters, causes that people value the police as a collective, which makes that they’re just seen as representatives of the state, instead of individuals representing certain groups in the community.

Although this absence also communicates a message, which will be further explained in the rest of this thesis, I choose to look for an additional analytical frame and zoom out more. Research can be seen as a dialogue between theory and evidence. A research derives from a certain theory, but the reality on the ground might be different, and therefore you have to go back to theory to see what this reality on the ground is a case of. As Lund (2014) states: “pre-fieldwork and post-fieldwork ideas, for example, rarely look alike” (2014:229). This dynamic relationship is visible in this research. The lens of boundary theory to look at police legitimacy didn’t provide the sufficient concepts to come to a better understanding of the situation. Therefore, I approached it differently. Boundaries and social identity are definitely relevant, as I will show, but not in the way I assumed. Police officers were barely judged as individuals, but mostly as a collective, and the collective represents the state. Therefore, the legitimacy of the police is connected to judgements about the government and governance. In order to be able to make sense of this dynamic relationship between government, police, and gangs, I shifted my ‘post-fieldwork’ lens to ‘hybrid governance’. Instead of focussing on just individual police officers, I chose to take judgements about the government and gangs into account, since respondents mentioned either the government or the gangs in the same breath as the police.

After consideration, I decided to leave my research question untouched. As will be shown through the rest of the thesis, hybrid governance is inseparable intertwined with ideas about social identity, and therefore the research question is still sufficient to analyse the dynamics in the coloured townships.

This thesis argues that the legitimacy of the police, or the lack of, is not just depending on how the local citizens judge and support them, but is the result of other dynamic relationships in the community. This thesis is about the police as security provider. By looking into the gangs as the security threat, and the relation they have with the government, I will argue that these are the relationships that influence the legitimacy of the police. Hybrid governance is the product of boundaries created by the government, which makes the government responsible for the lack of legitimacy for the police. Therefore, this thesis claims that the legitimacy of the police can't be analysed without looking at the hybrid governance situation they have to work in.

In order to do this, this thesis is structured as follows. Before we start the analysis of the hybrid relations in the coloured townships, the analytical frame of 'hybridity' needs to be theoretically embedded. Therefore, the next chapter will focus on the theories of hybrid governance, to see where this research fits in the debate. Subsequently, the methodology used to do this research will be elaborated.

Hybridity researches relations, however, those dynamic relations are very much intertwined with each other. In order to analyse this in a systematic manner, I have identified the main actors that influence the legitimacy of the police. Although there are many small actors that also play small roles in hybridity, I stick with the main actors, namely, gangs, government, police and the relations between them. Therefore, each chapter will add a new player to the field. We will zoom in on that actor, and analyse their relationship with the community and the previously introduced players. This played out as follows: the first chapter will focus on the gangs, since they are dominantly present in the coloured communities. We will look how they evolved into the security threat they are today, and analyse their relationship with the community. The second chapter will add the government to this dynamic. We will analyse government practices in relation to both the gangs, and the community. And in the third chapter, the police will be added. We will analyse their relationship with the community, which can be seen as an analysis of their legitimacy, and we will look at how this is influenced by the relationship the police has with the other actors. While we expand the playfield through the chapters by adding an extra actor, we will zoom in more on the police at the same time, to be able to get to a conclusion in the last chapter.

## Hybrid Governance

*“ The police have orders from someone.”<sup>5</sup>*

- N. -

As previously described, police legitimacy is a mechanism to describe the relation between the police and the people policed. However, it is not possible to analyse this relationship without looking at the other actors that influence this relation. There are actors challenging and supporting this relationship between the police and the local citizens. Therefore, I chose to take hybrid governance as a complementary analytical lens, which enables us to get to a better understanding of police legitimacy. Hybrid governance provides an analytical frame to study the complex interactions between different actors in the monopoly on the use of force, and how this shaped local support. The aim of this chapter is to theoretically contextualise this research. First, the existing ideas about the state will be discussed, after which we will move on to hybrid governance and the operationalisation of that concept. Second, it will be explained how hybridity can be analysed, before we look at legitimacy within the dynamics of hybrid governance.

Scholars have extensively theorized what the state is. Those understandings are all based on ideas of the sociologist Max Weber, who created a theory about the modern state. He described an ‘ideal-type’ of the modern rational state, which he defines as “a compulsory political organisation with continuous operations will be called a ‘state’ insofar as its administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order” (Weber 1978: 54). Despite of the tenuousness of this definition, there are two things understood by scholars from this definition. Weber sees the state as an overarching institution, which is both sovereign and autonomous within a clearly bounded territory. And secondly, he argues that the state has a monopoly of violence. This means that the state is both the rule-giver as well as the rule-enforcer. The state can be seen as the ultimate force in the lives of people, because it shapes their daily behaviour with a set of rules and key functions, which even shapes how people think of themselves and the meaning they attach to their actions and lives (Migdal & Schlichte 2005: 7).

Subsequently, Weber argues that there are three elements which his ideal-type state needs, which are territoriality, violence and legitimacy. In his definition of the state he already covered the first two elements. Without clear boundaries around the state’s territory, and a threat of violence, the state cannot be qualified as such. Yet, the monopoly on the use of force is argued to be the most important element. In order for the state to shape people’s behaviour and make them comply to the rules, they need a mix of violence, threats of violence and means convincing people that what states do through their

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<sup>5</sup> Author’s interview with respondent N., Community Leader, 02-05-2018

officials is the moral, right way for things to be done (Migdal & Schlichte 2005: 10). The third element, legitimacy, can occur in different forms, according to Weber. There is traditional authority, which is a form of legitimacy that is passed on from generation to generation. Charismatic legitimacy is a form of legitimacy that can be established by possessing extraordinary characters. The last form of legitimacy is rational-legal legitimacy, which is legitimacy gained through either the constitutional law or natural law (Weber 1946: 78).

Within the modern state, the use of force is only regarded as legitimate when it is either permitted by the state or prescribed by it, according to Weber. Thus, it isn't said that the state is the only actor that can use violence, but in an autonomous state, other actors need the permission of the state to use violence. In fact, the day-to-day use of legitimate force within any given state is normally only reserved to law enforcement officials like the police (1964: 78).

Migdal explains that states are shaped by sets of 'images' and 'practices', which he explains as the way people 'see' the state and the way people 'do' the state. The image of the state is mostly the ideal-type Weber created. It is singular, the state is the supreme rule-maker, the state is separate or bounded, and is seen as a general representation of the commonality of the people (Migdal & Schlichte 2005: 15-17). In this image the state is autonomous, and has the full social control within the boundaries of their state. This also includes the power over the use and the threat of violence. The monopoly of violence is important to get people to obey and confirm to the rules voluntarily. The practices of the state are complementary to the image of the state. While the image of a state is a powerful influence on popular imagination, it is not enough to define or shape the power of the state. Therefore, Migdal introduces practices as the second key shaping element of a state. The day-in and day-out practices of state actors can reinforce the image of the state, but also weaken it when it's not in line with the image (Migdal & Schlichte 2005: 18-19).

In short, the state can therefore be defined as:

“a field of power marked by the use and threat of violence and shaped by 1) the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory, and 2) the actual practices involving those staffing its multiple parts and those they engage in their roles as state officials” (Migdal & Schlichte 2005: 15).

However, those images and practices are not necessarily coherent, and might even be opposite of each other. The practices might not always match with the image of the state, and the relationship between image and practice, and the way they reinforce each other or undermine each other, is dynamic. When the state does not take hold in people's imaginations as representative, moral, and coordinated, it opens the door for practices that creates different relations in a society, between both state and non-state actors (Migdal & Schlichte 2005: 26).



### **Hybrid governance**

Weber carefully explained that his ideas of the modern state were based on the modern European states, and are not necessarily applicable to states and policies outside Europe (Migdal & Schlichte 2005: 3). However, what happened is that Weber's ideas of the modern state were seen as a one-size-fits-all manner. It became a way to examine the state and state-building, and as soon as a state doesn't fit this one-size-fits-all picture, they will be labelled as 'failed'. Weber's modern state model resulted in dichotomous perspectives; a state is either strong or weak, good or fragile, power is legal or illegal and formal or informal. Western policy thinking use terms like 'weak', 'fragile', 'failing' or 'failed' to describe poor state performance. And in those kind of states, violence is never far away, which makes those states a threat to both development and security (Boege et al. 2009: 13). Therefore, those 'failed states' were seen as an important foreign policy.

This 'failed state' idea is severely contested. Boege et al. (2009) argue that labelling a state as 'fragile' can be misleading, because the focus is just on the state, and there needs to be more attention to a non-state approach. They suggest that the perspective needs to be more widened in order to be able to get a better understanding of the dynamics at stake in the so-called fragile states. Fragile or failing states are not just failing, and are not just problematic, that is a too short-sighted perspective (Boege et al. 2009: 14). These 'unworkable Weberian ideals', as Meagher (2012: 1077) calls them, have therefore shifted beyond this ideal-typical state or the opposite of a failing state, to a renewed interest in the local forms of order. This shift was necessary, according to Boege et al. (2008), because in areas of prolonged political disorder 'the state' is only one actor among others, and 'state order' is only one of a number of orders claiming to provide security, frameworks of conflict resolution and social services (2008: 6).

So, another perspective that is proposed is that of 'rebel rule'. Within this perspective, scholars are focussing on the non-state actors that are opposing the government, like rebel groups. A rebel governance is a governance parallel to the state government. Rebel governance consists of at least three basic elements, which are similar to the elements of the Weber's state idea, that are territorial control, a resident population and violence or a threat of violence (Duyvesteyn 2017: 672). However, the main critique on this perspective is again some short-sightedness. Where the 'failed state' perspective puts the state at the centre of their attention, in this perspective the focus is on the opposing actors. What is missing here is the focus on actors that work alongside the government, not opposing them, but rather complement them. Therefore a third perspective is suggested.

The third perspective is the 'hybrid political order'. Where the 'failed state' and the 'rebel rule' perspective focus on either the state or the actors opposing the state, the perspective of 'hybrid political order' is rather focusing on the dynamics of those relationships, including actors that don't oppose the government, but complement them. It led to an adoption of the 'strength of weak states' (Meagher 2012: 1077). This dynamic is called 'hybridity'. Within hybridity scholars look at all the actors that are

involved in the service provision and the dynamics between them. As Boege et al. (2009) explain: “instead of assuming that the complete adoption of Western state models is the most appropriate avenue for conflict prevention, security, development, and good governance, we should focus more attention on models of governance that draw on the strengths of social order and resilience embedded in community life of the societies in question and work with the grain of actually existing institutions on the ground” (2009: 14). The state is not a fixed entity, and is not necessarily the only agency providing security, welfare, and representation; it has to share authority, legitimacy, and capacity with other institutions (2009: 17). The above described perspectives tend to overlook the actual dynamics between institutions on the ground, even though they might have taken over functions that in the modern perspective are ascribed to the state.

State agencies are not always able or willing to deliver services as prescribed by state law, which creates a space for other institutions to step in and deliver the support people need (Boege et al. 2009: 16). Local institutions or authorities fill the ‘vacuum’ of authority that is lost by the central government. So, within the boundaries of a state, a non-state actor can get control over a territory (Lambrechts 2012: 789). Most situations on the ground show a collaboration between formal and informal institutions, with the informal institutions being part of traditions, history or culture.

A clear definition of what ‘hybridity’ exactly is, however, is not that easy to find. Scholars describe the notion of hybridity differently; where Raeymaekers et al. (2008) use the term ‘governance without government’, use Hagmann and Peclard (2010) the term ‘negotiated states’, while Menkhous (2007) looks at ‘mediated states’. Therefore, I chose to use the explanation of ‘hybrid political orders’, offered by Boege et al. (2009). They explain hybridity as follows:

“we use the term ‘hybrid’ to characterize the following political orders: because it is broad enough to encompass a variety of non-state forms of order and governance on the customary side [...]; because it focuses on the combination of elements that stem from genuinely different societal sources that follow different logics; and because it affirms that these spheres do not exist in isolation from each other, but permeate each other and, consequently, give rise to different and genuine political orders that are characterized by the closely interwoven texture of their separate sources of origin” (2009: 17).

The dynamics between an assemblage of state and non-state actors, both opposing and complementing each other, is what is seen as hybridity.

The South African state is known for being one of the most stable states across the African continent. It has clear boundaries that are not compromised by any disputes. Since Nelson Mandela came to power after the apartheid, the South African state has worked significantly on their legitimacy and authority. However, if we look at the violence on the Cape Flats, the state doesn’t seem to be the only actor in the monopoly of use of violence. Hybridity in governance and security is visible in the areas where gangs

have their territories. A body of research provides us with that statement (Lambrechts 2012, Jensen 2010, Fourchard 2011). Most of those researches focus on the 'illegimate' power actor, like the gangs. Less attention, however, is shown to the police as a formal state actor, but with their own relations to the community in this dynamic. This is where this research comes in. However, since hybridity is still a very theoretical concept, we first have to understand how hybridity can be researched, and how legitimacy is related to that, before we can analyse how police legitimacy is influenced by that hybridity.

### **Researching hybrid dynamics**

Migdal's idea of state images and state practices makes hybridity already more measurable. However, in order to look at the state practices, Jaffe's research might be useful. Jaffe (2013) researched the 'languages of stateness', which distinguishes between practical languages of governance and symbolic languages of governance (2013: 736). She researched hybrid governance in the inner-city neighbourhoods in Jamaica, where criminal 'dons' have taken over a range of governmental functions. In her research she sees that both state and criminal actors are intertwined and interdependent, although this relation is dynamic and varies in intensity across the city (Jaffe 2013: 737). As discussed before, voluntary compliance is the main aspect of legitimacy, and the question she therefore asks in her research is how those 'dons' claim legitimacy. This legitimacy can be understood, according to Jaffe, by examining their provision of what are understood as 'public' goods and services in marginalized urban areas (Jaffe 2013: 740). Based on three dimensions, she examines the dynamics in which the hybrid state performs public goods to the local citizens and how local citizens respond to this hybridity. The first dimension is 'equal rights and justice'. Citizens of a state have the right to services and resources, she states, like police protection, judicial system, and health care. In the modern state these rights are equally divided over citizens, however, this is not in every state the case, and other actors might take over a number of functions. The second dimension is 'responsibilities', which can be measured by analysing taxes and payments. And the third dimension is 'parties and participation'. Citizenship systems depend on citizens' voluntary participation, whether it is political participation or participation in local initiatives (Jaffe 2013: 740).

Jaffe's dimensions to examine the performances of the hybrid state in providing public goods to the local citizens, offers an excellent starting point to analyse hybridity in the coloured townships. Since security is one of those public goods, this model provides a way to analyse the relationship between the government, the gangs and the police, which are identified as the main players in the monopoly on the use of force. Nonetheless, to understand how gangs could have become such a threat to the community, it might be useful to look at the other services as well.

### **Legitimacy in hybrid governance**

In a hybrid government situation the government doesn't have the full support of the local people. They lack providing the people they govern with the services they should provide as a modern state, and

therefore people will seek other actors that can provide them with those services. But those actors also need to be seen as legitimate before people will turn to them. So how do actors, both formal and informal, get legitimacy in a hybrid context?

Police legitimacy was already explained before, they are depending on the support of the people they police. For a government it's no different, a government is depending on the support of the people they govern. Legitimacy is therefore shaped by the popular support a state has. According to Hagmann and Péclard (2010), states are not only a product of bureaucrats, policies and institutions, they are also formed "as a result of imageries, symbols and discourses" (2010: 543). This is related to the 'images' of the state that Migdal introduced. Both formal and informal actors make use of these so called "symbolic repertoires", because in that way they "further their interests, mobilize popular support and give meaning to their actions" (2010: 547). Through their practices, actors need to create and recreate those images or repertoires ideas, in order to legitimize themselves and their actions in the eyes of the local citizens.

Subsequently, Duyvesteyn (2017) argues that every non-state group has to claim legitimacy the same way a state does. They need to explain and justify their agendas and actions; they need material and moral support from communities both inside and outside the conflict region. Without minimal legitimacy, an armed group is bound to fail in its attempts to stay in power (2017: 672-673). So, legitimacy is all about support of the local people.

A number of scholars researching hybridity argue that it is easier for local actors to be valued as legitimate, because they have traditional authority. Bagayoko et al. (2016) state that traditional actors are seen by local communities as more effective and efficient than those of the state, and are therefore also seen as more legitimate. They are seen as more effective, because the way they provide services seems more in line with norms, values and historical legacies communities and populations are familiar with (2016: 13). This is also argued by Boege et al. (2008), who state that local institutions work, because they are embedded in social and cultural norms and practices, and "not introduced from the outside, but embedded in the societal structures on the ground" (Boege et al. 2008: 17). So it is suggested that gaining legitimacy is easier for local actors, because they have a better understanding of the norms and needs of local citizens.

However, local embeddedness is not necessarily a guarantee of legitimate informal governance. Meagher (2012) argues that "the recognition that informal institutions and their outcomes can be illegitimate as well as legitimate in the eyes of local people, suggests a need for greater attention to the institutional history and economic and political pressures shaping particular non-state orders" (Meagher 2012: 1081). Other scholars also argue that the legitimacy of informal institutions need careful consideration. The state can use local initiatives as a way to get their legitimacy back, because their weakness can become a strength as they gain legitimacy by acknowledging the strengths of local institutions. If state authorities are not trying to displace local orders of governance, but work with them, providing a co-ordinating or harmonising framework, their own legitimacy might grow (Boege et al.

2008: 15). If this is the case it is not always on behalf of the local people, but for the state to get their control back. It is also argued that we cannot assume that local security initiatives always work on behalf of local people and communities, or that it is a viable alternative to state provision (Bagayoko et al. 2016: 15).

### **Hybridity in policing**

In the provision of security the police is the main formal state actor on the ground. Policing can be seen as an organized activity, which contains “the protection of people from threats to their lives or property, its focus is on law, rule and norm enforcement, the prevention of rule-breaking and law-breaking, restoring or maintaining order, and investigating and resolving rule-breaking, law-breaking and disputes” (Baker 2017: 2). However, when the state is not able to provide the right protection and security to a community, it is the police who will be held responsible for this, since the police is a visible representative of the state. As a result, policing can also experience hybridity when they’re not effective in the provision of protection and security. Policing organised by local groups can be expected. There is acceptance or support, to a certain extent, of informal actors and processes (Baker 2013: 298).

Hybrid policing can be both beneficial and challenging. Even though customary policing has its limitations, there might be good reasons for external actors to practically engage with local policing services, rather than presuming the state is the only possible source of adequate policing (Baker 2017: 13). It can be beneficial if it is a blend of ideas and practices, like the sharing of intelligence or joint patrols between the police and other actors. Besides, an informal arrangement might be useful for local police commanders, as it might ease their workload and enable them to achieve their crime-reduction targets (2013: 297-299). However, it can also be challenging when actors try to enforce the rules differently, or try to enforce their own rules and norms, which will create more tension and disputes between policing agents.

The hybridity in policing needs careful consideration, because all the actors involved are suspected to have an agenda broader than local order-making (Baker 2017: 2). It can be for example a political tool; hybridity may be chosen to secure the support of key local power brokers who can deliver the local votes. Supporting their informal institutions and processes might secure the electoral support. In fact, there are very few truly ‘non-state’ policing organisations without any contact or relationship with the state or its agents formally or informally (Baker 2013: 299). Which is why the dynamics between the policing actors and their motives need careful consideration.

Taking that all in consideration, Baker (2017) argues that the legitimacy of the policing actors is depending on the quality of the services they provide, how they are composed, leadership and behaviour, and the norms they uphold (2017: 3).

## Relevance

Indeed, research has been done before on hybridity in policing and legitimacy of actors in a hybrid context. However, how the legitimacy of the police is influenced by a hybrid governance context doesn't seem to be researched before. Research on the legitimacy of actors in a hybrid governance mostly focus on either the government, or the 'illegit' informal actor, and not on the legitimacy of the police as a formal state actor on the ground. Even though the police is a representative of the state, they have their own relationship with the local citizens at the same time. And although the police is seen as an 'external' actor, they do live in the same areas they police. Therefore, this research touches upon two academic debates. Firstly, the hybridity debate. By looking into the legitimacy of a formal actor on the ground, who represent the government, but have their own relationship with the local citizens at the same time, provides deeper insight in how the legitimacy of a formal external actor is shaped in a hybrid context. Secondly, above all, the debate on police legitimacy. By identifying which dynamics have an influence on police legitimacy, this research responds to Bradford et al.'s (2013a) call for more focus on the features of the social and political context that might influence the way people value the police. Through the use of hybridity as a lens to look at this legitimacy, I have the modest aim to contribute to a broader understanding of police legitimacy.

In sum, the analytical frame of hybridity offers a way to evaluate dynamic relationships in the security provision. By looking at the practices of the different actors, we can identify how their relationship with the other actors is shaped and valued. The police is one of the actors on the ground involved in the security provision. This research started with a focus on just one of those relations; the relation between the police and the local citizens. However, as I discovered, it is not possible to analyse that relationship without looking at the dynamics that influence this relationship. Therefore, hybridity offers a sufficient analytical frame. Through my research I identified the main actors that influence the legitimacy of the police. These are, namely, the government and gangs. Gangs are the biggest threat to security, while the police is the actor supposed to provide this, on behalf of the government. Although there are many other small actors involved, I decided to just focus on those, in order to make an analysis in a systematic manner.

The main question I seek to answer was:

*How is the legitimacy of police officers influenced by social identity in the 'war on gangs' in the coloured townships in Cape Town in the rising violence of the past 5 years?*

By implementing the analytical frame of hybridity into the sub-questions, by looking at practices and images, the sub-questions that led this research look as follows:

*1a. How are boundaries created and maintained in the coloured townships?*

*1b. How do gang practices influence day-to-day life in the coloured townships?*

*2a. What are the practices of the South African government in the coloured townships?*

*2b. How are those practices perceived by the local citizens, and how do they differ from the image they have of the state?*

*2c. What is the 'war on gangs'?*

*3a. How are police practices valued?*

*3b. What are the challenges to those practices?*

*3c. What does the police represent?*

## Methodology

Informed by these findings, my objective in this thesis is not only to analyse the hybrid security governance in the coloured communities of Cape Town, I also aim to trace its effects on the legitimacy of the police. As explained in the introduction, to be able to do this in a systematic manner, I identified three main actors in the security provision, that influence the legitimacy of the police. Before I move on to analysing these actors, I will first elaborate the methodology used to do this research. Therefore, this chapter will firstly explain the ontological and epistemological position of this research. Secondly, I will elaborate the research design and data collection I used, before moving on to the third part, which will discuss the ethics and limitations of this research.

### **Epistemological and Ontological stance**

In order to design a research that is in line with the research question that is desired to answer, it is important to look at what it is exactly that I want to research. The two main concepts that are at the core of this research are ‘legitimacy’ and ‘hybridity’. Those concepts were defined as follows:

Legitimacy:

“a property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed. It represents an acceptance by people of the need to bring their behaviour into line with the dictates of an external authority” (Tyler 1990: 25 in Sunshine & Tyler 2003: 514).

Hybridity:

“we use the term ‘hybrid’ to characterize the following political orders: because it is broad enough to encompass a variety of non-state forms of order and governance on the customary side [...]; because it focuses on the combination of elements that stem from genuinely different societal sources that follow different logics; and because it affirms that these spheres do not exist in isolation from each other, but permeate each other and, consequently, give rise to different and genuine political orders that are characterized by the closely interwoven texture of their separate sources of origin” (Boege et al. 2009: 17).

Both of the definitions show that this thesis is about relations. Police legitimacy is a mechanism to understand the relationship between the police and the people policed, and applying the analytical frame of hybridity, allows to identify how this legitimacy relationship is shaped. This focus on relations ontologically results in an interactionist perspective. The epistemological stance of this research is interpretivist, since this research is focussing on the perceptions people have of these relational



interactions. An interpretative epistemological perspective seeks the meaning of action, and therefore this strategy asks for qualitative data.

### **Data collection and sampling**

The data collected for this research was through in-depth interviews, observations and document analysis.<sup>6</sup> The in-depth interviews and observations are the core of this research, while the document analysis was used for triangulation. The interviews were semi-structured by a topic list. This informal approach was chosen to make sure people were comfortable, and felt safe enough to tell their story in their own way, since many of the topics were potentially sensitive to people. The identification of respondents to conduct interviews with were chosen by the use of a non-probability sampling method. Which means that it is not random, but that respondents are chosen with a purpose in mind. However, I was still depending on access. After that, I made use of snowball sampling, to connect with other people in the community. This sampling methods resulted in 18 conducted in-depth interviews.

During the research period I did many observations of events and situations where the relations between the different actors was expressed. In order to make sure my interpretations and experiences of those events were in line with the ideas of the respondents, I tried to trace and interview people shortly after, that were connected to the events, or impacted by it in some way. As a result I got insight on the motivations behind the events, and an understanding of the impact of the events on the communities.

The locations of the interviews were different for some of the interviews, which was a valuable addition. I chose to do this for a number of reasons. Firstly, to keep my respondents safe, since they were not always able to travel to other areas under the circumstances. Secondly, I expected it to be more comfortable for the respondents to talk to me in their own environment. And thirdly, going to these different areas also gave me a better sense of the environment the respondents live in and have to deal with. This formed an important fundament in order to get a better informed understanding. I was able to combine those interviews with either a short tour of the community, or a certain event that gave more insight in the functioning of the community. The combination of the location and the accompanied events have been a valuable basis of this research.

Literature and documents were used with three different motivations. Firstly, academic literature was used to embed my research in the theoretical context. Secondly, several reports were used to identify how the violence on the Cape Flats is recognised by the government and the SAPS, and what has been supposedly implemented in service provision in those areas. And thirdly, in order to stay updated on the most recent happenings during my research, I scanned through different newspapers every day, to identify where gang violence flared up, or to stay updated on the different happenings and developments concerning my research. The findings of those new articles were implemented in the interviews, to see how people experienced the described happenings.

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<sup>6</sup> Note: See Annex 1 for further information concerning the in-depth interviews

The data is collected in a three-month period from the beginning of March till the end of May 2018, in different townships. In order to gain access to those townships, and to be able to get a feeling of the dynamics, and do observations, I cooperated with a local NGO. This local NGO, Where Rainbows Meet, was the most valuable addition to my research. Their aim is to provide very basic services to the community of Vrygrond. Working with them offered me a way to connect with people, and to see what the challenges in a township are. Working with them gave the opportunity to become a little bit part of their world.

Respondents included citizens from different communities, and in different roles in their communities; activists, NGO's, people working for local initiatives. However, their role in their community was not always relevant, since I was focussing on the community they lived in and the dynamics they experience as a local citizens of that community.

The interviews were recorded with consent, and transcribed afterwards. Since English is the main language in South Africa I didn't have to work with a translator. Most coloured people also spoke Afrikaans, which is deriving from Dutch. During some interviews, respondents couldn't find the words in English, so I asked them to explain it in Afrikaans, which I could quite easily understand. As a result people felt more comfortable, and we got to a better understanding. However, my understanding of Afrikaans was not sufficient enough to do the whole interview in Afrikaans, so English was still the main language.

During the events I wasn't always in the possibility to record, but during those events I have consistently wrote down notes in order to reproduce the data as accurate as possible. After the transcription of the interviews I first did a rough coding, dividing the discussed topics into the three main actors: stories and experiences with gangs, opinions about government practices, and police behaviour. The quotes and stories collected under those main topics were analysed and compared by the use of the analytical frame, to identify patterns and contradictions, which can be explained as a inductive way of research.

### **Ethics and limitations**

The choice for the use of terms needs elaboration. I made the choice to use terms in the way respondents do. The racial or social groups that were identified during the apartheid, are referred to, by the respondents, by the use of their skin colour. This led to the use of the terms 'coloured', 'black' and 'white'. I also could have chosen for the words 'Afrikaners' or 'Xhosa' (black tribe), but since the indications of skin colour were used by most respondents, I chose to do the same. This is the same consideration I made for the choice to use the terms 'gangs' and 'townships'. When I use the term 'coloured communities', I refer to predominantly coloured areas. Most of the coloured townships consist of over 90 percent coloured people, and can therefore be referred to as 'coloured communities'. However, Vrygrond is the oldest informal settlement on the Western Cape and is more complex than

the other communities, since the composition of the population is more mixed. It has both black, coloured and immigrants. Yet, after consideration, I chose to include this settlement within the term of 'coloured communities', since the gangs are also in this community dominantly present, which leads to the same security threat as in the other communities.

During my research I had to consider some ethics and limitations. The first one is the safety of my respondents. In order to keep them safe, the interviews were held anonymously, or were anonymised afterwards. I made sure I explained clearly who I was, and what my intentions were, so that there would be no misunderstanding in the expectations from both sides, and about the goal or the outcomes of this research. The interviews were held, either on the compound of the organisation, who provided me with the private space to speak confidently, or the homes of the respondents.

Considering the safety of my respondents, I sometimes chose to go to them, instead of letting them come to me, or meeting half way. As explained, this was a valuable addition, but at the same time a way to keep the respondents safe. However, this did have consequences for my own safety. In order to keep myself safe, I made sure I knew the latest developments in the area where I was going, by asking the respondent if they considered it safe enough, and by asking multiple other locals. This led, at some occasions, to the choice not to go.

I started my research with the very ambitious aim to compare different communities. Not just different coloured communities, but also the difference between black and coloured communities. However, due to both time issues and feasibility I chose to focus on just the coloured townships, in order to get a deeper understanding of those dynamics, instead of losing focus by including more dynamics.

My position as researcher also needs some consideration. By working with a local NGO, I did end up in some situations that are similar to what people experience every day. Through those experiences, I became very passionate about my topic, and made their story my own. This had the result that I had trouble asking critical or deeper questions, because I interpreted their answers already in a certain way. I have tried to stay aware of this, by triangulating my interpretations through other conversations and interviews.

Furthermore, it is important to acknowledge that my findings are not generalisable or representative. This research is qualitative, and has an explorative character. As a result, I am not providing generalisable research, but a research that has the modest potential to contribute to a deeper understanding. In order to do so, I attempted to make it as transparent as possible.

## **Part 1: The Gangs – the context**

*“Every morning after a shooting I have to go there and check the body, before I go to work, to see if it’s not my brother, cousin or friend...”*

*– Anonymous-*

Security is the main task of the police. In order to understand how security is shaped in the hybrid context, we will first analyse the actor that is challenging this security. As Pinnock (2016) states “in any discussion about gangs, what the police do – or don’t do – is of central importance because the actions of both groups tend to take place on overlapping and interlinked terrains” (2016: 25). This idea is also reversible. In order to understand the police and their legitimacy, it is of central importance to understand the gangs and their influence on security on the ground in the coloured communities. Therefore, this chapter will examine the context of local citizens, in order to be able to analyse the relationships between the different actors in the monopoly of violence. This chapter is structured by the use of two sub-questions. The first part will describe how boundaries are created and maintained, and how they are visible in the everyday life of the respondents. And secondly, it will be analysed how the practices of gangs influence day-to-day life in the coloured townships.

### **1.1 Boundaries**

This story starts with boundaries. Boundaries are visible in different aspects of life in Cape Town, and defines the context of violence on the Cape Flats. Even though the analytical frame of ‘boundary theory’, by itself, didn’t offer a sufficient explanation for the legitimacy of the police, analysing the boundaries is still necessary to understand how hybridity is shaped in the coloured communities, and how, thereby, the monopoly on the use of violence is influenced.

#### **1.1.1 Geographical boundaries**

As was mentioned in the introduction, the separation started with geographical boundaries, which were created during the apartheid. During apartheid, the government separated areas along racial lines. Communities, and even families, were torn apart and forcefully moved to different areas. Areas that were mixed before, are now separated. The white people ended up in the better areas, while both the coloured and the black people were shipped off to lesser areas, far from the city centre. In many cases, this forced movement caused that families were torn apart, and people had to leave their job, which resulted in a large-scale unemployment rates and poverty (Lambrechts 2012: 792). In those areas the government provided the people with houses, but they were nothing like the houses they lived in before. Most of those townships are a combination of formal and informal houses. Formal houses are the houses

that were provided by the government, while, due to a shortage of housing, many informal settlements emerged. So, for most of the people it was a setback. Those coloured and black townships around the city centre of Cape Town became known as the Cape Flats.

Even though the government re-opened the borders of the areas after apartheid ended, people in the townships don't have the resources to move to other areas. Therefore, the spatial separation is still in place, and as a result, areas are still homogenous, and land is still unequally divided. For example, twothird of the whole of South Africa is still owned by white South Africans, who are only eight percent of the population.<sup>7</sup>

### **1.1.2 Social boundaries**

These geographical boundaries created the first part of the marginalisation. As a result of this separation, social boundaries were created between groups of people. The separation based on skin colour into different districts, created a separation between groups of people, obviously. But those groups of people were given different rights. The one group was oppressed by the other group, which led to deeper racial lines. Through every interview the respondents showed how important those social boundaries still are, some of them in a direct way, some more below the surface. The end of the apartheid tried to go beyond the racial differences, and embrace the differences. However, that sounds easier than it appears to be. As one of the respondents explained it to me:

“I think we taking away a lot of the sense of belonging for a lot of people, because of people wanting to be another race. I like the word coloured, because it gives me a sense of belonging. I'm proud to be a coloured, and I don't care what other people think. Your lifestyle is yours, and mine is coloured.”<sup>8</sup>

These labels are not only still present in the sense of belonging of the respondents, they are also still visible in the system. For example, the government created an 'employments equity plan' (also known, or referred to, as B-BBEE<sup>9</sup>), which are general guidelines for employees to promote 'equal opportunities for previously disadvantaged groups'.<sup>10</sup> In order to be able to hire people from those 'previously disadvantaged groups' people still have to tick a box with their racial group, with every job application or registration. Therefore, it seems that those 'previously disadvantaged groups' refer, among other things, to the racial groups that were created during the apartheid. What this case shows is how complicated it is to go beyond those racial apartheid labels, because the irony of this plan is that it is presented by the government as a solution to the racial differences, but keeps the racial labels in place

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<sup>7</sup> South Africa in statistics, [http://www.statssa.gov.za/?page\\_id=964](http://www.statssa.gov.za/?page_id=964)

<sup>8</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>9</sup> B-BBEE, the Broad-Based Black Economic Empowerment, is an initiative from the government to make sure more black people get employed, since they were discriminated during the apartheid.

[http://www.dti.gov.za/economic\\_empowerment/economic\\_empowerment.jsp](http://www.dti.gov.za/economic_empowerment/economic_empowerment.jsp) accessed on 25-07-2018

<sup>10</sup> <http://www.labour.gov.za/DOL/legislation/acts/basic-guides/basic-guide-to-employment-equity-plans>, accessed on 08-07-2018

at the same time.<sup>11</sup> The system works in such a way that some coloured people feel forced to get ‘black’ names in order to get recognition.

Another example is visible in the protests that are ongoing all over the Cape Flats. In Cape Town, estimated half a million people are in need of a house. People are getting restless over the geographical boundaries that were created during the apartheid. The protests and unrest that that causes, are blamed on the ‘blacks’ coming from the eastern cape. The coloured people living in the communities feel like they have more right on proper housing, since they are on a waiting list for 25 years already, so “those ‘blacks’ cannot just come in, live here for a few years and then start all this violence in order to get housing”.<sup>12</sup> At one point there was a voice message going viral from Mitchells Plain, one of the gang-controlled coloured townships, where the coloured people were mobilized to “take back the community from the ‘blacks’. If they want to bring violence into our community, we will answer with violence. We need to take back what’s ours.”<sup>13</sup>

This shows again how sensitive those social boundaries still are. Society is shaped along those racial differences, and this has consequences for the maintaining of those boundaries.

### **1.1.3 Territorial boundaries**

As a result of the geographical and social polarisation, another set of boundaries emerged within the coloured communities. These boundaries are territorial boundaries, which are created and maintained by gangs. Gangs are organised criminal groups, who thrive by their dealing in drugs, which is directly connected to territorial boundaries. Within the coloured communities there are different gangs active, that all want to claim and demarcate a certain territory that they control, in order to do their business. In the areas that are known as most notorious and gang infected, such as Lavender Hill, Hanover Park, and Manenberg, territory is claimed by gangs on street or block basis. No part of the community is left out. This creates a complex spatial separation, which not only limits the gangsters themselves, but also influences the local citizens living within the territorial boundaries. As a result of those boundaries, people are not only defined by their skin colour and the community they live in, but also labelled by the gang territory they live in:

“Even where you stay, your demarcation where you stay, like me I live in Hard Livings territory, it is not easy for me to walk to a predominantly Americans area. So, I think for women and young men, not belonging in that area, you would always be questioned.”<sup>14</sup>

Even young children identify each other by the use of those labels. As a school employee, from a school that is placed right on the territorial lines of four different gangs, explained:

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<sup>11</sup> Informal conversation with the person who invited me to the Workshop Community Safety, Hanover Park, 12-05-2018

<sup>12</sup> Informal conversation with respondent W., 18-04-2018

<sup>13</sup> Voice message that went viral over Whatsapp, around 02-05-2018

<sup>14</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

“they label each other as the gang that operates in area where you live. It is hard for kids to come to school to go through rival gangs’ territory. There is tension between learners because of this. It comes out in arguments between learners, like ‘your gang started the violence’.”<sup>15</sup>

Both respondents already point out the violence that is connected to those territorial boundaries. Gangs rely on their claim on territory, and this claim is the inevitable cause of disputes between rival gangs. In the townships that are known to be home to the most notorious gangs this violence defines the environment for the day-to-day lives of respondents. With daily shootings, some of the respondents claim that it can be seen as a ‘slow genocide’.<sup>16</sup> By labelling people by the territorial boundaries they live in, all people become a target.

The monopoly on violence was an essential indicator of the modern state. As explained before, the coloured communities show that the government doesn’t have that complete monopoly on violence, so the situation can be identified as a hybrid situation. What the above analysis of boundaries adds to this is that the monopoly of violence of gangs is the result of the boundaries that define the South African state. Those boundaries were created by the state to strengthen their power, but those boundaries have become a challenge to their own monopoly on violence in the current days. So, how did the gangs evolve as such a dominant security threat in the coloured communities?

## **1.2 Vicious circle of violence**

Gangs didn’t use to bring in as much violence into the community as they currently do. The romanticised image of gangs taking care of the community (also known as the ‘Robin Hood’ phenomenon) does fit the ‘old’ style of gangsterism. Gangs were created during the apartheid, formed for self-protection and against the police and the system. It was about liberating people, more like activism. People called them ‘gentleman gangsters’, because they looked out for the people in their communities.<sup>17</sup> “They used to carry our bags when they got out of a taxi, and take us home safely. They were more concerned about the people, and more carrying type, more gentleman.”<sup>18</sup> Gangsters were also more controlled by their own gang, and had strict rules of behaviour. This is explained by one of the respondents as follows:

“When I was growing up, gangs wouldn’t interfere with us as the community. They would basically interfere with their own gangs, violence would happen but it would be gangsters on gangsters. A lot of cases where gangsters robbed older people and would be punished by their own gang or by other gangs, in order to sort of like punish them for attacking elderly. Today’s

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<sup>15</sup> Author’s interview with respondent J., Lavender Hill, 24-04-2018

<sup>16</sup> Informal conversation with the person who invited me to the Workshop Community Safety, Hanover Park, 12-05-2018

<sup>17</sup> Lady, originally from District Six, but moved during apartheid to Mitchell’s Plain, Protestmarch Human Rights Day, 21-03-2018

<sup>18</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

time, I'm not sure if it still happens. There still being some kinds of control exercised on them, but it is not as strict as it was in the past. Focus was more on them, fighting other gangsters. Now they are threatening. It basically impacts everybody. Because of the weapons. In the past knives, and now guns. The children are exposed to gangsters at a lot younger age."<sup>19</sup>

This way of describing the current dynamic of gangs is used more often. Respondents call them 'uncontrollable' and 'fearless'.<sup>20</sup> The 'gentleman gangsters' are not gentlemen anymore, and the violence is not just gang-on-gang anymore. Over the years, the gangs on the Cape Flats changed from loosely structured political activists to highly organised criminal gangs. It is argued that the pressure of the state and police turned those gangs into criminal, violent gangs (Jensen 2010: 82). After 1994 things changed; new laws, new forms of government, new policing styles, and within these new dynamics the gangs found a way to thrive. As explained in the theoretical context, in a hybrid governance structure the government lacks the provision of certain services in an area, which creates a vacuum. This vacuum, in both social services and authority, was in the coloured communities filled by gangs during apartheid. They took over the role of the government a little.<sup>22</sup> The current form of gangs have less intention to replace the state, rather than to establish any political domination, the gangs interest in political power is limited to the desire to exploit specific state structures in order to advance their gang activities (Lambrechts 2012: 788). The rivalry between gangs affects the everyday life of the people in the coloured townships. Drug consumption is very high, and every year many people are getting killed in the activities that are related to the gangs. In some areas the war between gangs has become so dangerous that people cannot leave their houses. Children are forced to play inside, and can't go to school. The territorial boundaries are so deep that people can't cross these boundaries, without fearing for their lives. And those territorial boundaries are so deep that people are willing to kill for it. Even to such an extent that it torn families apart. Brothers are willing to kill each other, just because they belong to rival gangs.<sup>23</sup> Communities are torn apart by this invisible, but very visible boundaries.

"The worst scenario of it was that it's not the gentlemen anymore. This person is killing his neighbours child that he grew up with as his brother, and kills him now. Just because they belong to different gangs."<sup>24</sup>

Where gangs were first focussing on external threats, like the state and the system, they are now threatening and killing their 'own' people. And this has become such a threat that people compare it to a 'slow genocide' over the years.

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<sup>19</sup> Author's interview with respondent J., Lavender Hill, 24-04-2018

<sup>20</sup> Author's interview with respondent W., Vrygrond, 18-05-2018

<sup>21</sup> Author's interview with respondent F., Manenberg, 19-04-2018

<sup>22</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>23</sup> Hanover Park mother, in the documentary Street Talk: Gatvol <https://www.dailymaverick.co.za/article/2017-11-27-street-talk-gatvol-part-1-video/>

<sup>24</sup> Author's interview with respondent E., Manenberg, 19-04-2018



Notable is that the problem of gangs is marked as a problem of coloured areas, and part of the coloured lifestyle. Even the minister of Community Safety in the Western Cape stated that gangs affected only ‘non-white, especially coloured areas’.<sup>25</sup> How gangsterism emerged was explained before, but how it is possible that it specifically emerged in the coloured areas is explained by a former gang-member:

“In the apartheid system there wasn’t much for us to do. We didn’t have open spaces like we do now. We couldn’t afford nothing. We never got pocket money. And when you get to the gangs, they would learn you how to steal. How to get what you want or need. If you want to get a pair of Nikes, they would learn you how to steal them. And then it becomes part of the lifestyle. I’m a coloured, so I know the coloured lifestyle. It was hard to be part of anything in our system. But we accepted the system. I was actually living better that time, then what I’m living now. We had more respect, for schools, for funeral processions, for older people we would put out our cigarette when they pass you. There was a control of parents over us. I was a gangster but I had to go to school. No way I couldn’t go. And that was the coloured life. It was a good life.”<sup>26</sup>

So, gangs offer something to people that the society couldn’t give. Coloured people didn’t fit in the South African society, so they had to find their sense of belonging somewhere else. Being a coloured wasn’t easy, home situations were broken, and gangs therefore “give you a lot of love. Family, comradeship, togetherness. People looking after each other. As bloodbrothers.”<sup>27</sup> This sense of belonging is the fundament of the most worrying trend of the past few years.

The most worrying trend of the past few years is the increasing number of youth in gangs. Gangsters become younger and younger, because the gangs uses them in a tactical manner:

“The police can’t pick up these children. If they bust a child with drugs... Gangs use children to walk around with guns, to travel their drugs. And if the kid gets picked up by the police he won’t say anything, because he knows he will get killed if he does, the moment he steps outside.”<sup>28</sup>

Not only would kids not talk because of a threat of getting killed, they are also ‘untouchable’ under the Children’s Act.<sup>29</sup> This prevents that young children will be sentenced like adults, which is in theory a good thing, since it assures the protection of children. However, gangs found this gap in the law, which provides them with an excellent strategy to not get caught. As a result gangsters are becoming so much younger. Local citizens state that it is not unusual to see 10-year old boys running down the street with

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<sup>25</sup> Dan Plato, minister of Community Safety, Workshop Community Safety Hanover Park, 12-05-2018

<sup>26</sup> Author’s interview with respondent P., Capricorn, 04-05-2018

<sup>27</sup> Ibidem.

<sup>28</sup> Ibidem.

<sup>29</sup> International Dialogue on Child Soldiers on the Cape Flats, University of Cape Town, 09-05-2018

guns. They are getting used by the older ones. And they don't seem to have fear in them, they don't seem to care.<sup>30</sup><sup>31</sup>

The vulnerability of children is explained by the breakdown of family structures. Home situations are challenging among the Cape Flats. People live in a bad reality. Respondents state that it is impossible to raise your child in this challenging environment, it is hard to keep them 'sane'.<sup>32</sup> Parents are in drugs, parents abuse children, parents are unemployed. The only role model children therefore have are gangsters.<sup>33</sup> Gangs can offer kids things that they will never get at home from their parents. They can give a sense of belonging to a young men, some sense of brotherhood.<sup>34</sup> They give them a pair of sneakers and jeans, which they will never get from their parents, and those children will do anything.<sup>35</sup> Gangs are waiting to snatch children, and the challenges in the community make it easy.

The threat of gangs seems to be inescapable for young boys. Gangsterism has become defining and dominant in the coloured lifestyle, children are exposed to high amounts of violence that it desensitises them. This doesn't mean that they don't care, they do care a lot. But it means that they learn to communicate with the only language they know, because it became normal. Growing up in this environment causes that they transfer the lessons they learned growing up into their everyday lives. The social worker on a school in Lavender Hill explains it:

“You can find young boys telling you that if I can have a gun... the only thing in their brain is a gun, ‘if I can have a gun I can kill a lot of people who killed my father. I will kill a lot of people who killed my sister’. Revenge, and the mentality is the gang mentality. ‘Because this is what I grow up seen, this is what I experience’. You shoot and kill. That’s the only thing they understand.”<sup>36</sup>

In addition, this exposure of kids to the amount of violence and of territorial boundaries makes it more difficult for young boys to escape that threat of gangsterism. This exposure to violence by gangs, makes that young boys seek refuge in gangsterism:

“I know of boys who are threatened and beaten up by one group of gangsters on their way to school, and then for their own protection they joined the rival gang. And in that way they felt protected, but it's not protection. By the end of the day you're only protected when you're in that gangs territory. And you limit yourself by the boundaries set by that gang.”<sup>37</sup>

This shows an interesting dynamic, because the violence that gangs use is a threat to security, but at the same time they become protectors of the people. People seek refuge by a gang in order to protect themselves from gang violence.

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<sup>30</sup> Author's interview with respondent V., Lavender Hill, 17-05-2018

<sup>31</sup> Author's interview with respondent F., Manenberg, 19-04-2018

<sup>32</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>33</sup> International Dialogue on Child Soldiers on the Cape Flats, University of Cape Town, 09-05-2018

<sup>34</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>35</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>36</sup> Author's interview with respondent W., Vrygrond, 18-05-2018

<sup>37</sup> Author's interview with respondent J., Lavender Hill, 24-04-2018

In short, what is emerging is that the violence becomes normalised. People grow up in such a violent environment that it desensitises them, they almost get immune to it. Most of the gangsters have been abused somewhere in their lives, and therefore become one of the biggest abusers themselves.<sup>38</sup> Gangsters simply communicate the lessons they got when they were growing up. However, it is not just the gangsters who get used to the violence. Also the local residents don't even look up when there is a shooting. During one of the interviews I conducted, there was a shooting at the end of the street, and my respondents didn't respond in any way. They just calmly told me that it is part of a normal day.<sup>39</sup> Or when I was at a primary school in one of the notorious areas, there was a shooting nearby. Within two seconds all the kids were inside with their teacher, doors closed and life went on. One of the school employees made an announcement, stating that it was a 'car accident' that made the noise, so that 'there is no need for panic'. The young kids in the classroom looked up to me with a laugh: "we know that wasn't a car accident. He [the person making the announcement] always says that, but we know it was a shooting".<sup>40</sup> The sound of a shooting is so normal to them, that they barely look up when it happens. Gangsters and their violence are therefore an important player in the game of monopoly on violence in the context of hybrid governance, since their violence is part of the communities and accepted by the community in a way.

### **1.3 Conclusion**

So, the sub-questions that were leading this chapter, how boundaries are created and maintained, and how gang practices influence day-to-day life, can be answered as follows. The analysis developed here illustrates how gangs can be seen as a product of history, identity and necessity. If we look at the history, gangs evolved in order to survive the streets and as political activists, but through oppression of the state and the police they became more violent. The identity-relevant aspect can be understood by the explanation of the different visible boundaries in society. Boundaries still define how the South African society is shaped, and people feel discriminated by the identities connected to those boundaries. The coloured people feel like they didn't, and still don't, fit in society, and were looking for some sense of belonging. This sense of belonging was found in the gangs, that offer a sense of family people don't have, the recognition they never got, and the comradeship everybody needs. Gangs therefore became not only a product of identity, but also the product of necessity. They control the day-to-day life of the local citizens in such a way, that people can't live with, nor without, them. Moreover, the gangs have serious consequences for many people in the coloured townships. They are dominantly present. Their territorial lines impact the freedom of movement for people, and the fight over those territorial lines

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<sup>38</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>39</sup> Author's interview with respondent E., Manenberg, 04-05-2018

<sup>40</sup> Field note, Lavender Hill, 03-05-2018

creates such a dangerous environment for the local citizens that some of them can't even step out of their own house. The result of this violence, is that violence becomes normalised, and that it desensitises people. This, in turn, has the result that more young children turn to gangs, since violence is the only language they learned growing up.

Consequently, what this presence of violence by gangs shows, is that the government doesn't have the complete monopoly on violence, which was indicated as one of the most important elements of the modern state. At the same time, what we can draw from this analysis is that the boundaries that gave the space for gangs to develop were created by the apartheid government. Therefore, it can be stated that the government created the gangs, and as a result also the current hybrid situation. The use of violence by the gangs is therefore an essential indicator of hybrid governance. The government seemed to undermine their own monopoly on violence, by keeping the boundaries in place. The question that emerges from this analysis is how the government created this space for gangs to thrive in? And what consequences does this have for the governance in the area?

## **Part 2: The Government and Governance**

*“Do you want to be led by a blind man over the road?”*

- P. -

The monopoly of violence ideally lies with the government. They can grant other actors to use this violence. However, in a hybrid context, there are actors challenging this monopoly on the use of force. As showed in the previous chapter, in the coloured townships this is dominantly done by gangs. The situation in the coloured communities is a form of hybrid governance. Gangs are valued as a threat to security, however, this threat of violence by gangs cannot be possible without having some strings with the government or governmental actors. Since this hybridity in the monopoly on the use of force will influence the legitimacy of the police, we first have to analyse the relationship between the government and gangs, and how this relationship impacts the local citizens. Therefore, this chapter aims to analyse the government, and their relationship with the gangs and the community, by the use of three sub-questions. Firstly, what are the practices of the South African government in the coloured townships? Secondly, the ‘war on gangs’ will be analysed. And thirdly, how are those practices perceived by the local citizens, and how does that influence the image they have of the government? Analysing those dynamics between the government, gangs, and the community, enables to understand how gangs can thrive the way they do.

### **2.1 Hybrid Governance**

In order to explain the hybrid dynamics between the government and the gangs on the ground, we will use the indicators of hybrid citizenship that Jaffe created. We will analyse the services provided by the government and gangs for two reasons; to see how the government provides services and how this is challenged by gangs, and to see how these practices influences the support of the local citizens. The effectiveness of those actors involved in the hybrid state relies not only on coercive practices, but also on citizens’ voluntary compliance (Jaffe 2013: 740). Actors can only be seen as legitimate if they have voluntary support from the local citizens. The aim of this analysis isn’t to see whether the gangs or the state are perceived as more legitimate, but to see how state practices give space to gangs, and how this is perceived by the local citizens. We will look at three indicators and discuss them separately. Firstly, we will look at equal rights and justice. Secondly, we will look at responsibilities and compliance, and thirdly at participation, both political participation and participation in local initiatives.

#### **2.1.1 Equal rights and justice**

Rights and justice are normally offered by the state in the form of social services. They are responsible for schools and teachers, hospitals and health care, and security and protection. There are several occasions where respondents spoke out about this, and during the interviews the common view on the division of social services provided by the government was not positive. Most of the respondents argue that the division is not fair in any way, and services are mostly available to the white and wealthier areas. White and rich areas are treated ‘more fairly’ than others.<sup>41</sup> Most respondents argue that this is because the coloured communities are poor, and don’t have much to offer. The government only needs the white rich people on their side, since they have more to give back. Therefore, the way the government divides their services, maintains the inequality between different communities. As a respondent explains:

“life has shown the state doesn’t care of what is happening. But the state can’t be a state without the people. So the people must lay down the rules. The ones we voted in to power must listen to the peoples voice. That is what democracy and the constitution are saying. But what is happening in reality is that the state is moving like an entity on its own, leaving the people alone. Don’t take note of the peoples cry.”<sup>42</sup>

Respondents argue that it is unwillingness from the government. They feel like the government doesn’t care about them. “It is still separated. It is created by the old government. But the current government is running the Western Cape is still doing the same. Because they don’t care about what’s going on in the townships, it’s not their problem.”<sup>43</sup>

The lack of services creates a vacuum. As a result there will be other actors that benefit from this vacuum. It especially seems to play out nicely for the gangs. In the next section we will pick out a few services to understand how this plays gangs in the hand.

For example, the lack of resources in the education sector is valued as part of the problem of the violence in the coloured communities. State schools are under-funded, which results in a lack of resources. If people are better educated, they will not resort to gangsterism.<sup>44</sup> But people are not getting the right education, and the dropout rate in schools is high on the Cape Flats. Classes are too big, because there is not enough money for more teachers and smaller classes. As a result, kids are not seen:

“The school system what we have is not providing for children with learning disabilities. Our teachers are not equipped to teach special needs. Gangs pick those kids up very quickly. There is nothing for them at school.”<sup>45</sup>

There is no space for kids to act out, as soon as they do they will drop out and end up in the hands of the gangs.<sup>46</sup> Most of the respondents blame this lack of resources on the government. One of the respondents

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<sup>41</sup> Author’s interview with respondent N., Community Leader, 02-05-2018

<sup>42</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

<sup>43</sup> Author’s interview with respondent N., Community Leader, 02-05-2018

<sup>44</sup> Author’s interview with respondent J., Lavender Hill, 24-04-2018

<sup>45</sup> Ibidem.

<sup>46</sup> Dialogue on Child Soldiers on the Cape Flats, at the University of Cape Town, 09-05-2018

argues that is a lack of resources, but even more a problem of the new laws that were created after apartheid:

“The system we live in, our ‘so-called’ government, they make our kids gangsters. Teachers hands are cut off. Children have no respect for teachers anymore, and if a teacher smacks a kid they have to appear in court. There is no corporal punishment anymore. New laws are a problem. In the old apartheid system we got a hiding if we didn’t do our homework from our teachers, and that made you scared. So you did your homework, because you would be too scared they gonna hit you at school. But now the children are not scared. No respect. Teachers are crying, because kids are rude. Class takes them for a piece of rack. And now there are not enough teachers in our area, people don’t want to teach anymore.”<sup>47</sup>

As a result, children’s education is not at the school, but on the street. Teachers are not seen as role models of the children anymore. Teachers hands are tied, and that causes a shortage of teachers. And since there are not enough teachers, the teacher is not in the position to pay extra attention to children. So, the home situations cannot provide in the children’s needs and neither can the schools provide the children’s needs. As a result they see gangsters as the only role models they have.

The lack of resources is not the only challenge in the education sector. The location of the schools is also problematic. Many of the schools are built in the middle of a community, in between gang territories, where violence is inevitable. Schools have to close several times, because of gang shootings in the area. At one of the schools in one of the most notorious areas the situation became so dangerous that parents decided to put padlocks on the gates, so no one could get into the school, just to protect the children.<sup>48</sup> And with the gang violence flaring up again in that area, I heard rumours that they’re about to do it again.

The government is both the rule-maker and rule-enforcer, but the respondents put forward that they have no trust in either the making or the enforcing of the law. The respondents have no faith in the South African law and the justice system. In the next chapter we will zoom in more on the role of the police as rule-enforcer, and how they contribute to this lack of trust. However, the law that the police is supposed to enforce is already not valued as just. Questions are asked like:

“When will it [this violence, police asking useless stupid questions, shootings] stop if we keep enabling apartheid laws? How can we justify this system that should protect us. Because there is no protection for us.”<sup>49</sup>

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<sup>47</sup> Author’s interview with respondent N., Capricorn, 04-05-2018

<sup>48</sup> Author’s interview with respondent J., Lavender Hill, 24-04-2018

<sup>49</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

The comparison between the apartheid laws and the current laws is made many times. They are valued as equally unfair, since under both laws the coloured people feel left out. The respondents feel like the law doesn't do its part if it comes to South African justice.<sup>50</sup> It doesn't do what it's supposed to do.

Subsequently, the respondents showed a lack of trust in the court system. If the police would do their job in an effective manner, then the justice system will fail. Especially the way bail is granted in the current system creates a lot of rage. The representative of the justice department almost got jumped during a meeting:

“How is it possible that some offender comes out on bail, commits a crime during that bail, goes back to court and five minutes later walks out on bail again!”<sup>51</sup>

This statement could count on a lot of acclaim. It is not an isolated story, as respondents state that the “wrong people are protected by our justice system,”<sup>52</sup> and “my cousin's son was shot and killed, by this guy that was actually out on bail when he shot and killed my nephew. And after that murder he got bail again.”<sup>53</sup> The explanation for this is again traced back to gangs. Gangs pay the judge, gangs pay the bail, gangs pay the lawyers. The corruption within the justice system is perceived as very high.

The lack of trust not only relates to the law itself and the justice system, but it also includes a lack of trust in the prison system. The prisons do not contribute to any rehabilitation, according to the respondents:

“The only thing that happens there [in the jails that are supposed to be rehabilitating], is that your child comes out worse a gangster, being the leader, he found his degree. Get brainwashed. Gangs control the prison system, and the prison laws don't stay inside. And the community is becoming the jail and the innocent are getting imprisoned.”<sup>54</sup>

What this respondent refers to is the notorious numbers gang, consisting of the 26's, 27's and 28's. They control the prison system in such a way that it is an honour to be part of it. Gangsters that get out of prison, are welcomed back in their communities as heroes.<sup>55</sup> People showed me their prison gang tattoos with big pride. Children in the communities greet each other with the hand signs and special greetings of the numbers gang. The prison gang has become so much more than just a prison gang; not only do they control the prison, they also control the whole gang world outside the prison, which gives them a lot of influence. As a result, prison becomes more of an inescapable recruiting system for gangs, than that it rehabilitates gangsters.

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<sup>50</sup> Author's interview with respondent K., Overcome Heights, 24-04-2018

<sup>51</sup> Workshop Community Safety Hanover Park, 12-05-2018

<sup>52</sup> Workshop Community Safety Hanover Park, 12-05-2018

<sup>53</sup> Author's interview with respondent J., Lavender Hill, 24-04-2018

<sup>54</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>55</sup> Hanover Park mother, in the documentary Street Talk: Gatvol <https://www.dailymaverick.co.za/article/2017-11-27-street-talk-gatvol-part-1-video/>



The lack of services in the ongoing violence in some of the coloured townships lead to desperation. People are scared, and fear for their lives, because there is no protection from the government. Even if they are not the victim of direct violence, the presence of gangs leads to gross human rights violations. Hospitals and other health care providers have to stay closed due to the gang violence in areas, and innocent people will suffer from that. Schools are closed, because it is too dangerous for the kids to walk to school. People are scared, because they can't even walk the street without fear.<sup>56</sup>

This lack in the provision of services leads to a chain of protests on the Cape Flats, which shows the complicated relationship between the local citizens and the government. Listening to the local news, it seemed like every day protests flare up in another community on the Cape Flats. Those protests are marked by marches, burning tyres, looting and violent clashes with the police or the riot police. The issues that are addressed during those protests are different, but there is a common theme. Whether it is about jobs, more public services, land or housing, or more police, the underlying issue is the same. People are seeking attention and recognition from the government. They want the mayor to come out, and address their issues. They want to be taken seriously. They want basic services provision by the government. The protests are rarely aimed at another actor than the state.

Most of these protests start with something to get the attention of the government, and as soon as the riot police comes in, things escalate. Shops get looted, cars get burned, and petrol bombs are thrown into houses. One of the community leaders explained this behaviour to me:

“The city has to come for it. The people of Marina da Gama [richer area, right opposite the road of some of the townships] they've got nothing to do with this, but the people felt like you guys got everything. So what's the best thing for the city to listen? They looted the pick n pay [supermarket], because they know they will pick the phone and the government will listen. All they want is attention.”<sup>57</sup>

The desired outcome is most of the time not reached. The attention, they ask for, comes with a heavily armed riot police with rubber bullets and teargas. So, most of the time the protests don't have the desired outcome of problems being acknowledged and taken seriously.

In short, the local citizens and the government have a dynamic relationship if we look at the service provision. The local citizens want the government to step up, and provide the services that they are supposed to provide as stated in the constitution. This is shown by the number of protests that are going on around the Cape Flats. The local citizens use protests as a way to let their voices get heard, and articulate a claim to rights on services and protection by the government. However, the government is not responding, and this is perceived as unfair, since the government is able to provide those services in

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<sup>56</sup> This fear was shown during almost every informal conversation I had, with people in the community, when we were talking about the influence of violence. But also at the Workshop Community Safety Hanover Park it was very visible, 12-05-2018

<sup>57</sup> Author's interview with respondent N., Community Leader, 02-05-2018

the white and wealthier areas. This perceived unfair treatment and lack of response, creates a vacuum, where gangs are happy to step up. They don't fill the whole gap in the service provision, but they do have influence in or on almost every sector.

### **2.1.2 Responsibilities**

Another element to analyse hybrid governance is to look at taxes. However, since informal actors not make use of formal taxes, we will also look at different sorts of money flows, like protection money, trade and employment.

The South African state has the legal authority to impose taxes on the local citizens, and most of the respondents explain that they pay those taxes. Not only tax over income, because the unemployment rates are high on the Cape Flats, but respondents refer to taxes in a sense that when they buy something there is a sales tax that is going straight to the government. In return for those payed taxes, local citizens expect the previously discussed services provided by the state. Especially when it comes to security, they kept stating that "they [the police] are getting payed form our tax money, so they should be there for us".<sup>5859</sup> Those law enforcement agencies are indeed financed with taxes or public money. However, this doesn't seem to be sufficient enough, since they seem to be engaged in extortion of local business owners. As one of the respondents explained that the police 'tax' merchants, and if they don't get the amount of money they would like to have, they will come for them.<sup>60</sup> More details of corruption within the police will be discussed later.

Yet, corruption within the government is also not a rare thing. The most well-known case of this is former president Jacob Zuma, who resigned under pressure of his own party, February last year. His presidency was 'marred by scandal, corruption and mismanagement'. And these incidents are just a tip of the iceberg of the scale of the corruption. Respondents argue that it is not just corruption by committing fraud with government money, but that there is also a connection between government officials and gangs:

"If you look at the things that are happening in the government: they are stealing, they are corrupt, they got gangsters that support them. In the highest ranks of the government, even they are on the payroll of the gangsters."<sup>61</sup>

Gangs are believed to have a lot of connections within the government. They don't only have judges, policemen and lawyers in their pockets, this goes all up to the highest ranks of parliament. However, some South Africans argue that the resignation of Zuma as president could be a new start. Yet, where some people believe in the new president, and his new government officials, there are just as many

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<sup>58</sup> Author's interview with respondent L., Overcome Heights, 24-04-2018

<sup>59</sup> Author's interview with respondent N., Community Leader, 02-05-2018

<sup>60</sup> Author's interview with respondent L., Overcome Heights, 24-04-2018

<sup>61</sup> Author's interview with respondent P., Capricorn, 04-05-2018

people, and also most of my respondents, who lost every faith in the government over the years, and don't see how a new president will change the deeply corrupted system:

“I don't even know who is the new president... We have a president in South Africa? I don't even know nothing about South Africa anymore. I'm being honest. It is just another *skollie* they put in, so that's why I'm not interested. Even you can put a pig in as president it would be fine. Corruption in south Africa makes my stomach turns. That's why I'm not interested.”<sup>62</sup>

If we look at the money flows that gangs receive, they are related to the territorial boundaries again. Gangs control territories, including the people living there, and the local businesses there. They are seen as the protectors of the area, and in return of this protection you have to pay some taxes. In addition, gangs are quick to offer other protection services as long as you pay them. Gangs have their own justice system. For example the story of the Hanover Park mother, who lost her son in a gang shooting. The killers of her son got imprisoned, but the little punishment they got didn't feel like justice for this grieving mother. Gangs noticed, and offered to kill the killers of her son within the walls of the prison. For only 10000 rand (approximately €650), this gang boss would give the order to kill him.<sup>63</sup>

As explained in the previous chapter, people also seek their shelter with gangs if they get attacked by the rival gang. If you can't pay, they will let you do something else in return, like hiding guns in their houses. This can also be seen as some form of employment. Gangsters have many people working for them, where government is not able to provide jobs. The high unemployment rates causes that gangs find people in a very low state of mind, which makes it easy to let people sell drug for them, and gangs do give back a lot.<sup>64</sup> This way gangs benefit from the community.

In light of those findings we can conclude that, although local citizens pay their taxes to the state and expect services in return, the gangs invented their own beneficial system to provide services, as long as people pay for it.

### **2.1.3 Participation**

Both actors involved in the governance in the communities depend on the participation of local citizens. Whether it is political participation or participation in local initiatives. Therefore, in this section we will look at the participation of the local citizens. This will be analysed, first in looking at the dialogue between the government and the local citizens, and second by looking at the local initiatives that try to stimulate the governments service delivery.

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<sup>62</sup> Author's interview with respondent W., Vrygrond, 18-05-2018

<sup>63</sup> Hanover Park mother, in the documentary Street Talk: Gatvol <https://www.dailymaverick.co.za/article/2017-11-27-street-talk-gatvol-part-1-video/>

<sup>64</sup> Ibidem.

During the protests, local citizens are looking for recognition from the government, but most of the time they don't get the response they want. However, there are examples that there are direct confrontations between the local citizens and the government. An example of a confrontation like that was visible when I attended a workshop on 'community safety' in Hanover Park, which is known as the most notorious townships of the Cape Flats.<sup>65</sup> According to the local people, at that meeting, it felt like watching a charade, but one where human lives are at stake. The government, in the form of the minister of community safety, and representatives of all the government departments, they're all part of that same charade. "They claim that they implemented so many things and programmes, but according to the local people those programmes are nowhere to be found."<sup>66</sup> The dynamic that was visible there was interesting. The government departments took much of the speaking time, while the local citizens were heating up. When they were finally allowed to respond, a lot of emotion came out, you could feel the despair. However, the government did cut people short, because emotions ran high. The only thing the government seemed to have achieved was leaving people in more despair. None of the people felt like their voices were heard.<sup>67</sup>

During this same meeting, the big absent was the councillor of the area, which was announced by the minister, and perceived with sarcastic laughs by the local citizens.<sup>68</sup> A councillor is someone that works for the state, and is a kind of middlemen between the state and the community. As a former councillor explained:

"The councillor is based on service delivery, from the city to the community. I was trying to work for the community and help them with any problem, because I had the connection with the city and with the police."<sup>69</sup>

However, the other councillors in the coloured communities are not perceived very positive. Respondents argue that the councillor never comes out, and that councillors see the problems of the communities not as their problem. "They get paid to do this, but they are not doing their job."<sup>70</sup> The result is that people have no respect for the councillor anymore, which is visible in the way they communicate with each other. While I was working in Vrygrond, protests flare up in that area. And when there is a protest, the councillor is the first one that needs to go in and negotiate with the protesters. The current councillor did that, while being backed up by the heavily armed riot police.<sup>71</sup> This wasn't perceived well by the local citizens, who claimed that it is clear that the riot police only cares about the councillor, but is never there when they need them.<sup>72</sup> These protests were going on for weeks, and since

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<sup>65</sup> Workshop Community Safety Hanover Park, 12-05-2018

<sup>66</sup> One of the local citizens of Hanover Park, Workshop Community Safety Hanover Park, 12-05-2018

<sup>67</sup> Workshop Community Safety Hanover Park, 12-05-2018

<sup>68</sup> Workshop Community Safety Hanover Park, 12-05-2018

<sup>69</sup> Author's interview with respondent M., Vrygrond, 30-04-2018

<sup>70</sup> Author's interview with respondent K., Overcome Heights, 24-04-2018

<sup>71</sup> Author's interview with respondent K., Overcome Heights, 24-04-2018

<sup>72</sup> Ibidem.

the councillor kept saying that her hands are tied, and she can't force anything with the city government, the protesters held her hostage for a day, burned her car, stole her things, just to make a statement.<sup>73</sup> This shows the level of despair to get things done by the government.

Nevertheless, the communities don't give up. In order to meet the government somewhere in the middle, small local initiatives are created. There are countless actors in the townships, from NGO's to forums. NGO's, as it already says in the name, have no strings with the government, but are important for the development in the townships. However, every foreign donor that wants to do something in the community has to go through the government. Which causes that "no help ever finds us, and the government is thriving. The government occupies the space of the people."<sup>74</sup>

Other actors, like the Community Development Forum, try to organise the community, collect complains, and function as the middlemen between the government and the locals. One of the community leaders explained that they collected eleven sectors in their Community Development Forum, they oversee what is happening in the community, and whatever need to be taken to the government they take care of that: "we are the middlemen to the government, we speak on behalf of the community, and then we have to give them feedback on what is going on."<sup>75</sup> Those initiatives seem more approachable than the councillor, that is provided by the government.

## **2.2 'War on gangs'**

The complicated relationship between the government and gangs is also visible in the 'war on gangs'. It would make sense that there are consequences to this violence created by gangs from the government to restore their authority in those areas. The government invented the concept of gangs, in order to create "a discourse in which both the state and the police can justify specific practices" (Jensen 2010: 81). Those specific practices became known as the 'war on gangs'. And there have been initiatives to combat gangsterism, with those 'specific practices' being bringing in the army with militaristic strategies to clear the areas. These initiatives started right after the end of apartheid, and while the communities stayed underdeveloped with a lack of service provision, the security issue was taken very serious. However, with just a focus on security, and a lack of focus on developing the areas, those initiatives didn't have the desired visible and sustainable outcome. The state decided to withdraw from the areas, which can be seen as an acceptance of the beneficial control of gangs in those areas.

However, gang violence is getting worse over the past weeks, and many innocent people become the victim of shootings in different areas. The fact that this still can happen in the coloured communities led to a wave of rage. Which is how '#armynow' came to life. During protests people made clear that

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<sup>73</sup> Anonymous voice note over Whatsapp, 21-05-2018

<sup>74</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>75</sup> Author's interview with respondent N., Community Leader, 02-05-2018

they want the government to intervene again with the army, in order for people to get their lives back. One of my respondents was quoted in the newspaper, stating that:

“Being told the Cape Flats would be prioritised is not new; we are tired of the government making excuses while innocent people are being killed. We do not feel safe and free in our own areas and yards. It is just hard for people to move freely, especially children, without fearing for their lives. The government must stop playing politics with people’s lives.”<sup>76</sup>

She doesn’t seem to be wrong about that political game behind this ‘war on gangs’. The army is employed by the national government, which is led by the ANC. The Western Cape, of which Cape Town is part, is led by the DA. The ANC wants the DA to deal with this problem, however, if the DA agrees to let the army take over, it will seem like they cannot deal with the problem themselves, which can be seen as failure. At the same time the DA blames the ANC for deliberately under-resourcing the DA-run Western Cape, and that the army is promised months ago. The ANC responds to this accusation by asking what happened to the 60 million rand (approximately 4 million euro) that was set aside to tackle gang activity.<sup>77</sup>

Normally, gang related crimes are dealt with by a special ‘Gang Unit’ within the police.<sup>78</sup> However, just as the militarised strategies, they have no lasting effect so far. Local citizens don’t even know these units exists. Yet, the ANC claims that the police are sufficient to deal with gangsterism, and therefore state that they don’t want to send in the army, since that also hasn’t showed the desired outcome.<sup>79</sup>

So, the ‘war on gangs’ can be seen as a political game between the ANC and the DA, even though there are people’s lives at stake. This game however does fit in the picture of the complicated relationship between the government and the gangs.

## 2.3 Relationship government and communities

This complicated relationship between the government and the gangs, which results in the security threat local citizens have to live in day-to-day, has consequences on how local citizens value the government. The analysis developed here illustrates that the respondents do want the government to step in. However,

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<sup>76</sup> Respondent E., Manenberg, ‘Plans to deploy army on Cape Flats shelved’, Cape Argus, 02-05-2018 <https://www.iol.co.za/capetimes/news/plans-to-deploy-army-on-cape-flats-shelved-14731038>

<sup>77</sup> ‘DA accused of failing to combat crime in Cape Town’, Cape Argus, 16-07-2018 <https://www.iol.co.za/news/politics/da-accused-of-failing-to-combat-crime-in-cape-town-16060035>

<sup>78</sup> Gang Units comprises of a group of specialised Metro Police officers who have been handpicked to work on gang-related safety issues. They solely focus on combating drug dealing and gangsterism in the Cape Flats. We identify gangs and drug hot spots; build profiles of gangs and drug dealers; coordinate the execution of integrated search warrants; obstruct gang and drug networks with road blocks; participate in local drug action committees; and contribute generally to restorative justice. <http://www.capetown.gov.za/Departments/Metro%20Police%20Department>, accessed 26-07-2018

<sup>79</sup> ‘Watch DA march for army intervention in Cape Flats’, Cape Argus, 19-07-2018 <https://www.iol.co.za/capeargus/news/watch-da-march-for-army-intervention-in-cape-flats-16120723>

this lack of service provision shapes the image respondents have of the government. Respondents argue that the problem is not gangsterism in itself, but the lack of social services. One of the respondents explains it as follows:

“gangsterism is not the problem. Something created gangsterism to transform into that it has become a problem. If each and everybody had a job, would it be for me to become a gangster to earn something? Our government, instead of investing in its own people, they have directly build on the apartheid clause after 1994, and it worsened things for people. Though the people expected minimal. They created the space for gangs to flourish, and to become the hero’s and leaders of the people. And because of that, we have politicians part of the gang. They’re on the payroll, ‘blackstreet-business’ like they call it. Judges, traffic cops, politicians.”<sup>80</sup>

The respondents blame the government for overlooking the coloured communities. They argue that the government doesn’t provide any services, medical services, buildings, and resources. As a result, “the inequality just builds and builds and builds”.<sup>81</sup> Respondents claim that gangsterism can’t be regarded as an isolated issue, since it fits in the government’s plan.

That plan of the government is regarded differently by the respondents. Respondents argue that the government let gangs thrive, because it is beneficial for them:

“The state in itself is part of gangsterism. Capitalism in all essence has taken over. Our government is thriving on the chaos of gangsterism in the cape flats. Every foreign donor that wants to do something in the community has to go through the government. No help ever finds us, and the government is thriving. The government occupies the space of the people.”<sup>82</sup>

So as long gangs have the control in the coloured communities, and create the chaos that they do, the government can keep proving. The government benefits from not solving the chaos on the Cape Flats. And it is inevitable that the comparison with the apartheid is brought back in:

“We’re talking about ‘apartheid’, but years ago it was black person and white person apartheid issues. But today it is black against the other black apartheid issues, because im poor and you’re rich. So I might as well take back the old government, the white government, because the white government was looking after me that im going to bed with food in my stomach. They were looking after everybody irrespective of the colour.”<sup>83</sup>

And:

“The government has been ... I’m sorry to say it, but black have really taken over. And they did it to quick. I’m not saying that they shouldn’t run a country, but it started to quick. The people from our government didn’t study anything. ‘Do you want to be led by a blind man over the road?’ That is how I feel personally. If you look at all the corruption.... It takes years to come

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<sup>80</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

<sup>81</sup> Ibidem.

<sup>82</sup> Ibidem.

<sup>83</sup> Author’s interview with respondent W., Vrygrond, 18-05-2018

out. We are going to be a hunger nation, with all the money disappearing. Look at Zuma. What an example he sets. What kind of example does our government set by stealing all our money. Even though Zuma was from a different tribe, I am South African so he also was supposed to represent me. The Africans took over, and they didn't even try to forget what happened. They wanna try to recycle the apartheid, but in their own terms. They're killing the poor boeren [farmers]. They're robbing the foreigners. They're killing people that are coming here for their honeymoon. And who is to blame? Not me and you. It's not fair."<sup>84</sup>

Gangs are therefore perceived as a tool in the government's plan to make those areas beneficial. With the presence of gangs the government doesn't have to look after those areas. This results in the feeling of a 'slow genocide', where the government doesn't intervene:

"Government does nothing about it, because coloureds have always been in the way. So, you go and go kill yourself, the lesser there are from you, the lesser we have to worry about you."<sup>85</sup>

## 2.4 Conclusion

What is showing in the hybrid governance situation on the ground in the coloured communities, is that they want the government to take responsibility. The authority of the state is not strong, but also not completely absent, and members of the community still recognise specific state structures as necessary and important, alongside other structures that functioning cohesion with the state (Lambrechts 2012: 798).

This is visible by looking at the sub questions that were answered here. Firstly, what we can draw from looking at the practices of the state is that they can't provide the services the local citizens should get, because gangs have a way of influencing the service provision. This is the result of corruption. However, the local citizens want the government to be the only provider of services, and also demand that through protests, paying their taxes and the participation they show. The lack of the government in providing those services creates a space for gangs to control the areas the way they do.

The 'war on gangs' is a description of the government to justify specific practices against gangs. These specific practices involve the army. However, those practices haven't showed the desired outcome in the communities, and were therefore withdrawn. This can be seen as an 'acceptance' by the government of the gangs control. Nevertheless, the coloured communities are demanding the army back, since gang violence flared up again. They want the army back, temporarily, until the situation is stabilised again. However, the 'war on gangs' has become a political game between the national and regional government, where neither of them wants to give in. It is a political game where human lives are at stake.

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<sup>84</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>85</sup> Author's interview with respondent F., Manenberg, 19-04-2018



The same conclusion can be drawn from the third question, how the government's practices are perceived by the local citizens. Local citizens feel like there is a game played with their lives. The government doesn't seem to be willing to take action against gangs, since the relation between the government and the gangs is for both beneficial. They allow gangs to be the security threat they are, and local citizens therefore judge the government very negative. They are perceived to be ignorant, and unwilling. The comparison with apartheid is made, although respondents state that they were better off during apartheid, because back then it was only racism based on skin colour, and now it is racism against skin colour and poverty.

## Part 3: The Police

*“It is purposefully creating chaos up on chaos”<sup>86</sup>*

- E.-

That the state is not doing the best job in providing services to the people in the coloured townships was shown in the previous chapter. One of those services is that the state is supposed to keep its citizens safe and provide them with security. And since this is the main task of the police, we will zoom in to the police and the dynamics the police challenges, which will enable to analyse how the legitimacy of the police is shaped. The people in the coloured townships have to deal with a lot of violence on a daily basis, which is created by the gangs, and allowed by the government. However, we haven't valued the role of the police in this situation yet. In this chapter we will look at how the police practices are valued, again through the use of the images and practices. And then we will look at what the police represents in the eyes of the people they police.

### 3.1 Police practices

In the ideal-state the government has the traditional monopoly on the use of violence. They are the ones who can give authority to other actors to use violence, and normally that is only to the army, law enforcement and police. In the coloured townships the government has to share that monopoly of violence, since gangs are also using violence and are allowed to do so by the government. As was argued in the previous chapters, the government allows the gangs to use this violence and have the control over the coloured areas. However, this has consequences for their own legitimacy, and the legitimacy of the police.

The perfect image that people have of the police is that the police is there to protect the communities against crime and violence. However, the image and practices of the police are almost opposite. As is explained by the respondents:

“Now one of the main factors of that oath that they [the police] take is to protect and to serve the people, the citizens of the country, to the best of their ability. But over the years it has changed from to protect and serve, to use and to abuse the people, the citizens.”<sup>87</sup>

Or:

“Main task of the police is to protect the community and make sure each and everybody is safe. But they fail, really. They're always too late”.<sup>88</sup>

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<sup>86</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>87</sup> Author's interview with respondent L., Overcome Heights, 24-04-2018

<sup>88</sup> Author's interview with respondent K., Overcome Heights, 24-04-2018

People even started to heat up when questions were asked about the police, a lot of frustration came out:

“They are more lawless then the people that are supposedly lawless.”<sup>89</sup>

And:

“They are brutal. They dogs. They have no respect for nobody. They don’t have respect. They never ever have respect.”<sup>90</sup>

This ‘fail’ the respondents refer to is visible in the high crime- and murder rates among the coloured townships. The police doesn’t seem to be able to control those numbers. The police is not valued as legit and effective. All of the respondents told the same thing; the police can’t be trusted.<sup>91</sup>

Before we go on to analysing this lack of legitimacy to see how the previous described hybrid situation contributes to this lack of legitimacy, four points that were put forward during the research will be discussed. Those four points show how the practices of the police differ from the image people have of the police on how the police should behave ideally. We will first look at the legacy of the apartheid, secondly their effectiveness, then at the personal encounters, and lastly at their relationship with the gangs, before we move on to analysing hybrid policing and what consequences that has for their legitimacy.

### **3.1.1 Apartheid legacy**

There are several aspects that contribute to the lack of trust in the police. The boundaries created during the apartheid also contributed to boundaries between the government and the local citizens. During the apartheid the government oppressed, as explained, the black and coloured communities. The executive power of this policy was the police. They had to enforce the rules created by the government. And since the laws were strict and oppressing, the policing style was just like that; strict and oppressing. However, the police was present, and this is explained by the respondents as very valuable. As a coloured you could be searched any time, and arrested very easily, but at least there was a threat of getting searched or arrested:

“Didn’t matter who you were. They [the police] took their job more seriously. More passionate, taking care of the community.”<sup>92</sup>

The respondents argue that they were better off with the police during the apartheid, since the police could control the gangs better. Gangs were seen as political activists, and therefore approached in a very hard way. The government set up some indicators of what a gangster was, and that was described in such a broad way, that every young coloured men fit that definition (Jensen 2010: 84). This is explained by a former gangster, who was a gangster during the apartheid:

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<sup>89</sup> Author’s interview with respondent L., Overcome Heights, 24-04-2018

<sup>90</sup> Author’s interview with respondents C. & D., Vrygrond, 13-04-2018

<sup>91</sup> Author’s interview with respondent G., Vrygrond, 20-04-2018

<sup>92</sup> Author’s interview with respondent P., Capricorn, 04-05-2018

“We got beaten up by the police. Police were very hard on us. We couldn’t stand on corners. If we hang out on the streets they load us into a van and our parents had to come and fetch us from the police station.”<sup>93</sup>

By acting so hard on the gangsters, the local citizens had some sense of safety and protection, even though it was oppressing. However, after the apartheid the policing style changed alongside the new democratic laws. Those new laws are argued to take away the power of the police. The police are not allowed anymore to act hard on people. And are not allowed to shoot anymore.<sup>94</sup> This causes that the police are also not seen as effective anymore. The police back then was not valued as fair, but at least they were effective. The current police are not perceived as effective nor fair.

However, not all respondents see a change in policing after the apartheid. They argue that the police are just going on like they did, which makes sense, since respondents also state that the new laws of democracy kept the apartheid laws in place. One of the respondents argued that the police is just as discriminating as they were during the apartheid:

“24 years in our democracy, but people still behave like that. They behave like the old way of doing things. The separation. The discrimination. Even the cops when they come, they call people names. Based on race. We can lay charges on them, I mean, I know people who are fined for saying the same thing on Facebook. Some of them are Xhosa, black. Some of them are coloured, but they inherited the culture. The old government, which is the apartheid regime. They inherited such.”<sup>95</sup>

So there is no consensus how the current police can be valued if it comes to the comparison to the apartheid police. However, even though there is no consensus on the change within the police after the end of the apartheid, through the interviews it became clear that none of the respondents values the current police as effective in any way.

### **3.1.2 Effectiveness**

This leads to the second point, which is the effectiveness of the police. In the eyes of the respondents the police are not effective in the current days. This is shown in different ways. Effectiveness was measured by a few points, namely, their response time, the creation of a credible threat of sanctioning or a threat of getting caught after committing a crime, the fairly distribution of police services across people and communities, and the visibility of the police.

The response time of the police differs very much in the stories the respondents told. It ranges from the police showing up five hours after the crime is committed, too three days later. Whatever the response time was, there was a consent: the police are always too late. Bodies lay out in the street for hours after getting shot, robbers will never get caught, and there is no effort made to arrest rapists. This

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<sup>93</sup> Author’s interview with respondent P., Capricorn, 04-05-2018

<sup>94</sup> Ibidem.

<sup>95</sup> Author’s interview with respondent N., Community Leader, 02-05-2018

long response time is differently explained by respondents. In Vrygrond, the police station is simply too far away. They fall under a district where the police station is based a few kilometres away. If you, in an unlikely situation, find an officer that is willing to help, by the time the crime is reported, and the station found an available van, with actual officers to drive that van, a few hours have passed. This makes people unwilling to report crimes. Especially since going over to the station is also not an option, because of the distance.

This long response time contributes to the idea that there is no consequence when people commit a crime. When young kids see a body laying in the street on their way to school, and it is still there when they get back from school, this doesn't show any consequence. And this idea contributes, in turn, to gangsterism.<sup>9697</sup> Criminals can get away with murder, and this communicates the signal that people can do whatever they want.

One of the reasons for the alleged ineffectiveness is the lack of visibility of the police. Most respondents argue that more visibility of the police would solve this problem partially. As one of the respondents states: "the police should be visible, they should be patrolling. There should be police in the community, driving and walking around. [...] And their presence should be there in the identified areas, where the shooting is happening, where it starts."<sup>98</sup> What this respondent is saying is that by driving around, patrolling the streets, and search people more, the police would create that threat of getting caught, which will prevent people from doing the crime they were about to do. They will back off as soon as they see a police van coming.<sup>99</sup> However, the police are not visible in a positive way. Respondents argue that they only see them if they need something themselves, but whenever you need something they are nowhere to be found.<sup>100</sup> As one respondent stated: "I think it's every second that a guy passes by with a firearm, because they don't stop and search them. They should be doing that, but they are not doing that anymore."<sup>101</sup> There have been police vans driving around, but respondents laughed in my face when I pointed that out. They explained: "the police you see driving around, they're only here to go to the *shebeen* to drink. And then back in the van to go to the station. Even when you stop them on the road if you have a problem, they say 'hee fuck of, phone the office'."<sup>102</sup> When they drive around like this, people are scared to go up to them, because you can be lucky and find an approachable person, but it is more likely that you get someone that is useless.<sup>103</sup>

The police, in their defence, claims that they can't be more visible, because they don't have enough resources. This is the fault of the government, and cannot be blamed on the police.<sup>104</sup> There is

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<sup>96</sup> Author's interview with respondent J., Lavender Hill, 24-04-2018

<sup>97</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>98</sup> Author's interview with respondent J., Lavender Hill, 24-04-2018

<sup>99</sup> Author's interview with respondent N., Community Leader, 02-05-2018

<sup>100</sup> Author's interview with respondent L., Overcome Heights, 24-04-2018

<sup>101</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>102</sup> Author's interview with respondent C. & D., Vrygrond, 13-04-2018

<sup>103</sup> Author's interview with respondent N., Community Leader, 02-05-2018

<sup>104</sup> Author's interview with respondent S., Voluntary Police, 11-05-2018

not enough material to work with, not enough vans, and not enough human resources, because no one wants to become a cop as a result of the reputation the police has. Yet, this is contradicted by the other respondents. They argue that it is not a lack of resources, because even the resources they have now are not used in a good way, so they should ‘stop crying’ about their resources.<sup>105</sup> Another respondent agrees with that by stating that there is more than enough police already. It is not about getting more resources, because even with a little you can work. A little police can do something. And besides, more resources might have the opposite effect, since more police might lead to more aggression of the people.<sup>106</sup> Respondents argue that this lack of response can be traced back to the idea of social boundaries, since the police are able to do deliver services in the other communities.

The idea of social boundaries is also visible in the opinions about the distribution of the resources that the police has. The distribution of police resources is claimed to be unfair, and on top of that, more police is needed.<sup>107</sup><sup>108</sup> After years of research, the Social Justice Coalition, made recommendations for the government, which included the reallocation of police resources.<sup>109</sup> Nevertheless, respondents claim that that is not the problem. The problem is in the response, not the distribution.<sup>110</sup> They argue that the difference in police response is caused by the previous discussed boundaries:

“If someone gets shot in Tokai [predominantly white area], 4 police vans will show up. If you get shot here, you’re lucky if there is even one van. The body will lay outside for 12 hours.”<sup>111</sup>

In short, the police is not valued effective at all. Whether it is about an unfair distribution of resources or unwillingness, it comes back to the same: the government is discriminating the coloured areas through the way they structure policing. This contributes to the lack of trust, both in the government and the police, and therefore the lack of legitimacy for the both.

### **3.1.3 Personal encounters**

In addition, the social boundaries are also visible in how people value the personal encounters with the police, on the rare occasion that happens. Personal encounters are valued as negative, and everybody I talked to had either been on the receiving end of brutal violence of the police, or have seen it happening to people. If the police comes out, they act hard:

“They pepper sprayed my children, while they were very young. They were still in primary school. And I wasn’t there, because I was still at work. Just because that person didn’t pay my

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<sup>105</sup> Author’s interview with respondent W., Vrygrond, 18-05-2018

<sup>106</sup> Author’s interview with respondent V., Lavender Hill, 17-05-2018

<sup>107</sup> Author’s interview with respondent A., Khayelitsha, 12-03-2018

<sup>108</sup> Portfolio Committee on Policing, meeting in Parliament, 13-03-2018

<sup>109</sup> The O’Regan-Pikoli Commission of Inquiry into Policing in Khayelitsha (2016) *Safety, Justice & People’s Power* Cape Town, Ndifuna Ukwazi.

<sup>110</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

<sup>111</sup> Author’s interview with respondent F., Manenberg, 19-04-2018

rent money, and tried to move when I was at work. My daughter took his tv and said ‘you fetch it when my mom comes back’. But that guy went to fetch the police, for little children, less than 10 years old, with no adult in the house. They broke my door, because they are police, and the pepper spray was all over the house.”<sup>112</sup>

They are brutal in the way they do their job.<sup>113</sup><sup>114</sup> This is just one of many stories that respondents told about the personal encounters with the police, and all of them are just as hard and brutal. One of the respondents even states that she didn’t feel treated like a human being, but as an animal.<sup>115</sup> Moreover, respondents feel bullied by police officers. They don’t feel taken seriously, since police officers will “laugh you around like you are stupid”.<sup>116</sup> One of the respondents explains it as follows:

“Skin colour of a police officer has a big impact. He will speak in his mother tongue, and people here wants to speak in their mother tongue, but it’s not the same and there is no interpreter. So what is created now is more conflict. Because our people would say ‘you bring in those blacks here that don’t understand us, and can’t even write our names’. So how are we helping each other here? It is purposefully creating chaos up on chaos, and the government is the leading. They feeding it. They are throwing oil on a fire that is already full of flames.”<sup>117</sup>

Despite the message that the skin colour of the police officers communicates, most respondents argue that skin colour just partially matters. It does create a bigger power imbalance, because different social groups have different languages. This does make it easier for police officers to show off their power. However, the lesson we can draw from the personal encounters is that it goes beyond the individual social group the police officer represents. As soon as they put on their uniform, they represent a system that is not perceived in a fair way. So it doesn’t matter if it is a black or coloured person that is wearing the uniform, by putting on that uniform both coloured and black officers “inherited the culture of the old government, which is the apartheid regime.”<sup>118</sup> Personal encounters with the police are seen as a way of creating more chaos, commissioned by the government. They show of their power, and do whatever they want, because they are seem to be untouchable when they are wearing their police uniform

So, also the personal encounters are traced back to discrimination of the government. Whether it is blacks coming in creating more chaos, or coloureds that put on the uniform of the government, they all contribute to a feeling of oppression. They seem to create a power-imbalance on behalf of the government.

### **3.1.4 Corruption**

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<sup>112</sup> Author’s interview with respondent W., Vrygrond, 18-05-2018

<sup>113</sup> Author’s interview with respondent B., Mitchells Plain, 27-03-2018

<sup>114</sup> Author’s interview with respondent C. & D., Vrygrond, 13-04-2018

<sup>115</sup> Ibidem.

<sup>116</sup> Ibidem.

<sup>117</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

<sup>118</sup> Author’s interview with respondent N., Community Leader, 02-05-2018

Nonetheless, what the respondents find most disturbing is the relationship between the police and the gangs. Gangs not only have judges, lawyers, and parliament members in their pocket, also many police officers are on their pay role, according to the respondents. Gangs are the biggest threat to security in the area, and the police are perceived to work together with them, which makes them part of the security threat. Gangs have the social control over the area, which also includes the police. In this gang violence that controls the coloured communities, the police are seen as completely absent.

The police are perceived as corrupt. They work together with the gangs and are corrupt. For a little money, you can buy yourself out of anything. Respondents state that there is a cover-up for every dirty thing. And they do it in front of young children, so they see that they can get away with murder. This contributes to the motivation for children to become gangsters.<sup>119</sup>

In addition, the police are perceived to be friends with the gangs, serving them, and serving themselves at the same time. Respondents claim that they see the police van parking at the gangs building, talking to them. You see the police celebrating together with the gangs. You see gangs and police walking like they are friends. You see the police just standing there with gangsters, when someone is busy dying.<sup>120</sup> As a result people lose respect for the cops. They're not there when they're needed, but they are there whenever they have some business with the gangs.

The police are therefore perceived as the biggest gang themselves. Their relation with the gangs is very close, which results in the labelling of crimes. If the police marks a crime as gang-related they will not take it seriously. This is explained by one of the respondents as follows:

“My cousins son was shot and killed in 2012, the guy that shot him, was only sentenced in 2017. The family of my cousin, had to personally write the National Prosecution Authorities to instruct the police station, the captain, to investigate this case. Because initially they were trying to write it off as gang-related. If they label it like that, they don't look as serious at it when it's murder. When it is a gang-member who murders someone who is not a gangster, they take it more seriously.”<sup>121</sup>

Most shootings in the coloured areas are therefore not solved. When an innocent person becomes collateral damage in a gang fight, the police will not do justice, because they serve the gangs. These stories are more rule than exception. The police is intertwined with the gangs, and are blind to gang related crimes.

Furthermore, the police are perceived to be responsible for arming the gangs. There have been numerous cases where police guns went missing from either a police depot, or a regular station. The news is filled with cases where a police officer is arrested for the theft of guns. And where do those guns

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<sup>119</sup> Author's interview with respondent P., Capricorn, 04-05-2018

<sup>120</sup> Ibidem.

<sup>121</sup> Author's interview with respondent J., Lavender Hill, 24-04-2018



go? According to the respondents those guns go straight to the gangs. And those guns out in the Cape Flats can do so much damage.<sup>122</sup>

Subsequently, the police are perceived to report to gangs. The respondents were all coming back to the same example. If the police are on their way to clean out a drug house, one police officer makes a quick phone call to the gang, and no drugs will ever be found in that particular house.<sup>123</sup>

Consequently, this liaison between the police and gangs leads to a lot of fear among the local citizens. People don't want to work with the police, because before they even take your statement the gangsters already know you want to report them. And when they know, they will come for you and take revenge.<sup>124</sup><sup>125</sup> This threat of violence causes that people feel the need to stay quiet in order to keep themselves and their family safe:

“If you go to the police, they will tell the gangster like ‘that’s the lady who came’, and they will shoot your son. Even if you talk in the road, there will be gangsters who will say who said what. And then they shoot your daughter. That’s why people have to protect themselves. Because if you talk, your children are not safe. So people are afraid to go to the police. They can’t be trusted because they work with the gangs.”<sup>126</sup>

This is acknowledged by someone with close relations to the police. People refuse to assist the police officers, by pretending not to see anything, although they did see, but they didn't see.<sup>127</sup> People are too scared to step up, because they know it will take one weak apple, to make the whole bag of apples rotten.<sup>128</sup> So, the fear people have for the gangs, it is just the same for the police. People are scared of the police.

However, I do feel the need to state that it is too easy to say that all cops are bad. Police in the literature are seen as an external actor in communities, however, they do live in some of the same areas that they police. So, they have the same fear for their lives and the lives of their family as local citizens have for gangs. Gangs know where the police officers live, so in order to keep them safe they might have to do something in return. One of the respondents explains that also good police officers get threatened by other police officers that do work for gangs. “You can’t say nothing, because they [the gangs] will also come for you, and take revenge.”<sup>129</sup> Therefore, gangsterism also seems to be inescapable for police officers.

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<sup>122</sup> Author’s interview with respondent F., Manenberg, 19-04-2018

<sup>123</sup> Author’s interview with respondents V., H., and G.

<sup>124</sup> Author’s interview with respondent E., Manenberg, 19-04-2018

<sup>125</sup> Author’s interview with respondent S., Voluntary Police, 11-05-2018

<sup>126</sup> Author’s interview with respondent V., Lavender Hill, 17-05-2018

<sup>127</sup> Author’s interview with respondent S., Voluntary Police, 11-05-2018

<sup>128</sup> Author’s interview with respondent P., Capricorn, 04-05-2018

<sup>129</sup> Author’s interview with respondent S., Voluntary Police, 11-05-2018

### 3.2 Hybrid Policing

The police creates a gap in the provision of security. As shown in the previous chapter, if a vacuum like this is created, it is likely that other actors step in. This is also the case with policing. There are certain initiatives that are created that help the police, which is called hybrid policing. We will therefore, shortly, look at policing initiatives that ‘work together’ with the police, to see how this influences were received by the police. We will look at the two most present initiatives, the neighbourhood watch and the Community Policing Forums (CPF’s), although there are many more initiatives, it is not possible to discuss them all.

The neighbourhood watch is an initiative that takes different forms in the different communities. Some of them are formally acknowledged, which makes that people get some small payment, while other act in an informal way. The neighbourhood watch is an initiative where the local citizens patrol the streets, sometimes together with a police officer, to prevent crime with their presence, and make it possible to report crime faster, so that the police can act faster on the crime. This initiative was the result of the suggestion that the visibility of the police will prevent crime from happening, because people know that they are watched. This initiative had varying successes in the townships. In many areas it was created over the past few years, but it stopped functioning because it was too much for the locals. They had to patrol the street after work, without any payment.<sup>130</sup> The lack of recognition for this initiative, shows unwillingness from the polices side for sharing the responsibility of fighting crime.

The other initiative is the Community Policing Forums, introduced by Mandela. As explained by Baker (2013) community policing committees are a government initiative to provide crime prevention in the community. It can be seen as a mediator between the community and the government (2013: 305). Those forums are developed in order to ‘liaise with the community’.<sup>131</sup> So, these forums are initiated by the government, designed to improve the working relation between the police and the community. But also this initiatives are different experienced in the communities, and not always function, because of unwillingness from both sides.<sup>132</sup>

### 3.3 Legitimacy

Legitimacy is understood as a relational concept. It is both a given authority, but this claim on authority needs to be accepted by the local citizens. If we look at the police in the coloured communities, it is safe to say that they have a complicated relationship. One thing is for sure, which is that there is no local support for the police in those areas. This is due to a combination of factors, which goes beyond the

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<sup>130</sup> Author’s interview with respondent S., Voluntary Police, 11-05-2018

<sup>131</sup> South African Police Service Act 68, Section 18, 1995

<sup>132</sup> Workshop Community Safety Hanover Park, 12-05-2018

behaviour of the individual police officers, although personal encounters don't contribute in a positive way to the lack of local support.

The above described practices of the police all have one thing in common: the legitimacy of the police is connected to the government and governance. Police behaviour communicates a message, but not a message that comes from themselves, but a message from the government. The lack of effectiveness, and the relation with gangs, are all a confirmation of what people already know. The government, and also the police, don't care about the coloured communities. This unrolls the complicatedness for the police to become legit. The government is held responsible for letting gangs thrive, which is beneficial for both parties, but which also results in a monopoly on violence for the gangs. And although this is beneficial for the government, it contributes to the lack of legitimacy of the police. At the same time, the police are employed by the government, but don't get paid much, which makes it attractive to them to have their own relationship with the gangs.

The government is being blamed for bringing in black police officers into the coloured communities, which creates more conflict, but at the same time it doesn't really matter which skin colour the police officer has, because they will behave the same. It is stated that the police doesn't have a say, they have to follow the orders they get from the government.<sup>133</sup> The behaviour of the police is therefore not pinned on the police, but on the government:

“So I blame this western cape government, because they don't care. But my point is, who do they stand for? Who do they represent? Because they just use peoples votes, and do opposites. They use like the peoples colour in Cape Town, and do opposite. If you ask like what do they do for the people of colour in Cape Town, nothing, they do nothing. They only do for whites. They don't worry about black people or coloured people. And police have orders from someone.”<sup>134</sup>

The dynamic between the police and the government towards the coloured communities can therefore be shortly described, as one of the respondents concluded, as : “it's a lot of racism. A lot. A lot. A lot.”<sup>135</sup>

So in short, the police keeps on confirming the image people have of the police, but also keep confirming the image people have of the government. For years, starting during the apartheid and continued under the current government, the coloured communities are treated as inferior areas by the government, which is both a form of racism, as well as a beneficial strategy. This resulted in a lack of faith in the police, that are the rule-enforcers of the policies of the government. The poorest communities have been targeted by the police for so long, and this police behaviour makes people feel more distant from the state. This resulted in a lack of legitimacy for the police to do their work efficiently in the coloured communities.

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<sup>133</sup> Author's interview with respondent E., Manenberg, 19-04-2018

<sup>134</sup> Author's interview with respondent N., Community Leader, 02-05-2018

<sup>135</sup> Author's interview with respondent C. & D., Vrygrond, 13-04-2018

## Conclusion

*“So, you go and go kill yourself, the lesser there are from you,  
the lesser we have to worry about you”*

*- F. -*

Looking through the lens of hybrid governance to analyse the legitimacy of the police, this thesis illustrated how relations between the identified main actors can be seen as an explanation for the lack of legitimacy of the police. By analysing the separate actors and their relations with the other actors, it is safe to say that the legitimacy of the police is depending on those relations.

The first actor that was analysed were the gangs, by the use of the sub questions how boundaries are created and maintained, and how gang practices influences day-to-day to day life in the coloured communities. Gangs are the product of history, identity and necessity. As a result of the different boundaries that continue to polarise the South African society, gangs developed through the apartheid, into organised criminal organisations that are a threat to security. Because of the social challenges and the normalisation of violence in the coloured communities, the gangs have become the role models of young children. They offer some sense of belonging that the society, home situations, and schools can't give them. Since gangs are a product of the boundaries created by the apartheid government, the government is responsible for creating the threat of security.

However, gangs cannot thrive like that if they don't have some connection with the government. Therefore, the relation between the government, gangs and the community were analysed by evaluating the practices of the South African government. This showed that the community has a complicated relationship with the government. They want the government to provide the services they need, which includes security. However, the government lacks providing those services, also under influence of the gangs, which creates a gap that plays gangsterism in the hand. The war on gangs is a political tool, that didn't had the desired sustainable outcome. However, it is argued that the government doesn't want to get rid of the gangs that bad, since the control of the gangs in those areas is also beneficial for the government. Therefore, the government allows the gangs to control certain areas, since those areas are not beneficial for the government, but are beneficial for the gangs. As a result, the local citizens feel discriminated by the government.

I have demonstrated that this corrupted relationship, has consequences for the police, by analysing the practices of the police. The police are supposed to provide security on behalf of the government, but the government allows gangs to be the security threat that they are, which makes it hard for the police to do their job. However, the police are not perceived as effective in any way, also in crimes that are not gang-related. They misuse their uniform and power, and don't use the resources they have in a sufficient way. As a result, people see that they can get away with anything, which contributes

again to gangsterism and criminal behaviour. The police are perceived as corrupt, and have their own relation with the gangs. This relationship causes fear in the local citizens to report crimes and support the police. But above all, the police are perceived to be the law-enforcers from the government. Therefore, the lack of legitimacy of the police can be valued as the responsibility of the government. They use the police as just another tool in discriminating the coloured communities.

By taking hybridity as analytical frame, therefore, offers a deeper understanding of police legitimacy. Instead of focussing on the relation between the police and the people policed, by just analysing the effectiveness and fairness, it has shown that the legitimacy of the police can't be analysed without taking the context into account. My findings highlight that the hybrid security governance in the coloured communities can be understood by the creation of boundaries during the apartheid. Hybridity is shaped along racial lines, and I can therefore state that social identity does have an influence on the legitimacy of the police. It goes beyond the racial group an individual police officer belongs to, but is the result of a government that discriminates groups of people, which created the hybrid dynamic that is in place now. And in that dynamic, it are the gangs that are both the protectors and the creators of the situation that people need protection from, while the police and government don't intervene but benefit from this situation.

Those findings raise some points for South African policy making. First and foremost, it is important to take into account perspectives of local citizens. As this research illustrates, local citizens are not unwilling to work together with the government, and they know best what is needed in their communities. Since they are most affected by the lack of security provision, it might be interesting to take their ideas to find a way to secure security provision. Whether this is by supporting local initiatives, like the neighbourhood watch, or create another security actor that can provide the services local citizens need.

Secondly, what was highlighted during both the meetings and interviews is that the local citizens argue that there has been done enough research on the topic of gangs and security. And those researches are all nice, but also a waste of money, since they state that they already know what the problem is, because they live in that reality every day. However, those researches are never put into action. So, their message was pretty clear: it is time for action. In their eyes it all starts with the provision of proper services. If there is some social development, and if there is more to do for children, less unemployment, and better schools, gangsterism will slowly decrease. So they argue that the focus should be on both short-term security provision, like bringing in the army temporarily to stabilize the areas, and long-term solutions, like social developments initiatives.

This research has raised some potential topics for further research. For example, the legitimacy of the police was only researched in opposition of the security threat of gangs. Gangs are seen as a problem of the coloured area, and are less present in the black townships. However, the legitimacy of the police is

depending on other hybrid security actors. So, it would be interesting to look into police legitimacy in the black townships.

To sum up, this research has provided a possible answer as to how the legitimacy of the police is shaped in the coloured communities of the Cape Flats. The security threat by gangs is a result of the creation of boundaries by the government, and the government is still maintaining those boundaries, by the lack of their service provision. Gangs can thrive because of that, and this is perceived to be beneficial for both the government and the gangs. However, by letting gangs thrive the government undermines both their own legitimacy, and above all, the legitimacy of the police. By analysing the hybrid security governance, there is one group that is getting overlooked, again. The group that suffers the most from this hybrid situation are the local citizens of the coloured communities. They are the victims of the violence, that leads to human rights violations. It is time that the government acknowledges this, put them in the centre of the attention, and start from there to find a solution to the security threat.

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## Annex 1: Generated data

Author's interviews

Name <sup>136</sup>	Role/ Organisation	Gender	Working Location <sup>137</sup>	Date
A.	Social Justice Coalition	Male	Khayelitsha	12-03-2018
B.	The Mitchells Plain Impact Association, Activist	Female	Mitchells Plain	27-03-2018
C. & D.	Community Eldest	Female	Vrygrond	13-04-2018
E.	Community Activist, Spokesperson	Female	Manenberg	19-04-2018
F.	Community Activist	Female	Manenberg	19-04-2018
G.	Community Chief	Male	Vrygrond	20-04-2018
H.	Activist	Female	Vrygrond	20-04-2018
J.	School Employee	Male	Lavender Hill	24-04-2018
K.	Community Activist	Female	Overcome Heights	24-04-2018
L.	Community Activist	Female	Overcome Heights	24-04-2018
M.	Former Ward Councillor (Ward 67)	Female	Vrygrond	30-04-2018
N.	Community Leader, CDF	Male	*	02-05-2018
P.	Former Gang member (26's), Community worker	Male	Capricorn	04-05-2018
R.	Taxidriver	Male	Vrygrond	08-05-2018
S.	Voluntary Police	Male	*	11-05-2018
T.	Where Rainbows Meet	Female	Vrygrond	14-05-2018
V.	Community Worker	Female	Lavender Hill	17-05-2018
W.	Social Worker, Where Rainbows Meet	Female	Vrygrond	18-05-2018

<sup>136</sup> Since I can bring some of my respondents in serious trouble by using their real names, I decided to anonymise them by the use of a letter. For my research their role and the community they work in are more relevant.

<sup>137</sup> The combination of the role and the working place of the respondents might be, in some cases, too easy to trace back to the respondents. Therefore, in order to keep them safe, I left some of the locations out, since I argued that for these respondents their role was more valuable to the story.