

https://dspace.org/

Sub-national sovereignties? : territory, authority and regulation in three sites of "xenophobic" violence in South Africa

Monson, Tamlyn Jane

2011-09-05
http://hdl.handle.net/10539/10398

Downloaded from a DSpace repository. https://dspace.org/

Sub-National Sovereignties? Territory, Authority and Regulation in Three Sites of 'Xenophobic' Violence in South Africa

Tamlyn Jane Monson

Thesis submitted in fulfilment of the requirements

for the degree of Master of Arts by Research (Forced Migration Studies)

November 2010

Declaration

I declare that this thesis is my own unaided work. It is submitted for the Degree of Master of Arts in the Graduate School of Humanities and Social Sciences, University of Witwatersrand, Johannesburg. It has not been submitted before, for any other degree or examination at any other university.

Tamlyn Jane Monson

8th Day of November 2010

Acknowledgements

I am indebted to Jean-Pierre Misago and his team of fieldworkers – Xolani Tshabalala, Gugulethu Nhlapo, Dumisani Mngadi, Patience Mnqapu, and M. Todd Lethata – for collecting and sharing the evidence that this study draws on.

Thank you to my supervisor Loren Landau for opening the door to my studies in this field, for supporting me in publishing my work, and for the opportunity the Forced Migration Studies Programme has given me to learn what books can't teach.

Thanks to my family for tolerating the sacrifices I made in completing this thesis.

The pursuit of knowledge is a luxury that many will never enjoy. I am grateful to God for the generous boundaries of my existence – in which this privilege has been mine – and to every individual whose willingness to share their story made it possible for me to complete this project.

CONTENTS

CHAPTER 1: INTRODUCTION 6

Practical Catalyst: The Paradox of Territorial Control in South Africa 6

Theoretical Framework 7

Objective of the Study 11

Structure of the Study 12

CHAPTER 2: ANALYTICAL FRAMEWORK AND RESEARCH DESIGN 15

Unpacking the Concept of Sovereignty 15

Authority and Regulation: A Legal Pluralist View 16

Nodes and Dimensions of Governance: Security-Related Studies 17

Constructing a Typology 22

Nodal Political Identities and Solidarities: 'Denizenship' 26

Research Design and Methodology 27

Reflexive Social Science and Methodological Choices 29

Ethical Issues 34

CHAPTER 3: MADELAKUFA II, TEMBISA 36

Context 36

Violence in Madelakufa II: Fleshing Out a Thin Media Account 37

Governing Territory in Madelakufa II: Weak Nodal Sets 39

Locating Madelakufa 2008 in a Typology of Territorial Governance 45

A 'Blue Area'? Positioning Madelakufa II in the Typology 48

CHAPTER 4: 'BEIRUT', ALEXANDRA 51

Context 51

Violence in Alexandra's 'Beirut': Accounts of 'the Usual Suspects' 53

Governing Territory in 'Beirut': Nodal Governance 60

Locating Alexandra 2008 in a Typology of Territorial Governance 62

Turning against State Authority: The Impact of State Repression 67

A Moving Target? Positioning Alexandra Within the Typology 69

CHAPTER 5: ITIRELENG, LAUDIUM 72

Context 72

Violence in Itireleng: The Media Account 73

Governing the 'Scrapyard': Competing Nodal Sets 74
Locating Itireleng 2008 in a Typology of Territorial Governance 77
A "Brown Area"? Positioning Itireleng within the Typology 86
CHAPTER 6: DISCUSSION 88
Deconstructing 'The State' 90
Subnational Borders, Governance and Identity 94
Identities and Territories 96
CHAPTER 7: CONCLUSION 102
BIBLIOGRAPHY 104

CHAPTER 1: INTRODUCTION

Practical Catalyst: The Paradox of Territorial Control in South Africa

The literature on state sovereignty and immigration makes much of the regulatory regimes – legislation, identification, documentation, and policing – established by the state to achieve control over the movement of people across its borders and within its territory (Coleman 2007; Gilbert 2007; Albahari 2006; Sparke 2006; Lyon 2005; Muller 2005; Donaldson 2005; Salter 2004; Andreas 2003, among others). The state's legislative and structural instruments aim to achieve a state monopoly on the regulation of human mobility (Torpey 1998). This ideal is expressed in the preamble to the South African Immigration Act 2002 as the need to ensure that "the State retains control over the immigration of foreigners to the Republic," and to this end the Act puts in place a variety of mechanisms to control migration, prevent the entry of illegal immigrants, and provide for the human rights of all immigrants – including the prevention of xenophobia. Yet 'illegal foreigners' continue to maintain their residence within the South African territory (Madsen 2004), while legal migrants are often denied their rights in practice, deported through the immigration bureaucracy, or in the worst case scenario killed in hate crimes by South African citizens (Landau 2005b; Landau & Haither 2007; Misago, Landau & Monson 2009). The state's instruments, then, are clearly far from achieving their goal. What does this say about the state's monopoly on the legitimate means of movement?

Of course, South Africa is hardly alone in the struggle to attain the ideal of a monopoly on human mobility, and it is doubtful that any state has achieved this platonic characteristic throughout history. However, running parallel to this struggle is a phenomenon in South Africa that sets it apart to some degree from the more global struggle shared by its peers. In recent years, South Africa has seen an increasing number of violent community uprisings against resident foreign nationals, peaking, in May 2008, in a series of horrific, large-scale 'xenophobic'[1] attacks, tantamount to the national cleansing of a number of informal settlements across South Africa. The attacks also resulted in the deaths of at least 21 South Africans (SAPA 2008), amid some specific calls for minority South African residents to return

[1] The attacks were popularly described as 'xenophobic,' but the extent to which attacks were motivated by a fear or dislike of foreigners differed across space and time even during the three-week period of violence in May 2008. Approximately a third of the victims were South African (Coplan 2009: 368).

to their provinces of origin (*Mail & Guardian*/SAPA 2008), indicative of some more complex ethno-spatial dynamics in the definition of insiders and outsiders.

Various explanations have been put forward to explain the May 2008 violence.[2] Although a number connect the attacks with the economic situation of affected communities (IDASA 2008; HSRC 2008; Parliamentary Task Team 2008; Gelb 2008; Steinberg 2008; Pillay 2008), the violence attracted the 'xenophobic' label through its visible bias against perceived non-citizens, and many commentators linked the attacks explicitly to the 'uncontrolled' influx of immigrants into South Africa. Several studies have emerged to critique these predominantly "monovocal" (Coplan 2009: 367) causal accounts,[3] but whatever the underlying causes, attacks played out as a form of territorial control in which groups of people were singled out as outsiders worthy of removal from particular local territories. Regardless of their legal status within the South African state's immigration regime, foreign nationals (along with other perceived outsiders) were violently evicted from the communities in which they lived. Police failed to halt the momentum of the most serious attacks, at best containing them and preventing them from spreading further.

The resultant paradox between law and reality in state territorial control in South Africa – raising questions about the scale and nature of borders, political authority, constituency and jurisdiction – is the practical puzzle that animates this study. The study sets out to answer the key questions in this regard: whose authority – over what manner of political jurisdiction – was operating in these instances? Whose policing – of what territorial borders – did the attacks embody?

Theoretical Framework

The State and Sovereignty

The paradox that inspired this study relates to a broader literature on the state – an important theoretical preoccupation of political science. Max Weber's definition of the state

[2] Drawing on this latter approach, the current study focuses on local particularities within the larger structure of a period of crisis for South African authorities. This chapter looks at the accounts of the Alexandra violence provided by local residents and key informants in the area, and attempts to piece together a sense of the nature and meaning of the attacks as they unfolded.

[3] Scholars have drawn attention to "complex and conflicting local accounts, justifications, forces, and circumstances" (Coplan 2009: 367), the intersection of particular socio-economic circumstances in affected areas (Wa Kabwe-Segatti & Fauvelle-Aymar, forthcoming), and the role of local leadership structures in inciting or quelling this risk (Misago et al 2009). The latter two accounts were recognised as the most empirically credible by the SAHRC (2010).

is seminal (Papagianni 2008: 52; Vaughan-Williams 2009: 2). He defined the state as a "human community that (successfully) claims the monopoly of the legitimate use of force within a given territory" (Weber 1948: 78). Within the Weberian model of statehood, the state is also characterised by its ability to

- secure the sovereignty and physical borders of that territory; and
- govern the population of that territory (Sharma & Gupta 2006b: 22).

The particular relationship between authority, territory and population in Weber's definition represents the state as:

> a clearly bounded institution that is distinct from society, […] a unitary and autonomous actor that possesses the supreme authority to regulate populations within its territory. (Sharma & Gupta 2006b: 8; see also Agnew 1994; Biersteker & Weber 1996; McGarry 2004; Kuus & Agnew 2008)

There has been little scholarship on the disjuncture between state mechanisms of territorial control and the reality of territorial control (with some exceptions, such as Doty's (2007) theorisation of civilian border patrols along the US/Mexico border). South Africa is an interesting case to examine in this respect, because with its relatively robust system of government, would presumably monopolise the legitimate means of movement more effectively than its neighbours and peers elsewhere on the African continent.

Despite the lack of precedent studies, the interface between official and embodied mechanisms of territorial control can be nested within a broader literature that explores the disjuncture between the juridical concept of the state and the actuality of embodied states (Jackson & Rosberg 1982; Handel 1990; O'Donnell 1993; Harbeson & Rothchild 2000; Herbst 2000; Lake 2003; Bahcheli, Bartmann & Srebrnik 2004; Call & Wyeth 2008). Scholars in the fields of politics and, to a lesser extent, international relations, have often considered this disjuncture through critical explorations of state sovereignty. Sovereignty is constituted by:

1) recognition of the legitimacy of a state's authority, and
2) the ability to enforce this authority through the regulation of activity within the state's territorial borders (Thomson 1995; Krasner 2001b; Clunan & Trinkunas 2010).

Some scholars consider these two components to be analytically inseparable (Thomson 1995; Lake 2003). This would mean that where embodied states diverge from the platonic state form, the state in question is simply not sovereign. Other voices assert to the contrary that sovereignty is "a basket of goods that do not necessarily go together" (Krasner 2001: 234). For instance, states may deliberately relinquish certain regulatory powers (such as the power to regulate free speech), delegate them (for instance by privatising certain welfare services), or share them with non-state or supra-state entities (as in the case of structural adjustment programmes) (Krasner 2001b; Riemens & Lovink 2002). The effects of globalisation, such as the economic interdependence of states, have been proposed as detractors of state sovereignty, but equally defended as deliberate strategies to which states have consented to minimise risks and maximise advantages in the global financial market (Thomson 1995; Krasner 2001a).

While these contributions in relation to the 'unbundling' of the state acknowledge the complexities of state sovereignty, they have tended to ignore those variations in state-society relations that cannot be understood as consistent with the state's intentions. Thus, while scholars have defended the intractability of state sovereignty in the face of macro-level phenomena, multilateralisation and strategic devolution (Thomson 1995; Krasner 2001a & 2001b; Hayward 2003), few participants in this discussion have scoured smaller-scale, localised interstices within state sovereignty, where there is – particularly in third-world, peripheral spaces – an empirical absence of state authority and/or regulation (see O'Donnell 1993; Herbst 2000; Simone 2004). While the concept of "effective sovereignty" has emerged to distinguish between the juridical and *de facto* character of state sovereignty (Clunan & Trinkunas 2010; Bahcheli, Bartmann & Srebnik 2004; Krasner 2001b), the concepts of territory, population and political authority mobilised in these accounts continue to orbit around the central concept of the state. They often fail to explore in any depth what sovereign or state-like forms might exist where state sovereignty is ineffective.

Thus, studies emerging from the disciplines of politics reveal much about the nature and structure of states, the normative frame within which we understand them, and the gap between their juridical and empirical characteristics. However, the primacy of the state territory, population and system of political authority remain central to these discussions. This study will decentre the state in examining these dimensions, gathering and applying conceptual tools to understand localised forms of territorial control and corresponding local

borders, political formations and group identities. Using the language of sovereignty that is provided by the disciplines of politics and international relations, it will explore political geographies at a sub-national[4] scale.

'Sub-National' Sovereignty

To explore the particular territoriality manifested in the attacks, I will draw on an interdisciplinary selection of studies that reveal and/or theorise the "reterritorialization" of space in the contemporary world – continual reconfigurations of the political ordering of space (Newman 2006: 88) not just at the level of the state but also "at the local and micro levels of daily behaviour and practices" (87). Viewed from this bottom-up perspective, the importance of membership in a nation state may be tempered by forms of sub-national belonging and regionalism where individual "horizontal allegiances" (Mazrui 2004: 472) within the state demand "increased political recognition and self-government powers" (Kymlicka 2001: 212) or 'minority zones' crystallise into "[d]iscrete urban territories" (Baker 2008: 44). It is presumably to such discrete political geographies that Daryl Glaser referred when he called the 2008 attacks on foreign nationals a form of popular democracy in affected areas (2008: 53). This raises a question: if the state is distinguished from other forms of political organisation by its presumed sovereignty over its territorial space (Agnew 1994: 60), can such political geographies be considered not simply new territories or new political solidarities, but instead as territorial sovereign forms in themselves? If sovereignty "defines the ultimate or highest authority within a state", and requires "effective control over the territory claimed by the state" (Lake 2005: 305), I would argue that these conditions of sovereignty would be no less applicable if we replace the term 'state' with a more accommodating term, such as 'territorial polity.'

The notion of the state has dominated understandings of the relationship between sovereignty, territory and political structure. Indeed, the idea of the state as the fundamental geopolitical unit is so thoroughgoing that it has been described as "the dominant metageography of contemporary society" (Taylor, Walker and Beaverstock 2002: 95; Agnew 1994). However, some scholars have highlighted processes of rebordering *within* the state due to ethno/linguistic nationalism and/or conflict (Kymlicka 2001; Mbembe 2001;

[4] The term 'sub-national' is here intended to refer to scales below that of states within the international state system, which are typically conceived as 'nation-states' – a term which naturalises the link between a territory and its human inhabitants, so that nation and state are (problematically) seen as synonymous (Agnew 1994; Newman 2006).

Luckham 2003) in a context of effective state absence (Mbembe 2001; Luckham 2003; Baker 2008), giving rise to

> an unprecedented resurgence of local identities, an extraordinary insistence on family and clan antecedents and birthplaces, and a revival of ethnic imaginations. In most of the major urban centres faced with land problems, distinctions between "indigenes," "sons of the soil," and "outsiders" have become commonplace. This proliferation of internal borders – whether imaginary, symbolic, or a cover for economic or power struggles – and its corollary, the exacerbation of identification with particular localities, give rise to exclusionary practices, "identity closure," and persecution (Mbembe 2001: 87)

'Exclusionary practices' are too often represented as exceptional, in ways that reproduce a notion of an inclusive statist imaginary community. They may be used to cast normative judgements on the quality and effectiveness of states, but seldom are exclusionary practices considered as tools of alternative state-like territorial sovereign forms. In smaller-scale territorial polities, exclusionary practices may form part of an alternative normative order of governance – as the findings of this study demonstrate.

Objective of the Study

The objective of this study is: **to explore dimensions of sovereignty in the local operation of territorial control in three communities affected by anti-foreigner violence in Gauteng province, South Africa**. This objective reflects the interest I have thus far articulated in the implications of 'xenophobic' attacks for our understanding of authority, governance, and borders/jurisdictions in affected areas, particularly in relation to the state's supposed monopoly on the legitimate means of movement, and the presumption of state sovereignty.

The research questions that guide the study in undertaking this exploration are:

1) How did attacks on and evictions of foreigners unfold as a form of local territorial control in affected communities in Gauteng, South Africa?
2) Do these local forms of territorial control constitute territorial sovereign forms?
3) How are these forms positioned in relation to the state?

These questions require further conceptual refinement, and the study will employ concepts from socio-legal and security studies to operationalise the notion of sovereignty, as well as positioning the exclusionary practices manifested in three localities within a typology of the dimensions of sovereignty.

Structure of the Study

Chapter 2 will outline the analytical framework of the study and present its research design and methodology. In the analytical framework, I 'pluralise' the concept of sovereignty with reference to the literature of legal pluralism (Tamahana 2000; Cotterrell 2002; Selznick 2003). The chapter goes on to unpack the dimensions of sovereignty using the concepts of authority and provision emerging out of explorations of "nodal governance", and maps these onto a typology of informal versus state-government nodes (Bayley & Shearing 2001; Shearing & Wood 2003). Finally, O'Donnell's (1993) typology of 'blue', 'green' and 'brown' areas is overlaid onto the newly developed typology, adding a spatial dimension to variations in governance. A discussion of the research design, disciplined by the principles of reflexive science (Burawoy 2009), concludes the chapter.

Chapters 3, 4 and 5 present and analyse the findings of research in three situation-sites in which attacks targeting foreigners occurred in 2008. The chapters explore the nature of authority and provision (with specific reference to policing) evident in local accounts of the 2008 attacks, and illustrate the varying nodal configurations using the typology developed in Chapter 2. Three distinct territorial orders emerge from the analyses in these chapters, each indicating a different interface of state-government and informal nodes of governance. The situation analyses are ordered according to the extent to which they deviate from the ideal-type state configuration of territorial control. It is worth noting that they are not ordered according to the time sequence in which attacks happened in the three areas.

In Chapter 3, which focuses on Madelakufa II in Tembisa, Gauteng, I provide evidence of a predominance of state-government authority and policing, indicative of an ideal-type state sovereignty – a 'blue area' in O'Donnell's (1993) terms. Anti-outsider attacks were viewed locally as the work of criminals, and condemned by local residents as merely a strategy for personal material gain by the perpetrators involved. Here, the informal nodal set offered no legitimate alternative interface between territory, identity and governance.

In Chapter 4, I discuss 'Beirut' in Alexandra, Gauteng: a transitioning territorial order. Here, evictions of outsiders were originally conceived as a multilateral form of policing by the informal nodal set – and viewed locally as a legitimate use of force against legally defined offenders, consistent with the authority of the state-government nodal set (indicative of a 'green area'). However, the repressive response of the state-government nodal set to the eviction distanced the informal policing initiative from state-government authority. This created a counter-construction of the evictions as both authorised and carried out by the informal nodal set, suggesting the emergence of an informal territorial sovereign form, and a 'brown area' in O'Donnell's (1993) typology.

The third situation analysis, in Chapter 5, focuses on Itireleng near Laudium in Gauteng. This area appears far more clearly as a 'brown area' (O'Donnell 1993) where informal authority effectively presided over both informal and state-government policing both before and after the 2008 violence. In Itireleng, the territorial order is state-like in the Weberian sense: Itireleng is a human community that has successfully claimed the monopoly of the legitimate use of force within its territory (adapted from Weber 1948: 78), including a monopoly on the legitimate means of movement (Torpey 1998). Of the three cases, Itireleng presents us most clearly with an alternative territorial sovereign form operating within the local jurisdiction and serving local rather than national interests.

Chapter 6 brings these analyses together and discusses some of the implications of the findings for the way in which we conceive of borders, governance, identity, and the 'nation-state' in particular. Here, I point to ways in which empirical evidence from the three situation sites deconstructs totalising conceptions of the state, and specifically the presumed correspondence between state borders, national identity, and political institutions in the hegemonic notion of the nation-state. Instead, I show how sub-national borders may emerge around minute jurisdictions, where political authority and notions of the law may diverge from that of the state. In this context of multiple orders of governance, individuals may become denizens of more than one authority, and subject to possibly conflicting identities and norms.

I also argue that the situation-sites reveal considerable variance across space in the state's ostensible coercive guarantees over the legitimate means of movement – the state remains

empirically significant in some places, while becoming virtually insignificant in others. Despite this, I also show that nostalgia for the ideal-typical state monopoly on territorial control remains deeply entrenched, as does the desire for a national citizenship that provides guaranteed social goods.

I provide a brief conclusion to the study in Chapter 7.

CHAPTER 2: ANALYTICAL FRAMEWORK AND RESEARCH DESIGN

As laid out in the previous chapter, this study asks how the 2008 attacks on and evictions of foreigners unfolded as a form of local territorial control in affected communities; whether these local forms of territorial control constitute sovereign forms; and how these forms are positioned in relation to the state. In order to answer these questions it is necessary to refine the concept of sovereignty so that it can be discussed in terms of dimensions that can be assessed and compared across cases.

Unpacking the Concept of Sovereignty

As highlighted in the introduction, state sovereignty can be broadly characterised by reference to two dimensions:

1) recognition of the legitimacy of a state's authority by the 'human community' that constitutes it;[5] and
2) the ability to enforce this authority through the regulation of activity within its territorial borders (Thomson 1995; Krasner 2001b; Lake 2005; Clunan & Trinkunas 2010).

To draw a credible comparison between the sovereign state and any other territorial sovereign form in the context of mobility control, it is then essential that potential alternative sovereign forms be described along similar dimensions of legitimate authority and regulatory effectiveness. This requires thinking 'out of the statist box', so to speak, and answering several plaintive calls for new ways of thinking about territory and political authority (Agnew 1994; Taylor, Walker & Beaverstock 2002; Newman 2006).

[5] It should be noted that, if we examine this issue from a macro-perspective, the de jure status of a state within the purview of the international state system is what determines its legitimacy regardless of the de facto situation (Philpott 1999). However, the nature of the territorial polities being examined in this thesis requires me to limit my focus to the principles of internal sovereignty. If "sovereignty is a type of authority relationship" (Lake 2005: 304), then it is by definition about the relationship between the sovereign – however constituted – and its subjects. Recognition of that relationship by an external third party, such as the international constitution, is not a necessary or sufficient precondition for this primary relationship.

Statist thinking is perhaps most entrenched in mainstream international relations theory. However, if we scan other disciplines for concepts or vocabularies that free us from a reified state-centric view, we find some useful ways of thinking in the fields of security studies and socio-legal studies.

Authority and Regulation: A Legal Pluralist View

Socio-legal scholars observe that mainstream legal scholarship is embedded in a statist framework and thus operates within the received notion that "nation state law and traditional international law, focused on relations between states, define the essential nature of the legal" (Cotterrell 2002: 641). They critique this "legal centralism", or "the false ideology that 'law is and should be the law of the state, uniform for all persons, exclusive of all other law, and administered by a single set of state institutions'" (Tamanaha 2000: 299, quoting Griffiths 1986:4; see also Shearing & Wood 2003: 401), and interrogate the implicit dichotomy between state and society in this view of law. Empirical realities persuade them that "'law' must now be rethought as a diversity of regulatory strategies and forms, evolving from many different social sources in and beyond nation states" (Cotterrell 2002: 642), including traditional authorities and community courts (Santos 2006); community-based restorative justice programmes (McEvoy 2007); sacred centres of authority (Engel 2009); and other normative orders (Tamahana 2000).

Law and society literature recognises the limitations of legal positivism – the view that the legal order is composed primarily of "legislation, judicial decisions, and administrative regulations" (Selznick 2003: 178). Thus, it allows us to conceptualise multiple scales and layers of authority that order social relations in the lived world, and urges us to think beyond the order of the state (McEvoy 2007). In particular, it assists us in thinking about power as a field of various social relations, where no one hierarchy necessarily dominates – in line with the thinking of Michel Foucault.[6] Thus, it provides a helpful perspective from which to consider alternative legal orders where the governance of mobility hinges on regimes of law and practice authored at a sub-national level.

[6] Foucault urges us to "cease to conceive of [power] in terms of law, prohibition, liberty, and sovereignty" (1990:90), in light of "new methods of power… that are employed on all levels and in forms that go beyond the state and its apparatus" (1990: 89).

In addition, the literature of legal pluralism recognises that social support is crucial to the functioning of positive legal systems: delivering justice and law is greatly impeded where law is not integrated into and across institutions, or where people cannot see the sense of legal principles (Selznick 2003: 178). Theorists of law and society recognise that the *legitimacy* of the law, or the extent to which the law is embedded in rather than imposed on communities (McEvoy 2007: 425), is crucial to the realisation of justice. Where the law lacks legitimacy, those charged with the regulation of social life "rely on coercion and on bare assertions of authority", becoming "weak and defensive" (Selznick 2003: 178). Thus, law and society researchers remind us of the crucial link between legitimacy and the successful enforcement of a legal order. This resonates with the views of theorists of sovereignty. In Lake's discussion of the sovereign authority relationship, he observes that "purely coercive commands – of the form "do this, or die" – are not authoritative" (2005: 304); sovereign authority "must contain some measure of legitimacy" (2005: 304).

Nodes and Dimensions of Governance: Security-Related Studies

However useful they may be, legal pluralist concepts often contain their own unexamined assumptions. Legal pluralist studies are often biased toward developed contexts where self-regulation is less likely to unfold in blatant violation of state laws and normative principles of democracy and human rights. In addition, many socio-legal studies assume that "social spheres and institutions will work better, and be better governed and more responsible, if they are encouraged to govern themselves," which turns legal pluralism into a justifying discourse for "regimes of self-regulation, as opposed to external control" (Selznick 2003: 185). This view tends to grant, *a priori*, a moral authority to alternative legal orders. Its multifocal view of legal orders often enacts its own reifications, failing to make adequate distinctions between the qualities of different orders, and thus romanticising non-state ordering systems.

This is where security-related studies, emerging from a variety of disciplinary quarters, offer additional nuance. Studies of self-regulation, popular justice and vigilantism (Abrahams 1996; Tamahana 2000; Doty 2008) make a useful distinction between 'responsible' and 'autonomous' citizenship (Johnston 1992; Abrahams 1996) and examine the easily over-stepped boundary between upholding and breaking laws in certain forms of non-state ordering (Abrahams 1996: 44, 45, 53). They draw attention to activities that emerge "within

the discourse of 'community initiatives'" which "violate the law on behalf of the community, as well as guarantees provided by the constitutional order to everyone" (Nina 2000: 1-2), exposing faultlines in the legitimacy of this constitutional order, which are embodied in the unconstitutional, illiberal and outright illegal acts of certain structures of 'popular justice'.

It is unsurprising that security-related research, with its greater focus on the outcomes of various scenarios for human security and justice, has deemed the indiscriminate relativism of legal pluralism problematic, reminding scholars that "many patterns of behaviour are *bad*" (Tamahana 2003: 305). This is a rather bald normative statement, but it remains instructive. From the perspective of positive law (Posner 2002: 4), formal law exists to regulate society in a manner that renders it stable, creating a consensual definition of and route to justice which lowers the risks inherent in social interactions. States are the guarantors of such regulation and the enabling environment it promises (Posner 2002: 4); indeed one of the evolutionary advantages of the territorial state system was its ability to lower risk and transaction costs through regulation (Spruyt 1994). There is, then, a standard against which we measure the effectiveness of individual states and their juridical versus *de facto* characteristics. Equally, we need to be wary of indiscriminately celebrating 'plural legal systems', as if they do not also have the potential to fall short of their claims. Alternative normative systems of ordering may not be defined by the letter of legislation, but they nevertheless contain within them a definition of acceptable order, and by extension the conditions for the rule of law (if not necessarily the rule of *state* law) (Baker 2008: 182; Woodman 2001). In order to be analytically rigorous when examining phenomena that appear to be alternative legal forms, we need to examine their legitimacy: to what extent do the beneficiaries of their 'legislation' recognise their authority? Secondly, how successfully are their legal provisions given effect, allowing the emergence of an agreed-upon, stable social environment? Regardless of the content of such alternative legal systems, an examination of these dimensions provides a basis upon which to distinguish normatively between them. This resonates with Tamanaha's (2000) call for a more robust analysis of which forms of social control count as 'law.' He proposes that law-like social phenomena be placed within a typology based on their distinctive features, in a manner that allows us to "compare the features of the various categories and kinds of law with one another" and with state law (Tamahana 2000: 299).

Nodal Governance and Sovereignty

A useful tool to facilitate the robust analysis demanded by Tamahana (2000) is Shearing & Wood's (2003) nodal conception of governance. Aiming to counter the conceptual priority given to state governance, Shearing and Wood provisionally map 'nodal sets' to include four governmental sectors: state, corporate/business, NGO and informal sectors (2003: 404-405). They envisage that by applying a framework of nodal governance, it will be possible to understand not only what forms of governmental practice exist in a society, but also how they relate to each other. Shearing and various colleagues have identified nodes of governance as "locations of knowledge, capacity and resources that can be deployed to both authorize and provide governance" (Shearing 2004: 6). The implicit distinction made here between 'auspices' and 'providers' of governance – drawing on Bayley & Shearing (2001) – is key to understanding the relative roles of nodal sets. It also helpfully incorporates elements of both legal order (the authority under which regulation is exercised) and regulatory effectiveness (the practical exercise or 'provision' of authorised regulation).

The distinction between auspice and provider of governance dovetails usefully with the question of sovereignty. For Weber (1948: 78), statehood is achieved by the "human community that (successfully) claims the monopoly of the legitimate use of force within a given territory." Observe that the monopoly contemplated here is not simply a monopoly on the use of force but on the *legitimate* use of force – thus, the state must be both the agent of force (providing force to preserve social order) and the consensually defined author of that order. Thus, a human community becomes state-like by monopolising both the authorisation of governance *and* the enactment of governance though various entities.

Shearing and Bayley's work also acknowledges, however, that nodes do not necessarily perform both as auspices *and* as providers (Shearing & Bayley 2001). Provision of security may be deliberately multilateralised as a state strategy aimed at improving the provision of governance. In South African policing, for instance, multiple providers operate under the single auspice of the state. Communities assist in policing provision through residents' patrols and neighbourhood watch schemes initiated within the community policing forum (CPF) structures implemented by government. Private security provision under the auspice of the state is also prevalent. For example, a private security company known as the Red Ants is contracted by the Johannesburg City Council to conduct evictions of persons whose residence in slums contravenes city bylaws.

Multiple providers and auspices do not necessarily undermine the state's monopoly on legitimate force. A church, traditional leader, or group of elders, may act as a parallel institution for authorising and carrying out informal 'policing' in ways that are congruent with the order authorised by the state – for instance, in South Africa, traditional leadership structures have been strategically preserved by the state in rural areas. The informal 'policing' activities of triads or taxi warlords often violate the state order – but they are deemed illegitimate by the broader 'human community' in which they are embedded, and, as Lake observes, this broader community also accepts as legitimate the punishment imposed by the state (2005: 304). Therefore, triads and warlords do not constitute competitors for the state's monopoly on the *legitimate* use of force – indeed, they are the exception that reproduces the rule. Rather, it is when the rule of state law, or the *legitimacy* of the state's regime, is challenged, that sovereignty is really at issue.

Nodal Governance and the Policing of Movement

Bayley and Shearing (2001: 5) define the policing function as that of "providing security through physical constraint," and consider it a "quintessential function of government" in a world of Weberian states (that is, where states are recognised by their possession of a monopoly on force). "The capacity to authorize policing," they argue, "indicates the existence of government" (2001: 5). Although these authors take a statist view of the term 'government', I shall consider the term to refer to multiple scales and orders of governance, in line with sociolegal studies.

If policing constitutes the provision of security through physical constraint, that provision must rely upon the nature of physical constraint authorised by an auspice of policing. And where an auspice authorises a particular vision of social order as desirable, policing must provide the force necessary to provide that order. A particular legal regime and particular modes of policing can be seen, then, to represent, respectively, the auspice and provision of governance.

In the cases under discussion, we confront authorisation and provision as it relates to the state's ostensible "monopoly of the legitimate means of movement" (Torpey 1998). Torpey considers this monopoly an increasingly crucial condition of statehood, supplementing the state's general monopoly of the legitimate use of force. He argues that expropriating the legitimate means of movement into, out of, and within a territory has been essential to the

realisation of states and has come to overshadow conscription and taxation as elements of state-building, largely because the power to administer mobility is a precondition for the enforcement of coercive extraction (Torpey 1998: 247). To enlarge upon the nature of this monopoly:

> In order to monopolize the legitimate means of movement, states and the international state system have been compelled to define who belongs and who does not, who may come and go and who not, and to make these distinctions intelligible and enforceable. Beyond simply enunciating definitions and categories concerning identity, states must implement these distinctions, and they require documents in order to do so in individual cases. (Torpey 1998: 249)

Here again is evoked the dual components of authority (through legislative 'enunciation') and provision ('implementation') that underwrite sovereignty. The 'enunciation' of state-authorised definitions and categories is via citizenship and immigration laws – in South Africa, legislation such the Citizenship Act 1995, the Immigration Act 2002 and the Refugees Act 1998. These instruments establish structures, procedures and institutions for the provision of state administration of the means of movement, such as:

- A range of documents and permits enabling legal residence on the territory and entitling the bearer to specified ranges of government-provided benefits (passports, South African identity books; visas of various kinds; transit permits; asylum permits; and other documentation);
- Sites and procedures for the screening of mobile populations moving across the country's borders (border posts and the related processes; carrier sanctions on airlines and land transport companies; etc);
- Surveillance procedures for the administration of the population within the country's borders (birth and death registrations; administrative conditions on various permits; immigration policing on the street);
- Sites and procedures for the detention and repatriation of individuals whose means of movement is deemed illegitimate (South Africa's Lindela Detention Centre and its administrative functions).

However, implementation of this legal regime in South Africa is ineffective, and in some cases deeply problematic – plagued by extra-legal harassment and extortion within the

police and deportation systems, and identity fraud rackets within the documentation bureaucracy (for instance, Nyamjoh 2006; Amit 2009 & 2010; Landau & Monson 2010). Indeed, the weaknesses of the regulation of mobility by the state – commonly discussed under the rubric of 'border control' – received a huge amount of attention from political personalities, residents of affected communities, and the media during and after the May 2008 attacks. Political parties such as the Democratic Alliance and Independent Democrats (SAPA 2008a; SAPA 2008b), as well as many civil society bodies, including the Centre for Development and Enterprise (Bernstein 2008), the labour union Solidarity (Joubert 2008), the Human Sciences Research Council (HSRC 2008), and the Institute for Democracy in Africa (IDASA 2008), joined this rhetorical bandwagon. In fact, in numerous cases the attacks were portrayed in the media as the result of the state's failure to properly regulate mobility into the country, as if the violence were the regrettable last resort of the impoverished masses to police mobility in the face of state regulatory impotence (Monson 2009b; Bekker et al 2009).

If the attacks were, indeed, a reactionary form of popular mobility policing, they were nevertheless conducted in a manner at odds with South African law and thus in the absence of state authority. What nodes, then, were the auspices of 2008's violent evictions? What definitions, categories and distinctions were manifested during that time of apparent popular policing? These are questions that this study will explore further in relation to the situation-sites selected. In order to carry out this exploration, I present a typology that will be used to capture the distinct qualities of the cases and facilitate a comparison. Following on from this is a brief discussion of the concept of denizenship in relation to the elaboration of four broad types of governance. I then move on to the research design through which data was obtained and cases selected for analysis.

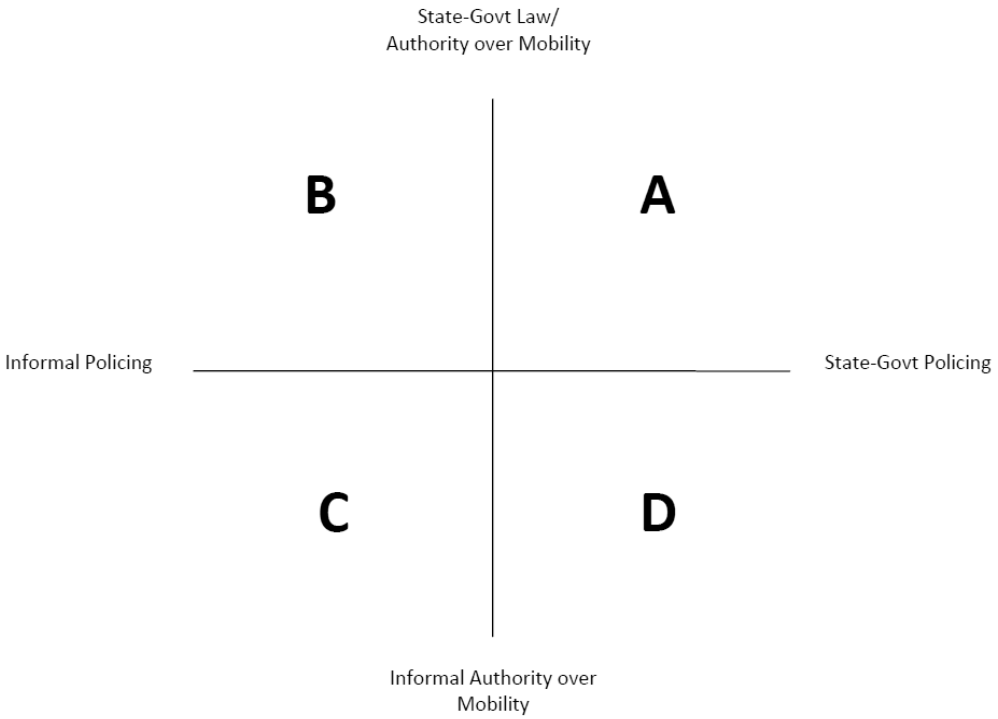
Constructing a Typology

As I have noted, particular legal regimes and modes of policing (broadly understood) can be seen to represent, respectively, the auspice and provision of governance of the legitimate means of movement. This arena of governance is in turn related to the dual components of sovereignty: legitimate authority and regulatory effectiveness.

In the three cases examined in this study, two of the four nodal sets outlined by Shearing and Wood (2003) are evident. These are the 'state' and 'informal' nodal sets. However, I

prefer to avoid using the term 'state,' which tends to conjure the image of a timeless superstructure in which political authority, territory and population are inextricably linked (Agnew 1994; Kuus & Agnew 2008). Closer examination of informal nodal sets will reveal that far from being this seamless unity, state order may not penetrate the complete state territory, nor may its vision of order coincide with that of its resident populations. To avoid the totalising term 'state', I choose to use the terms 'State-Government' and 'Informal' to label the nodal sets.

The diagram below represents four alternatives in a typology incorporating the dimensions of authority and provision within these two nodal sets. Of course, this typology is necessarily reductive and does not pretend to represent the full range of possible territorial orders. Plotting each case onto this typology will allow the writer to represent only the dominant structure of authority and provision, without portraying the palimpsest of other, weaker structures that coexist simultaneously and in parallel to this.



A: State-Govt authority directs State-Govt policing of the legitimate means of movement
B: State-Govt authority directs informal policing of the legitimate means of movement
C: Informal authority directs informal policing of the legitimate means of movement
D: Informal authority directs State-Govt policing of the legitimate means of movement

Typology of Possible Orders of Governance Over Territory

In the typology, the 'y axis' represents the authority that legitimises a particular normative paradigm of the means of movement. Moving beyond the statist constraints of some security studies literature,[7] the typology allows us to consider nodes other than the state-government as possible authorisers of mobility policing – in this case, 'informal' nodes.

The 'x axis' presents a continuum of nodal involvement in the policing of the legitimate means of movement. This allows us to recognise that informal policing does not necessarily deviate from state-government authority. Quadrant A represents the ideal-typical Weberian state, which unilaterally authorises and provides security over the local territory. Quadrant B represents a situation where provision is 'outsourced' to – or hijacked by – informal nodes, but is otherwise subject to government authority.

The quadrants below the x axis are indicative of situations in which state authority is displaced, indicating the emergence of informal sovereignties. In Quadrant C, informal nodes are the source of both authority and provision. In Quadrant D, government provision is evident, but has become detached from government authority and is instead subject to informal authority. Where government nodes play neither role, they are redundant and it is clear that an alternative to the juridical state has assumed effective sovereignty over territorial control.

Although simplistic, the typology allows us to locate the three situation analyses in positions relative to one another, and thereby to compare them more explicitly than would otherwise be possible. This goes some way toward satisfying Tamahana's (2000) call to disentangle distinct phenomena in ways that promote careful analysis.

Spatialising the Typology

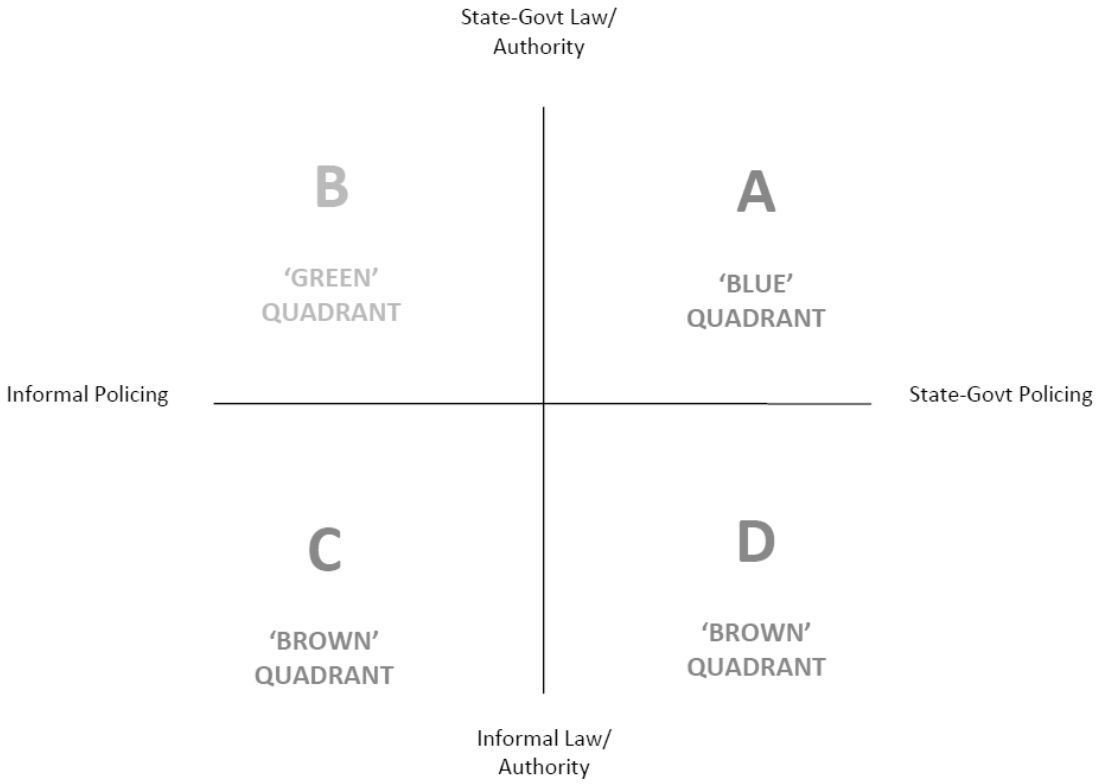
Using the work of Guillermo O'Donnell (1993), we can spatialise these typological variances in governance. O'Donnell conceptually maps state territory according to degrees of state presence (that is, the empirical realisation of the state-as-law). "Let us imagine," he says,

> a map of each country in which the areas covered by blue would designate those where there is a high degree of state presence (in terms of a set of reasonably

[7] For instance, Bayley & Shearing (2001) who suggest that there can be no such thing as "privatised" policing, only multilateralised policing in a world of Weberian states, where the "capacity to authorize policing indicates the existence of government" (Bayley & Shearing 2001: 5). Here, the conception of what may be considered government is clearly constrained by statist assumptions.

> effective bureaucracies and of the effectiveness of properly sanctioned legality), both functionally and territorially; the green color indicates a high degree of territorial penetration and a significantly lower presence in functional/class terms; and the brown color a very low or nil level in both dimensions. (O'Donnell 1993:1359)

It is relatively simple to map these colour-codes onto the typology I have developed:



Mapping O'Donnell's Blue, Green and Brown Areas onto a Typology of Nodal Governance

O'Donnell argues that states are ineffective where they are "unable to enact effective regulation of social life", and coexist "with autonomous, also territorially based, spheres of power" (O'Donnell 1993: 1358). His empirical observation of "perverse privatisation" (O'Donnell 1993: 1359) in such areas is a useful antidote to claims that policing cannot be privatised but only multilateralised under state authority. For instance, Bayley & Shearing (2001) declare that there can be no such thing as "privatised" policing, only multilateralised policing in a world of Weberian states, where the "capacity to authorize policing indicates

the existence of [state-] government" (Bayley & Shearing 2001: 5). Here, the conception of what may be considered government is clearly constrained by statist assumptions. To the contrary, O'Donnell's work illustrates how forms of regulation – such as policing – may exist where the state-government node is effectively absent (O'Donnell 1993: 1359). Whereas Bayley & Shearing (2001) would read quadrant B of the typology as a realm of state-authorised multilateralised provision, O'Donnell allows us the alternative of viewing it as a "green area" where private provision emerges in the absence of the functional presence of the state. Quadrants C and D would be 'brown areas', both lacking a state-authorised legal order presiding over the territorial jurisdiction and its regulation. In these scenarios, the gap between the *de jure* and *de facto* state broadens, and public and private agendas become entangled, creating "perversely privatised" (O'Donnell 1993: 1359) power dynamics such as the counter-intuitive Quadrant D, where informal authority directs state-government policing. As O'Donnell observes of 'brown areas':

> These neofeudalized regions contain state organizations, national, provincial, and municipal. But the obliteration of legality deprives the regional power circuits, including those state agencies, of the public, lawful dimension without which the national state and the order it supports vanish. (O'Donnell 1993: 1359)

In other words, 'brown areas' characterise a state in which we can explore the absence of state-government authority and regulation in relation to the rise of alterative territorial sovereign forms over multiple jurisdictions that are not coterminous with those of the state.

Nodal Political Identities and Solidarities: 'Denizenship'

In considering the possibility of territorial sovereign forms other than the state, it is important to also consider alternative notions of political identity and solidarity; that is, concepts of territorial belonging beyond the conventional idea of state citizenship.

Within their nodal theory of governance, Shearing and Wood suggest moving away from a singular concept of citizenship, which presupposes the state as the necessary centre of political community and participation, towards one of denizenship. In the context of migration literature, denizenship has a negative connotation, suggestive of 'second-class' citizenship (Hammar 1990; 2003). However, Shearing and Wood propose using denizenship

as a neutral term to denote membership in one (or, inevitably, more) governmental domains in a context in which "governance is being directed by a multi-layered world of sponsors and deliverers and through a variety of processes that include, but are not limited to, electoral mechanisms" (2003:407-8).

Denizenship thus refers to "an affiliation to any sphere of governance and its associated rights and responsibilities," each sphere carrying with it a series of "expectations and obligations" and inclusions and exclusions based on practises of othering. These bear upon the denizen's status, and insert the individual within the regulatory domain of a particular sphere of governance into a set of reciprocal social dynamics (Shearing & Wood 2003: 408). In this view, each individual has a number of denizenships related to the domains of governance that regulate their lives (Shearing & Wood 2003: 408). These domains are likely to multiply in relation to the uneven production of the "embodied nation-state" and resultant decentring of governance (Mountz 2003: 625-626).

Because individuals are subject to multiple denizenships, which might overlap at certain places and times, conflicts of interest may occur between the obligations a single individual owes due to their various denizenships within a single context. This may also help to shed light on how state-government policing may come to be directed by informal authority. In this study, the denizenships favoured in the various situations analysed shed additional light on the dominant nodal sets in operation.

Research Design and Methodology

In constructing the analytical framework above, I have refined the concepts employed in the central questions of this study. To reiterate for the reader's convenience, they are:

1) How did recent attacks on and evictions of foreigners unfold as a form of local territorial control in affected communities in Gauteng, South Africa?
2) Do these local forms of territorial control constitute territorial sovereign forms?
3) How are these forms positioned in relation to the state?

The first question relates to socio-political and socio-legal realities at a scale that demands deep, rich contextual knowledge of areas in which attacks on and evictions of non-nationals

have broken out; the events of 2008 and the actors involved in them; and the observations perceptions of local communities. The second question can be answered through theoretical reflection on the data required for question 1. Question 3 demands a knowledge of relevant state legislation and of the systems and mechanisms that the state mobilises for the purpose of territorial control, in order to compare these to the systems and mechanisms empirically evident in the cases examined.

As such, this study draws data from:

1) A database of anti-foreigner incidents and a database of responses to these incidents: I compiled these from a review of over 400 online news articles during 2008.
2) An archive of primary data: Transcriptions of 62 interviews and 6 focus groups conducted in 2008 in three affected Gauteng communities by a team of researchers (including myself) from the Forced Migration Studies Programme (FMSP) at Wits University.
3) A review of relevant legislation and policy and secondary sources relating to the embodied reality of state organs, actors and policies.

Although important contextual information is drawn from reviews of legislation, policy and research, as well as from databases of violent incidents and responses – including, in some instances, information on local responses by police and the community – the archive of transcriptions constitutes the empirical heart of this study, and will be the focus of the methodological discussion in this Chapter.

The transcriptions are drawn from an archive of data from a research project undertaken by the Forced Migration Studies Programme during 2008, which investigated the underlying causes of five large-scale anti-foreigner outbreaks in South Africa, using funding from the International Organisation for Migration (IOM). I shall refer to this as “the IOM study”. With the help of additional funding from a separate donor, the study was broadened to include an additional four sites. However, at the commencement of this thesis project I only had access to the data archive from the IOM study, and I therefore treat this body of findings as an archive in its own right.

Reflexive Social Science and Methodological Choices

As a researcher, I subscribe to the principles of reflexive social science (Burawoy 2009). The principles of reflexive science contrast with those of positive science, although both adhere to specific standards of objectivity. The use of an existing body of data is an appropriate strategy from this perspective. From the viewpoint of reflexive science, time impacts upon situational knowledge and dynamics. The systemic context in which research takes place is time-bound. Findings are not necessarily replicable, because the dynamics of a particular social milieu are transformed, often by external forces that "lie outside the realm of investigation" (Burawoy 2009: 42). Local social realities are not only shaped by external forces; they in turn shape the external system in which they are embedded. Media coverage and editorialising about the May 2008 violence created a feedback loop in knowledge production, so that some respondents were likely to reproduce as fact the propositions they had been exposed to in the press or on television. If police investigations intensify over time, respondents' willingness to acknowledge any part in the violence will diminish. Alternatively, memories may fade. From this perspective, the post-hoc use of research conducted early in the wake of the attacks is likely to be far more useful than data collected afresh much later on.

I shall discuss my methodological choices below with specific reference to the principles of reflexive science.

Sampling

The IOM study focused on three townships in Gauteng and two in the Western Cape (the provinces where the scale of the attacks was greatest). In two of the Gauteng townships, the project sampled one area where violence was averted, and one where the outbreak was most severe. Thus, the archive offered a sampling frame of seven sites, as follows:

- Itireleng, Laudium (Gauteng).
- Madelakufa I (violence averted) and Madelakufa II, Tembisa (Gauteng).
- Alexandra Sector II and Sector V (violence averted) in Alexandra (Gauteng).
- Masiphumelele, Cape Town (Western Cape).
- Du Noon, Cape Town (Western Cape)

The aim of reflexive science is not to evaluate the representativeness of cases – or, necessarily, to expound every facet of their uniqueness – but to reconstruct existing theory. It does this by preserving key postulates of theory and seeking out refutations of other postulates, thus deepening existing knowledge (Burawoy 2009: 43). Thus, I began with a crucial case approach (Gerring 2007: 89). Crucial cases are selected for being the most or least likely to exhibit a given outcome (Gerring 2007: 49; 89), and, in line with this strategy, I selected only the sites where violence actually broke out. These represent the most difficult scenario for the proposition of state sovereignty in the arena of territorial control, because the contrast between *de jure* and *de facto* mechanisms is most evident in these cases.

To narrow the sample down to a more manageable three cases, I eliminated the sites in the Western Cape. The attacks in the Western Cape took place after the Gauteng attacks and are believed to have been influenced to a large degree by media coverage of the Gauteng violence (SAHRC 2010). Here, violence was primarily looting, and is believed to have been more opportunistic and purely 'criminal', with individuals taking advantage of the period of instability to steal from vulnerable immigrants rather than actually evicting them from the area (Igglesden et al 2009; SAHRC 2010). Whereas in Gauteng non-nationals were actually run out of local areas through violence, in the Western Cape they were in many cases proactively evacuated by the municipality. It is thus more difficult to see these attacks as clearly motivated by local aspirations regarding territorial control.

In other words, the Gauteng sites represented the greater challenge to theory. In addition, Gauteng is a primary destination for migrants in South Africa, a major transit hub for migrants and destination for asylum seekers, and the economic centre of sub-Saharan Africa (Landau & Gindrey 2009), making it a particularly interesting location for research.

Methods

The IOM study used mixed qualitative methods, consistent with a reflexive perspective on social research. Whereas positive science attempts a critical distance in the field through a stimulus/response approach, reflexive science acknowledges that research, regardless of its form, is not a bare stimulus but an intervention into a respondent's life (Burawoy 2009). Positive methods attempt to impose structure on their instruments in order to deter reactivity by the respondent (Burawoy 2009), but the structure in itself can impose analytical biases. The ease with which 'xenophobia' has been attached to knowledge production about

violence against foreigners – without due conceptualisation of the meaning of 'xenophobia' – is a caution against the supposed critical distance that positivist approaches offer, and a lesson on the implicit power effects of survey methods.[8]

In contrast, reflexive science accepts reactivity as inevitable and takes advantage of it in making sense of the data. In analysing data from the IOM study, for example, I am conscious that the researcher's presence is likely to elicit evasiveness in respondents linked to the perpetration of violence, and volubility on the part of organisations tasked with investigating such violence. If the former tells a researcher that the attacks were 'simple crime', I must be cognisant that this could be an evasive tactic. If the latter makes the same attribution to crime, I must be aware that this may be an expedient explanation for one who would like to believe that rubber bullets are a sufficient response to civic violence. In either case, cross-referencing and triangulation with additional material is necessary. The qualitative, mixed method approach taken in the IOM study allowed me, for each case, to analyse:

- An average of 18 theme-based (relatively unstructured) interviews of local residents of varying genders and ages;
- Six theme-based interviews with non-nationals;
- Five theme-based interviews with key informants including local government officials, police, civil society and community leaders (such as ward councillors and ward committee members, street committees, Community Policing Forums, and *izinduna*[9]).
- Two focus groups of five to 10 members.

As the archive data had not been collected with a view to answering my research questions, I was faced with a great deal of information that was, for the purposes of my research project, unstructured. Whereas positive science achieves the reduction of multiplicity though structuration of its instruments and subsequent aggregation of statistical data, I adopted the approach of reflexive science by coding the available conscriptions using NVivo, and thus qualitatively aggregating situational knowledge – in the form of numerous readings of the same social situation – into social processes (Burawoy 2009: 41). In this context, the

[8] Here I am thinking specifically of the survey research conducted by the Southern African Migration Project (SAMP) into xenophobic attitudes in South and Southern Africa (for instance, Mattes et al 1999 and Crush & Pendleton 2004), which has been extremely valuable, but also deeply structured by rigid notions of what constitutes a xenophobic attitude.
[9] Zulu leaders who exercise authority over the hostels, drawing on a traditional tribal leadership model.

use of multiple methods in the original project provided an important validity-checking dimension for my analysis. For instance, the separate focus groups, institutional interviews and interviews with residents provided a strong basis for assertions about the overall attitudinal 'climate' towards outsiders in each site analysed, despite the relatively low respondent numbers, and the variance across respondents in the nature and quality of information shared with researchers. Also helpful was the triangulation strategy the IOM study team adopted, whereby they conducted interviews with local residents before talking to authority figures, foreign nationals and focus groups. This allowed subsequent respondents to reflect upon the perceptions revealed by the in-depth interviews, surfacing evidence of consensus or of the differing constructions of reality that existed between, within and across individuals or groupings. It also helped to ensure that different knowledges did not speak past each other but were produced around a common anchor of local themes, which was an advantage during the reductive process for this study.

Comparative Situation Analysis

As I have stated, reflexive science aims to reconstruct existing theory, rather than to assess the representativeness or exhaust the uniqueness of cases. It is oriented toward exposing anomalies rather than affirming a theoretical hypothesis. The existing transcriptions analysed in this study allowed me to analyse a particular, time-bound social situation in the three sampled areas. I chose to undertake three situation analyses (Mitchell 1983) over a single, extended case study, as this would offer the advantages of

- Allowing relatively rich, detailed description in each case;
- Allowing a degree of comparative analysis across cases; and
- Allowing an account of the heterogeneity of forms of territorial control in areas of South Africa that are characterised by violent 'xenophobia'. The findings do not present the complete picture of variations in territorial control, but do provide a broader picture than could have been provided by a single extended case study.

A comparison of extended case studies would have been the ideal method for the study, but the situations being analysed were time-bound and the study conceived retrospectively. Thus, this approach would not have been an option, even if I had had sufficient time and resources to undertake it.

Strengths and Limitations

I will reflect here on, firstly, the advantages and disadvantages of the use of a data archive, and secondly, the limitations of a reflexive science approach.

With regard to the use of an existing data archive, the empirical source material for this project is unusual in that it was collected for the separate purposes of a donor-funded project. The dependence of social research in the developing world on donor funding, and the related centrality of donor objectives, is an oft-cited problem (Prempeh, Mensah & Adjibolosoo 2004:110; Mazama 2007: 143; Field & Fox 2007: 195), as it tends to reinforce the concepts and theories underlying donor research agendas. Equally, much of the data gathered for such projects, which has the potential to make a greater intellectual contribution, remains underutilised after donor objectives have been met.

The use of the data archives of such projects is therefore an innovative means of broadening and deepening the scope of a conventional postgraduate project within the applicable time and resource constraints. This is a great advantage of the use of an archive of primary data in this study. Another advantage is an ethical one: as the purpose of this study is purely intellectual, offering no benefit in return for the time and possible additional vulnerability participation might involve for respondents, it is more ethically justifiable to use an archive of data collected for advocacy purposes than to recruit new respondents for the purpose.[10]

Despite the considerable advantages to my approach, there are also significant limitations. For one, I cannot claim the methodology as my own or make any improvements on its limitations, which include the use of snowball and convenience sampling.[11] And, while I can adopt a useful critical distance from the material, the fact that I did not undertake the fieldwork personally means that the richness of my understanding is limited to what is evident in the data and in site summaries written up by the fieldworkers.

[10] Thanks to Chandré Gould for pointing this out in the 2008 research training workshop, "In Search of Solutions: Methods, Movements and Undocumented Migrants in Africa", hosted by the Wilberforce Institute for the Study of Slavery and Emancipation (University of Hull) and the Forced Migration Studies Programme, University of the Witwatersrand, 1-4 July 2008.

[11] Snowball sampling was largely used to source non-national respondents, and convenience sampling to select South African residents for community-based interviews. This choice mustbe seen in light of the fact that the sites selected were largely informal settlements offering no sampling frame to the researchers. In addition, these were communities that had been wracked by violence and posed a degree of threat to the fieldworkers and non-national respondents. In this context, convenience and snowball sampling techniques promoted the safety of both researchers and respondents.

A limitation of a reflexive science approach is the risk of reductive aggregation of the situational data. The relatively small number of interviews provides limited opportunities to confirm the assertions of certain respondents, and this, too, could allow for an unwarranted level of credibility to be given to such respondents. The fact that many respondents were not present in the area during the attacks or were unaware of or unengaged with the micro-politics of the area meant that only a certain number of sources reveal details about the organisation of attacks, and their accounts necessarily dominate my reading of the situation as a result. The fact that respondents were situated differently in the social and political order – some were more educated; some more cosmopolitan; some more tentative in airing their opinions – presented a challenge. In the "aggregation of situational analysis into social process" (Burawoy 2009: 41), some of the less prominent voices and realities are obscured, which might elide alternative interpretations, particularly given the limited number of interviews and focus groups for each area.

In reconstructing the accounts of participants into a theoretical account of local territorial control I also risk a kind of double reduction (Burawoy 2009): first, a reduction of three complex situations into three cases of a theoretical phenomenon called 'territorial control'; and second, a recomposition of notions of territorial control to fit these 'cases.' This reduction runs contrary to reflexive principles in a sense, trying to approximate a positive phenomenology in which a complex reality can be reduced into "categories that can be investigated, sites that can be evaluated, people that can be controlled" (Burawoy 2009: 60). I do not make claims of representivity, however, and present the situations as three among what may be a variety of coexisting, jostling positions and orders. In doing so, and in applying a well-defined conceptual framework in the process, I respond to the call for more robust analysis of plural orders of law and governance (Tamahana 2000).

Ethical Issues

The crux of my study is an engagement with the theoretical schemata imposed by mainstream understandings of sovereignty. It does not set out with a normative orientation toward the sociology of violence or an agenda for social change, but focuses instead on exploring local norms and agendas, since normative discourses are not consistent across time, space or culture (see, for instance, discussions of the cross-cultural legitimacy of human rights by An-Na'im 1992 and Leary 1992). Imposing my personal normative frame

would reduce rather than enhance the study (Geertz 2001; Mahmood 1996), yet equally from an ethical standpoint I do not wish by elaborating violent local orders to legitimise them. Given these considerations, I describe locally defined normative orders and avoid the extremes of moral relativism by viewing the 2008 attacks from the perspective of the prevailing normative discourse within each situation analysed.

Beyond this central ethical concern, the use of data that had already been collected and indeed issued in a public report mean that I can only reflect on the ethical dilemmas that do pertain to the data, rather than anticipating and managing them. A key ethical consideration is the risk of exposing illegal or extra-legal activities confided to fieldworkers. Research into a social situation such as the incidences of civic violence analysed here would normally require introspection on the risk of exposing the illegal or extra-legal activities confided to fieldworkers. Although the reports that have issued from the IOM study expose the designations of certain key informants who might be identified from the identifying descriptions provided – and in this sense, the current study presents no further risk to respondents – my study will avoid such descriptions and will make every effort to preserve the anonymity of key informants while giving a guiding impression of their institutional location.

CHAPTER 3: MADELAKUFA II, TEMBISA

In this chapter, I examine the situation-site whose territorial order most closely resembles that of the conventionally defined territorial state. First, I examine the socio-economic context of the settlement, and the violence that occurred there during May 2008. I then look at evidence of the weakness of both the state-government and informal nodal sets in the area, and their interface in structures of participatory governance. State-government policing emerges as distinct from other nodes in both nodal sets, as a functionally strong, credible provider of security in the eyes of residents. Reflecting on the findings with regard to nodes in Madelakufa II, the chapter goes on to analyse the bearers of authority (auspices) and providers of regulation (provision – more specifically, policing) in the situation-site. This analysis culminates in the mapping of the Madelakufa II situation – a situation of state-government authority and policing – onto the typology developed in Chapter 2.

Context

Madelakufa II was the area in the township of Tembisa that was worst affected by the violence of May 2008.[12] It is a shack settlement that has existed for 17 years, which falls into Ward 8 of the Ekurhuleni Metropolitan Municipality. At the time that fieldwork was conducted, formal housing had been developed in part of the area, but the local councillor estimated that 70% remained undeveloped. The Department of Housing had made concrete plans to relocate an overflow of residents in the extremely congested informal section.[13]

Most of the violence in Madelakufa II took place in this undeveloped area, which is packed with an estimated 1,200 makeshift homes[14] erected close together in an unplanned and disorganised manner. At the time that the research was conducted, the area was too congested with housing to allow emergency vehicles to enter the area when they were needed; fires had decimated many homes.[15] The municipality had tried to impose structure

[12] Site Summary Report II: Madelakufa 2 Tembisa Ekurhuleni Metropolitan Municipality: Forced Migration Studies Programme Fieldwork Archive (FMSP Archive).
[13] Interview with ANC Councillor J. Mngomezulu of Ward 8, 22 August 2008.
[14] Interview with ANC Councillor J. Mngomezulu of Ward 8, 22 August 2008.
[15] Interview with ANC Councillor J. Mngomezulu of Ward 8, 22 August 2008; Xhosa female respondent, resident in Madelakufa II for two years, interviewed 20 August 2008; Xhosa male respondent, resident in Madelakufa II for six years, interviewed 20 August 2008; among various others.

on the area, but was hindered by resistance from the community living there.[16] Another risk to the community was flooding from a dam adjacent to the settlement, which occurred during periods of high rainfall.[17]

Madelakufa II had communal water taps where residents could access free water, but there was no drainage system, no toilets, no refuse collection service, and no electricity. In 2008, the area was far worse off in terms of basic services and living conditions than the other two situation-sites examined in this thesis. It was visited by the President in November 2009 and has benefited from some improvements as a result (SABC News 2010).

In terms of ethnic origin, residents of Madelakufa are mixed, but Xhosa and Pedi are the main language groups. Xhosa-speakers, largely from the Eastern Cape, are the largest group in the area.[18]

Violence in Madelakufa II: Fleshing Out a Thin Media Account

There is not a great deal of secondary information on the violence that occurred in Madelakufa II during May 2008. Relying on the database of incidents constructed from a review of 400 online articles during the period, the first reports of anti-foreigner violence in Madelakufa occured on Monday 18 May, exactly a week after the first attacks in this extended period of national violence broke out in Alexandra.[19] Two men – a Mozambican and Zimbabwean – died after South African local residents slit their throats. The Mozambican man, Walter Ntombela, was a shop steward for the National Union of Metalworkers of South Africa (NUMSA), and had been a member of the union for ten years. He was stabbed with pangas in his shack and reportedly beheaded. His wife and children escaped before their shack was set on fire, taking refuge at a local community hall.[20]

The following Sunday, there were reports of a mob looting and destroying the shacks of non-nationals. Police pursued the perpetrators in armoured vehicles and arrested 41 people for public violence. [21] A South African respondent illuminated this repeat attack as follows:

[16] Interview with ANC Councillor J. Mngomezulu of Ward 8, 22 August 2008.
[17] Focus group with Madelakufa II Youth, conducted 22 August 2008.
[18] Interview with ANC Councillor J. Mngomezulu of Ward 8, 22 August 2008.
[19] Database of xenophobic incidents, entries 185 and 57.
[20] Database of xenophobic incidents, entry 185.
[21] Database of xenophobic incidents, entry 401.

> Police came and patrolled this area. When police left, they [the attackers] started again. Police became angry and used rubber bullets against those who were attacking foreigners.[22]

Media reports drew a link between the IFP[23]-dominated Madelakufa hostel and the outbreak of attacks nearby (Mhlana, Tolsi & Adcock 2008), though there was no empirical evidence collected to suggest that the perpetrators were hostel residents or IFP members. Beyond that, little was said about the attacks in Madelakufa in the press. As such, they were subsumed into the general discourse of the period. Where political parties and various civil society bodies represented perpetrators as frustrated, impoverished South Africans blaming foreigners for their woes, spokespersons of the South African state preferred to blame a 'third force' and later 'pure criminality' for the outbreaks (Neocosmos 2008; Monson 2009b).

Fleshing out the media account with information provided by respondents, the 'criminality' argument appears to fit the Madelakufa II scenario best. In support of the argument that it was not the broader community that perpetrated the attacks, a senior member of the community policing forum (CPF) told the research team that participants in the violence were male youths of the Amabaca Xhosa group, which dominates Madelakufa II and largely comprises internal migrants from the Eastern Cape. He asserted that while this dominant group participated in the attacks, the broader Madelakufa II community resisted them. One street away from Madelakufa II, the more cosmopolitan Madelakufa I community was not affected at all by the violence.[24]

The CPF member suggested that attackers had seen the prior attacks in Alexandra, Diepsloot and other Gauteng settlements as an opportunity for material gain. He reported that victims had generally known their attackers and, importantly, that the attackers knew what possessions they owned:

> If you had a laptop, they said, 'We know you have a laptop; give it to us.'[25]

[22] Zulu female respondent, resident in Madelakufa for 12 years, interviewed 20 August 2008.
[23] Inkatha Freedom Party.
[24] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.
[25] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.

Observing that members of South African minorities had also been attacked, the CPF representative underlined once again that this should not necessarily be seen as evidence of ethnic animosity: "People from Giyani, Venda were attacked. But remember they were attacked because there was something that was to be taken from them."[26] The relative shallowness of ethnic animosity asserted here seems to draw on the notion that ethnic targeting was adopted as a convenient ruse for criminal gain.[27]

Researchers managed to speak to at least one respondent who alluded to his own participation in the attacks. He considered the violence to be the work of "just a few people" who were inspired by attacks elsewhere:

> …this arrangement of attacks started in the train. When we come back from work, we use a similar coach, and we saw what happened in places such as Alex [Alexandra], and Pretoria, we thought, how about evicting migrants in Madelakufa? That's how this thing started. […] After that small meeting in the train, we came and started demolishing migrants' shacks, taking their material and stock.[28]

Further evidence supporting this version of events will be presented as I go on to consider the state-government and informal nodal sets in the Madelakufa II case.

Governing Territory in Madelakufa II: Weak Nodal Sets

As will become evident from the discussion that follows, residents perceive a notable absence of state-government activity in the Madelakufa II area. The area has this in common with the other situation-sites, as Chapters 4 and 5 will show. However, unlike the other areas, no legitimate authorising structure has emerged from the informal nodal set that offers an alternative or supplement to the absentee state.

Specifically in terms of territorial control, the informal actors associated with the May 2008 violence in Madelakufa II did not reflect popular concerns and failed to consolidate a local support base to strengthen their claim on authority over mobility in the area. In this context,

[26] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.
[27] Of course, given that the attackers were members of the majority ethnic group in the area, the fact that they might not have felt any genuine animosity toward their minority neighbours does not detract from the opportunistic bias of their attacks, which puts them on a par with hate crimes (Woods 2008; Iganski 2008).
[28] Tsonga male respondent, resident in Tembisa for 15 years, interviewed 20 August 2008.

local residents shared the state's perception of the violence as criminal, and supported a strong state-government intervention which quelled each outbreak of violence with great speed and enthusiasm.

Weakness of the State-Government Nodal Set

Broadly, Madelakufa II appears as a 'green area' in O'Donnell's terms. At the time the research was conducted, the state was functionally very weak in the area. Respondents in Madelakufa expressed a shared frustration with the absence of municipal services and facilities, as well as housing. A Tswana man expressed the common sentiment with some emotion when he told interviewers that locals would vote again in the 2009 election, although "our hearts are broken, we are very disappointed in this government."[29]

Many respondents pointed out the length of time they have been on the waiting list for government housing, and this issue is linked to perceptions of government corruption. In this sense, functional weakness is to some extent linked to the capture of state functions by private interests, and impacts upon the legitimacy of the local state-government node. One respondent informed researchers that a friend of the local councillor from a local civic group, had been involved in illicitly selling government houses built for the community.[30] Another said:

> People got houses and left but committees sold them. You see the houses there; they should have been for us. We paid R500 and nothing happened. These houses were taken by people from township and people as far as Pretoria.[31]

Disillusionment had set in for some. As a woman resident in the area for eight years noted, "I did apply for RDP house and you know our houses have been sold to other people."[32]

A sense of destitution and of abandonment by the state was expressed by respondents. "The only thing we have is water," said one,[33] while another observed that "there is water

[29] Tswana male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008. From FMSP Archive.
[30] Zulu female respondent, resident in Madelakufa for12 years, interviewed 20 August 2008. From FMSP Archive.
[31] Xhosa male respondent, resident in Madelakufa for 16 years, interviewed 22 August 2008. From FMSP Archive.
[32] Swazi female respondent, resident in Madelakufa II for eight years, interviewed 22 August 2008. From FMSP Archive.
[33] Zulu female respondent, resident in Madelakufa for 12 years, interviewed 20 August 2008. From FMSP Archive.

but two taps are used by 400 to 500 people,"[34] resulting in long queues. "People have lost hope in the current government," said a third respondent.[35]

Respondents expressed an awareness of the distinction between local and national government, and reserved their fiercest critiques for the former. Respondents complained that they never saw or heard from the local councillor, and that engagement with the community had considerably worsened since the new councillor took office. Various social cohesion and mobilisation activities had also reportedly stagnated during his tenure.[36] There were also numerous complaints that the Mayor was not delivering houses and jobs to the community.[37] Another stated, "I will vote in the national and provincial elections. But I see no reason to vote for Municipal elections."[38]

These reflections on the ineffectiveness of state-government provision of services, and the consequent withdrawal of local willingness to legitimise municipal government through their voting behaviour, illustrates a situation where on the broader local scale, state-government authority is being undermined, while state-government provision is all but nonexistent.

Weakness of the Formal/Informal Interface: Participatory Governance Structures

Cornwall & Coehlo (2007: 1) have explored the hybrid "'new democratic spaces'" that exist "at the interface between the state and society." They observe that these interfaces may vary in character: they may be state-defined spaces, backed by legal guarantees, "into which citizens and their representatives are invited," or they may on the other hand be seen as spaces "conquered by civil society demands" (Cornwall & Coehlo 2007: 1). In other words, these interface structures are places where conflicts over authority and provision may play out between informal and state-government nodes. In South Africa, there is a sphere of "invited spaces" (Cornwall & Coehlo 2007: 11) that have been created by the state to promote citizen participation in democratic governance. These structures – such as ward committees and community policing forums – are backed by constitutional, legal and policy imperatives, but their embodiment often deviates from these supposed 'guarantees' or even secede entirely from state-government authorship (see discussion in Chapter 5). Where they

[34] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008. From FMSP Archive.
[35] Swazi female respondent, resident in Madelakufa II for eight years, interviewed 22 August 2008. From FMSP Archive.
[36] Focus group with the Deportivo Football Club, conducted 22 August 2008. From FMSP Archive; Xhosa male resident in Madelakufa for 16 years, interviewed 22 August 2008. From FMSP Archive.
[37] Swazi female respondent, resident in Madelakufa II for eight years, interviewed 22 August 2008. From FMSP Archive.
[38] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008. From FMSP Archive.

function effectively, they can prevent social conflict, which was the case in Madelakufa 1, just a street away from Madelakufa II.[39]

Thus, interface structures are one mechanism through which informal nodes may negotiate with or even replace state-government nodes if they become autonomous. However, this has not been the case in Madelakufa II. Interface structures have no real power or authority, indicating a general weakness of both state-government and informal nodes in the site. Among respondents familiar with government structures established to promote participatory governance, there was a great deal of confusion about the nature and mandate of such structures, and little faith in their effectiveness.

The councillor identified a number of "basic structures" in the area, including Ward committees, block committees, a sector crime forum, and sectional committees of the ANC.[40] However, most respondents were not aware of the existence of more than one community-based structure. Some respondents were satisfied with this structure; others complained that its members failed to secure justice for victims of crime, requested suspiciously inflated contributions for minor repairs, were "useless", demanded bribes, or that the structures existed "only in name."[41]

A complicating factor in discussions of the amorphous "committee" – a portmanteau that respondents used to refer to whatever community-based structure they were vaguely aware of – was the fact that the committee membership had changed during or after the May attacks because most of the original members were *Amashangane* (another portmanteau, used to refer to individuals from Venda, Giyani and Mozambique) – and thus were themselves in danger during the attacks.[42] It is difficult to determine whether dissatisfactions with "the committee" existed before the attacks started or emerged with regard to the new committee in the wake of the attacks, but it did seem that the committee had recently become less engaged with the community, as one respondent suggested:

[39] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.
[40] ANC Councillor J Mngomezulu of Ward 8, Tembisa, interviewed 22 August 2008. From FMSP Archive.
[41] Tsonga female respondent, resident in Madelakufa II for 12 years, interviewed 20 August 2008; Focus group with the Deportivo Football Club, conducted 22 August 2008; Xhosa male resident in Madelakufa for 16 years, interviewed 22 August 2008. From FMSP Archive.
[42] "Summary." From FMSP Archive.

> …all along committees were responsible for everything but now they say they have nothing to do with our problems, we must go to the councillor.[43]

Functional Strength of Informal Policing

Whereas no informal node had emerged to provide basic services in the absence of state-government provision in Madelakufa II, informal nodes had played a role in the administration of justice in Madelakufa. Vigilante expressions of popular dissatisfaction are not unheard of. For instance, the friend of the councillor referred to previously was run out of the settlement by members of the community after they became aware of her alleged misdeeds.[44] Vigilante policing was also commonplace, swift and brutal:

> If the community finds a criminal, that person does not survive. If he has been beaten properly, 30 minutes is enough for him to die. [45]

> [Crime] is not much in this area. What happens is, if you are caught stealing or you have pick-pocketed someone who will be able to identify you, they will beat you up and you will be taken to the police. So the levels of crime are very low in this area.[46]

Numerous scholarly findings suggest that the incidence of vigilante action is correlated with ineffective intervention by the law, emerging in contexts in which "effective intervention by the state has atrophied," being replaced by an imperative for personal responsibility (Tankebe 2009: 246; Messner et al 2006: 562). But surprisingly, given the prevalence of vigilante punishment in the area, respondents generally expressed satisfaction with local police. Few had complaints to voice about police performance. The sentiments of a Xhosa woman resident in the area for 16 years are illustrative of public opinion:

> Police are very effective in this area. When there's a problem, once the police are called they come quickly.[47]

The woman who expressed this positive opinion of the police later described how community members beat suspects before handing them over to the police. The relationship

[43] Zulu female respondent, resident in Madelakufa for 12 years, interviewed 20 August 2008.
[44] Zulu female respondent, resident in Madelakufa for12 years, interviewed 20 August 2008. From FMSP Archive.
[45] Focus group with the Deportivo Football Club, conducted 22 August 2008. From FMSP Archive.
[46] Xhosa female respondent, resident in the area for 16 years, interviewed 20 August 2008.
[47] Xhosa female respondent, resident in the area for 16 years, interviewed 20 August 2008.

between state-government and informal policing in Madelakufa is therefore challenging to categorise. The police were not broadly reported to be functionally redundant, although the perceived need for vigilante punishment prior to entry into the state-government judicial system suggests some perceived deficit in the latter. Nevertheless, it appeared that the informal policing node represented by punitive mobs was seen as a legitimate part of policing in the area (at least by residents); simply a precursor to calling the police and releasing the suspect into the hands of the state-government justice system. As Abrahams points out, vigilantism exists in an "awkward borderland between law and illegality" (1996: 44). In the eyes of local residents at least, this informal measure demonstrated "responsible" rather than "autonomous" citizenship (Abrahams 1996: 42; see also Rodgers 2007; Baker 2008). If vigilantism is marked by the state-government's normative designation of such activities as 'bad' community (Nina 2000), then there is no evidence that police consider informal policing in the area as a deviation from 'good' community.

While meta-rules of due process and procedural justice are violated by this form of community action, the broad sense is that what constitutes crime is commonly defined by both policing nodes. This is in contrast to Itireleng, where informal policing appears to be largely autonomous, and mobs hand criminals over to the self-elected committee of 'Comrades' – an informal policing node – rather than to the state-government police as in Madelakufa II.

Thus, the police as a node within the state-government nodal set retain a good reputation, where other nodes have fallen into disrepute. Some respondents specifically contrasted the police against the municipal executive:

> I haven't heard people talk badly about the police. We are complaining a lot about the Mayor; he is not delivering our houses and jobs. We are still staying in these shacks.[48]

> Well, I have my own doubts, but all in all police are very effective in this area. […] When you look at the mayor, I don't even know who he is, or when was the last time he came to see us.[49]

[48] Swazi male respondent, resident in Madelakufa for eight years, interviewed 22 August 2008.
[49] Twana male, resident in Madelakuf for 15 years, interviewed 22 August 2008.

Locating Madelakufa 2008 in a Typology of Territorial Governance

Whose Authority?

In Madelakufa II, the structure of attacks seemed from the outset far more impulsive and disorganised than in Alexandra and Itireleng. Although attacks in Madelakufa began at the grounds where community meetings are generally held, and were reportedly carried out by members of the dominant ethnic group in the area, the perpetrators were considered criminals acting serving their own private (material) interests without the blessing of the broader community.[50] In sharp contrast to the other situation-sites, South African residents interviewed in the area considered the perpetrators to be "drunkards"[51] and "thugs"[52] who "gave the whole community a bad name,"[53] and therefore deviated from what was considered legitimate authority within the site.

Fieldworkers heard strongly negative sentiments about the displacement and a high level of support for police intervention, demonstrating a general consensus on state-government authority and policing. One reflection illustrates this with particular intensity, as it appears to come from a respondent who joined in the 'removals':

> When foreigners were chased, there was a big problem. We were hungry. There was no food. […] I am glad they are back, and thanks to the police who responded swiftly. These people make it possible for us live; without them we are nothing. […] Take it from us – we removed foreigners in our area; we went days without food when their spaza shops[54] closed. We nearly died of hunger. Foreigners will never [again] be touched in this area.[55]

The perceived illegitimacy of the attacks comes out strongly in respondents' discussion of the request by street committee and family members for communal contributions for the bail of perpetrators who were arrested. Historically, it is not unusual in South Africa that where individuals are arrested for acts that are understood to have been for the benefit of the group, the applicable bail or fine is paid by the group in question (Von Schnitzler et al

[50] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.
[51] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008; male focus group, Madelakufa II, conducted 22 August 2008. From FMSP Archive.
[52] Zulu female respondent, resident in Madelakufa for 12 years, interviewed 20 August 2008; Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008. From FMSP Archive.
[53] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008. From FMSP Archive.
[54] 'Spaza shop' refers to a small-scale, often informal, grocery store.
[55] Xhosa male respondent, resident for six years in Madelakufa II, interviewed 20 August 2008.

2001; Standing 2003; Kynoch 2005: 30). In the Madelakufa II case, however, there was a widespread sense of outrage at the symbolic complicity such assistance would constitute, which further attested to the lack of community support for the attacks:

> I just got angry as to why should I even think about contributing R5 for thugs.[56]

> The community and committees said, "We did not send anyone to remove foreigners. They are on their own."[57]

> Some women were asking for people to contribute [bail money]. People asked about the ones dead – we did not hear of any collection to assist for burials; why should we pay for criminals?[58]

Calls for a march to protest the detention of suspects received a similar response:

> No one marched. People never agreed to that. This was criminal. Now how can you march for the criminals to be released?[59]

The broader community did not recognise the attacks as a form of popular justice or crime-control vigilantism worthy of their solidarity. Far from embodying a form of popular democracy (Glaser 2008), the attacks and their perpetrators were virtually devoid of legitimacy. Attackers were deemed 'criminals' by other residents, illustrating consistency in state-government and informally defined notions of crime and justice.

Local residents performed as denizens of the state-government node, providing police with intelligence and willingly surrendering local perpetrators to the harder face of "due process" within the judicial system.[60] Here, repressive state force was congruent with public sentiment and thus the state's jurisdiction was shored up as it had both the power and the legitimacy to exercise control over the territory. In the words of one respondent describing police/community relations in Madelakufa II, "I think the way they reacted to the xenophobic violence in this area has boosted public confidence in police. They were very strong."[61]

---

[56] Zulu female respondent, resident in Madelakufa for 12 years, interviewed 20 August 2008
[57] Xhosa male respondent, resident for six years in Madelakufa II, interviewed 20 August 2008.
[58] Shangaan female respondent, resident for 15 years in Madelakufa, interviewed 22 August 2008.
[59] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.
[60] ANC Councillor J. Mngomezulu of Ward 8, Tembisa, interviewed 22 August 2008.
[61] Shangaan female respondent, resident for 15 years in Madelakufa, interviewed 22 August 2008.

Whose Policing?

The attacks appear then to have bolstered the reputation of police even further in the area, and have allowed the police to extend further state-government nodes into the community, through the formation of community policing forums:

> …police are representatives of government. Only police solved this violence by hitting hard on those attacking foreigners. They have also encouraged us to form police forums.[62]

This deepening embedding of policing into the community has the potential to further entrench the state-government policing node over the situation-site, through improved mobilisation against state-government defined crime and trust in the state-government police (Baker 2008: 186). It is clear from interviews that the opportunity to quell the attacks with community support has improved the relationship between the node and community residents, consolidating the power of the state-government policing node and – if we believe scholars who relate autonomous citizenship and vigilante crime control to state ineffectiveness – decreasing the propensity of the community to establish competitor nodes in the field of mobility control.

> Q How would you describe police community relations?
> A It is very good now, police come here when there are problems. We are working very well with the police, even the crime that I was talking about has gone down.[63]

Consider the following positive reflections on the police as a state-government node in Madelakufa II. They are markedly different from the opinions expressed in other situation-sites:

> Police went house to house looking for any type of weapon. They took even my calculator, I do not know if the calculator has suddenly become a weapon. A hammer at home was also taken. Police used force; they left the houses upside down. I was attacked with a back of a pump gun in my house. On the other hand there were people who were shot with rubber bullets.[64]

[62] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008.
[63] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008.
[64] Male focus group, conducted 22 August 2008.

> [Police] handled the violence against migrants very well. When they came in the area, that violence immediately stopped.[65]

> Police came door to door looking for any type of weapon or garden tools that can be used to kill people. I salute police in this area they worked very hard. They told no one they are coming.[66]

Compare the reflections above to the following statements made in Alexandra and Itireleng respectively. Responding to the threat of arrest in Itireleng, a Xhosa male respondent complained:

> Government has stated that if anyone touches them, government will arrest them. So, no one wants to go to jail. I do not understand how government arrives at this decision. We were not consulted.[67]

In Alexandra, a Zulu woman expressed similar outrage at the government's insistence on allowing displaced non-nationals to return:

> … the South African government is protecting migrants more than us. The government is saying we must accept them back. What about the crimes they are committing against us? What about our complaints?[68]

It appears from the findings that police were more successful in quelling violence where the community perceived their interventions to be legitimate.

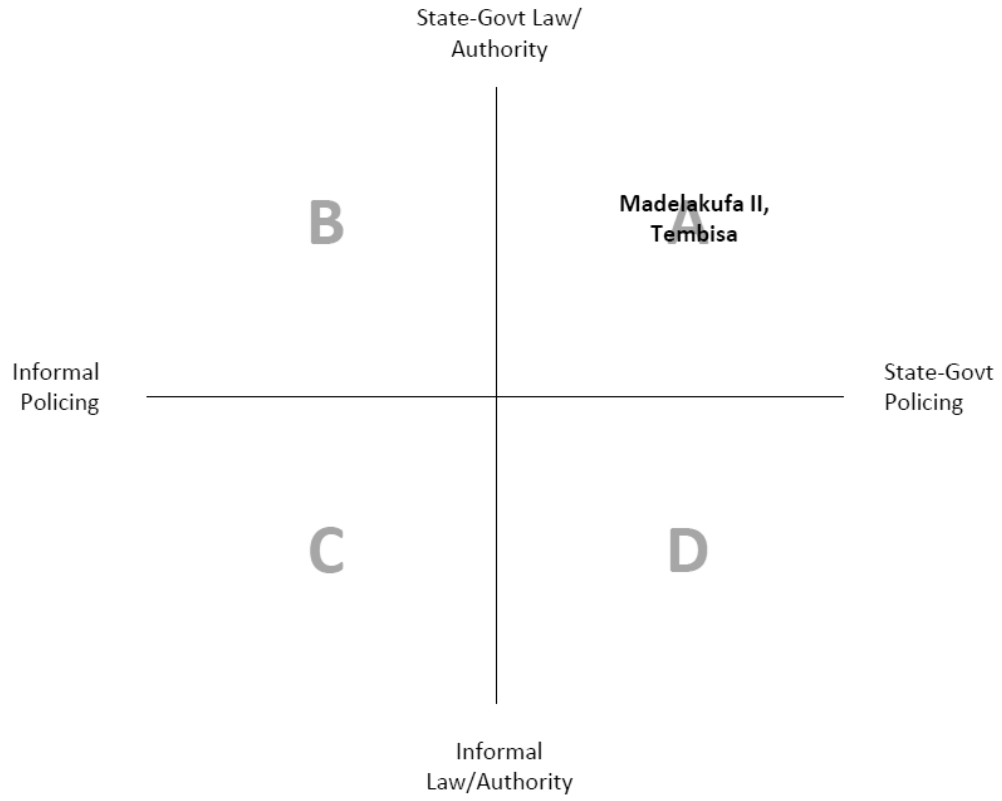
A 'Blue Area'? Positioning Madelakufa II in the Typology

As my argument above has shown, although the violence in Madelakufa was of high intensity, and strongly suggestive of an incursion into the state's monopoly on the use of force, it was short lived, largely for want of legitimacy. As the chairperson of the CPF told

[65] Tswana male respondent resident in Madelakufa for 15 years, interviewed 22 August 2008.
[66] Xhosa male respondent, resident for six years in Madelakufa II, interviewed 20 August 2008.
[67] Xhosa male respondent, resident in Itireleng for five years, interviewed 4 August 2008.
[68] Zulu female respondent, resident in Alexandra for 12 years, interviewed 28 August 2008.

researchers, the fact that the community as a whole did not support the attacks meant that "it was easy for migrants to return to their places quickly."[69]

In contrast to the other situation-sites, residents expressed confidence that attacks will not recur. As one respondent said: "I do not see that possibility. Police were very harsh."[70] State-government policing has reasserted its monopoly on the legitimate means of movement into the area, backed by a consensus on what constitutes crime and who should authorise policing. Although general crime control in Madelakufa does not fit clearly into a single quadrant and displays characteristics of quadrants A (state-government authority and policing), B (informal policing under state-government authority) and C (informal policing in the absence of state-government authority), the May 2008 episode maps clearly onto quadrant A. The legitimacy of the state police to authorise crime control under the circumstances, consensus about the criminal nature of the attacks, and the fact that police were alone and reportedly powerful as a node in the restoration of security in the area, depict a case of state-government authorization paired with state-government policing.



Position of Madelakufa 2008 in a Typology of Territorial Governance

[69] Senior member, Tembisa Community Policing Forum, interviewed 18 August 2008.
[70] Sotho male respondent, resident in Madelakufa for 15 years, interviewed 22 August 2008.

To call Madelakufa II a 'blue area' might be a little optimistic, given the virtual absence of many nodes of the state-government nodal set. However, if we zoom in on the May 2008 violence as an episode of territorial control, in which policing is the primary node of relevance, we can certainly perceive a high degree of state-government presence with regard to the effectiveness of the police bureaucracy and "the effectiveness of properly sanctioned legality", as O'Donnell specifies, "both functionally and territorially" (O'Donnell 1993:1359).

In other words, no sovereign form can be distinguished from the structure of violence in this Madelakufa. Within the socio-legal context of the area, attacks were broadly characterised as the work of individuals breaking the law. Such an act does not signal the emergence of an alternative form of sovereignty; in fact, the term presupposes an existing legitimate body of law and coercive resources to deal with infringements. Where the rule of law is visibly undermined at the national scale, as in the case of the May 2008 violence, space may be created for opportunistic competitors whose territorial control activities serve no-one but themselves. In Madelakufa, this seems to have been the case. The association of the Amabhaca Xhosa population with the attacks and the targeting of those South African and non-national groups broadly characterised as Amashangane hints at the emergence of micro-scale ethno-national aspirations of the type Will Kymlicka (2001) has explored at the national level, and the emptying out of the committee as a result suggests a micro-level trace of the instrumentalisation of disorder that Chabal and Daloz (1999) have associated with the state in Africa. But the available evidence is insufficient to take these clues further. What we can draw from the findings in this situation site is the observation that where, in addition to being condemned by the national community, opportunistic violence is broadly seen as illegitimate in the eyes of the local community, it is particularly vulnerable to state repression. Rather than consolidating any lasting power of their own, such competitors serve to reinforce the state's monopoly of the legitimate use of force, which is made manifest in the ability of the state to effectively regulate the social interactions in question.

CHAPTER 4: 'BEIRUT', ALEXANDRA

In this chapter, I examine the situation of violence in the area of 'Beirut', Alexandra, where the territorial order that arose in 2008 – although it eventually emerged as an insurgent order under both informal authority and policing – had a clear departure point in the territorial order authorised by the state-government. After reflecting on the socio-economic context of the settlement, I consider some dominant interpretations of the causes of the May 2008 violence and compare these with evidence that emerged from fieldwork in the area. I then look at issues of nodal governance in the Beirut situation and enlarge on questions of authority and policing as dimensions of governance in the situation. As a result, I map Beirut ambiguously onto the typology as a situation that began as ostensibly a case of informal policing under state-government authority but, over time, transitioned into a position under informal authority.

Context

Alexandra is the longest established township in Johannesburg, and one of the most densely populated: in 2000, an estimated 350,000 people were residing in this area, which was intended for 70,000 residents (Mgquba & Vogel 2004: 31). In 1998, its population density had already been estimated at 34,000 people per square kilometre (Mgquba & Vogel 2004: 31; De Wet, Mathee & Barnes 1999). Alexandra's population first swelled due to its proximity to 'white areas' and by extension employment during the restrictions imposed by the Group Areas Act of 1950 (Mgquba & Vogel 2004; Bozzoli 2004). Its population density reflects internal urbanisation as well as international migration to urban Johannesburg under the migrant labour system of the Apartheid era (Mgquba & Vogel 2004; Bozzoli 2004). There have been various schemes to address Alexandra's infrastructural and social challenges, but due in part to further in-migration, pressure on the built and physical environment has not abated (Mgquba & Vogel 2004: 31).

Demographically, Alexandra is thus very diverse. Ethnolinguistic identities vary, with Zulu and Pedi (Northern Sotho) populations of 30% and 26% respectively, and large groups of Tswana (12%) and Xhosa (10%) residents. The majority of the population fall into the 17-35 age category, with an average age of 23 (Misago, Monson, Polzer & Landau 2010: 48-49).

Historically, Alexandra has been considered among the most impoverished townships of South Africa (Mgquba & Vogel 2004:31; Bozzoli 2004). The unemployment rate in the township is high and exceeds the average for the province of Gauteng (Mgquba & Vogel 2004: 32; Misago, Monson, Polzer & Landau 2010: 49). Due to the high density and largely informal nature of living quarters (Mgquba & Vogel 2004), residents are vulnerable to disasters caused by fire (from paraffin stoves) or flood from the Jukskei River.

The humanitarian crisis South Africa experienced in 2008, which was triggered by 'xenophobic' attacks commencing in Alexandra township in May of that year, made it clear that the area is also vulnerable to complex disasters precipitated by social conflict. This is not surprising given Alexandra's history of collective violence. In a number of cases, this has extended beyond the often violent enactments of informal justice seen during the struggle against Apartheid (including barricading of roads, victimisation of local councillors, "people's courts" and so-called "necklacings" involving the burning of a live victim).[71] For instance, there was a particularly severe outbreak of political violence in 1991, which resulted in 23 deaths over four days (Gibson et al 1991). In 1992, violence linked to the Inkatha Freedom Party (IFP)[72] destabilised the township, displaced residents and severely damaged the social fabric (Meierhenrich 2008) so that to this day a schism remains between the predominantly Zulu, IFP-associated area of Beirut, and the remainder of the township. The echoes of this conflict can also be discerned in explanations of the 2008 attacks, as the discussion of 'the usual suspects' in the subsequent section will show.

Since the advent of democracy in South Africa, violent manifestations of informal justice have continued,[73] and violence targeting non-nationals has emerged. An initiative called 'Operation *Buyelekhaya*' ('Go Back Home') in 1994-95, saw youths who claimed affiliation with the local African National Congress (ANC), South African Communist Party (SACP) and South African National Civic Organisation (SANCO) evicting foreigners with their possessions and burning and looting homes (Palmary, Rauch & Simpson 2003: 112). In 1996, residents protested at the Department of Home Affairs (DHA) in an effort to disrupt the issuing of identity documents to immigrants, amid claims that foreigners 'stole' local jobs (Crush 2008:

[71] Harris 2001b; Southern Sotho female respondent, resident in Alexandra for 20 years, interviewed 29 August 2008.
[72] The IFP, led since its founding by Mangosuthu Buthelezi, was formed during Apartheid and although it initially enjoyed a close relationship with the ANC in the struggle for liberation, from the 1980s onward rivalry emerged between the two parties, leading to sporadic incidences of political violence. IFP militancy received tacit support from the Apartheid government to the extent that it served to hinder the consolidation of ANC power.
[73] Harris 2001b; Southern Sotho female respondent, resident in Alexandra for 20 years, interviewed 29 August 2008.

45) and in 2000, a vigilante group in an informal area of Alexandra assaulted Mozambicans and burned their possessions (Harris 2001). Taxi-related conflict, too, has remained a cause of sporadic violence in Alexandra. In June 2007, taxi drivers stoned buses for allegedly poaching their business (Mooki 2007), and a taxi driver noted that a degree of taxi violence had also affected the area around May 2008[74]– the month in which the 2008 'xenophobic' attacks broke out in the township.

On Sunday, 11 May 2008, newspapers carried reports of attacks on foreigners in Alexandra. Sixty-two people were injured on this day, and two killed. By the following day, Monday 12 May, the number of injured had close to doubled, and 1,000 non-nationals were reported to be sheltering at the local police station. Some had volunteered for deportation to escape the conflict. The violence and displacement continued in earnest for around six days. On most evenings, police faced barricaded roads and aggressive crowds attempting to block their passage into parts of the township.[75]

Violence in Alexandra's 'Beirut': Accounts of 'the Usual Suspects'

The May 2008 violence was concentrated in sector 2 of Alexandra, the area affected by the political violence of 1992. It has been evocatively dubbed 'Beirut,' a reference to the civil war in Lebanon that expresses the violent character that has defined this area over time. Zulu speakers – largely internal migrants from KwaZulu-Natal – predominate in the area, especially the hostels,[76] which are also associated with the Inkatha Freedom Party (IFP). Beirut is an IFP stronghold, and the party's notoriety as a catalyst of political conflict was reaffirmed by assertions that party-political interests played a role in the 2008 violence. A high-ranking official at Alexandra Police Station asserted that attacks were also directed at South African residents who "were not aligned to the IFP or who were ANC members".[77] He asserted that violence did not emerge from the general community but was the work of "the same group that instigated violence in the early 90s", aimed at establishing "a stronghold for IFP/Zulus in preparation for the elections."[78] The political heads of the IFP denied any link to

[74] Developed during apartheid, taxis, or white mini-bus vans, are a privatised, informal method of transportation. Rather than the South African public transit, this method is the most common form of transport for the working class in South Africa.
[75] Forced Migration Studies Programme Database on Xenophobic Attacks in South Africa, 2006-2009. Ed. Tamlyn Monson. Ver 2: 20 December 2009.
[76] 'Hostel' in the South African context refers to predominantly single-sex accommodation constructed for the use of migrant labourers during the apartheid era.
[77] Director Theko Pharasi, station commander, Alexandra SAPS, interviewed 2 September 2008.
[78] Note that the IFP has strong ethno-political ties to ethnic Zulus originating in KwaZulu-Natal.

the violence, but interviews with residents elicited further assertions that hostel-dwellers led the attacks under the leadership of the *indunas.*[79] More than one respondent referred to secret meetings at the Nobuhle and Madala hostels in the area prior to the attacks.

The involvement of hostel residents and 'the usual' political agendas is a strong theme in many interviews, both with key informants and members of the general community. The predominance of this theme likely informed the multiple – and officially unfounded – links made by government spokespersons between the violence and a 'Third Force.'[80] But closer examination of respondents' accounts of the period reveal that attribution to the 'usual suspects' is only part of the story. To focus on this single dimension of the events of May 2008 does not explain why the broader community joined in the mobs – as multiple respondents concurred:

> It was all nations[81] who did this. […] Even women… it was mothers who were leading and ululating pointing out where foreigners live. [82]

> We cannot single out one group as having been responsible for unleashing violence. There was a community meeting at 15th [Street] and violence was started by those people who were in the meeting. So, we can say it was the entire community that is responsible for the violent attack on migrants.[83]

> After the violence was over people still come to harass foreigners. It is not only Zulu who harass them, all people harass them.[84]

Nor does it explain why many respondents viewed the departure of non-nationals as a positive development for the community:

---

[79] Zulu leaders who exercise authority over the hostels, drawing on a traditional tribal leadership model.
[80] The notion of a 'third force' is deeply embedded in apartheid-era political dynamics, but has changed in meaning since the advent of democracy. Whereas during Apartheid the term referred to allegedly government-linked actors fuelling violence under the guise of civil conflict, post-Apartheid it has come to refer to opponents of the ANC-led state promoting instability in order to undermine the state (Ellis 1998; Buur & Jensen 2004). Assertions of third-force involvement, and the eventual finding to the contrary by the National Intelligence Agency, are drawn from Forced Migration Studies Programme Database on Responses to May 2008 Xenophobic Attacks in South Africa. Ed. Tamlyn Monson. Ver 1: 9 January 2009.
[81] Note that the Zulu word for nation – *isizwe* – does not imply nationality. A close synonym is 'people.' Thus the speaker most likely means that all 'peoples' – that is population groups or ethnicities – participated.
[82] Zulu female respondent, resident in Alexandra for 22 years, interviewed 1 September 2008.
[83] Respondent A2, men's focus group, Alexandra, transcript undated.
[84] Zulu female respondent, resident in Alexandra for 20 years, interviewed 3 September 2008.

> …many foreigners were committing crime, and brave people came together to find a solution to the problem.[85]

> …the feeling is that foreigners are not wanted. We went out in the community to check; they do not want them back.[86]

The 'usual suspects' explanation also fails to account for residents' perceptions that the state's eventual repression of the attacks and intervention to return displaced persons to the community, rather than constituting a justified response to lawlessness, represented an injustice to the broader community and indifference to consensually defined concerns.[87] Here I would like to remind the reader of the following comment by a Zulu resident of Alexandra, which appears in Chapter 3 as a counterpoint to the support for state intervention expressed in Madelakufa II:

> … the South African government is protecting migrants more than us. The government is saying we must accept them back. What about the crimes they are committing to us? What about our complaints?[88]

An additional account of the genesis of May 2008's eviction builds on our understanding in a manner which helps to reconcile these apparent contradictions. Broadly, participants in the study made a distinction between the eviction of outsiders from the community (an initiative which most participants, and even certain non-nationals, supported) and the violent and lawless manner in which the eviction was carried out (which was generally condemned by participants and attributed to the particular agendas of certain individuals or groups). A few key accounts by respondents tell of a community-oriented plan to systematically rid the area of perceived criminal vectors through the identification and eviction of undocumented and homeless persons. This minority account locates the roots of the Alexandra violence in a local-level plan to manage the security of the community, which – inevitably, one could argue – created space for criminal and political opportunism, and degenerated into general lawlessness.

---

[85] Local NGO worker, Alexandra, interviewed 9 September 2008.
[86] Local media worker, Alexandra, interviewed 2 September 2009.
[87] Gugulethu Nhlapo, Summary Report, Alexandra, 14 September 2008.
[88] Zulu female respondent, resident in Alexandra for 12 years, interviewed 28 August 2008.

Accounts of a Community Security Initiative

Crime control and the protection of residents has "come to form a part of the promise which the state holds out to its citizen-subjects" (Garland 1996: 448). Indeed, some argue that citizens consider the provision of security to be the "most crucial political good" offered by the state (Rotberg 2003: 2-3). As observed in Chapter 3, where crime is not dealt with effectively by the state, an imperative for personal responsibility tends to emerge, and with it vigilante action (Tankebe 2009; Messner et al 2006). In the discussion that follows I will outline how perceptions of migrant criminality together with ineffectiveness and corruption in the police and immigration bureaucracies led to just such a trajectory in the Alexandra situation.

Migrant 'Criminality'

In an analysis of the root causes and triggers of the May 2008 violence against non-nationals, Misago, Landau & Monson (2009) observed that areas affected by 'xenophobic' violence share elevated perceptions of crime as a community problem. There is a great deal of evidence pointing to the role of security-related perceptions in shaping the events of May 2008 in Alexandra. Interviews revealed the prevalence of beliefs that non-nationals were involved in crime:

> I am one of those people who are not happy to live with migrants. They are criminals. […] It is really frustrating living with those people. They are largely involved in crime, such as housebreaking and taking people's purses. […] We have a crime problem in the area. Migrants were evicted because they are largely involved in criminal activities, such as bombing of ATM's and heists. [89]

> Another issue is crime. I do not discriminate but foreigners were specializing in crime.[90]

Ineffective Policing

It also appeared that police in Alexandra had been unwilling or unable to respond to locals' anxieties about foreigners. There was a widespread fear that criminal immigrants could not be traced by police. This was based on the unfounded assumption that, without a South African ID book, non-nationals' biometric information (namely fingerprints) was not

[89] Zulu female respondent, resident in Alexandra for 12 years, interviewed 28 August 2008.
[90] Pedi male respondent, resident in Alexandra for 17 years, interviewed 3 September 2008.

available to the police,[91] and the corollary belief that the biometric information of all South Africans is provided to police by the Department of Home Affairs (DHA), making South African criminals automatically traceable by police. By extension, all crimes where the perpetrator could not be traced were seen as perpetrated by non-nationals or undocumented persons:

> What is also frustrating is that, I am from Natal. If I can try to do crime here and I am caught, police also pick up whatever I have done in Natal years back and I find myself attending three cases. On the other hand, a foreigner may be caught and be taken to a police station, he plays the piano [referring to fingerprinting] and they will find nothing of him. He may even have eight murders; he may go elsewhere and continue to do crime. He may shoot here, and police pick up fingerprints and there is nothing they can find.[92]

> …when I hear people talk, they say, they [migrants] are criminals and they don't have ID documents. When a person commits crime, he does not have finger prints, where will the police find that person?[93]

> The problem is crime. They do not have fingerprints [taken], so it is difficult for them to be caught.[94]

Perceptions of Corruption

Vigilantism has been linked to perceptions of the corruption of authorities responsible for security (Tankebe 2009), and there were perceptions in Alexandra that immigration policing in the area had been compromised for private profit. More than one respondent highlighted impressions of impunity linked to informal rent-seeking arrangements between police and foreign residents. For instance, respondents in the men's focus group relayed the following observations of the relationship between police officers and alleged illegal immigrants:

---

[91] Among many others: Zulu male respondent, resident in Alexandra for 23 years, interviewed 1 September 2008; Zulu female respondent, resident in Alexandra for 10 years, interviewed 1 September 2008; Zulu female respondent, resident in Alexandra for 12 years, interviewed 1 September 2008.
[92] Respondent A1, men's focus group, Alexandra, transcript undated.
[93] Zulu female respondent, resident in Alexandra for eight months, interviewed 1 September 2008.
[94] Zulu female respondent, resident in the area for six years, interviewed 3 September 2008.

> A: They [the police] do nothing, my sister. What they do is that when a foreigner is caught, they go around with him this whole area. You see this 4th street; they release him at 5th street. Before you know what happens he is now coming here through the passage. He raises cash and gives it to them and then is released.
>
> A1: You see this guy here who is a dressmaker, no police will arrest him. A police will pass here and say, "How are you, man?" He [the dressmaker] will enter the house and come out with a litre of cold drink and give it to the police and the case is closed. What matters is money; police do not check too many things. They ask, "How much do you have?"

A strong additional theme of corruption was that of DHA officials, who are said to provide fraudulent South African identity documents to non-nationals.[95]

Solving the 'Problem': State-Government vs Informal Enforcement

Of course, public perceptions of crime and its perpetrators "is not a simple or automatic reflection of current 'objective' conditions" (Messner et al 2006: 585). Police in the area asserted that most crime in Alexandra was perpetrated by South African internal migrants,[96] and the reality is that the bureaucracies of the DHA and SAPS do not share information, in part due to considerations of the right to privacy of ordinary citizens (SAHRC 2010: 44). Police have access only to their own database of previous offenders – and this includes the prints of undocumented non-nationals who may have been involved in prior crimes.

Nevertheless, perceptions regarding the causes and state responses to the problem of crime in the area produced irresolvable tensions between the local police and residents when the latter demanded a solution to the problem as they had constructed it. According to a worker at a local NGO, tensions over 'the problem of foreigners' culminated in a meeting at the police station a few days prior to the outbreak of attacks. It was attended by

> CPU [Crime Prevention Unit], CPF [Community Policing Forum], police and ward councillors. The community complained about the crime and foreigners bribing the

[95] Respondent 1, hostel focus group, Alexandra, conducted 5 September 2008; Southern Sotho female respondent, resident in Alexandra for 20 years, interviewed 29 august 2008.
[96] Theko Parasi, Station Commander, Alexandra SAPS, interviewed 2 September 2008.

> police. People were angry and talking and screaming at the police. Two or three days after the meeting people attacked.[97]

A police constable confirmed that this meeting took place, and noted that police disputed the allegations against foreigners and insisted that the detractors identify the specific individuals responsible for crime rather than "indicting all foreigners."[98]

A few days prior to the attacks, at this or another meeting – transcripts are unclear – Beirut residents declared that if criminal activity did not stop, foreigners would be evicted from the area.[99] A Zulu male respondent observed:

> There were meetings which were called and in those meetings it was decided that migrants must leave the area. A petition was written and handed to the police. The police did not act on the petition.[100]

Thus, in the face of these anxieties, the state's 'law-and-order powers' were seen not to be functioning at the local level. As an *induna* from a local hostel told researchers:

> If the government does not do something, people will see what to do to solve the problem, because it means it's not government's problem, it is our problem.

Following from these concerns and the perceived non-responsiveness of the state-government, in the form of police, an informal 'people's initiative' to solve the problem was indeed tabled:

> They explained that they were not going to chase everyone away, but they [were] going to check for those that do not have a place to stay, those without ID's and passports, so as to say if you did not have proper documents and rooms, they would kick you out. They reasoned that if only those with papers remained, they were easily going to find those that were involved in crime.[101]

---

[97] Local NGO worker, Alexandra, interviewed 9 September 2008.
[98] Constable Neria Malefatse, Alexandra SAPS, interviewed 12 September 2008.
[99] Shangaan male respondent, resident in Alexandra for 16 years, interviewed 3 September 2008.
[100] Zulu male respondent, resident in Alexandra for 15 years, interviewed 28 August 2008.
[101] Shangaan male respondent, resident in Alexandra for 16 years, interviewed 3 September 2008.

Daniel Nina has observed that popular forms of justice 'often comply with the political and legal dispensation' (Nina 2000: 1) of the state, and indeed we can discern this in the logic of these amorphous organisers of the Alexandra eviction.[102] They planned only to remove 'illegal' foreigners and vagrants – action that could arguably find justification in the existence of corresponding offence categories within the official state-government policing regime.

Governing Territory in 'Beirut': Nodal Governance

Although theorists have long acknowledged the existence of forms of governance "below the level of the nation state, in local or regional political institutions", these have often been seen as supplemental to national political institutions and not as phenomena which may challenge or displace "the centrality of national political institutions" (Kymlicka 2001: 221). Observing the attempt of residents of Alexandra to police their local territory and remove undocumented foreigners from its borders, some might argue that we are not seeing the emergence of a new territorial regime at the local level, but simply local residents acting on behalf of the state. Indeed, it would be conceivable to argue that the events in Alexandra consolidated the state territorial regime rather than challenging it. This would appear to be supported by widespread concerns about state border control reflected in interviews with participants – as if their decision to police the local territory bore a direct relation to national border control:

> These people used to be arrested when they entered the country without IDs. Only those who were supposed to be here were here.[103]

> These foreigners cross the border, uMbeki [referring to then-President Thabo Mbeki] must ensure that he secures the border. These people buy local surnames [referring to fraudulent acquisition of South African identity documents]; all of a sudden they are Ndlovus, they are Gumedes [typical South African surnames].[104]

[102] I do not deny that there may have been more than one set of interests and authorities involved in the Alexandra displacement, and that to some extent the recidivistic tendencies of the displacement may not have been entirely disorganised. Interviews suggest that there was another form of organising in operation, which appropriated and redistributed homes by violent means.
[103] Zulu female respondent, resident in Alexandra for six years, interviewed 3 September 2008.
[104] Zulu female respondent, resident in Alexandra for 10 years, interviewed 3 September 2008.

> We can't blame police too much, it is our government that is irresponsible by letting wrong people in our borders.[105]

Yet Daniel Nina observes that popular justice moves from consolidating the state to undermining it when phenomena emerge "within the discourse of 'community initiatives'" which "violate the law on behalf of the community, as well as guarantees provided by the constitutional order to everyone" (Nina 2000: 1-2). It is through such phenomena that vigilantism becomes marked as a signifier of 'bad' as opposed to 'good' community. In the Alexandra case, we see the 'good community' reacting in the prescribed manner by "demanding more state initiatives to combat crime" (Nina 2000: 5) at various meetings prior to the eviction. When the required initiatives are not forthcoming, residents resort to vigilantism. A male respondent argued that participants were conscious that their actions defied the order established by the state:

> People were completely committed in what they were doing. It was not about crime [a reference to government claims that the attacks were the work of criminals] – a teacher was there; a police officer was amongst the people; even a *Sangoma* [traditional healer] was on the street expelling migrants. It was the entire community. People knew very well that what they were doing was illegal but were no longer prepared to stay with migrants. They had exhausted all avenues for their issues to be addressed. Expelling migrants was the last thing available to people. When the meeting with police failed, it was clear the community was on its own in dealing with migrants.[106]

Vigilante crime control activities fall, of necessity, into the category 'bad community,' as they threaten the state through "appropriation of state powers" (Nina 2000: 3).

> It is on the question of the rule of law, and the monopoly on the use of violence where vigilantism clashes with the sovereign powers of the state. […] Vigilantism appropriates state functions in a way that creates a parallel sovereign power that is unregulated. Different to other forces competing with the state for sovereign or quasi-

[105] Respondent A2, men's focus group, Alexandra, transcript undated.
[106] Respondent A2, men's focus group, Alexandra, transcript undated.

> sovereign powers, vigilantism is a reactionary and undermining force to state sovereign powers. (Nina 2000: 4)

If the territorial regime before us displays such divergent characteristics – echoing state legal categories yet infringing upon the state's coercive jurisdiction – how, then, do we unpack it? In the Alexandra situation, we can clearly identify the coexistence of what Shearing & Wood (2003) dub 'state' and 'informal' 'nodal sets' operating. To unpack the territorial regime in evidence, let us now examine more closely the attributes of government and informal nodes at work.

Locating Alexandra 2008 in a Typology of Territorial Governance

Whose Authority?

A large number of commentators and scholars have claimed that the 2008 attacks were the result of failures in state border control (IDASA 2008; HSRC 2008; Bernstein 2008; Joubert 2008). This argument implicitly suggests that attacks on non-nationals were a form of local-scale territorial control carried out to supplement those lacking on the part of the state. In other words, this argument sees the attacks as authorised by the same principles of territorial control that issue from the state-government and are ideally realised through its monopoly of "the legitimate 'means of movement'" (Torpey 1998). This is suggestive of Quadrant B in the typology I have developed, where informal provision is undergirded by government authority.

The situation analyses of Madelakufa (already discussed) and Itireleng (discussed in the next chapter) problematise this reading of the attacks, but in the Alexandra case we unearth evidence in support of such an argument. The account of the Alexandra violence, as recounted earlier in this chapter in the words of respondents, is strongly suggestive of the emergence of a popular territorial policing initiative during the May 2008 period, which – initially, at least – conceived itself as supplemental to the state-government. We encounter a group of local residents who identify a crime problem. They draw on common-sense understandings of the technologies of state surveillance – that is, the procedure through which a crime is associated with an individual's biometric data – to draw conclusions about the nature of the crime problem. The categories of criminal that they delineate in this way coincide with state-defined offence categories of 'illegal foreigners' and vagrants. They

present their evidence to the state authorities; unsurprisingly, this evidence does not satisfy the requirements of formal authorities, who are bound by procedural and constitutional requirements. Faced with the unwillingness of the police to address the problem as residents have constructed it, certain residents plan a popular solution. The solution, described as a "noble plan" by one Mozambican respondent, goes awry:

> …the meeting was meant for something else, but then especially the unemployed youth overtook the process and started causing chaos so that they created conditions for taking people's things. So even those that had noble plans ended up appearing like they also wanted to destroy people's things. They were hoping to fix things, but they ended up being involved in crime.[107]

The imperative to 'fix things' appears from other interviews to line up with state notions of the 'legitimate means of movement'. The concerns of residents suggest that anxieties around territorial control were no more xenophobic than were the laws of the land – residents wanted to remove *undocumented* migrants, not foreigners in general:

> Q: Do you think it is important that only South Africans must reside here?
> A: It is not important; what is vital is that only those with permission must reside here.[108]

> These people used to be arrested when they entered the country without IDs. Only those who were supposed to be here were here. No one abused them.[109]

> uMbeki must ensure that he secures the border. [110]

In the Alexandra case, popular opinion on legitimate modes of territorial access suggests a broad recognition of the state as auspice of the 'legitimate means of movement.' Thus, the state appears to retain this monopoly regardless of the threat to its monopoly on the use of coercive force. As Landau argues:

---

[107] Shangaan male respondent, resident in Alexandra for 16 years, interviewed 3 September 2008.
[108] Zulu male respondent, resident in Alexandra for three years, interviewed 3 September 2008.
[109] Zulu female respondent, resident in Alexandra for six years, interviewed 3 September 2008.
[110] Zulu female respondent, resident in Alexandra for 10 years, interviewed 3 September 2008. uMbeki refers to then-President of South Africa, Thabo Mbeki. Ndlovu and Gumede are typical South African surnames.

> …such legitimate (if illegal) violence extends and entrenches a form of spatial control, political authority, and sovereignty. […] the violence reveals a population that remains active in determining the boundaries and means of control. Rather than resisting the oppression of the state, this violence acts as a demonic proxy for it. (2010: 216-17)

Whose Policing?

We have already considered evidence of perceived shortcomings in the state's policing of mobility which inspired the rise of provision by informal nodes. Returning to the various disciplines through which the state-government administers the means of movement, we note that almost all of these were locally perceived as compromised. With regard to the documentation that enables the state-government to classify and administer mobile populations, multiple respondents complained of fraud within the DHA bureaucracy.[111] With regard to the border posts and procedures, similar allegations arose:

> Where are police when they go under the fence? The problem is our police. Chances are, Mbeki sends them to secure the border, and when they get there, a foreigner offers them R500, and that is how they come in. This is corruption.[112]

The reader will remember that respondents in the men's focus group also shed doubt on state-government surveillance through immigration policing, suggesting that this had been compromised by private rent-seeking interests. From interviews, it was clear that local residents perceived an absence of policing of the legitimate means of movement by state-government nodes. As argued earlier, this appears to have formed the catalyst for an informal policing initiative.

Ironically, some of these shortcomings in state-government bureaucracies played a role in the failure of the community policing initiative outlined in this chapter. As already stated, this intervention by informal policing nodes aimed to target only those 'without permission' to reside in the area.[113] But, as Torpey notes, the "*successful* monopolisation of the legitimate means of movement by states and the state system had to await the creation of

[111] Respondent 1, hostel focus group, Alexandra, conducted 5 September 2008; Southern Sotho female respondent, resident in Alexandra for 20 years, interviewed 29 August 2008; Shangaan male respondent, resident in Alexandra for four years, interviewed 3 September 2008.
[112] Zulu female respondent, resident in Alexandra for 20 years, interviewed 3 September 2008.
[113] Zulu male respondent, resident in Alexandra for three years, interviewed 3 September 2008.

elaborate bureaucracies and technologies", a process that depended on the development of regimes of identification "that identified people (more or less) unambiguously and distinguished among them for administrative purposes" to distinguish it from the mere "despotisms" that preceded it (Torpey 1998: 242; 241). Due to irregularities in the state-government regime for mobility policing, the legitimacy of state-issued identification documents was brought dangerously into question in Alexandra, as evidenced by the following comments made by respondents:

> Criminals mostly have papers. Fraudulently acquiring documentation is especially done by criminals, and they obviously have papers themselves. Most criminals are able to get documentation if they want to.[114]

> There are migrants who have valid ID documents, because they collaborate with other South Africans who work at Home Affairs.[115]

> …this Home Affairs is corrupt, it gives foreigners fake IDs.[…] That is a problem. Do you know how much the ID is? It is about R400. This is what makes me angry about foreigners.[116]

> In the area most foreigners have IDs. The problem is with Home Affairs. They have to explain how do they give foreigners IDs.[117]

> …the government should do its homework; no RDP houses for foreigners who do not qualify, and Home Affairs should stopping giving fraudulent IDs.[118]

With this level of doubt thrown upon the existing means for uniquely and unambiguously identifying members of the population, even the most fundamental regulatory tasks are rendered all but impossible. Thus, the state's perceived loss of control over the identification and classification disciplines of its immigration regime may have become a stumbling block to the supplementary territorial controls planned on a local level. Without these disciplines to guide controls, chaos was inevitable given the weak institutionalisation of this popular

[114] Shangaan male respondent, resident in Alexandra for four years, interviewed 3 September 2008.
[115] Respondent 1, Nobuhle Hostel focus group, Alexandra, conducted 5 September 2008.
[116] Zulu male respondent, resident in Alexandra for 23 years, interviewed 1 September 2008.
[117] Southern Sotho female respondent, resident in Alexandra for 20 years, interviewed 29 August 2008.
[118] Staff member at Alexandra SAPS Victim Support Unit, interviewed 3 September 2008.

initiative, the largely informal and underdeveloped nature of the territory at stake, and the existence of aggressive and opportunistic actors willing to exploit the situation. Certainly, there was evidence that both aggressive, drunken youths played a role, as did local mafia-type figures. However, it is not possible to reconstruct any detailed picture of these actors from the data collected.

Denizenships in Conflict

Some respondents cited government officials who incited or supported the eviction of non-nationals.[119] This is added evidence of multiple nodal sets involved in the governance of space in Alexandra, and the clash of denizenships that may result. For instance, although at a public meeting police made it clear that as an institution they could not take action against a group of people without the necessary evidence, in other contexts police officers were seen to behave under a different set of social dynamics than those imposed by denizenship of the state-government. A respondent in the men's focus group in Alexandra referred to a particular police officer who effectively incited vigilante alternatives to policing by stating at a public meeting:

> There was a police officer who issued a statement that people must decide on how they deal with someone who has entered his kraal and take his cattle. This statement for me started the violence.[120]

Other respondents reported that police officers supported the decision and that some were involved in expelling non-nationals.[121] To some extent, police officers found themselves caught between two nodal sets:

> The police are caught in the middle because they are members of the community themselves and fear being victimized. [122]

This observation regarding conflicting denizenships supports the argument against the statist notion of "sovereignty as an ontological ground of power" (Hansen & Stepputat 2006:

[119] Respondent A2, men's focus group, Alexandra, transcript undated; Respondent A2, men's focus group, Alexandra, transcript undated; NGO representatives, Alexandra, interviewed 9 September 2008.
[120] Respondent A2, men's focus group, Alexandra, transcript undated.
[121] Respondent A2, men's focus group, Alexandra, transcript undated; NGO representatives, Alexandra, interviewed 9 September 2008.
[122] NGO representatives, Alexandra, interviewed 9 September 2008.

295). Role and normative conflict occurring within the individual actors who collectively embody the state appears symptomatic of sovereignty as "a tentative and always emergent form of authority" (Hansen & Stepputat 2006: 295), which can be exercised by institutions and collectivities at various scales and orders of formality, with agendas backed by various types of violence. The tentative nature of sovereign forms is underlined in the subsequent section, which examines the way in which state-government repression of the Alexandra evictions – the state's reassertion of its monopoly of legitimate violence – served the unintended purpose of consolidating informal authority, illustrating the ongoing negotiation and evolution of auspice/provider relationships in an embodied context.

Turning against State Authority: The Impact of State Repression

It appears that the Alexandra eviction was at first constructed and understood by its proponents as an informal multilateralisation of territorial security under the auspice of the state's existing immigration regime. However, the repressive response of the state to the eviction, and its implicit designation of participating residents as 'bad community' (Nina 2000), appear from interviews to have alienated the community from state authority. For example, the respondents cited below make more or less explicit observations of a rift between state and local understandings of rights, justice and effective governance.

> Q: How does the community feel about the idea of people coming back?
> R: They do not want them back. The government is pushing this reintegration thing but the communities don't want these people back. They are not doing anything to address the issues the community raised; they are not even talking to the communities, and when they do they don't talk in a right way. They tell people 'stop attacking foreigners, you are lying that foreigners commit crime, that foreigners do this and that, without evidence'. […] This is not the right way to talk to people; it's going to make people angry; it's going to make things worse.[123]

> … police have taken locals and arrested them. They are now bringing back foreigners one by one. Whoever has occupied the [expropriated] houses is removed. The way I

[123] Staff member at Alexandra SAPS Victim Support Unit, interviewed 3 September 2008.

> see it is that, as time goes on, the foreigner that has taken over [reclaimed] his house will be found dead.[124]

The repressive intervention of the state evidently widened the perceived gap between state and local territorial control imperatives. Some respondents seem bewildered that the government did not show more sympathy for the local initiative to evict non-nationals. Others, through reflections on the illegitimacy of government initiatives to restore foreigners' property and standing in the community, express an emerging awareness that local understandings of the right to shelter, livelihood and indeed existence in the community differ from those of government. In discussing the 'reintegration' of non-nationals, some respondents begin to depict the relationship between informal and state-government structures as more dramatically polarised, and of the state monopolies over both coercive disciplines and the legitimate means of movement as displaced by informal imperatives:

> Government say foreigners must come back. How can they come back? They cannot complain; they will be killed. There is nothing they can do. They lost and that is it. Some people [who occupied the abandoned homes of non-nationals] claim they bought the houses if authorities come to remove them. There are no papers to prove it.[125]

> A foreigner recently opened a case; he wanted the police to help him get his shack back, he wanted the police to remove the current occupant. He was told 'you choose either to die or forget your shack'. It would be risky for them to come back now.[126]

> If they come back, where would they stay? We have attached their houses. You guys are advocating for another war. Lets us talk about myself, I did not have a space to stay. I used to sleep in a car. Now I have my own house. The problem is very simple, there is no more space for them.[127]

It is fascinating that this final quotation uses the legal notion of attachment in characterising the seizure of victims' shacks. Conventionally understood, attachment is a legal process

[124] Respondent A, men's focus group, Alexandra, transcript undated.
[125] Pedi male respondent, resident in Alexandra for 17 years, interviewed 3 September 2008.
[126] Staff member at Alexandra SAPS Victim Support Unit, interviewed 3 September 2008.
[127] Respondent A2 men's focus group, Alexandra, transcript undated.

whereby a court orders the seizure of assets in service of a judgement. The use of the term by a lay person in a deprived informal settlement affirms a reading of the eviction as an exercise of informal law. It also suggests the fetishisation of law within a plural legal context. Comaroff and Comaroff (2007) have observed the fetishisation of law within the disorder of the postcolony, focusing on the widespread resort to conventional legal process or 'lawfare' as they term it. They assert that

> communities of all kinds have become ever more legalistic in regulating their affairs; it is often in the process of so doing, in fact, that they become communities at all, the act of judicialisation being also an act of objectification. Herein lies their will to sovereignty, which we take to connote the exercise of autonomous control over the lives, deaths and conditions of existence of those who fall within its purview – and the extension over them of the jurisdiction of some kind of law. (Comaroff & Comaroff 2007: 146)

The Comaroffs' argument focuses on the formal judicial system and the illegitimate counterfeiting of this system. However, the translation of terms of the formal judicial system into a *legitimate* informal system of socio-legal ordering in Alexandra – evident in references to official categories of crime and official court sanctions – support for the Comaroffs' characterisation of the postcolonial socio-legal order as a "hall of mirrors" with a "geography of discontinuous, overlapping sovereignties" (Comaroff & Comaroff 2007: 146).

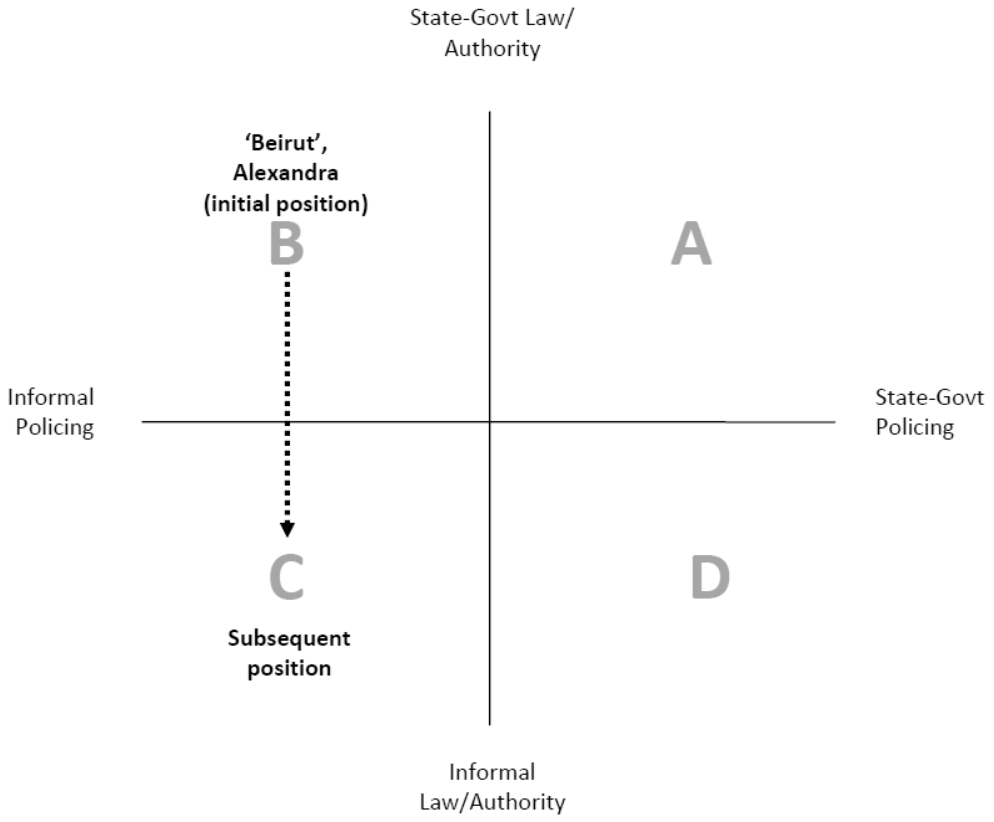
A Moving Target? Positioning Alexandra Within the Typology

As Abrahams usefully points out, law can be defined as, in principle, a double system: "there are rules governing behaviour, and then there are rules about the rules" (1996: 48). While popular policing in Alexandra broke the meta-rules, it adhered – in principle at least – to the state-government's rules governing behaviour. In Alexandra, residents quite literally took the law into their own hands – that is, they took the hands-on provision of its enforcement upon themselves, operating as if under the auspice of the state-government. It was the latter's repressive and authoritarian response that signalled the situation's transition from state-government to informal authority.

In other words, the regime of territorial control in 'Beirut', Alexandra, appears from interviews to have been initiated as a form of informal provision under perceived state

authority, but to be moving away from the state as an auspice and toward informal sources of authority over territorial control. That is, moving from position B to position C in the typology contemplated earlier in this chapter, and thus transforming from a 'green' to a 'brown' area (see diagram on the following page).

The Alexandra situation provides an object lesson in contradiction of Shearing & Bayley's (2001) contention that the notion of "privatised" policing is a fallacy. Their assumption is that in a world of Weberian states, state-governments are the auspice of all policing, and that at most policing can be multilateralised under state-government authority (Bayley & Shearing 2001: 5). The emergence of informal policing in the perceived absence of state-government intervention in May 2008, and the subsequent repressive state-government response to this 'multilateralisation' of policing, illustrates how what is intended as multilateralisation of state-government policing by the informal realm may be for the state-government node a form of unauthorised privatisation, indicative that the capacity to authorise policing is not in fact a monopoly of the state-government.



Position of Alexandra 2008 in a Typology of Territorial Governance

What remains obscure in the Alexandra situation is the detail of the network of denizenships at play, which leaves unanswered the question of the nature and identity of the emergent sovereign form in the area. I have pointed in this Chapter elements of community support for the eviction as well as to elements of contestation of the means by which it was carried out, thus implying that the emergent socio-legal regime imposes its own definitions of 'good' and 'bad community.' Thus, despite the trajectory of social order in favour of informal authority, it is unclear how such authority will be consolidated and whose view of good and bad community will prevail.

For the sake of argument, I have made reference to 'the community' in an undoubtedly reductive manner in this chapter (and elsewhere). This serves the reductive process by which I abstract broad conclusions from the evidence. However, the totalising effect of the analysis should not obscure the heterogeneity of 'the community', with its internal contradictions and fragmentation. As Kalyvas argues in his discussion of the notion of popular collaboration under conditions of civil war, "collaboration and control are self-reinforcing", and it is misled to imagine that "control emerges exclusively from collaboration and never shapes it" (Kalyvas 2006: 112). In the Alexandra situation, the actual community actors and the relative roles of collaboration and control in the exercise of territorial sovereignty remain unclear from the evidence. Although interviews revealed a shared preference for the departure of non-nationals and a common conclusion that the violence thus served a practical purpose, this does not necessarily imply broad collaboration in the violence of 2008. Further research would be necessary to establish the extent to which the Alexandra situation should accurately be considered one of emergent popular sovereignty.

CHAPTER 5: ITIRELENG, LAUDIUM

In this third situation analysis, I examine the case of Itireleng, where the territorial order deviates most markedly from that to be expected in a conventionally defined sovereign state. Again, I examine the socio-economic context of the area first. This is followed by a short account of the 2008 violence in Itireleng (which, it is worth noting, in fact took place in February 2008, prior to the violence in the other two situation-sites). I then examine the historical informal competitors for state-government authority and provision in the area and the effective absence of state-government nodes. Authority and policing in the February 2008 situation are then analysed, resulting in the mapping of Itireleng as a situation in which formal and informal policing are subject to informal authority.

Context

Itireleng is an informal settlement in Centurion, Gauteng,[128] which falls within Ward 61[129] of the Tshwane Metropolitan Municipality. Established in what was previously a scrapyard, it is heavily congested with informal living quarters. The area houses between 3,000 and 3,500 shacks according to the municipality's unit allocation system, and the estimated population of the settlement exceeds 10,000 (Ministry for Public service and Administration 2007). One yard may host up to seven families.[130]

The government has provided street lights, shared water taps and mobile toilets in the area,[131] but there is no sewerage system, and waste water often flows across streets as well as between and even through residents' homes. Municipal services, schools, clinics and churches are located in the wealthy adjacent area of Laudium, which is inhabited by a largely Indian population. The nearest police station is three kilometres away.[132]

Itireleng is racially homogeneous but is home to a population of mixed ethnicity. The Pedi and Xhosa groups are the largest, with Pedi predominating according to respondents in the

[128] This and subsequent factual details under this heading are drawn from fieldnotes titled 'Site Report Itireleng': Forced Migration Studies Programme Fieldwork Archive (FMSP Archive).
[129] Pedi female respondent, resident in Itireleng for six years, interviewed 4 August 2008.
[130] Pedi female respondent, resident in Itireleng for six years, interviewed 4 August 2008.
[131] Interview with Councillor Essop, no date recorded.
[132] Fieldworker report, 'Site Summary Report I, Itireleng, Laudium, Pretoria', undated.

area, but Venda, Tswana, Shangaan, Zulu and Ndebele speakers also reside in the settlement. [133]

Violence in Itireleng: The Media Account

Attacks on non-nationals in Itireleng began on 18 February 2008, lasting five days according to a member of the former Ward Committee.[134] According to news reports, this followed a community meeting where residents agreed that non-nationals must leave the area (Mbanjwa 2008). The association of non-nationals with crime appears to have been a motivating factor (Swart 2008; SAPA 2008c; SAPA 2008d), as in the case of Sector II, Alexandra.

Three deaths and nine serious injuries were reported, over 60 shacks were burnt, and more than 30 shops looted. News sources estimated that 300 people had been displaced from the area (Hosken 2008), with 150 sheltering at the police station (Duval Smith 2008). Officials told the press that most of the displaced persons had legal immigration status (Hosken & Otto 2008), which immediately flags a conflict between state-government and informal criteria for territorial access.

Migrant organisations have suggested that the violence in Itireleng was the real starting point for the 2008 social conflict crisis which began three months later, in May (Duval Smith 2008). Residents of the area concurred that local actors had gone on to instigate violence in other areas prior to the May 2008 outbreaks of violence.[135] For the three months following the February eviction, non-nationals found attempting to return to their homes in Itireleng were attacked once more.[136] A man who identified himself in the press as head of the community policing sector forum in the area (more on this individual later), presented the expulsion of foreigners as a community policing initiative and told journalists that local police assist in preventing non-nationals from re-entering the community (Mbanjwa 2008). Considering the legal status of the majority of displaced persons, this implies the pursuit of an extra-legal agenda by police and by extension suggests an influence of non-state denizenships on ostensibly state actors.

[133] Fieldworker report, 'Site Summary Report I, Itireleng, Laudium, Pretoria', undated.
[134] Interview with Youth Against Crime committee member and former Ward Committee member, interview undated (FMSP Archive).
[135] Venda female respondent, resident in the area for 14 years, interviewed 8 August 2008 (FMSP Archive).
[136] Venda female respondent, resident in the area for 14 years, interviewed 8 August 2008 (FMSP Archive).

Governing the 'Scrapyard': Competing Nodal Sets

In the second situation-site analysis, I discussed the state-government and informal nodal sets that constitute a palimpsest of governing structures in 'Beirut', Alexandra. I considered how the 2008 attacks in the township could be typologised in the state authority/informal policing quadrant, moving towards informal authority. This anticipated transformation in the nature of territorial governance emerged out of the observation that it was only after the attacks, when residents of Beirut encountered the state-government's apparent callous disregard for the local concerns that prompted the eviction, that the local residents may have become aware that in evicting migrants they had not been operating under state-government authority but under an authority from which the state distanced itself.

The same was not the case in Itireleng. Here, the community had distanced itself from state authority prior to the attacks, as the discussion that follows will demonstrate.

Evaporation of the State-Government Nodal Set

Socio-economically, Itireleng is an extremely marginalised settlement. Residents continue to refer to the area as "Scrapyard," as if the image of a place crowded with unworkable, unwanted remnants still has resonance in describing the area they call home a decade after the founding of the settlement at an abandoned junkyard.

On the most fundamental level, no state bureaucracies have a physical presence in the Itireleng settlement – those municipal offices that do exist in the area are found in the wealthier adjacent suburb of Laudium. Nor do the functions of government extend meaningfully into the Itireleng area, as evidenced by the widespread dissatisfaction local residents express with regard to their standard of living. Respondents in the research complained of rampant unemployment and child abuse; lack of schools in the area; lack of a drainage or sewerage system; lack of electricity; and the distance some residents must travel to obtain water.[137] Itireleng is literally a settlement in limbo: years after geo-technical tests were done to establish whether the land was fit for development for human habitation, government officials have not yet proclaimed the area fit for development, nor given any feedback to residents on the outcome of the tests. At the time the research was conducted,

[137] Pedi male respondent, resident in Itireleng for nine years, interviewed 4 August 2008; Pedi female respondent, resident in itireleng for six years, interviewed 4 August 2008; Venda female respondent, resident in Itireleng for 14 years, interviewed 8 August 2008.

new tests were soon to be conducted.[138] If the area proves to be dolomitic – as several respondents suspect – residents will be moved to an uncertain destination.[139] In the meantime, the uncertainty over the status of the area has an impact on the kinds of development and infrastructure that the settlement can benefit from, making it a kind of transit camp between the present and an uncertain future.

In the face of this thoroughgoing underdevelopment, residents of the settlement must take it upon themselves to perform the functions of government – here, we see informal nodes taking the place of state-government nodes in terms of the provision of social goods. In the absence of government sanitation services, for instance, respondents must find their own means of dealing with sewage. Yet in the absence of proper municipal governance of the territory, even these informal tactics cannot be sustained:

> You see those street toilets, sometimes they are full; the municipality does not come to empty it. It smells and thus attracts flies. I had to dig my own toilet like in rural areas. When it is full, I have nowhere to dig because there is no space.[140]

Lack of formal housing is another frustration for residents. Each year they jump through bureaucratic hoops, but the interminable annual applications are the only evidence of the existence of a free government housing programme. The same respondent notes:

> I have been here for a long time. This place is still temporary; we register every year for houses. We are told to bring children, birth certificates and marriage certificates. Even this year we registered. But we never get reports.[141]

The speaker has been resident in the Laudium area since the advent of democracy in South Africa in 1994. Her reflection on the housing list reflects a government that appears to be a signifier without a referent; an entity whose existence is conjured up by these annual bureaucratic performances but never empirically substantiated. This is a dynamic that Das (2004: 225) has expounded in her reflections on the state's alternatively rational and magical modes of being. While the endless rituals of bureaucracy articulate the state's rationality,

[138] Interview with Councillor Essop, no date recorded.
[139] Focus group with Itireleng 'Sub-Committee', transcript undated.
[140] Venda female respondent, resident in Itireleng for 14 years, interviewed 8 August 2008.
[141] Venda female respondent, resident in Itireleng for 14 years, interviewed 8 August 2008.

the unpredictability and indeed futility of these rituals liken them to offerings at the altar of an intractable and unpredictable deity. The state's mode of regulation thus becomes illegible (Das 2004).

In the crucial area of security provision (Garland 1996; Luckham 2003; Rotberg 2003) there are, as in Alexandra, complaints of the functional redundancy of the state police:

> You report crime; nothing happens.[142]

> Sometimes it's a waste of time to report.[143]

Some respondents interviewed in Itireleng reported that the local councillor currently in office in Ward 61 is less actively engaged with the community than past councillors and that he has had no tangible impact.[144] The Community Policing Forum (CPF) is said to have collapsed on his watch.[145] Overall, there is a sense of disillusionment with government:

A. When promises are made and not kept, that results in conflict. Even the government cannot be trusted. It would appear they need votes only; thereafter, [government] disappears.[146]

As Luckham asserts, the apparent indifference of government in the face of worsening social conditions plays a role in converting "structural into physical violence" (2003: 22). This resonates with O'Donnell's (1993) observations of the "functional and territorial evaporation of the public dimension of the state" from certain territories within new democracies (1993: 1358). He notes that "the increasing inability of the state to implement its own regulations" (1993: 1358-9) is often reflected in irregularities in policing, popular violence or vigilantism and other social problems. As the discussion below will demonstrate, Itireleng displays just such irregularities.

---

[142] Tswana male respondent, interviewed in Itireleng, 6 August 2008.
[143] Venda female respondent, resident in Itireleng for 14 years, interviewed 8 August 2008.
[144] Venda female respondent, resident in Itireleng for 14 years, interviewed 8 August 2008; Xhosa male respondent, resident in Itireleng for five years, interviewed 4 August 2008.
[145] Focus group with Itireleng 'Sub-Committee', transcript undated.
[146] Pedi male respondent, length of stay withheld, interviewed 6 August 2008.

Locating Itireleng 2008 in a Typology of Territorial Governance

Multilateralisation and Privatisation at Local Level

'Crime fighting' has long been acknowledged as a legitimating discourse for forms of 'people's justice' that serve private rather than public interests (Harris 2003; Kynoch 2005b). On the one hand, such 'crime fighting' initiatives may be construed as simply assisting an under-resourced state justice system to implement its own directives. This is, in principle, the case for hybrid 'invited spaces' such as street committees or community policing forums, which allow for community participation in security and policing. The legislative framework for such bodies, and other localised mechanisms of participative democracy, such as ward committees and sub-committees, envisions them within the embrace of the state, as mechanisms for deepening democracy. Local councils retain the "sole legal mandate to govern" and are envisaged as wielding "the political legitimacy to do so" (IDASA 2002).

The notion of 'participation' appears to offer "an agenda for transformation that combines no-nonsense pragmatism with almost unimpeachable moral authority" (Cornwall & Brock 2005: 1043). However, at the same time, the legislation governing such initiatives implicitly recognises that participation, rather than serving to deepen democracy, might in fact erode it under certain conditions. For instance, Part 7 of the Policy Framework for Community Policing notes that, while community policing forums should "facilitate… joint problem identification and consultative problem solving," they "should not be seen as structures to promote personal interests or secondary objectives."[147] In a legal-positivist sense, then, participative measures are authorised by the state-government node. But where these begin serving private interests and objectives, and arrogating the legal mandate of state-government nodes to govern, they can then be considered as 'perversely privatised' (O'Donnell 1993) structures – that is, privatised structures into which ostensibly state-government actors and institutions may be subsumed, and whose power is consolidated by their enduring masquerade of publicness. This risk that mechanisms for participative democracy might become perversely privatised is significant within the South African historical context, where policing and local government must bear a legacy of suspicion and scepticism with regard to official structures and a precedent for the formation of alternative, informal authorities with their own claims to legitimacy (Schärf & Nina 2001).

[147] Pierre Van Ryneveld Community Police Forum Sector 3. National Guidelines for Community Police Forums and Boards. Accessed 8 May 2010 at http://www.pvr.org.za/modules.php?name=News&file=article&sid=17

"Gate"-keeping: Whose Authority?

> …there were security guards[148] that used to work at the gate. The Red Ants entered this area and they demolished some shacks… We started asking ourselves, "How did the Red Ants pass through the security guards at the entrance?" So we organised… and we gave them [the 'guards'] the beating of their lives. Then the guards were removed from that moment.[149]

The security guards referred to in this respondent's statement were apparently appointed by the local municipality,[150] most likely to prevent the expansion of the already disputed 'transit settlement', which was fenced off at the time, under the government's policy to eradicate informal settlements. The Red Ants are a private security company employed by government to conduct evictions – an instrument authorised by municipalities to wield a state-government mandate with force if necessary – and thus part of the state-government nodal set. The municipality did not replace the guards after the insurgent response of the community, and a respondent noted that the fence had also been removed in response to community pressure around this time.[151] This example of informal, local authority clashing with and arguably overcoming state-government authority over a specific issue of territorial governance provides a precursor to the subsequent violent removal of state-government authorized actors from the governing structure of the community, and their replacement by actors willing to serve informal authority (more on this later). It also introduces us to the idea of "the gate", which has persisted as a metaphor of territorial authority in Itireleng even after the fence was dismantled as a physical boundary marker.

The area's single official ward committee member (the second had passed away and had not been replaced) originally occupied an office at "the gate." During December 2006, residents looted and vandalised the office, believing the committee member had funded her Christmas expenditure with public funds. She chose not to return to the office and now operates from her home in the area. In September 2007, residents complained to the local councillor that she had not informed them of a Department of Arts and Culture excursion. Subsequently, she heard via the grapevine that a new ward committee member had been

[148] Note that although the wording used here is ambiguous, fieldwork established that the official ward committee of the area had been driven out of its local offices, which had since been occupied by the 'voluntary' (read: self-appointed) 'comrades.'
[149] Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[150] Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[151] Pedi male respondent, resident in Itireleng for nine years, interviewed 6 August 2008.

elected to replace the deceased one, and that 10 other people had also been elected to form a "sub- committee for development".[152] Considering that she, as the ward committee member who presides over the development portfolio, was not aware of the election and constitution of this "sub-committee," it is clearly not an organ of state-authorised participatory democracy. Members of the "sub-committee" claim they were elected by "the whole community"[153] at a mass meeting, but others see them as voluntary or self-appointed leaders.[154] Nevertheless, the majority of respondents identified this group as the leaders of the community: as the "Comrades" operating "at the gate."

Thus, there have been popular evictions of two state-government nodes from the physical position of "gatekeeper" to Itireleng, indicative of a clash between state-government and informal nodes. An informal node now operates at "the gate": interestingly, the "Comrades" occupied the ward committee office and gained visibility and momentum as leaders in the same month that attacks were carried out against foreigners in February 2008.[155] A state-government actor familiar with the area expressed, off the record, a suspicion that the "Comrades" were responsible for the February 2008 attacks.[156] Several residents confirmed the group's involvement in instigating and carrying out the evictions:

> It started at the grounds up there. The people at the office at the gate – the comrades – must know. They were leading this violence. Some of them were arrested but they came back. […] We also suffered; comrades from the gate came into our houses and broke our doors looking for foreigners.[157]

> I came to learn the reasons later; at the time it happened I had no idea on what was going on. They said the reasons are that they are taking their wives and business. Comrades were chasing people left and right.[158]

It seems that the "Comrades" were acting under the authority of a certain popular vision of public good. A Pedi woman asserted that:

---

[152] Interview with Ward Committee Member for Social Development, transcription undated.
[153] Speaker 2, focus group with 'Itireleng Sub-Committee', transcript undated.
[154] Venda female respondent, resident in area for 14 years, interviewed 8 August 2008; Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[155] Speaker 1, focus group with 'Itireleng Sub-Committee', transcript undated; Venda female respondent, resident in area for 14 years, interviewed 8 August 2008; Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[156] Fieldworker report, 'Site Summary Report I, Itireleng, Laudium, Pretoria', undated.
[157] Pedi male respondent, resident in Itireleng for nine years, interviewed 4 August 2008.
[158] Venda female respondent, resident in area for 14 years, interviewed 8 August 2008.

> The leaders at the gate led the fighting of foreigners. They had no option … they must do what the community wants. If they don't, we shall remove them.[159]

The woman describes the instigation of the violence in a way that confirms the implicit suggestion of informal public authority over the violence:

> A regular community meeting was called by people from the office to discuss community problems. At this meeting one person raised an issue that foreigners must go. […] This person asked the meeting how about if they leave this place. The entire meeting stated 'YES, foreigners must leave.'
>
> Even if foreigners were present at the meeting, there was nothing they could do. People who said they do not want foreigners are a majority. From there people wasted no time, they moved from the meeting straight to houses where they knew foreigners were living and took them out.[160]

This version of events is supported by the number of local residents willing to identify with or as perpetrators of the migrant evictions – this was not the case in other areas visited by the research team, where people denied involvement in an implicit acknowledgement of the wrongfulness and illegality of the pogroms. Respondents were also highly supportive of the attacks:

> Violence against foreigners is justified. There was blood for our freedom, it did not come cheap. Foreigners come here and take our money and go. […] We do not want these people here ever again.[161]
>
> Government has stated that if anyone touches them, government will arrest them. […] I do not understand how government arrives at this decision. We were not consulted. […] I do believe that violence was correct, they must go.[162]

[159] Pedi female respondent, resident in Itireleng for six years, interviewed 4 August 2008.
[160] Pedi female respondent, resident in Itireleng for six years, interviewed 4 August 2008.
[161] Pedi male respondent, resident in Itireleng for nine years, interviewed 4 August 2008.
[162] Xhosa male respondent, resident in Itireleng for five years, interviewed 4 August 2008.

The divergent visions of what constitutes justice, and a clear alienation from state-government authorisation, is evident in the second quotation above. This impression is reinforced by the fact that a protest was staged to secure the release of suspects arrested during the attacks, illustrating divergent views of the moral economy of the violence. And, whereas respondents elsewhere expressed uncertainty about the prospects for reintegration, in Itireleng many strongly asserted that the displaced could not safely return. This appears to be because the territorial control exercised by local leadership was perceived as consistent with the feelings of the community:

> I don't think they can come back […] When you chase someone away for dragging you down…I do not think you can accept the person back.[163]

> All I know that it is not safe for the migrants to come back. These people are hated in this place. I don't think it's a good idea for them to come back now.[164]

Hence, we are seeing in Itireleng something that approximates the popular democracy that Daryl Glaser (2008) discerned in the 2008 violence, in which informal authority and informal policing are both perceived as broadly legitimate. However, under the legitimising rubric of popular democracy, a great deal of apolitical criminality may pass unnoticed. While most respondents reported that they trusted the committee, the remaining ward councillor notes that one of the sub-committee leaders, the same one who identified in the press as head of the community policing sector forum,

> ...sold migrants' shacks and property; they took the money for themselves. Migrants are allowed to visit their families but they must pay between R20 and R30 to [names two leaders of the sub-committee; one ostensibly the replacement ward committee member for the deceased one] to visit their families. No one at the moment knows where the money goes.[165]

On the other hand, this evidence of the emergence of a form of protection racketeering in the wake of the displacement – of a governing structure that circularly produces both the threat and the protection against it – creates echoes of Tilly's (1985) equation of state-

[163] Tswana male respondent, resident in Itireleng for three years, interviewed 6 August 2008.
[164] Pedi female respondent, resident in Itireleng for two years, interviewed 6 August 2008.
[165] Interview with Ward Committee Member for Social Development, transcription undated.

making with organised crime, albeit a smaller-scale, more localised version of 'state-making' in the Itireleng situation. Hence, this apparent 'criminality' could also be understood as part of the consolidation of an informal structure of governance in Itireleng. There can be no regime without revenue, as Snyder and Bhavnani (2005) have observed.

Neither should the form of "popular democracy" that appears to be at work in Itireleng lead us to the false conclusion that there is a cohesive South African community in the area. Pedi-speakers are said to consider themselves the only true inhabitants of the settlement, resulting in systemic exclusion of local linguistic minorities. As a Xhosa respondent observed:

> The people from Pietersburg [Pedi speakers] have apartheid. They keep on telling us that this area belongs to them and we must go back to Cape Town. They say we have no right to be here. So our living conditions cannot be described as cordial. […] They also threatened to chuck us out. […] The language used for all meetings is Pedi. We do not understand it. We feel discriminated against by Pedis. So there is no point of attending meetings if we cannot even understand the language. […] Now these people from Pietersburg have met and resolved Xhosas and Zulus must go.[166]

This evidence resonates with Kymlicka's observation that "language has become an increasingly important determinant of the boundaries of political community" within multilingual countries, which he also refers to as "multination states" (2001: 213). For Kymlicka, any process of "collective will formation" – such as the popular democracy I am attributing to the Itireleng situation – is likely to occur only among those who share a common language (2001: 214). As such, the sovereign form we can discern in Itireleng may have an ethnic-nationalist character. Unfortunately, there is not sufficient evidence to explore this possibility further without additional fieldwork.

Whose Policing?

The Laudium police made no arrests during the February attacks; only police from the further afield Erasmia and Atteridgeville stations made arrests.[167] The deficit in local policing resulted in complaints by some local residents:

[166] Xhosa male respondent, resident in Itireleng for five years, interviewed 4 August 2008.
[167] Research Team filed Summary, 'Site report, Itireleng', undated.

> Comrades chased our men; […] police did nothing. Our men were attacked in front of police at the gate. People were robbed in front of policemen. The job of the police is to protect everybody. In our case they choose who they protect and who they do not.[168]

The use of such extra-legal discretion suggests once again the role of conflicting denizenships in determining the behaviour of ostensibly state-government actors. The subsequent assault by community members of an officer who chose to fire rubber bullets during the attacks sheds further light on the reluctance of police to intervene, and illustrates the resources of violence available for the sustenance of informal regimes.

But closer examination of the trends in everyday local policing illuminates even more about the plural denizenships of local state-government police. Vigilante responses to crime are a commonplace in the area, and police do little or nothing to curb such activities:

> We have an issue of house breakings and normally those who commit those crimes are beaten up. It's not a formalised group as such. When a thief is caught normally people gather around and beat that person. There were cases of death reported maybe two years back. The case was just hanging, nothing was done about it.[169]

The evidence suggests that police non-responsiveness is about more than simple apathy or incapacity. In other areas where FMSP researchers conducted interviews following the 2008 attacks, residents reported practices of beating suspects until the police arrived, but in Itireleng, the sub-committee is the institution to which crimes are reported:

> …when a person wants to commit crime, he thinks twice […] The reason is that, people in this area will beat you so hard. Before they take you down to the committee, they will hit you first. It is not an organised group of people. When you are caught stealing, people just come around and start hitting you and later, they take you to the committee at the gate.[170]

[168] Venda female respondent, resident in area for 14 years, interviewed 8 August 2008.
[169] Pedi female respondent, resident in Itireleng for four years, interviewed 6 August 2008.
[170] Pedi female respondent, resident in Itireleng for two years, interviewed 6 August 2008.

> We don't really have crime in this area. When a thief is caught we beat him hard and we take him to the committee to report what they've done.[171]

> When we catch a thief we first beat him with *sjambok* before we take him to the committee at the gate.[172]

Interviews indicate that local police consider the sub-committee a legitimate representative of Itireleng and have ceded at least a portion of their own jurisdiction to the body, demonstrating an unusual case of state policing operating to some degree under informal authority, as in Quadrant D of our typology. As a male respondent asserted, police are largely irrelevant, and if one approaches the police directly, "they will ask you whether you started by consulting your local leaders first."[173] Although criminals might eventually be reported to the police, the Comrades seem to exist as a gatekeeper between informal and state-government judicial systems, tolerating the instant brand of punitive justice dealt out by groups of residents prior to reporting a crime, and effectively directing the course of judicial procedure:

> … when you have to report something you have to start by reporting to them [the committee] before you go to the police. We normally report cases such as domestic violence, when a husband beat his wife, crime, things like those. […] When we catch someone stealing we normally take him to the securities at the gate. The committee then takes that person to the police station.[174]

That police have submitted to the authority of the Comrades over the area is supported by the fact that some of the leaders were released despite the police being aware that they had led the attacks on foreigners.[175]

Policing the Legitimate Means of Movement

Specifically in relation to territorial control, there was – in contrast to Alexandra – a marked and deliberate departure from state-government disciplines of identification and classification in the displacement of foreign nationals in Itireleng:

---

[171] Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[172] Pedi male respondent, resident in Itireleng for three years, interviewed 6 August 2008.A sjambok is a type of whip.
[173] Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[174] Pedi male respondent, resident in Itireleng for nine years, interviewed 6 August 2008.
[175] Pedi female respondent, resident in Itireleng for six years, interviewed 4 August 2008.

> We are not police; we do not ask for passports, they are forged anyway.[176]
>
> Foreigners entered the country illegally. The police are taking their time looking for documents. We do not want that, we simply say "leave now, we do not want to even see your papers."[177]

In the wake of the attacks, border and immigration policing functions were clearly appropriated by the committee. A Venda woman told the research team that for three months after their eviction, displaced residents had tried to return discreetly to the settlement by night, but that those who were caught returning were attacked. She told the research team that entry into Itireleng had been monitored at night, by

> … these comrades who elected themselves. They patrolled the area and hung around in the corners.[178]

The ward councillor for the area told researchers that the foreign-born spouses of South Africans living in Itireleng had complained to him that the sub-committee was levying fees to allow them to visit their families inside the settlement.[179]

The state-government police have been no use in countering this informal policing racket. There can be no more powerful expression of the displacement of state-government policing than the words of a South African woman whose naturalised Mozambican-born husband was displaced from the area during the attacks and has been unable to return since:

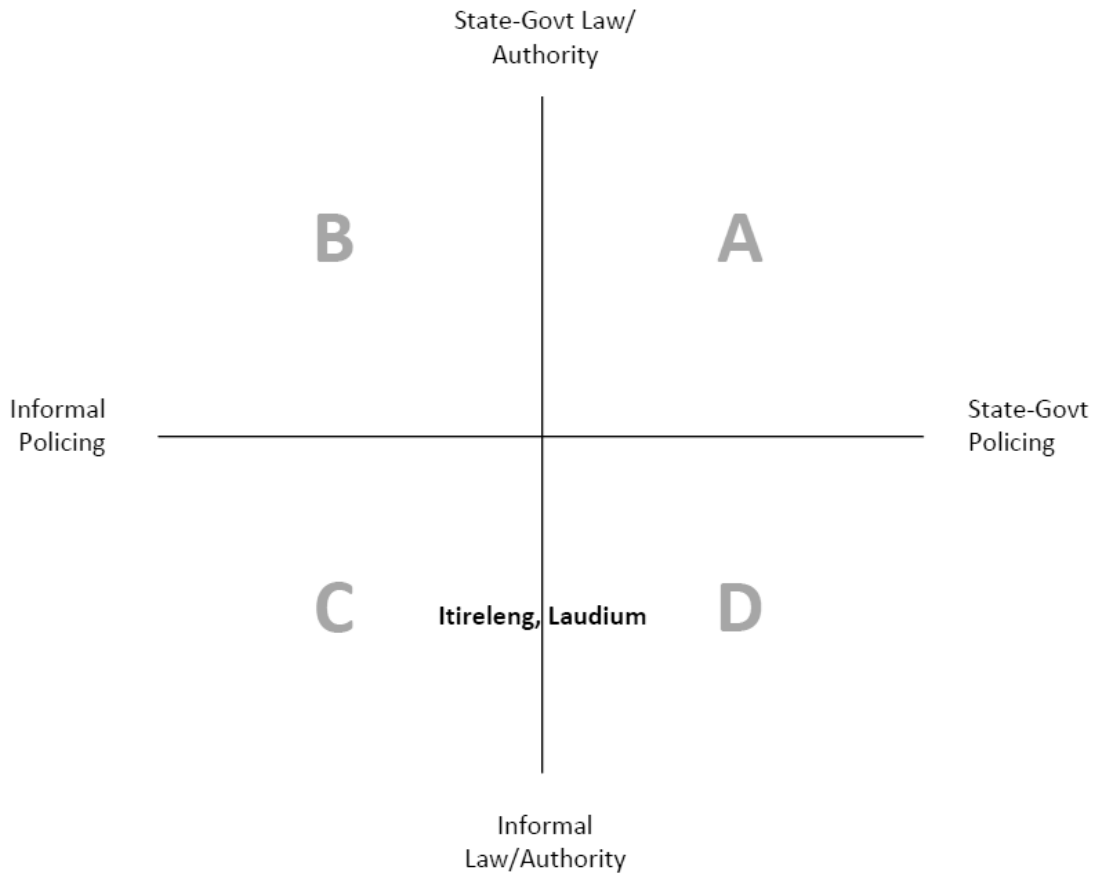
> … I went to police to inform that I am married. I was married long before we arrived in this area. Home Affairs Department knows about our marriage. My husband carries a genuine South African passport, not a fake. Even if Home Affairs can check, there are records for our marriage. So what must I do, must I divorce my husband? Police stated that there is nothing they can do, if he goes to Scrapyard [Itireleng], he will be doing so at his own risk. If he is killed, police cannot be held responsible.[180]

---

[176] Pedi male respondent, resident in Itireleng for nine years, interviewed 4 August 2008.
[177] Pedi female respondent, resident in Itireleng for six years, interviewed 4 August 2008.
[178] Venda female respondent, resident in area for 14 years, interviewed 8 August 2008; Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.
[179] Interview with Councillor Essop, no date recorded.
[180] Venda female respondent, resident in area for 14 years, interviewed 8 August 2008.

A "Brown Area"? Positioning Itireleng within the Typology

The Itireleng case presents us with a territorial sovereign form operating autonomously from the state (and co-opting state-government actors – in the form of local police – to informal agendas in the process). Itireleng presents us with what Weber defined as the qualities of a state: a "human community that (successfully) claims the monopoly of the legitimate use of force within a given territory." The territory in question may be small, but in this sub-national space the legitimacy of the state-government's territorial control mandate is not recognised, and its monopoly of the legitimate use of force has been arrogated by local-level actors for the purposes of local rather than national agendas. Indeed, to the extent that the police function, they conform to the informal order of governance that has emerged in the area and serve the local agenda rather than their state-government mandate.



Position of Itireleng 2008 in a Typology of Territorial Governance

Thus, Itireleng can be positioned straddling the informal quadrants C and D of our typology, as informal authority appears to predominate over state-government authority regardless

whether policing is carried out by popular authorities or ostensible state actors. This site falls squarely into the 'brown' quadrants, indicating the emergence of a territorial sovereign form from within the informal nodal set.

A question that emerges from the characterisation of Itireleng as a 'brown area' is that of whether the dynamics within the situation site can be understood as a reduced-scale version of the dynamics of nation-state formation. It remains unclear from the evidence available whether rent-seeking behaviour is purely opportunistic in a criminal sense, or whether revenues thus extorted will fuel the continued consolidation of informal governance. It is also uncertain to what extent the form of governance and political community that has emerged in Itireleng serves the ends of a minority nationalism on the part of the local linguistic majority.

Regardless, the findings here fly in the face of the pervasive assumption "that political norms apply [only] within nation-states, conceived as single integrated 'societies'" (Kymlicka 2001: 221). The socio-legal order in evidence in Itireleng produces its own law – without reference to state-government law, as was seen in the Alexandra case – and the authority for and provision of policing both emerge from the informal node of governance. To extend the critique of Shearing and Bayley's contention against the notion of privatisation in policing, this is not a policing multilaterlised under the auspice of the state-government, but a clearly privatised policing. Denizenship of the local brand of authority appears to have co-opted the local state-government police into the service of a non-state agenda. This said, it is also necessary here to question the appropriacy of the term 'private' to characterise the policing of a popularly defined social order, which imposes its own – albeit illiberal – public agenda.

CHAPTER 6: DISCUSSION

This study set out to draw conclusions about the nature of territory, identity and political authority in three areas affected by the May 2008 violence, and consider the implications of these realities for our understanding of sovereignty. Were the attacks indicative of the existence of territorial sovereign forms beyond the conventional state-centred conception of sovereignty? What did the attacks reveal about state sovereignty as conventionally conceived, with its presumed monopolies on the legitimate means of movement and the legitimate use of force?

The cases were analysed along two axes: using local accounts of the 2008 violence, I demonstrated whose authority presided over attacks against non-nationals, and whose policing was evident in the enactment of violence and the response to it. In the interests of conceptual clarity and analytical rigour, I conducted this analysis using a typology that depicted the role of state-government and informal nodal sets in the authorising and policing functions for each situation-site.

The situation analyses illustrated three distinct types of territorial orders, each indicating a different interface of state-government and informal nodes of governance.

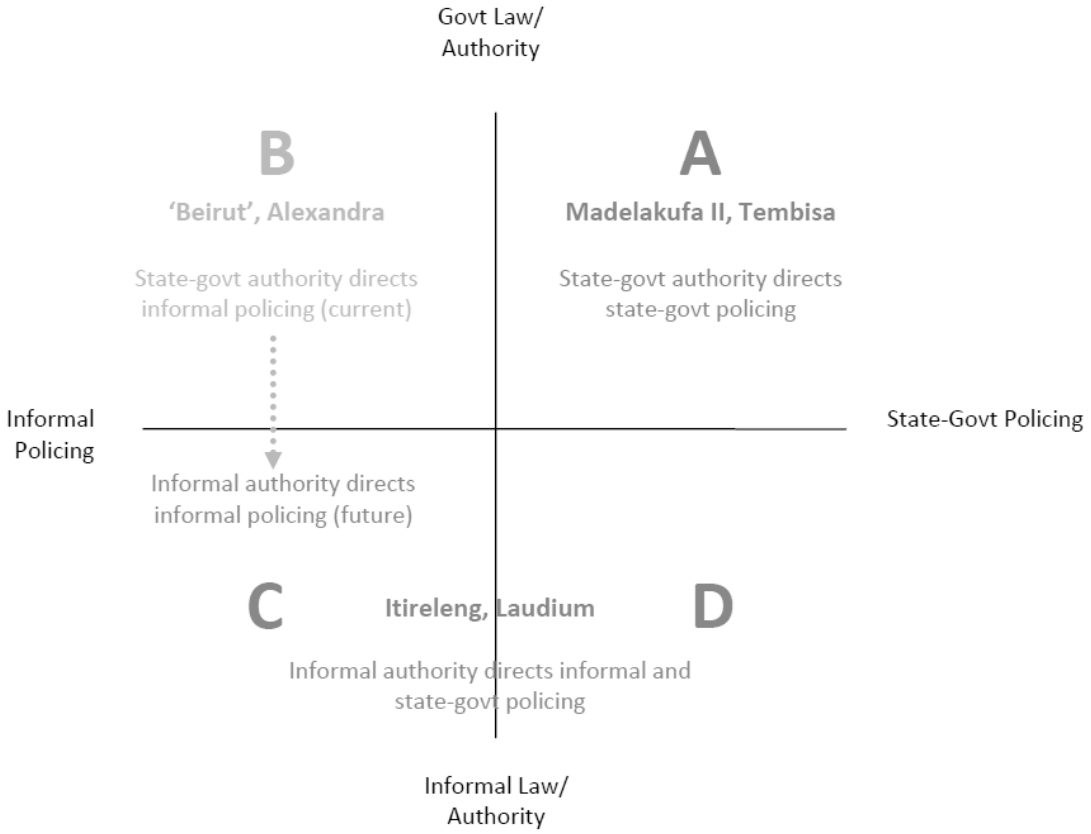
In Madelakufa II, state-government authority and policing took precedence over informal competitors in the arena of territorial control, suggestive of the typical structure of governance in a situation of state sovereignty – a 'blue area' in O'Donnell's (1993) terms. Attacks on foreign nationals were broadly conceived of as the work of criminals and condemned by local residents. The perpetrators made no effort to serve the broader interests of the community or manufacture consent for their activities, which appeared to the majority of respondents as merely a strategy for personal material gain. In line with the general agreement on the illegitimacy of attacks and their perpetrators, residents supported the work of the state-government police and the course of the state-government justice system. The state-government police were perceived as effective, and this state-government node has grown in legitimacy and become more embedded in the local environment as a result of the hard line that was taken against attackers. In other words, the informal nodal set offered no legitimate alternative interface between territory, identity and governance, and the state-government nodal set emerged unscathed from the incident. As such,

territorial control in this site can be adequately understood using the conventional assumptions about the state that Agnew (1994) has described as 'the territorial trap'. That is, that states are fixed units of sovereign space, and that they express the will of the nations they 'contain'. Madelakufa II does not challenge the model of a territorial state-society.

In the Beirut area of Alexandra, we encountered what appeared to be a territorial order in transition. The eviction of foreign nationals emerged as a form of policing by the informal nodal set – and was seen as a legitimate use of force (whereas the violence that ensued was seen as distinct and deemed to be illegitimate). However, the informal policing node was mobilised as if acting under the authority of the state-government nodal set: in a context in which state-government policing was seen to be ineffective, only categories of person whose activities are defined as offences under state law were originally targeted for eviction (although the violence that ensued was far less discriminating in practice). However, the repressive response of the state-government nodal set to the eviction indicated that the informal policing initiative was not in fact authorised by the state-government. This suggests a move from an interface of state-government authority with informal policing to an interface of informal authority *and* informal policing. In other words, the Beirut case suggested an area moving into informal authority, and thus becoming a 'brown area' in O'Donnell's (1993) typology. The transition evident in the Alexandra site illustrates the contingency of sovereign forms and modes of governance over time.

Finally, in the case of Itireleng, we clearly see a 'brown area' (O'Donnell 1993), where an alternative authority structure has arrogated both the authorising and policing functions of the state in the immediate area, with the broad blessing of the local community. Informal authority effectively presides over both informal and state-government policing; the police will not act unless the informal authority has been consulted first. In Itireleng, the territorial order is state-like in the Weberian sense: the community of Itireleng has successfully claimed the monopoly of the legitimate use of force within its territory (adapted from Weber 1948: 78) – as well as of the legitimate means of movement (Torpey 1998). Policing of the legitimate means of movement took place in February 2008 under the authority of the informal nodal set, and was implemented by the same. In other words, in the Itireleng situation we see an alternative territorial sovereign form operating within the local jurisdiction and serving local rather than national interests. The emergence of protection

racketeering in the Itireleng site bears a resemblance to Tillyan (1985) state making as organised crime.



Mapping O'Donnell's Blue, Green and Brown Areas onto a Typology of Nodal Governance

This Chapter will examine some of the implications of the situation analyses for our understanding of localised forms of territorial control and their relationship with state territorial control.

Deconstructing 'The State'

A growing body of contemporary scholars in various disciplines have criticised statism's reductive, mechanistic and simplistically hierarchical concept of the relationship between a state, a territory and a population (Agnew 1994; Garland 1996; Agnew 1999; Castles & Davidson 2000; Kahler & Walter 2006; Newman 2006; Baker 2008; among many others). Within political science, a second body of knowledge on the state – the systems approach –

problematises the idea of 'the' state as a clearly delineated entity and argues instead for the less totalising notion of a political system (Sharma & Gupta 2006b).[181] Let us use the analytical concept of the sovereign state as a lens from which to view the empirical realities presented in the three situation analyses, in order to discuss what kind of political system these sub-national orders indicate.

The Substance of the State

Echoing Weber, O'Donnell asserts that a state is "a set of social relations that establishes a certain order, and ultimately backs it with a centralized coercive guarantee, over a given territory" (O'Donnell 1993: 1356). A legal system, he adds, constitutes the state and underwrites the order it guarantees over a territory (1993: 1356). A state, he asserts, allows for the reproduction of a stable social order (1993: 1356).

From the findings of this study, it is clear that the state's coercive guarantees over the means of movement vary considerably across space, and that its monopoly on coercive force extends only irregularly across the territory it is deemed to regulate. In this sense, the findings imply that South Africa is an "ineffective" state (O'Donnell 1993; Clunan & Trinkunas 2010), which, as the case of Itireleng demonstrates, is "unable to enact effective regulation of social life", and in peripheral areas, coexists "with autonomous, also territorially based, spheres of power, where systems of local power… reach extremes of violent, personalistic rule … open to all sorts of violent and arbitrary practices" (O'Donnell 1993: 1358).

The sharper profile of local powers in this study may appear to support an argument for a turn of the scholarly gaze away from the state in reflections on the development of cosmopolitan norms (as taken by Honig 2006 and Waldron 2006 in Benhabib 2006). However, the state remains empirically significant in some areas (such as Madelakufa II), and conceptually significant across all cases, as I shall demonstrate in the next section – indicating that the positive law of the state cannot be discounted even as we examine novel socio-legal phenomena of a more mundane and local nature.

[181] This focus on political systems was eventually abandoned for want of precise boundaries for what the concept should and should not include, but given this study's aim of widening the lens through which sovereignty is viewed, and its legal pluralist approach, the approach remains useful.

The Resonance of 'The State'

On one hand, the emergence of alternative brown areas in South African territorial control appears to support Dunn's argument that the state has, in South Africa as elsewhere on the continent, "not achieved hegemonic domination over society" (Dunn 2001: 51). On the other, if we examine the evidence more closely, we find that a normative conception of the state prevails, and that the emergence of competitors is directly related to the desire for an effective state.

Benhabib (2006) reminds us of Hannah Arendt's observation that "sovereignty is nowhere more absolute than in matters of 'emigration, naturalization, nationality and expulsion'" (2006: 165). Critics of the law of the state – as opposed to cosmopolitan law, such as the law of human rights – recognise that the social goods that the liberal-democratic state holds out to citizens come at a great cost to "those who are not seen as full members of the nation, whether they are inside the boundaries of the state or outside" (Kymlicka 2006: 129-130), who are subject to containment or suppression by the state (Kymlicka 2006: 130). It is exactly in this respect that respondents desire state effectiveness. In many cases, they yearn for absolute sovereignty and its promise of exclusion. Whether they understand their project as supplementing an inefficient or corrupt state, or taking the place of an absent state, local regimes of territorial exclusion tend to find their justification within appeals to the functions that the state *ought to* carry out for citizens with regard to territorial control. Provision of territorial control functions may be informalised, but these functions continue to be seen as the rightful duty of the state-government.

> …it is our government that is irresponsible by letting wrong people in our borders. If I may recall what used to happen in the old days when I used to live in Pietermaritzburg, trucks used to come and foreigners were arrested. It shows that during these days our government was still responsible.[182]

> Government should protect South Africans: stopping corruption in government, in Home Affairs, IDs to foreigners … and in housing.[183]

[182] Respondent A2, men's focus group, Alexandra Sector II, undated.
[183] Local NGO workers, Alexandra, interviewed 9 September 2008.

The nostalgic reference to "the old days" refers back to the authoritarian rule of Apartheid, during which the extravagant performance of territorial controls served legislated racist anxieties over the segregation of space and the exclusion of racial others (Robinson 1997). The social pathologies linked to immigration in the situation sites examined here – including lack of access to security, employment, and housing on the part of South Africans – suggests that, whereas territorial control during Apartheid consolidated the state's exploitation of labour and primarily served the interests of the white electorate (Robinson 1997) it has since the advent of a liberal-democratic vision and nation-building strategy in 1994 become entwined with the notion of a "providential state" – one with the will and (more importantly in this case) capacity to ensure the well-being of citizens (Kymlicka 2006: 129). The appeal to the liberal democratic state as constituted by positive law also appears as an appeal to the state's rational mode of being, to use Das's (1994) terms. Indeed, it can be construed as a demand for rational bureaucracy in the service of the exclusionary state. This demand is implicit in the manner in which some respondents depict informal territorial controls as a form of leverage aimed at pressuring the state government to become more absolute in its territorial sovereignty:

> … these people are taking our jobs, and our economy is going down. This was a way of making the government open its ears.[184]

> Our government understands only violence, if you talk, they do not listen.[185]

> Government is not thinking for us [i.e. on our behalf]. Government understands us only when we use violence. We do not want these people here ever again.[186]

Such demands instantiate a legible rather than magical bureaucracy, and implicitly demand rational government. In other words, respondents articulate a clear vision of the state and its territory as the centre of political action. In large part, this is due to the resonance of the concept of citizenship; of the goods that are expected to inhere in denizenship of the state-government. This will be explored a little later in the discussion.

[184] Setswana male respondent, resident in Itireleng for three years, interviewed 6 August 2008.
[185] Xhosa male respondent, resident in Itireleng for five years, interviewed 4 August 2008.
[186] Pedi male respondent, resident in Itireleng for nine years, interviewed 4 August 2008.

Subnational Borders, Governance and Identity

Scholars have noted the problematic conflation of the territorial state with the 'nation-state', as if the borders of national identity correspond seamlessly with the physical borders of the state territory (Agnew 1994; Newman 2006). This conflation "endows the territorial state with the legitimacy of representing and expressing the 'character' or 'will' of the nation" (Agnew 1994: 59). In this way, territory, identity and political authority are harnessed into a single, macro-scale configuration. The studies examined in this study illustrate how reductive such a conception may be.

At the same time as they deconstruct conventional notions of the territorial 'nation-state', the situation analyses counter the trend toward interpreting the transformation of the state as evidence of the declining importance of territory, resulting in a global "unearthing" or "deterritorialization" (Van Houtum & Strüver 2002: 141; Newman 2006: 85). When we examine territorial conflict at a local or micro-scale, as in the situation analyses presented here, we find a multiplication of territorial orders in which groups lay claim to particular territories, and informal nodes of governance produce and/or police local regimes of exclusion. In line with other research into ethno-territorial conflict (Kymlicka 1998; Newman 2006), the situation analyses illustrate how the interface between territory, identity and political authority varies across space and time. The interface is neither static across the national territory, nor has territory become insignificant.

Whose borders?

The cases examined in this study present us with bordering processes at the local rather than national level. Whereas in Madelakufa there is limited evidence to differentiate the territory of the settlement from the broader state territory, in Alexandra and Itireleng it is clear that geopolitical negotiations are taking place at the micro-scale of settlement boundaries – which are smaller even than the state's administrative ward boundaries.

In such cases, reterritorialisation is evidenced by armed groups ostensibly defending the territorial sovereignty of minute jurisdictions. Ironically, this reterritorialisation appears to emerge from the same concerns that gave nation-states their territorial boundaries in the first place. Agnew notes that historically, states gained their hegemony through the conviction that

> Security is only possible for a tightly defined spatial unit endowed with sovereignty. Hence, politics, in the sense of the pursuit of justice and virtue, could exist only within territorial boundaries. […] Security is then, by definition, the defence of a particular spatial sovereignty and the politics within it. (Agnew 1994: 62)

Unsurprisingly, then, it is in places like Alexandra and Itireleng, where security has become politicised as a significant issue, that borders have tightened, shrinking to the local level, where political communities of various descriptions have arisen to defend spatial sovereignty at the micro level.

Whose Governance?

As well as "the clear spatial demarcation of the territory within which the state exercises its power" (Agnew 1994: 53), a defining feature of the state in terms of political theory is "the exercise of power through a set of central political institutions" (Agnew 1994: 53). These features imply that ultimately, governance within a state territory should have a common source of authority in a core set of political institutions that are associated with the state.

I have already discussed the dual components of authority and provision that constitute governance. I have shown the variance of sovereignty across space by overlaying a typology of authority and provision by two nodal sets with O'Donnell's spatialised typology of governance. State governance is strong in 'blue areas' where state-government nodes are both the authorisers and providers of territorial control – Madelakufa II was an example of a 'blue area'. State governance prevails but is less effective in 'green areas', where state-government nodes perform as authorisers of policing, but informal nodes must provide the functional dimension of these authorisations – with or without the express instruction of a state-government node. Residents of Alexandra experienced their locality as a 'green area,' though in the end the state distanced itself from the policing provided by informal nodes, and in thus withdrawing any semblance of its authority over the evictions pushed Beirut into the 'brown' spatial category. In 'brown areas' informal sovereign forms have displaced state-government ones. Although in some cases state-government rather than informal nodes may provide the functional dimension of governance, it is informal nodes that authorise the local order in the place of the state-government. Itireleng is an apt example of this category of spatialised governance.

In terms of Agnew's definition above, although the central political institutions might choose to decentralise and multilateralise some of their functions of authorisation and provision, these transformations are themselves authorised by the state institutions conceived as the centre of governance in the territory. The definition does not account for the cases of Alexandra and Itireleng, where the real or perceived failure of the state's functional dimension became a platform for the mobilisation of informal means of coercion to police the legitimate means of movement, and, particularly in Itireleng, the authoring of new notions of the legitimate means of movement. Indeed, the public dimension of the state is in some of our situation analyses attenuated to the point that it is unclear whether the means of coercion being exercised by informal actors attacking foreigners should be considered public or private. In a collection of essays published in the wake of the attacks, one author suggested that the violence had been an exercise of popular democracy – the implicit suggestion that the violence was a legitimate exercise of the will of the people (however localised) is not completely unfounded (Glaser 2008).

The political organisation at work in these territories is not always reducible to state governance. If, as asserted above, security is synonymous with "the defence of a particular spatial sovereignty and the politics within it" (Agnew 1994: 62), then the "politics within" those comparatively minute spaces may coincide to a greater or lesser extent with that of the state (Madelakufa and Alexandra fit these respective descriptions), or diverge in a remarkable manner, as in the case of Itireleng. Alexandra's anticipated shift toward informal authority arose out of the realisation, in the face of state-government condemnation, that the politics within the settlement and the politics of the state were at odds, and that the former may need to be defended from the latter. Of course, as Agnew's words remind us, security involves the defence not only of "a particular spatial sovereignty" but also of "the politics within it" (1994: 62). Resident providers of territorial control in Alexandra discovered that their regulation of a spatial jurisdiction, ostensibly on behalf of the state-government, overreached the grasp of state-government authority, producing a competitor auspice.

Identities and Territories

Decentring the 'Nation-State'

Echoing Hannah Arendt's (1976) civic conception of polity, Castles and Davidson assert that

> The essence of the nation-state is the institution of citizenship: the integration of all the inhabitants of a territory into the political community, and their political equality as citizens. (Castles & Davidson 2000: 2)

The discursive institution of 'the nation' is implicit in the very concept of the 'nation-state.' As I argued earlier, the concept of the nation-state "endows the territorial state with the legitimacy of representing and expressing the 'character' or 'will' of the nation" (Agnew 1994: 59) in a manner which produces a single, macro-scale configuration of territory, identity and political authority. The situation analyses presented here have given the lie to this aggregated notion of belonging at the national level, revealing some of the ways in which localised categories of belonging have emerged in the policing of territory in South Africa. The rosy constitutional principles of the South African nation-state, with its universalist rights orientation articulated as the voice of 'We, the people of South Africa" in the Preamble to the Constitution of South Africa, do not resonate in the hearts and minds of residents in communities such as Itireleng. In Itireleng, 'we the people' are those legitimately residing 'inside' the border marked by 'the gate.'

Evidence collected for the situation analyses presented in this thesis demonstrates that 'national' citizenship is not the only category of territorialised belonging that is linked to political action, and not necessarily the most important. There are different scales of insiderhood and outsiderhood, and many of them define identity at a scale far lower than that of the 'nation-state'.

For instance, bordering emerges in relation to the city territory due to anxieties around urbanisation. Here, control over movement is not necessarily about preventing international migration, but about both internal and international urbanisation flows into South African cities. Since almost all respondents are internal migrants themselves, it is not necessarily a matter of urban 'indigenes' against rural newcomers, but a more general contestation over the right to the city, as in the case of migrants from Pietersburg contesting the rights of migrants from the City of Cape Town in Itireleng:

> The people from Pietersburg have apartheid. They keep on telling us that this area belongs to them and we must go back to Cape Town. They say we have no right to be here.[187]

Yet in Alexandra, we see contestation of the rights of non-nationals to cities claiming justification from the discourse of the sovereign state as a territorial enclave:

> …foreigners enter this country without documents; the border authorities are not doing their job. […] Look at Johannesburg; it is now a Nigerian city. […] There is a need to reclaim our city from *foreigners*.[188] (my italics)

The enduring resonance of national identity that is evident here is also clearly articulated in the manner in which territorial controls exercised in the case sites primarily targeted national outsiders (i.e. people from outside the South African state). Many scholars foreground intra-state group identities in the transformation of domestic geopolitics, where ethnic, religious, linguistic or regional identities are mobilised "as markers of economic, social and political exclusion," and, during violent conflict, used "to control both people and territory" (Luckham 2003: 22). Hints of ethnic nationalism can be discerned from the situation sites examined in this study, but overall it remains clear that in South Africa, as Loren Landau (2005: 7) notes, it is predominantly nationality rather than ethnicity that "has become the fulcrum for conflict, exclusion, and identity formation" (2005c: 7).

> The whites kicked and killed us for our freedom. Foreigners have long enjoyed freedom in their countries. South Africa is the last country to receive freedom. Before I even begin to enjoy freedom, I am expected to share with foreigners. I am still waiting for a house and a better job.[189]

This quotation illustrates the historical resonance with which national identity is imbued as a result of political and territorial socialisation, in which the national territory "forms a major component of identity construction" (Newman 2006: 95-96). But equally, it must be acknowledged that national boundaries are "the hard lines that determine the territorial extent of the state and, by definition, the citizenship of those residing therein" (Newman

[187] Xhosa male respondent, resident in Itireleng for five years, interviewed 4 August 2008.
[188] Pedi male respondent, resident in Alexandra for 10 years, interviewed 10 September 2008.
[189] Pedi male respondent, resident in Itireleng for nine years, interviewed 4 August 2008.

2006: 101) and that, in terms of the structural organisation of the political world, "rights are typically understood as citizenship-rights, and hence are tied to the state as the provider or guarantor of rights" (Kymlicka 2001: 236).

Citizenship and Rights

Local identities in situation-sites characterised by informal authority related strongly to notions of citizenship within the national territory. This despite the apparent recidivism of the spaces where violence broke out in 2008 – with their visible displays of civil disobedience in the form of public vandalism and violent resistance to police, resembling separatist movements in which borders shrink to coincide with the reach of local ideologies and identities.

The importance of citizenship was tied to normative assumptions about the obligations of a post-apartheid state to provide certain goods in a context of widespread poverty and the continuing struggle for dignity among historically disadvantaged populations. These demands on the state can be understood as a shared understanding of the content of democratic citizenship. Respondents' remarks suggest a normative vision of citizenship as endowing the bearer with the long-awaited fruits of suffering and struggle against the apartheid system, including benefits from basic shelter and services to jobs and financial stability:

> In this area, the community is tired of migrants and it looks like they are receiving from our government more than us. Some of them have houses; we still don't have houses.[190]

> Laws are enacted in parliament but they do not seem to know what is happening here. […] This violence had nothing to do with politics. It had everything about the suffering of people in the area, there was crime and South Africans did not have a space to stay.[191]

> …don't come here and try to rule us and take what belong to us. We are still waiting for houses and some [foreigners] are already occupying those houses.[192]

[190] Zulu male respondent, resident in Alexandra for 15 years, interviewed 28 August 2008.
[191] Respondent A2, men's focus group, Alexandra, transcript undated.
[192] Pedi male respondent, resident in Itireleng for six years, interviewed 6 August 2008.

> The government is now pampering them […] as long the foreigners are here we will always have unemployment and poverty here in South Africa […] There is too much of them now, if the government does not do something people will see what to do to solve the problem[193]

We can place within this context O'Donnell's assertion that private rights – by which he means rights that are not clearly political – "must be seen as no less constitutive of citizenship than the 'public' right of voting without coercion" (1993: 1357). O'Donnell argues that citizenship "can only exist within the legality of a democratic state" (1993: 1361). In the cases we have examined, the state is functionally largely absent, and in Alexandra and Itireleng the state-as-law is also deeply compromised. It is therefore not surprising that a respondent should equate local access to jobs, houses and other resources with the "freedom" represented by democratic citizenship, and in turn with the security of the border which is theoretically the structural guarantor of these private dimensions of citizenship.

Thus, although emergent territorial regimes may physically operate within a limited jurisdiction, and demonstrate the importance of smaller-scale, sub-national territories as geopolitical entities, their symbolic content continues to reproduce the notion of the state through normative constructions of the content of citizenship and definitions of the 'good' state. Far from breaking down the state as a territorial project, localised evictions often reinscribed unambiguous state borders as the territorial markers of imagined community and belonging:

> They must go back to their own countries and fix their own problems. We had to struggle for our freedom. [194]

> It would be better if they go back to their own countries. They cause problems within the country.[195]

> When I arrived in 1991 it was South Africans who occupied this place, it was alright. Now this area is occupied by foreigners.[196]

---

[193] Interview with hostel *induna*, Alexandra, interview undated.
[194] Swazi male respondent, resident in Madelakufa for eight years, interviewed 22 August 2008.
[195] Zulu male respondent, resident in Alexandra for three years, interviewed 28 August 2008.
[196] Pedi male respondent, resident in Alexandra for 17 years, interviewed 3 September 2008.

> I think they should go back to where they came from, and resolve their country's internal problems[197]

Thus, the reterritorialisation achieved through the violent othering of 'outsiders' cannot necessarily be reduced to the enactment of autonomous discourses of localised belonging or spatialised nationalism. The discourse of state-centred belonging remains strongly inscribed in bordering/othering discourses on a local level. The idea of the larger state territory, seen as virtually coterminous with the government, outweighs localised visions of territorial attachment. This pre-eminence of citizenship and by extension national borders in the territorial imagination may explain why ethnic connections between South Africans and Zimbabweans have ceased to be meaningful. Shared history, said one respondent from Alexandra, "no longer concerns us; what we know is that they are *Kalangas*.[198] The bottom line is that they are not South Africans."[199]

As we have seen, individuals have "multiple denizenships depending on the number of domains of governance through which their lives are regulated" (Shearing & Wood 2003: 408). These affiliations with various spheres of governance each bring a set of "rights and responsibilities" and "expectations and obligations" to bear upon the denizen, and impose inclusions and exclusions based on practises of othering (Shearing & Wood 2003: 408). In the cases examined in this study, we find that the institution of citizenship and the national border to which it is tied, despite constituting a distinct denizenship in and of itself, has a resonance that animates categories of inclusion and exclusion within the localised denizenships that emerged in some of the situation-sites. The evident attachment to the national territory, and the consequent reproduction of national identity in relation to the territorial state, illustrates the fact that attachments to place that are learned "through processes of political and territorial socialization" (Newman 2006: 87) remain robust enough to impinge upon even those alternative territorial regimes whose territoriality appears to be becoming detached from state institutions and imperatives. Indeed, appeals to the security of the national territory may become legitimising discourses for territorial regimes that are otherwise indifferent or antagonistic to the state-government.

[197] Tswana male respondent, resident in Itireleng for two years, interviewed 6 August 2008.
[198] The Kalanga are a Shona-speaking tribe of Zimbabwe. However, the term is most likely used by some South Africans as a portmanteau term for "foreigners."
[199] Zulu female respondent, resident in Alexandra for 10 years, interviewed 3 September 2008.

CHAPTER 7: CONCLUSION

This study set out to draw conclusions about the nature of territory, identity and political authority in three areas affected by the May 2008 violence, and consider the implications of these realities for our understanding of sovereignty. How did the attacks unfold as a form of territorial control? Were they indicative of the existence of territorial sovereign forms beyond the conventional state-centred conception of sovereignty, and how did they relate to the state? What did the attacks reveal about state sovereignty as conventionally conceived, with its presumed monopolies on the legitimate means of movement and the legitimate use of force?

We can now answer these questions. In some cases, such as Itireleng, the attacks did indeed signal the existence of localised territorial sovereign forms which preclude a state monopoly of the legitimate means of movement and related use of force. In other cases, such as that of Beirut, Alexandra, the configuration of sovereignty is less clear. What was locally conceived as a supplementary measure to buttress an ineffective but legitimate state regime of territorial control – an exercise of responsible citizenship – met with state repression and condemnation that revealed it instead as a form of autonomous citizenship: an accidental sovereign form, so to speak. In still other cases, such as Madelakufa II, violence unfolded as criminal behaviour and if anything served to showcase state power, increase police legitimacy, and leave the state with a stronger hold on the territory in question.

The three cases contribute usefully to a growing literature that problematises conventional notions of state sovereignty and illustrates the poverty of the static relationship between territory, identity and political authority that these notions conjure up. The cases reveal variation in the configuration of governance across spatial settings. While the state remains empirically significant, and state citizenship retains a resonance that contributes to the production of local forms of exclusion, the functional dimension, as well as the authority of the state over certain jurisdictions, varies substantially across spaces within the territorial state.

This study joins a very limited body of research into the formal/informal interface in territorial control. The focus on territorial control is also novel in terms of existing socio-legal research, and adds support as well as an interesting new perspective to critiques of legal

positivism. The examination of territorial orders in terms of a typology of state-government and informal nodes, each with dimensions of authority and provision, usefully decentres the state from accounts of territorial control. Using the concept of sovereignty to understand embodied orders of territorial governance provides a fresh perspective of the often invisible but undeniably important micro-political geographies – with their multiple denizenships, sometimes to an "other law" (Schärf & Nina 2001) – that make up the territorial 'nation-state.'

BIBLIOGRAPHY

Abrahams, Ray. 1996. 'Vigilantism: Order and Disorder on the Frontiers of the State.' In Harris, Olivia. (ed) *Inside and Outside the Law: Anthropological Studies of Authority and Ambiguity.* London: Routledge: 41-55.

Agamben, Giorgio. 2005. *State of Exception*. Chicago: University of Chicago Press.

Agnew, John. 1994. 'The Territorial Trap: The Geographical Assumptions of International Relations Theory.' *Review of International Political Economy*, 1(1): 53-80

Albahari, Maurizio. 2006. 'Death and the Modern State: Making Borders and Sovereignty at the Southern Edges of Europe.' Center for Comparative Immigration Studies, Working Paper 137. [Online] Available from: http://ccis.ucsd.edu/PUBLICATIONS/Maurizio%20Working%20Paper%20Finished.pdf

Allen, J. & Hamnett, C. (eds.) 1995. *A Shrinking World: Global Unevenness and Inequalit*y. Oxford: Oxford University Press/Open University.

Amit, Roni. 2009. 'National Survey of the Refugee Reception and Status Determination System in South Africa.' Migrant Rights Monitoring Project Research Report: February 2009. Johannesburg: Forced Migration Studies Programme.

Amit, R. 2010. 'Lost in the Vortex: Irregularities in the Detention and Deportation of Non-Nationals in South Africa.' FMSP Research Report: June 2010. Johannesburg: Forced Migration Studies Programme.

Andreas, Peter. 2000. 'Introduction: The Wall after the Wall.' In Andreas, P. & Snyder, T. (eds) *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*. Lanham: Rowman and Littlefield.

Andreas, Peter. 2003. 'Redrawing the Line: Borders and Security in the Twenty-First Century.' *International Security* 28(2): 78-111.

An-Na'im, Abdullahi A. (ed.) 1992. *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Pennsylvania: Pennsylvania University Press.

An-Na'im, Abdullahi A. (ed.) 1992a. 'Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment.' In An-Na'im, Abdullahi A. (ed.) *Human Rightsin Cross-Cultural Perspectives: A Quest for Consensus*. Pennsylvania: Pennsylvania University Press, 19-43.

Arendt, Hannah. 1976. *The Origins of Totalitarianism*. New York: Harcourt Inc.

Arias, Enrique Desmond. 2006. *Drugs and Democracy in Rio de Janeiro.* North Carolina: University of North Carolina Press.

Baker, Bruce. 2008. *Multi-Choice Policing in Africa*. Uppsala: Nordiska Afrikainstitutet.

Bauman, Zygmunt. 2002. *Society Under Siege*. Malden, MA: Blackwell.

Bahcheli, Tozun; Bartmann, Barry & Srebrnik, Henry. (eds.) 2004. *De Facto States: The Quest for Sovereignty*. Abingdon: Routledge.

Bayley, D. & Shearing, C. 2001. *The New Structure of Policing: Description, Conceptualization and Research Agenda*. United States Department of Justice, National Institute of Justice: Washington, DC.

Bekker, Simon; Eigelaar-Meets, Ilse; Eva, Gary & Poole, Caroline. 2008. 'Xenophobia and Violence in South Africa: A Desktop Study of the Trends and a Scan of Explanations Offered.' Unpublished: University of Stellenbosch.

Benhabib, Seyla. *Another Cosmopolitanism?* Oxford: Oxford University Press.

Bernstein, Ann. (ed.) August 2008. 'Immigrants in Johannesburg: Estimating Numbers and Assessing Impacts.' *CDE In Depth* No. 9. Johannesburg: Centre for Development and Enterprise.

Bickman, L. & Rog, D.J. 1998. *Handbook of Applied Social Research Methods*. Thousand Oaks: Sage.

Biersteker, T.J. & Weber, C. 1996. *State Sovereignty as a Social Construct*. Cambridge: Cambridge University Press.

Blitz, Brad. 2005. 'Refugee Returns, Civic Differentiation, and Minority Rights in Croatia 1991–2004.' *Journal of Refugee Studies* 18(3): 362-386.

Bozzoli, B. 2004. *Theatres of Struggle: Popular Rebellion and the Death of Apartheid*. Edinburgh University Press with University of the Witwatersrand and Ohio University Press.

Burawoy, Michael. 2009. *The Extended Case Method: Four Countries, Four Decades, Four Great Transformations and One Theoretical Tradition.* Place: University of California Press.

Buur, L. & Jensen, S. 2004. 'Introduction: Vigilantism and The Policing Of Everyday Life In South Africa.*' African Studies*, 63(2): 142.

Call, Charles, T. & Wyeth, Vanessa. (eds.) 2008. *Building States to Build Peace*. Colorado: Lynne Rienner.

Castells, M. 1996. *The Rise of Network Society*. Oxford: Blackwell.

Castles, Stephen & Davidson, Alastair. 2000. *Citizenship and Migration: Globalization and the Politics of Belonging*. London: Macmillan.

Cawthra, Gavin. 2003. 'Security Transformation in Post-Apartheid South Africa.' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 31-56.

Cawthra, Gavin & Luckham, Robin. 2003. 'Democratic Control and the Security Sector: The Scope for Transformation and its Limits.' In their *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 305-327.

Cawthra, Gavin & Luckham, Robin. (eds.) 2003. *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books.

Chabal, P. & Daloz, J-P. 1999. *Africa Works. The Political Instrumentalization of Disorder*. Bloomington: International African Institute in association with James Currey and Indiana University Press.

Chowdhury, Supriya Roy. 1999. 'Neo-Statism in Third World Studies: A Critique.' *Third World Quarterly* 20(6): 1089-1107.

Clunan, Anne L. & Trinkunas, Harold. 2010. 'Conceptualizing "Ungoverned Spaces": Territorial Statehood, Contested Authority, and Softened Sovereignty.' In Clunan, Anne L. & Trinkunas, Harold. (eds.) *Ungoverned Spaces: Alternatives to state Authority in an Era of Softened Sovereignty*. Stanford: Stanford University Press, pp17-33.

Cohen, Roberta. 2007. 'Response to Hathaway.' *Journal of Refugee Studies* 20(3): 370-376.

Coleman, Mathew. 2007. 'Immigration Geopolitics Beyond the Mexico-US Border.' *Antipode* 39(1): 54-76.

Comaroff, Jean & Comaroff, Jean. 2007. 'Law and disorder in the postcolony.' *Social Anthropology* 15(2): 133–152.

Coplan, David. B. 2009. 'Innocent Violence: Social Exclusion, Identity, and the Press in an African Democracy.' *Identities* 16(3): 367 - 389.

Cornwall, Andrea & Brock, Karen. 2005. 'What do Buzzwords do for Development Policy? A critical look at "participation", "empowerment" and "poverty reduction"', *Third World Quarterly*, 26(7): 1043-1060.

Cornwall, Andrea & Coehlo, Vera Schatten. (eds.) 2007. *Spaces for change? The Politics of Citizen Participation in New Democratic Arenas*. London: Zed Books.

Cornwall, Andrea & Coehlo, Vera Schatten. 2007 'Spaces for Change? The Politics of Citizen Participation in New Democratic Arenas.' In their *Spaces for change? The Politics of Citizen Participation in New Democratic Arenas*. London: Zed Books: 1-29.

Cotterrell, Roger. 2002. 'Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies.' *Journal of Law and Society* 29(4): 632-644.

Crush, J. (ed.) 2008. *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa.* Southern African Migration Project Migration Policy Series No. 50. Cape Town: IDASA & Queen's University, Canada.

Crush, J. & Pendleton, W. 2004. *Regionalizing Xenophobia? Citizen Attitudes to Immigration and Refugee Policy in Southern Africa. Southern African Migration Project*. Cape Town: IDASA & Queen's University, Canada.

Cunningham, Hilary. 2004. 'Nations Rebound?: Crossing Borders in a Gated Globe.' *Global Studies in Culture and Power*." (11): 329-350.

Das, Veena. 2004. 'The Signature of The State: The Paradox of Illegibility.' In Das, Veena & Poole, Deborah (eds.). *Anthropology in the Margins of the State*. Sante Fe & Oxford: School of American Research Press & James Currey: 225-252.

Das, Veena & Poole, Deborah (eds.). 2004. *Anthropology in the Margins of the State*. Sante Fe & Oxford: School of American Research Press & James Currey.

Davis, Martha E. 1999. 'The Evolving Right to Travel: Saenz v. Roe.' *Publius* 29(2): 95-110.

Dembour, Marie-Bénédicte. 1996. 'Human Rights Talk and Anthropological Ambivalence: the Particular Context of Universal Claims.' In Harris, Olivia. (ed) *Inside and Outside the Law: Anthropological Studies of Authority and Ambiguity*. London: Routledge: 19-40.

De Wet, T.; Mathee, A. & Barnes, B. 1999. 'Anthropology and Epidemiology: A case study of health and environment in Alexandra, Johannesburg,' Paper presented at LEAD Programme in Technologies for Enhanced Environmental Management, Durban, December 1999.

De Wind, Josh. 2007. 'Response to Hathaway.' *Journal of Refugee Studies* 20(3): 381-385.

Donaldson, John W. 2005. 'Fencing the Line: Analysis of the Recent rise in Security Measures Along disputed and Undisputed Boundaries.' In Zureik, Elia & Mark B. Salter (eds.) *Global Surveillance and Policing: Borders, Security, Identity.* Portland: Willan Publishing: 173-193.

Doty, Roxanne Lynn. 2007. 'States of Exception on the Mexico-U.S. Border: Security, Decisions, and Civilian Border Patrols.' *International Political Sociology* (1): 113–137.

Dunn, K.C. 2001. 'MadLib #32: The (Blank) African state: Rethinking the Sovereign state in International Relations Theory.' In Dunn, K.C. & Shaw, T.M. *Africa's Challenge to International Relations Theory*. Houndmills: Palgrave: 44-63.

Duval Smith, Alex. 2008. 'Is This The End of The Rainbow Nation? *Mail & Guardian Online*, 25 May 2008.

Ellis, S. 1998. 'The Historical Significance of South Africa's Third Force,' *Journal of Southern African Studies*, 24(2): 261.

Engel, David. M. 2009. 'Landscapes of the Law: Injury, Remedy, and Social Change in Thailand.' *Law & Society Review* 43(1): 61-94.

Ero, Comfort. 2003. 'Sierra Leone: The Legacies of Authoritarianism and Political Violence.' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 232-253.

Fayemi, J. 'Kayode. 2003. 'Governing the Security Sector in a Democratising Polity: Nigeria.' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 57-77.

Field, L.W. & Fox, R.G. (eds.) 2007. *Anthopology Put to Work*. Oxford: Berg.

Foucault, Michel. 1990. *The History of Sexuality: Volume 1*. London: Penguin.

Garland, David. 1996. 'The Limits of The Sovereign State: Strategies of Crime Control In Contemporary Society.' *British Journal of Criminology* 36(4): 445-471.

Gaventa, John. 2007. 'Foreword.' In Cornwall, Andrea & Coehlo, Vera Schatten. (eds.) *Spaces for change? The Politics of Citizen Participation in New Democratic Arenas*. London: Zed Books: x-xviii.

Geertz, Clifford. 2001. *Available Light: Anthropological Reflections on Philosophical Topics*. Princeton: Princeton University Press.

Gelb, Stephen. 2008. 'Behind Xenophobia in South Africa – Poverty or Inequality?' In Hassim, S; Kupe, T. & Worby, E. (eds.) *Go Home or Die Here: Violence, Xenophobia and the Reinvention of difference in South Africa*. Johannesburg: Wits University Press: 79-91.

Gerring, J. 2007. *Case Study Research: Principles and Practices*. Cambridge: Cambridge University Press.

Gibson, Kerry; Mogale, Nthabiseng & Friedlander, Robin. 1991. 'Some Preliminary Ideas about the Meaning of Inkatha Violence for Children Living in Alexandra.' Paper presented at the 8th National Congress of the South African Association for Child and Adolescent Psychiatry and Allied Disciplines, Johannesburg, 12-14 September 1991. [Online] Available from: http://www.csvr.org.za/index.php?option=com_content&task=view&id=507&Itemid=143

Gilbert, Emily. 2007. 'Leaky Borders and Solid Citizens: Governing Security, Prosperity and Quality of Life in a North American Partnership.' *Antipode*, 39(1): 77-98.

Glaser, Daryl. 2008. '(Dis)Connections: Elite and Popular "Common Sense" on the Matter of Foreigners.' In Hassim, S; Kupe, T. & Worby, E. (eds.) *Go Home or Die Here: Violence, Xenophobia and the Reinvention of difference in South Africa*. Johannesburg: Wits University Press: 53-63.

Goemans, H. E. 2006. 'Bounded Communities: Territoriality, Territorial Attachment, and Conflict.' In Kahler, Miles & Walter, Barbara F. (eds.) *Territoriality and Conflict in an Era of Globalisation*. Cambridge: Cambridge University Press: 25-61.

Hagan, John. 2000. 'Narrowing the Gap by Widening the Conflict: Power Politics, Symbols of Sovereignty, and the American Vietnam War Resisters' Migration to Canada.' *Law & Society Review* 34(3): 607-650.

Hammar, T. 1990. *Democracy and the Nation State, Aliens, Denizens and Citizens in a World of International Migration*. Aldershot: Avebury.

Hammar, T. 2003. `Denizen and Denizenship.' in A. Kondo and C. Westin (eds.) *New Concepts of Citizenship: Residential/Regional Citizenship and Dual Nationality/Identity*. Stockholm: The Centre for Research in International Migration and Ethnic Relations (CEIFO).

Handel, Michael I. 1990. *Weak States in the International System*. London: Frank Cass & Co.

Hansen, T.B. & Stepputat, F. (eds.) 2006. Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World. Princeton: Princeton University Press.

Harbeson, J.W. & Rothchild, D.S. 2000. *Africa in World Politics: the African State System in Flux*. Boulder: Westview Press.

Harris, Olivia. (ed.) 1996. *Inside and Outside the Law: Anthropological Studies of Authority and Ambiguity*. London: Routledge.

Harris, Olivia. 1996. 'Introduction: Inside and Outside the Law.' In Harris, Olivia (ed.) *Inside and Outside the Law: Anthropological Studies of Authority and Ambiguity*. London: Routledge: 1-15.

Harris, B. 2001. 'As for Violent Crime That's our Daily Bread': Vigilante violence during South Africa's period of transition.' CSVR Violence and Transition Series. [Online] Available from: http://www.csvr.org.za/wits/papers/papvtp1.htm

Harris, B. 2001b. 'A Foreign Experience: Violence, Crime and Xenophobia During South Africa's Transition.' Violence and Transition Series, No. 5. Centre for the Study of Violence and Reconciliation.

Harris, B. 2003. 'Spaces of Violence, Places Of Fear: Urban Conflict In Post-Apartheid South Africa.' Paper presented on the Conflicts and Urban Violence panel, Foro Social Mundial Tematico, Cartagena, Colombia, 16-20 June 2003.

Hathaway, James C. 2007. 'Forced Migration studies: Could we Agree Just to 'Date'?' *Journal of Refugee Studies* 20(3): 349-369.

Hathaway, James C. 2007. 'Rejoinder' *Journal of Refugee Studies* 20(3): 385-390.

Hayward, Carissa Rile. 2003. 'The Difference States Make: Democracy, Identity, and the American City.' *The American Political Science Review* 97(4): 501-514.

Herbst, J.I. 2000. 'The Challenge of State-Building in Africa.' Chapter 1 of *States and Power in Africa*. New Jersey: Princeton University Press.

Honig, Bonnie. 2006. 'Another Cosmopolitanism? Law and Politics in the New Europe.' In Benhabib, Seyla. *Another Cosmopolitanism?* Oxford: Oxford University Press, 102-127.

Hosken, G. 2008. 'Attacks on Foreigners "Organised",' *Independent Online*, 22 February 2008.

Hosken, G. & Otto, H. 2008. 'They Must Go or We Will Kill Them', *Independent Online*, 21 February 2008.

Human Sciences Research Council (HSRC). 2008. 'Citizenship, Violence and Xenophobia in South Africa: Perceptions from South African Communities'. Democracy and Governance Programme.

Human Rights Watch. 2005. 'Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda'. Index No. A1712. [Online] Available from: www.hrw.org.

Hutchful, Eboe. 2003. 'Pulling Back from the Brink: Ghana's Experience.' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 78-101.

IDASA. 2002. 'Participatory Governance at Local Level.' [Online] Available from: http://www.idasa.org.za/index.asp?page=output_details.asp%3FRID%3D216%26oplang%3Den%26TID%3D12%26OTID%3D7

IDASA. 2008. 'Background Report on Recent Xenophobic Violence in Gauteng.'

Iganski, Paul. 2008. *Hate Crime and the City.* University of Bristol: Policy Press.

Igglesden, V; Monson, T. & Polzer, T. 2009. 'Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned Following Attacks on Foreign Nationals in May 2008.' Johannesburg: Oxfam/Forced Migration Studies Programme.

Jackson, R.H. & Rosberg, C. G. 1982. 'Why Africa's States Persists: The Empirical and the Juridical in statehood. *World Politics*. 35:1-24.

Johnston, Les. 1992. *The Rebirth of Private Policing*. London: Routledge.

Joubert, Paul. 2008. 'Xenophobia in South Africa – Causes, Effects and Responses: A Recommendation to the ILO.' Solidarity Research Institute.

Kahler, Miles. 2006. 'Territoriality and Conflict in an Era of Globalization.' In Kahler, Miles & Walter, Barbara F. (eds.) *Territoriality and Conflict in an Era of Globalisation*. Cambridge: Cambridge University Press: 1-21.

Kahler, Miles & Walter, Barbara F. (eds.) 2006. *Territoriality and Conflict in an Era of Globalisation*. Cambridge: Cambridge University Press.

Kalyvas, S.N. 2006. *The Logic of Violence in Civil War*. Cambridge: Cambridge University Press.

Khuels, Thom. 1996. *Beyond Sovereign Territory*. Minneapolis: University of Minnesota Press.

Kibasomba, Roger. 2003. 'A Failing State: The Democratic Republic of Congo."' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 254-275.

Koonings, Kees. 2003. 'Political Armies, Security Forces and Democratic Consolidation in Latin America.' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 124-151.

Krasner, S.D. 2001a. 'Sovereignty.' *Foreign Policy* (122): 20-29.

Krasner, S.D. 2001b. 'Abiding Sovereignty.' *International Political Science Review* 22(3): 229-251.

Kumsa, Martha Kuwee. 2006. '"No! I'm not a refugee!" The Poetics of Be-Longing among Youth Oromos in Toronto'' *Journal of Refugee Studies* 19(2): 230 -255.

Kuus, Merje & Agnew, John. 2008. 'Theorizing the State Geographically: Soverignty, Subjectivity, Territoriality.' In Cox, Kevin; Low, Murray & Robinson, Jenny. *The Sage Handbook of Political Geography*. London: Sage: 95-106.

Kymlicka, Will. 2001. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship.* Oxford: Oxford University Press.

Kynoch, Gary. 2005. *We are fighting the world: a history of the Marashea gangs in South Africa*. Athens: Ohio University Press.

Kynoch, G. 2005b. 'Crime, Conflict and Politics in Transition-era South Africa', African Affairs 104(416): 493-514.

Lake, David A. 2003. 'The New Sovereignty in International Relations.' *International Studies Review* (5): 303-323.

Landau, Loren B. 2010. 'Loving the Alien? Citizenship, Law, and the Future in South Africa's Demonic Society.' *African Affairs* 109(435) 213–230.

Landau, Loren B. 2007. '"Can We Talk and is Anybody Listening?" Reflections on IASFM 10, Talking Across Borders: New Dialogues in Forced Migration.' *Journal of Refugee Studies* 20(3): 335-348.

Landau, Loren B. 2005a. 'Immigration and the State of Exception: Security and Sovereignty in Refugee-Affected Africa.' *Millennium Journal of International Studies*. 34(2): 325-348.

Landau, Loren, B. 2005b. 'Urbanisation, Nativism, and the Rule of Law in South Africa's "Forbidden' Cities.' *Third World Quarterly*. 26(7): 1115-1134.

Landau, Loren B. 2005c. 'Transplants and Transients: Nativism, Nationalism, and Migration in Inner-City Johannesburg.' Forced Migration Working Paper Series #19. Johannesburg: Forced Migration Studies Programme, University of the Witwatersrand

Landau, Loren B. 2006. 'Transplants and Transients: Idioms of Belonging and Dislocation in Inner-City Johannesburg.' *African Studies Review* (49): 125-145.

Landau, L. B. & Gindrey, V. 2009. Gauteng 2055 Trend Paper: Population & Migration. University of the Witwatersrand: Forced Migration Studies Programme.

Landau, L. & Haithar, H. 2007. 'Somalis are Easy Prey.' *Mail & Guardian* 6 March 2007. [Online] Available from:

http://www.mg.co.za/articlePage.aspx?articleid=300957&area=/insight/insight__comment_and_analysis/

Landau, Loren B. & Haupt, Iriann Stella Marie. 2007. 'Tactical Cosmopolitanism and Idioms of Belonging: Insertion and Self-Exclusion in Johannesburg.' Migration studies Working Paper Series #32, University of the Witwatersrand. [Online] Available from: http://migration.wits.ac.za/LandauHaupt.pdf

Landau, L.B. & Monson, T. 2010. 'Immigration and Subterranean Sovereignty in South African Cities.' In Anne Clunan and Harold Trinkunas (eds.) *Ungoverned Spaces? Alternatives to State Authority in an Era of Softened Sovereignty*. Stanford Security Studies.

Lanz, David, 2008. 'Subversion or Reinvention? Dilemmas and Debates in the Context of UNHCR's Increasing Involvement with IDPs.' *Journal of Refugee Studies* 21(2): 192-209.

Leary, Virginia A. 1992. Postliberal Strands in Western Human Rights Theory: Personalist-Communitarian Perspectives.' In An-Na'im, Abdullahi A. (ed.) *Human rights in cross-cultural perspectives: a quest for consensus*. Pennsylvania: Pennsylvania University Press, 19-43.

Luckham, Robin. 2003. 'Democratic Strategies for Security in Transition and Conflict.' In Cawthra, Gavin & Luckham, Robin. (eds.) *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*. London: Zed Books: 3-28.

Lyon, David. 2005. 'The Border is Everywhere: ID Cards, surveillance and the other.' In Zureik, Elia & Mark B. Salter (eds.) *Global Surveillance and Policing: Borders, Security, Identity.* Portland: Willan Publishing: 66-82.

Madsen, Morten Lynge. 2004. 'Living for Home: Policing Immorality Among Undocumented Migrants in Johannesburg.' *African Studies 63*(2):173-192.

Mahmood, Cynthia K. 1996. *Fighting for Faith and Nation: Dialogues with Sikh Militants.* Philadelphia, University of Pennsylvania Press.

Mail & Guardian/SAPA. 2008. 'Gauteng reels under xenophobic attacks.' 19 May 2008.

Maley, William. 2003. 'Asylum-Seekers in Australia's International Relations.' *Australian Journal of International Affairs* 57(1): 187-202.

Martin, Susan F; Fagen, Patricia Weiss; Jorgensen, Kari M; Schoenhltz, Andrew & Mann-Bondat, Lydia. 2005. *The Uprooted: Improving Humanitarian Responses to Forced Migration*. Lanham, MD: Lexington Books.

Mattes, R.; Taylor, D.M.; McDonald, D.A.; Poore, A. & Richmond, W. 1999. 'Still Waiting for the Barbarians: SA Attitudes to Immigrants & Immigration.' *Southern African Migration Project Migration Policy Series* No. 14. Cape Town: IDASA & Queen's University, Canada.

Mazama, Ama. (ed.) 2007. *Africa in the 21st Century: Toward a New Future*. New York: Routledge.

Mazrui, Ali. 2004. 'Nationalism, Ethnicity and Violence.' In Wiredu, Kwasi. (ed.) *A Companion to African Philosophy, Volume 28*. Malden: Blackwell: 472-482.

Mbanjwa, Xolani. 2008. 'Things are Better Without Foreigners,' *Independent Online*, 26 May 2008.

Mbembe, A. 2001. *On the Postcolony*. Berkeley: University of California Press.

McEvoy, Kieran. 2007. 'Beyond Legalism: Towards a Thicker Understanding of Transitional Justice.' *Journal of Law and Society* 34(4): 411-440.

McGarry, John. 2004. 'Foreword: De Facto States and the International Order.' In Bahcheli, Tozun; Bartmann, Barry & Srebrnik, Henry. (eds.) *De Facto States: The Quest for Sovereignty*. Abingdon: Routledge: ix-xi.

Meierhenrich, Jens. 2008. *The Legacies of Law: Long-Run Consequences of Legal Development in South Africa, 1652-2000*. New York: Cambridge University Press.

Messner, S.F.; Baumer, E.P. & Rosenfeld, R. 2006. 'Distrust of Government, the Vigilante Tradition, and Support for Capital Punishment.' *Law & Society Review* 40(3): 559-589.

Mgquba, S.K. & Vogel, C. 2004. 'Living with Environmental Risks and Change in Alexandra Township.' *South African Geographical Journal* 86(1): 30-38.

Mhlana, Zodidi; Tolsi, Niren & Adcock, Sello S. 2008. '"Third Force" Allegations Abound.' *Mail & Guardian Online*, 23 May 2008.

Ministry for Public Service and Administration. 2007. Grassroots Innovation: A Handbook for Communities about Community Development Workers. [Online] Available from: http://www.dpsa.gov.za/cdw/books/grassroots.pdf Accessed: 13 November 2009.

Misago, J-P; Landau, L.B. & Monson, T. 2009. 'Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa.' Arcadia: International Organization for Migration (IOM).

Misago, J-P; Monson, T; Polzer, T & Landau, L. 2010. May 2008. 'Violence Against Foreign Nationals in South Africa: Understanding Causes and Evaluating Responses.'

FMSP/CoRMSA. [Online] Available from: http://www.cormsa.org.za/wp-content/uploads/2009/05/may-2008-violence-against-foreign-nationals-in-south-africa.pdf

Mitchell, J. Clyde. 1983. 'Case and Situation Analysis.' *Sociological Review* 31:2: 187–211.

Mitchell, Timothy. 2006. 'Society, Economy, and the State Effect.' In Sharma, Aradhana & Gupta, Akhil (eds.) *The Anthropology of the State: A Reader.* Malden: Blackwell.

Money, Jeanette. 1997. 'No Vacancy: The Political Geography of Immigration Control in Advanced Industrial Countries.' *International Organization* 51(4): 685-720.

Monson, T. (ed.) 2009a. 'Forced Migration Studies Programme Database on Xenophobic Attacks in South Africa, 2006-2009.' *Ver* 2: 20 December 2009.

Monson, T (ed.) 2009b. 'Forced Migration Studies Programme Database on Responses to May 2008 Xenophobic Attacks in South Africa.' *Ver* 1: 9 January 2009.

Mooki, V. 2007. 'Blood Taints Taxi Industry,' *City Press* (20 October 2007). Accessed 8 May 2010 at http://www.news24.com/City_Press/Gauteng/0,,186-2295_2205924,00.html

Mountz, A. 2003. 'Human Smuggling, the Transnational Imaginary and Everyday Geographies of the Nation-State.' *Antipode* 35(3): 622-644.

Muggeridge, Helen & Donà, Giorgia. 2006 'Back Home? Refugees' Experiences of their First Visit back to their Country of Origin' *Journal of Refugee Studies* 19(4): 415-432.

Muller, Benjamin J. 2005. 'Borders, Bodies and Biometrics: Towards Identity Management.' In Zureik, Elia & Mark B. Salter. (eds.) *Global Surveillance and Policing: Borders, Security, Identity.* Portland: Willan Publishing: 83-96.

Neocosmos, Michael. 2008. 'The Politics of Fear and the Fear of Politics: Reflections on Xenophobic Violence in South Africa.' *Journal of Asian and African Studies* 43(6): 586–594.

Newman, David. 2006. 'The Resilience of Territorial Conflict in an Era of Globalization.' In Kahler, Miles & Walter, Barbara F. (eds.) *Territoriality and Conflict in an Era of Globalisation*. Cambridge: Cambridge University Press: 85-110.

Nina, Daniel. 2000. 'Dirty Harry is back: Vigilantism in South Africa - The (Re)Emergence of "Good" and "Bad" Community.' *African Security Review* 9(1).

Nyamnjoh, Florence B. 2006. *Insiders and Outsiders: Citizenship and Xenophobia in Contemporary Southern Africa.* London: CODESRIA/Zed Books.

O'Donnell, Guillermo. 1993. 'On the State, Democratization and Some Conceptual Problems: A Latin American View with Glances at some Post-Communist Countries.' *World Development* 21(8): 1355-1369.

O'Donnell, Guillermo. 2004. 'Why the Rule of Law Matters.' *Journal of Democracy* 15(4): 32-46.

Palmary, Ingrid; Rauch, Janine & Simpson, Graeme. 2003. 'Violent Crime in Johannesburg', in Tomlinson, R.; Beauregard, R.A.; Bremmer, L. & Mangcu, X. (eds.) *Emerging Johannesburg: Perspectives on the Postapartheid City*: 112.

Papagianni, Katia. 2008. 'Participation and State Legitimation.' In Call, Charles, T. & Wyeth, Vanessa. (eds.) *Building States to Build Peace*. Colorado: Lynne Rienner.

Parliamentary Task Team. 2008. Report of the Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals in pursuance of a National Assembly resolution agreed on Tuesday, 13 May 2008. Parliament of the Republic of South Africa.

Philpott, D. 1999. 'Westphalia, Authority, and International Society.' *Political Studies* 47(3): 566-589.

Pillay, Devan. 2008. 'Relative Deprivation, Social Instability and Cultures of Entitlement.' In Hassim, S; Kupe, T. & Worby, E. (eds) *Go Home or Die Here: Violence, Xenophobia and the Reinvention of difference in South Africa*. Johannesburg: Wits University Press: 93-103.

Posner, Eric A. 2002. *Law and Social Norms*. Harvard: Harvard University Press.

Prempeh, E.O.K.; Mensah, J. & Adjubolosoo, S.B-S.K. 2004. *Globalisation and the Human Factor: Critical Insights*. Aldershot: Ashgate.

Riemens, Patrice & Lovink, Geert. 2002. 'Local Networks: Digital City Amsterdam.' In Sassen, Saskia. (ed.) *Global Networks: Linked Cities*. New York: Routledge.

Ritchie, Jane & Lewis, Jane. (eds.) 2003. *Qualitative Research Practice*. London: Sage.

Robinson, Jennifer. 1997. 'The Geopolitics of South African Cities: States, Citizens, Territory.' *Political Geography* 16(5): 365-386.

Rodgers, Dennis. 2007. 'Subverting the Spaces of Invitation? Local Politics and Participatory Budgeting in Post-crisis Buenos Aires.' In Cornwall, Andrea & Coehlo, Vera Schatten. (eds.) *Spaces for change? The Politics of Citizen Participation in New Democratic Arenas*. London: Zed Books: x-xviii.

Rotberg, R. I. 2003. 'Failed States, Collapsed States, Weak States: Causes and Indicators,' in Robert I. Rotberg. (ed). *State Failure and State Weakness in a Time of Terror.* Washington D.C.: Brookings Institution.

Rumford, Crhis. 2006. 'Introduction: Theorizing Borders.' *European Journal of Social Theory* 9(2): 155–169

RSA. Immigration Act, 2002 (Act No. 13 of 2002). [Online] Available from: http://www.acts.co.za/immigration/index.htm Accessed: 21 October 2009.

SABC News. 2010. Zuma Impressed with Improvements in Tembisa, 19 March 2010. [Online] Available from: http://www.sabcnews.co.za/portal/site/SABCNews/menuitem.5c4f8fe7ee929f602ea12ea1674daeb9/?vgnextoid=d34b538b95677210VgnVCM10000077d4ea9bRCRD&vgnextfmt=default%20&channelPath=South%20Africa%20%3E%3E%20Social

SAHRC (South African Human Rights Commission). 2000. 'Open Hearings on Xenophobia and Problems Related to it' [online]. Available from: http://www.sahrc.org.za/sahrc_cms/downloads/Xenophobia%20Report.pdf Accessed: 17 September 2006.

SAHRC. 2010. 'Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals'. Johannesburg: SAHRC.

SAPA. 2008. 'We Killed 21 of Our Own In Xenophobic Violence.' *Sowetan*, 12 June 2008.

SAPA. 2008a. 'Zille Warns Against Opening of Borders.' *Mail & Guardian Online*, 27 May 2008.

SAPA. 2008b. 'FF+: Xenophobia linked to Zim Crisis.' *Independent Online*, 16 May 2008.

SAPA. 2008c. 'Foreigners Beaten Up in Pretoria', *Independent Online*, 20 February 2008.

SAPA. 2008d. 'Itireleng Returns to Normal,' *Independent Online*, 20 February 2008.

Salter, Mark B. 2004. 'Passports, Mobility, and Security: How Smart Can the Border Be?' *International Studies Perspectives* (5): 71-91).

Salter, Mark B. 2008. 'When the Exception Becomes the Rule: Borders, Sovereignty, and Citizenship.' *Citizenship Studies*, 12(4): 365-380.

Santos, Boaventura de Sousa. 2006. 'The Hetereogeneous State and Legal Pluralism in Mozambique.' *Law & Society Review* 40(1): 39-75.

Sassen, S. 1996. 'Beyond Sovereignty: Immigration Policy Making Today.' *Social Justice* 23(3): 9 -12. 1996: 9)

Sassen, S. (Ed.) 2002. *Global Networks: Linked Cities*. New York: Routledge.

Sassen, S. 2006. *Territory, Authority, Rights: From Medieval to Global Assemblages*. New Jersey: Princeton University Press.

Schärf, W & Nina, D. 2001. *The Other Law: Non-State Ordering in South Africa.* Lansdowne: Juta.

Selznick, Philip. 2003. "'Law in Context' Revisited'. *Journal of Law and Society* 30(2): 177-186.

Simone, A. 2004. *For the City Yet to Come: Changing African Life in Four Cities*. Durham: Duke University Press.

Shapiro, M.J. and Alker H.R. (eds.) 1996. *Challenging Boundaries: GlobalFlows, Territorial Identities*. Minneapolis, MN: University of Minneapolis Press.

Sharma, Aradhana & Gupta, Akhil (eds.) 2006. *The Anthropology of the State: A Reader.* Malden: Blackwell.

Sharma, Aradhana & Gupta, Akhil. 2006b. 'Rethinking Theories of the State in an age of Globalization.' In Sharma, Aradhana & Gupta, Akhil. (eds.) *The Anthropology of the State: A Reader.* Malden: Blackwell.

Shearing, Clifford. 2004. 'Thoughts on Sovereignty', *Policing and Society*, 14(1): 5-12.

Shearing, Clifford & Wood, Jennifer. 2003. 'Nodal Governance, Democracy, and the New 'Denizens.' *Journal of Law & Society* 30(3): 400-419.

Shindondola, H. 2003. 'Xenophobia in South Africa and Beyond: Some Literature for a Doctoral Research Proposal.' Centre for Sociological Research: RAU.

Snyder, R. & Bhavnani, R. 2005. 'Diamonds, Blood, and Taxes: A Revenue-Centered Framework for Explaining Political Order.' *Journal of Conflict Resolution* 49 (4): 563-597.

Sparke, Matthew B. 2006. 'A Neoliberal Nexus: Economy, Security and the Biopolitics of Citizenship on the Border.' *Political Geography*, 25(2): 151-180.

Spruyt, Hendrik. 1994. 'Institutional Selection in International Relations: State Anarchy as Order.' *International Organization* 48(4), 527-57.

Standing, André. 2003. 'The Social Contradictions of Organised Crime on the Cape Flats.' Institute for Security Studies Occasional Paper 74, June 2003.

Steinberg, Jonny. 2008. 'South Africa's Xenophobic Eruption.' ISS Paper 169. Tshwane: Institute of Security Studies.

Swart, Werner. 2008. 'Mobs Turn on Foreigners,' *The Times*, 15 May 2008.

Tamahana, Brian Z. 2000. 'A Non-Essentialist Version of Legal Pluralism.' *Journal of Law and Society* 27(2): 296-321.

Tankebe, Justice. 2009. 'Self-Help, Policing, and Procedural Justice: Ghanaian Vigilantism and the Rule of Law.' *Law and Society Review* 43(2): 245-269.

Taylor, Peter J.; Walker, D.R. F. & Beaverstock, J.V. 2002. 'Firms and their Global Service Networks.' In Sassen, S. (Ed.) *Global Networks: Linked Cities*. New York: Routledge.

Thomson, J.E. 1995. 'State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research.' *International Studies Quarterly (39): 213-233.*

Tilly, C. 1985. 'War Making and State Making as Organised Crime.' In Evans, P.B.; Rueschemeyer, D. & Skocpol, T. (eds.) *Bringing the State Back In*. Cambridge: Cambridge University Press.

Torpey, John. 1998. 'Coming and Going: On the State Monopolization of the Legitimate 'Means of Movement.' *Sociological Theory* 16(3): 239-259.

Uehling, Greta. 2002. 'Sitting on Suitcases: Ambivalence and Ambiguity in the Migration Intentions of Crimean Tatar Women.' *Journal of Refugee Studies* 15(4): 388-408.

Van Houtum, Henk & Strüver, Anke. 2002. 'Borders, Strangers, Doors and Bridges.' *Space & Polity*, 6(2): 141–146.

Vaughan-Williams, Nick. 2009. *Border Politics: The Limits of Sovereign Power*. Edinburgh: Edinburgh University Press.

Vigneswaran, D. 2009. 'Residential Sampling and Johannesburg's Forced Migrants.' *Journal of Refugee Studies,* 22(4):439-459.

Vigneswaran, Darshan. 2007. 'Personal Communication During Visit to Yeoville.' 20 July 2007.

Von Schnitzler, A; Ditlhage, G; Kgalema, L; Maepa, T & Mofokeng, T. 2001. 'Guardian or Gangster? Mapogo a Mathamaga: A case study.' *CSVR Violence and Transition Series,* Vol. 3, May 2001.

Waldron, Jeremy. 2006. 'Cosmopolitan Norms.' In Benhabib, Seyla. *Another Cosmopolitanism.* Oxford: Oxford University Press, 83-101.

Walliman, Nicholas. 2001. *Your Research Project*. London: Sage.

Walters, William. 2006. 'Border/Control.' *European Journal of Social Theory* 9(2): 187–203

Weber, M. 1948. 'Politics as a Vocation.' In Gerth, H. & Wright Mills, C. (eds) *From Max Weber: Essays in Sociology*. London: Kegan Paul: 77-128.

Weber, M. 1964. *The Theory of Social and Economic Organization*. New York: The Citadel Press.

Woodman, Gordon R. 2001. 'Customary Law in Common Law Systems.' *IDS Bulletin* 32(1): 28-34.

Woods, J.B. 2008. 'Taking the Hate Out of Hate Crimes: Applying Unfair Advantage Theory to Justify the Enhanced Punishment of Opportunistic Bias Crime.' *UCLA Law Review* (489).

Zetter, Roger. 2007. 'More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization.' *Journal of Refugee Studies* 20(2): 172-192.

Zvomunya, Percy. 2005. 'From Terror to Misery.' *Mail & Guardian*, 25 August 2005: 12.