

British Society of Criminology

The British Criminology Conferences: Selected Proceedings. Volume 2. Papers from the British Criminology Conference, Queens University, Belfast, 15-19 July 1997. This volume published March 1999. Editor: Mike Brogden. ISSN 1464-4088. See end of file for copyright and other information.

'CHANGING THE SOUL OF THE NATION'? SOUTH AFRICA'S NATIONAL CRIME PREVENTION STRATEGY

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South Africa's National Crime Prevention Strategy (NCPS) has attracted surprisingly little academic interest. Where this occurs, attention centres narrowly on issues of implementation and operationalisation. This paper urges greater critical engagement with the policy driving crime prevention programmes. It suggests that the NCPS reflects (and effects) a change in the way crime is governed. A descriptive analysis of the objects, concepts and subjects of this new discourse is offered. The ambivalences, tensions and contradictions evident within the NCPS are mapped out. Some implications for the future of crime prevention in South Africa are discussed in the conclusion.

Introduction

South Africa shall be a society where its inhabitants can pursue their daily lives in peace and safety free from undue fear of crime and violence. It shall be a society in which the fundamental rights of the individual are effectively protected with the support and co-operation of fellow citizens. Economic development amongst all sectors shall be unhindered by fear and South Africa shall attract the confidence of investors and the interest of tourists. *'Vision for the National Crime Prevention Strategy'* (NCPS, 1996: 5)

In May 1996, Cabinet approved the National Crime Prevention Strategy (NCPS) - the first of its kind in the history of South Africa. The NCPS articulates a new direction in the way crime is to be governed - that is, how crime is to be understood and managed. And while it does outline, in a somewhat rudimentary fashion, principles and structures for implementation, it is best regarded as strategic policy rather than an operational programme.

As the central text detailing the government's 'attack on crime', the NCPS has attracted the interest of politicians, the public, NGOs, private enterprise and more belatedly, criminologists. Such attention has been confined mainly to operationalisation issues - to questions of how the NCPS can be put into practice. More of a commentary than sustained critical analysis, discussion centres on the absence of time lines, the lack of performance indicators, the neglect of offence specific programmes (with particular reference to drugs and gangs) and the general inattention to local and provincial crime prevention strategies (see for example DP 1996; Shaw 1996). Perhaps this is not so surprising given the general feeling that the time for talk has past and the time for action is at hand. But while there is undoubtedly a need for concrete solutions to crime, the lack of clarity on and hence critique of, the *policy* driving crime prevention programmes is both apparent and troubling. But this too is hardly surprising. The NCPS is, after all, a rather unwieldy 88-page text filled with repetition, vague assumptions, contradictions and convoluted thinking making it difficult to distil the message of the government's new approach to crime. However, neither the difficulty of the task nor the sense of urgency attached to the current crime situation detracts from the importance of attending to the underlying policy, the implication and impact of which are simply not visible if one remains at the level of programmes. This is less a point about the difficulties inherent in

translating policy into practice - though this is not entirely irrelevant - than a claim that it is through the language of policy that 'crime' is rendered as an object to be known, calculated and administered (cf. Miller and Rose, 1990).

This paper offers a descriptive analysis of the NCPS which sees it less as a crime prevention manual and more as site which reflects a reconfiguration in the discourse on crime. This new way of thinking about crime, it will be shown, is also a new way of acting on crime. I proceed from the assumption that the NCPS was a response by central government to the high crime levels in South Africa. Clearly this response was shaped by (and contributes to) broader political, social, economic and cultural transformations that have taken place in South Africa since 1990, culminating in the 1994 democratic elections. Given the pragmatic considerations of space, however, these changes will not be comprehensively addressed. Nor will a detailed account be provided of how crime landed on the political agenda when it did. Rather, my interest here lies in exploring how crime is to be governed: the objectives that government sets for itself, the knowledges it relies on and the subjects it addresses and empowers.^[1] Official (state) discourses on crime are rarely as coherent as is often projected (Garland, 1996; O'Malley, 1996). Thus I also seek to map out the ambivalences, tensions and contradictions evident throughout the NCPS and to trace through their (likely) implications for crime prevention in South Africa.

In pursuing these lines of inquiry, this paper aims to make two modest contributions. First, it seeks to add to a small but developing body of literature on policing in South Africa. It urges far greater critical engagement with the government's crime prevention policy; and suggests that this can be profitably undertaken with certain analytic tools not currently part of the conventional repertoire. Second, while heavily influenced by the work of Garland (1996, 1997), O'Malley (1992, 1996), O'Malley and Palmer (1996) and others (e.g. Stenson, 1993), this paper highlights some issues which deserve closer scrutiny in governmental analyses of crime policies and strategies.

Background

Following the 1994 elections, the attention of the South African public, government, media and business alike has shifted from political violence to crime (Lochrenberg and Stanton, 1995; The Nedcor Project, 1995; Shaw, 1995). Calls have been issued - some more audible than others - for the Government of National Unity to publicly recognise the 'crime problem' as serious *and* to 'do something about it'. Cabinet responded by initiating, in May 1995, a process for the development of the NCPS. This process was managed by an inter-departmental committee consisting of the Ministries of Correctional Services, Defence, Intelligence, Justice, Safety and Security and Welfare. Other national government departments, civil society, private enterprise and domestic and international experts also contributed to the formulation of the strategy: a few as consultants, others as workshop participants and still others through oral and written submissions. The final text, approved by Cabinet exactly one year later, identifies crime prevention as a national priority.

During the same period, the National RDP Office^[2] (Reconstruction and Development Programme) facilitated the creation of a National Growth and Development Strategy (GDS). A draft strategy document produced in February 1996, identifies safety and security as one of its six Pillars. The RDP is a macro reform policy which recognises the inter-connectedness of South Africa's social and economic problems such as violence, unemployment, poverty, illiteracy, inadequate housing etc. It proposes an integrated planning approach designed to address these problems simultaneously with the active participation of government and civil society alike. The NCPS is thus firmly located within the RDP framework with crime prevention being regarded as part of the wider transformative process towards improved economic growth and development.

The stated objective of the NCPS is to reduce the levels of crime thus contributing to greater safety and security in South Africa. This is said to require a new approach to the way crime is conceptualised and managed. Four areas are identified as key to the actualisation of this 'paradigm shift': (a) the establishment of a comprehensive policy framework to guide the crime prevention activities of all state agencies (core and non-core criminal justice departments at all 3 tiers of government), community-based structures, NGOs and the business sector; (b) the creation of a societal consensus on crime prevention; (c) the development of national programmes to address the causes of crime; and (d) the mobilisation

of community resources and the maximisation of popular participation in crime prevention initiatives (NCPS, 1996: 5-8).

Although addressed to and binding on all government structures (at national, provincial and local levels), it was necessary, for fairly straightforward logistical reasons, for one Ministry to assume primary responsibility for co-ordinating the NCPS.^[3] This role has been allocated to Safety and Security nationally and is performed by a number of designated steering committees at Cabinet, Ministerial and Departmental levels in conjunction with a small full-time NCPS team within the Secretariat of Safety and Security.^[4] To be clear, such co-ordination occurs horizontally, across central government structures. This is to be expected; after-all, the NCPS is a *national* policy document. Yet efforts do exist to activate provincial and local involvement in crime prevention. For example, provincial Secretariats and national NCPS departments have co-operated in organising Provincial Summits^[5] 'which are intended to inculcate a new culture and ethos intolerant of crime, encouraging people to take back the initiative of organising life in their communities' (NCPS News, 1997: 2).

I do not intend to pursue an inquiry into the centralisation tendency of national government. Nevertheless, it is important to note that the NCPS is located within a wider historical context where the union of the nine provinces is at times tenuous given regional disparities of an economic, ideological, social and political nature. Nor will an account of the various personalities involved in the drafting of the NCPS be provided. This is partly due to limited access to such information and partly because my immediate concern is with how government understands and seeks to manage the 'problem of crime' rather than the conditions which allowed for the emergence of this new discourse. (That there is an interaction between the criteria of emergence of the discourse and the formation of its objects, subjects and concepts is acknowledged though not pursued in any detail.)

The problematic for government

Crime in South Africa currently presents a major threat to the government's strategic and policy objectives. It presents a major constraint on development, undermines the processes of reconciliation, impacts negatively on public confidence in government and on investment in the country, threatens the building of a human rights culture and compromises the very process of transformation to democracy (NCPS, 1996: 43).

The NCPS 'takes as its starting point the assumption that crime is one of the primary problems confronting the new democracy in South Africa' (1996: 4). Rates of officially recorded crime in South Africa are indeed high and rising and have been since the 1980s (Nedcor/ISS, 1997). Police statistics for the period of 1990 to 1995 - the onset of the negotiated transition through to Cabinet's decision to develop the NCPS - reveal a general trend of steady increases in serious crimes *excluding murder and political violence*. This rise in violent offences has occurred at a rate higher than that of property crimes (The Nedcor Project, 1996; for more recent figures see Nedcor/ISS Crime Index, 1997).

There are a number of well rehearsed cautions when dealing with police generated statistics. These are not specific to South Africa and include, for example, under-reporting, recording inconsistencies and changes in policing tactics. In the case of South Africa, particular concern is expressed about the historical exclusion of the black homelands or bantustans^[6] from the urban and regional crime counts of the police (Shaw, 1995). Subsequent calculations which include these neglected areas thus manifest an altered population base making difficult any analysis of crime trends. Attention is also directed to definitional issues as this comment on the inconsistencies in the labelling of violence as either 'criminal' or 'political' indicates:

... a pre-disposition to interpret violence as political in the pre-election period may have been replaced by a pre-disposition to interpret such violence as criminal in the post-election phase. However, in reality, there has always been a slide between political and criminal violence which has remained invisible within the crime statistics. This means that we may simply be re-labelling essentially consistent trends in social conflict or criminal violence (NCPS, 1996: 11). Notwithstanding these (and other) limitations, police crime statistics are generally accepted in the NCPS as a fair (though not accurate) representation of reality.

While there is widespread agreement that crime is high, debate rages over what exactly this entails. As the above quote implies and as the history of the South Africa clearly reveals, 'crime' is a flexible concept open to many varied and contradictory interpretations (Brewer, 1994; Brogden and Shearing, 1993). The apparent consensus that crime levels are high very

likely conceals disagreement over the meaning of and solutions to crime (discussed below). That this may not bode well for attempts to institute an integrated, multi-sectoral policy on crime has not been lost on the government. The NCPS thus seeks to provide not only a single but a '*new way of looking at crime*' to which all of South Africa should subscribe (1996: 6, emphasis added). The document states: 'This shared vision is essential in providing a beacon for collective action by civil society and creating a shared optimism in the fight against crime' (NCPS, 1996: 5).

Crime as abnormal

Crime is constructed in and by the NCPS as a problem requiring not only explanation but also remedial action. Of course, it is not inevitable that crime will be seen as an abnormal state of affairs. Shaw (1995) claims, for example, that prior to 1995 the Government of National Unity was reluctant to attach any great significance to crime and resisted placing it on the political agenda. Garland (1996: 446) argues that high crime rates in Britain and the west generally, have become a 'normal social fact', a standard feature of daily existence. Such routinisation of high crime rates has occurred to a limited extent in South Africa, with the drawing of a conceptual and empirical link between increases in recorded crime and the rapid transition to democracy (NCPS, 1996; also Glantz, 1995 and Shaw, 1996). Social dislocation, weak informal and formal social controls and other factors are invoked to account for this relationship. In this way, crime is seen as a 'normal' accompaniment to political, economic and social upheaval. Comparative analyses suggest that this is not unique to South Africa but has been the experience of Eastern European states, Russia and Namibia as these underwent political liberalisation (Gastrow, 1997). But while crime is linked to modernisation it is clearly never held out as an indicator of the nation's progressive development. At best, it is viewed as a 'normal' event within a transitional context.

Government policy constitutes crime as an expected but unacceptable feature of the transformation from Apartheid to democracy in South Africa. High crime rates are not a reality to be adapted to but a situation to be rectified. This position is unlikely to generate controversy, except perhaps where government is accused of not taking crime seriously enough. Indeed, even before the public launch of the NCPS in May 1996, an independently conducted National Crime Survey in September 1995 found a growing consensus among South Africans on the subject of crime. Forty-six per cent of those surveyed - 58 per cent of whites and 41 per cent of blacks - identified crime and violence as the country's most serious problem ahead of unemployment, housing and education (The Nedcor Project, 1996). It seems fairly certain then, that the government's recognition of crime as a priority issue will find favour among the public.

Crime as a social problem

Though the perception of 'crime as a problem' cuts across the racial divide, Shaw (1995, 1996) cautions against over-estimating the extent to which crime has become a unifying issue. Not only do various interpretations of the nature of the problem exist but these reflect a racial split in public opinion on crime and criminality. Shaw maintains that crime is seen by blacks as a sign that the new democracy has yet to consolidate itself and that institutions such as the justice system and public police need strengthening. Whites, he argues, view crime as a reflection of a lack of governmental will, a failure of democratic rule and as a sign that the country is on the verge of becoming 'ungovernable'. Accordingly, Shaw notes that blacks link the attainment of basic human needs (employment, housing etc.) to a reduction in crime while whites demand tough 'law and order' measures (Shaw, 1996: 14).

But however different the solutions proffered by blacks and whites may be, what they share is the assumption of crime as the primary, if not exclusive, responsibility of government. Moreover, the public in general appear to desire an expansion of, not a limitation on, the coercive means at the disposal of the state. For example, a survey in July 1996 reported that more than three quarters of the population wanted a referendum on capital punishment^[7] with 71.4 per cent of South Africans in favour of a return to the death penalty (Human Sciences Research Council Survey in Nedcor/ISS, 1997: A5-7). Taken together, these points

suggest that the public sees the state as not only the central actor in the fight against crime but also as the site where solutions are to be found and implemented.

The linkage between crime and politics (narrowly construed) is, of course, not new to South Africa. During Apartheid, criminal activity and political protest were conflated resulting in the perception of crime as predominately a threat to national security (Cawthra, 1992). As a challenge to state sovereignty, political independence and territorial integrity, crime was the 'strategic preserve of the "security service" departments' (NCPS, 1996: 6) to be resolved primarily by militarised intervention (Nathan, 1992; see also Frankel, Pines and Swilling, 1988; Price, 1991). While the NCPS retains crime as an object of governance, it seeks to shift the discourse (both official and popular) from the security to the social register.

The reconceptualisation of crime as a social problem has three consequences. One, crime is no longer justifiable in political terms. It is an unacceptable means to obtain and defend political power. The historical politicisation of crime (Brewer et al., 1996), however, has contributed to widespread tolerance even endorsement of 'illegal activities'. The NCPS observes that there is, in the 'new South Africa', little popular condemnation of victimless or acquisitive offences (NCPS, 1996: esp. 16). Furthermore, 'illegal' forms of political protest persist. For example, continued reliance is placed on rent and service boycotts as a means to express discontent with governmental policies despite the existence of legitimate avenues for redress. This in no way invalidates the previously canvassed survey results indicating broad-based popular concern about crime. It does, however, highlight that public attention centres mainly on violent offences. The NCPS exposes the short-sightedness of this view noting that, non-violent crimes are often 'accompanied by increasing levels of violence' (NCPS, 1996: 16). It therefore argues for the recognition of *all* crime as a social problem.

Two, it is not the political elite but society itself which is seen to be under threat from crime. Emphasis is on the *social* costs of crime. For example, crime and fear of crime may prompt those with the financial means to barricade themselves behind burglar bars, bullet-proof glass, automated gates, video-intercoms and 12-foot high concrete walls capped off with barbed wire. Employed as protective measures against crime and criminals, these often inhibit routine, everyday, 'normal' social interaction and exchange: 'The propensity to self-imprisonment and self-protection ... serves to break down potential sources of mutual support' (NCPS, 1996: 21). Crime and fear of crime may also impede the attainment of social, economic, legal, political and personal equality of women and others:

Their dress, recreation, association, mobility, access to resources are all governed by fear of crime and the precautionary measures women are forced to take. Fear and experience of violence have the potential to further disempower and marginalise women as active citizens ... (NCPS, 1996: 22)

According to this new approach crime stifles processes of communication, it inhibits the legitimate exercise of individual rights, it restricts personal freedoms, it hinders economic growth and investment, it constrains the very practice of democracy. Crime and politics have not been entirely disarticulated. The concern throughout - to borrow Shaw's (1995) terminology - is that the process of democratisation could be hijacked by crime. That is to say, crime is understood and managed within a politics of democracy. The parameters of a democratic society are set out in the *Vision for the NCPS* quoted at the beginning of this paper. It is a society where crime and violence do not pose a significant threat to daily life; where the actualisation of individual rights depends on the existence of mutuality and co-operation; and it is an economically viable enterprise (NCPS, 1996: 5).

Third, accompanying this shift to viewing society as the threatened possession is that of seeing it as the barrier or the guard against crime. Crime thus becomes the 'shared responsibility and collective priority' of not only criminal justice departments and security agencies but all government departments and civil society (NCPS, 1996: 80). The establishment of partnerships between all levels of government and with the populace at large is seen as the key to repelling crime. Further, the defence against crime is now understood to depend on access to a wider repertoire of tools other than might and force - for example investment, economic growth, job creation, gender equality, victim support services, educative strategies, a culture of human rights and the empowerment of youth. Rather than claiming a monopoly on these tools, the state recognises that crime can only be successfully resolved by harnessing the skills, resources and expertise of the community, business, NGOs as well as government. While the state still promises to guarantee the safety and security of its citizens, its role has changed from primary provider to manager (of this co-ordinated action on crime).

Crime as preventable problem

For many South Africans, the criminal justice system (especially the police and courts) is a cause of much concern and the target of protest action. This is true both pre and post Apartheid. The reasons for public dissatisfaction with, and suspicion of, mechanisms of state justice are numerous and include the involvement of these structures in political violence and human rights abuses (Africa Watch, 1991; Amnesty International, 1994); the inability or unwillingness to investigate and prosecute 'ordinary crimes' in the townships (Brogden and Shearing, 1993); the militarised character of policing (Brewer, 1994); and, sharp decreases in already low apprehension and conviction rates, currently estimated at 15 per cent down from 50 per cent (Centre for Applied Legal Studies, in Nedcor/ISS, 1997: A6). Understandably, much public energy has been and continues to be focused on institutional reform, on making these organisations democratically accountable and efficient and effective in the processing of cases.

Efforts designed to build capacity within the criminal justice system will undoubtedly generate and enhance public confidence in and support of this structure. Moreover, a properly functioning justice machinery is expected to provide a deterrent (both of a specific and general type) to crime. But this is not to be promoted as a sustainable solution to the crime problem:

we must acknowledge that the criminal justice system deals largely with crime that has already been committed, therefore, it is *by nature largely reactive* and can be characterised as 'crime control'. ... 'crime prevention' involves a deeper process which is by definition, longer term and which focus on preventing crime at an early stage. (emphasis added) (NCPS, 1996: 5)

The limitations of deterrence-based systems, then, are clearly laid out: inherently designed to control rather than prevent crime, the criminal justice system can do little more than provide short term relief through its strategies of detention, incarceration and incapacitation.

Crime prevention requires the reconstruction of its object as a predictable occurrence. Not an unlucky or chance event, crime is regularised and amenable to actuarial logic. While criminal justice officials are tasked, in light of their expertise, with providing a composite picture of crime - its routines, logics etc. - proactive measures to prevent crime by definition, lie outside the realm of state justice. Solutions to crime are not the prerogative of the police, courts or prisons ('by nature largely reactive'), but necessitate the active involvement of community structures, NGOs, private enterprise and other state institutions and '[depend] on the development of new policies, re-organisation of government, mobilisation and development of new capacity, and the creation of new institutions' (NCPS, 1996: 6). Citizens, then, are urged to recognise that crime can be prevented *and* that this requires their active participation.

New concepts and practical knowledges

The change in the content of 'crime' as an object to be governed is accompanied by the emergence of 'new' theories. The state requires certain types of knowledges in order to prevent crime. Here knowledge is seen as practical: concepts not only enable the analysis of and response to crime as a preventable, social problem but actually bring this object into existence.

Statistics

Seeing crime as a preventable event means that government and civil society need no longer wait until after an offence has been committed to act. The initiation of action is no longer dependent on the existence of a complainant or complaint but may proceed without these based on the likelihood that crime *may* occur. Thus state agencies and the public must adopt a proactive stance and anticipate criminality. This requires forward-thinking, an orientation to the future and the capacity to predict events.^[8] It involves going beyond the individual offence looked at in isolation to the law of numbers, to seeing an offence in terms of group properties. The analysis of crime becomes a technical enterprise and action comes to be based on the collation of factors seen as predictive of crime.

Statistical measurement and calculation thus acquire great importance, are increasingly invested with confidence and assigned positive value. Numerical data, graphs, flow charts, geographical information systems, victimisation surveys and crime reporting mechanisms are the means by which reality can be 'objectively' and 'reliably' captured and plotted. They are, of course, also implicated in the organisation of reality. While data analysis proceeds from the assumption that crime is predictable and routine it is this very operation which produces these properties (cf. Garland, 1996, 1997). This remains unacknowledged throughout the NCPS which regards statistics as technical, apolitical and amoral analytic tools. Statistics are seen to provide an objective basis on which government can prioritise specific crimes, devise appropriate crime prevention programmes and strategies, allocate resources, measure departmental performance and assess efficiency, and inform public opinion and media debates on crime (NCPS, 1996: 12-13, 47). Possible charges of bias levelled against government are thus to be dismissed by noting the neutral foundation of such decisions. While the NCPS acknowledges that current crime data are wholly inadequate and of limited utility, there is nonetheless a strong conviction in their inherent perfectibility.

Causal analyses

The NCPS contains a search for the origins of crime. Rejecting mono-causal explanations, it advocates instead the dis-aggregation of crime, the attendance to crime in its specificities in order to identify its particular cause and appropriate solution. Though not entirely at odds, such causal analyses exist in tension with statistical calculations of probability which do not depend on the isolation of the roots of crime. The tension is managed somewhat by advancing a problem-solving approach to crime. Problem-solving rejects incident-focused analyses which study each offence in isolation from others. Instead, it proposes a search for commonalities, for the underlying conditions of which crime is a symptom. Statistical calculations based on group properties and the search for the origins of crime then may co-exist, indeed may even reinforce each other.

In a bid to locate the causes of crime, the NCPS stresses the importance of making a conceptual distinction between those factors which lie at the root of different forms of criminal activity, and those which simply enhance the environment in which criminals operate or put another way, which fail to effectively deter criminal activity. In deciding whether to commit a particular crime or not, a simple cost benefit equation comes into play. Enabling factors are those which make the crime relatively easy to commit, and ensure that the relative benefits to be gained from the crime outweigh the likelihood of detection and prosecution ... Other factors ... constitute root causes, as they create the initial motivation to commit an offence (NCPS, 1996: 11)

A list of 13 factors^[9] said to give rise to criminal offending is provided (NCPS, 1996: Chapter 4). However, little if any effort is made to specify which of these are root causes and which enable crime to occur. I do not intend to provide a detailed discussion of each of the 13 elements. Nevertheless, a few comments are in order.

One, the relationship of these factors to crime is not self-evident. Many of these elements have been claimed by both classical theorists and positivists as enabling and causing crime respectively. Two, abortive attempts at categorisation are more confusing than elucidating. Poverty, for example, is initially identified as a root cause of crime (NCPS, 1996: 11).

Elsewhere though, the document states: 'Poverty is, however, not an inherent explanation of criminal activity as is often assumed' (NCPS, 1996: 18). Three, a disjuncture exists between the analysis of the crime problem and the proposed framework for action. All of the proposed solutions concentrate on bolstering and transforming the formal, and to a lesser extent the informal, mechanisms of social control. This focus on deterrence leave no room for causation as an explanatory variable - a point I want to pursue in more depth.

The NCPS offers a framework for the prevention of crime. A four-pillar approach is proposed which consolidates efforts to address each of the 13 factors said to give rise to crime in South Africa. The Criminal Justice System (Pillar I) has as its objectives the certainty and swiftness of apprehension and prosecution and the empowerment of victims generally. Community values and education (Pillar II) is concerned with reducing community tolerance of offending behaviour, especially of non-violent and property crimes, and increasing public knowledge of and confidence in the state justice machinery. Environmental design^[10] (Pillar III) aims to limit the opportunities for and maximise constraints on crime through a focus on urban

planning, spatial defence and the introduction of target-hardening measure such as of a motor vehicle registration system. Finally, transnational crime (Pillar IV) seeks to address cross-border crime and illegal immigration by enhancing regional co-operation between security agencies. Pillar IV is a response to a particular category of crime - organised crime and to a lesser extent, illegal immigration - rather than a response to one or more of the 13 identified conditions leading to or associated with criminality. (I take up the issue of illegal immigration in a later section). And indeed, the framework in general, with its emphasis on mechanisms of deterrence - does not address the 'root causes' of crime, those factors which 'create the initial motivation to commit an offence' (NCPS, 1996: 11).

One could argue that the eventual dispelling of causal factors and the concomitant focus on enabling elements marks a move towards neo-liberal rationalities of rule. That is, the refusal of the 'social' as a site and means of governance and the embrace of enterprise models for the thought and action of individuals and systems (Garland, 1996, 1997; O'Malley, 1992, 1996; Rose, 1996). However, I want to suggest that the government's ultimate rejection of causal explanations of crime reflects the fact that the 'social' is simply not currently available as a diagnostic tool - though it is part of the curative process. While the NCPS (1996: 9) acknowledges that crime is deeply rooted 'both in history, as well as in the process of transition', the difficulty in distinguishing between the two is clearly visible. But distinguish it must. For the negotiations (to democracy) set limits on political attempts to blame Apartheid for all societal ills, including crime.^[11] Apartheid, moreover, is too amorphous a term to be held out as a cause of crime. More specific references to a Third Force^[12] are difficult to sustain given that the highly regarded Goldstone Commission (1992) found no evidence of a *general network* dedicated to undermining the political transition. Perhaps more crucially, such talk of a Third Force etc. is not likely to bode well for public confidence in the criminal justice departments, for police morale, or for the security establishment's support of government policies (or of government itself!) - all of which are seen as key to the success of the NCPS. It is for these reasons that, on the one hand, the NCPS shies away from identifying 'society' as the cause of crime; while on the other hand, it promotes 'society' as the site where community-based sentencing and diversionary programmes can be realised and the 'partner' of government in the fight against crime.

New subjects

Who are the subjects of this 'new' discourse on crime? To whom is the NCPS addressed and whom does it intend to empower? Who are provided a voice and who are silenced in the text?

The offender

As it should be clear by now, there are two different though related constructions of the criminal. The first depicts the offender as driven to commit crimes by factors beyond his (and to a lesser extent, her) control. These factors are located either in the external, surrounding environment (i.e. a culture of political intolerance and violence; social inequalities and inequities) or less often, within the individual (i.e. socio-psychological stress). Criminal activity will cease only to the extent that these underlying conditions are attended to - either removed or ameliorated.

The criminal subject appears in a very familiar and even sympathetic light: s/he is a product of Apartheid, an 'innocent victim' of an immoral, unjust, racist practice. The offender is thus no different from the majority of South Africans who have been 'historically disadvantaged by the previous undemocratic era' (NCPS, 1996: 15). What they share are experiences - past and present - of social, economic, political and educational marginalisation and the sense of powerlessness that this engenders.

Attention is directed to the rehabilitation of the disadvantaged, to equipping them with the necessary skills and resources for their (re)adjustment to the new socio-economic and political order. Thus, for example, the Department of Correctional Services (DCS) aims to provide basic education and occupational skills training to inmates. Programs to educate, train, treat and rehabilitate offenders act, in Garland's terms (1997), *on* the individual. Commissioner Sitole's recent comments on the role of the DCS in preventing re-offending are illustrative: the Department promises to '*subject* [convicted prisoners] to an environment

which is conducive to positive change' and to prepare inmates 'for appropriate employment or economic independence after release by *subjecting* them to educational, vocational, entrepreneurship and life skills programmes' (my emphasis) (Pamphlet: *The DCS and the Battle Against Crime*, 1998). Offenders are to be made to submit to programmes designed to re-form them - to instil respect for the 'rule of law' and human rights; to cultivate political tolerance; to tame unrealistic material aspirations arising out of a 'culture of entitlement' (NCPS, 1996: 15); and to create a new moral climate which is discouraging of crime. The subsequent refusal, in the NCPS, of social or psychological explanations of crime means that the disadvantaged offender disappears from view. Moreover, as Garland (1997) and O'Malley (1996) have noted following Foucault, if causal analyses of crime diminish or obliterate individual responsibility then a shift away from social determination should re-introduce personal responsibility. And indeed, the second and preferred model of the criminal emphasises the offender's autonomy, rationality and responsibility. The decision to partake in illegal activities is said to be taken only after due consideration of the potential costs and benefits. This calculating behaviour is not itself problematic. What is to be altered is rather the action that flows from this behaviour.

The rational choice criminal is without a past, or perhaps more accurately, is free from the past. By this I mean two things. One, attention is on the cost-benefit calculation itself as independent of the personal and social history of the calculator. Two, the offender differs from the law-abiding citizen by virtue of the fact that they *do* crime and not because they *are* criminals (i.e. have a criminal record).

The rational choice actor is to be deterred from crime by increasing the risks associated with such activity, in particular, by ensuring the certainty and swiftness of detection, apprehension, prosecution and detention. For example, the NCPS Corruption and Commercial Crime Programme (under Pillar II) urges the 'development of a code of conduct for business which requires reporting of cases to the commercial branch' and the preparation of legislation on money laundering and asset forfeiture (NCPS, 1996: 72-3). Consider also several programmes to address crimes of national priority^[13] which recommend the introduction of uniform investigative and prosecutorial policies (i.e. Crime Information and Intelligence Gathering Programme, Prosecutorial Policy Programme) *and* harsher sentences (i.e. Secure Care for Juveniles Programme) (see generally NCPS, 1996: 52-80).

Also visible is a second set of correctional strategies. Different to that directed at the disadvantaged criminal, this penal regime works *through* the autonomy and rationality of the offender (see Garland, 1997; also O'Malley, 1994). For example, Personal Development programmes, a joint NCPS and DCS venture, make the inmate 'co-responsible' for rehabilitation: 'The Institutional Committee of each prison, together with each inmate, decide on a rehabilitation programme to meet the needs of the inmate' (NCPS, 1996: 20). But there is no assumption here of the offender as 'naturally' responsible or autonomous etc. Thus, Personal Development programmes emphasise, within the confines of the prison, the 'empowerment' of inmates and the 'development' of the individual; community-based programmes seek to 'create a sense of responsibility on the part of the person being sentenced' (NCPS, 1996: 59); and diversion programmes focus on building the offender's 'personal resources' and 'self-esteem'. That is to say, these strategies simultaneously imagine and produce the independent, rationally choosing, responsible offender.

There are two important observations to be made. One, unlike the account of British crime control strategies provided by Garland (1996), there is little or no conflict between the punitive policies of the South African government and constructions of the offender as a rational choice actor. In the context of abnormally high crime rates, deterrence-based measures such as greater legislative controls and harsher sentences are linked, through the model of the rational choice offender, to crime prevention.

The second point is that, what is excluded in both depictions of the offender is the 'other', described by Garland as 'the threatening outcast, the fearsome stranger, the excluded and the embittered' (Garland, 1996: 461). Both the disadvantaged offender and the rational choice criminal appear in a familiar light, as not much different from the population in general. Where the 'other' momentarily surfaces it is in the shape of the 'illegal immigrant'. The illegal immigrant is presented as a threat to South Africa's economic development given an already over-stretched socio-economic infrastructure; as a trigger of inter-group conflict given their inability to establish permanent roots in communities; and as perpetrators of cross-border crimes^[14] involving drugs, firearms, endangered species etc. (see NCPS, 1996: 33, 77-80). The focus on regional borders and regional migration policies - that is, a concern with

SADC^[15] states and neighbouring countries - means that the identity of the illegal immigrant is clearly racialised. The criminal face is not only foreign but it is black. Here we see the resurgence of a security discourse which casts crime as a threat to sovereignty and territorial integrity thus demanding a militarised response. This raises important questions about the rights and protections afforded to foreigners in general: already the new government faces allegations, set out in a recent Human Rights Watch report, of widespread abuses of refugees and migrants, in particular, black African foreigners (*The Mail and Guardian*, 1998). The subtle, though no less insidious, insertion of the 'race question' into the discourse on crime - for example, through notions such as 'illegal immigrant' and 'regional security' - clearly warrants research.

The victim

The NCPS seeks to advance a 'victim-centred approach' to the problem of crime. Importantly, attention centres on the individual victim rather than the state and in particular, on the victimisation of blacks long ignored by previous governments (see NCPS, 1996: 18). In the context of high levels of crime, 'everyone', the NCPS warns, 'is forced to contemplate themselves as potential victims' (my emphasis) (NCPS, 1996: 21).

Victims and potential victims appear as rational choice actors who are to assume some degree of responsibility for their own safety and security. This responsibility, however, is to be exercised in an appropriate manner. Accordingly, victims are empowered to act within the confines of democracy, without violating the emerging culture of human rights. There can be no resort, for example, to communal defence formations^[16], vestiges of the anti-apartheid struggle which the new government now regards as destructive of the reconciliation process or worse, as vigilantism. The acquisition of firearms, all too readily available (both legally and illegally), should also be discouraged. Victims are to be instructed that the preventative or pre-emptive measures they take may in fact constitute more of a threat to than defence of their safety and security: 'The expectation that victims are armed and likely to fight back with lethal force, is a major factor in the degree to which excessive violence is used in the commission of crimes' (NCPS, 1996: 22).

A number of methods are identified through and by means of which government is to communicate to the public the 'reality' of the situation and suitable responses. For example, statistical analyses provide profiles of those most at risk of victimisation and of so-called 'hot spots', areas likely to be targeted by criminals. Consider also a proposed safety and security curriculum designed to equip school children with life-skills including confidence building, anger management, conflict resolution and gender education. However, while in most contemporary western societies this 'responsibilisation strategy' is accompanied by the injunction that victims seek protection from private sources such as insurance companies and the security industry (O'Malley, 1992), there is no such suggestion in the NCPS. Rather, citizens are to invest confidence in the criminal justice system and to provide the necessary information - for example, by reporting crime and testifying in court - without which the state is helpless to act.

Alongside this model of the responsible, rational individual is another which positions the victim and potential victim as disenchanting, angry, isolated and frightened. This second model isolates the emotions and passions, presenting these as obstacles to the development of a human rights culture and a crime-resistant society. Victims and potential victims, the NCPS argues, feel betrayed if not ignored by the criminal justice system which they regard as prioritising the needs of offenders.

[T]he absence of victim-aid services has added to the sense of powerlessness of victims and has contributed to public perceptions that perpetrators lie at the heart of crime prevention strategies in South Africa. Not only does this often generate the quest for informal retributive justice which is criminal in nature but it also breathes life into popular resistance to human rights issues ... (NCPS, 1996: 21).

Acts of revenge or retaliation are not logical or rational and have little to do with the criminal justice system's efficiency or effectiveness (or lack thereof). Rather, they are visceral responses based on public sentiment on the 'appropriateness' of sanctions to be meted out to criminals.

The line between victim and offender is blurred further still. Left untreated, feelings of rage, insecurity or helplessness experienced by both victims of and witnesses to crime may be

'displaced within the social or domestic arena' resulting in violence and criminality more generally (NCPS, 1996: 20).

The prominence accorded victims in the NCPS is considered a preventative measure in and of itself. This is less an interest in enrolling the responsible individual in crime prevention activities than in preventing the victim from becoming an offender. Reliance is placed on the criminal justice system for the provision of victim-aid services to 'treat' and 'heal' victims of crime. Additionally, the justice system is to attend to and accommodate victim demands regarding the fate of offenders. Immediately, however, a problem presents itself: as emotive individuals, victims are unlikely to be placated by government strategies which promise not severe punishments or lengthy prison terms but due process, effective and efficient service delivery, restorative justice and the like. The challenge facing government, then, is to respond to the expressed concerns of victims and potential victims without retreating from its commitment to building a human rights culture.

Integrated criminal justice system

While a multi-agency approach involving all government departments and civil society is advocated, it is an integrated and co-ordinated criminal justice *system* which is deemed 'central to the development of the NCPS' (NCPS, 1996: 46). Currently, the core justice ministries - Correctional Services, Justice and Safety and Security - operate according to not only different but at times conflicting objectives. A familiar example is the issue of bail which the police regard as too easily granted and as an impediment to the performance of their duties. A more recent twist is the Justice Department's proposal for the automatic denial of bail for certain categories of offences which will have serious repercussions for Correctional Services whose facilities are filled to capacity. Clearly then much effort is to be devoted to transforming these separate components into an inter-dependent whole. This involves, among other things, the development of a common policy framework and the creation of a national data base to maximise available information and reduce its duplication.

New management strategies are identified. These emphasise efficiency, cost-effectiveness and value for money. Since substantial increases in government spending on security are unlikely, attention centres on ensuring that 'expenditure is matched by outputs' (NCPS, 1996: 51). Thus, as yet unspecified performance indicators to monitor the crime prevention contributions of each department are to be set. These indicators also provide a concrete form of accountability to the 'customers' and 'users' of government services and 'should ideally be integrated with performance appraisal systems within the realm of human resource management' (NCPS, 1996: 50).

The management of the criminal justice process as an integrated whole, then, is expected to lead to increased operational efficiency and effectiveness as well as enhanced public confidence in and support of the departments concerned. The 'government's ability to counter the crime problem', the NCPS asserts, rests on not only its legal powers but also the public's consent (to be policed) (NCPS, 1996: 6). Rather than a down-scaling of state powers or a narrowing of areas for intervention, there is renewed optimism that the government, armed with a reliable and integrated criminal justice system and supported by the public, will emerge victorious in the 'fight against crime'. This reliance on the criminal justice system stands in tension with prior acknowledgements of the limitations of this mechanism given its predominately reactive stance. What remains unclear is whether this indicates a change in the nature of the 'fight' or simply a shift, in the short-term, to measures designed to control rather than prevent crime. Both are entirely possible.

Implications for the future

The government's new crime prevention policy has yet to be fully translated into practice. The 17 national programmes intended to give expression to the framework for crime prevention are, according to one of the architects of the NCPS, disposable items.^[17] There can be little doubt, however, that implementation of the NCPS is forthcoming given the requirement that all government departments align their budgets, operational structures and policies to the NCPS. In expectation of this, I offer some general comments on the likely future of crime prevention in South Africa.

First, there is every reason to believe that governmental attention will centre on the criminal justice system. I mean by this not only the rendering of this structure efficient and effective in the processing of criminals but also that increased reliance will be placed on the police, courts and corrections as the *primary* mechanisms of deterrence. This will require, among other things, the financial commitment of government. Already R1.2 billion has been allocated for the transformation of the state justice machinery over the next few years (*Pretoria News*, 1996). A NCPS Newsletter identifies over a dozen projects currently underway. Examples include: a national automated fingerprinting system; an integrated prison security system; training of court officials; victim support services; and offender training and rehabilitation (NCPS News, 1997). Such reforms may indeed 'reassure a traumatised and victimised public and rebuild their confidence in the government's ability to counter the crime problem' (NCPS, 1996: 6). However, it will do so at the expense of solidifying perceptions of crime as the exclusive responsibility of government. Demands for more police and bigger and more secure prisons are thus likely to emanate from both the criminal justice sector and civil society. The question of the relationship between the reform of the justice system and the prevention of crime is unlikely to be critically addressed.

Second, crime prevention will take on the guise of an act of sovereign will. Given that most of the criminal justice departments are national ones [18] - Correctional Services, Defence, Intelligence and Justice - crime prevention becomes the prerogative of the central state, the imposition of command in a top-down fashion. Disputes between the provinces and Pretoria over the division of powers is to be expected and has already occurred to some extent in the field of policing for instance.

Third, crime prevention appears to be equated with policing where this term is understood to refer to crime-centred activities of state structures. This is the 'bandit-catching' model outlined by Brogden and Shearing (1993). Its concern is with the pursuit of perpetrators by law enforcement agents of the state. It stresses the technical nature of this enterprise and the expertise and professionalism of its technicians. It advocates reliance on 'strong-arm' tactics such as arrest, detention, imprisonment etc.

Given this pre-occupation with crime and the offender, little effort is directed to assisting people 'at risk' of victimisation or offending - those exposed to various hardships, to drugs, violence, poverty etc. (The Nedcor Project, 1996b:7). Interestingly, little mention is made in the NCPS of community policing, the preferred policing practice and philosophy as manifest in the *Police Act* (No. 68 of 1995) and the *Interim Constitution* (both Acts existed at the time of the drafting of the NCPS). Community policing dismisses claims of the essentially reactive nature of the police, it provides for local control over policing and it links crime prevention with development at the community level. How the government's new strategy on crime relates to broader changes in the field of security generally, remains ambiguous.

Fourth, a growing distinction between crime prevention and growth and development programmes is becoming visible. The former is characterised by technologies of deterrence, the latter by social remedies such as job creation. While social upliftment strategies undoubtedly contribute to a reduction in levels of crime, the NCPS admits that 'crime prevention is not necessarily the primary motivation for these programmes and they are not being managed as part of the NCPS' (1996: 50). Rather, such measures fall under the remit of the RDP and strategies such as GEAR (Growth, Employment and Redistribution). The relationship between crime and the social and economic policies of government are unlikely to be addressed.

Fifth, partnerships between civil society and government are likely to remain at the level of rhetoric. Where they occur, the public will be cast in the role of junior partner, subordinate to the state. Not only will community-led initiatives against crime enjoy limited government support but they will be seen increasingly in a negative light. These will be regarded not, I suggest, as a sign of the community's commitment to take seriously their crime prevention responsibilities but as evidence of growing vigilantism, of disrespect for rule of law or even of loss of confidence in the government's ability to effectively respond to crime. This may lead to a weakening of what some analysts [19] regard as a rapidly disintegrating civil society.

Of course, none of this is inevitable. By its own admission, the NCPS provides 'direction for the future, but not a final answer to the problem of crime' (1996: 6). Recent remarks by the Chief Executive of the South African Police Services on the NCPS seem particularly adroit: 'Co-ordination is good but changing the soul of the nation is not going to be achieved overnight' (*Cape Times*, 1998). The debate on crime does indeed provide a context for the re-

articulation of a national identity (as well as individual identities). Whether crime is the 'appropriate' vehicle for such transformation is the politically laden question that remains.

Acknowledgements

Initial drafts of this paper were written at the Institute of Criminology, University of Cape Town, where Wilfried Schärf and Elrena van der Spuy provided not only a hospitable working environment but also immense encouragement. Thanks also go out to Dirk van Zyl Smit and Nikolas Rose for their helpful suggestions and comments. This paper is part of a PhD thesis on transformations in policing in South Africa, 1990-96. The financial support provided by the Social Sciences and Humanities Research Council of Canada and the Committee of Vice-Chancellors and Principals of the Universities of the UK is gratefully acknowledged.

Notes

1. For a discussion of the methodology that informs this search for the objects, subjects and concepts of discourse see Foucault (1972) and Rose and Miller (1992). On the relevance of 'governmentality' analyses to the field of criminology in particular, see Garland (1997) and O'Malley (1996). [\[Back to text\]](#)
2. The RDP Office has since been dissolved though the Programme itself remains operational. [\[Back to text\]](#)
3. Not surprisingly, though there was much debate and conflict over who should 'own' the NCPS. One reason is, of course, the prestige of being the lead Ministry. For present purposes, however, it is not necessary to go into further detail. [\[Back to text\]](#)
4. The establishment of the Secretariat for Safety and Security is provided by section 208 of the Constitution and section 2 of the Police Act (No. 68 of 1995). The latter also allows for the creation of a Provincial Secretariat by a provincial government. As outlined in Section 3 of the Police Act, the Secretariat is a civilian oversight body which performs advisory, monitoring and research functions for the Minister of Safety and Security as well as any other duties assigned to it by her/him. [\[Back to text\]](#)
5. At the time of writing, 7 of the 9 Provincial Summits had taken place. The facilitators for the Summits are drawn from the NGO sector. To the best of my knowledge, there has been little or no public dialogue on or assessment of these Summits - their agenda, operation, conclusions, resolutions etc. However, the possibility of tensions and disputes has been suggested. In a report completed prior to the holding of the Summits, Schärf and Artz argue that the NCPS portrays these structures as implementation mechanisms (1996: 3). This bears little resemblance, they claim, to the 'original vision' which saw Summits as devices to enable civil society and provincial input into policy formulation. [\[Back to text\]](#)
6. Under the apartheid policy of separate development, black homelands could be granted self-governing status or independence. [\[Back to text\]](#)
7. Declared unconstitutional in 1995 by the Constitutional Court. [\[Back to text\]](#)
8. On statistical forms of reasoning as a government technology, see the accounts provided in Burchell, Gordon and Miller (1991). On reflexivity and the 'risk society' see Giddens (1990). [\[Back to text\]](#)
9. These are: negotiated transition and the destruction of social control; political culture and violence; justification of crime in political terms; political rivalry; absence of a national political consensus; poverty, unemployment and relative deprivation; economic development; youth marginalisation; inadequate victim support; vigilantism, revenge and self-defence; social-psychological factors; access to firearms; and, gender inequality. [\[Back to text\]](#)
10. somewhat curiously, this Pillar also provides for the development of a new national identification system and capacity building to allow for more effective and efficient investigation and regulation of commercial crime and corruption. Such measures are

- not conventionally understood as falling under the heading of 'environmental design' although they do increase the risk of detention and prosecution. [\[Back to text\]](#)
11. One variant of this reluctance to see Apartheid as the source of all problems including crime is represented in the Truth and Reconciliation Committee's hearings. Amnesty applicants have been instructed that it is not enough to argue that they committed crimes for political reasons - i.e. to maintain or resist Apartheid. Rather, they must argue that they engaged in criminal activities in order to further very clear and specific political goals which were derived from the agenda of a political organisation to which they belonged. [\[Back to text\]](#)
 12. The term 'Third Force' has been used to refer to both a 'sinister and secret organisation or group that commits violence in furtherance of some nefarious political aim' as well as to identifiable state institutions (Goldstone Commission, 1992: 2.1). While the Goldstone Commission found no evidence of the existence of the first type, it did find evidence of third force activities within the police and army. [\[Back to text\]](#)
 13. Cabinet has assigned national priority to the following categories of offences: firearms related crimes; organised crime (includes illegal immigrants, drug trafficking, endangered species and gang-related crimes); white collar crime; gender violence and crimes against children; inter-group conflict; vehicle theft and hijacking; and corruption within the criminal justice system. [\[Back to text\]](#)
 14. Grouping illegal immigration, organised crime, gang related offences and the trafficking of drugs and endangered species under the general heading of 'Trans-national Crime' (Pillar IV) blurs the distinction between foreign nationals who are 'illegal aliens' and those who use South Africa as a base to run drugs or trade arms etc. [\[Back to text\]](#)
 15. The SADC countries are: South Africa, Lesotho, Swaziland, Zimbabwe, Botswana, Zambia, Malawi, Mozambique, Angola, Namibia, Tanzania and Mauritius. [\[Back to text\]](#)
 16. For an account of the origins and operation of these and other township structures see Nina (1995). For a different perspective see Seekings (1991). On the specific development of people's courts in Cape Town during the latter part of the 1980s see Schärf and Ngcokoto (1990). [\[Back to text\]](#)
 17. Interview with Janine Rauch, Cape Town (June 1997). [\[Back to text\]](#)
 18. The Constitution (1996) provides that welfare services and police are functional areas of concurrent national and provincial legislative competence. [\[Back to text\]](#)
 19. Personal communication with Wilfried Schärf (1997). [\[Back to text\]](#)

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