

# Global Lynching and Collective Violence

*Asia, Africa, and the Middle East*

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## 6 New Situations Demand Old Magic

### *Necklacing in South Africa, Past and Present*

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South Africa's long history of vigilante violence made international headlines in the days following Nelson Mandela's funeral in late 2013 when it was revealed that the sign language interpreter for the event, Thamsanqa Jantjie, had participated in the lynching of two men in his neighborhood a decade earlier.<sup>1</sup> Given the interpreter's proximity to major world leaders, the revelations added a note of panic to what had been, until that point, merely an embarrassing situation for the government when it had earlier been revealed that the sign language interpreter did not know sign language at all. For his part, the interpreter was sanguine about his presence at the killings, telling the local *Sunday Times* newspaper, "It was a community thing, what you call mob justice, and I was also there."<sup>2</sup> The "community thing" he alluded to involved *necklacing* two men—placing gasoline-filled tires around their necks and setting them alight—for allegedly stealing a hot plate, a pair of shoes, and three eggs. Although he had been arrested for his alleged participation in the killings, he was let go after being declared unfit to stand trial.<sup>3</sup>

In their immediate wake, the revelations drew loud criticism of the African National Congress (ANC) government for supposedly putting world leaders at risk by having them on the stage next to Jantjie, who was employed by a politically well-connected firm that had been hired to handle the funeral arrangements. What was much less discussed was the nature of the violence Jantjie was accused of having committed. After all, it is not obvious why a crowd of people would perpetrate such gruesome violence against two petty thieves, especially because necklacing was first developed as a technique for punishing suspected collaborators with the apartheid regime.<sup>4</sup> Even if members of the crowd thought that thievery was a sufficiently serious crime

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deserving of death, it is not obvious why they would use a violent technique deployed against political threats under a racist authoritarian state to sanction small-time criminals under a multiracial democracy.

Nevertheless, the incident in which Jantjie participated was hardly unique in South Africa. Although it is difficult to quantify the frequency of necklace killings since the end of apartheid,<sup>5</sup> one need not look far beyond the Jantjie affair to find other instances. For example, just one month after the Jantjie controversy erupted, an official commission of inquiry into a series of at least eight necklace murders in Khayelitsha, a township outside of Cape Town, was due to begin.<sup>6</sup> Yet, despite its frequency, necklacing—as a specific repertoire of violence—has received relatively little attention in the growing scholarly literature on vigilantism in South Africa.<sup>7</sup>

That necklacing is practiced so frequently in the wake of South Africa's democratic transition is surprising because the country is often lauded for the scope of its political and legal reforms since the end of apartheid. For example, the country adopted one of the world's most celebrated constitutions and provided access to meaningful legal protections for the whole population for the first time.<sup>8</sup> And while crime rates remain unacceptably high and the police force is a troubled organization, it has been massively expanded to give all South Africans access to the state's protection in ways that were not available under apartheid.<sup>9</sup> In other words, while its legal apparatus still needs much improvement, South Africa has worked to create a democratic legal system that all South Africans can access without prejudice for the first time. Yet, despite these changes, necklacing is still practiced. Moreover, it is being practiced in a context far removed from its original creation—the violent sanctioning of political betrayal under a racist authoritarian regime. This chapter asks why. Why is necklacing practiced twenty years after the dawn of democracy to punish suspected criminals given that it was originally used as a tool in the struggle against apartheid to attack collaborators with the apartheid regime? And what enables a tool used to sanction one type of behavior to be used to sanction another, particularly when the two behaviors are of apparently different type and magnitude (for example, lethal political betrayal versus petty criminality)?

### Understanding Necklace Violence

One explanation for why groups would use the necklace to punish criminals today is a repertory one. That is, one might argue that once the repertoire became available as a form of punishment during the apartheid era it could undergo an "object shift" and easily be appropriated to sanction other kinds

of offenses like criminality.<sup>10</sup> One might hypothesize that once such an object shift occurred, necklacing, as is the tendency with other repertoires of violence, continued to be available as a form of punishment and persisted.<sup>11</sup> There is much truth to such a hypothesis, and we will see evidence of an object shift later in this chapter. Yet, such an account gives little sense of how an object shift occurs. Moreover, much theory on repertoires of violence holds that, when there has been a massive change in regime, repertoires are likely to change enormously along with the political context.<sup>12</sup> And, as I suggested earlier, there are arguably not many regimes in the late twentieth century that experienced more dramatic regime changes than South Africa. Thus, while we know that repertoires of violence undergo object shifts and persist across regimes, we still know relatively little about *how* they undergo an object shift or *why* they persist across regimes. And to understand the contemporary usage of necklacing we need to understand both of these processes.

A second explanation for why necklacing continues to be practiced despite radical shifts in object and circumstance is a strategic one. That is, the spectacular nature of necklace violence might communicate a warning to wrongdoers of the severe consequences they face, therefore reducing future malfeasance.<sup>13</sup> As Paul Richards writes of gruesome violence in a different context, violence is "supposed to unsettle its victims," and spectacular violence is "devilishly well calculated" to achieving such ends.<sup>14</sup> One might argue that necklacing, which so effectively warned against collaboration under apartheid through its over-the-top violence, has been appropriated to communicate a similar warning to criminals today. Undoubtedly, there is a good deal of truth in such arguments and perpetrators often explain their actions in these terms. However, rational explanations take us only so far toward understanding the persistence of necklacing because they take too narrow a view of spectacular violence's communicative potential. Specifically, spectacles cannot be only a way of sending a message to would-be wrongdoers because the majority audience at a necklacing is likely to be otherwise "upstanding" members of the community. In other words, strategic explanations have difficulty explaining what the message is for the perpetrators or witnesses of necklace violence—two groups that are as much audiences for its violence as collaborators or criminals.

That lynchings are communicative spectacles whose audience goes beyond would-be criminals has been established, for example, by the growing literature on Latin American lynching.<sup>15</sup> For scholars of Latin American lynching, the upsurge in lynch violence across much of the continent near the turn of the millennium can best be understood as a form of communication that

transmits political discontent via the medium of spectacular violence.<sup>16</sup> For these scholars, while lynching does serve to intimidate criminals, such events are "also about being seen: calling attention to oneself or one's group by means of public display."<sup>17</sup> For these Latin Americanists, lynching dramatizes the lack of substantive law that disenfranchised communities experience and works as a protest to demand that law be provided by the state. In this sense, such scholarship rightly suggests that lynching's spectacular violence is "not *only* about crime" but also the social and political circumstances in which a crime takes place.<sup>18</sup> While this chapter agrees with this literature that lynching spectacles dramatize social and political concerns, it departs from the Latin American literature to argue that lynching does not merely mark a lack of substantive law. Rather, attention to South African necklacing suggests that communities have deployed the necklace both historically and contemporarily to challenge what the substance of the law should be in the first place.

Through analyzing the continuities in necklace violence past and present, this chapter argues that when South Africans deploy the necklace, intentionally or not, they challenge the terms upon which the legal apparatus is founded. Under apartheid, the necklace was used, in part, to contest the moral constitution of apartheid law, which embodied official state racism, and to resist the extension of the legal apparatus into the daily lives of South Africa's townships. Since the end of apartheid, the necklace has again been used to challenge the moral basis of the law. Ironically, however, contemporary necklacing challenges the legal rights regime that emerged out of the struggle against apartheid and upon which postapartheid law is based. For many South Africans sympathetic to vigilantism, the postapartheid legal system enables criminality (and by implication immorality) to proliferate as suspected criminals are released back into communities due to the rights they are afforded by the current legal dispensation. As evidence of this, we will see that the necklace has been deployed not only when the police fail to make arrests, but also when they succeed and suspects are released on bail. In this sense, contemporary South Africans attempt to create purified moral communities through violent techniques that are similar to vigilante violence from a previous era, albeit now in the context of a radically different legal system. Yet, in both eras the necklace has been used to challenge the ideological basis of the extant legal system and the way in which the legal system ostensibly prevents the creation of moral communities. Through its spectacular violence, both under apartheid and today, the necklace dramatized these critiques of the legal order. Thus, while necklace violence does serve a communicative function, it does not only communicate a warning

about malfeasance. Instead, necklacing also communicates a set of moral codes to bystanders and communicates criticisms of the extant legal order to the state.<sup>19</sup>

To be sure, the argument that necklacing is a kind of moralizing communication is undoubtedly uncomfortable given that necklacing involves the gruesome extrajudicial murder of a person. To be clear, in calling necklacing a form of moralizing political action, my point is not to condone or validate necklacing or to claim that it is a moral act in the sense of a universal standard of ethical behavior. It is, however, to show the kinds of moral claims those engaging in necklacing make and how participants in the violence justify seeking redress for those claims outside of the institutions of the state through violent means. In other words, it is to show how participants could construct acts of spectacular violence as being moral in context, even if they appear morally abhorrent from the outside—an argument that has analytical advantages over other perspectives in explaining the “extralethal” nature of necklace violence, even as it raises troubling normative questions.<sup>20</sup>

For instance, emphasizing the morally expressive quality of necklace violence helps us to understand the apparent object shift of necklace violence over time—from its initial genesis as a weapon against collaborators with the apartheid state, to its transformation into a sanctioning mechanism for members of the liberation struggle, through its deployment against targets like witches and criminals during the latter years of apartheid and today. These seemingly disparate targets could become conjoined—and, indeed, often were conjoined even in the earliest acts of necklacing—because of their commonly being perceived as a threat to the moral purity of local communities. In important ways, the continued practice of necklacing during acts of vigilante violence in postapartheid South Africa is a continuation of the utopian project of community cleansing, which was started under apartheid and never completed. Thus, the repertoires of punishment developed during the late apartheid years bear a striking resemblance to the sorts of practices that are deployed today to punish suspected criminals who threaten the moral sanctity of the imagined township community.

Nevertheless, necklacing today is not a mere continuation of a previous practice for punishing criminals. Indeed, given the radical—arguably revolutionary—change in South Africa’s political and legal institutions,<sup>21</sup> assuming that necklacing is still practiced as simply a received practice cannot account for its continuation. Instead, it is better to think of necklacing as a repertoire of violence that has been *repurposed* for a new political context—in this case as a practice used to challenge the substance of the law even though that substance has changed from one political context to the next.<sup>22</sup> Recognizing the

continuities and discontinuities between necklace violence past and present also allows us to understand contradictions that characterize contemporary necklace violence, particularly the fact that the necklace continues to be deployed in a democratic era that it was ostensibly used to create.

To explicate the relationship between necklacing past and present, the chapter examines two episodes of necklace violence, one historical and one contemporary. The first, the case of Maki Skhosana's death in 1985, is particularly useful for understanding the dynamics of necklace violence for several reasons. It was the first widely publicized necklacing in apartheid South Africa and had dramatic effects on the spread of the practice. As a result, it has been widely documented through drawn-out court cases and Truth and Reconciliation Commission hearings (TRC), allowing rare insight on the emotional, social, and political context surrounding a necklacing.<sup>23</sup> And because part of it was recorded by news crews, it offers a rare (if also upsetting) opportunity to analyze (at least part of) the performance of a necklacing as it happened.<sup>24</sup> The second necklacing examined in the chapter was a 2013 event that made international headlines in which a crowd of four hundred people paraded through Khutsong, west of Johannesburg, and killed five alleged criminals and a traditional healer, necklacing several of them.<sup>25</sup> The violence in this case was particularly surprising because a number of the victims had recently been arrested by the police and were out on bail, which suggests that police "failure" cannot be a complete explanation for the violence as commentators argued in the wake of the event. Instead, we need to place this contemporary event in a broader historical arc of necklace violence as a technique to challenge the moral basis of the state's law. In order to understand these two events, however, we must first place necklacing in the broader history of the struggle against apartheid and the place of popular justice within it.

### The Struggle against Apartheid as Political and Moral Revolution

The necklace—along with burning as a more general repertoire of violence—emerged during the latter decades of the struggle against apartheid. It is crucial to recognize at the outset that the struggle against apartheid, while always a struggle against an organized system of racial oppression, went beyond trying to bring about a new governing system. It was also a struggle to determine the moral and political grounds upon which local communities would be governed, especially in the latter decades of the struggle. The necklace grew out of this dual struggle and the profoundly moralizing politics inherent to it.<sup>26</sup>

Arguably, apartheid's collapse was precipitated by a key event: the 1976 Soweto Uprising. The response to it would also ultimately transform the practice of popular justice. The apartheid state's massacre of hundreds of unarmed, protesting students at Soweto radicalized youth across the country and sparked a mobilization that the state struggled to bring under control. The apartheid state's reaction to the Soweto Uprising was various—including widespread arrests and increasingly overt and covert violence against activists—but involved a crucial institutional shift: the establishment of Community Councils in 1977. The Councils provided a measure of self-governance to township residents, but they were also a mechanism for the apartheid state to abdicate responsibility for managing the townships. Notwithstanding the creation of the countrywide United Democratic Front,<sup>27</sup> the policy made the question of who would run day-to-day life in the townships increasingly central to antiapartheid politics.<sup>28</sup> These struggles over local governance during the latter decades of apartheid precipitated ideological and repertory innovations at the local level, which left indelible impacts on the practice of popular justice in its wake.

The first legacy of this period was a set of ideological innovations, which reimagined how communities should be run. Youth "became enmeshed in a web of social, economic and legal relationships" such that they saw themselves, more so than their parents, "as having rights to and claims on some kind of common society."<sup>29</sup> In this milieu, where visions of a common society were changing, communal life and how it should be lived came to the forefront of popular mobilization and of popular justice. Such moral rethinking increasingly "concerned itself with the daily lives of township dwellers, rather than simply opposition with the state."<sup>30</sup> At the center of these politics were radicalized youth who had "a transformative moral vision."<sup>31</sup> Especially during the insurrections of the mid-1980s, township youth worked to make the townships ungovernable such that they could actively create an imminent utopia "in which society would be purified. There would, at least some of the youth believed, be no crime, decay or alcohol, no oppression, no suffering."<sup>32</sup> In other words, this vision was powerfully local, powerfully moralizing, and predicated on beliefs about the creation of a harmonious communal life after the overcoming of apartheid.

Nonetheless, this imagined harmony was secured with a series of punishments that, at times, employed remarkable violence. Thus a second crucial innovation during this period was the emergence of new repertoires of violence to create an idealized form of communal moral cohesion. To be sure, some youth-led community justice initiatives tried to reconcile opposed parties.<sup>33</sup> But, at the same time, youth were also known to use techniques like *sjambok* (a stiff leather whip) beatings and forced evictions to "discipline," "re-educate,"



and “rehabilitate” offenders.<sup>34</sup> In some cases, when physical punishment was meted out, it was collectively administered “in order to stress that the offense was an injury to the community.”<sup>35</sup> In this sense, community justice was a dramaturgical practice in which a set of ideologies about harmonious communal living was communicated to township residents<sup>36</sup> and a resource for youth activists for enforcing moral and political conformity, albeit through violence that could be brutal and terrifying.<sup>37</sup> And, as we shall see in the next section, the violent drama of communal justice was nowhere more visibly acted out than via the necklace.

### The Genesis and Scope of Necklacing under Apartheid

Necklacing emerged out of this politically and morally charged struggle—one concerned as much with community-level governance as with national-level politics. In many ways, the necklace’s dramaturgical violence was perfectly calibrated for displaying the complex and often contradictory political and moral messages of the antiapartheid struggle as they were being created in local neighborhoods. Necklacing spectacularly displayed the deeply moralizing politics and the locally oriented justice of the antiapartheid struggle along with all their attendant moral and political ambiguities.

We can see the degree to which the necklace was concerned with the confluence of local politics amid national repression by looking at its earliest performances. The first widely reported necklacing was on March 23, 1985, in the Eastern Cape township of KwaNobuhle, near the town of Uitenhage.<sup>38</sup> In the context of extraordinary tension about how the local community was being governed and about the role of the state’s police in providing order, a group of Comrades (UDF-aligned youth) burned to death a local community councilor, Benjamin Kinikini.<sup>39</sup> The Comrades had demanded that councilors resign their posts, claiming that they were local agents of the apartheid regime, a call that Kinikini had staunchly refused. This hostility was heightened when police shot and killed twenty-one people during a memorial march for the Sharpeville Massacre in nearby Langa. Amid the tension, four UDF-aligned youth were abducted by a local vigilante group connected to the council.<sup>40</sup> A concerned crowd gathered as word of the abductions spread. After a frantic, unsuccessful search for the young men, the crowd grew both in size and anger. Members of the crowd began to *toyi-toyi* (a vibrant protest dance), while singing songs registering anger toward Kinikini and a close associate. Although the police managed to retrieve the young men from the grip of the vigilante group, they kept them under arrest and refused to return them home. Doubtful that the young men were actually safe and angry about

the insecurity Kinikini perpetrated, a portion of the crowd sought him out. When the crowd found him, they stabbed him repeatedly before they made him drink gasoline, put a tire around him, and set him alight.<sup>41</sup> The crowd then killed three of his sons before attacking and burning the homes of every suspected police informer in the township.<sup>42</sup> Two men were subsequently tried and hung under the common-purpose doctrine for the murders.<sup>43</sup>

Despite the conviction and severe consequences meted out to the two men convicted of Kinikini's killing, the practice started to spread across South Africa. Although the exact numbers of necklace killings are difficult to know, the most complete data available (collected by South Africa's TRC) suggest a spike in necklacing and burnings in 1985 and particularly 1986.<sup>44</sup> These years coincided with a deepened focus on community-level politics by antiapartheid forces, the growth of people's courts, and increased counterrevolutionary mobilization by the apartheid state. Necklacing was both a response to and a driver of these political changes. Indeed, as we shall see below, it was Maki Skhosana's widely broadcast death that precipitated the state of emergency and ultimately contributed to the proliferation of the necklace across the country. Overall, between 1984 and 1990, when the state of emergency was lifted, the TRC estimates that between 400 and 700 people were necklaced, with hundreds more burned to death in other ways.<sup>45</sup> In other words, within the span of just a few years, necklacing had grown from an isolated practice into a major repertoire of violence—one connected intimately to the antiapartheid struggle and the state's reaction against it.

The raw numbers tell only part of the story, however. Just as important was how the necklace was used. The necklace was a particularly dramatic form of punishment whose ritualistic enactment was crucial to its effects. For instance, the TRC reported surprisingly few cases of crowd violence where an individual was stoned to death, despite its being a relatively "straightforward" method by which to kill someone.<sup>46</sup> Why would the crowd go through the trouble of necklacing a collaborator like Kinikini rather than using a more "direct" form of violence like stabbing or shooting him?

The ritualistic drama of the necklace and its "extra-lethal" nature provides a big part of the explanation.<sup>47</sup> Although always different in execution, some similar elements in the practice carried over from iteration to iteration. For example, there might be the repeated use of a central landmark in a given township as a site where multiple necklacings might take place. In Mlungisi in the Eastern Cape, to take one example, would-be necklace victims were often marched to a prominent light tower locally known as "the Golden" where they would be burned to death.<sup>48</sup> Outside of Fort Beaufort in the Eastern Cape, to take another example, a strip of land was used so frequently to burn people that it became known as "Necklace Valley."<sup>49</sup> Adding to the

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spectacle, the marches to these “necklacing sites” would be long and boisterous processions, often involving toyi-toying, singing struggle songs, and creating a festival-like atmosphere.<sup>50</sup> In other cases, necklacing would occur at emotionally charged events like funerals, and particularly funerals for young people involved in the struggle against apartheid.<sup>51</sup>

Like ritual dramas more generally, the violent dramaturgy of the necklace would also leave a lasting impression on the audience, albeit a traumatic one. As one witness to a necklace killing reported to researchers:

That sight [a necklacing] will be with me forever. I saw the man burning until he stopped crying and the head burst. I will never forget the sight of the white area on his buttock which looked like fat. Even as I talk to you, I still hear a searing sound just like when one fries oil in a frying pan.<sup>52</sup>

The extralethal nature of this ritual violence is what produces such a long-lasting image—a potentially valuable political tool. Indeed, in some cases, Comrades were so intent on punishing collaborators with spectacular, horrifying violence that they refused to let victims be buried before their bodies had been burned.<sup>53</sup> In such cases, the extralethal violence simultaneously dramatized the moral and political revolution the Comrades were working to bring about and the moral and political betrayal to that cause that the necklace victims represented.

In this sense, who was necklaced was nearly as important as how many people were killed. The TRC report, as a kind of official history of the necklace, suggests that initially victims were killed almost exclusively for expressly political reasons, particularly suspected “collaborators” and “informers.”<sup>54</sup> Chiefs and community councilors were early targets in this regard, as they were the most obvious symbols of collaboration with the apartheid state given their charge of implementing government policies and imposing taxes, all while being accused of putting their own economic well-being ahead of the liberation struggle. African police officers were quickly targeted in a similar fashion as they were thought to represent the violence of the apartheid state’s oppressive machinery.<sup>55</sup> Eventually, township residents who had violated boycotts declared by Comrades against patronizing “white” stores and purchasing “white” goods were targeted with the effect that the range of victims of necklace violence was extended to average citizens who, through shopping at a “white” store, had become “sellouts.”<sup>56</sup>

However, as the struggle intensified, the TRC suggests, “non-political” victims were targeted.<sup>57</sup> In particular, seemingly apolitical actors like suspected criminals and alleged witches came to increasingly be the focus of necklace violence. For example, Niehaus reports a gruesome incident from 1986 in which Comrades in Sekhukhuneland necklaced 43 accused witches, singing

freedom songs while they did so.<sup>58</sup> Why would a group of youth whose goal was presumably bringing down the racist apartheid state devote so much attention to people who had no obvious relationship to the state and then perpetrate such seemingly exaggerated violence on them? Moreover, how did this transformation of the necklace from a tool to eliminate political traitors to one used to sanction seemingly nonpolitical, moral threats happen?

I would suggest that the answer to these questions is that “political” threats were always already moral threats and vice versa. In other words, *pace* the TRC, there was never a nonpolitical victim of necklace violence, because in many local communities the politics of the antiapartheid struggle were a form of moralizing politics seeking to create new forms of communal being. Similarly, struggles over the moral and legal constitution of communities, both during apartheid and today, have always been political struggles. We can see this, for example, in the fact that necklace killings began to increase again in 1990 even as the South African state was easing apartheid restrictions. The surge in violence could largely be attributed to a rash of witch killings across northern areas of the country in which Comrades necklaced or otherwise burned to death dozens of alleged witches.<sup>59</sup> Indeed, witches have always been seen as antisocial figures that survive and grow wealthy by feeding off of others—that is, they profit through deeply immoral means.<sup>60</sup> Therefore, as Peter Delius has argued, witches could be necklaced en masse even as apartheid was breaking down because few people “disputed that, if they could be eradicated, a new era of cohesion and harmony would dawn.”<sup>61</sup> Thus, we can understand the rash of witch killings during apartheid’s twilight as a form of moralizing politics preparing the way for a more morally cohesive postapartheid future. In other words, as we shall see in the next section through the case of Maki Skhosana, the goal of creating a state whose law would help foster newly cohesive moral communities following the downfall of the apartheid state was always bound up in the struggle against apartheid and, therefore, the practice of necklacing, regardless of how gruesome its violence. Moreover, we shall see later in the chapter through the Khutsong case that the necklace continues to be deployed against criminals and other “evildoers” in the hopes of achieving this imagined harmony—a hope that remains constantly beyond reach.

### Maki Skhosana’s Death and the Life of the Necklace

The 1985 death of a young woman named Maki Skhosana is arguably the most widely known instance of someone being necklaced in South African history. Not only did the Skhosana killing result in two contentious legal trials in the

immediate wake of the killing, years later it was subject to fraught hearings at the country's postapartheid Truth and Reconciliation Commission, in the process standing in for much of the country's necklace violence. It also created the pattern for hundreds of subsequent acts of violence as necklacing and burning spread across the country in its wake.

Skhosana was killed in July 1985, in the wake of what eventually came to be known as Operation Zero Zero. Zero Zero was a plot devised by the apartheid security forces and executed by undercover policemen (*askaris*) to kill four youth plotting to attack local policemen in the East Rand township of Duduza. To apartheid's architects, attacks on black policemen were not only crimes against state law, they were also threats to the very viability of apartheid. "[W]e knew if we could not succeed in protecting our Black members," Security Branch General Johan Van Der Merwe told the TRC's Amnesty Commission, "the whole system would collapse and that we in no way would be able to defend ourselves against the onslaught."<sup>62</sup> Ruling out formal arrests for the young men on the belief that securing witnesses would be difficult, security branch officials concocted a plan to assassinate them.<sup>63</sup> Joe Mamasela, an undercover police officer who operated with a notorious hit squad called Vlakplaas, infiltrated the group by pretending to be a member of the liberation forces who could secure weapons. He supplied the activists with hand grenades and limpet mines that were rigged to explode immediately upon being activated. In effect this meant, as Van Der Merwe clinically put it in his TRC testimony, "any person throwing such a hand grenade at the home of a policemen [*sic*] would be affected first due to the shortened time-delay."<sup>64</sup> Eight people were killed and seven seriously injured when the group attempted to use the weapons to attack the homes of a policeman along with an electric power station.<sup>65</sup>

It was common after such killings for communities, supported by anti-apartheid organizations, to hold mass funerals involving up to several thousand people to commemorate the dead. The same thing occurred in this case. However, the key difference between this funeral and many others was that rumors were circulating that the person who had sold out the youth to local police was in the crowd's midst: Maki Skhosana. Skhosana had been politically active and associated with many of those who had been killed.<sup>66</sup> However, she was also widely rumored to be dating a local policeman, Joel Msibi.<sup>67</sup> Although it would be revealed later at TRC hearings that Joe Mamasela had actually supplied the young men with the grenades, at the time residents suspected Msibi of having turned the young men's identities over to the security forces. Skhosana, in turn, was rumored to have disclosed the Comrades' identity to Msibi. In other words, Skhosana was being accused

of being a traitor or sellout (*impimpi*), an accusation as we saw earlier that could be a death sentence.<sup>68</sup> Skhosana was aware of all this at the time that she died. Indeed, she knew she could potentially be targeted should she attend the funeral, telling her sister just before leaving the house, "If they kill me, they kill me, but I won't run and I won't leave my home or my community. I am innocent. I have done no wrong, I am not a police informer, I am not a traitor to my people."<sup>69</sup>

Typical of such events, the funeral at which Skhosana was killed was a raucous affair. Thousands of people marched in a procession down Serema Street from Duduza's stadium to a cemetery over a kilometer away carrying the coffins. As the crowd moved, people sang and danced.<sup>70</sup> Near the local graveyard someone recognized Skhosana at the rear of the procession and accused her of being the person who had sold out the young men to the police. Skhosana ran and a group of people gave chase, eventually capturing her and forcing her to the ground.<sup>71</sup> In the excitement of the chase, a larger group formed and surged toward the now prone Skhosana to see what was happening.<sup>72</sup>

Depending on when they arrived, witnesses might have seen Skhosana being beaten or kicked while lolling back and forth on her knees.<sup>73</sup> They might have seen Skhosana lying prone on the ground as someone stomped on top of her. They might have seen Skhosana struggling to get off the ground only to be kicked back down. They might have seen someone throwing bricks and rocks at her as she tried to struggle to her feet. They might have seen Skhosana on fire or watched her be beaten with sticks while she burned. They might have seen someone trying to fan the flames as her burning body threatened to extinguish itself as she rolled on the ground.

But witnesses would have seen more than just violence. For example, they would have seen an assailant making exaggerated, almost comical gestures mocking themselves after nearly being knocked off balance after stomping on Skhosana. Witnesses would have seen these attempts at humor being performed amid angry shouts, denunciations, and provocations. They would have heard commands like "*Mafiyeinja*" ("Let the dog die") followed by the crowd giving a staccato ascent, "Hey, hey"—a common response to a speaker's call at protest events during a *toyi-toyi*.<sup>74</sup> In other words, witnesses would have seen a complicated and contradictory ritual performance—one that displayed anger and humor, violence and playfulness, individual acts of violence and expressions of communal and political solidarity.

Witnesses would have also heard references to Joel Msibi, Skhosana's alleged boyfriend. As she was being beaten and burned, members of the crowd sang, "Joel is a wizard."<sup>75</sup> As we saw above, many South Africans have long considered witches as those who tarry with evil through their usage of illicit occult powers,

thus making the invocation of wizardry important—but also complex. It may have invoked the evil he represented in working for the apartheid state. But it also may have indexed the ill-gotten money that he received as salary from the state and which local residents would likely have seen as coming at the expense of their oppression.<sup>76</sup> Regardless of individuals' intentions in performing the song or in their reception of it, invoking wizardry evoked concerns over evil and its effects on the social and moral order. Joel, the policeman and alleged boyfriend, admitted as much on the witness stand during the subsequent murder trial, agreeing that for the crowd to associate him with witchcraft was to accuse him of being "a source of evil."<sup>77</sup> That informers were rumored to be paid by the police and that Skhosana was rumored to have acquired expensive new clothing around the time the young men were killed only heightened suspicions among activists that she had sold the young men out and become complicit with the evil that Joel represented, both as a wizard and an agent of the apartheid state.<sup>78</sup> Concern over the local moral community thus shadowed her death, the usage of the necklace in it, and the dissemination of the practice to other parts of the country.

Media members covering the funeral captured much of this contradictory ritual on video as they recorded Skhosana burning to death as a way to justify the apartheid state's own brutality in oppressing them.<sup>79</sup> Despite the complexity of the performance, apartheid state officials saw the performance as the result of the supposed immaturity, indiscipline, and brutality of the liberation forces. As a result, the apartheid state broadcast the recording on national television that night. The images hit the country like a bomb. The President, P. W. Botha, used the images to declare an immediate State of Emergency, which allowed the government to engage in a brutal crackdown on opponents of the state.

However, to some (particularly young) participants in the antiapartheid struggle, necklacing was understood as a symbol of the morally renewed future they wished to create and an effective technique through which to bring it about. As Mahmood Mamdani has argued, necklacing "seemed to give public evidence that the oppressed were capable of mustering a force to counter the growing tentacles of settler occupation."<sup>80</sup> As a result, it went on to become a key tool in the punitive repertoire of township youths, leading to a rapid increase in the number of necklacings across the country.

### Necklacing at High and Low Levels

The increasing popularity of this new punitive repertoire placed leaders of the liberation struggle in a difficult position. Some leaders—particularly members of the clergy—immediately condemned the practice. "If you do

this kind of thing," Desmond Tutu famously warned in the wake of the Skhokhona killing, "I will find it difficult to speak for the cause of liberation. If the violence continues, I will pack my bags, collect my family and leave this beautiful country that I love so passionately and so deeply. . . . I say to you that I condemn in the strongest possible terms what happened in Duduza."<sup>81</sup> However, this condemnation was not universal. On the contrary, some leaders, responding to its growing popular usage, actively called for the necklace to be used more frequently by participants in the struggle. The populist firebrand, Winnie Mandela, was the most (in)famous person to champion its use as a key tool to fight apartheid, telling a crowd that "with our boxes of matches and necklaces, we will liberate this country."<sup>82</sup>

To be sure, Mandela was roundly criticized at the time for the comment by other ANC leaders. But the sentiment behind Mandela's call to action—that the necklacing could be a powerful weapon in the struggle against apartheid—found its way more subtly into the liberation struggle's messaging, placing many struggle leaders in, at best, an ambivalent relationship to necklacing.<sup>83</sup> For example, ANC President Oliver Tambo showed the difficulty of fully disavowing the necklace to an international community that was deeply critical of it, when he told a conference of nonaligned countries, "We are not happy with the necklace but we will not condemn people who have been driven to adopt such extremes."<sup>84</sup> What Tambo was suggesting was that it was the structural violence of apartheid that pushed local cadres to engage in such spectacular violence and that if the necklace were to end apartheid would have to end first. The effect, however, was to not condone the necklace while also not condemning it. In some instances, this ambivalence was heard at the community level as implicit approval of the practice, which only enabled its spread. For example, some people applying for amnesty in connection with necklace murders at the TRC went so far as to argue that "although not formally under orders of the ANC, they believed they were acting in accordance with ANC strategic objectives at the time."<sup>85</sup>

This ambiguity toward the necklace exposed a remarkable tension in liberation leaders' attempts to combat the apartheid state. On the one hand, collaborators represented such a danger to the liberation struggle that they needed to be "eliminated."<sup>86</sup> Yet, on the other hand, the brutality of the tactics that had been deployed up to that point—particularly the necklace—crossed some moral boundary that made it "unacceptable." The moral goals of the struggle had run up against the uncomfortable morality of the tactics being used to achieve them. In other words, there is an important discrepancy between what "moral authority" meant to liberation leaders and what it meant on the ground. For people acting as part of the "mob," it was the target



of necklacing who was morally wrong and the necklace was a tool to make things right. As we saw with the Maki Skhosana case, instead of being seen as immoral, the necklace was associated with combating evil and creating moral order.

We shall see in the next section that this use of the necklace to combat evil and create moral order still structures the practice's deployment today. The moral ambiguity connected to the practice of the necklace, and the political ambivalence of liberation leaders, set the stage for future difficulties that the postapartheid state would have in stamping out the necklace—a technique that was nationally illegal and yet often considered locally licit.<sup>87</sup> The conflict between the emotional satisfaction of the necklace and the rational, organizational handling of justice is a tension that continues to characterize the use of the necklace in the context of slow, loping, and fallible legal procedures—something we will see in the next section through the remarkable account of a recent mass necklacing.

### Necklacing at Khutsong

On the morning of November 3, 2013, a crowd gathered in a field in Khutsong, a sprawling township about sixty kilometers west of Johannesburg. Khutsong sits in the middle of the West Rand, a peri-urban area that hosts some of the most productive gold mines in the world. Yet, despite sitting atop enormous wealth, Khutsong is largely poor, serving as a bedroom community of small homes and shacks for underpaid mine laborers and their families. Gripped by ghastly rates of youth unemployment, Khutsong has become home to a number of youth gangs.<sup>88</sup> Fear and insecurity are rife among township residents, and the gangs are blamed for it. Amid an intensification of this insecurity precipitated by heightened gang violence, a flier was distributed throughout the township calling on concerned community members to skip Sunday church and meet in a central field instead.<sup>89</sup> About four hundred people responded to the call. Chief among the concerns discussed at the meeting were the Casanovas, a youth gang from an informal settlement adjacent to the formal township in which most of the crowd's members resided. Residents had grown fed up with the presence of the Casanovas in their lives and were determined to do something about it. Indeed, the flier instructed residents who planned to attend to bring weapons as they would be taking part in Operation Shapa Tsotsi ("Beat the Criminal") once the meeting was over.<sup>90</sup>

The crowd resolved to split into two groups to confront the gangsters and those who allegedly helped them. One group proceeded to the home of an elderly *sangoma* (traditional healer), James Magagula, who was accused of

providing *muthi* (occult herbs and medicines) to the young men to help them evade arrest—a highly illicit practice in the local moral economy. The crowd broke into his home where they found him in the middle of a consultation with a patient as his pregnant sister bathed in the next room. Scared for their lives, the patient and the sister, still naked, fled the house and ran into the streets. As the sangoma begged for forgiveness, members of the crowd beat him before putting a tire around him and setting him alight. His body burning, the sangoma rushed from the house into the street before collapsing and dying. The crowd then burned down his home and the adjacent buildings in his yard.<sup>91</sup>

Meanwhile, the second group searched out the homes of alleged Casanovas, burning their shacks down if the gangsters were not home. Two unfortunate Casanovas out wandering the streets, however, were found by the crowd. Twenty-four-year-old Akhona Khumalo and his twenty-three-year-old friend, Mojalefa Maleho, had seen the crowd coming in their direction while loudly singing and brandishing weapons. They tried to take shelter in an adjacent home but were refused entry by the resident, who had locked herself inside at the sight of the approaching crowd. A second neighbor was either less afraid of the mob or more sympathetic toward the young men and allowed them to hide in her home. Despite the kindness, the two young men were found by the mob, dragged out into the street, and beaten while a member of the crowd was sent to buy paraffin. When the shopper returned, the accused criminals were doused with the accelerant, had tires placed around them, and were set alight.<sup>92</sup> The crowd was still not done, however. They soon came across twenty-one-year-old Samson Zulayo, a local barber who supposedly kept too close company with the gang. He was beaten and hacked to death before his body was set alight.<sup>93</sup> The crowd then chased two other alleged Casanovas several kilometers to the nearby town of Carletonville, where it eventually caught them and stoned them to death in the streets. In total, the two crowds killed six people, necklacing three of them and setting another alight posthumously.

Given that the necklace was originally developed during the struggle against apartheid to punish informers and collaborators, as we saw with the Maki Skhosana killing, why would a crowd use the technique against a group of alleged criminals almost twenty years after apartheid? What relationship might these postapartheid killings have to apartheid-era necklacing? Ignoring the practice's historical antecedents, commentators were quick to blame the killings on South Africa's failing police services, pointing to an ongoing series of scandals engulfing the organization's national leadership that had eroded the public's trust in it.<sup>94</sup> Yet even while the South African Police Service is a deeply troubled organization at the national level, a closer look at

the events surrounding the killings and the police role in the events reveals a more complicated story than simple police failure. Instead, the events reveal a complex mixture of moral outrage, vengeance, and concerns that South Africa's strong rights regime perpetuates residents' insecurity. That is, as with the Skhosana killing, the crowd was using the necklace to challenge the substance of the law more than it was reacting to a lack of it. And they were doing so in the context of deep concern over what many perceived to be a moral collapse in the township.

Perhaps the best indications of the moral drama entailed in the necklacing are an examination of some of the actors in the vigilante play, their relationship to the victims, and the eventual circulation of the necklacing story within Khutsong. The necklacings happened amid not only a period of intense physical insecurity but of deepening moral insecurity. While participants had been instructed to bring weapons to the meeting that preceded the killings in anticipation of disciplining youth, as residents aired grievances their moral outrage and fear intensified. "Murders had been committed in Khutsong with no arrests," wrote two reporters of concerns participants expressed at the meeting. "People were being found dead near the river. Stabbings were witnessed in taverns. Girls were being abducted and held by gang members. The gangs were recruiting in schools. Crime became a daylight activity. 'These gangs, they draw their strength from blood,' yelled a woman."<sup>95</sup> The physical concerns explicit in her comments carry an implicit sense of a moral order that has been reversed—strength being generated by deeply immoral means, through drawing blood from others.

These moral concerns were heightened by the apparently occult nature of some of the Casanovas' killings. Residents were panicked that body parts had been removed from some of the gang's recent victims—an act often associated with supplying the *muthi* (occult herbs) trade. Residents had long suspected that the Casanovas were being supplied "no fear *muthi*" and *muthi* enabling them to avoid arrest by James Magagula, the sangoma who was necklaced. Thus, these violations likely made the crowd concerned that occult forces were at work amid the murders. In other words, as with the Maki Skhosana killing where rumors of wizardry circulated around her alleged boyfriend, the rumored occult aspects of the Khutsong killings only made the crimes more dangerous.<sup>96</sup> The concerns do not appear to be wholly unfounded. In fact, Magagula had been arrested in connection with the murder of a rival gang member whose body had been mutilated, only to be subsequently released by the police.<sup>97</sup>

This is not to suggest, however, that the necklacings actually resolved the moral concerns pervading the community. On the contrary, after the necklacings moral ambiguities proliferated, an outcome which is arguably

no better illustrated than through the actions of Simon Khumalo. Khumalo was sufficiently enthusiastic about the possibilities that crowd violence could achieve that he not only chose to participate in the violence, he brought his son Desmond along with him. Little did Khumalo realize, however, that, as he and Desmond broke off to patrol with one group on the hunt for Casanovas, a separate group of patrollers were searching out one of his other sons, Akhona, whom they accused of being a gangster. The crowd necklaced Akhona and his friend Mojalefa, which the father, Simon, only learned about later. "If they trusted me, they would have told me that my child was on the list of people they were looking for. They did not even tell me they had killed him, I only arrived here to find ashes," he told reporters, noting that he was unlikely to participate in anticrime patrols in the future.<sup>98</sup> Although as a dramaturgical technique the necklace ostensibly displays moral purity, the Khumalo tragedy shows the impossibility of achieving it via such a violent means.

It was not only the heartbreak of a crime-fighting father discovering that his son had died at the hands of vigilantes that made for a contradictory morality play, however. Indeed, many in the crowd of anticrime patrollers were themselves members of youth gangs that had been in conflict with the Casanovas. Four gangs vied with the Casanovas for control of Khutsong: the Vandals, the Delta Force, the Creatures, and Marikana.<sup>99</sup> As opposed to the Casanovas, who were from Khutsong's informal settlements, these gangs reportedly hailed from the formal sections of the township and had been created by township youth for protection when the Casanovas started recruiting members in the township's schools.<sup>100</sup> Tensions among the gangs were high, particularly in the wake of the murder of a member of the Vandals gang, Calvin "Boy Boy" Mtombela, allegedly at the hands of the Casanovas. As a result, some people claimed the necklacings were revenge for Boy Boy's murder, something that the gangsters' participation in the crowd seemingly confirmed.<sup>101</sup> In other words, the line between a spectacular punishment conveying a moral message and its strategic deployment by opportunists was hopelessly blurred, as it had been under apartheid, albeit now in a very different context.

The most significant difference between apartheid-era necklacings and the Khutsong killings, of course, was the political context in which each occurred. Where apartheid police had a violently repressive relationship with township dwellers, the postapartheid police ostensibly provided a protective service for which residents were desperate. Indeed, in the month prior to the killings, township residents marched to the police several times demanding that they stop gang violence. To be sure, the police in the township could have vastly improved their responsiveness to the community, allegedly telling

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the concerned residents at one march, "We will get back to you."<sup>102</sup> However, while the police response to the events was troubling, the fact that community members engaged them through the classic structures of civil society indicates the sea change in the practice and meaning of policing from apartheid on through the democratic era. Instead of an oppressive force that residents actively tried to remove from the townships, the police had become a service they wanted to work for them.

Yet, even though township residents had been displeased with the police response, to suggest that the police were doing nothing about the gang violence would be incorrect. In fact, they had arrested three members of the Casanovas along with their alleged ally sangoma, James Magagula, for the murder of a rival gang member in the weeks prior to the mass necklacing.<sup>103</sup> Despite the arrests, the police released the Casanovas back into the community on bail. For many Khutsong residents, the release of the suspects on procedural grounds was confirmation of the police's failings. As one reporter wrote of the common sentiment in the lead-up to the vigilante attacks, "People felt the police weren't delivering justice, either not making arrests or arresting suspects and setting them free shortly afterward."<sup>104</sup> But there is an important distinction here that needs to be recognized: Releasing suspects after arrest is not necessarily a sign of police "failure." On the contrary, it might be taken as a sign of the "success" of police transformation, which enacted a model of policing dedicated to procedural justice in contrast to the often arbitrary nature of apartheid policing.<sup>105</sup> Arguably, what the arrests point to is the deep insecurity residents felt in Khutsong and a common sense that even if the state succeeds in arresting suspects, releasing them back into a community on bail (even where legally required) is ultimately a failure by the state's rights-based legal system to solve immediate problems of insecurity. The necklacings, in this sense, challenged the basis of postapartheid law, marking a demand (however implicit) for more forceful policing among residents.

This frustration is not only common among township residents; it is also common among police themselves who see the rights-based legal system as inhibiting their ability to keep the streets safe. Said one Khutsong policeman of the Casanovas whom they arrested and released:

It is frustrating for us because mostly they are repeat offenders. They are called "children in conflict with the law." These boys are protected by the Child Justice Act, which says they should be released into the custody of their parents. They know the law says they should not be treated like adults. They even know that the law says they should not be placed in a marked police vehicle as it traumatizes them. That is the law, not me. I am not speaking only for myself, but for

all other detectives. In my case, I arrested a 17-year-old for murder, but he was released after appearing with one of his parents. I think the parents must tell the courts that they are unable to control these kids. It's a shit law, this Child Justice Act.<sup>106</sup>

The common concern residents and police officers have over the effects of South Africa's remarkably strong rights-based legal system leads to a common sympathy for popular justice. The same policeman suggested that while police don't condone mob justice, they see it as effective for controlling crime, pointing to a total absence of robbery, housebreaking, or theft in the area since the mass necklacings.<sup>107</sup> The ultimate effect of this spectacular violence, then, is to challenge the substance of the postapartheid legal system by challenging its procedural basis and how it affects how the police conduct their duties.

The circulation of images in the wake of the killings reinforced this challenge to the state's legal system by allowing residents to create a moral tale about the violence, similar to the ways the circulation of the Skhosana video allowed the creation of moral communities under apartheid that were premised on challenging the state. As morally ambiguous as the events were, the use of the necklace allowed township residents to narrate the attack as if it were a parable. For example, in the days following the necklacing, cell phone videos of the events were shared among Khutsong residents, creating the atmosphere for excited retellings of the killings. One reporter recounts being shown such a video by a woman who was present when two of the gangsters were killed:

Somewhere in the background [of the video] music is pumping and a crowd of people is swaying and dancing to its rhythm and they are clapping and cheering. The video is 14 minutes long and records the horrific dousing in paraffin and incineration of two people accused of being gangsters. The hand holding the camera never shakes, only moving to wave with the pulse of the mob. The woman is jubilant. The police just searched her and everyone in her street for evidence, but they did so with little enthusiasm.

The woman's replaying of the video for the reporter gives her the opportunity to comment on the events leading up to the killings. "These creatures [gang members] went inside a church on a Sunday to rob people," she tells the reporter. "They had no fear."<sup>108</sup> Creatures is an ambiguous word here. It may refer to the local gang, the Creatures, or it may indicate the subhuman status often attributed to criminals in Khutsong. In either variant, however, it indexes the claimed righteousness of the crowd in acting to stop them even as they violated the young gang members' rights.

## Conclusion

Although actively condemned by many,<sup>109</sup> necklacing is still alive in South Africa more than twenty years after the dawn of democracy. That this is the case is surprising given that the necklace was initially developed to punish collaborators with the apartheid regime and that there has been a revolutionary change in the functioning of the state's legal institutions. This chapter argues that we can understand this repurposing, in part, by understanding that the necklace is a technique that people use to challenge the substance of the legal system. Under apartheid, liberation forces used the necklace to challenge the state's racism and its cooptation of township residents to enforce the state's control. Today, township residents use the necklace to challenge the rights-based legal system that, ironically, emerged out of the struggle against apartheid. Connecting the use of the necklace during these two seemingly disparate eras are visions of a morally better future for local communities—visions that are communicated through the necklace's spectacular and horrifying violence.

## Notes

Thank you to Jonathan Blake, Lee Ann Fujii, Mark Gross, Gary Kynoch, Jamie Miller, Michael Pfeifer, Gema Santamaria, and two anonymous reviewers for feedback on earlier versions of this chapter. All errors remain my own.

1. The title of this chapter references E. E. Evans-Pritchard's famous dictum: "New times demand new magic," which serves as an epigraph to Jean and John Comaroff's influential article on the resurgence of witchcraft and other forms of occult thinking in postapartheid South Africa. The title is intended to index, as should become clearer throughout the chapter, the ability of different moral economies to be flexibly adapted to new political situations despite radical institutional change and shape social action in the process. Jean Comaroff and John L. Comaroff, "Occult Economies and the Violence of Abstraction: Notes from the South African Postcolony," *American Ethnologist* 26, no. 2 (1999): 279–303.

2. Adam Withnall, "Nelson Mandela Sign Language Interpreter 'Helped Burn Two Men to Death,'" *Independent*, December 17, 2013, <http://www.independent.co.uk/news/world/africa/nelson-mandela-sign-language-interpreter-helped-burn-two-men-to-death-9009935.html> (accessed December 25, 2013).

3. Karyn Maughan, "Fake Interpreter's Murky Past," *eNCA*, January 7, 2014, <http://www.enca.com/south-africa/exclusive-fake-interpreters-murky-past> (accessed January 20, 2014).

4. Moreover, the gruesome nature of the violence arguably put the perpetrators at greater risk of imprisonment. Although Jantjie was set free after the incident, two others in the crowd were arrested and convicted of murder. *Ibid.*

5. The South Africa Police Service reports that approximately 5 percent of the murders in the country result from vigilante violence. However, they do not release detailed statistics about necklace killings as a specific subgenre of this 5 percent. SAPS, *Annual Report 2008–2009* (Pretoria: South African Police Service, 2009), 11.

6. Glynnis Underhill, "Khayelitsha Probe Fires Up Its Engines," *M&G Online*, November 15, 2013, <http://mg.co.za/article/2013-11-14-khayelitsha-probe-fires-up-its-engines/> (accessed November 16, 2013). The Commission of Inquiry into Allegations of Police Inefficiency in Khayelitsha and a Breakdown in Relations between the Community and the Police in Khayelitsha ("The Khayelitsha Commission") has since concluded its final report, which examines broader relationships between the police and the township's residents. It is available here: <http://www.khayelitshacommission.org.za/final-report.html> (accessed September 10, 2015).

7. Although many studies of South African vigilantism discuss necklacing, its practice and repetition across time and space is rarely a major focus of the work. The only article-length study that I am aware of that devotes sustained attention to the actual practice of necklacing is Joana Ball, *The Ritual of the Necklace* (Johannesburg: Centre for the Study of Violence and Reconciliation, March 1994), [http://www.csvr.org.za/index.php?option=com\\_content&view=article&id=1632:the-ritual-of-the-necklace&catid=138:publications&Itemid=2](http://www.csvr.org.za/index.php?option=com_content&view=article&id=1632:the-ritual-of-the-necklace&catid=138:publications&Itemid=2) (accessed December 19, 2011). Moosage examines the political difficulties that the necklace presented for leaders of the liberation struggle but does not explore the ritual itself. Riedwaan Moosage, "A Prose of Ambivalence: Liberation Struggle Discourse on Necklacing," *Kronos* 36, no. 1 (November 2010): 136–157. Two dissertations explore necklace violence, largely through a psychological lens, to understand the effects of committing violence on the psyche of the perpetrator—a different set of concerns than those in this chapter. See Pumla Phillipa Gobodo-Madikizela, "Legacies of Violence: An In-Depth Analysis of Two Case Studies Based on Interviews with Perpetrators of a 'Necklace' Murder and with Eugene de Kock" (PhD Diss., University of Cape Town, 2000); Siphso Mbuqe, "Political Violence in South Africa: A Case Study of 'Necklacing' in Colesberg" (PhD Diss., Duquesne University, 2010).

8. For example, on the constitution, see Drucilla Cornell, *Law and Revolution in South Africa: uBuntu, Dignity, and the Struggle for Constitutional Transformation* (New York: Fordham University Press, 2014). On the quality of the rule of law, see David Dyzenhaus, "The Past and Future of the Rule of Law in South Africa," in *After Apartheid: Reinventing South Africa?*, ed. Ian Shapiro and Kahreen Tebeau (Charlottesville: University of Virginia Press, 2011), 199–230.

9. On the stunning growth in the size and scope of South Africa's security services and prison population, see Tony Roshan Samara, *Cape Town after Apartheid: Crime and Governance in the Divided City* (Minneapolis: University of Minnesota Press, 2011), 36–39.

10. On object shift in contentious politics, see Doug McAdam, Sidney Tarrow, and Charles Tilly, *Dynamics of Contention* (Cambridge: Cambridge University Press, 2001), 144–145.

11. One could potentially see an analogue argument here with the literature on institutional persistence, seeing necklacing as a kind of learned social convention that has a tendency to naturally persist. See, for example, H. Peyton Young, *Individual Strategy and*

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*Social Structure: An Evolutionary Theory of Institutions* (Princeton: Princeton University Press, 2001).

12. See, for example, Charles Tilly, *The Politics of Collective Violence* (New York: Cambridge University Press, 2003), 45–54.

13. Stathis N. Kalyvas, “Wanton and Senseless? The Logic of Massacres in Algeria,” *Rationality and Society* 11, no. 3 (1999): 243–285. A corollary argument would be that institutional or economic constraints on groups and their leaders would be the primary deterrent for their carrying out such violence. For example, Scott Straus, “Retreating from the Brink: Theorizing Mass Violence and the Dynamics of Restraint,” *Perspectives on Politics* 10, no. 2 (2012): 343–362. doi:10.1017/S1537592712000709.

14. Paul Richards, *Fighting for the Rain Forest: War, Youth and Resources in Sierra Leone* (Oxford: James Currey Ltd., 1996), xvi.

15. See especially Daniel M Goldstein, *The Spectacular City: Violence and Performance in Urban Bolivia* (Durham: Duke University Press, 2004); Angelina Snodgrass Godoy, *Popular Injustice: Violence, Community, and Law in Latin America* (Stanford: Stanford University Press, 2006).

16. For an important critique of this literature, see Christopher Krupa, “Histories in Red: Ways of Seeing Lynching in Ecuador,” *American Ethnologist* 36, no. 1 (2009): 20–39. doi:10.1111/j.1548-1425.2008.01107.x.

17. Goldstein, *Spectacular City*, 17.

18. Godoy, *Popular Injustice*, 17, emphasis in original.

19. This argument that necklacing challenges the substantive constitution of the law resonates outside South Africa and particularly in the literature on the United States. See, for example, Jennet Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton: Princeton University Press, 2008); Michael J. Pfeifer, *Rough Justice: Lynching and American Society 1874–1974* (Urbana: University of Illinois Press, 2006).

20. On extra-lethal violence, see Lee Ann Fujii, “The Puzzle of Extra-Lethal Violence,” *Perspectives on Politics* 11, no. 2 (2013): 410–426.

21. See, e.g., Cornell, *Law and Revolution in South Africa*.

22. I thank Dan Slater for suggesting the term *repurposing* during a discussion about a much earlier version of this material.

23. The court records can be found in the University of Witwatersrand Historical Papers collection under the call number AK 2445. See *State v. Motaung and 10 Others* (Transvaal Provincial Court 1987). The Truth and Reconciliation Commission held hearings on the Skhosana necklacing on February 4, 1997, in Duduza, the township where she lived. See Nhlanhla John Buthelezi, *Case JB00266/01ERKWA* (Duduza: Truth and Reconciliation Commission, 1997), <http://www.justice.gov.za/trc/hrvtrans/duduza/buthelez.htm> (accessed March 10, 2011); Evelina Puleng Moloko, *Case JB0289/013ERKWA* (Duduza: Truth and Reconciliation Commission, 1997), <http://www.justice.gov.za/trc/hrvtrans/duduza/moloko.htm> (accessed March 10, 2011).

24. Part of the video of Skhosana’s death is available for viewing as part of the South African Broadcasting Corporation program, “Truth Commission Special Report. It is available at *Truth Commission Special Report—Tape 7, Episode 7*, 1996, [http://trc.law.yale.edu/video\\_episodes.htm](http://trc.law.yale.edu/video_episodes.htm) (accessed March 28, 2014).

25. Thaphelo Lekgowa and Greg Nicolson, "Anatomy of the Khutsong Horror: When Rampant Crime Met Mob Justice," *Daily Maverick*, November 7, 2013, <http://www.dailymaverick.co.za/article/2013-11-07-anatomy-of-the-khutsong-horror-when-rampant-crime-met-mob-justice/#.UnoeLeI4n-I> (accessed November 8, 2011).

26. There had been burning previously as part of localized struggles against the apartheid state and its surrogate homeland governments, though it was not as widely spread as it would become after the Soweto Uprising. See, for example, Clifton Crais, "Of Men, Magic, and the Law: Popular Justice and the Political Imagination in South Africa," *Journal of Social History* 32, no. 1 (Fall 1998): 49–72.

27. Jeremy Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983–1991* (Athens: Ohio University Press, 2000).

28. As Martin Murray writes, militants during this period operated "sometimes with limited organizational links beyond a single township and often with tenuous ideological attachments to the broad urban-based political coalitions." Martin J. Murray, "The Popular Upsurge in South Africa, 1984–1986," *Critical Sociology* 16, no. 1 (April 1989): 56. See also Tom Lodge, *Black Politics in South Africa since 1945* (New York: Longman, 1983), 330.

29. Seekings, *UDF*, 13.

30. Belinda Bozzoli, *Theatres of Struggle and the End of Apartheid* (Athens: Ohio University Press, 2004), 2.

31. *Ibid.*

32. *Ibid.*

33. Sandra Burman and Wilfried Schärff, "Creating People's Justice: Street Committees and People's Courts in a South African City," *Law & Society Review* 24, no. 3 (January 1, 1990): 708ff.

34. *Ibid.*, 714–715; Jeremy Seekings, "Social Ordering and Control in the African Townships of South Africa: An Historical Overview of Extra-State Initiatives from the 1940s to the 1990s," in *The Other Law: Non-State Ordering in South Africa*, ed. Wilfried Schärff and Daniel Nina (Cape Town: Juta, 2001), 71; Bozzoli, *Theatres of Struggle and the End of Apartheid*, 160.

35. Burman and Schärff, "Creating People's Justice," 725.

36. Wilfried Schärff, *Transforming Community Policing in Black Townships in the New South Africa*, Occasional Papers Series (Cape Town: Institute of Criminology, University of Cape Town, 1991); Bozzoli, *Theatres of Struggle and the End of Apartheid*. Though they were mostly urban phenomena, the courts were not without rural analogues. The primary difference was that in rural areas, the courts' legal dramas mocked the "customary" justice of collaborationist chiefs as much as that of the apartheid state. Crais, "Of Men, Magic, and the Law," 56.

37. Clive Glaser, "Whistles and Sjamboks: Crime and Policing in Soweto, 1960–1976," *South African Historical Journal* 52, no. 1 (2005): 139.

38. Whether or not Kinikini's death was actually the first necklacing is very difficult to say. For example, Ball cites reports of people—particularly suspected witches—being burnt with tires prior to Kinikini's death. What can be said with more certainty, however, is that Kinikini's death touched off a rash of necklacing in its wake. Ball, *Ritual of the Necklace*.

39. Though Kinikini's death is the first necklacing recorded in the TRC's database, it was not the first fatal burning committed by ANC- or UDF-aligned youth. The first fatal burning occurred in April 1983 at Crossroads, Cape Town. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, Vol. 2 (Cape Town: Juta Books, 2003), 388.

40. The following account is drawn from Mark Swilling, "Urban Control and Changing Forms of Political Conflict in Uitenhage: 1977-1986," (PhD Diss., University of Warwick, 1994), 210-222.

41. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, Vol. 3 (Cape Town: Juta Books, 2003), 108-109.

42. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:388.

43. Although the two men were convicted and killed by the apartheid state, the state could not conclusively prove that they actually participated in the assault on Kinikini, merely that they had been present in the crowd when he was killed. Nevertheless, their presence was sufficient grounds under apartheid law for the state to convict them of murder and kill them. Swilling, "Urban Control and Changing Forms of Political Conflict in Uitenhage," 208.

44. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:389.

45. Ibid.; Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 3:23. It is also important to note that not all victims recorded in these estimates were killed by antiapartheid activists. It was also a convenient way for agents of apartheid to cover up murders they committed, including the well-known PEBCO Three and Cradock Four cases. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:389.

46. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:392.

47. Fujii, "Puzzle of Extra-Lethal Violence."

48. *State v. Gqeba and Others* (The Supreme Court of South Africa, Appellate Division 1986).

49. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:681.

50. Ball, *Ritual of the Necklace*.

51. See, for example, Ntuthu Nomoyi and Willem Schurink, "Ukunjityiswa Kwempimpi Itayari Njengotshaba Lomzabalazo: An Exploratory Study of Insider Accounts of Necklacing in Three Port Elizabeth Townships," in *Violence in South Africa: A Variety of Perspectives*, ed. Elirea Bornman, René Van Eeden, and Marie Wentzel (Pretoria: HSRC Press, 1998), 157-158.

52. Ibid., 158.

53. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:385, 388.

54. Ibid., Vol. 2:388.

55. Ibid., Vol. 2:389-390.

56. See, for example, Mbuqe, "Political Violence in South Africa."
57. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:391.
58. Isak Niehaus, *Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa*, ed. Henrietta L. Moore and Todd Sanders (London: Routledge, 2001), 184.
59. Ralushai Commission, *Report of the Commission of Inquiry into Witchcraft Violence and Ritual Murders in the Northern Province of the Republic of South Africa* (Northern Province, RSA: Ministry of Safety and Security, 1996).
60. Isaac Schapera, "The Crime of Sorcery," *Proceedings of the Royal Anthropological Institute of Great Britain and Ireland*, no. 1969 (1969): 15–23.
61. Peter Delius, *A Lion amongst the Cattle: Reconstruction and Resistance in the Northern Transvaal* (Portsmouth, N.H.: Heinemann, 1996), 194.
62. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:259.
63. *Ibid.*
64. *Ibid.*, Vol. 2:260.
65. *Ibid.*, Vol. 2:261.
66. Moloko, *Case JBo289/013ERKWA*.
67. *State v. Motaung and 10 Others* (Transvaal Provincial Court 1987), 1058.
68. *Ibid.*, 1057.
69. Michael Parks, "Blacks Act on Informer Rumors: Rage over Apartheid—But Was Victim a Traitor?" *Los Angeles Times*, August 1, 1985, [http://articles.latimes.com/1985-08-01/news/mn-4233\\_1\\_police-informer](http://articles.latimes.com/1985-08-01/news/mn-4233_1_police-informer) (accessed March 27, 2014).
70. *State v. Motaung and 10 Others* (Transvaal Provincial Court 1987), 103–108.
71. *Ibid.*, 108.
72. *Ibid.*, 1056–1057.
73. This account is drawn from portions of the video available for viewing in the South African Broadcasting Corporation program, "Truth Commission Special Report." The video is only partial and does not show the point at which Skhosana is necklaced, although accounts of the event always refer to it as such. See, for example, Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:261. The video is available at [http://trc.law.yale.edu/video\\_episodes.htm](http://trc.law.yale.edu/video_episodes.htm), *Truth Commission Special Report—Tape 7, Episode 7* (accessed June 21, 2016).
74. *State v. Motaung and 10 Others* (Transvaal Provincial Court 1987), 114.
75. *Ibid.*, 592–595, 1091–1092.
76. On the antisocial nature of witches, see, for example, Comaroff and Comaroff, "Occult Economies and the Violence of Abstraction."
77. *State v. Motaung and 10 Others* (Transvaal Provincial Court 1987), 594.
78. Testifying in front of the TRC about Skhosana's death, her sister strongly denied that Skhosana had received any expensive clothing, and that the new clothing she was seen with during this period had been donated by a charity. Moloko, *Case JBo289/013ERKWA*.
79. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 3:667; See also Lars Buur and Steffen Jensen, "Introduc-

tion: Vigilantism and the Policing of Everyday Life in South Africa," *African Studies* 63, no. 2 (December 2004): 143.

80. Mahmood Mamdani, "Good Muslim, Bad Muslim: Post-Apartheid Perspectives on America and Israel," *PoLAR: Political and Legal Anthropology Review* 27, no. 1 (May 1, 2004): 5, doi:10.1525/pol.2004.27.1.1.

81. Quoted in Ball, *Ritual of the Necklace*.

82. Quoted in Moosage, "Prose of Ambivalence," 138.

83. Moosage, "Prose of Ambivalence."

84. Mamdani, "Good Muslim, Bad Muslim," 7.

85. Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, 2003, Vol. 2:339–340.

86. See, for example, "Notes of the Interview with Chris Hani and Steve Tshwete," June 3, 1988, AL 3041, South African History Archive, [http://www.disa.ukzn.ac.za/index.php?option=com\\_displaydc&recordID=int19880603.043.049](http://www.disa.ukzn.ac.za/index.php?option=com_displaydc&recordID=int19880603.043.049) (accessed March 3, 2014).

87. On the difference between legal/illegal and licit/illicit, see Janet Lee Roitman, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa* (Princeton: Princeton University Press, 2005).

88. Siphso Kings, "'We Have Made Our Point,' Say Khutsong Residents," *M&G Online*, November 8, 2013, <http://mg.co.za/article/2013-11-07-we-have-made-our-point/> (accessed November 8, 2013).

89. The field was locally known as a central place for community members to gather, air grievances, and plan a community-based response to those grievances, some of which involved violence. For instance, the previous meeting in the field resulted in a series of violent protests to prevent Khutsong's incorporation into a different province from the one in which they were currently placed.

90. Rapule Tabane, "Khutsong: Brutality Prevails When Hope Is Lost," *M&G Online*, <http://mg.co.za/article/2013-11-07-khutsong-brutality-prevails-when-hope-is-lost/> (accessed November 17, 2013).

91. This account is adapted primarily from Botho Molosankwe, Brendan Roane, and Lerato Mbangeni, "Khutsong Sangoma Beaten Then Necklaced," *Star*, November 4, 2013, [http://www.iol.co.za/news/crime-courts/khutsong-sangoma-beaten-then-necklaced-1.1601758#.Uok\\_IuI4n-I](http://www.iol.co.za/news/crime-courts/khutsong-sangoma-beaten-then-necklaced-1.1601758#.Uok_IuI4n-I) (accessed November 17, 2013).

92. SAPA, "Khutsong Mob Necklaced Crime Fighter's Son," *eNCA News*, November 5, 2013, <http://www.enca.com/south-africa/khutsong-mob-necklaced-crime-fighters-son> (accessed November 17, 2013).

93. Lebogang Seale, "Khutsong Mob Justice Victim Buried," *Star*, November 11, 2013, <http://www.iol.co.za/news/crime-courts/khutsong-mob-justice-victim-buried-1.1605266#.Uok-KeI4n-I> (accessed November 17, 2013).

94. See, for example, Stephen Grootes, "Vigilante Killings: The Erosion of Public Trust in the Police and Criminal Justice System," *Daily Maverick*, November 7, 2013, <http://www.dailymaverick.co.za/article/2013-11-07-vigilante-killings-the-erosion-of-public-trust-in-the-police-and-criminal-justice-system/#.UnoeHuI4n-I> (accessed November 8, 2013).

95. Leggowa and Nicolson, "Anatomy of the Khutsong Horror."

96. The consequences of the attack on the sangoma were also understood by some in occult terms. For example, the tabloid *Daily Sun* gleefully reported on its front page that

according to another local sangoma, the people who killed Magagula “would be cursed for the rest of their lives.” *Daily Sun*, “A Curse on Khutsong!” *Politics Web*, November 6, 2013, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71627?oid=444547&sn=Detail&pid=71616> (accessed November 17, 2013).

97. Lekgowa and Nicolson, “Anatomy of the Khutsong Horror”; Molosankwe, Roane, and Mbangeni, “Khutsong Sangoma Beaten Then Necklaced.”

98. SAPA, “Khutsong Mob Necklaced Crime Fighter’s Son.”

99. Seale, “Khutsong Mob Justice Victim Buried.”

100. *Ibid.*

101. Molosankwe, Roane, and Mbangeni, “Khutsong Sangoma Beaten Then Necklaced.”

102. At a subsequent meeting among community members to discuss the police inattention to their concerns, the Casanovas stormed the meeting wielding machetes and pangas, injuring twenty people. When the residents regrouped later that night to discuss how to respond, they “vowed to take on the gang.” Lekgowa and Nicolson, “Anatomy of the Khutsong Horror.”

103. Molosankwe, Roane, and Mbangeni, “Khutsong Sangoma Beaten Then Necklaced.”

104. Lekgowa and Nicolson, “Anatomy of the Khutsong Horror.”

105. Julia Hornberger, *Policing and Human Rights: The Meaning of Violence and Justice in the Everyday Policing of Johannesburg* (New York: Routledge, 2011).

106. Tabane, “Khutsong.”

107. *Ibid.*

108. Kings, “‘We Have Made Our Point,’ Say Khutsong Residents.”

109. For example, The Khayelitsha Commission (mentioned above) was initiated by a collection of local civil society organizations concerned about a spate of necklace violence in that township. Adam Armstrong, “GroundUp: Understanding the Khayelitsha Commission of Inquiry,” *Daily Maverick*, January 21, 2014, <http://www.dailymaverick.co.za/article/2014-01-21-groundup-understanding-the-khayelitsha-commission-of-inquiry/#.VXcCWEaCfYg> (accessed January 22, 2014).

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