Repurposing Fear in Contemporary South African Culture – a Critical Criminological Perspective

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Abstract

Conflict criminologists argue that criminal justice systems in contemporary capitalist, consumer societies exemplify a "Pyrrhic defeat". According to Reiman and Leighton's Pyrrhic defeat theory, the "defeat" in the fight against crime is designed to fail, since it serves the important objective of spotlighting the conventional crimes of the poor, while obfuscating the possibly even more monstrous crimes of the wealthy and powerful. In this article, I subject the concept of "culture" to scrutiny within a critical criminological theoretical framework. I also demonstrate how fear has been repurposed as a potent element of contemporary South African culture to achieve this objective. This was facilitated by perpetuating rape, disaster capitalism (notably committed during the 2020 Covid-19 pandemic) and xenophobic hate crimes. By keeping this "fear factory" operational, I argue that the South African government has been able to perpetrate state crimes largely surreptitiously by repurposing this curious element (fear) of South African culture.

Keywords: contemporary culture; South Africa; fear; repurposing of critical criminological perspective

Introduction

> What is needed is a different way of thinking about crime and punishment – a more ambitious vision that not only changes prisons but transforms the criminal justice system as a whole and which challenges its role in reinforcing poverty, inequality and violence. (Marqua-Harries, Stewart and Padayachee 2019, 35)

> The law against theft is not simply against [the act of] theft, it is a law against stealing what individuals presently own. Such a law has the effect of making the present distribution of property part of [and legitimized by] the criminal law [emphasis removed]. (Reiman and Leighton 2020, 175)

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In this article, I apply Reiman and Leighton's (2020) Pyrrhic defeat theory to the current South African situation as I grapple with a more complex construction (and intervention) of "crime", arguing that fear has been repurposed as a significant aspect of our contemporary culture. To this end, I critically consider and evaluate the concept of this "culture". This is done to reveal how it deflects attention from the crimes of the rich and powerful in South African society. An example of this would be the way or ways in which fear of heterosexual rape has been repurposed in contemporary South African patriarchal society to keep women subordinate and reliant on men for protection against attackers. Both Brownmiller (1976), in the context of the patriarchal culture in the United States (US) during the 1970s, and Gqola (2016, 2021), in contemporary South Africa, develop the overlapping argument that rape is meant as a powerful, albeit devastating, lesson teaching women that their place is in the home and that movements at the wrong place and time outside the home (read: without another man's protection) will or is likely to be punished with acts of sexual violence. In contemporary society, women's behaviour to avoid being raped remains a Pyrrhic defeat (since observing the lesson does not avoid the adverse results), rather than a Pyrrhic victory (since women are vulnerable to sexual assault even in their own homes perpetrated by intimate partners and men known to them).

According to Reiman and Leighton (2020), a "Pyrrhic defeat" occurs when criminal justice systems in capitalist, consumer societies (such as South Africa)[1] fail to achieve their objectives precisely because the point of the exercise was never to achieve victory against crime in the first place. I have explained this theoretical framework in the following compelling words:

> Whereas a [P]yrrhic victory is a victory achieved at such cost that the outcome hardly matters, according to Reiman and Leighton, a [P]yrrhic defeat is a defeat in name only because the resultant defeat was the very purpose of the exercise. The criminal justice system is intent on such a defeat since the demonisation of the poor as criminogenic serves the idea of diverting attention away from the monstrous corporate crimes committed with the state's collusion, or the crimes of the state itself. (Lötter 2022, 5)

Against this background, consider that South Africa has one of the highest crime and reoffending rates in the world (Cronje 2017; Murhula and Singh 2019; Pierce and Kiewit 2020) and the fear of being a victim of crime in this country is a very common

1 One of my anonymous reviewers' commented that "The capitalism in South Africa is partly of a 'backward' or 'retarded' nature and has refashioned precapitalist and capitalist spaces and structures. This can be seen in the former 'homeland' areas where traditional authorities and communal land tenure have inhibited the rights and freedoms regarding property and ownership that characterise more advanced capitalist society". Macpherson's (1973) efforts were directed at recovering or rescuing liberal democracy from capitalist swamping but doing so by using Marxist resources. In particular, Macpherson argues that market capitalism distorts the free and equal development of individuals, on the one hand, as well as the preservation of rights, on the other. Applied to the South African situation, Macpherson's insights demonstrate the interplay of the refashioning of spaces and structures (both precapitalist and capitalist).

and very reasonable one.[2] South Africa is one of the most dangerous countries in the world in which to live (Institute for Economics and Peace 2023). Although South Africa's political leaders often claim that the country is a post-conflict society, this is certainly not the case (Lötter and Bradshaw 2022, 36–37). Briefly, the reasons for this situation are that South Africa has by no means shaken its racist legacy (but merely redirected it at foreign Africans and the marginalised, particularly the poor) and the unfulfilled promise of economic transformation has generated substantial resentment. Additionally, Vander Ven and Colvin (2013) argue that acknowledging the role of coercion (such as the kinds of anxieties and resentments that exacerbate crime rates (Marqua-Harries, Stewart and Padayachee 2019) is fundamental to understanding crime in class-based societies (such as South Africa). I will now explain this angle to the problem in greater detail.

Likewise, I contend that this fear of crime in post-apartheid, 21st-century South Africa has been ideal for repurposing the element of fear to achieve the nefarious objectives explored by both Box (2013) and Reiman and Leighton (2020). For the purposes of the article, I consider three well-known types of crimes within the South African context, and in particular the ways in which these offences (notably crimes against the person) have been repurposed. Such crimes – which are so very rampant in the country – are driven, at least in part, by fear in order to focus attention on the crimes of the poor and marginalised, and thereby deflect from the demonstrably far more monstrous crimes of the rich and powerful. To elaborate, I argue that these crimes exist in South African society, at least partially, because the government does not see the need to eradicate the social/economic conditions which allow them to flourish.

Therefore, firstly, I consider my methodology and theoretical framework in order to provide a brief formulation of the problem as I see it. I then critically consider the idea of "culture" before going on to briefly explore the socio-economic conditions of contemporary South Africa, as a backdrop for a discussion of crime in the country. I proceed to outline Vander Ven and Colvin's (2013) structuralist-Marxist theory of crime, with a view to its application in South Africa, followed by my description of the three crimes selected for investigation, namely, rape, disaster capitalism during the Covid-19 lockdown and xenophobia. Finally, I close my argument with a discussion and conclusion.

Methodology and Theoretical Framework

Whereas postmodernism places emphasis on "becoming" (in the sense of the change observable in a running river or fading moon) and modernism (with structuralism as its methodological focus *par excellence*) highlights the value of "being" (in the sense of

2 One of my perceptive anonymous reviewers pointed out that one of the outcomes of the state-oriented accumulation project of South Africa is the "the massification of the SA State especially at the top echelons and the corresponding and massive relative decrease in numbers of police and security forces at operational level".

the permanence in the lapping of the waves or the constancy of the moonlight), poststructuralism finds a balance between these two polar opposites "by thinking them together" (Olivier 2013). Olivier (2015) explains that post-structuralist methodology, with its affinity to eclecticism, has a decided advantage over a thoroughgoing singular theoretical lens, such as that proposed by the traditionalist approach embedded in structuralism. In the complex postmodern world, the former's inclusive approach to theory appropriation of "neither/nor" (or, alternatively, "both/and") has much to commend itself for rather than the "either/or" approach associated with puritanical scholarship (Olivier 2015, 349–350).

Moreover, I argue that the value of poststructuralism's eclectic approach (depending on the situation), rather than a monochromatic theoretical lens, is a profound consideration in its favour as a methodology. Methodologically speaking, the relationship between the structuralist and poststructuralist traditions grew out of structuralists' discomfort with structuralist investigations, notably the obsession with cross-cultural notions of kinship, marriage customs, totems and religion. Structuralism, on the other hand, strives to find irreducible identity in like–minded ideas (Descombes 1980, 84–86). This form of structural analysis consists of two phases, namely, identifying the elements in a given system, and then ascertaining the various ways in which these elements could be arranged (Descombes 1980, 82). By way of example, the preferred avenues for the investigation of "lived experience" by French anthropologists were dream, delirium and myth (Descombes 1980, 79). The relationship between structuralist and poststructuralist approaches to theory adoption can therefore be understood as the latter emerging in part as a kind of critique (in view of the complex intertwinement of human subjectivity) as well as development of the former.

Poststructuralism, therefore, often strongly complements social constructivism (Muncie 2010), a research approach much favoured by the well-known American conflict criminologist Richard Quinney (2008), as well as methodological pragmatism over dogmatism, in its scholarly work. Social constructivism (Muncie 2010) is the idea that social reality is largely human-made, and not "objective" in the sense that it cannot be changed for the better. I likewise understand my work to represent disciplinary self-awareness and historiographical continuity. Thus, I employ critical methodologies, such as poststructuralism and critical theory in the tradition of the Frankfurt School, to contribute as the necessary counterweight to the dominant narratives of empiricism and correctional managerialism within South African academic criminology. This includes a nod to the English "social contract theorist" Thomas Hobbes' (2010) "contract theory of the state" as part of my methodological "cocktail".

Briefly, South African citizens have a contract with the ruling party in government – which, at the time of writing, presents itself as a government of national unity (GNU) – to the effect that the former promises to pay taxes and observe the laws in place while the latter undertakes to keep its citizens safe and shield them from preventable harm such as crime and violence. However, if it turns out that the government in power has

been repurposing its mandate for own gain, as Reiman and Leighton (2020) as well as Box (2013) suggest, it would imply that the government, as one of the parties to the agreement, is in breach of contract.

This is the case as the government has abrogated its obligation to not only shield its citizens from preventable harm, but it is, as the evidence presented here seems to suggest, actively causing them harm for its own nefarious ends. I will be re-examining three crimes identified as crime clusters unique to the South African context (rape, disaster capitalism and xenophobia) together with its cultural breeding ground or formation. Indeed, in the perceptive words of De Haan (1991, 208), "what we need is not a better theory of crime, but a more powerful critique of crime". Said in another way, the understanding of crime as excluding the harmful conduct of the state and the wealthy (such as its repurposing fear to harm citizens), should be reimagined and critiqued for a more nuanced understanding of "societal harms". Likewise, as Cohen (1973, 624) points out, the harmful behaviour of the wealthy and powerful is not even recognised as criminal.

Another reason for poststructuralism being so well suited for the article's subject matter is that it lends itself to accommodating a nuanced narrative.[3] Sayer (2021), for example, makes a case in favour of rejecting Nigeria's official version of the Transatlantic slave trade, by arguing that a nuanced version has greater value over the former, because "deliberate erasure has deep roots in imperialist and [E]urocentric agendas". In addition, Duckworth (2017, 137) suggests that while novelty makes for interesting reading, the expert is instead necessarily more attuned to nuance. I note the intellectual value of nuance here because I found that my topic demanded a nuanced approach for greater plausibility. To this end, quoting Piketty (2014; 2015) and Stiglitz (2016; 2019a; 2019b) will be justifiable, even though they do not represent any poststructuralist perspective, since this methodological lens allows for potentially incompatible views to co-exist. Nuance is used as a concept that forms part of the methodological armature. Stated differently, contradiction and nuance are central to the methodological framing.

My methodology must obviously also meaningfully complement my chosen theoretical framework, which is a critical criminological perspective. The idea of critical criminology is to develop critical perspectives (an important edge which critical criminology shares with poststructuralism) that challenge the perceived wisdom of mainstream criminology, since the latter is often aligned with the powers-that-be. In addition, it is worth heeding McLaughlin's (2010, 167) words, namely, that "the blindspot [sic] of conventional criminology retains its steadfast refusal to research victimization by the powerful, not least because the state does not recognize nor fund such research". In the South African context, this phenomenon has been identified in the notorious state capture project (Chipkin and Swilling 2018). It has been argued that

3 I deem a nuanced approach essential to my project even if, as one of my anonymous reviewers reminded me, "stressing a 'nuanced' approach within the parameters of a post-structural analysis may have its own shortcomings".

the emphasis on empirical work in South African criminology resulted in brushing over structural oppressions, such as racism, inequality, poverty and unemployment, while neglecting the fact that these structural oppressions are in fact potently criminogenic (Lötter 2020).

The neglect of a critical criminology has accordingly led to a parallel neglect of "context" in favour of somewhat sterile empirical research. Carlen (2013), for one, has contended that the state's inability or unwillingness to address the issue of fundamental change means that so-called ordinary crime will remain out of control. In South Africa, the persistence of inequality, unemployment and relative deprivation, among other powerful criminogenic factors, have given Carlen's words a ring of truth.

Attempting to make sense of the mainstream narrative while prioritising a critical perspective often leads to contradictory, or at least not easily resolved positions, which need to be negotiated with care to provide a fair assessment; hence the value of nuance. Critical criminology's eclectic use of appropriate methodological ideas ties in well with the poststructuralist methodology, which is also attentive to nuance. Regarding rent-seeking from this perspective, Stiglitz (2019a; 2019b) might comment that the hard work of wealth creation, as opposed to wealth-grabbing or rent-seeking, is what is required to maintain a healthy economy of highly fulfilled individuals. The British economist Guy Standing's (2021) work on the rise of rentier capitalism is relevant here. Standing argues that the transformation of Neoliberalism as the received orthodoxy in the 21st century has resulted in "rentier capitalism" which is causing rising inequality and concomitant insecurity in many counties around the world. This produces discontent among the middle and poor classes as this rentier capitalism is fostering revolt and could conceivably lead to the ousting of the rentier while prompting sustainable growth. While it is not clear how the rentier class will be extinguished, Standing's neo-Marxist angle is noted as is the veracity of his analysis.

Similarly, the well-known French political economist Thomas Piketty (2014) argues in his (now famous) book that the supposed "trickle-down" effect, predicted by the Kuznets Curve and widely subscribed to by Miltonian developmental economists during the second half of the 20th century, has still not been demonstrated. Piketty (2015) references the fact that South Africa is "at the top of its class in terms of wealth and income inequality". Add to these observations the fact that South Africa has one of the highest inequality (GINI coefficient) and unemployment rates in the world, and the result is a perfect storm (Orthofer 2016). According to the World Bank Group (2024), the unemployment rate reached a level of 33.5% in 2024, with inequality among the top contenders in the world and poverty projected at around 62.7%. This situation is further exacerbated by premature deindustrialisation in South Africa.

Accordingly, "crimes by the powerful" is my cue to outline my theoretical perspective, namely, my embracing of this critical tradition within criminology. Likewise, Carlen (2005, 83) argues that "a critical criminology must try not only to think the unthinkable

about crime, but also to speak the unspeakable about the conditions in which and by which it is known". Similarly, I have attempted to "think outside the box" in the article by closely and critically examining the crimes of rape, disaster capitalism as a form of state capture and xenophobia which are peculiar to contemporary South African culture and emerged through a strategic repurposing of fear. For this purpose, I consider the concept of culture to determine how it could be utilised in analysing the aforementioned crimes.

My poststructuralist methodology, together with a critical criminological perspective, stands to serve my exploration of the repurposing of fear in post-apartheid South African culture for nefarious purposes. However, to do so intelligibly, I critically consider the concept of "culture", to gain a better understanding of this tool.

Culture Reconsidered

My argument's avowedly poststructuralist perspective demands a more nuanced appreciation of the term "culture", and as such I consider the term critically. The following definitions of "culture" would suggest that the understanding of "culture" has evolved from that of a fixed entity bordered by nationality, ethnicity and/or religion (Brumann 1999), to community cultures characterised by identifiable, peculiar knowledge-sharing and behavioural traits (Lötter 2018, 58). Examples of the latter are the cultural activities (cross-cultural sharing and learning) of Web 2.0 communities and social platform networking interactions. Learning between cultures is made eminently possible with access to the internet as this allows for interaction across time and space.

These observations of the postmodern world imply that unlike before, community cultures are now chosen rather than imposed from above. Indeed, the demarcation between traditionally understood "cultures", as Birukou et al. (2013, 3) note, has been blurred by globalisation. This has also added to the perceived need to be more culturally conscious from a management perspective.

Accordingly, since the concept of culture is "slippery and ubiquitous" (Birukou et al. 2013, 2), this suggests that no "culture" is, of course, entirely homogeneous. Yet generating more generalised features from within a targeted culture community is more commercially valuable, since these trends can more easily be packaged and made available to audiences globally.

By way of example, Birukou et al. (2013, 21) explain that in 1998 the NetCaptor browser made "tabbed browsing" available online, thereby introducing a novel way to access the internet. This new trend caught on quickly among internet users and soon most other browsers – Opera (in 2000), Mozilla Firefox (in 2001) and IE Explorer – embraced tabbed browsing. The upshot of this development is that tabbed browsing is now an unquestioned social practice of the culture community of internet users in the second decade of the 21st century. By contrast, this idea was unheard of by internet users as recently as the 1990s. Significantly, this newly acquired trait in the culture

community of internet users encouraged Microsoft to alter "the pre-defined culture of supporting only one-page-one-window browsing to the actual culture of tabbed browsing" (Birukou et al. 2013, 21). The link between culture and internet browsing lies precisely in the modern trend in culture formation where culture is now predominantly chosen (horizontally) rather than vertically imposed (gender, race, nationality, etc.), as I have noted previously.

Before turning to Birukou et al.'s (2013) own definition, I would like to discuss Carley's (1991) attempt at this. Significantly, she views culture as all the knowledge disseminated across the population of a community. This idea suggests a blueprint for the transfer of skills and knowledge based on the interaction between agents (Lötter 2018, 59). Carley (1991) also argues that cultural exchange of this kind is a sort of "culture spread". Her inclusion of the notion of knowledge transfer and sharing is also central to that of Birukou et al.'s (2013, 2) explanation. The latter, however, draws a distinction between knowledge acquisition on horizontal levels (as in the case of cultural interaction between agents) as opposed to vertical levels (such as values handed down from one generation to the next).

Finally, Birukou et al. (2013, 2) offer the following "formal" definition of culture as a notion of a set of agents at a moment in time:

> We define culture as a set of traits that are shared by the set, where traits are characteristics of human societies that are potentially transmitted by non-genetic means and can be owned by an agent […]. The requirement of traits being potentially transmitted is needed because transmission is a way of spreading traits, and, consequently, culture, and without transmission it is hard to achieve sharing. The sharing of such traits by the set is required for two reasons, (1) to go from the set of personal traits of an individual to the culture of the set of agents, and (2) to filter out characteristics which only pertain to the set of agents as a whole, but not to individuals.

This detailed and thought-provoking definition deserves comment. Firstly, it stresses the idea of culture as an entity that is continuously evolving and certainly not homogeneous (Lötter 2018, 60). Similarly, even though it is generally men who rape women, not all men rape and not all women are victims of rape. I may even add that some men are also victims of rape.

Secondly, the horizontal transmission of cultural traits is accomplished through contact between different cultures, the most common vehicle for that task being human agency. By the same token, many politically connected black South Africans took advantage of broad-based back economic empowerment (BBBEE) initiatives and South Africa's apartheid legacy to unlawfully enrich themselves during the Covid-19 pandemic. This vertically transmitted cultural trait enriched many black South Africans associated with the top echelons of the then governing ANC, but certainly not all black South Africans. In the African context, Hydén (1983) argues that, in departing from the tenants of dependency theory, African societies practice a pre-capitalist economy of survival

which is not predicated on profit but bolstered by an "economy of affection" enmeshed in a complex network of social reciprocity within ethnic, kinship and/or patron-client ties. It is also true, however, that people can simultaneously belong to any number of cultures or, for that matter, subcultures.

This notion has impressed upon me the idea that the only effective way in which desirable social practices and norms can be transmitted culturally is through sustained contact with sharing and enrichment of new knowledge. What comes to mind is the group hysteria among many disenfranchised South Africans (e.g., the unemployed and the marginalised) in perpetrating acts of xenophobia against foreign Africans, especially. This group is materially disadvantaged. They also benefit from South Africa's apartheid legacy in seeing themselves as post-slavery descendants and hence entitled vis-á-vis other disadvantaged groups (foreign Africans being a case in point).

Innovation, as is well-known, is only possible through knowledge-sharing and the management of cross-cultural learning. Consider that *The New York Times* (Nicas 2018) reported on Apple having just become the first public US company to be worth more than one trillion dollars. According to Nicas (2018), this great achievement has been a "business *tour de force*, marked by rapid innovation […] while producing enormous volumes of cutting-edge devices". This is especially pertinent in view of Birukou et al.'s (2013, 4, 19) argument that all cultural trends are transmittable and capable of being possessed by an agent. Clearly, consideration is due not only in regard to the cross-cultural appropriation processes in play, but also the careful curation of consumption and behaviour by big capital. Standing (2017), for one, argues that this rentier form of economic activity could lead to pushback and the extinguishing of this class of oppressor in favour of sustainable growth for all.

Thirdly, Birukou et al. (2013, 23, 24) note that observability of traits is of paramount importance. Men learning that other men benefitted from rape, for example, might encourage other men to also benefit (notably the modest behaviour of women because of the threat of rape [Hrdy 2000, 155]) from this social phenomenon. The same reasoning applies to the material benefits gained from xenophobic attacks through looting or robbing foreign Africans. To this observation, one may add the ability to grasp each trait's significance, which has a strong relationship with the requirement of detection. If the observer is unable to grasp a trait or, in Dawkinsian language, understand the significance of the meme within the context of the "memeplex" (Dawkins 2003, 126), she might also not be able to 'observe' it.

Fourthly, Birukou et al. (2013, 23) assert that whilst Hofstede's (2001) definition of culture assumes that transferrable traits are independent of one another, their definition does not specifically address this issue. As an example, consider Zuboff's (2019) work on surveillance capitalism in which she demonstrates how the era of digital transformation in the age of the internet has led to the commodification of human experience for corporate profit by the unlawful harvesting of data. According to the

United Kingdom's reputable *The Guardian* newspaper, the colonisation of human autonomy has proceeded unabated since 98% of all information had been digitised by 2013, compared to only 1% in 1986 (Kavenna 2019).

Lastly, Birukou et al. (2013, 22, 23) observe that, unlike Balzer and Tuomela's study (cited in that source) which focuses on social practices, their paper includes both social and normative practices. Social practices are non-normative, informal practices, such as playing soccer on a Sunday or having sauna baths on a Saturday afternoon. It is also important to note that in an increasingly cosmopolitan (and postmodern) world under constant pressure from globalisation, membership with a community culture is chosen (bottom-up) rather than imposed from a culture not of the agent's choosing, i.e., top-down (Lötter 2018, 60, 61). Studying other culture(s) will also assist us greatly in understanding and more thoroughly appreciating our own culture. Now that I have presented a necessary and valuable reconsideration of the concept of 'culture', and in order to harvest the prerequisite evidence to answer my research question, I proceed to discuss the formulation of the problem.

Problem Formulation

Vander Ven and Colvin's (2013) structuralist-Marxist theory of crime beautifully delineates the link between fear/anger and crime. Additionally, the abandonment of the ideal of victory, as explored by Reiman and Leighton (2020) in their Pyrrhic defeat theory, serves two important objectives. Firstly, it serves the purpose of focusing on the so-called "street", or conventional crimes of the poor and middle class to the exclusion of the (perhaps more monstrous) crimes of the wealthy/powerful in society (notably the African National Congress (ANC) party elite, which would include certain members of the Economic Freedom Fighters (EFF) and uMkhonto weSizwe (MK) Party), while secondly, it legitimises the unjustified and vastly unequal economic arrangements which underpin that society. By prosecuting and punishing crimes of a certain section of the population more assiduously than the rest, the assumption is created and embellished that this is the only feasible and reasonable economic arrangement available for this society.

I demonstrate how fear has been repurposed as a valuable element of South African culture for this reason. The "street", or so-called conventional crimes I discuss herein are rape, disaster capitalism (notably that committed during the recent Covid-19 pandemic) and xenophobic hate crimes. It is also worthwhile to make a distinction between disaster capitalism, perpetuated by the rich and powerful possibly with the collusion of the state, and the street crimes (rape, xenophobic violence, murder and robbery) committed by members of the general population. Obviously, it would be necessary to show who and how the repurposing is done. I proceed to demonstrate this element of my argument.

Who Does the Repurposing and How Is It Done?

Essentially, Hobbes' (2010) lesson is that people lived in a state of nature, where they could largely do what they liked. This situation, however, amounted to a state of war of each against the other. Because this was ultimately unsatisfactory, the people agreed to a contract between themselves and a sovereign, who provided them with security by assuming a monopoly of force, on behalf of the people. Ultimately in this view, the only justification of the power of the state is that it provides security, via law and order, to the people. The corollary would be that a state which fails to provide security has lost its legitimacy.

My argument, however, is that the state has repurposed fear by default. By not creating suitable conditions for crime to be managed successfully, the fear of crime, which according to Hobbes, the state had contracted to manage on behalf of the citizenry, has exploded exponentially. The suitable conditions referred to include, but are not limited to, addressing inequality and taking measures to limit the fall-out from South Africa's harsh stigmatising, shaming culture (since stigma is itself criminogenic). Other measures include: stimulating opportunities for economic growth and job creation; clamping down on a flourishing prison-industrial complex; as well as curbing minimum sentencing. The paradox is that the growth of the state elite and a bloated state has made it that much more difficult to tackle unemployment.

The reason why fear is being repurposed is, of course, for political expediency. By appearing to be tough on crime, politicians expect an agenda of law and order to advance their political careers (Simon 2013, 540). The decision by the Minister of Home Affairs Leon Schreiber to terminate the Zimbabwean Exemption Permit scheme *en masse* in South Africa, arguably with a view towards populist support while eyeing the 2024 general election, comes to mind. This decision has since been declared unconstitutional, unlawful as well as invalid by a full bench of the Pretoria High Court (Broughton 2023). Similarly, in the US, the *Tampa Free Press* (Edgar 2023) reported that Florida's largest police union backed Governor Ron DeSantis, who also happened to be a presidential hopeful in attempting to qualify as the Republican candidate for the 2024 elections. DeSantis' tough-on-crime stance has endured him to police unions.

A good example of how fear is repurposed is provided by the promulgation of the Criminal Amendment Act 105 of 1997 and the enactment of the Criminal Procedure Amendment Act 8 of 2013, both pieces of legislation that make provisions for minimum sentencing. Cameron (2020, 5), who incidentally is also South Africa's Inspecting Judge of Prisons, argues that "minimum sentencing has resulted in gross overcrowding. This not only negatively affects the well-being of prisoners, but also impedes good governance and administration of a prison". Even if these legislative initiatives do not make sense from a crime-preventative perspective, they are nonetheless pursued because they are popular and appear to build a case for a tough stance of law and order.

But demonisation of the poor is not the only way in which the rich and the powerful repurpose fear. Consider also the potential ousting of South Africa's sitting president, Cyril Ramaphosa, which would in effect amount to such a Pyrrhic defeat for the country (Mathekga 2021, 110–111). The attempt to discredit Ramaphosa was ostensibly over the implications of the alleged theft of hundreds of thousands of dollars from his Phala game farm in Limpopo, but more covertly, was probably because of his anti-corruption agenda.[4] Part of my argument is an exploration of the prevailing conditions in South Africa that allow for these crimes to flourish.

South Africa's Socioeconomic Features

In developing their structuralist-Marxist theory of crime, Vander Ven and Colvin (2013, 613–620), emphasise five issues, which I aim to discuss critically to show that these apply (assuming that they do) to South Africa:

1. *Coercion is the primary mechanism* in the social reproduction process of class society, such as the fostering of socio-psychological deficits implicated in the production of the crime and the intergenerational legacy of criminal tendencies. Since Marx first identified blue-collar and white-collar workers' labour as their only form of negotiating power, the exploitation of blacks, especially, under apartheid in South Africa, had identified coercion as inseparable from the daily struggle to survive in a coercive society. In post-apartheid South Africa, the problem of coercion is even more acute given the country's poverty and extreme levels of inequality (Orthofer 2016; Piketty 2015; World Bank Group 2024), the latter leading to high echelons of unemployment (Stiglitz 2016; 2019a; World Bank Group 2024). The link between high levels of inequality and unemployment lies in the fact that the rich tend to hold on to their money and spend less than those at the bottom of society would. Consequently, coupled with no security net for the poor, money is tied up in the higher planes of society and cannot trickle down (as classical economics would heave it) to create jobs on the bottom. As Charles Stride (former adviser to the Ministry of Finance in the late 1990s) asks, why has big business not been pressurised to create/maintain more jobs? This sequence of events leads to even greater competition and coercion to work for even less renumeration to survive.

2. *Coercive messages* (such as the popularising of mean-spirited business practices and the dismissal of compassion for the less fortunate as "bleeding-heart" liberal weakness) *from mainstream culture help to enhance* the social reproduction process within class society. In the context of South Africa's xenophobia phenomenon, as is generally known, undocumented migrants (generally foreign Africans) are forced

4 This is true even if, as one of my anonymous reviewers reminded me, "Ramaphosa has been one of the major beneficiaries of new elite enrichment over the decades, and his role in the Marikana controversy and quiescence as VP during the Zuma years, suggest the need for more scholarly skepticism." Complexity is the name of the game.

to work for a pittance often under harsh and inhospitable conditions as well as the dual threat of deportation and xenophobic violence.

3. *Economic conditions* (such as whether something is more socially supportive and thus less coercive) *help shape the coerciveness of society.* More coercive societies are known to produce more domestic violence and childhood abuse, both of which often lead to criminality in later life. This observation tragically applies to post-apartheid South Africa, to the extent that Marqua-Harries, Stewart and Padayachee (2019, 33) have called for reform of our "under-resourced, overburdened and dysfunctional criminal justice system" to be "both trauma-informed and infused with an ethos of restorative justice". The very idea of incarceration, while serving as our dominant sentencing regime in a post-colonial space, is at the same time, a European invention intended to keep the natives in their place and reinforce this idea of a coercive society. Many African societies have abandoned the colonial legacy of incarceration in favour of community service or other non-custodian sentences (Nagel 2008) or even the progressive idea of open prisons, such as the Seychelles.

4. *Long-term changes in cultural messaging and in economic conditions* influence the crime rate by altering the level of coercion, which triggers socio-psychological states such as fear and resentment, which are precursors to crime. Consider, for example, Bank's (2023; 2024) publications on the disturbing growth of mafia-like structures in South African traditional rural as well as urban environments in recent years and the accompanying restructuring of social household relationships. South Africa's obscene levels of both inequality and high unemployment have led to resentment. Fear of uncertainty (in the form of unemployment or under-employment) serves as the primary driver of violent crimes (Kriegler 2018), such as rape and armed robbery. Similarly, fear triggers both women and migrants to adjust their behaviour accordingly. The fear of crime and crime itself reinforce each other in this insidious loop.

5. *The extent to which society is coercive or socially supportive* (which results in less crime) ultimately depends on the balance of power between labour and capital, since this translates on a number of levels to the intensity of coercion or otherwise (experienced within the family, school, community and public policies). South Africa is not known as a socially supportive society and it should come as no surprise that the country is one of the most unsafe locations on the globe (Institute for Economics and Peace 2023). For foreign African migrants, whether documented or not, the situation is even worse. It is indeed curious that South Africa, a country that was liberated from a well-entrenched history of slavery and oppression a mere 30 years ago, evinces such virulent outbursts of xenophobia specifically targeting foreign Africans and migrants from the Indian subcontinent. To add insult to injury, South African politicians are not averse to framing migrants as scape goats for their own shortcomings (such as service delivery issues).

Moreover, Box (2013, 289) adds to Reiman and Leighton's (2020) Pyrrhic defeat theory the insight that:

> Maybe what is stuffed into our consciousness as *the* crime problem is in fact an illusion, a trick to deflect attention away from other more serious crimes and victimising behaviours which objectively cause the vast bulk of avoidable death, injury and deprivation [emphasis in the original].

Box (2013, 290) further argues that researching "unreported, unrecorded and non-prosecuted cases" will lead us to question "the validity of official crime statistics and the ideological deformation inherent in these."[5] He also refers to official crime statistics as a "distorting mirror" (Box 2013, 290), since this slippage between ideal and practice reveals a progressively disturbing picture. The process of law enforcement, in its broadest possible interpretation, operates not only to conceal the crimes of the powerful against the powerless, but also to exaggerate the crimes of the powerless against "everyone else" (Box 2013, 291).

Building on the insights of Reiman and Leighton (2020) and Box (2013), Naím (2013, 626) argues persuasively that the main threat to society in the 21st century is "[the] more ominous consequences that result from the widespread capture of governments by criminal organizations". This observation is compounded by Christie's (2017, 4) insight that criminology's greatest concern should not be the fight against crime, but rather the reality that governments continue to repurpose such efforts to acquire more and more authoritarian power for themselves. In the same vein, Simon (2013, 540) argues that by supposedly being "tough on crime" (though not their own), governments tend to "govern through crime". South Africans should also heed the perceptive words of Mathekga (2021, 110–111), from his informative and very readable book:

> This picture [the prospects of Ramaphosa's presidency] becomes complex in the sense that the more Ramaphosa achieves what he promised in government – for example, [allegedly] fighting against corruption – the more tensions emerge within the ANC, making it difficult for him to win a second term in the party. That Ramaphosa's anti-corruption drive in the government is creating enemies for him in the party is an open secret.

South Africa, for one, is well-known as a "captured" state (largely) because of former President Jacob Zuma's kleptomaniacal – if not utterly disastrous – nine wasted years (Chipkin and Swilling 2018; Merten 2019). As is generally well known, the Gupta Brothers – Zuma's political and business brokers – left South Africa on a private plane loaded with looted cash as well as other valuables and it has been a never-ending struggle on the part of the National Prosecuting Authority (NPA) to have them extradited to stand trial, something which might never happen. Fortunately, Ramaphosa

5 I concede my anonymous reviewer's remark that "The formal structure of the SA state in the Weberian sense has been undermined".

survived the ANC elective conference in December 2022, even though his rivals were well aligned with the pro-Zuma faction within the ruling party. At the time of writing (March 2023), Ramaphosa had been cleared of all wrongdoing by the acting Public Protector's preliminary report, even though the findings had not yet been made public (Eligon 2023). Otherwise, this incident had the potential to have had Ramaphosa impeached, which would obviously have derailed his (supposedly) anti-corruption drive. Very few actual senior politicians and/or businessmen, apart from those who have fallen from favour, such as Ace Magashule, have been brought to book by the NPA and South African Police Service (SAPS).

According to outgoing Chief Executive Officer André De Ruyter (2023), ongoing government-backed corruption at Eskom, South Africa's state-owned power utility, even if only by wilful ignorance, is leading to losses of at least one billion rand a month. De Ruyter's observations were subsequently confirmed independently by the technology management expert David Walwyn (2023). State capture and pilferage claimed a conservative estimate of almost two trillion rands during the Zuma years (Merten 2019). Indeed, as Johnson (2017, 45) suggests, a "sweeping criminalization of the state" had, in fact, taken place.

Accordingly, my thesis is considerably strengthened by Naím's (2013) argument that the most serious challenges for criminology in the 21st century are the consequences of criminal organisations (such as the "Zuma cabal" referred to above) taking over legitimately (democratically) elected governments. Olver's (2017) study of political rent-seeking in Port Elizabeth shows the particularities of ongoing processes. A return to this situation (state capture) is certainly conceivable. Relevantly, Kotkin and Remnick (2022) argue that there is no social contract to be had with an authoritarian regime, since they do not need the electorate's consent to rule, as they simply steal what they need:

> The problem for authoritarian regimes is not economic growth. The problem is how to pay the patronage for their élites, how to keep the élites loyal, especially the security services and the upper levels of the officer corps. If money just gushes out of the ground in the form of hydrocarbons or diamonds or other minerals, the oppressors can emancipate themselves from the oppressed.

Even though South Africa is not an authoritarian state in the true sense of the word (apart from the government running a racial oligarchy in the same way as the apartheid regime did), the ruling party has made a considerable effort to limit South Africans' tolerance for political alternatives (Kotkin and Remnick 2022; Reiman and Leighton 2020, 169, 172 and 175). One way in which this is being done is through the repurposing of fear to keep people in check. An example might suffice to clarify the idea. Brownmiller (1976) has suggested that rape is a political weapon yielded by patriarchy to keep women in their "place", knowing that if they do not remain indoors and/or in the company of men for their protection, they run the risk of being raped. In this way, fear is used to keep women in check as a way to keep them relying on men for protection and off the streets and public places, unless accompanied by a male protector.

Moreover, it is not only the poor and powerless that commit crime (although systemic oppressions, such as relative or absolute deprivation, do predispose them to "crimes of survival" [Box 2013, 292, 298; Braithwaite 1992, 81, 83; Reiman and Leighton 2020, 7, 32–33]). However, the extensive demonisation of the poor and powerless as a way of justifying existing, albeit deeply unequal, economic arrangements (Reiman and Leighton 2020, 177–180) has led critical scholars to reclassify poverty not as a "cause", but instead a "source", of conventional, as opposed to corporate or suite, crime (Alexander 2012, 40, 191, 217–220; Davis 2005, 37–38; Reiman and Leighton 2020, 7–8, 32–33). An example might clarify this line of thinking. By criminalising the act of appropriating another's property known as "theft", a well-known instance of conventional crime often committed by the poor and the powerless, it justifies the economic distribution of income and property ownership. As the focus in capitalist societies is on conventional crimes committed by this class rather than the suite crimes for which the wealthy and powerful are responsible, the poor and powerless are demonized as "criminal class", while the attention is diverted from the criminal behaviour of the latter. In this way, poverty becomes a "source" rather than a "cause" of (conventional) crime. Importantly, "criminal behaviour" is found at all levels of social formations, crimes by the state being noted earlier.

Key questions are used, not to explore "the criminal act in isolation" (McLaughlin and Muncie 2013, xxii), but specifically to investigate the undercurrents of social institutions which "construct crime" (Haney 2005, 78–87, esp. 81). Notably, what comes to mind is the ability of these institutions to communicate and portray such social constructions to the public (McLaughlin and Muncie 2013, xxii; Quinney 2008). Additionally, Marxist-inspired critical criminologists, such as Jeffrey Reiman and Paul Leighton (2020, 195) and Richard Quinney (2008), dispute the so-called "objective" nature of crime in favour of social constructivism. They argue that the South African system of criminal law is designed to criminalise the behaviour of the poor rather than the infinitely more harmful corporate acts of the elite (Box 2013), which are often not even perceived as "criminal" (Cohen 1973, 624). In this way, the law not only serves the higher echelons of society in its defining of "crime" to benefit them, but it also mystifies the very behaviour of so-called 'crime' as understood in the popular mind, as Box (2013) so ably points out.

Nevertheless, postmodernism accepts the wisdom of complexity (or a nuanced understanding) as a necessary tool to examine the world, while modernism "strives for universality" (McLaughlin and Muncie 2013, xxv; Olivier 2005, 80). Although my methodology is poststructuralism, there is, as is generally well-known, considerable overlap between postmodernism and poststructuralism (Olivier 2013), which it the reason why I proffer this comment in this context. It is, therefore, not my intention to use the two terms interchangeably. Previously, I have referred to the tension between particularity and universality, as well as how poststructuralism managed to find an acceptable balance between these two extremes. Yet the crux of the postmodernist challenge is the rejection of meta-narratives or "the logic of 'referential finalities', such

as ‘crime’ and ‘deviance’, as the foundation of western social science” (McLaughlin and Muncie 2013, xxv).

Complexity or a nuanced understanding of social reality, as I noted previously, “stresses the diversity and particularity of social life” (McLaughlin and Muncie 2013, xxv). This is especially relevant for analysing a multi-cultural society such as South Africa, and accordingly necessitates an eclectic paradigmatic approach to grasp the social world in its entirety.

Against this compelling background, I argue that fear has been repurposed in this country to further the surreptitious advancement of the crimes of the rich and powerful. This is because, as Gqola (2021), cleverly shows, the fear inherent in the crime of rape overlaps with both disaster capitalism and xenophobia. By maintaining this “fear factory” (Gqola 2021), I argue that the South African state can perpetuate state crimes (and by this, I also refer to the crimes of the rich and powerful) largely furtively by repurposing this curious element (fear) within South African culture. In considering the ways in which this fear has been repurposed, I start with the crime of rape.

Rape

Rape is, of course, an inherent component of patriarchal society, sending a message – in the form of rape (Brownmiller 1976; Gqola 2016; 2021) – that women need to adopt reserved and modest behaviour to avoid violence (Hrdy 2000, 155). This is so even though the formerly indigenous peoples of South Africa would have been astounded by the levels of rape in the current, equity-focused country. Gqola (2021, 19) contends that within a contemporary South African context, the accompanying pervasive fear for their safety keeps women in line as well as demands that women police themselves. Iran may have its infamous modesty police, which polices women in public, but this threat has been very successfully internalised by most women, what they wear, how they talk, where they go and when they move. The way or ways in which the fear of rape shapes women in South Africa happen in a top-down, vertical cultural manner (Birukou et al. 2013, 2–3) in the formation of this country’s rape culture. It is not freely chosen but forced on them. Consequently, the dissemination of information and tales of rape and the fear of being raped resonate with what Carley (1991) calls “cultural exchange as culture spread”. The violence inherent in rape is indicative of this tendency, that is, the cultural spread of fear.

The Female Fear Factory is interwoven into the lives of women because they are always in the process of being made to “perform” according to their gender (Gqola 2021, 29). This reminds me of the opening sentence in the French writer Simone de Beauvoir’s feminist classic *The Second Sex* ([1949] 2010), regarding how women are not “born” women, psychologically speaking, but become socialised and moulded as females by the society into which they are born. The coerciveness of contemporary South African culture, as demonstrated above, reinforces both the incidence of rape and compounds

the threat of it happening as women attempt to arrange their lives around the possibility of such a calamity.

Vander Ven and Colvin's (2013) thesis that fear and crime reinforce each other is also echoed by Gqola (2021, 15) when she argues that "rape is an expression of patriarchal violence, and one that is enabled by the Female Fear Factory. In turn, rape culture contributes to sustaining fear". Perhaps it could be argued that rape, like xenophobia, are hate crimes in that the fear inherent in these crimes, this "fear factory" (Gqola 2021), is repurposed towards a particular group in society, i.e. women and foreigners, respectively.

Xenophobia (Afrophobia)

Driver (quoted in Gqola 2021, 167) has coined the notion of "intersecting marginalities", which Gqola uses to show how nationality, race, gender and class (Gqola 2021, 165) exacerbated South Africa's horrific xenophobic outbreaks in 2008, 2015 and more recently in 2021.

It was mainly foreign Africans and people from the greater Indian subcontinent (Pakistanis and Bangladeshis) as well as smatterings of Chinese living in poor neighbourhoods who were targeted (Lötter and Bradshaw 2022, 3). Moreover, it has also been contended (Lötter and Bradshaw 2022, 13–15) that South African political leaders used their failures (such as lack of service delivery, lack of jobs, high levels of crime, etc.) to project violence onto foreigners by blaming them for crime, unemployment and lack of access to females (saying "they steal our women", as if they do not have their agency and freedom of choice), in what is called "crimes of the state". According to Chutel and Eligon (2023), "many migrants were so fearful that they were sending valuables back to their home countries, worried that their homes might be attacked".

The repurposing of fear exacerbates the coerciveness of society, especially under harsh economic conditions (e.g., high levels of unemployment, obscene planes of inequality) which curiously shape society's lack of cohesion which is an unusual feature of a culture in the postmodern world. This long-term messaging (that women and foreign Africans are fair game) and the harsh economic conditions lead to both fear (among women and foreign Africans) and resentment, thereby creating a breeding ground for violent crime. Both the messaging and the economic conditions are encouraged by the state, as I mentioned previously. Reiman and Leighton (2020), in elaborating their Pyrrhic defeat theory, suggest that the state encourages crimes of this nature (rape and xenophobia) in order to divert attention away from its own heinous crimes (such as service delivery failures) and to enrich itself stealthily.

I will use two examples to illustrate the point effectively. I have already referred to Brownmiller's (1976) argument that the fear of being raped is a patriarchal construct which serves as a political lesson to women to not be too liberated as rejecting male

protection could result in them being violated. At the same time, it diverts attention away from the more monstrous crimes of the rich and powerful, which harmful conduct is not even acknowledged as criminal by the criminal law (Carlen 2013, 90–93; Cohen 1973, 624). By the same token, political leaders in South Africa have blamed their service delivery failures on the fear generated by the presence of foreign Africans to detract from their own ineptitude, as I have also noted (Lötter and Bradshaw 2022, 13–15). Gqola (2016, 2021) perceptively labels this phenomenon "the fear factory", albeit in the context of rape, but it is equally applicable to the idea of foreign Africans on South African soil.

This naturally leads us to a discussion of disaster capitalism, another crime of the state, in the context of the fear of Covid-19.

Covid-19 and Disaster Capitalism

During the Covid-19 pandemic, the Global North rolled out vaccines during a flare-up of nationalism that was repurposed to deny countries in the Global South access to these medicines. Additionally, the pandemic was used as a pretext to loot the public purse, by means of so-called personal protective equipment (PPE) procurement (Lötter 2022), and at the same time to deflect attention away from the looting. Once again, fear was repurposed to divert the public's attention away from the far more monstrous crimes of the rich and powerful than mere ordinary crime. As the Special Investigating Unit (SIU) report points out, at least a third of the funds set aside for PPE procurement subsequently had to be scrutinised, as prices had been inflated by as much as 400%! (Mathekga 2021, 39; *The South African* 2021). "Decisions [were] made to serve the patronage networks flowing through the ANC," Mathekga (2021, 50–51) argues, which only benefitted "the interests of an elite group of party officials and businessmen". By bringing fear to bear vertically on the general population (Birukou et al. 2013, 2–3), the fear of contracting Covid-19 was spread horizontally as a cultural exchange across culture in what Carley (1991) calls "culture spread" (as noted above in the context of the discussion of the crime of rape).

Once again, Reiman and Leighton's (2022) Pyrrhic defeat theory finds application in the assertion that the purpose of the criminal justice system is not to defeat crime, but merely to direct attention to the street crimes of the poor while simultaneously diverting attention away from the crimes of the rich and powerful. An excellent example of the latter is the looting of the state coffers under the guise of procuring PPE equipment while the general populace's attention was captured by the fear of catching Covid-19.

Against this background of my brief exploration of three selected crimes perpetuated through state-sponsored fear (although not limited to these three), I turn to a critical discussion of my argument.

Discussion

Whereas Marxism is still a useful framework to explain crime as a "social and political construct" (Chambliss 2013; Quinney 2008), it is insufficient to address the nuances of criminal justice in an inordinately unequal society (Reiman and Leighton 2020, 7), such as South Africa. A Foucauldian framework, with its appreciation of how power is entrenched and diffused throughout the body politic, appears to be more fruitful, evidently, since networks of power and knowledge are dispersed and driven by their internal logics (McLaughlin and Muncie 2013, xxiv). South African studies that provide useful Foucauldian approaches to the social and political economy, include those by Manzo (1992) on power and South African politics as well as Nustad and Swanson (2021) on ecological management. Therefore, the notion of a conspiracy theory against the marginalised is largely redundant. The reason for this is that pressure groups are also known to have legislative victories, such as labour unions propagating for a living wage or a 40-hour week. These victories, though, are often short-lived or, alternatively, co-opted by mainstream discourse.

A critical paradigm, for example, provides "space for alternative visions of social justice" (Carlen 2013; Currie 2013; McLaughlin and Muncie 2013) to address crimes enabled or magnified by the culture of fear, such as rape and xenophobia, discussed above. This enables South Africans to reconsider social conditions not only in terms of these being made "bearable", but also as a vehicle for transformation with an eye towards emancipation. Similarly, the government favours urban containment (Wacquant 2010, 611) over affecting meaningful, fundamental social change. Reiman and Leighton (2020, 195) argue that the many ways in which capitalist criminal justice systems favour the rich and powerful are like an occupying army, protecting their privileges against violation or intrusion by the poor.

Therefore, as I have noted, using just one theoretical framework or meta-narrative for my investigation (such as Marxism) will not suffice. In addition, empirical work alone, although the dominant paradigm in mainstream criminology, cannot tackle the urgent need for reflective work (read, non-positivistic approaches to criminology [Carlen 2005, 87; Chan 2013, 312; Young 2011]). For example, the persistence of the prison in the 21st century is particularly odious since, as Bosworth (2010, 96) and Alexander (2012, 8–12, 230–232; 2020) suggest, this institution has moved far away from the historical justifications for its existence, such as rehabilitation. All these arguments and examples point to the fact that more critical reflection, rather than only empirical studies, is sorely lacking in academic criminology.

Other criminologists, who are critical of mainstream criminology's complicity with the government's incredulous fusing of its agenda with that of Big Business (a phenomenon known as "total capital" at the tail-end of late capitalism), have called for criminology to reassess its loyalties and direction. Carlen (2013), for example, argues persuasively that the rehabilitation paradigm in Western corrections has become redundant because of a political unwillingness to address issues of fundamental change. Poor, homeless

and/or unemployed offenders have nothing to which to rehabilitate upon their release from prisons, while transnational organised crime is out of reach of the criminal law (Carlen 2013). Add to these observations the tendency of professional criminologists to put their skills at the service of governmental correctional initiatives (Carlen 2005, 87–88; Chan 2013, 312; Hillyard and Tombs 2004, 28; McLaughlin and Muncie 2013, xxvi), thereby uncritically legitimising the state's "criminalisation and marginalisation practices" (McLaughlin 2010, 167). The result is a perfect storm. Culture, however, is understood as a fluid – and not static – concept in the 21st century, as my overview of culture reconsidered shows. Thus, I am in full agreement with the following sentiment of Lötter and Bradshaw (2022, 27):

> Our thinking is informed by the notion that xenophobia in South Africa is a largely preventable social phenomenon which finds fertile ground in post-apartheid South Africa's "perfect storm of political and socio-economic fault-lines".

If xenophobic violence is largely preventable, so are other crimes, such as rape and pilferage (during times of disaster), since they are all perpetuated by fear. This is precisely the kind of agency (of those advocating/organising violence) at play and what the relevant South African scholarship reveals (Gqola 2016, 2021; Lötter 2022; Lötter and Bradshaw 2022). Following on from this, in the wise words of Currie (1999), the criminologist's job in the 21st century will include, *first and foremost*,

> *raising public awareness – enhancing the public's criminological IQ.* We need to think through more intensive and creative ways of doing that, because the only way that we will get our political systems to move is if they are facing an already informed and mobilized public [my emphasis].

One way in which such public awareness could be revived effectively is by raising awareness among members of the public and this initiative could potentially guard against the amelioration of the conditions detailed by Vander Ven and Colvin (2013) in their structuralist-Marxist theory of crime, highlighted above. The street crimes which I have outlined and discussed above (rape and xenophobia) as opposed to crimes of the state (such as pilfering by political affiliates during a state of disaster) neatly fit together as a scheme perpetuated by the "repurposing of fear". A final issue that might be addressed more explicitly is whether the "repurposing of fear" is a conscious and controlled narrative or whether it is also/in part a reflection of the lack of capacity in the South African state. I would suggest that it is both since conventional crime, if left unchecked in the presence of flourishing criminogenic breeding grounds, highlighted earlier, is bound to spiral out of control. At the same time, an inability or unwillingness by the governing party and its partners in parliament to address fundamental change, as advocated by Carlen (2013), can only be seen as deliberate.

This is a useful contribution to Reiman and Leighton's (2020) Pyrrhic defeat theory in which they demonstrate the purpose of diverting attention away from state crimes to focus public attention on the so-called street crimes of the poor.

Conclusion

Even though in the article I have focused on the repurposing of fear from the violence embedded in crimes that South Africans have come to accept as the conventional, "everyday" crimes of a post-apartheid society (e.g., rape, government-complicit corruption and xenophobic violence), there is of course a continuity with the fear repurposed around the idea of "*die swart gevaar*" (black danger) during apartheid. For this reason, among others, Currie's (1999) argument is extremely important for my thesis, since only by raising public awareness in criminology can South Africans be convinced to question and critically expose the actions of an increasingly (if subtly) authoritarian government bent on repurposing cultural notions, such as fear, for their nefarious ends. I have also highlighted Christie's (2017, 4) valuable insight that it is not crime itself, but the supposed "fight against crime", which should make South Africans wary of the government's potential authoritarian tendencies. The good news, as my overview of the literature on culture demonstrates (notably the contributions of Birukou et al. (2013) and Carley (1991)), is that elements of culture at the tail-end of late capitalism, display the peculiar feature of being chosen, rather than imposed in a top-down fashion. This might indeed be the blueprint for the transfer of skills and knowledge in countering this covert agenda, as I have previously explained. Fortunately, South Africans have come a long way from the idea that culture is a fixed and immutable concept, which makes them prisoners of a notion such as fear.

I argue that this means that once South Africans have identified an insidious move by the government (whether by design or neglect), then it is not in their best interests to accept these innovations, such as the perpetuation of rape, xenophobic violence and corruption during times of disaster, since ordinary South Africans should question and critically evaluate these efforts to hold them to ransom. Otherwise, if Piketty (2014) is correct, that without intervention, inequality will grow exponentially in the 21st century, then South Africans can expect that the phenomenon of "governing through crime" (Simon 2013, 540), as well as the crime control industry (Christie 2017, 4), will be amplified to justify the unequal and inequitable economic and social arrangements in its wake. Fortunately, though, critical criminology is an excellent theoretical framework within which to problematise and question the unwarranted assumptions built into government's various, oftentimes nefarious, agendas (by which I also include the wealthy and the powerful). The veracity of this observation also applies with equal force to my methodology, which is a much-needed and nuanced device to explore the multifaceted phenomenon of state crimes. Carlen's (2005; 2013) and Currie's (1999; 2013) calls for creative, out-of-the-box thinking and (hopefully) solutions, should not fall on arid ground in our post-apartheid South Africa, even if we are, and remain a pre-post-conflict society.

For the South African state to regain its legitimacy based on its contractual mandate to safeguard the peoples of this country, demands that the pretences of repurposing fear

with hidden agendas be abandoned in favour of adopting a frank and honest approach to crime-fighting at all levels of society.

References

Alexander, M. 2012. *The New Jim Crow, Mass Incarceration in the Age of Colourblindness*. Revised edition. New York: The New Press.

Alexander, M. 2020. "The Injustice of This Moment Is Not an 'Aberration'." *The New York Times*, January 17. Accessed August 3, 2023. https://www.nytimes.com/2020/01/17/opinion/sunday/michelle-alexander-new-jim-crow.html

Bank, L. 2023. "The Spirit of Gifts: Public Housing, Citizenship and the Ambiguities of Home in South Africa." *Transformation: Critical Perspectives on Southern Africa* 112: 164–192. https://doi.org/10.1353/trn.2023.a926454

Bank, L. 2024. "Houses of Hope: Populism and South Africa's Complex Urban-Rural Connections." *African Arguments*, July 8. Accessed October 8, 2024. https://africanarguments.org/2024/07/houses-of-hope-populism-and-south-africas-complex-urban-rural-connections/

Birukou, A., E. Blanzieri, P. Giorgini, and F. Giunchiglia. 2013. "A Formal Definition of Culture." In *Models for Intercultural Collaboration and Negotiation*, edited by K. Sycara, M. Gelfand and A. Abbe, 1–26. Dordrecht: Springer. https://doi.org/10.1007/978-94-007-5574-1_1

Bosworth, M. 2010. *Explaining U.S. Imprisonment*. London: Sage. https://doi.org/10.4135/9781452274683

Box, S. 2013. "Crime, Power and Ideological Mystification." In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, 287–300. 3rd ed. London: Sage.

Braithwaite, J. 1992. "Poverty, Power and White-Collar Crime, Sutherland and the Paradoxes of Criminological Theory." In *White-Collar Crime Reconsidered*, edited by K. Schlegel and D. Weisburd, 78–107. Boston: Northeastern University Press.

Broughton, T. 2023. "South Africa, Termination of Zimbabwean Exemption Permit Declared Unlawful, Unconstitutional and Invalid." *GroundUp*, June 28. Accessed July 5, 2023. https://allafrica.com/stories/202306280560.html

Brownmiller, S. 1976. *Against Our Will: Men, Women and Rape*. New York: Penguin.

Brumann, C. 1999. "Writing for Culture, Why a Successful Concept Should Not Be Discarded." *Current Anthropology Special Issue, Culture – a Second Chance?* 40 (S1): S1–S27. https://doi.org/10.1086/200058

Cameron, E. 2020. “The Crisis of Criminal Justice in South Africa.” *SA Crime Quarterly* 69: 1–15. https://doi.org/10.17159/2413-3108/2020/i69a9253

Carlen, P. 2005. “In Praise of Critical Criminology.” *Outlines, Critical Practice Studies* 7 (2): 83–90. https://doi.org/10.7146/ocps.v7i2.2105

Carlen, P. 2013. “Against Rehabilitation; for Reparative Justice.” In *Crime, Justice and Social Democracy, International Perspectives*, edited by M. Ball, J. M. Tauri, E. O’Brien and K. Carrington, 89–104. London: Palgrave Macmillan. https://doi.org/10.1057/9781137008695_6

Carley, K. 1991. “A Theory of Group Stability.” *American Sociological Review* 56 (3): 331–354. https://doi.org/10.2307/2096108

Chambliss, W. J. 2013. “Toward a Political Economy of Crime.” In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, 278–286. 3rd ed. London: Sage.

Chan, J. 2013. “Globalization, Reflexivity and the Practice of Criminology.” In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, 597–615. 3rd ed. London: Sage.

Chipkin, I., and M. Swilling 2018. *Shadow State, the Politics of State Capture*. Johannesburg: Wits University Press. https://doi.org/10.18772/22018062125

Christie, N. 2017. *Crime Control as Industry: Towards Gulags, Western Style*. 3rd ed. London: Routledge. https://doi.org/10.4324/9781315512051

Chutel, L., and J. Eligon. 2023. “A Thriving Border Town Undercuts South Africa’s Anti-Immigrant Mood.” *The New York Times*, December 12. Accessed February 26, 2024. https://www.nytimes.com/2023/12/24/world/africa/south-africa-migrants-zimbabwe.html

Cohen, S. 1973. *Folk Devils and Moral Panics*. London: MacGibbon & Kee.

Cronje, M. 2017. “A Comparative Analysis of Recidivism with Specific Reference to Crimino-Victimogenic Variables, Offence Analysis and Programme Participation.” PhD diss., University of KwaZulu-Natal. http//hdl.handle.net/10413/16196

Currie, E. 1999. “Reflections on Crime and Criminology at the Millenium.” *Western Criminology Review* 2 (1). http://www.westerncriminology.org/documents/WCR/v02n1/currie/currie.html

Currie, E. 2013. “Social Crime Prevention Strategies in a Market Society.” In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, 387–399. 3rd ed. London: Sage.

Dawkins, R., ed. 2003. “Chinese Junk and Chinese Whispers.” In *A Devil’s Chaplain, Selected Essays*, 119–127. London: Weidenfeld and Nicolson.

Davis, A. Y. 2005. *Abolition Democracy, beyond Empire, Prisons, and Torture*. New York: Seven Stories Press.

De Beauvoir, S. [1949] 2010. *The Second Sex*. Translated by C. Borde and S. Malovany-Chevallier. New York: Vintage.

De Haan, W. 1991. "Abolitionism and Crime Control, a Contradiction in Terms." In *The Politics of Crime Control*, edited by K. Stenson and D. Cowell, 203–217. London: Sage.

De Ruyter, A. 2023. "My Guest Tonight with Annika Larsen." Interview, e.tv, February 23. Accessed March 20, 2023. https://www.enca.com/shows/my-guest-tonight-annika-larsen-22-february-2023

Descombes, V. 1980. *Modern French Philosophy*. Translated by L. Scott-Fox and J. M. Harding. Cambridge: Cambridge University Press. https://doi.org/10.1017/CBO9780511621215

Duckworth, A. 2017. *Grit, the Power of Passion and Perseverance*. New York: Scribner.

Edgar, L. 2023. "Florida's Largest Police Union Backs Gov. DeSantis." *Tampa Free Press*, June 27. Accessed July 5, 2023. https://www.tampafp.com/floridas-largest-police-union-backs-gov-desantis/?utm_source=TMP-Newsletter&utm_campaign=84e15ff82b-EMAIL_CAMPAIGN_2023_06_30_03_04&utm_medium=email&utm_term=0_5e02cdad9d-84e15ff82b-%5BLIST_EMAIL_ID%5D

Eligon, J. 2023. "Corruption Watchdog Moves to Clear South African President in Cash-in-Couch Incident." *The New York Times*, March 11. Accessed March 13, 2023. https://www.nytimes.com/2023/03/11/world/africa/south-africa-ramaphosa-farm-burglary.html

Gqola, P. D. 2016. *Rape: A South African Nightmare*. Pretoria: Jacana.

Gqola, P. D. 2021. *Female Fear Factory, Gender and Patriarchy under Racial Capitalism*. Johannesburg: Melinda Ferguson Books.

Haney, C. 2005. "The Contextual Revolution in Psychology and the Question of Prison Effects." In *The Effects of Imprisonment*, edited by A. Liebling and S. Maruna, 66–93. Devon: Willan.

Hillyard, P., and S. Tombs 2004. "Beyond Criminology?" In *Beyond Criminology, Taking Harm Seriously*, edited by P. Hillyard, C. Pantazis, S. Tombs and D. Gordon, 10–29. London: Pluto Press. https://doi.org/10.2307/j.ctt18fscmm.6

Hobbes, T. 2010. *Leviathan*. Revised ed. Peterborough: Broadview Press.

Hofstede, D. G. 2001. *Culture's Consequences, Comparing Values, Behaviors, Institutions and Organizations across Nations*. 2nd ed. Thousand Oaks: Sage.

Hrdy, S. H. 2000. “Raising Darwin’s Consciousness: Sexual and Prehominid Origins of Patriarchy.” In *Gender and Society: Essays Based on Herbert Spencer Lectures*, edited by C. Blakemore and S. Iversen, 143–199. Oxford: Oxford University Press.

Hydén, G. 1983. *No Shortcuts to Progress: African Development Management in Perspective*. Berkeley: University of California Press.

Institute for Economics and Peace. 2023. “Global Peace Index.” Accessed August 10, 2023. https://www.economicsandpeace.org/report/global-peace-index-2023/

Johnson, R. W. 2017. *How Long Will South Africa Survive? The Crisis Continues*. 2nd ed. Johannesburg: Jonathan Ball.

Kavenna, J. 2019. “Shoshana Zuboff: ‘Surveillance Capitalism Is an Assault on Human Autonomy’.” *The Guardian*, October 4. Accessed February 19, 2024. https://www.theguardian.com/books/2019/oct/04/shoshana-zuboff-surveillance-capitalism-assault-human-automomy-digital-privacy

Kotkin, S., and D. Remnick. 2022. “The Weakness of the Despot.” *The New Yorker*, March 11. Accessed March 2, 2023. https://www.newyorker.com/news/q-and-a/stephen-kotkin-putin-russia-ukraine-stalin#intcid=_the-new-yorker-bottom-recirc_5f04d84b-82e8-444f-8b25-c2a784ed9af3_tny-900pubdates-180rundates

Kriegler, A. 2018. “South Africa Won’t Become Less Violent until It’s More Equal.” *The Conversation Africa*, September 12. Accessed March 30, 2019. https://theconversation.com/south-africa-wont-become-less-violent-until-its-more-equal-103116

Lötter, C. 2018. “The Reintegration of Ex-Offenders in South Africa Based on the Contemporary Chinese Model, an Interdisciplinary Study.” PhD diss., University of the Free State. https//scholar.ufs.ac.za/bitstream/handle/11660/9289/LotterC.pdf

Lötter, C. 2020. “Critical Theory’s Role in Enhancing Praxis in Post-Apartheid SA: The Case for a Critical Criminology.” *Acta Academica* 52 (2): 106–130. https://doi.org/10.18820/24150479/aa52i2/6

Lötter, C. 2022. “Does Economic Restructuring during Covid-19 in South Africa Amount to Disaster Capitalism?” *Phronimon* 23 (1): 25 pages. https://doi.org/10.25159/2413-3086/10503

Lötter, C., and G. J. Bradshaw 2022. “Reconceptualising Afrophobia in Post-Apartheid South Africa, a Conflict Transformational Perspective.” *Acta Academica* 54 (2): 1–27. https://doi.org/journals.ufs.ac.za/index.php/aa/article/view/5722

Macpherson, C. B. 1973. *Democratic Theory: Essays in Retrieval*. Oxford: Clarendon Press.

Manzo, K. 1992. “Global Power and South African Politics: A Foucauldian Analysis.” *Alternatives: Global, Local, Political* 17 (1): 23–66. https://www.jstor.org/stable/i40027823

Marqua-Harries, L., G. Stewart, and V. Padayachee 2019. “Towards Transforming a System, Re-Thinking Incarceration for Youth (and beyond).” *SA Crime Quarterly* 68: 33–40. https://doi.org/10.17159/2413-3108/2019/v0n68a5632

Mathekga, R. 2021. *The ANC’s Last Decade*. Cape Town: Tafelberg.

McLaughlin, E. 2010. “Critical Criminology.” In *The Sage Handbook of Criminological Theory*, edited by E. McLaughlin and T. Newburn, 153–174. London: Sage. https://doi.org/10.4135/9781446200926.n9

McLaughlin, E., and J. Muncie. 2013. “Introduction, Theorizing Crime and Criminal Justice.” In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, xix–xxviii. 3rd ed. London: Sage.

Merten, M. 2019. “State Capture Wipes Out Third of SA’s R4.9-Trillion GDP – Never Mind Lost Trust, Confidence, Opportunity.” *Daily Maverick*, 1 March. Accessed February 17, 2021. https://www.dailymaverick.co.za/article/2019-03-01-state-capture-wipes-out-third-of-sas-r4-9-trillion-gdp-never-mind-lost-trust-confidence-opportunity/

Muncie, J. 2010. “Labeling, Social Reaction and Social Constructionism.” In *The Sage Handbook of Criminological Theory*, edited by E. McLaughlin and T. Newburn, 139–152. London: Sage. https://doi.org/10.4135/9781446200926.n8

Murhula, P. B. B., and S. B. Singh. 2019. “A Critical Analysis on Offenders Rehabilitation Approach in South Africa: A Review of the Literature.” *African Journal of Criminology and Justice Studies* 12 (1): 21–43. https://digitalscholarship.tsu.edu/ajcjs/vol12/iss1/12

Nagel, M. 2008. “‘I Write What I Like’: African Prison Intellectuals and the Struggle for Freedom.” *Journal of Pan African Studies* 2 (3): 68–80.

Naím, M. 2013. “The Drug Trade, the Politicization of Criminals and the Criminalization of Politicians.” In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, 621–629. 3rd ed. London: Sage.

Nicas, J. 2018. “Apple Is Worth $1,000,000,000,000. Two Decades Ago, It Was Almost Bankrupt.” *The New York Times*, August 2. Accessed March 8, 2023. https://www.nytimes.com/2018/08/02/technology/apple-stock-1-trillion-market-cap.html

Nustad, K. G., and H. Swanson. 2022. “Political Ecology and the Foucault effect: A Need to Diversify Disciplinary Approaches to Ecological Management?” *Environment and Planning E: Nature and Space* 5 (2): 924–946. https://doi.org/10.1177/25148486211015044

Olivier, B. 2005. “The Contemporary Context of Relativity and Relativism.” *Acta Academica* S2: 73–104. http//hdl.handle.net/11660/9780

Olivier, B. 2013. “Modernism, Postmodernism and Poststructuralism, the Difference.” *Mail & Guardian Thought Leader*, May 24. Accessed February 22, 2022. https://thoughtleader.co.za/modernism-postmodernism-and-poststructuralism-the-difference/

Olivier, B. 2015. “The Tacit Influences on One’s Ways of Teaching and Doing Research.” *Alternation Special Edition* 16: 346–371.

Olver, C. 2017. *How to Steal a City: The Battle for Nelson Mandela Bay*. Johannesburg: Jonathan Ball.

Orthofer, A. 2016. “Wealth Inequality in South Africa: Insights from Survey and Tax Data.” Econ3x3. Accessed May 12, 2021. http://www.redi3x3.org/sites/default/files/Orthofer%202016%20REDI3x3%20Working%20Paper%2015%20-%20Wealth%20inequality.pdf

Pierce, B., and L. Kiewit. 2020. “Nicro, the High Rate of Offender Recidivism.” 702 Podcasts, January 13. Accessed April 7, 2021. https://omny.fm/shows/capetalk-evenings/nicro-the-high-rate-of-offender-recidivism

Piketty, T. 2014. *Capital in the Twenty-First Century*. Translated by A. Goldhammer. New York: Penguin. https://doi.org/10.4159/9780674369542

Piketty, T. 2015. “Transcript of the Nelson Mandela Annual Lecture 2015.” University of Johannesburg. Accessed February 21, 2023. https://www.nelsonmandela.org/news/entry/transcript-of-nelson-mandela-annual-lecture-2015

Quinney, R. [1970] 2008. *The Social Reality of Crime*. New Brunswick: Transaction.

Reiman, J., and P. Leighton. [1979] 2020. *The Rich Get Richer and the Poor Get Prison: Thinking Critically about Class and Criminal Justice*. 12th ed. London: Routledge. https://doi.org/10.4324/9780429278679

Sayer, F. 2021. “Nigerian Museums Must Tell Stories of Slavery with More Complexity and Nuance.” *Conversation Africa*, October 26. Accessed October 30, 2021. https://theconversation.com/nigerian-museums-must-tell-stories-of-slavery-with-more-complexity-and-nuance-169785?utm_medium=email&utm_campaign=The%20Weekend%20Conversation%20-%2021007207

Simon, J. 2013. “Governing through Crime.” In *Criminological Perspectives, Essential Readings*, edited by E. McLaughlin and J. Muncie, 531–546. 3rd ed. London: Sage.

Standing, G. 2021. *The Corruption of Capitalism: Why Rentiers Thrive and Work Does Not Pay*. 2nd ed. London: Biteback.

Stiglitz, J. E. 2016. *The Great Divide*. London: Penguin.

Stiglitz, J. E. 2019a. *People, Power, and Profits, Progressive Capitalism for an Age of Disconten*t. New York: W. W. Norton.

Stiglitz, J. E. 2019b. "Progressive Capitalism Is Not an Oxymoron." *The New York Times*, April 19. Accessed October 7, 2024. https://www.nytimes.com/2019/04/19/opinion/sunday/progressive-capitalism.html

The South African. 2021. "Ramaphosa Receives SIU Report on COVID Corruption." December 11. Accessed December 17, 2021. https://www.thesouthafrican.com/news/ramaphosa-siu-covid-corruption-report/

Vander Ven, T., and M. Colvin 2013. "Coercion and Crime." In *The Oxford Handbook of Criminological Theory*, edited by F. T. Cullen and P. Wilcox, 607–624. Oxford: Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199747238.013.0031

Wacquant, L. 2010. "Prisoner Re-Entry as Myth and Ceremony." *Dialectical Anthropology* 34: 605−620. https://doi.org/10.1007/S10624-010-9215-5

Walwyn, D. R. 2023. "Explosive Revelations about South Africa's Power Utility, Why New Electricity Minister Should Heed the Words of Former Eskom CEO." *The Conversation Africa*, March 14. Accessed October 7, 2024. https://theconversation.com/explosive-revelations-about-south-africas-power-utility-why-new-electricity-minister-should-heed-the-words-of-former-eskom-ceo-201508

World Bank Group. 2024. "The World Bank in South Africa: Overview." Accessed October 7, 2024. https://www.worldbank.org/en/country/southafrica/overview

Young, J. 2011. "Critical Criminology in the Twenty-First Century, Critique, Irony and the Always Unfinished." In *Critical Criminology, Issues, Debates, Challenges*, edited by K. Carrington and R. Hogg, 251–274. Oxford: Routledge.

Zuboff, S. 2019. *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York: Public Affairs.