

**ABSTRACT:****The Making of the Criminal Subject in Democratic South Africa**

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Crime in South Africa is a trenchant feature of post-apartheid South Africa with economic and political causes and reciprocal effects. Recognised as a legacy of apartheid, it is a problem variously tied to poverty and a moral deficiency, thus acting as a favourite decoy to evince indignation and innocence. Between institutional and structural forms of violence, criminal violence is singled out as a social scourge that only tougher punishment will address until a moral regeneration and national development succeeds. Thus stripped of its structural origins and reduced to an individualised culpability, it becomes the whetting stone for a reinvigorated Calvinism. Freedom has indeed delivered a new Jerusalem to South Africa - as cleaved by violence and repression.

This report looks at how crime, having been a feature in the making of the state at its frontier, continues to modulate the rule of law. If the democratic breakthrough in 1994 represents the opening of a frontier - and crime its expression - the war on crime represents its closure. The measures taken to control crime are racially selective, the Bill of Rights withstanding, and apartheid relations are reproduced. Prevailing practices of re-integrating convicted offenders echo the role of missionaries in returning freed slaves to bondage. In a project that started with the intent to glean from offenders a political form - an element of resistance in their actions - a more ambiguous figure emerges.