

https://dspace.org/

Seeing it like a magical state: discretion, (de) stabilisation, and the development of street-level systems of meaning at the South African Immigration bureaucracy

Hoag, Colin Brewster

2009-12-21T10:11:58Z
http://hdl.handle.net/10539/7470

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

Seeing Like a Magical State

Discretion, (De)Stabilisation, and the Development of Street-Level Systems of Meaning at the South African Immigration Bureaucracy

WitsETD

A Dissertation submitted to the
Department of Social Anthropology
School of Social Sciences at the
Graduate Faculty of the Humanities
University of the Witwatersrand
in Partial Fulfilment of the Requirements
for the degree of
MA in Social Anthropology

By: Colin Brewster Hoag
Student No.: 296908
Submitted on: 20/7/2009
Research Supervisors: Prof. David B. Coplan
& Dr. Aurelia Wa Kabwe-Segatti

Abstract: Anthropological accounts of the state are often voiced from the perspective of the public, demonstrating the potential for danger or illegibility in encounters with the state. Less has been said, however, about how functionaries of the state perceive their interactions with the public. This perspectival bias needs to be overcome through ethnographies of the state, which can help scholars to look critically at our understanding of the state in everyday practice. This article examines one such "illegible" state bureaucracy, the Immigration Services Branch of the South African Department of Home Affairs, documenting some of the factors which inform the actions of street-level bureaucrats. It illustrates how officials develop systems of meaning to help them navigate the challenges posed by a mysterious populace and an unpredictable management hierarchy, and to effectively stabilize these two unstable entities. These systems of meaning also enable officials to act in ways which might run counter to official discourse, while simultaneously upholding its legitimacy. Their efforts at stabilization therefore incite a destabilization *of the state, leading it to appear as "magical" or "illegible" to the public. [Keywords: state-making; magic of the state; everyday practice; bureaucracy; migration studies; South Africa]*

WitsETD

WitsETD

I declare that this Dissertation, submitted for the degree of MA in Social Anthropology at the University of the Witwatersrand, consists solely of my own work, and has not been published elsewhere.

_____ _____

Colin Hoag Date

WitsETD

To my parents, without whom this was not possible

WitsETD

WitsETD

Table of Contents

Acknowledgements viii
Abbreviations x
List of Figures x
Chapter 1: Introduction 1
Methodology 12
Researcher Identity and Challenges 15
Definitions 17
Chapter 2: Contexts 22
Immigration Policy and the Civil Service: Apartheid to the Present 22
The Department of Home Affairs 26
Office Profiles 28
Harrison St. Admissions Offices 29
Market St. Inspectorate Office 32
Crown Mines Refugee Centre 35
Caledonspoort Port of Entry 37
Chapter 3: Aims 40
Citizenship, Movement Control, and Vision 41
Fragmented Organisations: Taking Up the Plans 45
Upper- and Lower-Level Relations 45
Delivery of Government Plans 47
The "Turnaround Strategy" and the Push Toward Production 47
Reception of the Plans and "External" Factors 52
Chapter 4: Perceptions 60
The Magic of the Populace 63
Officials' Role in Magicalising 69
Human Rights 72
The Magic of the State 74
Chapter 5: Actions 80
"Our Systems" 85
Comforts of Taxonomy and Discretion 90
Origin, Identity, and "Emotional Cartography" 92
"Loopholes" and the Fallibility of Systems 93
Chapter 6: Results 98
A Magical State and a Magical Populace 100
Implications 104
Concluding Remarks 105
Appendix 1: Department of Home Affairs Organisational Chart 107
Appendix 2: Harrison St. Admissions and Market St. Inspectorate Organisational Chart 108
Appendix 3: Crown Mines Organisational Chart 109
Appendix 4: Caledonspoort Organisational Chart 110
Appendix 5: Example of Public Complaint 111
References Cited 112

WITHDRAWN

Acknowledgements

I have incurred many debts en route to completing this project (though any imperfections are, of course, my own). But for the sake of maintaining their anonymity, I should like to explicitly thank the dozens of Home Affairs officials who lent their time to help me understand the challenges, dynamics, and pleasures of working at the Department. I hope my account does them justice. I would also like to thank the Department of Home Affairs itself for generously permitting me to conduct this fieldwork.

I deeply thank the Institut Français d'Afrique du Sud (IFAS) and the Forced Migration Studies Programme (FMSP) at the University of the Witwatersrand (Wits) for funding and designing the initial research project (as part of the FMSP's Migrant Rights Monitoring Programme) from which my own project emerged. The FMSP staff members responsible for coordinating and managing the research, Dr. Aurelia Wa Kabwe-Segatti (formerly of IFAS) and Dr. Darshan Vigneswaran, have been immensely important to the project and to my development as a researcher, and I am so very thankful for this.

I cannot thank Dr. Wa Kabwe-Segatti enough for taking on the role of academic co-advisor for this MA dissertation, despite her busy schedule. Her guidance has improved it immeasurably, by asking the important analytical questions which helped me to substantially improve my argument, and by bringing me back to earth when my thinking was elsewhere. I have learned more from her than she is perhaps aware, and will write with her in mind far into the future.

Thanks of the eternal sort are in order for Prof. David Coplan. His door has always been open to me over the past year and a half, and our many discussions have taught me multitudes about social and political life in South Africa and Lesotho. He helped free me of innumerable snags on the research front, teaching me who to speak with, what to ask, and how to think

WiSER

about their answers. This even included on-the-job training during our adventure to the Caledon River Valley, graciously funded by Prof. Coplan. In short, having turned me on to anthropology in the first place, he has now turned me into an anthropologist of sorts. Thank you, Prof.

Additionally, I would like to thank the faculty members and postgraduate students at the Wits Department of Social Anthropology for their helpful comments and suggestions. In particular, I thank Professors Thornton and Worby, who graciously provided their limited time on several occasions to give me their thoughts on the project, the state in South Africa, and other matters. Extra special thanks are reserved for Prof. Loren Landau of the FMSP and Dr. Kelly Gillespie of the Wits Department of Social Anthropology. Prof. Landau's course titled "Identity, Movement, and Control" exposed me to a number of the texts central to this dissertation, and Dr. Gillespie also seemed always to have (what would subsequently become) a crucial text on hand. Their questions, comments, and provocations lurk behind much of this dissertation. Thank you also to the external reader, whose very thorough comments have helped me to improve the finished product and given me much to think about in respect of future work on this topic.

Finally, I thank my wife, Corinne. In many ways, she is my co-author, having helped me to sort out and think through most every aspect of the dissertation, from start to finish. I thank her for remaining married to me despite the logistical craziness of the past few years, and for simply being the extraordinarily interesting, intelligent and hilarious person that she is. I would prefer no one more to go about the world with.

WitsETD

Abbreviations

ANC	African National Congress
DHA	Department of Home Affairs
DNA	Department of Native Affairs
DRC	Democratic Republic of Congo
ETD	Emergency Travel Document
IFAS	Institut Français d'Afrique du Sud
IFP	Inkatha Freedom Party
ISB	Immigration Services Branch
LHWP	Lesotho Highlands Water Project
NGO	Non-Governmental Organisation
PRP	Permanent Residence Permitting
RRC	Refugee Reception Centre
RRO	Refugee Reception Officer
RSDO	Refugee Status Determination Officer
SAMP	Southern African Migration Project
SAPS	South African Police Service
SAR	South African Rand
TRP	Temporary Residence Permitting
USD	United States Dollar

List of Figures

Figure 1	Fabian's sacred "naturalized–spatialised" time
Figure 2	ISB officials' conceptualisation of the systems-territory linkage

WitsETD

Author: Colin Hoag
Student No.: 296908
Type: MA Dissertation
Discipline: Social Anthropology
School: Social Sciences
Faculty: Humanities
Submission Date: 20/7/2009
Title: Seeing Like a Magical State: Discretion, (De)Stabilisation, and the Development of Street-Level Systems of Meaning at the South African Immigration Bureaucracy
Supervisors: Prof. David B. Coplan, Dr. Aurelia Wa Kabwe-Segatti

Abstract:

Anthropological accounts of the state are often voiced from the perspective of the public, demonstrating the potential for danger or illegibility in encounters with the state. Less has been said, however, about how functionaries of the state perceive their interactions with the public. This perspectival bias needs to be overcome through ethnographies of the state, which can help scholars to look critically at our understanding of the state in everyday practice. This article examines one such "illegible" state bureaucracy, the Immigration Services Branch of the South African Department of Home Affairs, documenting some of the factors which inform the actions of street-level bureaucrats. It illustrates how officials develop systems of meaning to help them navigate the challenges posed by a mysterious populace and an unpredictable management hierarchy, and to effectively stabilize these two unstable entities. These systems of meaning also enable officials to act in ways which might run counter to official discourse, while simultaneously upholding its legitimacy. Their efforts at stabilization therefore incite a destabilization of the state, leading it to appear as "magical" or "illegible" to the public.

Keywords: state-making; magic of the state; everyday practice; bureaucracy; migration studies; South Africa

WitsETD

Chapter 1: Introduction

It is impossible to talk about "the state in South Africa" without encountering some formidable stumbling blocks. Consider for a moment three of the isolatable topics contained within that phrase: the state, the African state, and the South African state.

The state: The ontological status of "the state" is extremely uncertain, and has been vigorously debated in the anthropological literature and elsewhere during the past few decades (see Sharma & Gupta 2006). Out of these debates have come innovative analyses which shed light on how definitions of "the state" must transcend a normative, Weberian analysis. Under that rubric, the rational bureaucratic form is cast as *the* model for organisational maturity, as seen through Weber's "ideal types" (Weber 1978: 975). Working within such a framework means that the organisation in question will inevitably either succeed in meeting its goals or—more likely—fail. Helpful though it may be in determining the degree to which the organisation has "deviated" from the policies and documents which constitute it as a rational bureaucratic form, it is analytically weak insofar as we desire to comprehend why certain bureaucratic practices materialise and change, or to what extent emotions, for example, affect such practices (Albrow 1992: 317; Graham 2003: 200)—in short, how things actually work.

More recent scholarship has also demonstrated that the state is not simply a set of laws and tangible objects, such as imposing buildings and law enforcement officers. Indeed, Abrams has shown (1988) that, when conceptualised in such a manner, the state can be seen as a mask, preventing the observer from discerning political practices for what they truly are. The state can rather be found to be a set of practices, located as much on the margins as at the centres of state performance (see Das & Poole 2004). This can even include discursive practices employed by the public, such as those described by Gupta (1995). These analyses

WitsETD

demonstrate that the state can in fact be more than the sum of its constituent parts, potentially even taking on "magical" qualities (Das 2004; Taussig 1997), or simply an overwhelming aura of might (Taussig 1997: 218).

Further complicating this debate is the question of what it is that states actually seek to *do*. Hansen and Stepputat note that a Weberian normativity presuming a coherence of purpose still pervades many analyses (2001: 10), despite our knowledge regarding the fragmentation of the state (Nugent 1994; Li 1999)—a fragmentation which permits the possibility, for example, that policy directives can be issued and received within a state bureaucracy in ways which contradict or completely undermine themselves (Mathews 2008), as we will see later on. Hence, Scott's (1998) seemingly powerful explanation of how states attempt to "see" the population over which it seeks to govern, through simplification or "synopticism", tends to sag under the weight of ethnographic analysis (Hansen & Stepputat 2001: 10).

The African state: "The African state" has its own, colourful intellectual history. Much has been said in recent decades about its properties, as scholars attempt to understand why its postcolonial administrative bureaucracies remain, as per Goran Hyden's classification, weak (failing to exercise effective control over society) and soft (that state officials do not follow formal rules, but rather subvert and circumvent them on their own or in collusion with outsiders) (Hyden 2006: 68–69). Authors have established many theories as to why this may be. Building on Zolberg's concept of the "patrimonial" African state (1968), for example, Jean-Francois Médard identified "neo-patrimonialism" in tropical Africa (1982) as being detrimental to state development, and others have since contributed with ideas surrounding the "politics of the belly" and the "rhizome" state (Bayart 1993), the "kleptocratic" state (Bayart et al. 1999), "private indirect government" (Mbembe 2001b), and even of the political instrumentalisation of disorder (Chabal & Daloz 1999). Others have focused their

WiSER

attention on the lasting effects of an arbitrary colonial administration (Mbembe 2001a; 2001c) while others caution against its over-emphasis (Chabal & Daloz 1999). What these analyses have in common is a recognition of the "personalisation of the public" described by Médard (1982: 182); that is, the rerouting of public resources to personal ends. Although such practices can likely be found in any state, Médard tells us that in weak states they are more likely to undermine the operation of the state as a whole, and prevent its insitutionalisation (1982: 181).

The South African state: South Africa fits awkwardly, however, into the category of an "African state", and is largely omitted from the abovementioned debates. Of course, the country occupies a peculiar position in comparison with other African countries, in that it was effectively colonised by a resident, more or less permanent, European population, and not an extractive, far-off imperial regime with an in-country administrative apparatus. For this reason, some have even suggested that it might not be a postcolony at all (Thornton 2000; see also Chipkin 2007: 79–81). But this does not mean that the state is necessarily more developed or institutionalised than elsewhere in Africa, as its omission from debates on the African state might suggest. In fact, it is host to a range of complicating dynamics. Authors have shown a lingering bifurcation of colonial and local administration (Mamdani 1996), the complex entangling of community and political representation in the New South Africa (Chipkin 2007), and questioned the limits of its sovereignty in an era of globalised capital (Comaroff & Comaroff 2001; Ferguson 2006a), as well as the degree to which the state has become institutionalised (Picard 2005). Less has been said, however, about the meaning of the state in everyday encounters, and how these encounters define the contemporary South African *res publica*.[1]

[1] Julia Hornberger's work on human rights and the South African Police Service (2007) is unique in this regard.

WISER

All this uncertainty highlights the need for further interrogation of the nature of the South African state, the African state, and the state more generally. This dissertation, I hope, will help to provide modest ethnographic substance to these sprawling topics, through an analysis of the South African Department of Home Affairs' (DHA) Immigration Services Branch (ISB). My intention is to invert Abrams's radical call to address "the senses in which the state does not exist rather than those in which is does" as a means of understanding its nature (1988: 82): instead, I will seek out the state where it most certainly *is*—a state bureaucracy—in order to understand how it can become an entity which is present in its physical absence (as in Taussig 1997, or Gupta 2005). What I will not do is make a grand pronouncement on the nature of the state, and prove or disprove this or that theory of "the African state". Rather, I will work inductively through the use of data drawn as a participant observer, seeking to use elements of various theorists studying in Africa and elsewhere to expose the conditions under which what has been called "the magic of the state" can materialise, providing a topography—a "writing of the place"—of this fascinating bureaucracy; one which can do justice to its vibrancy and complexity, as well as that of the officials who staff it.

When I began my fieldwork for this project, I can recall that I (naively, of course) expected to walk away with a coherent position on "the South African state"—that is, its *type*—and to explain in this thesis (masterfully and eloquently, of course) what it was that officials do, and why. Instead, I found everything but a coherent narrative: I found officials who were by turns scathing in their appreciation of this or that nationality and yet carrying on the most civil, respectful conversations with people from that very country. Some expounded upon the merits of state movement control, yet would have been (or *were*) disenfranchised along these very same lines under Apartheid. Still others slipped ever so smoothly between rote statements regarding official procedure and a set of jarringly distinct practices. Some abused their powers, and later decided not to capitalise on other, similar situations.

WiSETD

What I found was that no single theory or even genre of theory that I had read could fully explain the actions and motivations of officials, or the systems that these actions produced. Some practices of officials do suggest a "criminalised" state (Bayart et al. 1999), but many more contradict this possibility. Disorder does appear to be instrumentalised (Chabal & Daloz 1999) in certain situations, but ignored and made orderly in others. Certain examples of patrimonialism were identified, but neither do these fully explain the state of affairs. With regard to the actions and motivations of the state, the DHA clearly has constructed schemes to create a legible populace (Scott 1998), but they often mistranslate on their way to the ground level, producing highly compromised official knowledge (Mathews 2008). As Mathews has illustrated (ibid.), Scott gives little attention to the government functionaries which are to carry out the massive state projects of legibility he analysed, despite their critical role as implementers. Although officials seem to subscribe to these projects of legibility, we are still confronted by the fact that they often act in ways which work counter to these projects. Mathews points out, for example, that Scott's depiction is insufficiently detailed to explain how or why officials keep information from their superiors, such as when policies fail (2008: 486). Additionally, the nature of their interactions with the public can be heavily mitigated by their own like or dislike of the individual client, the institutional and office culture, or resource limitations, to mention just a few examples. (Indeed, this is all assuming that upper management has designed and disseminated these projects competently: if funding is insufficient, if the training of lower-level officials is inadequate, if leadership changes midway, or if upper-management does not in fact desire the ends which they pronounce, we might expect to find variable results.)

It is precisely because of this fragmentation of the state, and the variability in the practices of lower-level officials that theories of the unstable, "magical" state have come to be posited, particularly by anthropologists writing in the "global south" (see especially Das & Poole

WiSER

2004). Whether focusing on the fetish of the state (Taussig 1997; Taussig 1993; Mbembe 2001c), or the instability of written law due to interpretation and forgery (Das 2004), these authors have demonstrated that "the state" can change shape from context to context, and that it is particularly susceptible to distortion when in the hands of individuals with ulterior motives. Although many (if not most) of these recent anthropological studies of the state take the perspective of the public, however, much can be gained from a closer look at the internal workings of state institutions. In order to understand how this "excess" of the state (Taussig 1997) might be created, it can be profitable to examine the perceptions, practices, and discourses of the bureaucrats themselves.

One implicit methodological assumption of these above-mentioned studies is that to observe the state, one should be doing so from without—from the perspective of the public. The implication is that students of the state often identify those aspects which constitute a sort of "Other"—an oppositional state—to which "the people" either submit or resist. I suggest, however, that much can be learned about the nature of the state if we set our sights on the ways in which its functionaries understand, perceive and interact with upper-management, state policies, and the public.

This dissertation, then, will explore the ways in which the perceptions and actions of bureaucrats at the South African Department of Home Affairs' (DHA) Immigration Services Branch (ISB) represent the "making" of the South African state, seeking somewhat immodestly to explain why the DHA appears and functions the way that it does. However, I will pursue a somewhat unique tack, in comparison with other anthropological studies of the state. Rather than focus exclusively on the "magic of the *state*" [2]—the element of uncertainty found in interactions with state officials (among other properties) as seen from the

[2] Here, I refer more to Das's usage of the phrase—as "the spectacular…grounded in the routines of everyday life" (2004: 226)—than to Taussig's focus on state spectacle and the grotesque (2007).

WiSETD

perspective of the public—I will address the magic of the *populace*—the instability of the *public*, from the perspective of *state officials*.

A most striking aspect of the "magical" state is how very boring it can be on the inside. The tedious misery of a state bureaucrat's work is the stuff of legend and literature (see Gogol's "The Overcoat", for example). That is, alongside the mysterious lies the powerfully mundane. The unstable gap between written and enacted law for the state official can often represent not an opportunity to abuse her/his power, but rather another form to fill out (or not to fill out) ahead of lunch, another arrest or deportation, another day at work.

What one finds is that from within the state institutions it is the *public* and not simply the state that possesses magical, mythical qualities. Rumours abound at the ISB as to the trickery and untrustworthiness of the public and their "abuse" of (implicitly, otherwise perfect) state systems. Fraudulent permits, human trafficking, "marriages of convenience", go-betweens who charge applicants for access to their personal connections "on the inside", and refugees' sharing of information about lenient asylum offices are just a few of the allegations levelled against the public by ISB officials. In conversation with them, one can even find that it is the *public* and not the officials who are responsible for setting corrupt practices in motion at the DHA by their desire to skirt official procedure.

Interestingly, "the state" is still an elusive entity for these officials, as it can be for the public. From the upper-levels of government and the Department come directives which change often at head-spinning rates. Whether this is because the people occupying those posts change, because of poor planning, or because they are simply lost in translation as they make their way through the institutional hierarchy—this is of little consequence to the lower-level official. S/he must stabilise and adapt to this chaotic institutional environment and chaotic clientele, or risk making a mistake and suffering the consequences of professional censure. In

WiSER

light of these challenges, it can be difficult both for the public to access the state, *and* for government planners to manage these officials—officials who are to facilitate the state's control of the public.

This study, then, will attempt to narrate this complex of activity, and thereby to bring my reader into a perhaps surprisingly fascinating world of everyday life at the Immigration Services Branch. Through this, I hope to demonstrate how such a depiction can shed important light on the nature of the state in South Africa, and perhaps beyond or even in general. I will demonstrate how these government functionaries straddle a very blurry line between "the state" and "the people", and how they in fact (re)create these two abstract entities through their daily interactions with the material and immaterial aspects of the DHA: legislative instruments, supervisors, or office buildings; and with those of the public: personal and social life, newspapers, interpreters, or migrants/ asylum seekers.

One challenge that I face is an ethical and methodological dynamic which might be called the "dual subaltern". Anthropology has for some time now been concerned with "the underdog", both because of the political sensibilities of its often liberal scholars and audiences, and also because of the ease of access to these populations. However, this study is concerned with a population which does not fit into neat categories of "oppressor" or "oppressed". In fact, these agents of the state are the ones who are typically maligned by my colleagues for allegedly abusing their office and, in the process, migrants. On certain occasions, I am in solidarity one hundred per cent. However, the official who "obstructs" migrants from accessing the state and its services may in fact be prevented from carrying out her/his work for reasons beyond her/his control (e.g. lack of resources, institutional capacity, training), producing unintended consequences. On a more basic level, many of the people I met are paid very poorly, commute long distances to their office, work in shabby office buildings,

WiSER

and believe themselves to be doing an honest, important job. I should be clear here: I am not absolving anyone of responsibility for their actions. I am, however, suggesting that we who seek social justice through state reform should appreciate the state's dynamics to the fullest.

As such, my intention will not be to criticise the Department—something more than covered by others in the South African academy and media—nor will it be to make judgements as to whether Home Affairs officials are cruel or kind. Instead, I hope that this dissertation can provide an adequate depiction of the more complete field in which officials are actors, inclusive of both constraints and opportunities, and illustrate the ways in which officials stabilise the chaotic environment around them through independently-created systems of meaning. I would argue in fact that this *must* happen, if we are to explain their behaviour and its consequences, given the analytic poverty of the inverse: a normative measurement of whether or not officials deliver services.

Too many studies of the state either ignore the role of bureaucrats, overestimate, or underestimate the extent to which they affect the nature of the state. The term "bureaucrat" typically refers to one of two caricatured images. On the one hand, it suggests a government official who follows rules to a strict and perverse extreme, ultimately impeding or even denying the delivery of government services. It is a character who is resistant to change, such as reform measures, and who even thrives on stagnancy and rigidity. On the other hand (and especially in respect of African bureaucracies), the bureaucrat appears as a character of almost limitless freedom of discretion, who is unfettered by "official protocol", and abuses this privilege out of a desire for power or personal financial gain. By providing a detailed account of the many dynamics of life at the ISB—how officials both act and are acted upon; how they assert their own visions of the world and yet are constrained in doing so—I hope to reconcile these two caricatures.

WitsETD

There are a number of contradictions at work here. Officials tend to believe that movement control is an important and even noble task. On the other hand, they do not believe that the Department of Home Affairs will ever be able to control it, on account of the fact that migrants are constantly undermining their "systems", and because the Department itself is not providing them with adequate resources. Despite the fact that both of these groups—the state and the populace—appear determined to carry on as usual, officials maintain that their own activities should be augmented, rather than eased: more officials and more authority are consistently deemed necessary. As I will suggest below, by developing (what is more or less) an abstraction called "the systems", officials are able to visualise an order. It is a concept which can stabilise both the populace (they should be in the system) and the state (they need to improve our systems), and lends legitimacy and meaning to what might otherwise appear as meaningless work.

My argument, then, is as follows. The professional and private socialisation of officials at the Department of Home Affairs' Immigration Services Branch (ISB) causes them to perceive both the public and the DHA itself as an unstable, magical entity. These "magical" qualities accorded the public stem from pervasive xenophobia and nativism in South African society, and the institutional logics of work at the ISB which cause officials to regard immigrants as highly suspicious, due to their occasional evasion of the state's systems of identification and control. The fact that the people occupying posts of upper-level management are in constant flux, and hand down constantly changing, sometimes contradictory policies has a similar effect. The motivations for officials' actions can therefore be partially understood by analysing the ways in which they react to these mystifying phenomena. In this sense, their actions point toward stabilising the sources of uncertainty, something upheld by their consistent reference to "the systems", an ill-defined conceptual tool used by officials to denote and construct an elusive ideal order which is in step with official discourse of

WiSER

movement control. Despite their discursive stabilising power, however, "the systems'" lack of definition means that officials can act in ways which appear to run counter to official discourse while simultaneously upholding it.

My conclusions point in two directions. Firstly, I will show that officials' perceptions of the state's magicality complicate government planners' (perhaps only ostensibly desired) projects of "seeing". And secondly, I will show that officials' perceptions of the populace's magicality lead them to approach clients with a healthy measure of suspicion. Officials' actions vis-à-vis this suspicion subsequently causes "the state" to become an unpredictable, object for the public as well. It is therefore a structurating process of mystification, whereby officials who project the magicality of the state do so mostly incidentally, guarding themselves against what they perceive as "magical" government planners and public. In short, these precautionary, stabilising actions are a common origin of "the magic of the state".

In order to demonstrate the merits of this argument, I will first set the stage by providing an historical overview of the Department, a description of the specific offices under consideration, and of a major reform measure in its second year of implementation at the time of research. Chapter 3 will discuss state projects of making the population within its territorial boundaries "legible" through a movement control regime, describe some of the complications encountered during such projects, and question their coherence. In Chapter 4, I will turn to look at officials' perceptions of the DHA and the populace, and the establishment of magical qualities therein. Chapter 5 will then consider the ways in which officials navigate this complex situation, and develop a system of meaning around the idea of "systems" to guide them in their actions. And finally, in Chapter 6, I will discuss the implications of their actions, including the thwarting of government planners' projects of legibility, the promotion of xenophobia, and the constitution of a "magical state", as seen by the public.

WitsETD

Methodology[3]

The fieldwork for this study took place at offices which fall under the DHA's Immigration Services Branch (ISB), including the Permanent Residence Permitting (PRP), Temporary Residence Permitting (TRP), Ports Control, Inspectorate, and Refugee Affairs sections. It was conducted over a period of eight research months, between April of 2008 and February of 2009. During that time, I spent anywhere between five and twenty hours per week at the field site. Most of the work took place in central Johannesburg: five months were spent between the Department's Harrison St. office building, which houses the TRP and PRP offices, and its Market St. building, which houses the Inspectorate. Three months were spent at the Crown Mines Refugee Reception Centre, located outside of the city centre.

I relied primarily on participatory observation methods, and was situated "behind the counter", observing and interacting with officials in close quarters. By becoming acquainted with their more or less complete set of duties, I was able to gain a substantive understanding of the challenges and pleasures of office life. My frequent presence also provided me the opportunity to develop relationships which yielded frank, spontaneous opinions regarding policy, the public, and also biographical information which helped to provide a backdrop for a given individual's testimony or actions.

A brief, week-long visit was also made to the Caledonspoort Border Post in the Free State Province, positioned on the porous western border of Lesotho. Being geographically distant from the Department's Head Office in Pretoria, this post was selected to help discern whether officials in Johannesburg are socialised institutionally in a manner which is particular to the urban "centre", or whether there are currents which run through to the rural "periphery" of the ISB. Furthermore, after Refugee Affairs, Permitting, and the Inspectorate, Ports Control is

[3] This and the next section draw on observations made in my Honours thesis (Hoag 2008: 11–13).

WISER D

the only other section in the ISB which deals directly with non-national clients. This "complete coverage" permits me to speak more confidently of the ISB as a whole. And finally, I chose to visit this site because this particular border post is ethno-linguistically homogenous—both the staff and the clients are primarily Sotho-speakers, in contrast with the more heterogeneous composition of both staff and clients in Johannesburg—it was determined that this could provide interesting insights into whether or not the "magical" qualities of the populace are correlative with their ethno-national origin, and whether or not this dynamic has any impact upon the discretionary judgement of officials (something which will be discussed in Chapter 6). This site, however, will not feature centrally in this study, given the limited amount of time spent there.

The selection of these offices places some limitations on my findings. Firstly, offices in Johannesburg have certain features which are not consistent with those in other parts of the country. Gauteng—and Johannesburg more especially—experiences extremely high levels of in-migration when compared with the rest of South Africa, meaning they are much busier and perhaps more experienced in dealing with non-nationals (whether this manifests itself in greater tolerance or intolerance). Johannesburg's close proximity to the DHA's Head Office in Pretoria means that its practices are more regulated (by technology and also by face-to-face interactions) than offices located in rural areas. Also, Johannesburg is more heterogeneous and better educated than many parts of South Africa. The inclusion of the Caledonspoort office, which is distinct in all of these regards, was a small step toward addressing this concern.

Given that site's ethno-linguistic homogeneity, the Caledonspoort office also partially addresses a second limitation: the fact that all of the offices are part of the ISB, which deals exclusively with non-nationals. If a correlation between the "magical" populace and their

WiSETD

status as "foreigners" is possible, it could be illuminating to include a DHA office which serves South Africans as a constant. Because of time and space restrictions, however, I have confined myself to the analysis of only ISB offices, and ask my reader to keep this fact in mind.

With the aim of contextualising observations made of officials' work practices and discourses, I have supplemented my observational data with in-depth, semi-structured interviews of key informants. A total of thirteen interviews were conducted with staff at the PRP and TRP offices, and an additional six were conducted at the Inspectorate. At the Crown Mines office, twenty-five people were interviewed, and an additional eight at Caledonspoort. Interviewees were selected to be representative of a range of demographics, including age, sex, ethno-linguistic background, and position within the organisation.

Participatory observation methods were chosen by virtue of a belief that the processes through which policies are implemented directly informs the results. That is, a richer understanding of policy implementation can develop out of a careful documentation of officials' day-to-day practices and perceptions, as well as the office culture and environment with which they interact. Also, these methods have a proven track record at producing nuanced readings of institutional settings (see for example Mathews 2008; Blundo & Sardan 2006; Mountz 2003; Heyman 1995). This stems particularly from the need to understand the variable articulation of "the official" and "the unofficial" in discourse and in practice. As Mathews suggests, "we need institutional ethnographies that attend not only to discourses and official projects but also to translations and mistranslations within institutions, to the materiality of institutional power, and to the texture of encounters between officials and their clients" (Mathews 2008: 493). The objective was to observe the *practical* character of *official* policy, something well-supported by participatory observation, which Heyman suggests can

WiSER

provide perhaps the ideal method for "shatter[ing] the hard surface of officiality" due to the empirical complexity of such an elusive object (1995: 264–265). Blundo and Sardan's work on corruption (2006) in Africa has also proven such methods to be very effective at understanding the character of not just clandestine practices—which can in fact include many day-to-day actions (arriving late, reading the newspaper on the job, ignoring an undesirable task, or omitting an element of "official" procedure when deemed unnecessary, to name a few)—but even illicit ones.

Researcher Identity and Challenges

It is important to note the possible ways in which my identity impacted upon the type and quality of data I collected, given the intense heterogeneity of Johannesburg, and the historical significance of racial and ethnic identity in South Africa's recent history. Despite the merits of participatory observation methods which I have noted above, my status as something of an insider is, of course, complex. The possibility that a white, American male in his late twenties could be a "complete insider" working among demographically and linguistically diverse South Africans is perhaps a stretch. To be sure, these aspects of my identity could have in fact posed challenges to establishing the rapport among officials which would be necessary to accessing less adulterated information.

Furthermore, the possibility of suspicion regarding the stated objectives of my research could also have been a mitigating factor. Although supervisors were given a copy of the DHA-issued research authorisation, and although I was forthcoming in providing informants with information relating to the objectives and possible outcomes of the research, few lower-level officials saw this document (though no person was denied a chance to read it upon request). Moreover, many officials were likely suspicious irrespective of any official authorisation.

WiSETD

Given the fact that accusations have been made in the past as to the levels of corruption at this Department, and that officials could therefore have been expected to speak with me only with a degree of caution, this research was effectively limited by the extent to which I was able to earn their trust. This presents not simply a methodological challenge; it demands an understanding of the serious ethical responsibility which I undertook: to ensure that officials understand my role was as a researcher and not an intimate friend, and as such will not feel betrayed by the presentation of any of my findings.

Nevertheless, at least two factors were conducive to the collection of rich data. Firstly, my ability to speak Sesotho facilitated my observation of and interaction with officials in various settings, as it is widely spoken in these offices (or the somewhat mutually-intelligible Setswana and Sepedi). A second factor brought me closer to officials, ironically by setting me apart. Because I am an American—or, more to the point, a non-South African—I was able to more or less avoid any negative aspects of local racial or ethnic politics. This likely enabled me to pass with more freedom between different groups of people than if I were of a particular South African ethnicity.

Another challenge regards my analysis, and the judgements made therein. It can be difficult at times to discuss the actions of Home Affairs officials in a neutral tone, given the fact that there is very little neutrality toward the Department in South Africa. I can recall few conversations with colleagues or anyone for that matter who, after hearing that I was conducting fieldwork at the DHA, did not either erupt with laughter, make painful, disgusted facial expressions, and/or relate to me an awful experience s/he had had with the Department. In the migrant rights community in South Africa, conversations without fail take a combative stance toward that notorious bureaucracy. Approaching the Department as an object of study with anything less than such a posture can seem impossible. Rather than accept this slanted

WISER

analytical position, I hope to proceed with as open a mind as possible regarding the motives of officials and the DHA's state of affairs more generally.

Definitions

Before continuing, it would be helpful to set out the parameters of certain key terms used in this dissertation. The first, most slippery and important term in need of some definition is "**the state**". Given what I have already said about the many scholarly attempts to outline its properties, this is a most difficult task. Having seeped out of the halls of government and into discourses and omnipresent auras, one runs the risk of seeing "the state" in just about anything. Because of this, I will employ the term cautiously, in only certain circumstances. It will be used 1) when specifically employing the concept of "the magic of the state" to imply the elusive, shape-shifting entity or anti-entity already mentioned; 2) when it is used in discussion of the work of other scholars who utilise the term; and 3) when it is important to conceive of the actions of "**the government**" as transcending the connotations which typify this term, such as stewardship of public resources, resolution of conflict, and the design of projects with specific, intended (though perhaps ostensible) outcomes. This is how the term "the government" will be used here, as well—as a narrower and more concrete *entity*.

"**The organisation**", "**the institution**", and "**the bureaucracy**" are terms which will all refer to the Department of Home Affairs unless qualified otherwise. They will generally not imply the "magical" qualities such as can be accorded "the state", and therefore pertain mostly to "the government". The three terms are used more or less interchangeably, but have slightly distinct connotations. "The organisation" refers particularly to the Department as a complex of arms or branches ("directorates" and "sub-directorates", in our case), constructed in terms of a hierarchy which delineates the responsibilities of the different branches and employees

WitsETD

located therein. “The institution”, on the other hand, suggests an element of social embeddedness and an overarching project, which accords the Department certain “stately” qualities. And finally, “the bureaucracy” connotes the Department as an organisation which (tautologically) possesses those qualities considered to be stereotypically “bureaucratic”, such as excessive red tape, rigid hierarchical structures, being prone to wasteful spending, and as a place where overly formal jargon is used.

There are several professional titles that are used to describe employees of the ISB. Those who staff the Temporary Residence Permitting (TRP) and Permanent Residence Permitting (PRP) offices are all **Clerks**, also known as **Administrative Clerks**, an entry-level rank which is succeeded by Senior Administrative Clerk and Chief Administrative Clerk. At the time of research, however, there were also a small number of Immigration Officers working at the TRP office. **Immigration Officers** are typically not responsible for clerical work. At the Inspectorate, which is staffed completely by Immigration Officers, officials deport those non-nationals found without proper documentation, support the TRP and PRP offices through inspections of “suspicious” permit applications, and conduct raids on businesses and homes, whether in support of the police, or on independently coordinated “operations”. At the Caledonspoort Border Post, they scrutinise and stamp identity documents and permits, determining who is eligible to enter South African territory. The entry-level rank of Immigration Officer is succeeded by Senior Immigration Officer, and Control or Chief Immigration Officer.

And finally, the Refugee Affairs section is staffed by **Refugee Reception Officers** (RRO) and **Refugee Status Determination Officers** (RSDO) (as well a few Clerks and Immigration Officers). RRO’s carry out mostly clerical duties, and are responsible for printing permits for asylum seekers and refugees, for assisting them in completing their asylum application forms,

WISER

and for "capturing" their biographical information on the computer refugee database. RSDO's are typically more educated than RRO's or other ISB staff, often with degrees in law (at least at the Crown Mines office), and are responsible for hearing asylum claims, researching information on the internet and elsewhere to determine the validity of the applicant's claim, subsequently deciding whether or not to grant refugee status.

I will also use terms which describe an official's position within the institutional hierarchy more generally, such as **lower-level officials**, **lower-level supervisors**, and **upper-level officials**. "Lower-level officials" is a category which denotes all of the officials with whom I spoke and observed, with a few exceptions. They are the so-called "bottom-rung" of the organisation, and typically interact directly with clients, people suspected of being undocumented non-nationals, or deportees. Their direct supervisors ("lower-level supervisors") interact less with the public, but work in the same office as lower-level officials. "Upper-level officials" are those who have offices at the Department's headquarters in Pretoria, and liaise between "government planners" and lower-level supervisors. They interact rarely, if at all, with members of the public, and infrequently with lower-level officials. "**Government planners**" refer to those persons at the highest levels of the Department, and in other departments or branches of government, such as parliament, who design the overarching plans and goals for the DHA. Many of these people are either elected or appointed by others in government, such as the President or the Minister of Home Affairs.

By "**officials**", a term which I have already used extensively, I mean any person who is employed by the Department to carry out matters related to service provision or law enforcement (thus, cleaners would not be considered "officials"). Typically, the term refers to employees at the lower levels of the Department hierarchy, as those higher up are typically qualified as "senior" or "upper-level". "Officials" will be used more or less interchangeably

WiSER

with the terms "**bureaucrat**" and "**functionary of the government**", however these have slightly distinct connotations. "Bureaucrat" will be used to stress the clerical end of their job and somewhat sardonically to imply the stereotypically "bureaucratic" features mentioned above. "Functionary of the government" will be used particularly when speaking of the extent to which officials carry out the aims of the "government planners". By affixing the modifier "**street-level**" to "bureaucrat" or "official", I am specifically referring to officials who interact with the public (Lipsky 1980).

By **Head Office**, I will be referring to the Department of Home Affairs' main office in Pretoria. It is the headquarters for administration and planning, and houses the offices of the Minister, the Deputy Minister, the Director General and all of the national Deputy Director Generals, among others.

Lindela Repatriation Centre, or simply "**Lindela**" refers to the somewhat notorious temporary holding facility in Krugersdorp, Gauteng which holds all non-nationals awaiting deportation. The Centre has come under scrutiny by the human rights community and the press for various forms of detainee abuse, such as failing to provide security and food to detainees, for excessively long detentions, and for the Department's failure to ensure that the privately contracted company which runs the facility, Bosasa, maintains such minimum standards.

Authors have warned against a crude opposition of "the state" and "the people" (Nugent 1994), however my use of "**the populace**" (or "**the public**") here is more a reflection of an opposition wrought by officials to signify anyone—but often non-national—who is not a functionary of the government. Further delineation of members of the populace include "**asylum seekers**", "**refugees**", "**clients**", and "**migrants**". By "asylum seeker", I am referring to someone who has applied or will be applying for status as a refugee. By

WitsETD

"refugee", I am referring to any person who has been *granted status* by the Department of Home Affairs as an official "refugee". This is an important distinction to make, as the term "refugee" is commonly used to describe anyone who has fled their country of origin, whether they fled for reasons which fall within refugee law or not. By using the term "asylum seeker", then, I am not passing judgement on the validity of their claim to asylum, but rather applying definitions which are clear and concise. By "client", I am referring to any person who *seeks* the services of the DHA, whether they are an asylum seeker, a refugee, a businessman, a tourist, a student, and so on. Although there are somewhat derogatory connotations to the word "migrant", which by my reckoning suggests economic parasitism by an uneducated, working class, implicitly non-Western person who is a temporary resident in a country for which s/he does not possess citizenship (for example, the graduate student, or the business executive who comes to South Africa for work rarely seems to fall in the category of "migrant"), it will be used here when it reflects its usage in the discourse of officials and the "migrant rights community". In place of the undeniably pejorative—though perhaps legally accurate—phrase "illegal immigrant", I will use the term "**undocumented non-national**", no doubt reflective of my own political persuasion. Such undocumented non-nationals who are caught by law enforcement officers such as the Immigration Officers of the Inspectorate will be termed, in rather straightforward fashion, "**deportees**".

WitsETD

Chapter 2: Contexts

In order to set the stage for my analysis, it is important to outline the historical trajectory of the Immigration Services Branch (ISB), and the current context in which it works. In this chapter, I will highlight some of the significant political developments within South Africa, the development of the civil service, and the country's attempts at imposing movement controls. Looking back through Apartheid, I will discuss how these historical antecedents have shaped immigration debates in contemporary South Africa, and the current prevalence of xenophobia. I will present a brief overview of the DHA and the ISB, followed by a description of individual offices and staff.

Immigration Policy and the Civil Service: Apartheid to the Present

Lonsdale highlights the impossibility of studying the state as an ahistorical entity (1981), writing that "[o]therwise than in myths, states do not have origins: they are formed" (1981: 154; cited in Chabal 1994: 68). Indeed, the potent and lingering characteristics of the Apartheid period—with regard to bureaucratic practices and movement control policies in particular—and the freshness of political upheaval in South Africa make this all the more true.[1] Under Apartheid, the South African civil service had a sprawling nature to it, the result of *de facto* affirmative action policies designed to uplift the poor white, Afrikaner population (Posel 1999: 100–101; Picard 2005: 35–38). Non-Afrikaner whites had a rather difficult time finding employment within the civil service, while "non-whites" were all but banned. This would ultimately prove detrimental at the transition, when the civil service instead became a bastion of employment for relatively inexperienced *blacks*. Early retirement packages were offered to scores of white officials, many of whom took the offer. Across the civil service,

[1] I should like to reach back further, into pre-Apartheid South Africa, as important dynamics could no doubt be drawn from that period, however space restrictions prevent me from doing so.

WiSETD

early retirement increased by 180% between 1990 and 1994 (Picard 2005: 113). The result was a significant loss of institutional memory and capacity, and also a number of challenging interpersonal dynamics for those whites who chose to remain. In conversations with white officials currently at Home Affairs, many express frustration at having become subordinate to black officials who they regard as unfit for their office. Further, they feel that their own careers have been stunted by these *de jure* affirmative action policies, which privilege a black candidate of equal experience over the white candidate.

However, the massive expansion of the civil service during National Party rule, paradoxically led to serious labour shortages, given that few civil servants had the skills to carry out the government's ambitious state control projects (Picard 2005: 46). These projects themselves are very relevant, in particular movement control policies as these were one of—if not *the*—central organising principle of the old regime (*apartheid* (Afrikaans): "apartness"). The reification and reinforcement of racial and ethnic identities was used as a medium through which the Apartheid government rationalised and erected a range of policies which sought to restrict the movement of "non-white"[2] workers and fuel South Africa's mining and manufacturing industry. Despite the bureaucratic inefficiencies which characterised the Apartheid civil service (Posel 1999: 103), however, law enforcement's legal (and extra-legal) capacity in respect to searching, stopping, and harassing "non-whites" meant that movement control could be made relatively effective. The Apartheid government's obsession with this topic was taken to dizzying extremes, such as the establishment of semi-autonomous, rural and destitute "homelands" or "Bantustans", where various ethnic categories were expected to return after their "temporary sojourn" in the urban areas designated for whites as part of what was known as the "Stallard Doctrine" (Murray 1981: 25). Some of these regions came

[2] The term "non-white" has a notorious history in South Africa, especially because of its pernicious delineation of races—anyways an archaic and technically vacuous term—into those who *are* and those who *are not*. It is put in quotation marks here to acknowledge this fact, and is used to invoke the Apartheid terminology.

WiSER

complete with borders and border guards, allowing only those with passes to "depart". As Ivan Evans has shown (1997), the Department of Native Affairs, as headed by the future Prime Minister and so-called "architect of Apartheid" Hendrik Verwoerd, became so central to the administration of Apartheid that it grew to become a "state within a state" (Evans 1997: 64), and nurtured a class of bureaucrats who made the entire endeavour possible. A number of these bureaucrats would eventually be brought into the DHA at the transition, carrying with them a specific institutional knowledge and culture which no doubt still imprints upon the Department today.

More broadly, however, the effects of Apartheid policies cannot be underestimated, even some fifteen years after the 1994 elections which put the African National Congress (ANC) in power. Notions of belonging, and the ties of particular people to particular places have remained strong in South Africa (SAMP 2008; Comaroff & Comaroff 2001), despite 1) the country's economic policies, which are generally neo-liberal in nature and broadly stress the removal of barriers to the movement of goods and (skilled) workers (Comaroff & Comaroff 2001); and 2) the country's progressive legal framework. The Preamble of the Constitution of South Africa reads, for example, "that South Africa belongs to all who live within it, united in our diversity" (Republic of South Africa 1996). The Immigration Act of 2004 is itself a relatively progressive document when compared with immigration policies from other countries, for example by providing for numerous (thirteen) temporary residence visa categories, by allowing permit holders to change their visa status in-country, and by enabling relatives of permit holders to accompany that person on a piggybacking "relatives" permit. One is quickly confronted, however, by the fact that those who are tasked with implementing these legal frameworks, such as the Home Affairs officials with whom I spoke, appear to think quite differently. Many officials espouse the same xenophobic language as has been

WiSER

identified among the South African population generally (SAMP 2008), and desire *increased* restrictions and *increased* legal power to detain or deny access to non-nationals.

Overall, the South African government's post-Apartheid position on immigration has been somewhat schizophrenic. Through the early period of the transition, the ruling African National Congress (ANC) party maintained the pan-African vision and rhetoric on which it was founded, however this has subsided in recent years as such rhetoric has become increasingly out of step with the vision of many of its constituents (Peberdy 2001; Wa Kabwe-Segatti & Landau et al. 2008). The paradox is perhaps most clear with reference to the discourse of citizenship and inclusivity which can be found not only within the ANC's rhetoric but throughout South Africa, and which has helped foster a discourse of exclusion and immigration (Peberdy 2001). This discourse has been marked by a particularly—though by no means exclusively—economical tenor. At a time when many South Africans are still struggling to survive, the idea that others should be welcomed into the country (i.e. "labour market") has fallen on deaf ears.

As a result, the terms of the immigration debate have taken downright ghastly turns. It is common to hear talk of the "invasion" (Comaroff & Comaroff 2001; also see Landau 2006a, Landau 2006b), or the "flood" of immigrants in South Africa. This unfortunately comes at a time when the need for foreign skilled labour is acute, in light of the preparations for the impending soccer World Cup in 2010, and South Africa's global political ambitions (Wa Kabwe-Segatti & Landau et al. 2008: 31). A survey undertaken by the Southern African Migration Project (SAMP) in 2006 has suggested that South Africa could be among the most xenophobic places on earth (SAMP 2008). This had been evident over a number of years, but culminated most notably in the xenophobic attacks which took place in May of 2008, when some sixty-two people, over twenty of them in fact South African, were killed by angry mobs

WitsETD

in townships around the country. Presidential denial of the xenophobic undergirding of these attacks—Mbeki instead attributed the violence to "criminal intentions" (Hassim et al. 2008: 4)—underscores just how pervasive this feeling is.

The Department of Home Affairs

Exacerbating these challenges is the state of the Department of Home Affairs (DHA), which is widely held to be one of the most inefficient and corrupt Departments in government (Wa Kabwe-Segatti & Landau et al. 2008: 50). Its ineptitude—perceived or otherwise—has been enough even to earn it the nickname "Horror Affairs" by the Star newspaper.[3] The malaise reached something of a zenith with then Director General Barry Gilder's 2003 comments, corroborating as much and calling the Department's service delivery "a joke".[4] One problem no doubt reflects the fact that many of its current employees were denied access to adequate education and training prior to the transition to democracy. Additionally, however, the transition itself was an extremely chaotic period, wrought with rivalries such as that between the ANC and the Inkatha Freedom Party (IFP), the latter of which was accorded responsibility for the DHA as part of the power-sharing agreement. Further, the migration situation in South Africa was changing drastically, as South Africa opened itself up to foreign investment once again, and became the recipient of many migrants and refugees from throughout Africa and beyond (Wa Kabwe-Segatti & Landau et al. 2008: 34). It is little wonder that the new government could be so underprepared.

It is not only Apartheid's reification of ethnic and racial identities and of the relationship between people and place which affected immigration policy implementation in the post-

[3] On one occasion, it has actually led to a hostage situation, when a South African man used a toy gun to leverage the life of a DHA official against the issuance of his identity document, some six years in the processing (http://www.mg.co.za/article/2008-07-09-dept-of-home-affairs-criticised-at-toygun-case, accessed on July 9, 2008).

[4] "SA immigration service 'a joke'" November 2, 2003. (http://news.bbc.co.uk/2/hi/africa/3247767.stm, accessed on June 17, 2008.)

WISER

transition period, however. Despite the progressive Constitution, the Immigration Act of 2002 was nearly ten years in the making, meaning that up until that point, the Department was functioning under the terms of Apartheid-era legislation. The Aliens Control Act of 1991—also known as "Apartheid's last act"—was framed mostly around concerns over security and sovereignty and has resulted in a lingering preoccupation with such matters (Wa Kabwe-Segatti & Landau et al. 2008: 35, 60–61). Also, several key elements of the Aliens Control Act were deemed in contradiction with the 1993 Interim Constitution and the Constitution of 1996, meaning that it was made partially redundant almost immediately after its enactment, leaving a legal void in its place (Wa Kabwe-Segatti 2008: 84).

The appointment of the controversial figure Mangosuthu Buthelezi as the first Minister of Home Affairs likely forestalled South Africa's movement toward a more inclusive—one might say even legal—immigration practice. His perpetuation of the "deluge" myth of in-migration (Vigneswaran 2008: 136), his promotion of a community policing strategy which was to outsource immigration enforcement to employers (ibid.: 146), and his busy schedule as head of the IFP—not to mention his political rivalries with the majority ANC government—all compromised his effectiveness as Minister. The Department's past inefficiencies persist today, creating a situation whereby legalising oneself as a temporary resident in South Africa can be extremely difficult; a costly process both in terms of time and money. The situation is worsened by restrictions placed on attaining *permanent* residence, a move which flooded the temporary residence system (Wa Kabwe-Segatti 2008: 70). All of this has pushed thousands of economic immigrants toward application as an asylum seeker, overloading that system as well (Landau 2008: 182).

The difficulty in obtaining a permit has led to a counter-productive situation for the Department: despite the benefits of registering those who enter and leave the country for

WISER

planning and budgeting purposes, many people are forced into simply applying with another wing of the same Department (Temporary Residence Permitting or Refugee Affairs, for example), or to move outside of the legal framework, whether by purchasing fraudulent documents or simply going undocumented. Meanwhile, migrants are taken advantage of by police and other law enforcement officials, who capitalise upon poor oversight and broad public xenophobia (Landau 2008: 190–191). This harassment has become so acute as to be termed "institutionalised" in a report by the Southern African Migration Project (Aglotsson & Klaaren 2003). Whether by these actions or by the public discourse more generally, migrants have been effectively criminalised, poisoning the debate on immigration and migrant rights.

Worsening the situation still further, the DHA has been consistently underfunded (Wa Kabwe-Segatti 2008: 100), meaning that offices are generally in poor condition, supplies and electronic or other equipment is in short supply, and officials are paid rather poorly.[5] Almost all of the offices that I visited also appeared to be understaffed, considering the scope of their workloads—indeed, all were officially understaffed—and many newer officials reported not being given sufficient training, including even exposure to the Immigration Act. [6]

Office Profiles

Finally, before turning to my theoretical framework, I will in this section provide an ethnographic depiction of the specific context in which I conducted fieldwork, through brief

[5] Before the 10.5% increase in salary as of July 1, 2008, an entry-level Administrative Clerk made just over 3,600R (about USD $360 at the time of writing) per month, a pittance relative to the cost of living in expensive Johannesburg. Some officials reported daily transport costs as much as 40R, for example, meaning that more than one quarter of the official's salary might be consumed by transport alone. A number of officials also reported being the primary breadwinner in the family, supporting numerous unemployed relatives.

[6] To go by the Department's website, however, one might conclude that training in such legal documents is unnecessary or at least secondary. On a page titled "Important Acts", where documents such as the South African Constitution can be accessed, a photo shows two intimidating stacks of unorganized papers in desk-trays, conjuring the image that the responsible person has not yet gotten around to reading through them (http://www.dha.gov.za/important_acts.asp, accessed on July 23, 2008). At the time of writing, however, it appears that this image has been removed from the website.

WiSER

overviews of the duties, personnel composition, and general characteristics of each of the offices in question. See Appendices 1, 2, 3, and 4 for organisational charts representing the hierarchy of command for the Department in general, the Admissions and Inspectorate offices, the Refugee Centre, and the Caledonspoort Port of Entry, respectively.

Harrison St. Admissions Offices

The Admissions office consist of Temporary and Permanent Residence Permitting (TRP and PRP, respectively), which oversee the issuance of a range of residence permits available to non-South Africans. Although a few Immigration Officers are posted at here, Administrative Clerks make up the overwhelming majority. These officials are tasked with accepting applications which have a complete set of required documentation, and issuing the public with permits after the application has been approved by a "board". The board, which schedules to meet once a week, is made up of senior DHA employees (at a level of Senior Administrative Officer or higher) who either approve applications, query them for further information, or refer them to the Inspectorate for investigation.

The TRP office is subdivided into sections, through which clients must proceed. After collecting an application at the Inquiries counter on the chaotic ground floor, clients submit their applications at the Submissions counter, waiting in the hallway on benches until they are called into the small office. The entire Submissions area is an estimated seven meters wide by ten meters deep, with the counter dividing it in half. The counter itself is also split down the middle by a set of iron bars which reaches all the way to the ceiling. Only the next person in line can see what is happening within the office, so that person peers anxiously in until an official yells "Next!" Those who enter without being summoned risk suffering the ire of the officials, who desire the space to remain open. The walls on the public side of the counter are

WitsETD

almost bare, with only two word processor-generated signs: one says that clients must come with photocopies of the original documentation to be submitted. The other says that people should take a number, a system which I never saw in use.

Behind the counter, there is a fair amount of clutter, however it could appear ordered in light of the shocking view clients have out the window behind the officials. Directly across from the building is a parking structure, an entire side of which has been demolished to reveal a stunning cross-section, as though an open wound. The structure is exclusively used by taxi associations, who store cars to be washed while they await their next round. Young men wash the taxis, and figures move about in the shadows deeper inside the structure. It is filthy, with cans and garbage, and even bricks bunched up precipitously on the edge of its open sides. At one point, I saw a man with a push-broom, shoving garbage at the pile that sits on the edge. It looked as though he intended to push it over the edge, but only occasional bits of garbage fell. Clients could be found in a sort of daze staring out the window at the structure as they waited for their documentation to be reviewed or processed. A woman from Swaziland who stood and awaited a receipt for her application after two hours in the queue broke her daze and remarked to me, “That is just awful. That is really awful.”

The TRP office is characterised by disorder and delays. The application process has been designed such that a minimum of three visits is necessary for the client, but four or five is more the norm. Clients can wait over two hours before being seen, and I witnessed numerous occasions where applications were either temporarily or completely lost, meaning that the client would need to return with copies of all of the paperwork s/he had already submitted. This is no small task, considering that applications can require a good deal of documentation, including bank statements, letters from doctors, and police clearance certificates from the applicant’s country of origin. This confusion is no doubt partially the result of the fact that

WISETD

the office has been moved several times in the past few years for building renovations. Ahead of a recent move, I witnessed the subcontracted movers dumping files from the archives recklessly into large bins without the slightest care for their organisation.

The PRP office is situated on the first floor and accepts applications for permanent residence under various categories, such as retirement or business. The situation is less disorderly in this office, but this partly stems from the fact that decision-making for applications was centralised at Head Office in 2005, and very little documentation remains at the PRP office itself. The PRP office now only accepts applications which officials verify to have a complete set of documentation, and subsequently submits them to Head Office for processing. From the time the application leaves this office, it takes typically around one year for processing, though I observed clients checking the status of applications three, four, or even five years in the offing. One official told me that he thought of the Head Office as a "Bermuda Triangle", and explained how his office had devised systems to retain as much information as possible about which applications were sent out when, in light of Head Office's information vacuum. Instead of assisting the PRP office with information about the location or status of a given application, Head Office often could not even locate them, and occasionally even failed to pick up the phone.

Clients at both of these offices tend to be of a very wide range of nationalities, and the officials who staff these offices also represent a level of diversity in keeping with that of Johannesburg. They span all ages, have been with the Department from anywhere between six months and twenty years, and typically speak several languages. Most would be considered part of the South African lower-middle class, and of all the offices I visited, the PRP and TRP officials tended to most reflect the stereotyped "bureaucrat", complete with occasional disregard for customer service and sometimes sleepy disposition. Because of the

WiSER

clerical nature of their work, a number of staff members came to Home Affairs from the West Rand Development Board, which issued the hated *dompas* that "non-whites" were obliged to carry at all times under Apartheid, upon that institution's dissolution.

Market St. Inspectorate Office

Unlike the Admissions offices, clients rarely seek out the Inspectorate office—the Inspectorate has instead sought them. It has a range of responsibilities. Firstly, it is tasked with reviewing and conducting inspections of "suspicious" TRP applicants, whose applications have been sent over from that office. In the case of a citizen–non-citizen couple applying for a "relative permit", for instance, this would typically require that they conduct a spousal interview (an interrogative conversation, geared toward verifying whether or not theirs is a "marriage of convenience" before legalising one of the spouses—typically the husband). Similarly, when work permits are queried by the TRP reviewing board, Inspectorate officials visit the address given on the application in order to verify that the business does in fact exist. The applicant could then be asked to come in to the office for an interview, or be visited on-site. After such inspections, the Inspectorate official attaches a report to the application and returns it to the permitting offices, where the board will make a final decision.

The Inspectorate also has responsibilities which are not in direct support of the Admissions office. The office regularly (several times per week on average) receives complaints from members of the public that "illegal" non-citizens are being employed or residing somewhere, to which the Immigration Officers respond with an inspection. The Inspectorate also assists the police during large- and small-scale raids on businesses and other places where "illegal"

WiSER

non-citizens are suspected to be found. Those determined to be "illegal" are taken to court, and later brought to Lindela Repatriation Centre, from where they will later be deported.

Because Johannesburg receives a relatively large number of immigrants and visitors when compared with other parts of the country, the Market St. Inspectorate has an impossible task. It is the main office for one of four zones in the Gauteng West region, covering an area which includes twenty-four police precincts, including areas with some of the highest concentrations of immigrants, such as Hillbrow, Yeoville, and Johannesburg Central. Despite this fact, however, the office was staffed at the time of research by only twenty-eight Immigration Officers, later augmented by six trainees. With these new trainees, the office is still twenty-three short of the fifty-seven total approved posts. (The TRP office, as well, was twenty-eight short of the total forty-five approved positions.) Additionally, at the time of research, there was no printer, photocopier, or fax machine which functioned at the Inspectorate. The few computers which functioned were not connected to the internet, and only one computer was connected to the Movement Control System, the primary database with which officials interact in their day-to-day activities. As a result of this situation, officials were delayed or even completely prevented from carrying out their basic duties, such as the evaluation of applications, the provision of "two–one–two statements" (which attest to a person's legal status) to the courts and police, and the provision of production statistics to the Head Office in Pretoria.[7]

Unlike the incoherent and shabby office building in which the Admissions offices are housed, the Inspectorate building is sturdy and intimidating. Whereas the Admissions offices are

[7] The Inspectorate is scheduled to relocate to the Harrison St. building which houses the Admissions office when the renovations to that space have been completed, although there is significant opposition to this on logistical grounds. Inspectorate officials complain that the parking garage cannot accommodate their vehicles and that the building is not secure enough or appropriate for detaining and processing undocumented non-nationals with so much public foot-traffic. According to these officials, however, it is this "imminent" relocation which is resulting in the inadequate maintenance of their current office, despite the protracted disagreement over the plausibility of the move.

WitsETD

generally chaotic, the Inspectorate appears very coherent and put together, emanating authority and force. Despite being located just south of the fashionable Newtown district, just blocks from the Admissions offices, it has managed to retain its totalitarian anti-chic.[8] The building is clean and in working order, and the second floor office where the Inspectorate is located is composed of a series of identical and somewhat maze-like corridors. The imitation wood-panelled walls which demarcate offices on either side stretch up three and one half meters or so to the ceiling. It was only after a few visits that I knew how to make my way around the office.

Clients of this office, including deportees, come from a number of different countries. Most of those who are requested to attend an interview regarding their marriage to a South African come originally from West Africa. Work permit inspections are sent over by the reviewing board most frequently for people from Pakistan, India, and Bangladesh. Those picked up on raids tend to be from Zimbabwe and other southern and central African countries.

Despite the fact that Admissions, Refugee Affairs, and the Inspectorate are all part of the Immigration Services Branch, officials have established a sort of "vernacular" organisational structure. For example, people at the Inspectorate refer to Admissions as "Home Affairs", in a way that groups them together (somewhat pejoratively) with the Civic Affairs branch, which is exclusively concerned with issuing documents of various sorts. Similarly, Admissions and Inspectorate both refer to the Inspectorate as "Immigration", further suggesting a distinction between documentary work and that of immigration law enforcement. Refugee Affairs is also talked of as an isolated, unrelated unit, something which promoted even by those who staff it, as I will discuss later on.

[8] In fact, it once housed an office of Bantu Affairs, the Apartheid bureaucracy which was in charge of documenting "non-whites" (from which a number of Home Affairs officials were transferred at the transition, along with the West Rand Development Board). Occasionally, "non-whites" must still visit this building to obtain a copy of their birth or marriage certificate, for which officials must flip through one of a series of large record books which contain that information.

WiSER

Crown Mines Refugee Centre

As just hinted at above, the Crown Mines Refugee Centre is quite unlike the others. It is situated in what could be called a "disamenity area" (Donnan & Wilson 1999: 94), a difficult to reach, outlying industrial zone. The office has a rather storied history. Crown Mines was officially established as one of the five refugee reception centres in the country in 2006 (in addition to those in Pretoria, Cape Town, Port Elizabeth, and Durban), but began as a backlog office in 2005 to assist in the processing of applications for what was then the main Johannesburg refugee reception centre, at a shopping complex in Rosettenville. The office was moved from that location after complaints from officials and members of the migrant rights community regarding the adequacy of the facility to handle the volume of applicants, and additionally from local residents and business owners who complained that the many thousands of asylum seekers who came to the office every week were causing crime, littering, and sleeping outside their businesses. This was exacerbated by the fact that the DHA did not consult carefully with local authorities about the move to Rosettenville (Landau 2008: 181n). The site was chosen, however, after two other office spaces in Braamfontein fell through for similar reasons. Prior to these Braamfontein offices, the Market St. Inspectorate served as the first *ad hoc* Refugee Reception Centre. One official there showed me the room where, in the early 1990's, he and four other officials helped to begin evaluating asylum seeker claims. It was no bigger than perhaps twelve by twenty meters in area. He told me that they had little idea of what they were doing, and that everyone at the DHA at the time assumed that the issue of refugees would be a temporary one.

If we fast forward to the Crown Mines office on Planet Avenue, situated in a district which takes its name from one of the oldest and largest gold mines in Johannesburg, we see

WitsETD

something very different. The office itself has been fashioned from a factory building, and is surrounded by many other such buildings and warehouses, including King Cash and Carry, Kingdom Stationery, Cool King Refrigeration, Western Crown Paint and Panel, and the Amusement Warehouse (never pay retail for amusement).[9] As at previous office spaces, business owners in this area have lodged numerous complaints about the number of asylum seekers and others milling around the streets, and cars and delivery trucks hoot and speed dangerously through the crowds with palpable frustration.

As mentioned above, the officials who staff this office are on the whole much more educated and "professional" than in other offices I visited. There is a real sense that the office has improved in the past year, especially with regard to the processing of applicants through the system. Measures of accountability are also more advanced than in other offices, something facilitated by ample IT resources. For example, every office has a printer and a new, functioning computer which is connected to the internet and the Refugee and Deportation System (RADS) database, which contains information regarding asylum applicants and refugees. Officials also appear to have a greater stake in the work they do, or at the very least respond to the pressures to produce statistics, and the pace of work is accordingly fast.

Clients at this office are extremely diverse, though common countries of origin include Zimbabwe, the Democratic Republic of Congo (DRC), Malawi, Somalia, Eritrea, Ethiopia, Senegal, Ghana, Bangladesh, Pakistan, and China. Communication is obviously made very difficult by this fact, and that the few interpreters on hand are widely mistrusted as corrupt.

[9] Also of note on and around Planet Avenue, Milky Way Lane, and Halley Avenue are Glowbal Flooring and the Centrifugal Air Conditioning and Refrigeration, all part of the Stellar Park Industrial development.

WiSER

Caledonspoort Port of Entry

Having spent less time at this site than the others, my sense of the office is less complete. However, a number of characteristics are worth noting. First among them is its location. The border post is located to the north of Lesotho's western border with South Africa, on the Caledon River. Some eight kilometres on either side of the border lay the towns of Butha-Buthe in Lesotho and Fouriesburg in South Africa. Butha-Buthe is the capital or "camp-town" of Butha-Buthe District, and has a population listed at 21,857 according to the census of 2006 (Lesotho Bureau of Statistics 2006). Moshoeshoe, the founder of the Basotho nation lived just outside the current town of Butha-Buthe in the early 1820's before settling in the more secure mountain redoubt of Thaba Bosiu to the south during the Lifaqane "time of troubles". On the South African side is Fouriesburg, a small Free State farming town cum fledgling bucolic getaway for restless urban dwellers in Gauteng. Less than twenty kilometres to the north is the infamous Surrender Hill, where a Boer army contingent of 4,134 men surrendered to a much larger British Army in 1900, an act which helped bring about the end of the Anglo–Boer War (Pakenham 1979: 470). The town itself is distinctly off-set from the well-populated (relative to Fouriesburg itself) black township of Mashaeng, which sits just outside the town.

Socially and economically, the Caledon Valley is an extremely bi-nationally integrated region, where numerous towns such as Butha-Buthe and Fouriesburg have developed in symbiotic fashion as "Siamese towns", each exploiting the differentiated valuation of the other (Coplan n.d.). The area on the South African side, our primary focus, is marked by social and ethno-linguistic homogeneity (or duogeneity, perhaps), with most whites being Afrikaans-speaking farmers, and most blacks being Sotho-speaking people from either Mashaeng, the former Sotho "homeland" of Qwa-Qwa, or Lesotho itself. It is common for

WiSETD

Basotho in Butha-Buthe to have family members who stay in Mashaeng, or to marry into a family there.

Although less trafficked than other posts to the south, such as at Ficksburg Bridge or Maseru Bridge, the Caledonspoort Border Post did see a considerable increase in traffic during the 1990's and 2000's, when the joint Lesotho–South Africa Lesotho Highlands Water Project (LHWP) was in full swing. This was a major endeavour, facilitating the sale of water from Lesotho to South Africa, and requiring the construction in Lesotho of two large dams, tunnels, roads, hydro-electric generators, and so on. Though there is a real possibility that the project will continue into its successive phases, the border is nowadays rather sleepy. In 2007, however, Caledonspoort made national headlines when a corruption sting led to the firing, suspension, and/or prosecution of fifteen Home Affairs officials stationed there. At the time of research, eleven of the fourteen officials staffing the office were temporary replacements, taken from other nearby offices and put up in expensive hotels in Fouriesburg, some for over a year. Almost all of the officials working here consider themselves to be "Basotho", and all of them speak Sesotho. The client base at this office is almost exclusively Basotho, and mostly citizens of Lesotho. Many cross the border regularly, for shopping or for visiting friends or relatives, while others head to work in South Africa, as domestic workers, in the mines, or other such menial work (Coplan 2001). Non-Basotho who cross are typically either tourists or owners of businesses in Lesotho. Many Lesotho citizens cross using "six-month passes", which absolve them from waiting in the queue and having their passport checked at the window. This has been put in place because of the extremely high numbers of Lesotho citizens crossing the border—especially at Maseru Bridge gate—for shopping and visiting, and is not for overnight stays in South Africa, though this restriction does not stop people from using them to work in South Africa for the full six months. Because they are not required to present themselves at the window, this means of course that their movement

WiSER

cannot be recorded on the computer. Nevertheless, the computers at this office are not linked at all to the main Departmental database, or any other border post computers for that matter (field notes 26/1/2009; Coplan 2008: 129). Were they linked, however, it would still remain easy for the determined Mosotho to cross the border illegally by riding a donkey or simply wading across the river when it is low.

WitsETD

Chapter 3: Aims

Armed with this ethnographically-informed historical and contextual overview, we are now in a position to develop a theoretical framework, and to consider on a broad scale the aims of and challenges to the ISB's movement control regime in an "era of globalisation".[1]

Much popular and academic globalisation literature might cause one to think that the barriers to movement of goods and people have all but dissolved for good (for example Friedman 2005, Castells 1996; also see Tsing 2000: 339). If this notion is anything less than naive, we now know, it is at least very premature. To be sure, the increased movement of people, goods, and ideas termed "globalisation" has most certainly demonstrated that nation-states can no longer act as "containers" (if they ever did) (Brenner 2004; Trouillot 2003; Latham 2000; Mandaville 1999; Agnew 1999; Robinson 1998). However, scholars are quick to mention that the nation-state remains central to understanding the nature of transnational movements and movement control, and the movement of people is much less fluid across territorial boundaries than ideas and capital. Work done by Kyle and Dale (2008), Sparke (2006), Dale and Siracusa (2005), and Goff (2000) have shown that although globalisation might encourage human traffic across borders, this does not mean that the borders themselves are eroding. Rather, they are being reshaped and reconstituted in different ways. Many states, especially where physical borders have proven untenable, have sought to increase the effectiveness of certain forms of "internal" controls; by, for example, leveraging technology to limit migrants' access to the rights and other resources accorded to citizens. Torpey (1998; 2000) has called this phenomenon the state's "monopolisation of the legitimate means of movement", invoking Weber's classic proposition regarding the state's monopolisation of the legitimate means of violence (Weber 1978). These internal controls have certainly been put to

[1] While I hope not to conflate the movement of people across territorial boundaries with the much more fluid movement of ideas and capital in this section, I do recognise that fluid capital—if not also ideas—often encourages fluid populations.

WitsETD

use in South Africa (Vigneswaran et al. n.d.), where non-South Africans have reported being denied basic educational or emergency health services (Landau 2008: 181).

Human movement control, as part of the globalisation debate, is a prime example of what Scott (1998) has termed "state projects of legibility", and strikes to the heart of one of the nation-state's central organising concepts: citizenship. A government's ability to deliver benefits to its citizens is critical to its legitimacy in a so-called democratic era, and this process requires boundaries: as Charles Tilly reminds us, "[e]very act of political inclusion…inevitably twins with an act of political exclusion" (2005: 174). This is to say that a government can only carry through on these traditional obligations to the extent that it can see—enumerate and classify—those within its boundaries. Without such knowledge, how can a government control the composition of the flows, plan for the allocation and distribution of resources, or, more broadly, create a nation? In this chapter, I will first discuss the logics and techniques of movement control and state vision, turning afterwards to some of the challenges to implementing such plans, and the role of bureaucrats in this process.

Citizenship, Movement Control, and Vision

As noted above, creating a putative "community", with features which can constitute a "nation", is central to the legitimisation of authority in the nation-state. Membership to this community pivots around the concept of citizenship, the primary medium through which benefits to this community are conferred. This has been made more difficult in an era of globalisation, when communities can span great distances, to the point that major political constituencies can be found outside of the country itself (Basch et al. 2008). Global capitalism presents sticky dynamics to the neatness of this category, an accentuation of the phenomenon noted by T.H. Marshall as early as 1964 with regard to its (domestic)

WitsETD

compatibility with democracy. Marshall outlined a fundamental contradiction between capitalism and the nation-state: that the levelling quality of a democratic citizenship, whereby the factory worker is proclaimed to have an equal voice as the factory owner, sits opposite capitalistic tendencies toward generating distinct economic classes (Marshall 1964; see also Turner 1986). In an environment marked by international flows, the problem is even more acute. Today's neo-liberal economic models, which encourage the free-flow of people and resources across territorial boundaries to a dizzying degree, push Marshall's contradiction a step further, with governments at once beholden to their citizens and to multi-national corporations and NGO's (Comaroff & Comaroff 2001: 636; Ferguson 2006a).

Yet, the supposedly discrete category of citizenship disintegrates still more. Ong has shown in her study of "flexible" forms of citizenship in Asia (1999) that access to resources can be something which happens to degrees. There, different populations are "subjected to different regimes of value [and] enjoy different kinds of rights, discipline, caring, and security" (ibid.: 217). Additionally, a range of literature on African borders provides important examples of how economic possibilities can be unleashed not only by political and economic inclusion, but also *exclusion*, through the exploitation of differentiated valuation, legal regimes, and institutional capacity (Flynn 1997; Roitman 2004; Coplan n.d., 2008, 2001; Donnan & Wilson 1999; Mechlinski n.d.; Feyissa & Hoehne 2008). Mbembe has also shown how African conceptualisations of the socially-produced linkage between political units and territory have been historically dynamic, shifting according to highly relative political allegiance, and to the "*imaginaires* and autochthonous practices of space" (2000: 262–263).

I present this somewhat chaotic overview to problematise citizenship as a discrete, binary (citizen–non-citizen) category and the implications of its link to movement control. Despite the untenability of this category, government planners tend to remain committed to

WiSER

eliminating such nuance, through the continuing, sometimes increased controls placed at borders and on the interior (Goff 2000; Vigneswaran et al. n.d.). It is no wonder, however. Governments often stand to gain monetarily from these boundaries, through the imposition of taxes; and also symbolically through the performance of 1) their power or 2) their relevance as the representation of a community. In a slightly different but related sense, Jacobsen (2002) has shown that an influx of refugees can in fact benefit the (African) state, by encouraging international aid. Indeed, the South African Department of Home Affairs itself has stake in a sort of movement control industry, employing thousands both directly and indirectly, as do other government agencies tasked with policing or managing immigration. Coplan has extensively documented how border management can become a business in itself, maintaining a system of levies large and small, formal and informal, which keeps poorly paid officials content and reaffirms the presence of government as both an unofficial and official power (2001; 2008; n.d.). We should also remember that "the state" does not simply *ex nihilis* develop a movement control regime; rather, "the state" *derives from* such restrictions (Torpey 2000, emphasis in original). Torpey points out that "analyses of migration and migration policies have tended to take the existence of states largely for granted, typically attributing migration to a variety of socioeconomic processes...without paying adequate attention to...the ways in which regulation of movement contributes to constituting the very 'state-ness' of states" (2000: 5–6).

The knowledge produced through such monitoring of movement can be used to further entrench government control, as Scott has shown through his concept of "state projects of legibility" (1998). Scott's thesis centres on the notion that states carry out elaborate schemes which point toward the rationalisation and exploitation of that which inhabits their territory. As a means of "reading" an otherwise incomprehensible, complex reality, he says, states focus narrowly on those factors which are of most interest to them, and thereby enhance their

WiSER

capacity to control them. In relation to movement control, the enumeration and classification of non-nationals into various types of permit holders enables the state to temper the influx of migrant workers and professionals according to market demands, improve the accuracy of its resource allocation to particular services and geographic areas, and foster a sense of national community (by clearly delineating who has the right to which resources through the creation of "insiders" and "outsiders").

Despite the power unleashed by this "synoptic" knowledge for the purposes of control, production, and the levying of taxes, however, Scott points out that the projects applying these principles have the tendency to fail because they are consistently undermined by the people who are subjected to them. This can certainly be the case with movement control bureaucracies, for example, where the subjects of legibility projects can be highly resistant to being "read", given state threats of fines or deportation for those without papers. However, the state's project of legibility must point in another direction. In addition to this "outward" focus on the members of the population which the state might desire to enumerate or otherwise control, it also must point "inward", toward the people and structures which are to carry out this enumeration (Mathews 2008). That is, the functionaries of the state must also be regimentalised and simplified. Thus, although Scott's work takes into account that these projects can be frustrated by the subjects, he gives less attention to the fact that the government functionaries themselves can complicate or even preclude the execution of the plan. Indeed, there is an implicit assumption in Scott's thesis that "the state" itself will design and deliver these plans ideally, according the state the same ideal-typic status as Weber did so many years before him. In the pages below, we will consider whether in fact this is the case, by examining how policies "trickle down" to officials, and how (and how much) officials take them up.

WISETD

Fragmented Organisations: Taking Up the Plans

Much in the same way that states are fragmented and unfinished projects (Nugent 1994; Li 1999), organisations have been shown to be fragmented as well. To talk of "the organisation" as a unitary whole is sometimes a necessary evil, however it is important to appreciate the diversity of actors and interests therein, and even the influence of external factors. As Selznick suggests, in order to understand bureaucracy (the Tennessee Valley Authority in his case), one must analyse not simply "the dams or reservoirs or powerhouses or fertilizer as such, but the nature of the [Tennessee Valley] Authority as an ordered group of working individuals, as a living institution", or a "social instrument" (Selznick 1949: 9).

Here, I will discuss the many contextual dynamics of "institutional life" at the ISB, in order to understand their impact upon the delivery of the projects of government planners. These dynamics include relations between lower-level officials and their superiors; officials' respect for the plans handed down from the upper levels; the effectiveness of the delivery of those plans; and external factors which can impact upon them.

Upper- and Lower-Level Relations

As mentioned above, a government which seeks to introduce a project must first secure the support of its functionaries. This notion suggests an agency which is not commonly accorded to bureaucrats, who are often viewed as the reluctant drones upon whom a task has been conferred (Lipsky 1980: 25). It also suggests an interesting paradox, similar to one that Anders has noted (2005) in his study of the Malawian civil service. He illustrates how, for lower-level civil servants, a major reform initiative proposed by the World Bank did "not constitute a grand and ambitious comprehensive plan [as portrayed by upper-level

WiSETD

management], but only one aspect of their daily lives experienced as mundane practices such as getting one's pay-check, securing a salary advance or leaving work to take care of a private business" (Anders 2005: 4). This is to say that lower-level officials are charged with executing reform measures that may not interest them very much.

Of course, although bureaucrats' disinterest can potentially undermine such efforts, it can often be in their interest to see that everything goes to plan. However, whether officials take up a project initiated at higher levels of the hierarchy is dependent upon a number of variables, which Lipsky has documented (1980), notably including the legitimacy conferred by officials on their manager's policy objectives (ibid.: 18), the degrees of conflict and reciprocity between supervisors and lower-level employees (ibid.: 25), and the clarity of project objectives (ibid.: 40).

For their part, officials at the ISB are constantly complaining that the orders which come from Head Office are completely out of touch with realities at the ground-level. Many of the upper-level officials who send plans down came to the Department from elsewhere, instead of working their way through the ranks and learning what the job is "*really*" like on the ground. Some officials noted feeling as though they were being used by those at the top, for example, for the increased production of statistics which will improve that upper-level person's image. This no doubt complicates the delivery and reception of directives, suggesting that even sound plans could be met with an *a priori* degree of scepticism. Officials report that the relationship between their office and Head Office are often imperfect, especially with respect to the quality of customer service rendered by Head Office officials when information or resources are requested. The sad, ironical twist is that the officials in Johannesburg are themselves responsible for delivering on the major Departmental initiative called "Batho Pele"—or "People First"—in their own interactions with the public!

WiSER

Delivery of Government Plans

As noted above, an implicit assumption in Scott's depiction of state projects of legibility is that the state would deliver its plans optimally; he acknowledges that the plans are often thwarted, but seems to focus exclusively on the resistance of the subjects. I have already mentioned that government functionaries can complicate these efforts, but what about those occasions when the plan is poorly delivered by upper-management to the ground-level functionaries? Given the (abovementioned) questionable capacity of the South African state, this strikes me as an issue of some importance. To exemplify this phenomenon, I will present here a case example of the delivery of a specific plan—a major reform initiative called the "Turnaround Strategy".

The "Turnaround Strategy" and the Push Toward Production

The already discussed persistence of low performance at the DHA eventually brought about the "Turnaround Strategy", a reform measure designed as a fresh start for the Department. That the Strategy's title implies the existence of major shortcomings, requiring a Departmental "about face" was not lost on former Home Affairs Minister Mangosuthu Buthelezi, who nevertheless subsequently sanctioned the Turnaround Strategy in 2004: "I feel that [it] has been, somehow, improperly named, and should rather have been styled as a moving forward strategy, for I do not see that it imposes on the Department a new direction".[2]

[2] "Address by Mangosuthu Buthelezi, MP, Minister of Home Affairs, at the Home Affairs Annual Strategic Planning Workshop; 4 March 2004" (http://www.search.gov.za/info/previewDocument.jsp?dk=%2Fdata%2Fstatic%2Finfo%2Fspeeches%2F2004%2F04030809461001.htm%40SpeechesandStatements&q=(+(+buthelezi+)+%3CIN%3E+title)&t=M+Buthelezi%3A+Home+Affairs+Annual+Strategic+Planning+Workshop, accessed 20 July, 2008.)

WISETD

Perhaps because the Strategy has not been enshrined in any single document that I am aware of, it seems to mean many things to many people—so much so that it can be difficult to tell whether any given change is part of the Turnaround, or simply a change. Most officials report having come to understand it (or to not understand it) through occasional Departmental addresses from the Director General (DG), through a monthly newsletter called "Ikhaya", or through "circulars" disseminated by Head Office. Among the many improvements understood by officials as planned or promised are: increases in the quantity and quality of IT resources; the retooling of organisational structures; the implementation of a biometrics-based database called the Home Affairs National Identification System (HANIS) which will integrate a number of existing databases, including those for nationals and non-nationals alike; the streamlining of ID, passport, permit or other document processing; and office renovations.

Attempts to reform the DHA in the past have been less than successful (Wa Kabwe-Segatti 2008: 101), however, and there are few signs of a "turnaround" as of yet. At the Admissions office, for example, the Strategy seems to have had little overall effect. The following is a transcription of an interview with one official who had been working with the DHA for seven years:

> *Do you think the Turnaround Strategy is effective?*
>
> Hey, I would say, at the moment, I haven't seen anything. No changes, yeah. It's only that change within the section only [the splitting of the TRP section into three sub-sections with a low-level supervisor for each].
>
> *Do you think that it will be successful, the Strategy?*
>
> I'm not really sure about the Strategy you are talking about. Explain it, maybe.
>
> *Well, the DG has talked about a big Turnaround Strategy to make the Department more efficient. So there are a number of components to it, so Batho Pele, and some technology changes, but—*

WiSER

> Hmm. I've been hearing about the Turnaround Strategy but, in our region I haven't seen any change. (Personal interview 26/6/2008)

Another official from that same section asked cynically "why aren't they turning around our salaries?" (field notes 9/6/2008).[3] Still another saw it only in reference to the fact that their office has been moved since 2004 from the fourth floor to the second floor to the sixth floor (with talk of a move to the seventh in the near future) as renovations continue on the office building. Each time they move, they must situate their workspace and get used to another workflow, and there is also considerable confusion for clients, whose applications can be lost in the shuffle.

At the Inspectorate, the only recent changes noted by officials (which were only *assumed* to be part of the Turnaround Strategy) were the imposition of measures which the office had no capacity to deliver upon. The changes all had to do with accountability and production, as demonstrated through statistics. Firstly, officials were expected to create a docket for each and every encounter they have with a suspected undocumented non-national. On any one of the several raids that officials conduct with the police every week, an official might encounter between twenty and one hundred such people. Even assuming officials could decide who exactly "encountered" whom, this directive is practically meaningless given the amount of time each official would need to dedicate to docket-creating. Additionally, the office had an insufficient amount of cabinet space to store these dockets as it was, much less if they were to be creating hundreds or even thousands more per week. Once again, the cruel irony was that the office had been trying to access more filing cabinets from the Civic Affairs section which were being stored in the floor below the Inspectorate office. From their kitchen and dining area, they could see through a window to the floor below where rows upon rows of unused

[3] To avoid excessive citation of my field notes, I will only cite them when directly quoting from them.

WitsETD

cabinets were sitting, however they were barred from utilising them for some unknown reason related to DHA organisational politics.

The only other change that was noticed (and not simply discussed by upper-management), was that the Civic Affairs section had been given a salary increase several months ago, but because of the reported logistical difficulty in altering the pay rates at the Head Office, Inspectorate officials were not being paid as they were supposed to be, nor were they going to be compensated retroactively. This same issue was the only "change" noted by officials at the Caledonspoort Border Post.

At the Crown Mines Refugee Centre, the situation was much different. The Turnaround Strategy here was not something one heard of or read about, but something witnessed and experienced. The office was used as an institutional "enclave" in the sense that Anders describes, when a large amount of resources are targeted in one direction to establish a foothold or "motor" for change. This enclave is then used as a testing ground and as a model for the reform's export to other parts of the organisation (2005: 89). Unlike at other offices, where the colloquial term used for the Turnaround Strategy was "the Turnaround", at Crown Mines it was instead "the Turnaround Team", with an accompanying "they" pronoun. This reflects the fact that a group of outside consultants came into the office for some six months, evaluating the office and establishing new processes for streamlining. Most of the changes that were implemented as a result take "production" as their focus. Every morning, the managers of each section convene with the Centre managers for a "production meeting", where the quantitatively-verified performance of the previous day is discussed. Given the very substantial numbers of asylum applicants who approach this office, the emphasis is understandably on feeding as many asylum seekers through the office as possible, and impressive processes have been developed to achieve this end.

WitsETD

Nevertheless, many at the office, especially the Refugee Status Determination Officers (RSDO) who make up almost half of it, are unhappy with the changes. They say that they were only consulted nominally by the Turnaround Team, allegedly as an empty gesture to win their support. Most especially, they say that the push toward production has resulted in a situation whereby nowadays "quantity is put before quality", meaning that RSDO's are not given an adequate amount of time to interview, adjudicate, and hand out decisions to asylum seekers. RSDO's are officially allotted 180 days to make a decision, however by setting targets of around nine applications per day, the reforms *de facto* allot RSDO's a mere 45 minutes. One RSDO who thought that 180 days would be much more appropriate asked rhetorically, "To whom does this 180 days apply?" (field notes 3/2/2009). Despite the fact that asylum seekers are supposed to be told of their constitutional rights, and provided an explanation of the interview/ adjudication/ decision process, RSDO's have only time to ask a few key questions, on which they will base their entire decision.

Many of the employees at this office, who were carefully selected for their relatively significant educational and professional background to help establish the trend of pervasive reform at the DHA, told me that they had no plans to stay too long at the Department. They were frustrated that their legal skills (most RSDO's have law degrees of one sort or another, and several even had their MA) were hardly being put to use. Instead of "applying their minds" to weigh each individual case on its merits, they often simply cut and pasted language from decisions that they had already written, sometimes utilising doctored information (even from different countries) to support their case.

* * *

This very brief description of the Turnaround Strategy reform measure should help to demonstrate that the dissemination of policies can be highly variable, depending on the

WitsETD

availability of resources, managerial and communicative effectiveness, and organisational priorities. In the case of the ISB, it is clear that this branch of government is very far from being the non-frictive conduit for the implementation of measures designed to augment state control as implied by Scott's theory of state projects of legibility. Not only might street-level officials thwart or fail to carry through on certain aspects of a policy sufficiently, they can also be precluded from executing them as a result of poor delivery at upper levels.

Although this in part has to do with whether or not upper-level officials can win the "hearts and minds" of officials through trainings or other methods, it is at a more basic level about communication. Many opportunities to disseminate information are not taken or maximised by the Department. One example is the circular, which details important information about changes in regulations and other matters directly affecting an officials' day-to-day work. One official at the TRP office related to me that they often do not see these circulars. She said that one day she learned of a change in a regulation regarding the ability of asylum applicants to lodge an application for temporary residence while awaiting their asylum claim.

> I was just reading the circular now. And I think it's dated May or April or something. And I was just at the counter last week, telling the people they cannot apply. Because I didn't have that information. So I just saw the information today. The whole of last week I was sending them away. You see? And if they get the right information outside they say "aw these people don't know what they are doing, they don't know their job." It's like that because we are not informed, just running around I don't know. I just found it by the counter there under the tables. So communication again, it comes back to communication. (Interview transcript 9/6/2008)

Reception of the Plans and "External" Factors

With regard to officials' perceptions of the general agenda of the ISB, one finds somewhat contradictory evidence. There are few officials who think that they can actually "solve the problem" of controlling immigration. Inspectorate officials, for example, are fully aware that even if they deport one thousand undocumented people in one day, there will still be many

WiSER

thousands more to deport tomorrow. And besides, they say, many of those deported over the border to Zimbabwe, for example, are likely to return the very next day. One official who was off duty at a shopping mall actually saw a man that he had deported the previous week, but decided to simply ignore him, given the apparent futility of his deportation. On another occasion, upon asking one RSDO what should be done to improve the Refugee office, given the large number of applicants, I was told: "the honest truth is that we cannot finish [i.e. sort out, document] these people" (field notes 21/1/2009). He said that they just cannot keep up, because more people are coming everyday; as a result, he is not sure if anything *could* be done, even with increased capacity and resources.

Allow me to illustrate the pervasive sense of futility with an example. One day, I visited the Magistrate's Court with an Inspectorate official named Lenka,[4] where cases of deportees were being heard. The official fine for a deportee is SAR 1,000 (USD $100) or thirty days in jail. However, almost nobody being deported has this money (and why pay it if they did?), and the courts cannot afford to fill up their cells with deportees, so they are simply taken to Lindela until they can be deported. This can make court proceedings seem downright silly, leading one Inspectorate official to tell me that he thought the whole process should just be skipped and the people deported, end of story. After arriving at the court room, I sat down in the back while the official attended to the judge. A man was then called to the stand, and brought out by the bailiff from a holding cell through a side-door in the courtroom. He was from Zimbabwe; a tall man with some grey in his facial hair and a dirtied, but nice-looking jacket. He spoke English, and understood the judge, but preferred to reply to his questions in another language, through an interpreter. He was the owner of a tattered travelling document which the prosecutor was handling. It had a stamp from the border of Zimbabwe into Botswana, but no stamp from the South African border, and the prosecutor presented this as

[4] In order to protect the anonymity of my informants, all of the names used in this dissertation are pseudonyms.

WiSETD

evidence that the man had entered illegally. The document was then handed to Lenka, who had been given a seat between the prosecution and the defence, and he confirmed that there should be a sticker on the back of it with a stamp. After questioning the man about this and getting ambiguous responses, the judge recommended that Lenka go back with the man into the holding cell and discuss it further. Lenka invited me to come along, and after the man was put back into the holding cell, we followed the bailiff into a small chamber in front of the cell. Lenka went over the document with the man, who spoke English very well, and said to him that there should have been a stamp. The man replied, "yes— well I went to Botswana first, and they gave me that stamp there." "Yes, but they should've given you one in South Africa, too." "Yes." "So how did you get in?" "Well, I came from Botswana." "Yes, but into South Africa?" "I didn't use the border post." "Oh, so you jumped the fence?" "Yes." With this, the other fifteen men in the holding cell, along with myself, Lenka and the man in question erupted in laughter. Lenka quickly quieted us down on account of the proximity of the silent courtroom. He then asked the man, "So we're clear then?", and the man replied in the affirmative. We went back out to the courtroom where the man was given the official sentence of a fine/ incarceration, and then the unofficial sentence of deportation (field notes 23/4/2008).

Despite officials' recognition of such absurdity, however, most believe that movement control is something which *should* happen. Even if they understand why people would want to come to South Africa without papers or with fraudulent ones, they still think it is *wrong*. One Admissions official became frustrated with a Malawian man who had failed to apply for renewal of his temporary residence permit with more than thirty days before its expiry (a regulation which I have never found written or posted). She told him that he has to know the regulations because "You can't just come to another country and act like you're free" (field notes 10/4/2008). Similarly, one RSDO told me that "if you are coming to someone's house,

WitsETD

you don't just walk in. You knock on the door and ask if you can be let in. And if they don't want any visitors right now, you don't go in through the window." (field notes 1/12/2009). Not only do officials believe that movement control should happen, they typically believe it should happen *more*. Despite their belief that the ISB cannot be effective, they nevertheless unfailingly suggest that the bureaucracy should be augmented, rather than diminished.

As hinted at above, belief in the ISB's overarching plans does not necessarily (or perhaps even primarily) derive from within the organisation. Mountz (2003) and Heyman (1995), for example, have helped show that state bureaucrats are members of the very society which they serve or control. Outside the office, the officials read the same newspapers, watch the same television shows, and hear the same rumours as the public at large (Mountz 2003: 628). In the absence of strong punitive controls which might help curtail "outside" influences (as at the South African DHA), this factor thoroughly precludes the existence of a dispassionate, predictable bureaucracy.

A convenient example of such "external" factors can be found at the Crown Mines office. One morning, I bumped into an RSDO named Elisa, and we started chatting about how we spent our weekend. Elisa told me about how she was having her hair braided on Saturday by a woman from Zimbabwe. The woman and her Zimbabwean friends were unaware that Elisa worked for Home Affairs, and were telling her that the situation in Zimbabwe really was not so bad, and that there is no political persecution happening, despite the heavy media attention at the time to the contrary. I asked Elisa why she thought there was such discord between what these ladies were saying and what the media outlets were saying, and she replied that it was because of NGO press releases. The NGO's, she explained, would not get any money in grants if there were no crisis, and so they have exaggerated the claims to create a crisis which needs their assistance. Leaving aside the possible merits of her rather astute claim here, the

WiSER

impact of so-called “outside influences” on how an official approaches a given policy should be clear. It is difficult to imagine that Elisa will not adjudicate Zimbabwean claims made on grounds of political oppression without a kernel of doubt as a result of her conversation with her hairdresser. This is all the more true as a result of the haphazard oversight provided for RSDO’s decisions. RSDO Managers are tasked with quality assurance, and must sign off on each and every decision, however they simply do not have time to review them carefully, given that plus or minus one hundred files cross their desk each day. As I witnessed, this means that no more than a cursory glance must do.

On a more general note, officials are also affected by external factors such as their mood, and other physio-emotional issues that I have discussed elsewhere (Hoag 2008; also see Graham 2003, or Bailey, 1983 regarding the tactical uses of emotion). The impact that personal matters such as an official’s child being expelled from school, or the death of a loved one, for example, could be very significant. If s/he is hungry or sick, one might also expect to observe variability in the character of service. And, as was noted above, the fact that a client prematurely approaches the counter, before being summoned by an official, is potentially damaging. These factors are not easily measurable, but should nevertheless be taken seriously as variables.

Of course, socialisation which occurs within the organisation can also be counter-productive to the Department’s stated ends, as well. One official told me about how he was initially energised to get things moving at the Refugee office and really help improve the place. He told me that after almost a year with the Department, however, he was beginning to wear out: “at Home Affairs, you find that you push and you push to get something done, but it just doesn’t move. At the end of the day, you start to think that you should just not try to move things so much” (field notes 20/1/2009).

WiSER

Workloads and accountability measures are also examples of internal factors which impact upon a given official's actions. Although RSDO's at the Crown Mines office are often criticised by NGO's and other groups for denying too many claims for asylum, the massive numbers of applicants has a significant bearing on their activities and capabilities. Some reported issuing certain decisions such as "manifestly unfounded" for the sole reason that it is an easy one to issue. If an RSDO identifies that a claimant has economic motivations for coming to South Africa, the official can more or less end the interview, and the writing of the decision will not require research in support of the rejection. The claim simply falls outside of the Refugees Act. Given that RSDO's are asked to complete as many as nine or more applications in one day, leaving less than fifteen minutes for each part of the process (interview, research, decision), it is no wonder that they cannot thoroughly apply every rule in accordance with official procedure, and seek out strategies to maximise their time.

Accountability measures can have a counter-intuitive effect on the issuance of a decision, in particular for approvals of refugee status. RSDO's reported that issuing approvals can be "dangerous", because the RSDO Manager might suspect corruption. RSDO's suspicions are warranted by the fact that approvals are the only decisions which are sent back from the RSDO Manager for further clarification. Thus, approvals become disincentivised, being seen as risky and time-consuming.

Specific individuals external to the organisation can also impact upon officials' work, and a few are worth noting here. At the Permitting offices, the "agent" or Immigration Practitioner is one such actor. Agents are members of the public who are certified by the Department to submit documentation for a temporary or permanent residence permit on behalf of a non-national for a fee. Many regular agents were on very friendly terms with officials, and it is widely alleged by officials that they "promote corruption" as a result (note the shift of

WiSETD

responsibility). At the very least, their relationships with officials do call into serious question the supposed impartiality of officials. On a number of occasions, I witnessed officials asking agents to bring cold drinks or lunch to them from outside, stating that the thirty-minute lunch break was not enough time to do it themselves.

In addition to agents, the police and security guards can be particularly significant players on the scene. At the Refugee office, security guards often act as informal gatekeepers, deciding who can be first in the queue, or who can enter the building for a fee (i.e. bribe). On one occasion, I was standing and chatting with an RRO named Sithembiso in the waiting room, where applicants fill out the application form. This form (placed inside a docket folder) is given to a specific number of asylum applicants outside the office who then enter in a single file line though the gate. No person without a folder can enter, yet as we stood there, a man complained to Sithembiso that he had not been given a folder yet. Sithembiso told me that this happens regularly—a person will bribe the guard to get in, even though the guard might know that the applicant will not be helped without a folder. Sithembiso had very little patience for the man's story and told him to leave. In another example, I was leaving that office when I overheard an applicant ask to be let in, saying that he had been told to come back from the previous day. The security guard denied the man on the spot, however it was within his discretionary power to allow the man in, or to walk inside and ask a Home Affairs official whether or not this person was telling the truth.

At the Caledonspoort Border Post, the police have a significant impact on the activities which officials can carry out. Because the police are reluctant to support DHA officials in matters which do not relate to police priorities—car theft and drug smuggling—it can be difficult to enlist them for the arrest of Lesotho citizens who they sometimes see crossing the river

WISER

illegally below. That is, border officials' capacity to carry through on Departmental objectives—indeed laws—is subject to the conditions of another bureaucracy.

WitsETD

Chapter 4: Perceptions

As I mentioned earlier, the ontological status of the state has been roundly debated. Abrams (1988) stated that such a concept is in fact only a mask, used to obscure the political practices which are done in its name. Although some have questioned the effectiveness of his attempt to disaggregate the tangible and intangible aspects of the state into the "state-idea" and the "state-system" (Mitchell 1999), what is clear is that "the state" is not easily isolatable. Numerous authors have now illustrated that the state can be found to exist not simply in the halls of government, but in the discourses and practices of those employed as its agents (Das 2004), members of the public (Gupta 1995; Foucault 1978; Das & Poole 2004; Stepputat 1999), and even in symbolic objects, such as statues (Taussig 1997). Gupta and Ferguson (2002) in fact argue that the state could be as "imagined" as Anderson's nation (Anderson 1991). Trouillot advises, however, that if the state is in fact "a set of practices and processes and the[ir] effects…we need to track [them] down…[to see] whether or not they coalesce around the central sites of national governments" (2003: 89), a challenge taken up by this study.

These practices to which Trouillot points, however, can be difficult to characterise, as they are highly subject to permutations resulting from the discretionary power given to officials working on the ground. That is, street-level bureaucrats—those state functionaries who interact with the public—are by their very definition entrusted with a degree of decision-making power (Lipsky 1980: 13–16), which can be abused, or at the very least inconsistent. This means that "the law", a supposedly neutral code, independent of context, is instead heavily dependent upon context. Building upon Das's (2004) powerful demonstration of this process, whereby the state "oscillates between a rational mode and a magical mode of being"

WiSER

(2004: 225), I have shown in a previous thesis (2008) that this is very much the case at the ISB (also see Vigneswaran et al. n.d.).

But how does this condition appear to those who work on the "inside"? During my field work, I noticed two very striking things. Firstly, what can be considered "magical" actions of officials from the public perspective often appeared to officials as boring, mundane acts perfectly in keeping with their responsibilities. And secondly, I noticed that officials could swing almost instantly from being perfectly polite to being downright rude. At the Permitting offices, where I first started, I witnessed officials providing cheery, good-quality service to one client, and poor quality service to another; one client would be moved seamlessly through the system, while another client in a similar situation would be required to jump through all sorts of hoops. The seeming arbitrariness of their decisions and the mutability of their attitudes made it impossible to establish a pattern of behaviour. For example, I accompanied members of the Inspectorate on a police raid in the Johannesburg inner city and witnessed some of the nicest guys yelling at suspected undocumented non-nationals, and even slapping and pushing them. Back at the office the next day, they appeared to have transformed, returning again to the jovial, funny guys I had known them to be. Along the same lines, RSDO's who I knew to be extremely nice people would talk with condescension of asylum applicants, whom they depicted as the most cunning of con-artists.

Permitting officials were especially prone to this "transformation". For example, one day, a young, Dutch man who was backpacking through the country came to renew his permit one day. He was sent out by Dumisani, a very nice, middle-aged Administrative Clerk at the Submissions counter, to make copies of the documents he was required to submit (a regulation which is only posted inside the office itself, meaning that scores of people fail to come with copies). This clearly made him very angry, and Dumisani's curtness only made

WiSER

this worse. When he returned, she looked through his documents and asked him dryly where the letter of support from his "South African host" was. He explained that he was just travelling, so that this requirement did not make sense; he was supporting himself. After mulling this over a bit, letting the possibility of a denial linger, she told him that he must write out a statement which says that he has sufficient funds to support himself. Beside himself with anger, he searched her very serious face, perhaps to confirm that she was truly making him go through with this. She was, and he scribbled out a statement which mocked this requirement by fusing overly formal language into the simple declaration: "With this letter, I hereby declare, that I have sufficient funds to support myself."

After signing it, he handed it to her with SAR 430 for the SAR 425 fee. She lied to him, and told him coldly and blankly that the office does not have the five Rand coin for his change. He was dumbfounded, and searched her face again. Just as he was about to go out into the hallway to ask if anyone might have two five Rand coins for his ten Rand note, an American woman who was struggling through the submission process herself handed him a coin. While he was looking for change, an Afrikaans official who works elsewhere in Admissions came into the Submissions area to fill the photocopy machine with paper. Dumisani brightened up immediately at the sight of her and said with the brightest of smiles: "Thank you pookie! You are a darling, did I ever tell you that?"

* * *

How is it then that government-functionaries who sometimes perceive their activities as more or less mundane can nevertheless act in ways which evade consistent explanation, to the point that they could be called "magical"? Two insufficient answers are readily available. Firstly, they are human, and humans act in unpredictable ways. Secondly, the fact that a law must be enacted within a particular context, by particular people, inevitably leads to its iteration. But

WISETD

these answers merely explain *that* "magic" might happen. They are not adequate if we hope to understand the processes through which actions *become* "magical", or the conditions under which "magic" can occur.

I suggest that a deeper understanding of this phenomenon can be derived from an analysis of the perceptions and practices of bureaucrats themselves. A crucial point lies in the fact that, when we see from the perspective of ISB officials, the very same phenomena of instability and unpredictability which constitute a "magic of the state" can be found to exist within the people who are served. What is more, officials still perceive "the state" to possess these qualities in respect of the actions of upper-level management. Below, I will attempt to provide an ethnographic lens through which we might better understand officials' appreciation of both of these entities—the public and the state. Afterward, I will analyse their implications.

The Magic of the Populace

I had a funny conversation with a Refugee Status Determination Officer (RSDO) named Relebohile on one occasion. Having been told that she began working with the Department of Home Affairs in 2005, since which time the Turnaround Strategy had begun, I asked her if much had changed. She replied that things had indeed changed, with facial expressions to say "drastically". I asked her in what ways it had changed and she told me:

> This place used to be a Centre of Excellence. Now it is not.
>
> *It's not anymore?*
>
> No, definitely not.
>
> *Oh, so it's gotten worse you mean?*
>
> Yes! Now there is too much corruption.

WISETD

Oh really?

> Yes. Well, let's say since the beginning of this week, but now we have the fingerprint machines [and things have improved]. (Field notes 19/12/2008)

At this point, I realised that I had been completely misreading her. The fingerprint machines which she was speaking of are part of a new biometrics system which will bar applicants who have been rejected asylum from returning to apply under a different name. This is to say that she was not telling me that the *officials* are corrupt, but rather the *public*. Remarkably, she used the term "corruption", which is specifically applied by the media, human rights organisations, and so on to the actions of *officials*, and applied it to the *public*.

If we pursue this phenomenon further, we see many instances of this instability, unpredictability, even danger of the populace. When asked about accusations in the media that DHA officials have taken bribes to marry South African women to non-national men who want to obtain a "spousal accompany" permit, officials roundly reject the assertion. They say that it is rather the non-national, paying a South African woman to marry him; she provides a fake signature, however, and cries foul when the man stops paying her.

Similarly, their danger is demonstrated by their representations. Lavish figures abound as to the numbers of non-nationals in South Africa, not unlike the reputed invocation of the Liberator by soldiers to make them appear more numerous described by Taussig (1997: 122). Even in an official capacity, numbers are tossed about in an alarmist, and even fearful fashion (Vigneswaran 2008). There are allegedly buildings downtown where hundreds of undocumented non-nationals are working or residing. One official told me of the elaborate smuggling schemes employed by the Pakistanis in Fordsburg, a district of Johannesburg. Somehow, a truckload of Pakistanis makes it into the country, and then arrives somewhere in Fordsburg. Within minutes of their arrival, the migrants disperse with contacts who are

WitsETD

awaiting them, and before an Immigration Officer could possibly get to the scene, they melt invisibly into the city.

Migrants appear to have almost limitless capabilities in ISB discourse. Many Chinese have allegedly worked their connections at various levels of the Department to obtain documents of one sort or another, and are often untouchable. One Inspectorate officer reported that before you can even drive a Chinese person to Lindela to be deported, you will receive a phone call from someone higher up in the DHA advising you to let her/him go. According to one RSDO, Nigerians simply avoid coming in altogether: "they have their own ways of becoming legalised, which are only known to them" (field notes 20/1/2009). Others from various countries allegedly employ other techniques, such as paying a South African to sign a form stating that the immigrant is the person's nephew.

Districts such as Hillbrow and Berea are said to be "full" of such "illegals". According to one official, you can find a Congolese brother and sister walking around Yeoville as a married couple, with a fraudulent marriage certificate (in French, he notes), forged in Yeoville itself. The fact that the certificate is in French underscores some important dynamics. One is the language barrier, which I will discuss below (see pages 67–68). Another regards the fact that officials fret about South Africa being exposed to the weaknesses of outside legal regimes, or that South Africa is vulnerable as a result of officials' unfamiliarity with foreign documents. At the Caledonspoort Border Post, for example, officials are constantly evaluating Emergency Travel Documents (ETD). These are simply plain, white paper photocopies with the person's name, date of birth, and place of residence. At the top, left corner, there is a passport photo stapled to the document and an official stamp which partially covers the photo. These documents are officially issued by the Lesotho government in order to compensate for the fact that it can take years to get a passport, and can be valid for two or

WitsETD

even three years. By virtue of this fact, most Lesotho citizens passing through the border gate are in possession of one of these documents. However, because ETD's are so easy to forge, requiring only a photocopy machine and a stamp, officials report that they identify and confiscate many fakes. Indeed, at an interview with one official, a stack of them sat on the desk which separated us. Officials reported that anyone can buy one of these documents on the street for SAR 100, whether a citizen of Lesotho or not. In many ways, they are more desirable than a passport. For the passport itself, one will pay R300 and wait for years to finally get it, meaning many trips into the office to check on it. And if the border-crosser is given a "Section 50", a stamp and a SAR 1,000–3,000 fine issued by Home Affairs officials for overstaying on a visa, s/he can throw out the now worthless ETD and have another made (unlike the passport). If s/he wanted to use her/his true name, then s/he will simply have to use another border gate (the computer databases are not linked), however using another name is just as easy.

Officials were frustrated by the fact that weak institutional capacity in this foreign state was undermining their own systems. (They even wondered over it, asking half-rhetorically: "What is the government doing in Lesotho?") This "mistrust of the populace" is pervasive at all of the offices I visited, where many officials approach suspected undocumented non-nationals as "clearly guilty until being proven innocent". The following is an excerpt from my field notes, where an RSDO named Elliot told me that the people applying for asylum are "not really refugees":

> *I ask Elliot what he means by saying that the applicants are not really refugees. He says: "Look, everyone who comes in from a certain country has the same story. Everyone. If a woman comes in from the DRC, she's from Mugave [a currently war-torn, eastern district]. Soldiers came to her house and they killed her husband. She was either hiding in the ceiling or was out of the house when it happened. Everyone of them says that. Nigeria. When a Nigerian comes in, his father was a chief, and he was the only son. His mother was the third wife, however, and after his father's death, the first two wives threatened to kill him in order to enjoy the chief's wealth, which would otherwise go to*

WiSER

> *him. They all say this, so South Africa must have 90% of the chiefs in Nigeria. It's just not possible. Ethiopia. 'I was a student and I was distributing some pamphlets that were political and was put in jail and had to flee for my life.' Then the Zimbabweans, of course, were beaten up and were being forced to join ZANU-PF. They're all the same. It's probably once in a month that we get a new story." I ask Elliot how this could be, and he tells me that they communicate, the migrants. I ask him "Well, I mean, surely some of them are legitimate? How do you distinguish between the real and the fake ones?" "But they're all the same!" He tells me that it doesn't matter. He gets ten cases a day and rejects all ten of them.* (Field notes 19/12/2008)

A consistent theme in officials' discourse about migrants circumventing policy is that of "communication". As can be seen in the above example provided by Elliot, it is alleged that migrants assist one another in determining where vulnerabilities in the system may present an opportunity. I asked one RSDO named Avery if he gave out more "manifestly unfounded" decisions (meaning that the asylum applicant provided reasons in her/his interview or application which do not fall within the terms of the Refugees Act, such as economic factors) or "unfounded" decisions (meaning that the reasons given for a claim to asylum are not believed, fully substantiated, or grave enough). He told me that the majority are unfounded, the reason being that "the people are somehow more sophisticated these days", and they talk with each other about what stories will be given status. I asked how they know what gets status and he says that the interpreters are especially responsible for telling them, but also sometimes Home Affairs officials too, who sell the information. So, as a result, he says that you get few people providing "economic" reasons. He says that "even the Malawians [who previously were being rejected often on manifestly unfounded grounds] now know what stories to give". Avery uses a culinary metaphor to clarify: "[only] the fresh person [the person just arrived in the country] gives the raw [legitimate, unprepared] story" (field notes 22/12/2008).

As Avery hinted at, interpreters present a difficult situation for RSDO's. They are often necessary to the interview process, and officials note that interpreters can help to decipher

WiSER

whether or not claims are legitimate or not, for example by indicating whether or not the person is from the region s/he says s/he is, on account of her/his accent. However, they are mostly characterised as dangerous intermediaries with insider knowledge. For one, they are around the office all day, and have formed relationships with both clients and officials, opening up the possibility for corruption. Additionally, they have first-hand knowledge of which "stories" are considered "asylum-worthy", given that they are often refugees themselves, and are present during interviews where they witness first-hand how RSDO's respond to certain claims, and which are ultimately given status. Moreover, RSDO's say that interpreters sometimes offer their knowledge as a saleable item to asylum applicants. It is alleged that they either tell the applicants what to say beforehand, or even help to provide asylum-worthy information during the interview themselves. A number of RSDO's reported that sometimes a short response given by an applicant could be translated into a long paragraph by the interpreter. Sometimes, as one RSDO said, they might just want to help their fellow countrymen out by nudging a story in the right direction, and not even charge a fee.

The more general public can be elements of confusion and obfuscation, as well—that is, not only applicants and their intermediaries. Complaints are regularly filed with the Inspectorate by South Africans and non-South Africans alike as to the whereabouts of this or that company allegedly employing suspected undocumented non-nationals, or even as to where such people are residing. The Inspectorate officials must follow up on these (though there are areas such as Alexandra where officials will not go, for fear of their safety), however they approach them with a heavy degree of suspicion. Officials say that these complaints are *always* motivated by other factors than simply the desire to punish people who break immigration laws (a fact which seems to offend some officials as an insult to the importance of their work). Without fail, they say, there is some ulterior motive. This may be that the

WitsETD

complainant was either fired or denied a job by the offending company; or the company is the competition for the complainant's own company (see Appendix 5 for an example of one such complaint); or, in the case of more personal complaints, the person might want to get back at a non-South African ex-girlfriend; and so on and so forth. An Immigration Officer named Percy told me about one occasion, where a complaint about some three hundred undocumented workers at a textiles factory was followed up on. Over a dozen officials attended the operation, which Percy coordinated, and only fifty-four people were found to be working there in total, four of whom were undocumented non-nationals. When they arrived, a Zimbabwean woman came out furiously and said that she knew it was her ex-husband who filed this complaint, something which was found to be true. Percy characterised this operation as a "total mess" and was furious at the complainant for embarrassing him and wasting his time (field notes 26/9/2008).

Officials' Role in Magicalising

Although officials are socialised by "internal" and "external" factors which establish "the sly client" as a dangerous object, officials themselves promote this image, through, for example, immigrants' spatialisation, dehumanisation, criminalisation, and pathogenisation.

Spatialisation: Perhaps in response to the cunning which officials appear to associate with foreignness, migrants are spatialised through a discursive relegation to abject spaces. One prime (discursive *and* material) example of this is the use of the term "the Bush" at the Refugee office (an office, mind you, already physically relegated to a "disamenity area" [see Chapter 2]). Because the office building is not large enough to accommodate the numbers of applicants, asylum seekers must first queue in an unused industrial lot down the street, before being taken into the building. The area has almost no shade or protection from the elements

WiSETD

and is said to foster many access problems for asylum seekers who are pushed out of the queue, assaulted, or abused by security guards who require a bribe for good queue-positioning. By terming it "the Bush", officials have created a discursive space which is wild, untamed, and primitive (that is, *temporally distant*). The RSDO Avery once pushed this even further, referring to it as "the jungle", a term which suggests the classically stereotyped "Africa" of Conrad's "Heart of Darkness"—one of chaos, obscurity, and danger.

Immigrants are also spatialised in the sense that their "outside" status often conjures up tropes of invasion and occupation of "the inside". One RSDO told me that if you just approved everyone, the number of people entering would mean "havoc" for South Africa (field notes 11/12/2008). Use of the terms "floods" and "waves" are also indications, in addition to the common notion that non-South African men are "stealing our women", which likens non-nationals to sexual predators, marauders, or even subtle "implanters" of foreign seed. Mary, an Immigration Officer, once told me with dismay a story about a Nigerian man who told her that one day, his (Nigerian) son would be the president of South Africa.

Dehumanisation: Migrants are also mystified through dehumanisation or objectification. An Inspectorate official told me about how on one occasion some deportees escaped or bribed their way out of being deported, saying that "we had sixteen dockets but only eight bodies". That "dockets" should equal "bodies" is significant, and hints at the "docket culture" described by Hornberger (2007), where the work of attending to individual cases can convert actual socio-legal situations involving members of the public into lifeless "units", the less desirable of which can be dumped on officials as a reprimand or initiation. People can indeed start "piling up", as one RSDO told me in reference to time pressures in his work (field notes 11/12/2008). Such language conjures images of carcasses or refuse, either smouldering in a mound or even smothering the Department.

WitsETD

Categorisation can also be a form of dehumanisation. This will be dealt with more fully in the following chapter, when I describe the ways in which officials stabilise this uncertain mass of "the people". Here, it will suffice to provide an evocative image from "the Bush": The front of the queues for "newcomers" is the curb of Milky Way Avenue. Here, the first person in line bears a piece of cardboard with the name of her/his country of origin haphazardly scrawled onto it ("Moraco" was one I saw), worn around the neck with a piece of kitchen twine. It is a pathetic and degrading situation, yet nevertheless the sign must be a prize as well, given the fact that this is the only person who can be truly said to have a specific place in the queue (and the first place at that), given the fact that everyone behind is subject to the pushing and shoving that could displace the unlucky or timid asylum seeker backward.

Criminalisation: The criminalisation of applicants is another way that officials contribute to the magicalisation of the public. The common presumption of guilt of course does this, as do the interrogation-style interviews done at the Inspectorate and Refugee Offices. Most notable here, however, is officials' invocation of a Simmelian logic, that the stranger is one who can act outside the realm of accepted behaviour by virtue of her/his outsiderness (Simmel 1950). Many officials from all the offices I visited decry that because the South African government does not have the fingerprints of undocumented non-nationals on record, they can commit crimes without being traced. For example, an RSDO named Kevin told me that one of the "weak spots" of the Department was that the RSDO's cannot tell if someone is here for "killing Rwandans", because the DHA does not have access to international criminal databases. That is, he says, they are unable to keep out those applying for reasons of "prosecution and not persecution", a tag-line which he said was taught to him at a Departmental training workshop (field notes 14/11/2008).

WiSER

Pathogenisation: And finally, what might be called the pathogenisation of migrants is also an example of officials' role in constituting this dangerous object. One RSDO, when asked about the challenges of his job, told me that health issues were foremost, something noted by others as well. He said that they are not given enough vaccinations by the Department, given their close contact with asylum seekers from all over the world. Oddly—though perhaps indicative of the potential irrationality of these fears—the illness he most feared contracting was malaria. Another RSDO, when asked the same question, told me that a negative aspect of his job was that the "working conditions here are bad". When I asked what he meant, he cited his potential exposure to disease.

Human Rights

One power that migrants hold which intimidates officials and draws migrants further out of focus is their access to a different kind of state: that of the judiciary.[1] Many officials' actions—especially at the Inspectorate and Crown Mines—are done with the human rights apparatus in mind. Often, officials would refer to the myriad organisations doing work to promote the rights of migrants as simply "Human Rights". That is, an official said things such as "Human Rights will take you to court" or "Human Rights will get very angry." One official told me that they used to pre-screen applicants to see if they should be able to apply for asylum. That was until "Human Rights" took them to court though, he said, and now "every Tom, Dick and Harry is applying" (field notes 20/5/2008). Percy, an Immigration Officer, told me that when the Minister of Home Affairs became visibly frustrated at an address to a group of defiant victims of the May 2008 xenophobic violence who walked out on her speech, he wanted to tell her to "pull back her horns, because these Human Rights people and Wits Law Clinic they will tear you to pieces" (field notes 24/7/2008).

[1] I would like to thank Julia Hornberger for explicitly pointing this out to me.

WitsETD

Officials are obeisant to this entity in various ways. This can include speaking in official-ese and other "politically correct" language (especially to a researcher like myself, working under the auspices of one such rights organisation, the Forced Migration Studies Programme). For example, Lindela, the infamous detention centre, was sometimes referred to as a "place of safety", as were the camps where victims of xenophobia were housed. Similarly, however, they might simply avoid putting themselves in the line of fire altogether. For example, Immigration Officers told me about how they dislike deporting certain people. Because Lindela refuses to take in pregnant women, minors, and persons with illnesses, this means that the officials must drive the 600km to the Zimbabwean border. Officials told me that even though these deportations are one of the few instances where officials can log overtime hours, such people are often simply ignored when found in the course of their work because officials fear that something might happen to the deportee along the way, such as birth, a car accident, or other illness-related contingency, which could result in a law suit and professional censure. I accompanied Inspectorate officials on a raid at a flea market, where a pregnant undocumented Zimbabwean woman was found working. They admonished her for not having papers, and told her that she would be deported if they found her again, but simply let her go for this reason.

These limits to officials' reach posed by the human rights apparatus can be very frustrating, indeed. Elliot, the rather dyspeptic and somewhat xenophobic RSDO that I mentioned above, told me about how he was waiting in a queue at a PEP (a South African clothing and home supplies store) one day when a man from the DRC cut in front of him and several other people. Elliot told the man that this is why the xenophobic violence happened, and that it would happen again for this very reason. The man replied to him that the xenophobic violence would not happen again, because it gave South Africa such a bad reputation in the

WitsETD

world. Elliot says that this is what frustrates him—that "South Africans have to be so passive because of the human rights" (field notes 19/12/2008).

An important aspect is that, much as Hornberger explains, this human rights arena is not (ironically) open to all. There is very much a "social life of human rights" (2007: 135), which can exclude some officials, making it appear all the more foreign. These competencies notably include the use of English, familiarity with the various organisations, and knowledge of the international human rights standards, all of which suggest a certain "upper-middle-classness" (ibid.: 364) that is perhaps not within immediate reach of many Home Affairs officials. Immigrants' access to this other type of state can deepen officials' mistrust—even fear—of their capabilities.

The Magic of the State

The state is also perceived as an unstable entity by officials, one which is detached from the specific stratum which they inhabit. This is for a variety of reasons, which I will outline here. For one, upper-level officials in the Department often speak in optimistic tones, given the sometimes political nature of their job, and the fact that they are engaged in public relations exercises much of the time. This means that the manner in which they characterise the state of the Department can be very distinct from what officials perceive on the ground. Upper-level officials also often deliberately set themselves apart from the lower strata, as a display of their authority. Lower-level officials might be given the scraps from a catered lunch for those at the upper levels, or made to wait for long periods for the arrival of this or that superior who is to address the lower-level officials. Lower-level officials also discursively alienate upper management from themselves, however. Lower-level officials allege, for example, that those in upper management have not worked their way up the DHA ladder.

WiSER

They are therefore perceived to lack a working knowledge of the Department's lower levels, and are not regarded as insiders, but rather as outsiders.

Secondly, officials in these upper-level positions tend to move from one position to another, given the fact that their jobs can sometimes be more dependent upon the politics of the day, rather than service delivery per se. Upon the exit of a Minister, the character of the Department can change wholesale. This includes individuals in upper-level posts as much as it includes Departmental goals, tag lines, and even organisational structure. In an interview, I asked one Immigration Officer as to the title of a senior official who had visited the office recently, and got this reply:

> *I can tell you in the office who's who. But when it goes out of the office, [I don't know]... because today it's this guy. Tomorrow it's that guy. You know to keep up with all the people in charge... You know it's time consuming—time that I could spend on my own job than to worry about it.* (Interview transcript 10/10/2008)

The seemingly whimsical nature of the appointment of upper-level officials can be equalled by the whimsicality and contradiction of the directives they issue. According to officials, new directives can be in contrast with previous ones, completely unsupported in terms of resources, or so totally out of touch with circumstances on the ground that they are not even implementable. For example, as I mentioned above, processing applications for permanent residence permits is done at Head Office in Pretoria. This takes about one year, during which time officials must deal with frustrated clients, and are almost completely in the dark about the status of a given application, prompting one official to call Head Office "the Bermuda Triangle", and "a black hole". It was "in their infinite wisdom", he said, that they decided to take over the decision writing process, but now they are failing to carry through on their end (field notes 25/4/2008).

WiSETD

On another occasion, a supervisor came to the TRP submissions counter one afternoon to say that cheques would be no longer accepted, including those guaranteed by banks. Within fifteen minutes, signs went up in the office and waiting room advising people of this. Clients had to be sent away as soon as thirty minutes after the new regulation went into effect, on account of only being able to pay by cheque. In the days that followed, some customers were forced to navigate the potentially dangerous streets outside with several thousands of Rand in cash to pay their fees. (The repatriation deposit for a Chinese citizen, for example, is SAR 18,000, or over USD $1,800 at the time of writing.) Two weeks later, this form of payment was once again accepted. The reason given to the researcher for the temporary moratorium was that several cheques from a single company had bounced.

As I noted above, "statistics" are currently in fashion at the DHA. All of the offices I visited have been given new requirements by Head Office as to the type and frequency of statistics reporting. Thus, the Inspectorate now has to fax some 115 pages of statistics every week in order to fulfil these requirements. However it is difficult to discern, knowing what is known about the capacity of Head Office, whether these statistics are being put to use. Some officials and I joked about the likely image of one or two clerks in Pretoria, gaping every Monday at the pile of statistics coming in from every Inspectorate office in the country, running out the fax machine's printer cartridge and so on. But on top of it all, the reporting requirements change frequently. Statistics reporting at the Inspectorate changed four times in as many months, for example. At one point, I was in a supervisor's office and his subordinate entered. She asked him if she should put down two people who had been arrested but not yet processed under this week's statistics, or next week's. He thought for a minute, and then told her to list them under this week's because the forms would probably be different next week, to which we all erupted in laughter.

WiSETD

Officials can often feel very much left out of the decision making process at the top, despite their on-the-ground knowledge. Many certainly seemed to have very little knowledge of the plans for changes in the DHA's structure, and sometimes even the changes themselves. The renaming of the Immigration Services Branch, from "the National Immigration Branch" went unnoticed by many. There was considerable confusion as to just what "the Turnaround Strategy" was, despite the fact that it was a major reform programme, whose name was constantly in use in official discourse. It was typically rather unclear to officials (and to myself), as to whether changes that were afoot, such as the renaming of the Branch, were part of the Turnaround, or of some other measure. One Administrative Clerk even made the unintentionally comical statement that working in the Immigration Branch is exciting because the regulations are always changing!

An obfuscating element is officials' suspicions as to the motives of upper-management. Some officials said that upper-level managers put their own interests ahead of those at the lower levels, by for example making officials produce time-consuming statistics which appeared to be of little value on the ground. This, they say, is on top of the fact that the Head Office fails to remain accountable to its own promises, such as handing out bonuses, processing Permanent Residence Permits, or even providing file cabinets in order to keep the very records that Head Office demands. Further still, it is clear to officials that the Head Office is very distrustful of the lower-level officials, which hardens this opposition. One RSDO bemoaned the fact that they were not trusted to use the phones, and could thus not dial out of the office to let an asylum seeker know that her/his decision was available, for example. At the Inspectorate, the following letter could be found posted in the hallway, addressed to the general public.

WISER

PUBLIC MEMBERS, 26/10/2006

THE TIME HAS COME THAT WE MUST DECLARE WAR ON CORRUPTION THAT IS GOING ON IN THIS OFFICE. THINGS ARE HAPPENING UNDER OUR NOSES AND WE ARE HELPLESSLY FOLDING ARMS WATCHING. THIS COUNTRY BELONGS TO ALL WHO LIVE IN IT. WE ARE COMPRIMISING THE GOOD INITIATIVE OF THIS GOVERNMENT AND IN THE ULTIMATE OUR CHILDREN ARE ALREADY STARTING TO FEEL THE EFFECTS OF OUR CORRUPT BEHAVIOUR. THERE SEEMS TO BE PARTNERSHIP INTERNALLY AND EXTERNALLY. YOU MIGHT BE INVOLVED YOURSELF BUT YOU ARE AN ACCOMPLICE BY KEEPING QUITE [sic] ABOUT WHAT IS GOING ON.

THIS IS THE TIME THAT WE MUST STAND TOGETHER AGAINST THE CORRUPT POCKETS AROUND US. IS OUR COUNTRY WORTH R50-500 THAT WE CHARGE FOR SERVICES WE RENDER.

THIS OFFICE COMMITS ITSELF TO ROOT OUT ELEMENTS OF CORRUPTION AND TO RENDER QUALITY SERVICE THAT OUR DEPARTMENT HAS COMMITED ITSELF TO.

YOU ARE THEREFORE REQUESTED TO STAND WITH US BY BLOWING A WHISTLE AS A CONTRIBUTION AT ENSURING THAT OUR CHILDREN WILL ENJOY THIS BEAUTIFUL COUNTRY BEFORE IT PERISHES. ALL IS IN OUR HANDS WE JUST HAVE TO DECIDE AND MAKE THAT CALL.

YOU DESERVE TO BE TREATED WITH RESPECT. WE ARE A CARING, COMPASSIONATE AND RESPONSIVE [sic].

BY ORDER REGIONAL MANAGER

[omitted name and phone number]

UNITED WE STAND BUT DIVIDED WE FAIL. IT IS ENOUGH WE CANNOT SELL OUT THE FUTURE OF OUR COUNTRY. (Field notes: Appendix 2)

This letter is of course being used to make a commitment to the public (though in a rather belligerent English), and also to make a statement of sorts to officials. But its visibility—placed just to the right of the kitchen door, where every official passes numerous times in a day—also has the effect of lampooning and humiliating officials.

* * *

WiSER

Officials find themselves stuck “in the middle” as it were, defending themselves against clients and also the DHA. Other “organs of state” such as the police, who can undermine Home Affairs work by letting undocumented non-nationals free as a result of shady ties or bribery, also pose a possible threat. Officials walk a veritable minefield: to be duped by a non-national is not only damaging to the South African nation as a whole, as officials see it (see following Chapter). It can also bring shame onto that official who hopes to be held in esteem by her/his colleagues. Furthermore, officials could face disciplinary action for their misstep. However, because of the erratic nature of management and the vague or contradictory character of certain policies, officials might simply not know *how* to act. Should officials decide to correct this by acting with too much rigidity toward immigrants, however, they face the possibility of litigation from the human rights apparatus and further humiliation.

As a final note, among white officials who have been at the Department throughout the transition (most of those who are currently employed), there is even what might be termed a “mistrust of the present”, whereby previously legible situations and hierarchies have become blurred. Discipline, they say, is not like it used to be; there used to be braais, and other social functions; Head Office used to be more efficient; there was less corruption; and so on and so forth. That is, there is an indefinite character to their interactions within the Department hierarchy, their status within it, and their potential for advancement. The professional pitfalls of being labelled racist here are numerous, as well, perhaps especially for officials who were institutionally socialised during a time when their dominant status was assured, and such behaviour was sanctioned.

WiSETD

Chapter 5: Actions

Having given an overview of the Department's historical context, the organisational dynamics of its movement control regime, including street-level officials' perceptions and precaution, we are now in a position to ask the key question of this dissertation: what is it that ISB officials actually *do*? In this chapter, I will discuss the ways in which officials draw on independently-developed systems of meaning to stabilise these unstable realms and guide them in their actions.

An obvious difficulty in pronouncing hard and fast theories of bureaucratic action—a challenge found in all social science—is that it is inconsistent. This presents challenges to the development of theory, of course, being subject to the whims of subjects as it were. However, Lonsdale tells us that the fact that data does not always sit perfectly within theory is not an indicator that the "theory is wrong" necessarily, but "that human actions are not reducible to any single theory of causation" (1981: 140). This does not mean not that our task ends here—at the appreciation of complexity or inconsistency—but that appreciating the role of complexity is critical to developing an understanding of bureaucratic practices and the possible motivations behind them. A scientific explanation which only asserts randomness is not worth reading or writing about. Moreover, we know that all is not left to chance. Patterns of behaviour are indeed possible which, though not perfectly predictable or without iteration, do provide us with a framework for analysis.

Weber's ideal-types (1978) have long set the stage for an analysis which took a purist, rational bureaucratic form as its index. While useful for understanding the logic behind this elusive order on paper, every bureaucracy seems inevitably to be in a state of maturation toward this supposed "end" when viewed in such a light. Moreover, it sheds little light on the bureaucracy as a dynamic, multi-dimensional site, a condition which I hope is evident in my

WiSER

description of the ISB. In order to achieve this, studies must take a closer look at the everyday practices through which "the bureaucracy" as an entity is created. Lipsky's influential work (1980, 1971) does this, for example, by illustrating complex facets of the relationships between upper- and lower-level officials or between lower-level officials and their clients; and by showing how bureaucrats rationalise the fact that their work often falls short of the stated policy or their own ideals by stressing the "inside" challenges posed by a lack of resources or a recalcitrant public. Authors such as Herzfeld (1992) have sought to explain not simply the dynamics of the everyday practice of bureaucracies, but the underlying socio-cultural scaffolding for their existence. Given its focus, however, this approach leaves little room for emotional factors, as Graham points out (2003: 211), and at any rate is peripheral to our present discussion.

Ethnographic detail can be particularly effective in documenting this "living institution", as Selznick described it (1949: 9)—how "official" policy and procedure can be commandeered to various ends. In this respect, Coplan's work on the Lesotho–South Africa border (2001; 2008) is evocative of the profound intermeshing of bureaucratic action and socio-economic realities which complicate management, and which can be exploited for personal gain. Hornberger's (2007) discussion of how human rights are brought into a vernacular by police officers in Johannesburg also demonstrates the ways in which norms are *created* at such institutions, and not merely taken or left. Citing Inda and Rosaldo's work on the globalisation of cultural forms (2002), she explains that this happens through the "heterogenizing processes...'of interpretation, translation, and customisation' (Inda & Rosaldo 2002: 17)" (Hornberger 2007: 20). Her subsequent turn to the work of Michel de Certeau (1988) is a turn worth making here as well. Certeau's focus is on the constitution of agentive life worlds through mundane practices. Here, the banality of everyday life takes on a vibrant, tangible form, demonstrating that those actions which seem completely predetermined, such as

WiSER

reading or electing to walk specific routes through the prefabricated grid of a city, can in fact represent independent interpretations (see also Tonkiss 2005).

ISB officials are as much actors in such a field of practice as anyone. How do they decide which streets to take? Attempting to answer that question, however, presumes that the rules guiding their behaviour are as rigid as Certeau's Manhattan grid. That is, do officials necessarily know where the streets are, or where they are met by a row of buildings forming a block? They of course have their office and Departmental rules and regulations as a compass of sorts, but these are not sufficient, given that they do not provide detailed instructions for the infinite possible cases which can and do present themselves (and this assumes that they do in fact know these official rules in the first place!).

For example, an undocumented non-national is to be deported. But this rule becomes almost meaningless for Inspectorate officials when this person is a *pregnant* undocumented non-national, as I discussed above. Furthermore, Section 11 (1) (b) of the Immigration Amendment Act of 2004 states that a person applying for a visitors permit must demonstrate that they have sufficient funds to remain in the country.[1] As was noted above in the case of Dumisani and the Dutch backpacker, this can take the form of a signed note stating as much, or the official can demand three months of official bank statements from the South African host, something which was also witnessed. Officials must use discretionary power to determine which level of scrutiny will be sufficient.

Moreover, the rules themselves can be inconsistent or contradictory, such as in the case of RSDO's who are advised by the Department to "apply their minds" and yet are given an extremely short amount of time to do so. Heyman (1995) demonstrates a similar predicament

[1] "A visitors permit may be issued...by the Director-General in respect of a foreigner who provides the financial or other guarantees prescribed in respect of his or her departure." (Immigration Amendment Act 19 of 2004: 11 (1) (b))

WiSER

for immigration enforcement officers on the US–Mexico border, who must learn "tacit policy" (1995:267) to manage the multiple contradictions in official policy and its practice. Such contradictions, he suggests, are handled through a process of "thought-work," which draws on a worldview inculcated during Immigration and Naturalization Service (INS) training as a referent, but which is saturated with personal history. Heyman draws on the work of Lipsky, Handelman, and Herzfeld, among others, to demonstrate the complexity of bureaucratic decision-making, whereby bureaucrats establish formulae for the quick processing of large amounts of information (Lipsky 1980:81–86), and fuse this with taxonomical motivations (Handelman 1981) and symbolic or metaphorical registers (Herzfeld 1992) in order to determine appropriate behavior.

Thought-work, he says, "locates an inevitable struggle: bureaucratic workers must think for themselves because of the nature of their tasks, yet they must be controlled as thinkers in order to ensure the regular production of control duties" (1995:263). The major leap he makes is to link these actions with "the constitution of society" (Giddens 1984), arguing that "what emerges [from bureaucrats' utilization of thought-work] during logical contemplation is in fact second-order rationalization of politically and economically ordered work routines" (Heyman 1995:265). Here, I must qualify the utility of thought-work. Bureaucrats at the ISB inevitably refer to the broader political economy, same as they do the specific social and cultural structures within which they themselves have been socialized (as, for example, Mountz (2003) and Herzfeld (1992) have shown). Indeed, I suggest below that a doxa of movement control and nation-state geographies inform ISB officials' actions to a substantial degree. However, we must reconcile these structuring contexts with at least two facts: 1) that we cannot assume the optimal (much less univocal) dissemination of institutional or other information "from above," and 2) that such information can be outright ignored in certain circumstances. That is, I suggest that thought-work serves to "manufacture thoughts"

WiseETD

(Heyman 1995:263), but it is a process wrought with considerable margins of error. One Inspectorate official told me he identified as a major impediment to office productivity the *lack* of supervision for lower-level officials—that the office supervisor had no way of knowing who was doing what on any given day. Thought-work therefore does not occur "under regulated and monitored circumstances" (Heyman 1995:263), requiring that we build a degree of flexibility into Heyman's concept. Below, I propose that the concept of thought-work can be effective—provided we give it the flexibility to signify almost nothing in certain circumstances. In our case, thought-work takes place under a rubric of "systems", which serves to guide officials in many of their actions, and to legitimate the work they do. However, its power—or its convenience—lies in the fact that it can be completely ignored when expedient while still retaining its theoretical, stabilising value.

With this in mind, I will not be conjuring here a "truth"—an indestructible theory of bureaucratic action. Instead, I hope to fashion together this complex of observations, conversations, and testimonies into a composite image of what we might call *structurations of causation*: the systems of meaning to which actions are subjected, but which are constantly modified and reproduced through these very actions. I will demonstrate that officials' actions reflect an effort on their part to stabilise both 1) the DHA upper management, and 2) the general population with which it interacts, but that these actions are also *destabilisations*, given their necessary variability as products of context and officials' discretionary power. In either case, however, officials' actions are filtered—and deviations facilitated—by an independently-created system of meaning, centred ironically around the concept of "the system".

WiSER

"Our Systems"

A constant refrain at the various offices in which I conducted fieldwork regarded the importance of their "systems" (variably used in the plural and singular). That "the systems" are in good, working order appears to be of utmost importance to officials, and is key to eventual "success". It is a term which has at least three meanings, the first two of which overlap considerably: that of databases and processes. The databases to which "systems" can refer include those internal to the DHA, such as the Movement Control System (MCS) for non-nationals, the Population Register for South Africans, the Refugee and Deportation System (RADS) for asylum seekers, or a new, integrated database called the Home Affairs National Identification System (HANIS) which will combine all of the above databases, in addition to a fingerprinting register and possibly others. HANIS is to be rolled out over the next several years at offices around the country. These databases—excluding the Population Register, of which I know little—are all deficient in some way or another. The MCS, which is to record any movement inside or outside the country is often not functioning at these Johannesburg offices, and has a good deal of incomplete or duplicate information. Moreover, the MCS was not linked in whatsoever at the Caledonspoort Border Post—or any Lesotho border post for that matter (Coplan 2008: 129)—meaning that a stamp in a passport cannot correlate with an entry in the MCS. Indeed, a number of border posts in Lesotho, such as the one at Peka Bridge just south of Caledonspoort do not have computer systems at all, much less ones which are connected to the MCS. The RADS is a relatively new system at the Crown Mines office, and replaced two other such systems which crashed. It is much more sophisticated than the MCS, however it is extremely slow, and requires regular maintenance, leading some RSDO's to refuse to use it, even when it is working. HANIS has been in the Home Affairs pipeline now for over a number of years, and seems always to be just a year or two from implementation. Given these delays, in addition to the considerable logistical

WiSETD

challenge of integrating the various databases, networking the many Home Affairs offices around the country and consulates abroad, and training officials to use it properly, it is unlikely that this database will be as thorough and effective as one might hope.

I present these databases in detail to underline the fact that the significance to officials of such "systems" as stabilising or ordering mechanisms is abutted by an equal measure of inefficiency and irregularity. Interestingly, ISB officials are no strangers to this inefficiency, in light of the fact that they interact with them on a daily basis and regularly bemoan their inadequacy.

A second sense in which the term "systems" is used refers to the processes through which officials and non-nationals move. By this, I mean the rules and regulations which are to guide both parties' behaviour, inclusive of office work flows, the interaction with databases and the coordination with other government agencies. The provision of visa application forms or other materials from Head Office is part of this system, as is the procedure by which non-nationals pick up their permits, and the signing off on "trip authorities" for Inspectorate officials' use of automobiles. Processes, however, are not always in good working order, such as for example the submissions process at the TRP office mentioned above. Officials are adamant about the fact that these processes should be streamlined, lest they be unable to do their work effectively. This includes the belief that clients should not only enter into the system, but that they must do so correctly. Thus, a person who is trying to obtain refugee papers despite wanting simply to work in South Africa is acting in bad faith ("abusing the system"), despite subjecting her/himself to the system.

"Systems" can take on a sort of corporal metaphor; one of unity and coherence; as an organism. This is in keeping with their widespread belief about the benefits of working together with other DHA offices to achieve the Department's goals. This metaphor is also in

WitsETD

keeping with the official-ese term “organ of state”, used by officials to refer to any government department or unit. These “organs” constitute “the state” as an organism, suggesting a closed, coherent circuit, through which people and processes flow.

In spite of these views, however, it can prove very challenging to coordinate with other organs of state and even other offices of the DHA, given the fact that “goals” can differ widely from office to office. Territorial disagreements or manpower and resource constraints are also sources of discord. Thus, in addition to the troubled databases and internal processes already mentioned, there appears to be only erratic cooperation with other “organs of state”, rendering the possibility of an internal coherence fanciful. For example, Inspectorate officials often put little trust in the various “organs of state” to perform their part of the process, including the police and the courts. Apart from the fact that officials suspected the police to be highly prone to corruption, they also alleged that the SAPS invited Home Affairs on raids simply as a way of improving their own statistics (that is, that an “SAPS-led operation” resulted in the arrest of a certain number of “illegal” immigrants). Coordination between the Inspectorate and the magistrate courts was also proving elusive during my time at that office. The courts preferred that Immigration Officers be present for trials at all times, yet insufficient space was provided to conduct the necessary work, and Immigration Officers were only utilised sporadically throughout the day, meaning it was a sometimes unproductive arrangement. Others foresaw occasions when the court might call the office up on a whim or late in the day and ask that eighty or so deportees be taken to Lindela, a logistical nightmare.

So, as can be seen, this mutual mistrust could preclude the possibility of coherence, even if we work on the assumption that the various organs of state have a common aim, something which is clearly a stretch given what we know about the state’s fragmentation (Nugent 1994, Li 1999), and even given the data presented here regarding the ISB’s internal fragmentation.

WitsETD

The third, and most dynamic or abstract way in which officials conceptualise "the system", though still related to the first two, is the idea of an implicit order that transcends the state and encompasses South African territory and life as a whole. There is a certain spatiality to this conception, which draws a correlation between 1) the abovementioned conceptions concerning processes and databases, and 2) the maintenance of South African territorial integrity (e.g. the mistrust of external legal-institutional capacity). As was discussed above, officials talk of migrants and asylum seekers much in the same terms as Fabian noted is characteristic of anthropologists' writings of the Other—as set apart spatially and temporally (Fabian 1984: xi). Fabian shows us through a graphic depiction (Fabian 1984: 27; see figure 1) how in pre-Enlightenment thought, "naturalised–spatialised" time was seen in terms of salvation, where believers and non-believers were considered to be more or less incorporated into the body politic (then also a religious body)—the closer one was, the more temporally "close", or coeval one could be. A better (slightly tongue-in-cheek) graphic for our purposes, however, would depict a space entirely enclosed by thick lines representing the South African boundaries, within which processes ubiquitously function, and databases ubiquitously communicate. Thus, in this model there is no centre, but only inside or out.

WitsETD

Figure 1: Fabian's (1984: 27) depiction of sacred "naturalized–spatialised" time before the Enlightenment

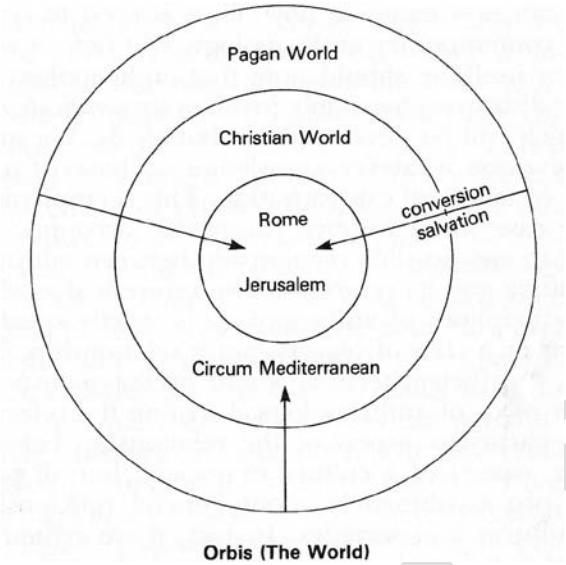


Figure 2: Slightly tongue-in-cheek depiction of ISB officials' conceptualisation of the systems-territory linkage



Why do I characterise it so? The ideal, even fantasy nature of the technical signification of systems, seen as enabling an all-encompassing control plan, is here coupled with a concern for national community. Most often, when "systems" are discussed, it is in reference to their

being abused. It is an almost paranoid, offended tone that officials take, with language to suggest that the systems-abuser had struck a blow to South Africa and South Africans as a whole. Thus, I assert that the systems are a spatialisation not only of the state itself, but of the nation; they are an affirmation of the nation-state as an entity which rules over all that is within territorial boundaries, through a set of processes leveraged by and derived from statistical knowledge, and which serves a population that can be classified as *original*. To abuse the systems, then, is to abuse the nation. Through such a lens, the DHA's systems are essential to the success of South Africa as a whole, and the ISB officials' work in maintaining and defending them attains a certain importance.

Comforts of Taxonomy and Discretion

In light of all of the chaos or uncertainty which ISB officials must deal with, it is not difficult to wonder how officials maintain themselves. I suggest that the employment of "systems" as a mythical, ordered reality, and as a code of conduct (both overarching and localised) does just this. Systems make officials' work possible, by providing a comforting taxonomy, and rational guidelines which conform with a doxa (Bourdieu 1977) of belonging, national community and identity (that is, movement control), but which are vague enough to be ignored at times or wielded toward most any expedient end. It also makes their work legitimate, by presenting a to-be-achieved ideal order, in service to South Africa, which gives a sense of purpose to what might otherwise be a meaningless job.

As Scott notes, the development of schematic knowledge brings into focus "an otherwise far more complex and unwieldy reality" (1998: 11)—an assertion I most agree with. Categorising is one example of schematic knowledge, meaning that when officials seek to categorise, they are engaging in a sort of micro-project of legibility (described in detail by

WiSETD

Handelman, 1981). The establishment of concrete identities is suggested even perhaps in the term "systems" itself, which can evoke manufacture, or a process through which something is transformed. One senior Immigration Officer, when championing the work of the Immigration Branch, stated that it served to "humanise people" by providing them with ID's (field notes 15/4/2008). Another official—an RSDO—used the word "fabricate" to describe the writing of a decision (20/11/2008).

I have already noted above that officials prefer the public to enter into the systems, and to do so in the correct manner. This is to say that such categorising is not simply a device which assigns a name, but which assigns the *correct* name, thereby lessening the client's unknown-ness. In such a way, those outside of the system, as well as those incorrectly within the system represent a threat to be contained. The act of "capturing" a client's information is suggestive of this process of bringing her/him away from "the margins", all of which are dangerous, as Mary Douglas has discussed (1966).

In some ways, the constitution of the public as dangerous subjects, and their subsequent domination through taxonomy and the interactive processes of "the system", is not unlike the development subjects described by Ferguson (1994) and Escobar (1995)—subjects whose poverty necessitates development projects. As I have already hinted at above, however, I do not mean to suggest that officials are party to a broad scheme of government (or other) control, as in the case of these two analyses. As Mathews suggests, such an analysis can lead to now hackneyed conclusions about capitalist and statist penetration of the population (2008: 486). Instead, I suggest two premises, which I will outline below: 1) that officials draw upon a doxa of movement control and national community to facilitate the easy categorisation of extremely varied individual cases; but 2) that this does not necessarily lead to increased "vision" for the government because of the practices of silencing, concealment, and

WiSETD

mistranslation at lower levels which Mathews identifies as part of the state's official knowledge production process (2008).

Origin, Identity, and "Emotional Cartography"

Officials' desire to insert people into categories (and, implicitly, the system) is naturally a reflection and reification of a doxa of "national origin", where the idea of roots establishes a link between the state, people and place (Malkki 1992). These nationalities elicit certain responses from officials—what Graham terms an "emotional cartography" (2003: 208)—so that for example a Nigerian–South African marriage visa will likely merit an Inspectorate-led spousal interview; and a Somalian applying for refugee status will almost certainly be approved. This is to say that national groups have been neatly type-cast into certain activities: it is the Chinese who buy fake documents; it is the South Asians who practice human trafficking; it is the West Africans who pay South African women to marry them (or who bribe Home Affairs officials to fill out the paperwork without her knowledge), and so on and so forth. This assignment of categories facilitates quick responses by officials, but also fits easily into a familiar framework of national origin and rights of movement. Most especially, however, the distinction is one of purity: of "South Africans" and "non-South Africans"; *original* or *non-original*.[2]

This is in keeping with the widely shared belief among officials that refugees who come to South Africa should stay in refugee camps, apart from the general population, thereby placing them even more clearly within the system. In camps, I was told, refugees could sign in and sign out, and the government would know how many were here and who they were. As it was, many expressed fear over the dangers of allowing migrants to simply "melt" into the

[2] I will consider the implications of this "scriptural economy" (Certeau 1984) in Chapter 6.

WiSER

interior of the country, where they could escape being monitored. Implicit here is a sense that migrants would not only "melt in", but also establish or claim their own spaces within what seemed to officials to be an *inherently* South African territorial space. One RSDO expressed a serious and sober concern at the fact that there were areas in his own home town of Thembisa which were known as "no-go zones" for South Africans. This seemed to him the pinnacle of absurdity.

"Loopholes" and the Fallibility of Systems

Officials widely see "the systems" as prone to abuse, as I have already mentioned. Sometimes this is malicious—submitting falsified information or simply not entering the systems—but it also can be as a result of internal deficiencies, called "loopholes". Through loopholes, members of the public can act in ways that officials believe to be illegal, but which are perfectly within the law. According to officials, these alleged holes must be legally patched. A common sentiment is that non-nationals will take every inch they are given, and loopholes are the means by which this happens. It would be good to cite a few examples of them here.

For one, officials at various offices, including one upper-level official I spoke with, stated that one frustrating aspect of their work is the fact that people can enter the country on one type of permit and then change to another while in South Africa, despite the fact that it is completely permissible within the law.[3] This is "damaging our systems", an Administrative Clerk named Itumeleng said plainly, talking with specific reference to people who come on tourist visas and then change to medical visas. At the Inspectorate, a number of Immigration Officers expressed frustration at the fact that, on certain occasions, migrants could act illegally but the officials could not prove it. The status of "life partners" was particularly

[3] "Subject to *this Act*, a *foreigner* may change his or her *status* while in the *Republic*" (Immigration Act 2002: 10 (6); emphasis in original).

WitsETD

circumspect, as they felt that this was more often than not a “marriage of convenience”. Unfortunately for them, however, there was little that they could do if both partners maintained that they were indeed life partners, even if the people were living in different houses, and knew almost nothing about each other. One Immigration Officer told me that if two people who are not living together are not “married”, but can be on a spousal visa as life partners, then “the law has no teeth” (field notes 22/4/2008). Another said that there are too many permits available to people. This life partner status is not a “real marriage”, he said, but can nevertheless lead after five years to the non-national getting permanent residence status, which is all but irreversible.

An interesting aspect to note in passing is the fact that what officials term “loopholes” are the same tactical vehicles which they use in their own work, navigating within the boundaries of the law to fashion a favourable outcome. For example, Inspectorate officials work hard to elicit a self-condemning statement from people suspected of being in marriages of convenience, short of being able to dictate that they are in fact in such a marriage. Or, in lieu of possessing a difficult to obtain search warrant for a residence, these officials also attempt to be invited in to someone’s home who they suspect of housing undocumented non-nationals.

But, as I mentioned above, officials themselves can act counter to “the systems”, particularly with regard to their statistical, database signification For example, at the TRP office, I at one point witnessed a lower-level supervisor named Kgololosego entering figures into a massive accounting book. When I asked her what she was doing, she told me that she was inputting the number and type of applications which had been submitted the previous day. Having been told previously that this was done on an Excel spreadsheet, I asked her why she was not simply doing that. She told me that, currently, they were using both systems, but that they

WISETD

would probably cease using the computer, because it does not make sense to do it in both places. Her own supervisor, who sent in these manually-recorded statistics to Head Office (which I verified to be grossly un-reconciled), did not seem to mind this situation, suggesting that the lack of precision was somehow tolerated by management, to the point that the official information about visa applications and issuances was highly compromised. Deportation statistics were also not representative of the number of undocumented non-nationals encountered, as was illustrated by the example I gave of pregnant deportees, and also the supervisor's indifference to documentation in light of constant changes in reporting procedures (see pages 73 and 76, respectively).

This is to say that officials can subvert the very systems they champion. This is where the concept of systems can slip into near meaninglessness in practice ("near" for reasons I will come to), while still retaining its discursive power. For example, the rigidity of official procedure does not always fit, and categories are susceptible to abuse: friends, soccer stars, or those who pay bribes for service can pass more easily through the seemingly narrow and rigid registers which I have shown officials to be desirous of maintaining. While driving with an Inspectorate official named Julius one day, he received a call from a friend who wanted assistance to get a permit for another friend. The official gave an ambiguous response, and might have called the person back later when not in my presence. Given the widespread perception of corruption at the DHA among South Africans generally, the allegations made to me by officials regarding corrupt colleagues, and even one official's admission of his own corrupt practices, it is difficult to imagine that Julius does not, on occasion, help his friends in one way or another. This is despite the fact that he, like most every other official I spoke with, believes that people should only enter the country through the proper procedures. In a similar fashion, officials at the Admissions office refuse to accept large numbers of applications from Immigration Practitioners late in the day, for fear of not processing them all

WiSETD

before the end of their shift. Officials would often use their discretion to decide how many to take, and one can only imagine that well-liked Immigration Practitioners fared better than those who annoyed officials.

It would do good to provide another quick example of this phenomenon. In a conversation about how RSDO Managers only quality check those applications which have been approved for status, Avery told me that he thought this was silly. If an RSDO were corrupt, he said, s/he would lay out the strongest case, with ample evidence, to support the case—irrespective of the claim's actual merits. Avery was suggesting to me essentially that, if the potential benefit was great enough, RSDO's could exercise *absolute* discretionary power. This means that the same official who might believe that the systems are of fundamental importance to the South African nation might subvert them behind closed doors. Thus, the concept of "systems" could structure her/his action at one moment and not another.

Moreover, as I noted earlier, the systems qua databases and processes are extremely ineffective at achieving the sort of order which they purport, and which officials claim to be striving toward. Complaints as to their deficiencies (which officials constantly bemoan) are therefore also directed upward at the government, for failing to provide adequate resources to fix or augment the systems. Further still, officials in fact tend to *actively* alienate themselves from the systems qua organism: on the one hand, they bemoan the difficulties of coordinating with other "organs of state", saying that increased cooperation is essential to the success of the systems; on the other hand, they often set themselves apart from this organism, asserting their uniqueness as a Home Affairs office, or as a particular office within Home Affairs. For example, an official might remark that Head Office does not understand the particularities of "our" work, and as a result initiates unrealistic reporting mechanisms.

WitsETD

Here, we have an interesting paradox. Officials are very much on board with the general programme of movement control, yet they understand that its complete operationalisation is likely impossible, and that circumstances can sometimes demand that stipulated laws be relaxed or modified. To give a final, evocative example, TRP officials sometimes remove the condition which states that TRP applicants must prove they have a monthly income of SAR 5,000 for applicants who clearly could not provide this, and for whom they are sympathetic. Two of them noted to me one day that most officials do not enforce this regulation because many officials themselves make less in a month. Thus, these officials—both of whom regularly preached the need for "proper procedure" in conversation, and typically took a tough stance in their interactions with applicants—also saw the need to deviate from time to time.

WitsETD

Chapter 6: Results

By demonstrating the ways in which officials navigate policy (its restrictions, vagaries, and contradictions) and manage the highly variable and even dangerous state and populace, we can see that, although officials are "functionaries of the government", they respond to a wide spectrum of pressures, incentives, values and even happenstance. Officials are not merely *reacting* to all of these issues, however—to suggest so is to underestimate the degree of agency which they maintain. Officials instead weave them into their own, idealized system of meaning termed "the systems"—which is in accord with a doxa of territorial sovereignty and movement control, but flexible enough to accommodate the unrealistic nature of such an endeavour—to serve as a meta-code of conduct for everyday practice.

Officials' on-the-spot referencing of these multiple issues in the act of decision making—the demands of superiors, Departmental tag lines, moral values, dislike of foreigners, legal documents, resource constraints, and so on—to render a (no doubt variously-defined) favourable outcome is a process similar to that of the *bricoleur* (Lévi-Strauss 1966), who utilises various readily-available materials to fashion something new. However, the analogy of the *bricoleur* sits awkwardly here. Lévi-Strauss's definition states that the *bricoleur* draws on tools and resources which are "by definition finite". However, this can only be the case for ISB officials insofar as we assume their perceptions of "what happened" or "what should happen" are closed to interpretation. In a sense, the *bricoleur* is valuable as an image, or as a metaphor, but less as a theoretical device. This reflects Derrida's (1978) sentiments, who demonstrated the poverty of the term *bricoleur* as a figure set in opposition to the engineer, the impossibility of whose supposed anti-origin renders the *bricoleur* universal. In what ways, then, are officials' actions determined by "the systems", if their interpretations are

WiSER

infinite, and yet coloured by historical precedent (see Chapter 2) and circumstantial and organisational factors (see Chapter 3)?

En route to answering that question, allow me to quickly recap. Officials accord significant importance to the "systems" as an order-generating force, and propound the virtues of bringing as many people into these systems as possible. They seek to protect against the abuse of systems by non-nationals who might try to circumvent them through avoidance, bribery, or fraud, and believe that all "loopholes" should be closed. Meanwhile, officials are faced with the fact that their capabilities are vastly insufficient to take on the task of regulating the movement of people across South African borders. Unfortunately for officials, however, neither the truant migrants nor the stingy upper-level management appears to be changing their ways. Because the Department's systems—variously defined—are far from effective, this concept appears hollow: an abstraction of some impossible ideal, or a mostly symbolic form not unlike the one described by Herzfeld (1992: 13). Officials nevertheless pursue this ideal because, I suggest, apathy might render their work meaningless, and because officials generally subscribe to the doxa of movement control. Therefore, to the extent that it structures their action, we are left only to say "most of the time". It is a guiding tool which reflects and promotes more or less "official" policy and movement control objectives, but which is sometimes an impediment to "acting appropriately", such as making unrealistic policies fit. Officials sometimes even choose to ignore it altogether, when it might be worth less than a bribe, resisting time-consuming accountability measures, or simply being idle, to mention a few examples.

In a sense then, officials discursively create a doxic symbol—that of a "system" which regulates movement across the boundaries of the nation-state—but not one which predetermines their action. Because "the system" is an abstracted concept, and does not

WiSER

reappear as the same thing over and over again, it is not in fact the doxa, but only its signifier. Rather, the doxa appears to be more of a mask in the sense of Philip Abrams' (1988) usage of the term. If I might be permitted to illustrate by replacing his term, "the state" with "the system", and "the citizen" with "the official", he says: "the [system] is not the reality which stands behind the mask of political practice. It is itself the mask which prevents our seeing political practice as it is. It is, one could almost say, the mind of a mindless world, the purpose of purposeless conditions, the opium of the [official]" (Abrams 1988: 82).

I should quickly note that I do not intend by this passage to condemn my informants—many of whom are very smart people—to mindlessness, and I fear that Abrams' tone conveys a concerted sort of "masking" conspiracy that is not at work at the ISB. However, I do suggest, with Abrams' image as a backdrop, that the actions of officials simultaneously represent a "rupture" (Derrida 1978: 278) of the "proper" (Derrida 1982; Certeau 1984: xix), and the proper itself—thereby masking or denying that their action was a rupture at all. That is, the stabilizing worldview utilized by officials can in fact be a source of *destabilization*, used to both motivate and rationalize their actions (or inactions) as "correct." Officials can therefore act in ways which conform to projects of legibility, while also undermining them, shifting the ISB from one centre—one officiality—to another. What are the specific effects of these actions?

WiSER

A Magical State and a Magical Populace

The actions of officials, as they navigate through circumstance, physio-emotional issues, the minefield of a magical populace and its access to "Human Rights", as well as the magical upper-level management and its head-spinning policy and personnel changes, are inconsistent. To be sure, officials sometimes obfuscate and abuse their power in ways which

have attracted the attention of anthropologists writing from the discipline's traditional subaltern (for example Das 2004 and Taussig 1997), such as when I witnessed one Inspectorate official on a raid tell a Senegalese man "Thabo Mbeki told me to go and find all the Senegalese and ask them for their documents" (field notes 3/10/2008). However, they also act erratically in less culpable or malicious ways, such as in the abovementioned example, where an official had been working according to one policy until simply chancing upon a circular buried beneath a pile of papers alerting her otherwise (see page 52). That is, the official had thought that she was implementing official policy, when in fact the policy had changed. This study therefore represents a de-mystification of the state, demonstrating the processes through which a state can become "magical".

A single excerpt from my field notes broadly encapsulates this phenomenon in living colour:

> *I walked down to "the Bush" this morning with two RRO's—Thembiso and Sibongile. We chatted on the way down as a couple guys approached them with questions about this or that thing, most of which they ignored, telling the men to go wait in the queue. Thembiso and Sibongile pointed out to me that people had started parking now in large numbers on the street, and that they keep getting complaints from the neighbouring businesses who cannot get their delivery trucks through. Thembiso said that he told the security guards again yesterday to make sure that this does not happen, but nothing has changed. They were not too interested in talking to me, however, perhaps distracted by what appears to be a very loathsome part of their job. This is not to mention the fact that it was just 7:30 in the morning and people were pestering or hovering around them from the moment they left the office gate until they reached the Bush.*
>
> *There must have been over one thousand people all told in the vicinity of the Bush, either standing or walking this way or that way. Sibongile told me that they have been having problems with people waiting in the queues and then selling their file to asylum seekers who do not want to wait, or even to the security guards, who in turn sell them [without a file, one is not allowed to enter into the building].*
>
> *It was a Wednesday, when people from West Africa, North Africa, and the rest of the non-African world are seen at the office. There must have been about twenty queues with people holding up cardboard signs that say "China", "West Africa" or "Pakistan" (with the letters scrunched up at the end). The queues were hardly queues though, in that I could not see any daylight between them. Everyone had pushed up and around so that they could see what was happening at the front. People looked at me with my notepad and name tag with some curiosity. If I looked at a queue, I could meet eyes with any number of people. Others passing by or simply standing somewhere on the side also looked at me, trying to read my name tag. We were in the middle of the intersection, and periodically a*

car or lorry would pass through, nearly running dozens of people over. After it passed, the open space it created was quickly subsumed by people once again. There were scores upon scores of people who were not in any queue and who milled around the street or stood in the open areas opposite the queues. When Thembiso and Sibongile went to hand out some of the folders, the density of people in the street increased substantially, and I could barely see or keep track of either of them, as they disappeared behind the crowd of security guards, asylum seekers and others who encircled them. Security guards now and again made a lot of noise and bustle, trying in vain (or simply performing their role) to keep people in a coherent line, or to clear a path for those who had been given files and who were being led to form another queue across the street. From there, they would be marched single file with a few security guards up to the gate and into the RRO section's waiting room.

After handing out about twenty folders to some Chinese applicants, Sibongile walked in front of the queues and yelled with her hand in the air, as though holding a passport: "Passport. Passport. Take your passports out. If you don't have a passport, you will not get a folder. No passport, no folder." I was astonished at this statement—surely many refugees flee their country without their passports? As I stood there, a south Asian man left his queue and approached me, telling me in a very concerned voice that he did not have his passport, but only a photocopy. He showed me the copy and asked why she said that a passport was needed. He had not heard this before he came. I apologised and told him that I did not work here, but that he should ask Sibongile for clarification. After they took about twenty more people from the Pakistan line, they were too fed up with the disorder and left before handing out all of the folders they had with them—it was a sort of rebuke.

As they marched everyone to the office, the guy who had approached me asked Sibongile why they had to have a passport, explaining that he only had a photocopy. She refused to answer him, and told him simply to go wait in the queue. When he persisted, she grabbed his paper, crumpling it a bit, and shoved it back into his chest, telling him to go to the queue. After, I asked her why they have this requirement about having passports, and she said that it is a new policy that they just created today, because they found that people from for example Bangladesh would go wait in the Pakistan queue if it was shorter. They would find later that although they thought they had brought twenty Pakistanis up from the Bush, they actually had maybe ten Pakistanis and ten Bangladeshis. (Field notes 21/1/2009)

Here, we see that from the opacity and chaos of "the Bush"—a creation of the DHA, we should note—come strategies for generating clarity and protecting their procedures from abuse. These may not be sanctioned whatsoever by the upper-levels of the Department, and because of a lack of logistical inputs (such as a proper space within the building to more systematically sort people out), officials have established a practice which is perfectly illegible to those trying to access the DHA. This is therefore not merely a "micro-project of

legibility", or some minor tactical move, but rather the employment of an entire meta-code of conduct akin to Heyman's "thought-work" (1995), which stabilizes a dangerous environment and protects the officials from being victims of "systems abuse".

This thesis has shown that the magic of the state cuts in several different directions. The public can react to unpredictability in bureaucratic action by approaching the ISB cautiously and opportunistically—while officials' mistrust of what they perceive to be a dangerous populace can result in suspicion and precaution. A similar process occurs with respect to upper-level management. "The magic of the state" is therefore not an intrinsic property of the state, but rather a condition of perspective and the result of identifiable contexts and practices, which I have documented above: the historical trajectory of the DHA; the discord in relations and communications between upper- and lower-level strata at the DHA; the mistrust of the public on the part of officials; and the mistrust of officials on the part of the public. In light of this situation, government functionaries fret over the illegibility of the populace, but are given poor training and resources to handle it effectively, and stop-gap processes such as Thembiso's and Sibongile's are inserted at various levels. These only serve to obscure the state further for the public, who are subsequently compelled to circumvent it; and for the government planners, who subsequently attempt to reform it.

The fact that officials are asked to enforce a South African ur-territory in the deterritorialising era of globalisation is also highly complicating. The challenges to categorising and regimenting a highly mobile and variable populace are similar to those facing movement control regimes in many parts of the world, where processes of globalisation are causing states, and academics as well, to confront the inadequacy of categories (Herzfeld 2001). The failure of the South African government to effectively cordon off South Africa is therefore not simply a result of poor planning and resources, but the end product of a truly hopeless

WiSER

endeavour. Where the potential benefit is great enough, people will cross. The United States' failure to fully control movement across its heavily resourced border with Mexico is testament to this fact. As Coplan notes, at South Africa's border with Lesotho a system of strategic practice has eclipsed official policies and the performance of South Africa, exposing the very gap which I have described between the government planners and the lower-level officials:

> The Basotho have their own version of the old Chinese adage, "Beijing is far": *Pitoli e hole* ("Pretoria is far"), meaning that laws and regulations promulgated in the distant capital expressing the state's fantasy projections of boundedness and sovereignty evaporate into more practical and profitable arrangements on the border. Inevitably, a kind of 'border culture' develops as legal, logistical, and even social problems are worked out cooperatively on site between the officials of the two countries, and even by officials and members of the public. So the national officials' job is to maintain the border as a legal boundary (i.e. barrier), while the local officials' job is to cope with central government over-regulation. (Coplan n.d.)

Implications

The constitution of non-nationals as a dangerous, magical entity is on one level a mere reflection of the difficulty faced by officials in the execution of their duties. It is true, after all, that many non-nationals *do* attempt to circumvent official policy and legalise themselves illegally, either through fraudulent permits or fraudulent practices such as marriages of convenience. I myself witnessed spousal interviews that were highly suspect, and was shown many fraudulent stamps and identity documents confiscated by immigration officers. However, the elaboration of this image by officials, or their blanket presumption of guilt can have ramifications that extend far beyond their interaction with the non-national. Just as a police focus on African American men in United States' society effectively criminalises and even imprisons them in their own communities (see Wacquant 2001), so too the presence of these discriminations can recreate old prejudices and erect a barrier between effective policy implementation and migrants' rights. The denial of legal access to the South African body

WISER

politic reasserts immigrants' relegation to the abject spaces of Otherness, facilitating their abuse by police and others. Ironically, these practices ultimately expel non-nationals from the "embrace"—as Torpey (2000) calls it—of the government, in fact *(re)creating* an illegible, dangerous object, whereas streamlined processes would instead encourage non-nationals to subject themselves to enumeration and classification.

My sense is that this mistrust of the populace on the part of bureaucrats could be identified at many different bureaucracies—whether they deal with nationals or non-nationals. This was reinforced through time spent at the Caledonspoort Border Post, where officials bemoaned the very same issues (though perhaps less insistently than in Johannesburg) when dealing with a population that was non-national, but ethno-linguistically homogeneous with the officials. However, I would still suggest that magicality is particularly acute where non-nationals are involved, given the rates of xenophobia in South Africa today, which imbue "outsiders" with a level of mysticism which is undoubtedly mitigating in the interface of the two groups.

Concluding Remarks

Through this ethnography of the Department of Home Affairs' Immigration Services Branch, I have inverted Abrams' radical call to locate "the state" where it is not (1988), showing not the state's elusiveness per se, but rather the processes through which "the state" is created as an almost indescribable, unfathomable magical object. As I have shown, this partly depends upon one's perspective. When one stands back and assesses something called "the state" in its alleged totality, s/he will inevitably find magical properties therein, as it is impossible to take in the entire picture. By looking at the smaller, constituent parts (e.g. people, practices, office buildings) which comprise the state, we can better understand how it can become

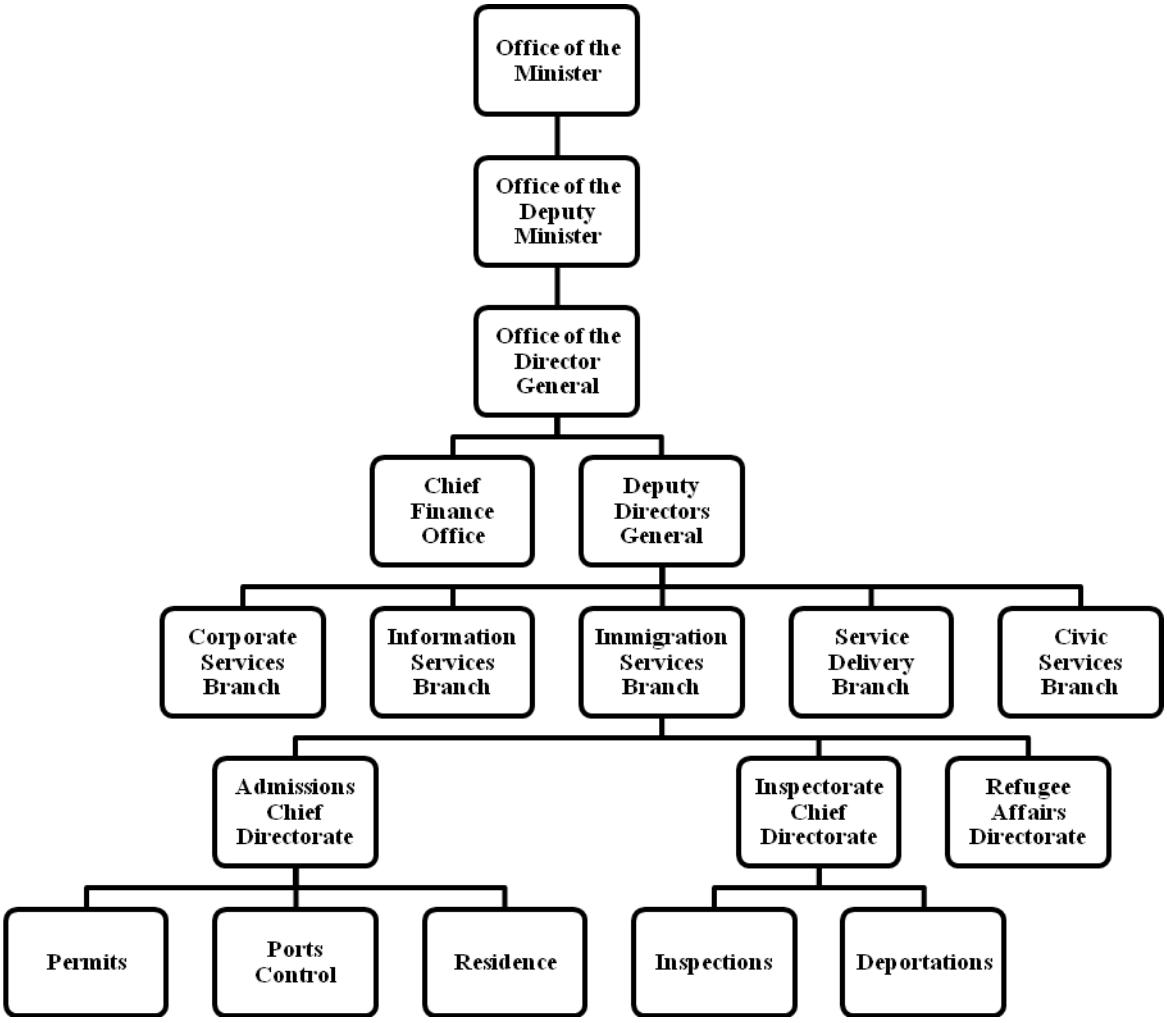
WitsETD

something greater than the sum of its parts. Similarly, when one considers "the populace", uncertainty becomes the rule. Anthropologists should know this better than anyone, given their critical explorations of the bounded social unit (Herzfeld 2001: 133–151).

This no doubt points toward the need to avoid an inadequate oppositional paradigm of state and civil society (Nugent 1994; Comaroff & Comaroff 1999; Ferguson 2006b)—deployed here as an opposition promulgated by officials. But it also points toward the need for anthropologists and others to continue to document the mutual constitution of these objects, their fragmentation, and overlap. The proposed distinction between "official policy" and "unofficial policy" is also a dichotomy in need of further interrogation (of course, it is a project already initiated through Taussig's concept of the "extra-official" (1997), and Roitman's work on "informal" economies (1990, 2005)). As I have shown here, those ostensibly responsible for socialising officials to carry through on official policy are "failing" to such a degree that one must question whether in fact the streamlined, rational-bureaucratic institution is something truly sought after. Perhaps they—"the government planners", as I have been calling them—are succeeding beyond their wildest expectations in establishing new, specific forms of bureaucratic functioning, which can elude the ethnographer with an ideal type in mind (Hansen & Stepputat 2001: 9). This is not to say that these official policies and projects do not have some effect. By creating the materiality through which individuals must navigate, these plans can set the terms for their operation or subversion (ibid.: 8). However, it should be our goal as ethnographers and non-normative analysts of these living institutions to seek to understand how such bureaucratic forms come to be, how they spin off of an articulation between the so-called "official" and "unofficial", and what they mean for the study of power and government not only in the global south, but across the globe.

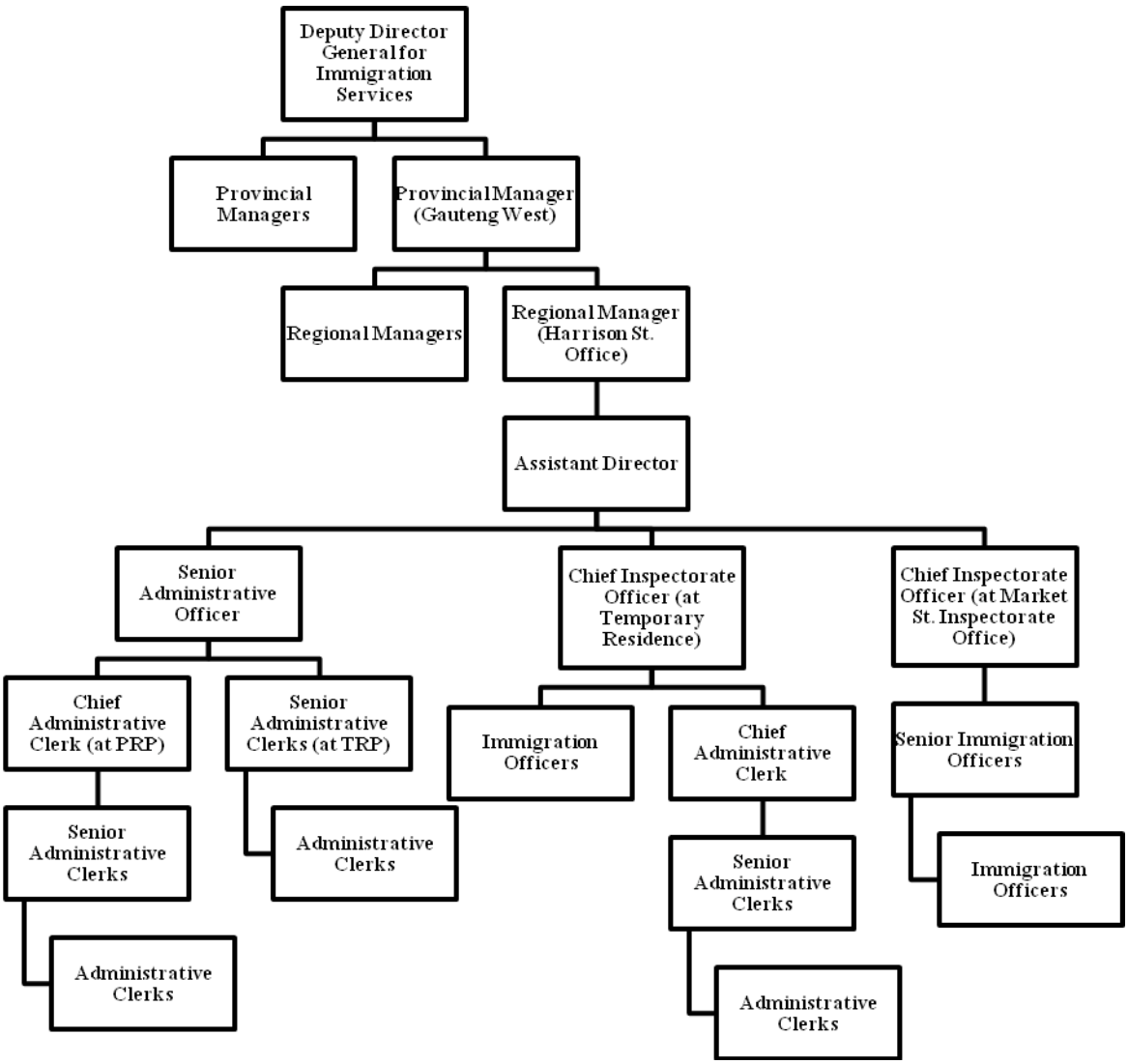
WiSETD

Appendix 1: Department of Home Affairs Organisational Chart



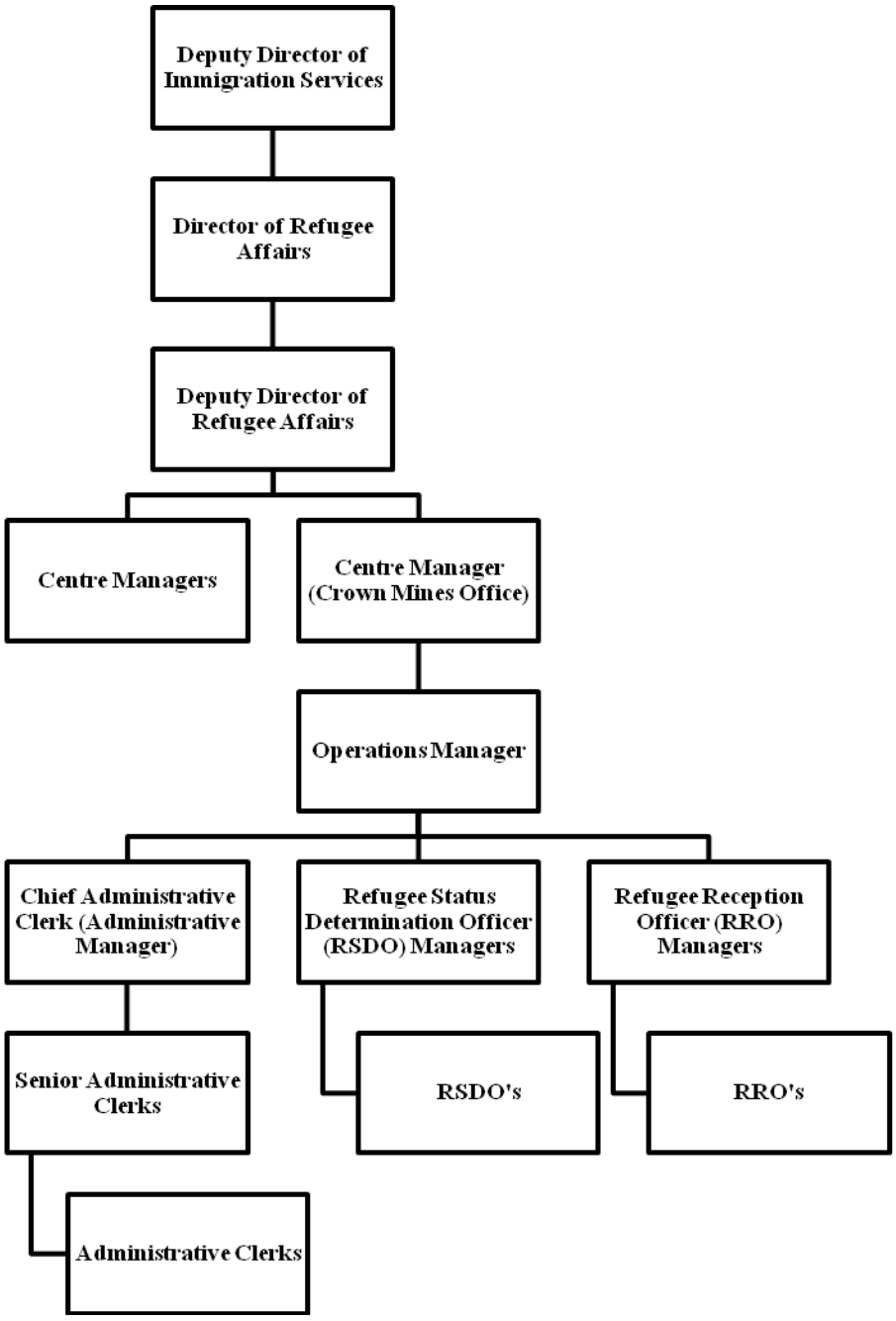
Source: http://www.home-affairs.gov.za/organ_structure.asp; http://www.home-affairs.gov.za/nib1.asp; http://www.home-affairs.gov.za/dir_admission.asp; http://www.home-affairs.gov.za/dir_inspectorate.asp (accessed 15/7/2009)

Appendix 2: Harrison St. Admissions and Market St. Inspectorate Organisational Chart



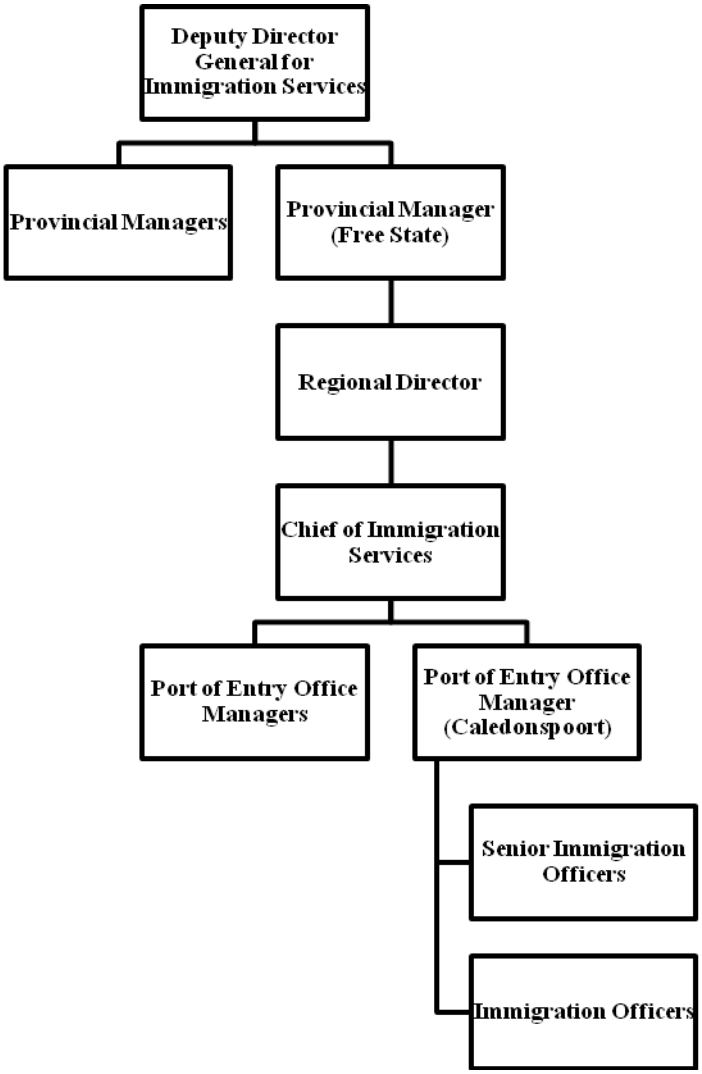
Source: Author's field notes

Appendix 3: Crown Mines Organisational Chart



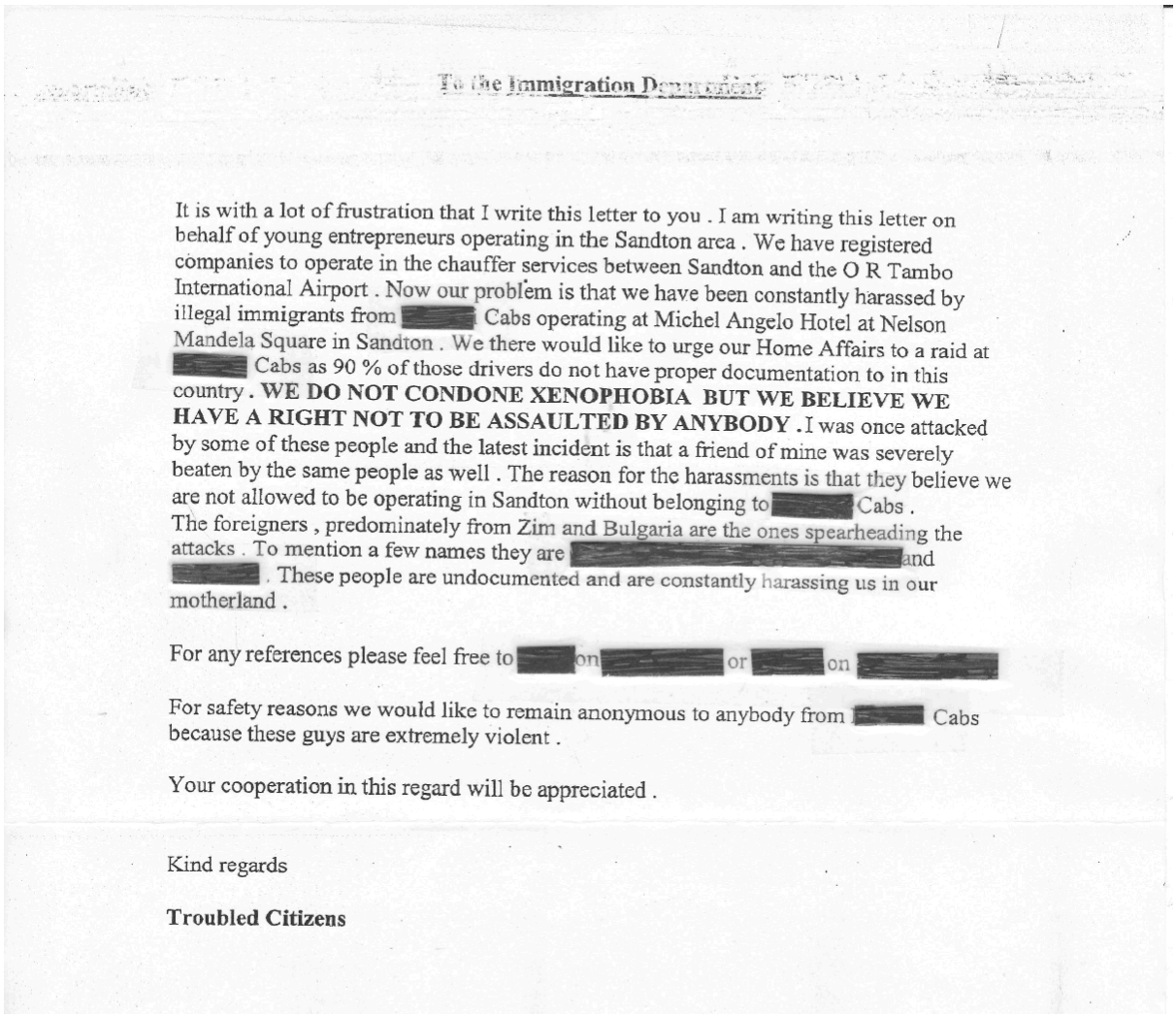
Source: Author's field notes

Appendix 4: Caledonspoort Organisational Chart



Source: Author's field notes

Appendix 5: Example of Public Complaint



To the Immigration Department

It is with a lot of frustration that I write this letter to you . I am writing this letter on behalf of young entrepreneurs operating in the Sandton area . We have registered companies to operate in the chauffer services between Sandton and the O R Tambo International Airport . Now our problem is that we have been constantly harassed by illegal immigrants from [redacted] Cabs operating at Michel Angelo Hotel at Nelson Mandela Square in Sandton . We there would like to urge our Home Affairs to a raid at [redacted] Cabs as 90 % of those drivers do not have proper documentation to in this country . **WE DO NOT CONDONE XENOPHOBIA BUT WE BELIEVE WE HAVE A RIGHT NOT TO BE ASSAULTED BY ANYBODY .** I was once attacked by some of these people and the latest incident is that a friend of mine was severely beaten by the same people as well . The reason for the harassments is that they believe we are not allowed to be operating in Sandton without belonging to [redacted] Cabs . The foreigners , predominately from Zim and Bulgaria are the ones spearheading the attacks . To mention a few names they are [redacted] and [redacted] . These people are undocumented and are constantly harassing us in our motherland .

For any references please feel free to [redacted] on [redacted] or [redacted] on [redacted]

For safety reasons we would like to remain anonymous to anybody from [redacted] Cabs because these guys are extremely violent .

Your cooperation in this regard will be appreciated .

Kind regards

Troubled Citizens

Source: Author's field notes, collected 5/9/2008

References Cited

Abrams, P. 1988. Notes on the difficulty of studying the state. *Journal of Historical Sociology* **1** (1), 58–89.

Aglotsson, E. & J. Klaaren 2003. Policing migration: immigration enforcement and human rights in South Africa. *Migration Policy Brief No. 14.* Cape Town: Southern African Migration Project.

Agnew, J. 1999. Mapping political power beyond state boundaries: territory, identity, and movement in world politics. *Millennium* **28**, 499–522.

Albrow, M. 1992. Sine ira et studio—or do organizations have feelings? *Organization Studies* **13** (3), 313–329.

Anders, G. 2005. *Civil servants in Malawi: cultural dualism, moonlighting and corruption in the shadow of good governance.* Rotterdam: Law Faculty, Erasmus University.

Anderson, B. 1991 [1983]. *Imagined communities: reflections on the origin and spread of nationalism.* London: Verso.

Bailey, F.G. 1983. *The tactical uses of passion: an essay on power, reason, and reality.* Ithaca, N.Y: Cornell University Press.

Basch, L., N.G. Schiller, & C.S. Blanc 2008. Transnational projects: a new perspective *and* Theoretical premises. In *The transnational studies reader: intersections and innovations* (eds) S. Khagram & P. Levitt, 261–272. London: Routledge.

Bayart, J.F. 1993. *The state in Africa: the politics of the belly* (trans) M. Harper. London: Longman.

Bayart, J.F., S. Ellis, & B. Hibou 1999. *The criminalisation of the state in Africa.* Bloomington, IN: Indiana University Press.

Blundo, G. & J.P. Olivier de Sardan 2006. *Everyday corruption and the state: citizens and public officials in Africa.* Cape Town: David Philip, London: Zed Books.

Bourdieu, P. 1977. *Outline of a theory of practice* (trans) R. Nice. Cambridge: Cambridge University Press.

Brenner, N. 2004. *New state spaces: urban governance and the rescaling of statehood.* Oxford: Oxford University Press.

Castells, M. 1996. The space of flows. In *The Castells reader on cities and social theory* (ed) I. Susser, 314–365. Oxford: Blackwell Publishers.

Certeau, M. de 1988. *The practice of everyday life* (trans) S. Rendall. Berkeley: University of California Press.

Chabal, P. & J.P. Daloz 1999. *Africa works: disorder as political instrument.* Oxford: James Currey.

Chabal, P. 1994. *Power in Africa: an essay in political interpretation.* New York: St. Martin's Press.

Chipkin, I. 2007. *Do South Africans exist? Nationalism, democracy, and the identity of "the people".* Johannesburg: Wits University Press.

Comaroff, J. & J.L. Comaroff (eds) 1999 *Civil society and the political imagination in Africa: critical perspectives.* Chicago: University of Chicago Press.

——— 2001. Naturing the nation: aliens, apocalypse and the postcolonial state. *Journal of Southern African Studies*, Special issue for Shula Marks, **27** (3), 627–651.

Coplan, D.B. 2000. Unconquered territory: narrating the Caledon Valley. *Journal of African Cultural Studies*, **13** (2), 185–206.

——— 2001. A river runs through it: the meaning of the Lesotho–Free State border. *African Affairs* **100**, 81–116.

WITSPRESS

——— 2008. Crossing borders. In *Go home or die here: violence, xenophobia and the reinvention of difference in South Africa* (eds) S. Hassim, T. Kupe, & E. Worby, 119–131. Johannesburg: Wits University Press.
——— n.d. Siamese twin towns and unitary concepts in border inequality. *Journal of Borderland Studies.*
Dale, J. & C.A. Siracusa 2005. Seeing the state like a migrant: why so many non-criminals break immigration laws. In *Illicit flows and criminal things: states, borders, and the other side of globalisation* (eds) W. van Schendel & I. Abraham, 153–176. Bloomington: Indiana University Press.
Das, V. 2004. The signature of the state: the paradox of illegibility. In *Anthropology in the margins of the state* (eds) V. Das & D. Poole, 225–252. Oxford: James Currey.
Das, V. & D. Poole (eds) 2004. *Anthropology in the margins of the state*. Oxford: James Currey.
Derrida, J. 1978. Structure, sign and play in the discourse of the human sciences. In *Writing and difference* (trans) A. Bass, 278–293. London: Routledge.
——— 1982. Tympan. In *Margins of philosophy* (trans) A. Bass, ix–xxix. Chicago: University of Chicago Press.
Donnan, H. & T.M. Wilson 1999. *Borders: frontiers of identity, nation and state.* Oxford: Berg.
Douglas, M. 1966. *Purity and danger: an analysis of the concepts of pollution and taboo.* London: Routledge.
Escobar, A. 1995. *Encountering development: the making and unmaking of the third world.* Princeton, NJ: Princeton University Press.
Evans, I. 1997. *Bureaucracy and race: native administration in South Africa.* Berkeley: University of California Press.
Fabian, J. 1984. *Time and the other: how anthropology makes its object.* New York: Columbia University Press.
Ferguson, J & A. Gupta 2002. Spatializing states: toward an ethnography of neoliberal governmentality. *American Ethnologist* **29** (4), 981–1002.
Ferguson, J. 1994. *The anti-politics machine: "development," depoliticization, and bureaucratic power in Lesotho.* Minneapolis: University of Minnesota Press.
——— 2006a. De-moralizing economies: African socialism, scientific capitalism, and the moral politics of structural adjustment. In *Global shadows: African in the neoliberal world order* J. Ferguson, 69–88. Durham, NC: Duke University Press.
——— 2006b. Transnational topographies of power: beyond "the state" and "civil society" in the study of African politics. In *Global shadows: African in the neoliberal world order* J. Ferguson, 89–112. Durham, NC: Duke University Press.
Feyissa, D. & M.V. Hoehne 2008. Resourcing state borders and borderlands in the horn of Africa. *Working Papers No. 107.* Halle: Max Planck Institute of Social Anthropology.
Flynn, D.K. 1997. 'We are the border': identity, exchange, and the state along the Benin–Nigeria border. *American Ethnologist* **24** (2), 311–330.
Foucault, M. 1978. *The history of sexuality* (trans) R. Hurley. New York: Vintage Books.
Friedman, T. 2005. *The world is flat: a brief history of the twenty-first century.* New York: Picador.
Giddens, A. 1984. *The constitution of society*. Berkeley, CA: University of California Press.
Goff, P. 2000. Invisible borders: economic liberalization and national identity. *International Studies Quarterly* **44** (4), 533–562.
Graham, M. 2003. Emotional bureaucracies: emotions, civil servants, and immigrants in the Swedish welfare state. *Ethos* **30** (3), 199–226.

WISER

Gupta, A. 1995. Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state. *American Ethnologist* **22** (2), 375–402.
Handelman, D. 1981. Introduction: the idea of bureaucratic organization. *Social Analysis* **5**, 5–23.
Hansen, T.B. & F. Stepputat 2001. Introduction: states of imagination. In *States of imagination: ethnographic explorations of the postcolonial state* (eds) T.B. Hansen & F. Stepputat, 1–38. Durham, NC: Duke University Press.
Hassim, S., T. Kupe, & E. Worby (eds) 2008. *Go home or die here: violence, xenophobia and the reinvention of difference in South Africa*. Johannesburg: Wits University Press.
Herzfeld, M. 1992. *The social production of indifference: exploring the symbolic roots of western bureaucracy*. Chicago: University of Chicago Press.
——— 2001. *Anthropology: theoretical practice in culture and society.* Oxford: Blackwell Publishers.
Heyman, J.McC. 1995. Putting power in the anthropology of bureaucracy: the immigration and naturalization service at the Mexico–United States border. *Current Anthropology* **36** (2), 261–287.
Hoag, C. 2008. *Authority by text, authorities by context: masks and mundane political practices at the South African Department of Home Affairs.* B.A. Honours Thesis, Department of Social Anthropology, University of the Witwatersrand.
Hornberger, J.C. 2007. *"Don't push this constitution down my throat!" Human rights in everyday practice. An ethnography of police transformation in Johannesburg, South Africa.* Ph.D. dissertation, Universiteit Utrecht.
Hyden, G. 1992. Governance and the study of politics. In *Governance and politics in Africa* (eds) G. Hyden & M. Bratton, 1–26. London: Lynne Riener.
——— 2006. *African politics in comparative perspective.* Cambridge: Cambridge University Press.
Inda, J.X. & R. Rosaldo 2002. Introduction: a world in motion. In *The anthropology of globalization: a reader* (eds) J.X. Inda & R. Rosaldo, 1–34. Oxford: Blackwell Publishers.
Jacobsen, K. 2002. Can refugees benefit the state? Refugee resources and African statebuilding. *The Journal of Modern African Studies,* **40** (4), 577–596.
Kyle, D. & J. Dale 2008. Smuggling the state back in: agents of human smuggling reconsidered. In *The transnational studies reader: intersections and innovations* (eds) S. Khagram & P. Levitt 563–569. London: Routledge.
Landau, L.B. 2006a. Transplants and transients: idioms of belonging and dislocation in inner-city Johannesburg. *African Studies Review* **49**, 125–145.
——— 2006b. Myth and rationality in southern African responses to migration, displacement, and humanitarianism. In *Views on migration in sub-Saharan Africa: proceedings of an African Migration Alliance workshop* (eds) C. Cross, D. Gelderblom, N. Roux, & J. Mafukidze, 220–244. Cape Town: HSRC Press.
——— 2008. Decentralisation, migration and development in South Africa's primary cities. In *Migration in post-apartheid South Africa* (eds) A. Wa Kabwe-Segatti & L.B. Landau, 163–211. Paris: Notes et Documents Series of the Agence Française de Développement.
Latham, R. 2000. Social sovereignty. *Theory, Culture & Society* **17** (4), 1–18.
Lesotho Bureau of Statistics. 2006 census, http://www.bos.gov.ls (accessed May 13, 2008).
Lévi-Strauss, C. 1966. *The savage mind.* Chicago: University of Chicago Press.
Li, T.M. 1999. Compromising power: development, culture, and rule in Indonesia. *Cultural Anthropology* **14** (3), 295–322.

WITSETD

Lipsky, M. 1971. Street-level bureaucracy and the analysis of urban reform. *Urban Affairs Review* **6**, 391–409.
——— 1980. *Street-level bureaucracy: dilemmas of the individual in public services.* New York: Russell Sage Foundation.
Lonsdale, J. 1981. States and social processes in Africa: a historiographical survey. *African Studies Review* **24** (2/3), 139–225.
Malkki, L. 1992. National geographic: the rooting of peoples and the territorialization of national identity among scholars and refugees. *Cultural Anthropology* **7** (1), 24–44.
Mamdani, M. 1996. *Citizen and subject: contemporary Africa and the legacy of colonialism.* Princeton, New Jersey: Princeton University Press.
Mandaville, P.G. 1999. Territory and translocality: discrepant idioms of political identity. *Millennium* **28**, 653–673.
Marshall, T.H. 1964. *Class, citizenship, and social development.* Garden City, NY: Doubleday.
Mathews, A.S. 2008. State making, knowledge, and ignorance: translation and concealment in Mexican forestry institutions. *American Anthropologist* **110** (4), 484–494.
Mbembe, A. 2000. At the edge of the world: boundaries, territoriality, and sovereignty in Africa (trans) S. Rendall. *Public Culture* **12** (1), 259–284.
——— 2001a. Of commandment. In *On the postcolony* A. Mbembe, 24–65. Berkeley, CA: University of California Press.
——— 2001b. On private indirect government. In *On the postcolony* A. Mbembe, 66–101. Berkeley, CA: University of California Press.
——— 2001c. The aesthetics of vulgarity. In *On the postcolony* A. Mbembe, 102–141. Berkeley, CA: University of California Press.
Mechlinski, T. n.d. Toward an approach to borders and mobility in Africa. *Journal of Borderland Studies.*
Médard, J.P. 1982. The underdeveloped state in tropical Africa: political clientelism or neo-patrimonialism. In *Private patronage and public power: political clientelism in the modern state* (ed) C. Clapham, 162–192. London: Frances Pinter.
Mitchell, T. 1999. Society, economy, and the state effect. In *State/culture: state-formation after the cultural turn* (ed) G. Steinmetz, 76–97. Ithaca, NY: Cornell University Press.
Mountz, A. 2003. Human smuggling, the transnational imaginary, and everyday geographies of the nation-state. *Antipode* **35** (3), 622–644.
Murray, C. 1981. *Families divided: the impact of migrant labour in Lesotho.* Cambridge: Cambridge University Press.
Nugent, D. 1994. Building the state, making the nation: the bases and limits of state centralization in "modern" Peru. *American Anthropologist* **96** (2), 333–644.
Ong, A. 1999. *Flexible citizenship: the cultural logics of transnationality.* Durham: Duke University Press.
Pakenham, T. 1979. *The Boer war.* New York: Random House.
Peberdy, S. 2001. Imagining immigration: inclusive identities and exclusive policies in post-1994 South Africa. *Africa Today* **48** (3), 14–32.
Picard, L.A. 2005. *The state of the state: institutional transformation, capacity and political change in South Africa*. Johannesburg: The Wits Policy and Development Management Governance Series, Wits University Press.
Posel, D. 1999. Whiteness and power in the South African civil service: paradoxes of the apartheid state. *Journal of Southern African Studies* **25** (1), 99–119.
Republic of South Africa. 1996. *South African constitution*.
——— 2002. *Immigration act 13 of 2002.*
——— 2004. *Immigration amendment act 19 of 2004.*

WITSPRESS

Robinson, W.I. 1998. Beyond nation-state paradigms: globalization, sociology, and the challenge of transnational studies. *Sociological Forum* **13** (4), 561–594.
Roitman, J. 1990. The politics of informal markets in sub-Saharan Africa. *The Journal of Modern African Studies* **28** (4), 671–696.
——— 2004. Productivity in the margins: the reconstitution of state power in the Chad Basin. In *Anthropology in the margins of the state* (eds) Das, V. & D. Poole, 191–224. Oxford: James Currey.
——— 2005. *Fiscal disobedience: an anthropology of economic regulation in central Africa.* Princeton, NJ: Princeton University Press.
Southern African Migration Project. 2008. The perfect storm: the realities of xenophobia in contemporary South Africa. *Migration Policy Series No. 50.* Cape Town: IDASA.
Scott, J. 1998. *Seeing like a state: how certain schemes to improve the human condition have failed.* New Haven, CT and London: Yale University Press.
Selznick, P. 1949. *TVA and the grass roots: a study of the sociology of formal organisations.* Berkeley, CA: University of California Press.
Sharma, A. & A. Gupta (eds) 2006. *The anthropology of the state: a reader*. Oxford: Blackwell Publishers.
Simmel, G. 1950. The stranger. In *The sociology of George Simmel* (trans) K.H. Wolf, 402–408. New York: The Free Press.
Sparke, M.B. 2006. A neoliberal nexus: economy, security, and the biopolitics of citizenship on the border. *Political Geography* **25**, 151–180.
Stepputat, F. 1999. Repatriation and everyday forms of state formation in Guatemala. In *The end of the refugee cycle? Refugee repatriation and reconstruction* (eds) R. Black & K. Koser, 210–270. New York: Berghahn Books.
Taussig, M. 1993. Maleficium: state fetishism. In *Fetishism in cultural discourse* (eds) E. Apter & W. Pietz, 217–247. Ithaca: Cornell University Press.
——— 1997. *The magic of the state.* London: Routledge.
Thornton, R. 2000. Ethnicity and the geometry of power: the aesthetics of ethnicity in the imagination of the polity. *Critical Arts* **14** (1), 16–43.
Tilly, C. 2005. *Identity, boundaries, and social ties.* London: Paradigm.
Tonkiss, F. 2005. Spatial stories: subjectivity in the city. In *Space, the city, and social theory: social relations and urban forms,* 113–130. London: Polity.
Torpey, J. 1998. Coming and going: on the state monopolization of the legitimate "means of movement". *Sociological Theory* **16** (3), 239–259.
——— 2000. *The invention of the passport: surveillance, citizenship and the state.* Cambridge: Cambridge University Press.
Trouillot, M R. 2003. *Global transformations: anthropology and the modern world.* New York: Palgrave MacMillan.
Tsing, A. 2000. The global situation. *Cultural Anthropology* **15** (3), 327–360.
Turner, B.S. 1986. *Citizenship and capitalism: the debate over reformism.* London: Allen & Unwin Publishers, Ltd.
Vigneswaran, D., T. Araia, C. Hoag, & X. Tshabalala. n.d. Criminality or monopoly? informal immigration enforcement in South Africa. *Journal of Southern African Studies*, **36**.
Vigneswaran, D. 2008. Undocumented migration: risks and myths (1998–2005). In *Migration in post-apartheid South Africa: challenges and questions to policy makers* (eds) A. Wa Kabwe-Segatti & L.B. Landau, 135–162. Paris: Notes et Documents Series of the Agence Française de Développement.
Wacquant, L. 2001. Deadly symbiosis: when ghetto and prison meet and mesh. *Punishment and Society* **3** (1), 95–134.

WITHDRAWN

Wa Kabwe-Segatti, A. & L.B. Landau (eds) 2008. *Migration in post-apartheid South Africa: challenges and questions to policy-makers*. Paris: Notes et Documents Series of the Agence Française de Développement.

Wa Kabwe-Segatti, A. 2008. Reforming South African immigration policy in the post-apartheid period (1990–2006): what it means and what it takes. In *Migration in post-apartheid South Africa: challenges and questions to policy makers* (eds) A. Wa Kabwe-Segatti & L.B. Landau, 55–113. Paris: Notes et Documents Series of the Agence Française de Développement.

Weber, M. 1978. *Economy and society* (trans) G. Roth & G. Wittich. Berkeley: University of California Press.

Zolberg, A. 1968. The structure of political conflict in the new states of tropical Africa. *American Political Science Review* **62** (1), 70–87.

WitsETD