



**Suspicion,
Violence, and
Social Distance:
Everyday Discretion in the South African Police**

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University of the Witwatersrand**

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Declaration:

I swear that this dissertation represents my own work in accordance with University regulations.

Acronyms and Vernacular

ANC	African National Congress, the ruling party in South African politics
CSC	Client Service Center, the reception desk of a police station
JMPD	Johannesburg Metropolitan Police Department, also Metro Police are responsible for traffic and by-laws policing
SAP	South African Police under Apartheid
SAPS	South African Police Service
Bakkie	A pickup truck, in the case of police the truck bed is enclosed for transporting suspects
Braai	South African barbeque
Dagga	Marijuana
Informal Settlement	A residential area where most dwellings are self-constructed from corrugated metal, wood, plastic, and other scraps of materials, also called a Squatter Camp
Ne?	A common interjection akin to “right?” or “you see?”
Sjambok	A rubber whip
Taxi	Combi vans used widely for public transportation, they are run by Taxi Associations
Township	A residential area designated for non-whites under Apartheid
Tsotsi	Gangster, thug
Veld	Field in Afrikaans

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Introduction

The commissioner, Jackie Selebi, was partial to Canali ties, Hugo Boss knitwear, Etienne Aigner jackets and Louis Vuitton shoes, particularly the brown suede. And since smuggling is far more lucrative than policing, the drug dealer, Glenn Agliotti, would generously pick up the tab. [...] On Friday, he once again testified that his gifts to the police commissioner were only innocent gestures of generosity. “I’ve given presents to friends before,” he said, nodding his head above the knot of a tasteful white tie. “That’s just how I am.”¹

Former police commissioner Jackie Selebi’s trial has raised questions about the nature of corruption and police relations with the public. In their daily work, police officers navigate the public demands of their work as private individuals. Without clear direction in many aspects of their duties, and with a large space for discretion, they must use their personal judgment to make a wide variety of decisions. The everyday interactions that police exhibit with the public are one of the most important displays of the state managing the people within its boundaries. The relations between the police and society at large are one of the most fundamental aspects of determining whether a society is democratic. The mode of everyday governance is thus an extremely important subject to explore. However, the way that police-public relations have been conceptualized rarely consider the personal discretion the officer is able to exercise during moments of interaction with civilians. The research question leading this research is about how to conceptualize police relations to and interactions with the public they police, from the perspectives and experiences of the officers themselves.

Foundational policing scholar Jerome Skolnick cites an old saying that “cops’ decisions quickly disappear into the ozone” when there is no oversight of their street-level decisions.² However, the everyday decisions that police officers make have resounding consequences for public perceptions of the legitimacy of the entire institution. Stories of officers soliciting for bribes or sleeping on the job quickly circulate among citizens, especially in communities that feel police presence on a regular basis.

¹ Bearak, Barry. (18 October 2009) “Love of Designer Threads Adds Flair to Trial.” *The New York Times*.

² Skolnick, Jerome H. and James J. Fyfe. (1993) *Above the Law: Police and the Excessive Use of Force*. New York: The Free Press. Page 120.

Far from disappearing into the ozone, these decisions reverberate throughout the entire political community, which must be conceptualized as transnational in this day and age. The mundane, everyday decisions that street-level police officers make are the fodder for media coverage and word-of-mouth stories about the legitimacy of the state, crime levels, and government accountability.

There are a few major issues of public concern that frame the context for this research and the issues discussed herein. Fifteen years into a democratic South Africa, the police have a growing reputation for corruption. At the time of this writing, former Police Commissioner Jackie Selebi is on trial for corruption. There are frequent newspaper reports about police officers committing crimes or using excessive force.³ The pervasive discourse on police from a rights-based perspective speaks about these problems, but often stops short of a deepening understanding of why the police may behave in such ways. While police organizational culture has been studied in South Africa to an extent, there has been little done to examine precisely the points of interaction between street-level police officers and the public, especially non-nationals.

Throughout the month of May 2008, 62 people were killed in xenophobic looting and violence targeting foreigners. Most of this violence occurred in townships and informal settlements, including Diepsloot.⁴ Yet, a short two years later, South Africa is set to host the international soccer World Cup in June 2010. Johannesburg is marketing itself as a “world class African host city” and faces increased scrutiny from the international community. Between these two events, toward the end of 2009, Jacob Zuma's government proposed amending Section 49 of the Criminal Procedure Act to give officers more discretion in using lethal force.⁵ After a number of shootings involving innocent civilians, this proposal has come under attack in the public discourse.⁶ The “shoot-to-kill” debate has placed the issue of police

³ For example: Thom, Liezl. (15 April 2009) “Cops Linked to Laudium, Erasmia Crimes.” *Eye Witness News*.

⁴ Misago, Jean Pierre with Loren B. Landau and Tamlyn Monson. (February 2009) “Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa.” Report 01/2009. Pretoria: IOM International Organization for Migration.

⁵ Fihlani, Pumza. (12 October 2009) “Are South African Police Trigger Happy?” *BBC News Online*.

⁶ South African Press Association. (12 October 2009) “Zuma 'Never Said Shoot to Kill.’” *The Mail and Guardian Online*. Letsebe, Lesirela. (25 November 2009) “Shoot to Kill: A Camouflaged Revival of the Death Penalty and Reversal of the

discretion at the fore, and raises questions about how police make daily decisions that affect the public. These issues contextualize the South African context at the time of the research conducted for this thesis, and this dissertation is in conversation with this context. Thus, this dissertation is concerned with seeking a nuanced understanding of the way police officers relate to the people they police, as well as to their work and to other police officers.

Chapter Outline

The first chapter focuses on discretion in the policing literature and frames the general argument of the dissertation that examining the moment of discretion offers insights into the ways police relate to their work and the public. After reviewing the policing literature and defining the concept of discretion for the purpose of this thesis, I argue that discretion is a necessary lens through which to examine everyday police work. The discussion of discretion frames the discussions of empirical data presented in the ensuing chapters, and offers a new conception of the role of discretion in police relations to the public.

Chapter 2 discusses the case selection for the empirical data that will be presented in Chapters 3 to 5. Arguing that ethnographic methods are best-suited to answer questions about the nature of everyday police work, this section will discuss the methods adopted for the study, describe the field site, and identify the challenges of conducting the research. The chapter will also introduce the specificities of the field site and the unique characteristics that distinguish the area from other policing areas in the country.

Chapters 3 through 5 will present the data collected during the study in the form of excerpts from field notes and transcribed interviews. Chapter 3 discusses the spatial organization of the field site

Bill of Rights?" *Sangonet*. [Http://www.ngopulse.org](http://www.ngopulse.org)

and the implications for racialized policing methods and perceptions. Drawing on the concepts of racial profiling and risk management, the chapter uses the example of foreign nationals in one informal settlement to examine broader issues of race and space. The chapter seeks to unpack the complex and often contradictory discourses the police adopt in conceptualizing their role vis-à-vis racially-defined spaces and communities, to examine the ways that police construct notions of space and order in context-specific ways. Chapter 4 looks at the role of violence in everyday police work. Looking at the role of violence in police interactions with suspected criminals as well as in male police officers' narratives of adolescence, the chapter argues that violence is an integral component of police work in South Africa. This chapter also looks at "mob justice" as a significant point of fear and helplessness in daily police work, and asks what this example may say about the broader police institution. Chapter 5 argues that the most poignant instances of police relations to their work, to each other, and to the local population occur through food. Examining particular interactions using the notions of food-sharing, gift-giving, and social solidarity, this chapter demonstrates the way social divisions are revealed through mundane, everyday behavior.

Finally, the conclusion comments on the empirical findings and their contribution to understanding the role of discretion in everyday police work. It returns to the question of how to conceptualize police interactions with the public in a democracy, and in South Africa in particular. To end, the conclusion places the dissertation in the context of existing research on the police and identifies themes for future research.

Chapter 1: Theoretical Framework: Police Discretion

The notion of discretion appears as a defining element of street-level police work in studies of police culture around the world. After reviewing the literature on policing and drawing out the aspects of discretion most relevant for this study, I will apply them to studying police within the South African context and then argue that a perspective centering on discretion is most useful for conceptualizing police relations to the public. The review relies on literature from the policing field, which regularly identifies discretion as a key to understanding police culture, as well as discussions of decision-making generally. A study specifically about how police construct, understand, and manipulate their own daily decisions should contribute to both the empirical data on SAPS, as well as to a theoretical understanding of how the meanings constructed in daily police work relate to broader social questions in South Africa.

The crux of this dissertation is to argue that discretion is a relevant way to conceptualize police-public relations and interactions in the South African context that has yet to be done explicitly. Methodologically, looking at these points of interaction offers tremendous insight into the daily work of police officers and the ways that their personal preferences are expressed in the course of their public duty. Conceptually, looking at the moment of discretion offers a new way to look at issues of trust, corruption, informality, suspicion and a host of other concepts that are relevant to particular policing contexts.

Discretion in Policing Literature

While the literature on policing tends to focus on case studies in the United States and Britain, this section will draw out the elements most critical to applying the theme of discretion to police in

South Africa. In broad terms, this body of literature is concerned with understanding the role of the police in society, and of the culture created in this unique work environment. Specifically, much of the early literature on policing sought to understand the role of a police force governed by the state in a democratic society. For example, a primary theme that emerges from the literature on the social role of policing is the tension between democratic ideals and the potential coercion involved in enforcing the law. As such, policing in liberal democratic societies can contradict the fundamental values of such a society. In his 1966 book *Justice without Trial*, Jerome Skolnick argues that the tension between law and order is inherent in any democratic society. He posits that, “this tension between the operational consequences of ideas of order, efficiency, and initiative, on the one hand, and legality, on the other, constitutes the principal problem of police as a democratic legal organization.”⁷ Using case studies in the United States and Britain, his argument suggests that the demands put on law enforcement officials, namely to maintain social order and to maintain the legal rights of citizens, are inherently contradictory. Skolnick argues that law and order are actually in conflict when it comes to conducting police work when citizens have certain rights, while such tension does not exist in authoritarian societies.

In a discussion of disciplinary power and subjugation, Foucault voices a similar concern with the rule of law in democratic societies: “the juridical systems—and this applies to both their codification and to their theorization—have enabled sovereignty to be democratized through the constitution of a public right articulated upon a collective sovereignty, while at the same time this democratization of sovereignty was fundamentally determined by and grounded in mechanisms of disciplinary coercion.”⁸ Here, the legal systems themselves are democratic in the sense that they grant citizens rights. Yet, the enforcement of legal principles, or to use Skolnick's term, the enforcement of order, is achieved through different means that may violate these rights, namely disciplinary coercion.

⁷ Skolnick, Jerome H. (1966) *Justice without Trial: Law Enforcement in Democratic Society*. 2nd Ed. New York: John Wiley & Sons, Inc. Page 6.

⁸ Foucault, Michel. (2005) “Disciplinary Power and Subjugation.” *Law and Anthropology: A Reader*. Ed. Sally Falk Moore. Oxford: Blackwell Publishing, Page 47.

While Foucault focuses on the creation of law in democratic societies and Skolnick is interested in its maintenance, both point to tensions in the legal systems of such societies. In short, the tension between law and order implies that enforcing order can occur at the expense of legality. Of course the implications of this paradox seem to put police officers in an inherently complex position vis-à-vis the law.

The works of Skolnick and Foucault suggest that the role of the police officer in a democratic society is located precisely at the center of this paradox, and such ambiguity requires individual officers to make decisions about how to conduct their work. This tension may be most apparent at moments when officials are allowed to use their discretion to make enforcement decisions. The issue of discretion is rife within works on the police, as outlined below, and seems to offer a theoretical grounding for one characteristic of police work that allows it to have social and political importance. Whether explicitly about policing, or about the role of a bureaucrat in general, many of the authors below offer discretion as an important concept in the construction of public policy on the ground.

A unique element of the police structure is that the majority of discretionary power lies “at the line level.”⁹ Differing from other hierarchical professions such as the military where supervisors hold decision-making power, “police work combines high discretion with low visibility decision-making.”¹⁰

Skolnick conceptualizes the police officer as a “skilled worker” or bureaucrat, comparable to Michael Lipsky’s “street-level bureaucrat.” Lipsky identifies autonomy from organizational authority as the basis for what he terms the street-level bureaucrat's position: “I argue that the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out.”¹¹ This independence in daily

⁹ Skolnick and Fyfe 1993:118.

¹⁰ Skogan, Wesley G. and Tracey L. Meares. (May 2004) “Lawful Policing.” *Annals of the American Academy of Political and Social Sciences*. Vol. 593. Page 75.

¹¹ Lipsky, Michael. (1982) *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russel Sage. Page xii.

decisions amounts to discretion in the sense that bureaucrats have discretion over how to implement policies on the ground. His argument is that public policy is adapted, or even created on the ground and in the spaces where it is meant to be enforced. Along the same lines, Robert Reiner attempts to draw the connection between discretion and policy:

The policy in practice of a police force is the sum of myriad discretionary decisions by officers in individual incidents, which are problematically related to formal policy. On the other hand, all policy decisions have some effect on the structuring of individual discretion—even if it is only the need for street cops to find ways of covering up practices divergent from the principles espoused by management cops.¹²

Reiner's claim has serious implications for issues of police corruption or contravention of formal law and policy by suggesting that these are commonplace negotiations officers must engage in.

Interestingly, he argues that the relationship between policies on discretion on the one hand and discretionary behavior itself on the other may be more bilateral than simply policy determining behavior. This is different from Lipsky's argument in that Reiner refers explicitly to policies on discretion, while Lipsky discusses the practice of discretion rather than its codification.

On the other hand, Maynard-Moody and Musheno's analysis of interviews conducted with street-level bureaucrats shows that they interpret their work as citizen-agents, rather than state-agents, taking individual cases on their own merits, and rarely wording their responsibilities in terms of law, policy, or procedure.¹³ Rather than supporting the literature that finds that such workers use their discretion to create policy and do so based on practical concerns, these agents themselves construct their function in very different terms.

Josiah Heyman advocates the anthropological study of bureaucracy using the idea of “thought-work” to represent the key element of a bureaucrat's function.¹⁴ Using the example of the types of

¹² Reiner, Robert. (1997) “28: Policing and the Police.” *The Oxford Handbook of Criminology*. 2nd Ed. Oxford: Clarendon Press. Page 1024.

¹³ Maynard-Moody, Steven and Michael Musheno. (April 2000) “State Agent or Citizen Agent: Two Narratives of Discretion.” *Journal of Public Administration, Research & Theory*. Vol. 10, No. 2. Page 356.

¹⁴ Heyman, Josiah McC. (April 1995) “Putting Power in the Anthropology of Bureaucracy: The Immigration and Naturalization Service at the Mexico-United States Border.” *Current Anthropology*. Vol. 36, No. 2. Page 261.

language immigration inspectors use to explain and justify decisions to admit or deny international travelers, Heyman argues that the key moment for this type of work is in the decision-making process. In structures where individuals are simultaneously expected to follow rules¹⁵ and use their own judgment, thought-work emerges as the process that relates these two disparate expectations. In a sense, thought-work is the process of using one's discretion, and thus is a useful point of analysis for officials who must engage with this kind of work on a daily basis. As the police officer is located at the intersection of policy and its implementation, of law and its enforcement, discretion emerges as operational in this intersection.

While the literature on policing identifies discretion as an element that characterizes the unique nature of street-level police work, the following review discusses authors that seek to look more closely at the process of decision-making that takes place when discretion is exercised. There are three levels at which discretion operates: official, functional, and everyday. Police discretion is structured at the official level through legislation and policy that determines how much discretion the police are given regarding certain types of law enforcement. Officers also make decisions at the functional level about how and when to conduct stops, searches, arrests, and the like. At the everyday level, officers spend most of their time free from direct supervision, and make decisions about how to spend their time. This section focuses on work that seeks to understand the latter two types of discretion. Both types are interesting for the purposes of this study to gain insight into the ways that discretionary decisions themselves are structured.

One section of the literature takes a reform approach, looking at the type of work ethos with an aim to change it at the policy level. Mastrofski defines discretion as “the leeway that officers enjoy in selecting more than one choice in carrying out their work.”¹⁶ He broadens the definition of discretion

¹⁵ Heyman calls this the “production of control duties.”

¹⁶ Mastrofski, Stephen D. (May 2004) “Controlling Street-Level Police Discretion.” *Annals of the American Academy of Political and Social Science*. Vol. 593. Page 101.

beyond decisions of when to arrest, to also include daily decisions about “how, when, and where officers choose to mobilize.”¹⁷ According to Mastrofski, police discretion has been attributed to situational, officer, organizational, and environmental characteristics, without much emphasis given to the factors that underlie discretionary processes. Mastrofski also makes a useful reference to the multiple stakeholders that can influence police discretion, including police hierarchies, community structures, and civil society. He identifies police legitimacy as an important element relating to discretionary behavior, since research has found a relationship between police behavior toward community members and the legitimacy afforded them by the community.

Skogan and Meares argue that the current trend in American policing is a move away from controlling discretion, and instead “decentralizing, reducing hierarchy, granting officers more independence, and trusting in their professionalism.”¹⁸ Lewis and Ramakrishnan find that a similar emphasis on professionalism and community policing in immigrant destination cities in California causes generally positive relationships between immigrant communities and local police. These works focus on police discretion as it relates to broader themes of legitimacy, while taking an approach based in police reform of discriminatory behavior, as opposed to analyzing the nature of discretion itself.

Another section of the literature focuses on how discretionary decisions are actually reached. It has been found that, due to the nature of police work, decisions are often made quickly and without complete information. Instead, “they have to construct a “story” of what has happened from the immediate characteristics of the encounter. The officer's interpretation of salient “signs” in the context of the immediate situation leads to the construction of a “theory” of events, and prediction of the likely results of potential choices.”¹⁹ The construction of this story and the signs that it is based on is an important aspect of discretion that is not addressed by the control-based approach discussed above.

¹⁷ Mastrofski 2004: 112.

¹⁸ Skogan and Meares 2004: 68.

¹⁹ Berk, Sarah Fenstermaker and Donileen R. Loseke. (1981) “‘Handling’ Family Violence: Situational Determinants of Police Arrest in Domestic Disturbances.” *Law & Society Review*. Vol. 15, No. 2. 342.

Emerson's work on social control decision-making offers a useful framework for considering discretionary processes in a more analytic light. He argues that discretion should not be seen only in relation to individual cases, but rather in relation to “some larger, organizationally determined whole.”²⁰ His purpose is to outline how social control agents, including social workers, doctors, and police respond to different individual cases based on their relationship to groups of cases. He argues that “decisions regarding particular cases reflect, or are embedded in, wider organizational projects and orderings that derive from highly local, very practical work concerns.”²¹

Janet Gilbo's typography of immigration officials' decisions offers a basis for categorizing discretionary processes. She finds that social control agents' discretion is structured by two main forces: prior knowledge such as stereotypes, instructions, and previous cases, and more importantly, categorizations of individuals into types. The immigration officers in her study have a set of types, and based on a quick assessment of an individual traveler, they identify which category the individual falls into, and the decision would be heavily based on the standard practice for this particular category. She adopts Emerson's focus on analyzing why certain categorizations become operational in different contexts.²²

Farrell and Holmes build on the case stereotype view on discretionary decisions by adopting an “interpretive approach that maintains that discrimination in legal processing is more subtle than generally thought, rooted in collectively held beliefs about crime and criminals that are institutionalized in the legal system.”²³ Although their analysis focuses on the legal system, they focus on the ways that crime stereotypes structure readings of a given case. These stereotypes are tied closely with

²⁰ Emerson, Robert M. (1983) “Holistic Effects in Social Control Decision-Making.” *Law & Society Review*. Vol. 17, No. 3. 425.

²¹ Emerson 1983: 454.

²² Gilbo, Janet A. (1991) “Deciding Who Gets In: Decision-making by Immigration Inspectors.” *Law & Society Review*. Vol. 25, No. 3. Pages 571-600.

²³ Farrell, Ronald A. and Malcolm D. Holmes. (Winter 1991) “The Social and Cognitive of Legal Decision-Making.” *The Sociological Quarterly*. Vol. 32, No. 4.

variations in social characteristics such as race, gender, and class, which make certain crimes more or less believable, and play a critical role in evaluating “exceptional cases.” Further, in an ethnographic study of housing authorities in England, Simon Halliday finds that “systemic discrimination may be socially produced within the bureaucratic processes of organizational decision-making.”²⁴ Arguing that “ethnic stereotyping can inform the social construction of cases,” Halliday examines the production of institutional racism throughout the bureaucracy.²⁵ He also finds that suspicion is an important element of the decision-maker's discretion.

These scholars from various disciplines share the assertion that discretion and decision-making of street-level police rely on stereotypes and previous practical knowledge. These ways of reasoning and making assumptions are influenced by what has been called police culture.

Police Culture

Studies of police seek to identify the cultural norms and values that govern police work and that distinguish this type of work from others. Jerome Skolnick's foundational discussion of police culture focuses on “danger, authority, and efficiency, as they combine to generate distinctive cognitive and behavioral responses in police: a 'working personality.’”²⁶ Reiner uses the term cop culture to describe “a patterned set of understandings which help to cope with and adjust to the pressures and tensions which confront the police.”²⁷ This “working personality” of police is defined by a sense of mission, suspicion, paranoia, social isolation in relation to the public, and insular solidarity with other police officers. The trends toward police conservatism, sexism, racism, realism and pragmatism have

²⁴ Halliday, Simon. (2000) “Institutional Racism in Bureaucratic Decision-Making: A Case Study in the Administration of Homelessness Law.” *Journal of Law and Society*. Vol. 27, No. 3. Page 449.

²⁵ Halliday 2002: 456.

²⁶ Skolnick 1966: 42.

²⁷ Reiner 1992: 109.

expanded the common understanding of police culture since then.²⁸

These initial portraits of police culture argued that the nature of police work bred a distinct set of norms and values that governed police behavior. Police culture was conceptualized in terms of its close link to the particularities of police work. In “advanced industrial liberal democracies” there are common elements of police culture.²⁹ Reiner points out the commonalities of a series of works on the police during the 1970’s in which authors sought to create typologies of individual policing personalities. He found that each study identified the same characteristics, which he names: alienated cynic, managerial professional, peace-keeper, and law-enforcer.³⁰

Janet Chan attempts to construct a theory of police culture, and argues that “a sound theory of police culture should recognize the interpretive and active role of officers in structuring their understanding of the organization and its environment.”³¹ Her argument introduces the notion of agency into studying police culture, and she argues against singular definitions of police cultures that treat officers as passively influenced by the predominant police culture. This is a very different approach from Skolnick and Lipsky's in that it does not focus on the way the organizational structure affects the police, but rather how an officer interacts with the work environment. Through this new theory of police culture, Chan still discusses many of the same ideas covered by the other authors, namely the way that police officers construct responses in a rather ad hoc way using their discretionary leeway.³² Chan's emphasis on the “active and creative role”³³ of the police in their relationship with their work highlights the importance of how the police relate to what they do. Further, her use of multiple police cultures recognizes that police hold cultural cognitions relating to dictionary, directory, recipe, and axiomatic knowledge.

²⁸ Reiner 1992; Brogden and Shearing 1993: 43.

²⁹ Reiner 1992: 135.

³⁰ Reiner 1992: 132.

³¹ Chan, Janet. (Winter 1996) “Changing Police Culture.” *British Journal of Criminology*. Vol. 36, No. 1. Page 112.

³² Chan 1996: 115.

³³ Chan 1996: 112.

Building on Chan's multiple cultures and multiple forms of organizational knowledge, Monique Marks contributes to the literature on police culture by introducing the notion of police "cultural knowledge." In order to understand police culture, which shapes individual police attitudes, it is necessary to examine the beliefs and assumptions that underlie cultural norms and values.³⁴ Different types of "cultural knowledge" inform these beliefs and assumptions, and thus make up the fundamental aspects of police culture.³⁵

In his 1997 work on British police, Simon Holdaway uses interviews with rank and file police officers to examine the ways that "the mundane structure and content of the police rank-and-file occupational culture facilitate processes of racialization" within the police force.³⁶

Politics of the Police

Much of the literature on policing is in agreement that the actions of the police are inherently political, and that they reflect the power dynamics of their society. Especially in the context of a transitional and historically divided society, studying the police can be a critical element of studying the prevailing political atmosphere of a given place at a given time. For example, the argument that under Apartheid discretion was guided by a brutal police culture³⁷ suggests that police culture is influenced by wider societal cultures. Police culture shapes police actions, and this culture is embedded in a broad political project.³⁸

For instance, Reiner argues that cop culture "is crucial to an analysis of what they do, and their

³⁴ Marks 2005: 20.

³⁵ Marks also draws on Schein and Della Porta in her argument for cultural knowledge within police structures.

³⁶ Holdaway, Simon. (1997) "Constructing and Sustaining 'Race' within the Police Workforce." *The British Journal of Sociology*. Vol. 48, No. 1. Page 22.

³⁷ Brogden and Shearing 1993.

³⁸ Brogden and Shearing 1993: 43.

broad political function.”³⁹ Reiner also argues that law enforcement officials are primarily involved in maintaining the *status quo*. Their political function is closely tied with their role in the social world, which suggests that their interactions with this world can reveal more about their political function. Further, the literature suggests that examining the police in divided societies may be especially fruitful in analyzing the power dynamics of such a society: “In divided societies the police are closely associated with both the dominant community and the political system they represent.”⁴⁰ Skolnick echoes this view of the role of police in a society: “As an institution dependent on rewards from the civic community, police can hardly expect to be much better or worse than the political context in which they operate. When the political community is itself corrupt, the police will also be corrupt.”⁴¹ This consensus seems to suggest that studying the police is an extremely context-specific endeavor that must take into account the norms under which the society operates.

Studying the Police: An Anthropological Approach

Research on the South African police has a historical trajectory that was closely bound up with the political situation in the country. Elrena van der Spuy identifies three main trends in South African policing studies over time. During the first period she identifies, UNISA's Police Science program that emerged in the 1960's as a means for SAP officers to gain qualifications for promotions. Policing was conceptualized in scientific terms, emphasizing technology and strategies that did not discuss the context of Apartheid repression. At the same time, but on the other end of the political spectrum, critiques of the police often discussed the police only as a repressive mechanism of the state, but

³⁹ Reiner, Robert. (1997.)“28: Policing and the Police.” *The Oxford Handbook of Criminology*. 2nd Ed. Oxford: Clarendon Press. Page 7.

⁴⁰ Shaw, Mark.(2002) *Crime and Policing in Post-Apartheid South Africa: Transforming under Fire*. Johannesburg: David Philip Publishers.. Page 11.

⁴¹ Skolnick 1966:, 245.

without any examination of the particular cultures that sustained this power. Both of these perspectives focused on the SAP as a state policing body. In the late 1980's policing research began to recognize the role of “surrogates” in Apartheid repression, diversification of policing, and the commodification of security. This phase was also concerned with drawing on international notions to support the impending democratic transition. The third phase van der Spuy identifies focuses on police reform during and after South Africa's democratic transition.⁴²

Starting with Antony Altbeker's *Dirty Work of Democracy* in 2005 there have been a number of studies of the South African police that adopt ethnographic methods. Altbeker uses colorful descriptions of ride-alongs and police characters, composed from composite stories from police stations across Johannesburg, to delve into the context of policing in South Africa. Jonny Steinberg's 2008 work takes a similar journalistic ethnography approach to the police, focusing less on the broader political and social context but more on police interactions with the public and their personal histories. Using vignettes from observations across the country he crafts a story of police interactions as influenced by the public, using the metaphor of a public drama where the police themselves have little control in the events. While he does not address the issue of discretion as such, the theme runs throughout the text, especially in relation to decisions on how to respond to certain challenges posed in the policing field.

Other works on the SAPS have used ethnographic approaches to tackle questions of organizational change, human rights, and diversity. Monique Marks's 2005 work on the Durban Public Order Police uses ethnographic data to trace organizational changes in that unit over time.⁴³ Julia Hornberger's dissertation is a broader ethnography of the police focusing on manifestations of human rights discourses among detectives in two stations in Johannesburg.⁴⁴ Andrew Faull's dissertation examines the context of race relations in a small station in the Western Cape by examining a diversity

⁴² van der Spuy 2004.

⁴³ Marks, Monique. (2004) “Researching Police Transformation.” *The British Journal of Criminology*. Vol. 44, No. 6.

⁴⁴ Hornberger, Julia Christine. (2006) *Don't Push this Constitution Down My Throat! Human Rights in Everyday Practice. An Ethnography of Police Transformation in Johannesburg, South Africa*. Self-published dissertation.

training course implemented there.⁴⁵ The use of ethnographic methods in these works reveals a common understanding of the importance of police cultures in broader issues of transformation, democratization, and human rights.

The field of legal anthropology underpins the use of ethnographic approaches to institutional and bureaucratic cultures. Much of the early discussions of law in the field of anthropology were biased toward western forms of law that were taken as the epitome of human rationality. On the other hand, legal systems in pre-industrial societies were seen as primitive precursors to modern legal systems. Even if not said explicitly, there seemed to be a tendency to make false comparisons between western High Court proceedings and rural African courts, with little recognition of lower level courts in the Anglo-American tradition.⁴⁶ The notion of legal systems developing on an evolutionary scale paralleled the emergence of anthropological study alongside colonialism. However, contemporary scholarly work on legal and bureaucratic systems in anthropology has turned to understanding how decisions are made in certain contexts with an assumption that all rules are not followed all the time.

In her 1978 book, Sally Falk Moore discusses the emergence of studying law as a social, political, and historical process, and one that is constantly interacting with other social phenomena:

More important from the sociological analysis are two inherent characteristics of law in society which substantially prevent the full systematic rationalization of any legal system. One is the piecemeal historical process by which legal systems are constructed. The other is the not fully controllable aggregate effect of the multiplicity of regalementary sources and arenas of action.⁴⁷

Thus, the approach she advocates is based on an acknowledgment that normative rules must be put in the context of their incomplete enforcement. Adding onto a body of anthropological work that sought to record “tribal” or “traditional” dispute resolution and customary law, Moore sees the legal

⁴⁵ Faull, Andrew. (2008) *Policing Diversity: An analysis of a diversity intervention and its effects on a South African Police Service station*. Amsterdam: Rozenberg Publishers.

⁴⁶ Moore, Sally Falk. *Law as Process: An Anthropological Approach*. Boston: Routledge, 1978. 234.

⁴⁷ *Ibid*, 3.

anthropology field moving toward looking at legal ideas and tools in the context of social interactions. This is further reflected in her discussion of legal terms. Rather than seeing legal concepts as either “cognitive categories that shape behavior” or “abstract reflections of social and technological conditions,” a third approach should study “the way in which allusions to these legal ideas and legal norms are used and manipulated in particular social situations to legitimate or discredit behavior, to affect social relationships, and to communicate all manner of messages.”⁴⁸ It is these allusions and manipulations that are necessary to understand how legal ideas are conceptualized on a daily basis by South African police officers.

The literature in the last decade on these issues advocates new approaches to studying institutions of the state, not just courts and legal arenas. There is a wide variety of proposals for new emphases in the field, but the main elements to these suggestions are a focus on how societal power dynamics are created, reinforced, or subverted through everyday actions in state institutions. Many of these approaches advocate the use of ethnographic methods to understand the everyday work of institutions: “Participant observation as a method permits a richer appreciation of the contexts within which discrimination is socially produced. It offers an understanding of the informal practices of bureaucratic organizations.”⁴⁹

Much of the anthropology relating to law, public policy, and bureaucracy that would be most relevant to studying the police uses the language of the “local” and the “state.” For the purposes of this study, and arguably to advance the approaches laid out below, I would consider the police as simultaneously representing the local and the state. Much of the literature, cited below, relating to emerging sub-fields of anthropological study emphasize a focus on how public policy and bureaucratic decisions, typically presented as modern and rational enterprises, in fact reveal a wealth of information

⁴⁸ Ibid, 255.

⁴⁹ Halliday, Simon. (2000) “Institutional Racism in Bureaucratic Decision-Making: A Case Study in the Administration of Homelessness Law.” *Journal of Law and Society*. Vol. 27, No. 3. Page 451.

about a society's power relations. By treating the state as the site of anthropological investigation, as opposed to the traditional focus on pre-modern societies that supposedly existed outside of the state, contemporary anthropological literature focuses on problematizing state rationality and exposing the array of cultural meanings that operate in the state's everyday existence. For example, Wedel et al. propose a post-positivist study of public policy that deconstructs the assumed rationality of public policies, and which seeks to examine the relationships between policy and practice. Much like studying Lipsky's street-level bureaucrat creating policy on a daily basis, the goal of public policy anthropology is to explore “how the state relates to local populations” and “how state policies and government processes are experienced and interpreted by people at the local level,” as well as the worldviews of policy makers.⁵⁰ Again, adopting this approach in the context of the police would require the police to operate in the “local” space.

Josiah Heyman looks at the bureaucracy of the U.S. Immigration and Naturalization Service as a case study to theorize an anthropology of bureaucracy, which “should address the role of organized power in orchestrating complex and unequal societies.”⁵¹ Heyman argues that ethnography is the methodology most suited to “penetrate formalism in the study of power” and to reveal the complex relationships and power dynamics that underpin seemingly absolute bureaucratic decisions; this happens when a researcher is able to look at power in the context what is actually done as opposed to official policy that usually does not reveal the true sites of power. Das and Poole's work looks at the so-called margins of the state to examine the extent and nature of the state: “Seen from this perspective, the task of the anthropologist becomes that of first sighting instances of the state as it exists on the local level and then analyzing those local manifestations of bureaucracy and law and culturally informed

⁵⁰ Wedel, Janine R., Chris Shore, Gregory Feldman, Stacy Lathrop. “Toward an Anthropology of Public Policy.” *Annals of the American Academy of Political and Social Science*. Vol. 600. July 2005. 34.

⁵¹ Heyman, Josiah McC. “Putting Power in the Anthropology of Bureaucracy: The Immigration and Naturalization Service at the Mexico-United States Border.” *Current Anthropology*. Vol. 36, No. 2. April 1995. 261.

interpretations of appropriations of the practices and forms that constitute the modern liberal state.”⁵²

Applying their approach to this study suggests seeing police officers as the local interpreters and appropriators of the state's practices. For example, in relation to migration policing, De Genova discusses ways in which the state produces migrant “illegality,” through legal definitions and physical tampering with documents themselves, and these instances reveal how frequently this takes place. The frequent reports about police destroying migrants' identity documents would be a key point of analysis of the everyday role of the state, both outside and inside its jurisdiction.⁵³

Incorporating discourse on morality, Heyman argues, is necessary to analyzing decisions that are often couched in moralistic language. The relationship between law and morality is assumed in many modern conceptions of the state, but examining the relationship between the use of legal and moral language offers further insight into how these notions are constructed in everyday usage. Heyman dubs the type of morality that exists in interactions among disparate population groups as “high-scale morality,” a concept which presumes to generalize to all people, and which has important consequences for morality at the level of the nation. He argues that “high-scale morality” is important because “we require ethnography with attention to one populace's conceptualization and treatment of adjacent and distant populaces.”⁵⁴ Here, the issue of migration policing is evoked in the interaction of officers with migrants, and the ways that they conceptualize the legality of such people.

Conclusions

Discretion defines the work of street-level police officers. There are relatively universal

⁵² “The State and Its Margins.” *Anthropology in the Margins of the State*. Eds. Veena Das and Deborah Poole. Santa Fe: School of American Research Press, 2004. 6.

⁵³ De Genova, Nicholas P. (2002) “Migrant 'Illegality' and Deportability in Everyday Life.” *Annual Review of Anthropology*. Vol. 31, pages 419-447.

⁵⁴ Heyman, Josiah McC. (December 2000) “Respect for Outsiders? Respect for the Law? The Moral Evaluation of High-Scale Issues by US Immigration Officers.” *The Journal of the Royal Anthropological Institute*. Vol. 6, No. 4. Page 638.

elements of police culture including conservatism and suspicion that influence how individual officers conduct their daily work. In each specific context by country or station, there are unique organizational cultures that are produced alongside the dominant police culture. Police must also be conceptualized in a particular political context that grants them legitimacy and sets the tone for issues such as corruption or use of force.

In terms of how decisions are actually made, the general approach advanced by the authors reviewed is to analyze the stereotypes and categories that become operational during decision-making processes for agents of the state. Such an approach offers a framework for understanding police categorizations, stereotypes, and meaning attached to different types of crimes and people, which structure discretionary decisions. The literature on discretion and decision-making highlight the centrality of stereotypes, types, and preconceived notions, many of which may be based on past experiences or useful generalizations. These works also suggest that the personal experiences of these state agents, including any variety of socially-constructed backgrounds and cultural experiences should have a significant relation to the worldviews and perspectives of police officers. At the everyday and functional levels of discretion, police rely on prior experience, stereotypes, and personal preferences to make decisions and judgments. During their work, police officers must negotiate public and private demands and values as they exercise this discretion.

There is a natural tension in the lives of police officers as they navigate their roles as public officials and private citizens. On the one hand, their official capacity is imbued with meaning from the state. The police force is one of the few state agencies that is entitled to use to state's monopoly on legitimate violence. During the Apartheid era, the police and the military were key state agents responsible for maintaining order in the system of racial oppression. Today, while the police service has undergone significant reform, adopting community policing strategies and policies of racial equity, there are still public debates about the role of the police service in the society. Most recently the debate

about a shoot-to-kill policy has raised questions about the authority of the police, and the authority of the state, in violently suppressing alleged criminals. From another perspective, the hundreds of SAPS officers prosecuted in 2008 alone for involvement in criminal activities further blurs the clear-cut image of police work.

Within the South African Police Service, are citizens who battle daily with identifying and maintaining the line between their work and their private lives. Of course these are people with children, for whom witnessing accidents or murders can elicit a very personal emotional reaction. Many are also from families of police officers, who have grown up understanding these difficulties. At this particular police station, there are also a few members who work on the same shift as their significant other, further blurring the line between the personal the the official. While police officers do not openly articulate this tension in their work, it reveals itself through their descriptions of events and of their actions. What emerges is a pattern of struggling with their personal, private, emotional needs on the one hand, and their role as a public official, on the other. I argue that the interrelation of public and private lives of police officers is most poignantly revealed at the moments of direction their exercise in their everyday work.

Discretion at the moment of decision-making about who to suspect and arrest, how to detect illegality, and even how to behave during duty, are important elements of any study on policing. This also suggests that a research method that allows for observations of these moments, as well as the ability to inquire in-depth about such decisions would be ideal for answering the question of what role the law plays in the discretionary process. This study seeks to gain empirically-based insights about how police make decisions everyday. Using an anthropological approach, this research aims to conceptualize the ways police interact with the public and the role of their personal experiences in their work. An ethnographic approach is best suited to this type of question since it allows for in-depth observations and inquiry at the level of daily interactions. Given the intended focus on the exercise of

discretion, the method must allow for data on such decisions the justifications given for them. The role of discretion suggests that there is a wealth of empirical knowledge to be gained by taking police officials' own perceptions of their function, alongside observations of their daily behavior. Using an inductive method will allow for a deeper understanding of the meanings, language, and practices that inform daily police behavior in one police station. Informed by studies on the police in democratic and transitional societies, the research will use an ethnographic method to ask questions about what we can learn about police-public interactions from how discretionary choices are made daily.

Chapter 2: Case Selection

It is a scenic fifteen-minute drive through rural farmland between the Erasmia police station and Diepsloot, the township cum informal settlement where the police spend most of their energy. The drive through the policing area on its one main road proves an experience in contrasts. In the small town of Erasmia, a suburb of Pretoria whose population is predominantly of Indian and South Asian descent, the call to prayer can be heard from a local mosque. The neat residential area suddenly gives way to a long stretch of road overlooking plot after rural plot owned by white South Africans and worked by black South Africans and migrants. This section is the most expansive of the policing area, but sparsely populated. A few kilometers down the road there is a petrol station and some small shops, a highway off-ramp, and then the dense shack settlement suddenly appears.

Diepsloot is one of the most infamous townships in South Africa, being featured in the news most recently for xenophobic violence in May 2008,⁵⁵ an overnight visit by the Minister of Housing,⁵⁶ destructive service-delivery protests in June and October 2009,⁵⁷ and numerous deaths by collective violence.⁵⁸ One day when I was driving to conduct fieldwork, I heard a radio DJ refer to the 2009 alien film *District 9* as “that film where aliens are forced to live in Diepsloot.” Diepsloot holds an important place in the public imagination as a poor, violent, and volatile informal settlement. Along with Hillbrow, it was featured on the BBC documentary series Louis Theroux: Law and Disorder in Johannesburg.

Established in 1996, Diepsloot’s first inhabitants were relocated from an informal settlement

⁵⁵ “Xenophobic Violence Spreads to Diepsloot.” (15 May 2009) *Times LIVE*.

⁵⁶ Reuters. “Sexwale Sleeps in Diepsloot.” (4 August 2009) *News24.com*

⁵⁷ South African Press Association. “Diepsloot Protesters Destroy Police Cars.” (13 July 2009) *Mail and Guardian Online*. <http://www.mg.co.za/article/2009-07-13-diepsloot-protesters-destroy-police-cars>

Maseng, Kabelo and Steven Tau. (15 October 2009) “Twenty Injured in Diepsloot Service Delivery Protests.” *The Citizen*. <http://www.citizen.co.za/index/article.aspx?pDesc=107888,1,22>

⁵⁸ Mohlahlana, Cathy. (4 November 2009) “Second Diepsloot Man Dies after Mob Justice.” *Eye Witness News*. <http://www.eyewitnessnews.co.za/articleprog.aspx?id=25552>

See Appendix 1 for a map indicating the murder rate.

near Alexandra, Johannesburg's oldest township. The population expanded quickly and continuously. The township itself hosts a number of different areas and levels of development. There are paved streets with signs and toilets on most plots. There are formal concrete and brick houses of varying sizes and self-made shacks. Recently, the Diepsloot Mall opened along the main road that acts as the township's boundary, offering a large chain supermarket and a number of small chain retail and fast-food stores. Close-by on the same road there is a fire station, a Johannesburg Metropolitan Police Department (JMPD) station, the township's main taxi rank, and the new SAPS police station under construction.

The South African Policing Landscape

The “umbilical link”⁵⁹ between the police and white interests set the stage for a police culture infused with white supremacy. The South African Police were characterized by the key components of police culture, and were also informed heavily by Afrikaner nationalism.⁶⁰ The purpose of the police for much of South African history was to police racial boundaries. Under the Apartheid regime, and even since the creation of the South African Union in 1910, South African police work was markedly divided based on the designated race group living in a particular area. After the democratic government took over in 1994, the eleven police forces that policed South Africa and the ten homelands were consolidated into the South African Police Service.⁶¹ Channock demonstrates that racial fears had been policed since the national police force was created: “In a general atmosphere of unrest, the task of policing was perceived to be the protection of the white suburbs from the threat, real or imagined, from the black locations.”⁶² While in white suburbs during Apartheid, the police sought to reduce crime,

⁵⁹ van der Spuy 2004.

⁶⁰ Brogden and Shearing 1993: 44.

⁶¹ Gastrow, Peter and Mark Shaw. (2001) “In Search of Safety: Police Transformation and Public Responses in South Africa.” *Daedalus: Why South Africa Matters*. Vol. 130, No. 1. Page 263.

⁶² Chanock, Martin. *The Making of South African Legal Culture 1902-1936: Fear, Favour, and Prejudice*. Cambridge: Cambridge University Press, 2001. 48.

“policing black areas was based on the principle of control and the suppression of political dissent, not on managing crime levels.”⁶³

Since the national police force was created, ambiguity between the role of the state and other non-state bodies has defined the South African policing landscape: “In the early years of the new state it was not only not easy to separate the political and criminal aspects of policing, or the policing role from the defense role, but there was also no clear line drawn between policing by the professional forces, and by members of the white public.”⁶⁴ This is not to suggest that the same issues exist a century later, but rather to show that the role of both private security and vigilantism in relation to the police is neither a consequence of Apartheid policing, nor a new part of the newly democratic state. Rather, this ambiguity complicates the tension located in the role of the police in a democratic state, and suggests a more complex reading of the contemporary SAPS in relation to controlling violence.

A standard narrative in the development of non-state policing explains that as a result of the unequal and racialized distribution of policing resources, two different types of alternate policing developed in black and white areas, respectively: vigilante groups and private security companies.⁶⁵ The increase in private security companies has been associated with the literature on non-state policing or governmental nodes, and raises questions about the centrality of the state in security concerns.

In his 2008 book, Baker estimates that there are approximately 2.5 private security guards for every uniformed SAPS officer, a much higher proportion than exists in most African countries or developed nations.⁶⁶ South Africa has one of the fastest growing private security sectors in the world, with growth of 30 percent annually since 1970.⁶⁷ In a country where “the annual spending on private

⁶³ Shaw, Mark. *Crime and Policing in Post-Apartheid South Africa: Transforming under Fire*. Johannesburg: David Philip Publishers, 2002. 10.

⁶⁴ Channock, 48.

⁶⁵ Baker, Bruce. “Living with Non-State Policing in South Africa: The Issues and Dilemmas.” *The Journal of Modern African Studies*. Vol. 40, No. 1. March 2002. 31.

⁶⁶ Baker, Bruce. *Multi-Choice Policing in Africa* Uppsala: Nordiska Afrikainstitutet, 2008. 95.

⁶⁷ Gastrow and Shaw: 269.

home security is \$1.3 billion, tripling the governmental annual spending on public housing”⁶⁸ and where there are an estimated 216,000 private security officers compared to 90,000 uniformed SAPS officers,⁶⁹ the private security industry clearly influences research on the policing landscape.

Broadly speaking, Reiner projects that postmodern societies call for new policing methods and formulas that are dependent on the class composition of neighborhoods, and observes that private security is taking over the public mandate of the police.⁷⁰ However, Altbeker's narrative complicates this notion that private security is infringing on the role of the police when he offers example of SAPS meeting weekly with private security in the suburb of Rosebank, Johannesburg. This same police force maintained relationships with domestic workers who would report anything out of the ordinary. Baker's case study of a Grahamstown police station shows a similar willingness of SAPS to liaise with private security companies. Such cooperative methods by the police suggest that in pragmatic terms, their monopoly on legitimate violence is either conceded because it is not possible or not desired. Further, the fact that the South African government actively mandated the use of private security in certain industries, such as mining and the railroad,⁷¹ suggests a more ambiguous relationship between state power and law enforcement in South Africa than that private security firms are simply taking over the role of the state police.

Within the literature about alternative policing structures in South Africa, and especially in townships, there is a debate about whether these forms of discipline are age-old responses to colonial administration or more recent responses to the last years of the Apartheid government. The historical understanding of vigilantism is of the police officer who shuns bureaucracy and takes the law into his own hands. This depiction has been popular in fictional representations of police officers and shapes

⁶⁸ Masuku, S. (2003) “For Better or for Worse: South African Crime Rates in 2002.” *South Africa Crime Quarterly* 3. Pages 17-24. Cited in Shamir, Ronen. (2005) “Without Borders? Notes on Globalization as a Mobility Regime.” *Sociological Theory*. Vol. 23, No. 2. Page 208.

⁶⁹ Baker, Bruce. (2008) *Multi-Choice Policing in Africa* Uppsala: Nordiska Afrikainstitutet, Page 95.

⁷⁰ Reiner 1997.

⁷¹ Baker 2002: 32. Brewer 1994.

one of the modern discourses on police culture.⁷² However, in areas where members of the public take on vigilante justice, as with lynchings in the United States, the dominant police role has been to either participate or to observe in support.⁷³ Skolnick and Fyfe identify the close relationship between police brutality and vigilantism in their shared belief that the legal route is “too slow, too ponderous, too indolent, too unaware, or too constrained to deal with 'the problem,' however it may be defined.”⁷⁴ As in the American South, Apartheid-era South Africa saw a close relationship between police and vigilante groups, especially black, conservative political groups in townships.⁷⁵ Particularly in 1980's, vigilante groups became an important form of “surrogate social control” in townships, where local residents were better positioned to target local state opposition and had fewer barriers to using violent means.⁷⁶

While many authors associate the emergence of non-state courts and policing bodies to the failures of the Apartheid state to gain legitimacy in these functions, the coexistence of state and non state governance has been the norm since colonial rule and before the formal formation of the state police in 1910. Throughout South Africa's history there have been significant non-state governmental nodes, mostly within black South African residential areas. Sandra Burman and Wilfried Scharf detail the development of court and governance systems in Cape Town's black townships since 1901. They first detail the coexistence of colonial magistrate's courts and local chiefs' courts during the 19th century, arguing that “the roles played by African leaders and state authorities have been remarkably consistent over time.”⁷⁷ In 1990, “nonstate informal adjudicative and policing structures currently exist[ed] in most African townships.”⁷⁸ In their study of street committees in Cape Town's townships

⁷² Reiner, Robert. (1992) *The Politics of the Police*. Second Edition. New York: Harvester Wheatsheaf. Page 192.

⁷³ Skolnick, Jerome H. and James J. Fyfe. (1993) *Above the Law: Police and the Excessive Use of Force*. New York: The Free Press. Page 24.

⁷⁴ Skolnick and Fyfe 1993.

⁷⁵ Brewer, John D. (1994) *Black and Blue: Policing in South Africa*. Oxford: Clarendon Press. Page 310.

⁷⁶ Brogden, Mike and Clifford Shearing. (1993) *Policing for a New South Africa*, London: Routledge. Page 86.

⁷⁷ Burman, Sandra and Wilfried Scharf. (1990) “Creating People's Justice: Street Committees and People's Courts in a South African City.” *Law & Society Review*. Vol. 24, No. 3. Page 696.

⁷⁸ Burman and Scharf 1990: 715.

during the transition out of the Apartheid system, Burman and Scharf find that these committees act as local courts meting out physical punishments: “Under the law of the land, street committees cannot impose physical punishments of fines, but the police are unlikely to intervene unless a charge is laid.”⁷⁹ Brewer’s analysis of “self-policing” in townships highlights that community organizations address crime alongside other issues such as service delivery and alcohol consumption. He confirms that the methods used by people’s courts included public punishments, sometimes including sjamboks.⁸⁰

The most common interpretation of the violence of the 1980's and 1990's⁸¹ argues that, “In many of the poorer urban black townships there was a resurgence of vigilante action against suspected criminals. [...]Under Apartheid, many black communities had welcomed vigilante groups as legitimate organs of local law and order.”⁸² The explanation of these local groups is that the South African police did not actually police townships, and so left a space for these alternatives to emerge: “The alienation from the state that black urban township dwellers experienced during years of Apartheid rule persuaded many to take the law into their own hands during the 1980s and 1990s.”⁸³ Thus, the continuity of these practices is highlighted as an adaptation to the Apartheid regime that is no longer acceptable under the democratic regime: “Many communities may therefore have been involved in acts of policing and justice which would be seen as manifestations of acts as vigilantism today.”⁸⁴ However, these interpretations are rather monolithic, and do not respond to the growing literature on the functions of non-state policing strategies as a whole, or to the studied history of communal disciplinary strategies.

On the other hand, while many authors associate non-state governance and vigilantism in

⁷⁹ Burman and Scharf 1990: 713.

⁸⁰ Brogden and Shearing 1993: 151.

⁸¹ During this time the ANC called for a grassroots campaign to make the townships “ungovernable” which contibuted in part to the sense of chaos. See “Strategy and Tactics of the African National Congress: As Adopted at the 49th ANC National Conference December 1994.” <http://www.anc.org.za/ancdocs/policy/stratact.html>

⁸² Gastrow and Shaw: 267.

⁸³ Gastrow, and Shaw :261.

⁸⁴ Nina, Daniel. (2000) “Dirty Harry is back: Vigilantism in South Africa- The (re)emergence of 'good' and 'bad' community.” *African Security Review*. Vol 9, No. 1.

townships as a direct failure of Apartheid policing,⁸⁵ Nhlanhla Maake offers a rich description of clashes in a Johannesburg township during the late 1980's. During one particular conflict, the identification of the opposing sides changed overnight from a clash between taxi associations, the residents against the hostel-dwellers, the residents against the Zulus, and eventually the ANC against Inkatha Freedom Party. Maake argues that the violence that erupted during this and other township conflicts at the time are an expression of power struggles between the older generation, that would have operated the adjudicative and policing functions, and the youth, who became increasingly politicized and began using “kangaroo courts” to humiliate older residents, especially those that did not support a violent method of resistance.⁸⁶ Ultimately, Maake argues that a “culture of violation and violence” evolved, and warns that political and economic changes are not enough to address this damage. This understanding of the violence of the 1980's and 1990's suggests that while policing and governmental structures have existed in peri-urban townships for over a century, the nature of these structures and their strategies has changed over time in response to the contemporary political climate.

The simple explanation that white neighborhoods turned to private security companies while black areas relied on vigilante groups ignores the complex relationships between these policing nodes and their relation to the state. Clifford Shearing and Jennifer Wood argue that “the emergence of preventative, risk-oriented policing,” which has been associated with global neo-liberalist ideology, can also be understood as a recognizing the longstanding trend in corporate and private security. They offer an alternative framework for conceptualizing non-state actors in security roles that is not state-centered. Rejecting the state-centered language of privatization, they propose that security governance has been pluralized into a “a network of governmental nodes that relate to each other in a variety of ways and

⁸⁵ Baker 2008 and Nina, Daniel. (2000) “Dirty Harry is back: Vigilantism in South Africa- The (re)emergence of 'good' and 'bad' community.” *African Security Review*. Vol 9, No. 1.

⁸⁶ Maake, Nhlanhla P. (1992) “Multi-cultural Relations in a Post-Apartheid South Africa.” *African Affairs*. Vol. 91, No. 365. Page 592.

that shift over time and space”⁸⁷ Within this nodal governance model, South African bodies such as taxi associations, Community Policing Forums, less-organized “mobs” of citizens, and the police would all constitute nodes of governance in certain spaces. The usefulness of this model comes from its challenge to the centrality of the state as the determinant of community membership. Within this framework Shearing and Wood challenge the notion of citizenship as a useful term within this context. Rather, they propose the term denizens to refer to any person that falls under any “sphere of governance.”⁸⁸

To the extent that private security firms and citizens themselves wield control over violence, the role of the police must be redefined in relation to these stakeholders and the state. Burr argues that vigilante groups threatened the state's claim to monopolizing the legitimate means of violence, and this argument can also be extended to the growing numbers of private security firms being employed throughout the country in the post-Apartheid era. While “a common definition of the term police is the body that is lawfully authorized to exercise deadly force against citizens,”⁸⁹ Anne-Marie Singh argues that the state does not monopolize the means of coercion in the form of the police, but rather that the state only monopolizes the authorization of coercion.⁹⁰

Baker ties this increasing use of non-state security measures to “social isolation,” heightened racial and socioeconomic separation and inequality, the “continuation of authoritarian values and practices,” support for the idea that “the rule of law is more of an obstacle to maintaining social order,” and most importantly for this study: the decreased legitimacy of SAPS.⁹¹ Shaw similarly argues that safety fears reinforce social divisions and exclusion.⁹²

Since the first democratic election in 1994, the discourse of violence has moved from political

⁸⁷ Shearing, Clifford and Jennifer Wood. (2003) “Nodal Governance, Democracy, and the New 'Denizens.’” *Journal of Law and Society*. Vol. 30, No. 3. Page 408.

⁸⁸ Shearing and Wood, 2003: 408.

⁸⁹ Skogan and Meares 2004: 72.

⁹⁰ Singh 2008: 122.

⁹¹ Baker, Bruce. (March 2002) “Living with Non-State Policing in South Africa: The Issues and Dilemmas.” *The Journal of Modern African Studies*. Vol. 40, No. 1. Pages 48-51.

⁹² Shaw 2002: 144.

violence and its suppression to the current anxieties about violent crime.⁹³ The current debates about corruption and shoot-to-kill discretion, as mentioned in the introduction are often contextualized with references to crime rates. Because there is no single concentration of crime either by type or area, the unpredictability of South Africa's crime breeds fear.⁹⁴ South Africa's violence is often attributed to the legacies of Apartheid.⁹⁵ In 2006, South Africa's murder rate was eight times that of the United States.⁹⁶ It is in this historical context that the research on SAPS was done for this thesis.

Field Site

The research site is the Erasmia police, whose station is located in the Tshwane Municipality northwest of Johannesburg in the Gauteng province of South Africa. The area covered by the Erasmia police includes the town of Erasmia, a suburb of Pretoria with a population predominantly of South Asian descent, farm land that is owned primarily by white South Africans, and the informal settlements of Mooiplaats and Diepsloot inhabited by black South Africans and migrants. Muir identifies homogeneity



as an important factor that shapes the culture of a police station.⁹⁷ The diverse yet distinct population makes the field site unique, and allows for comparisons of different policing styles used in each spatial and demographic context.

⁹³ Singh 2008.

⁹⁴ Altbeker 2007:135.

⁹⁵ Shaw 2002.

⁹⁶ Altbeker 2007:41.

⁹⁷ Muir 1977: 6.

Diepsloot is one of the sites where xenophobic violence erupted in May 2008, with a visible population of migrants from Zimbabwe and Mozambique. A relatively new settlement, it was established in the mid-1990's. Diepsloot is home to an estimated quarter of a million people, most of whom live in shacks. The area consists of 13 extensions, which are grouped into six sectors by the police. The extensions include sections that are formal and RDP houses, informal settlements composed of shacks, and a worker hostel in extension 12. While some of the main roads toward the entrance of the township are paved and labeled, many of the smaller roads are unpaved and unmarked.

2001 Census data and Ward statistics compiled in 2005 by StatsSA indicate that 89% of Diepsloot's residents reside in informal housing and 40% are unemployed receiving no income. 80% of households earn below ZAR19200 annually, which is R1600 or about 150 Euros per month at current exchange rates. For a household size of six or higher, this is below the national poverty line.⁹⁸

The Erasmia police are not solely responsible for official policing in Diepsloot. A satellite police station staffed by Erasmia has been set up in Diepsloot itself, which takes complaints from local residents. There is an active Community Policing Forum in Diepsloot, which is organized by sector, with two police officers designated as sector managers and up to 40 volunteer community patrollers in each sector. The police force also draws voluntary reservists from Diepsloot as well as the neighboring farm area. There is a police station under construction in Diepsloot at the time of this writing, which will take over policing for the township when it opens, planned for late 2010.

The police station is situated in the middle of a triangular plot, facing a small garden. It is an L-shaped building with the Client Services Center (CSC) at the front and a hallway of offices, bathroom facilities, and a kitchen stretching into the back. Creating a triangle with the police station is a building for cells, a kitchen, and a store-room for confiscated property. It between these buildings lies the parking lot with its reserved spaces for the Station Commissioner and high-level officers where police

⁹⁸ Human Sciences Research Council. (26 July 2004) Fact Sheet: Poverty in South Africa. Accessed at: <http://www.sarpn.org.za/documents/d0000990/>

park their civilian vehicles as well as the police cars is often a hub of activity with officers on duty chatting, waiting for vehicles, or attending to cells. This is one of the few places that detectives, whose offices are located down the street from the main police station, also mill around. Each of these spaces around the police station has distinct uses and meanings for the police. For example, an outdoor covered carport has been converted into a makeshift office with a desk and a filing cabinet where suspects are questioned and paperwork is completed. Officers joke about this space, commenting that there is not enough space inside to do their work. The CSC is usually busy with civilians coming in for different types of assistance and members from the different units coming in to check the computer, the Occurrence Book, or recent dockets. The side room adjacent to the main reception desk is where officers sign out their weapons, sometimes have lunch, or take suspects' shoelaces and belts before admitting them to the cells. Next to this there is also a locked store room with bulletproof vests and other equipment.

The policing style adopted by SAPS Erasmia tends to fall under the “watchman” organizational style, of the four types of styles of police organizations that Reiner identifies. The watchman style focuses on maintaining order, as opposed to universal law-enforcement or value-oriented service delivery. The watchman style predominates in contexts where political influence is rife, and is accompanied with high discretion.⁹⁹ The officers working at Erasmia are quite diverse, but not necessarily representative of the areas they police. There is a handful of white, Afrikaans-speaking officers, most of which hold the rank of Sergeant or higher, with one constable that I observed. The majority of the officers are black, and tend to speak Setswana or Sesotho. There were no Indian or Coloured officers working in the units I accompanied.¹⁰⁰ The majority are men, and during the period of

⁹⁹ Reiner 1992: 134.

¹⁰⁰ The race categories White, Black, Indian, and Coloured were used under Apartheid to classify the country's population. While I do not support the historical purpose of these particular classifications, race and color are salient social constructs that continue to influence how people see themselves and others. I use these categories as a shorthand, and seek to represent the officers I worked with as they self-identified to me.

my observations there were two female Captains, and a handful of female student constables. Of these officers, I worked closely with about 15 during both phases of the research.

This police station was selected as a site for the Everyday Policing and Corruption Initiative of the Forced Migration Studies Programme because it was a site of anti-foreigner looting and violence in May 2008. As a Research Assistant with this research project, I chose to conduct my observations at Erasmia because I was interested in policing in townships and informal settlements. Upon beginning field work, I found that this police station is unique in the demographics of the police force and the diversity of the policing area.

The satellite police station is located within the township, off one of the major roads near a school and a clinic. It is a trailer in an empty lot, and is usually staffed by about 4 officers at a time. Next to the main trailer is a small Community Policing trailer that is supposedly used for community mediation, though I never saw it in use. On a typical day, there would be residents sitting and standing around the lot waiting for a Complaints unit vehicle to come attend to their respective complaints.

Methodology

The research for this dissertation was conducted as a Research Assistant with the Everyday Policing and Corruption Initiative of the Forced Migration Studies Programme at the University of the Witwatersrand. Beginning in April 2009, I began accompanying police officers on their daily duties for three to ten hours at a time. Driving with officers or sitting with them as they completed paperwork at the station, my conversations with them were often casual, inquisitive, and prompted by the day's activities.

I conducted ride-along observations throughout April and May 2009. Initially working through the Head of Visible Policing, I would accompany officers in the Crime Prevention unit or in the

Complaints unit on their shifts. Normally, this meant sitting in the police car with between two and five police officers as they conducted their patrols during their 12-hour shifts. The Crime Prevention unit is primarily responsible for crimes in progress and general monitoring, while the Complaints unit responds to a myriad of complaints including domestic violence and robbery. In practice, the main difference between the two units is their cohesiveness, with Crime Prevention working more as a team, especially to conduct specific operations.

According to Jorgensen's book on the participant observation method, this methodological approach is particularly useful when the views of insiders and outsiders of a specific group or subculture vary significantly, and when the topic of study is hidden from outsiders or public view.¹⁰¹ Monique Marks argues that “police organizational change is best understood by using ethnographic methods.”¹⁰² Further, Jorgensen offers some criteria for determining whether a particular research problem is appropriately studied with this method: when the study seeks to examine meanings from the perspective of an insider, when the question is concerned with everyday life and practices, and when the population size is small enough to study as a specific case.

Jorgensen's definition of participant observation is comparable to Hammersly and Atkinson's¹⁰³ definition of ethnography, in that both authors see the method as a composite of different elements including informal and formal interviews, thematic analysis of interviews and other documents, direct observation of daily activities, and finally, an open ended approach to categories and definitions that are redefined throughout the research process based on “insider” understandings. Practically, the research consisted of participant observation at Erasmia police station over two months as the primary method. My observations, reactions, thoughts, and further questions will be recorded through limited

¹⁰¹ Jorgensen, Danny L. (1989) *Participant Observation: A Methodology for Human Studies*. London: Sage Publications.

¹⁰² Marks, Monique. (2004) “Researching Police Transformation.” *The British Journal of Criminology*. Vol. 44, No. 6. Page 869.

¹⁰³ Hammersley, Martyn and Paul Atkinson. (1995) *Ethnography: Principles in Practice*. Second Edition. London: Routledge.

notes during the fieldwork itself and comprehensive field notes upon completion of the observation each day.

Based on the justifications provided above, this project relied on observation and interviews as the primary research methods. The nature of the research question identifies the topic of study as police officer's conceptions of their work, as well as their daily constructions, understandings, and relations to the civilians they police. Since a primary goal of this research is to understand the discretionary process in general, I sought to observe instances of decision-making and to discuss these with officers. Since the concepts laid out in this research question rely on subjective, everyday realities of a specific subgroup of people, participant observation is the ideal method to explore and describe the role of officer's personal preferences and choices on the job. Using a case study of one police station and purposeful sampling based on a few officers' openness and willingness to have me accompany them on their daily duties, this study will seek to access the "inside" subculture of South African police officers. Since this fieldwork is also taking place within a broader research project of the FMSP, I had access to research conducted at other police stations.

Since this research is concerned with conceptual meanings within the context of the particular context of the police force, the conceptual focus had to be open enough to incorporate terms and concepts that revealed themselves throughout the course of the research process. I was not participating as a police officer, but rather as an embedded observer. I recorded any events, occurrences, and interactions that I observed, as well as my preliminary thoughts on them.

After the initial participant observation period, in August and September 2009 I conducted in-depth follow-up interviews with police officers of different levels informed by previous interactions with them and questions based on the observational and document data. I conducted, recorded, and transcribed interviews with 15 police officers from every rank and experience level: from newly-arrived student constable student constables to the Station Commissioner, including inspectors,

constables, and captains in different units. Most of the officers I interviewed were members I had accompanied and observed during the observation phase of the research. These interviews varied in their length and the responsiveness of different officers. Ranging from thirteen minutes to nearly two hours, some took on the tone of a life history while others offered brief responses to my questions.

The issue of validity tends to be a concern with the ethnographic method, since it is a method that is constantly in dialogue with the field setting. Steve Herbert makes some suggestions regarding validity in police research based on his field work experience.¹⁰⁴ He advises gaining trust, being honest, displaying empathy, showing patience, and taking breaks to ensure critical distance. He gives the example that he was able to use officers' reactions to his presence as data rather than as limitations to validity, since they responded to him as a member of the public both to suspect and to protect. Many discussions of validity in participant observation do not offer rules, but rather offer behavioral and mindset guidelines that will allow the researcher to interact with and respond to the field in a way that will allow her to collect observational data. During my fieldwork, I found that there was a casual feel among the police officers on duty while in their cars or at the station. This atmosphere helped me adjust to the field as a researcher and to have casual conversations with officers on duty, once they got used to me. Especially toward the end of my months of fieldwork, most days I would go to the police station I would be greeted by officers on duty; even if I did not know their names, there were few enough officers that I recognized most faces and they recognized me, even if they did not know exactly what I was doing there.

Data Analysis and Selection of Themes

After the first phase of observations was completed, I read through and annotated all of my field

¹⁰⁴ Herbert, Steve. (2001) "From Spy to Okay Guy: Trust and Validity in Fieldwork with the Police." *Geographical Review*. Vol. 91, No. ½. Pages 301-310.

notes, identifying themes and concepts that came up frequently or topics that ignited different perspectives. From this process I identified a number of primary themes including food, violence, migrants, stereotypes, and racism. The themes I selected were those that revealed the distinct contributions of fieldwork in the Erasmia context, had the most varied and complex material, and that related to the ways that officers' discretion is intertwined with their personal experiences and backgrounds.

The second phase of in-depth interviews was conducted with the background of the observations and analysis of field notes. I identified police officers whose thoughts or experiences were interesting, or who I wanted to ask specific questions about something I observed with them. The format of the interviews was relatively formal, often taking place in an empty office in the police station with a digital voice recorder. Although I had a general outline of the types of questions I wanted to ask, including the officer's personal and family background, experiences within the police, thoughts on issues like crime, corruption, and immigration, the structure of each interview varied greatly depending on the officer's responses.

After transcribing each interview, I conducted a similar annotation process and identified supporting material or new interpretations of the themes I had selected. Certain elements of the analysis that appears in the thesis, such as officers' experiences of collective violence, were primarily taken from these interviews. Finally, additional literature review was done for each theme to contextualize the themes in broader debates and issues, including different theories on policing strategies, social cohesion and division, and violence.

Limitations and Contributions

This study seeks to contribute to existing research in the field of policing by approaching the police as a subgroup whose conception of their work has important implications for the way they relate to the public they work with. While the study cannot claim to be generalizable for all South African police, it will hopefully reveal themes and patterns that will be useful for further studies of the police, and more informed adjustments in police policy that take informal and discretionary behaviors into account.

The most significant limitation of the research process itself is my inability to speak any South African languages, and thus to undoubtedly remain an observant outsider in many ways. Not only did this affect the way that I was seen, it also limited my access to direct insider observational data in visible ways. However, the hybrid nature of everyday language ensured that enough English or common words were said that I could generally follow the general gist and tone of conversations. Of course, so many details of interactions, especially the casual conversations among police officers, were lost to me. There were certainly many conversations and comments that I missed, and many interactions I observed only through body language.

Another important limitation of the study is its short time in the field, and its reliance on clearance from the various levels of seniority within the policing structure. This police clearance issue initially pushed back the date of starting the field work, but was not a significant barrier throughout the research. Again, due to the time limitations of the fieldwork, the observations and interviews were conducted two months apart, which may have affected the nature of the relationships I was able to establish with officers. Yet, returning to the field site after a break allowed me to see it with fresh eyes and to conduct the interviews in a more formal tone than my observation period.

A key limitation to the scope of the research was the focus on the issue of police-public relations purely from observations of police officers and their perceptions as expressed through formal and informal interviews. The methodology leaves out other perspectives and views, such as those of civilians about their interactions with police. The focus, then, is specifically on the ways police navigate these interactions and how their discretion comes into play.

Other limitations include safety concerns and logistical issues. Since police in townships tend to work “flexi-hours” based on an analysis of crime patterns based on space and time, much of the most serious policing occurs at night and on weekends. I was given a bulletproof vest for the duration of my research, and used it when advised to do so. Officers usually work four days, and have the next four days to rest, which makes following a single officer difficult. Shifts are sometimes changed at the last minute, making research planning less predictable. During the many times the shift time was changed at the last minute and officers were already conducting patrols in Diepsloot, I often had to find an officer who was going to Diepsloot later, stay in the CSC for the day, or drive to the township myself to be picked up by police at the Metro police station there. These arrangements were often a significant strain and caused additional unpredictability and stress into the research process. To address these logistical issues, I often asked officers in advance if I could accompany them and asked for their private cell phone numbers to arrange the fieldwork. Still, the most difficult aspect of the research process was this unpredictability and inability to control my research schedule and my own pace. I believe that this component allowed me to better glimpse the police officers' mindset of stress and unpredictability.

The other side of having officer's personal phone number is that they also had my personal numbers. Sometimes we would communicate by SMS the time for their next shift, but a few times messages from officers became too personal. For instance, one Saturday night, after meeting an officer for an interview earlier that day, I received a call from him after midnight. When I did not answer, he sent me an SMS saying that he cared about me. I chose to ignore these, and when I saw him a few days

later at his shift's parade he asked me why I didn't answer, I simply replied that he cannot call me in the middle of the night and left it at that, after which he made no such advances. Such ethical questions did arise during my fieldwork, though most of them proved manageable since I had considered such questions in my research proposal.

Ethics

In working with the police there were a number of ethical issues that I anticipated assuming that police work is inherently unpredictable and often dangerous, and so in this sense I felt adequately prepared to deal with a number of potentially problematic situations. In making ethical considerations about this type of research, the two main issues proved to be informant confidentiality and my own personal safety concerns.

I explicitly sought to ensure the confidentiality of any information given to me by officers I accompany. I also tried be wary of hierarchical power relations among officers, and do my best not to put officers in uncomfortable positions vis-à-vis their supervisors. This was primarily done by ensuring confidentiality between members and not sharing information among informants or other officers. Although I cannot ensure anonymity of the field site since its unique characteristics certainly add to the analysis of police behavior there, in writing up the research, I do my best to remove unnecessary identifying information (name, rank, color, gender, age) about the officers I discuss. In the following chapters I choose to refer to most officers as “the officer” without reference to color, age, or gender unless it seems particularly relevant.

Although permission for this research was granted by the Gauteng Provincial Head Office through the Everyday Policing project, I made every effort to ensure informed consent from the officers I worked with. When I introduced myself to police officers, I explained myself with something along

these lines: “Hi, my name is Sian, I’m a student at Wits. I’m conducting research about how police deal with migrants. Would it be possible for me to accompany you on your duties?” Taking informed consent as an ongoing process, I continued to ask officers if I could accompany them each day that I conducted field work. That said, there were many people I observed whose informed consent I was not reasonably be able to acquire, such as the other officers and complainants at the station at a given time, residents and civilians that officers interact with, and people that are arrested. Since my research interest is the police officers, I sought to minimize contact with these other characters other than to observe. Along these lines, I sought to follow the “do no harm” principle by refusing to participate in any police behavior such as questioning, searching, or arresting people. I was never asked to arrest or search anyone during my field work, but I did participate in more administrative ways. One quiet night I was asked to complete a docket for a smash and grab incident, filling in the victim's name, address, and other information. On a slow day when the officers I was accompanying decided to set up a roadblock, I was tasked with recording the registration numbers of the vehicles, the names and license numbers of the drivers, and the number of undocumented migrants arrested from each taxi.

Observing arrests of migrants was especially interesting and difficult for me as a researcher. As a student in the Forced Migration Studies Programme, I was attuned to the ways that police in other areas often harass and extort migrants. During the time of the fieldwork, I was also working in a legal clinic assisting refugees and migrants, which made me aware of certain trends in police abuse and their unfamiliarity with migrant's rights. I did my best to keep these roles separate from that of a researcher, and did not disclose my internship work with any of the police officers I observed. Yet, my internship work did prepare me to ask informed questions about changes to immigration policy in March 2009 regarding the status of Zimbabweans in South Africa, for example.

The nature of my relationships with officers was also of ethical concern. I spent significant amounts of time with informants, sometimes asking about their opinions and experiences which may be

very personal. In order to establish trust with officers, I frequently offered my own views and personal information at times. Adopting Steve Herbert's advice of being as open and honest with police officers, I would also share information about my family or friends when asking about officers' personal lives. One one occasion I spoke to a female officer I was accompanying about a violent arrest I had witnessed on another shift, and while I later questioned the appropriateness of revealing my personal difficulties observing such violence, the officer's sympathy and expression of a similar difficulty witnessing violence actually allowed me insight into her complex relation to violence and force.

A primary ethical consideration that arose in my proposal was what to do if I witness illegal behavior perpetrated by the police. Fortunately, I did not witness any serious crimes by police officers, and most deviance or infractions I witnessed did not become ethical issues. Most of the issues of gift exchanges and violence are discussed in the following chapters.

As a researcher, there were also considerations about my own safety in the field. I relied mostly on the instructions of the officers I accompanied, and informed them that I am relying on their assessment of risky situations and their guidance on when and how I should witness their work in the field. I did my best to build trust with the informants and other officers so that I felt that I could trust them with my safety as well. I had a bulletproof vest throughout the research process, and wore it at the advice of the officers I accompanied. Yet, there was one instance in particular when I seriously questioned my safety. I was driving with Crime Prevention one night when they received information on the police radio about an armed house robbery. Once they arrived on the street, there were other police officers already there, and they jumped out of the car to search for the suspect, leaving me alone in the car with no instructions. Once they were all out of sight, I heard over the radio that the suspect was wearing jeans and a white t-shirt. At that precise moment, I saw a man with a white t-shirt and a gun tucked into the back of his jeans climbing over a house's front gate into the street in front of the police car. I was sure that this was the suspect, and immediately ducked down, regretting that my

bulletproof vest did not cover my head. After a few moments of intense panic, the police officers returned and began speaking to the man, who turned out to be a member of the Community Policing Forum. Another night an officer tried to leave me in the car while he went out to talk to a resident, but this time I refused to stay in the car alone at night.

There are high risks working with the police, given their close proximity to crime, and the occurrence of violent crimes in Diepsloot. Issues of personal safety for the researcher are of the utmost importance, and were reflected on continuously throughout the research process. I decided at the beginning of the research process that if at any point the risks seemed too dangerous, or the safety measures do not ensure adequate security, the field work would be terminated. Due to the stress and unpredictability of this work, as well as the personal difficulties spending so much time in an impoverished township, the research process was by no means easy to accomplish. The benefit of this research, however, is to gain a nuanced understanding of how the police work and insight into how they relate to their work and surroundings. The empirical data may also lead to a better idea of the role of police in South African society and other transitional African societies, and how to improve police interactions with the public.

Positionality

Ethnographic research calls attention to the social positionality of the researcher in ways unique to this particular research method. Marks emphasizes the importance of the researcher's reflexivity in conveying how the researcher's positionality affects her relation to the officers she works with. During the time I spent with the police, it was clear to me that the officers I worked with related to me in distinct ways that were influenced by my role as a researcher at a university, but also as a young, English-speaking American woman of color. With a group of police who are quite clearly separated

along racial lines, both socially and in terms of work partnerships, all of my characteristics served to make me an outsider from their groupings. My inability to speak any other South African languages created distance that may have been problematic for conducting an ethnography of the inside police world. It certainly kept me from being able to communicate with any police officers in their first language, and restricted my access to their casual conversations and comments. At the same time, though, my distance from South African society in terms of its social and racial history served as a tool that allowed me to forge relationships with officers that were not colored by stereotypes and negative experiences of my social group. For example, being American brought up frequent questions about how South African police compare to the police in the U.S. I usually explained that my interaction with the U.S. police was only as a citizen and that I had not done this type of research with the police in any other country. I sometimes used these questions to raise some of the issues or questions I had about police work, and to segue into casual conversations about the South African police or society in general.

As an older black police officer labeled his white colleague a racist, he revealed that firstly I do not fit into any of the racial categories in South Africa, and then that he seemed to identify with me along racial lines: “He's fine with you because you're from overseas, but I know you're one of us, you're black.” As a multiracial person, it is not uncommon for people to claim me as “one of us” for their particular social group. Yet, what struck me in this officer's comment was his distinction that the officer's racism did not apply to me, not necessarily because of my color, but because of my nationality. I tend to agree with this officer's interpretation of my positionality in this context. While I am clearly not in a position to be part of any of the main social groups that the officers identify with, other than by my gender, my complete distance from their familiar categories allowed me to get equally close to the experiences of black and white officers at the station. In a station that polices three distinct areas and three distinct communities, my social and racial positionality is especially important in understanding

how the police responded to and interacted with me.

I began the fieldwork after having lived in Johannesburg for only two months, and I was still trying to understand my new home. The work with the police highlighted a number of issues about cultures of security, crime, and customer service that mirrored my observations in my own life in the city. For example, my thoughts on the differences on public and private space in Erasmia and Diepsloot reflect my own relations to my surroundings, moving from a gated house to an apartment, and my own ideas about personal safety and social exclusion. As a foreigner in Johannesburg, I am often reminded that crime is one of the most common obsessions among ex-pats and migrants in social situations, and that many of these conversations involve sharing stories of crime, recounting robberies, and advising security precautions. Conducting this research in this context while I was still trying to find my feet in a new city and to navigate the multiple realities of the city's gated suburbs, malls, slums, highways, and taxis, made my work with the police, especially in Diepsloot, a constant recalibration of my sense of normalcy.

Conclusions

The field site of the Erasmia policing area is an interesting context to conduct work on the South African Police Service. Because of the area's physical and social diversity, it offers many opportunities for comparison. My work with the police in this area was informed by the distinct histories of policing in suburbs and townships in South Africa, as well as the current proliferation of private security around the country and the frequent reports of collective violence in townships. It is in this context that the research was undertaken, and with which the following chapters are in conversation.

Chapter 3: Policing Migrants: Space and Suspicion

When we arrived the white residents including some off-duty reservists were questioning a black man in a red car. It was an old car but had been fixed up and had shiny rims. The officer I was with made a show of using an expensive machine to track the registration number, but the machine wasn't working. The driver said he was going to the mechanic because the headlights didn't work, and eventually they let him go. I asked why the man had been stopped, and if he had done anything. The short answer was no, but the officer said he was going to run the car's registration number to see if it was stolen. He added that even if the driver hadn't done anything wrong, he can go tell his friends that these residents are sharp and not to go into the plots, and then crime will go down.

This was a black, South African man, who had presumably shown a South African ID or valid documentation before we arrived at the scene. He was stopped by white residents, not by the police. The explicit assumption that “his friends” are criminals speaks to the racialized nature of criminality and spatial belonging. That this driver is suspect simply because he is black in a predominantly white-owned area, and thus might be friends with criminals, speaks to the clear racialization of crime and suspicion. Once the man enters the plots, he becomes a denizen of the white residents' node of governance. Again, the officer is not concerned about whether the man is guilty of any crime. He is content in the understanding that harassing a certain population will decrease crime simply because of that population's propensity for crime. A black man driving in a white area is immediately suspicious, tying together the themes of risk, suspicion, and policing mobility. Further the reliance on the broken machine falls into a standard vein of police discourse. Science and technology has been an important discourse used to legitimize South African police conduct, especially those decisions or policies that may otherwise seem controversial.¹⁰⁵

The Erasmia police are faced with a unique policing space. This chapter discusses spatially-constructed suspicion, the ways police echo xenophobic sentiments and profile migrants, and the ways

¹⁰⁵ Brogden and Shearing 1993: 56.

police negotiate the practical demands of their work in relation to immigration policing. Historically there have been close ties between racialization and criminalization on the one hand, and enforced housing segregation on the other. For instance, in the context of gold mines, where migrant workers were commonly housed according to tribal or language groups, Moodie's a historical analysis of reports of collective violence from 1910 to 1982 indicates that reports of violence “reify ethnic distinctions along lines of housing blocks.”¹⁰⁶ The parallels with the Erasmia policing come mostly from the racialized housing patterns, and the understanding of violence in the informal settlement as “primordial and inevitable.”¹⁰⁷ One police officer explained this to me about stone-throwing: “it's part of their culture. That's how they used to sort things out in the old days.” Because the police area comprises three distinct “communities” in distinct spatial locations, the racial and cultural distinctions are reified by the spatial boundaries, and this has implications for the normative orders in each location and the accompanying policing styles.

Space and Race: Discretion in Practice

Notions of discretion have very real applications to the daily decisions that police officers make. They take into account prior knowledge of certain cases, their legally-determined discretion, as well as their personal preferences of involvement in a situation, which includes racial and cultural stereotypes and norms. Framing the process with Heyman's thought-work as the process of negotiating between official rules and personal judgment, this section serves to offer a practical example of operational discretion by discussing two examples of domestic disputes where the police were asked to intervene, and the different approaches taken in the different contexts.

¹⁰⁶ Moodie 1992, 587.

¹⁰⁷ Moodie 1992.

One quiet night while I was accompanying two police officers, a male and female, the Client Service Center shift commander came out to the parking lot and asked the officers to attend to a domestic violence complaint. We went to the CSC where a well-dressed Indian man had brought in a warrant of arrest for his wife, who had violated a protection order by sending him offensive SMSs and throwing away his clothes. He demanded that the police arrest his wife. The two officers went back and forth between speaking with the man about his case and conferring outside about whether to arrest the woman or not. As they talked through the decision, their values and considerations became clear.

Firstly, the female officer stressed that the Domestic Violence Act only requires that a perpetrator be arrested if the victim faces “imminent danger.” She explained this colloquially as feeling that, “this guy's going to kill me.” She showed her partner the print on the bottom of the arrest warrant that reflected this sentiment, stating that the police must arrest the perpetrator under these circumstances; she used this to bolster her argument that an arrest was not required if there were no imminent danger. Here, she identified the scope of their discretion, and began to question the complainant about the danger he faced. She discovered that he did not reside with his ex-wife, and suggested that offensive text messages did not pose a danger to his life.

Secondly, upon realizing that the ex-wife lived with her two children, both officers voiced their discomfort with arresting a mother in front of her children in her own house. That both officers have children of their own played an explicit role in their decision. The female officer adamantly told me, “no matter if my husband swears at me I would not arrest him, just because of the children. There's other ways of sorting things out.” They referred to their personal concern for the children many times in coming to their decision.

Thirdly, noting that it was a Friday night, the male officer challenged the complainant about why he had received the arrest warrant on Wednesday but had waited until now to bring it to the police. The

man responded that he had been busy, but the officers commented to me on a pattern in domestic violence cases of arresting the perpetrator on a weekend, since they cannot get bail. They told me that frequently the complainant will drop the case on Monday morning, and rely on the short time in jail to teach their partner a lesson. Wary due to prior knowledge of this trend, the officers suspected that this man was attempting to do the same. They resented that the complainant was trying to use the police to make a point to his ex-wife.

Finally, the male officer noted that the woman was Indian, and his experience working in Erasmia was that Indian people tended to come from large families. He expected that if they were to arrest the woman, “40 relatives” would come to the station demanding an explanation: a scene the officer was not keen on dealing with. This officer had often explained that he disliked working with Indians in Erasmia, because they were too demanding and expected too much accountability from the police: “Working with black people is the same as working with white people. Different working with Indians because they make you crazy. [...] They're demanding of stuff. And they've always got phone numbers of people higher than you, and you understand what I'm saying? Even if they are wrong, they want to show you a thing or two.”¹⁰⁸ This officer's decision not to arrest this woman is confirmed by his stereotype and claimed familiarity with the Indian community and his reluctance to deal with a scene at the police station, or an action that would require the police to get involved in a large family dispute.

After explaining to the complainant their decision not to arrest the woman, they told the man that they would go to her house to give her a warning. When they arrived at the gate they spent a few minutes knocking on the gate, and finally got the attention of a black woman, presumably a domestic worker. The ex-wife finally came out, and the police went into the house to speak to her, leaving me in the police car. I noticed their apprehension at entering the premises without the necessary permission as

¹⁰⁸ This stereotype is in line with observations made in Durban, “a white Inspector explained to me that white and African police share certain characteristics that are not common among Indian police.” As noted in Marks, 2005: 234.

they faced the large gate in front of the house, a respect for space and privacy, the absence of which I noted in domestic disputes in informal residences in Diepsloot.

During a shift accompanying two male officers, I observed another domestic dispute that was handled very differently. We drove into the satellite police station, a trailer in an empty lot in Diepsloot, and a young woman climbed into the back of the police bakkie, usually reserved for suspects. As we drove, she tapped on the sides to indicate where and when to turn. We arrived at a lot with a house and three shacks in front of it. The officers let the woman out and told me to come with them. A man brought two chairs for the police officers, and the woman who had made the complaint sat around the house's corner so as not to look at him.

An argument ensued between the woman and a female neighbor on one side and the man on the other, with the two police officers sitting at the corner to see both parties. The officers listened while the man explained the situation, and then they both began negotiating between the two parties. Although I could not understand most of the conversation, it was clear from the tone that the police were not advocating on behalf of the woman who brought them there. During the discussion with the police the man said in English "not in my house" and "I can't do that." His daughter, about 3, was taking a bath inside and during the course of the interaction called him in to wash her and then emerged as he put on her shirt. Eventually the woman went into the bathroom in the house and came out with her hands full of toiletries including a toothbrush and deodorant, and a neighbor gave her a plastic bag to put them in.

As we drove away, one officer explained that the man's wife had died, and he had gone to his cousin in Limpopo who had lined up women for him to choose one to be his girlfriend and take care of his three children. Apparently he "made the wrong choice" and the woman he chose and brought back to Diepsloot had gone out for a few drinks last night, had come back drunk, and started "trying to do

funny things” with him. He had kicked her out since she was not taking care of the children and kept using his money to drink. She had been asking for money to go back to Limpopo, and though he did not have it then, it seemed as if he would give it to her eventually while she stayed with her friend. The officer expressed his disapproval that she would not take care of the children, and was causing more stress to the man whose wife had recently died.

The police easily enter the private sphere of the lot during this interaction, and the daughter’s bathing and dressing become public, as does the woman’s retrieval of her toiletries. During this dispute there is no reference to law, no official orders or documents, and the role of the police officers is as an informal mediator. Both police officers are originally from Limpopo and are married, and seem to culturally identify with the man's situation.

The role of police discretion in these two situations differs greatly. In the first, the two officers must decide how to respond to an arrest warrant, and they use prior knowledge, stereotypes, and personal opinions along with legal interpretation to come to their decision. The police role remains public, and distinctly separate from the private life of the complainant and his ex-wife. The discretion in the second scenario is much less formal and depends more on how the police officers diffuse the conflict and how their backgrounds and preconceptions influence the position they take. The situation is much more messy, and the police quickly enter into the private space of the parties. While illustrating the different cultural demands officers face in different parts of their policing area, these examples show how discretion can be variable depending on the demands of the particular case.

Paradigm of Suspicion: Policing as Risk Management

Profiling is an inherently public action that takes place at the discretion of police officers: “The

problem of racial profiling is inextricably intertwined with the fact that police officers have a great deal or discretion in performing their job.”¹⁰⁹ In surveys on racial profiling in the United States, where the practice has come under heavy scrutiny after the police killings of innocent black men, people tend to oppose using race as the only way to judge guilt, but are hardly against “the use of race as a factor in the determination of suspiciousness.”¹¹⁰ A number of authors identify profiling as a policing strategy that accompanies the so-called “new penology” that has emerged in recent decades in Western democracies. What has been dubbed the “new penology”¹¹¹ by Malcolm Feeley and Johnathan Simon is a trend toward a focus on the statistical likelihood of certain population groups to participate in criminal activities. Much the same way insurance companies calculate risk based on demographic characteristics, this model of criminology relies on stereotypes of risky behavior. William Rose explains how the new penology differs from the historical emphasis on rehabilitation of criminals in terms of the role of the state in managing crime:

The sense that crime was an ever-increasing fact of modern life, and the specter that we were all potential victims, contributed to a belief that the state was largely incapable of responding to the problem. The sovereign state appeared to have failed in its principal mission of safeguarding its citizens and maintaining social order. Fear of crime itself became the salient issue that the state sought to address.¹¹² [...] The objective of this new penology is not the rehabilitation and reintegration of the individual criminal offender. Rather, it seeks to identify and manage “risky” population subgroups. From this perspective, individuals are little more than bearers of certain traits of the population subgroup; the new penology, then, seems more informed by actuarial considerations than by concerns for rehabilitation or even punishment.¹¹³

The new penology is based on an assumption that crime is inevitable, and so the role of the police is

¹⁰⁹ Skogan and Meares 2004: 76.

¹¹⁰ Rose, William. (2002) “Crimes of Color: Risk, Profiling, and the Contemporary Racialization of Social Control.” *International Journal of Politics, Culture, and Society*. Vol. 16, No. 2. Page 180.

¹¹¹ Feeley, Malcolm M. and Jonathan Simon. (1992) “The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications.” *Criminology*. Vol. 30, No. 4. Pages 449-474.

¹¹² Rose 2002: 184.

¹¹³ Rose 2002: 186.

not to prevent crime or even to address it when it occurs, but rather to monitor and manage suspect populations. By relying on an actuarial statistical assessment of risk, this policing ideology heavily relies on many levels of profiling to determine who “fits the description” of a criminal. Ronen Shamir relates this new penology to monitoring of mobility, citing the growing number of gated communities, private security companies, and metal detectors in societies around the world. Shamir identifies a paradigm of suspicion that has become the foundation for policing migration: “the regulation of movement that evolves under the new cultural and normative conditions brought about by globalization is predicated on a paradigm of suspicion, one that constructs individuals and often whole social groups as having suspect identities related to the risks of immigration, crime, and terrorism.”¹¹⁴

Yet, this nomenclature is particularly suited to Western societies, especially the United States, that have seen this shift in the criminal justice system and the assumptions underlying certain approaches to criminals. However, in the South African context, neither this sort of penology nor the paradigm of suspicion is new. The assumptions about blackness and criminality have been ever-present in the colonial and Apartheid eras, and have formed the basis for Apartheid policies.

The state's management of risk by social and spatial isolation under the new penology is eerily reminiscent of the Apartheid government's ideology of physically separating racially-defined population groups so as to maintain white dominance in the country's economy and social hierarchy. In a sense, the paradigm of suspicion that is newly emerging in Western countries has been a fundamental force in South African society for the last century. In a country where “the annual spending on private home security is \$1.3 billion, tripling the governmental annual spending on public housing”¹¹⁵ and

¹¹⁴ Shamir, Ronen. (2005) “Without Borders? Notes on Globalization as a Mobility Regime.” *Sociological Theory*. Vol. 23, No. 2. Page 214.

¹¹⁵ Masuku, S. (2003) “For Better or for Worse: South African Crime Rates in 2002.” *South Africa Crime Quarterly* 3. Pages 17-24. Cited in Shamir, Ronen. (2005) “Without Borders? Notes on Globalization as a Mobility Regime.”

where there are an estimated 216,000 private security officers compared to 90,000 uniformed SAPS officers¹¹⁶ there is hardly a question that the mutual conflation of crime and suspicion is alive and thriving.

Migration: Law and Suspicion

The emphasis on groups rather than the individual is also important in the way that the new penology relates to global migration. Under this paradigm of suspicion, Shamir argues, migrants are monitored as likely criminals and terrorists who put the safety of a nation at risk. The act of profiling mobility becomes a public performance by applying public scrutiny to private behavior. In line with the discussion in Chapter 5 of food exchanges with police as a public performance, profiling similarly highlights the tension between police officer's personal, private experiences with migrants and race on the one hand, and their public duty of identifying suspiciousness, on the other. Shamir posits that the transformation of mobility into a moment of utmost exposure does not enhance social proximity but rather maintains and facilitates a regime of social distance.¹¹⁷ The discourse relating immigration to increased crime is rampant in South Africa, as it is across the United States and Europe.¹¹⁸ While sociological literature posits three theories for why high levels of immigration may increase crime, such as theories on opportunity structure, cultural theories, and theories on social disorganization,¹¹⁹ there has been no empirical evidence in South Africa to support this claim. For the purposes of this

Sociological Theory. Vol. 23, No. 2. Page 208.

¹¹⁶ Baker 2008: 95.

¹¹⁷ Shamir 2005: 213.

¹¹⁸ Danso, Ransford and David A. McDonald. (2001) "Writing Xenophobia: Immigration and the Print Media in Post-Apartheid South Africa." *Africa Today* Vol. 48, No. 3. and Shamir, Ronen. (2005) "Without Borders? Notes on Globalization as a Mobility Regime." *Sociological Theory*. Vol. 23, No. 2. Page 201.

¹¹⁹ Lee, Matthew T., Ramiro Martinez, Jr. and Richard Rosenfeld. (2001) "Does Immigration Increase Homicide? Negative Evidence from Three Border Cities." *The Sociological Quarterly*. Vol. 42, No. 4. Page 561.

chapter, more interesting is the discourse linking crime to migration and the ways that this discourse persists in police expressions of xenophobia.

Historically, South African informal settlements have been closely linked in the public imagination to crime and migration, with the highest proportion of the population of informal housing in Gauteng with 2.2 million people in informal housing in the early 1990's.¹²⁰ The state-sponsored perception of informal settlements at the time that, “squatters are mostly recent immigrants from the 'homelands'” was the popular view of urban migration in the early 1990's, with a housing official describing residents in informal settlements as people who “came to the city in search of a job and the good life.”¹²¹ While Crankshaw's study finds that those recent migrants coming from rural areas to squatter camps were actually the minority of informal residents, the perception of migration presented by the government and the media clearly has an important effect on public opinion. Since the Apartheid pass laws were repealed in 1986, urban migration has been conceptualized in these terms.

Similarly, Loren Landau argues that assumptions of migrant criminality “often serve to legitimise extra-legal xenophobic violence and discrimination by both state agents and others.”¹²² While SAPS does not collect data on citizenship status in their crime statistics,¹²³ and there is no conclusive data on the relationship between migration status and crime, this is a widely-held perception. Drawing from work on legal frameworks and practices that produce homophobic ideology, Muneer Ahmad argues that post-9/11 racial violence in the U.S. was implicitly supported by the state's “War on Terror.” He argues, “By casting all 'Muslim-looking' people as potential terrorists, the state

¹²⁰ Crankshaw, Owen. (1993) “Apartheid and Urbanisation on the Southern Witwatersrand.” *African Affairs*. Vol. 92, No. 366. Page 35.

¹²¹ “Profile of a Squatter.” Department of Planning, Provincial Affairs and Housing Memorandum. South African Press Association, 18 July 1991. Cited in Crankshaw, Owen. (1993) “Apartheid and Urbanisation on the Southern Witwatersrand.” *African Affairs*. Vol. 92, No. 366. Page 36.

¹²² Landau, Loren B. (2005) “Urbanisation, Nativism, and the Rule of Law in South Africa's 'Forbidden' Cities.” *Third World Quarterly*. Vol. 26, No. 7. Page 1115.

¹²³ Burger, Johan. Personal E-mail to author. 14 December 2009.

constructs the social meaning of those bearing Arab, Muslim, and South Asian appearance as legitimate targets of violence.”¹²⁴ In this analysis, Ahmad uses Foucault rejection of a purely state-centered notion of power, and rather adopts the view that “power does not emanate from the state alone, but instead multiple, unequal, and shifting points exercise power.”¹²⁵ In Foucault’s work, power “produces reality; it produces domains of objects and rituals of truth.”¹²⁶ This conception of multiple sites of societal power has relevant ties to the ideas of nodal governance as discussed in Chapter 2, and the multiple sites where different agents assert power. In the context of the South African police, Ahmad’s arguments has important ramifications for conceptualizing the role of police officers in the production and enactment of anti-foreigner sentiments. While I do not argue that police everyday behavior creates xenophobia, it certainly expresses the restrictive nature of border control, while legitimizing harassment by other governing nodes including local political leaders and organized groups of residents.

The South African Immigration Act of 2002 gives law enforcement officials significant discretion in suspecting who is an “illegal foreigner,” a legal status that cannot be visually recognized. That officers are supposed to detect illegality with their own discretion is a key element of policing immigration in this context. The Department of Home Affairs is supposed to “educate and instruct law-enforcing agencies to detect *illegal foreigners* and report them to the *Department*.”¹²⁷

According to the Immigration Act, the role of the police in immigration matters is as follows:

When so requested by an immigration officer of a police officer any person shall identify himself or herself as a *citizen, resident, or foreigner* when so requested by an immigration

¹²⁴ Ahmad, Muneer I. (2004) “A Rage Shared By Law: Post-September 11 Racial Violence as Crimes of Passion.” *California Law Review*. Vol. 92, No. 5. Page 1323.

¹²⁵ Ahmad 2004: 1320.

¹²⁶ Foucault, Michel. (1977) *Discipline and Punish: The Birth of the Prison*. Translation. Cited in Ahmad, Muneer I.(2004) “A Rage Shared By Law: Post-September 11 Racial Violence as Crimes of Passion.” *California Law Review*. Vol. 92, No. 5. Page 1322.

¹²⁷ Immigration Act, Section 2(c)(ii).

officer or a police officer, and if no reasonable grounds which immigration officer or a police officer is not satisfied that such person is entitled to be in the *Republic*, such immigration officer or a police officer may take such person into custody without a warrant and if necessary detain him or her in a *prescribed* manner and place until such person's *prima facie status* or *citizenship* is ascertained.¹²⁸

A police officer is thus allowed to request identification and may subsequently detain people that are not legally in the country or whose identification is under suspicion. After this, a suspected foreigner can be detained for 48 hours while his or her legal status is verified. The officer's discretion is at play in the decision to request identification in the first place, as well as the decision to detain a person. To the extent that discretion itself is already closely tied to racial profiling and other abuses that may occur when officers are away from direct supervision, the discretion granted police officers in terms of immigration policing is even more open to the officer's personal preferences and choices.

The position of the South African Police Service in South Africa's immigration legislation is very ambiguous, especially in issues of discretion when determining suspicion of illegality. Landau articulates the link between immigration policing and suspicion in certain spaces: “Indeed, the police's inability to distinguish between non-nationals and citizens—either because of poor documentation of an unwillingness to recognize documentation—has also meant that everyone within the inner city has become a suspect.”¹²⁹ With respect to Johannesburg's inner city, other research has found high levels of bribe extortion by police targeting migrants.¹³⁰ Discretion is clearly an important part of any police work, but is especially significant in the context of immigration policing in South Africa where the police are legally given certain discretionary freedom to suspect, arrest, and detain foreigners.

In certain neighborhoods, police regularly extort bribes from vulnerable groups such as

¹²⁸ Immigration Act, Section 41.

¹²⁹ Landau 2005: 1130.

¹³⁰ Tshabalala, Xolani. (2009) “Negotiating Movement: Everyday Immigration Policing in Johannesburg.” MA Dissertation. Johannesburg: University of the Witwatersrand.

foreigners,¹³¹ a trend that is found in police work around the world: “Police work combines high discretion with low-visibility decision making in an environment that can be awash with tempting opportunities and an ample supply of 'regular' citizens willing to offer up even more. The drug dealers, prostitutes, and others that officers routinely deal with can be robbed or abused with relative impunity.”¹³²

Many of the reports on and responses to problematic migration policing in South Africa are produced by newspapers reporting particular events or NGOs and advocacy organizations condemning the violations of migrant's rights that occur on a daily basis. The 2008 report published by the Consortium for Refugee and Migrants in South Africa implicates police immigration raids in supporting xenophobic attitudes.¹³³ The report also cites common occurrences of bribes extorted from undocumented migrants. The 2009 Human Rights Watch country report also cites police use of excessive force in general, and especially during raids on migrants.¹³⁴ Klaaren and Ramji argue that migration policing is substantially the same as Apartheid policing practices, and that any attempts to include human rights in these policies has produced little significant change. Their article discusses Operation Crackdown of 2000 where thousands of migrants were deported, even if they had proper documentation, which was often torn up. After SAPS conducted a raid on the Central Methodist Church in Johannesburg in January 2008,¹³⁵ a number of press releases from the local and global NGO community condemned these actions.¹³⁶ Such a response highlights the common rights-based perspective taken in response to SAPS's methods of policing immigration and migrants.

¹³¹ Landau 2005; Tshabalala 2009

¹³² Skogan and Meares 2004: 75.

¹³³ CoRmsa (2008) “Protecting Refugees, Asylum Seekers and Immigrants in South Africa.” Johannesburg: Consortium for Refugees and Migrants in South Africa.

¹³⁴ Human Rights Watch. (14 January 2009) *World Report 2009 - South Africa*. <http://www.unhcr.org/refworld/docid/49705f91c.html>

¹³⁵ “SA Police Arrest 1,500 in Church.” BBC News. <http://news.bbc.co.uk/2/hi/africa/7219090.stm> 31 January 2008.

¹³⁶ CoRMSA, Lawyers for Human Rights, Treatment Action Campaign, Civicus, Refugees International, Black Sash

Further, common responses within SAPS to reports of corruption or illegal behavior are to single out and reprimand the particular officer who has committed the offense. However many, including Gareth Newham, have argued that this “bad apple” approach does little to change the prevailing police culture, not to mention changing the circumstances leading to such behavior. The question of why such incidents occur is rarely asked with the intention of gaining a deeper understanding of what is going on at these moments of discretion. Though reporting and documenting such abuses is necessary, it also seems that an approach that seeks to understand the role of the South African police officer's discretionary process is in order to find a new depth to this issue. A 2005 survey of 580 police officers in Johannesburg indicates that a third do not agree that “most police members are disciplined and follow the rules and procedures of the SAPS,”¹³⁷ suggesting that a look into the role of such rules and procedures would be valuable. The empirical data presented in this chapter seeks to contribute to the existing work on police behavior, but using an approach that seeks to gain insight into daily interactions between police and migrants.

Placing Migrants

Profiling related to immigration policing is limited to certain spaces in the Erasmia policing area, namely Diepsloot, the area where black residents live. Through unspoken and socially constructed assumptions about migration, officers locate suspicion within very particular spaces. The historical difference between policing styles in white and non-white, but particularly black areas under Apartheid speaks to the development of different policing styles dependent on space. In his discussion of police territoriality in Los Angeles, Steve Herbert argues that space constructs the operation of

¹³⁷ Newham, Gareth. “The SAPS Johannesburg Area Police Transformation Survey Results.” Johannesburg: Center for the Study of Violence and Reconciliation, 2005. 23.

discretion: “Location is also important because officers often associate a particular moral order with a particular area, and they patrol with that order in mind—not the law.”¹³⁸ Herbert labels these as “normative orders” that depend on the moral order assumed to be associated with certain places.

A sense of mistrust permeates the relationship that the residents of the plots have to their neighboring informal settlement. While many residents of these farms employ migrants as farm workers or other types of domestic workers for tasks including cleaning and tending to nurseries, there is a clear hierarchy in which they conceptualize migrants. A conversation I had with one class-D reservist, namely one that is not entitled to a uniform and is only supposed to patrol his own residential area, opened up a discussion of some of these feelings:

The reservist told me he had joined the police after they had experienced three incidents of attempted theft on their farm. As we drove past a farm, the officer pointed out that the men tending to the cows were from Zimbabwe. The reservist said that he hired fifteen of “them” on his farm, all from one extended family. The officer shook his head and said he didn't trust Zimbabweans because they drink too much, and only hires Malawians because they work hard. The reservist interjected that none of his employees drink, and that they're always on time. He added that he even has some of their wives working in his nursery. The officer said he would never hire South Africans because they're lazy and don't want to work. They told me all of the migrants they hire are legal, and have asylum seeker permits that they renew every few months.

The reservist explains that he joined the police as a way to monitor robberies and to feel safer at home. For him, joining the police is related to a sense of suspicion and threat. In the conversation with the officer, the two men offer their stereotypes about different groups' work ethics. While they are comparing their views, they never challenge or engage each other, simply building onto each other's stereotypes. It is also worth mentioning that the migration pattern that their workers demonstrate, coming to the country to work and to bring their extended family to work in the same place, suggests that the asylum seeker permits they use are merely a way to

¹³⁸ Herbert, Steve. (1996) “Normative Ordering of Police Territoriality: Making and Marking Space with the Los Angeles Police Department.” *Annals of the Association of American Geographers*. Vol. 86, No. 3. Page 572.

gain a temporary legal status in the country, rather than to apply for refugee status. Yet, the police officers do not make this connection, they assert that their workers are legal immigrants. In relation to this observation, I noticed that police officers never ask to check the permits of the migrants living and working on these plots. There seems to be an unquestioning acceptance that migrant workers legitimately belong on farms.

This back-and-forth between the reservist and the officer first of all shows that they both have relations to migrants and South Africans as workers and employees. While police often complain about their meager incomes, it is important to establish that their perception of their own class position is relative to the social hierarchies they have internalized. Of course, when we realize that these people are responsible for policing immigration and are so open about their hiring prejudices, we must understand how stereotypes and profiling of workers can influence the ways they police migrants and poor black South Africans. One officer spoke about a Zimbabwean woman that used to clean his house with some standard remarks fitting her into a certain category of migrant. She was now working at a restaurant:

Every time she came over and was very nice, the officer would say her name and smile, and then when she left he would talk about how good she was when she cleaned his house and how well-spoken she was. He told me she was from Zimbabwe, and that she had stopped working for him when she got this new job, and the woman she had sent to clean for him was not doing a good job.

This woman fits the role of the well-spoken migrant, who cannot move out of a certain position because she is a foreigner. In the officer's eyes, she is an exception to the rule, which he highlights by comparing her to his current domestic worker. While this does not directly relate to policing, it does contextualize white police officer's dual relationship to migrants as policing subjects and as laborers.

Yet, while most plots have black workers working on them, many of them migrants, the relationship to unknown black men is fraught with suspicion. In the following example, a group of

white plot residents spent Election Day tracking some black men walking in a field and eventually apprehending them in the back of a bakkie before the police arrived.

We turned into the next dirt road and came upon two white men with binoculars and a bakkie with two black men sitting in the back. Apparently the community patrol of D-reservists in the area had been tracking some black men who had been walking in the fields in the area. They had caught two of them, and tied each hand to its respective foot with plastic ties. We waited a while before one of the men's wives came with a Leatherman knife to cut the plastic so that they men could be properly handcuffed. The two men that caught them were talking to each other and to others over their walkie-talkie about the location of other men. Later that afternoon, the men produced three men from the back of a truck who they had caught. I asked why the men had been arrested, what they had done. The officer told me, “the criminals see that everyone's voting, so it's their opportunity to go in and (snaps).” Apparently they had been caught for “scouting,” looking around the area and finding things to steal or crimes to commit, although there seemed to be no actual offense other than looking suspicious. When we took the apprehended men back to the station, they were booked in as illegal immigrants.

The reservists in this scene conveyed an air of cowboy justice, as they spent the day tracking and arresting suspicious-looking black men. The officer refers to the people as “criminals” though there is no attempt to charge them with any crime other than being undocumented migrants. Some of the plot residents' relative authority as reservists seems to allow all of them them free-reign in identifying and arresting suspicious people. The unquestioned suspicion that the plot residents express is in line with the literature about new models for police profiling and the new penology discussed earlier.

“There's a Big Difference”: Discourse on Foreigners in Diepsloot

While suspicion pervades the interaction between the plots and Diepsloot, the profiling in that context is relatively straight-forward, with any wandering black man identified an immediate suspect. In Diepsloot, however, the frequent distinction between illegal migrants, legal migrants, and South Africans is not so clear. It is through these discretionary decisions that profiling patterns emerge. These

patterns tend to be arbitrary in nature, depending greatly on the mood of the officer and the response of the suspected immigrant. Language plays an important role in determining a person's legitimacy, yet none of the strategies prove fool-proof. Rather, they reveal the *ad hoc* nature of immigration policing in the township and the types of profiling of the population that is undertaken. The following examples speak to the ways that residents of Diepsloot are profiled and identified as suspicious. Extension 1, for example, is nicknamed the "Zim Zone" for both the number of young, male Zimbabweans there, as well as the nature of crime that occurs there. Although the number of migrants in the area is unknown, there is certainly a perception by the police that migrants comprise a substantial section of the population.

As we drove, the older constable began pointing out foreigners to me. "Those 3 guys, that truck is owned by foreigners." The younger constable added, "Everything, almost everything in Diepsloot is owned by foreigners." The older constable said, "that hardware store is owned by a foreigner, from Zimbabwe" and the younger constable clarified, "but he has his permits and everything."

While these comments are made very casually, responding to the sights as we drive through Diepsloot, they raise a number of issues of the way that police perceive the social structure in the township, as well as the issue of migrant illegality. The officers are identifying property more than individuals. The idea that migrants own property and are thus more financially stable must be read in light of the common assertions that migrants are taking jobs from South Africans, and the related looting of property that defined the attacks in May 2008. The younger officer's clarification that the Zimbabwean owner of the hardware store "has his permits and everything" raises the distinction between legal and illegal migrants, whereas such a distinction did not surface in the previous statements about foreigners owning property.

The discourse on foreigners in Diepsloot perpetuated by the police is that there are a lot of

foreigners, most of whom are from Zimbabwe and Mozambique, as well as domestic migrants from other provinces. One day, I drove with two officers to bring some vegetables to an officer's sister who lived in a shack in a nearby township, Olievenhoutbosch. The drive prompted a discussion of the difference between Diepsloot and this township, especially in terms of crime levels and migrants.

They first explained that in Diepsloot there are people that come from “Nigeria, Limpopo, Mpumalanga” and from a former squatter camp in Alexandra. “Too much shebeens, too much people from outside.” On the other hand, the people here were from Limpopo and Northwest. I thought it was interesting that they didn't mention Zimbabweans or Mozambicans in the Diepsloot population, but rather just “the foreigners, people from outside.” When I asked if they meant people from other countries or provinces they didn't answer.

When I asked police officers to explain the way they identify migrants, the answers they gave related to people's responses to the police car. They cited that if a person ran away when they saw the police car they were probably an illegal migrant, or if the person avoided eye-contact with a police officer he looked suspicious and was probably illegal. The conflation of suspicious behavior in relation to the police and migrant illegality is a primary basis for profiling in Diepsloot. Every police officer I spoke to about their discretionary profiling decisions assured me that there was a huge difference between migrants and South Africans. This example was a common occurrence during daily patrols:

The officers stopped in front of a small stand selling sweets and cigarettes and searched the 3 men sitting there. I asked why they had chosen to stop them, and they said “to stop and search.” When I kept pushing for why, they said they looked like tsotsis. After a while the officer elaborated to say if you look them in the eye they look away, and their shifty eyes make them look suspicious. He also added, “there is a great difference between people from South Africa and foreigners.” He then stopped another man walking by, asking for his passport. The man produced an asylum seeker permit. He was clearly happy to have demonstrated his ability to find a migrant.

The three explanations the officer gives, that it is a routine stop and search, that the men look like gangsters, and that they did not hold eye contact for long enough, all point to the arbitrary nature of determining suspicion. In short, the rationale is that tsotsis look suspicious and foreigners also look

suspicious, so these suspicious people must be tsotsis and foreigners. In addition, other police officers had told me that the people with small stands in Diepsloot tend to be Zimbabwean, which may also have prompted this instance of targeted profiling. Whatever the case may be, and it is probably a complex interaction between all of these reasons, this stop constitutes profiling and the highly discretionary nature of these decisions.

In the following examples, police officers brag about their ability to distinguish foreigners from South Africans, but reveal the deep flaws in their judgments as they end up harassing South Africans due to the criteria they use.

They explained to me that they talk to suspected immigrants in Afrikaans to see if they can answer, because if they are South African they'll answer immediately. They tested this out with one guy, greeting him in Afrikaans. He responded by smiling and nodding, and then the officer said “are you fine, everything's sharp?” in English, to which the guy then responded positively. I asked whether they speak English to people, and they said they did sometimes, but that most “illegals” don't even speak English. We continued driving, and saw two young men carrying boxes, stopping to wipe sweat from their brows. We pulled over next to them and the officers greeted them with a “Hoe gaan dit”, to which they responded in English that they didn't understand. They explained that they were from Mpumalanga where they said there are no Afrikaners. They had just moved in to a room in Diepsloot, and showed the appliances they were carrying as proof that they were moving in. As we left the officer told them “hoe gaan dit” means “injane” [Zulu greeting] and shouted out the window as we drove away, “welcome to Diepsloot, people here speak Afrikaans!”

Clearly, in a country with eleven official languages, fluency in one cannot be a valid determinant of citizenship. Yet, the reliance on Afrikaans, the official language of Apartheid over which riots erupted, seems worse than naïve. In this example, neither attempt at proving that Afrikaans was the main language of the township proved fruitful: one man smiled and nodded, and the others openly admitted they did not speak the language. However, the officer insists that Afrikaans is a main language of Diepsloot. The insistence on Afrikaans as a distinguishing factor is also reminiscent Afrikaans nationalism, as well as the current *taaldebat* about the prominence of the Afrikaans language and

culture. The officer seems unaware of the political implications of such a narrow definition of citizenship, but these dynamics are reproduced in her discourse nonetheless.

South Africans are regularly targeted in attempts to identify illegal immigrants. During the xenophobic violence that spread through the country in May 2008, a number of South Africans were killed. The following example again speaks to the issue of language and national identity:

They stopped 3 men who were walking, saying “don't run away” as they got out of the bakkie. They searched the men, and put two of them in the back of the van. The third protested, saying he was South African and showed his driver's license. The officer responded by telling him “don't come with an attitude!” He showed the man's license to the driver. They kept arguing, and the reservist began to say “you are a Zimbabwean!” (switching to English probably for my benefit). They put the third guy in the back, and followed the suspect's directions to his house. At the house, they showed the officer satisfactory proof that they were South Africans. The driver explained that “those guys” thought they were from Zimbabwe, because “one of the officers is a Xhosa, and Zulu and that language [Ndebele] are very close, like English and Afrikaans, so he can't tell the difference, and thought they were from Zim.” I asked what he had thought, and he said he didn't know.

The “attitude” that the constable identifies coming from the incensed South African citizen is often a justification for police violence against suspects. In this case, the men's arguing seems to actually be the cause for their temporary detention. During the same day, the same officers did not bother arresting a man who was in the country illegally:

We pulled over to a man selling things on the side of the street. The driver spoke to him briefly then we drove away. I asked what he had said, and the driver responded, “He don't have papers, not even an ID.” Why he didn't bother arresting him is unclear, but it seemed maybe too obvious and less exciting since the man admitted it, and also he was the only one attending the little stand, so they would have had to do something with all his stuff.

In this example, the man's simple admission of guilt and the inconvenience of dealing with his stand are both reasons for leaving him alone. The decision is clearly arbitrary and circumstantial, and reveals that this officer has little concern with the broader purpose of immigration control, as he does not even

urge the man to obtain documents. Rather he exercises his discretion in the man's favor because it is a much easier path to follow. Police officer's aversion to pursuing more complex immigration cases is consistent with one of Altbeker's vignettes where police officers decide not to follow through their suspicion of fraudulent immigration documents.¹³⁹

Confirming Stereotypes: Migration as a Problem

The relationship between migration and crime came up frequently during my informal conversations with police officers. This often led to complaints about the effectiveness of the legal system and the deportation system, both of which allow criminal migrants to return either on bail or by migrating again. They insisted that the period following large-scale immigration operations where many undocumented migrants were arrested would show a significant decrease in crime levels in the area. Assuming this decrease is true, it is impossible to separate the impact of arresting immigrants and police visibility as a deterrent to crime. Yet, it is important that there is a widespread perception among the police at Erasmia that policing immigration directly relates to larger crimes. The abundant assertions that “most violent crimes in the area are done by foreigners” sets the tone for the ways that police chose to enforce immigration laws during their daily patrols. On a typical Monday morning during my field observations, there would be between 15 and 20 immigrants arrested during the weekend waiting to be taken to the Lindela Repatriation Facility in a white unmarked bakkie by a Home Affairs official. During operations targeted at illegal immigrants, I was told that up to 80 people could be arrested in one day. It is important to contextualize the discourse around migration in South Africa, since it is a subject that is highly racialized. In the following examples, officers' explanations of

¹³⁹ Altbeker 2005: 186.

South Africa's immigration situation reveal how they articulate stereotypes on a daily basis. There are clear shorthands that officers use in discussing migrants.

She mentioned the diversity of immigrants, mentioning Somalis, Ethiopians, Pakistanis, and Chinese people. She told me there's a big problem because once one comes legally they bring their whole family over and they never go home. She said they set up "illegal shops" and also mentioned that it's a problem when they marry South Africans and have children here because then you "can't send them back." Initially I took this to mean they became legal, but she followed up with "because if you send them back, three days later they're here again."

This officer's explanations rely on the assumption that the presence of migrants is a problem itself. The simultaneous identification of this problem and the inability to effectively solve it introduces an element of powerlessness to the police and the immigration system in general, as well as the futility of conducting immigration policing at all. Her explanation is made in generalizations about foreign migrants even as she recognizes their diversity.

At a meeting between the Community Policing Forum and members of Visible Policing, a senior officer attempts to explain that the fault does not lie with police corruption, but with the bail system:

He responded to the foreigner comment by explaining the difficult position the police are in. They arrest people for being illegal, they are sent to Lindela, deported, and then a week later they come back from Zimbabwe or Mozambique. He also explained that the political situation in Zimbabwe is such that people want to leave there to work and feed their children, and that they know there is work in South Africa. He said if there were big problems in South Africa and they heard that there were good jobs in Zimbabwe, they would go there and so would he, to feed his children. He also stressed that the foreigner problem is not a Diepsloot problem, it is a problem for all of South Africa.

Even in his attempt to explain the complexity of the situation Zimbabwean migrants face, he still speaks about the "foreigner problem." The porousness of the borders is also identified as an important problem. The tone of the senior officer in his explanations to the CPF adopt a pleading tone, revealing

the police's inability to solve this problem, and requesting sympathy from the patrollers. There is no appeal to law or rights in his assertions, rather, he seems to share the perception that migration is a problem. In his confirmation of the problem, he also articulates the common view that most migrants come from Zimbabwe and Mozambique. A concern raised both by the police and Diepsloot residents is the issue of bail regarding residents who commit crimes, including foreigners. Essentially, because suspects are often granted bail by the courts, it seems as if they are being released without a sentence. Because of the conflation of migrancy and criminality, this often becomes a source of xenophobic assertions. While the police identify the courts as responsible for this issue, they nonetheless express the sentiments of the community as if they are their own. In April, there were reports from Eye Witness News that Diepsloot residents had resolved to kick out all of the foreigners in the township. While there was no source given in the anonymous tip-off, and nothing ultimately came of this supposed resolution, it gave me an opportunity to speak to officers about such a possibility.

I asked him about the reports last week that Diepsloot community members had said they would kick out all the foreigners a few days after the Zimbabwean cop killer and been shot. He had heard this from the communications person who had been called by the news station and asked what the police were doing about the report. He said that he did not think it was likely to happen at this point, rather that if it would have happened it would have been during the week that the cop killer was on the loose. He suggested that the community saw that the police had the situation under control. I also asked whether he had heard any similar things from community leaders, but he did not seem to know who these community leaders were. He still explained that the community has probably noticed that all violent crime in Diepsloot involves immigrants, mostly Zimbabwean men it seemed, and as a result, they think that ridding the township of such people would make it safer. He also explained that many of these Zimbabwean criminals he had encountered had military training, and gave the example of a man he was pursuing on a recent night, who maneuvered himself and his firearm in a way that showed that he had been trained. He said Zimbabweans also had different guns that South Africans didn't use, and were "trigger happy" since they would kill for a cell phone, while a South African wouldn't do such a thing.

This officer transitions from speaking about the community to validating their assertion of

Zimbabwean criminality from his own personal experiences. Firstly, he makes the association between foreigners and Zimbabwean war veterans, supporting the idea that migrants tend to be criminals. He also refers to “the community” without knowing who the community is, or even who community leaders may be. His telling of the spread of information suggests that he only found out about the supposed threat because he happened to talk to the communications officer; however, this begs the question of why, if such a report is true, the information was not disseminated to the officers working in the township. Not only does the officer reiterate the common stereotype linking migrants with crime, he supports the stereotype by conveying his own stories. Finally, characterizing Zimbabweans as “trigger happy” clearly ascribes a trait to the group, which supposedly does not apply to South Africans.

I bought up the same issue with other officers:

During the drive, I told them that on the news last week there were reports that Diepsloot community members were going to kick out all the foreigners, and asked if they knew about it. He began talking about last year, but I said I was talking about last week. He then said it happens every week that members of the Community Policing Forum see that violence is being committed by foreigners and that they must be kicked out. “Let me tell you what they say. That immigrants are doing all the violent crime, that illegals are taking their jobs, taking their women, which is true. But you know, some illegals are here legally, and you can't do that. We have to show them that there are other ways to address the problem. They like to have a lot of meetings, I don't know why. I'm a sector manager, so they always call me, I'm required to give them my personal phone number. I don't think you have that in America. But the thing is, if they try to kick out all the foreigners, you have to differentiate between immigrants and South Africans and you can't do that. We have to go in there and tell them there are other ways to deal with the problem.”

This officer agrees that immigrants are taking jobs and women. He also agrees that they commit all of the violent crime. He further agrees that the community has correctly identified these issues as “the problem.” Again the pervasiveness of migrant illegality has the officer say “some illegals are here legally” where he conflates migrants with illegality. While this may be dismissed as a slip of the tongue, it is a common mistake that officers make in their conflation of legal and illegal migrants.

Finally, his view that the CPF meets too often about these issues suggests that while he sees migration as a problem, he does not see any solution to the problem or the seriousness of such threats.

Reifying the “Community”

In 1995 the first integrated police service was trained in Harmanskraal, formerly an all-black training college, and a cohort of student constables were selected to pursue specialized training on community policing techniques. Community policing is founded on the principle that police should develop relationships with the community they work with, often working through churches, schools, and other organized community groups.¹⁴⁰ Through these relationships, policing priorities should better align with the needs and desires of the community they work in. In South Africa, Community Policing Forums (CPFes) were established for every police station to represent the community in policing decisions, but also to liaise with the police about problems in the neighborhood. CPFes often drew from existing non-state policing bodies, especially in townships where police presence had been minimal and negative.

While community policing has been the dominant model of police-public relations championed by SAPS and enshrined in the South African Constitution, it has certain side effects due to the specific context where it is implemented. It is these questions of the unwitting relationship between community policing as an idea and its implementation, practice, and contextual specificities that heavily rely on the discretion of individual officers. In this context, the theory of community policing relies on a false assumption of community in certain areas, and thus can serve to reinstate societal divisions. The police I worked with call the black residents of Diepsloot “the community,” which has come to be a racialized

¹⁴⁰ Community policing emerged as a public relations strategy at the height of state repression in the late 1980’s in South Africa according to Brewer 1994: 313.

term of unification and homogeneity. As discussed in Chapter 2, Diepsloot is an extremely diverse area where xenophobic violence and looting took place in May 2008, and where service delivery protests and “mob justice” can be violent and deadly. Community policing in South Africa is based on the often-correct assumption that each police station will cater to one particular community defined by spatial, and often racial, territory. In the Erasmia police station, the police recognize three separate communities, each with its own Community Policing Forum and other non-state policing strategies. I argue that the language of community in this context, where it reflects existing social divisions, serves to reify spatial and social segregation. In this context, I argue that the notion of community policing does not take these divisions into account, and thus forces police officers to negotiate these relations without much guidance from above. Thus, while it is the dominant model of police-public relations is it problematic in the way it operates on the ground for this particular area.

While the police work in their daily routines, they refer to the conglomeration of people living in Diepsloot as “the community.” Yet, this term is extremely problematic in its assumption of common goals of people living in a certain area, and the social cohesion it connotes. Diepsloot is a densely-populated township and informal settlement established in 1996 by relocating people who had lived in squatter camps around the province. According to local police, Diepsloot also has a high presence of migrants from other parts of South Africa as well as other parts of Southern Africa. It is an area characterized by poverty, informal and insecure housing, and cultural heterogeneity: some of the primary determinants of social disorganization. Social disorganization theory in the criminal justice field is one of the leading explanations for variations of crime levels across neighborhoods. The theory posits that factors such as poverty, residential mobility, and ethnic heterogeneity vary with crime levels.¹⁴¹ Social disorganization relates to low levels of social cohesion, making the notion of

¹⁴¹ Lee, Martinez, and Rosenfield 2001.

“community” seem out of place in such a setting.

In Diepsloot, migrants or perceived migrants and criminals have been primary groups targeted by the rest of the “community,” clearly making this distinction extremely problematic in terms of the police obligation to protect everyone. Meares and Khan argue that effective community policing must come from the community itself and reflect the norms of the particular neighborhood. They offer the example of anti-loitering laws that are supported by African American communities because they support a social norm that does not facilitate gang activity; however, such laws are routinely attacked by what they label “affluent, mainly white *suburban* communities” who oppose such laws on the basis of civil liberties.¹⁴² Meares and Khan use this example to argue that effective community policing strategies must take into account the social norms that relate to the particular types of behavior to police. Yet, their argument raises the interesting tension between civil liberties and individual freedoms enshrined in the liberal South African constitution on the one hand, and the beliefs and convictions of residents on the other. Identifying the different social norms that lead one section of the population to support a certain type of law, and another to oppose the same, speaks to the vast differences in social norms in different residential contexts.

Community policing raises interesting questions for South African society, especially in the understanding of the definition of “community” and the interaction between co-opted non-state policing and the state police force. Tracey Meares sums up the relationship between community policing and officer discretion: “Community policing in its various incarnations embraces the decentralization of command and celebrates the discretion of street-level officers, especially when they deal with community-nominated problems.”¹⁴³

¹⁴² Meares, Tracey L. and Dan M. Kahan. (1998) “Law and (Norms of) order in the Inner City.” *Law & Society Review*. Vol. 32, No. 4.

¹⁴³ Meares, Tracey L.(2002) “Praying for Community Policing.” *California Law Review*. Vol 90, No 5. Page 1600.

Community policing as a strategy has been roundly criticized for not preventing crime¹⁴⁴ but still plays important political and social functions.¹⁴⁵ The definition of the “community” has ramifications for the role of the police in interacting with the public. For example, the obvious criticism of community policing after the xenophobic violence is which “community” the police identify and support. McCoy points out that “community-oriented police who harass racial minorities would also be following the mandates of a “community”; the neighborhood of whites who discuss the issue at social gatherings and who convey their wishes to the police.”¹⁴⁶ Similarly, in recognition of the oppressive, coercive, and authoritarian strategies used by non-state policing entities in South Africa, van der Spuy points out that “the dangers of too idealised a depiction of 'community' are, thus, all too obvious.”¹⁴⁷

The unproblematic acceptance of the term “community” assumes a certain social cohesion among people residing in a particular area. In a country whose history was founded on social and racial divisions, this assumption does not recognize the diversity of the population demographically, or the continued removals of people to new areas. The definition of community in South Africa is embedded in the Apartheid history when homelands were established for each primary African language group. The assumption of distinct language and tribal groups was a key element of Apartheid policies. South Africa's democratic constitution now explicitly recognizes the rights of "cultural, linguistic, and religious communities.”¹⁴⁸ McCoy argues that “community” must be conceptualized much more broadly:

Objective standards must prevail, so the 'community' includes similar citizens from other neighborhoods in the city and even from other states. However, this federal approach,

¹⁴⁴ Burger, Johan. (2007) *Strategic Perspectives on Crime and Policing*. Pretoria: Van Schaik Publishers.

¹⁴⁵ Reiner 1992: 171.

¹⁴⁶ McCoy, Candace. (1986) “The Cop's World: Modern Policing and the Difficulty of Legitimizing the Use of Force.” *Human Rights Quarterly*. Vol. 8, No. 2. Page 291.

¹⁴⁷ van der Spuy 2004: 193.

¹⁴⁸ Section 31, Chapter 2 Bill of Rights. South African Constitution. Accessed at: <http://www.info.gov.za/documents/constitution/1996/96cons2.htm#31>

whether within a nation or among many nations straining for an international standard, does not ignore opinions from local neighborhoods or from individual nations. Innovation like community-oriented policing encourage local participation in the legitimation of force, but the must merge into a vision of policing that can be legitimately accomplished in all neighborhoods across the nations, or even across the globe.¹⁴⁹

Conclusions

This chapter examines the social divisions in the Erasmia policing area in terms of spatial divisions. *De jure* housing segregation during the Apartheid has left a visible legacy in contemporary housing segregation. The development of different areas, predominantly differentiated by color and socio-economic status, relates to normative orders according to spacial configurations. The police use operative conceptions of “community” as defined by space. It it thought normative orders and their underlying assumptions that space and suspicion operate in tandem, and profiling is one example of how these notions are manifested in police officers' daily work. Immigration policing lends itself to a certain type of profiling of suspicion that becomes poignant in divided spaces.

The notions of space and suspicion form the basis for many of the underlying assumptions that the police rely on in discretionary decisions. These ideas should be kept in mind in relation to the following chapters' discussions of violence and food, and how each reveals elements of social division that shape officer preferences, comfort, and decisions.

¹⁴⁹ McCoy, 1986:293.

Chapter 4: Violence in the Police Experience

“Policing is a metaphor for state power; the capacity to use force is the defining characteristic of the police. [...] the key distinction between force and violence is that force can be legitimated through rational discourse and objective decision-making”¹⁵⁰ Working from this understanding of both the importance of force in police work and the distinction between force and violence, this chapter seeks to examine the role of the latter in everyday police work. Violence, as opposed to force, is an integral part of the police experience in Erasmia and especially in Diepsloot. The South African township, associated with violence and brutality, has long been considered a space of lawlessness. Articulating Herbert's notion of normative ordering, Brogden and Shearing note that in townships “normal policing in South Africa has meant brutal control.”¹⁵¹ Even today, Marks points out that “African townships remained barbarous territory where heavy-handed crime prevention was self-evidently justified.”¹⁵² Clearly, the history of township violence as discussed in Chapter 2 is present here. Although violence is often cited as an integral part of police cultures the police are often, and still, conceptualized in terms of “brotherhood”¹⁵³ to indicate solidarity, trust, and a cohesive police culture. In this context, violence plays an integral role: “you weren’t regarded as a proper cop until you shot someone.”¹⁵⁴

The use of violence by the police is another area where personal preferences and experience come into play in an officer's public capacity. As some male officers describe why they joined the police and the role violence played in their lives prior to the police, they raise questions about the role of the personal in the public use of force. These narratives are extremely gendered, with masculine

¹⁵⁰ McCoy, 1986: 73.

¹⁵¹ Brogden and Shearing 1993: 60.

¹⁵² Marks 2005: 245.

¹⁵³ Altbeker 2005: 226.

¹⁵⁴ Altbeker 2005: 137.

undertones of needing to assert oneself through physical violence. Until the early 1990's the Apartheid government required all white males to join either the army or the police service at the age of 18. This requirement draws on understandings of male rights of passage. In the following examples, male police officers describe their use of violence and their decisions to join the police at a young age. This officer (P) explains to me (S) how he turned from working as a drug dealer to being a full-time reservist:

P: Yeah, I wanted to become a police officer. Because, I don't want to lie to you, because even myself, before I joined the police, the reservists, I was a criminal before. I was selling these men drugs. Cocaine. But I was still going to school. I was going to school like maybe my parents they can see me wearing uniform and going to school in the morning, then after school I'm going to my business.

S: What did you think about the police before you joined?

P: Mmm horrible. I even like maybe if they pass I just throw the stones. I didn't like the police. Because they were disturbing from my business, you see. You see, if someone hates the police, then you show the police. Like me saying, I hate the police, and I will show them I hate them. I will just throw stones or do something funny.

S: But what, where did the switch happen that you decided to stop being a drug dealer?

P: That's what I said, they arrested me. Then they assaulted me too much. Then I leave everything, I just went to jail for one month. They just assaulted me because I was hiding the other cocaine, I didn't want to let them to find it. Yeah, they beat me and I joined the police.

This officer was a drug dealer at a young age, and after being arrested he decided to become a reservist with the police. Becoming a reservist is itself significant, because he is the only working member at the police station who worked his way up the ranks from a volunteer reservist to a police officer. In his narrative, violence is a right of passage. It is the moment that he is badly assaulted by police officers that he converts from the wrong side of the law to the right side. Further, working as a reservist for 6 years, he occupied an even more ambiguous space. We have seen from research with reservists in inner-city Johannesburg that this post is often abused to engage in petty criminal activity.¹⁵⁵ The legitimacy of the post is questionable, but this officer's ability to rise in the ranks suggests he did something well.

¹⁵⁵ Tshabalala 2009.

The discussion of the use of force is also significant. While saying that the police beat him “too much,” he finds their violence legitimate because he was hiding cocaine. He explains that if a suspect is arrogant and uncooperative, they police must use force against that person. It seems as if his conversion is marked by an acceptance of the state's legitimate use to violence, and his decision that if he wants to use violence legitimately, it must be through the police service. This officer also identifies stone-throwing as a clear expression of anti-police violence, a motif that will be discussed later in this chapter.

Another police officer explains his childhood tension between being a good child at home and an aggressive child outside:

I used to stab people. When I was young, in school, I was so naughty, I would always carry a knife. After I became a police officer, I had a gun, so what do I need a knife for? I was the oldest, when I was at home I would do everything, do the dishes and the laundry, but as soon as I left the house and went to the taverns I was a thug. If anyone said anything to me, or looked at me the wrong way, I would show them. I wouldn't stab them to kill them, just to show them some pain, just a scratch. They would think, here's a small guy, maybe I can mess with him, so I had to show them. They'd go to the hospital, get stitches, and then still feel the pain, but they'd be OK. When we had to make speeches or write an assignment about what we wanted to be when we're big, I would always say I wanted to be a police officer, and the teachers said “how can you want to be police when you're so naughty?”

Here the role of violence seems in line with studies of street codes in urban areas, where young men must use violence to gain respect from their peers.¹⁵⁶ The tension he identifies between being a responsible oldest sibling at home and a “thug” in the street and in the taverns already highlights that these two modes of behavior are not mutually exclusive. He also recognizes the irony of his childhood wish to be a police officer and his unruly behavior in school. However, these juxtapositions do not seem implausible, and seem to suggest the semblance of an equation: responsible child + thug = police officer. Drawing on the responsible recognition of order, alongside a need to prove oneself through

¹⁵⁶ Anderson, Elijah. (1999) *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York: W. W. Norton and Company.

violence, the police role can actually justify both at the same time. This officer's story presents an ongoing tension between responsibility and violence, where joining the police offers legitimacy and integrates both elements.

Another police officer discusses being a rowdy child:

But, you know, for me, where I come from, where I've been, what I could have become instead of a policeman, you know at one stage at school I was a very difficult teenager. I was an extremely difficult teenager. Somebody says something to me wrong, I fixed it with my fists. And from a very young age I did martial arts, I did Kung Fu. And I did some Karate, and I started boxing, and amateur boxing, but all of those I got into trouble because I was quick with my first [laughs] outside of the sport. I got trouble in the sport context because I wanted to fix things with my fists outside of the sport. And then eventually I learned that it doesn't work that way, that life revolves around one word. Life revolves around one word: Respect.

This officer's narrative is rather straightforward in its account of his realization that you cannot always “fix” things with violence. However, the uncertainty of what he “could have become instead of a policeman” indicates that there was a risk that he would fall onto the wrong side of the law, and to continue using illegitimate violence. The recognition that he could have gone either way is especially significant, if only to highlight that becoming a police officer is not a complete break from undisciplined violence. In this account, violence becomes a disciplinary issue when it is used outside of an organized context. This white officer's experience of violence seems much more managed than the previous accounts because of his position in rural and suburban environments and within organized activities. In contrast with the previous two accounts that suggest the role of violence in broader township cultures, this account is able to isolate violence.

Drawing on the background of disciplined violence, this black officer also reveals that the Apartheid government had special preference for athletes:

I joined the police in 1989. Actually I was a boxer. By that time the South African police were interested in athletes. So I joined the police from there, I filled up everything when I was still in school. Because I was talented. By that time I was doing grade 11, when they recruited me, but I had to finish school. June 1990 I went for training at Harmanskraal.

This officer is proud of his recruitment for his boxing talents. Again he joined the police straight out of school. The interest in the Apartheid government in successful athletes, even black ones, implies the relationship between sport, violence, and police work. Although they are not necessarily interested in the thugs and drug dealers, the willingness to use force is a key characteristic of a successful policeman.

These explanations for joining the police are highly gendered accounts of violence as a tool of conversion, or as a right of passage into manhood. The underlying theme is the recognition and acceptance of the state's claim to legitimate violence, and the entanglement of public and private desires in the process of this acceptance.

“We're Just Polishing Them”: Violence in the Line of Duty

In light of some of the narratives of conversion by violence, and the justification violence can have in the eyes of some officers, it is not surprising that violent means of arrest are not uncommon with the South African police. However, there are distinct trends on the ways police conceptualize their use of violence that are racialized. In her work with the Durban Public Order Police, Marks comments on the use of violence by white officers in black townships: “For white members particularly, African townships remained barbarous territory where heavy-handed crime prevention was self-evidently justified. From my own ventures with the unit on operations in the African townships I saw myself that township residents were regularly assaulted and verbally abused.”¹⁵⁷ However, while my findings in

¹⁵⁷ Marks 2005: 245.

Erasmia and Diepsloot echoed the way that the township operates as a space where violence is accepted and perhaps expected, I found that white police officers, with one exception, were likely to stay away from physical force as much as possible. On the other hand, it was an unspoken expectation that black officers would adopt more controversial uses of violence.

This unspoken understanding of the use of violence exclusively by black officers became apparent during a large operation in which officers from many stations were searching for a Zimbabwean man who had shot and killed two police officers the night before. When the convoy of police cars pulled over to wait for orders and discuss tactics, the group of officers quickly separated into two groups. In one group were mostly black male officers huddled around one man who was taking charge, while the other group consisted of white and coloured Afrikaans-speaking officers. I was standing with the latter group, silently noting the segregation, when one officer said:

See those guys over there, they're talking about what they'll do during the operation. We're supposed to maintain the perimeter but they don't want us to go in so we don't see what they do, since we might not agree with the way they do things. That way we won't get in trouble if something happens. Because we might not agree with their strategy.

I asked whether the distinction was based on not working together or perhaps coming from different police station. The officer responded, "No, no, it's because....we're....a different skin color. Don't take that in a racist way. It's just....you know...it's just....ja." The officer struggles to explain that the only distinction between the two groups is their color, and the underlying premise that the black officers will be more violent and adopt questionable strategies. The Afrikaans-speaking officers stood physically apart and did not attempt to hear what the plan for the operation was. They openly acknowledged that they were being excluded from the plan because of the likelihood of a violent strategy in the potential arrest. The officer does not actually condemn the violence, but suggests that violence is more acceptable if it comes from black officers, a sentiment echoed by other white officers who abstained

from violence out of fear of getting in trouble. The differential meanings of violence based on color indicate a perceived social proximity between the perpetrator of the violence and the victim that justifies such violence. It also refers to a longstanding trend and perception. Black officers' "propensity to resort to violence"¹⁵⁸ was a mainstay of South African police culture for decades under Apartheid: "African police[...] taking their cue from their European superiors, are especially inclined to assault Africans before and after arrest."¹⁵⁹ Drawing parallels with the role of vigilante local actors in violent political suppression, black police officers were recruited in the mid-1970's to increase the size of the police force and to "counteract criticism of police methods."¹⁶⁰ I witnessed an instance of police violence during a series of arrests one night:

It was around 8pm on a cold night in April. The informant in the car led the 4 police bakkies to the informal settlement. He pointed out a shack where a suspected armed-robber supposedly lived. The officers stormed in. I stood outside with an information officer who wasn't wearing a bulletproof vest because his back hurt. We heard three slaps from the shack. Eventually a teenaged boy was brought out to the police cars by an officer holding his shirt collar. He was supposedly the suspect's nephew. The informant saw him and said he was the suspect himself. Two male officers, one black and one white, both gloved, took this opportunity to jump into the back of the van with the boy and beat him so the van was rocking. The boy was screaming "mama." An unphased elderly woman came over from the shack and calmly said that he was not the suspect. Her acceptance of the brutality was eerily calm and familiar. The boy was taken out and thrown on the ground onto his stomach, his handcuffed hands were pushed above his head while one officer stood on his back and kicked him in the side. They asked where the suspect was and he pointed toward shacks on a hill. With him in the car all 5 vehicles drove over bumpy dirt roads with valleys of garbage in the middle. We got out and walked up the hill because the cars could no longer fit between the shacks. The first shack he indicated was stormed and two men were taken out as a female officer followed him hitting him with a mixing spoon. Officers went into two more shacks and were beating people inside; we could hear the sounds and cries from outside. They were looking for the other members of the gang, as well as the weapons. Eventually they got 5 men, 4 of them handcuffed in pairs on the ground, and they kept beating them with flashlights and kicking them very methodically. One man was tall and light-skinned and a white officer kept calling him "bosman," Afrikaans for bushman.

¹⁵⁸ Brogden and Shearing 1993: 77.

¹⁵⁹ South African Institute of Race Relations. (1949) *Race Relations in South Africa*. Cape Town: Oxford University Press. Cited in Brogden and Shearing 1993: 44.

¹⁶⁰ Brogden and Shearing 1993: 76.

After receiving information on the whereabouts of a suspected gang using prostitutes to lure men into the bush for robberies, the entire Crime Prevention squad of a night shift went from shack to shack in an informal settlement searching for the gang members and their weapons. The violent way the search was conducted, including the time spent beating the group to force a confession and the whereabouts of the guns, was the primary example of police use of force that I witnessed. This brutality is consistent with other methods of coercing a confession, such as covering a suspect's head with a plastic bag sprayed with pepper spray that another researcher witnessed.¹⁶¹ I understood the methods of violence that the police used that night—and I use violence rather than force intentionally—as a combination of personal preferences and trained tactics. Seizing the opportunity for aggression, the two officers that jumped into the bakkie to beat the suspect's young nephew were clearly unnecessary, as the boy was already handcuffed and was not resisting arrest. They were both wearing fingerless gloves, perhaps intended for lifting weights, which none of the other officers had. These accessories suggest that they were keen to use violence, which may have overshadowed the necessity of force at the time.

In contrast, the methodical way that the police beat and kicked the suspects when they were on the ground was aimed at forcing a confession and finding the hidden weapons, as well as teaching the criminals a lesson. I vividly remember one officer bending over a suspect who was lying on the ground and beating his stomach and chest with a flashlight. What was striking about the beating was its slowness: the officer let the flashlight fall on the man, and when the suspect would cry out and attempt to protect his body with his handcuffed arms, the officer would remove his arms from his stomach and hit him again. This pattern went on for a good ten or so hits, after which the officer walked over to me smiling and asked how I was doing. In an interview a few months later, I asked this officer whether this

¹⁶¹Matshedisho, Rajohane. (2009) “‘We Must Fight Them!’ Police Violence, Torture, and Brutality.” In *Beyond ‘Good Cop’/‘Bad Cop’: Understanding Informality and Police Corruption in South Africa*. Open Society Reports. Page 52.

was routine arrest behavior, and he blatantly denied that the suspects were beaten that night, saying “we're just polishing them. [laughs] We're just touching them, we're not beating them.”¹⁶²

In contrast to the premeditated and methodical violence of that night's raid, other police violence I witnessed seemed much more spur-of-the-moment and opportunistic. One morning I watched a group of Crime Prevention police officers harass a suspect who was handcuffed and waiting to be booked into the cells.

There was a tall skinny suspect in the side room, and they took turns going in and harassing him. One student constable kept stomping on his toes, one officer kicked him a few times and then picked up a book from the filing cabinet and hit him with it. She then came out and grabbed a jug of water, which she threw in his face. There was an orange traffic cone in the room, and an officer kept trying to put it on his head, while the man ducked and tried to get out of the way, crying. The same officer also pulled the man's pant leg to show how thin his thighs were and laughed. They asked him why he shot people while they hit and mocked him. I asked one officer what he was here for. She said someone had been shot last night in the heart, and that the community had detained this man this morning, and that “he might be a suspect.”

These officers had been on duty when the man was shot, but they had been unable to detain a suspect the previous night. When they arrived on duty in the morning, they were able to take out their frustrations on the man and to reassert their authority over him in the form of violence. Violence as an expression of frustration and helplessness are echoed in findings in another township discuss an incident where a police officer takes out his frustration of a failed operation by beating a passerby.¹⁶³ In this example, the beating was an expression of frustration, but also a manifestation of uncontrolled and spontaneous violence. The use of nearby objects suggests that while the officers were trying beat the suspect, they were also interested in humiliation..

¹⁶² During the nighttime scene in a township outside of the jurisdiction of the policing area, I was amazed that as the police conducted their raid among hundreds of shacks, only once did anyone come outside to see what was going on. I kept wondering how the hundreds of people lying awake in their window-less shacks must feel about hearing violence so close but being so helpless to do anything about it.

¹⁶³ Nyangairi, Barbra. (2009) The Futility of Fighting Crime: Filling the Void.” In *Beyond 'Good Cop'/'Bad Cop': Understanding Informality and Police Corruption in South Africa*. Open Society Reports. Page 41.

The use of violence for the purpose of humiliation and an assertion of power is used against already vulnerable people. On the way back to the station toward the end of a day shift, the officers I was accompanying made a detour into the compound near Diepsloot where prostitutes and pimps stay, apparently only to terrorize them. The police bakkie chased about 5 terrified women up against the wall. An officer shouted “yeehaw!” pointing the flashlight in one woman's face and keeping it there until we drove back onto the main road. The officers then began discussing the prevalence of HIV among prostitutes. The purpose of this excursion was clearly for entertainment value at the expense of the people in the compound. The harassment had no intended outcome, except as a display of bravado. Whether as a source of entertainment, an assertion of power, or an opportunistic release of frustration, violence plays an important role in routine police work.

“They Throw Us With Stones”: “Mob Justice” in the Police Experience

They approached the area slowly in the complete dark, expecting to hear noise. Looking out into the pitch black, faces began to appear at the windows, and they realized that there was a crowd around the vehicle. The people began rocking the bakkie and threatening to kill the police, saying they would light the car on fire. It was the constable's first day with the Crime Prevention Unit five years ago, and she was assigned to drive the bakkie. They were called to an incidence of “mob justice” in progress in Mooiplaats, a small informal settlement with dirt roads and without electricity or toilets. At that moment her life flashed before her eyes, and she thought about her husband and her two young children, thinking she was going to die there. The inspector she was driving with rolled down his window, and tried to reason with the people, saying that someone in the community had called the police and that they were there to help. Many of the people were drunk and they kept threatening to kill them, saying they never arrive when they are needed. One sober man approached and began telling the people to let the police leave in peace, so eventually the people agreed and the constable did a U-turn and drove out of the squatter camp. I asked what happened to the man, and she told me that the next morning he was reported stoned to death in Mooiplaats.

Her fear was palpable as she told the story, and she still remembers the incident vividly. This

example was a story told in response to a question about the constable's worst day working with the police. The informality of the area also features prominently in the account, since the unfamiliarity with the area and the darkness of the unlit streets made the police feel especially vulnerable. On the other hand, the resentment of the mob is felt with their accusations that the police never arrive on time, or do not come when they are needed. Although not the heart of the story, this is a common theme in collective violence accounts, which reveal one possible root of the animosity against the police. Incidents like that had compelled her to transfer out of the Crime Prevention Unit. The feeling of terror is also apparent in her neglect to mention the fate of the man until I asked; for an officer who is studying to be a social worker and who takes pride in her position in the South African Police *Service*, even in her memory her own life and safety comes first and foremost.

Taking collective violence as “the practice of politics by violent means,”¹⁶⁴ it is a reality that police have etched into their minds. The phrase “they throw us with stones” is the most common articulation by the police I worked with about their feelings of fear, frustration, and helplessness as police officers facing collective violence. Contrary to the common feeling of resignation about pretty crime,¹⁶⁵ this feeling of helplessness is more insidious precisely because of its violence. The experience of collective violence transcends social boundaries within the police and is an experience all police officers recognize as a threat to their work, not to mention their lives. Their fear of such situations is clear in their anxiety when large crowds gather, and comes out when they talk about their worst days at work. One officer explained to me that you have to remember that policing in the township is difficult, and that he was “sure that 50% of the community hates us.” People might become violent against the police, he told me, throwing stones for example, since maybe their siblings had been killed by police or

¹⁶⁴ Moodie, T. Dunbar. (1992) “Ethnic Violence on South African Gold Mines.” *Journal of Southern African Studies*. Vol. 18, No. 3. Page 584.

¹⁶⁵ Altbeker 2005: 240.

they themselves had been maimed “during that political thing,” by which he meant Apartheid.

Stemming from years of negative experiences with security forces under Apartheid, distrust of police in black communities is a well-known fact. Collective violence is an important challenge facing police in their everyday work, and speaks to the continued distance between police and some of the areas they work in. The police fear and sense of helplessness is significant for public officials whose duty is to protect others.

Collective violence is a common occurrence in Diepsloot, as well as a standard mode of “justice” in many townships across the country.¹⁶⁶ Commonly called “mob justice,” collective violence is a standard way to deal with local criminals and suspects. Local residents detain and attack a suspected thief or murderer before the police arrive to arrest the suspect. This trend is often linked in the literature to issues of a culture of violence and violation, collective action as political power, people’s courts, kangaroo courts, and vigilantism. Yet the focus here is on the ways that police understand and relate to the instances of “mob justice” that they experience. Although the police and the media refer to such instance as “mob justice”¹⁶⁷ I prefer the term collective violence because there is nothing inherently “just” about many of these actions that can leave innocent people dead.

The possibility of collective violence is a constant element of a police officer's mentality. The following example shows how fear of collective violence shapes the way these officers respond to a drunk driving accident:

We saw a car speeding toward us with a man holding a beer can standing out of the sun

¹⁶⁶ Interviews done by the Forced Migration Studies Programme after the xenophobic violence in May 2008 asked residents of townships across South Africa how they usually deal with crime:

“The police normally come and take that person, if he is still alive.”

“Criminals get beaten.”

“he was attacked first, then later they called police.”

“they will beat you up and you will be taken to the police”

“In this area when we catch thieves we beat that person until police arrive.”

¹⁶⁷ For instance: Mohlanhla, Cathy. (1 November 2009) “Diepsloot residents deny involvement in mob justice.” *Eye Witness News*. Ewn.co.za

roof. The officer shouted out the window at them to stop and then did a u-turn to chase after them. When we turned a corner, we saw the car, which had crashed into a brick wall in front of a house. The driver and passenger had gotten out of the car. The officer and the reservist jumped out of the car and yelled at both men to put their hands on the hood of the car. They frisked them, handcuffed them, and quickly put them into the back of the bakkie. A crowd of about 75 had already formed at this point. The officers spoke to the owners of the two houses whose dividing wall had been hit. The inspector called for backup, saying there was a crowd forming. Four officers, two men and two women, all wearing bulletproof vests and wielding large guns came to the scene and began telling the crowd to move back. As we drove back to Erasmia, the inspector seemed shaken up and said that the crowd easily could have started throwing stones, either at the men who had crashed, or at the police. He later said that it's mostly old women who start the stone throwing, and when I asked why he said "it's part of their culture. That's how they used to sort things out in the old days."

The overall tone of the scene was one of efficiency in the face of unpredictability. The urgency of the scene is clear from the way the officers quickly put the two men into the police bakkie, and how they called for backup when the crowd kept growing. The officer and the reservist reacted to the potential for collective violence, which was not readily apparent to an uninitiated observer. I remember sitting in the car and watching as the officers got visibly more tense as they dealt with the drunk driving accident. At the time, I did not understand why they seemed in such a hurry to leave the scene, or why the officers who came as back up were so heavily armed. After hearing many accounts of collective violence, the fear of the crowd gained legitimacy and made much more sense. My initial interpretation of the incident was that the white officers felt uncomfortable for racial reasons, especially since they had just been complaining about "equity" that prevents them from getting promotions within SAPS.

The immediate explanation that the crowd could have thrown stones reveals a sense of unpredictability and irrationality about crowds in general. Although the role of "the community" did not surface during the incident, the inspector later explained to the men he had arrested that, "The community saw what happened. We have to show that we are doing our job." This justification for the speedy arrest also incorporates the way the community sees the police. An expression of cultural

difference comes out in the inspector's explanation of "their culture" whereas the constable who told me the first story attributed collective violence to a few causes: some people are "not psychologically OK," others are bored or frustrated being unemployed with nothing to do all day, some do it for a bit of fun and excitement. While the interpretations of collective violence vary, the experience of such violence is an indiscriminate fact.

The following account from a young black constable clarified that this was not a racial issue, but rather an issue faced by all police in mob situations.

"It was 3 of us, and about 100 of them." She told me about one of her worst days at work with the Complaints Unit: an instance of "mob justice" where the people had burned someone, and threatened to burn the police if they came closer. She said she won't risk her life in a situation like that, and just gets back in the car. She told me, "they start saying nasty things to us, that we didn't go to school, that we're reservists and don't get paid. And then they start throwing us with stones. We just drove away."

Again the theme of saving one's self comes up as it did in the first vignette, coming from a police officer who is also a mother. The constable explained that there is no point in trying to be a hero in such situations, because the police are outnumbered and the victim has already been killed. Muir argues that "the policeman is the victim of coercion" in the sense of developing a need for self-defense.¹⁶⁸ The fear of the experience is clear, as is the feeling of helplessness and resignation. This officer also raises the disrespect afforded by the community, and the types of insults slung at them.

Collective violence plays an important role in police officers' experience as well as in their imaginings of possibilities. However, in their accounts, collective violence is treated as a fact of life in Diepsloot, and the sense of unpredictability and helplessness is ever present. In none of the above instances did the explanation of the incident move beyond the specific moment's fear and response. There was no mention of arrest or prosecution, nor any language hinting at charging member of the

¹⁶⁸ Muir 1977: 5.

crowd with murder or any other crimes. The euphemism “mob justice” removes any violence from the naming of these events: in these moments officers' fear of the mob takes precedence over the death of the alleged suspect. The casual name even introduces the idea of justice, and allows some detachment in the recounting of events. When I began to ask police about what can be done about collective violence, or whether there is any possibility of putting these cases on trial, the sense of hopelessness and resignation was profound.

One response to the real possibility of collective violence is caution. As the inspector and the reservist responded to the car accident by getting away from the scene as quickly as possible, another Crime Prevention officer concurred that situations that could turn violent must be treated with caution:

“You know, like on Friday night, there was a guy who was murdered. Because everybody on the scene, most of the people on the scene were drunk, so you must be very careful that things don't get out of hand. The situation can get out of hand very quickly. But, we were a lot, enough police cars, and we calmed everybody down, and those that needed to be sent home, we sent home. We isolated the bodies that were involved, and immediately after everyone was done, we went out. The situation is problematic because there's a lot of liquor involved, but under normal circumstances, even in mob justice they don't actually attack us. They attack vehicles, they throw us with stones[...]but it is a dangerous situation.”

In her account, the efficiency of the police response is clear from her action-oriented account of events. Her understanding that mobs will not attack police officers differs from the other accounts, but seems to function as a way to rationalize the situation they faced on Friday. Finally, the number of police officers and vehicles appears to be important in doing their work efficiently, so that they do not have to worry about a crowd gathering. Their preparation with enough police presence for the scene made dealing with it more straightforward.

The following excerpt is the Crime Prevention constable's side of an interview where I asked when he was most afraid:

“Yeah, I'm always scared. As a police official you must always be alert. You mustn't relax. Because you relax, they shoot you, you relax, they kill you, you relax something will happen to people. You must always be alert. Yeah. Alert to your surroundings. Yes I am always afraid. I am a human being [laughs]. I attended this complaint of mob justice. You know what mob justice is? So they were accusing that guy of theft of cell phone, so when we arrived there, they didn't want to give us the suspect, ne? We had to take the suspect by force from the community. And the community started fighting us. We were only four there. So we took that guy by force. The community started throwing us with stones. What and what, with stones. Then we shot the rubber bullets, and they continued throwing us with stones. They wanted to kill us. Then we managed to run away with the suspect, so we managed to rescue the suspect.”

Although this was the constable's scariest moment as a police officer, it ends with success, where they manage to rescue the victim from the mob. His story focuses more on the action of the event and on his achievement rather than the feeling of fear at the situation. This officer was also equipped with an air gun for rubber bullets, and thus less intimidated by the crowd, though it was still a terrifying moment for him. The preparation apparent in their possession of rubber-bullet guns suggests that these officers heard about the complaint before they left the station. Not only were they armed, but they presumably had 15 minutes of driving time between Erasmia and Diepsloot to prepare for the scene, making their actions more deliberate and purposeful. Although the officer reveals only the action at the scene, the unpredictability and helplessness of the other scenes is avoided by their preparedness.

However, when collective violence cannot be avoided by caution, preparedness, and manpower, the feeling of unpredictability and helplessness pervades any possible follow-up of these cases.

I asked the detective who is assigned to unnatural deaths whether they investigate collective violence cases as unnatural deaths. He said they did, but said that it's really difficult because nobody cooperates and there is no evidence. I asked if he had seen any such cases be prosecuted and sentenced, and he began to tell me of recent cases of his that had gone to court. When I clarified that I meant only “mob justice.” prosecutions, said he had never seen any.

That the detective responsible for such cases sees no chance of prosecution is essential. He presents the barriers of non-cooperation and lack of evidence as final reasons why these cases are not investigated

successfully. His initial response to the question about prosecutions suggests that although I was asking about collective violence, it did not occur to him that these cases would be prosecuted at all.

Another officer raised the same problem of noncooperation and lack of evidence in collective violence crimes.

As we sat outside of the court, she explained that for such cases it's practically impossible to open a case of murder since none of the witnesses will cooperate, since most would have been involved in the violence as well, and that there is no other evidence since they use stones instead of traceable weapons. She said that the problem is with the strict rules of the justice system, which requires proof beyond reasonable doubt of a person's guilt.

The tone of both explanations is matter-of-fact. She pinpoints the problem with as justice system's strict criteria for guilt. What goes unsaid in her explanation is that she previously worked as a detective and requested a transfer because there was too much work and too little resolution on cases. Her frustration with collective violence and with the ineffectual investigations leads her to place the blame with the courts. However, her explanation echoes the same reasons that the detective gave, that practically speaking there is not enough evidence or will from residents to pursue these cases.

A slightly more positive explanation about collective violence came from an officer who works with crime statistics. According to him, the Station Commissioner had recently told community leaders that those involved in collective violence would be arrested, and that in fact some people had been arrested in connection with some such incidents. Although nobody could be prosecuted due to lack of evidence, the arrest had apparently helped reduce the frequency of collective violence, he told me. This development implies that community leaders may have some control over the eruption of collective violence, and that a functional relationship between them and senior police officials could reduce the incidence of these events.

The fear of collective violence illustrated in the excerpts above suggests that police officers

make decisions during their every day work that takes the possibility of “mob justice” into account, offering some insight into their concerns as they work in informal settlements. It is clear that the sense of helplessness during collective violence and in its wake indicates that police do not feel adequately prepared to subdue these crowds or to pursue investigations that require cooperation from residents. Understanding where “mob justice” fits into the experience of police also helps shed light on police responses to the xenophobic violence that occurred in May 2008, including failure to pursue many of the cases opened at that time.

Protection, Vulnerability, and the Police Uniform

One day driving near the Erasmia police station, we drove by two student constables walking to the shops, and the captain slowed down to tell them to put on their caps. Student constables are required to wear police caps at all times when they are outside. They are explicitly forbidden from carrying their caps in their hands, and so these two women had their caps velcroed to their belt loops. The captain's insistence that they follow this rule exposed the tension between their casual stroll to buy lunch and their public appearance as on-duty police officers.

The blue uniform of the South African police is a symbol of public order, safety, and protection. As the Erasmia Station Commissioner explains, “if ever you get attacked, or you get robbed, all what you want, you want to see men and women in blue next to you, you will feel safe.” There is something comforting about uniformed public officials coming to a victim's rescue. The uniform symbolizes a myth of police protection and strength. However, from the perspective of the police, the uniform requires daily navigation between their public and private lives. The distinction between their roles in society as police officers, public officials, and agents of the state are actually not so clearly distinct

from their existence as private civilian citizens.

An officer working in the Crime Prevention Unit explains how wearing a gun holster on his leg and a belt of bullets makes him feel ready to work:

So we trained like that, so I say no, I like training like this like this like this. Then it's fine. Even now if I'm wearing uniform without the holster and the bullets and the magazine, I feel like I'm not on duty. But if I can wear them, then I can feel OK, I can say I'm working now. Sometimes on weekends I don't wear my uniform, but I always have those. If I don't have them I feel like I'm not at work.

While he does not explicitly negate the conception of the police uniform as a symbol of his formal public position, he does highlight that wearing a uniform alone does not make him feel “on duty.” An off duty police officer is a civilian. Feeling “on duty” for this officer is closely tied to accessing his firearm. While the uniform may still be a sign of formality, it does not represent safety or protection. The uniform itself does not garner enough public respect or recognition; rather, the quick access to a pistol is what prepares this officer for his public duties.

Another officer explains how her uniform does not protect her from being a victim of crime:

No, well, they tried to break in while we were sleeping. I just thought that was, whew, I can't believe that somebody can have the audacity. Because obviously they must know that we are both in the police, because our uniforms are hanging, you know, on the washing line, and many of my members come to my house with police vehicles, so I just thought, they had the audacity to try and break into the house while we are sleeping.

The image of the uniforms hanging on the washing line outside already puts the official position of the police and the symbolism of the uniform into a more mundane context. The break in is already a violation of one's private life, but is even more surprising to the officer when she expects to be protected by her position as a state official. Apparently seeing police vehicles coming to their private house and having their uniforms drying on the line are not a deterrent to a robber. Her astonishment that the knowledge that the residents are police officers would not protect them from an attempted house robbery reveals an expected sense of protection from this public position. The same officer

explains:

I don't want to be house robbed and I don't want to be hijacked. And if I'm hijacked, I just want to be alone, at least. I don't want to be with anybody, because I feel if I'm alone, I can just take responsibility for myself. But if I'm with my daughter, ne? She's only 6 years old, I'm going to sit with a hell of a problem.

Her sense of vulnerability is noteworthy, as her sense that her uniform is not a form of protection, nor is her police training. Rather, her police work makes her aware of the types of crime possible and leaves her feeling disempowered in the face of it.

Not only is a police uniform not a clear tool for protection, but it can actually expose off-duty officers to attack. When the line between their public and private existence is blurred, police officers are no longer protected by their official status. Wearing a uniform as a private individual returning home from work can make officers vulnerable, as a student constable explains:

I can tell you now, the student constables when they go home, we have 5 of them who live in Diepsloot, what I've been told about that place, it's not safe. They put on private clothes, so you can see that is the dangerous part of it. I keep on my uniform. Maybe I can put on my jacket, my private jacket on top, but I can just go like this. But in most cases, if I were going to Diepsloot I would put what they put.

This student constable's sentiment mirrors the particular unpopularity of black police officers under Apartheid.¹⁶⁹ He discusses uniforms as a trigger of public animosity toward the police, but officers may also be targeted for instrumental reasons. Not only is the police uniform not a means of protection, but it actually exposes officers living in certain places to targeted crime. Another officer explains:

You know, when you commute to your work, to your house, and especially the guys that make use of taxis and stuff like that, or the train stations, they are prone to be attacked for their firearms and stuff, or for their uniforms. You know, because we've got a lot of criminals who use the police uniform as part of their attire, unfortunately.

¹⁶⁹ Grundy, K.W. (1983) *Soldiers without Politics: Blacks in the South African Armed Forces*. Berkeley: University of California Press.

The officer's sense of vulnerability to crime is remarkable because it paints the individual officers as unable to defend themselves from criminal attacks. In light of the previous discussion of fear and helplessness relating to collective violence in townships, this further vulnerability in the everyday occurrence of going to and from work suggests that officers are subject to similar fears about crime as average citizens. An officer explains that having a more clear distinction between public and private would contribute to a more professional attitude.

I would like to see the police as much more professional with their attitude. I'd like when my guys come on duty that they come on duty with their private clothes and stuff, have a locker room where they can change and get into whatever uniform or whatever kind of attire we're going to use that day. [...] Because you know, let him have a locker, and a nice shower and stuff in the work environment where he can sort of get his, his kit is always at work. You don't have to commute with your bulletproof and your gun and everything from your house up to here.

With a locker room and showers, this officer believes that there would be less ambiguity between the roles of public and private lives of police officers, especially relating to their own perceptions of their uniforms. The reference to “private clothes” indicates that there is some vocabulary for identifying where the distinction should be on both sides of the public-private divide. The connection he draws between clear markers of on- and off-duty officers suggests that some of the ambiguous behavior discussed in Chapter 5 may relate to the symbolic line between public and private.

Conclusions

William Muir's term “streetcorner politician” comes from his attempt to define a good, professional policeman. Using Weber's political model, he argues that what distinguishes a good police officer is passion and perspective in relation to coercion and empathy.¹⁷⁰ In short, the sign of a good

¹⁷⁰ Muir, William Ker. (1977) *Police: Streetcorner Politicians*. Chicago: University of Chicago Press. Page 54.

police officer is one who can reconcile the use of force with a broader empathetic perspective on humanity. Yet the response to the crime landscape in South Africa and Diepsloot in particular leaves Erasmia officers with feelings of cynicism and fear. Based on his research of American and British police stations, Skolnick argues that higher threats of violence tend to correlate with higher discretion and less conformity to the rule of law.¹⁷¹ These feelings of helplessness and fear articulated by police officers raises a problematic relationship to discretion, law, and security. Similarly, contemporary studies have found that feeling threatened results in aggressive responses and increases hostility against people in different social groups.¹⁷²

This chapter discusses the role of violence in daily police work for the officers at Erasmia police station. While violence is prevalent in much of the police literature to describe the conditions police officers work in and the difficulties of using force during arrests, for example, I argue that violence in this context serves to reveal the vulnerability and frustrations of police officers. In the narratives of the conversion from civilians to police officers, male police officers cite violence as integral to their transformation. Everyday operations and interactions with suspects are characterized by violent outbursts and *ad hoc* expressions of authority. In instances of collective violence and other violence aimed and police, officers feel vulnerable and unprotected, with out without uniforms. The theme throughout this chapter is that the personal feelings of vulnerability and fear that officers feel throughout their working days can find outlets in excessive and malicious use of violence against civilians. The private feelings and experiences that officers have in relation to crime and violence easily spill over into their work lives and influence their interactions with the public. The role of the personal in this public duty suggests that violence is an integral part of the police experience that transcends the

¹⁷¹ Skolnick 1966.

¹⁷² Gordon, Carole and Asher Arian. (April 2001) "Threat and Decision Making." *The Journal of Conflict Resolution*. Vol. 45, No. 2. And Solomon, Sheldon, Jeff Greenberg, and Tom Pyszczynski. (December 2000) "Fear of Death and Social Behavior." *Current Directions in Psychological Science*. Vol. 9, No. 6.

thin boundaries between their public and private lives.

Chapter 5: Comfort Food: Officers' Relations to Their Work

There is a tension in the lives of police officers as they navigate their roles as public officials and private citizens. On the one hand, their official capacity is imbued with meaning from the state. The police force is one of the few state agencies that is entitled to use the state's monopoly of legitimate violence. During the Apartheid era, the South African police and the military were key state agents responsible for maintaining order in the system of racial oppression. Today, while the police service has undergone significant reform, adopting community policing strategies and internal policies of racial equity, there are still public debates about the role of the police service in the society. Within the South African Police Service are citizens who battle daily with identifying and maintaining the line between their work and their private lives. On the other hand, they often react and adapt to situations based on their social roles. Tensions also arise when their identities as social beings, and their experiences growing up in a racially divided country come into play in their working roles. While police rarely discuss the tensions internal to the life and work of a police officer in South Africa, they come out in the daily work of the police and the subtle choices they make.

Food and eating are fundamental parts of human existence and transcend all social divisions. But while food is necessary for basic human existence, the practices around eating and interactions relating to food have tremendous social meaning. Based on field observations of police at the Erasmia police station in Gauteng, as well as interview transcripts with officers at every level of the hierarchy, this chapter seeks to deepen the empirical understanding of daily police work, as well as the explore the cultural meanings of food that arise during everyday police duties. Food choices on the job are discretionary for police officers, but they are technically forbidden from eating in public as it is

frowned upon as unprofessional.¹⁷³ The police force is diverse in racial background, age, and gender. Most policing activities occur in the informal settlement of Diepsloot, where the population is comprised of South Africans relocated from different provinces and parts of Gauteng and international migrants. In this chapter, I use food as a lens through which to examine police and their relationships with work, the community, and each other. Food serves a metaphor for police officers' relationship to their work, as gifts and exchanges with the community, and as a social bond or lack thereof between police officers.

Relation to Work: Food as Metaphor

In this section I will explore how police officers use metaphors about food to discuss their relationship to the work they do. Food serves as a symbol for basic bodily needs; evocation of such symbolism can both highlight human similarity and juxtapose basic needs with social power relations. As we see in the following examples, food symbolism can speak to the body, mind, and memory. Drawing out different uses of food as a metaphor allows us to analyze many of the emotional, psychological, and bodily relationships to police work.

In the following example, a police officer uses the enactment of eating at a bloody crime scene to shift the discussion into the psychological effects of working so closely with death.

But in any case, when you work at this station, bad murder scenes is...there's no bad murder scenes anymore. You arrive at a murder scene, and it's a bad murder scene, and the cops take out their food, and they [picks up his spaghetti lunch and stuffs it in his mouth] "Is he dead? Oh, OK." Put up the tape, "any witnesses?" You ask that, you know you're not gonna get any, but you ask. Um, then you call the necessary people out to the scene. Then you sit, have a cool drink, have your food if you want to. Blood all over the scene, it doesn't...because at this station, people that work at this station, there's not a

¹⁷³ "Under no circumstances may any member who are dressed in uniform eat, drink or smoke while walking in public (chewing gum while in uniform in public is especially unprofessional)." "Unit Standard 120476: Adhere to professional conduct and organisational ethics." HJN Training, National Certificate: Policing. Module 3: Policing. 2009. HJN van Rooyen, HJN Training, Pretoria Page 67.

single member that works here that haven't been to many, many bad murder scenes.

Eating in public is often seen as a social performance, since it occurs in a specific time and place, and involves actors and an audience.¹⁷⁴ As such, eating at a public crime scene is also a stark expression of indifference, or even comfort, in the face of an inhumane act. Whereas murder is generally accepted as a moral taboo that elicits a visceral response that would inhibit eating,¹⁷⁵ the officer's description turns murder into an everyday occurrence. The first mention of food marks the beginning of the officer's enactment of the routine procedures of dealing with a crime scene: putting up tape, asking for witnesses, and calling the "necessary people." Not only does the eating presumably occur outside in the public sphere, but it is significant that eating punctuates these routine police activities because it then becomes an act that occurs in public and as part of a public duty.

This interview excerpt raises important tensions between the public and the private in relation to the police function. The officer's enactment of eating at a morbid crime scene immediately juxtaposes a private bodily function, eating, with a public duty, dealing with a crime scene. In this context, food serves as the separation of the public and the private. While facing death could also be a private, personal, and emotional matter, the officer uses food as a tool to depict this death as occurring in the public realm, in the everyday routine of police work. Not only does the food highlight the line between the privacy of eating and the publicness of this type of death, it also emphasizes desensitization. The officer uses eating to upset the expected tension between the visceral reactions to food and death. Not only does eating at a public exposition of death push eating into the public sphere, it also pushes death into the realm of the police officer's public duty, rather than allowing death to occupy a private, emotional space. However, as the officer continues with his description, these supposedly repressed

¹⁷⁴ Vannini, Phillip. (2008) "Snacking as Ritual: Eating Behavior in Public Places." *Food For Thought: Essays on Eating and Culture*. Ed. Lawrence C. Rubin. McFarland and Company, Inc.

¹⁷⁵ Kekes, John. (1992) "Disgust and Moral Taboos." *Philosophy*. Vol. 67, No. 262. Pages 442.

emotions surface:

And so it gets to be...everyday. It doesn't bother you anymore at the end. You sort of decide to switch off, because, not to really switch off, but not to feel, you choose not to feel, because to feel is pain. To feel can send you to hospital. And I'm not talking about the hospital, I'm talking about psychological hospital, and then the police doesn't want to pay your medical fees. And they want to stop your salary and that. When you say post-traumatic stress, they say we'll stop your salary. The two go hand in hand. You say, I want to go see a psychologist, they say, do you have money to pay your own medical bills. There's police psychologists that you can see, yes. But then it doesn't stay private. They talk about your medical stuff to the officers.

The transition into post-traumatic stress complicates the previous notion that police are in fact able to draw a line between the private and the public. The choice “not to feel” suggests that the act of eating at a gory crime scene is not merely a sign of desensitization, but a tool to enable desensitization. Eating, then, becomes an act of personal emotional repression. The contention that “it doesn't bother you anymore” is in stark contrast to the claim of “post-traumatic stress,” addressing the real need to perform desensitization. This narrative explores the ways that officers that are confronted with traumatizing situations must navigate their positions as public authorities and private human beings.

Susan Martin discusses the role of emotional labor in police work, by which she means to “manage feelings to create a publicly observable display.”¹⁷⁶ As a highly masculine-gendered profession, traditional police culture relies on social pressures to repress emotions, and to express them through jokes, sports, or drinking. As Martin explains about the context of police culture in the United States, “Emotions remain, and undesirable feelings need to be discharged. Organizational mechanisms that help officers deal with work-related emotional stresses include psychological counseling services and elaborate rituals and ceremonies related to the death of an officer on duty.”¹⁷⁷ However, this officer's transition from joking about eating at a murder scene to the clear disillusionment with the

¹⁷⁶ Martin, Susan Ehrlich. (1999) “Police Force of Police Service? Gender and Emotional Labor. *Annals of the American Academy of Political and Social Science*. Vol. 561, Emotional Labor in the Service Economy. Page 112.

¹⁷⁷ Martin 1999: 122.

SAPS psychologists' breaches of confidentiality suggests that this emotional labor is left for the police officer to manage alone. The isolation and lack of trust revealed here suggests an altered reading of the image of a policeman eating at a crime scene: his outward display of desensitization and contempt for death thinly covers his disillusionment.

Further, the violation of trust and confidentiality that the officer refers to echoes the experience of his colleague who was called a “sissy” by colleagues when diagnosed with Post Traumatic Stress Disorder. In terms of emotional labor, Martin emphasizes that group solidarity as expressed through masculine socialization such as sports and drinking are important tools for officers to discharge work stress and tensions. When these tools are no longer available, and group solidarity turns against the individual officer, the emotional and psychological consequences are palpable. The frustration that comes out of these circumstances can be understood as the state agency's unwillingness to recognize the psychological, emotional, and practical sacrifices that police officers make for their work. This officer's use of food to highlight the tensions between public and private experiences of death allows his narrative to further explore issues of disillusionment with the police organization.

In another example of food symbolism, a white officer explains his feelings of not getting promoted within the ranks of SAPS. He attributes his professional stagnation to human resources affirmative action requirements to promote black and female officers. As a white male who joined the police in the late 1980's, he must come to terms with the impact of a new internal police policy on his professional status. After getting his first promotion within 2 years of joining the police, he has now held the same rank for 12 years. In this interview, I (S) asked about this:

P: So one does feel a bit, sort of, a bit victimized.

S: You do?

P: Of course I do. Because I'm, my juniors that I've trained, you know, they're all

being, most of them are being promoted past me.

S: Because they're black?

P: Ja.

S: How do you think that affects employee's morale?

P: Well it does, but like I said to you in the beginning, one must perceive it personally. I mean, my salary that I receive, I need it to keep my family in the food chain [smiles], so um, but it does demoralize you. And I do understand that there is a process we must go to, and the things that weren't right in the past to set it right and all that stuff, I do understand the whole concept of that. But it's becoming more and more difficult.

Although responding to a general question, the officer's response shows that his work is a very personal experience. The reference to keeping his family “in the food chain” uses a natural metaphor to invoke a socially-constructed order. The food chain simultaneously represents hierarchies within the police, within the racial structure of post-Apartheid South Africa, and within the class structure. The “food chain” naturalizes these constructions, while revealing the officer's sense of threat at the changing social orders around him. Another officer used the same symbol: “I'm the lowest on the food chain in my family, because most of my family they're advocates.” Again, the reference to a natural hierarchy of food behavior refers to the social and class structures that the officer fits into. It also highlights the perception of the police position within that family's norms and values. One officer describes how his grandfather's job serving food as a police cook inspired him to serve through the police: “he was serving the, you know I used to go with him to the police station, and he was serving the people in the, he was a cook, he was serving those policemen and women with distinction.” Coming from a black officer, this source of inspiration speaks to the differential status of police among racial groups. While the two white officers see their position in society worsening, this officer is building on his grandfather's legacy.

The final instances relate to food as basic necessity as an expression of sympathy for poverty and related crime. The first refers to the township and informal settlement of Diepsloot, and the second

to Zimbabwean migrants.

Um, there's a lot of crime that goes along with this, along the highways and stuff, smash and grab incidents, robberies, you know. People are poor, and they need money, need food.

It's desperate measures, you're going to go somewhere to get food, money, anything to help your family.

Food and money are listed as basic necessities, the lack of which may cause people to commit crimes or break immigration laws. In a study of U.S. border officials, Heyman came across similarly sympathetic portraits of poverty and migration. He characterizes these as “sympathy to a stereotyped collectivity” bringing a “moral quality to his job through the very idea of migrant neediness, the notion of an invasion by the hungry,” a rhetorical subordination that allows officials to conduct their law enforcement job with no moral qualms.¹⁷⁸ The reference to food, and implicit hunger, serves to recall basic power structures of the society where the hungry are the vulnerable, giving the police an element of power by comparison. The way that police officers think about the spaces they work in brings us to the following section, discussing the role of food in police interactions with residents.

Relation to Public: Power and Social Solidarity

My observations of officer's interactions involving giving and receiving food with local community members should be placed in the context of the literature on the gift, as well as on the role of food in social solidarity. Marcel Mauss, a student of Durkheim, made the first significant contribution to the study of gift exchanges. Looking at gift practices and meanings in the American Northwest, Melanesia, and Polynesia, his primary theory is one of reciprocity: “The unreciprocated gift

¹⁷⁸ Heyman 2000: 640.

still makes the person who has accepted it inferior, particularly when it has been accepted with no thought of returning it.”¹⁷⁹ However, his focus on what he calls “archaic societies” has been criticized in his conclusion that such gift exchanges do not form part of modern societies.¹⁸⁰ In later studies of gift exchange, reciprocity remains an important component of gift theory, but issues of power, solidarity, and social proximity are other factors that shape gift practices. These same themes are also important in studies of the role of food in society. The four modes of human relations to people or objects according to Alan Fiske are,¹⁸¹ “community sharing, authority ranking, equality matching, and market pricing.”¹⁸² The former three types of relation are what come out of the interactions I observed between the police and community members through food, while of course two or all three types of relations can occur simultaneously. Because of the overlap between theories of gifts and food, and because little has been done to compose a theory of food as gift, this section seeks to offer empirical evidence of food exchanges and to theorize their social meanings.

Food itself has power because of the bodily functions it serves and its necessity for life but also because social relations are conducted through food distribution in the most basic sense: “Class, caste, race, and gender hierarchies are maintained, in part, through differential control over and access to food. One's place in the social system is revealed by what, how much, and with whom one eats.”¹⁸³ According to Fiske's four modes, food is most frequently given in community sharing relationships, where gifts are given in accordance with community member's needs. On the other hand, in authority ranking, gifts are given to punctuate power relationships.¹⁸⁴ David Cheal identifies two parallel

¹⁷⁹ Mauss, Marcel. (1950) *The Gift: The Form and Reason for Exchange in Archaic Societies*. Translated by W.D. Halls. London: Routledge. Page 65.

¹⁸⁰ Komter 2005, Douglass 1990, Cheal 1988

¹⁸¹ Fiske, A. P. (1991) *Structures of Social Life: The Four Elementary Forms of Human Relations*. New York: Free Press.

¹⁸² Komter, Aafke E. (2005) *Social Solidarity and the Gift*. Cambridge: Cambridge University Press.

¹⁸³ Counihan, Carole M. (1999) *The Anthropology of Food and Body: Gender, Meaning, and Power*. London: Routledge. Page 8.

¹⁸⁴ Komter 2005: 22-23.

structures in which gift exchanges occur, intimacy and community: “Gifts are not given to just anybody. They are given to individuals with whom the donor has personal ties, or who occupy social positions within a community to which the donor also belongs. The co-membership of giver and receiver within some personal relationship or social relationship is thus a precondition for gift giving.”¹⁸⁵ Through the excerpts and discussion that follow, the complexities of the exchanges between police officers and residents of Diepsloot emerge. There is an interplay between the social role of food, definitions of community membership, and power dynamics.

The following excerpts offer contrasting examples of police use of authority in interactions with local children. Consider this example that occurred while two white officers from a neighboring district were in Diepsloot to help conduct immigration searches after a Zimbabwean man killed two police officers:

While they waited for the man to return with his documents, a curious crowd began to form. Across the street a woman with two small children was buying something from a stall. When the children spotted the police they started jumping up and down, laughing, and chanting “amapolisa!” The male officer crossed the street and the kids began bawling their eyes out and hiding behind their mother, at which the mother and many other people began to laugh. He bought two packets of biscuits and gave one to those children and the other to another little girl. The man returned with his South African ID book, and we promptly left the scene as the crowd was still laughing about the children.

The gesture of buying biscuits and giving them to the children is significant from the array of interactions I observed in two ways. First, it was one of two instances I witnessed in which a white officer bought anything in the township. It is relevant that he was from a neighboring station, and thus not entirely familiar with Diepsloot. Second, whereas his female partner made a point to wave to children as we drove through the township, the male officer did not speak to anyone in the area other than other police officers and suspected immigrants. That he chose small, nonthreatening (and

¹⁸⁵ Cheal, David. (1988) *The Gift Economy*. London: Routledge. Pages 172-173.

apparently terrified) children to interact with, and that he did so with a public display of charity certainly diffused some of the tension that the growing crowd was bringing to the scene. During another instance discussed in Chapter 4 when a crowd began to form, a white male officer became visibly uncomfortable and left the scene as soon as possible, later explaining to me the real possibility that people may begin to throw stones at the police. In a sense, the male officer in the example above used the children's recognition of his authority to make a peaceful gesture to the community in general. What may seem like a random act of kindness toward a child, was a successful use of food as a tool to gain respect and maintain his power and authority in the moment.

In contrast, the other observation involving children and food occurred when I was riding in a vehicle with three black police officers.

We passed some boys playing in the street, and the driver beckoned for one to come over. He handed him an empty glass coke bottle and sent him to the stand next to the car to exchange it for a bottle of coke and to rinse a blue plastic cup. The boy obeyed, and as we drove the officers took turns drinking coke from the cup.

In this example, the interaction with the child seems familiar and almost familial in the way that the driver simply expects the boy to comply. The exchange in this example is interesting because rather than treating the child as a stranger, the officer seems to treat him as a son or relative that is obliged to serve him. The familiarity in the interaction is noteworthy, since there was no indication that the boy was actually related to any of the officers. The officer uses social proximity in the form of language and race, and the accompanying assumption of a shared culture, to exercise a power that is more linked to his age rather than this status as a police officer. Further, the act of drinking coke from Diepsloot, and of sharing it around the car, is in stark contrast to the habit of the white officers I have driven with, who buy individual drink bottles from a petrol station on the highway outside of the township.

Exchanges of food between police officers and community members become more troubling when they come from adults with business interests in the area or ulterior motives. In these instances, male community members initiate gifts of food that imply complex relations between power, authority, social proximity, and gender. In some instances, food is used to draw on claims to social proximity based on gender, language, or color. In others, it seems that giving food to an officer is an attempt at “equality matching” with the officer, or even enforcing the power of money and food over the officer's police authority. The following instances can be examined through the lens of these overlapping and sometimes competing claims to power and social proximity.

We pulled over on a main road. While his partner went to buy lunch at a stall, a man came up to chat with the officer. The man went across the street to a stall and bought a banana for the officer. His partner returned and we continued driving. I asked who the man was, and he told me that he owns a nearby shop that sells beer.

This interaction was friendly, and it did not appear as if the man was asking for anything from the officer. However, in a place where crime is often closely related to alcohol consumption, the gesture by the bottle store owner takes on ulterior motives. Further, this did not seem to be the first interaction between the two men, suggesting that the banana was simply used to maintain an existing relationship. That we drove away as soon as the other officer returned makes it clear that there was no important business to attend to; rather, the shop owner was using the opportunity for a casual exchange with the officer, facilitated by a food exchange.

Another instance occurred less casually, with the officers waiting outside a house. They honked the horn and had a neighbor fetch the man inside.

The vehicle pulled up behind the white BMW parked outside of a brick house protected by a gate. After a few minutes, when the man came out, he greeted the officers and made a comment complaining about the heat. He then casually took out his wallet and gave the

officers R40 out of the R80 he had there. As we drove away, the younger constable cheerily told me that he had given them money to buy cool drinks because it was hot out. I asked who he was, and they said he owned a shebeen in Diepsloot, and they confirmed that the BMW was his.

This exchange was not of food, but rather of money with the purpose of buying a cool drink, which the officers did use it for. Their intentionality in this interaction is noteworthy. They saw his car in front of the house, and wanted to pay him a visit, though they clearly had nothing specific to speak to him about. Though completely unspoken, the man understood his role in the interaction and promptly complied with their expectations. Their giddiness as we drove off, and their pride that this powerful man had given them this gift, seemed to overshadow any doubts about the ethics of this exchange. Again such an exchange is reminiscent of bribery, but the gesture serves to maintain an existing relationship rather than to cause an officer to act in the shebeen owner's best interest at that particular moment. However, the question does arise of how this relationship affects officers' working behavior toward the man and his shebeen if any crime were to happen there.

The following excerpt illustrates an exchange with comparable purpose, where the officer actually gets out of the car to spend some time in a large tuck shop.

The officer leaned against the store counter eating something that looked like bread that the shop owners had given him. His partner and I stayed in the car, and we watched as he exchanged brief words with the man behind the counter but seemed more focused on the food. When he got back in the car, he brought a box of orange sweets they had given him and continued snacking on them. He later threw the half-empty box on the ground of a parking lot.

When the officer throws the sweets on the ground, it becomes clear that the interaction with the shopkeepers is based on the exchange itself rather than his desire or appreciation for the food. That the interaction occurs only with this one officer and not with his partner offers another interesting element of these exchanges: they represent relationships between individuals. This means that in Diepsloot some police officers selectively engage in these exchanges some of the time with certain people, as

opposed to the pervasive image of police officers in other areas extorting bribes from anyone they stop.

The prevalence of food exchanges with business owners in Diepsloot raises questions about the extent to which police officers should be engaged with the community they work with. However, these interactions where food is exchanged occur to solidify an existing relationship and to outwardly perform their friendship. These exchanges can only occur when both parties are willing to participate. In contrast, the following example illustrates that this is not the type of interaction performed by every member of the community, but rather mostly by men who own businesses in Diepsloot. Here, a vendor refuses to participate in this trend:

We passed a fruit stand and the reservist leaned out the window trying to talk to the woman behind it but she just stared at him. A man came over, and they laughed and said “Maputo” and “Shangan” which made me think they were saying she was from Mozambique. The reservist bought two oranges at R1. The inspector asked the woman for an apple, and when she handed it to him and said it cost R1, he didn't take it. He tried smiling and asking one more time, but she looked at him blankly and put the apple back on the display.

This incident where a Mozambican vendor refuses to give an officer an apple for free offers an interesting contrast to the other examples. It seems to offer some insight into how the police's relationship with newer migrant residents and women may be different. The inspector's tone when he asked for the apples was upbeat and friendly, but the vendor did not respond in kind. Her refusal to give him what he asked for, or even to smile, indicates a reluctance to play into this game of exchanges or at least an unfamiliarity with the expectation. Her social distance from the police officer based on gender, language, and nationality gives her no reason to participate in the food exchange. Her refusal to give the officer a free apple is a clear assertion of her own authority as a vendor, which trumps the officer's attempt at casually asserting his male and police authority over her. Her refusal to even engage in the game by promptly putting the apple on display reveals contempt for, or at least indifference to the

officer's attempts at socializing. These examples place the police relationship to migrant community members in a different context than their relations with South African residents of Diepsloot.

Relationships based in part on social solidarity are able to draw on the identifying characteristics of the officer such as color, language, and gender to decrease the social distance created by the police status. However, such social solidarity cannot be drawn on in certain relationships and interactions, especially with members of the community that are migrants to South Africa. In this case, social distance is created by language and nationality and thus the closeness of the relationship is based on authority ranking and equality sharing. This officer explains his relationship with a shop owner:

Remember there was xenophobia in Diepsloot, I first started meeting them that time. Because they were afraid if they were going to lose their things inside their shops, and so on, and they asked us to look after their shop and something like that. And since then we are friends, close friends. We're just friends. Sometimes they come to my place, they call me if I'm working or not, they come if they're free. [...] Sometimes he gives me coke, bread, sometimes he gives me chocolate, sweets. [...] You see, from my side, I don't know about the other guys, but from my side, that guy if he gives me and I never ask him, he gives me from his heart, take this take this take this, because sometimes I don't know if I refuse I'm going to hurt him or not. As long as he says take this, I'm going to take it, and I'm going to eat it in front of him, then he can feel OK. But that thing about asking him about something, I can't do it. I can't ask him for something. I wouldn't ask him for food or anything. Sometimes I go there I just visit him, then I go. [...] sometimes I refused. Then he can be, he can feel...somehow that I refused, I refuse, then the following day I can call him and I say are you OK, yeah I'm OK, I say alright, then he comes and asks me why did you refuse? And I say no, I was OK, don't worry.

Food also marks the blurring of the public and private in relationships with shop owners. Social solidarity and authority combine to create relationships that favor the officer's authority in one sense, while a community member uses food to ingratiate the officer's affection. The ambiguity between public and private lives surfaces in this officer's description of his friendship with a shop owner in Diepsloot. Their friendship began when the officer protected the shop in his official capacity during a wave of looting in May 2008. Gifts of food mark this friendship, to the extent that the shop keeper

apparently feels rejected if the officer refuses his food. That they visit each other at home is clearly an indication that their relationship spans beyond the scope of public duty, or even a convenient relationship during work.

This example again uses food to highlight the tension between public and private lives. Clearly visiting each other at home and calling daily indicates that this relationship transcends the boundaries of the official's public position of protecting vulnerable locals. While there does seem to be a power imbalance, where the shopkeeper seeks to win over the officer for ongoing protection from xenophobic looting, the officer insists that this is a real friendship. Earlier in this interview the officer confesses that he has more friends in the area he works than he does near where he lives. He seems to derive a sense of comfort from making friends who know and respect his official position. In short, it seems that this officer uses his official position as a police officer to initiate and cultivate personal friendships.

Again, the boundaries between public and private duties, responsibilities, and needs come into question given the nature of community policing. That this shop keeper has the officers cellphone number might be another merging of the public and private; however, in this area it is commonplace for police officers to give their personal phone numbers to members of the community to build trust and foster positive relationships. If making friends with this shopkeeper motivates the police officer to sympathize with this and other immigrant shop owners, perhaps he will have a personal reason to perform his public duty well. These are ambiguities that cannot be resolved by neatly drawing the line between public and private; rather, the fluidity of this distinction is a unique characteristic of police in an era of community policing.

One officer tends to visit a chef at a restaurant in the policing area, often sitting and having coffee. Most of their conversation revolves around comparing their salaries, the number of languages they speak, and ideas about jobs and business opportunities. The officer has explicitly told me that he

never accepts anything from any community members: “Nothing. Because if you take something, they expect something back. That is how it works.” His friendship with this cook was initiated when a robbery was reported at the restaurant. The officer's acceptance of coffee and cigarettes reveals his level of trust and comfort around this cook, and also shows that he sees this person as outside of the community he serves.

I have only seen these food exchanges in Diepsloot take place among male officers, but this may be because during the time of my fieldwork many of the women were student constables. The gendered aspect of these food exchanges, since I only observed exchanges between men, is an interesting finding in the context of common gift giving patterns. Typically, women tend to give and receive gifts more frequently than men, whereas men's gifts to each other or to women tend to be less frequent but more expensive.¹⁸⁶ In this light, the gift relationship between male business owners and police officers seems to draw on another mode of sociality and social solidarity: male-dominated professions. Regarding interactions between male officers and male citizens, Martin argues that “both may draw on masculinity as an interactional resource, thereby implying a reduction in social distance, which generally is to the citizen's advantage.”¹⁸⁷ The types of authority and masculinity that come from state power and business ownership draws on the fundamental roles of the state and trade in modern societies. Combined with the social proximity based on color, language, and socio-economic status, this element explains the domination of male-male food exchanges in Diepsloot. These exchanges, then, serve to empower both parties' sense of masculinity and power, while also performing their relationship publicly.

While exchanges of food and money may intimate low-level corruption, senior officers' reactions to these types of incidents is blatantly ambiguous. There is no clear line in their minds about

¹⁸⁶ Cheal 1988 and Komter 2005

¹⁸⁷ Martin 1999: 118.

what does and does not constitute corruption, or what types of exchanges are problematic. One officer explained that the context of gifts is an important variable:

No, you know, in my book if you take money not to do your work, even if you take R5 or R10 or something small to turn a blind eye, its not right. One will lead to something bigger, and stuff like that, and then the criminals get a hold on a guy that would be corruptible. One would say to stop this would be, you know, how far will you draw the line, you know, if a police officer stops at a certain cafe and the owner gives him a cold drink, and he accepts, that in my eye wouldn't constitute corruption, but if he takes the cold drink and lets the owner sell illegal beers or something, then it's wrong. You can't allow something wrong to be done, and you turn a blind eye to it. [...] The fact that if you stand out at a road block and someone offers a police officer R20 or R30 to go buy a cold drink, that's unacceptable because that just leads to another, now the guy's got a flat tire or his license is expired and the guy says, no I just gave you 20 bucks...no, it's not acceptable.

Trying to disentangle the examples the officer gives would offer some sort of line of acceptability at accepting anything to “turn a blind eye” or the possibility of such an expectation. Yet, accepting a gift of a drink, without an expectation of “turning a blind eye” to some illegal activity is not a problem. Clearly whether there is an expectation of “turning a blind eye” to something is an extremely subjective measure of acceptability, especially in light of the example in Chapter 3 where an officer chooses to turn a blind eye to an undocumented migrant without any exchange.. The ambiguity in the officer's attempt to articulate these boundaries highlights the discretionary nature of interactions with the community. The officer involved is the one who decides whether an interaction is acceptable or not, according to his or her own standards.

Another officer explicitly gave the officers the benefit of the doubt when I asked about accepting food from community members:

I asked what they thought about police officers accepting food from shop owners in Diepsloot, and they laughed at the fact that I thought it was an issue. The officer told me “in our culture food is food, it's just food. Food is to give.” They said that the police officers I had seen were probably just interacting with their friends, and that just because

they are police officers doesn't mean they can't be friends. She said that all I see is their police uniform, but that it's not an issue, it's not *tjo-tjo*, or corruption.

Firstly, the assumption of a shared culture, “our culture,” places me as an uninitiated outsider who cannot understand. This common cultural understanding extends both to police officers, as well as to residents who are understood to constitute this same culture. Secondly, this officer's dismissal of the concern and refusal to engage in any attempt to explain boundaries indicates a familiarity and acceptance of this behavior. Thirdly, the officer recognizes distinction between the police officers as friends on the one hand, and uniformed agents of the state, on the other, and then quickly dismisses this distinction.

References to food exchanges are pervasive in discussions of police informality. In his 1977 work, Muir noted of his police station that “even a free cup of coffee transgressed departmental regulations”¹⁸⁸ Hornberger discusses an immigration raid where migrants report that police officers even ate food out of their homes during the raid.¹⁸⁹ Altbeker notes that the officers he was working with in Rosebank, Johannesburg enjoyed “a pizza supplied free of charge.”¹⁹⁰ Meares and Skogan propose a continuum of police corruption ranging from “Police discounts' for meals” to accepting or paying bribes.¹⁹¹ Food has an ambivalent relation to corruption, but it has clear indications for the relationships that officers enact with members of the public. In Diepsloot food exchanges and their acceptability speak to the broader organizational culture of the station and the SAPS organization in general.

¹⁸⁸ Muir 1977: 7.

¹⁸⁹ Hornberger 2006: 211.

¹⁹⁰ Altbeker 2005: 117.

¹⁹¹ Skogan, Wesley G. and Tracey L. Meares. “Lawful Policing.” *Annals of the American Academy of Political and Social Sciences*. Vol. 593. May 2004. 74.

Bond between Police: Solidarity and Social Proximity

Much of the literature on police culture emphasizes the social bonds of shared experience and loyalty that exist among police officers. For instance, Brogden and Shearing refer to meal times as an important forum for Apartheid police culture: “this culture is reinforced in the intimacy of the police canteen.”¹⁹² However, working in a racially and culturally diverse police station that deals with equally diverse communities reveals that social solidarity among cultural groups can transcend those bonds between police members. The most poignant illustrations of the complex racial and cultural divisions among the police force appear through their everyday interactions relating to food and eating. Food sharing and meal times are widely understood in the literature as “the social cement holding groups together.”¹⁹³ Yet, the informal way that police officers eat on duty, and the instances when they do make efforts to prepare meals together, reveal deep social divisions in the police ranks.

In anthropological studies of food, there is an emphasis on “food as a marker of difference, including such classic sociological variables as gender, age, class and ethnicity which frequently 'make a difference' to eating patterns.”¹⁹⁴ Such studies argue that class distinctions, gender roles, and cultural differences are inscribed and enforced through food preferences and eating habits. Taking food as a marker of difference and otherness can allow us to examine cultural practices through this particular framework. For the police, I focus on their practical food choices while they work. Because these choices are everyday habits and practical responses to the need to eat rather than rational choices, they can offer insight into deeper cultural preferences and divides. Further, the topic of food is private in its relation to the body, and as such offers a juxtaposition with the public duty that police officers are

¹⁹² Brogden and Shearing 1993: 44

¹⁹³ "Commensality and Fasting: Giving, Reveiving, and Refusing Food." In *Food and Culture: A Reader*. Eds. Carole Counihan and Penny Van Esterik. (1997) London: Routledge. Page 92. Also: Beardsworth, Alan and Teresa Keil. (1997) and Ochs, Elinor and Merav Shohet. (2006) .

¹⁹⁴ "Approaches to Food, Health and Identity." In *Food, Health and Identity*. Ed. Pat Caplan.(1997) London: Routledge.

performing.

At the everyday level, officers spend most of their time free from direct supervision and make decisions about how to spend their time. Eating and acquiring food are not part of their job function, but during each 12 hour shift they will face a bodily need to eat or drink something. This analysis falls into the anthropological literature focusing on how societal power dynamics are created, reinforced, or subverted through everyday actions in state institutions. Fitting into the category of everyday discretion, choices and interactions relating to food subtly reveal cultural values that have wider implications for how police conduct their work. Decisions, and especially habits, about where to eat offer insights into spaces where officers feel comfortable. Just as choices about where and how to patrol can reveal officers' comfort zones, eating habits on the job indicate where and with whom police officers feel most free to relax a little. Police patterns of buying and eating food during their shifts speak to fundamental issues of how they relate to the spaces they work in and the people they work with.

There is a noticeable distinction between the places black officers buy and eat food as compared with their white colleagues. Although none of the police officers lives in Diepsloot itself, most live close by: many black officers live in Atteridgeville, a nearby township, while some white officers live in Centurion or Erasmia. Partly because their policing area is so extensive and so varied, there are different types of eating opportunities. In general, the black officers I have driven with routinely buy fruit and hot food from vendors in the township, sometimes sitting down at a braai restaurant or local tavern. Within Diepsloot there is also a shopping mall with a supermarket, a KFC, and other chains where black officers also seem to feel comfortable buying food and drinks.

On the other hand, the white police officers I have observed tend to have coffee and snacks at a seating area outside of a petrol station off the highway outside of the township. A white officer has

gone so far as to advise me never to eat in Diepsloot, noting that he once got typhoid from food there. One exception to this pattern came from an inspector from another police station who was providing back-up for the day: she bought a 10 kilogram bag of potatoes, telling me she liked that variety and that they were a third of the price she normally pays. While there is a clear distinction among eating choices on duty around Diepsloot, there is a strip of food stores within walking distance of the Erasmia police station where most officers seem to feel comfortable buying fruit, bread, and lunch on their way to and from the station. In this strip is a small food market where I have watched officers use the shop's scale to weigh confiscated dagga on the way back to the station, indicating how police are incorporated into the small suburban Erasmia community.

The places officers choose to eat in the station itself are also noteworthy. I have seen a number of black police officers eat their lunch in the side room off the main reception area. Either alone or in small groups, officers will eat lunch they have brought from home or food they have bought from the nearby strip mall or from the Diepsloot Mall. This side room is also used for questioning suspects, filling in suspects' paperwork, and removing their belts and shoelaces before bringing them to the cells. It is also commonly used as a visiting space where prisoners can eat lunch with their family members. I have never seen any white police officers eat in this space; rather I have only seen them eat outside or in the kitchen at the back of the station, where parades are often held before a shift begins. The informality of their eating habits is a cause for some concern from an officer:

You see, I would like to see the police as much more professional with their attitude. [...] But yeah, just to make it sort of, you know what, a nice place for the guys to have their lunch. You've been working with the guys, you must have seen how they, where do they eat for lunch? They buy some pap and meat somewhere and they go and put it on the hood of the vehicle somewhere out there in the veld, ne?

He suggests that having a specific place to eat in the police station would make the police more professional, in that it would solidify the line between formal and informal, and between public and

private. Although he does not say so, a designated eating space and meal time could also offer space for social bonds and solidarity among a diverse group of police officers. In fact, under Apartheid, it was common for police to live and eat in segregated police barracks; while the racist social solidarity emphasized by such segregation is obvious, similar means could actually disrupt racially-based social divisions.

Food manifests inclusion as well as social exclusion among police officers. Although I have heard about braais for entire units, I have yet to observe any multiracial food event. The following example speaks to the implicit social codes that govern food sharing at the station:

We picked up some braai meat and a milk tart on the way to the station. When I asked who was coming to the braai, they kept telling me “everyone that’s at the station,” which turned out to mean all the white Afrikaans-speaking members at the station. When I asked whether a specific black inspector and the other people working in the Client Service Centre were coming, she made a face and shook her head. She immediately explained how long she’d known the other people (15 years) and that they were practically family. When we went inside to eat, one of the black inspectors saw us and looked puzzled.

That the black officers are not even considered in the “everybody,” betrays the underlying social groupings that pervade the station culture, even with officers who often say that they love and respect their black colleagues. Although those left out of the braai mostly work in the CSC, those involved work in different units. Their social bond emanates from a shared cultural identity and language rather than from simply working together. The exclusion of the black members from the braai is an indication of the line between public and private lives. The officers who share a language and culture, as well as time knowing each other, form part of the private, comfortable, family-like space. I do not doubt that they respect the other officers, but their difference and social distance puts them in the public category, where their interactions are based on their work, rather than any personal relationship. The sharing of food, and the cooperation in its preparation, mark the closeness of the social relationships. Those who

are allowed to participate, through unspoken understandings of who belongs in the group, share in this inclusion under the natural language of “family.”

This trend of segregation during mealtimes was also observed by Marks in her observations of the Durban Public Order Police, who fluidly separate into distinct racial and cultural groups during meal times. “I was told that African and Indian members seldom mix socially and that this would take at least fifteen years to come right [...] African members were in one vehicle and Indian members were standing around together talking and eating food, which they were sharing with each other.”¹⁹⁵ The themes of in-group sharing and physical and social isolation from other groups is a characteristic of South African police culture that is manifested in each station depending on the particular racial and social dynamics of the police members and the surrounding social environment that they work in. A study of a police station in an Afrikaans-speaking area of the Western Cape found that black members were socially isolated and othered from the white and coloured members (as well as in the wider community) because of race and language differences.¹⁹⁶ When we take mealtimes as “social cement” and an expression of social solidarity, at Erasmia mealtimes highlight social divides based on color and language within the police force.

Conclusions

Police officers exercise their discretion on a daily basis in mundane activities like buying, accepting, and sharing food. Food represents social connectedness among police officers and between them and community members in their policing area. Food and eating are telling parts of police officers' daily work. The places they choose to eat are indicative of the places they feel comfortable and the people they feel comfortable around. Food also serves to punctuate interactions between police

¹⁹⁵ Marks 2005: 234.

¹⁹⁶ Faull 2008: 49.

officers and community members, with a notable pattern of business owners giving gifts of food, and money for food, to police officers as they conduct their patrols. These exchanges highlight a mode of interaction that is harmless on the surface, but that speaks to the underlying interests of those involved. The police feel good about themselves when they can perform their authority and get things from community members, and business owners make gestures to the police to solidify relationships with them that may offer protection in incidents of alcohol-related violence or xenophobic looting.

However, these exchanges are not overt bribery since they are small amounts, and given in food. Still, these questionable entanglements may lead to interference in police work and raise questions in the informal social realm of a formal public office. The ambivalent relationship between food exchanges and other forms of corruption make such interactions difficult to label and condemn. As the gifts between the drug trafficker and the former police commissioner discussed in the opening vignette of this dissertation shows, the presence of gift exchanges does more to reveal the nature of a certain type of less-than-professional relationship, rather than as strict evidence of corruption and wrong-doing. On the same note, this chapter seeks to reveal the many forms and instances of social relations that become apparent during food-related behavior.

Because of its necessity for human life, and the immense social meaning food has in every society around the world, it is a poignant lens for examining daily life and social interactions. The use of language relating to food, food as a gift, and food as social cement, are all aspects of police daily life that are often overlooked due to their mundane nature. However, it is these daily, routine, and common practices and habits that can give insight into the aspects of informal police culture that can have very interesting implications for the way police officers value their work. The exercise of discretion and personal choice in these activities speaks to broader social and societal issues of belonging. In a society where the police are publicly mocked and derided, it is even more essential to understand their job

practices and the social meanings they create through their work.

Conclusion

Summary of Arguments

Grounding my work in policing literature, this dissertation argues that the centrality of discretion, while referred to consistently, has not yet contributed to a methodology that seeks to focus on the moment of discretion and decision-making processes. Building on the argument that police organizational culture has significant impacts on understanding how police in a society operate, I posit that an examination of the police officer's background and perception utilizes the ethnographic methodology in a new way. Conducting field work in a diverse policing space allows for data that offers comparisons to a certain extent. Whereas studies of one unit or one station tend to focus on the dynamics of that particular unit of analysis, by changing the focus of the analysis to the discretionary points of interaction with the public, the data and analysis is able to use the empirical material in a methodologically novel way.

The first empirical chapter, Chapter 3, argues that the Erasmia police operationalize assumptions and stereotypes about racial and spatial belonging within their policing area, and that their personal assumptions have immediate impacts on how they determine suspicion. By making the common associations between migrancy and crime, as well as blackness and suspicion, the police recognize and reinforce the racial frontiers among their three distinct constituencies. The chapter further argues that migration policing in Diepsloot is arbitrary and *ad hoc*, and that the police understanding of their work in this regard is often contradictory and variable. Contextualizing the empirical examples within the context of the new penology, paradigm of suspicion, and racial profiling, the chapter argues that social and spatial divisions are routinely reinforced by individual police officers.

Chapter 4 looks at violence from the perspective of the police, arguing that examining police

relations to their work and the public through the use of violence (as opposed to force), suggests strong elements of helplessness and vulnerability. The narratives of teenage male violence converting into state power indicates that violence is understood as an integral part of police work, but that in this context it is legitimated by the representation of the state. In the context of collective violence, the overwhelming sense of futility and helplessness indicates the depth of the ethical dilemma of an impotent police service. Noting that in practice, the police uniform represents vulnerability more often than power, the chapter explores police conceptions of security and protection. The relationship between threat on the one hand and discretion, rule of law, and group-based suspicion ties the issue of violence to the themes discussed in Chapter 3.

Food is the most poignant lens through which to analyze police relations to their work and to the public, according to the argument presented in Chapter 5. Metaphors of food, eating, and providing for one's family through the food chain serve to naturalize the social order and to reveal anxieties. In relations among police officers, food serves to highlight the deep social divisions within the police membership, which reflect the profound impact of historically-constructed cultural differences. Food is used by local residents and business owners to confirm cooperative relationships with individual police officers. As such, food exchanges reveal both the officers' personal relationships and the broader station culture as it defines corruption. Countering the monolithic and homogenous understanding of police culture, this section argues that at Erasmia if there is one police culture, it is embedded with palpable social, racial, and cultural divisions.

The overarching theme that runs through these chapters is that police rely heavily on their own notions of normative orders, which are constructed by their personal and professional experiences. These experiences, fifteen years into democracy, occur within highly racialized understandings of space and social order. The black police officer living in a nearby township and the white Afrikaans police

officer who lives on a nearby farm experience vastly different realities in terms of crime, threat, and suspicion. In an organizational context that does not encourage interracial social relationships, these social divisions are reified and continued, as are those among police and the public.

Contribution

This dissertation seeks to contribute to the policing field by using empirical observations about police work to demonstrate the importance of street-level police officers' perceptions of their own work and their relation to the public. By taking discretion as the moment of interaction between a police officer and a civilian, I argue that everyday types of discretion must be examined to offer insight into broader questions around police accountability and practices. Rather than focusing on discretion as granted by the law, or seeking to limit officers' ability to use their discretion, I argue that the moments of decision-making reveal trends and patterns in more cultural terms.

Adding to the empirical, observational data on the South African Police Service, this dissertation approaches the police by looking at the role of discretion in police decision-making. In this way, I seek to move away from studies that discuss police organizational culture, in an effort to readjust the focus to the police side in interactions with the civilians they are meant to police and protect. By focusing on the meanings that police produce during their work, and more importantly, the stereotypes, assumptions, and fears that compel them to act in certain ways, I offer a new lens through which to view the reality of police work on the ground.

While the findings presented here present a picture of police officers in one police station who work in a very unique spatial environment, the issues of ambiguous gift exchange, social divisions, violence and fear thereof, and immigration policing resonate as key issues for the police at a national,

and perhaps international level. Returning to the opening vignette, the public discussion about what constitutes impropriety could benefit from a nuanced understanding of how gift exchanges reinforce social solidarity, for example. The fear and helplessness that police express regarding instances of collective violence could contribute to the debate about amending officers' discretion to shoot to kill. Police officers' ambivalent relationship to migrants and immigration policing suggests that there is no clear understanding of the purpose of immigration policing or its effectiveness. These implications aim to make the contribution to the field more meaningful because this analysis may offer a new perspective on issues of such public concern.

Further Research

The questions raised in this dissertation indicate fruitful possibilities for further research in many different areas, especially in South Africa. While the focus on SAPS is a clear start, research on the Metro police as well as private security companies could make significant contributions to the field of security and the networks of governmental nodes. Building on the notion of discretion, the perceptions of security guards' discretionary powers could move the academic focus away from the formal understanding of state power. Another theme that could use much more research in South Africa is the private dynamics at play in public positions. Public servants at every level, including government officials, rely on personal experience and personal understandings of their power and position.

Another element that becomes clear through this research is the gap in knowledge production in the policing field in societies that are majority black. Since most studies on police and racism or racial profiling are done in the United States or Britain, it is common to identify people of color as minorities, terminology that is not useful in most of the world. Rather, understandings of racial and social power in

societies must reflect the actual dynamics in those areas. The discussion of racial profiling and racial stereotypes could thus benefit from further work in this area. Similarly, the creation of racialized spaces, especially in deeply divided societies, is a fruitful subject that was only touched on briefly in this work.

Finally, a very practical aim of further research should be to work with the new Diepsloot police station when it opens in 2010, to gauge the dynamics of a larger, and most probably mostly black police force. Documenting the changes in attitude, as well as in practical relations to Diepsloot residents, and among other police officers could highlight or contradict the findings in this thesis.

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Appendices

Appendix 1: Questionnaire Outline for Semi-Structured, In-Depth Interviews with Officers

Biographical Information

Where do you live?

Where were you born?

Age, rank, unit, language, gender?

Life and Work History

Where did you grow up?

What are your childhood memories of the police?

Why did you join SAPS?

Is being a police officer what you expected?

What do you remember about police college/training?

Relation to Work

How do you feel about bribes?

What role does violence play in your work?

How would you describe Diepsloot to someone who has never been there?

How do you feel when you're working in Diepsloot?

Have you been to court to testify? How did you feel?

Who do you like to drive with and why?

When were you most afraid?

What has been your best accomplishment?

Describe your worst and best days as a police officer.

Outside of the Police

What is your personal vision for South Africa?

If you could change one thing about SAPS and one thing about your specific job, what would it be and why?

If you could travel anywhere, where would you go and why?

How has your being a police officer affected your family?

What do you want for your childrens' future?

Appendix 2: Murder Rates in Gauteng by Policing Area

The Erasmia policing area, colored red, was one of the areas reporting the 20% highest murder rate for the Gauteng Province in the year ending April 2009.

