

3

Human Rights Training

The task is rather to rethink the normativity of human rights claims within the original contamination and violence of global capitalism, within ineluctable historicity. It is to accept that our principles of rational action are irreducibly conditioned by what we seek to alleviate and transform even as we cannot invoke these principles because they condition us in turn. (Pheng Cheah 1997:260).

The police says, okay you can come and train but who is going to pay? So the NGOs pay for themselves. And then after they have been running the pilot project the NGOs say that this must be going on. Then the police says, unfortunately it was just a pilot project, and it cannot be included in the training. If it must carry on then the NGOs must pay for it. (Member of the SAPS's Human Rights Unit 2002).

3.1 Introduction: The training gets cancelled

For a long time I had tried to take part as an observer in one of the Human Rights and Policing training courses that were intended to transform South African police officers and instil in them a respect for human rights. First, there were several missed opportunities due to the temporary collapse of the programme in Gauteng province. Then there were several cancellations and postponements. Finally, one day in November 2002, I sat in a minimally furnished classroom of the SAPS training centre in Anderson Street

in downtown Johannesburg. There, over the next three days, the Human Rights training course was going to take place.

Slowly the classroom filled with a small group of police officers. Each chose a desk and sat down to wait quietly for the trainer to arrive. Finally Captain Chauke appeared. Dynamic, speaking charismatically, and moving between the tables, he skipped any introduction and attacked the students with a question right away: "Since when do black people in South Africa have human rights?...You!" He pointed his finger at a young black man. "Ehhh, since 1994, since the first elections..." the man uttered. "Ahh, since the first elections, hmmm?" Captain Chauke responded, clearly not satisfied. "You, what do you think?" and he pointed at a black woman sitting right behind me. She timidly responded, "Since Mandela was released from prison?...or....No! I know! Since the Bill of Rights?"

"No, no, you are all wrong," Captain Chauke exclaimed with some self-satisfaction. And then, meaningfully looking round the circle of puzzled policemen and policewomen, he gave the "right" answer:

Black people in South Africa always, all along, had human rights; it was just that the past government did not recognise those rights. Human rights are inalienable. Everybody has human rights, always, even before he or she is born.

While I was still marvelling at the way with which he had introduced the class to the concept of the inalienability of human rights, Captain Chauke moved on to some organisational issues. He asked the class about their positions at their respective police stations. It appeared that of the seventeen policemen and policewomen in the class, five were not actual police officers. They were part of the administrative staff of their stations: typists, secretaries and financial administrators. Explaining that the course was designed for police officers who were doing "real" police work, he told the civilians that they could go home. He then went through the class and asked who had taken a human rights course before. Two of the youngest officers in the group said that there had been a human rights component as part of their basic training. Inspector Chauke explained that his human rights training was for those police officers who had been trained in the "old

way”, and so sent these two police officers home. This left us with ten people in the class, of whom I was the only white person. Looking at me, Inspector Chauke said:

...and seeing that our only white person in the class is not a police officer, I am thinking of calling off the whole course. I cannot teach a class on human rights when there are no white and Indian police officers among the participants. How can I speak about discrimination when there are only black people? People will say Chauke talks bad about whites and Indians, while I just want to demonstrate what the different prejudices among the different groups are. I would mention those with more ease when the respective group is present because then everybody knows I don't mean it.

With these words he cancelled the class, and we all went home.

This experience of a Human Rights and Policing training class was quite telling, and indicative of the politics of the SAPS's human rights training.⁵⁸ First, it clearly said something about the commitment and the importance that managers at the different police stations gave to training in human rights. The fact that there were so many non-police officers in the class was not because those civilians were especially keen to join the training. It was, rather, a way in which the station managers could “comply” with the imposed requirement of having to send a certain number of staff members each year for human rights training, while at the same time not having to be without crucial manpower at the station. This was often presented to me as an impossible dilemma between long-term training for the future and the urgency to control crime here and now. Thus civilians were sent as token substitutes. The crude juxtaposition of long-term training and immediate needs happened not only at this level of training: it was indicative, as I will describe in this chapter, of the status of the human rights programme status throughout the police force, especially at the national management level.

⁵⁸ As I explain further in section 3.4.1, the failure to hold the training courses was indeed, as confirmed by an official evaluation, a chronic weakness of the training programme.

Secondly, what was telling about my short experience in the human rights training class were the grounds for calling off the class before it had even started – with the trainer saying that the class could not take place since the only participants were black members.

Before the course began, I had looked at the official training manual that was used for the course (Cronje and Venter, 2000). Based on that, I had expected that the issues that would be covered would include how police officers deal with suspects, witnesses, complainants and other members of the public. The training manual had been conceptualised and produced with input from international and national human rights. It presented a rather technical and legalistic account of human rights translated into policing practice. Issues of equality among police officers and affirmative action only occupied one subsection of one chapter out of thirteen chapters. Yet from the response of the trainer at the Johannesburg training centre, it appeared that the issue of race *among* police officers had come to occupy centre stage and had fundamentally shaped the training and its treatment of human rights. Somehow the training had been given the inflection of a particular understanding of human rights, which diverged substantially from the one prescribed by the training manual.

Thirdly, the failed training class gave an indication of the confusion and ambiguity which surrounded the concept of the inalienability of human rights. The responses of the class member showed that the popular narrative of the “birth” of human rights in South Africa differed from the one that was being taught. In fact through their responses, they suggested that the concept of inalienability might be counter-intuitive to popular moral notions. They seemed to suggest that rights are conditional – they can be given and they can also be taken away again. They provided a sense that the concept of the inalienability of human rights is very specifically understood and can therefore not be assumed to be self-explanatory.

These three aspects suggest that the human rights discourse and its concepts, as conceived by the official format of the Human Rights and Policing training programme, were being contested. Foreshadowing the theme of this chapter, they highlight the possible enmeshment and subversion of the techno-legal human rights discourse in other contextual meanings and discourses.

In this chapter I will argue that the Human Rights and Policing training programme represents a concrete and tangible actualisation of international human rights standards in the context of South African policing. This allows me to talk about accountability towards international human rights standards and its institutions. The Human Rights and Policing training programme provides a case study of what happens to international human rights standards and the influence of international human rights organisations as they are renegotiated in the context of South African police organisation.

My main point of departure is that if we want to understand the “failure” or “success” of the implementation of international standards of human rights in the local context, then we should not just look at the resistance and the forces which undermine or embrace it; we should also consider the particularity, the power and the reconstructing effect which is embedded in and unleashed by the international standards themselves.

This chapter comprises three parts. The first part (section 3.2) introduces the Human Rights and Policing training programme and its training manual. I analyse the manual taking into account the fact that it has been put together with the direct help of the international human rights world, and discuss the cultural meaning and power with which it is imbued by virtue of this origin. The second part (section 3.3) concentrates on the setting up of the training programme at the management level of the police. I show how the training programme’s influence has been defused through the restyling of its organisational status, and how it nevertheless has led to an apparent widening of the transnational consensus on policing and human rights. The third part (section 3.4) is about how the trainers who actually carry out the training reshape its content to make it meaningful to the police officers being trained.

With regard to the conceptual tools I use, I would like to make two points. Firstly, in order to stress the many mutations and variations of international human right discourse, I use the idea of “talk” rather than the concept of “discourse”. The concept of discourse seems to be somewhat overloaded with implications of an all-encompassing nature and it immediately signals a certain reality and regulation of behaviour.⁵⁹ “Talk” signals something of a more flexible, even flippant, nature. It is easy to imagine having

⁵⁹ For the difficulty associated with applying the analytical category of “discourse” to a micro analysis, see for example Purvis and Hunt (1993).

various talks in close proximity to each other without these suppressing each other. It is the idea of a cacophony that is expressed through the idea of various talks, while "discourse" implies a more harmonious voice. Using the concept of "talk", however, does not mean that it is just an analysis of the spoken word. Textual documents and institutional arrangements feed off and reproduce a certain talk, and power can be embedded in and derived from this. Thus I am including these in the "talk" analytical category.

Secondly, I will consider human rights talk with regard to two aspects: (a) the social conditions that produce a certain type of human rights talk, in other words the spatio-temporal as well societal and cultural position of the speaker (this can be a group of speakers or a particular institutional arrangement from which talk emerges) of a particular form of human rights talk; (b) the intratextual meaning of the talk: what are the truths and silences which are constructed within a certain human rights talk and what kind of concept of the subject emerges out of this? Following Chalaby (1996), I understand the two aspects as being contingent on each other in the sense that the first reflects fully in the second and vice versa.⁶⁰

3.2 Part One⁶¹: The Human Rights and Policing Training Programme

3.2.1 Setting the scene

As pointed out in the previous chapter, it was commonly accepted by the new government that some form of intervention was necessary to ensure that police officers would make the transition from serving the old apartheid order to serving the new constitutional, democratic order (Shaw 2002:27). Eager to please the new government, the management of the SAPS obediently took up the challenge. In 1995, the senior police

⁶⁰ For the difference between the intratextual discursive analysis and an analysis of the social conditions see Chalaby's (1996) article, "Beyond the Prison-House of Language: Discourse as Sociological Concept." The article criticises the prevalence of a too textual approach towards discourse analysis, and stresses the importance of the context which produces a certain discourse, and which fully reflects in a discourse.

⁶¹ Due to its length I have divided this chapter into three parts. Each part, while interrelating with each of the others, contains an independent discussion of the subject matter and verges on being a chapter in its own right.

officer, Director H. Brink, was appointed from within the SAPS's Legal Services to set up and head a Human Rights and Policing Programme. His job description instructed him to introduce human rights to police officers, although this instruction was not further defined. Initially at loss about how to master the task, he sought and received input and guidance from various international organisations. With their enthusiastic assistance, he embarked on the development of a training manual and a three-day Human Rights and Policing training course (Interview, Brink, 23 September 2002).

The training programme was launched in 1997. In 1998 an initial 20 trainers were appointed on a voluntary basis. Over the years, this pool of trainers was expanded. The trainer-volunteers received training from human rights experts. The training of ordinary police officers started in 1999. It was expected that 20 to 30 police officers would be trained per three-day course. Courses were to be held across the provinces and coordinated by the newly-appointed provincial human rights and policing training coordinators. The goal was to train 100 000 of the SAPS's officers by 2002 (Rover 2001:2).

The training manual *Human Rights and Policing: Presenters' Guide for Law Enforcement Officials* (Cronje and Venter 2000) was to form the core of the Human Rights and Policing Programme. A great deal of effort went into designing the manual. It is well packaged and is supplemented with a range of visual materials and little handbooks which enhances the sense that a lot of effort and care must have gone into it.

The manual comprises thirteen chapters. The first chapter offers an introduction to human rights, starting with various international documents and the classification of human rights into civil and political rights on one hand, and social and economic rights on the other. This is followed by a history of human rights and policing in South Africa. Chapters 3 to 5 deal with classic issues of human rights in policing, such as arrest, detention, investigation of crime, and search and seizure. The rights and limitations of rights applicable to these four thematic areas are outlined. Chapter 6 deals with the labour rights of police officials. It introduces the concept of the rights of police officers with regard to industrial action, as well as occupational procedures regarding disciplinary issues and grievances. Chapter 7 deals with the various procedures through which human rights should be overseen, including peer control and investigations by the Independent

Complaints Directorate (ICD). Chapter 8 outlines the responsibilities of police management in relation to safeguarding human rights.

These chapters are meant to be discussed on the first two days of the course. The third day is meant to start with Chapter 9, which is about equality and the principle of non-discrimination. Under this heading issues of discrimination between police and the public are discussed, as well as employment issues such as affirmative action. The last four chapters, Chapter 10 to 13, are about so-called “vulnerable persons – non-nationals, children, women and victims of crime.

The training is meant to take place in a participatory manner instead of a lecture approach, with the trainers acting as facilitators rather than instructors. It is meant to end with a test, which serves as an evaluation of how much police officers have absorbed (Cronje and Venter 2000).

3.2.2 “The making of...”

I met the Head of the Human Rights and Policing Programme (HRPP), Director H. Brink, for the first time in 2001. He welcomed me to his office at SAPS headquarters in Pretoria in a very open way, and also introduced me to the deputy head of the HRPP, Captain Ngwenja. Director Brink’s office did not appear to be part of its surroundings. Its interior design distinguished it from all the other offices at the headquarters. It was neither the dull, functionally furnished office that is commonplace, nor did it have the romantically frilled pastel curtains and hand-knitted throws which gave testimony to a particular kind of conservative-romantic Afrikaans interior design, nor did it have the props of a real chief’s office such as a heavy wooden desk or oak cabinets. Instead, its walls were painted in burgundy red and decorated with Director Brink’s own paintings. These were surrealistic depictions of rural African themes such as wildlife, the *veld* or a *rondavel*. Office tables and chairs were covered with African print fabric. While not out of place in some bohemian and cosmopolitan middle-class suburbs of Johannesburg, such *Afro-chic* was rather unusual in the middle of police headquarters where neither bohemianism nor cosmopolitanism had many followers.⁶²

⁶² The love for everything “African” and “authentic” also tended to characterise the interior style of the homes of those who had come to work for international organisations or local NGOs. It was seen as

In a strange way, the interior design of Brink's office was indicative of the status of the Human Rights and Policing Programme. On the one hand it was an eccentric oddity which was endured out of necessity but hardly "organically" integrated into the larger organisation. On the other hand it spoke of the alliance and orientation of the programme towards a middle-class world, one of international cosmopolitan actors to which the head of the programme clearly aspired. The initial development of the HRPP had relied entirely on funding external to the official police budget. It had been financed from funds of the South African Reconstruction and Development Programme (RDP), and donor money from a range of international governmental and non-governmental human rights organisations (referred to as international organisations or I/N/GOs hereafter). Also the majority of expertise and content input came from these international organisations.

The RDP was the first comprehensive, national economic programme of the new government, and the HRPP fell under its sub-programmes of "democratising the state" and "development of human resources". The RDP had emerged in 1994 from the close co-operation of various actors of the national liberation struggle such as trade unions, the civic movement (including the South African National Civics Organisation, SANCO), the United Democratic Front (UDF) and formerly exiled activists. It was heralded by many as a progressive and truly leftist programme. As Marais (1998:193) states, the RDP represented "the ideals that had propelled the struggle against apartheid", and it set out economic policies which were geared towards transforming South Africa into a politically and economically just and equal society. It drew heavily from an international language of social justice, and championed the inclusion of judiciable social and economic rights (Davis 1994; Klug 2000). Regarding the transformation of state institutions such as the police, it supported the new government's attempts to create legitimacy of its institutions through subjecting them to international human rights standards.

From the international community there had been great eagerness to set up the Human Rights and Policing Programme. A whole range of organisations had stood ready to shape and support it. These included Amnesty International, the British High Commission, the Human Rights Unit of the Commonwealth Secretariat, the Danish Centre for Human Rights, the European Foundation for Human Rights in South Africa, the International Committee of the Red Cross (both the South African office and its

symbolising an identification with the formerly oppressed "authentic Africa" side of South Africa. In Adam Levin's (2005) book, *The Art of African Shopping*, one can find such Afro-chic taste and its Bohemian and cosmopolitan flavours. Its back cover blurb says: "A fantastic buy for foreigners as well as people who are proud to live on the African continent."

headquarters in Geneva, Switzerland), the International Organisation for Migration, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the Swedish International Development Co-operation Agency, the United Nations High Commissioner for Human Rights, and the United Nations High Commissioner for Refugees (Cronje and Venter 2000).

Such readiness had been generated through the developments of post Cold War attitudes which pushed human rights and issues of police transformation onto the development agenda, and the agenda of international co-operation (see Chapter One). The South African case offered the perfect occasion for the application of such an agenda. Firstly, South Africa had produced the embodiment of the global shift in which human rights had become *the* officially legitimate political global discourse following the demise of the Cold War. It had produced what was described as a miraculous transformation from evil to good (Waldmeir 1997). In this context, evil was unambiguously evil, since the violation of civil and political rights along racial lines had been condemned by international consensus, especially after the end of colonialism.⁶³ "Good" meant without (too much) civil strife and willing adherence to all the requisites of a liberal democracy, such as the (neo-liberal) market economy and human-rights-based constitutionalism. The South African police force represented a case for intervention of special exigency and great symbolic importance in order to complete the rise of this human rights-based democracy.

Secondly, the international organisations happily applied their new agenda to South Africa since it offered a sound case. I/N/GOs were often in danger of compromising their integrity in the course of pursuing the transformation of police organisations due to a lack of commitment from the respective governments and the danger of being seen as complicit in non-democratic activities. In South Africa, the new government was initially rather suspicious of the police force, and actually looked towards human rights instruments and the international organisations to help them to gain control over it (Shaw 2002:28-29). This erased possible ethical pitfalls for I/N/GOs.

⁶³ By contrast, in the transition of former socialist or communist countries towards so-called democracy there was always some looming spectre, reminding the world that, even though socialism had failed, it had represented an attempt to realise social justice for all.

Thus the South African police transformation was not only ethically acceptable for I/N/GOs, but made it utterly desirable to provide funding and experts. It offered an undisputed and obvious case for intervention, and the possible success story for which I/N/GOs were looking in order to justify their existence at home (mainly in the North) and to trigger new funding and support (Fischer 1997). The long list of international funders and experts engaged in the development of the HRPP is testimony to this auspicious conjuncture.

The HRPP had thus come about as a product of this international eagerness and its overlap with the South African government's own social justice agenda as expressed in the RDP. The huge share in expertise and funding which the international organisations had in the HRPP's development, and the congruence of the RDP agenda with the international human rights agenda, makes it reasonable to conclude that the HRPP was a direct reflection and actualisation of the international level of human rights within the context of policing. It was produced as part of what has been called the advocacy revolution, in which international NGOs became pivotal to contribute to and watch over the implementation and breach of international human rights standards. Also, the fact that the product of this co-operation was a training course, speaks of such direct reflection. As Stammer (1999) states, training, especially human rights training, forms one of the favoured interventions within the field of monitoring and implementing international human rights standards. The setting up of the HRPP also reflects the shifting agenda of international development organisations to include issues of human rights. As such it provided an international dimension which directly linked the HRPP to the realm of international human rights standards and instruments. In the following sub-section, I will discuss the consequences of this link and the way it shaped the Human Rights and Policing Programme.

3.2.3 *The human rights industry*

The international human rights organisations that contributed to the HRPP are listed in the appendix of the Human Rights and Policing Programme training manual. The list reminds one of the extensive catalogue of international donors provided by Ferguson (1994) in his critique of development aid in Lesotho, which he develops in *The Anti-Politics Machine*. The massive development intervention in Lesotho prompted Ferguson to call the multiplicity of organisations a “development industry”. He uses the idea of an industry to indicate that these organisations, taken as a whole, shape and produce their own reality. In the Foucauldian sense, this means that development intervention forms a discursive, productive grid that structures reality for those who are subjected to it. The notion of a “human rights industry” has also been used by others (Stammer 1999; Wilson 2001, 2003) to suggest the manufacture of a mass produced product on a conveyer belt, with its concomitant repetitive motion and standardisation. In such a metaphor the idea of capitalism, profit making and self-interest are not far behind. Calling it an “industry” creates a distance which allows one to examine the phenomenon with some detachment and to scrutinise the claims of “doing good” or “helping” that those organisations promote to legitimise themselves.

With regard to claims of “doing good” made by the human rights industry, Pheng Cheah (1997:247) explains that international governmental and non-governmental human rights organisations advance a notion of human rights derived from “human dignity as the supreme value that transcends all material interest or imperial inclinations. ...Each vision of human rights is seen to be separate from the realm of particularistic political and economic interest.” In addition these organisations claim a “normative status of an international public sphere or ... a global civil society” (Pheng Cheah 1997:253), making claims to a transnational manifestation and cosmopolitan outlook. We can add to this the observations of Talal Asad (1983) who points out the decisive assumptions made about who is local and who is not. *Local* people “are attached to a place, rooted, circumscribed, limited” (Asad 1993:8). By contrast, *non-local* people are “unlimited, cosmopolitan, universal, belonging to the whole world (and the world to them)” (Asad 1993:23). The idea of the local is thus a highly political one, because it implies that while some people are local in the sense of “locatable”, and can “be observed, reached and manipulated” (Asad 1993:24), others, the non-local, are beyond reach, and beyond observation and

description. While the local people are caught up in parochialism, the non-locals are by definition redeemed from parochialism and cultural baggage. As such, it is always local culture which poses an obstacle to the "correct" understanding and appreciation of the universal. In the world of international human rights organisations, this assumption means that it is never the culture of international actors that poses an obstacle to correct understanding. The obstacle that stands in the way of the universal good is always seen to be the *local* misconception about human rights, *the other's* lack of understanding and *the other's* clinging to cultural differences.

Thus, to scrutinise the human rights industry we have to go beyond the industry's own obscuring claims of occupying the moral high ground and being beyond observation. Instead we should turn the tables and consider this industry's perspective precisely in the light of what it tries so hard to mask: particularity and locality, with all the notions and concepts that go hand in hand with such premises, including the observability of people and face-to-face contact between people, and their specific positionality. This approach will allow us to see the extent of the hidden parochial and local cultural norms with which the transnational is imbued.

3.2.4 The culture of legal positivism and the social life of international human rights standards

One of the few people who have taken on the task of describing the culture of the international realm of human rights is Stammer (1999). He contends that the human rights industry draws from and thrives on a legalistic and rather orthodox outlook on human rights, orienting itself towards the international institutionalisation of the instruments of human rights. He characterises the discourse which informs the "industry" as "legal positivist":

[However] the phrase 'legal positivist' is not being used here in its technical sense. Rather I am using it to signal the intention and ambition of...the global human rights industry. There is an enormous literature on the international bill of rights and regional human rights instruments dealing with issues such as standard setting, monitoring and reporting, enforcement, and interventions. In short, this is a literature overwhelmingly

concerned with the establishment, implementation, and enforcement of human rights as international public law (Stammer 1999:991-992).

Legal positivists, preoccupied with the aim of strengthening human rights, and therefore instrumentally drawn to the power that is embodied in the judicial world and which is derived from recognition by states, create a certain exclusive notion of what is "proper" human rights talk. They and their documents draw authority from their orientation towards the international instruments and, as Bourdieu (1987) would argue, push the juridicisation of human rights by arguing for their justiciability of human rights and production of human rights jurisprudence based on international standards and instruments.

For total strangers to the human rights industry, international public law in the form of international human rights standards and instruments means abstract legislation, complicated wording and opaque procedures. For human rights activists, human rights NGOs and international experts in the field of human rights (and policing), however, these standards are familiar, concrete, self-evident and tangible. These actors often have the educational background and the "cultural capital" which allows them to acquire the "juridical capital", which in turn makes those standards legible and possible to apply (Bourdieu 1987). Thus the world of international standards is marked by this cultural capital and these educational standards.⁶⁴

However, it is not just their ability to comprehend and apply the legal aspects of international human rights standards which renders these standards so familiar and important to them. There is also the dimension of their emotional and personal investment in these standards, which is produced by and in turn reproduces what I would

⁶⁴ It has been pointed out that participation in the international legalistic realm requires a particular set of social and cultural requisites such as a middle-class to upper-middle-class education (or at least the possibility to rub shoulders with it) (Bourdieu 1987; Dezalay and Garth 2002a/b), as well as cosmopolitan aspirations (Pheng Cheah 1997; Riles 2004).

like to call the *social life* of international human rights standards.⁶⁵ It is important to make analytically accessible the socialising that takes place in the shadow of international human rights standards. By “social life” here I mean how the consensus about the primacy of the standards is contingent on a certain form of sociality. The professional (and even personal) identity of international human rights activists and experts, and their justifications of practice are often closely intertwined with these standards. In carrying out their functions, they meet with their peers, producing, reproducing, aligning and assimilating similar discourses about the international standards and affirming each other in what they are and what they do. Riles (2004) gives an account of how, in the run-up to the Beijing UN Women’s Conference in particular, and in the emergence of women’s issues as international women’s (human) rights in general, a plethora of networks emerged whose official aim was to share information. She shows how the self-referential nature of these networks, including their proliferating flow of information – in the form of documents and declarations – served to draw more and more people into the networks, so that ultimately, the circulation of documents was an end unto itself. Although, on a formal level, participants in these networks refuted the idea that the networks were reflective of personal relationships, Riles (2004:60) shows that there was actually an “underbelly of personal relations to the formal linkages of the network.” She describes, for example, how members of different NGOs, which were part of an international Asian women’s network, regularly spent hours on the phone discussing “persons, their disputes, their personal histories, their motivations, and their mistakes” (Riles 2004:68). In these personal relationships one finds the same kind of self-referential dynamic: “What then defined networkers most of all was the fact that they were personally and institutionally connected – knowledgeable – about the world of institutions of networks” (Riles 2004:59).

To give some examples of the social life and sociability of international human rights standards, I would like to add two partly self-reflexive examples, drawn from my

⁶⁵ The notion of the social life of (human) rights has been applied before by, for example, Wilson (2003) and Oomen (2005). Here the idea of social life stands for the exploration of “rights at the level of social practice: how are rights applied – and what are they applied *for* – in everyday legal processes” (Wilson 2003:5). However, I am applying the term here differently. I am drawing from its colloquial sense as in “having a busy social life” in order to highlight the informal socialising which takes place in the shadow of international human rights standards.

own experience as a participant in this social realm, although neither is directly concerned with the topic of human rights and policing in the South African context. The first relates to a UN conference in Geneva – one of the prime arenas of the transnational circuit of human rights – and the other involves an NGO which is mentioned in the HRPP manual, so this detour may well be constructive.

My first introduction to the social life surrounding international standards was in the summer of 1995, when I went was an observer for a Dutch NGO at the fourteenth annual meeting of the UN Working Group on Indigenous Populations in Geneva. It was the beginning of the International (UN) Decade for Indigenous Peoples, and the Beijing Conference was to be held later that year. The struggle for indigenous populations had gained significant international recognition through reference to international human rights standards. After several days, the various representatives of indigenous peoples' organisations from around the globe made their representations to the plenary session. Progress on the collective document, which was to stipulate indigenous peoples' rights and demands, was slow and tedious. However, for many of the participants, the meeting was primarily an opportunity to reconnect with like-minded participants whom they had met in similar meetings over the years. The exchange of little presents between the delegates was a common feature of these encounters. For first-timers to the event, it was a new experience. By the end of the meeting, however, we had made many new contacts and could link faces and personalities to what had been anonymous affiliations or even unknown entities.

The aspect of sociality was further reinforced by the meeting's evening programme. The delegates were invited to social gatherings at what was colloquially called (by insiders) the "UN Beach". This referred to playing grounds and leisure facilities around Lake Geneva reserved for UN employees and their guests. The term "UN Beach" very comfortably brought together two things which one would normally consider as rather opposed realms – the realm of the global, transnational giant, the official organisation that dealt with all the serious matters of the world, and the realm of the beach, which stands for a spatially-defined – and thus locally-defined – expression of leisure, pleasure and informality. And the same fusion of meaning took place during those evenings. On the one hand, the evenings' sociality gave a face and emotions to the

seemingly purely strategic global networks, international standards and concerns around which the Working Group was built. On the other hand, it made the participants feel connected through their shared interest in the international standards.

My other example draws from the time when I was working for an international human rights NGO. I was evaluating a human rights project, and I had to interview different role players to extract the "lessons learned". These people were members of various international human rights organisations that were critical of each other – for example, the one claiming more independence from governments, another more bound to diplomatic protocol but with more access to state officials. While I was interviewing, it became apparent that they had all at one point been colleagues working in the same organisation. Although they had moved on, they had kept up their friendships and now provided each other with access to their organisations, despite the ideological demarcations. They regularly phoned each other across continents to discuss, informally, both professional and personal issues. This allowed them to successfully feed from each other's programmes while upholding organisational differences. They were very happy to admit all this to me, since they considered me to be an initiated insider, but when I suggested including this information in the evaluation, as one of the aspects that had contributed to the success of the project, I was admonished and told to simply refer to the official positioning of the individuals concerned and their organisations. Several things became clear to me: (a) their similar social backgrounds and career paths had enabled their friendship, (b) their friendship was reinforced because they shared the same kind of realm – of institutions built up around international human rights standards, (c) the friendship animated and brought to life the international human rights standards, and (d) work was carried out by tapping into and reinforcing these friendships. It is factors such as these which make for the social life of international human rights standards.

Of course, the international human rights world is not a homogeneous group. Ideological rifts may be pronounced, for example, between someone who is working for a government as a human rights ambassador and somebody working for an independent NGO. Symbolic struggles, as Bourdieu (1987) describes them, also take place between more doctrinaire people and those who are more praxis oriented. But it is precisely such rifts and conflicts that allow us to call the human rights world a locality. Differences,

which to an outsider appear as hardly noticeable nuances, become for insiders deep ravines and reasons for clashes. At the same time, much more fundamental ideological divergences are rarely invested with the same amount of emotional loading and invite less everyday bickering, since they are too removed to generate heated debate. It is in fact the ability to see the nuances as magnified that makes one an insider and creates a sense of belonging. Proximity in this sense is not a spatial aspect, since the people involved work and live across the world; it is a strategic, social and emotional phenomenon – a “proximity of semiotic patterns” (Mol and Law, 1994, in Riles 2004:65).

Thus the social life of those who belong to organisations involved in promoting international human rights standards produces its own common sense. Within this world, assumptions such as the normality of the legal positivistic outlook, the sense of virtue drawn from working in the name of human rights, and the primacy of international human rights standards are accepted as the norm. This makes a cultural imprint on what is produced. The legal positivist discourse and other normative assumptions stemming from the cultural-specific bias of the industry have left their mark on the Human Rights and Policing Programme in the form of what I would like to call “parochial residues”. By evoking the idea of parochialism, I want to stress that I am looking at the HRPP through a lens that recognises the transnational as local, and brings to the surface the assumptions that underlie the culture of the international human rights (and policing) world.⁶⁶ What follows is a symptomatic reading of the training manual and the commentary by actors involved in its making. This reading highlights other ideological assumptions and some more specific aspects with regard to human rights and policing, which have made their way into the HRPP and which clearly link it to the international human rights industry.

3.2.5 Residues of international human rights parochialism

⁶⁶ Berger (1992) has used the term “parochialism” to describe the failure of his discipline. He claims that sociologists, because of their parochialism – in the sense of isolation and a tendency to move only among like-minded people – have failed to recognise important new global developments such as the continued importance of religion. Parochialism also blinds them to recognise developments in the world which would contradict the values on which their own community and *raison d'être* is built. The analytical fruitfulness of applying the term “parochialism” here lies in the moment of unexpectedness, applying it to a group that generally claims to be worldly and which is generally the observer rather than the object of observation.

3.2.5.1 The primacy of international standards

The fact that “introducing human rights to police officers” takes the form of a three-day training course can be seen in itself as indicative of the influence of the international human rights industry. The “obsession” with monitoring and implementing international human rights standards is common to the “industry”; and training, particularly human rights training, represents one of the favoured interventions and instruments of implementation (Stammer 1999). Duffield (2001) and Jefferson (2005) argue that the implementation of human rights standards in general, and human rights training in particular, presuppose a certain modernist and liberal outlook, with the assumption of a linearity in the translation of rights into practice.⁶⁷ Thus the choice of training as the mode of intervention reveals the underlying assumption of a certain imposition of social practice as one of the parochial residues of the international human rights world.

The most pervasive but also the most naturalised residue of the training manual itself is the insistence on the primacy of international human rights standards. This can be seen clearly in the training video that accompanies the manual. In the very beginning, the video presents an address by Mary Robinson, the then UN High Commissioner for Human Rights.⁶⁸ As Director Brink proudly recounted, for him and the others involved in the development of the training package, it had been a great honour and achievement to get a person of such international stature to lend her voice

to the training manual by directly addressing the police officers of the SAPS. However, none of the officers to whom I spoke during my research had ever heard of Mary Robinson. Even less did they know the structures within the UN from which she came. If anything at all, for them the UN meant military intervention in troubled foreign countries. As such Robinson’s introduction carried little of the weight that the developers, who were familiar with her, had hoped it would. It seemingly went unnoticed to the developers that for any special authority to radiate from what she was saying, one needed to have a good

⁶⁷ Duffield (2001, in Jefferson 2005:499) argues that best practice manuals and (human rights) training courses “reproduce the illusion of a replicable and predictable environment”. Newtonian models of stable mechanistic machines commonly inform development policy and discourse, failing remarkably to account for the complex, systemic networked nature of subjects of development discourse..

⁶⁸ Mary Robinson became the United Nations High Commissioner for Human Rights on [12 September 1997](#).

sense of who she was. Thus her appearance represents a rather self-referential homage by the developers of the manual to *their* human rights heroes. Parochialism here means not being able to imagine that what is important to those “inside” is not automatically of importance to everybody else.

The international status of human rights standards is assumed to have a self-pervasive effect on police officers.⁶⁹ This becomes apparent in the first chapter of the manual. After a quick summary about the wide powers police officers enjoyed during apartheid and the abusive deeds some police officers committed, the chapter continues:

South Africa became part of the international community. Our government signed most of the international treaties and conventions, thereby committing our country to the principles in those documents. It is, therefore, important that we also adhere to the international principles applicable to policing (Cronje and Venter 2000, chapter 1: 5).

This might appear as a factual statement within the consensus of international law, where it is a fundamental premise that if a government signs a treaty then its institutions will be bound by it. But it is not clear whether this is equally self-evident for police officers. More than that, in the context of the training manual, this statement is not just meant as a factual statement. Instead, it fulfils a performative function (or speech act).⁷⁰ This means that something is *done* with words; by saying something, something is called into being or created. This intent to trigger an act (performance) by saying something is called “illocutionary force”. Here the illocutionary force lies in conflating *what should be* with *what is*. This means turning the normative prescription stating that “when a government signs international treaties it *should* be truly committing itself and its institutions to it”, or “when human rights are recognised internationally they *should* be binding for everyone”, into a truth, which then produces a corresponding reality. The illocutionary force is

⁶⁹ The training manual discusses the role and the establishment of the South African Constitution only secondarily to the international legalistic standards, supporting further the primacy that is given to international standards as the main source of authority and legitimacy for human rights.

⁷⁰ For the theory of performative speech acts see Austin (1980). For the application of this language theory in anthropology see Silverstein (1993, 1998) and Das (1996).

applied to police officers with the intent of drawing them into the consensus about the truth of the enunciation and making them act according to the primacy of international standards. As such the list of international documents that are "important" for police officers becomes compelling, simply by pointing out the international status of those documents. By making these statements, police officers are asked to accept and subscribe to the postulation. The illocutionary force becomes the substitute for a more coercive force to compel police officers to adhere to the international standards.

Equally revealing with regard to the primacy of international human rights standards is the following comment by Captain Ngwenya, a full-time staff member of the HRPP. I mentioned to him that some police officers are not just misled but that they might be convinced that adherence to human rights limits police powers. He responded:

South Africa has committed to a lot of international treaties and human rights instruments, which bind South Africa, so there is a real obligation South Africa has in terms of its police force. Unfortunately these obligations are mainly understood and accessible to legal people.

This comment is remarkable because it acknowledges the contingency of recognising the importance of international human rights instruments to the ability to access its legal rationale, which is predominantly available only to those in the legal or semi-legal professions. At the same time it confirms the inevitable and compelling logic that is inscribed in the recognition and status of international human rights instruments. Captain Ngwenya did not notice the contradiction in his own remark – that if the international instruments can only be comprehended and accessed through a very particular and exclusive knowledge, how can they at the same time be relevant to

everyone, including the police? As such the comment testifies to the fact that the contradiction is masked; instead it is the legal view which becomes normalised as "common sense" and consensus.

3.2.5.2 In pursuit of moral neutrality: don't alienate the trainee

The organisation of the training manual has a substantial bias towards viewing human rights primarily as technical standards, downplaying the moral and political dimension that human rights can take on in specific historical and societal contexts. In this sense it confirms what Bourdieu (1987) describes as the force of the law, where a formalist or technical legal approach assumes the capacity to create broad legitimacy, since it seemingly renounces the idea of subjective and particularistic judgement. This is further confirmed by the great hesitation of the training manual to address the implication of human rights in morally judging the role of police officers during apartheid.

Another subtext of the manual is that police officers commit human rights violations simply because they do not know better. This is applied, in its reverse logic, to how the training will become effective: in other words, once police officers know about human rights, they will stop committing human rights violations. During the preparations for designing the training programme, a so-called "human rights knowledge audit" was carried out. This "was used as the basis for the needs assessment of the RDP training programme on human rights and policing" (Cronje 2001). The assessment concluded that "most members did not know much about the Bill of Rights and basic Human Rights Law and were still abusing other peoples' human rights" (Cronje 2001:3). Note the way in which the phrases "did not know much about" and "still abusing" are linked in this sentence, which suggests that knowing about human rights will put an end to abuse.

This presupposes that there is a strong ability and readiness on the part of a police officer to do the "right thing". This is exactly how the police officer is imagined throughout the manual. The police officer is presented as an *ignorant subject* who has no conscious or unconscious objections to taking on human rights, and who has the autonomy to choose to do so once he/she is given the right information. This depiction of

the ignorant but autonomous subject avoids a more complex conceptualisation of social practice as well as the moral and political dimensions of human rights, especially in the South African context.

The introductory chapter of the training manual attempts to navigate the moral and historical dimension of human rights in South Africa, but this is done with great caution. This caution reveals the awareness of the developers of the manual – despite all the pretences about the neutrality of human rights – of how sensitive the issue of human rights is with police officers. The manual avoids holding police officers directly responsible for human rights abuses in the past. It allows them a way out, so that they do not necessarily feel directly addressed by the moral judgment inherent in a human rights perspective. Any ascription of moral agency in relation to acts of violence during apartheid is kept to a minimum. The moral balancing act between the burden of history and avoiding alienating police officers becomes apparent in the introduction of the first chapter:

Previously the police were perceived as the great transgressors of human rights, because they were given wide powers to deny the people's human rights (Cronje and Venter 2000, chapter 1: 4).

A distance is created by inserting the word "perceived"; this suggests that it is not an indisputable fact that police were transgressors but rather that it is a certain perception of what happened in the past. Also, the implication is that if police officers did do wrong, this was because they were given such wide powers. Thus, it was the system that made them become transgressors of human rights, rather than the fact that they were consciously engaging in evil acts as morally responsible agents. The text continues:

Some police officials used unlawful methods to gain evidence and to solve crime (for example, torture), did unlawful arrests, detained people unlawfully, and in general treated victims and perpetrators in an inhuman and degrading way (Cronje and Venter 2000, chapter 1: 4).

Here the redeeming word is “some”, evoking the bad-apple theory when it comes to acts which would have qualified as abuse even under the wide legal powers of the apartheid state. This leaves the majority of police officers untainted and momentarily suspends the sense of moral agency which the idea of human rights tends to inscribe onto its perpetrators.

The next section of the manual makes a leap into the present, dealing with the continued “perception” of a “bad human rights record”. It says that such bad perceptions by international organisations and by the community “is why it is important for us to change.” Here, under the purview of the international standards, the police officers are suddenly addressed as “us” in their collectivity, ascribing moral agency to all of them. However, it is done in an encouraging and forward-looking spirit which allows the ultimate judgement about their conduct to be suspended until the future. It is interesting to see that as the text turns towards the role of police in the post-apartheid period, their subject position suddenly becomes one of a fully responsible moral agent. This is obviously necessary in order to sustain the logic of the training, because the training wants every police agent to become responsible for his or her actions instead of continuing to hide behind the system or their seniors.

But even then, just as the inclusive “us” is mentioned, the text makes a radical turn towards a different topic, as if it does not want to linger too long on the “us”. It again

draws attention away from any agency that police officers may have in relation to the abuse of human rights:

The greatest threat to human rights of all people in South Africa is crime (Cronje and Venter 2000: chapter 1:4).

If what has been said so far has alienated those taking the course, their “buy-in to the training” is now recaptured. A different enemy is evoked – the criminal – and he is presented as morally even more tainted. Compared to the earlier cautious formulations, this is said in a much stronger, more matter-of-fact tone. The idea of the moral other, the perpetrator, the outcast, is shifted away from the police officer, allowing him to assume the morally positive identity of a crime fighter instead of being under moral scrutiny himself.

3.2.5.3 Dispassionate police practice

Following the introduction, the manual's chapters deal with operational issues of policing such as arrest, the use of force during arrest, search and seizure, detention and investigation of crime. As mentioned above, these chapters try to remain primarily technical: elaborating the rights and limits of rights applicable under the various themes. For the most part the chapters are meant to bring about the dispassionate application of policing powers; that is, there is an attempt to diminish the scope for discretion, personal judgment and acts of punishment. The text proposes that police officers accept their role as purely instrumental middlemen between society and the law, without assuming self-

appointed tasks. For example the purpose of arrest is described as the “lawful method of securing the attendance of the accused in court” (Cronje and Venter 2000, Chapter 2: 3). One page further on, the idea that arrest could be a more passionate, self-styled and self-appointed act to carry out justice is explicitly refuted by the statement “arrest is not a method to temporarily remove a person from society in order to clean up the area, nor it is a method of punishment” (Cronje and Venter 2000, Chapter 2: 4). Here the point is to deny the possibility of any form of informal justice where police officers act out of discretion.

Police officers are dissuaded from passing judgement by the promotion of the concept of the “presumption of innocence” – that is, innocent until proven guilty by the law rather than by the insight of the police officer. The principle of the presumption of innocence is repeatedly invoked to inscribe a detached attitude in the police officer (Cronje and Venter 199 or 2000, Chapter 2:3-5, 11, 12, 13, 28; Chapter 4-6, 8). This repetition is a clear attempt to imprint the principle, to make sure it sticks in their minds. Police officers are asked to convert the experience of a specific incident of arrest or crime into an abstract reading of it, where the police officer is simply an enabler so that the legal process can take its course. The police officer is thus put secondary and subsidiary to the legal process. Once the principle is established, then a variety of pointers on how police officers should behave vis-à-vis the suspect follow, such as the suspect’s right to remain silent, not to be forced to confess, and how the suspect can apply for bail.

3.2.5.4 Empty human dignity

The principle of human dignity appears frequently in the manual, evoked as applicable to all the aspect of policing.

Not much is said, however, about the nature of human dignity, or where it comes from. Dignity is said in the manual to be inherent and inalienable, and thus it cannot be doubted or contested. As mentioned earlier, this approach elevates the concept above any particularity (Pheng Cheah 1997: 247), and thus there is no need to give it further substance. Again this depends on an illocutionary act through which the inalienability of the concept, in this case dignity, is established. The illocutionary force is enhanced through repetition.

A reading of the manual tells us that dignity only becomes visible in the negative sense, when it is being infringed. Thus dignity is merely the freedom from infringement of dignity. There is no positive definition to give substance to what human dignity is. For police officers this means that dignity is maintained by their restraint and *not* by doing something in a positive sense.

3.2.5.5 Turning violence into force

In the first chapters of the manual, the use of force is discussed. This could be the use of force to effect an arrest, or the use of force to carry out a search or seizure. The manual attempts to create a clear line which separates violence from force. With regard to arrest, it indicates that force should only be applied if adhering to two basic principles – minimum force and proportionality. Minimum force here means to “only use force that is necessary to overcome the threat, resistance or attack” (Cronje and Venter 2000, Chapter

2: 15). Proportionality means that the degree of force is determined by the seriousness of the crime.⁷¹

A hierarchy is given of grades and techniques of force that can be applied – from soft empty-hand control, to hard empty-hand control, to motor dysfunctional techniques, chemical agents, batons and impact weapons, and finally to firearms and lethal force. While the manual concentrates on the calculable things, it does not discuss the possible threat a criminal could pose. It basically suggests that a filter of rationality and consideration must be applied before violence is used. The difference between force and violence is thus that force is measurable, deferred, calculable, instrumental, technically specifiable, independent, fearless and subsidiary to the law whereas violence is not that, it is probably vengeful, spontaneous and possibly fearful.

The training itself does not offer any practice in these various techniques. It assumes that these techniques, methods and tools are available to police officers. As such, its guidelines on the use of force assume a well-trained and well-skilled police officer. Although the earlier section of the manual focused primarily on diminishing the discretion of police officers, the section on the use of force in fact reintroduces the necessity of police discretion. Using their own judgment, police officers have to find the point of balance between “the powers of law enforcement which infringe on the fundamental rights to dignity, liberty, life, security and the fundamental powers and the fundamental rights” (Cronje and Venter 2000, Chapter 2: 12-13). The re-entry of

⁷¹ . At the time when the manual was developed, this meant that a fleeing suspect could be shot at (even if he was not immediately threatening the life of the police officer or bystanders) if the alleged crime was listed as a serious crime and when there was no other way to arrest him. It is mentioned in the manual, however, that this might soon be changed. This indicates that at the time there were already discussions under way which would result in amending the legislation and limiting shooting to pure self-defence or defence of bystanders.

discretion assumes that police officers will apply the discretion given to them responsibly.

3.2.5.6 Professionalising investigation

The rather technical aspect of warrants is handled in a similar way. Warrants are not discussed in much detail, and their intricacies are mainly left to the discretion of the police officer. The manual immediately introduces the possibility “that a person can be arrested with or without a warrant” (Cronje and Venter, Chapters 2 & 4). Only then, and rather tentatively, is it mentioned that police officers should remember that “it is always better to obtain a warrant” (Cronje and Venter, 2000 Chapter 2:4). The manual then refers to the section in the Criminal Procedure Act where these provisions are stipulated. This referral makes it clear that the manual expects to deal with police officers who are professionals and already legally versed.

This image of the professional police officer comes out most clearly in the section on investigation (Chapter 4). An evidence-based form of investigation is put forward, which is intended to replace investigation based on suspects and confessions. As part of this substitution process, the manual devotes a great deal of space to discouraging the practice of admission by conduct (e.g. the pointing out of the scene of a crime or the crime weapon by a suspect). On the one hand, admission by conduct is about gathering evidence. However, this method still relies on the suspect to provide the evidence to the police officers. To discourage this practice the manual states, almost in the form of a concession, that, “the fact that a person makes a pointing out freely and voluntarily and

by doing so, reveals unknown evidence himself, makes the evidence seem more reliable that the accused was indeed connected to the crime” (Cronje and Venter, 2000 Chapter 4: 9). Thus the appeal of such evidence is acknowledged, however it is then immediately qualified. By repeatedly mentioning that the suspect must give evidence absolutely freely and voluntarily and without any undue influence, the implicit suggestion is that it is unlikely that a suspect would actually do so. In establishing the purely evidence-based investigation as the new ideal, the old way of doing things is made to look unappealing, although this is not explicitly stated as such. Thus, the sense that an evidence-based investigation is more labour-intensive and requires a different set of skills is turned into a virtue and offered as an attraction. This elevation of evidence-based investigation is found, for example, in the instruction that it is important “that investigations shall be competent, thorough, prompt and impartial” and “crime scenes shall be carefully processed, and evidence carefully collected and preserved” (Cronje and Venter, 2000, Chapter 4: 5). The counterpart to this is a more negative and repeated insinuation that confession-based evidence is easily shunned by the courts.

3.2.5.7 Implementation through self-discipline

Chapter nine speaks about the labour rights of police officers – their rights as employees. It comes across as conciliatory; as if it were time at this point in the training to give police officers something in return: their rights and entitlements vis-à-vis the police organisation. However, this reversed focus does not last for long. The chapter on labour rights is followed by a chapter which again is about the duties of police officers.

This time it is less about specific rights, and more about the kind of “general attitude” that police officers are expected to have in order for them to operate according to a human rights approach.

The chapter begins with a purely factual statement: “With every human right comes responsibility. Part of the responsibility...is to uphold the human rights of all persons” (Cronje and Venter, 2000 Chapter 7: 3). This circular comment only starts to make sense if we understand it as an attempt to call a truth and its corresponding reality into being, rather than to inform. Its purpose is clearly a performative one.

What the statement tries to bring about is forceful in itself. Responsibilities are very much a matter of internalisation. The statement and the subsequent elaboration on self-discipline echoes Foucault’s concepts of the techniques of the self. In this case, police officers are called upon to take on a human rights perspective of their own account. The impulse to respect human rights is expected to arise from within the police officer rather than to come from some tangible external source of pressure; they take it upon themselves to control themselves. As an extension of this, police officers are asked to report others if they commit human rights abuses. The list of external disciplinary mechanisms is first introduced not as a way of forcing the officers to do this, but merely as information as to where they can report human rights violations. This implies that the police officers who are addressed have already mastered the expected self-discipline and are not themselves in need of these external institutions.

Then, as if the manual is intended to fuse self-discipline and externally imposed discipline, the part on self-discipline moves unobtrusively to the part where the external disciplinary organs are described in more detail. The manual explains quite explicitly that

there are mechanisms which can put pressure on police officers and punish them if they do not act properly. For example, "the failure of the police official to respect human rights can result in... summary dismissal" (Cronje and Venter, Chapter 7: 4).

Of all these mechanisms, the Independent Complaints Directorate (ICD) gets most attention. The ICD is the newest and most tangible invention of external accountability. It clearly reflects the international trend towards forms of accountability, as listed in the introduction.

3.2.5.8 Utilitarian equality

In the next chapter, on equality and non-discrimination, the aspect of inalienable human dignity returns as a central concept, and as the basis for treating all people equally. This chapter mainly deals with how human dignity should inform police dealings with the general public. The focus is on the police duty to protect all people from crime. A widening of police duties is motivated here. The human rights are presented as a positive (proactive) duty, rather than a limitation of the power and discretion of the police. This can be read as a direct response to the belief that apartheid policing made crime control a privilege for a few, while the rest had to experience policing as the enforcement of apartheid laws. Broadening the scope of the police to take responsibility for the security of the whole population is presented as the main way in which the police force will gain legitimacy.

The next section addresses affirmative action and equal treatment of police officers *among* police officers. It begins with setting out the principles of equality and

non-discrimination. This is then qualified by highlighting the fact that historical imbalances have to be taken into consideration when seeking equality. It explains that measures such as affirmative action can address “inequalities and discriminatory practices of the past.” This is immediately complemented, however, with a statement that affirmative action also addresses “the need for representivity for efficiency of the police service” (Cronje and Venter, 2000, Chapter 9: 5-6). Thus, a historically anchored moral argument and a utilitarian argument are presented together. Following a detailed catalogue of measures that constitute affirmative action, a broad range of issues are mentioned pertaining to the efficiency of the service. Affirmative action is presented as a measure to “include and empower those who have been discriminated against in the past” but also “to commit to high standards of productivity” (Cronje and Venter, 2000, Chapter 9: 6). Thus, a clear attempt is made to defuse the idea that affirmative action is purely about reversing the discriminations of the past; instead, the manual tries to “sell” affirmative action as something which will enhance the service of the police organisation as a whole. This section reads like a careful attempt to refute a one-dimensional version of affirmative action as the measure through which black police officers are to be promoted at the expense of white colleagues. It contradicts the manual’s earlier attempt to introduce human rights as morally neutral and its earlier restraint in putting moral responsibility onto police officers for deeds of the past.

3.2.5.9 Vulnerable actors

The last chapters of the training manual deal with the category of “vulnerable persons”. Here, police officers are imagined not so much as people who have to limit their powers, hold back and refrain, but rather as people who take on the positive and active role of protecting those people who easily could become victims of others (Cronje and Venter, 2000, Chapter 10: 4). The image of the child is used to illustrate the idea of the vulnerable person. Accordingly, vulnerable persons are assumed to be weak and in need of special care (Cronje and Venter, 2000, Chapter 10: 5). The example of the child has connotations of limited ability to take responsibility and limited accountability for one’s deeds – a lack of autonomy – evoking the need for patronage.

The second example of a category of vulnerable people is victims. Here, even more so, the definition of vulnerable people has clear connotations. Something happens to vulnerable people; they are the receivers, the passive recipients, rather than the aggressors. Being passive, they lack agency, or their agency is not important.

While each category of vulnerable persons – women, foreigners, the disabled, children, victims of crime – is dealt with separately, by being subsumed under the same heading the attributes are ascribed to all of them.

Finally, the section on the Domestic Violence Act – which is introduced in the manual as protecting women in particular – makes clear the kind of role police officers are meant to play in the protection of vulnerable people. In cases of domestic violence, the manual explains, police are meant to reach out and take an active role in protecting vulnerable people against the belligerence of others, and even against themselves in case their vulnerable status makes them incapable of standing up for themselves.

3.2.6 Concluding comments Part one

The human rights training manual envisions and presents a police subject which is morally redeemed. This subject has little moral agency when it comes to the past, and is ignorant about human rights. The policy subject is neutral, not inhibited in learning about human rights, and has the kind of autonomous agency necessary to change his/her practice. The police officer's ability to evolve as a complete moral and autonomous agent is conflated with accepting human rights.

The main approach of the manual is to present human rights as a practical and technical tool, for the purpose of i.e solving crime, rather than as moral rules that are historically and socially contingent. It normalises the social and class aspects which are related to the legal capacity to grasp the language of human rights. The incentive to take on human rights is seen as flowing naturally from the international status of human rights. The aim is to produce police officers whose discretion and judgement have been sublimated by a sense of instrumentality and a detached and abstract reading of their practice. They are imagined as being fully accepting of their subsidiary status in relation to the law. Force is to be applied purely from this subsidiary position, and is further imagined as calculable and rationalised. Police actions are seen as guided by a sense of technically and legally well-versed professionalism. An even greater level of professional responsibility and virtue is inscribed to police officers when they are dealing with so-called vulnerable persons.

Because of these built-in assumptions, the form of human rights and policing training that it gives rise to represent very particular practices and presuppose very

particular types of police officer. The assumptions prescribe how police officers are expected to change and into what they are to change. It is this particularity that binds the training of South African police officers to the international human rights industry and its sociality, which is marked by specific cultural and social capital. As I will discuss in Part Two and Three that follow, these things are both revealed and rejected in many ways, on the national management level as well as at the actual training level. This rejection can only be understood by taking into consideration the cultural specificity which the apparent neutrality of the training and its affinity to the transnational human rights industry conceals.

3.3 Part Two: The Human Rights and Policing Programme at Management Level

3.3.1 Evaluation

In 2001, two years into the running of the Human Rights and Policing Programme, the Swedish International Development Co-operation Agency (SIDA) initiated an evaluation of the training programme. This was carried out through their project of police co-operation between the Swedish Police Board and the SAPS. The evaluation showed that the success of the HRPP had been hampered in various ways. While the programme's goal had been to train 100 000 police officers by the end of 2002, by September 2001 only 21 974 had participated in the HRPP's three-day training courses

(Rover 2001:2). The evaluation identifies seven main deficits in terms of the implementation of the Human Rights and Policing Programme:

1) [lack of] institutional commitment to human rights; 2) institutional misconceptions and prejudices against human rights; 3) a failure to recognise the importance and benefits of observing human rights for policing, service delivery and customer satisfaction; 4) a failure to give the programme institutional status and priority; 5) insufficient numbers of qualified and motivated trainers; 6) logistical constraints; 7) shortcomings of the human rights and policing programme itself (Rover 2001:vi-v).

These points seemed to support my own findings regarding the shrinking of the status and influence of the programme, derived through interviews with the main stakeholders in the programme, Captain Ngwenya, the second in command of the HRPP, was at times quite frank about the status of the programme. He told me that the HRPP has been left by national and provincial management with “too little to live, but too much to die.” As mentioned in the evaluation and as partly described at the beginning of this chapter, there are more concrete aspects accounting for the reduced status of the programme. For example, token substitutes (such as the non-police officers I encountered at the training class) are sent for training; management is ignorant of the “implementation status of the project in the province” and “demonstrate[s] a polite boredom with the subject of human rights” (Rover 2001:12); “the programme on human rights and policing is not clearly presented as a priority within the SAPS” (Rover 2001:11); and “the perception of non-commitment of senior SAPS members exists and persists” (Rover 2001:7). The evaluation also mentions that “a recent instruction sent out from the SAPS

national headquarters to the effect that participants to human rights trainings courses are no longer to be provided with meals and beverage during the three day course has further reduced the willingness of the members to attend” (Rover 2001:13). This – literal and figurative – condition of undernourishment has forced the HRPP to take on a much-reduced appearance. Below I describe the shape that this reduced appearance took. In doing so I will rely mostly on what has come to the fore during my interviews, rather than on the SIDA evaluation. This is because the evaluation does not consider what there *is* in the light of failure of the HRPP – in other words, the precise nature that the “negative form” takes.⁷²

3.3.2 Reduced but ceremonial status

In an interview conducted with Captain Ngwenya, he discussed the commitment of police management towards the human rights training programme and the unit. He told me:

The commitment is in writing. It is there on the video and in the training manual. But you see, the very management, they are looking at crime, and what they are interested in is that the crime statistics are going down. That is their main thing; they want to see that. There is this gap between management and crime on the one hand, and training on the other hand. And there is no back up in place, of the kind that would say: but within such and such time so many must have been trained.

⁷² As such it is very much in line with the mechanical toolbox style of writing that I criticised in the beginning. This way of proceeding seems to be able to deal only with either the absence of the normative or the normative as projected into the future, but not with what lies beneath the lack, or with what the current situation looks like.

There is an obvious discrepancy between what the management puts officially on paper and what drives their everyday rationale. Crime fighting is played out against human rights and human rights training; the commitment appears as thin and feeble as the paper on which it is written. An inability to make the ceremonial acts of endorsement consequential and significant is expressed in Captain Ngwenya's wish for more leverage to support his requirements for putting the training in place.

Captain Ngwenya even admits that if international NGOs had not taken the initiative, made available the funding, and provided the expertise for producing the training manual, then:

Actually not much would have taken place. You see the budget is confined to purely logistical things. But still there are not enough cars, there are not enough policemen; I am not even talking about salaries. That means it would have been impossible to make money free for the development of the human rights training programme. Without the foreign donors not much would have happened.

He continues:

The same thing happens with the Xenophobia Project. It is a project by the NGOs. And they want to do something about xenophobia, especially for the border police but also the normal police. The police say, okay you can come and train, but who is going to pay? So the NGOs pay for themselves. And then after they have been running the pilot project the NGOs say that this must be going on. Then the police say, 'Unfortunately it was just a pilot project, and it cannot be included in the training.' If it must carry on then the NGOs must pay for it.

This account exemplifies in a poignant way the process of how projects are implemented from outside into the police organisation. The police management willingly offers NGOs a stage on which they can perform their training projects; meanwhile NGOs, out of self-interest, overlook the unwillingness of the police to buy into the project beyond this. Then the NGOs themselves, in order to continue receiving funding and for the sake of their own survival, participate in creating the myth of the usefulness and

efficiency of their training. In the case of the HRPP, they implant rather than implement the internationally oriented and explicit human rights talk within the police. Meanwhile from the perspective of the police management, the project remains a foreign body which occupies and sustains itself like a benign tumour that does not proliferate and spread into the body of the police.

This process of implantation is reflected in the experience of a female, high-ranking Swedish police officer who had been placed within the SAPS. She had been seconded to the SAPS as part of a Swedish programme, with funding of more than R20 million. Her role was to serve as liaison officer between the Swedish steering committee and the SAPS project managers.⁷³ She was to oversee the whole process of co-operation, and to intervene, assist and of course steer where necessary, so that the money would be spent within the outline envisaged by the foreign donor. These projects encompassed a wide range of organisational matters, ranging from human resources to human rights.⁷⁴

The SAPS for their part had allowed Swedish police officer the privilege of an office in the national management offices at police headquarters, and even on one of the higher floors – a gesture symbolic of respect and appreciation. While on first appearance everything seemed to reflect a genuinely co-operative approach, a different picture surfaced during an interview which I conducted with the Swedish officer. She told me that she was well accepted within the police and invited to all their functions and honorary events. However, the moment that she tried to actually steer decisions, exert influence and advise, in keeping with her brief, she was subtly but firmly rebuked. Her advice was seen as meddling, her outsider role was used against her, and her knowledge

⁷³ Within the human rights and policing industry, the approach of letting police officers co-operate with each other, instead of sending in someone who has no policing background, is seen as wise and laudable, and would probably be described as creating new “best practice” standards.

⁷⁴ For a more detailed list of the envisaged projects to be run in the framework of the Development Co-operation between the Swedish Police and the South African Police Service, see Swedish National Police Board (2000).

was undermined with reference to her international status: "They like to tell me that I do not understand because I come from a country where there are no police officers being killed and where there is no crime." In this way, although she was visible officially, effectively she was condemned to the margins of the national police organisation.

In 1995 human rights issues were still explicitly listed and were one of the topics of the annually published "Police Plan", but by 1999 human rights were nowhere to be found. When asked about the disappearance of explicit human rights concerns from recent "Police Plans", Captain Ngwenya argued, this time in a more defensive way, that human rights "are now part and parcel of professional service delivery." He said this with slightly exaggerated vigour, as if he wanted to compensate for something. He clearly downplayed the fact that explicit human rights concerns had become absorbed into a broader concept, where it could mean anything from a vague brief to adopt a friendly attitude towards clients, to a regulatory benchmark such as an increase in successful convictions. The fact is that human rights within the broader police organisation have become blurred. Human rights have been stripped of their exceptional status as technological regulations with a distinct relationship to the international realm. Through the organisational absorption of human rights, the explicit anchorage in the international realm has been erased. In fact, at the time of writing this thesis, the HRPP was under review and was itself to be absorbed into the SAPS legal services instead of continuing as a sub-unit on its own.

3.3.3 Public relations feature

Despite its thinning out, there has been something in the reduced status of the Human Rights and Policing Programme which has proved itself useful to police management, and which could probably save it from being totally absorbed into the legal services unit. Captain Ngwenya told me:

And you know in times when there is...like last year the Dog Unit incident...then everybody is asking what does the police do about human rights? And then suddenly management remembers there is a Human Rights Unit, and then they can say that this is what we are doing for human rights, and then we here at the Unit have to answer all the questions. It is in such times that they can say we have our Human Rights Unit.

Captain Ngwenya meant to point out to me the importance and success of the HRPP. However he did not cite what the Unit had done, how many people it had trained, or what the training had achieved. What he called upon instead was the programme's usefulness for public relations in a prominent case of public outrage: its presentational role, and how it could be used to calm down the public outcry or deflect pressure from politicians.

"The Dog Unit incident" concerned a video made by members of a police Dog Unit. The video documented the Unit's crude training methods. One method entailed randomly picking up illegal immigrants, holding them in detention and then instructing them to run in an open field. The police dogs were then ordered to attack the immigrants and immobilise them. The men were not given any protection. When the dogs caught up with them, they were brutally bitten. While this was going on, the trainers, mainly white police officers, stood around laughing. The video had been leaked to the South African Broadcasting Corporation (SABC), as a result of an internal dispute with one of the police officers in the Dog Unit. It was screened nationally on *Special Assignment*, an

investigative news programme of the SABC. A few days later, it was broadcast over many international channels around the world.

The pictures were obviously evocative of the well-known representations of apartheid policing, with white police officers inflicting sadistic brutality on black subjects.⁷⁵ The programme excited negative sentiments towards the police, which were characteristic of the early transition period and the anti-apartheid struggle years. The police were accused by the public of being “racist perpetrators”, “human rights offenders” and “reincarnated apartheid police”; many viewers were “embarrassed to be South African” (emails to the SABC after the screening on *Special Assignment*). A few years into the transition, such sentiments had generally become much more silent as they were surpassed by concerns with crime, corruption and private security. However, the video had awoken them. To counter the outcry, the Human Rights and Policing Programme was held up to reassure the outside world that the South African police force was dealing with issues of human rights.

Hence, to draw an interim conclusion, the HRPP exists in a logistically malnourished state – consisting of little more than the training manual and its offices – and thus wields little influence. For police management – from national to station level – it functions as a public relations feature which can be employed in times of crisis, when the media, national and international NGOs and politicians decry the police’s human rights misconduct. It then serves to redeem the police force from criticism reminiscent of the early transition and anti-apartheid years.

⁷⁵ Special Branch agents, as recorded in J. Pauw’s *The Heart of Darkness*, were sometimes known to drink and braai (barbeque) while burning the bodies of anti-apartheid activists they had killed – symbolic of similar sadistic callousness.

One could argue that the HRPP has taken on the function of a mirror. The NGOs that had been part of the *implantation* process and which were now demanding to see what the police were doing about the human rights concerns they supported and advanced, were, once the HRPP was used as a PR response, told more or less to look at their own projects and investments. The police threw the NGOs' preferred picture back at them – a picture which the NGOs had enabled the police to hold up in the first place. In a way, the NGOs had given the police the means to create an illusion, a screen through which a different practice could be shielded, while dazzling the outside world with what it wanted to see.

3.3.4 Taking off into the international realm: the broadening of a self-referential consensus

As mentioned before, the evaluation had several points of criticism with regard to the implementation of the Human Rights and Policing Programme. The police organisation was blamed for being unable to recognise the superb quality and importance of the training project. The training manual itself, however, was spared from negative comments. On the contrary, it was heralded as one of the best of its kind in the world. It is worth quoting one of the paragraphs of the evaluation report, which highlights this veneration of the training manual. The evaluator writes:

The author would like to add his own observation on this point [regarding the quality of the manual] on the basis of a broad familiarity with many different packages on human rights and policing. It is his view that the materials produced for the

programme are of the highest quality and deserve to be used as a model for similar initiatives in other countries of the region (Rover 2001:10).

According to Captain Ngwenya, this is exactly what happened. The training manual came to serve as an example internationally. He recounted:

The programme receives a lot of national and international recognition. It is heralded as one of the best of its kind. Government departments all have to deal with human rights, and they are looking at us as the only ones who have their own Human Rights Unit, and they are trying to get hold of our package. NGOs are very much keen to get hold of our training package. I have been asked from Cairo, who have to deal with their police and human rights, to speak about our training, and just today I have been asked by Amnesty International London. And Zambia has asked us as well. Out of our own development, a lot has developed. I am also looking at SADC. They are all interested.

The enthusiasm in the voice of Captain Ngwenya rose as he was describing how the human rights training and those who worked with it were suddenly in high demand. For him, the outside world's interest in the human rights training programme could so much more easily be presented as a success than the story of the HRPP's internal downscaling. The HRPP had in fact developed into a sought-after "export product", capable of turning upside down the assumptions of superiority of expertise coming from the north. The particular case of South Africa's transition, and the fact that training had to confront and transform what had been the epitome of an evil police force, had allowed for South Africa to emerge as an expert in police training.

However, the curious aspect here is that the organisations which had had such great input in setting up and designing the programme were the same ones (or closely

related organisations) to those which were now requesting South Africa's expertise on the issue of human rights and policing.

The best example is in the evaluation of the training. The evaluation process had been carried out by Rodger Kelly – the very same person who had lent his expertise to setting up the training in the first place, on behalf of one of the international organisations. And he was the same person who was now encouraging the exportation of the training manual.

It is interesting to note that Rodger Kelly had originally come from a policing background, but had built up extensive experience in the circuit of international human rights work, advising and consulting various police forces in so-called transforming countries on issues of human rights and policing. In addition, he was married to a person who worked on issues of human rights for the UN. As such, they were no strangers to the *social life* of the transnational culture of international human rights standards.

I asked the representative of SIDA, who had called for and financially authorised the evaluation, if having the same person evaluate the project who had helped to set up the project was not problematic. She answered that; on the contrary, it was desirable to have someone who knew what the human rights programme was about. However, while insider knowledge might be of great advantage, it also means replication of the basic presumptions of the programme. Criticism from such a source would be most unlikely to touch on the programme's foundational pillars or unmask the shared assumptions, such as the primacy of international human rights standards and the social practice which characterises so much of the international consensus.

One can argue that the South African case brought together many organisations which previously might have worked in isolated, and thus produced something of a concerted effort. However, this does not alter the fact that what emerged was a closed circuit of human rights and policing talk – a circuit that does not want to see itself as such and therefore stresses that it has been interpreted, valorised and authenticated by its application within the context of the South Africa police. However, since the training has been downgraded, compromised and at best tolerated at the organisational management level, what is called a success is actually the self-referential and self-congratulatory effort of human rights organisations and experts.

The occupational development of Director Brink, the programme manager of the HRPP, gives us further insight into the expansion of this self-referential circuit. Director Brink had originally been appointed from the ranks of police management. For him, this appointment had presented itself as a once-in-a-lifetime opportunity. However, there was something about him which made him very well suited for the position. He had an interest, rather unusual for a policeman, in art and architecture. In fact, he told me that he had originally wanted to become an architect but hadn't had the money for a higher education. He had chosen to become a police officer because at least it allowed him to study law through the police. There was a clear sense that he had always aspired to something different and more societally and professionally recognised than a career in policing. The engagement with the human rights programme provided a bridge for him to enter a more middle-class and cosmopolitan world. The making of the manual brought him into contact with international role players, especially a range of Scandinavian NGOs. Increasingly, he was treated like an expert in the field. He was invited regularly to

international gatherings where human rights and policing were discussed, which gave him a comfortable sense of belonging to the circuit of international human rights and policing. At one point, rumours had it that he was spending more time travelling than organising the training.

Director Brink then got an offer to work on a UN project in Indonesia, to train Indonesian police officers in human rights. This offer, in line with the self-referential nature of the field, was extended to him by the same Rodger Kelly who had lent his expertise to the making of the manual and who had carried out the evaluation. The offer came at a time when Director Brink was already quite frustrated that the HRPP was being kept on a short leash by police management and threatened with incorporation into general legal services. Being absorbed back into legal service would have meant that he would have to give up his title as the Human Rights and Policing Programme manager, which had given him much credibility in the international human rights world. It would have meant being drawn back into the more closed-in, and primarily nationally oriented, police world, which by then lacked all appeal for him. The offer to go to Indonesia, to leave the South African police permanently, to earn the salary of an international expert and to become part of the international world was thus a very welcome opportunity. Hence, while the human rights programme was being pruned on a management level and prevented from exerting any further influence, Director Brink was airlifted into the international realm.

The training manual had contributed to the growth of the human rights and policing industry, and it had expanded the consensus around human rights and policing issues. However, it could be argued that this took place more by absorbing people from

the South African policing world into the world of the human rights and policing industry than by disseminating human rights effectively into the South African police force.

3.3.5 “The clash of cultures” or “Who is the odd one out”?

Having described how the Human Rights and Policing Programme has been sidelined, I now deal with the question of how and why the police management managed to sideline the project so effectively.

If one follows the evaluation report, then the problem seems to come from the prevalence of the “institutional misconception of and prejudices against human rights” (Rover 2001:iv). More concretely, “members of the SAPS hold serious misconceptions as well as deep rooted prejudices as to the nature, scope, and purpose of human rights in general and the training on human rights and policing in particular” (Rover 2001:9). This reasoning suggests that it is the beliefs and practice of police officers that are the problem in the implementation of human rights. It implies that police officers are badly informed about human rights; that their ideas about human rights are nothing more than prejudices and thus lack foundation. This perspective pathologises the views of the police, stripping them of any claim to validity and inscribing them with a destructive tendency.

A similarly pathologising approach is applied by human rights NGOs and human rights experts in response to assertions that adherence to human rights prescriptions limit the crime-fighting abilities of the police. The curtailing of crime-fighting capacity is the most common argument the police themselves give to explain their own misgivings about human rights. Mostly, this assertion is simply dismissed by human rights NGOs as

populist and misinformed. Alternatively, it is countered by stating that it is an invalid declaration since human rights are superior and have primacy, and are not to be balanced against or considered as competing with other rationales, such as crime-fighting. Or it is argued that, if implemented and followed correctly, a human rights-based approach to policing ultimately delivers better results in the fight against crime, at least in the long term. It then follows that the population will consider the police to be legitimate and thus will co-operate with them, facilitating the achievement of a better conviction rate (Sarkin 2001; Shaw 2002: 39). In all these perspectives and rationalisations we observe a discrediting of the claims of the police, while the concept of human rights is elevated, reified and normalised. As mentioned earlier, it is always seen to be *the other* and his or her wrong assumptions or ignorance which stand in the way of the unfolding of the good and superior effects of human rights.

However, let us once more look at the role of Director Brink, and recall how he brought together policing and human rights without having so-called prejudices against it. This might provide us with different clues as to why the police management isolated and “starved” the HRPP. Earlier on, I pointed to how the interior design of Director Brink’s office reflected his cultural and social aspiration towards a more middle-class and cosmopolitan culture, and how much this seemed out of place in the environment of the national police headquarters. His being an oddity vis-à-vis a normalised police culture highlighted Brink’s stance on the primacy of international human rights standards and his alliance with the international human rights world.

This brings me back to what I discussed in the first part of this chapter with regard to the cultural bias and the clear anchorage of interest and power in the explicit human

rights talk which elevates international human rights standards to their ultimate moral source. What I am suggesting here is that if we really want to understand the rejection of the HRPP, we have to take into consideration that the implementation of human rights has its own cultural bias. This bias stems from a very specific cosmopolitan middle-class culture which inextricably links it to a particular group and its interests.

This line of reasoning allows me to roughly sketch two interrelated explanatory readings of why the police management rejected and sidelined human rights. One highlights the group interest and power nexus, and draws from a more political and strategic perspective; the other highlights the level of cultural and social difference and a notion of power as embedded in the sociality and culture of the different realms.

As mentioned earlier, the HRPP was the product of the overlap between national concerns and the agendas of international organisations. One side of this was that the post-apartheid government looked towards the tools and the institutional landscape of international human rights standards to “tame” the police, of whom they were highly suspicious. This alliance served to subjugate and isolate the police management. The police management had no choice but to accept the interference in their concerns by what they saw as outsiders – the government and the international human rights world. Powerlessness rather than powerfulness was the government’s main interest with regard to the police at that early stage of the transformation process, with little leeway for discretion given to the management of the police (Shaw 2002).

For example, when the legal amendment for the use of force⁷⁶ was under discussion, the head of SAPS Legal Services dismissed a draft version with the argument that South

⁷⁶ The amendment regarding the provisions regulating the use of force was treated as a test case for the public display of commitment to human rights, especially by human rights organisations.

Africa “pushed by some over eager NGOs and freedom fighters was driven into an overly compliance with human rights standards and a not workable democracy.” He further stated:

The justice portfolio committee decided to throw away the whole draft amendment [which the police had tabled] and redraft it in total. They based it on the Canadian model with a few amendments to make it a little bit stricter than the Canadian model, which eventually in my view turned out to be a provision which is impossible to work with (Director Geldenhysen, 23, September 2002).

One could read this as pure disagreement over the practical terms of the amendment. However, it becomes obvious from the tone of this remark that the amendment also represented a struggle about influence and discretion, which the police seemed to be losing. The remark shows the anger about “NGOs and freedom fighters”, and even more so about the degradation felt when the police draft, which had been handed in as proactive measure to keep the terms of discussion in their own hands, had been completely thrown out. At that stage a human rights alliance could override anything the police proposed and indeed did so almost with contempt, as described by Altbeker (2005:248).

However, after a period of suspicion towards the police, which coincided with a period in which crime increased and, more importantly, emerged as a political issue, the government realised that they needed to take charge of the police and promote and support them as their only means of fighting crime. The ability to control crime became a test of legitimacy for the new government, both or the population and for the international realm, as issue related to commercial and investment confidence. Given these considerations, the government’s interest in using human rights as a means of controlling and holding the police to strict account diminished.

Furthermore, the waning prominence of the Reconstruction and Development Plan (RDP) and the growing consolidation of the Growth, Employment and

Redistribution (GEAR) strategy became noticeable within a few years of 1994. This was not only an economic shift towards a neo-liberal market economy: it also marked a political change. It signalled a falling away of the political and institutional ground from which the training programme had emerged, and which had substantially drawn from a social justice and human rights language. Also at this time, some of the human rights considerations so characteristic of the early transformation period became less sacrosanct.

With this shift in the political agenda, and with the emergence of a more interdependent relationship between police and government – in which the government came to rely more and more on the police force's capacity for action – the police force gained enough bargaining power to shift its standpoint. The new conjuncture allowed the police management to reassert some of its autonomy and confidence.

The sense that the HRPP in particular, and explicit human rights issues in general, meant a potential intrusion and form of control becomes even more apparent if we consider that it shifted the centre of control towards an outside world to which the police had little access. The human rights world was a world that in many ways contrasted with the SAPS's social profile and cultural outlook. It diametrically opposed what had been shaped by Afrikaner nationalism and what Hyslop (2005:176) has called the "pseudo-traditional organisational complex", which was "a set of institutions aimed at keeping Afrikaners mobilised and separate from English speaking whites and foreign cultural influences." Hyslop (2005) makes an interesting argument which links cultural outlook and social class. He argues that that the willingness of whites to go along with the dismantling of apartheid had been contingent on the emergence of a new consumerist culture. This consumer culture among whites brought them in touch with, and made them

accepting of, a global, Euro-American culture characterised by the pursuit of lifestyle and a sense of “middle-classness”. In such a culture of “individualised sense of self-interest”, making sacrifices such as undergoing military service in the name of white sovereignty became less tolerable. If the possibility of pursuing a middle class lifestyle existed and could be guaranteed under an inclusive government, this would be considerably preferable. In other words, the embracing of a more global culture – of which international human rights are part – mediated through consumerism, was contingent on a certain sense of social class, namely middle-classness. Conversely, those who could not access this middle-classness remained excluded from globalism and worldliness – and as such from international human rights culture, which is dependent on an even more exclusive middle-classness than consumerism is, because it is additionally marked by the possession of a particular quality of educational capital. Instead, those excluded from globalism would have to remain somehow reliant on the state-made culture which so strongly rejected everything foreign and English speaking.

The lower class profile, which many of the police officers revealed, and which had profoundly shaped police culture, thus comes to bear upon the question of acceptance of the human rights culture within the police. As mentioned in Chapter Two and as confirmed by Posel’s (1999) article on “the paradoxes of the apartheid state”, apartheid had produced a primarily white public service which was either suffering from staff shortages and structural inefficiencies, or had to employ a vast array of people who were largely under qualified, badly trained and from lower class back grounds, who often couldn’t manage in the more competitive private employment world. This had come about from the social engineering that had been necessary to maintain racial segregation

and the insistence on “keeping the workforce white” (Posel 1999:118). Where black people were employed, they were as far as possible confined to unskilled work with few training opportunities, which confined them to their original class position (Brewer 1994: 125). Lower class employment is equated with an unwillingness and an inability to become acculturated to and proficient in the world of international human rights standards, this precluding the influence both formally and informally of international human rights [check this interpretation I wasn't sure how the last phrase related to the sense of the whole sentence, there seemed to be a contradiction].

However, with the shift towards fighting crime, backed up by government, the centre of control moved back into the national realm and, more importantly, the language of crime fighting was the language in which the police themselves were proficient, allowing for much greater leeway, discretion and scope for manipulation. Hence the prioritising of crime-fighting over human rights might actually be less about fighting crime than about emphasising the police's cultural and social ways of doing things: which is to draw from their own expertise, to stress their kind of sociability and the influence which can be exerted through their kind of networks. This is hardly the whole picture, but it is an important aspect if we do not want to get caught up in the simplistic opposition of human rights versus crime fighting, or if we do not want to be naïve about the kind of intervention which the international human rights world provides. Each party shelters a world of interest, power and sociability. Each attempts to create a reality that gets in the way of the other at the various interfaces which the globalisation of human rights has produced.⁷⁷

⁷⁷ This does not mean that crime-fighting is only a name or cover-up for police turf, or just a self-interested way of exerting influence. Crime fighting is very real and central to the police's agenda, and will be further

The sense of outside control with which human rights are imbued cannot be underestimated. This is not just because of actual human rights provisions but also because of the adoption of a human rights perspective shifts the centre of power and changes the “language” used to areas in which the police force is not in control. It is from this point of view that the starving of the HRPP into a primarily representational feature becomes meaningful.

3.4 Part Three: Training level

3.4.1 Introduction

I now move from the management level of the Human Rights and Policing Programme to the level of its trainers. As explained in Chapter One and elaborated in the introduction to this chapter, I never managed to observe an entire training session. Only once did I join a training session, and then only on the last day of the three-day course. Admittedly, this is a clear lacuna in the research. Nevertheless it clearly reflects real problems with regard to the scheduling of the training. This is confirmed by the evaluation report. For example, the evaluation report mentions that “It appears that all too often, letters of invitation sent out to solicit participants for a three day course fail to raise the minimum number of participants required to go through with the actual implementation of a course” (Rover 2001:13).

explored with regard to police practice in the following chapters. However, just as human rights are never simply benign and neutral, crime fighting is also never purely instrumental and goal-oriented.

What I did manage to do, with the help of the provincial training co-ordinator, was to bring some trainers together and conduct an in-depth group interview with them. This provided me with an interesting set of data, namely the trainers' reflection on their training practice and their way of making sense of the gap between the given format of the training and how they run the training. This will be the theme of this part of the chapter, where I describe how trainers put the training into practice. I discuss what it takes to make the internationally conceived format work in the context of the training. This context is still not the real everyday practice of policing, but it is much closer to the reality of everyday practice because that is what both trainees and trainers are occupied with.

3.4.2 Selection and training of trainers

Trainers for the human rights training course were selected from the ranks of police officers. The co-ordinator for the human rights training for Gauteng told me that candidates were chosen from among those who showed special eagerness, interest and a quick grasp of human rights during one of the training courses. They then received "training for trainers" by professional human rights trainers, after which they became part of the pool of trainers, and would be called on occasionally by the co-ordinator of the regional training centre to facilitate a three-day human rights training course themselves.

When I talked to Director Brink about the training, he stressed that it was purely voluntary for police officers to make themselves available as trainers. No financial benefits or opportunities for promotion came from it. The non-monetary aspect had a

pragmatic reasoning. Partly it was because the HRPP had to run on a thin budget. The absence of monetary or promotional benefits was also intended to discourage police officers from volunteering opportunistically. Instead, a sincere enthusiasm and commitment for human right was expected.⁷⁸

Many police officers were willing to become trainers. Some of the trainers, however, mentioned reasons for their volunteering beyond pure enthusiasm for the cause of human rights. Some thought that – despite discouragement to the contrary – it would have a positive influence on their promotional record, or that the advancement of their skills would be recognised, at least in the long run. Others claimed that they simply wanted a change in routine. These reasons were also supported by the evaluation report which mentions:

When asked about their professional ambitions for the next three years, all of the respondents [trainers] expressed a primary concern and interest in promotions and achieving a higher rank. None of the respondents expressed a firm desire to stay with the human rights programme and see it through in its implementation until its completion (Rover 2001:14).

From what I had gathered from my group interview with the trainers, and what I could draw from my conversation with the provincial co-ordinator, the officers who appeared to be most ardent about the training were overwhelmingly young black officers who, at the very least harboured no grudges against the idea of human rights and, at best,

⁷⁸ The assumption that human rights training could expect such an altruistic and benevolent stance further revealed the position of the moral high ground from which the training had been conceptualised.

recognised human rights as a liberating force which could create opportunity and freedom in their lives, in the country in general, and within the police organisation in particular. They were often the ones with a quick grasp of the issues, and with enough courage and communicative skills to teach a class. The irony was that it was exactly those skills, in combination with their racial profile, which made them eligible for promotion, especially under the equity policies of the SAPS. Therefore, it often was the case that those police officers who had just been trained as trainers would be promoted to a higher rank or a more responsible position; then the greater responsibilities of their new positions would not allow them to volunteer further to conduct the training. In the evaluation report it is mentioned that, as a consequence, "The number of active trainers out of a total of 730, could well be lower than 100" (Rover 2001:13). This also meant that the recruitment of trainers, which had been meant to take place only in the setting-up period of the course, had to be ongoing.

The would-be trainers participated in a two-week training for trainers course. During this time, they were taken through the training manual and were taught facilitation skills. This training for trainers course was mainly carried out by human rights training experts from national and international human rights NGOs. (Interview, Brink, 23 September 2002). This training was quite different from the training given to police officers in the normal three-day course, because the trainers were more motivated; they came to the training course on a voluntary basis and had some idea of getting something out of it for their own development. Also, the experts training the trainers had authority which was rooted in their superior knowledge and professional experience. Thus, even if

there was a difference in understanding human rights, there was some underlying common aim between students and teachers in the trainers' course.

The three-day course for police officers took place in very different conditions. Here, a full-time police officer was training other full-time police officers. The only difference between them was that one of them had been taught some facilitation skills. This meant that the world of everyday policing was much more present in the class, and had the tendency to encroach much more on the training. In addition, police officers seldom participated on a voluntary basis, but were assigned to it; most likely they would see it as an opportunity to get away from their normal work routine. They brought with them a whole spectrum of ideas about human rights which were often not very favourable. It is under these conditions that the manual had to be applied.

Let me briefly review the content of the manual. The content of the training, despite its claim to neutrality and practicality, was very specific (as described in section 3.2). The training manual postulated a certain truth about the persuasiveness of human rights and the mode of subjectivity of the police officers awaiting training. One pivotal assumption was that the police officers would be persuaded about the importance and validity of human rights by being presented with the fact of the international status and recognition of these rights. This international status was presented as precluding the need for any greater justification for the claim to their universality.

Another assumption of the manual was related to ignorance about the subject. It was assumed that not knowing about human rights led to the violation of human rights. With this focus on knowing, the manual attempted to occupy a morally neutral position. By refraining from making moral judgements, it was hoped that the trainee police officers would not be alienated or antagonised.

From the idea of the ignorant and therefore oblivious and therefore ultimately innocent subject, followed a particular idea of what the process of reversing and

remedying the ignorance should be. What was needed, it was believed, was simply to let police officers *know* about human rights. This stresses an autonomous agency which allows the individual to choose freely and voluntarily what to be and what not to be.

Then there was a whole range of assumptions about specific policing practices. Police officers were asked to apply their policing powers dispassionately. They were expected to submit themselves as secondary to as well as instrumental to the law; to deal with crime incidents in an abstract and detached manner; to suspend personal judgment; and to apply violence in a technical, proficient and considered way. While one aim of the training was to limit the discretion of police officers, sometimes discretion proved to be absolutely necessary. In such cases, the manual assumed the availability of a high level of technical, social and communicative skills and professionalism on the part of police officers. This included an intricate knowledge of the legal technicalities as well as the ability to carry out investigations in a purely forensic and evidence-based manner.

It is these particular aspects of the manual – textured and structured by these postulations and assumptions about human rights, the transformation of the police officers, and the availability of skills – which challenged the training. The trainers had to make the training work on the basis of these assumption and postulations.

3.4.3 The training: an exercise in translation

3.4.3.1 Levels of translation

The in-depth group interview with trainers revealed quite clearly that the giving of the training was ultimately an exercise in *translation*. In other words, the trainers did not just follow the format of the manual but created their own format. The trainers stressed the point that they did not teach the training manual in a congruent manner but that they selected, adapted and inserted what they wanted to teach. A trainer in the interview said:

I took a course on how to present a class, but not all what should be used do I implement. But after all I was found competent to present the class.

Because they had taken the training-for-trainers facilitation course, the trainers felt a certain entitlement and competence to select and adapt the focus, form and content of the training. The specifics of what they did depended a great deal on their personal experiences and idiosyncrasies. However, it appeared from the group interview, as well as from the snippets of training that I was able to observe, that there were particular moments in the training process where acts of translation became unavoidable, even necessary, in order for the trainer to succeed in the training project.

The remodelling and translation of the training programme was driven by a certain exigency and necessity, because the trainers had to report a certain degree of success. The official aim of the training was to get police officers to integrate human rights principles in their policing practice. However, in a more mundane and immediate sense it meant that the trainers first had to get the police officer trainees to believe in the course; they had to participate actively, and to absorb enough of the material to pass the evaluative test at the end. However, it became clear during the group interview that sticking to the original manual would not have achieved any of that. Instead, it brought to

the fore the divergences between the original format and the realities of policing and the sense of the trainers about how police officers should change. Translation in its different forms became pivotal at this interface.

Translation can be understood as the process of making the training manual meaningful and intelligible to the trainees, and to the trainers themselves. The act of translation can be characterised by degrees ranging from stringent faithfulness to the original text, to a deviation from the original, to the creation of a new text. Truthfulness to the original is the literal reiteration of the original in a new context, while either ignoring the reception of the text or assuming that there is an overlap between the meanings of words and concepts in original and in the context of application. An intermediate degree on this scale of translation is that the original text is rewritten in a language which is better accessible to the trainees. The third level is that passages and meanings of the original are summarised, interpreted, reproduced and even recreated in the language of the new context. We will see, through a symptomatic and close reading of the group interview, that all these degrees of translation were being deployed, even up to creating a new vernacular in which to speak about policing and human rights.

3.4.3.2 To know or not to know

At the beginning of the interview, the trainers conveyed to me a complete confirmation of the training manual's assumptions about police officers as ignorant subjects. They said that the police officers they had to train displayed ignorance and lack of comprehension about human rights.

People don't understand.

Their mind is limited, they don't think beyond.

The trainers then claimed that the training remedied this ignorance and the limits of the mind, thus transforming the subject.

You empower them to such an extent that they can now distinguish between right and wrong.

The above comment evoked the assumption that police officers who violated human rights must have done so out of blindness and weakness, because they did not know how to do things in a different way. However, ignorance is not just seen as a lack of information. Ignorance is morally qualified. The police officers who undergo the training emerge not so much as more knowledgeable subjects in a purely technical or professional way, but as morally literate and *normatively* knowledgeable subjects. A strong notion of enlightenment is announced, that leads ultimately to moral advancement. It is described as almost an epiphany, with the course providing the means to "see the light". As long as the trainers hold onto the notion of the ignorant subject, the morally neutral position of the subject proves to be unattractive and untenable.

The trainers, being police officers themselves, were more realistic than that. They knew that the assumption that police officers were ignorant subjects regarding human rights contradicted their insights into the everyday experience of policing. As the interview progressed, one trainer said:

They put themselves into abnormal situations to do it ['it' meaning maltreatment in some form], and you do it at night when everything is silent. You don't do it during the day, so you know it is wrong.

He clearly saw the contradiction between the actual practice of police officers and how they are portrayed in the manual. He made clear that police officers who committed human rights violations had a strong awareness of doing so, at least in the sense of doing something against the rules. In a similar vein, another trainer drew from his experience of everyday policing:

They understand a hundred per cent, but the problem is that they feel that the way the lecture has been designed or considering the Constitution: it ties a policeman's hands behind his back when it comes to fighting crime.

He was suggesting that the success of the training might be limited because human rights are perceived by police officers as posing a threat to their effective everyday practice. It is not about "not knowing better", but about acting in a different way because of different rationales. While I discuss these rationales in detail in the next chapter, it is worth mentioning here that they must be understood as embedded in social practice in a sense which is opposed to the liberal idea that feeding facts to people can change their attitudes. The changed skills of social practice which police officers have to acquire in order to become police officers who are able to respect human rights, involves a much more profound process, which touches the foundations of the police officers' sense of self. Such practice might not even be accessible to them because it presupposes a

different kind of social capital to what they have. In addition, the social practice which the course wants to change is not just the product of individual responsibility but has to be thought of as ingrained in institutional and societal structures and as produced through the interaction between police and people.

The training did not provide a language for thinking about a more deterministic and institutionally contingent social practice. This shortcoming could be exploited by defiant trainees who, as the trainers described it, foregrounded structural issues such as the failure of logistics and organisational weakness in order to refute human rights-based policing. They could thus shift the full responsibility towards the institution and morally exempt themselves. This left the trainers stranded, since they felt, at least partly, that the trainees had a point.

However, to make the training possible, such insights were put aside. They could not be brought into play, because the contradiction between the idea of changeability and the idea of tenacity of behaviour and social practice would have made the course pointless. Thus, to some extent, the training had to be given in a state of self-imposed blindness by the trainers. The notion of the ignorant subject did not hold, but it was used nevertheless to maintain the meaningfulness of training and the trainers' own role in it.

One way of slightly bridging this contradiction was to translate the "ignorant subject" into a "morally ignorant subject". For the trainers, the morally ignorant subject provided a conceptual solution in the absence of a language which could capture the apparent paradox of knowing about human rights and still abusing them. In attempting to solve this dilemma, the trainers used examples of serious and very obvious human rights violations. These were morally less ambiguous and allowed the trainers to feel that they

had some means to convince the trainees [convince them of what? The importance of human rights?] by highlighting the good and bad aspects of a situation; thus giving the trainers some sense that they were able to meet the training objectives.

3.4.3.3 Towards professional knowledge

There was yet another rift between the reality of the training and the assumption of the manual that feeding knowledge to the officers would change their behaviour and attitudes. When it came to the more detailed policing knowledge, human rights translated into legal regulations, definitions and standing orders; this introduced new aspects to policing which were indeed often not part of the police officers' repertoire. Teaching these new aspects proved to be very difficult for the trainers. They did not have sufficient qualification to guaranteed superior knowledge of this more specialised content. The training-for-trainers workshop had only taught them how to facilitate and to work through the manual, but nothing about the content of either the new and old regulations. One of the trainers said:

Don't undermine your class; they sometimes know what you don't know.

They admitted that at times during the training sessions, in the absence of superior knowledge, they had to improvise. One trainer described his strategy this way:

I am quite often in the situation that I cannot answer their questions, especially with people who are longer in SAPS than I am. Then they will ask specialist questions which need specialist answers. What I simply do is to listen to the person and then I put

the question back to someone else in the class, or I rephrase it and put it back to the person. Normally when I do this then he says I don't know the answer, but when he knows it, then also other people in the class will ask why are you asking when you know the answer. I just use my facilitation skills.

Another trainer mentioned that it was especially difficult for them to persuade through knowledge when it came to matters of investigations, because they did not command the knowledge themselves.

The other difficulty is about investigations. When I am giving the course I do not present that part. I ask one of my detective friends to help me out there. But when it comes to the rights of the suspected person, when you look at what is being said in the material, there are correlations but no real harmony between the real world and what investigating officers should be doing and what I am teaching.... Human rights goes this way and detective course goes that way...it is very confusing.

Thus, where a real lack of knowledge existed, when training police officers in legal and procedural details and practices could have contributed to the advancement of skills and professionalism, this could not be provided. Given this situation, trainers were inclined to avoid dwelling too long on the complicated aspects of police regulations and practices, and instead fell back onto talking about the morally ignorant subject.

3.4.3.4 Exclusivity of meaning: human rights and race

A different, even more drastic kind of translation of the manual was applied by the trainers when it came to the preconceptions that police officers brought with them to the training course. As much as the manual tried to occupy a value-free position with regard

to human rights, it became clear that this was defeated by the trainees' own preconceptions. One trainer told me how he approached the training:

There is the fear of the unknown; they don't really know what is going to be discussed...once we talk about human rights it is not directly directed against the whites, we are not using the names of people, we are not attacking people. We are attacking a problem, not a person.

The comment started out by stressing the kind of reservations that trainee police officers brought to the training. These reservations were assumed to be especially those of white police officers, who feared that a finger would be pointed at them during the training. Indian and coloured police officers were also apprehensive. As one trainer remarked, they feared that "their 'second class citizen status' during apartheid would be held against them." The comment alludes directly to the fact that the trainees bring with them a self-consciousness of race and human rights. In fact, for these police officers human rights had become almost exclusively about race, and particularly about how the issue of race had played itself out within the police organisation. Trainers were overwhelmingly confronted with this particular apprehension, resentment and uneasiness. For most of them, dealing with issues of racial discrimination in general, and with race and affirmative action in particular, had become the main thrust of the training.

This is exactly what was reflected in the Captain Chauke's assessment of the group and the viability of giving the course as described in the beginning of this chapter. He dissolved the class because its racial composition did not allow him to apply his particular didactics of talking about "racial prejudices". Since the nexus between human rights and race had proven to be a barrier to the trainers soliciting co-operation, the

subject had received greater attention, at the expense of teaching practical rules or other issues related to human rights. For example, on the only occasion that I observed a training course, I had found that the chapters of the manual on vulnerable persons were only browsed through in the very last hour of the course.⁷⁹ This was because the class had spent the whole day discussing affirmative action.

3.4.3.4 Creating a new (moral) language

The manual gave trainers much information, but little direction about how to bring about a change of attitude. When it came to making defiant police officers appreciate the universal and inalienable nature of human rights, they were thrown back upon their own resources. The manual offered only the international status of human rights as a transcendental and moral source for arguing the legitimacy of human rights. However, during the interview with the trainers, it soon became clear that the international status of human rights had little relevance for either the trainers or the trainees. Not once in my discussion with them about universal applicability, or in their explanation of how to bring this notion across to the trainees, did they consider it appropriate or expedient to refer to the international status of human rights.

Instead, they offered other lines of argument that they obviously considered to be more compelling. One of these was what I would like to call the therapeutic utilitarian argument. This argument suggests that the cost of treating people badly comes back with a vengeance in the form of personal suffering for the police officer:

⁷⁹ This was on the occasion of my visit to a training course on its last day.

What worries me a lot is that you isolate yourself, and you are suffering the consequences. I imagine you put on your socks and you leave the house and you are telling your wife, I am going to assault so and so, what will she think? Am I going to serve as a servant of the community, or am I going to assault them? That's the thing you must ask yourself...in the end it is you who is going to suffer. You should take caution for yourself.

Hence, the reason for following these norms is constructed as a matter of personal sanity for the police officer. It clearly represents an attempt to "sell" human rights to police officers through the idea of personal gain. This counters the prevailing experience that human rights primarily mean giving up or losing something. The belief that police officers suffer from their more violent deeds draws strongly from a therapeutic discourse which has gained considerable prevalence, both publicly and internally within the police force. Newspaper articles point to "alcoholism-as-a-form-of-stress-relief", "burn outs" and "trauma" to explain police violence. This approach is bolstered by the increasing practice of placing social workers and psychologists at police stations for debriefings and other interventions.⁸⁰ These trends are reflective of, as well as responsible for, the prevalence of the therapeutic talk that is being merged with human rights talk.

Offered as even more compelling and persuasive was a form of human rights talk which was saturated with Christian imagery.

Once we talk about human rights we forget about your status, your education...no matter how poor you are, if you are not working, or you are just a hobo, but at the end of the day you are what you act. You know in front of God, you come to the court. Born out of Christians, wherever we come across this: For example, the mother of a young man, this young lady, she is a prostitute, but in the eyes of God this is the image

⁸⁰ See for example *Burnout in the South African Police Service* (Storm & Rothmann 2003).

of God. One does not say he is born from sin; it is just a human being, although this particular baby came out from sin, but it is not the one who has committed the sin...in these times we must respect each other irrespective of where you are coming from.

Some of the basic principles of human rights, especially questions of equality and inalienability, as well as more concrete aspects such the legal principle of "innocent until proven guilty" were explained with recourse to Christian imagery. It appeared that the void which was left when trainers failed to find validity in the international status of human rights brought to the fore the transcendental nature of the claim to the universality of human rights. At least that was what the translation of human rights by the trainers picked up. A new vernacular, borrowing strongly from Christian transcendental reasoning, was created to speak about policing and human rights.

This merger of Christianity and human rights, and its persuasiveness around the issue of policing, emerged from a realm of ideas and practices which was far more accessible to the trainers and trainees than the legalistic and transnational world in which international human rights were embedded. Religion in its many forms far outdoes secular positions as a source of non-official and everyday moral language in South Africa. Many of the police officers subscribe to one of the many Christian churches in the country. Furthermore, as I outline below, the link between Christianity and human rights, as well as the link between Christianity and policing, has many precedents in South Africa.

During apartheid, the state ideology was fed by the national myth of the Great Trek and God's covenant with the Afrikaner people. This state theology was strongly woven into the practice of the police service, with prayers at the beginning of shifts, regular church services and words of faith permeating much of the official policing language. The dogma of the Dutch Reformed Church justified much of the work the police were expected to carry out. This was oppressive in many ways for police officers

who were not of the Christian faith, and for the black police officers, who bore the brunt of the discriminatory practices which were partly supported by Christian national myths. Nevertheless, it created a matrix in which the language of Christianity was never really absent from the institutional setting of the SAP.

Of course the Dutch Reformed Church ideology was not the only Christian position. At the same time there was an overlap between church activism and the anti-apartheid and civil rights movements. Some of the churches developed an explicit anti-apartheid theology (Klaaren 1997:375-379), and anti-apartheid activists were often prominent religious leaders. As Walsh (1997:85) claims, "[in 1988] the meshing of prophetic Christianity and the liberation struggle was far advanced." Funerals became public rallies and defiance campaigns started with prayers.⁸¹

The affinity between Christian religious discourse and human rights found a continuity and new prominence in the practice and representation of the Truth and Reconciliation Commission (TRC). Richard Wilson (Wilson 2001) describes how, throughout the TRC process, notions of religion, human rights and nation-building were woven together. This manifested itself in the borrowing of religious symbols and ceremonial practice and rituals for TRC procedures, creating a collective spiritual moment; as well as in the institutional links between the TRC and religious organisations – the networks of personnel, especially around certain people who worked both for the church and for the TRC. Most importantly, the ideas of forgiveness and reconciliation, crucial for the nation-building project, were expressed, channelled and made possible through a Christian narrative and the evocation of the Christian identities of many of the

⁸¹ As Constitutional Court Justice Albie Sachs (1990:43) put it, "Take away the anthem, Regina Mundi Church, and the St George's Cathedral, the Tutus, Naudes, Boesaks, Mkatshwas, Solomons, Chikanes, and internationally the Huddlestons, and the anti-apartheid struggle is no longer the anti-apartheid struggle."

actors in the TRC, not least the Chairperson, Archbishop Desmond Tutu (Wilson 2001:130-140).

Christian imagery and vocabulary, therefore, provided an expedient language to convey the message of human rights in the training course. It was a language that was mostly already shared by trainers and trainees. It also had the potential to bring a sense of continuity and proximity of ideas into a realm which was otherwise haunted with frictions and antagonisms, such as between apartheid policing and the anti-apartheid movement, and between everyday moral imagery and international human rights.

In fact, some trainers treated Christian norms and Christian identity as equivalent to conduct based on human rights. Right and wrong according to human rights was equated with the good and bad of Christian norms.

There was this police officer. He got a transfer from the POP [Public Order Police] to go to work in Katlehong. That was in the late '90s. On his arrival there, one of his new white colleagues said to him: 'Welcome to the place of milk and honey.'

He looked at the place and saw how people were suffering there. He went outside and he saw a child with a bloated stomach and he asked himself: 'Why do they call it a place of milk and honey?' But before the sun had set a truck arrived from Mozambique, with illegal immigrants, and each of them paid them 50 rand. And he calculated: 'Okay 500 divided by two...' and he said, 'Oh, that's why they call it by the name of the land of milk and honey.' He started to cross-question his principle values of life: 'I am Christian, but what am I doing now?' ...but he came to the conclusion that if you can't beat them, join them. They had told him: 'If you don't take the bribe, tomorrow you will go and spill the beans, that's why we don't trust you if you don't join in.' They threatened him. But he really wanted to go home, and he wrote the story to his parents, and he was crying: 'What am I doing?'

I wasn't sure what was going on at that unit at that time, but this man, he really tried to join them, he really tried, but then he was wondering: 'I am a Christian, now I am a barbarian.' He said he really tried, but he could not join them.

This story was told to me to show how difficult it was for a single person to withstand peer pressure. It evoked faith as the force that was able to transcend the seductions and pressures to do wrong in the course of everyday police work. Faith was depicted as being stronger than the individual, who without faith had nothing to prevent him from giving in to worldly pressures.⁸² The transcending of bad conduct, peer pressure and a weak self was made possible through the persistence of the religious truth. Doing right was to adhere to a higher truth than the immediate social truth of the situation. Secular authority is clearly replaced here with the authority of Christian truth.

The Christian imaginary also helped the trainers to make sense of some of the predicaments they faced in providing human rights training.

Whether the deadline of the end of training is tomorrow or not, it must go on and on and on. If I proclaim to be a Christian, people must be able to see that; they must see that I am a believer. They must see it on you at the same time you are preaching. When you preach, don't try to change them.

Another trainer comments in a similar way:

When you talk about evaluation, you talk about changing the mindset. Change is internal, change is painful, and change affects those around you. It would be wrong to change other people's minds. You change yourself, and people must see change in you. You see, in the minute you try to change another person, the more you make him aggressive, you use force in a way, you abuse your ideas on him, so actually what you have to do is to do the right thing, so that those next to you can see you are doing the right thing.

Using the analogy of preaching and training, the trainers try to make sense of the predicament of being expected to change people's behaviour against their will without having any coercive means at their disposal. The point of the preaching analogy is that the coercive nature of unwanted change has been replaced with the repetitive mentioning

⁸² Ironically, even in the story itself – in the dialogue between the protagonist of the story and the white colleague – a Christian vocabulary is deployed, talking about the land of milk and honey, showing a rather cynical side to the persuasiveness of Christian language.

of the international status of human rights. Preaching in a way is the ultimate speech act where a transformation in a person's spiritual state is brought forth merely through the power of the words uttered. The need to refer to preaching, however, shows the powerlessness of the original postulated speech act, and the not very compelling nature of the international status of human rights. After all, in preaching it is the authority of a god[upper case is used only when referring specifically to the single Christian God] and a transcendental truth which is being evoked, and not the secular authority thought to be inherent in the international status of human rights standards.

The trainers; substitution through analogy of preaching for teaching (implementing change), also evokes another issue. This is the awareness that trainers are conscious that any attempt to change police officers' behaviour through more forceful interventions only produces resistance. In describing change as "internal, painful and affecting those around you" the trainer makes it clear that the change expected by human rights proponents is not a simple one, but that it entails a fundamental shift of the self; to do things according to human rights is to become a different person. It underlines the fact that the changes expected of police officers potentially go much deeper than can be admitted by the original rational design of the training. This is in the light of a seemingly more deterministic reality, which trainers, as police officers, already now about and which in practice inhibits change. It speaks of a form of social suffering provoked by the demands of human rights.

It is then the act of "conversion" (or the kind of moral enlightenment police officers speak about), which becomes the mode through which change can be imagined. Conversion speaks of change of an "inner" state but it also implies that it happens totally voluntarily. The subject takes the conversion to a human rights perspective of its own accord, inflicts the pain of change onto itself, and is therefore responsible for it. This eliminates the possibility of blaming an external agency for the pain of change. In fact, outside intervention in the form of visible disciplining is made redundant. Thus to take on human rights almost by definition becomes a self-disciplining undertaking. The restrictive powers, which are inherent in human rights practice, are being subsumed into the consciousness of individuals and experienced as freedom rather than as a burden.

It is an underlying affinity between the autonomous liberal subject and the Christian subject which allows such an assumption to be made, although it is only in the religious and not the secular realm that such a production of the self and moral autonomy becomes meaningful to police officers.

3.5 Conclusion

This chapter throws some light on the dynamics of accountability towards the international level of human rights. By means of the case study of the Human Rights and Policing Training Programme, I show in three sections how the attempt to implement human rights as conceived by a range of international human rights actors (who represent so called international civil society and promote international human rights standards), is in practice being renegotiated.

For this I firstly (Part One) show that the seemingly neutral and well meaning human rights training is in fact a value-laden instrument. However, its specificity and the cultural baggage with which it is encumbered, as well as the socio-political positioning of its producers, are well-concealed. Claims of “doing good” and the apparent transnational and cosmopolitan nature of the producers and their activities serve well to conceal such cultural baggage. However by employing an analytical position, which refuses to go along with these normative claims, the human rights industry’s own culture of parochialism is revealed. Social and emotional attachment to purely technical international human rights standards and a legally framed human rights language speak of its cultural specificity and its contingency on a middle-class form of social capital.

Cultural and social specificity is also revealed in the format of the training manual of the Human Rights and Policing Programme in the form of parochial residues. These take the form of normalised assumptions, for example, about the liberal and autonomous position of the to-be-trained police officers and the primacy of the international status of human rights. They also translate to more policing-specific assumptions, such as the availability of skills and professionalism, and that idea that police officers are able to apply a detached and subject-to-the-law kind of rationale for their actions. It is these parochial residues, derivative of the explicit international techno-legal human rights discourse, which in turn bind the human rights and policing training to the cultural and social group of international human rights actors.

In a second step (Part Two) I show that an analytical focus on the contingency of the Human Rights and Policing Programme helps to explain why it has such a difficult time at the police management level. Historically, police management has been steeped in a police culture characterised by a combination of lower class status and the anti-English speaking and anti-international tendencies of the apartheid state culture. This culture was far removed from any middle-classness or easy access to cosmopolitan cultural capital. As such, for police management, the hegemonic claims professed by the human rights industry easily translate into a social and cultural intrusion, and can be perceived as a manifestation of the complacent exclusiveness of the human rights industry. A full unfolding of the human rights programme would mean a handing over of discretionary powers. This would leave police management feeling undermined and humiliated, not so much because they cannot order atrocities, but because of the social and cultural alienation this would entail.

Therefore, the tendency at management level, is either to keep the human rights programme in a downscaled and undernourished form in order to contain its influence, or to totally absorb it into the organisation and dilute it with the police organisational culture in order to make it lose its transnational association and defuse its impact.

In a third step (Part Three) I show that also on the actual training level the Human Rights and Policing Programme faces severe problems due to the particular format of the training which is inscribed with the parochial residues of the international human rights world. Here, it is very much the parochial residues which assume the police officer to be an ignorant subject, and include assumptions about the availability of skills, the political neutrality of human rights and the possibility of change through a veneer of thin learning. All these clash fundamentally with the experience of policing of trainers and trainees

To manage the gap between the training's structure and actual policing experience, trainers translate the "ignorant subject" into a "morally ignorant subject". Thus the training comes to be about moral enlightenment, which draws from Christian imagery to substantiate its moral thinking. The Christian imagery offers expediency in the sense that it is already a popular and everyday moral language that has the ability to capture a majority of police officers. The transcendental language of faith can fill the void left by assumptions about the primacy of international human rights, which means little to the trainees. In addition, it offers a range of concepts through which to express a central predicament of the training. The idea of preaching allows people to make sense of the idea of teaching something that people resist, without having any recourse to force to make them do that thing. It also allows the trainers to speak about the social suffering ("change is painful") involved in the unlearning of old ways and the tough learning

process of the new ways of doing things. The idea of conversion also plays a role, since it acknowledges the necessity of changing the self; and that can only become an experience of freedom if it is accomplished in a self-disciplinary manner.

Such vernacularisation of the international human rights talk shows the “remoteness” and the lack of legitimacy of the international discourse of human rights. It highlights the gap between the sociality of the transnational level and the sociality of police officers. It is important to stress that this gap emerges out of a substantial social difference between these different realms and cannot be simply conflated; they form two different languages reflective of two different social realities.

Thus, the meaning that the notion of human rights carries in its more orthodox international form has no real purchase power within the police organisation. The notion is either rejected or transformed. Yet, the notion of human rights in its orthodox form has remained useful to the police organisation at least in one form. As a presentational feature the concept of human rights has been a mirror which has projected an illusion of implementation back to the world of international human rights. Through this, the harnessing of legitimacy from international and national human rights institutions has been guaranteed. In addition, as the case of the international evaluator and the head of the human rights and policing training programme has shown, there has been an apparent widening of the consensus on human rights and policing on international level – even though this has meant the absorption and acculturation of local people into the international realm instead of an incorporation of human rights into local culture. This substantiates the illusion among the human rights industry that the human rights training

"Don't push this Constitution down my throat!" Human rights in everyday practice. An ethnography of police transformation in Johannesburg, South Africa. (PhD Thesis by Julia Hornberger:2007)

and the accountability towards the level of international human rights is working and its effects proliferating.