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"Don't push this Constitution down my throat ..."

The Use of Violence in Everyday Policing

"Within humiliation, there is a profound apprehension of the power of others to control one's soul" (Katz 1988:45)

4.1 Introduction: To use or not to use violence

Johannesburg Central Police Station rose up in front of me with its eight floors on the one side and the twelve floors of its adjunct building, and its shatter-proof windows and heavy grilles. It was the police station which served the inner city of Johannesburg – with its business district, its hawkers and small-scale traders, its moribund flats densely populated by immigrants from outside both the city and the country. The area's violent crime rates were the highest in the country.

Not many years back, when the inner city was still officially for whites only, the station carried a different name: John Vorster Square, which is still sometimes used colloquially. A notorious station indeed, it was named after the Minister of Justice, Prisons and Police under Prime Minister H.F. Verwoerd. It owed its unsavoury reputation to the accounts of horror associated with it. Here, political activists had been held without trial under the State of Emergency. In these rooms people had been subjected to torture. Some had been held by their legs, dangled outside the window and sometimes dropped. Those murders had

been covered up with tales of suicide.⁸³ While the shatter-proofed windows and grilles were still there, the days of overt political repression have receded. John Vorster Square, a terrible symbol of that awful past, had taken its place in the historiography of apartheid and its demise, and made way for its milder name "Johannesburg Central".

This did not mean, however, that violence and the illegal use of force had equally disappeared. One morning during my fieldwork I showed Captain du Preez, one of the senior officers at the station, a newspaper clipping about police assaulting a young black man (Sunday Independent 16/02/2002). He told me:

Well, it is very unnecessary, but it happens. It is when police are frustrated, then they can't stay cool. People can be very cocky, and this guy [referring to the young black man in the clipping] must have been giving them a hard time. There is this idea of the reasonable man, and that police can take these things in, that they can handle any situation like that, but police snap. I tell you, they are frustrated and so they give it to the suspect. It is difficult for some; it depends on how they cope with the change.

Then he thought for a moment, as if reconsidering what he had just said:

But then what change? I am not saying that it has to do with change. I mean what change anyway? Maybe there have been political changes, but the system has not changed; the rules we had then, they are still the same. I always say, for someone who did his work well, there is no change.

And he thought and reconsidered again:

But I tell you when somebody tries to push the Constitution down my throat; that can get me hot as well. Then I can't keep cool any more ... they better don't push this Constitution down my throat.

⁸³ The recently published book on Ahmed Timol (Cajee 2005) is one of the most chilling accounts of exactly this kind of practice.

Captain du Preez's response clearly pointed towards a prevalence of the use of violence. However, there was a remarkable ambiguity in his comment, which simultaneously excused and disapproved of the use of violence. He also made a defiant claim to legal and regulatory continuity, redeeming the police from those charges which implied that police officers had to learn a totally new way of carrying out their work to fit into the new era. At the same time the Constitution – *the* symbol and epitome of democratic change – was evoked as potentially having a hugely unsettling effect on police practice. In fact, the Constitution and what it stands for was seen as the ultimate trigger for using violence, at least when it was "forced down their throats", meaning when police officers were not given much of a choice in adhering to it or not.

What occupies me in this chapter is how such contradictory remarks about the use of force, and about continuity and rupture can exist side by side. I will argue that these contradictory statements point to a proximity of two different realms of police practice, using Goffman's (1959) idea of "front stage" and "backstage" as an analytical device. By looking at the large number of nostalgic accounts by police officers, as well as different moments of police practice, I argue that there are different forms of authority which mark the different realms of police practice. One such form is derived from legalistic practice (Goffman's front stage), and the other from the practice of physical violence of a particular kind (backstage). For the police in their practice, these two independent spheres of authority co-exist in a tense but necessary dependence on each other. The existence of a front stage allows for the continuity of whatever is taking place on the backstage. Meanwhile, because of most police officers' inability to comfortably occupy the legalistic front stage, any attempt to collapse the differentiation or blur the boundary between the two spheres in favour of the front stage is met with great anguish and a resort to violence. Much of the violence of police officers can be seen as a defence of the discreteness of these two spheres.

4.2. The prevalence of violence

During my fieldwork it became clear that a mundane, everyday but violent use of force was prevalent.⁸⁴ Sergeant Moletse, a detective from the General Investigation Unit, whom I had shown the newspaper clipping referred to above (police assaulting a young black man), commented in a matter of fact way: "They mess around with you and you give him a beating." He had looked at me with an expression that said, "Don't be naïve; that's normal." On other occasions I had witnessed the roughing up of a dagga (marijuana) smoker, and the assault of a man who had been arrested and who, as he was being pushed into the front seat of the police car, had turned his head to catch a glimpse of the person seated in the back. Another time a police officer banged the head of a suspect against the metal plate of the bullet-proof vest he was wearing.⁸⁵ It was an abuse of force which could be categorised as common assault. Researchers from Technikon SA, who systematically studied the dockets of the police's Internal Investigation Unit, found that most cases opened against the police involved charges of common assault (Mistry *et al.* 2001).⁸⁶ Generally, however, it is impossible to get a coherent quantitative picture of the prevalence of police brutality in general and of common assault in particular, due to the insufficiency of statistics, reporting and investigation procedures. Furthermore, many such

⁸⁴ In the following sections I shall speak of the "use of violence". By this I mean a use of force which is not warranted by legal provisions. The other possibility would be to use the expression "abuse of force", which is slightly more biased towards the idea of the legitimate use of force by police, because it assumes a different starting point. By speaking about violence, I would like to highlight that the use of force is always violent, and that it is an ultimately contingent act to legalise certain forms of violence and turn them into law and through this into the seemingly more benign form of "use of force". In cases where I refer to a form of violence which is indeed authorised by the law, I shall say so explicitly.

⁸⁵ This was a form of abuse of force by the police which had not so much to do with the horrible cruelties with which the old South African Police were associated, such as torture. Nor was it an over-reaction to the high crime rates, such as shooting a suspect right away because of the high probability that he has a weapon and might shoot first (Uildriks and van Mastrigt 1991). This does not mean that this kind of use of force cannot be found within the ranks of the police, but the daily routine of which I was part and which has been the focus of this research did not reveal such forms of police violence to me.

⁸⁶ The statistics of the Independent Complaints Department (ICD) only tentatively capture those assaults, since police stations are not obliged to report those cases to the ICD. However, they do have to report assault with grievous bodily harm (GBH). There are as many as 365 cases of assault GBH for the period 2000/01 (ICD 2001). I would speculate that the number of common assault cases are at least three times as high.

cases are never reported to the police or the Independent Complaints Directorate (ICD).⁸⁷ Nevertheless, the fact that I was able to observe common assault – meaning that police were not constrained by the presence of an outsider – suggests that it was part of everyday practice. In conversations with police officers, common assault – and sometimes more serious assault – would be something they would easily admit to and talk about. In contrast, they never admitted that they had physically tortured someone or that they were employing corrupt practices. Police officers justified the practice of common assault by indicating that the need for such use of violence was self-evident and therefore to be expected. All this pointed to the fact that the use of violence in the form of common assault represented a kind of obvious but casual defiance of the legal limitations of the use of force.

Still, as much as this violence appeared to be part of everyday policing, its existence was not without ambiguity, contradictions or denial. Not everybody would equally bluntly admit to the prevalence of violent practice. Inspector Pruis, for example, insisted with full conviction that:

No, no. These days, we don't use such violence any more; it is far too dangerous. If you don't want to risk your future, you don't do that kind of stuff. These days, we don't take risks anymore.

And indeed, in many situations police officers acted, as they would say, according to the book.

Captain Van der Walt from the General Investigation Unit also reacted with hesitation when I confronted him with the same newspaper clipping. He read the article – with his ruler helping him to stick to the lines – and then commented:

You see, it is more the people from Crime Prevention who are doing this, and it is more the blacks. You see, we used violence when we had a case

⁸⁷ For a more detailed account of the problems of defining and quantifying police brutality on the basis of available statistics and press reports, see Bruce (2002).

where we had very clear information that this person knew where the gun was; to make him show us. This was when I was working for the Murder and Robbery Unit in Soweto, but we would not use force just like this. It is much more the blacks – you can read it in the article – and then the whites joined in.⁸⁸

While not denying the existence of the use of violence, he clearly attempted to distance himself from it. He did so by locating it in the past or with another unit or with another racial group. In addition, he attributed a conclusive instrumentality to the violence of the past in order to distinguish it from the seemingly more arbitrary appliance of violence today.

Then there were the different euphemistic ways police officers talked about the use of violence. Legal formulations were avoided. Instead vulgar slang or vague and non-incriminating expressions such as “ways and means” were used, which nevertheless spoke unequivocally about the use of violence. Then sometimes, when some use of force was indeed clearly warranted by the law, such as with a suspect resisting arrest, detectives would sarcastically, almost mockingly, use more formal terms such as “I needed to restrain the suspect”.

The underlying ambiguity and the contradictory statements with regard to the use of violence suggest a proximity of two different realms of police practice, and of a diversity in standards leading to such practice. It is in Goffman's (1959) *Presentation of Self in Everyday Life* that we come across the idea of a contradictory front stage and backstage performance. Goffman (1959:4) states that “individuals inevitably have a variety of interests in attempting to control the impression others receive of their actions in social situations”. In the front stage act, individuals perform in order to create a certain presentation of themselves. The metaphor of the stage, as performance and acting also implies an audience (the social situation) which has to be impressed. It also suggests the idea that behind the front stage there is a different world, one

⁸⁸ The article didn't actually say anything which would have led to this conclusion, “that the whites *only* joined in”.

which is concealed by the front stage and which is not directly visible to the audience.

Performance often depends upon the segregation of social space into 'front region' and 'back region'. The front region is the place where the performance is given and standards maintained. The back region is the place where [the] impression fostered by the performance is knowingly contradicted as a matter of course (Goffman 1959:112).

The concept of two different stages also resonates with a study on policing in London carried out by the UK Policy Studies Institute. The study describes police work as governed by three different sets of rules – working rules, inhibitory rules, and presentational rules (Reiner 1997). While inhibitory rules penetrate police work at all times, in the sense of successfully sanctioning police behaviour, it is the difference between presentational rules and working rules in which I am interested here. Working rules can be said to derive from the informal culture of police work; they stand in a problematic if not contradictory relationship to the official rules. In contrast, presentational rules are those official rules towards which police work is geared but often only in an *a posteriori* or in a representational form (Smith *et al.* 1983 in Reiner 1997:1014). This makes it possible to describe the ambiguous cases where a police officer does one thing and says another.

However the concept of backstage and front stage is more all-encompassing. The ideas of the stage and of acting imply that different rules create different realms in which different meanings and different practices are produced, and in which the police officer has to take on a specific role. The idea of performance on a stage also allows for the idea that an act has to be convincing and not just superficial, that policemen have to live up to it to make it seem real. It also implies an audience that judges the quality and credibility of the performance.

Taken together, these approaches can serve as helpful analytical devices in capturing and conceptualising the ambiguity between the expressed need for

adherence to regulations and the prevalence of violence. It can also help us to understand how these two realms are related to each other.

The conceptual division of front stage and backstage can also be useful in understanding police officers' claims to continuity, and defiance of the idea of radical change. This was expressed, for instance, by Captain du Preez in his assertion that for "someone who did his work well, there is no change". Inspector Marais insisted in a similar vein that "not much has changed. Our investigation is just the same as it has always been" What they possibly base their assertions on is that not all legislation has been totally rewritten since 1994. While a new Police Act has been introduced, only minor changes in the form of amendments have been made to the Criminal Procedures Act. In support of the idea of continuity, police officers also make reference to the fact that even under apartheid, detectives had to present their work with reference to the law. As discussed in Chapter Two, apartheid was not simply a lawless regime. The National Party (NP) government was concerned with safeguarding its legitimacy in the eyes of its constituency, by obsessively evoking the law to pass certain measures and to present policies. The judiciary also took care to hold up an appearance of independence, and to allow certain challenges to the system through the medium of law. Also, police officers could be discharged and disciplined under the law, and cases at times would follow the appearance of a proper trial. What was characteristic of everyday policing under apartheid was rather the readiness with which the law could be evoked and how easily this was done in a purely representational manner. Apartheid itself, in fact, supported and was dependent on a representational front stage and a corresponding backstage reality. Thus a focus on the purely regulatory realm (the front stage), which serves to divert attention from the concurrent violent backstage practice, makes it possible for police officers to present the changes brought about by the advent of constitutional democracy as not particularly radical and maybe even negligible.

4.3 Nostalgia

Despite these claims of continuity, there was something about the change towards liberal democracy which clearly deeply enraged the police. At least that is how it reads in Captain du Preez's comment on "pushing the Constitution down the throat". There was also a prevalence of nostalgic discourse among the police officers, which was exclusively concerned with *how much* things had changed and what a loss it was.

Nostalgic talk is not a very reliable oral source, since by nature it provides an impassioned account of events or of change, and tends to glorify the past. However, nostalgia constructs the past in direct reaction to the present, in the sense that the poverty of the present is presented as the richness of the past. It is in this way that nostalgia provides us with a sense of how the present is experienced.

The nostalgic talk of the police officers dealt very much with what the use of force had meant for them in the past. It is thus in nostalgia that I could find some entrance into understanding how policing was taking shape in the apparent absence of the use of violence.

In their nostalgic commentary police officers continuously deliberated on what it meant to be effective crime fighters and what it meant to be respected. Inspector Mabatha spoke of the past with enthusiasm:

At this time we were interrogating, and we were solving a lot of cases; we were doing a lot of inside jobs. We were doing the perfect job! All of the cases were convictions. When we interrogated we would get our friends, we would take shifts, two-two, and we would get the information. But they wouldn't question us about where we got the information from; we would just say informers gave us the information. We were strong officers! We would follow up on the information, and we would recover guns and ... yes, just everything.

There was a moment of silence, and I could feel how he wandered off into past memories. When he returned from his reverie, he recalled with excitement, as if we were in the middle of a thriller:

Yes, we would get some information, and then how would we do it ... we would cordon off the place, two from this side, two from that side, and we get some back-up from the riot people. And then we enter the place, all at once, and we would always find what we were looking for.

Inspector Mbatha was invoking a picture of a powerful past. He was known to me as one of the members in the Serious Crimes Unit who had been part of the black police union, who had fought for the rights of black police officers and had even spoken out about the treatment of the black population by the police. But here, there was no holding back or hesitation in speaking about the past in such glorified terms. There was no sense of embarrassment in relation to the fact that "interrogation"; "taking shifts, two-two" stood for the brutal treatment of a suspect. I got the impression that Inspector Mbatha's words were not particularly directed towards me, but that he was talking to himself, bathing in memories of a time in which policemen could employ their full potential of being "real" policemen, relentless and most of all, successful. He remembered a period in which all cases were solved, where no one escaped the powerful net of the investigating units. They were "strong officers", perturbed by no one, doing their work, since they were the ones who knew best how it was done. No questions were asked about their methods. The results spoke for themselves.

Almost every detective I spoke to, no matter whether white or black, had some nostalgic memories about their potency and efficiency in fighting crime in the past. High conviction rates were constantly heralded, and in each of these accounts violence figured as the prime medium through which this was achieved. The use of violence was the main method through which investigations were carried out and crimes solved. It was used to get people to confess, to reveal where weapons had been hidden, and to point out accomplices. This was presented with a sense of infallibility and conclusiveness.

They knew when somebody was guilty, and violence was seen as a means to elicit that truth. Their idea of professionalism comprised the achievements derived from this method.

Then there was the aspect of respect as part of the nostalgic account. Inspector Chetty put it like this:

To be a policeman was a calling. To be a policeman would mean to be a policeman around the clock, even when you were sleeping, 365 days a year. Today it is just a job; it has become a nine-to-five job. To be a policeman meant to be in a certain way, to speak rude, to not care what other people think. You did not have to care what other people thought. It was a sense of superiority, and you would get respect. It might not always have been respect, but between policemen we agreed that this was respect.

Inspector Chetty praised the sense of identification with the job that had existed in the past, and the strong commitment a police officer would bring to the job. Though he admitted that the notion of respect was based on fear, he still heralded the sense of superiority and control which could be derived from it. He was talking about an authority which commanded deference and compliance, which could be imagined as respect. In his and other police officers' accounts, all kind of attributes were attached to this notion of respect – it enabled them to create order, to “clean up” the city or to hold back the tide of crime. It was a “respect” which did not know challenge and resistance. It was seen as the main source of affirmation which could confirm and strengthen a work identity.

I would like to argue that these expressions of a glorious past, and indirectly of a poor present, cannot just be reduced to police officer's impression management – presenting a non-violent front stage which hides a violent backstage in just the same way as had been the case during apartheid. I would doubt such a purely instrumental interpretation of the nostalgic talk, especially because it is so widespread and so loaded with emotion and sentiment. Rather, I would like to argue that nostalgia here does in fact speak of change, at least

some form of change, and that this change has affected police officers' use of violence; and that this has transformed the nature of policing.

On the other hand, nostalgia *does* comprise hyperbolic rhetoric, and police officers do occasionally admit to the continued use of violence. We do not have to take too seriously the nostalgic claim that no violence whatsoever is being acted out by police officers any more. What the prevalence of nostalgia indicates is that there has been more change than the narrative of continuity suggests – it is ultimately the narrative of a shifting 'split performance'. By this I mean that while many legal regulations have stayed the same, those regulations which have changed impact on police practice more than police officers would like to admit. It also could mean that the degree to which police officers are held to laws and regulations has increased. The establishment of the Independent Complaints Directorate, although, as Palmer (2004:280) has stated, highly understaffed, and lacking control of the police disciplinary system – at least symbolically or through the publication of its annual report, contributes to the idea that the use of violence will not simply be excused. The possibility of using laws and regulations as merely representational has decreased, and a more real and authentic adherence to the rules is expected of police officers. As such, the non-violent use of force has been refined and has become more of a priority for police officers. Regulations and restrictions and institutional changes have encroached on the old ways of doing things. Expectations with regard to accountability in relation to the law have increased. The interface between the law and the police has been intensified. In the conceptual language introduced above, this means an encroachment of representational rules on working rules, compelling working rules to become partly inhibitory – an extension of the front stage at the expense of the backstage. Change with regard to the use of violence can thus be imagined as a shifting of the line between front stage and backstage, highlighting the fact that each of these realms is historically contingent and can alter the meaning and practice by which it is circumscribed.

The exasperation and the sense of loss expressed in nostalgia shows that such a shift forms a real threat to police officers. The nostalgic talk gives us an

indication of what it is, in the expansion of the front stage that forms such a threat. For example, the comments quoted above indirectly suggest that what has replaced the respect and identification with the job is a more bureaucratic kind of policing. It is not characterised by a sense of calling, commitment and dedication but instead seems to be a simple carrying out of tasks as symbolised in the nine-to-five description of the job. This has robbed police officers of a sense of belonging. Moreover, "efficiency" is seen as being absent from policing on the front stage. The front stage does not allow for any of the work identity and work authority which was invested in the use of violence and, with that largely removed, the sense of being able to effectively fight crime has disappeared. In the narrative of the nostalgic talk, the front stage represents a context of powerlessness, a sense that police officers have been "castrated" in relation to their "real ability".

However at the same time nostalgia ceases to be a source from which to extract meanings attached to adherence to rules and a more regulated practice with regard to the use of violence. After all, the way police officers lay claim to strength and potency in their nostalgic talk is about redeeming them from responsibility for the increase of crime and the informalisation of the country as experienced in the inner city. Anything which could possibly point towards personal failure on the part of police officers, or which would implicate them with the burgeoning crime rate is avoided. As such, nostalgia always remains a kind of image management. To get a better sense of the tension between backstage and front stage, and the kind of threat that the expansion of the front stage produces, we have to engage with material which relies less on general self-representation of police officers and more on observation of embodied and everyday police practice and police officers' more situated comments.

4.4. Backstage – front stage: the meaning of violence

4.4.1 Nightly performance: out for arrest – scene one

The effectiveness and infallibility of investigation loomed large when I went at night into the inner city of Johannesburg with the detectives of the Serious Crime Unit of Johannesburg Central Police Station. One night, it was particularly palpable:

It was on a normal mid-week working day that Sergeant Legodi had set up a plan to go out at night with a few men to make an arrest. He presented the plan as impeccable and that it would deliver at least six arrests. He had received the case, a murder case, the day before. He had gone straight to the murder scene where he had spoken to the mother of the victim. A man had been killed in a fight which took place in one of the densely populated and dilapidated inner-city buildings. According to the distraught mother, the fight had broken out between her son and a group of men who called themselves the house committee. She also had told Sergeant Legodi that a man by the name of Happy had tried to keep them apart; he had called the men from the house committee by their names. The mother had given Sergeant Legodi Happy's room and floor number, and so Happy became key to the arrest.

During the day Sergeant Legodi proudly presented his plan to me. He explained that he would first get hold of Happy so Happy could point out the men from the committee, whereupon he and his colleagues could arrest them. He added that if Happy were in any way to resist "co-operating", there were "means and ways" and a threat of arrest to make him reconsider. Thus there was even a contingency plan in place and nothing, so he insisted, stood in the way of a successful night.

As I returned to the station in the evening, some of the detectives were already assembled and were shouting up and down the corridors of the empty station in a hyped-up way. Inspector Nyathi was rubbing his hands in excitement and boasted that "today we are not out to shake hands....". Sergeant Legodi was bragging that he did not bother to wear the rear metal plate of his bullet-proof vest; he did not need it, so he said, since he would never run away from a fight. I could not help noticing that he must have had a drink or two. Finally, the ten officers piled into four cars and veered off into the night.

As they arrived at the multi-storey flat where the murder had taken place and got out of the cars, they were prancing and shouting not to forget the torches, for, so Sergeant Nkosi readily told me, "handing out *klaps*". They then had to sneak through a small porthole of the gate which secured the entrance of the building. Then, like a small army which was ready for attack, they started sprinting up the staircase. I was quite amazed. I had never seen this group of detectives so motivated and ready for action. However, the magic did not last for long. After the second floor a lack of fitness made itself visible, and the group started to draw out. Some fell back into a slower pace; others stopped running and slowly climbed their way up to the eleventh floor. By the time the last detective arrived, some were already busy banging at some doors.

Sergeant Legodi was still looking for Happy's apartment, but because it took them too long his colleagues just tried randomly. Before long it became clear from people living on that floor, who had been woken up by the police invasion, that Happy had left some time ago. Nevertheless, some police officers kept on banging at doors. But then the last spark of excitement subsided. Nothing much was left of the image they had invented. Even in their own eyes, the image of heroes of the night had dissolved. Disenchanted, as if somebody had pulled their plug, and rather worn out, they shuffled and ambled back down the stairs.

To save embarrassment, some half-hearted attempts were made to find another suspect by browsing through some bars nearby. But by then only a few officers were still getting out of the car. The others just parked outside the bars and waited until their colleagues came out again. Only Inspector Nkosi went on, meticulously documenting every stop with its case number, time and address. The night had turned into a bureaucratic affair, well documented and accountable, doing it by the book but with all the assertion gone. What remained was a sense of the burlesque character of their nightly performance.

I tried to understand what had been going on. It seemed that a carefully planned strategy had within seconds deflated, just like the lungs of the running police officers. Nothing much of the concerted effort remained. The co-ordination and

the cohesive picture were left behind at the bottom of the stairs, never making it to the eleventh floor. The nightly operation had a strange, illusory feeling to it. Everything had hinged on the presence of one witness, but nobody had questioned the operation with regard to this assumption. The plan could have been considered as extremely fragile and fallible, but this aspect was ignored and full concentration went into imagining the success of the operation. The only eventuality which was anticipated was "non-co-operation". The remedy for this, however, was immediately available: threat and violence – and in any case Happy was not even the suspect but simply a witness. In a way, the officers' conception of violence had served to obscure any possible pitfalls. In fact, the belief that any obstacles to the plan of action could be overcome by violence made the plan seem infallible. The power of violence enabled the plan and allowed the police officers to imagine themselves as effective and potent. Initially, as they started to carry out the plan, the willingness to use violence as well as the display of heroic masculinity seemed to be the prerequisites of the plan, allowing the police officers to confirm each other in their potency.

Only when it became clear that the witness was absent did some of the actual weakness of the plan become visible. The falling apart of the squad on the second floor because of their lack of physical fitness, and the uncoordinated banging on doors, suddenly brought to the fore a reality which was far less glamorous and potent than the one imagined in the run-up to the evening. With the sudden collapse of the plan, the illusory quality of the whole operation became apparent. More so, there seemed to be a clear performative element to the operation, a performance to which the police officers themselves were the audience. It was a performance which enacted potency, and it was only with the requisite violent authority that the performance could be acted out.

In this self-referential performance they held up the standards which determined their own self-respect and sense of self. Meanwhile the part which they were trying to obscure and conceal with their performance of potency was a much bleaker, less rewarding and less certain police reality. It was caught up in the unpredictability and unintelligible nature of social life and the provisionality

and makeshift character of their practice. "The plan", and the burlesque acting out of it, had come to stand for everything that everyday policing was not: it created an illusion of the intelligibility of crime, of the police officers' ability to access the mind of the criminal and to be a step ahead. It stood for unchallenged authority which was underwritten by the unrestricted use of violence, which made more laborious investigations unnecessary, and which could make them look like potent police officers.

4.4.2 Nightly performance: out for arrest – scene two

In a very similar way, comments by two detectives from Sophiatown Police Station stressed the enjoyment and thrill of going into Westbury, the most marginal area of the policing district. It confirmed the extent to which their unchallenged and violent authority enabled them to hold onto the illusion of their potency. Here the idea of front stage and backstage receives a spatial meaning, with different policing areas allowing, in different degrees, the acting out of the performance and authority of the backstage.

Sergeant le Roux and Sergeant de Bruin had been out making an arrest in Westbury the night before, while some of their colleagues had been to the mainly white lower-middle-class neighbourhood of Newlands. The next morning Sergeant de Bruin remarked about these colleagues that they were 'quite dead; they rather stick to the rules and don't dare anything'. That was also why, according to him, they hardly ever arrested anyone. He then went on to explain the difference between working in Westbury and working in other places:

'I prefer to go into Westbury, it is faster. In Newlands and these areas there are high gates, and lots of dogs, so you stand outside the gate and you have to ring the bell. And you can't just go into people's houses like we do in Westbury, and you can't just tell someone there to hurry up and to get dressed in the cell. It is much faster in Westbury. I have worked in

Northcliff,⁸⁹ but there you stand outside and you have no other option than to press the bell and wait. Sometimes you can't even see the house from the gate. No way that you can just walk into their houses, and then you also have to treat them differently. Therefore, I always prefer to go into Westbury. There you can treat people as you like.

"Westbury, it is faster"- fastness here stands for adrenaline-raising actions which feed police officers' image of their potent, masculine selves, and practical aspects of the night raids such as the lack of insurmountable physical obstacles. The absence of walls, which marked the marginal socio-economic status of Westbury, allowed for the storming of homes – an act which again supported an image of potency. It allowed for the reaffirmation of who they wanted to be, and as such generated exhilaration. It also allowed them to carry out numerous arrests, even if these cases often would not hold up in court. Arrests without warrants made up a substantial part of the nightly performance. In contrast, the high walls of the rich parts of Northcliff, and even the walls of the lower-middle-class area of Newlands, detracted from the police officers' sense of self and their sense of authority, because they undermined any opportunity to enact spectacular action. Instead, they turned police officers into feeble figures who had to appeal for entrance. The high walls made police officers look dead and ultimately emasculated, according to Sergeant de Bruin. Hence, a sense of authority that was unchallenged and invested in violence enabled the officers to uphold a certain image of themselves, and permitted them to act out an imagined efficiency, potency and ability to fight crime. It allowed the police a temporary imaginative escape from a routine and everyday practice of policing, which painfully reminded them of the impossibility of fighting crime.

The difference between nightly policing in Westbury and nightly policing in Newlands is also – as has already become clear above – a strongly gendered one. For instance, on another occasion the Detective Unit went out to

⁸⁹ This is a middle-class to upper-class area of the Sophiatown policing district. Some of the houses are mansions that are surrounded by walls of two-and-a-half or more metres in height and with high-tech security systems.

make nightly arrests and was split up into two groups, one going into Westbury and the other into Newlands. Inspector van Vuuren, one of the female detectives, had been ordered to go with the Newlands group. However, she was burning to find an excuse to swap sides. She normally worked in a close-knit team together with a white male colleague, Inspector Nortje, who was absent that night. Letting me in on her frustration, she told me that "normally Nortje and I are always part of the Westbury team". She was clearly upset about the fact that without her male partner she wasn't allowed to go into Westbury, and attributed it to her colleagues' prejudices against women. On other occasions she had told me that she would not be shy to use force and that she had gained the respect of her colleagues when they saw her ability to climb over walls. She thus clearly felt that she had to prove that her gender did not automatically determine her ability as a police officer, and she saw being sent to Newlands as a serious setback. The meaning of the split between Newlands and Westbury as a gendered one was further reinforced by the fact that the Newlands team was headed by the Unit's second in command, Captain de Villiers, also a female police officer. The Westbury team, on the other hand was under the command of Captain Smit, the long-time male head of the Detective Unit.

Detective Sergeant Gabela was quite an exception, because he preferred to go into Newlands. However, he was a rather studious loner within the unit, who had a very distinct relationship to his job. He had volunteered to be the one responsible for taking dockets to and from court every day, and to be in charge of all the administrative work which was related to the task. He even told me that he would rather spend an extra day doing his office job than have to go out at night. This shows that even aspects such as attitudes to administrative work are linked to the dichotomy between Newlands and Westbury, an aspect I will come back to below.

One could thus argue that there was a whole cosmology underpinning the spatial division between the two areas – dichotomies between female and male, between different policing styles and tasks (as in administrative and court-related tasks versus actual arrests), between the presence and absence of walls

(which symbolised the presence and absence of regulations and marked the divisions of social class), and the possibility for displaying prowess and efficiency. Though meaningful on their own, these aspects were all linked to particular uses of force determined by the location itself, the one in Newlands regulated and restrained, and the other (in Westbury) unchallenged and violent. This cosmology of spatial division can be read as similarly underlying the difference between front stage and backstage. In addition, it becomes clear how the police officers' sense of self was closely interwoven with this cosmology of meaning produced by the use of violence, and how it appeared to be contingent on the spatial division between the marginal area of Westbury and the middle-class area of Newlands.

4.4.3. Acting without a warrant and other administrative short-cuts

Violence got things done for the police officers in the old dispensation also on a more practical level. Inspector Motaung explained:

It was so easy to prove a case. You search him, you arrest him, force made them to co-operate. But these days you drive from A to B to C, you must get a paper here, you must talk to the prosecutor there. It is such a waste of time. Just to get a search warrant can take you a whole day.

This comment makes clear what the regulations preventing the application of a violent authority mean for police officers. Tighter regulations and the constant need for authorisation result in laborious and bureaucratic procedures. Inspector Motaung was less concerned with existential and dramatic issues such as potency and identity, and more with the seemingly more mundane aspects such as effort and time. He was particularly concerned with the issue of warrants in relation to the arrest and search of people, premises and houses.

The Secretariat for Safety and Security (1998), which represents a form of civilian oversight within the police, released a report stating that there is a

greater probability that evidence that has been seized unlawfully will be rejected as inadmissible. The SAPS has also received an increasing number of civil claims “for infringement on the rights of privacy, usually arising from search and seizure being carried out without the required warrant.” (Secretariat for Safety and Security, 1998).⁹⁰ In response to this, the legal department of the SAPS had produced and handed out guidelines regarding search and seizure. If a police officer wants to acquire a search warrant, he or she must provide a statement under oath by a witness attesting that the person or object to be seized can be found at a certain place. This is a clear example of how an already-existing regulation has received more attention and thus demanded increased adherence by police officers.

Still, the police I worked with in the areas of Westbury and the Johannesburg inner city did commonly carry out searches and, more so, arrests without a warrant. With regard to search and seizure, they simply entered a house, sometimes quite courteously and sometimes more brutally, while people rushed to open the doors for them so they would not break them. Their entrance was always made confidently as if it was their natural prerogative, and the authority to simply enter and search people’s homes was accepted as a personal power. This had a generative effect, in the sense that people indeed allowed them in without daring to resist or object.

When asked about the legality of their actions, they responded that the law allowed for the lack of a warrant under certain circumstances. One of these was the following:

[If] a member on reasonable grounds believes that a search warrant will be issued to him or her if he or she applies for such warrant, but the delay in obtaining such warrant would defeat the object of the search, [he or she] may search any person, container or premise without a warrant (Section 22 (b), CPA 1977).

⁹⁰ Section 33 of the Constitution (RSA 1996) states that all persons have the right to legal action when any of their rights have been affected or threatened. This has resulted in an increase of civil actions against the police.

Referring to this exception was, however, often a pure mockery since most of the time police officers did not even know what object they were looking for, nor did they have a witness at hand who could pledge for the whereabouts of the object.

Slightly more “persuasive” was the evocation of the provision that a search could be conducted without a warrant if “the person concerned consents to such search for and the seizure of the article in question” (Section 22 (a), CPA 1977). This allowed the police to argue that they were simply interpreting and using their discretion as granted in these provisions.⁹¹ However, it was not primarily this use of front stage authority which got them the consent, as this would have meant that people would have been given, even if grudgingly, a choice by the police officers. Rather it was the violent authority which forbade challenges. When there were challenges, they would be met with a violent reprimand, and any claim of legal rights by those being policed, tended if anything to increase the risk of violent treatment from the police. The ability to demand “consent” in this way enabled the police to carry out investigations with a minimum of time and bureaucratic and administrative effort.

Arrests without a warrant were carried out using similar justification. Police officers, if asked, would evoke the parts of the legislation which allowed them to arrest someone without a warrant, but in most of the cases they did not even bother and just followed their own routine. In Westbury, where in many cases the complainant knew the identity of the suspect, this meant arresting the suspect simply on the basis of the complainant’s statement. The courts would then decide what would happen with the case.

This meant that cases were often thrown out of court or were subject to the delays of the court. The detective would then either be able to close and file the case, or at least avert the immediate pressure to deal with the case in terms of

⁹¹ The Secretariat of Safety and Security (1998) found that with regard to specialised units (Drugs, Organised Crime, Commercial Crime) there has been an increase in the acquisition of search warrants from magistrates. This is also valid for bigger operations such as the searching of hostel premises. However, on the individual level, in the work of “non special unit detectives”, the opinion prevails that searches can be carried out without warrants.

further statements, investigations, and so on. Delays could be blamed on the court and the case docket could be shuffled to a different pile, where it could be accounted for differently. The arrests also looked good when police touted up how many arrests they had delivered, as the number of arrests was considered independently of the number of actual convictions achieved by a police officer.

This gives a further indication of the level of investment that police officers had in using violence which allowed them to circumvent administrative procedures. Without the ability to employ their commanding authority, they would have had to go through the laborious process of legal authorisation in each case. In many of the cases, this would have resulted in a refusal by the courts, which would have considerably increased the pressure generated by the amount of dockets they had to handle and which could, at times, assume the proportions of an existential threat.

4.4.4 Docket culture

To explain the kind of pressure which is created by the docket load, I take a detour into what I would like to call the "docket culture". Dockets are primarily the administrative and documentary record of a criminal case. However, they take on a peculiar materiality and a symbolically powerful position in the everyday practice of police officers. A docket consists of a brown cardboard file that defies any sense of present-day computerisation. On the outside of the file, on a hand-written label, are the basic details of a case, such as the responsible detective, category of crime, name of complainant, case number, and if necessary court dates. The inside contains the statements of the complainant, witnesses and, in cases of arrest, the suspects. These are also handwritten. The docket further holds the forensic documentation, such as letters from doctors, finger prints, blood tests, post mortem reports and so on. Dockets also include a case diary, recording the investigative steps undertaken by the detective. This diary enables the detective to keep a record of what he has done on the case, and is a control mechanism for seniors. Seniors and prosecutors can

also scribble down in it their instructions of what should be carried out by the detective.

Dockets assume a ubiquitous presence – like sawdust in a workshop. The tattered and greasy nature of many of the brown files speak of their persistent presence in the working life of detectives – either as court dockets, unsolved dockets or dockets waiting to be closed and filed away. The first thing one notes as entering any detective's office are the numerous piles of brown files, sorted into the pigeonholes of old-fashioned office furniture, covering the desks or gathering dust in a corner of the room. In such piles or one by one, dockets are shuffled from police stations to the courts, where from central points resembling administrative conveyer belts the never-decreasing flow of dockets is dispersed to prosecutors. Then they are picked up again, stamped, and returned to each detective. Some dockets get shuffled to the bottom of a pile while others are always taken along on the daily ride, clipped under the windscreen visor or thrown onto the back seat.

These ubiquitous files had become an ominous presence for the detectives that I worked with. The organisational practice of the stations has created its own particular meaning with regard to the receiving, opening, closing and withdrawal of dockets. For instance, on entering the office of a detective at Sophiatown Police Station, and asking the innocent question of "how are you today?" I received the following stressed answer:

Bad, bad, too much work, there is just too much work. Do you see all these dockets? I am supposed to work on all of them. How am I supposed to do that? ... and next week I have to hand them in for inspection again.

Having said this, he grabbed the different piles of dockets, which were dispersed all over the office, and threw them onto each other until they formed a formidable tower that threatened to fall over any moment.

This expression of exasperation about the amount of dockets on hand was certainly not an isolated experience. Docket overload was a daily

phenomenon that had become a kind of obsession, in the sense that there was a fixation with the docket that went beyond its functional purpose. A detective might at a given time have up to 120 dockets on hand. The numbers varied, however, depending on the crime category for which a detective was responsible. At Johannesburg Central Police Station, where there are separate detective units for different categories of crime, detectives from the General Investigation Unit might have an average of 90 dockets on hand at a given time. In the Serious Crime Unit detectives who only investigate murders would have about 20 to 40 dockets. At Sophiatown Police Station, where the system was that all detectives were responsible for investigating all categories of crime, they would have murder dockets as well as trespassing dockets to deal with. Here the piles could vary from 50 dockets to 120 dockets.

While dockets indeed reflect and are a material measurement of the workload, the fixation stems from the fact that dockets are also the site of organisational disciplinary pressure and punishment. During one of the morning parades, the assembled Detective Unit was informed that Sergeant Molefe had been sent back to the uniform branch. Despite several warnings, he had not reduced his pile of dockets. Captain Smit made it clear that this “was to be a lesson to all of them if they did not wish to suffer the humiliation of being demoted”.⁹² Thus the pile of dockets can become a source of threat, since it can potentially be the reason for punishment and humiliation.

Inspections of the docket piles were carried out regularly in order to supervise police officers' performance. Seniors would demand that all the dockets of a detective be brought into their offices. Then they checked how many dockets a detective had on hand, how many he or she had managed to close, how many were court dockets, and whether he or she had been working

⁹² The rank of detective is considered to be the highest and most respected within the station. The investigative work, the regular interactions with courts and the broader administrative tasks are considered to require a high level of skill. This has its roots in the apartheid police force, where the detective service was for a long time reserved for whites only. However, this hierarchy is not so clear-cut any more. Considering the workload of detectives, it is often more attractive for police officers to work in the uniform branch, either in the Crime Prevention Unit or the Reactive Unit. There they do their shift, but when they are off they are off. The responsibility of managing a case load is seen as a huge challenge.

properly on the dockets. The morning after the inspection the senior of the unit would openly shame the detective who had closed the least dockets. He or she had to stand up, and it was made known to everybody how few dockets that officer had closed. Then the detectives who had closed more dockets than usual would be mentioned. A list was written on the blackboard and new targets for closing dockets were set. The sense that dockets were a potential source of humiliation and embarrassment was thus reinforced on a regular basis. This anxiety can be consciously manipulated by seniors. In this respect dockets were sometimes used as a means of punishment, for example, by giving a police officer, who had done something wrong, all the dockets which had accumulated over the weekend, instead of distributing them among the detectives of the unit.

The ominous role of the docket becomes more evident through the actual administrative and bureaucratic task that is linked to it. Narratives of complainants, witnesses and suspects are forced into hard-learned "who-what-when" formats, erasing details and emotions. Details of accounts were frequently altered out of lack of understanding or patience. The simple and stiff language used by police officers in writing statements displays the difficulty they have with the task. Spelling and grammatical mistakes and strange formulations speak of weak literacy and low educational standards. This often stands in the way of an easy mastering of the task. Instead it provokes feelings of awkwardness and discomfort for the police officer, and can erupt into confrontation.

Even if done with more ease, the taking of statements often means a lengthy process of listening to the complainant, witnesses and suspects. Then their story must be translated into the administrative form in which policing qualities such as physical potency and mannerisms of superiority have to take a back seat. This reflects a binary opposition of what are considered to be feminine tasks and what are considered masculine tasks; administrative tasks are clearly marked as a part of a female realm within police work. It is not surprising, then, that male detectives often approach their female colleagues for assistance before impending inspections. Ironically this not only supports the

gendered notion of the task, but highlights the point that women in the force are generally better educated than men (see Chapter Two).⁹³ Doing administrative work was thus imbued with a notion located at the nexus of the feminine and of a higher educational standard than most police officers had access to. Therefore, especially for policemen with an average standard of education, the situation was saturated with a sense of inadequacy and indignity.

This shows that the need to keep the pressure of the docket load at bay is not just an issue of pure convenience. It gains urgency in that an overload of dockets has a hugely eroding effect on police officers, and has the potential of creating a sense of anxiety and inadequacy. The pressure is kept at bay by the "tricks of the trade". Missing dockets are covered up by putting the case number falsely onto a list that indicates which dockets have gone to court. Signatures are faked so that the docket can be closed without the consent of the complainant, and visits to the complainant are falsely noted down in the case diary because it is permissible to close a docket after several unsuccessful visits. And it is here that the importance of circumventing the process of acquiring a warrant comes into play; the importance of closing dockets quickly, or being able to move them to a different pile (such as the court dockets pile) becomes indispensable. Quick investigations, searches and seizures become critical.

According to Sergeant Bothma, most of the detectives use various kinds of "tricks of the trade" to deal with the workload of dockets. He says that the knowledge is passed down from older to younger officers. Such subversion clearly shows the central symbolic and structural role dockets play in the everyday work of detectives. It also shows how the use of violent authority is deeply intertwined with dealing with this docket culture, and with minimising the pain the docket load can inflict on a police officer.

4.4.5 Protection of time out

⁹³ This does not mean that female detectives did not subscribe to the same kind of gendered division of tasks.

Finally, less with reference to a particular law but with regard to how police officers organise their work day, the commanding violent authority protected the space which they reserved for their informal activities:

Inspector Engelbrecht and Sergeant Grouws were an experienced team of two female detectives. One afternoon while Inspector Engelbrecht was taking a statement from a witness for one of the cases she was investigating, Sergeant Grouws began decorating the plants in the room with Christmas lights. Her whole attention was dedicated to fixing the Christmas lights when an old black man entered the office. He stood in the door for a while, and finally dared to approach Sergeant Grouws with a question about how the case he had opened a few days back was progressing. He did not even get the chance to state the case number or to explain what the case was about. Sergeant Grouws, with an irritated look on her face, left the Christmas lights and turned to the old man. In an extremely angry voice she shouted at him: "Who do you think you are? I am busy. Can't you see?" She pointed to the pile of brown dockets that were lying on her desk. "I have more than just your docket. I did not have the time to work on it." The man, with an apologetic and intimidated expression on his face, left the office without any further attempt to follow up on his inquiry. Sergeant Grouws, without any further comment, turned around to continue with the arrangement of the Christmas lights. Later she went with Inspector Engelbrecht to one of the nearby bulk retail stores to do some Christmas shopping for her children.

While decorating the office for Christmas seemed a rather prosaic activity (though turning her gesture of rebuke into an even more violent one), it shows that police officers in practice defy the strict boundary between public and private activities. In some cases they use state resources such as paid time, cars and petrol, and telephones for personal business. As I will show in more detail in Chapter Six, this makes up a substantial part of everyday policing and is a highly guarded space by police officers. The unchallenged authority underpinned by fear and violence – what they call respect – enables them to refute demands from the public, even if it is just a simple inquiry into the status

of a case. Violence here was expressed through words, but with this they can steal precious time to do private things during work hours.

4.5 The comfort zone

In relation to the policing powers of the past, Inspector Chabedi made a comment that showed clearly a sense of self-reflective awareness of what police officers were doing in holding on to their nostalgia. He called it the “comfort zone”.

“Well you know, all these new laws and things, they might be right, but they limit our powers. And we are in a comfort zone, so we don't want to change this. It would be too hard for us. So we insist that certain changes are not for the better, because we don't want our comfort zone to be intruded [upon].

The idea of a “comfort zone” as a description for the backstage seemed acute here, since it emphasised that the investment in the authority of the backstage tended to be one of practical convenience. It also shows that, to a certain extent, police officers consciously preferred the backstage to the front stage, because a change would mean more effort and an erosion of time spent on private matters. However, the idea of the comfort zone should not be taken simply at face value. While the nostalgic commentary dramatises the front stage as fatalistically and inevitably leading to failure (which obviously absolves officers from the responsibility for this failure), the remark about the comfort zone suggests that police officers *do* have a choice about which stage they will occupy. It serves to imply that police officers did have the means and the capability of acting on the front stage, even if it might be hard. It downplays the difficulty police officers have in occupying the front stage, and the discomfort – to be faithful to the metaphor – which the front stage provokes.

The limitation of such choice becomes very visible in the detectives' direct confrontation with the realm of the law epitomised by the courts and its personnel.

Inspector Pretorius, the head of a special unit and thus an officer with considerable responsibility, confided that each time she had to testify about one of her cases in court she would get physically sick. She told me how she would try everything to avoid having to go to court. She would even at times call in sick or try to send somebody else in her place. Such an expression of discomfort also showed in the transformation detectives underwent when they took cases to the prosecutor. They would become timid figures, with no resemblance to the prancing bodies of the night shift. They showed docile deference to the educated and legally skilled figure of the prosecutor. They would submissively accept reprimands from prosecutors for not having carried out certain investigations in a certain way.

Physical discomfort becomes telling in terms of the discrepancy between the "comfort zone" and the authority and habitus expected of them in order to perform adequately on the front stage where the legal authority reigns. As such on a more substantial level, a comfort zone can also relate to identity, and the possibility of acting out and confirming that identity. The need to be someone else can mean significant discomfort. While some aspects of it might be choice, there is an interlocking of practices and meanings which does not allow the police officers to move freely between front stage and backstage.

The inability to perform on the front stage has to be understood as much more deterministic than police officers would like to believe, but also as less fatalistic than they may believe. Violent authority does less to contribute to actual effectiveness than effective performance, meaning the appearance, albeit illusory, of effectiveness. Legal authority often translates into bureaucratic processes of authorisation, regulated and pacified forms of violence which are seen as non-masculine, and which translate into lengthy forms of investigation, into an encroachment on the time of police officers and a deferral of their success. This tends to have a humiliating effect on police officers as they attempt to deal with their sense of inadequacy; it erodes their identity without offering a viable alternative.

4.6. The "Wiseman"

The lack of ease with which police officers are able to perform on the front stage and their investment in the backstage explains why remarks or attitudes by suspects and members of the public, who have an exclusive claim to the front stage, form such a challenge for police officers. It has been noted by Chevigny (1969, 1972) and by many others (Reiss 1973, Bittner 1990, Reiner 1997) that a threat to a police officer's sense of authority in the form of the "wiseman" or the "asshole" who tries to outsmart the police officer easily provokes violence. The police officers I worked with admitted using violence against people with "an attitude". Asked to specify what they meant by "somebody with an attitude", they responded that it was "someone who pretends to know what his human rights are" and "who *suddenly* wants to tell me how to do my work".

It became clear that such "attitude" was a threat and therefore a provocation to the authority of the backstage. It threatened to erase the performance and to bring together the backstage and the front stage. This would make it impossible for police officers to deal with the bleak reality of policing. To be held to the front stage meant a confrontation with an incomplete and therefore humiliating identity and great discomfort.

Violence in the form of common assault, as I have witnessed it, and which has a commonplace prevalence in everyday policing, was often a way of averting, if not avenging, such humiliation and restoring the discreteness of the two realms of authority. It seemed that with the assertion of the front stage, which aimed at a reduction of violence in police practice, the kind of backstage violence I have discussed here began to hold even more urgency for police officers.

4.7. Different lives – different actors

4.7.1 Introduction to different lives

Of course, not all police officers are barred from the front stage, and not all of them are merely invested with the authority rooted in the unchallenged employment of violence. Sergeant Gabela, who took care of the court dockets, is an example of this. He personifies a police identity which at least partly embraces the more bureaucratic, administrative front stage where legal authority reigns. I shall therefore sketch how different police officers negotiated their way between the two stages: how invested they are in either the back or the front stage in relation to aspects such as the acting out of potency, the uninhibited use of authority and quick turn-over of dockets, making immediate arrests and having unhindered entrance to people's houses, or protecting free time within working hours. I also consider how much they associate themselves with the legal authority that attests to being a part of contemporary liberated South Africa; which reflects the detached and less specific and upwardly mobile middle-class culture of the legal profession; which champions proficiency in communicative and other non-violent professional skills, and which promises a mutually respectful and co-operative relationship with the courts and court personnel.

This sketch of how different police officers navigate differently between the two realms will show that while none of them could totally deny the necessity of a front stage act, none of them was able to (or interested in) fully giving up violent authority and what it was able to generate. Instead, different ways of arranging the relationship between the front stage and the backstage reflected the different career and life trajectories of individual police officers.

4.7.2 Inspector de Villiers

Inspector de Villiers was a police officer in his early thirties. His wife was also a police officer; she was the head of his unit and therefore his senior. While

he was the first in his family to join the police force,⁹⁴ she came from a long family tradition of police officers, although she was the first woman of her family to join the police force. His own and his wife's idea of career was very much one of making it through the police ranks to the top. To become a higher-ranking officer within the police force carried respect among his family and friends, and was also a means to financial security. He told me:

My friend told me I should join the police. And then I counted, and I thought, well two years of constable, and then I become sergeant I thought of the money I would earn, and I thought great! I will have my own income soon, and a policeman is a respected person. I could have studied for something else, but I did not want to wait any longer to earn my own money, and I did not feel like studying. I thought I would make a really good choice.

While it seemed to work out for his wife, who was well educated and who benefited from the SAPS's equity policies, Inspector de Villiers was desperately waiting for his promotion. Still, he considered himself young enough not to give up on it yet.

He was exceptionally eager to learn about human rights. However, he emphasised, this was not because he was particularly convinced about it, but because he wanted to make sure that nothing would get in the way of his promotion. He did not want to risk being disciplined, which would inevitably set him back. He felt that he needed to strengthen his knowledge of human rights so he would know what he was doing; he could then choose when to play it safe and when to play out a more violent authority. He also wanted the knowledge so he could always be ahead of the people he was dealing with; if a suspect were to

⁹⁴ . . . To become a policeman seemed to be an attractive option. The state would pay for their education, which many young people or their parents who were from poor farming or working-class backgrounds could not afford. The prospect of climbing the ranks, as it was then envisaged for white people, promised a fast rise in salary and status. At this time, having a matric certificate was not yet an entrance requirement, nor was it a requirement for getting promoted. In addition, the police force offered housing benefits and other civil service grants. Furthermore, it was fixed employment, which ensured great security. All that must have looked like an attractive option for someone who had seen his parents struggle or who came from a white working-class background.

make claims about human rights, he would not have to be insecure about it but would be able to intimidate the suspect by showing him that he knew exactly what he could and could not do. It was a way to defuse or at least tame the threat posed by the human rights concept. Basically, he tried to turn the possession of human rights knowledge into a shield to defend himself from people in relation to whom he had formerly been able to play out his authority but who since had become versed in legal ways.

The proximity to his wife gave him privileged access to the front stage, despite being less well educated than she was. He had learned to deal with the fact that his wife held a superior position. This made him more accepting of the feminisation of police work, which, as argued earlier, was one way in which human rights was being experienced. Moreover, through his proximity to his wife's policing style – she was well versed in legal ways and was holding up a very correct image as a manager – he was well-advised and could learn the ways of the front stage. At the same time, his wife was reliant on him and his male colleagues to carry out work on the backstage, without which she would neither have received the respect of the unit nor been able to keep up the appearance of delivering the expected number of arrests. Through this arrangement they could hold up a certain purity of the front stage without diminishing the pressure of the backstage authority.

4.7.3 Sergeant Khoza

Sergeant Khoza was one of the oldest black investigating officers in the Serious Crime Unit. Whenever he interacted with suspects, he would make sure that fear was installed in them right from the beginning. He would threaten them by insinuating that the police still used torture. I also had first-hand information that he had used a hammer during an interrogation; the suspect's screams could be heard along the passage. However, nobody intervened, neither his colleagues nor the head of the unit. He was respected in his own way, even if most of his colleagues would themselves be much more moderate or cautious. Some of his

white or Indian colleagues asked for his assistance when they were interrogating a black suspect and felt that they needed someone to speak to the suspect in an African language. At such times he would first utter a whole range of threats before he even started talking about the case. References to the past always featured strongly in this diatribe, as if there was still an open credit of fear. On night raids he tended to bang the heads of people against the metal plate of his bullet-proof vest, even if they had already been arrested.

Sergeant Khoza entered the service in 1977. He joined the police force out of the necessity to have a pass (the apartheid-era internal passport that black South Africans needed to legitimise their presence in towns or cities) and the absence of any other opportunities:

I was in the bus; everybody was running into the bus. Then the police were following the bus, then they stopped the bus, and they were asking for the pass. If you couldn't produce a pass or a work permit you were arrested by the police. I was arrested too often, and I realised I couldn't be in Johannesburg without a permit. This forced me to take the police job. I wanted to work and I wanted a job, so I went to see my uncle who was working in Johannesburg Central at that time, and I said, don't you know how I can become a policeman? And he showed me where the registration office was.

When I met him, he knew that he had no prospects of being promoted any further. For him to become a detective was already the principal advancement. He had a very strong sense that history had passed him by. He said that he had spent the better part of his police career on special duties, such as service at the national borders. This had made it impossible for him to study. Now that these academic skills were suddenly required, he was left out.

This view was reflected in his view about human rights. He simply told me: "I don't want to hear any more about these human rights". He obstinately added that he had refused to go to any of the human rights training courses. He said this in a very irritated way. It was as if just the phrase "human rights" hurt his ears, as if it was an ugly noise to which he did not want to be exposed any longer.

In a more formal interview, which I had carried out with him at an earlier stage, and in which I had been writing down things in front of him, he had made sure that whatever he said gave nothing away about whether or not he followed the rules. He consistently tried to create the impression that in the new dispensation he did everything differently, that he did not use force any more; that he had “given up on the old ways”. However, he clearly loathed the bureaucratic procedures for which he had none of the necessary skills, and it was impossible for him to deal with suspects in a non-intimidating way. He was hardly able to perform on the front stage, and his identity was fully invested in the backstage performance. For him, the front stage meant a present and future of which he was not part and which he would never be able to become a part of. The front stage and his own area of operation represented two incompatible spheres, with the front stage eroding everything he was to himself, his colleagues, and to the police.

4.7.4 Inspector Chetty

Inspector Chetty liked to invest his time and effort to enact the concept of human rights so that it would become a reality for inner city dwellers. (I will discuss this in detail in Chapter Six.) He dreamed of a middle-class life. While he knew that he would have little chance to succeed outside the police force, since he had no education other than his police training, he longed for recognition as a professional. He made a point of how he had come from a small town and how apolitical, *weltfremd* and naïve he had been then. Coming to the city had opened his eyes, and he felt he had come a long way by learning the ways of the city and realising how many different life trajectories there were. However, he felt that by being in the police force he was missing out on the opportunities of a middle-class life.

We are not seen as professionals. If I go to the bank, I can't get a loan as a lawyer does or a doctor does. They think we are all stupid. There is no

respect for the police. Doctors are so overrated. I also have people's life in my hands and I even risk my own life; a doctor doesn't. At the bank they don't even ask which rank; there you are just a stupid policeman.

He hoped to acquire some skills that were not specific to the police, such as computer skills, which would allow him to be promoted to one of the special services within the police service, such as the IT department. This would take him off the street and allow him at least to live the semblance of a middle-class life. In his current position it was the human rights precept which allowed him some approximation to the middle-class world of lawyers and other professionals. He tried to carry out a form of policing which, according to him, did justice to the idea of human rights. This for him meant enacting a sense of being part of post-apartheid South Africa, which offered seemingly ample opportunity for those who had been disadvantaged under apartheid. And on top of this he had the advantage of having had a relatively better education than many black people in the country.

However, this enactment was not as lasting and sustainable as he wished. A more mundane everyday police practice caught up with him. He had to face the on-the-ground realities such that, for example, city dwellers did not allow him to come up with spectacular cases and legal victories but instead pulled him into their marginal world, which was even further removed from the courts and membership of the front stage policing world than ever before. With this a soap bubble seemed to burst. He then became very sentimental and nostalgic about policing being a calling, invoking vividly the performed imaginary of the backstage. However, some of the violent roughness of that world disturbed his sensitivities, and he ended up feeling that neither the rough backstage nor the middle-class front stage had anything to offer to him.

In many ways, he found refuge in his private life. He hoped that he could have an approximation of a middle-class life through the purchase of consumer goods and living in a racially mixed area. He had white neighbours with whom he got along very well, and who did not even know that he was a police officer.

This also meant that he felt entitled to reserve considerable space and time during his working day for doing private things, even if it was only to take his wife shopping for clothes.

4.7.5 Sergeant Legodi

Before Sergeant Legodi joined the police force, he had been part of the urban township youth who rioted in opposition to the apartheid regime. At one point he had even been on the run from the police, and had relocated to a different city. He struggled to make ends meet. When he got a chance to join the police as a *kitskonstable*, he took it. His relative sophistication, the result of growing up in an urban township, had given him some advantage over those recruited from the rural areas. He even made it into the detective service. There his urban savvy and a very idiosyncratic policing style, which combined a willingness to use force with intricate personal investigative methods, brought him some fame and respect from his colleagues.

His method was characterised by being highly reliant on his personal contacts, of which he had many, and which he was maintaining all over the city. To maintain and usefully employ many of these contacts, it was crucial that his policing powers were perceived to be personalised powers. From the use of the car to the employment of violence, he needed to be able to mobilise his powers whenever he needed them in local transactions of give and take.

He expected little from the official police organisation in terms of a career. Lack of formal education would not allow him to move much further through the ranks. However, he was not very ambitious in this regard. Instead, he expected a lot from employing police powers in the city, and wanted to earn a reputation among those who informally had influence in the city, such as well-off traders and other entrepreneurial contacts. That was where he saw the possibilities of advancing his life. Therefore, he had a deep investment in the backstage, because in that context policing methods were unrestricted and flexible, allowing him to wield a form of authority which was respected in the

inner city. He knew that human rights talk carried little purchase among city dwellers, and that a more tangible sense of justice was required.

However, this form of authority also needed tempering. Simple arbitrary violence would soon have closed doors for him in the city. The more people trusted him and gave him information, the more he would be able to operate effectively in the city. This he could only do by ignoring many of the petty crimes committed by people he knew, sometimes even helping them in these pursuits, and applying violence and policing powers such as arrest only where absolutely necessary. He managed to actualise some of the basic principles of "community policing". His acceptance within communities gave him access to information and useful leads which enabled him to solve cases with less violence (in contrast to the extraction of a confession, for example). However, this was achieved without recourse to the front stage.

At the same time, in order to operate autonomously and idiosyncratically, he needed to be free from too much supervisory attention. Thus at times he would strategically play the role of the dutiful and motivated police officer, while hoping that his poor arrest rates would exempt him from promotion. However, it was not always an easy balance to strike. Having to deal with cases to which he could not find a personal angle, even on a purely bureaucratic level, totally dissatisfied him. In addition, his social contacts could become too demanding in the sense that they expected him to do things he could not do, because he was bound to maintain an impeccable official image. For example, he could not intervene in an arrest at a station where he did not have contacts.

4.7.6 Inspector Kekana

Finally there is Inspector Kekana, whose comment about human rights I used in the Introduction. He was one of the younger members of the unit. He was also an active and enthusiastic member of the police union. On various occasions he called upon his colleagues in the unit to stand together to push through certain matters, mainly with regard to organisational perks and the

rights of police officers. Inspector Kekana ascribed huge importance to the changes in the country, and through his union activism he was exposed to (and himself employed) the discourse of human rights and liberation:

Since this is now a democratic government, lots of things have been happening. The disadvantaged, they were not exposed ... they did have their rights, but those in power did not like to show them that they had such rights. Those in power must change to a new system. The disadvantaged should be advantaged now. There were some people who were sitting on top of our rights; it wasn't that we did not have those rights.

I was quite struck by this comment because it echoed exactly the way that the idea of the inalienability of human rights was meant to be taught in the human rights training course (see Chapter Three). The point was made that everybody had always had human rights, but that they had not been recognised. Inspector Kekana confirmed that he had taken the human rights training programme and that he had enjoyed it and considered it important. He said that it was important to recognise that

... a suspect is still a human being; you can't know if he is really responsible.
For you to be safe, you better treat him like a human being.

He thus genuinely identified with the values purported by the front stage. He also had fewer problems with the culture of the front stage, since his union activism offered him a slightly different matrix through which to appropriate those values. He was able to avoid some of its legalistic middle-class exclusivity in favour of a more politicised and activist working-class image. He did not perceive the front stage as purely representational and covering up strategically what was acted out on the backstage. Yet, at the same time, he did feel the need for and the pressure of the backstage. For him it was particularly aggravating when people used human rights against him, or when they obstructed his work, because he hated to see human rights abused and because he considered his

work to be a contribution to the betterment of the country. He was also someone who was known to “snap”, and who used violence with “cocky” and “cheeky” suspects, or “suspects with an attitude”, in the words of Captain du Preez.

Still, he tried to reconcile such officially diverging practice:

I must convince them to co-operate ... otherwise I have to use some other means and ways. I have the power to submit and to make him understand. I am trying to make you understand as a human. I also know my rights, but they forget that, then we get a clash of my and your rights. You must know your limits; you can't take my right. It is quite disturbing that they don't want to understand, but then I lose my temper and deal with the matter differently. In the end they always co-operate.

Inspector Kekana tried to reconcile the two stages by reinterpreting human rights. He used the concept of being human to justify his means. He gave people a chance to be “human”, but if they refused to be reasonable then he felt justified in deviating. The idea of rights was thus made conditional. People and suspects had to submit, though not so much to him but to a cause bigger than him, which was related to human rights and the “new” South Africa. He viewed the conflict between himself and a suspect who did not want to follow orders or be submissive as a conflict of rights, while using violence was a means to bring about those rights. He therefore was able to see his own violent practice as righteous, since it was being done in the cause of his human rights work.

4.8 Conclusion

In this chapter I consider the dynamics surrounding the accountability of police officers towards the national law and institutions such as the courts which evoke the national law to keep police in check. The case study of this chapter focuses on the use of violence. I argue that the use of violence in the context of the increased accountability towards the national law leads to a split performance of backstage and front stage policing.

Backstage and front stage are each marked by a complex interlocking of practice and meaning centred around a particular identity derived from a particular sense of authority. The shift between the back and front stages is thus not merely practical, but is also substantial. The authority of the backstage is pivotal in various ways of sustaining the appearance of effective policing, while the practice necessary for the front stage is only possible through acquiring legalistic authority, which for police officers is only partly accessible.

The backstage authority, invested as it is in an unbridled use of violence, enables the police to perform in a way which allows for the illusion of efficiency and potency in crime fighting. It allows them to act out performances of masculine prowess based on quick arrests, disregarding people's privacy and dignity. Such performances conceal, or at least temporarily overshadow, a more bleak reality of the unintelligibility of crime, and the daily grind of administrative tasks. Violent authority commands and generates the compliance of people, enabling the police to avoid otherwise laborious procedures and lengthy bureaucratic efforts. This partly feeds into the performance of potency – as in the cases of arrests and searches without warrants – but it also responds to what might appear as structural necessity: considering the case load, many cases would not even be touched if police officers were to follow correct procedure; police officers would either not know of any authorised means of collecting evidence successfully in a case, or there would be too little time or manpower to deal with cases.

The sense of unbridled violent authority also allows for comfort and convenience. It allows officers to avoid contact with the courts as far as possible, thus avoiding the sense of failure and inadequacy which the court often brings upon them. Finally, it allows them to preserve the space which police officers keep for doing private things, and, within that space, to put their policing powers to work as personal powers for their own interest.

The front stage, on the other hand, can offer a sense of belonging to the new South Africa and a certain professional appeal; the amendment and tightening of rules de-legitimise the past and herald the present. However, this

sense of belonging is only accessible through the command of very different abilities, such as comprehensive legal knowledge and ease with bureaucratic procedures. It also demands access to a certain cosmopolitan, or at least middle-class, cultural capital, as discussed in the previous chapter. For some police officers the sense of belonging is indeed the attraction of the front stage, but very few are able to access the front stage in a way that would confirm such an identity for them. Structural conditions, such as a high work load, did little to support their entrance into that realm. A high work load was not just represented by the actual numbers of dockets a police officer carried on hand, but it had assumed the form of a docket "culture" – a whole matrix of meaning, practices, and most important, dangers, related to the failure of working off the docket load. This situation sometimes leads to police officers feeling stranded, if not let down, by having to face a sense of inaccessibility and the erosion of their identity.

This sense of inadequacy can turn into humiliation in cases where the front stage becomes the exclusive setting. It impacts significantly on their sense of authority. Reference to the front stage has the power to evoke the humiliation and inadequacy of the front stage. If experienced as such, it can trigger the wish to refute the entire context of the front stage by taking recourse to the authority of the backstage, and ultimately by restoring the backstage authority.

Different investments in the policing career, different backgrounds, gender, age, and education, shape the ability to access the front stage. If a police officer could not find a personal reference point in the realm of the front stage, there was little which compelled him to do more than the minimum to stay out of trouble. However middle- class aspiration on a societal and material level could to an extent animate a performance on the front stage. Similarly a sense of an investment in the political changes of the country and the kind of advancement it brought to black people could motivate a front stage performance. This however, as in the case of Inspector Kekana, could be reduced to a sense of entitlement in the sense that the police officer appropriates the power to define the terms of who and how somebody is permitted to behave

in order to be called human and therefore to 'deserve' being treated in a "front stage" manner. To act strategically on the front stage could also be a pure investment in one's career, or in keeping at bay supervisory criticism and intervention. Finally an inclination towards a more feminine identity, for example by virtue of one's gender, education or socialisation, allowed space for feeling less inadequate, and gave easier access to the front stage.

Most police officers, however, had a far greater investment in the backstage, either in the form of their explicit identity – that is, how they wanted to see themselves – or as a way of furthering private interests. The backstage allowed them to get respect from colleagues, even superiors, at least in relation to the kind of results they could present; and last but not least it allowed greater respect in the form of self-respect. Especially where the formal educational standards were missing, where promotions had come to a halt, where challenges to masculine identity were seen as threatening, where the difference between middle-class values and police officers' bias towards lower and working-class values played themselves out as an insurmountable distance, the image of potency allowed by the backstage helped police officers to remain motivated and avoid feelings of humiliation and inadequacy. But it also allowed them to use their position as police officers to advance their non-work life in a material as well as bodily and mental sense. It gave them an outlet to keep work pressure at bay, to avoid stress, to reserve time within working hours for private pursuits and to have time to apply police authority to non-police work. It is the investment in the backstage authority and the inability to translate it to a front stage authority, that accountability towards the law gets compromised.