

6

“Ons gaan ry”

On sociability and entanglement in the city

6.1 Introduction: up and down in town

“*Ons gaan ry!*” [We’re on the road!] – It resounded through the corridors of the detective offices on the fifth floor of Johannesburg Central Police Station. Called out about an hour after the morning parade, it was the daily sign that detectives had grabbed some of their dockets, locked their offices and were leaving the police station. They travelled in pairs or in groups of three or four in one of the unmarked City Golfs, 1985 Toyotas or, if lucky, one of the newly acquired Opel Cadets. The call always carried a slight tone of relief and exhilaration, giving away the detectives’ urge to get away from the station.

I found myself once more with Sergeant Legodi (see Chapter Two) in “his” rickety red City Golf. He was usually not the most talkative person in the morning, and so he left it up to me to figure out where we were going and what we were going to do. We were driving towards the eastern part of the city, and I assumed that he was on his way to carry out some investigation work. I was not aware that a car was following us, but as we stopped at a panel beater’s place – what seemed to be our destination – another car with a

grave dent on its right side stopped just behind us. Sergeant Legodi introduced the two men who got out as his friends. I asked myself if this encounter had anything to do with any of the dockets that were part of Sergeant Legodi's workload, which he had earlier thrown casually onto the car's back seat. It then appeared that Sergeant Legodi was well-acquainted with the panel beater and functioned as middleman between the panel beater and his friends. While Legodi's friends stood aside, he bargained for a good deal on the repairs and repainting of their car.

For the rest of that day and the following days, the panel beater affair determined the greater part of Sergeant Legodi's routine. Meanwhile the dockets remained untouched on the back seat until they were carried up again to his office at the end of each day. At least twice a day Sergeant Legodi drove back and forth between the panel beater and his friend's house, which was in the opposite direction, to the west of the inner city. It was either for spare parts, some keys his friend had left in the car, or for some advance payment to the panel beater so he could buy the matching paint, that he made this repeated journey. Even if there was no specific task to see to, Sergeant Legodi still felt it was necessary to check on the car's progress in order to keep up the pressure on the panel beater to do his job properly. Finally, three days later, he picked up one of the friends and chauffeured him to the east again where the fixed and painted car was waiting for him. The friend thanked him ebulliently and promised to help him out any time he needed him.

One of the most pervasive experiences of my fieldwork was how much time policemen spent pursuing private affairs during working hours. These activities varied from pastime activities, to making contact with social networks, including family and friends, to matters contributing to the maintenance and improvement of their livelihoods. They could be anything from visiting friends and family during working hours, to getting a cell phone repaired, to getting a good business deal, to asking a favour of a friend, to getting spare parts from scrap yards for their private car, to finding a place to get cheap bricks to extend a home or build a house in a home village. Lots of activities were about money – lending money, paying money back or trying to get loans paid back. Some

activities were mundane, such as window shopping and considering which gas *braai*-stand to buy for the next camping holiday.

At first I saw it simply as a convenient way to make use of occasional opportunities that cropped up, or as exceptional deviance – as some of the police officers defensively mentioned, “instead of taking our lunch break we go sporting.” But as my fieldwork progressed the extent of it became more and more apparent. I came to think of it not as an exception to the rule, but rather as a constitutive element of police work, in the sense that pursuing private affairs was structuring and transforming the everyday work of police officers. For example, the question of who would accompany whom in the car was largely structured by the sociability among the detectives of a unit. Those who shared similar interests and had similar private needs during working hours tended to work together and often shared a car, especially during the day. At night it was more the specific policing qualities which accounted for who teamed up with whom.

In doing private things at work, the police officers shifted the public-private boundary towards the private and personal. The personal, in fact, became part of the public. Pursuing private affairs during working hours revealed the police officers' interests and needs – both material and social – as much as their affinity, sociality and family backgrounds. Even in my interaction with them, I found that it was during shopping sprees, family visits and networking calls that I got to know most about the police officers I worked with. The different encounters, as well as the things they intended to purchase, offered manifold occasions to talk about their families, where they came from and what they wished for. It made them visible as private persons rather than the uniform professionals they were supposed to be.

Their search for opportunities compelled them to be open up towards people who were not police officers, which meant that at times they had to discard their authority to act unilaterally. These interactions indebted them socially, and sometimes materially, to people who could later make use of the affinity and familiarity built up through give and take. Such exchanges of favours and obligations transformed the policing powers embodied by the individual police officers into products of exchange and circulation. It provided city dwellers with multiple opportunities to make claims on “their police” (see Chapter Five).

The dividing line between private and public becomes blurred not only because the private appropriates the public, as in the cases discussed above, but also in a reverse sense. The private is appropriated by public officials for official tasks such as investigations. Investigations bring detectives into close and continued contact with people of the inner city, which allows for the building up of familiarity. More importantly, investigative work relies heavily on informers. Investigation through informers, universally part of policing, is of special importance to South African policing practice. In general, most people have neither the wish nor the level of trust to want to freely provide information to the police, unless there is a particular incentive provided. Personalised relationships, which, though they at times involve payment, are mainly maintained over time through friendly relationships, are often the sole sources available to detectives for leads and tip-offs. Thus, even activities that are considered official work contribute to a view of police officers as specific individuals who embody police powers, with personalised agendas that are part of their sociability, rather than uniform public agents. This aspect of policing contributes to a reality where – outside of the personalised relationships with specific police officers – police appear as inaccessible and are experienced as a threat or as harassment of the public. The other side of the coin is that personalised relationships allow for access to policing and the framing of a sense of security. The police officer becomes a broker, without whom there is no access to policing powers at all. The role of the broker becomes an enabling one in an environment of official blockages, in which access to policing services often seems unattainable. It is through the idea of the broker, or the imaginary of “your police – my police”, that access to policing powers and police protection is imagined.

In this chapter I provide the contextual explanation of issues that came to the fore in the case of Sam Dhlamini (see Chapter Five), who had originally considered himself to be well-protected by “his police” and what could be described as corruption. Corruption – the misuse of public office for private ends – is a highly charged normative concept, closely related to the ideal of the modern nation state (Gupta 1995). It presupposes a reality in which the boundary between the public and the private is precise and definite, and where the breaching of this boundary unequivocally appears deviant, if not criminal. Rather than taking a socially produced and contested concept like corruption with its

rigid definition of private and public as my analytical vantage point, I argue that it is precisely the boundary between public and private that is at stake here. By taking the everyday practice of policing in the inner city as a starting point we can examine how this practice both straddles and produces the line between public and private. I am not arguing that this amounts to a reality in which the discursive category of corruption is itself absent, but what moves into the foreground is what *de facto* happens outside of the rigid normative concept of corruption. Such a starting point allows for an understanding of the working of the state and its police force from the perspective of the margin, which is – as argued in the previous chapter – removed from the ideal and instead shaped by a radical contemporaneity.

However, in order not to wholly disregard the pervasive sense of outright corruption in the case of Sam Dhlamini, it might be helpful to draw from other approaches to transgression (de Sardan 1999; Blundo and de Sardan 2001). These approaches attempt to break down the morally over-extended category of corruption into smaller categories, in accordance with more *emic* categories of the social practice of transgression, which are closely linked to an understanding of how state bureaucracies are “managed” in the context of scarcity and blockages. Along these lines, the police pursuing their personal affairs at work can be understood as the use and appropriation of government property (de Sardan 1999; Blundo and de Sardan 2001). As I will show, this leads to forms of corruption which can be described as “parochial”, since it does not concern an impersonal exchange of money but rather an exchange within the context of interpersonal relationships, familiarity and affection (Scott 1979). It has been argued that such moral economies override the ideal logic of corruption by virtue of their social propinquity (Anders 2005:209-212).¹⁰⁹

¹⁰⁹ Nevertheless, the morally stark judgment about corruption and more flexible everyday practices are always on each other's horizons and do intersect. Obviously police officers are not unaware of the sweeping claims of corruption against them. In newspapers and other media, there is no shortage of complaints about corruption by the police (*Special Assignment SABCTV 7/09/05; Special Assignment 13/09/05; Mail & Guardian 27/11/1998; Mail & Guardian 29/06/1999; Mail & Guardian 16/07/1999; Mail & Guardian 23/06/2000; Mail & Guardian 13/07/2001; Mail & Guardian 17/08/2001*). Internal investigations and new anti-corruption units also indicate that the issue of corruption is always hovering, and that in fact the danger of being accused of corruption has increased. Also one of the major issues in South Africa is grappling with corruption and enrichment in the aftermath of the euphoria of its democratic revolution – issues such as the Tony Yengeni affair, black economic empowerment, the Arms Deal, Jacob Zuma, Shabir Shaik and Hansie Cronje. However, what these public debates, court cases, inquiries, and the

In this chapter I explore how human rights policing is perceived from the prevailing perspective of the moral logic of “your police – my police”, or of police officers as brokers. I address the interface between police and human rights as produced by the police’s accountability towards the population. In the South African context this level of accountability has been given form through the Service Delivery Programme – *Batho Pele*, which means “People First” – which aims to realise the idea of equal access to the police, as well as all other public services (Ministry for Public Service and Administration 1997).¹¹⁰ In Chapter Three Captain Ngwenya referred to the *Batho Pele* programme when I asked him why explicit human rights talk had disappeared from the Annual Police Plans. *Batho Pele* is thus seen to be a South African translation and vernacularisation of explicit international human rights language into a language of national public service administration. It is formulated in a market- and business-oriented language (which the architects of the programme obviously considered to be quite compelling) reflected for example in pitching the encounter between people and the state as one between “customer and a business” (Ministry for Public Service and Administration 1997). Thus, issues of rights were translated into issues of customer satisfaction. This of course smuggles in all kinds of new assumptions and erases others specific to international human right discourse. To further specify this shift would, however, go beyond the scope of the thesis. I shall limit myself here to saying that *Batho Pele* represents yet another level of translation of human rights. It, however, remains the medium through which accountability towards the population is articulated and through which in turn certain human rights are supposed to be implemented. In the language of international human rights, rights to security and non discrimination in particular, as well as universal justice in general are meant to be implemented; in the language of “service delivery” it is accessibility, responsiveness, and openness.

contestations around these court cases and inquiries show is that the issue of corruption is far from clear-cut. Instead, political loyalties and issues of the legitimacy of various claims of entitlement are at stake in these accusations of corruption (*Mail & Guardian* 01/01/2002; *Mail & Guardian* 17/11/05; *Mail & Guardian* 18/10/05; *Mail & Guardian* 03/10/05). It is in fact the category of corruption and its meaning that is being contested in the public battles in which Africanist notions of sociability are mobilised and played out against liberal notions of separation of public and private. This also means that there is always space for interpretation and justification, for practices to be exempted from the accusation of deviance, especially when it concerns embedded everyday strategies and practices.

I will show that the imaginary of “your police – my police” produces a *continuum* of meaning and practice ranging from the police officer who maintains personal relationships with city dwellers to the police officer who enacts human rights and community policing. I argue that what both these approaches to policing have in common is an openness and willingness to engage on a levelled playing field. As such, both approaches allow for the appropriation and redirection of state power. It is through the imaginary of “your police – my police” that human rights policing is dislodged from its appeal to universal justice, and is taken for what it offers in terms of advantages within the logic of personalised policing. We have to understand the appearance of human rights policing in the inner city environment as a translated one – translated from the universal pretence to the rationale of expediency as it acquires meaning and currency in the inner city. This translation becomes necessary, since embarking on human rights policing and its promise of equal access to security in its original (dominant) form \ would be counter-productive. Such an approach would be highly risky for inner-city dwellers, since – based on their experiences – it would set them up for abuse by other police officers. The translation of human rights policing, however, also becomes expedient, since its enactment offers personalised access. It is in this way that human rights policing contributes to an imaginary of personalised policing.

I then discuss the shifting boundary between private and public activities through the appropriation of the private for/by the public and the public for/by the private. I elaborate on the kind of entanglements that such a shifting boundary produces and how it leads to the assertion of the social qualities of the police officer. I introduce a case that documents both the reality of the police as a danger and threat, and as an opportunity for personal involvement. This case will examine how the concept of human rights is prone to being translated and used for appropriating personalised police power.

6.2 Porous boundaries – the public and the private

6.2.1 The real meaning of cars

It was especially the importance that the detectives I worked with attached to their unmarked police cars that led me to think about the significance of their doing private things as a constitutive element of their work. The scarcity of cars available to them, and the consequence of being stranded at the police station, had been one of the most common and continuous lamentations of the detectives I worked with. Not everybody always had a car available. There were fixed groups that held a claim to certain cars. A particular car would not be passed on lightly to someone outside the group, because of the fear that if that person crashed or damaged it, they would all be stranded at the police station. They complained that they could not carry out their work without transport, since they had to see witnesses and complainants for investigations. However, detectives had organised a great part of their work in such a way that it could be done at their offices or over the telephone. They preferred complainants and witnesses coming to their offices so that they could take the statements in comfort and with the territorial home advantage of their office, instead of, as they would say, "sitting on someone's flea-ridden bed in an overcrowded flat." Although there were certain activities that could only be done outside the office, such as going to various forensic institutes,

the mortuary and the courts, it was clear that the complaints regarding too few cars were not merely related to the fact that lack of transport might hamper their investigative tasks.

The importance given to the car derived from the fact that it allowed officers to get away from the station. This, in turn, meant getting away both from the gaze of senior officials and the demands of people coming to see them without appointments to ask (or complain) about the progress of a case.¹¹¹ More importantly, however, it was only away from the office that their discretion over their own time could be fully realised. Only away from the office could they pursue their private activities. It was also important to have a car with “free” (state-paid) petrol at one’s disposal. This was seen as an unofficial perk derived from working for the state; it was described as a sort of allowance and rhetorically justified as compensation for the low pay and other disadvantages of the job.

While for some, going on a shopping spree or playing sports was a way to make work hours more agreeable and pleasant, there was a prevailing sense that the cars provided some extra advantages in the daily struggle of getting things done in their private lives. It made it possible, for example, to save time and money which otherwise would tax their private

¹¹¹ There is a difference between people coming to see a detective in his/her office when the detective has prompted them to do so and people who come on their own initiative to inquire about a case. It is especially the latter situation which the police officers prefer to avoid, since they detest the pressure and they most likely would have to concede that not much has been done on the case.

resources. Any attempt by the management to limit the possibility of accessing such resources would elicit immediate opposition, as, for example, happened when a motion was passed to allow only detectives who were on stand-by duty to take police cars home with them. Of course, they would not defend their access to free transport by referring to the private time and activities it afforded them; instead they evoked issues of stress, burn-out and excruciating workload to defend the private space that transport allowed them within their police work.¹¹²

6.2.2 Nurturing the contacts

It was during moments of crisis that the way in which the work space was manipulated for private purposes was accentuated. When Sergeant Legodi had to organise the bail money for his closest colleague and friend Sergeant Nkoka, he probably spent more time than ever doing private things. In addition, these non-work activities revealed the network of loyalties on which he could fall back. It also revealed how he went about accessing and maintaining the network. This brought to light the depth of his entanglement with the city.

Sergeant Nkoka had been arrested and was to stand trial on criminal charges. For Sergeant Legodi it was a matter of honour to insist on the innocence of his partner. In the meantime money for bail, which had been set at a very high level because of the seriousness of the charges, had to be organised. He approached a range of people.

¹¹² As mentioned in Chapter Three, many newspaper articles and research reports have been written about issues such as stress and burn-out of police officers, especially in relation to the many incidences of suicide or murder by police officers (i.e. Storm and Rotmann 2003). As real as this problem is, I have realised that talk about stress and burn-out comes back in a reified way, for example during the morning parade in which the senior is trying to introduce something new. Police officers have been quick to pick up and use the empathetic writing about them.

Some of these people were Sergeant Nkoka's contacts, but many of them were from a network that they shared simply because the two had been working together for many years. It was a *tour de force* up and down the town, visiting the same people repeatedly, calling them, making appointments, subtly pressurising them by asking over and over again when they would have the money ready. The pressure of suddenly having to conjure up a large amount of cash revealed a dependency on others which was normally more concealed. It clearly exposed the "social neediness" of the police officer, which was channelled into and contained by his network. Whether Sergeant Legodi was asking the people he approached to lend him money, or whether the money was owed to Sergeant Nkoka or Legodi himself was not always clear to me. I got the idea that the particular financial circumstances did not matter much. It appeared to be part of a "generalised exchange." Lending money and returning money was not a once-off act, but a continuous interaction, which could always be renewed and extended based on a "general obligation of mutual assistance" (Sardan 1999:256).

Sergeant Legodi seemed to have a vast network of people who were connected to him and whom we mostly but not exclusively found in the inner city. These people did special jobs for him, while he did all kind of favours for them. He was always glued to his cell phone, which would ring constantly during the trips and in the office. Back in the office, he would use the office telephone to make and return calls. Once, on one of our trips through the inner city, the battery of his cell phone went flat. This was a real problem for him. He constantly switched the phone on and off to see if there was some battery life left, but of course each time he tried to make or receive a call, it would be cut off by the dying battery. I realised that Sergeant Legodi's network of friends and acquaintances were somehow his lifeblood. It was a form of social capital which helped him to advance his livelihood and get things done. However, in order to have his network working for him, he constantly needed to attend to it and invest in it. To be out of reach meant to interrupt the sociability, and could mean neglecting and potentially losing some of his contacts.

It was not an easy existence, because the demands which were made on him in return were not always easy to satisfy. These demands often required the appliance of his powers and use of perks derived from being a police officer. Once he had to check on

somebody who was a friend of a female friend of his, who had been arrested and was being held at a neighbouring police station. The friend clearly expected Sergeant Legodi to be able to make sure that the person was released, or at least to speed up the process of getting after-hours bail. However, when Sergeant Legodi arrived at the neighbouring police station he did not find anyone there whom he knew and was rather at a loss to explain his pursuit. He called the female friend but refrained from stating clearly that he had failed in the task, instead keeping her in limbo. To me he expressed an explicit irritation with being so caught up in expectations towards him. There was clearly a sense of moral duty connected to such services. He could not refuse the request, and non-fulfilment created great stress.

It was also during this time that I realised that many of the people Sergeant Legodi and his friend knew were not of South African origin. There was the Zimbabwean who virtually owned a whole street-corner with a bar, a shop and a little hotel. Then there was a Kenyan who was selling tourist curios at a permanent flea-market, and who traded in other items such as cars and faked certificates. On another occasion, Sergeant Legodi told me about his Malawian friend who was the owner of one of the high-rise apartment buildings in the inner city, whom he had approached to help him in a murder case that had taken place in the building. The xenophobic attitude which was said to prevail among police officers vis-à-vis foreign immigrants did not seem to apply in the case of Sergeant Legodi (Masuku 2006). In contrast, I realised that it was often the industriousness and sense of entrepreneurship of those immigrants who lived or worked in the inner city that made them attractive friends and connections.¹¹³

6.2.3 Working with informers

While Sergeant Legodi used working hours to conduct private business, it also worked the other way around, as he sometimes used his free time to gather

¹¹³ These relationships had been developed over the years. When Sergeant Legodi and Sergeant Nkoka had worked in the police's tourist protection programme, they had been stationed at the Carlton Hotel; this was one of the main addresses for overnight stays at a time when the inner city still attracted white tourists and business people. Sergeant Legodi and his colleague had the task of looking after the safety of those tourists. This meant that they had already been working in the inner city at a time when its transformation had just begun. They had not left the inner city since then, and therefore had a long history of local contacts.

information about a case. He would hang out in the bars and join the nightlife of the inner city. Then, after a weekend, he would come to the station and relate to me that he had been out in the evenings to follow up on some hints and information, and that he had spoken to the witnesses of one of his cases. He was living in a part of town that bordered on the police district of the inner city police station. He knew all the bars and had many friends and contacts there. He was a young and attractive man who could claim the acquaintance of many female city dwellers. The inner city was his territory for living and entertainment as much as for work. He would hang out there, meet old and new acquaintances, engage in conversation and listen to people. People would approach him, even (or especially) when he was not on duty to pass on information to him. In this way, he could claim access to a vast array of informal informers. Very much like his colleague and friend, Sergeant Nkoka, he had a reputation among the detectives of his unit for being able to solve many cases because of his approach and access to the inner city.

In contrast, white detectives felt that they lacked such advantages. They often complained that it was not possible for them to work successfully in the inner city because everybody would immediately identify them as police officers. However, it was not so much his ability to move anonymously that created Sergeant Legodi's advantage, but the fact that he was willing, even keen and socially able, to let himself become – note the passive – part of the networks of sociability. In fact, being a police officer only served to compound his attractiveness for inner-city dwellers. So in the case of the white detectives, it was rather the lack of a certain sociality, the lack of interest, the unwillingness to pursue sociability and to engage on a personal level with inner-city dwellers that barred them from having a network of informal informers.¹¹⁴ The attitude of the white officers and the alienated situation they found themselves in was similar to that of the more conservative black police officers. These black officers bemoaned the loss of order, despised the informalisation, and regarded the liberty and looseness of the inner city as a noxious environment; they would hardly ever venture into the inner city on personal grounds.

¹¹⁴ I am using the term "sociality" here to describe a more abstract propensity or tendency to form a social group, or to be able to connect with certain people on the basis of certain aspects of affinity. Sociability, in contrast, is the actual activity of engaging with each other on a personal and informal level.

The police relationship with informers – people who are explicitly rewarded for passing on information – has to be seen against the background of one of the biggest problems the SAPS is facing, namely the unwillingness of a great part of the population to come forward with information. It has been mentioned that police work, crime prevention as much as crime detection, is dependent on the willingness of the population to freely co-operate and provide information. However, in South Africa there is hardly a tradition of such free co-operation, which is compensated by reliance on a network of informers. During apartheid, the informer system formed the backbone of policing, since the majority of the black population either saw the police as traitors, or were afraid to be seen co-operating with the police, or feared the vengeance of those about whom they would leak information (Cawthra 1994). An additional factor in relation to people's reluctance to provide information is that the criminal act of a member of a household or a neighbourhood might be ignored, excused or tolerated since it might contribute to the income of the household or benefit the neighbourhood (Altbeker 2001). It is often the case that, where the information is available, it is in the self-interest of the families or neighbours not to give it away. The diffidence and reticence of the population reinforces reliance on informers, even in post-apartheid South Africa.

Meanwhile police management has introduced policy changes in an attempt to regulate the informer system and make it more transparent, so that it is less prone to be a source of misappropriation of funds. Many of the police officers felt that, as a consequence of these changes, the official system for getting money to pay informers had been tightened to such an extent and needed so much documentation – often risking the confidentiality of the relationship – that it had become very difficult to recruit or maintain informers. While working with informers generally demands a level of closeness and trust between the police officers and the informers, it was the possibility of accessing official money which allowed for some regulation of the terms of exchange. Ironically, therefore, the tighter regulations had the effect of promoting a system of informers that tended to be grounded in relationships of personal sociability, embedded in an economy of generalised exchange, instead of clear-cut officially sanctioned transactions with a beginning and an end. Sergeant Legodi's informers

were mainly unpaid informers who gave him information, not in exchange for direct payment, but because they knew him and considered it to their benefit to be somehow engaged with him.

Sergeant Legodi took pride in carrying out investigations the way he did. The availability of informal informers also determined which case he would work on. The satisfaction when his networks in the inner city bore fruit stimulated him to pursue a case, and he would be persistent far beyond regular work hours. However, this also meant that he would simply ignore the case if his network could offer no leads or advantages. He would shuffle the docket to the bottom of the pile or even pile it up next to his desk where it gathered dust until the next inspection.¹¹⁵

The mode of sociability that marked his private affairs was also evident in the way he carried out his official duties. It propelled and allowed for the usurpation of the public by the private, with the boundary between the two becoming blurred if not indistinguishable. Moral duty, mutual support and generalised exchange became the fabric of his sociability. It was within this particular context that the social persona of the police officer and the personalised embodiment of police powers emerged. This sociability also structured the particular form of social “neediness” on the part of the police officer – that is, the police officer’s need for other people to buy into his networks for it to function. For him to further his livelihood and to advance his investigation, he could not just rely on unilateral powers, but had to descend onto more levelled playing fields, and this created a practice of interdependency and entanglement. The entrepreneurship and industriousness of migrants in the inner city further accelerated the productivity and attractiveness of such networks for the police officer. Simultaneously, its informality entrenched the reliance on personalised access to resources.

¹¹⁵ He once told me that he did not like to work on dockets on which someone else had already worked – which would happen, for example, when a detective left the unit. To look into the investigation diary to reconstruct the steps which the former detective had taken, and to reconstruct the insights into the case that had already been established, appalled him. This was because he could not put his own personal stamp on the investigation, and because it was mainly an administrative activity. In a way, the method and the touch of the former detective had polluted it for him. Such dockets would not even be granted a place on his desk, but would end up in a pile in the corner of the office.

Most of the literature on corruption tends to look from the perspective of non-state actors at the gatekeepers of the state. Mostly such literature examines the rationale of non-state actors and their reasons for participating in the practice of corruption, even if they denounce it. The police officer generally appears as the man at the roadblock or on patrol, who, through the threatened misuse of his powers, manages to extract money or services from others (Jeganathan 2004). His access to state power lends him a comparatively strong position and leeway in the deal.

Sergeant Legodi's kind of manoeuvring, however, shows that the police officer is primarily involved and deeply entangled in networks of sociability which do not function on the principle of extraction or the mere receiving of services, but which actually demand regular delivery of services, favours and support. The police officer's social neediness and reliance on others means that he too must offer his services, and engage on levelled playing field with those who have something to offer to him.

With this particular mode of sociability as the underlying rationale for the exchange of services and mutual assistance, and with the merging of the officer's social and official personae, it is not just official services that get exchanged, but also those which can be attributed to his social persona. Thus a blurring occurs between official, private and illegal services which the police officer is able to offer.

In the next case the police officer becomes susceptible to being appropriated not so much because of his private interest but because of his wish to perform his duty within a particular interpretation of human rights policing. It appears that the human rights perspective and the pursuit of private interests, as acted out above, have a fundamental aspect in common, namely dependency on others and the resultant need to get the other's buy-in.

6.3 Enacting human rights

6.3.1 Getting absorbed into the world of Bangladeshi immigrants

Inspector Chetty (see Chapter Four, section 4.7.4) was sitting at his desk and was once again telling me that one day he would be promoted to the IT department of the SAPS. He was convinced that this would counteract what he considered to be the undervalued social standing of police officers, and that it would allow him to live like any other professional in an office or service job. He was rudely distracted from setting out his future of a middle-class life when two Asian-looking men entered the office. Inspector Chetty appeared to be familiar with one of them. They introduced themselves as brothers and as immigrants from Bangladesh. One brother pointed out that he had found Inspector Chetty to be a sympathetic police officer, and so they had come back to him. This time he had come to ask for help in what appeared to be a case of unbridled, predatory police corruption.

Bangladeshi immigrants represent a large part of the immigrant population of Johannesburg (Landau 2005b). They came to South Africa in search of better economic opportunities, and had, quite successfully, found a footing in the import and small retail business – trading mainly in cell phones, airtime vouchers, phone accessories and other cheap import products “made in Asia.” In the inner city their shops and stands occupied entire passages, and they inhabited three high-rise apartment buildings situated close to each other. Their often temporary immigration status, in combination with their considerable earnings, made them attractive targets for extortion.

The two men told Inspector Chetty that a police officer, whom they knew by the name of Junaid, along with two accomplices, had raided an entire high-rise apartment building occupied by Bangladeshi immigrants. The pretext was looking for an unlicensed firearm and checking people’s immigration papers.

They were there for three hours; they took passports and lots of money, R6000 here, R2000 there. I don't know how much they took in the end. And they are crazy for cell phones. They ask for the papers of the cell phone, and when you don't have the papers they take the cell phones. Then they took airtime vouchers. Then they cut open pillows and bags, which served as storage for money. You see, we don't put money in the bank because we send it back to Bangladesh or we keep it to buy new goods. They even ate our food. We are fasting around this time of the year, and we had cooked for breaking the fast, but they ate so much of the food.

Inspector Chetty remarked that he had heard of Junaid and about other cases against him. However, he said, because of the withdrawal of witnesses (among other reasons), none of those cases had yet led to a conviction. Apparently seeing a chance to further the case against Junaid, Inspector Chetty showed some interest in the brothers' story. He told the two brothers that all the victims needed to come to the police station to open a case. The two brothers hesitated. They eventually explained that even though the two of them had the courage to come to the police station, it would be impossible to sway their fellow countrymen into doing the same thing. The other traders would not risk coming to the police station. "They are afraid; they think coming to the police station is a risk. They rather stay invisible to the police." Also, so the brothers explained, the traders hated to leave their businesses unattended. However, they suggested, it would make a real difference if Inspector Chetty could personally come to Small Street and speak to them. "You could tell them yourself and convince them."

Now it was Inspector Chetty who hesitated. He was probably weighing the extra effort and the actual workload that such an undertaking would produce against the elusive

possibilities of success. Testing his escape route, he evasively said that he might pass the case on to one of his colleagues. This caused the two brothers to protest vehemently. They reiterated that it was *him* they trusted and that it was *him* who could persuade the other traders into opening cases, alluding to his being Indian as a decisive factor. To the great delight of the two brothers, Inspector Chetty finally agreed to meet them and the other traders later in Small Street. Wanting to convey that he saw their interaction as concluded for the moment, Inspector Chetty got up from behind his desk and turned around to look out of the window. However, the two brothers insisted on expressing their gratefulness and stretched out their hands for a handshake with such cordiality that he could hardly avoid being drawn into their assumptive familiarity.

About two hours later Inspector Chetty, accompanied by his colleague Inspector Xhumalo and me, arrived at Small Street. The brothers were nowhere to be seen. We found an air filled with suspicion and fear by the other traders. Inspector Chetty finally convinced one of them to call one of the brothers. When the two brothers arrived, and the traders could witness the amicability between them and the police officers, the traders started to open up. Before Inspector Chetty and Inspector Xhumalo knew what was happening to them, they found themselves increasingly crowded in by all the traders. All of them had a dire story to tell about how they had been harassed by both Junaid and other police officers who had come to Small Street to enrich themselves. With threats of violence, arrest and deportation, or by blocking the entrances to the shops, these policemen had extorted thousands of Rand from the various traders.

Inspector Chetty soon lost his initial inhibition to get too involved in the case. As the traders told their stories one by one, he chimed in and addressed them:

Me, as a policeman, I can't do my job if you don't open a case. You have to co-operate, otherwise I can't do anything for you. And you must not be scared of this guy. You must stick together. It is your right to be protected like every other citizen in this country as well. The police is there to protect you. He can ask you for your papers but he is not allowed to take them from you. He is not allowed to take anything from you. Do you understand? You have your human rights like everybody else in this country. Don't be scared off by him. Don't be so afraid. You must stand up and you must assert your rights.

The men surrounding Inspector Chetty were hanging on his words as if they had never imagined having a police officer on their side. I was also amazed, since I had never seen Inspector Chetty so fired up and inspired. There was an inciting and quasi-revolutionary undertone in the way he encouraged them to empower themselves and to stand up against the intimidation. He then generously handed out his cell phone number and emphatically ensured them that they could always come to meet him in his office.

The two brothers then pulled the two police officers away from the crowd, clearly keen to take them to the site of crime, the high-rise-apartment that had been raided. Here a similar scene repeated itself in a café on the ground floor of the building. The café was lit by neon lamps and furnished with the universal white plastic chairs and tables; a few pieces of religious paraphernalia decorated the nearly empty walls. Another group of Bangladeshi men gathered and told their stories about the theft and harassment of the previous night. And again Inspector Chetty rose to speak and addressed them in his still spirited and animated way:

You have human rights as every other citizen in the country. No matter if you are an immigrant with a temporary permit or if you are a national South African. And when he wants to raid your flat, ask him for his pass. Take down his employment number. It is your right to do this. It is his duty to show the number. Don't be so afraid. You must do something about this man, but I can only help you when you open cases at the police station. That is what we are there for, to protect people: to protect and serve. Here is my cell phone number, call me when you have opened a case and then I'll make sure that Inspector Xhumalo and I will get the case.

And again he freely handed out his cell phone number.

An older man stepped forward. He had been listening quietly, but now assumed the role of a community leader. He respectfully thanked Inspector Chetty, and said they would follow his advice. He then insisted on inviting the three of us for tea. Sitting down with us at a table he related to us:

We have come here because we wanted to escape the corruption in our country. Now we come here and we meet corruption again. But the other day, when this lady, a journalist from the BBC, came and she wanted to know from us about corruption, I did not say anything. I don't want to cause problems. This is a good country and we can do good business here. I don't want to blame the country.

This comment was highly suggestive of their perception of the situation in which they found themselves. They did not want to call too much attention to the fact that they were using their pending immigration status to do business, and that they made a reasonably good income. The informality and uncertainty of their situation made them

prone to exploitation by police officers; at the same time, it was also this condition that allowed them to prosper and to stay in the country. They were afraid that if they got too much attention they would add fuel to the prevailing xenophobic sentiments, and would end up with nothing at all.¹¹⁶ However, this does not mean that they did not seek ways and means *within* this condition of informality to ameliorate and improve their situation and to protect themselves.

Before the police officers could refuse, instead of just tea we were served a whole meal. Partly pure hospitality, it nevertheless represented an attempt to reciprocate, in the sense that they were not simply taking for granted the detectives' efforts. They wanted to initiate a relationship, which, at least in part, would be one of general exchange and mutual indebtedness. When Inspector Chetty tried to refuse the offer, the elder insisted that we need to taste Bangladesh curry and roti. He kept on talking and even offered more:

My name is Mustafa. Everybody in South Africa who is from Bangladesh or Pakistan knows me. If you go to Durban or to Cape Town, and you meet someone from Bangladesh, please tell them you are a friend of Mustafa, and they will treat you as their friends. Be assured of their support.

When we had finally finished the food and tea and got up to leave, the elder said:

... and please join us for our breaking of the fast tonight. It would be such a pleasure to have you there. Please come and join us in our tradition. It would be an honour.

¹¹⁶ The widespread distrust which refugees and migrants display towards media has been highlighted by Kabeya-Mwepu and Jacobs (2003:221).

6.3.2 In the margins

This case primarily represents the prevalence of “predatory” corruption – the misuse of state power for extortion to the detriment of its “subject” (Sardan 1999:257). It highlights the arbitrariness and lawlessness in the treatment and position of immigrants, asylum seekers and economic refugees. Because of a mixture of xenophobia, pressure to fight crime, lack of legal status of undocumented immigrants, and bureaucratic inefficiencies which bar immigrants from acquiring documented status, immigrants are constantly prone to being abused by the police (Klaaren and Ramji 2001:37; Landau 2004, 2005a). Landau shows how the supposed threat which foreigners pose to South Africa’s sovereignty – especially through the perceived although unsubstantiated link between the influx of immigrants and the increase in crime – has moved the government to tolerate a range of extra-legal measures in order to rid itself of those migrants (Landau 2005a).¹¹⁷ Here large-scale raids of the inner city, promoted as crime-busting interventions, have to be mentioned. While such raids showcase police prowess and boost arrest statistics, they hardly lead to the capture of criminals, and only result in the deportation of undocumented migrants (Comaroff and Comaroff 2004b). Where immigrants are concerned, police officers run less of a risk of being disciplined, since, in

¹¹⁷ Various surveys and research interventions show that a majority of the South African population living in cities identified immigrants as the primary reason for the increase in crime. Immigrants were also believed to pose a threat because they supposedly take away jobs and lower moral standards. Such opinions were also reiterated by some of the most senior government officials (Landau 2005a:10-11).

general, public concern for immigrants is limited. It allows them to apply the powers which have been given to them by the law, without having to adhere to the law's limits.

“Institutionalised mechanisms of ‘illegality’” (Klaaren and Ramji 2001:39) push immigrants further into the grey zone of informality. Most foreigners come into the country under the Refugee Act. While the expected period of adjudication for an asylum claim is limited by law to six months, in reality it takes much longer. To bridge that period they are issued with a Section 22 permit, which attests that their case is pending. This means great inconvenience, prolonged suffering and insecure status for many asylum seekers. However, for those immigrants who stand no chance of being granted asylum, the Section 22 permit can be used as a prolonged visa, temporarily partially legalising their stay in the country. For them, it is preferable to arriving on a tourist visa or applying for immigration. This undermines and de-legitimises the asylum process, and further affirms police in their abuse and disregard for legal documents (Landau 2004:7-9).

The lack of documents, or de-legitimation of documents, bars immigrants from access to a whole range of services and entitlements, such as banking, health care and even the right to work and schooling (Landau 2004). The situation of the immigrants in the inner city is thus one characterised by a high degree of informality, where a right is seldom a right and a valid document is rarely a valid document. Again, as in the context of housing space in the inner city, it is arbitrariness, uncertainty and incoherence that form the constitutive part of the experience with the state, such as Home Affairs and especially the police. However, as much as informality contributes to the precariousness of everyday life in the city, it also enables economic immigrants to stay in the country

and to make a living. For the traders in the above case, the aberrational practice of illegal police behaviour has become the norm. It has even been invested with a certain sense of wanting to maintain the status quo. This explains their willingness to pay off a police officer rather than being arrested and taken to the station. Meanwhile, police officers are always keen on avoiding bureaucratic paper work and do not hesitate to let immigrants go when they are offered money in exchange. It is against this experiential backdrop and the stark realities of inner city life that we need to read the situational micro-politics between the Bangladeshi traders and Inspector Chetty. It should be noted that this is very different from the predatory type of corruption that can take place.

6.3.3 Pursuing sociability

The traders' way of reacting to Inspector Chetty's willingness to deal with their complaints suggested that they saw the possibility of protection through the prism of personalised relationships and exchange. They did not take Inspector Chetty's willingness and effort for granted, and believed that it required a gesture of gratefulness and appreciation. Also, if Inspectors Chetty's involvement and their access to him was to be continued, they needed to develop a relationship of reciprocity. This had already manifested itself when the two brothers insisted on the cordial handshake despite Inspector Chetty's attempt to end the conversation in his office on an impersonal note. While he tried to recover some formalism and detachment, which had been breached by his succumbing to their pleading and their appeal to him as a particular person, they, in contrast, aimed at reconfirming the new ground gained through his concession.

An assumption about commonality based on ethnicity partly served to encourage the personal relationship. This became apparent in the brothers' insistence that Inspector Chetty should come to speak to the other traders. It was further confirmed later in a fleeting incident in Small Street when Inspector Chetty happily accepted a donut from Inspector Xhumalo and ate it there. With great surprise and some sense of indignation, the traders looked at him and asked: "So are you not fasting?" Inspector Chetty responded in a slightly amused way: "Don't mistake me too much as being one of you. I might be Indian by decent, but I am not a Muslim, I am Tamil." Thus, although he rectified some of their misreading of him, it nevertheless showed that they were drawing encouragement from their assumption that he was culturally more close to them than, for example, Inspector Xhumalo. While they did not dismiss Inspector Xhumalo, they did not give him the same attention as Inspector Chetty, even though he was also asking questions and listening to their stories. While it might not be a decisive aspect of this case, the transnational connection did contribute to the appropriation of Inspector Chetty into their world. This suggests that an assumed common culture based on race and/or ethnicity can become the fault line along which personal relationships between police and subjects are pursued.

Even more proactive and insistent in seeking a bond was the hospitality offered to the two detectives at the end of the visit to the high-rise apartment building. Although Inspector Chetty did not want to accept the invitation for tea, when food was offered clearly some sociability through the paradigm of hospitality was formed. Moreover, Inspector Chetty and Inspector Xhumalo were invited for the breaking-of-the-fast ceremony. Even if this was meant as an attentive gesture of hospitality, it had the

performative aspect of a persuasive speech act to pull the police officers into the more private realm of the traders. Of the most explicit significance with regard to concluding a relationship of exchange, however, was the elder's act of offering Inspector Chetty access to the extensive (nationwide) network of Bangladeshi people. It appeared that he was attempting to match the police officer's realm of influence and power with something equivalent, and to establish himself as a worthy and worthwhile connection for the police officer. It is interesting that he did not just offer some goods in exchange, but offered an entire network as the commodity for the act of reciprocity. This clearly highlights the centrality of personal networks. The trader, moreover, considered his network a matching commodity to what Chetty had to offer. Finally, it also shows that such exchanges of support and personalised influence are not seen as corruption, but as mutual obligations and mutual benefits.

6.3.4 The meaning of a cell phone number

The idea of a personalised relationship with the police found its expression symbolically and practically in the importance of cell phone numbers. While this might seem like a minor detail, cell phone numbers enable direct personal access and as such were considered a highly valuable resource. Some of that importance became clear in the context of Sergeant Legodi's investment in and constant maintenance of his networks.

Even though cell phones were mainly privately owned, most police officers owned one. While cell phones had become an important means of communication *among*

police officers,¹¹⁸ the detectives I worked with would not lightly pass on their cell phone number to members of the public. An incident about a newly appointed station commissioner, which a police officer from Sophiatown Police Station related to me with quite a lot of relish, was indicative of the rationale behind this: When the new appointee assumed her post, she had the best intention to “serve and be accountable to the community” and in so doing to turn *Batho Pele* into practice. Ignoring the disdainful looks and whispers of police officers at her station, she had put up a notice in the foyer with her cell phone number on it, so that everybody in the community would be able to contact her directly if necessary. Her subordinates were deeply suspicious of her action, since they saw it as a sign that she was going to privilege the community’s views over their own issues. Moreover, they regarded the public display of a police officer’s private number as outright naivety. And so it was to their great satisfaction when, not long after, the station commissioner took down her number. What had happened was that she had been swamped by phone calls, and not just for matters that were her official responsibility, but for all kinds of affairs. For example, I was told, she had been called in the middle of the night by a man who had gotten lost in town and who wanted her to help him find his way home. In order to recover some of her privacy and to be out of reach of

¹¹⁸ It has to be mentioned that the SAPS management had never distributed cell phones to police officers, and as such cell phones were not officially part of police officers’ equipment. However, the reality was that there was hardly any police officer who did not have his or her private cell phone. Unit managers would have a list of all the cell phone numbers of their officers. If they wanted to get hold of someone, they would call the cell phone. Among police officers it was also used as a means of knowing each others’ whereabouts. Cell phones had largely replaced the need for radios, which were scarce and often broken, and mostly available to the Crime Control and Crime Prevention Units who drove around in marked cars. However, as much as cell phones had become a naturalised element of detective work, they remained private tools, and control of police officers by managers through cell phones could be assumed, but not taken for granted. Thus cell phones remained a semiprivate tool which police officers contributed privately to their work. It was very seldom that police officers would use their cell phones to *make* calls for work reasons, since they would then have to carry the costs. Thus it was more in terms of receiving calls that cell phones had become a naturalised part of the police service. Making calls was reserved for private aims, or situations where private and work spheres overlapped – for example, wanting to be picked up by colleagues.

people's unbridled demands, she had to change her number. The selective handing out of private cell phone numbers was thus clearly inspired by the fear of encroachment. When police officers did pass on their cell phone numbers they opened themselves to all the possibilities of abuse that they otherwise tried to avoid – they effectively relinquished some of their discretion over who would call and with what kinds of demands and expectations.

Inspector Chetty had very generously handed out his number to the traders when they had congregated around him at Small Street. The Bangladeshi elder had explicitly asked for the numbers of both Inspector Chetty and Inspector Xhumalo, to which they both promptly agreed. We can read this as meaning that Inspector Chetty was seriously interested in the case, and that he wanted to be there for the people of the "community." He also wanted to motivate them to open cases, and for this he needed to gain their trust. In order to do so, he had to show them his personal commitment. While for Chetty it was a means to an end, for the traders his number was not so much the number of *the* police with a capital "P", or the number of just *some* police officer, but the number of Inspector Chetty, who had gone to great lengths to accommodate them and gain their trust. It would allow them to call for police protection while avoiding the unpredictability of calling just any policeman. It might even become a source of protection against the abuse of other police officers, and as such must have appeared to them to be a valuable resource. For the police officer thus to hand out his cell phone number implied both the forging of bonds through investment in trust, and limited control over what was coming back in. It was an openness that allowed for involvement and appropriation.

6.3.5 Enacting human rights

On the face of it, it seemed that Inspector Chetty's mission was a simple matter of getting the traders to open cases, to make them give written statements, and to assure him of their willingness to testify before court so that the case could be processed by the justice system. However, to do this he had to convince them to come forward and enter the realm of the justice system, and to allow the formal system to take root within their informal realm. In a practical as well symbolically meaningful act, he gave them his cell phone number in order to create trust, as well as to protect them on their way to the police station. It has already been indicated that he had to give something of himself in the name of the public police. It is this oscillation between promoting abstract judicial principles and the police as a public institution, and having to embody the principle himself, which characterised Chetty's fervent speech on human rights.

As already mentioned (this chapter, section 6.3.1; Chapter Four, section 4.7.4), I had been quite amazed to hear Inspector Chetty speak to the traders in such an inflamed way about asserting their rights. It spoke volumes about the extent to which police officers have been exposed to the human rights language and to ideas of the correct functioning of the police according to human rights, and how much he had absorbed of it. It showed how easily available all those notions about the modern police force and its ideal functions were. This once again contradicts the assumption of the international human rights realm, discussed in Chapter Three, that one reason why police officers do not realise human rights in their policing practice is because they do not know about it.

Through his fervent talk, Inspector Chetty evoked the existence of the just police and the ideal and fair justice system. He attempted to turn the traders' overwhelming experience of the predatory corruption of the police into an instance that could be isolated and reduced to an exception to the rule. He wanted to make them believe in a different reality. To concretise this reality, he presented himself as an example, even a proof and guarantee for it. He translated human rights into particular practice by his actions. He did so in a way similar to the new station commissioner at Sophiatown Police Station, by trying to put into practice the principles of the *Batho Pele* Service Delivery Programme. In order to do so he made *himself* "responsive to the citizen's need" (Ministry for Public Service and Administration 1997:6): he talked about protecting and serving, and handed out *his private* cell phone number; he talked about universal access to justice, and he made *himself* accessible; he talked about entitlement and rights, and *he* stood in front of them promising that *he* would do something for them; he talked about accountability, and *he* listened to every individual story and *he* offered his openness. He basically enacted personally 'the other', democratic police characterised by openness, accessibility and accountability.

Interestingly, to stand up and speak about human rights and the mission of the police service seemed to appeal to Inspector Chetty and make him feel good about himself. It was as if he was undergoing a momentary transformation, in which he exchanged the role of the gloomy policeman who tended to complain about human rights and the difficulties it created in his job (see Chapter Four, section 4.3), with the model post-apartheid policeman. It was as if he had been struck by a sense of mission and belonging which he normally struggled to find in his work.

As mentioned earlier, Inspector Chetty was strongly infatuated with the idea of being respected as a professional member of society. He felt he was often treated with disdain because of his position as a policeman. While he had not learned anything other than policing, he hoped to attain a position in the police IT department, which carried a stronger resemblance to other people's middle-class occupations. His wife worked for the Metro Police and they had no children. Their combined salaries had allowed them to buy a house in a partly white middle-class area. He had told me on one occasion, and quite proudly, that for a long time his white neighbour did not even know that he was a police officer, and how they casually would chat over the garden wall. Even now that this neighbour knew his profession, they would still regularly exchange pleasant chats. The importance he attached to living in this area and to the kind of social exchange it offered was clearly a claim to belong to middle-class respectability, which in South Africa often coincides with being white.

It was in human rights that he found a similar sense of professionalism and middle-class respectability. It brought him closer to the world of lawyers and judges; a world which he had often evoked as a contrasting example in his complaints about the prevailing disregard for the societal status of police officers. His enactment of a police mission characterised by reference to human rights and universal justice, suited his desired middle-class identity. He momentarily became part of a realm which was marked by high education, sophistication and civility. To some extent his was only an imagined belonging, but in the traders he had found a very eager audience. Through their receptiveness and enthusiasm they confirmed his sense of himself in this particular role, and made it a momentary reality. In their eyes he suddenly became the great benefactor.

However, his openness was not passively received. The realm into which he wanted to bring them was one which demanded a belief that the justice system would work for them. This was ultimately a belief in a not yet realised promise, a normative rendition of the working of the justice system that was postponed to the future. It was also a realm which they knew would at best scrutinise, if not altogether erase, the possibility of their presence in the country. As the elder explained, they did not want to call too much attention to their existence in Johannesburg, through protest or the media, since it might attract jealousy, revenge and xenophobic sentiments. More important, it could lay open parts of their informality that might work against the possibility of absorbing more immigrants through their networks, and could open them up to official scrutiny in matters such as taxation. To buy into the talk of rights and entitlement, which presupposed the realm of formality, would mean risking all that. However, this did not mean that they rejected Inspector Chetty or that they did not look for possibilities to ameliorate their precarious position. After all, he was offering to help them in such a generous and tangible way. Thus, from the perspective of the contemporaneousness of the moment, they happily took what they could from Chetty's offer, while knowing it was unrealistic to expect justice in any broad sense from those in public office. What remained was that Chetty was embodying himself as person who was willing to engage personally in order to testify to the police's commitment to *Batho Pele* and human rights. It was the relationship with him that was accepted and appropriated. The meaning given to the interaction was that they would not trust the police but they would trust Inspector Chetty, and that they would not to make use of the police in general but they would make use of Inspector Chetty in particular. This was what made sense from the perspective of

their everyday lived experience of being immigrants to the inner city of Johannesburg. They seemed to buy into the talk of entitlement and rights only as far as it fostered their relationship with Inspector Chetty and afforded them the kind of protection he could offer. He had become *their* policeman. As the same time a form of policing that promotes and adheres to human rights had become the medium through which the personal bond could be established. Human rights became the medium of fostering brokerage. In the process human rights were translated to the level of interpersonal exchange and commodified as a means of exchange, mutual support and obligation.¹¹⁹

For Inspector Chetty this meant that instead of propelling the Bangladeshi traders into the formal realm of the criminal justice system, he was being pulled into their everyday world. At best, this would leave him where he already was: frustrated about his job and the societal status it conferred upon on him. If he continued to pursue the case it would pull him into an even less recognised and lower-class realm.

6.4 Generalising the case

Until now, this has been a purely qualitative analysis. The extent to which these findings are applicable to the inner city can only be approximated. With regard to available statistics, Legget (2003:39) states that, an inner-city survey, "an impressive

¹¹⁹ In a similar way some immigrants appropriate the willingness of human rights NGOs to help them in their quest for papers and permanence in the country. For the immigrants, getting their papers through human rights NGOs was one of a number of possibilities, including having good relationships with a state official, paying state officials, or paying migrant power brokers. The quality and morality of those possibilities did not differ much from the perspective of the migrant, apart from the fact that NGOs were the cheapest. The "assertion of rights" through aligning themselves with personnel from an NGO was one way within an immigrant's register of improvisations to ameliorate their precarious position and to attain some protection and advantage. The empirical cases which support this particular perspective were related to me by personnel of two human rights NGOs, even though I doubt they would subscribe to the above interpretation.

22% knew the name of a police member they could approach with a problem." He optimistically interprets that as the realisation of an uncompromised community-oriented policing. However, a few paragraphs later he has to declare that very few people said they understood the Community Police Forum concept. Of those who said they understood it, the most popular response when asked about its purpose was: "to give the police information." In fact, this indicates that they did not recognise the concept as one which would increase their access to the police in the sense of human rights accountability.

This discrepancy between having a personal relationship with a police officer as epitomised in knowing his name, and the ignorance with regard to the institutionalised and formal version of the police's accessibility to people can be resolved if one recognises that policing is only realisable in an encounter which relies on blurring the boundary between the private and the public. The public first has to be rendered private, before it can become public. The statistics mentioned above are indicative of the prevalence of the phenomenon of informal privatisation.

In addition, the relative frequency with which I came across such incidents during my fieldwork probably indicates that it is a phenomenon which has to be reckoned with. I would like to add here one more case in which I put the question of private policing directly to a police officer.

Inspector Mphala, who, like Sergeant Legodi, was in his mid-thirties, black, and city smart, felt a similar sense of ownership and belonging in relation to Johannesburg's inner city. This was in contrast to what he felt regarding, for example, Pretoria "where", as he commented, "it is still white people running the city." He had developed a friendly relationship with a group of Senegalese men, whom he had met when they were the suspects in one of his cases. (Their guilt could never be proven.) The Senegalese men provided him regularly with tickets for African football matches and

international football T-shirts. One of them had even called him from the World Cup in Korea to inform him live about a score.

They would also call him when they were stopped by police officers who tried to extort money by threatening them with deportation. They would call Inspector Mphala and then hand over the phone to the corrupt police officer and tell him that "Inspector Mphala from Johannesburg Police Station would like to talk to you." This would lead the corrupt police officer to reconsider his course of action in light of the apparent connectedness of those foreigners and their personal link with the state. His situation can even be said to become rather unpredictable and precarious. For the Senegalese men the relationship served as a momentary but promptly available form of protection from some of the hazards of inner-city life, while securing their residence in the city. When I asked Inspector Mphala if he possibly represented some kind of private police service for his Senegalese friends, he chuckled a bit and then responded with a smile: "Well I suppose that is the way they see it."

It is this ambiguous expression by Inspector Mphala which shows that it is beyond the individual police officer's direct influence to determine how the people of the inner city look upon them, and how they interpret their interaction with the police. It also confirms that the police are not oblivious to such tactics, and to the translation and appropriation of their actions. However, not every city dweller has the means to draw police officers into a personal relationship of mutual assistance. In the cases of Sergeant Legodi and Sergeant Mphala, the city dwellers offer certain desirable goods as part of the exchange, and as such can claim an advantage in the struggle for survival in the inner city. Others might have far less to offer, not even a network, as the Bangladeshi traders were offering. In the cases discussed here, human rights offered the cheapest route to personalised policing, which in an ironical twist recovers some of the claim of human rights to support the so-called disempowered.

6.5 Conclusion

According to the policy consensus, accountability to people or the community means allowing people to demand human rights and to push the police towards a human rights

based approach to policing. However, this chapter shows that such a simple equation, in an environment which does not provide a clear boundary between the formal and the informal, or the private and public, seems hugely presumptive.

It is from both sides of the police-citizen encounter that the boundary between private and public is blurred. From the side of the police, their everyday practices reveal a constant transgression of the boundary. Public office and its perks are used for private matters, contributing to their livelihoods and to the maintenance of social relations. At the same time, private activities, fomenting personal relationships of give and take, can come to serve a non-private aim, for example, when working with informers. In both instances, policing powers are being personalised and the police officers become visible as particular and social persons.

From the side of the subjects, the imaginary of "my police – your police" is prevalent. It is born from inner-city informality and precariousness, and the accentuation of such conditions in the life of inner city migrants. "My police – your police" also arises from the way in which the police presents itself to the people of the inner city as an institution fragmented into individuals, who only become protective when subjects have a personalised relationship with them. Otherwise police remains a foe, either as someone else's police, or as unpredictable agents from whom one can expect anything from no help at all to threatening behaviour. The police officers' practice of blurring the boundaries actually exacerbates, and to a certain extent enables or normalises, the practice of "your police and my police" beyond the simple concurrence of interest by default.

Taken together, these two sides of the police-citizen encounter produce a situation in which a reified dichotomy between state and society is dissolved. It is when police become human, show their social neediness, open up to society, engage with society and show their own societal status, that they become accessible state agents. The private becomes the public. One could also argue, linking it to the concept of backstage

introduced earlier, that it is through the mediation of the police officers' backstage operations that authority can be neutralised and/or channelled in such a way that it plays itself out to individual people's advantage.

It is in such a context that accountability, geared at bringing about human rights by protecting citizens against the abuses of other police officers, produces its own contingent practice. This practice is made up of various stages of translation of the idea of accountability and international human rights in the context of the inner city. In order for Inspector Chetty to follow a human-rights-based approach, and to bring about justice for the people, he brings into being a moment of accountability towards the people. He does so by translating the idea of accountability into openness and accessibility. This reflects the main points of the *Batho Pele* programme, the national rendition of human rights and accountability in the public service. Yet, to succeed, Chetty has to personally enact the part of the human-rights-friendly police in front of people, by making himself personally open and accessible. In the example given, he did this by offering his cell phone, addressing the people in a fervent way, making an effort which went beyond the usual scope of duty, and giving in to their demands, such as the demand that he personally be the officer they deal with. There are thus two stages of translation at play in the actualization of the idea of universal justice in a concrete context. However, it is not the abstract judicial principle and the claim to justice which the inner-city dwellers pick up on; it is Inspector Chetty's personal and idiosyncratic translation and embodiment of accountability. A continuum is produced between a police officer who enacts human rights and one who maintains a personal relationship with the immigrants because he liaises with them through some kind of network of give and take. What these two realities have in common is the openness and the willingness to engage, based on a need for buy-

in and/or reciprocity. Most importantly, they allow for the appropriation and redirection of state power.

The 'coming into being' of accountability is also contingent, in the sense that it depends on the specific police officer's sense of himself (or herself) and his desire to be middle class. It is this sense of himself which enables the officer to put himself on the line in enacting human rights. In comparison to other police officers whom I have mentioned earlier (Chapter Four) Inspector Chetty is not repelled by the idea of human rights, and he does not feel inadequate in relation to human rights, nor does he simply want to use human rights as a shield to protect himself. He is able to become an embodiment of human rights in what he considers a convincing manner.

Nevertheless, because he is drawn into the informal world of the traders, the story ends with an ironic twist. His middle-class aspirations make him vulnerable to being drawn into an even less respected and socially inferior world than his everyday cop world. It is this danger of being drawn into and absorbed by a different realm that can make the demands of accountability towards the population and a human-rights-based approach to policing a hugely disturbing experience for police officers.