

Book review

Andrew Faull and Sindiso
Mnisi Weeks

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Andrew Faull, *Police work and identity: a South African ethnography*, Abingdon: Routledge, 2018
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Sindiso Mnisi Weeks, *Access to justice and human security: cultural contradictions in rural South Africa*, Abingdon: Routledge, 2018
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'Don't judge a book by its cover,' as the saying goes. At first glance, a book about the working lives and professional identities of members of the South African Police Service (SAPS) might seem to have little in common with a study of the role of 'traditional' forums in securing access to justice and human security. What does a conventional ethnography of the police – constitutionally mandated state agents and gatekeepers to the criminal justice system – share with groundbreaking work on informal bodies with uncertain legal status and only loose connections with mainstream institutions? A more careful reading of these two fascinating new books suggests that, on closer inspection, they are concerned with similar questions, albeit posed and answered in rather different ways. Both books have much to tell us not just about how individuals and institutions respond to troublesome behaviour but also about why some problems and disputes (but not others) come to be defined as crime and dealt with by the state, its police and the formal structures of criminal justice.

Andrew Faull's book *Police work and identity: a South African ethnography* (*Police work* hereafter) is in some ways the more conventional of the two, standing, as it does, in a distinguished tradition of post-apartheid police ethnography.¹ It is based on eight months of fieldwork carried out across four police stations that reflect the diversity of the environments in which the South African Police Service (SAPS)

has to operate. Faull's main interest is in the work that individual police members have to do in maintaining a coherent narrative of self and a sense of what he, following the British sociologist Anthony Giddens, calls ontological security. Although he acknowledges that personal identity overlaps and is entangled with the organisational culture of the SAPS (including the stories that it tells about itself as an institution) and the political economy of contemporary South Africa, Faull's primary focus is the police men and women he observed and talked to as they went about

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their work and, to a lesser extent, took their leisure.

Most of the SAPS personnel Faull encountered were 'accidental' police officers. Lacking the sense of mission observed in the classic American and British police ethnographies reviewed by Robert Reiner,² they had come to policing only when other ambitions, other means of escaping poverty and insecurity, had been closed off. What the SAPS offered was not an opportunity to serve their fellow South Africans but a route out of precarity (to use Faull's term), and a means of securing a better future for their children, if not for themselves. This is not to say that, having joined the SAPS, they did not believe that what they, their colleagues and the organisation of which they were part, had to do was unimportant. On the contrary, as Faull is at pains to demonstrate, they had bought into the myths and deceptions on which the SAPS depends, primarily as a means of establishing a viable identity as a police official, maintaining a sustainable narrative of self and achieving a measure of ontological security.

The extent to which the SAPS as an organisation, and the people who make it up, rely on myths is one of the most striking features of the book. It is the subject matter of an entire chapter in which Faull dissects the deceptions, internal and external, in respect of public performance and the creation and presentation of data, on which the SAPS depends. What emerges from his account is an overwhelming sense of unreality, of the SAPS as a confection of smoke and mirrors, of front and backstage performances that bear little relation to one another.³ While the SAPS tries to present itself as a rational, rule-governed bureaucracy taking the lead in the 'war on crime', Faull's research reveals it to be an often anarchic, anomic collection of mutually suspicious individuals making their own way in life under conditions of radical uncertainty.

Equally remarkable, if not surprising in the light of events at the Marikana platinum mine in August 2012, and regular stories in the media about police brutality, is the extent to which SAPS personnel treat the laws which they, and others, are supposed to enforce with a degree of indifference that borders on contempt. Whether they were littering or drinking in public, driving without seat belts, speeding or running traffic lights, Faull's subjects seemed oblivious to a whole raft of rules and regulations. Perhaps even more worryingly, many of them saw the use of extra-legal violence, up to and including fatal violence, as a resource in resolving both professional and personal problems.

The picture Faull paints of the SAPS is, to put it mildly, unflattering. Shocked though he seems to be by the banality of the law-breaking he witnessed, Faull is painfully aware of his privileged position as a white, male, ontologically secure researcher observing the work of mainly black ('African' and 'coloured' in SAPS terminology) police officials from precarious backgrounds, many of whom (in the two Cape Town stations in the study) continue to live in townships where being a police officer is at best a social disability, at worst a continuous source of danger. They do this, Faull explains, so that they can use their relatively generous police salaries to support large extended families in the city as well as 'back home' in the rural Eastern Cape. With this awareness, and as a former police reservist himself, his attitude to his subjects is one of appreciation, not condemnation, his aim to speak for as much as about them.⁴ His book is all the better for the generosity of the spirit in which it is written.

Unlike *Police work*, Sindiso Mnisi Weeks's book *Access to justice and human security: cultural contradictions in rural South Africa* (Access hereafter) has no obvious roots in the conventional canon of criminology, rather

she draws on a wide range of sources in rural and agrarian studies, conflict resolution and legal anthropology. The research on which it is based was undertaken in the Msinga local municipality to the north-east of Durban in KwaZulu-Natal. Msinga is a deeply rural area. Most of its residents live in grinding poverty. The real unemployment rate in the district was close to 80% at the time of the research. Lifestyles and values remain traditional and what Mnisi Weeks calls 'vernacular dispute management forums' were active throughout the extended period of fieldwork between October 2009 and December 2014. Data was collected by a team of field researchers who observed proceedings in forums at different points in the complex networks of bodies and individuals responsible for managing disputes. They also conducted interviews and focus groups with participants and received regular reports from headmen on disputes reported to them.

The book opens with an account of a case (a term Mnisi Weeks uses with some caution) involving a woman pseudonymously identified as MaThembile. Apart from drawing the reader into the book, MaThembile's story illustrates many of the themes that emerge from what is to follow: the significance of alcohol and firearms in a context in which gossip and rumour play an important part in sparking and fuelling disputes, and violence in resolving them; the feelings of insecurity and helplessness shared by many people in Msinga but experienced particularly acutely by women like MaThembile bringing up children on their own; the complexity of family and communal relations and the primacy of the collective over the individual; the shifting nature and form of disputes and the status of parties to them (the unfortunate MaThembile began as what, in more conventional proceedings, would be the complainant in a shooting only to end up facing accusations that she was responsible for killing her neighbours' livestock); the connections between current, past and future

disputes involving the same or similar parties over a number of years; and, finally, the intricacy of the relationships between different elements in vernacular structures, the state justice system generally, and the SAPS in particular.

Mnisi Weeks's research began life as a study of how ordinary people in rural South Africa get access to justice (in the sense of being able to approach bodies that follow due process and deliver fair outcomes) against the background of a Bill to reform 'traditional courts' first introduced in Parliament in 2008.⁵ But her book is about much more than this and, as she argues in the final chapter, under the conditions of extreme social and economic precarity (as Faull would have it) prevailing in Msinga, the most pressing need of its residents is for human security:

[T]he conflicts that come to the vernacular forums in Msinga are the product of severe material, social and physical insecurity as well as weak (and sometimes corrupt) social services. The consequence is that of wider systemic failure that these vernacular forums cannot single-handedly address.⁶

In short, Mnisi Weeks argues, access to justice is a chimera. In the absence of human security the question of whether the Traditional Courts Bills of 2008/2012 and 2017 establish an effective framework for the regulation of vernacular forums, and are capable of providing people in places like Msinga with access to justice, simply does not arise.

Another closely related failing of these Bills, and of popular perceptions of 'traditional' rural communities, is that they adhere to what Mnisi Weeks calls the 'harmony model'. This assumes that vernacular forums exist to restore the natural state of peace that is supposed to prevail in places like Msinga and permit individual residents to continue living in harmony with each other. Mnisi Weeks suggests that such notions are fanciful. Msinga

is no prelapsarian idyll. On the contrary, she argues, it is rife with (mainly gendered) violence, its social fabric torn by desperate economic conditions, perhaps irreparably so.

Having exposed the aspirations of the Traditional Courts Bills as so much wishful thinking, at least in the absence of a degree of human security vernacular forums are quite incapable of providing, Mnisi Weeks puts forward a more modest agenda for their development. Lacking the capacity to manage violence and social conflict on the scale to be found in Msinga, she suggests that forums should concentrate on providing local people with affordable, and relatively accessible, 'mediated discursive spaces' where they can vent their frustrations and work towards improving relationships.⁷

What, then, do *Police work* and *Access* have in common? And what do they tell us about how crime is defined and responded to in South Africa in the third decade after the end of apartheid? Two things should be clear from what has already been said. The first is the emphasis given in both books to the social and economic structure of post-apartheid South Africa. Thus, for Faull, the lives and behaviour of the police officials he studied are only comprehensible in the context of their feelings of precarity and ontological insecurity. Similarly, Mnisi Weeks is clear that the difficulties experienced by the vernacular forums in Msinga in meeting the justice needs of the disputants who approach them are a consequence of a wider failure to provide the inhabitants of poor, rural areas with a basic level of human security. The second is that violence, fatal and non-fatal, legal and extra-legal, continues to be seen, used and rationalised as a resource in settling disputes and responding to troublesome behaviour by ordinary citizens, as well as by the police and other security providers.

A third point suggested by both books is the malleability of crime as a concept and a prompt for action. For Faull's police officials, fighting crime is their *raison d'être*, at once a burden insofar as crime rates are immune to police action and an asset to be used in justifying the use of force, or in the process of leveraging resources. It follows that (self) deceptions involving crime and crime figures, what is counted as crime and stands to be dealt with by the police, are widespread in Faull's SAPS. Meanwhile, in Msinga, the lines between criminal violations (referred to as 'blood matters' or *izindaba zegazi*), minor disagreements (*imibango nje*), and private, commercial and public wrongs become blurred as disputes shade into each other, traversing the boundaries between crime and non-crime, business for the police and the criminal courts, or a matter for a vernacular forum.

This leads on to a fourth point: the extent to which policing and the provision of safety and security are not matters for the state and its police (the SAPS) alone, but for an array of actors paid and unpaid, public and private, regulated and unregulated, with varying degrees of commitment to legality, constitutionalism and human rights. This is not to say that the SAPS does not retain a certain pre-eminence. Alternative providers merit no more than the occasional mention in *Police work*, though the frequency with which SAPS personnel act beyond their constitutional mandate makes the distinction between them and the vigilantes who mete out 'street justice' in Mthonjeni (Faull's township site), in Khayelitsha,⁸ and elsewhere across peri-urban South Africa, hard to maintain. Contrast this with *Access* where the SAPS – remote and inaccessible when it comes to responding to requests for service, brutal and uncontrollable when acting on their own initiative – are ever-present in Msinga, using and being used by headmen and others in the vernacular forums, though more in their own interests as

they struggle to manage difficult caseloads than out of any great concern for the well-being of the individual complainant or disputant.

Important though they are as contributions to the research literature on crime and responses to it, they also have something more intangible in common, a sense of how criminology can and should be done in South Africa, a country of the global South with a long history of colonial and neo-colonial oppression. Faull's reflections on his position as a privileged, relatively secure, white researcher, and how they inform his attitudes towards his subjects, have already been referred to. He is equally open about the implications of his mono-lingualism for his research and his ability to make sense of conversations conducted in isiXhosa (and, to a lesser extent, in Afrikaans). Implicit in Faull's musings on his privilege and admission of his own shortcomings as an investigator are serious questions about what gets researched in South African criminology, how and by whom.⁹

As luck would have it, Mnisi Weeks may provide some answers. Apart from the fact that most of the research team in Msinga were locally recruited and spoke fluent isiZulu, what marks her work is her refusal to start with a fixed idea of what a 'traditional court' should or should not be and do, based on what a 'non-traditional', mainstream court is and does. Her primary concern is not with whether the norms and values applied by vernacular forums conform to 'the law' or not. The state, its courts and its police are not at the centre of the stories she tells about vernacular forums in action. Her empirical inquiry is gloriously uninhibited and their work is seen for what it is, not as refracted through the normative lens of constitutional legality, criminal law and criminal procedure 'in the books'. When she talks about vernacular dispute management she avoids the distorting effects that follow from interpreting the present in terms of 'tradition' and 'custom', and

brings local practices in Msinga into focus for what they are, recognising the extent to which connections with pre-colonial ordering mechanisms have been fractured. If Faull hints at the need for a decolonised, Southern criminology,¹⁰ Mnisi Weeks shows us what one might look like.

Whatever the future of criminology in South Africa may hold, one thing is clear: these excellent new books show that a rising generation of young South African scholars is ready, waiting and more than capable of taking the study of crime, justice and security forward. Well-written, engaged with South African realities, informed by international and domestic scholarship, they deserve to be as widely read abroad as they should be in South Africa.



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Notes

- 1 See A Altbeker, *The dirty work of democracy: a year on the streets with the SAPS*, Johannesburg: Jonathan Ball, 2005; M Marks, *Transforming the robocops: changing police in South Africa*, Durban: University of KwaZulu-Natal Press, 2005; J Steinberg, *Thin blue: the unwritten rules of policing South Africa*, Johannesburg: Jonathan Ball, 2008; J Hornberger, *Policing and human rights: the meaning of violence and justice in the everyday policing of Johannesburg*, Abingdon: Routledge, 2011.
- 2 R Reiner, *The politics of the police*, 4th edition, Oxford: Oxford University Press, 2010.
- 3 The idea of front and backstage performances comes from E Goffman, *The presentation of self in everyday life*, New York: Doubleday, 1959.
- 4 Compare with PAJ Waddington, Police (canteen) sub-culture: an appreciation, *British Journal of Criminology*, 39:2, 1999, 287–309.
- 5 The 2008 Traditional Courts Bill was re-introduced in 2012. A revised Bill emerged in 2017.
- 6 S Mnisi Weeks, *Access to justice and human security: cultural contradictions in rural South Africa*, Abingdon: Routledge, 2018, 234.
- 7 *Ibid.*, 224.
- 8 In the case of Khayelitsha, see Khayelitsha Commission, *Towards a safer Khayelitsha: report of the Commission of Inquiry into allegations of police inefficiency and a breakdown in relations between SAPS and the community of Khayelitsha*, Cape Town: Khayelitsha Commission, 2014.
- 9 Compare with B Dixon, Understanding 'pointy face': what is criminology for?, *South African Crime Quarterly*, 41, 2012,

3–10; S Henkeman, Pale face/pointy face: SA criminology in denial, *South African Crime Quarterly*, 45, 2013, 5–11.

- 10 For more on 'Southern criminology', see K Carrington, R Hogg and M Sozzo, Southern criminology, *British Journal of Criminology*, 56, 2016, 1–20.