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Between vigilantism and bureaucracy: Improving our understanding of police work in Nigeria and South Africa

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Abstract

To date, much of the analytical scholarship on policing in Africa has centred on non-state actors. In doing so, it risks neglecting state actors and statehood, which must be understood on their own terms as well as through the eyes of the people they supposedly serve. This article seeks to develop our theoretical and empirical understanding in this respect by exploring the contexts in which citizens seek to engage state police in Nigeria and South Africa. In doing so it highlights three particularly important uses that police contact may serve, that are currently being overlooked. State police can permit, authorize or limit crime control performed by others through informal regulatory intervention. They can exercise a unique bureaucratic power by opening a case which is valued as a record of right and wrongs to be used in the negotiation of everyday life, not simply as a means to legal prosecution. And finally, taking action 'off the books', the police can exercise a coercive power that can be termed 'police vigilantism', which citizens may try to harness for their own ends. We therefore argue that we should recognize the continued high public demand for the services of state police forces even in contexts where they fall short of expectations, and more closely analyse the ways in which people utilize and help to reproduce the police forces they condemn.

Keywords

Bureaucracy, everyday policing, Nigeria, police vigilantism, South Africa

This is an exciting time to be exploring policing in Africa. Over the last decade, empirical and theoretical work on the issue has expanded rapidly and a vast expanse of literature written on everyday policing across the continent has amply demonstrated that policing is ‘very much more than what the Police¹ do’ (Baker, 2008: 230).

Scholars like Bruce Baker (2002a, 2002b, 2003, 2004a, 2004b) and Alice Hills (2000) led much of the early comparative academic work on African policing and their findings made for stark reading: state police forces, they found, were undersized, unevenly spread, undertrained, mistrusted, politicized, unreconstructed and dedicated in the main to regime security and order maintenance (Baker, 2002a, 2002b, 2003, 2004a, 2004b; Hills, 2000). Actual crime control in the experience of most African citizens, they argued, was often taken up by other agents such as local street patrols, ex-combatants, private security firms, religious figureheads and traditional leaders (Baker, 2002a, 2002b, 2003, 2004a, 2004b; Hills, 2000).

In South Africa and Nigeria this literature deepened and complemented earlier policy-oriented work that focused on questions of Police reform in the wake of major political and social transitions, from apartheid and military rule respectively.² It also formed a foundation for many of the subsequent explorations of what Lars Buur and Steffen Jensen (2004) would call ‘everyday policing’ in Benin (see, for example, Gratz and Kirsch, 2010), Mozambique (see, for example, Buur and Kyed, 2006; Kyed, 2009), Nigeria (see, for example, Hagazi, 2008; Meagher, 2007; Nolte, 2007; Pratten, 2008, 2010), South Africa (see, for example, Buur, 2003, 2005, 2006a; Desai, 2004; Jensen, 2005, 2008b), Tanzania (see, for example, Heald, 2006) and beyond. As well as illuminating the actual forms and practices of non-state policing, much of this literature analysed how state actors responded to policing performed elsewhere, by citizens or private agencies. It explored the effects of state opposition, sponsorship and general entanglement with these multiple forms

of police work and asked what these relationships meant for our understanding of sovereignty, statehood and prevailing socio-cultural norms.³ These perspectives are invaluable but ultimately they gave us only a limited insight into the role of the Police in day-to-day life. Although we agree with the argument that the state should not automatically be given 'conceptual priority' in policing studies (Shearing and Wood, 2003: 404), there is a danger that the established focus of policing studies across Africa risks analytically neglecting state actors and statehood, which must be understood on their own terms as well as through the eyes of the people they supposedly serve. Notably less has been written on everyday realities and modes of state policing. Yet in our research in Nigeria and South Africa we encountered recurring and varied situations in which ordinary members of the public initiated engagement with the Police in order to deal with issues of crime control and dispute resolution, even where plentiful alternatives existed. Building on the emergent literature on the Police from authors such as Julia Hornberger (2011) and Jonny Steinberg (2008, 2011, 2012)⁴ this article is an attempt to bring state institutions more comprehensively back in to our analysis of policing in Africa. To do so, we centre on 'sought' contact with the Police, as opposed to 'unsought' Police contact, or avoidance of Police contact altogether.⁵ More specifically, we concentrate on 'sought' contact made with the Police with the aim of tackling crime, as defined in state law.⁶

Focusing primarily on our fieldwork in Nigeria and South Africa, we draw out the continued relevance of state police by looking closely at the contexts and purposes within which people engage them. We make three key arguments: first, the role of the Police as a regulatory authority is central—even in contexts of plural policing, people engage with the Police to legitimize or limit policing that is happening elsewhere. Second, the bureaucratic role of the Police is crucial—engagement with the Police is a means of creating records as well as taking action: people engage with the Police 'on the books' because

the opening and closing of cases is an important part of the negotiation of relationships and challenges in everyday life. Third, state police forces continue to be relevant because, in ways which are often overlooked, they can compete with alternative security providers by mimicking their methods. People make frequent use of the Police to mediate on their behalf 'off the books' and some of this informalized action, which involves the exercise of illegal physical coercion nuanced by the simultaneous possession of legal authority, can be termed 'police vigilantism'. Ultimately, these three forms of sought contact stem from people's attempts to reconcile what the Police *ought* to do, what the Police *usually* do and what they *need* them to do in any given situation (Cooper-Knock, 2014b: 256).⁷

Our findings are drawn from our collective research experience. Between 2009 and 2011 Olly Owen undertook ethnographic work in a police division within a town of around 200,000 people, here pseudonymized as 'Dutsin Bature', in Nigeria's ethnically and religiously mixed, predominantly agricultural savannah zone commonly referred to as the 'Middle Belt'. During this period he also visited 32 other police stations and installations across Nigeria and conducted around 30 formal interviews with police officers of different ranks. Sarah Jane Cooper-Knock spent a total of 11 months in Durban researching three policing sectors between 2010 and 2013:⁸ one in a formerly Indian township under the Chatsworth Police Station; a second in a formerly black township under the KwaMashu Police Station; and the third in a formerly white suburb under the Berea Police Station. In total, she conducted over 170 interviews and seven focus groups. She also went on patrol with numerous neighbourhood watches in those areas.⁹ To protect the identity of those who wished to remain anonymous, all names in this article are pseudonyms.

Why Nigeria and South Africa?

Nigeria and South Africa are 'pivotal states' (Adebajo and Landsberg, 2003: 171) occupying a dominant place on the continent's political-economic landscape. Between them they account for around 50 per cent of sub-Saharan Africa's GDP¹⁰ and 24 per cent of its population.¹¹ They are also both polities in dynamic states of social and political transition. While recent elections in both countries were categorized as free and fair, more substantive considerations show democracy is left wanting in each.¹² One global ranking of democracy placed South Africa and Nigeria 60th and 110th, respectively.¹³

The South African Police Service (SAPS)¹⁴ and the Nigerian Police Force (NPF) are as likely to be part of each country's democratic problems as their solution.¹⁵ Historically, for political and practical reasons, the presence of the Police in South Africa and Nigeria has been notably uneven and often more concerned with regime maintenance than crime control.¹⁶ The Police in both countries have been damaged by their relationships with oppressive regimes. Moreover, the politicization and militarization of the Police has proved hard to shake in recent, more democratic times. Partly, this is because of the deep institutional legacies that previous regimes have left behind, and partly it is due to the appeal that such trends continue to have among sections of the political elite, the Police and the wider population (see, for example, Steinberg, 2011).

It is perhaps unsurprising, then, that in each state, the 'policing landscape' (Marks and Wood, 2007) is crowded with private security actors and vigilant citizens policing what the state appears either unwilling or unable to police. The economic inequality that characterizes each state plays an important role in shaping these policing landscapes. In South Africa, this is clearly visible as the number of armed response units in the country continues to mushroom (PSIRA, 2011). In Nigeria, where private security guards are not permitted to carry arms and the affluent prefer instead to pay for attentive state policing, this divergence is perhaps less visible but no less present. In both countries,

less affluent citizens are forced to resort to more-or-less organized self-help to police crimes and misdemeanours.

The broad spread of normative frameworks that continue to co-exist and intermingle in both countries—sometimes in tension with the norms enshrined in their laws—also have an impact on the formation and functioning of those who perform policing outside the state. Thus, while social, cultural and political differences exist between these two countries, their policing landscapes remain comparable.¹⁷ The analysis we offer below will hopefully also raise research questions that can be fruitfully applied to other countries in Africa, and beyond.

The limits of the criminal justice system

Above, we highlighted some of the key issues that have been emphasized by authors studying the provision of state policing across Africa, which point to the broad conclusion that procedural justice in South Africa and Nigeria is flawed. Basic social conditions like high rates of poverty and illiteracy limit the ability of many to interlocute effectively with the criminal justice system. Furthermore, political realities mean that in both Nigeria and South Africa the ability of *de jure* rulings to override *de facto* power is often limited. Recently in Durban, for example, judges have issued no less than five High Court injunctions against the eviction of residents in Cato Crest¹⁸ but these injunctions have been systematically ignored by the state actors who have repeatedly torn down the shacks of local residents. As one member of the shack dwellers' social movement *Abahlali baseMjondolo* noted,

We have won many battles in court but the law did not bring us justice. You may win in court but you can still lose politically ... What is the point of being in court and getting the paper and still being evicted? Law or no law, powerful people can always win ... they will go and tear down the shacks illegally but on the other hand the poor are expected to obey the law.¹⁹

Bureaucratic and legal procedure can also be used as a means to disassemble, delay and overrule the petitions of citizens in both countries. Therefore, the court house and police station have become sites in which citizens' cases are subject to seemingly endless deferral and irresolution.²⁰ Neither, once a complainant has lost control of their case to the network of professional practitioners of law and statecraft are there many satisfactory ways of regaining control and accountability if events do not unfold to the plaintiff's satisfaction. Even those who—because they know their rights or can afford good lawyers—are in a position to challenge the police on matters of legality and procedure, do so at the probable cost of police cooperation and goodwill and often achieve underwhelming change or redress, if they achieve anything at all. Ultimately, the accountability of officials and institutions in Nigeria and South Africa is extremely limited. Consequently, Nigerians and South Africans have become used to the injustice, lack of finality and ineffectiveness of the criminal justice system. These failures of policing and criminal justice have produced a weary suspicion that offenders will often go unpunished.²¹

Thus, for a host of reasons, Nigerians and South Africans often assume that the criminal justice system will not function in the way they feel it should. Why, then, do people still engage with the Police? What are they bringing to the Police's door?²² And what do they expect to be done about it? The remainder of this article explores these questions by delving into the relationships between citizens and the Police over issues of crime.

Reappraising the Police's regulatory power

We begin by exploring how the Police are sought as a regulatory authority to legitimize and to limit policing that is being conducted by others. In an effort to understand and conceptualize policing 'networks' or 'landscapes' authors have made a useful distinction between the state's roles as a provider and a regulator of policing (Crawford, 2006; Shearing and Johnston, 2013; Wood and Shearing, 2013). However, analysis of 'regulation' has usually focused on the

de jure provision made for state regulation (Abrahamsen and Williams, 2005; Diphhoorn, 2013), and the state's capacity to make good on those formal provisions. As we demonstrate below, there is a need to expand this focus to explore the informal ways in which the Police act as regulators of policing: people seek the Police in an informal regulatory capacity in part because of the coercive force they can exercise—both legally and illegally—but also the persistent idea that the Police *should* be intervening in this capacity (Cooper-Knock, 2014a). To structure our analysis of this formal and informal regulatory power, we follow Lars Buur and Steffen Jensen (2004) in distinguishing between 'organizations' and 'formations' of citizens engaged in everyday policing; the latter being more sporadic, less structured and more ephemeral versions of the former.

Much of the writing that has emerged on non-state policing in South Africa and Nigeria has focused on policing organizations rather than policing formations. In South Africa, these include People Against Gangsterism and Drugs (PAGAD) (Desai, 2004), *Mapogo a Mathamaga* (Oomen, 2004), *Amadlozi* (Buur, 2008) and the D-Man Group (Buur, 2003). In Nigeria, these include the O'odua People's Congress (OPC) (Nolte, 2007) and the Bakassi Boys (Meagher, 2007).²³ Such groups appear to offer a robust challenge to state sovereignty but many started from the premise that state police *should* be responsible for policing in the country, and consequently framed themselves as performing the work that the state should have been willing or able to perform. This remained true even when organizations pursued visions of statehood and security that lay far from those captured in each country's respective laws and constitution.

Many policing organizations that exercise violence have—at times, at least—had fractious relationships with the Police and been branded as 'criminal' themselves. In Nigeria, prominent members of the Bakassi Boys were charged with murder as part of moves by the state to curb their political potency

(Meagher, 2007), while the Police successfully took Kano's Hisbah to the country's Supreme Court to contest their right to policing powers. In South Africa, leading members of *Mapogo a Mathamaga* and PAGAD have been arrested in high-profile cases, the latter having been branded as 'terrorists' (Desai, 2004). PAGAD's leader, Abdus-Salaam Ebrahim, was released in 2011 after serving nine years in jail and two on parole and others in the movement continue to face charges.²⁴

Policing organizations, however, have also negotiated 'permissive spaces' (Cooper-Knock, 2014b) with portions of the Police. These negotiated spaces have enabled people—with varying degrees of certainty—to exercise violence without legal repercussion and conferred them with differing measures of legitimacy (Buur, 2006b: 736). Sometimes the relationships formed between organizations and the Police are tacit or the extent of them is hidden, even within the force itself. One police officer, for example, told Owen that on being transferred to a Lagos post from another part of the country he had been informed by longer-serving officers that, in that city, the accepted status quo was to maintain a functional coexistence with the OPC and generally refrain from interfering with their actions. In other cases, relationships between the Police and other policing organizations are purposefully visible, as they were when the Police launched joint night patrols with citizens in the conflict-prone city of Jos (Owen, 2013); when identity cards were distributed to mark out street patrollers as members of their local Community Police Forum in South Africa (Cooper-Knock, 2014b); or when groups of local citizens were recruited and paid as official vigilantes by local Government Councils in Nigeria while being briefed and regulated from State Police Commands (Owen, 2013). In all of these instances—both visible and invisible, subdued and spectacular—we see the Police being engaged to secure the permissive space in which citizens act and to mark it with legitimacy.

However, the Police may also be called upon to limit or revoke the 'permissive space' in which people act. To see such manoeuvres in action we can turn our attention from police organizations to police formations. Since they are more ephemeral and less structured than policing organizations, policing formations are far more difficult to study. In policing literature within Africa, the little analysis that exists on such formations has focused on large-scale mobs that emerged to dispense acts of 'mob justice' and then dispersed with apparent impunity.²⁵ In the South African context, Lars Buur (2009) has argued, these mobs evoke images of the 'sovereign mobs' that operated in the country's townships towards the end of apartheid. Such collective acts were depicted by those Cooper-Knock interviewed and by media outlets as moments of popular sovereignty in which 'the community' mobilized against its constitutive outside 'the criminal'. However, as demonstrated elsewhere (Cooper-Knock, 2014a; Jensen, 2010), township residents were as likely to find themselves in 'intimate crowds' as 'sovereign mobs', and the assault of suspected criminals had to be negotiated around the social, economic and political connections that, in reality, frequently bound these suspects to their would-be assailants.²⁶ Even in these seemingly archetypal moments of alienation from the state, there was engagement with the Police.

Often, when such assaults were taking place in KwaMashu's police precinct, the Police were called to intervene. They might be called by those with connections to the suspect who wanted assaults stopped regardless of the individual's guilt. Alternatively, they might be summoned by someone—inside or outside the group of assailants—who felt that sufficient punishment had been administered. There was no guarantee that the Police would respond to such calls, of course, but the number of cases that interviewees described as ending in negotiation suggests that they frequently did. Nor was there any certainty about the ways that crowds would react upon the Police's arrival. However, in many cases relayed by interviewees, those involved relinquished

their hold on the suspect in question even though they would not brook any attempt by the Police to arrest them as assailants (Cooper-Knock, 2014a). Believing that they were acting in lieu of a state that was not willing or able to do so, they demanded that the Police 'pay the necessary respect' to them and quietly pick up the duties they had apparently neglected, by taking the suspect who had been assaulted into custody (Cooper-Knock, 2014b: 127). What we see here, then, is the negotiated use of the Police to regulate the space in which citizens could perform acts of policing and justice themselves. As the Police establish, legitimize, narrow and close the space in which other forms of policing happen, they maintain a regulatory role. In recent criminological literature, the 'regulatory state'—imbued with capacity, voice and authority—is seen as key to the practice of 'good governance' (Braithwaite, 2000). Yet, the accounts above do not sit easily with classic ideas of 'good governance'. Rather, individual state institutions and individuals, utilize their power in discretionary, unpredictable and sometimes illegal ways (see, for example, Chalfin, 2011).

So why have these two police forces retained an important regulatory role? For all their problems, the Police have the bureaucratic and coercive power (legal and illegal) to authorize and de-authorize, limit and support other policing actors (Cooper-Knock, 2014a). They also have the symbolic power as state representatives to intervene (Cooper-Knock, 2014a), because despite its limitations, the presence of the state is still widely desired by citizens in both countries. The idea of the state in South Africa played a persistently important role in shaping the form and function of anti-apartheid protest during the late 1980s and early 1990s, as people sought alternatives to the reality imposed by the National Party (Adler and Steinberg, 2000). Much was promised to South African citizens at the advent of democracy in 1994 that relied on state provision, state resources or state redistribution. Subsequently, the state has frequently been the focal point of public protests (Ballard, 2005). In 2012,

there was a total of 470 so-called service delivery protests (*Mail and Guardian*, 12 February 2014).

In Nigeria, by contrast, the state has long held a contradictory place in the public imagination, both castigated for its failure and judged against its own claims to omnipotence. While its colonial foundations gave it a narrow base of legitimacy, oil-fuelled expansion and military-led developmental planning (see Apter, 2005) produced both great aspirations and the simultaneous failure to fulfil them. Even after a period of neo-liberal adjustment (see Akinkugbe and Joda, 2013) Nigeria retains a strongly statist aspect, while public expectations continue to centre on the promise, if not the fulfilment, of the provision of public goods by the state (witness the continual power of electricity and fuel subsidy provision as mobilizing issues of popular mass politics). The state as a persistent—and persistently legitimate—imaginary revalidates the demand for state policing in a manner that private-sector or communitarian alternatives cannot replicate.

Altogether, it seems that while much of the Police's authority is based on their formal-legal roles, their actual regulation is often performed informally. Such complexity fits with some difficulty into discussions of the role of the state in 'steering', 'rowing' and 'anchoring' policing in developed and developing countries across the globe (Crawford, 2006).

Resolving disputes 'on the books' and reassessing police statistics

Although people in South Africa and Nigeria rarely trust the Police in a protective or investigative capacity, citizens continue to engage with them in a bureaucratic capacity.²⁷ Understanding this engagement is important: The procedural, administrative role of the SAPS and the NPF has too often been dismissed as a remnant function—the bureaucratic remainder of a wider, more active role for the police (Cooper-Knock, 2014b). However, the importance of the state as the creator of the official record on crime should not be underestimated. Record keeping is a key 'language of stateness' in and

of itself (Hansen and Stepputat, 2001: 21). People in Nigeria and South Africa recognize its importance when they instrumentalize the opening and closing of criminal cases. Some of this instrumentalization repurposes the Police, turning a formal institution with the ostensible purpose of enforcing retributive justice in the name of the state into an agent of restorative and reintegrative communitarian justice (Owen, 2013). The police station is clearly able to imitate the 'civil' dispute resolution functions otherwise presumed to be the domain of other traditional or communal institutions (see, for example, Okereafoezeke, 2003), which themselves are presumed to thrive in part *as a result* of continued failures of policing. As such, we must reconsider our reading of police statistics, and challenge the notion that criminal cases that do not conclude in the successful prosecution of a suspect are necessarily an indication of failure in any simplistic or absolute sense.

For many citizens we encountered in our fieldwork, the procedural role of the Police forms part of the wider negotiation of social, economic and political relationships. For them, opening a case was valuable because it offered the promise of 'moral fixity' (Owen, 2013). Opening a case embedded and crystallized moral positions inherent in the Police's categorization of 'complainant' and 'accused' or 'suspect'. Through the act of opening a case and their statement to the Police they framed the issue under complaint, identified another group or individual as the 'suspect(s)', and positioned themselves as 'victim'. Such documentation not only framed the exchange in question, but also any others that might follow.

Some of those we spoke with opened cases simply as a precaution, so that they could more easily take action should an act of aggression be repeated. Sibongile for example, was an informal settlement resident in Durban in her teens. While her parents worked and could afford to send her to school, her neighbours were unemployed, like 24 per cent of South Africans.²⁸ Jealousy between the families grew, and ultimately there was an arson attack on

Sibongile's house. Proactive police action would have exacerbated these relationships further and this was not what Sibongile's family sought. They had opened a case simply in case 'anything should happen' in the future and were satisfied that it remained inactive 'on the books' for future recourse. Similarly in Nigeria, the Police frequently reassured complainants with the words 'don't worry, we have it on file'. Such comments were intended to convey that even if the Police did not immediately act upon their case, they served as a silent witness to the breakdown of relations, officially documenting both victim and aggressor. In this way, initiating a complaint could be used as a pre-emption, another installation in a social drama passing through its police phase.

In other cases, citizens sought to mobilize the Police more proactively, strategically enlisting their intervention—both licit and illicit—to aid in the partisan negotiation of disputes. In Nigeria, for example, an archetypal case would be one in which a carpenter who had been paid money to make furniture, allegedly kept the money without producing the goods. An unsatisfied customer would pay a visit to the Police to open a Criminal Breach of Trust case and, in doing so, recruit the Police's help to resolve the issue. Should they help him to recover the money or otherwise reconcile the parties involved, he would likely withdraw the case and pay the Police a small fee, and the suspect would recover their liberty and clean record. If not, he could push the formal process further. Of course, the Police need not be the only actors involved in such negotiations. Rather, opening a case was just one means among many by which people might seek to resolve perceived wrongs or ongoing disputes.

As we might expect, the framing of social disputes in law and the utilization of the Police to mediate in conflict was contested (Hornberger, 2004). This contestation was evident in the case of Sajni, a woman in her 30s who lived in a formerly Indian township. Sajni lived in a flat with her family. A dispute arose

with her neighbour, Rasheed, who often ran errands for her, when he stole some of her money and used it to buy alcohol. Upon finding out that he had 'drunk the money', Sajni accosted him at home, but she was forcefully removed from her neighbour's flat by his wife, who allegedly assaulted her, at which point she retaliated in kind. The physical consequences of this incident were minor but the social and (for Sajni) economic consequences were significant. In response, Sajni's neighbours called contacts that they had in the Police, seeking to arrest Sajni for assault and, by so doing, securing their position as victims in the exchange. Sajni recalled that the Police who arrived 'did not want to hear my story, because [Rasheed's son] was repairing somebody's vehicle from the police station' (Cooper-Knock, 2014b: 217). Her neighbours' advantage in the exchange was lost when they arrived at the station, however, because Sajni was able to reach out to a policeman there who attended her church, and was superior in rank to her neighbours' contacts. Entering the fray, he stated that Sajni's statement disproved the accusations against her and insisted that the case be dropped. Furthermore, he informed Sajni that she could open a case for theft and assault against Rasheed and his wife, which Sajni promptly did, regaining the legal and moral upper hand (Cooper-Knock, 2014b).

Following this case through to prosecution, however, would have posed problems for Sajni who, by keeping the case open, also kept the conflict between herself and her neighbours alive. Consequently, she dropped the charges. 'I wanted peace', she stated, 'if I had not dropped the charges it would have been an ongoing thing and every time I would have seen them a remark would have been said or something would go on. Now with the charges dropped we became friends.' Ultimately, she argued, 'we are neighbours [and] you cannot open charges and do funny things to people because if you are in need the neighbours are the first [people you call on]'. After their reconciliation, Sajni and Rasheed's wife often assisted each other

running errands and when Sajni later clashed with her mother-in-law, it was Rasheed's wife who defended her reputation and helped to mediate between the two. 'But now imagine if we were in a conflict going to court and coming back', Sajni reflected, 'it would be something worse' (Cooper-Knock, 2014b: 217). Sajni's case clearly demonstrates the instrumental use that could be made of both opening and withdrawing a case, and the vital role that 'contact calling' within the Police could play in these negotiations (Cooper-Knock, 2014b). Contacts could be made through a variety of social, political and economic bonds or exchanges. These were personal, particularistic connections. However, their value depended upon the official rank and precinct of the police officer in question. Thus, we witness a mix here of the particularistic and the institutional at play (Blundo and Olivier de Sardan, 2006).

Personal contacts were important. The Police could refuse to categorize an act as a criminal offence and thereby block a would-be complainant's access to 'on the books' action.²⁹ When considering whether to open a case, the Police usually weighed up a series of considerations including public demand; personal gain; the utility of dealing with a minor issue before it disturbed the peace and attracted the attention of senior officers; and the risk of becoming ensnared in ongoing, intractable, low-level conflicts. In this mix, a personal sense of obligation could be powerfully persuasive.

Sajni's goal in this instance was to restore relationships with her neighbours, preferably in a way that maintained her own status as victim in the exchange. This, rather than the successful prosecution of Rasheed, was her ultimate aim. Similarly, Sibongile wanted her case to remain dormant 'on the books' in case something should happen in the future. Such strategies, which were common among our respondents, prompt a reassessment of police statistics.

The difficulties of using police statistics as a means of estimating crime are well known: they may be affected by underreporting, unintentional mistakes

or intentional fabrication by the Police (Altbeker, 2007). Previous critiques implicitly assume, however, that users of the Police want suspects who have been arrested to be successfully prosecuted. It was with this in mind that South Africa’s Law Commission (SALC) sought to assess the degree to which the criminal justice system was working by tracking criminal cases that had begun between January 1997 and April 1998 through the system until October 1999 (SALC, 2000). Ultimately, they reported, only 3 per cent of aggravated robbery cases in Durban had ended in a conviction. Around 88 per cent had not reached court. This was remarkably similar to the situation in Nigeria, where we can cite a sample from ‘B’ Division’s Information Book, stored in the Division Crime Bureau (DCB), in which all the outcomes of cases were formally recorded (we should be mindful that the incidents officially logged as cases were usually less than half of those that were brought to the police station). Over a 25 day period between 5 and 30 June 2010, the statistics for the Information Book were as shown in Table 1.

Table 1. B Division Information Book entries between 5 and 30 June 2010, Dutsin Bature.

Outcome	Number of cases	Percentage of total
Terminated	1	1.3
Keep in view	7	9.3
Case closed	0	0
Under investigation	11	14.6
Transferred to state CID	1	1.3
Charged to court	2	2.6
Vide entry/amended	9	12
Outcome not recorded	43	57.3
Total	74	100

Note: The terms listed are the official categories. 'Vide entry' refers to important amendments referring to outstanding cases which are designated to be officially recorded.

As Table 1 shows, only two of the cases in question had been transferred to the courts, the supposed *telos* for all cases. While a number of others may reach that point eventually—namely those recorded as being under investigation, or those logged as more serious crimes and transferred to the CID—virtually none had been officially ended in other ways (the categories of Terminated and Case closed). Instead, the majority of cases had simply disappeared from the written record.

The cases that we have explored above give us another explanation, beyond incompetence and corruption in the criminal justice system, to help us interpret these statistics. In many cases in Dutsin Bature, this 'vanishing' from formal procedure represented a case in which a negotiated settlement has been tentatively reached or a particular misdemeanour appeared to have abated. In such situations, the case lay dormant, a latent threat kept in reserve should an understanding be broken, and the misdemeanour in question start once more. The lack of finality gave the format its flexibility. Undoubtedly, our conclusions above should not lead us to overlook or minimize the importance of flaws in the criminal justice system but, if we are using such statistics to assess the 'success' of the such systems, we need to move with caution, appreciating the multiple reasons why people might open, close or abandon a case with the Police.

Resolving conflicts 'off the books' and introducing the 'police vigilante'

As Egon Bittner's (1967) research into 'policing on Skid Row' demonstrated, the exercise of discretion is a vital part of everyday police work. It is, as Walter Benjamin (1966) reminded us, what places the Police in a liminal space

between law makers and law enforcers: the Police are given extensive leeway to choose what they police or choose not to police. The behaviours and interventions we explore below, however, go beyond such legal freedoms by analysing the illegal exercise of force by the Police. We chose the term 'police vigilantism' in this instance as a direct challenge to the definition of vigilantism held by Les Johnston (1996),³⁰ which only applies to those who are not members of the state's law enforcement. By using this term, we want to suggest that the Police can behave in ways that mimic non-state actors who are termed 'vigilantes'.³¹ At the same time, the fact that they are state actors continues to matter. Like Kanti Kotecha and James Walker (1976) we want to highlight the ways in which the ideas, powers and resources that surround those who hold *de jure* power in a state can be used to justify and enable the exercise of both legal and illegal force.³²

A great deal of research into policing across the globe has concluded that the state's criminal justice system can be an ineffective and blunt instrument that triggers more trouble than it resolves in the midst of delicately balanced, intimate relationships (see, for example, Anderson, 1994; Bourgois, 2003; Jensen, 2010). But it does not necessarily follow that it is therefore abandoned wholesale in favour of alternative organizations or formations. Citizens might equally attempt to harness the power of the Police informally, and avoid the formal procedures of the criminal justice system. Interestingly, in both South Africa and Nigeria, where reported faith in the police is notoriously low and (in the case of Nigeria at least) reliance on traditional or neo-traditional social institutions notably high, the potential utility of the Police in informally disciplining social behaviour does not halt at the door of domesticity and kinship. For example, on two separate occasions, Owen witnessed families in Dutsin Bature bringing teenage sons to the Police to be disciplined. On the first occasion, a young teenager who had pilfered money from his mother's handbag was brought to the DCB by his family for punishment. After a period

of interrogation, caning, slaps, stress positions, threats and humiliations (which also included a few questions to ascertain if there was some welfare or other reason to explain his actions), the boy was returned to his family tearful, abject and apologetic. In the second case, an older teenager who slapped his mother was brought by his brothers to a CID officer of their acquaintance. This assault represented a gross breach of taboo, as attested to by the chorus of disgust from the female officers at the station's counter—'your mother wey born you?' 'Do you know what it is to carry child?' Faced with this more serious offence, the Police chained the young man in a Special Anti-Robbery Squad cell for one hour while the detainees—suspected dangerous criminals some of whom had been there for several months—were expected to inflict their own punishments on him. During this punishment the CID officer chatted to the researcher and his colleagues at the front counter until he deemed it time to retrieve the man in question. Crucially, both these cases remained firmly in the informal realm; no paperwork or official process was invoked. It is also noteworthy that the efficacy of using the Police to discipline people in this context relies precisely *upon* the unpopularity and fear of the Police to work.

In both of these cases the complainants had evidence of their suspects' involvement that would have been accepted within a court of law had they or the Police preferred that course of action. However, this was not always the case. In some instances people sought police vigilantism precisely because their proof of guilt was incommensurate with that demanded by the criminal justice system. Cebile, for example, was a KwaMashu resident in her 30s. In 2009, Cebile's house was broken into by a group of young men, one of whom had a gun. While their faces were covered, she claimed that she recognized two of those involved. However, she recalled, 'when I went to the Police they said I don't have proof'. Therefore, although she opened a case, those she suspected were not pursued. With this formal procedure exhausted, she

turned to her neighbour who was a policeman at another police station in Durban. She explained, 'he goes and face them and tell them "if you do this again you will die"'. While Cebile was still despondent about her formal case, she was grateful that her neighbour had 'used their uniform to scare people'. Again, we see here that ideas that surround the Police are important in this exchange. John Bayley (1994: 34) has argued that the Police uniform stands as testament to the fact that 'the regime of law exists'. However, its effectiveness in this instance was its ability to signify the real threat of extrajudicial violence (Owen, 2013). Cebile did not favour the illegal exercise of violence by the Police in general, and her preference was for a working criminal justice system, but in its absence she sought 'personalized' relationships with 'forceful' police officers (Hornberger, 2013). In doing so, she helped to further the creation of a police force that she had, in principle, opposed.

These cases reveal moments when police action 'off the books' was demanded and delivered. It is worth stressing, however, that this form of intervention was not ultimately under the control of the citizens who demanded it. The Police might refuse to intervene in a case to avoid becoming ensnared in personal, protracted conflicts. Clara, for example, lived in a flat in the Chatsworth precinct. She had her necklace stolen at knife-point by a neighbour's son, Blake. Not wanting to undermine her close relationship with this neighbour—and being aware of Blake's reputation for violence—she asked the Police to secure the return of her necklace without opening a case against Blake. However, as her neighbour recalled, the police officers in question responded,

You have to speak to his mother, his parents, and see what they can do to help because we want to help you and you don't want to charge him and so we can't do anything. Only if you tell us we can take a statement and then arrest him and charge him [will we help].

In this instance, the Police rejected Clara's efforts to use them for leverage while constraining their ability to act as law enforcers. Ultimately, 'off the books' action happened at their behest (Cooper-Knock, 2014b: 194).

In fact, citizens could not control the form or extent of punishment that the Police decided to inflict in any one case. That much is demonstrated by the case of Divya, a resident in the Chatsworth precinct in her 50s. Divya's husband had been an alcoholic who frequently assaulted her when drunk—usually at the weekends. Her response to such assaults had become routinized: she would call the Police who would give him a 'few slaps' and put him in the cells to 'sleep it off', releasing him the following day without opening a case against him. One Sunday, however, Divya's husband did not return. Eventually, Divya found him in the government hospital in a coma. He would never walk again and, she claimed, died of his injuries two years later. The Police, Divya felt, had broken their tacit understanding: 'they were meant to hit him, but not like that. On the legs, not the head', she stated. Divya later tried to bring a case against the Police but while she received some fiscal compensation, she believed that the officers in question had not been seriously punished: One of them, she heard, had subsequently been promoted. This case predated the transition from apartheid but, for Divya, little in the Police had changed since then. She had not enlisted the Police 'off the books' again but her son had since been the subject of another act of police vigilantism that, she claimed, had left him seriously injured. The police, then, had a capacity for violence that citizens sought to harness, but could not always control.

Conclusion

State police forces remain relevant even in contexts where they are undersized or otherwise problematic in terms of their legitimacy or capacity. The examples above from everyday life in Nigeria and South Africa, give glimpses into who uses the Police and how, allowing us to draw some

tentative conclusions. We are aware of the limitations and the potential for variation outside our localized samples. Undoubtedly, intersecting socio-cultural, political and economic contours also guide exactly who is more or less likely to use the Police, just as they guide who uses private security guards or vigilantes. In South Africa, for example, the reasons why people wanted to open a case were discernibly shaped by class, as more affluent citizens had insured their possessions. For them, opening a case was a means of officially verifying a course of events so that they could make an insurance claim; meanwhile poorer citizens were more likely to open cases as part of a wider negotiation of social, economic and political relationships. Intersecting with this class-based logic were people's historical-political interactions with the Police, which had invariably been shaped by race. In Nigeria, it seems evident that those with particular social access to police officers, particular types of urban dwellers³³ and the literate, more frequently sought police contact. However, much more research is needed on these contours, and on the pathways and intermediaries by which members of the public often access the state police. We equally need more research on where cases have been before they enter the station, and where they go afterwards, if we are to understand fully the interlocation of state policing with other modes of crime control and dispute resolution.

Yet even so, it is clearly inadequate to assume that state police are moribund, or that their focus on regime protection or 'high' policing has extinguished the demand for them to intervene in everyday crime control and dispute resolution. Neither, at least in the contexts in which we worked, did they find their prime relevance in their official regulation of other organized structures, even when they were tasked with such regulation. Instead, state police forces are routinely inserted into the fine grain of everyday social life via their continued utility in crime control and related mediation. And it is clear, from the steady stream of complainants to Dutsin Bature's 'B' Division and the flow

of calls to Durban's stations, that this is often a relationship of the public's initiation.

We have recognized three significant modes by which this is done. First, the Police permit, limit and authorize crime control performed by others, often through informal interventions. Second, they use their bureaucratic power to legitimize and fix people's normative positions in disputes by opening criminal cases, providing leverage in the negotiation of everyday conflicts and the rarely utilized possibility of criminal prosecution. Third, just as non-state actors can gain power by mimicking the state (Lund, 2006), the Police (while being a legally constituted authority) may (in whole or part) mimic the informal solutions of vigilance movements in acts of 'police vigilantism'.³⁴

What perhaps most powerfully unites the points above is the continued power of the Police as an *imaginary*. What the Police do is shaped by public demand, and what the public demand is in turn shaped by what they think should be provided. Both researchers' fieldwork experiences were strongly coloured by citizens' representations of what the Police *should* do, simultaneously deployed with a deep awareness of what they were *likely* to do, which doubtless did not conform to the ideal. For many, the idea of the state as an anchor of security provision persists, in spite of its many failings (Loader and Walker, 2007). This ideational legitimacy is something that neither undemocratic or dictatorial government, nor abuses of state power, nor the market, nor movements of popular sovereignty, have entirely displaced.³⁵ Nigerian and South African publics' proclivities to come back to the Police reflect wider understandings of state and public relations generated from the study of security. In as much as Hansen and Stepputat (2001) demonstrated that sovereignty, conventionally presumed to be a matter of official status, should better be understood as also *de facto* and fluid, ethnographic research on how publics utilize the Police demonstrates that legitimacy, more often presumed to be a category rooted in popular morality,

is also significantly *de jure*, remaining strongly connected in the imagination to the enduring ideal of the state and the reference-point of its law. The idea of the Police proves pervasive even when its reality has been highly uneven and problematic.

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Throughout this article, reference to the Police when referring to the state police will be capitalized.

In South Africa see, for example, Bruce (1997); Newham (1999); Rauch (2000).

In the Nigerian context, see www.cleen.org.

On statehood, see Gratz and Kirsch (2010) and Heald (2006). On sovereignty, see Cooper-Knock (2014b) and Jensen (2010). On socio-cultural norms see Pratten (2010).

This, in turn, is a part of a wider literature that is re-focusing on state actors and statehood in Africa. See, for example, Bierschenke and Olivier de Sardan (2014); Chalfin (2011); and Roitman (2005, 2006).

The useful distinction between 'sought' and 'unsought' Police contact was made by Clancy et al. (2001).

We acknowledge that this is only one aspect of the multiple roles of police forces, but it is the ideational role and *raison d'être* of police in both the eyes of the public and their self-image, and also that part of their remit which is most specifically contested or competed for by alternative security providers.

Meanwhile from the perspectives of officers themselves, the considerations are similar, only with the additional consideration of what it is realistically possible to do without risk to person, position or the institution's own carefully-conserved authority (Owen 2013).

Subsections of the wider precinct for which each police station is responsible.

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World Bank Data Bank 2012 <http://data.worldbank.org/>.

World Bank Data Bank 2012 <http://data.worldbank.org/>.

In the South African context, see Mattes (2002). In the Nigerian context, see for example, Adebani and Obadare (2011); Omotola (2010).

http://democracyranking.org/wordpress/?page_id=738.

The SAPF is controlled nationally, like the NPF, but in South Africa there are also Metro police units that are controlled provincially. The Metro police, however, have a limited mandate and largely focus on traffic offences.

As the Marikana Massacre in South Africa in August 2012—and the Police cover-ups during the ensuing commission investigating the massacre—demonstrate. Hills (2012) contends that wider political conditions may render policing in Nigeria structurally impervious to reform.

Or, in Jean-Paul Brodeur's (2007) terms, 'high' rather than 'low' policing.

We appreciate that use of the Police is intimately tied to historical and cultural repertoires of interaction with both the Police and the broader state, as well as other influential social norms, but a full depiction of these broader contexts in Nigeria and South Africa is not within the scope of this article.

<http://www.ngopulse.org/press-release/defense-abahlali-basemjondolo-members> (last accessed 23 April 2014).

Cooper-Knock (2013) On predictability: The everyday struggles of shack dwellers in South Africa [blog]. Available at:

<http://democracyinafrica.org/predictability-everyday-struggles-shack-dwellers-south-africa/> (accessed on 3 April 2014).

And in which even their own counsel can be complicit; during fieldwork the author encountered a case where a group of non-English-literate cattle herders in Dutsin Bature had been encouraged to continue a largely pointless trespass litigation for two years by their lawyer whose purposes the fees lucratively served.

Of course, some feel that the criminal justice system would still be unsatisfactory even if it fulfilled its mandate: they not only object to how the Police appear, but also the legal and policy framework that dictates how and what they are supposed to regulate. Such opinions are voiced in the recurrent debates over centralized control versus federalized devolution of policing in Nigeria, as well as more radical critiques (both secular and religious) of state police forces; however it is not our intention to deal with those in this article.

Literally as well as figuratively, as in Dutsin Bature, Police had almost no patrol capacity and acted in the main in reaction to complainants bringing their issue to the station.

These groups, established in the 1990s and early 2000s differ from the (older) Vigilante Group of Nigeria, (contemporary) Hisbah in Kano, and (newer) Civilian JTF in Borno State, all of which either originated as or have since been officially incorporated as official and state-funded policing auxiliaries.

<http://mg.co.za/article/2011-10-21-is-the-revived-gentler-kinder-pagad-doing-gods-work>.

For example, in the South African context, see Buur (2009); Jensen (2010).

Furthermore, much has been said about the impunity of the mob. However, for those who participated in smaller scale acts of street justice (particularly those who had led it) impunity had to be negotiated, it was not guaranteed. Prior police contact could help in these negotiations and residents had been

known to open a case against a suspect prior to assaulting them, which would help to frame the negotiations that ensued.

It may be argued that the police differ from Weber's ideal-type rational bureaucracies due to the active, interventionist and discretionary nature of their work. However as Bierschenk and Olivier de Sardan (2014) point out, Weber also stated that most actual bureaucracies do not cleave to their own ideal image; the most important elements, however – their professional, impersonalized, disinterested and processual aspects – are central to the self-understanding of police forces.

<http://beta2.statssa.gov.za/publications/P0211/P02114thQuarter2013.pdf>
(last accessed 20 April 2014).

As an officer of the Special Anti-Robbery Squad in Dutsin Bature's 'B' Division told a departing complainant, 'Nigeria wants peace'.

As discussed elsewhere, this is not the only difficulty with Johnston's (1996) definition. And, indeed, the difficulty of defining vigilantism has pushed some to question the utility of the term altogether (Buur and Jensen, 2004). As explained above, however, we find it useful in this context. Moreover, we agree with Johnston that acts of vigilantism need not necessarily be illegal—they are simply attempts to prevent infractions of order that may or may not be enshrined in state law.

Historically around the 1980s in South Africa, 'vigilante' took on a distinctive meaning, referring to conservative groups who acted against those seen as challenging apartheid's socio-political status quo. This narrower rendering of the term is not the 'vigilantism' to which we refer here. Equally, vigilantism in these contexts should not necessarily be equated with lawlessness, but with a general greater preoccupation with popular ideas of justice and legitimacy than with state law.

Our usage of the term 'police vigilantism' is equally informed by Beatrice Jauregui's (2010, 2013) employment of the concept in analysing the extra-judicial violence of 'encounter' incidents in India.

Particularly those residing in newer or more planned parts of the town, constituting a civic public, as opposed to both rural dwellers and those in Dutsin Bature's old town with its strong traditional institutions, and which some officers spoke of as a 'no-go' area except when invited to intervene.

We suggest this is a more fruitful way to understand phenomena such as extra-judicial corporal and capital punishments by police than are human rights and other discourses which struggle to explain this deviance from enforcing the law when they disregard the critical role of public demand for vigilante policing.

In this regard it is interesting to speculate on the applicability to policing of the argument Bodea and LeBas (2014) make regarding public perceptions of the legitimacy of taxation in Nigeria; that public acceptance of state legitimacy is conditioned primarily by relative experience of the state as more or less present, rather than whether that experience has been primarily positive or negative.

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