

# **Policing in a Diverse and Multicultural Society: The South African Case<sup>1</sup>**

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South Africa is a large, demographically diverse, and multicultural society. The transition of South Africa from apartheid to democracy impacts directly on contemporary policing in the country. That all policing everywhere is political takes on a deeper meaning in the South African context as, under apartheid, politics was criminalized and crime politicized. Apartheid left negative legacies in all aspects of life (e.g. high unemployment and relatively low skill and educational levels among the black majority), all of which affect contemporary policing. In addition, new post-apartheid policing challenges and problems have arisen for the South African Police Service (SAPS). Notwithstanding these problems, the democratic governments since 1994 have a stated commitment to multiculturalism and diversity in policing (among other aspects of public life). These commitments are found in constitutional and statutory law as well as in an array of policy documents. There remains, however, a large gap between these policy commitments and the reality of policing on the ground. Factors such as a high crime rate and disproportionately violent offenses, widespread poverty and unemployment, and a fundamental lack of material and human resources for SAPS, contribute to the difficulties of policing such a diverse society. This gap was underscored in interviews with police officials and others. For example, while we identify a range of meanings in multiculturalism, including in contemporary South African legal expression, this complexity is not mirrored in the interviews as respondents tended to essentialize racial identity. While multiculturalism is important to SAPS, diversity issues in the SAPS cannot and do not take center stage. Adequate salaries or skills training may triumph over diversity training as the SAPS's imperative.

**Key Words:** South Africa, policing, police, post-apartheid criminal justice, Constitution, multiculturalism, diversity, policy versus practice.

## Introduction

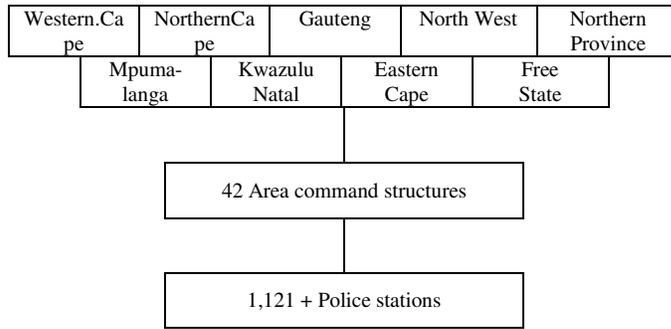
South Africa and its postapartheid democratic policing agency, the South African Police Service (SAPS) (table no. 1), have a principled commitment to implementing multicultural and diverse law enforcement. That is, the SAPS has a legal and political commitment to equality for all members of society and a simultaneous acknowledgment, tolerance, and sometimes accommodation and celebration of difference based on group identification, including but not limited to race. These imperatives put a diverse police service and multicultural policing at center stage. Despite this commitment to diverse policing, at least two major sets of factors constrain and limit SAPS multiculturalism. First, there is greater concern and awareness about internal SAPS diversity than in SAPS dealings with South Africa's communities. Second, the enormous problems facing South Africa and the SAPS, and the limited resources (human and financial) available to address these, mean that multicultural policing is often a distant concern in day-to-day policing practices.

Contemporary South African policing cannot be understood without appreciating the impact of apartheid in shaping today's realities of crime and justice. We review this background and then examine how contemporary South African law enforcement has been conceptualized in the South African Constitution, law, and policy. As with any society, and especially a transitional democracy experiencing enormous flux, gaps exist between policy and practice. By interviewing a number of police officials and policy researchers working in and on South African criminal justice, we have been able to develop an initial understanding of the relationship between the theories and realities of multicultural policing in the country.

Table no. 1: **Structure of the Department of Safety and Security SAPS**

(Source: Nedbank ISS Crime Index, No.1, 2000, p. 19)

<b>Secretary for Safety and Security (Deputy-DG) Malekole Rasegatle</b>	<b>National Commissioner (DG) Jackie Selebi</b>
<p style="text-align: center;">Secretariat</p> <p><b>Advisory services</b></p> <ul style="list-style-type: none"> <li>• Policy</li> <li>• Performance evaluation</li> <li>• Legal services</li> <li>• Communications</li> <li>• Research support</li> </ul> <p><b>Liaison services</b> (Administrative support for the minister's cabinet, parliamentary and provincial liaison duties)</p> <p><b>Ministerial services</b> (Ministry personnel and financial administration)</p>	<p style="text-align: center;">SAPS</p> <p><b>Operational divisions:</b> Cmr. Pruis:</p> <ul style="list-style-type: none"> <li>• Operational response services</li> <li>• Crime prevention</li> </ul> <p><b>Operational divisions:</b> Cmr. Williams:</p> <ul style="list-style-type: none"> <li>• Crime intelligence</li> <li>• Detective services</li> </ul> <p><b>Support divisions:</b> Cmr. Eloff:</p> <ul style="list-style-type: none"> <li>• Management services</li> <li>• Personnel services</li> <li>• Career management</li> <li>• Training</li> <li>• Financial services</li> <li>• Logistics</li> </ul> <p><b>Inspector-General:</b> Cmr. Chetty</p>



### Methodological Considerations in this Study

In addition to analyzing government policies and secondary literature, we conducted a qualitative study, in which we interviewed 25 people: 19 police officials, four researchers, a former Attorney General and a journalist (see Addendum no. 1 and table no. 2). The police officials were selected on the basis of race, sex, rank, and length of service to provide insights into different perceptions on policing a multicultural society. These officials (11 men and 8 women) had an average of 16.5 years of service, varying between 8 and 28 years; 7 were black, 3 were Indian, 1 was Coloured, and 8 were white. Police officials from two of the nine Provinces, Gauteng and the North West Province, were interviewed. These two Provinces have different characteristics. Gauteng, the country's financial hub, is strongly urban and very diverse demographically. The North West Province,<sup>2</sup> generally regarded as politically conservative, is largely rural; mining and agriculture are its main economic activities. The research results reported in this study cannot be generalized to the whole of South Africa because the study was small and the sample nonrandomly selected. It is likely, however, that the trends identified would be found nationwide; many of the respondents had worked in other cities and Provinces, and the analysts covered national issues. The researchers work for three leading nongovernmental organizations and a prominent newspaper and university. The responses to the semistructured interviews were analyzed to determine trends and coded, and the saturation of the data confirmed the reliability and validity of the measuring instrument.

Table no. 2: **Study Participants: Researchers**

<b>Name</b>	<b>Organization</b>	<b>Inter-viewer</b>	<b>Date inter-viewed</b>
David Bruce	Centre for the Study of Violence and Reconciliation, Johannesburg	Snyman	January 12, 2001
Diana Gordon	City University of New York, New York	Buntman	July 2000
Judy Klipin	Public and Development Management Programme University of the Witwatersrand, Johannesburg	Buntman	August 16, 2000
Eric Pelser	Institute for Security Studies, Pretoria	Snyman	January 4, 2001
Jonny Steinberg	Business Day	Buntman	July 13, 2001
Klaus Von Lieres und Wilkau	Attorney General of the Witwatersrand Division from 1980s to 1994	Buntman	April 27, 1996

The two interviewers, both white women academics, conducted five of the interviews jointly. Our sex, race, and language skills no doubt impacted some responses. One white interviewee (police official 18) stated that she would speak so openly only toward a white person. A limitation of this study is the fact that neither of the interviewers is black; attitudes similar to those expressed by police official 18 may have been shared by the black respondents. We attempted to compensate for this potential shortcoming during the introductory phase of the interview by emphasizing our impartiality and the confidentiality of the responses. Various interviews (with police officials 8, 16, 17, and 18) were conducted in Afrikaans based on the respondents' preferences. In only one interview (police official 13) did the respondent explicitly express a preference for speaking in English rather than in Afrikaans. Following initial interviewee reluctance to participate in the interviews if a tape recorder was used, extensive notes were taken in all interviews to ensure consistency.

### **Apartheid, Diversity, and Multiculturalism in South Africa**

South Africa is large and demographically diverse. Its people include an array of ethnic, racial, religious, linguistic, regional, class, gender, national, and sexual backgrounds and identities. Its Constitution mandates 11 official languages.<sup>3</sup> Unemployment is rife, and South Africa has the world's second largest gap between the wealthy and poor (*Poverty and Inequality*, 1998, p. 5). This economic divide is mirrored in the presence of both First and Third World elements of economic and social life. Skyscrapers exist alongside informal urban settlements ("squatter camps"), and traditional African beliefs function alongside mainstream and fundamentalist faiths (mostly Christian) as well as liberal-democratic constitutionalism.

Diversity in South Africa is most likely to be associated with race and racial discrimination. Once Europeans arrived in what is now South Africa, they sought control over African peoples and land. The most pernicious and notorious domination was apartheid, the governing National Party's doctrine and practice of white minority rule from 1948 to the early 1990s.

We identify four components of apartheid. First, apartheid was an ideological doctrine of racial separateness and white superiority.<sup>4</sup> Second, apartheid involved comprehensive racial segregation and discrimination. Race determined access to almost all aspects of social, political, and economic life, to the benefit of whites and the detriment, in worsening order, of mixed race "Coloureds," Indians, and Africans, collectively considered black from the 1970s. Law codified this racial hierarchy, supported by a whites-only franchise, as well as social attitudes and behaviors.

Third, apartheid involved and employed the economic exploitation of blacks by white-owned capitalist enterprises. Black access to education, property, and business ownership was very limited and black South Africans were systematically dispossessed of their land. Fourth, apartheid relied on repression, both legal (e.g., detention without trial) and illegal (e.g., torture), to crush opposition and resistance to apartheid.<sup>5</sup>

The history of racial rule has enormous bearing on policing in a democratic South Africa. The apartheid-era South African Police (SAP, precursor of the SAPS), together with allied government agencies, played a vital role in maintaining the unequal status quo. Apartheid criminalized normal life including political activities. Violent resistance was a crime, but political activism, whether legal or illegal, violent or nonviolent, also led to persecution and prosecution. The SAP, inextricably linked to the apartheid machine, was the “arch-villain” to apartheid’s opponents (Cawthra, 1993, p.1).

All policing everywhere is political. That is, policing is an exercise of the will of the state that represents certain ideologies and power arrangements, as expressed through laws and institutional arrangements. Whether practices are deemed legal or illegal are ideological and political questions. Although all policing is political, notions of “professional” and “democratic” policing either deny the political nature of policing or seek to reduce or balance the politics of policing with professionalism, which involves enforcing legitimate law in an even, equal, and nonpartisan manner. In this vision, professional policing is a public service to enforce (legitimate, democratic, and good) law under state authority and in the name of the social good (see, for example, Lyons, 1999, pp. 36–38). No one is above or outside the law: The same law applies to the president, police officer, professor, or pauper. When policing is based on the rule of law, when there is continuity in legal and legitimate policing practices despite democratic regime change, and when policing respects international laws and principles of human rights, then policing nears the professional ideal.

The SAP was political in the worst possible sense of the term. The police protected the white minority government of the day rather than the citizenry at large. Controlling black South Africans was part of their mandate. These tendencies were exacerbated once apartheid began to be institutionalized in 1948. As Gavin Cawthra (1993, p. 12) notes:

The police were a vital part of the structure of laws, courts, bureaucracy and armed forces that maintained white domination. [By 1948, t]he force . . . was already quasi-military and racially segregated. . . [They were] essentially authoritarian and confrontational and their main task was to enforce [racially and politically] repressive and restrictive legislation.

Over the 1970s and 1980s, in addition to the SAP, 10 police forces were forged in the black “homelands” (which supposedly gave black South Africans new national homes). Senior SAP members often staffed the upper echelons of the homeland police; SAP practices and methods were widely used by these forces, with which the SAP enjoyed high levels of cooperation. The homeland police were, if anything, more brutal and less effective at fighting crime than the SAP (Haysom in Dugard, Haysom, and Marcus, 1992, p. 67).

In hindsight, the 1980s marked both a consolidation and disintegration of policing and the SAP in South Africa. On the one hand, government budgets for the SAP steadily increased (Haysom in Dugard, Haysom, and Marcus, 1992, p. 62). Police powers broadened considerably, especially with the impositions of states of emergency in the middle of the decade. Moreover, the police increasingly coordinated efforts with other government agencies, especially through establishment of the National Security Management System (NSMS). In turn, the NSMS developed Joint Management Centres (JMCs) at regional, metropolitan, and local levels to coordinate efforts (Price, 1991, p. 87). On the other hand, the expanded financial and strategic investments in policing reflected a state increasingly unable to achieve its aims and control the citizenry or the public agenda. The state oscillated between reform and repression, flirting with changes to apartheid while increasing repression to maintain fundamental pillars of white power.

### **A Paradox: An Over- or Underpoliced Society?**

Apartheid’s critics frequently referred to South Africa as a police state. The term implies the pervasiveness, ubiquity, and even omnipotence of the police force, which is the way the SAP was often experienced, especially by black people and political dissidents. In the wake of apartheid’s demise, however, a very different picture has emerged. In this scenario, part of the volume and ferocity of crime in a transitional and democratic South Africa is explained by the *lack* of policing under apartheid. A former Attorney General and member of the National Party<sup>6</sup> argued that the concern of apartheid policing was to protect whites rather than blacks and that the country was underpoliced rather than overpoliced, especially in terms of enforcing the law:

[T]he [National Party] government made insufficient provision for sufficient and efficient policing in the country. . . . The South African law and order structure developed fundamentally within the nuclei of white society. You had your biggest police stations within the white communities, within the white business sector, not within your black population concentrations.

(Von Lieres)

Crime was exacerbated by poverty, lack of development of and investment in communities, and an inadequate policing infrastructure.<sup>7</sup>

One of many methods by which the SAP increased its person-power was through use of kitskonstabels, literally “instant” police, a derisive term for apartheid’s auxiliary constables. These kitskonstabels were a hastily and poorly trained group of law enforcement personnel imposed on the townships in the middle to late 1980s. Kitskonstabels were unable to stem crime or political rebellion; moreover, they were often perceived as criminal elements themselves as well as brutal and inept (Haysom in Dugard, Haysom, and Marcus, 1992, p. 62).

The kitskonstabels provide an example, or even a metaphor, to explain the apparent contradiction between apartheid South Africa as underpoliced versus a police state. The SAP was a pervasive force in South African and especially black life, but its primary task was to control and menace rather than to protect. The threat of police harassment, arrest, and violence, including their response to violations of apartheid law, had a powerful disciplinary effect. As philosopher Michel Foucault argues, people restrain themselves because of the possibility of their being under surveillance. Journalist Joseph Lelyveld captures this pervasive fear well:

How was it, I asked, that black security policemen and state witnesses in political trials were never assaulted in the black townships? “To do something like that,” one of the men said, “you would need at least two men, wouldn’t you?” . . . I gestured towards . . . the man’s best friend. “How do I know,” came the mumbled reply, “that he is not an *impimpi* [informer]?” No one who was not in jail or under house arrest could ever be immune from that suspicion.

(Lelyveld, 1986, p. 10)

Ironically, in conjunction with other factors, politically repressive policing came to facilitate crime. As the police focused on protecting whites and apartheid, criminals knew they were relatively safe from the law. Law-abiding people (correctly) saw the SAP as a dangerous and repressive force, rather than as a protective one. The cavalier attitude to real criminal threats was evinced by a number of indicators, including the widespread use of torture in police interrogations. While the torture of political detainees was notorious, torture was also widespread for criminal suspects and the accused.<sup>8</sup>

## **From Apartheid to Transition**

As a result of longstanding internal and external pressure on apartheid, in 1990 the ruling National Party agreed to initiate a transition to democracy. Nelson Mandela was released from prison and resistance organizations, including Mandela's African National Congress (ANC), were legalized. A democratic constitution and multiparty electoral order were negotiated during a difficult transition period.

The transition also led to changes in some aspects of security force operations. Public inquiries into security force abuse began, and the police were no longer supposed to view political opposition as a criminal threat. The SAP claimed to be fighting a rising crime rate in the early 1990s. Thus foot patrols were reintroduced and patrol car service was improved in many black areas. But the police continued to prefer "paramilitary style solutions" to crime (Cawthra, 1993, p. 155). In addition to conventional policing, innovative attempts were made to deal with peace and conflict resolution in the face of political violence and serious discord (Gastrow, 1995). Despite some improvements, many aspects of the SAP's operations remained controversial, and new or intensified concerns about illegal police practices arose. As the transition wore on, the police, or at least sections of the security forces, appeared to be undermining ANC opposition.

## **Contemporary Challenges to and Problems for Policing**

Democratic and nonracial rule began on April 27, 1994, with the country's first inclusive elections. A democratic government, with an ANC majority, has functioned since 1994. The move from white authoritarian rule to democratic nonracial rule profoundly reshaped questions of crime, justice, law, order, and policing. The entire legal framework of policing underwent major changes.

The legacies of apartheid, the challenges of democratic transformation, and new realities (from AIDS to globalization) also, however, shape and frequently limit contemporary policing. First, poverty and unemployment are widespread and severe. Apartheid dramatically increased the economic chasm between the rich and poor. This financial gap largely continues to coincide with race. There are, however, some notable changes, including a still small but fast-growing black middle class and increasing (but still minimal) white impoverishment (Swarns, 2000, p. 4). The majority of South Africans are very poor, and only a small minority are securely in (or above) the middle class. "The poorest 40 percent of households (equivalent to 50 percent of the population) receive only 11 percent of total income, while the richest 10 percent of households (equivalent to only seven percent of the population) receive over 40 percent of total income" (*Poverty and Inequality*, 1998, 5). About 19

million people, almost half the total population, are poor. In these households, the average monthly household expenditure is R353 per adult, which is about US\$32 per month (where US\$1=R11) (*Poverty and Inequality*, 1998, 5). Poverty and unemployment are also strongly related to a host of other social problems, from very low levels of education to the rampant spread of HIV/AIDS.

Second, crime and especially violent crime levels are extremely high. Although international crime comparisons often may be very problematic, they provide a means of assessing crime levels. In 1999, for example, South Africa had 55 murders per 100,000 people compared with 5.7 murders per 100,000 people in the United States, a country that itself experiences high rates of violent crime (South African Institute for Race Relations, 2000/2001, p. 74). More broadly, the SAPS Crime Information Analysis Centre notes "one out of three crimes recorded in South Africa involves violence or the threat of violence" (Masuku, 2001). Interpol further pointed out that, among the countries it surveys, South Africa has the highest level of violent crimes in three categories: serious assaults, murders, and robbery and violent theft. That is, although Australia has more serious assaults than South Africa, and Colombia has more murders than South Africa, only in South Africa were "recorded levels of all three categories of serious violent crimes... exceptionally high" (Masuku, 2001).

Numerous reasons are given for this crime rate, including the following. Poverty and the gap between the wealthy and poor are partial explanations. Apartheid (and before it, conquest and colonialism) were intrinsically violent systems of rule that spawned both criminality and violence among their proponents and opponents. The legacy of institutional violence, both of the apartheid state and, to a lesser extent, antiapartheid forces, have contributed to cultures of force and violence. This ethos is exacerbated by the widespread availability of guns. Crime is committed disproportionately by young people, and South Africa has a large youth population.<sup>9</sup> The nature of crime has also changed and worsened with the country's new openness. For example, international drug syndicates moved into South Africa in the early 1990s and drug gangs have clashed with fundamentalist Muslim vigilantes (Shaw, 1996; McNeil, 1999).

Third, and related to the high levels of crime and violence but also a concern in its own right, is the tenuous nature of the values that bind (or do not bind) South Africans (Bruce and Steinberg). The very understandings and definitions of "crime," "punishment," and "justice" are likely not shared by the citizenry at large. Steinberg argues further that South Africa's diversity is above all a diversity of moral visions, implying problems for entrenching support for the Constitution, which assumes fundamental law based on shared moral values. One reason for the dissonant views

on crime and punishment is that apartheid criminalized politics, and both the apartheid state and its opponents often politicized crime, from hidden state funds for secret police to bank robberies to fund the antiapartheid underground. (The politicization of violence and crime was in some senses legitimized or at least underscored by the Truth and Reconciliation Commission's mandate to give amnesty for political crimes, usually violent.) Another reason is the considerable variation between societal norms and legal requirements. For example, physical and sexual abuse of women is often sanctioned by patriarchal "traditions," while condemned in the legal code that emphasizes gender equality. Steinberg notes that although South Africa has strong legislation against domestic violence, Steve Tshwete, the late Minister of Safety and Security, does not consider intimate violence to be a criminal justice matter. Widespread crime is also associated with the common belief that HIV/AIDS can be cured if men rape or have sexual intercourse with a virgin (usually a young girl).

Fourth, the SAPS suffers from institutional problems, such as a lack of focus, low morale, or lack of a cohesive organizational identity. This macro view was more likely to be offered by analysts of the police (Steinberg, Bruce, police official 15) than to emerge from the police officers interviewed. Nevertheless, regardless of race, officers identified significant organizational and institutional problems affecting the SAPS, such as police force demilitarization, corruption, lack of resources, declining police morale, and lax discipline.

Fifth, the police suffer from a fundamental lack of sufficient resources, both human and material, from salaries to equipment. One perspective shared by virtually every respondent as well as a dominant theme in the literature is the paucity of SAPS human and financial capital. South Africa has one police officer for every 408 citizens. Although this ratio compares favorably with many developing countries, it is below that of Brazil (329:1), a country with significant similarities to South Africa, and significantly below that of many developed countries, such as Italy (102:1) (Schönteich, 2000, p. 16). But the personnel problem is one of quality as well as quantity. The *New York Times* claimed "more than 30 percent of the 120,000-member national force is illiterate, and more than 11,000 officers do not have driver's licenses" (Swarns, 2000, p. A1; see also Schönteich in Steinberg, 2001, p. 160). The lack of police vehicles to conduct police work was frequently identified as a serious problem by respondents (police officials 9, 14, 17; Steinberg). The structural difficulties facing the SAPS are enormous. In 1997, barely a quarter of detectives had actually been trained for this specialized job (Daly, 1997, p. A1). Problems are often most acute in poor black areas, like KwaMashu in KwaZulu-Natal. In KwaMashu, even after the assistance of outside security personnel led to a drop in crime, the police station remained neglected, the detectives had no training in ballistics or forensics, and the SAPS lacked sufficient handcuffs and police cars.

The SAPS thus faces greater challenges than ever before with considerable logistical and personnel impediments (Swarns, 2000).

Sixth, in addition to these difficult legacies of apartheid and transition, the SAPS also faces challenges of multiculturalism and diversity. These include clashes, potential and actual, resulting from the urban/rural divide, linguistic differences, the coexistence of various cultural norms, gender and sexuality-based differences, political and ideological clashes, traditional versus modern ideas and practices, an increasingly international society with immigrants from all over Africa and many other parts of the world, and racial differences and conflicts. Police in rural areas in the North deal with murders, for example, where community members genuinely believe the victims were witches who had to be killed for the sake of community safety.<sup>10</sup> Homophobia coexists with an increasingly visible gay community and constitutional recognition of equality irrespective of sexual preference. Although open political debate is a value purportedly shared by all political groupings, in practice political intolerance, including acts of violence, is rife.

### **Understandings of Diversity and Multiculturalism in Policy and Practice**

Multiculturalism, a concept and practice, recognizes and seeks to include certain groups that have been previously excluded from and/or devalued in social, political, and cultural life. The inclusion involves the right of previously excluded peoples to have their distinct cultures, languages, religions, and other aspects of identity recognized as legitimate and equal in value to the dominant and hegemonic identities (see, for example, Atkins, 1990, p.184; Bhabha, 1996, pp. 53–57; Childers and Hentzi, 1995, p. 196). The Constitution (and other legal and policy instruments) require the SAPS to attend to and advance issues of equality, multiculturalism, and diversity. The Bill of Rights mandates extensive fundamental rights and protection for people based on their historic or self-identification. The Constitution makes clear that: “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth” (*Constitution of the Republic of South Africa*, chapter 2, section 9, clause 3). “Cultural, religious or linguistic” communities are also given further protections to “enjoy their culture, practise their religion and use their language” and associate freely (*Constitution of the Republic of South Africa*, chapter 2, section 31, clause 1).

Despite the constitutional and broader value of multiculturalism, it is also a potentially fraught concept. The term arose in the United States and other Western societies in the 1980s and therefore tends to assume white and/or Western hegemony

as the majority culture, and black and other non-white, non-Western, female, gay, and other nonhegemonic identities as minorities. While this majority-minority formulation may be useful or accurate in many contexts, it is certainly not an accurate description of race in South Africa, where blacks are the majority and whites the minority. Second, notions of diverse and distinct cultures or identities often ignore the fluid, contextual, and historically contingent ways in which cultures and identities are continually (re)constituted and contested. Thus, multiculturalism's celebration of distinction risks reifying or essentializing perceived difference. Third, the term may have very different political connotations, ranging from integration to separatism: "[M]ulticulturalism incorporates views [ranging from]... an extension of liberal pluralism or cosmopolitanism... [to] a form of radical separatism according to race, gender, or sexual preference" (Childers and Hentzi, 1995, p. 196). Indeed, apartheid as a system of racial discrimination and rule was a perverse or dominating variation of multiculturalism, where formal government claims preached a supposedly (cultural) "separate but equal" policy. Government policy claimed to promote "multinational development," including the goal of having each of the "population groups policed by its own people" (*Official Yearbook of the Republic of South Africa Bureau for Information* [1986], cited by Haysom, 1992, p. 61). Fourth, redressing unequal, hierarchical, and discriminatory behavior via multiculturalism raises the question of whether equality requires emphasizing sameness or difference, a point addressed below.

The complexity and range of meanings of multiculturalism was not mirrored in our interviews. Most respondents understood multiculturalism and diversity to refer, primarily or exclusively, to racial difference and identity. Nevertheless, these racial terms often were not stated explicitly. Instead, the police personnel who were interviewed tended to refer to diversity and multiculturalism as the interactions of "cultures." These cultures usually meant or referred narrowly to race as skin color. Moreover, diversity and multiculturalism were generally understood by police respondents as projects aiming to bring people of different races together by developing mutual knowledge and understanding as well as an appreciation for one shared citizenship and national identity.

In contrast to the interviews, South Africa's policy documents tend to offer a sophisticated and nuanced understanding of and commitment to diversity, the preferred term, and multiculturalism as defined above. In South African law and policy, multiculturalism emphasizes inclusion, tending toward a universalist or integrationist logic, rather than separatism, although there is also recognition and celebration of distinct identities. The concern with diversity is inextricably linked with understandings of equality, emanating foremost from the Constitution.

South African constitutional protections and emerging law have, since 1994, emphasized one rule of law that applies to all people equally, irrespective of race, ethnicity, sex, or other markers of identity. While this theory does not always apply in practice, nor is it likely to anytime soon, the principle of equality under the law is powerful. But what does equality mean when all people are not the same in how they consider themselves or in their capacity to benefit from, or to be burdened by, society? In one view, ignoring difference and distinction is the best way to advance beyond and overcome inequality, for to note difference is to reinforce it, not to undermine its power. In another view, some differences do need to be taken into account to promote equality. Equality is not sameness, and certain differences, especially those that are a product of past discrimination, must be identified so that their negative effects may be recognized and counteracted (see, for example, Scott, 1988, part IV). This latter view tends to predominate in democratic South African law and policy, including SAPS policing. Thus, for example, both in its internal development and external public role, the SAPS sees the need to actively acknowledge past discrimination to address and redress it. Public funds should therefore be spent disproportionately on neglected black regions, and affirmative action policies are required to promote black men and all women in a historically white, male-dominated police force.

### **The New Constitution(s)**

This broad view of multicultural policing, acknowledging and even celebrating diversity while redressing past discrimination, is a direct outcome of a series of government documents, both foundational law and policy elaboration. First and foremost is the 1996 Constitution (which replaced the preliminary constitution negotiated for the democratic transition). The equality provisions of the Constitution's Bill of Rights capture the dual, and perhaps multiple, meanings of equality that lie at the core of both conventional and multicultural understandings of equality: "Everyone is equal before the law... The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds..." (*Constitution of the Republic of South Africa*, chapter 2, section 9, clauses 1-3).

The Constitution specifically deals with policing in four sections. The SAPS (not so named in the Constitution) would be national but would function at all tiers of government, including in regionally specific ways. The national Cabinet retains responsibility for policing. Its objective is to prevent and counteract crime and to "uphold and enforce the law" (*Constitution of the Republic of South Africa*, chapter 11, section 205, clause 3). This is an important statement for an institution that often functioned historically above and outside the law. Underscoring civil rather than security force powers, the Constitution mandates that: "A civilian secretariat for the

police service must be established by national legislation to function under the direction of the Cabinet member responsible for policing.” The Constitution further elaborates on provincial rights and responsibilities vis-a-vis policing and provides for any necessary coordination and investigation of the SAPS, as well as its cooperation with other sections and agencies of government. There is little allusion to diversity; in these sections the constitutional language reflects equality as sameness more than difference. The Constitution’s founding provisions, however, reflect both universal statements of equality and active inclusion of diverse cultural heritages.

## **Legislation and Policy**

The most important law governing and defining the structure, mission, and functioning of the postapartheid police is the South African Police Service Act of 1995, which provides “for the establishment, organisation, regulation and control” of the SAPS.<sup>11</sup> The Act governs police work at both the national and provincial levels under the authority of, first and foremost, the national government, but also under the provincial governments. Three mandates given to the SAPS in this act are to “ensure the safety and security of all persons and property... uphold and safeguard the fundamental rights of every person as guaranteed by the Constitution... [and] ensure co-operation between the Service and the communities it serves in the combating of crime.”

The Act emphasizes that the SAPS must employ community policing, especially through community police forums and area and provincial community police boards. Unlike the above-mentioned identification of communities as culturally, religiously, or linguistically defined, and unlike apartheid’s notion of communities as racial (and linguistic), the Act’s discussion of community policing leaves the meaning of “community” rather undefined. To some extent, the community in this legislation is identified in terms of politics and governance: The Act requires the SAPS to serve communities at “national, provincial, area and local levels,” which corresponds to the organization of government. The Act (19. (1)) also requires community policing forums to be “broadly representative” of the community. This phrasing too is closely associated with governance and electoral politics, although it could also signify any one of a range of characteristics that need “representing.” While the community is obliquely defined in terms of governance, police officers and other members of the SAPS are to be strictly nonpartisan in their official and public capacities. Although members of the SAPS may join political parties or movements, they may not “publicly display or express support for or associate [themselves]... with a political party, organisation, movement or body,” among other prohibitions (46. (1)).

Following the 1995 Police Act, a White Paper on Safety and Security was developed in 1998 to provide a comprehensive analysis of how crime relates to the police, government, and society more generally. It noted the continuing and negative effects of former apartheid policies, such as the lack of police legitimacy, but emphasized that the SAPS goal was to protect and serve all South African citizens. It argued that combating crime could be achieved in part through improved police performance and therefore advocated a series of reforms, including better training, specifically in the area of investigation, and the utilization of more technology. The White Paper also emphasized community policing among its strategies. Perhaps one of the most important reforms was the separation of policy formation from the SAPS into a civilian Secretariat for Safety and Security, intended as a check between policy making and implementation. Moreover, an independent body would be established to receive and investigate citizen complaints regarding allegations of police misconduct or abuse. Importantly, however, the White Paper saw crime-fighting solutions as both outside and within the realm of policing and therefore proposed investing financial resources in deterring the root causes of crime, especially at a local government level, together with government departments of health, welfare, and education. In addition, private, nongovernmental organizations, community, and religious groups were also to be included in the effort to combat crime (*White Paper*, 1998).

Despite the importance of the White Paper, its implementation was undercut by at least two factors. First, many police officers had not seen or read the White Paper and other policing policy documents (Klipin). Second, although it is common that the relative influence of one or another policy waxes and wanes, the White Paper's importance was arguably superseded by the National Crime Combating Strategy (NCCS). Although the White Paper emphasized community policing and crime prevention, the NCCS focused on crime in a series of "hot spots" and highlighted responsive rather than proactive or preventive forms of policing (Klipin). Indeed, Steinberg goes further than Klipin and other commentators to argue that "the White Paper on Safety and Security was left behind before it was even printed."

Other laws, from those concerning crime and policing<sup>12</sup> to those affecting the civil service and the society at large, also affect issues of policing and multiculturalism. Perhaps the most far-reaching law addressing discrimination is the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, which legislates for affirmative action, among other features. This law seeks to balance two difficult and potentially contradictory legislative goals. Its primary aim is to promote equality and protect people from unfair discrimination. Simultaneously, however, the Act maintains people's rights to emphasize markers of identity, and thus recognizes "difference." Because the Act is civil not criminal law, it primarily affects internal

(rather than external) SAPS operations. In addition to laws, government policy documents, such as the White Papers on service delivery, skills development, and transformation of the public service, affect the SAPS as well as the rest of the civil service.

## **Implementation and Understandings of Policy**

Policies are useful to the extent that they are understood and implemented by those responsible for translating their theory into practice. We therefore interviewed police officials and analysts of the SAPS to determine knowledge, understanding, and implementation of policing policies. Importantly, we did not ask only about multicultural and diverse policing, as we wanted first to establish whether the respondents themselves identified this topic as relevant or important to the SAPS. Indeed, issues of multicultural and diverse policing cannot be understood out of the broader context of policing and socioeconomic realities.

### **Policy Recognition and Implementation**

The Constitution of 1996, specifically sections 30 and 31, was regarded by high-ranking SAPS officials as the backbone to all current policing policies, white papers, and laws that govern policing in South Africa. These include the Batho Pele document on service delivery (which affects the civil service as a whole, including the police), the white paper on safety and security, the NCPS, and the Police Act (police official 6). Among the analysts, perceptions as to the quality and implementation of the policies were mixed. Pelser considers the policies to be excellent but poorly implemented for a number of reasons, and Klipin and Gordon implied similar assessments. Pelser argues that the policymakers neither understood the police culture nor recognized the power dynamics in the SAPS and thus vastly underestimated the difficulties of implementing policy. While Steinberg and Bruce were more critical of policy, Steinberg too emphasized the gap between the policymakers and the SAPS culture, especially during Nelson Mandela's presidency from 1994 to 1999. Since then, the political leadership reverted to more militaristic practices (Steinberg), often with an emphasis on "zero tolerance" policing (Klipin). Other problems included the lack of capability among freedom fighters to fill policing positions (Pelser) and the resignation or retirement of experienced "old guard" officials (Pelser and Steinberg), which led to a leadership vacuum.

Police officials in higher ranking positions were more aware of government policy than the more junior police, who often have far more interface with the public. Senior officials were more likely than researchers to consider that the policies were being implemented. Lower level police officials seldom had enough understanding

of policy to be able to formally assess its practical implementation, but their evaluation and description of SAPS practices provided valuable descriptions of the extent to which policies are or are not followed in daily police practice. The police officials (3, 5, and 6) working in the national headquarters, the station commanders of police stations in Gauteng and the North West Province (police officials 1 and 9), and the North West Province human resources official (police official 19) were all aware of and identified the array of laws and policy documents shaping current policing. Three of these respondents considered policies to be well implemented on the grassroots level and not a hindrance to functional policing. Furthermore, for one respondent, because the policy documents were available to all, there was no excuse to be unaware of their contents (police official 19).

In contrast, the other three higher ranking officials did not consider the policies to be implemented well in daily policing (police officials 1, 3, and 5). Police officials were not considered to know the content and spirit of policies (police official 3). The head office was criticized for implementing policy without considering the local conditions as well as for a lack of training (police official 5). Many of the police officials on the ground (police officials 10, 16, 17, and 18) could not name any law or policy shaping policing and acknowledged the Constitution's importance only upon prompting.

Four police officials (10, 11, 12, and 17) moreover believed that the Constitution tied their hands and hindered them in carrying out their work effectively. (Ironically, police official 12 nevertheless claimed the implementation of human rights as a big SAPS success, although his frustration with the Constitution was because of its human rights demands.) The three officers in public order policing regard implementation of law and policy to be at the discretion of each official. Bruce argued the then Minister of Safety and Security, since deceased, tended to leave policy-related issues unclear for the SAPS. Furthermore, this Minister and his National Commissioner contradicted each other on whether or not human rights imperatives help or hurt policing, thus sending a mixed message to service members and the public. According to Steinberg, although the Constitution requires a revolution in police work, the police are not trained or empowered to work in a constitutional democracy. Instead, SAPS members often consider how to get around the Constitution, commonly seen as a constraint on their work.

## Communication

There are variety of challenges to communication in the SAPS is faced with. One issue of interviewee unanimity was that the SAPS remains very bureaucratic. A senior black female official (police official 3) at National Headquarters identified lengthy decisionmaking as one of the ways in which the SAPS has not changed since 1994. In a similar vein, hierarchical structures were blamed for poor communication within the SAPS (police officials 1, 10, 14, and 18). In contrast, when the hierarchical structures were flattened within a police station, communication became better than that among the national head office, provincial structures, provincial area offices, and stations on the ground. Both lateral and horizontal communication within SAPS was reported as strained. For example, the national head office was perceived not to understand or respond to local station-level needs.

The language used during meetings was a source of contention for many police officials (police officials 1, 9, and 10), and efforts to change this were often met with rude and negative remarks. A black male in the North West Province (police official 10) was expected to take the minutes of meetings where only Afrikaans was spoken, despite his poor Afrikaans. In the Pretoria area, Afrikaans was used in the police radio control room, although most officers prefer the use of English (police official 1). This reliance on the lingua franca of the “old” police and the negative reaction to using English supports the comment by a Coloured female platoon leader (police official 17) that “apartheid still exists in the police.”

Although some respondents experienced SAPS communication as poor, other officials hailed open communication as one of the biggest successes of SAPS. But people often have complex standpoints. Police official 17 identified open communication as a major SAPS success. Nevertheless, she chose not to register a grievance against her superior, who she felt discriminated against her as a woman (discussed below), because she feared her case would not be dealt with equitably and would worsen her situation. Instead, she transferred to another police station.

### **Perception of Relations of Self and the Community**

Race continues to be an important factor informing perceptions of police officials' own career opportunities (or the lack thereof) as well as assessments of colleagues' professionalism or capabilities. One black official in the North West Province headquarters considered whites racist and not good at their policing jobs. He explained poor performance as resulting from "80 percent color and 20 percent laziness." This person also used a racial epithet to refer to Indians, pointing to the contradictory position respondents may have (police official 10). A white female officer (police official 18) reversed the racial assessments; for her, black people and SAPS personnel were inherently lazy and incompetent. But racial lenses were not only stereotypes of blacks condemning whites and vice versa. A senior Indian official, now in the North West but previously in the more cosmopolitan KwaZulu-Natal, thought white officers to be the most committed, if a dying breed. Likewise, he positively assessed many black officers as ambitious and considered affirmative action to have produced some impressive and committed black members of the SAPS (police official 9). Furthermore, many interviewees considered lack of professional capacity to be explained in whole or in part by lack of training (police officials 3, 5, 11, and 17) and lack of performance incentives (police official 3) rather than race.

Certainly affirmative action has led to or furthered race-based perceptions. Many white officials, who often have the most experience, feel marginalized and look for other employment opportunities. White officials regard the lack of promotion opportunities as a disadvantage, whereas black officials feel the direct opposite and often view the sky as the limit. One relatively young black police official considered it good that she no longer had to study to be promoted. Instead, she understood the new policy as promising automatic promotions provided one had enough experience and had spent sufficient time in the service (police official 16). Most black and some white officials considered affirmative action a SAPS success.

Opinions conflict as to the quality of the relationship that exists between the police and the communities within which they operate. Community-police relationships were regarded by most of the interviewed officials as a major challenge to efficient policing. Some respondents were frustrated that citizens believed the police alone to be responsible for crime prevention (police officials 1 and 9). In response, one black official pointed out that public action and choices are essential, from not buying stolen goods to participating in community police forums (police official 10). Furthermore, as Pelsner notes, the public expects the police to "do something about the crime," yet some of the biggest crime challenges, such as domestic violence and rape, occur mostly within the confines of the home. Two police officials (8 and 16)

indicated their opinion that poor community-police relations could be attributed to the legacy of apartheid, as many people think the police have not changed and still associate the SAPS with the racist and abusive policing of the SAP. One SAPS member, a white female officer (police official 14), considered the onus for improved community-police relations to depend on the community and not on the SAPS. She recalled that when she and a colleague were on duty in a black area, they were booed and shouted at because they are white. (She now refuses to work in a black area.) An Indian male manager (police official 9) believed that, in the North West Province, white and black people were more involved with such policing-related matters as becoming reservists and serving on the community police forums, whereas most people in the Coloured and Indian communities remained distant. Pelser regarded the diminished public confidence in the government's ability to protect its citizens as the biggest hurdle the SAPS had to face and also as a crucial challenge to government as a whole. This declining public confidence in part explains the reason for the sharp increase in vigilante activity.

What should not be discounted, however, is the vast improvement in community-police relations compared with the pre-1994 levels of distrust. Bruce agreed with police officials (3, 5, and 6), who regard the improved relationships between the police and community as a clear success while noting that police satisfaction and police-community relations are not yet at satisfactory levels. In a television broadcast (*Fokus*, South African Broadcasting Corporation, July 26, 2001), Pelser noted research that showed overwhelming support for the SAPS by members of the public who have reported crime and worked with the SAPS but continuing distrust by a large segment of the public. As noted in our conclusion, SAPS awareness of the diverse and multicultural perspective of communities remains a blind spot in most policing.

### **Integration of Different Police Services into One**

Police official 6 headed the transformation of the 11 forces into a single force. He regarded it as "a remarkable achievement because they come from different cultures" and it was difficult to pull together "competitive and suspicious" agencies. Bruce, together with most of the police respondents, agreed that the integration of the different police forces into one was a significant success. Nevertheless, the "us/them" syndrome still exists. Police official eight found that officials from the former Bophuthatswana police still use forms from the Bophuthatswana Police Force and refuse to use official SAPS forms 8 years after incorporation. Furthermore, clear differences in skills among the incorporated forces still exist. Two black officers in Gauteng (police officials 11 and 12) consider their colleagues from the previous homeland and independent state police forces to lack skills, which in turn increases their own workload. This causes friction between officers and

reinforces the difference between the previous SAP and the other police forces. Police officials 3 and 5 emphasized the need for focused training to bring the different groups to equal skill levels.

In contrast to the positive assessment of transformation, Pelsler did not regard the transformation as properly managed because it had not filtered to the grassroots levels. In racial terms, the face of SAPS in the top-to-middle management levels reflects the face of South Africa, yet 60 percent of the detective services are white (Steinberg). Steinberg argues that although many blacks were appointed to management positions, they were the wrong people in those positions. Because of the hiring moratorium from 1994 to 1998, the hiring pool for the new black management consisted of people who had joined the SAP under apartheid or before 1994, so the SAPS did not tap into potential pools of personnel from outside (Steinberg).

### **Internal Black-White Integration**

Although the transformation of the SAPS was hailed by the majority of the interviewed police officials as a significant success, the poor relations among the different racial groups within the police are regarded by many as one of the biggest challenges facing the SAPS, in part as noted above. One white officer (police officer 10), who is responsible for managing a police station's finances, believes different racial groups will never be able to work together because of inherent and permanent characteristics that cannot be overcome. Suspicion and stereotypes cloud interaction; this officer said that when she refused a black official's financial application she was labeled a racist, whereas when she refused a white official's application she was not blamed for the rejection. A black male inspector in the North West Province (police official 13) said white officers refused to take orders from black officers. A senior white police administrator (police official 8) regarded the SAPS transformation process as impossible to implement fully. He assumed, for example, that white officials could not be transferred to a rural black station because they would have to live in a black area or travel far to work from the closest white town. He also assumed it would be easier for a black person to be successfully transferred to a police station in a so-called white area, as all towns have a black township nearby (police official 8). The experience of an Indian station commander (police official 9) who was transferred from KwaZulu-Natal to North-West Province is revealing in this regard. He and his family found it hard to be accepted in the white neighborhood in which they live. But he was also skeptical of Indian and Coloured community attitudes toward the police.

## **Gender Equality**

Although diverse policing should include concern with gender equity and inclusion, in fact few of the respondents mentioned gender without interviewer prompting. This is notable in the “macho culture” of the SAPS (Bouman, 1997, p. vt6) and South Africa’s deeply patriarchal subcultures. Although most women respondents did not point to sexism as a problem, it appears as though the SAPS’ transformation is not as successful with regard to gender equity. The Coloured female platoon leader, who had only men under her command, said she experienced no bias within her unit “because we play and work together” but identified clear sex discrimination against her by direct superiors. She was refused the use of a car, although a man of lesser rank had a vehicle assigned to him. She was denied promotion at one police station and was explicitly told that the position was reserved for a male. She transferred to a different police station in order to be promoted (police official 17). A white female officer (police official 19) argued that the black female and male roles within SAPS are directly influenced by traditional roles in black society. Consequently, a black man in the SAPS would not accept orders from a black female superior if he played a prominent traditional leadership role. A black woman detective (police official 14) considered men, regardless of race, to have benefited more than women from the changes in SAPS. She identified continued resistance to including women in decisionmaking. A black male officer (police official 10) supported this observation and argued that women were still discriminated against in the SAPS. He valued the role of women very highly and argued that police-community relations could be improved by presenting workshops to the women in the community, arguing that “if you teach a woman, you teach the nation.”

## **The Value of Training**

A widely acclaimed success of the SAPS is the strong focus placed on training. Some officials claimed the emphasis placed on enhancing skills and education was the single biggest change that occurred in the police since 1994 (police officials 5, 6, 13, and 14), and others (police officials 8, 9, 17, and 18) wished to see even more and further improved training. One white official (police official 18) said that she attended as many training courses as possible. She could not, however, remember whether she had participated in diversity training.<sup>13</sup> Various police officials remarked that the diversity-training program was too short - at least in one instance only half a day (police official 9) - and said they would appreciate followup training. Police official 19 considered training to be inappropriately limited primarily to persons working in police administration and suggested greater availability for officials on the ground. Training was furthermore regarded as an important way to improve the implementation of policies (police official 8) and to improve relations among different race groups in the SAPS (police official 10). Klipin identified seven

strategic issues that should be addressed in training: crime reduction, improved police performance, resource utilization, improved functional policing, management development and leadership, information management, and transformation. She agreed with police officials' assessments that training was a success and an achievement of the SAPS.

### **Conclusions and Assessments**

Under apartheid, racial, ethnic, and other social differences among people were reified into a rigid hierarchy of advantage and disadvantage. In contrast, contemporary South Africa's commitment to diversity and multiculturalism is egalitarian and aims to advance a majoritarian and democratic notion of the social good, balancing equal rights in ways that respect sameness and distinction. In this context, the SAPS recognizes South Africa's people as diverse and multicultural, primarily in terms of internal SAPS reform efforts and only secondarily in terms of engaging with the broader society.

Even where SAPS members paid homage to diversity and equality, some respondents' understandings of these concepts were arguably rather uncritical. One black officer (police official 16), who insisted that she experienced no racism in the SAPS, noted that colleagues told racist jokes. A white diversity trainer explained that her own diversity training helped her to recognize the diversity of black people. She went on to state that Tswana women dress neatly, but Zulu women do not care about their appearance (police official 4). Arguably, these examples should not, however, be understood to mean that respondents (and SAPS members more generally) are not serious about their commitment to diversity and equality. Rather, police respondents tended to have more easily attainable expectations about the challenges and difficulties of multiculturalism than did the researchers or, indeed, the authors.

Our research suggests the SAPS has far greater concern, awareness, and success with multiculturalism and equality within its organization than between itself and South Africa's diverse people and needs. When the respondents recognized diversity in South Africa, it was mainly limited to racial terms, although business communities were also identified (police official 9). There was almost no discussion, however, of the often vastly different realities and perceptions of crime and community needs across the country.

Crime and criminal justice may be shaped by the legacies of race, ethnicity, class, gender, or urban or rural life in many different ways. Examples of these variations include fundamentalist Islamic vigilantism in the Western Cape; traditionalist

African vigilantism in much of rural South Africa; illegal white capital flight; widespread urban and rural beliefs in witchcraft as the source of criminal activity; extensive private security services in wealthier, predominantly white suburbs; cattle theft in the Eastern Cape and car theft in the Western Cape; and the operation of internationally based organized crime in South Africa. (More broadly, given South Africa's serious crime rate and the fact that police themselves are often victims of murder, it was startling that almost no respondents actually mentioned crime as a serious challenge to the SAPS.) That and how such multicultural realities and diversity within South Africa at large shape policing were, however, largely absent in our interviewees' responses.

There was mention that different racially based communities were less or more likely to trust the police and work with the SAPS in institutions like the Community Police Forums. Aside from this concern, however, little or no allusion was made to the differing needs of varying communities and groups for the SAPS and whether these were consistent with constitutional requirements. Nevertheless, communities' histories and current conditions do shape their needs from and perceptions of the police. Little awareness or mention of this dimension of diversity was noted, however.

Although respondents generally considered diversity only within their SAPS ranks, police officers (like other people) often continue to hold onto strong stereotypes that presumably affect policing and responses to communities. As part of the Police Station Management Programme,<sup>14</sup> police station managers - blacks, whites, men, women, captains, superintendents, etc. - were asked what they associate with, for example, Africans, whites, women, Indians, and so on. Associations with Africans included that they had lots of children and were smelly, stupid, illiterate, and crooks. Stereotypes of Indians included that they liked spicy food and were greedy, rich, corrupt, and exploitative. Coloureds were linked to gangs and drugs. Alcohol abuse and domestic violence were associated with shebeens (bars or speakeasies) and black men. Whites were associated with white-collar crime; the police would not usually think of whites in terms of robbery, for example, although it may depend on the area. Likewise, xenophobia in South Africa is rife, mostly against dark-skinned black people from other parts of Africa (Klipin). Thus, while much in South African policing has changed in terms of multiculturalism, the belief about criminal propensity and culture has not (Gordon).

Any discussion of and engagement with multiculturalism and diversity in the SAPS cannot, more broadly, avoid recognizing that these challenges are but one set among many in a transitional police service with limited resources and enormous challenges of crime. Moreover, it is at times difficult to separate which problems are issues of multiculturalism and which problems concern other issues, from resources to

criminal violence. Therefore, while multiculturalism is important to the SAPS, as to South Africa, diversity issues in the SAPS cannot and do not take center stage. Adequate salaries or skills training may triumph over diversity training as the SAPS imperative.

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## Notes

- <sup>1</sup> We thank a number of people for their assistance with this project: the people that made themselves available for interviewing: Dr. Edna Erez for inviting us to participate in this project and for connecting us, the authors; Victoria Coleman, who provided bibliographic and research assistance; Catherine Rottenberg who delivered the paper on our behalf in Jerusalem and Dr. Louise Bethlehem who facilitated this assistance; and the three anonymous reviewers and Dr. Bill Lyons who offered valuable comments on earlier drafts.
- <sup>2</sup> It is composed of Bophuthatswana, ostensibly an independent state under apartheid, and the former Western Transvaal.
- <sup>3</sup> The concern with diverse languages is emblematic of South Africa's diversity, not simply on a basis of "race" divisions, but along intra and inter-ethnic as well as religious lines. It is also emblematic of the democratic and constitutional concern with protecting and recognizing that diversity. Chapter One ("Founding Provisions") of the Constitution, Section Six, identifies the following official languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. In practice, Zulu is the mostly widely used first language, Afrikaans is probably the mostly widely used second or subsequent language, and English tends to be the lingua franca of government, business, and tertiary education. In addition to these official languages, the Constitution also mandates promotion and/or respect for a variety of other languages: "Khoi, Nama and San languages;... sign language... all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and... Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa."
- <sup>4</sup> Apartheid has been defined variously by both its supporters and detractors. This understanding is our own, and will accord with the perspectives of some commentators, and not others.
- <sup>5</sup> Both legal and illegal forms of repression were relatively well known under apartheid, and were publicized both in South Africa and internationally. With the establishment of democracy in 1994, greater understanding of repressive activities of the past was sought and achieved, especially illegal actions of the state (and opposition) that constituted "gross human rights abuses." Increasing knowledge about these abuses has occurred in a number of contexts and by a number of mechanisms, the most important of which is the Truth and Reconciliation Commission (TRC). The fact of a commission was agreed upon in negotiations prior to the 1994 elections, and was enacted into law by the Promotion of National Unity and Reconciliation Act, No 34 of 1995. The Commission's *Final Report* was published in 1998. (The Commission has an excellent web-site at <http://www.truth.org.za>.) In addition to this report, there is an extensive literature, pre and post apartheid, on human rights abuses under apartheid.
- <sup>6</sup> Following the establishment of democracy, he became a right-wing critic of his former party and its government.

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- <sup>7</sup> The former attorney general further questioned whether the new government would make the same mistakes as its predecessors by confusing the promulgation of laws with the state's ability to enforce these: "But this is a national trait - I don't know if it's going to change in the new regime. You make the law and the problem is supposed to disappear."
- <sup>8</sup> See, for example, Parker and Mokhesi-Parker, 1998, Chapter 4 AJudges and Torture, "for numerous examples of the Anon-political" use of torture by police, as well as for an excellent analysis of how and why torture emerged as such an important means of police "investigation."
- <sup>9</sup> In 1996, over 44% of the country's population was under the age of twenty" (Schönteich 2000).
- <sup>10</sup> On the late twentieth century relevance of beliefs in witchcraft in South Africa, see Adam Ashforth. *Madumo: A Man Bewitched*. Cape Town and Chicago: David Philip Publishers and University of Chicago Press, 2000 and Edwin Ritchken. "The Meaning of Rural Political Violence: The meaning of the Anti-Witchcraft Attacks." Unpublished seminar paper number 5, presented to The Centre for the Study of Violence and Reconciliation, South Africa, 29 June 1989. Available at <http://www.wits.ac.za/csvr/papers/papritch.htm>
- <sup>11</sup> South African Police Service Act, No. 68 Of 1995, which may be accessed at <http://www.parliament.gov.za/acts/> The statute's sections mandate structures and activities such as the functions of the Ministry, including to facilitate a Secretariat, how the SAPS should be established and what its composition should be, the obligations and limitations on SAPS Commissioners (both national and provincial), including their powers, duties, and functions, specific sections of the SAPS (from Organized Crime to Community Policing), to service regulations, to the basis of employment for SAPS members, to the establishment of an Independent Complaints Directorate, to the Municipal and Metropolitan Police Services, among the major provisions.
- <sup>12</sup> For example, the Intelligence Act and the Criminal Procedure Acts.
- <sup>13</sup> This example indicates a potential danger of too open a training policy that could lead to some officials seeing training as a way to avoid their regular work demands.
- <sup>14</sup> The program is run by the University of the Witwatersrand's Public and Development Management School. Judith Klipin is the manager of and an instructor in the program.

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**Addendum no. 1: Study Participants: Police Officials  
Part A**

<b>No. in text</b>	<b>Rank</b>	<b>Area</b>	<b>Position</b>	<b>Years of service</b>
1	Senior Superintendent	Gauteng	Acting Station Commander	19
2	Inspector	National Office	Diversity Training	15

3	Director	National Office	Victim Empowerment	20
4	Captain	North West	Provincial Training	19
5	Director	National Office	Human Rights	11
6	Commissioner	National Office	Deputy National Commissioner	28
7	Superintendent	Gauteng	Head Community Service Center: Gauteng	27
8	Director	North West	Finances: Provincial Offices	27
9	Director	North West	Station Commander	18
10	Captain	North West	Service Delivery Provincial Office	9
11	Inspector	Gauteng	Public Order Policing	10
12	Inspector	Gauteng	Public Order Policing	10
13	Inspector	North West	Head: Community Service Centre	8
14	Captain	North West	Detective Services	15
15	Superintendent	Gauteng	Area Office	15
16	Sergeant	North West	Court Duties	10
17	Captain	North West	Public Order Policing	10
18	Inspector	North West	Finances: Police Station	19
19	Superintendent	North West	Human Resources Provincial Office	27

### Part B

No. in text	Gender	Race	Other background	Interviewer	Date interviewed
1	male	white	From constable to current position.	Snyman	Nov. 7, 2000
2	female	Indian	From constable to current position.	Snyman	Jan. 22, 2001
3	female	black	Incorporated from Transkei police. From constable to current position.	Snyman	Nov. 7, 2000

4	female	white	From constable to current position.	Buntman	July 19, 2001
5	male	white	After LLB degree, joined legal division SAPS, before current position.	Snyman	Jan. 16, 2001
6	male	white	From constable to current position. Was responsible for integration of police forces into one service.	Buntman	May 2000
7	male	white	Before current position, was responsible 1993–98 for introduction of diversity programmes in SAPS.	Snyman	Nov. 7, 2000
8	male	white	From constable to current position. Was in riot squad in Soweto from 1976 to 1981.	Snyman	July 19, 2001
9	male	Indian	From constable to current position. Moved from KwaZulu-Natal to Northwest.	Buntman & Snyman	July 19, 2001
10	male	black	Incorporated from Bophuthatswana police into SAPS. From constable to current position. Used to guard former president of BOP and premier of North West.	Buntman & Snyman	July 19, 2001
11	male	black	In uniform branch and dog unit Soweto before current position.	Snyman	Nov. 13, 2000
12	male	black	Deployed directly in current position.	Snyman	Nov. 13, 2000
13	male	black	Assistant constable guarding police stations before current position.	Buntman & Snyman	July 19, 2001
14	female	black	Initially charge office, recruiting officer, clerical before detective services.	Buntman	July 19, 2001
<b>No. in text</b>	<b>Gender</b>	<b>Race</b>	<b>Other background</b>	<b>Interviewer</b>	<b>Date interviewed</b>
15	male	Indian	After uniform branch, detective before current position.	Snyman	Oct. 27, 2000
16	female	black	Benoni radio control before current position.	Buntman & Snyman	July 19, 2001
17	female	Colored	Trained in Western Cape, then charge office in Potchefstroom before current position	Buntman & Snyman	July 19, 2001

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18	female	white	Uniform branch in Durban before current position.	Snyman	July 19, 2001
19	female	white	Charge office, detective and clerical positions before current position.	Snyman	July 19, 2001