

**Enforcing an Outdated Status Quo:
The Weaponization of Private Security for Racial Discrimination in South Africa**

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Since South Africa's transition out of apartheid and into an era of democracy in the mid-1990s, crime rates have spiked and people's trust in the government has plummeted. Police services all across the country have limited resources as a result of government neglect. Lack of incentives for police officers to stay with the services prompted many apartheid-era police officers to leave and find jobs in the private security industry. In the eyes of the public, the police's inability to do any meaningful work has led to a lack of faith in the system and to doubts about the legitimacy of the police. Instead, the middle and upper-class public has turned to the private security industry to do the jobs police are supposed to do. Private security companies (PSCs) respond more quickly and reliably than the South African Police (SAP), and give citizens the comfort and satisfaction of feeling like their concerns are being dealt with. Post-apartheid South Africa is still rife with structurally racist policies and infrastructure, and racially divided economic inequality. This has only been worsened by the racialized approach to policing by both the South African Police and the armed response officers of the private security companies. State-sanctioned authority and police discretion are subverted when middle and upper-class citizens are able to pay PSCs to police whatever they deem necessary. With this comes potentially harmful implications for state legitimacy and South African democracy.

Before exploring the role of private security companies in South Africa, it is important to understand what a private security company is. A PSC is a private company that often contracts trained security guards or officers to private entities for private purposes and can be hired to perform almost any given task. Often hired to provide security for the mining industry or protect wealthy individuals, PSCs' primary role in South Africa is as unofficial law enforcement (Van Riet 2020, 86). Cooperation between private security companies and the state police date back to apartheid. During this time, the support of PSCs was contracted by the South African

government to supplement manpower to use against the political resistance movements (Diphoorn 2017, 529-530). While PSCs are private, and therefore not under the direction and control of the government, they still function (mostly) within the law and have found ways of working together with the police in their services (Abrahamsen and Williams 2007). This police-like function of private security companies fosters a number of qualities reminiscent of policing culture and attitudes. To further analyze how PSC occupational culture relates to that of the police occupational culture, there are two important concepts to understand: the police mandate, and the moral mandate.

Police occupational culture is observed in many South African private security companies. Though Diphoorn (2017) highlights the similar occupational culture found in PSCs, she is careful to not group all companies and beliefs of individual security officers as one homogenous group. Having said that, when looking at the PSCs serving a policing function, this is observed much more consistently (Diphoorn 2017). Diphoorn focuses on masculinity and violence as essential aspects of this shared general occupational culture, and “how race influences ‘the way things are done’” (Diphoorn 2017, 527).

Van Maanen (1978) identifies ‘the mandate’ as a large part of the occupational police culture. The mandate refers to the authority granted to police to uphold the law and maintain social order. Neocleous (2000) suggests that a large part of this police mandate is also the unachievable task of preventing crime. This task is unachievable because realistically, there is no way to predict crime, nor is it the police’s responsibility or jurisdiction to address the larger systemic issues that give way to crime. Because the police cannot prevent crime, their work is largely a combination of reactionary policing and image work to compensate and remain a positive and legitimate force in the public’s eyes (Van Maanen 1978). In South Africa, PSCs

have had to step up to fill the shoes of the ineffective police and take on the impossible task of preventing crime. In reality, private security companies only respond to crime when contracted by paying customers or when hired to guard a certain area. Legally, the PSCs can only do so much without the SAP taking over, but have been known to ‘prepare’, or beat up, suspects they have apprehended and collect evidence to turn over to the SAP for use in the bureaucratic and legal side of criminal justice (Hansen 2006, 290). Since PSCs are contracted directly by citizens, expectations for results will likely be higher as the client citizen will have a problem they want to be solved. Because the PSCs can only make citizen’s arrests and hand the suspects over to the police to deal with, any client dissatisfaction about the results can be directed to the SAP instead (Van Riet 2020, 92); this is also a form of image work.

The concept of the moral mandate, created by Van Maanen (1978), describes how policing operates to maintain societal morals and the status quo. In a normal democratic society, police are the embodiment of state-mandated violence workers. Police officers are trained and allowed a certain level of discretion in their policing, as to trust their training, experience, and feelings to better do their job. This is found in the judgement and consequent execution of judgement by police officers when their authority is questioned. The moral mandate has a general framework and typification of responses to situations with all types of individuals. Every person (suspect or bystander) falls into one of three categories: ‘know-nothings’, ‘suspicious persons’, and ‘assholes’ (Van Maanen 1978, 9). An affront to police authority defies the social hierarchy of police legitimacy within the state-mandated violence work and by defying societal morals and the status quo of police authority, an individual earns themselves one of the aforementioned labels.

Van Maanen's (1978) label of 'the asshole' is the most notable typification of a person whom the police have interacted with. The 'asshole' can be someone who is belligerent, uncooperative, or anyone who directly, or indirectly, questions the police's status and authority in a situation. Often this 'asshole' typification gets tied to the Hobbesian idea of the 'dangerous-class' and 'masterless men'. Originally tied to the tendencies of poorer economic status contributing to higher crime rates (Hsieh and Pugh 1993), the idea of the dangerous-class was mixed with perceptions of certain races because of their economically unequal status. In South Africa, the label 'Bravo Mike' is used in reference to suspicious characters and is synonymous with the labels of the 'dangerous-class' and 'masterless men'. Coming from the NATO phonetic alphabet code, 'Bravo Mike' refers to Black Males, though with the negative connotations of being suspicious and a criminal attached (Diphoorn 2017). As is consistent with other literature on policing (Van Maanen 1987), policing bodies would automatically apply the 'asshole' label to 'Bravo Mikes' because of their skin colour and their societal and economic status.

The extreme racial divides in South Africa's economic inequality are largely due to apartheid. To understand the role and impact of private security policing of black people in post-apartheid South Africa, the following paragraph will seek to provide a contextual understanding of what apartheid was and how the social, infrastructural, and political policies of apartheid left behind a social residue that still impacts the everyday lives of South Africans. Coming into effect in 1948 after the National Party took power, the system of apartheid sought to segregate different races, promoting racial inequality and diminishing the political power of the black population (Diphoorn 2017, 528). This system unfairly benefitted the 'White/European' minority while disenfranchising the 'African/Native', 'Asian/Indian', and 'Coloured'

populations. Though apartheid officially came to an end in 1994, many apartheid-era policies and attitudes persisted. Black South Africans were discriminated against for a long time and are now generally a lot further behind than the Whites/Europeans in areas such as economic status, employment status, and social status (Van Riet 2020).

South Africa's first post-apartheid constitution was a temporary, transitory constitution. In negotiations between the African Congress (ANC) and the National Party, the National Party was reluctant to relinquish its stranglehold of power in exchange for a majority rule system. The National Party's suggestions of "entrenchment of compulsory power-sharing" and "minority veto" were not accepted by the ANC because of the racialized nature of those proposals (Fraenkel 2020, 125-126). These compromises were deemed unacceptable because "they would permanently block a future advance to non-racial democratic rule" (Slovo 1992). Instead, the ANC agreed on a compromise to a power-sharing agreement for a limited number of years following the implementation of the new constitution. This 'sunset' clause meant that the National Party would still have representation in government, but a promised place was only temporary. This agreement was broken in 1996 when, out of protest against the terminal fate of the power-sharing agreement, the National Party withdrew from cabinet (Fraenkel 2020, 126). Even though this new constitution marked the official end of apartheid in South Africa, the country still had a considerable amount of work to be done in truth and reconciliation, only further complicated by the private security industry's presence and role in policing.

Van Riet (2020) notes how the "legacy of the apartheid city and its spacial geography" is still apparent in contemporary South Africa. Apartheid city planning saw 'buffer zones' put between black townships and settlements and the white areas. These 'buffer zones' were often things such as industrial zones, transport routes, and open spaces (Van Riet 2020, 87). This

spread placed black citizens farther away from a majority of potential sources of employment, with no adequate sources of public transportation between them (Van Riet 2020, 88). This economic disadvantage perpetuates the racial perceptions of black people as the poor ‘dangerous-class’. The link between poverty and higher crime rates is well-established (Hsieh and Pugh 1993), though there are many potential factors as to why the statistics point that way and while it is true that black neighbourhoods in South Africa experience these higher crime rates very heavily; it is important to move beyond simple correlation and look at the root causes. When the perceptions of black people as dangerous criminals are reinforced to the white middle and upper-class who control the private security’s actions or targets, there becomes a feedback loop of security response. These conditions forced black South Africans to be in a position of higher crime rates, perpetuating white views of black people as criminals, leading to more targeted policing of black townships, raising crime rates and continuing to perpetuate stereotypes of black people.

South Africa, as viewed by Van Riet (2020) through the lens of Foucault's interpretation of Hobbes’ theory of the ‘state of nature’, is “a country not at *war*, but in a *state of war*” (Van Riet 2020, 81). Foucault’s 1976 lecture series “Society Must Be Defended,” develops Hobbes’ theory, suggesting that one of the primary roles of a state is ‘defending society’. Security, in this sense, means more than freedom from fear and a sense of physical security and implies all kinds of security such as social, economic, and political security (Spieker 2011; Van Riet 2020, 83). When the people no longer see the state adequately providing the security that is expected from them, they seek security elsewhere. In South Africa, that alternate security comes in the form of PSCs.

The role of the police in society is to maintain the status quo and protect the powers and legitimacy of the state through that. In South Africa, the police are extremely underfunded, have very few resources, and are stretched too thin to be able to adequately oversee all reports of crime and deal with them accordingly (Hansen 2006, 286; Van Riet 2020, 92). With cities and townships having such limited state-managed security available to them, emergency calls often go ignored or are passed along to other security units and PSCs to deal with. The SAP's role has been reduced to being one of record-keeping and bureaucracy while the private security sector handles the 'dirty work' (Diphoorn 2017, 530). In many cases, larger cities and townships have very few extra resources and professional staff to do their duties, like Chatsworth, for example, where the township of over 300,000 people "had only two functioning vehicles for years, one of them with a dysfunctional radio; of the ten officers on each shift, half would be on sick leave or too drunk to perform their duties, and the remaining officers would only reluctantly respond to calls or leave the station" (Hansen 2006, 286). This resulted in public skepticism and distrust of the police's ability to respond quickly and effectively if they responded at all (Hansen 2006).

The general loss of belief in the SAP has led the public, or those who can afford it, to turn to PSCs to make up for the police's inefficiencies (Hansen 2006). Diphoorn (2017) finds, from her research sitting in on PSC calls and interviews with armed response officers, as well as existing literature, that there is a strong culture of racial stereotyping and profiling done by the state police as well as the private security industry. In this form of policing, officers are looking for the 'matter out of place', or in other words, the black person in a white area (Diphoorn 2017, 532) reinforced by the system and infrastructure left over from apartheid in the mid to late 20th century. This assumption of a suspicious person always being black is referred to as 'Bravo Mike syndrome'. Because white people are the ones who make up a majority of the middle and

upper-class in South Africa and are the ones that are able to and that do hire PSCs, the logic is that the person the officer is looking for must be black (Diphoorn 2017).

Where police have the power of state-authorized discretion, armed response officers from private security companies do not have that freedom. In this privatized system of policing, the private security company's only responsibility is to the one paying them - following the "profit-making industry that operates with a mentality that the 'client is always right'" (Diphoorn 2017, 532). This means the discretion lies in the hands of the citizen as the contractor; even when an armed response officer disagrees with what their client thinks, the officers still have a responsibility to make the client feel satisfied. This is best presented in a quote from an interaction Diphoorn had with an armed response officer after being called to confront a 'suspicious' but ultimately innocent black male gardener:

So this new guy just doesn't know his neighbors, he doesn't take the time to think and actually know what's going on in his area, so we must do it. I must ask a poor black man, who has been working here for 10 years, why he is walking on the street, all because of some lazy fuck [the client]? Their laziness, their stupidity, their ignorance... and so the black guy must be a criminal? And I must question him? (Diphoorn, 536)

This expression of frustration is not uncommon among armed response officers, as a large majority of officers are black or Indian in ethnicity and have very little sympathy for the racially discriminatory, white middle and upper-class (Diphoorn 2017, 536).

Black South Africans were at such a disadvantage for so long, being discriminated against, segregated, and subjected to abhorrent treatment by police and the white upper and middle-class and as a result, are still at a disadvantage. The ending of apartheid was not a magical solution to all the problems, and as detailed previously, there are many residual factors suppressing the black population. A key aspect of democracy, as understood by the Parliament of the Republic of South Africa on their website, is "achieving a greater balance in society so that

there is greater equality for all over a period of time” (Parliament of the Republic of South Africa n.d.). Structurally racist and discriminatory infrastructures, therefore, are antithetical to core democratic beliefs and values. In a democratic state, such as South Africa, there should be no room for this inequality.

In addition to the challenges that face black people in participating in democracy, Kushner (2015) also finds that reliance on nonstate security discourages participation among citizens who still see the state as legitimate. Instead, Kushner finds that those who rely on nonstate security but see the state as legitimate tend to be more engaged politically between elections, using platforms like protests to push for change. Because protesting is effective and has been relatively successful in making change, these citizens are less inclined to participate in elections and state-approved platforms or systems (Kushner 2015). There are also incentives for discontent citizens to voice their concerns through protests instead of the polls, in the idea that a vote against the ruling ANC is a vote to oust the party and give way to less democratic, or white minority-centric parties (Kushner 2015, 124). “Protest, therefore, allows citizens the opportunity to express dissatisfaction with the ruling party, and the ruling party the opportunity to respond to that dissatisfaction without directly undermining its political power, which an expression of dissatisfaction at the polls would do” (Kushner 2015, 125).

South Africa has gone through a big transition from an oppressive, racist, system of apartheid to a more democratic and equal system of governing. This, however, has not solved all the problems left behind by apartheid-era infrastructures, policies, and social attitudes. Economic inequality has remained consistent and led to a culture of fear around blackness. This culture is enforced and reinforced by privatized security companies' racially discriminatory practices. Armed response officers contracted by PSCs have no choice but to satisfy the desires of their

clients, feeding the unreasonable reactions to and fears of black people held by the upper and middle-class white citizens of South Africa. Private security officers share an occupational culture and mandate reminiscent of those held by police, contributing further still to the unfair targeting and treatment of black people under the influence of 'Bravo Mike syndrome'. On top of these undemocratic inequalities fostered by the private security industry is a general aversion by those who do use private security, while maintaining the position of the state being legitimate, to participate in institutional democratic processes and instead opting for protests to bring about the change they seek. The prospect of South Africa becoming a perfect democracy is, at the moment, quite far away though not unachievable. There are many problematic systems and structures that will need work and overhaul, but as with all democratic consolidation, it will take time.

There are certainly many reasons to be concerned about the uses of private security companies in South Africa and the implications of a democratic state that is unable to retain a monopoly of violence within its society. The financial gatekeeping of security means the inability of those already at a disadvantage and who need it the most. Racially motivated policing, as a result of systemic racism and the biases of both the clients and the enforcing officers, perpetuates the position of the black population as less than that of the white population. When the discretion of policing lies in the hands of the white elite, it is hard to justify claims of equality among all citizens. With minimal regulation and restriction of PSCs, what is stopping someone from misusing their services to a higher extreme? There is a lot of potential for misuse, abuse, and corruption from PSC power and use. Going forward, the government of South Africa should invest in crime prevention, dismantle residual apartheid-era infrastructures, and develop a more effective justice system. It will also be important for the state to develop more regulations

for private security companies active in South Africa to prevent a more chaotic and violent future, protect democracy, and protect the citizens living within it.

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