

Enemies of the People: Reflections on the South African Police Service (SAPS) as a Symbol of Repression and Oppression Post-1994

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Abstract

During the apartheid period in South Africa, the police and security forces gained a fearsome reputation as the brutal enforcers of the regime. Their tactics involved extreme violence, torture and other methods used to destroy the enemies of the apartheid government. The role of the police during this period was etched in the annals of South African apartheid history via accounts of significant events such as the Sharpeville massacre of 1960, the Soweto riots of 1976, and the killing of Black Consciousness leader Steve Biko in the 1970s. Among black South Africans the police became a symbol of the evil that was the apartheid government, and their tactics time and again gave justification to this perception. However, post-1994, the new dispensation under the leadership of the ANC has attempted to reform the police, now called the South African Police Service (SAPS). Interestingly though, despite efforts at reform, the police are still viewed by many as the symbol of oppression. Various examples post-1994 illustrate the role of the police in their continued demonisation by specifically black South Africans. This article explores the nature of the continuing symbol of the South African Police Service as the enforcer of oppression. The argument raised is that the police continue to be perceived as a symbol of oppression by the South African public both as a result of their history and by virtue of their own actions in the present.

Key Words: apartheid period, South African Police Service, ANC government, symbol of oppression, Andries Tatane, Marikana, police culture, police transformation

1. Introduction

After 1994 law enforcement structures in South Africa have become prominent regarding their role in ensuring safety and security for South African citizens. These structures, most notably the police, have played a critical role in South African society both in the past and in the present. Historically and also in the contemporary context the success of the police in meeting the challenges posed by the dynamic nature of South African society has been, and continues to be, marred by a poor track record and a poor public image of the police. This article aims to reflect on the continued popular image of the South African police force as a symbol of repression and oppression despite efforts at reformation and transformation of the police force. With reference to two contemporary examples of police responses to protest actions, the article analyses the symbology of these ‘social dramas’ (Turner, 1974), to illustrate that the popular meaning(s) of the symbol of the police are defined not only in relation to their inherited legacy as a symbol of repression and oppression, but also in relation to their own actions. As a consequence of this enduring symbol, it is argued that the police will continue to be ineffective regardless of efforts that may be made to improve their public image.

2. Contextualising Law Enforcement in South Africa: Understanding the Role(S) and Meaning(S) of Policing in the Past and Present

The concept of “law enforcement” is often equated with the concept of “policing” thereby leading to the almost interchangeable use of these terms in ordinary parlance. Law enforcement, however, could be understood as involving much more than merely policing, as it encompasses a range of structures and activities that deal with the enforcement of law, such as the judicial structures of the courts, as well as the various legislative frameworks which guide the process of enforcing the law. This suggests that law enforcement is a complex system that involves a variety of role-players. When turning attention to one of these role-players, namely the police officer, it has been acknowledged by scholars such as Adams (1968:vii) that the role(s) of the police officer are also not simplistic:

‘The police officer wears many caps and assumes many subroles when playing his [or her] part. He is a father-confessor to the youngster who has made his first mistake, a referee in a family...quarrel, an actor in the drama of a...capture of a wanted felon, an investigator at the scene of a crime or accident, and a director of pedestrians and vehicles on the streets.’

The above would suggest that the concept of policing is, as Baker (2002:29) argues, ‘an elastic concept’ (cf. Berning and Masiloane, 2011:60), and consequently that there is a certain ambivalence in defining the exact role(s) of the police officer. In fact, Eldefonso and others (1968:8) regard this ambivalence in role definition as something of a curse on police officers: ‘...(L)aw enforcement officers are doubly cursed. On the one hand they are public servants, and on the other they are forced by occupation to have contacts with the public that cannot be entirely pleasant.’

Notwithstanding the complexities and ambiguities inherent in the role(s) of the police officer, this vital part of the law enforcement system is indispensable. As Adams (1968:43) has asserted, law enforcement is ‘a community need’ due to the impossibility of the ‘utopian society’. The suggestion is thus that crime is intrinsic to any human society due to political, social and economic stratification resulting from surface and deep-rooted inequalities. As a consequence, conflict and competition, and the often associated emergence of criminal activity, create an environment that makes law enforcement, specifically policing, a need (Baker, 2002:29).

Policing in the South African context has been tasked with a specific purpose as encapsulated in the South African Constitution. Section 205 (3) of the Constitution stipulates that ‘The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law’ (South African Constitution, Act 108 of 1996:112). However, the post-1994 challenges of the “new South Africa” have created various obstacles, both internal and external to the police force, that hamper the effective implementation of the Constitution-directed mandate of the police. Shaw (2002:59), as well as Shaw and Camerer (1997:5, 7) are of the opinion that due to the failure of the post-1994 government to meet the millenarian expectations of large sections of the South African populace, the increase in crime levels has become a major challenge (see, for example, Baker, 2003:31 and Kinnes, 2000:1, 12). The perceived inability of the police to effectively address this challenge has not only eroded public confidence in the police but has also had the psychological effect of producing what Comaroff and Comaroff (2004:801) call a ‘public obsession with criminality and disorder’. While it may appear on the surface that the political transition has had an impact on public perception of the police, this negative perception is also rooted in an historical context. Heymann (1993:59) pointed out that South Africa’s police force is hamstrung by three main problems, all of which are linked to specific historical factors. These problems are intercommunity relationships in a “new South Africa”; black community distrust of traditional policing objectives; and the likely existence of uncontrolled pockets of violent resistance to change.

Both in the past and in the present, the relationship between the police and the state has had a direct impact on perceptions of the police by South African citizens. In the past, negative perceptions of the police as the brutal enforcers of the apartheid government’s oppressive laws were shared by the majority of black South Africans. So pervasive were these perceptions that they became a core feature of the black South African experience of apartheid. Brogden and Shearing (1993:16) put it succinctly by stating that ‘South African policing [had] not simply promoted an order that devastated the lives of black South Africans but [it had] been an essential part of that order’ (see also Nathan, 1993:121; Brogden and Shearing, 1993:43). Indeed, an essential part of the apartheid order whereby the authority of the state was maintained by means of ‘policing through violence’ (Brogden and Shearing, 1993:16, 17).

The perception of violent policing, reinforced by the militaristic structures of the old South African Police, firmly established the apartheid regime’s enforcers as the ‘enemy of the people’ in the eyes of black South Africans (Brogden and Shearing, 1993:23; see also Baker, 2003:32 and Comaroff and Comaroff, 2004:810). According to Olivier (1993: 27), the apartheid police employed a “dirty war” strategy whereby they were ‘required to play an undercover, clandestine and unlawful role’ (see also Woods, 1993:49; Shaw, 2002:13). This dirty war strategy, together with the police’s enforcement of unpopular legislation, further alienated the police from African communities. As the executive authority of the state and the enforcers of state legislation, the South African Police became the symbol, and the face, of the apartheid regime, ‘the receiver of the criticism that [was] directed at the legislator’ (Van Eyk, 1993:37, 38).

Also, in the wider socio-economic context, there was increasing awareness of the ambiguous position of the police and their dual role in white and black sections of the population. According to Mathews and others (1993:1), policing was ‘...identified on the white side with the preservation of white power and interests...and on the black side with naked and illegitimate repression.’ (see also Olivier, 1993:23, 28; Maduna, 1993:41; Shaw, 2002:1; cf. Baker, 2003:32). This implied that the police were an instrumental part of the macropolitics of an ethnically divided society and, as the executive power of the state, symbolised the ruling group (see Shaw, 2002:11).

In the post-1994 context, after the African National Congress (ANC) led government came to power it set about its efforts to reform and transform the police force. The fruits of these efforts culminated in the introduction of the South African Police Service Act (No. 68 of 1995) following the recognition by the new government of the need for drastic reform in the police force to rid it of its historically inherited negative image. The new legislation provided for ‘the establishment, organisation, regulation and control of the South African Police Service...’ (South African Police Service Act, No. 68 of 1995). Hence, the aim of the legislation was to bring the newly established South African Police Service (SAPS) in line with the democratic principles of the post-apartheid state and to make the police force accountable to the post-apartheid government (Hansen, 2001; cf. Baker, 2002:29). These measures made provision for a police service that differed in a very important way from its apartheid era predecessor, namely that it would have political accountability and responsibility. This was set out in Section 206 (3) [a-e] in the South African Constitution whereby each province is given the authority to hold the police service accountable at various levels, mainly through the monitoring of police conduct and the evaluation of police efficiency and effectiveness (Constitution of the Republic of South Africa, Act 108 of 1996: 115). Of greater importance is the mandate given to the police service to protect and enforce the principles upon which the state is founded. As Williams (1993:80) suggested,

‘In democratic countries, police play the vital role of ensuring that those principles that the society has enshrined in law are actualised. Democratic principles are abstractions. It is their enforcement that determines whether a country’s government is a democracy or not.’(cf. Marenin, 1982:379).

The above encapsulates what the reformative measures introduced in the South African police force were intended to achieve. With the transition to a democratic dispensation, the police force, as the symbol and enforcer of that dispensation, was required to distance itself from its past role as a symbol of oppression (Berning and Masiloane, 2011:60). However, as the following part of the discussion illustrates, the police have not been able to distance themselves from their past, partly because of the legacy of that past that they have been unable to change but, critically, also because of the damage that they have done to their own image in the contemporary context. The discussion will refer to two recent examples to illustrate the points raised. A case analysis is used to discuss these examples¹.

3. An analysis of the AndriesTatane and Marikana cases

3.1 The death of AndriesTatane, April 2011

On 13 April 2011, in the town of Ficksburg in the province of the Free State, the police and the local community of Mqheleng township clashed during a service delivery protest against the Setsoto local municipality. During the protest the police allegedly targeted one of the protestors, AndriesTatane, firing rubber bullets into his chest, after which they proceeded to beat him with batons (SAHRC Report, 2011:4; Petrus, 2012:140). It was alleged that Tatane later died from the injuries he received.

The Ficksburg incident made both local and international news headlines, and drew the attention of various human rights watchdogs, the most notable of which was the South African Human Rights Commission (SAHRC). The Commission felt obliged to investigate the incident, following a complaint that it received from the Council for the Advancement of the South African Constitution (CASAC), and subsequently submitted a report based on its findings (SAHRC Report, 2011).

¹It should be noted that these cases are very recent and some are currently being investigated and/or heard at various levels of judicial/legal inquiry. The discussion of the cases should thus not be interpreted as a definitive view of the cases as this would be pre-empting the outcome of the official investigations. Rather the points raised are based on a critical reflection of the events in question, and are based on the author’s own insights into the possible implications of these cases in the context of the main argument and discussion of the article.

The Complainant (CASAC) alleged that ‘members of the Respondent [the SAPS] repeatedly assaulted the deceased, Andries Tatane, an unarmed community member during a peaceful public protest...’ (SAHRC Report, 2011:4). The SAHRC’s preliminary assessment of the complaint, and its jurisdiction in terms of how far it could proceed in its investigation, found that while the Commission could not investigate the ‘criminal cause of action’, in which it referred this aspect of the complaint to the Independent Police Investigative Directorate (or IPID, formerly the Independent Complaints Directorate), the Commission could, however, deal with the possible alleged human rights violations in the case (SAHRC Report, 2011:5). Critical in its motivation to pursue this aspect of the investigation was the SAHRC’s argument that ‘In post-democratic South Africa, the Commission noted rise in the incidence of community protests...[and, subsequently]...growing policy inclination of the Respondent [the SAPS] in post-democratic South Africa towards the use of force to maintain public order.’ (SAHRC Report, 2011:6).

The Commission found that the SAPS had violated several of the human rights of Tatane, which included the right to dignity and life, the right to freedom and security, as well as the right to peacefully assemble, demonstrate, picket and present petitions (SAHRC Report, 2011:14-17). Consequently, the SAHRC found that the SAPS had ‘neglected provisions of [the] RGA [the Regulation of Gatherings Act 205 of 1993] by using excessive force resulting in the injury and/or death of one protestor’ (SAHRC Report, 2011:19). In addition, the Commission also found that not only were the implicated members of the SAPS ‘not suitably equipped to quell public disorder’, but the SAPS also ‘failed to authorise a suitably qualified and experienced member to represent police at consultations or negotiations...’, as well as ‘to ensure that adequate numbers of police officers were deployed to minimise or avoid destruction of public property.’ (SAHRC Report, 2011:20).

Following the investigation and report of the SAHRC, the seven SAPS members implicated in Tatane’s death also faced criminal charges that were heard in the Ficksburg Regional Court in 2012. From the court proceedings various aspects focusing on the ability of the police to respond effectively to crowd control were scrutinised. It was reported in one of the hearings that, according to State witness Constable Kabelo Pule, he, as well as the other officers implicated, had received three weeks of training in crowd control and management. This training involved the use of a shotgun to disperse a crowd, as well as instruction in the handling of a tonfa (police baton). Upon being questioned by the State prosecutor on the technical aspects of this training Pule was reportedly unable to provide adequate answers (SAPA,2012). In the defence of the SAPS members on trial, advocate Johann Nel contradicted the image that had been created by witnesses and the media that Tatane had been a peaceful protester. In his analysis of the video footage of the protest Nel pointed out that Tatane had attempted to enter the municipal building ‘unlawfully’, and had demonstrated obvious aggression in his protesting (SAPA,2012).

In the news media of 28 March 2013, one of the top stories was that the court hearings on the death of Tatane had concluded with an acquittal of the assault and murder charges against the implicated SAPS members. The judgement was based on the inability of the State to present evidence, beyond reasonable doubt, that the SAPS was, in fact, culpable for Tatane’s death.

Despite the acquittal of charges against the SAPS officers implicated in Tatane’s death, this case illustrates how both the historical legacy of policing in South Africa, as well as the police’s own actions, contribute to the continuing public perception of the SAPS as a symbol of oppression. It is interesting to note that the SAHRC report placed sole responsibility for Tatane’s death on the SAPS. By the Commission’s own admission, ‘It is unclear from our investigations whether the organisers of the protest complied with [the] provisions of [the] RGA when they embarked on this protest action. In any event, this aspect is not material to the determination of the issues for determination.’ (SAHRC Report, 2011:18). This implies that despite the Commission’s lack of knowledge about the protesters’ role in the incident it had no issue with singling out the SAPS as being culpable for the events that unfolded and culminated in Tatane’s death.

Similarly unperturbed by this apparent bias against the SAPS, CASAC responded to the SAHRC report by issuing a statement in which it called upon Parliament to ‘exercise meaningful oversight over...a seemingly unaccountable police service’ (SAPA,2012). It therefore cannot be overlooked that both the Commission and CASAC may have been influenced by the historical legacy of the police in the manner in which they dealt with community protests. It has already been illustrated earlier that the apartheid police utilised violent tactics in their response to public protests. The similarity between the apartheid police’s response and that of the SAPS in the Ficksburg protest may well have influenced the outcome of the SAHRC’s investigation. In addition, the media’s representation of the incident, both verbally and visually, almost constantly portrayed the police’s actions in a similar light to that of the media representations of the apartheid police’s actions against public protesters.

Thus, in this case, media representations of the police's role in the Ficksburg protests served to reinforce not only the public's perception of the police as oppressing a "peaceful" and "legitimate" protest, but may well have influenced the findings of the SAHRC, thereby raising questions about the credibility, validity and objectivity of the Commission's investigation. The outcome of the Tatane court case attests to this.

However, the question is: does the acquittal of the SAPS officers of the charges mean absolution for the events in Ficksburg? And more critically, to what extent did the court judgement restore the tarnished image of the SAPS in the eyes of the public? The testimony of Constable Pule, as well as the findings of the SAHRC, would suggest little to warrant an optimistic view that the police's image was restored. The media images of the police's actions in Ficksburg did show them using force and violence against the protesters, and these were the images shown to the South African public. The outcome of the court case would have done little to erase the negative perception of the police, especially considering the frequency with which these images were bombarding the national print and television media. Furthermore, the testimony that suggested the poor crowd management training given to the SAPS officers indicated the extent to which the SAPS themselves may have contributed to their poor public image. A poorly trained police service, in a context that is regularly characterised by public protests, would do little to inspire public confidence in the SAPS' ability and competence to effectively deal with protest action and crowd control. Perhaps even more so than the Tatane case, the Marikana incident highlighted the above issues more starkly and more forcefully, as discussed below.

3.2. The Marikana incident, August 2012

Between 11 August 2012 and 16 August 2012 the South African public, and later the international community, were captivated by the dramatic events that unfolded in the town of Rustenburg in the province of the North West. The events occurred on the Marikana mine, owned by platinum mining company Lonmin, following a dispute between mineworker unions the National Union of Mineworkers (NUM), the newly established Association of Mineworkers and Construction Union (AMCU) and the Lonmin management. In a turn of events that has become somewhat characteristic of strike and protest culture in South Africa (see Petrus, 2012 and Petrus and Isaacs-Martin, 2011), the dispute erupted into violence and destruction on the Marikana mine, necessitating the deployment of the SAPS to quell the violent uprising. However, in the events that followed, the violence between the miners and the SAPS reached such proportions that, in total, forty-four people were killed. In addition, seventy people were injured in the violence (Government Gazette, 2012:3; Marikana Commission of Inquiry, 2013).

In the aftermath of what has been popularly called the "Marikana massacre" in the media, the events sparked national and international public condemnation of the response of the SAPS to the uprising, immediately leading to comparisons between the Marikana incident and that of historically symbolic and significant events such as Sharpeville (see, for example, Stupart, 2012). The mounting pressure from the public, politicians as well as human rights watchdogs resulted in the President of the Republic appointing a Commission of Inquiry to investigate the Marikana incident. This Commission, popularly known as the Farlam Commission, was officially appointed and given its terms of reference on 12 September 2012. The Commission is currently operating under the chairpersonship of retired judge Ian Farlam, and consists of several additional members and evidence leaders (Marikana Commission of Inquiry, 2013; Transcription of the Marikana Commission of Inquiry, 1 October 2012:1). The Farlam Commission was tasked specifically to inquire into, and subsequently report on, the conduct of all of the identified role-players in the Marikana incident. These role-players were identified as Lonmin, the SAPS, AMCU, NUM and the Department of Mineral Resources (Government Gazette, 2012:4-6). The Commission began its public hearings and investigation on 1 October 2012 in Rustenburg.

Since it is virtually impossible at this stage to speculate on the possible outcome and findings of the Farlam Commission's investigation, it is however possible to provide some analysis of the Marikana incident, albeit based on media reports and what has emerged, to date, from the inquiry². As was seen with the Tatane case, the Marikana case was also characterised by the much publicised violent conflict that arose between members of the Marikana community and the SAPS.

² At the time of writing this article the Farlam Commission was still in the process of conducting its investigation into the Marikana incident. Hence, rather than speculating or pre-empting the outcome of the inquiry, the analysis and discussion of this case are limited to the event itself, as well as the information reported in the media and emanating from the inquiry.

Also, like the Tatane case, one gets the sense that the public inquiry into the Marikana violence was about determining the level of accountability that could be placed on the shoulders of the SAPS (see, for example, Transcription of the Marikana Commission of Inquiry, 1 October 2012:29-30). Much of the emphasis in the public media as well as in the Commission's inquiry to date has fallen on the SAPS' responses to the escalating tensions between the protesting miners and the police. Again, as with the Tatane investigation, the competence of the SAPS to effectively handle crowds in a volatile situation has been questioned, as seen, for example, in the cross-examination of George Bizos of Brigadier Mkhwanazi during the public hearing of 20 December 2012 (Transcription of the Marikana Commission of Inquiry, 20 December 2012:3400-3404).

In fact, the impression has been created that the SAPS not only escalated the tensions through their own conduct but also indiscriminately opened fire on the protestors. Various pieces of evidence, in the form of witness testimony, video and audio footage, as well as IPID investigations have been presented to the Commission that attest to this (Transcription of the Marikana Commission of Inquiry, 3 October 2012:84-85, 105). Even the highest ranking officials in the police service, including the still new National Police Commissioner, have been hard-pressed to scramble together some kind of defence to the accusation that the SAPS was actually responsible for the Marikana violence by 'provoking' the protestors. This has, in fact, been a recent argument by well known human rights lawyer George Bizos, representing the SAHRC at the hearings (Mabuza, 2013).

Adding the proverbial fuel to the fire was also the police's arrest of various members of the Marikana community that included some of the miners who had been injured in the violence (Transcription of the Marikana Commission of Inquiry, 3 October 2012: 86, 93). The arrested persons were allegedly charged with murder, following what a spokesperson for the North West provincial branch of the SAPS described as 'mysterious murders' that had occurred after the violence of 16 August 2012 (Tolsi, 2012). The arrests led to an outcry from various sectors, including the Socio-Economic Rights Institute of South Africa (Seri), advocate Mpofu and, in the United Kingdom, English lawyer James Nichol. They accused the police of intimidating witnesses as many of those arrested were intended to serve as witnesses at the Marikana Commission of Inquiry (Tolsi, 2012). In addition to the accusations of intimidation there were also the expected allegations of police torture. Advocate Mpofu had claimed in a media report that 'there were allegations that those arrested were assaulted, tortured and manhandled, which was making it difficult for him to convince his clients to attend the inquiry' (SAPA, 2012). The allegedly wrongful arrests, as well as the claims of police torture, resonate strongly with the testimonies of those who survived the detentions and tortures of the apartheid forces.

It would appear that in both the court of public opinion, as well as the Marikana Commission, the SAPS has perhaps already been singled out as the villain, as suggested for example by the National Police Commissioner being required to explain if 'heads would roll', were it found that SAPS officers had 'acted unlawfully' by not following official crowd control procedures (SAPA, 2013). Ironically, although much has been made of the police's role in heightening and contributing to the violence and deaths of the protestors, the level of interest in the deaths of the two security guards and two police officers who died, allegedly at the hands of the protestors in the preceding week to the shootings, is almost negligible. With the exception of only a few reports, very little has been said, either publicly or at the Commission's inquiry, of the deaths of the officers. This further lends credibility to the argument that the inquiry is much more about making the police accountable for the Marikana violence, as the focus is fundamentally skewed towards the deaths of the protestors rather than it being placed in a balanced manner on the deaths of the protestors *as well as* those of the police and security guards.

If the media reports and the emerging testimonies at the inquiry are to be taken seriously then again, just as in the Tatane case, both the historical legacy of policing as well as the police's own actions have contributed to their increasingly negative image in terms of their role in the Marikana incident. On the *NEWS24* website, an article that appeared on 5 April 2013, with the headline 'Mpofu: Cops failed to respect the Dead', outlines the attack of advocate Dali Mpofu, representing the Marikana miners, on the SAPS. In the article it was reported that advocate Mpofu accused the SAPS of cultural disrespect, claiming that SAPS officers had 'removed and later replaced weapons from the dead miners' (SAPA, 2013). However, of greater significance is the photograph that appears next to the article. The photograph shows a white, armed SAPS officer standing next to what appear to be the bodies of some of the killed miners. The picture evokes similar images of armed white police and security officers from the apartheid era standing over the bodies of black protestors. The photograph illustrates the link between the historical legacy of policing in the past and the contemporary context of how the police are viewed in the present.

It is indeed difficult to interpret the photograph in any other way than its suggestion that the same police brutality and oppression that reigned under the apartheid regime is still alive and well in the “new” South Africa. It is these kinds of images that recur again and again in violent protests involving the police that reinforce the perception of the police as a symbol of oppression. Not only is it the constantly recurring images, but it is also, in the context of the Marikana inquiry, the evidence that suggests the police’s involvement in the violence, that further denigrates their image.

4. Repress, Oppress or Express: Protest Culture and the Problem of Protest Policing in Contemporary South Africa

In order to understand how both the historical legacy of South African state policing, as well as the police’s own actions, have contributed to the enduring symbol of the police as oppressors, it is necessary to understand the role of the police as actors in the social drama of strike and protest action. Elsewhere (see Petrus, 2012 and Petrus and Isaacs-Martin, 2011) the author has elaborated on the implications of the strike and protest culture that has become a feature of post-1994 South Africa. The above cases of the death of Andries Tatane, as well as Marikana, both involved the interactions, actions and reactions between the police and community members within the context of strike and protest action. The frequency with which strike and protest actions have occurred in post-1994 South Africa, as well as their contribution to the emergence of a strike and protest culture, provide a very specific context within which to attempt to explain the continuing perception of the police as a symbol of oppression, despite the transition to a democratic dispensation and the attempted reformation and transformation of the South African police’s organisational structure.

Without elaborating too much on the notion of strike and protest culture it suffices to argue that it is this culture that has had, and continues to have, a pervasive influence on the enduring view of the police as a symbol of oppression. The author has suggested elsewhere how the current wave of strike and protest action in South Africa has become a culture, and why violence occupies a central role in this protest culture (Petrus, 2012: 141-143). As far as it relates to the current discussion, the actions and reactions of the police to public protests, as well as the historical legacy of policing in the brutal suppression of “legitimate” strikes and protests, have resulted in the police themselves being a primary reason for the continuance of violent protests (cf. Perez, Berg and Myers, 2003:153). Petrus (2012: 143) has argued that violence in protest culture possesses symbolic value, as it is based on a value system inherited from the struggle culture or resistance culture of the past.

Violence became a justifiable form of expression against an illegitimate and unjust regime that, as black communities would have perceived it, had itself employed structural and other forms of violence against these communities. The symbol of the apartheid state’s violence against South African communities was the police and security forces. Thus, when communities clashed with the state police, as happened at events such as the 1976 Soweto uprising and at Sharpeville in 1960, they were, in fact, at war with the apartheid state. The police gave the ‘enemy of the people’ (Brogden and Shearing, 1993: 23) a face, something tangible that they could identify and target. And, of course, the police reacted in kind. Hence, the ‘ritual of violence’ between communities and the police became a fundamental part of these social dramas, as both categories became central actors in these dramas as they unfolded and recurred again and again (Petrus, 2012: 145).

The influence of the resistance culture of the past, the inherited symbolic value of the use of violence in protests and strikes, as well as the similar manner in which the contemporary police respond to strikes and protests as they did in the past have all contributed to the repetitive and dynamic nature of these rituals of violence or social dramas. There are various contemporary examples of violent protests and strikes that allude to this (see, for example, Petrus and Isaacs-Martin, 2011: 49-50; Petrus, 2012: 140-142).

This is the reason why, particularly in the media, where these dramas often play themselves out, there is an almost immediate flashback to past conflicts, or, at the very least, attempts to draw similarities between the conflicts of the past and those of the present. Both the Tatane and Marikana cases illustrate this point as both of them made the headlines, not only because of the spotlight on excessive force used by the police, but also because of the symbolic meaning(s) imbued in these events. In the case of Tatane there is the symbolism of a man protesting against injustice who died at the hands of the police, who symbolise that injustice. This image bears a remarkable resemblance to that of Steve Biko who, as the historical legends would suggest, perished under strikingly similar circumstances. Likewise, the Marikana incident has been compared to the Sharpeville massacre as it has been argued that Marikana also represents the same kind of political symbol as Sharpeville did (Stupart, 2012).

According to Stupart (2012), the striking parallels between Sharpeville and Marikana are so pervasive that the latter is likely to have the same kind of impact of shocking South Africans into the realisation that not only is ‘the state...at war with the poor majority’, but ‘the South African state and its security services have become increasingly violent in maintaining an abominably unequal social order...’ (Stupart, 2012). Nowhere are these parallels more evident than in the conflicts between the police and communities during strikes and protests.

5. Reformation or Transformation: A Critique of Police Cultural Change in the Post-Apartheid South African Context

The above cases illustrate that despite the South African government’s vision of a transformed police service, a vision that it attempted to bring to life through the enactment of legislation intended to transform the service, the intended transformation has seemingly not occurred. The Tatane case and the Marikana case are but two of the most striking examples that show that at a fundamental level the police service of South Africa remains trapped in the same culture as that of the South African Police (SAP) of the apartheid era. Why, despite the legislation to transform the police and law enforcement structures of the country, do incidents like Marikana continue to happen? Part of the answer has been the general theme of this discussion, namely the historical legacy of policing in South Africa, as well as the actions of the police themselves.

Another dimension to the answer, and linked to the problem of legacy and accountability, is the issue of whether or not police culture has, in fact, transformed. In order to determine whether or not transformation has occurred within the SAPS it is crucial to understand not only the concept of police culture but also the extent to which this culture impacts on the prevailing public perceptions of the police. The concept of ‘police culture’ is a complex one as there are various ways in which the concept can be defined and understood (see, for example, Loftus, 2009:3; Reiner, 1992:109; Chan, 1996:110; Manning, 1989:360). However, despite the variety of definitions, most of these understandings hold the common view that police culture is underpinned by ‘a distinctive set of norms, beliefs and values which determines their [the police’s] behaviour, both amongst themselves and operationally out on the streets.’ (Loftus, 2009:3-4). This distinctive set of norms, beliefs and values produces certain characteristics that define police culture.

These characteristics include a strong sense of mission (Loftus, 2009:8; Reiner, 2000:89), as well as a sense of isolation, mutual solidarity and conservatism (Loftus, 2009:14). As was indicated earlier there were very significant reasons as to why the ANC government sought transformation within the South African police organisation. The success of this transformation however was always going to be determined by the extent to which the new policies and legislation could effect fundamental change within the police culture itself. This is by no means an insignificant point because it ultimately alludes to the distinction between *reformation* and *transformation*. Reformation suggests change on a superficial or surface level, namely change at the level of the visible and observable.

Transformation, by contrast, implies a deeper level of change at the core of the institutional and organisational culture, the level of the ideological, the invisible, the unobservable. As it relates to police culture, the difficulty in effecting transformation, rather than merely reformation, is where part of the problem lies in the SAPS. Loftus (2009:19), referring to Marks (2005), argues that ‘...meaningful police change encompasses not only structural shifts but, also, behavioural and attitudinal changes. The latter is a peculiarly challenging task given that it involves altering the entrenched values, beliefs and assumptions of officers. It is such ingrained dispositions which inform police rationales, ways of viewing those they interact with, and use of policing styles...Although shifts in behaviour are relatively observable, changes in values and beliefs are much more difficult to determine.’

The above encapsulates what transformation in the police service should entail, namely a holistic and deep change at the most fundamental level.

In other words, implied in the transformation of the police service is a fundamental change of police culture. This *police culture* is a complex system composed of both observable as well as unobservable aspects, both of which are interconnected. Policing practice and behaviour can be regarded as an outward observable manifestation of the underlying unobservable value systems, attitudes and beliefs that underpin the culture as a whole. For fundamental change to occur, it is the underlying values, attitudes and beliefs of police officers that require change. In addition, the dynamic nature of any culture engages it in an ongoing interactive and even symbiotic relationship with its wider context. Police culture is no different. Hence, for there to be a fundamental cultural change in police culture, the wider context that directly and indirectly interacts with it must also change.

As Loftus (2009:20) has argued, 'the wider social, political, and legislative context must also be ripe for police organisational change to occur'. If the above is applied to police culture in the South African context it does shed some light on why incidents such as the death of Tatane and Marikana continue to happen, despite the perceived changes introduced in the police service after 1994. Although the ANC government attempted to change the police service to bring it in line with the democratic values of the post-apartheid context, these changes were more reformative rather than transformative. Changes to legislation and police organisational structures did not necessarily translate into changes in the attitudes, value systems and beliefs of police officers. In fact, it appears that the wider context of growing inequality, dissatisfaction with the inability of the ANC government to deliver on the pre-1994 promises, widespread corruption at the highest levels, including in the SAPS itself, as well as skyrocketing crime levels, have all reinforced the underlying untransformed value systems, attitudes and beliefs of many police officers.

The militarisation of the police in 2010 as a strategy to combat the perceived indiscipline and ineffectiveness of the SAPS has, it would appear, worsened the situation (Berning and Masiloane, 2011:61). These authors allude to the fact that the militarisation of the SAPS has had 'a wider impact on the culture, values, socialisation and mode of operations of the police.' (Berning and Masiloane, 2011:62). Remilitarisation appears to have ironically been a reversal of the initial efforts to transform the police service from one based on a militaristic culture (as was the case with the SAP) to one geared towards community policing (Berning and Masiloane, 2011:66). Consequently, the SAPS appears to have taken on the guise of a paramilitary police force. Hill and Beger (2009:26) define paramilitary police as 'the most obvious manifestation of the adoption of a militarized ideology of policing...[M]ilitarized police or paramilitary police tend to: (1) deploy as units rather than as individuals; (2) seek training from military personnel...; and (3) adopt a system of rank that replicates the structure of the military' (see also Scobell and Hammit, 1998).

These features seem to have become more common within the SAPS organisational culture. This is most apparent in the manner in which the SAPS responds to strikes and protests. Militarisation seems to have significantly contributed to the ongoing equation of the post-apartheid SAPS with the apartheid era SAP due to their stark similarities in terms of paramilitary characteristics and modes of operation. Berning and Masiloane (2011:68) are of the opinion that militarisation has contributed to rising levels of police brutality in specialised units, and has had a deeper negative impact on the ability of the SAPS to root out police corruption, incompetence and inefficiency, all of which hamper the SAPS' efforts to effectively combat crime. Militarisation and its effects are thus part of the historically inherited legacy of the past that continues to impact on the present by continuing to widen the gulf between the police and the policed (Berning and Masiloane, 2011:64).

6. Conclusion

The purpose of this article was to reflect on the ongoing perception of the police as a symbol of repression and oppression in contemporary South Africa. The discussion has focused mainly on the impact of both the historical legacy of policing in South Africa, as well as the actions of the police themselves in reinforcing public perception of the lack of transformation in the SAPS. The discussion illustrated how the historical legacy of South African policing, as well as the actions of the police themselves, have contributed to the representation of the police as a symbol of oppression, with specific reference to two recent and well-publicised cases. In addition, the discussion also introduced a third dimension, namely the influence of police culture, and how the wider context of South African society as well as the measures aimed at transforming the SAPS have had the opposite effect of reinforcing the core untransformed values, attitudes, beliefs and practices of the police.

It cannot be disputed that in contemporary South Africa the overwhelming perception is that the police are at war with the citizenry. In very few places is this more apparent than in the violent conflicts that emerge during strikes and protests. The two cases alluded to in the article both involved violent clashes between the SAPS and community members. Both the Tatane case, as well as the Marikana case, illustrate that the police continue to be seen as the enemy of the people, not only because of their continued association with the brutal tactics of the apartheid police, but also because of their own actions, which have done little to allay these associations. The police have a difficult task to find ways of lessening the conflicts between themselves and communities, especially when dealing with strikes and protests. Not only do they have the challenge of overcoming the historically inherited symbol of oppression that many still ascribe to them, but they also have to deal with internal cultural dynamics that impact on their own actions in terms of how they deal with matters of crime, insecurity and instability. Overcoming the historical symbol of oppression is perhaps the most difficult.

The commemoration of historically significant events such as June 1976 and Sharpeville ensure that these events, and specifically the role of the police in these events, remain in the minds of those who have inherited the struggle culture of the past. The symbolism and meanings of these events thus endure, thereby ensuring the endurance of the symbol of the police as enforcers of oppression. This is one reason why publicised conflicts between the police and protesters almost invariably are represented in an identical manner to similar conflicts of the past. It may appear that the most obvious way for the police to deal with this issue would be to change the way in which they respond to strikes and protests. However, the question is how.

The police find themselves in an ambivalent position: on the one hand they are required to enforce the law which, by implication, means the use of justifiable violence when required; on the other hand, the police run the risk of being accused of brutality and violating the rights of people whom they may act against, especially in cases where police violence is excessive. This situation makes it almost impossible for the police to know a) how to effectively respond without infringing on the rights of protesters; and b) how to ensure consistency in the manner in which they respond. The Tatane case, as well as the Marikana Commission of Inquiry have both scrutinised the police's training in crowd management and control, and highlighted this as a primary cause for the police's aggressive tactics in dealing with protests. However, as this article has suggested, it really does not matter how well prepared or trained the police may be to handle strikes and protests that get out of hand. The fact that the police are predisposed to being categorised into the role of villain implies that whatever they may do, whatever course of action they may deem relevant or necessary, will automatically be regarded by the wider public, the media and the protesters as the wrong one.

This will then also be reinforced by continuing reports of criminality and corruption within the police service itself which further cripples their credibility in the eyes of the public. The most viable approach to address the issues raised in this discussion would have to be holistic. The police need to rethink their policy of remilitarisation as this has sent out the wrong message to the wider public about transformation in the SAPS, not to mention the historical associations of militarisation with the SAP. Training is another critical aspect, specifically crowd management and control, as well as knowledge of legislation and policies governing police procedures and practices. The most significant plan that the police could apply would have to be transformation at the level of police culture. As the article illustrated, transformation is a fundamental change at the core of police culture. Without the required change in value system, attitudes and behaviour all other efforts will be in vain. However, cultural change, positive or negative, is linked to its wider context. Hence, for the police to succeed in their efforts at transformation at a cultural level, the wider South African public needs to shift its thinking about the police and what they represent. The police should no longer be seen as "the enemy" as in the past but rather as a necessary institution in a democratic dispensation, charged with the constitutionally mandated duty to protect the rights and freedoms of all citizens. A joint and co-operative effort between the police and the wider society may be the only way to overcome the conflict-producing barriers that threaten to create a war that will continue to condemn the protectors of democracy to their historical role of being the enemies of the people.

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