

## Chapter 5

# Police Legitimacy Conflicting Centres: Policing in Southern Africa

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### **ABSTRACT**

*The chapter examines police legitimacy in the context of peacetime transition states, South Africa and Zimbabwe in particular, and argue that the complexity of legitimacy cannot be axially viewed as ‘acceptance of the moral authority of a police force and its right to enforce laws and issue commands’ (Weitzer, 1995, p. 83) or ‘a belief that induces people to feel personally obligated to defer to authorities’ (Tyler, 2006, p. 376). There are unconsidered complexities to police legitimacy that compel attention. The chapter makes three observations: 1) police legitimacy is conferred, often by opposing congress of three factors - the people, state and the international community; 2) the police are always trying to balance opposing factors, or play off one against the other(s); and 3) police service has no total or permanent legitimacy. Based on these assumptions, a compelling question could be whether or not police in transition societies have leegroom to exercise discretionary powers as they mediate between state and civilian populations.*

### **INTRODUCTION**

Drawing examples from Zimbabwe and South Africa (Southern Africa countries), the chapter contends that it’s problematic to conceptualise police legitimacy separate from the context, multiple and competing centres that confer legitimacy. The chapter identifies three of such centres:

1. Civilians.
2. State.
3. The International Community.

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## ***Police Legitimacy Conflicting Centres***

each of which reflects a different form of police legitimacy. The first one (civilian) is closely connected to the procedural justice approach which observes that compliance, cooperation and obedience naturally follows if police practice is legitimate. The second (state), focuses on the institutional approach where control and monopoly of coercive powers are in the hands of the state. The third, (international community) which is influenced by the liberal peace model, puts more emphasis on the compliance to international practices governing community policing. Can police, themselves, decide what to do? The first argument which is easily dismissible because of its restrictive view is that in Anglo-Saxon speaking Africa, Zimbabwe and South Africa in particular, police was created by the state to protect the state and state interests. The state, therefore, sanctioned and conferred legitimacy on police. The second, which is much more tenable and consistent with liberal theory is of police having wider duties beyond the state. Legitimacy, in this regard, is conferred by liberal globalization benchmarks of community policing, and, the last, which rejects the people-oriented Peelian ideology of 'police are the people and the people are police', asserts that in Zimbabwe and South Africa, and possibly elsewhere in Africa, police are not judged by the person on the street, but by ruling and governing elites and the international community. In an effort to balance opposing forces (state, civilians and international practices) police are caught at four levels of crises. Francis (2012) cogently captured them as 'crisis of legitimacy (punitive and repressive instead of policing by consent), crisis of identity (whose police is it and what type of police?), crisis of purpose (what primary functions in relation to the people and state?) and crisis of capacity (can the police institution carry out its basic functions in situations of civil war or post war environment?)' (p. 20).

In arguing these points, the chapter shall be organised along the following streams: First, the author shall present a critique of Sir Robert Peel's organising principles that have prefigured conflicting police roles and functions in Anglo-Saxon speaking Africa. Next, the author shall explore the context in which police legitimacy is conferred, and argue that nature of domestic politics and attempts to fashion liberal states remain the most militating factors impinging potential for police effectiveness and acceptance. Third, analysis shall focus on how internationalization and universalization of policing standards and practice have affected police by failure to accommodate local ideas - resulting in police moving further away from the people they are constitutionally mandated to serve and protect. Finally, and as a conclusion, the chapter calls for a further reflection on critical roles of police and their legitimacy in fragile contexts of Zimbabwe and South Africa.

Why is it important to discuss legitimacy, performance and centrality of police in African contexts and why now? Two compelling reasons can be offered: one, being police legitimacy is a security issue (William, 2008) and the other being to improve on conditions that make police legitimacy possible (Ananthachari, 1994). Police provides security and security is simply about survival at state, community and international levels. Police plays a mediating role as state, civilian populations and wider international community interact. As William (2008) puts it, 'security matters. It is impossible to make sense of world politics without reference to it. Every day, people somewhere in the world are killed, starved, tortured, raped, impoverished, imprisoned, displaced or denied education in the name of security' (p. 1). Notwithstanding Williams' critical observations, such sweeping assertions are problematic. Provision of security has proven to be more difficult in South Africa and Zimbabwe than many would assume. Fundamental questions compel attention. Who should provide security, and why? What is security for? Is security conceived the same way across racial, ethnic and economic divides? How do we measure security and how do people know they have attained it? If security is a public good, who decides on the kind of security to be provided and who determines and set the security agenda? Most importantly,

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