

# POLICING TAVERNS AND SHEBEENS

## Observation, experience and discourse

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*This article sketches the views and experiences of police officials responsible for enforcing liquor legislation in the Nyanga precinct of Cape Town. It is intended as a complementary response to Herrick & Charman's article, Shebeens and crime: The multiple criminalities of South African liquor and its regulation (SACQ 45) and should be read together with that piece. Their article drew on data gathered from shebeen owners and raised important questions about the efficacy and potential harm of the policing of shebeens.<sup>1</sup> By describing incidents of alcohol-related law enforcement, this article suggests that such work can be as difficult and confusing for law enforcers as it is for those being policed. It supports Herrick and Charman's suggestion that current approaches to alcohol-related enforcement need to be interrogated in order to reduce harms without alienating communities.*

In late 2012 I spent three months shadowing detectives and patrol officials in the Nyanga precinct of Cape Town. Part of this work included attending formal alcohol compliance operations involving the South African Police Service (SAPS), Cape Town Metropolitan Police Department (MPD) and Law Enforcement officials. At other times I worked with uniformed SAPS officials conducting daily patrols. This included responding to complaints at taverns and shebeens, or closing them down. As someone with an interest in the contemporary explorations of procedural justice in policing,<sup>2</sup> I was mostly impressed by the politeness and patience with which officials carried out these operations. However, there was no hiding the fact that their work often caused distress to those affected. Most often shebeen owners stood in silence and watched as police carried away their alcohol

supplies – their livelihoods – listening to the city officers explaining what they needed to change in order to become legally compliant. At other times it was more conflictual.

Because of my experiences in Nyanga it was with great interest that I read Herrick and Charman's article (SACQ 45) that explores the policing of shebeens in Brown's Farm and Sweet Home Farm.<sup>3</sup> Brown's farm is an area in the Nyanga precinct that local police see as their greatest generator of violent crime. Herrick and Charman's article provides, through the narratives of shebeen owners, important and moving insights into the human impact of liquor-related law enforcement in that area. Drawing on survey and interview data the authors paint a picture of a world in which the daily struggles of the urban poor are compounded by the ambiguities, irregularities and alleged abuses of liquor-related law enforcement. As such, they raise important questions about whether state

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intervention in this area has a positive impact. In fact, for owners cited in the article it seems clear that police intervention makes things worse. Shebeeners,<sup>4</sup> many of whom are women, report victimisation at the hands of both criminals and the police. But with very few alternative means of equivalent income available to them it is suggested they have little choice but to continue.

To summarise their argument, Herrick and Charman suggest the following:

- Alcohol is believed to be among the primary drivers of South Africa's high rates of violence.
- Shebeens are understood by policy makers to be the scenes of alcohol-related violence or as catalysts of alcohol-related violence.
- But shebeens are also important sources of livelihood within poor communities, many of which are already extremely vulnerable to criminality and violence.
- Shebeens provide spaces for socialising in communities in which these are often lacking.
- Violence in shebeens is perpetrated by patrons and criminals but also by police and other law enforcers.

Mentioning that the Western Cape Liquor Act (27 of 2008) came into effect in April 2012, resulting in a surge in shebeen raids with the intention of closing them down, the authors believe their data show that:

- Police have failed to communicate the mechanics of the Liquor Act to shebeen owners.
- Because of their location in residential areas many shebeens are ineligible for liquor licences.
- Many shebeeners do not have access to alternative forms of equivalent income so are almost compelled to continue trading illegally in order to survive.
- While raids of unlicensed shebeens are legally justified, shebeeners report a lack of due process, inconsistent application of the law, police requests for bribes and confiscated liquor being retained by police.

The authors conclude that:

Without interrogating the actual experiences of liquor control implementation as opposed to its stated intentions, our research suggests there will be direct and indirect consequences for the nature of the informal liquor trade ... [which] holds the potential to compound alcohol-related harms amid new forms and situations of violence.<sup>5</sup>

In this regard the article echoes work that reminds us that many societies are structured so that their citizens think about and respond to crime and policing along entrenched, narrow lines, automatically coupling the two.<sup>6</sup> As such, through their work, police produce and disseminate meaning about the world.<sup>7</sup> Loader points out that hard-nosed state responses to insecurity challenge a state's ability to recognise the security claims of all of its citizens, especially the marginalised, equally and in ways that sustain their sense of national and community belonging.<sup>8</sup> He suggests that the 'symbolic power' police wield in marking people, places and actions as *not belonging*, or unwelcome, especially when this power is deployed with great numbers, fanfare, or in repetition, not only marks those things as unwelcome but threatens the basic rights and principles of democracy, while often doing little to build safety.<sup>9</sup>

In 'interrogating the actual experiences of liquor control implementation' Herrick & Charman have explored how shebeen owners feel marked as unwelcome. I would argue, however, that it is just as important to interrogate the experiences and views of the officials mandated to enforce the control of liquor, the markers of symbolic deviance. Their perceptions as citizens and police are both shaped by, and shape, alcohol and other related policies and their interpretation up and down the police and government management chain, so that their views carry weight. During my time in Nyanga I was able to observe with police and city officials a range of alcohol-related actions, and discuss their thoughts on these. I sketch some of these below. But first, an overview of the links between alcohol and violence.

## ALCOHOL AND EXCEPTIONAL VIOLENCE

When the SAPS annual crime statistics were released in September 2012, *City Press* called the Nyanga precinct ‘the most dangerous place to be a South African.’<sup>10</sup> A total of 233 murders had been reported in the area, as had 163 attempted murders, and 1 046 assaults with intent to do grievous bodily harm (GBH). By September 2013 murder had increased to 262 and attempted murder to 1 010, while assault GBH saw a marginal decline to 952. But police based in Nyanga didn’t need a newspaper or crime statistics to tell them their precinct was special. They would routinely refer to the area as ‘the Republic of Nyanga,’ alluding to its perceived uniqueness, the ‘murder capital of the world’ where things worked differently, and rules and the law didn’t apply. Murder was a daily occurrence. Police there worked hard. If nothing else, their mantras describing Nyanga’s apparent exceptionalism served to remind them that their work was unending.

Asked about their views on the causes of crime in the area, officials at the station routinely mobilised a few key themes. These included:

- The prevalence of shacks (and lack of formal housing)
- High unemployment
- Drugs
- Gangs
- Scarcity of public space
- Lack of respect, especially among the youth
- Alcohol

Alcohol was always near the top of the list. It was often presented as the most obvious driver of violence. I was told things like, ‘It’s all about liquor. Abuse of alcohol plays a big part with our people,’ and ‘When we go drinking we sit and have a drink but when they go drinking they fight. [Nyanga precinct residents] fight over women, fight over a cigarette, anything.’ More nuanced responses would only be offered when I challenged police, for instance, on why thousands of students at the city’s universities weren’t killing

each other, despite regularly consuming excessive amounts of alcohol. Although many police themselves lived in the surrounding townships and claimed to be heavy drinkers, they always framed the residents of their precinct as being exceptional. As one patrol official put it, ‘There’s nothing wrong with alcohol but these people behave like monkeys. I drink a whole bottle of Jameson but I never get into a fight.’ Even an official who lived in the precinct was able to distance himself from the shebeen and tavern goers: ‘I drink but not like these people. They are destroying themselves.’

Unsurprisingly, shebeens and taverns were central to station discourse on alcohol and violence. I was told people killed each other inside shebeens and taverns, outside shebeens and taverns, and on their way home from shebeens and taverns. They killed each other for accidentally knocking over drinks in shebeens and taverns, for unpaid loans made in shebeens and taverns, or for cigarettes requested in shebeens and taverns. Faced with such talk one might have thought that police were painting all residents with the same exaggerated and dirty brush. This is dangerous, because words weave mythologies into which police can buy, and which can guide action. But I would learn that behind this generalised talk, views of crime in the area and the policing of alcohol were varied. The discourse was not without some foundation. Indeed, the first murder scene I attended in the precinct was that of a man killed by ‘friends’ after a day of drinking and an unpaid debt. After stabbing him they had dumped his body in a shallow ditch and placed a large rock on his head. Faced with comparable scenes and narratives on a daily or weekly basis, one might begin to forgive local police the apparent exaggeration of life in their jurisdiction and their desire to identify clear sites of blame, such as alcohol. Once a cause has been identified it can be attacked. As suggested by Herrick and Charman, this is what is happening to alcohol in the Western Cape. Alcohol has been identified as a cause of violence and police and law enforcement have been tasked with addressing it.

The intent to intervene in alcohol sales and consumption is not only a provincial priority. The

National Development Plan (NDP) lists 'combating alcohol abuse' both as a health priority and as necessary for the achievement of its goal of reducing injury, accidents and violence by 50% from 2010 levels.<sup>11</sup> It calls for an 'in-depth study' into the 'relationship between drugs, alcohol and violence', suggesting that while there appears to be a correlation between them, this is not fully understood in the South African context.<sup>12</sup> These policy moves are indicative of a global linking of alcohol consumption and violence. The World Health Organisation (WHO) reports 'strong links' between the two across countries and cultures.<sup>13</sup> It suggests that regulating the sale of alcohol, raising alcohol prices, improving drinking environments and providing interventions for problem drinkers have been shown to reduce violence.<sup>14</sup> Most of this evidence was gathered in developed countries where law enforcement is less likely to have the kinds of detrimental impacts on the livelihoods of sellers of alcohol as those described by Herrick and Charman, and where the delivery of policing and security as an equally deployed 'public good' is probably more pronounced than in South Africa.<sup>15</sup> Related interventions in Brazil, Colombia and the former Soviet Union were shown to reduce violence quite significantly, but the impact on livelihoods is unknown.<sup>16</sup>

In South Africa research has suggested that between 27% and 50% of homicides might be linked to the consumption of alcohol.<sup>17</sup> The Centre for the Study of Violence and Reconciliation's report on the violent nature of crime in the country also listed 'the role of alcohol' as important to what it called South Africa's 'culture of violence'.<sup>18</sup> However, police discourse on the links between alcohol and violence in Nyanga appears not to be based on research but rather on attempts to come to terms with daily and weekly experiences on the job.

Data from 2005 to 2008 suggest that while 41,1% of South African men were 'current drinkers', this figure was highest among white men, at 69,8%.<sup>19</sup> Almost no white men live in Nyanga. Of the 17% of men involved in 'risky drinking', most were described as coloured and poor. Again, coloured

people are a minority in the Nyanga precinct. While more white than black men have been shown to drink regularly, black households spend more than twice as much of household income on alcohol (3,8%) as do white households (1,5%).<sup>20</sup> The same is true of low to middle income households, which spend far more of their income on alcohol than high income households.<sup>21</sup>

In police sociology it has often been said that policy makers who hope to change police practice must first seek to understand police culture.<sup>22</sup> While notions of 'cop culture' have been questioned,<sup>23</sup> there is much to be learned by exploring the stories police officials tell about their professional lives. If nothing else, they allow an assessment of whether dominant narratives need challenging, replaced by new narratives that might help steer police action in new, more democratic directions.<sup>24</sup> So while my observations of police and other officials in Nyanga are not exhaustive, I believe that sharing them can help contribute to a more holistic understanding of the processes described by Herrick & Charman's subjects and, importantly, provide insight into the local narratives that guide police action in Nyanga.

My experiences relating to liquor enforcement can be broken into three broad categories:

- Formal, multi-agency compliance operations involving the SAPS, Cape Town Metropolitan Police Department (MPD) and Law Enforcement
- Semi-formal task assignments
- Everyday policing of alcohol, taverns and shebeens

In the remainder of the article I offer examples of these different types of enforcement to illustrate the complexity of policing shebeens and taverns and the perceptions held by the officials involved.

### **Formal, multi-agency operations**

Multi-agency operations occurred weekly during my time in Nyanga. They were dominated by the city's Law Enforcement officers (approximately six officers who are by-law focused) with two or three

members of the MPD, and between three and six SAPS officials. While many South Africans struggle to distinguish between the three policing organisations, they are quite different. *Law Enforcement* is constituted and managed by the City Council and is responsible for the enforcement of Cape Town City by-laws. These include by-laws relating to noise, parking, graffiti, zoning, public drinking and loitering. Within Law Enforcement there exists a *Liquor Enforcement and Compliance Unit* which:

Polices premises that sell liquor to make sure that they comply with the necessary regulations and legislation ... [by] inspecting liquor premises (such as shebeens, pubs and bars) for compliance, closing unlicensed liquor premises and issuing fines for liquor offences ... The unit also helps implement the City's strategy on drugs and alcohol.<sup>25</sup>

Similarly, the Cape Town MPD is constituted by and accountable to the City. Its mandate includes by-law enforcement, crime prevention and traffic policing. Neither Law Enforcement nor the MPD investigate crime. Anyone arrested by these officers must be handed to the SAPS and the case followed up by the SAPS' Detective Service.

Despite being outnumbered by city officials during these multi-agency operations in the Nyanga precinct, SAPS members led the operations, directing the group to locations they had pre-selected. The focus of this work was both to check compliance of licensed tavern owners and to seize alcohol and warn or fine illegal traders. Operations at times went as far as using an undercover buyer and marked money to try and 'trap' people illegally selling alcohol. While all officials involved in these traps and raids searched for illegal alcohol, Law Enforcement and MPD officers specifically issued fines and warnings, also for violations not related to alcohol enforcement, such as expired or missing fire extinguishers in licensed taverns.

When I asked an MPD officer how warnings worked, I was told that owners were given three written warnings, after which they could be fined R10 000 for non-compliance. This was explained

to me at a large shebeen, complete with pool tables, sound system and beer advertisements, but without a bottle of alcohol anywhere on the property. When we returned a week later during a similar operation, a SAPS official joked with the owner, saying with a big grin, 'Please tell me you've got something for me this week.' The man smiled nervously as the premises were searched and he was issued another warning. Looking over a copy of the document as we drove away, I realised he was not being asked to apply for a liquor licence; he wasn't that far ahead in the process. He had not been given an official warning document but rather an application form to apply for zoning of his property as a business. It was difficult to imagine how this might be successful, considering he was surrounded by residential shacks and houses, but it seems this was the way enforcement was to work. It struck me that this was a form of teasing, telling shebeeners there was a vague possibility they might be able to acquire legal status when in reality their chances were slim. Nevertheless, for their part it seemed the police were doing as the law required.

The SAPS official's quip about having 'something for me this week' is indicative of an important element of liquor enforcement. Like almost all contemporary policing, officials are encouraged to meet pre-defined performance targets. SAPS officials are encouraged to confiscate large quantities of illegal liquor. While this isn't overtly stated it looks good on the books. Each September when the Minister of Police announces the annual crime statistics, much is made of the categories described as 'crimes dependent on police action'. These are offences like drunk driving or possession of illegal substances or firearms, which rely on police initiative for detection. As such, police managers encourage operational members to reach minimum confiscation and arrest targets in attempts to reach higher figures than the previous year. The same applies to alcohol. When annual crime statistics were released in September 2013, the first point listed under the heading 'Key Highlights: 2012/13' in the official SAPS release presentation related to the policing of alcohol. The slide read, 'More than 1,1 million litres of liquor was confiscated and 92 929 identified illegal liquor

premises were closed down during 2011/12 and more than 1,8 million litres confiscated with 74 547 premises closed in 2012/13.<sup>26</sup> The SAPS is proud of this work. Indeed, its Annual Performance Plan for 2012/13 states that ‘the confiscation of liquor from illegally operating premises, have been diligently and successfully done (sic) at least for the past three years.’<sup>27</sup> The plan goes on to present the organisation’s goal of increasing the amount of liquor seized by 3% each year until 2015.<sup>28</sup> Quota-based approaches to the policing of alcohol have elsewhere been called ‘best practice’ but, in the absence of complementary initiatives that are not law enforcement based, can be very problematic.<sup>29</sup>

Similarly, it is likely that Law Enforcement and MPD officers are incentivised to issue quotas of fines.<sup>30</sup> The Cape Town MPD’s Annual Police Plan 2012/13 states as its impact measurement of action to improve alcohol-related compliance by an annual 5% increase in arrests of intoxicated drivers as well as increases in total numbers of alcohol, drug and firearm-related operations.<sup>31</sup> It also states that increased by-law compliance will be measured according to ‘the amount of fines issued.’<sup>32</sup>

At the end of operations in Nyanga, when our convoy returned to the station the measure of success for the day seemed to be a tallying of fines issued and liquor seized. One SAPS official claimed that at times they spread their enforcement operations beyond their jurisdictional boundaries, ‘to get the statistics, to demonstrate success.’ He didn’t think this was right but he went along with it anyway.

On another occasion a police official joked with a shebeen owner, ‘Please man, be nice to me. Tell me you have something for me today.’ The inference was not that the police official wanted a bribe but that he wanted alcohol, which he could seize and report on as a sign of operational success. The owner openly replied that he had not yet bought his stock for the weekend. The police official turned to his colleagues and said, ‘This man is not being kind, he is not looking after me.’ A senior manager at the station told me the

pressure for liquor quantity came from the SAPS provincial office (who are tasked by Head Office to ensure local stations reach their 3% target). He claimed that, following early closures of shebeens, when the amount of alcohol available for seizure had declined yet pressure from province had not, station management had to ask the provincial office, ‘Do you want us to let them stay open so we can confiscate alcohol, or do you want to get rid of them?’ He said that since then, provincial pressure had eased, yet the police officials I observed still seemed to be chasing quotas. They were not satisfied returning to the station empty handed; it was not how they understood their role.

In my experience, when shebeen owners were issued with warnings or fines, officials almost always spoke to them in calm, polite and measured tones (I usually observed from a distance to minimise the impact of my presence and often I don’t think police were aware that I was watching). They appeared genuinely interested in helping owners understand why they were being warned or fined, and what they needed to do to prevent further action being taken against them (at least in theory). Of course there were times when voices were raised and force was used; however, I do think my observations are important to note in light of Herrick and Charman’s respondents’ descriptions of apparent police harassment. On occasion in Nyanga I observed police action that was detestable but this was never during formal alcohol enforcement operations. Police officials were not always as polite, communicable and personable as they could have been, but I did not witness outright abuse.

Herrick and Charman’s respondents also made reference to what they perceived as being regular requests for bribes from police. It might be obvious that police are unlikely to request bribes in front of a researcher but I think it almost as unlikely that they would request them in front of possibly unfamiliar members of other policing agencies. Because three different agencies were represented in these operations and because individuals assigned to the operations changed on

a weekly basis, it would be difficult for a corrupt official to solicit a bribe out of sight of colleagues, and difficult to plan coordinated extortion in a changing multi-agency environment. But perhaps I'm being optimistic. Outside of operations, individual police officials told me there was corruption at the station, while a Law Enforcement officer told me she felt unable to speak out against 'the dodgy things' colleagues did in the city agency. A case of theft had been opened against a SAPS officer after R15 000 had allegedly gone missing during a shebeen raid prior to my arrival at the station. While police officials didn't deny the possibility that one of their own may have taken the money, all felt that the individual accused was beyond repute and that it could not have been him. Still, I believe corruption in a multi-agency context is at the very least less likely than in everyday police work.

The morale of the participants in these operations in general appeared relatively high. They approached the work with energy and apparent dedication. Again, this may have been a by-product of the multi-agency approach, creating a context in which each agency performed for the others. And yet their apparent optimism was not always indicative of a belief in the value of the raids. As one usually energetic city official said to me at the end of an operation:

Closing down shebeens does nothing. People are going to drink no matter what. Eighty per cent of these shebeen owners are women, they're mothers raising children, selling beer for a little bit of money. No magistrate is going to lock that woman up. If I were in their situation I would do the same thing. You can't stop it. And if we move all the shebeens to one location<sup>33</sup> then people will have to walk a long way to get home and they will be in more danger. There is a breakdown in society. They talk about 'ubuntu' but I don't see it anywhere here ... These are bread and butter issues.

The official went on to describe how he felt frustrated at not being able to change things, not being able to make things better in the area. To me he appeared committed to his task,

empathetic to the community and dedicated to his job. But he was left frustrated, believing little positive impact would come of the work expected of him and the other enforcers of the law. On the few occasions when I saw him engage curtly with shebeens I couldn't help but wonder if his temper wasn't fuelled by the contradictions he saw in his work.

On the other hand, while two Law Enforcement officers couldn't explain to me exactly why they believed the operations had an 'impact', they did think them worthwhile for the opportunities 'to provide education and explain to people why they need liquor licences and how to go about selling alcohol legally.' Two-way dialogue is an important element of the community policing paradigm, but in my observations dialogue appeared to be very one-sided, passing on information that didn't necessarily fit the context, for example explaining how to apply for a zone change when this would almost certainly be rejected. This would seem to be a flaw in the system.

Making a final stop before returning to the station at the end of a morning operation one Friday, we entered a brick house. The entrance room was empty but for two tables, four benches, two women and some empty beer bottles. It looked like a shebeen. But seeing us enter the room one of the women looked up and immediately told the first official that she had decided to stop selling alcohol. She said she had been arrested and fined by the court, and would not re-open. As we walked back to our cars a police official turned to me and said, 'That is why this work is important and why it is important that the court does not just let people off.' For that moment, at least, he was able to convince himself of the value of the operations.

The belief that police interventions in the sale of alcohol would help address crime in the area was generally accepted throughout the station, at least on the surface. It was an organisational narrative that allowed police to make sense of things and was therefore mobilised to also motivate particular approaches to daily policing, as discussed below.

## Semi-formal task assignments

By ‘task assignments’ I refer to once-off actions designated to a group of SAPS patrol officials by station or cluster management. Ordinarily such officials spend shifts patrolling designated portions (or sectors) of the precinct (often driving past shebeens and taverns), stopping and searching young men and responding to urgent calls for assistance. But on occasion they would receive special instructions, as the following example indicates:

At the shift’s parade the commander explained that the group had been tasked with visiting shebeens. Together with shebeen owners they were to capture information on pre-prepared forms. Captured data would include the name and personal details of owners, details of the shebeen such as whether there was alcohol advertising on the walls, whether it had seating and whether it was in close proximity to any schools or places of worship. On the surface of things one could see how such information would be valuable to the SAPS in its local planning, as well as for the liquor board. However, the vehicle I travelled in that night did not take the task very seriously.

At the first shebeen – a small shack out of which boomed loud, bass-heavy music – the driver of my vehicle rolled down the window and called the shebeener over. As with so much policing in Nyanga, police did not leave the vehicle. Instead our driver began asking the man the questions listed on the form while another official marked down the answers. The whole procedure took less than four minutes, including a request for a description of the inside of the shebeen. The officials did not verify anything the man said, not even his ID number. When I asked why, the senior official in the car said, ‘Nobody is going to show me their ID book if I ask.’ But he hadn’t even tried. It seemed he believed the whole affair was an exercise in futility.

We drove to another shebeen, hooting until the owner came out. While the senior police official chatted in friendly tones to the owner, whom he knew well, another official filled in the form. A

shebeen patron stumbled outside and urinated three metres in front of our police car, the kind of petty by-law offence basic alcohol legislation aims to prevent by requiring access to ablutions. Nobody paid him any attention.

A little while later a group of women stopped our car to complain about loud music coming from a shack. With the shack hidden behind others, about 15 metres from the street, we parked the car and made our way down a footpath, following the music. Discovering four men drinking around a table, police officials half-heartedly searched them while the owner was instructed to turn down the music. The form was completed in minutes, whereafter the senior official spoke to the group in a lecturing tone; the owner stood in a submissive posture and nodded. After a few minutes we left.

The remaining shebeen visits were similar to the above. It was a Friday night and our senior official’s first priority was to tell shebeens and taverns that they needed to be closed by midnight. This was not task-specific. It was his normal weekend routine; he didn’t want any trouble. When I asked him what we would do if shebeens failed to close in time he said, ‘We will *moer*’ [the patrons] until they leave.’ For me this was indicative of the way police saw late night drinkers as undesirable, rather than the majority of residents as problematic. While the extreme rhetoric about the Republic of Nyanga appeared to tar all with one brush, in practice this wasn’t the case. The police only seemed to tire of and see as risk-prone those people who drank late into the night, in groups.

Later in the evening we passed a tavern that earlier had been overflowing with patrons. A police official proudly pointed out that it was now closed and that they were abiding by their licence agreement. His manner suggested that he believed this was in part due to the early evening visits. But while this might have been true, I believe the official was happier about the closure of the tavern than about its compliance with a licence agreement. The tavern had been in clear contravention of the licence agreement earlier in the evening when it had allowed its patrons to hang around in groups on the street outside its doors, drinking,

littering, loitering, urinating and making a noise in a residential area – all of which are by-law contraventions. Rather, like so many police working the precinct, the official saw empty streets and silence as signs of security he had helped bring about. The tavern had opened and closed without a violent incident and its patrons had apparently returned home without falling victim to one of the lethal attacks that are so common in the area. I believe these police were happy that they had helped shut the area down, encouraged people to go home and sleep without having to resort to ‘moering’ them – more than they were about holding a business accountable to its obligations. A tavern open for business was an obstacle to the objective of securing the area. A tavern shut down was a step closer to what one official in the car called ‘clean’ streets, those void of life and so also of death.<sup>35</sup>

## Everyday policing of alcohol

While targeted enforcement relating to alcohol is fairly regular in the Nyanga precinct, it is the everyday patrol officials who have the greatest opportunity to respond to alcohol-related infringements. For the most part, however, they don’t.

In my experience, on warm Saturdays the precinct was filled with residents walking the streets, many with drinks in hand. It was also fairly common to find men drinking in shebeens on weekdays, sometimes starting in the morning. On Saturday nights patrons of popular shebeens and taverns spilled onto the streets; large crowds ignoring the authority of the city and state. Although the police with whom I patrolled didn’t ever ask patrons for identification, it appeared that some, especially young girls, were underage.

When conducting everyday patrols, police had a much more flexible approach to enforcement than when undertaking formal alcohol-related operations. For the most part they would allow strict illegality as long as it was before midnight, and wasn’t resulting in immediate violence. For instance, one Sunday afternoon we passed a large shebeen, one that operated almost daily. It was

open for business and relatively busy. I asked the two officials in the car why they sometimes closed taverns and shebeens and at other times didn’t. One replied, ‘No, they must enjoy themselves. If we see trouble coming then we close it down.’ Asked how they could tell if trouble was coming he said, ‘when people are very drunk.’ It was not clear how the official believed he would ascertain levels of sobriety without entering the establishments or engaging with a sample of patrons standing outside.

Driving past the same shebeen on a Saturday evening with different police officials I noticed a girl of about 13 emerging from its entrance, drink in hand. Her presence did not elicit any response from the police. As she stood on the side of the road, ignoring our presence, I asked the officials how they decided when to intervene in underage drinking. A constable replied, ‘There is nothing we can do because the shebeen is illegal anyway so of course underaged drinkers will drink there.’ However, his partner then called the owner out and asked him to close up. I wondered if my question had made the official feel compelled to intervene. It was only 22:20 but the owner obliged, perhaps grateful that he had been able to trade until this hour. On another occasion we stopped outside this shebeen at 20:00. Music was blaring. Within seconds of the police car’s blue lights reflecting off the walls and window of the establishment the music had been turned down and people immediately began leaving. But when a technically illegal business receives such inconsistent police action, how does it fit into the broader SAPS strategy regarding the control and regulation of alcohol? When the SAPS proudly claims it closed down 75 666 ‘illegal liquor premises’ in 2012/13, are we to assume that a shebeen such as this, one that continues to function in the face of police recognition of its illegality, accounts for at least a handful of these closures? If so, this clearly sends mixed messages to its owner, who must manage his relationship with patrol officials while dodging formal raids.

While police on daily patrols didn’t see their role as shutting down illegal establishments, they did understand their weekend mandate as closely

related. Officials working Saturday night shifts in particular saw the maintenance of order around popular shebeens and taverns as one of their main responsibilities. In the early evening it was fairly common for police to stop outside a tavern and have a friendly chat with the owner before the tavern got busy. In fact, some owners even began recognising and greeting me, the researcher travelling with police. Police appeared to have good relationships with the owners of licensed taverns but also with some shebeens. On one occasion it was the owner who flagged us down as we passed by on a Saturday evening. She wanted to tell police that she had heard rumours that her business was to be targeted by robbers over the festive season. The SAPS official I was with told her to speak to other tavern owners and let them know that police would make regular visits to search patrons, and that when they did, the owners should lock the gates so that nobody could leave. He believed the word would spread and deter would-be robbers. I wasn't aware of police ever implementing the proposed strategy, but the interaction was indicative of a mutually beneficial relationship between some owners and police officials.

On busy weekend nights the streets outside popular shebeens and taverns were so busy that the police car could only creep forward at a snail's pace, patrons reluctantly parting to let it through. The cars I was in would pass the taverns and larger shebeens regularly during the night, especially when things were very busy. On one such evening we stopped our van in the middle of the crowd and the driver used the van's loudspeaker to ask the crowd to stop drinking in the street. His tone was gentle and respectful. They ignored him. The tavern owner came out and he told her there were too many people drinking in the street and she would need to close down. I suspected the action was in part motivated by his loudspeaker request having been ignored. We did a loop of the block and returned. The street was still full of patrons, drinks in hand, but the tavern was closing down. A man standing in front of us touched a woman he didn't seem to know; she threw her drink at him. Again the police official was on the loudspeaker, instructing

the man to empty his drink on the road and go home. This he did, but the majority of drinkers carried on as they were. As patrons spilled out of the closing tavern and the numbers in the street swelled, some began their slow amble home or elsewhere, walking into the darkness, drinks in hand. As we edged forward through the crowd a deep, loud bang filled the van's cabbie. Someone had thrown a heavy rock at us. The driver didn't immediately respond. Instead he said to me in a calm tone, 'They think I will run but I won't. I will close it down.' It seemed he felt affronted.

We rounded a corner, stopped a 100 metres away and called for backup to help disperse the crowd. In my wing mirror I could see two groups of people fighting behind us. They were kicking and punching each other quite violently. I alerted the police official to this but his response was only to say, 'The people deserve to be assaulted. If you spend time attending to these petty beatings then you can lose time.' Ironically, minutes later, when a man walked past us carrying a hammer, the official stuck his hand out the window and requested it be handed to him. The man complied and walked on as if there were nothing unusual about the request. A little later the police official said to me, 'Now we were just defending a murder but we are not here to arrest anyone.' Again, it seemed he understood his presence as being to oversee and shepherd people away from the tavern, into the night and home. But his presence had also been disrespected. As a result he seemed to be saying that if some patrons fell victim to violence on their way home, they deserved it. It was as if the prevention of murder in Nyanga was both the baseline and benchmark of crime prevention. In its immediate absence, the official believed good work had been done.

Rounding the corner we noticed two teenage girls walking and drinking. My partner shouted at them through the window, explaining to me that he was telling them they would be raped if they drank and walked up and down in that fashion. They ignored him.

We returned to the tavern. A heavily pregnant woman in her late teens stood drinking and

chatting with friends, metres away from our van. Her friend laughed and rubbed her bulging belly. Concerned that he might not intervene, I pointed them out to the police official, who shouted at them through the window. They moved a few metres and carried on drinking. To me his relative disinterest in the pregnant woman was emblematic of the fact that the SAPS does not see its role in the policing of alcohol as first and foremost a public health challenge, which appears to be the way it is framed in policy, but rather only as a means to mitigate criminal risk. This should be addressed.<sup>36</sup>

Two more police cars joined us outside the tavern. By now tavern staff were sweeping inside the perimeter of their premises. I commented to the official that he had succeeded in closing the tavern. He told me with pride that he had been successful because he had been gentle with them. He said that because of this approach he hoped that in December when the taverns and shebeens were very busy he would be safe. He said, 'If you assault them they will throw stones at your vehicle,' inferring this wouldn't happen using his approach, although we had been stoned minutes before. It was clear that policing the multiple threats and illegalities related to drinking in the precinct required navigating a fine line between intervention, safety, community relations and the maintenance and exercise of police authority in the eyes of tavern and shebeen owners and the public at large. For while shebeen and tavern owners appeared to comply with police instructions, it seemed patrons considered the sellers of the alcohol as the only real authority in the policing of their premises and surrounds.

## DISCUSSION

Having asked a participant in a formal, multi-agency compliance operation if he thought these were effective, he replied, 'Yes, they are. Now people know they cannot just walk in the street and drink in front of us.' When I pointed out that every weekend certain streets in the precinct were filled with drinkers he conceded, 'Yes, we will never change that.' Indeed, I made a point to ask SAPS, MPD and Law Enforcement officials what their understanding of public drinking was. Some

believed it was legal, others illegal. There was no consensus. Clearly though, none who believed it illegal, enforced it. Law Enforcement told me they only enforced it on beaches, but nowhere else.

Other common complaints from police officials were that the new Liquor Act allowed people to keep 150 litres of alcohol on their premises for personal consumption, or that when they arrested people for contraventions of the Act the courts dismissed the cases or handed down heavily reduced fines. They also believed shebeens asked neighbours to store alcohol in surrounding houses, only to retrieve it for sale as and when needed. All of these were challenges they saw as being beyond their power to change.

Many of Nyanga's police understood alcohol to be central to the violence they encountered through their work. Some officials lived in the Nyanga precinct while others lived in surrounding townships with similar crime levels. For them, alcohol enforcement was about balancing a hard-line response to what they saw as a cause of violence with chasing performance targets and managing relationships with the communities in which they lived and worked – suppressing the idea that their work might not achieve its desired impact.

On occasion I would participate in the station's weekly community outreach events. We would walk through the streets distributing pamphlets and encouraging communities to form street committees. During one such event a woman approached me from between the shacks that mark the boundary of Brown's Farm. She was about 35 years old and carried an infant in her arms. She accepted my pamphlets but then asked me in earnest, 'Why are the police closing down the shebeens when we are only selling a little bit of alcohol? It's only in order to feed our children.' I fumbled for a response as the boundary between researcher and participant collapsed around me. One could not fail to be moved by her desire to understand. Fortunately, within seconds a police car pulled up and a senior member of the station's staff disembarked. I referred the woman to him. She approached him and with a tone of mounting

desperation repeated her question. She added that she had been arrested for selling alcohol, taken to court, fined R1 500 and threatened with five years in prison if she was caught again. She said she didn't have any work experience and couldn't find a job. She had been born in a shack and was still waiting for a house. In a calm tone the senior official responded, ignoring the questions about shebeens and instead addressing the topic of housing. He asked her if she had spoken to her councillor about it. When she said she had he said he would as well: 'I will tell him to build you a house.' With that he walked away.

Despite his seniority this police official couldn't offer the woman any real answers, any real hope. The tools of a police service are sometimes entirely inadequate for addressing the challenges they are asked to resolve. There is certainly much that police in Nyanga can do with regards to the regulation of alcohol. They can ensure that openly illegal sales and consumption of alcohol decrease. This in turn might alter the normalisation of public drinking in the precinct. Whether it would lead to any overall improvements in public safety is unlikely and it may in fact make things worse.

As Herrick and Charman point out, it is unclear if, how and who the current approach to enforcement helps. This is especially true in the face of the September 2013 revelation that murder in Nyanga increased from 233 to 262 year-on-year, a period during which liquor enforcement increased as part of concerted strategies across three different policing agencies. So perhaps the SAPS and other policing agencies need to reconsider their approach. Enforcement is important, but in the absence of alternatives it is perhaps futile and may cause harm. As perhaps the most obvious face of government on the streets, law enforcement officers (across all agencies) are well positioned to become knowledge managers and disseminators of information. They can guide sellers of alcohol towards legal or alternative solutions, rather than simply point them towards likely dead ends. But this will require cooperation across local and provincial government departments.<sup>37</sup>

Many of Nyanga's police supported the 'alcohol causes crime' discourse but at the same time pointed out that their own heavy drinking did not result in violence. As long as Nyanga's police are faced with extreme levels of violence and murder they will want to be able to identify and give explanations for it, especially when they think they can address it. Without being able to improve residents' access to income, housing or employment, alcohol provides police with a tangible explanation, one they can target and act against.

It was never clear to me whether Nyanga's police truly believed in the liquor-related enforcement they practised. Sometimes it was easy to argue its merits. At other times they appeared resigned to the idea that the violence they confronted on a weekly basis had roots running much deeper than the sale and consumption of alcohol in the precinct. But this was a job they had been asked to do, a job they were being measured on. It was also a job that had been positioned at the centre of their own livelihoods. And so they did it.

It seems to me that fully understanding and addressing the link between alcohol and violence in Nyanga, as elsewhere in the country, may require a more nuanced and empathetic approach to enforcement, one that provides residents, police and city officials with alternative forms of community and peace building.

## CONCLUSION

Consumption of alcohol has become embedded within explanations of crime and violence in South Africa. The South African Police Service has in recent years made concerted efforts to increase its focus on the enforcement of liquor-related legislation. Its planning documents suggest this focus will continue in the coming years. Herrick and Charman's article, exploring shebeen owners' experiences and perceptions of this enforcement in Browns Farm and Sweet Home Valley, highlights the harmful effects enforcement has on the lives of those targeted, while crime statistics from the area suggest enforcement may not be having any effect on violence.

For their part, SAPS officials appear to approach the enforcement of liquor-related legislation in a range of context-dependent ways. While multi-agency operations appear to enforce the law by the book, everyday policing unravels within far less rigidly defined boundaries. While police working formal operations support Head Office's goal of reporting impressive-sounding figures to the country each September, everyday police officials, sellers of alcohol and their patrons navigate a porous boundary between mutual respect, disdain and blame. In that space it can appear that the primary concern of police is to prevent what should be the inconceivable: murder. The relativity of crime, violence and victimisation is lumped into one. There is murder, and there is everything else that happens on the side.

Policing alone will not end the violence in Nyanga's Browns Farm, nor will an absence of legal access to alcohol. Between Herrick and Charman's article and my own, it appears that to some degree both the SAPS officials and shebeen owners are involved in struggle for personal survival. For the shebeen owners it's about basic business, 'bread and butter,' as the city official put it. For police it's about fulfilling a directive from above, balancing their relationships with superiors with those of the community, and holding on to a job – their own bread and butter. A continuation of current enforcement strategies is unlikely to result in reductions in the sale of alcohol or in sustainable improvements in safety. Conversely it risks positioning law enforcers as permanently opposed to large segments of the community, marking sellers and consumers of alcohol as deviant, and actively eroding their sense of belonging.



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## NOTES

1. For the purpose of this article the term 'tavern' refers to a licensed (or previously licensed) seller of alcohol while 'shebeen' refers to unlicensed venues. The latter are often less formal than the former, though the distinction between the two is not always clear and the terms are at times interchangeable. Unlike Herrick and Charman, who

focused almost exclusively on the less formal shebeens, this article describes the policing of liquor, both formal and informal, in the Nyanga precinct.

2. Together with Brian Rose I discuss some of this literature as it relates to the SAPS in Andrew Faull & Brian Rose, Professionalism and the South African Police Service: what is it and how can it help build safer communities?, ISS Occasional Paper 240, Pretoria, 2012; more recently see: A Bottoms & J Tankebe, Beyond procedural justice: a dialogic approach to legitimacy, *Journal of Criminal Law & Criminology*, 102(1) (2012).
3. Clare Herrick and Andrew Charman, Shebeens and crime: the multiple criminalities of South African liquor and its regulation, *SA Crime Quarterly* 45 (2013), 25-32.
4. In this article I use the word 'shebeener' to refer to the owners of shebeens.
5. Herrick & Charman, Shebeens and crime, 31.
6. Ian Loader & Aogan Mulcahy, *Policing and the condition of England: memory, politics and culture*, Oxford: Oxford University Press, 2003, 40-43.
7. *Ibid.*, 44.
8. Ian Loader, Policing, recognition, and belonging, *Annals of the American Academy of Political and Social Science*, 605, *Democracy, Crime, and Justice*, May 2006, 202-221.
9. *Ibid.*, 217.
10. 'Crime statistics – 'It's not safe here'', *City Press*, 22 September 2012, <http://www.citypress.co.za/news/crime-statistics-its-not-safe-here-20120922/> (accessed 7 September 2013).
11. National Planning Commission, *National Development Plan*, 2012, 51, 334, <http://www.info.gov.za/view/DynamicAction?pageid=623&myID=348761> (accessed 3 November 2013).
12. *Ibid.*, 401.
13. World Health Organisation, *Violence prevention: the evidence*, 2010, 28, [http://apps.who.int/iris/bitstream/10665/77936/1/9789241500845\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/77936/1/9789241500845_eng.pdf) (accessed 3 November 2013).
14. *Ibid.*, 4, 46.
15. For more on policing as a public good see: Ian Loader and Niel Walker, Policing as a public good: reconstituting the connections between policing and the state, *Theoretical Criminology*, 5(9) (2001), 9-35.
16. WHO, *Violence prevention*, 49-50.
17. Charles Parry & Sarah Dewing, A public health approach to addressing alcohol-related crime in South Africa, *African Journal of Drug & Alcohol Studies* 5 (2006), 42.
18. Centre for the Study of Violence, *Tackling armed violence: key findings and recommendations of the study on the violent nature of crime in South Africa*, 2010, 111, [http://www.csvr.org.za/docs/study/6.TAV\\_final\\_report\\_13\\_03\\_10.pdf](http://www.csvr.org.za/docs/study/6.TAV_final_report_13_03_10.pdf).11 (accessed 3 November 2013).
19. K Peltzer, A Davids & P Njuho, Alcohol use and problem drinking in South Africa: findings from a national population-based survey, *African Journal of Psychiatry* 14 (2011), 30-37.
20. Econometrix, 'Liquor and advertising – would a ban help reduce abuse? And are there unintended consequences?', 2013, [http://www.ara.co.za/uploads/ban-on-alcohol-advertising/Economic%20Impact%20of%20an%20Ad%20Ban\\_Econometrix\\_ARA\\_final.pdf](http://www.ara.co.za/uploads/ban-on-alcohol-advertising/Economic%20Impact%20of%20an%20Ad%20Ban_Econometrix_ARA_final.pdf) (accessed 4 November 2013).
21. *Ibid.*, 32.

22. John Crank, *Understanding police culture*, Cincinnati: Anderson Publishing Company, 1998.
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24. Monique Marks, *Transforming robocops: changing police in South Africa*, University of Scottsville: KwaZulu-Natal Press, 2005, 23; Janet Chan, Changing police culture, *British Journal of Criminology*, 36(1) (1996), 109-133.
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28. *Ibid.*, 20.
29. For suggested best practice in Australia see Samantha Doherty and Ann Roche, *Alcohol and licensed premises: best practice in policing – a monograph for police and policy makers*, 2003, 53, [http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/42C710C8763AA9DBCA257263007A0F9E/\\$File/licensed\\_prem.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/42C710C8763AA9DBCA257263007A0F9E/$File/licensed_prem.pdf) (accessed 3 November 2013).
30. For example, in 2011 it was revealed that Johannesburg Metro Police were under pressure to meet certain fine quotas in return for benefits. See for example, Thabiso Thakali, JMPD aims to rake in R20 million, *IOL News*, 13 August 2013, <http://www.iol.co.za/news/south-africa/gauteng/jmpd-aims-to-rake-in-r20m-1.1116950#UkhMHZ90n90>.
31. Cape Town Metropolitan Police Department, Annual Police Plan 2012-13, 45, 47, [http://www.capetown.gov.za/en/IDP/Documents/Statutory%20compliance%20plans%202012/AnnexF\\_Annual\\_Police\\_Plan.pdf](http://www.capetown.gov.za/en/IDP/Documents/Statutory%20compliance%20plans%202012/AnnexF_Annual_Police_Plan.pdf) (accessed 29 September 2013).
32. Cape Town Metropolitan Police Department, Annual Police Plan, 48.
33. A reference to a Western Cape government proposal for the creation of 'high streets' for better regulation. In the words of the provincial minister, 'To bring unlicensed liquor outlets within the ambit of the law, we aim to implement the High Street Model. These are designated streets within communities where commercial zones will be established. In these commercial zones, liquor traders will be able to operate with other businesses and do so with the correct zoning and licensing. With the help of the Violence Prevention through Urban Upgrade (VPUU), we have identified seven areas in the Western Cape to roll out the High Street Model pilot project. The areas are: Nyanga, Harare, Delft, Mfuleni, Philippi, Gugulethu and TR section in Khayelitsha.' – Minister of Finance, Economic Development and Tourism, <http://www.westerncape.gov.za/news/minister-winde-presents-statistics-western-cape-provincial-liquor-conference> (accessed 8 September 2013).
34. 'Moer' means 'beat' in Afrikaans slang.
35. Jonny Steinberg has made comparable observations suggesting the idea that 'safety resides in armed men sweeping the streets of danger' as 'deeply ensconced in urban South African consciousness' and in the way police approach their work. See Jonny Steinberg, Crime prevention goes abroad: policy transfer and policing in post-apartheid South Africa, *Theoretical Criminology*, 15(4) (2011), 349-364.
36. For more on this see Charles Parry, A public health approach to addressing alcohol-related crime in South Africa, *African Journal of Drug & Alcohol Studies*, 5(1) (2006), 41-56.
37. For more on how law-enforcement agencies can fit into more holistic, rather than criminal justice-focused safety-generating agents, see John Cartwright and Clifford Shearing, *Where's the chicken? Making South Africa safe*, Mercury: Kenilworth, 2012.