

LAW AND SOCIAL ORDER IN AFRICA INTRODUCTION

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From the colonial period onwards, there has been a marked expansion in the range of formal and informal institutions enforcing regimes of law and social order across Africa. At the same time, practices and ideas about law, justice, policing and professionalism have proliferated, drawing on a diverse range of influences. This themed part issue explores the lived realities of law and social order in colonial and postcolonial Africa. Building on a rich and growing literature, the articles examine how diverse actors such as ‘ordinary’ citizens, the police and legal professionals understand, enact and contest ideas about law and social order. The articles that follow adopt different disciplinary perspectives and draw on fieldwork from Nigeria, South Africa and Zimbabwe. The papers also illustrate how thinking about law and social order can cast a light on important themes for Africanist scholars, such as processes of formal and informal institutionalization on the continent and the public’s investment in such institutions.

As Benedetta Rossi notes, there has been ‘a renewed emphasis on institutions and organisations as loci of anthropological interest’ (Rossi 2004). One emerging theme throughout this collection is the degree to which the formal and informal institutions of law and social order are merged, distinguished, utilized and challenged in everyday practices of policing and justice. Through Owen’s work on policing in Nigeria, we see how institutions operate to gain a grip on the minds and bodies of their members, and how this is adopted, adapted and subverted in everyday life.

Despite their challenges, this collection demonstrates that formal state institutions also remain important to the wider political community in which they are embedded. This is not just because they are of practical use (albeit inconstantly) but also because, to varying degrees, they have maintained a hold on the imaginations of their citizens. As Verheul demonstrates in the context of Zimbabwe, for example, people have appealed to the Zimbabwean courts despite their compromised nature, animated by ideals of citizenship that are shared by many in Zimbabwe who – like her informants – have been the victims of political persecution. Such analysis, which gives us insights into the degree to which the public are invested in the law, and in the formal institutions of the state that are apparently tasked with its enforcement, is an important counterbalance to the widespread literature that has focused almost solely on the failures of the state across the continent, and the presence of alternative forums for tackling issues of law and social order.

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These articles also seek to move beyond the observation that institutions are 'hybridized' (Boege *et al.* 2008), believing that this assertion of syncretism does not tell us meaningfully how institutional assemblages have been formed, precisely what forms of legitimacy they draw on to bolster their claims to public authority, nor how they negotiate their presence in everyday life alongside multiple other institutions (Goodfellow and Lindemann 2013). More promising is the rich literature on the anthropology of statehood that has emerged over the past few decades. From that we can see how and why those making claims to public authority in the arena of law and social order might seek to emphasize, imitate or shed the symbols and practices of 'stateness' (Lund 2006; Jensen 2008).

Related to the focus on formal and informal institutions, the place of professionals and professionalism in the maintenance of law and social order is a theme that emerges in all four articles. In Owen's study, the transformation of civilians into police occurs within a 'total institution' that both deconstructs old subjectivities and produces new forms of solidarities and identities. For Karekwaivanane, the personal and professional ethics of the first generation of African lawyers in Zimbabwe were 'formed' on the margins. This allowed them space to develop alternative conceptions of their roles as lawyers and to transcend the formalist identity that was espoused by the wider legal fraternity in then-Rhodesia.

However, professionalism is not just part of a select group's self-identity: it is also a standard by which citizens judge 'professionals'. As the articles by Cooper-Knock and Verheul show, professionalism or 'appropriate police behaviour' is a key yardstick against which the actions of the police are measured. In Verheul's case, individuals seek to enforce this professionalism by appealing to wayward professionals directly, or by seeking redress through other links in the chain of the criminal justice system. Their doing so suggests that the ideal of professionalism still has currency within the Zimbabwean criminal justice system. In contrast, Cooper-Knock demonstrates that few residents in Berea, Durban attempt to use ideals of professionalism to achieve change in the police. Instead, the concept of professionalism is simply used to illustrate the breadth of the gap between ideal and reality. Moreover, the 'professional policeman' to which Berea residents appeal is not simply an abstract figure, but one that is historically situated in the apartheid era. Thus, for many interviewees, the figure of the professional apartheid policeman becomes a means of speaking nostalgically of a regime that residents understood to be morally abhorrent but in which they had felt relatively safe.

In approaching the subject of law and social order, the articles share a focus on personal narratives. As the articles show, at the intersection of the different institutions, practices and ideas about law and social order are individuals who try to navigate, contest and reimagine regimes of law and social orders. This focus on the form and content of narratives foregrounds the subjective ways in which individuals experience and recount their engagements with the law or with non-state forms of ordering. Such narratives, as Cooper-Knock shows in the case of South Africa, open up the 'complexity of lived everyday policing choices' made by her informants. However, these narratives have also been chosen for what they reveal about the broader experiences of the groups to which the informants belong. Owen's work in Nigeria, for example, teases out the ways in which

factors such as gender intersect with the imaginaries, bureaucracies and practices of these diverse criminal justice systems.

As the work of all four authors demonstrates, individuals' engagements with the law are not simply reactions to their lived realities. They are also driven by factors originating from the realm of the imaginary. As Verheul shows, the appeals to a politicized judicial system in contemporary Zimbabwe are based on political imaginaries about the rule of law, the proper conduct of state officials, and rights-bearing citizenship. Similarly, Cooper-Knock shows that it was both residents' concrete lived realities and their imaginaries about crime that triggered a sense of hyper-vigilance.

By drawing on extended case studies, the papers are able to take the analysis beyond momentary encounters with the law and explore how such engagements with the law shift over an extended period of time. Verheul's study, for example, traces a series of legal cases that take place over a number of years. The tenacity of her informants is testament to the closely held nature of the political imaginaries that animate them. Karekwaivanane's paper also takes this approach and focuses on the career trajectories of two lawyers over two decades. Through his long-term study, it is possible to trace the relations between the changing nature of the legal system, the shifting position of lawyers within the legal field, and the evolution of their personal and professional ideals in the face of different challenges.

In sum, by drawing on personal narratives and institutional ethnography, our extended case studies in this part issue shed light on processes of formal and informal institutionalization on the continent, the public's investment in public institutions, and the salience of ideas such as 'professionalism' that are integral to these processes. Our hope is that these pieces build on, and encourage, an increasing anthropological focus that moves beyond the recognition that statehood remains important in everyday life, and pushes us to explore how and why this is so in specific contexts, taking seriously the realm of the imaginary and the constitutive effect that it can have on people's everyday practices and subjectivities.

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