Article

Ethnography

Police violence in West Africa: Perpetrators' and ethnographers' dilemmas

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Abstract

This article explores the use of violence by police officers and gendarmes in Ghana and Niger. We analyse how popular discourses, legal and organizational conditions frame the police use of violence. Acts of violence by police are situated in this inconsistent framework and can be seen as legal and appropriate, despicable and brutal, or as useful and morally legitimate. Thus, every time the police use violence, they face a major dilemma: legally and morally justified violence can be a source of long-term legitimacy; but because of multiple possible readings of a certain situation (according to different, conflicting moral and legal discourses), the very same action has potentially delegitimizing effects. Our own position as participant observers made us aware of these contradictions because, as researchers, we were confronted with a similar dilemma.

Police officers and gendarmes occasionally beat civilians to assert their authority. They torture suspects to get information, or shoot dead armed robbers to deliver instant justice. They are supposed to act as the violence specialists of the state, yet their use of violence is highly controversial. Civilians often fight back when they encounter police, but otherwise demand even harsher methods in the fight against crime, while NGOs complain about police brutality. Even the judiciary's stance is ambiguous. This article explores the use of violence by police officers and gendarmes in Ghana and Niger. Following local perceptions of violence, we

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understand it as intentionally perpetrated bodily harm. We analyse local discourses and organizational conditions that frame the police use of violence; we perceive them as a complex and incoherent framework in which police position themselves and their actions. Then, we focus on the use of violence itself. We argue that violence is one possible mode of action, which has instrumental advantages, but plunges police and gendarmes into fundamental insecurity.

The aim of this article is twofold. First, we want to explore the difficulties that state police personnel face when they use violence. And second, our ethnographic approach to the use of violence contributes to a broader theoretical and methodological debate on how to research it. Between 2008 and 2012, each of us conducted 15 months of ethnographic fieldwork, Jan Beek in the Ghanaian police and Mirco Göpfert in the Nigerien gendarmerie.[1] Additionally, we did joint fieldwork in both countries for two months to enhance our comparative approach. As researchers we were 'attached' to regular police stations, criminal investigation departments, traffic police, and administrative units in several regions of both countries (on our access see Beek and Göpfert, 2011).[2] The few units specialized in the use of violence, like SWAT teams and crowd control units, are seldom deployed and beyond the scope of this article. We observed everyday practices of policing, conducted narrative and semi-structured interviews with police officers and gendarmes of all ranks and consulted organizational charts, case files, and legal documents. To learn about daily police work, we worked the same hours as police officers and gendarmes in their stations and on operations. We also spent a lot of time with them outside work and visited them at home. They paid return visits and we watched the 2010 World Cup finals together, and got to know their everyday difficulties, anxieties and wishes.

Ghana is often described as one of the most developed countries in Africa whereas Niger counts among the world's poorest countries. Since 1992, anglophone Ghana has been considered a stable democracy while francophone Niger has had three military coups since 1996. Against all expectations, despite different political set-ups and historical trajectories, our observations on the use of violence do not differ vastly. The economic, political and historical backgrounds of both countries leave their imprint on the institutional set-up of the respective security landscapes, rather than on mundane everyday police actions, which is our main focus. Even the use of violence by police officers in Germany, which we observed in two-month-long exploratory fieldwork, is not essentially different. Therefore, we do not conceive the West African police as the 'other' police, as part of the 'African state'. Police officers worldwide face similar challenges and share socio-professional norms; consequently we draw on police research on non-African countries. However, we do not claim that the use of violence by police officers is identical worldwide, or even in Ghana and Niger. There are differences, and they also point to the historical sedimentation of unique colonial and post-colonial experiences (Bierschenk, 2010), specific organizational trajectories, and current economic and political structures. Combining a comparative approach with highly situated ethnographic data, and drawing on violence and police research at large, this article

offers insight into the use of violence by police officers in Ghana and Niger, in West Africa and beyond.[3]

In the first section of this article, we briefly review and position ourselves in the literature on police violence and violence in general. The second section focuses on the multiple discourses and organizational conditions that frame the use of violence. Then, we explore the actual use of violence by police officers and gendarmes, first in its common everyday form, then in its excessive form.

Researching police violence

Police scholars' approaches: A police culture of violence?

Early police researchers did not problematize the use of violence, but rather focused on the discretionary use of law enforcement against civilians of low status and specific ethnic groups (Feest and Blankenburg, 1972: 19; Ericson, 1982: 17; Goldstein, 1960: 552; Skolnick, 1975 [1966]: 110–11). Contemporary scholars see the fundamental feature of police organizations as their potential to use violence, not its actual use (Newburn and Reiner 2007: 914; Waddington, 1999b: 16). Some acts of police violence that were perceived as scandalous include, for example, the Rodney King beating, as it sparked interest in the use of excessive violence in Western countries and abroad (on a comparative approach see Bayley, 1996, on the Americas see Chevigny, 1995). Criminologists' attempts to assess the multiple causes of police violence were largely unsuccessful because of the complexity of such interactions (Alpert and Dunham, 2004: 122; Worden, 1996). They claim that the most important trigger of violence in Western countries is a civilian challenging the authority of the police officer (Feest and Blankenburg, 1972: 70; Reiss, 1977: 150; Van Maanen, 1978: 230–2).

Police researchers often argue that excessive violence is grounded in, promoted and protected by a police culture and its informal rules (Belur, 2010: 331; Chan, 2000: 92; Behr, 2000: 79; Feest and Blankenburg, 1972: 26; on Africa see Baker, 2007: 322). In the last decades, the concept of culture has been critically discussed in anthropology (see Abu-Lughod, 1991; Lentz, 2009), and we believe the notion of police culture is unsuitable for conveying the complexities of police work (see Sklansky, 2007: 21; Waddington, 1999a). Monjardet (1994: 408–9) also doubts the explanatory value of this notion of police culture; he suggests understanding police culture rather as an internal public space for discussions about job-related issues arising from the police officers' relation to law and civil actors.

The use of violence was at the forefront of internal discussions among police and gendarmes in Ghana and Niger. Whether perceived as legitimate or illegitimate in specific discourses, the overall use of violence was hardly perceived as scandalous by the police and gendarmes we talked with. Mock fights among themselves, even violence by superior officers towards rank and file policemen, were seen as part of the job. Violence was not a clandestine topic unlike, for example, corruption and political entanglements. It was part of their daily work, and they talked about it

openly and rather unemotionally. During their discussions, they used diverse terms to refer to specific violent actions. In Niger, terms such as 'heating up' or 'cooking' by gendarmes referred to incarcerating a suspect while 'making a lamb barbecue', and 'telling him stories' referred to beatings as extra-legal punishment.[4] Literally these terms describe mundane everyday activities; here they are euphemistic phrases for legal and illegal violent actions. Ghanaian police officers seemed to be more direct: they routinely remarked that they had 'tortured' a suspect. This term seems to match perfectly the concept of police culture, an internal discourse that casually promotes extra-legal violence. Yet it actually highlights the shortcomings of this concept because the internal discourse is neither a representation nor a guideline for actual practices; it is part of police 'canteen culture' and does not – like canteen culture in any police organization – explain what police officers actually do (Waddington, 1999a). 'Torture' is often used to describe legal and legitimate practices, and the lack of similar terms in Niger does not indicate different practices there. We argue that the rationalities of internal discourse are different from the rationalities of everyday practices; they are rather forms of banter and bluster (see Collins, 2008: 73; Ericson, 1982: 68; Waddington, 1999a: 288–9). Police describe themselves in a highly stylized way as violence specialists without limits. Such descriptions are highly contextual, and when talking to a broader public, police use terms like 'subdue' or 'minimal force' to reflect human rights and judicial discourses. 'Cultural' forms of self-presentation, which can be explored in interviews and discourse analysis, cannot grasp their use of violence. Ethically problematic as it may be, the police use of violence can only be understood by observing violent practices and participating in the situational context.

Social science approaches: Violence as mythical power or bodily practices?

Social science scholars describe violence as the source of the state's power (Giddens, 1985: 16; Green and Ward, 2004: 69; Kyed, 2007: 140; Lofthouse, 1996: 47), as constituting the state (Comaroff and Comaroff, 2006: 280; Das and Poole, 2004: 12; Poole, 2004: 51), as the exception and, at the same time, the basis of law (Agamben, 1998; Aretxaga, 2003: 405) and therewith as the origin of civil society (Mbembe, 2001: 36); it is conceived as a 'traumatic experience of the real that breaks the parameters and assumptions of ordinary reality' (Aretxaga, 2003: 401). What is left of violence is a quasi-mythical power that is simultaneously exceptional and distorts ordinary reality, is the foundation of state, law and civil society, and constitutes ordinary reality.

   This perception of violence does not help understand everyday violent action. We agree with other, more empirical approaches to violence in Africa and elsewhere according to which violence perpetrated by both state and non-state actors should not be understood as 'a problematic aberration, a non-rational, uncontrolled mode of action signifying regression to a wild state of ''nature''' (Abbink, 1998: 271–2). It is an essential and inherent part of social life and social order (Abbink, 1998: 290; Benda-Beckmann and Pirie, 2007; Duck, 2009). Bierschenk,

for example, argues with regard to Parakou in Bénin that violence is seldom scandalized or tabooed, but rather an always present means applied from below in everyday political and para-political disputes (Bierschenk, 1999: 341) – in other words, a popular mode of political action (see Bayart, 1981). Georg Elwert further demystifies violence, particularly in Africa, by arguing that violent action always has an instrumental-rational dimension to it; it is 'an everyday possibility of the implementation of will' (Elwert et al., 1999: 9; see also 1997).[5]

Our approach is inspired by interactionist and phenomenologist traditions. The interactionist Collins (2008: 24) argues that as a result of mystifying violence and broadening the term to political, structural, psychological, verbal and symbolic violence, the term violence suffers from analytical dilution (see also Nunner-Winkler, 2004: 21–5). In order to avoid the rhetorical dramatization of all sorts of social phenomena by adding the label 'violence' to it, the focus must lie solely on the precise interactions in which violence occurs (Collins, 2008: 1, 24). Since the mid-1990s, scholars in the phenomenological tradition have called for emphasis on specific violent interactions and argue that most so-called violence research did not deal with violence in itself, but only with the causes of violence (Von Trotha, 1997: 18–20). Answers did not have a lot of explanatory value; they most often refer to the motives of those acting violently or put forward structural explanations, such as socio-economic inequality, macho-culture, racism, and so forth (Collins, 2008: 20, 22–3). This 'will to explain violence' is, according to Schinkel (2004: 13–4), based on the false assumption of a clear link between cause and effect of violent actions.[6] It seems to us that social scientists often do not really focus on violent actions to avoid dealing with the moral dilemma every observer of violence faces. Scholars in this phenomenological tradition, with whom we strongly agree, argue in favour of a detached analysis of violence itself, that is, its primarily corporeal dimension (Reemtsma, 2008: 104, 107; Von Trotha, 1997: 26–7). Rather than asking 'Why is this (violence) happening?' it asks 'What is happening and how is it happening?' To avoid mystifying explanations, Von Trotha argues in favour of a thick ethnographic description of violent actions and the emotions of all participants. In this context, the participants are the perpetrators, the victims and the eyewitnesses (see also Staudigl, 2007: 248). During prolonged participant and rigorous observation, we explored the bare corporeal acts of violence; we held continuous and open discussions with police and gendarmes to approach their explanations and perceptions of these practices; and in situations where police and gendarmes were about as speechless as we were, we could, in hindsight and with the necessary distance, reflect on our mutual perceptions of certain, and seemingly excessive, violent practices. The perpetrators of the violence were not the only ones facing a dilemma. We as observers had to deal with a similar one. The ethical, methodological and epistemological implications of this dilemma will be discussed in the last section of this article.

Our approach is problematic in two ways. First, for police researchers, highlighting violence is just as problematic as focusing on corruption. Both are just some of many possible practices in the complex interactions with civilians ranging

from interrogations and arrests to crowd control situations, to name but a few. For this reason, we will contextualize every act of violence as much as possible. Second, our emphasis on and closeness to the perpetrators of violence is ethically problematic (see Bourgois, 2001: 29). However, as Krohn-Hansen (1994: 367) argues, 'we need to understand violence by understanding the perspective of the perpetrator' (see also Jefferson, 2009: 123). We want to explore the moral dilemmas that go with this perspective insofar as they expand our understanding of the use of violence – and the moral dilemmas police and gendarmes have to deal with.

The inconsistent framework of violence

The use of violence by police is framed by and adapted to multiple moral and legal discourses and organizational conditions. Violent acts are described as excessive if they don't conform to these discourses. Yet there is neither a definitive legal nor moral discourse, and they are seldom neatly separated. There are formal-legal discourses based on the penal code, the code of criminal procedure, the legal commitment to the implementation of universal human rights. And there are moral discourses inspired by religious beliefs, local semiotics and idioms of power, and corporeality, which are part of what Pratten (2008: 80) terms a 'cultural construction of violence'. This construction then becomes manifest in popular routines of violent interactions as well as expectations on the morally justified use of violence.

Popular discourses

In European countries, the use of violence and even threatening to use it is considered illegitimate and unacceptable. This temporary condition is not the result of a linear modernist evolution but a contingent outcome of specific historical trajectories (see Schwerhoff, 2004). However, in some places violence is still widely considered a legitimate form of interaction, for example in pubs, football stadiums, and in adjacent parking lots. In West Africa the sphere of legitimate and acceptable violence is larger at this historical moment. Here the distinction between legitimate violence and illegitimate violence – that is, excessive violence – is much harder to draw. The emic use of the term 'violence' alone reflects this ambivalence. Some call widespread educational techniques violent, while for others they are just specific forms of education that should not be called violence but are seen as a moral imperative – 'if you spare the cane, you spoil the child' is a saying which we heard friends and teachers use frequently during previous research in schools (Göpfert, 2008: 53). Some describe the frequent fistfights at bus or tro-tro stations as violent; some describe them as but one possible mode of interacting in heated arguments. Just like reciprocal insults and yelling, violence is one of the mundane means of constructing social order.

This ambivalence is also reflected in media coverage of legitimate and illegitimate police violence. Critical newspapers often published articles about corruption and police officers' political entanglements; but police violence was seldom harshly

criticized. Television and press reports never mentioned how injuries occurred despite regularly showing captured 'gangsters' with bruises and cuts on their faces and upper bodies. However, the media in Ghana and Niger are also a means for voicing complaints about the police use of violence. Civilians in Ghana especially use radio programmes to denounce and name police officers, who are then often reprimanded.

Both police officers and civilians understand violence as one of the ordinary tools of everyday police work. Civilians in Ghana and Niger often told us they knew that police officers use violence, but most often not arbitrarily. They usually attributed arbitrariness to the army or paramilitary soldiers or a mob.[7] Police are known to beat the 'stubborn' ones, as a civil actor put it, those who deserve it as, after all, 'they use the law'. This demonstrates how legal and moral discourses intertwine. Beating 'stubborn' people is morally sanctioned; 'using the law' means that their actions are legally sanctioned. Also members of the educated elite such as journalists, politicians or even judges sometimes sanctioned everyday police violence. Civil actors occasionally even expect police to resort to violence: when civilians bring an alleged thief to the police station, they do so to punish him, that is, in addition to the beating that they have already handed down to him themselves. On some occasions police violence – not named as such – was even applauded, like the extra-legal killing of much feared armed robbers who are usually portrayed as foreign nationals. Public expectations of violent intervention by police and gendarmes in Ghana and Niger were always particularly strong when it was directed at people perceived as offenders to the local (moral) community (see Beek 2010; Göpfert 2012); as Goldsmith (2000: 110) and Caldeira (2002: 236) demonstrate, this is far from being a typical African phenomenon.

A countercurrent to the expectation of police violence is the human rights discourse, which has intensified with the increasing influence of human right groups since the 1990s (see Tankebe, 2008: 77–8). Human rights are particularly relevant when police officers and gendarmes deal with people 'who know their rights', the 'so-called human rights connoisseurs', they often said. Concerned civil actors can contact human rights associations that will potentially 'cause a lot of trouble' for individual officers.[8] 'Now, with human rights and so on, you mustn't beat them, and it mustn't be visible', a gendarme said.[9] He explained that he had once beaten up a group of men who had stolen his private motorcycle – which he took as a personal insult. The men turned out to be members of a larger gang of thieves who had been active for several months. Before national television's camera crew arrived to get his story, 'I washed them a bit, so that you wouldn't see that we had beaten them.' Human rights are indeed relevant in daily police work, but not primarily as a moral but rather as a legal discourse.

National and international human rights and advocacy groups are playing increasingly important roles in both Ghana and Niger. Yet they don't criticize all acts of police violence but only those they deem illegitimate – for example, they never criticized the public display of captured 'gangsters' with bruises, including their names – and those brought to their attention. Human rights associations

are just one forum for complaints about police behaviour apart from the media, public prosecutors, politicians, journalists and, more importantly, high-ranking police and gendarmerie officers. The Ghanaian police even created a police complaints unit, PIBS or Professional Intelligence and Professional Standards Bureau (see Anamzoya and Senah, 2011). This unit's efficiency notwithstanding, there is no fundamental difference from Niger because the majority of complaints are still handled informally. Complainants opt for a forum depending on their personal relations and their chances of achieving a specific objective. The forums in Ghana are not per se more powerful than in Niger; but because there are more of them, civilians in Ghana have easier access to them. Yet these forums do not as such limit excessive police violence. They extend civil actors' spheres of influence, reflecting the ambivalent stance towards violence in popular discourse.

Organizational conditions

Apart from these popular discourses, there are what we subsume under organizational conditions that frame the use of violence by police and gendarmes. First of all, the use of violence is regulated by national legislation reflected in police service acts and instructions. A manual assembled for training Nigerien police officers condones the use of violence only when it is absolutely necessary (as a last resort) – it must be lawful, and it must be proportional to the situation a police officer faces (see also Government of Ghana, 1992: 142–3). Furthermore, the text says that it is the responsibility of the police officer 'to be the sole judge of the means he must use in order to handle the situation. The police officer determines the means of intervention following his conscience and the exigency' (Police Nationale du Niger, 2004: 81, our translation). Precise descriptions of how these terms are actually applied do not exist. In police service manuals in Ghana, for example, there are no clear instructions for putting handcuffs on or using force against somebody, questioning a suspect, or any other possible physical contact. Police misconduct is supposed to entail police officers' punishment but is also vaguely described. There are no references to inappropriate or excessive use of violence but to the lack of general discipline, political entanglements (Government of Ghana, 1970: 8), or even more vaguely, 'mistakes made during and outside the service' (République du Niger, 2004, our translation).[10]

The lack of clear guidelines or, as Goldsmith (2000: 112) calls it, a 'formal policy vacuum' with regard to the use of violence by police officers, also manifests itself in the superiors' decisions and orders handed down to rank-and-file police. Orders we heard were of the type: 'I don't want that you beat him' (without specifying what exactly should be done), 'just overpower him' (without specifying how exactly this should be done), or 'beat him, that's the right thing' (specifying neither whether 'right' means lawful, necessary, or proportional, nor how exactly this should be done and for what purpose). The superiors' orders or instructions often took the form of *chèques en gris* [semi-blank checks], to use Brodeur's metaphor (2003: 40). Instructions were sufficiently vague so that the police officer could implement them

in different ways; at the same time, this vagueness allowed the superior to deny having given this instruction – or at least distance himself from the way it was implemented in case of serious backlash. The commanding officers protected themselves for they too had only been handed down semi-blank checks. As a result, rank-and-file police and gendarmes often felt unprotected by their superiors. When a handcuffed detainee lost his hand after a wound on his wrist had become infected; when an asthmatic detainee died in custody; when a policeman accidentally shot a civilian while being attacked – the officers on duty were always severely punished and brought to trial, not the superiors. 'Your own commanders will put you into the cells. And even later your commanders will say: ''You were wrong! You should have used minimal force!'' And the civilians, they know! You are in front of the crowd and they will say mockingly: ''We know that you can't use your rifle!'' They will even slap you and then tell you to your face: ''Use minimal force, officer!'' When you are assaulted, the commanders don't want you to report it. They call it occupational hazard', a Ghanaian police officer summarized. The police as an institution not only fails to protect their members legally, it does not take care of officers attacked on the front-line.

Police officers often told us they felt badly trained for their daily work, especially concerning the use of violence. Ghanaian police officers often said that all they had learnt was marching, but after their training they never marched again. They even expressed fear of seeing colleagues handle their rifles. Nigerien gendarmes, who had received military training, felt more comfortable handling weapons. But neither they nor Ghanaian police felt sufficiently equipped or trained in self-defence. Thus they sometimes took taekwondo lessons in private to be able to efficiently arrest people.

Police officers and gendarmes have ambivalent relations to the judiciary and this affects their use of violence. On the one hand, they felt reprimanded by judges and public prosecutors, particularly when civilians turned to members of the judiciary to accuse police officers of beating a relative or of illegally detaining someone. On the other hand, police felt that the judiciary was constantly asking them to produce confessions. Physical evidence is extremely rare. A public prosecutor explained that they needed the cooperation of everyone involved, including the suspect; otherwise it was almost impossible to initiate legal proceedings. So the police and gendarmes often tried to make the suspect confess. During a human rights instruction for Nigerien policemen, one officer replied to an instructor who had severely criticized police use of violence: 'But it often happens that we have an offender who resists us ... or just to have the confession, that's all. For the criminal investigation thing'. The use of violence during police interrogations seems to be partially backed by a judiciary whose judges and public prosecutors attach great importance to written confessions and declarations and, at the same time, close their eyes to everyday incidents of police violence (on Brazil see Pinheiro, 2003: 27).

Popular discourses and organizational conditions form an inconsistent framework of violence. It defines whether the use of violence is legal and morally justified – that is, legitimate. Legality and legitimacy can be conflicting normative patterns

(see Luhmann, 2000: 192), and what may seem legitimate in one moral discourse may seem illegitimate or excessive in another. Thus, in each violent interaction, police officers walk a very fine line (Behrends, 2003: 162). This is the central dilemma which police face every time they use violence: legally and morally justified violence can be a source of long-term legitimacy; however, because of multiple possible readings of a specific situation (according to different, conflicting moral and legal discourses), the very same situation can potentially have delegitimizing effects. Beating a thief, for instance, is unmistakably expected in popular moral discourse, but is prohibited and described as excessive in another – the official legal – discourse.

The use of violence by police officers

Police work involves a wide range of activities, and the use of violence is likely only in a few of them: arrest, incarceration in the cells, interrogation, and crowd control (see Bayley, 1996: 273–7). Although the use of violence is always possible, we rarely saw it actually used because most police officers are competent in avoiding violence and rely on other modes (see Beek 2011). Ethnographic research on the everyday work of police officers in Western countries has also shown that police officers usually avoid violence and showed it to be an exceptional occurrence in police interactions (Bittner, 1978: 36; Chan, 2000: 86; Alpert and Dunham, 2004: 2). Its use is not only made difficult by the central dilemma of its ambiguous placement in multiple discourses of legality and legitimacy, but also by civil actors' countermeasures. As previously explained, there is no consistent framework for the use of violence by police – the legality and legitimacy of violence can always be contested. Therefore, police officers adapt their actions to make them appear legitimate, as we will show in terms of 'arrest', 'incarceration', and 'interrogation' in the following episode:

> Two unarmed Ghanaian police detectives hired a taxi to a remote village, in the company of the complainant and me (Jan Beek), to arrest a suspect in an assault case. On our arrival, the detective corporal and detective constable entered the compound without greeting anyone, woke up some women who immediately recognized them as 'CID' and pointed to the suspect's room. A muscular young man, dressed only in boxer shorts, came out sleepily. He immediately got upset, started yelling and tried to escape. The two detectives rushed in, grabbed his hands and the waistband of his boxer shorts, and shouted at him. He was twisting and wrestling, but he did not hit them, so they were physically unable to cuff him. Meanwhile, a crowd of people gathered outside the compound came in. One detective slapped the suspect across the face, at first only once, then repeatedly. When they tried to use the handcuffs the suspect again resisted vehemently, and they were unable to close them. Then, one detective started punching him in the stomach; later, the second detective joined in. The suspect did not react to this visibly, just continued moaning, leading to a drawn-out standoff. In the end, one detective managed to cuff the suspect's arm, closing the

other cuff around his own and the young suspect calmed down somewhat. In the subsequent confusion, the suspect asked a girl for his shirt, but could not put it on because of the handcuffs. The detectives seemed stunned but angry, and one of them entered the suspect's room to search it, leaving minutes later with some cannabis leaves. We left for the car, followed and surrounded by people who gave the young man a few Cedi bills. Back at the station, they brought him to the cells. They were out of my sight and I heard a loud slap, followed by brief police laughter. When they arrived at the Criminal Investigation Department, the detectives told their colleagues what had happened. The suspect was brought later and pleaded with the officers, calling them 'nana' (chief), and cried a lot. He did not complain about the beating, but begged them not to write down anything about the narcotics. They dropped the assault case and started a case on possession of narcotics. The detective explained that he had been aware of the suspect's 'profession' of dealing drugs, but they only searched the room and acted on it because of 'the way he behaved'. During interrogation, the suspect immediately confessed the charges. The detective described the arrest in the docket with one sentence: they 'overpowered the suspect'. (revised field notes)

The detectives were insecure during the violent interaction and had waited for one or the other colleague to take the lead. The ideal application of violence, with regard to legality and legitimacy, would be to control the suspect by holding and cuffing him. However, they were unable to do so as they had not been specially trained or equipped and the suspect was quite strong. Such ineptitude is common when people use violence; violence does not conform to the stylized representation in films, its actual use is short and even professionals usually act incompetently (Collins, 2008: 10, 14). Their first hold of the suspect was not about inflicting pain. They threatened to embarrass him instead, holding him at the waistband of his boxer shorts – an attempt to free himself would have left the suspect naked. Asking for a shirt immediately afterwards, he showed how important this was to him. The detectives' actions escalated slowly, from slapping to beating. They were clearly running on adrenaline but acted pragmatically and intentionally. The detectives tried to limit the use of violence. The infliction of pain had only limited effect. Both parties enacted the handcuffing as the end of the violent interaction, as a symbol of established situational control. A police officer explained to me that 'overpowering' is not only physical, but 'you convince the suspect to give up first'. Using violence is a social interaction with the aim of achieving situational control; inflicting pain is not the most important aspect of it.

Police officers usually avoid violence during arrests. In Ghana, they often called an arrest an 'invitation', thus treating it as a social call.[11] The two detectives intended to approach the suspect in a very polite way and ask him to follow them to the station – a routine we have observed hundreds of times. They would informally invite him for a conversation – 'the police commander wants to speak with you'. If the suspect has a regular job, detectives will even allow him to come to the station later that day. In the words of a Ghanaian police officer, 'you have to

arrest them slowly'. Nigerien gendarmes have a slightly different way of avoiding confrontations: they give the complainant a formal summons, a *convocation* that the complainant himself delivers to the suspect. In rare cases in which a suspect refuses to appear at the gendarmerie station, an armed team of gendarmes will move out to arrest the suspect.

Calming down civilians and avoiding violence was perceived as 'mature' by seasoned police officers, competences learnt from experience but not during training. 'Trigger-happy' and abusive police officers were seen as a risk, and the two detectives in the narrated episode did not ask uniformed officers armed with AK-47s to accompany them. While the efficient use of violence is admired among police (see also Collins, 2008: 376), the ability to avoid and circumvent it is more highly regarded. When ordered by their superiors to use violence, police officers tried to sidestep. Rank-and-file police and gendarmes are aware of the lack of protection by their superiors. 'When the boss gives you an order, you will not follow it at once. You will at first think about whether this can cause you any problems. And if there is something awkward about it...well, you cannot refuse. But you will find another way', a gendarme explained. Competent police work involves social skills and creativity, which help to avoid the risks of overt violence (see Lofthouse, 1996: 45).

This is especially true in arrests and crowd control situations because of their high visibility, so police have to manage their visibility and bystanders' attention (see Paperman, 2003: 412). Civilians have many ways of resisting arrest. Suspects and bystanders often use violence themselves to resist arrests. This is caused by the low legitimacy of police work in most situations – not as a result of the police's use of violence but of perceived corruption and a lack of impartiality. On several occasions police officers were threatened, beaten, and stones were thrown at them during arrests.[12] Especially in Ghana, this sometimes leads to police officers not acting at all, even giving up on arrests when the suspect and his supporters 'are just too strong', in the words of a police officer.[13] 'You know, I am a slim man. What can I do against a strong macho man?' The crowd in the narrated arrest was similarly dangerous, but the detectives managed to make the arrest appear legitimate to the bystanders, thereby making it a morally justified intervention (see Paperman, 2003: 411). The complainant was present and became a police ally towards the bystanders. And they had assured themselves that the suspect was an aggressive narcotics dealer, who was not perceived as a member of the community but as a legitimate police target even by his neighbours in the compound. Another option for civilians is to complain about the use of violence later to commanding officers, politicians, journalists and judges. Civil actors of high status or with good connections can cause a police officer embarrassment or make sure that he is punished, irrespective of actual mistakes or crimes in terms of legal provisions and commonly perceived legitimacy. The two detectives immediately wrote the report of the arrest and used legal jargon to pre-empt this possibility.

When it comes to imprisonment in cells, most arrests are inherently violent. Police officers in Ghana allow suspects with a high social status to sit on a

bench in front of the cells. In Niger nearly all suspects are allowed to sit on benches and mats in the courtyard, and on occasion they sit there for several days. Prison cells in both countries are in deplorable conditions and those in Ghana are badly overcrowded. In both countries they are also dangerous because the other inmates are violent and suspects are stigmatized. Police officers are fully aware of this and prefer this controlled form of violence without a clear perpetrator. A gendarme narrated the incarceration of a suspect who was hurling abuse: 'I told him that he could insult us any way he wanted to, we would not beat him. It's the cell that will hit you, not we'. Because of low visibility, the charge office and the cells are also used for punishment, like the slap in the narrated episode, often after a suspect has challenged the authority of the police officer. Ericson (1982: 166–7) and Chan (2000) describe similar practices in Western countries. Chan (2000: 88) describes these as a clearly illegal form of violence as punishment, yet in reality the distinction between subduing a suspect and punishing him is not easy to draw. In our view, all acts of violence have an instrumental and a punitive dimension. Beatings in the police cells and the cells themselves are enacted and perceived as violent means of education by police officers and most civilians. Its physical aspect is perceived as efficient education, a gendarme explained: 'You have to use the chicotte [small leather whip]. That way they won't forget! If they think of the gendarmerie, they will at once remember their flesh'. Not only parts of society but also some victims share the perception of this violence as legitimate because these forms of violence are used instead of regular legal proceedings. The suspect in the narrated episode was less concerned with violence and bodily harm, but was more afraid that his written statement could have landed him in court. Police officers and many civilians see the courts as problematic. The decision-making process is long and drawn out, their impartiality is doubtful, and imprisonment leads to permanent stigmatization. To a great extent, incarcerating or beating suspects are forms of punishment, yet they are embedded in shared discourses on violence as a moral means of education.

The suspected drug dealer's immediate confession made any use of violence during the interrogation unnecessary. Even if suspects routinely refute confessions made in the police station before the court and their older statements are then dismissed, written confessions are needed in order to establish a case. Another reason for violence during interrogation is a need to gather more information in cases considered serious. However, the use of violence during interrogations is rare. Police officers have many ways of disorienting suspects and making them confess: the threat of going to court, confronting them with accusing witnesses, friendly conversation, etc. Violence is the last escalation in a long interaction, often borne out of frustration and helplessness. Police officers usually slap the suspect on his head from behind and sometimes with a cane. This is again less about physical pain and more about multi-layered intimidation. Unlike the use of violence in the context of incarceration, it is more instrumental than punitive. While some police officers regard it as useful, detectives using violence during interrogation are highly insecure because they are aware of its illegality and contested legitimacy.

Before they start beating a suspect, detectives call the suspect a 'criminal', a legitimate target. By beating suspects from behind, they protect their identity and avoid face-to-face confrontations. In this way, the suspect becomes the subject of a bureaucratic routine. In contrast to Chan's (2000: 96) view of the joy of inflicting pain, colleagues and superiors supervise it closely, and 'if you do it out of pleasure, the big men will sack you', a detective explained.[14]

During arrests, police officers try to avoid violence or at least limit its use, and use violence in a way that bystanders consider it as legitimate in a bid to protect themselves from legal or popular criticism. Their violent practices are carefully woven into the situational context, oscillating between instrumental and punitive dimensions, depending on the status of the target and the visibility of their actions. Thereby they adjust the use of violence to the discursive framework.

Excessive violence

The term 'excessive violence' is often used, but seldom problematized in police research. Yet the distinction between legitimate force and illegitimate violence is blurred (see Tilly, 2003: 27). Some scholars also refer to the public's perception of such encounters as a basis of their analytical categorization (Green and Ward, 2004: 68), but they do not reflect the ambiguity of this ascription and its strategic use by civil actors and the media. With the help of the following episode in Niger, we want to shed some light on the police violence that even police officers perceived as excessive. They did not actually say that they found it excessive, but they were very reluctant to discuss such acts.

> There were five people in the car: a civilian driver, a gendarme (a non-commissioned officer) in the front seat, another subordinate gendarme on the left backseat, me (Mirco Göpfert) on the right and between us a 12-year-old boy. The boy was accused of having stolen several cell phones and money on different occasions amounting to more than 100.000 Franc CFA (about 150 Euro). The gendarmes' mission was to find the stolen goods. The boy had already been brought before the local chief's court and to the criminal police, then, as neither of them had found out anything, to the public prosecutor who then put the gendarmerie in charge. First, we drove to the livestock market looking for a man who the boy said had bought the cell phones. But the man was nowhere to be found. Then, we drove to the father's house as the boy, following another narrative, said he had hidden the cell phones there. But again we found nothing. On our return to the car, the gendarme seemed furious and grabbed the boy by his neck and lifted him up into the air several times. He kicked the boy in the shins, and pushed him into the car. Now, we were on our way toward a half-built house where the boy, again changing his account, said he had buried the cell phones. The driver stopped the car and we entered the courtyard, but found nothing. The gendarme got furious again, screamed at the boy, and pulled out his gun. The boy was standing in front of a brick wall and seemed petrified. He was crying and begged 'Don Allah! Don Allah!' [Hausa: I beg you]. The gendarme told his colleague to step aside.

He checked his pistol's magazine, pulled the trigger, and put the magazine back into the gun. The driver left and disappeared behind the empty building. I was standing behind the gendarme when he pointed the gun at the boy. The boy cried, begged, and insisted that he did not know where the cell phones were. The gendarme seemed extremely stressed. He put the gun back into the holster, stepped toward the boy, shouted at him, then grabbed him by the neck and dared him not to lie again. 'That's pointless, let's go back to the office!' he finally declared. Back at the gendarmerie station, the boy was immediately locked into a cell. The gendarme seemed to have calmed down by now. 'We will keep them warm', he said. 'Until this afternoon, we will think about what we'll do with them.' He also reported to his commander: 'We've been through two neighbourhoods . . . Nothing! N-T-R [Nothing to report]. He is a professional!'

In the afternoon, the same gendarme led the suspect out of the cell into the office to his colleague. They were the only ones present and the pair started questioning him. 'The truth has to come out', the gendarme said calmly. He forced the boy to kneel down in the middle of the room. Clearly terrified, he shied back, and started crawling on his knees back towards the wall. Another, lower-ranking gendarme entered the room, critically observing the scene. 'Don't beat him', he said, not addressing anyone in particular, 'don't beat him', without taking his eyes off the boy. He then left the room with a troubled expression on his face. I was comforted by his comment. The gendarme sent his colleague to fetch two stones from the courtyard. 'The truth has to come out', he repeated. The boy was told to hold the stones, about half a kilo each, with his arms outstretched. Every time the boy let his arms down a little, the gendarme shouted at him. After a few minutes, the boy was told to kneel on the stones. The gendarme told his colleague that this technique would have the boy talking within two hours. This is what they had learnt during the Tuareg rebellion in the north, he added. From time to time other gendarmes came to the door and glanced inside. Everybody seemed interested, most troubled, but nobody entered. The commander of the unit also came by. He entered, stood still and looked at the boy for a moment. 'I don't like you beating him. I don't like that. I don't like that at all', the commander said, still looking at the child. Then he left. I was standing in the door behind the boy. I left when the gendarme told his colleague to go fetch a chicotte and tried to distance myself, and jot down some notes. I was close enough to hear the non-commissioned officer scream; I did not hear the boy being beaten. Some 15 minutes later, they put him back into the cell. (revised field notes)

The gendarme seemed desperate to me. He was in charge of a case that had been delegated by the public prosecutor and he was under pressure to get results. The gendarme told me that the suspect had already tricked the criminal police, so the boy could not be allowed to deceive the gendarmes as well. Now what should they do with him? Walking the thin line between organizational demands, constraints, moral and legal discourses, police officers and gendarmes usually look to their colleagues for guidance (Behrends, 2003: 162). However, in this situation, his colleagues did not seem to provide any guidance and seemed speechless. Even the gendarme with whom he was working on the case was little more than a bystander.

The only guidance he got were comments like 'Don't beat him' or 'I don't like you beating him'. But behind his back, they commented on his quick temper and excessive behaviour. It was impossible for them to satisfyingly integrate his acts into the framework described above. Thus they attributed it to this individual gendarme and his personal temper.

In view of corporal punishment meted out to Nigerien schoolchildren that is *aux oreilles* – forcing children to bend over, putting their heads between their knees and grabbing their ears through their legs, standing in the hot sun up to half an hour – apart from holding the boy at gunpoint, the techniques applied by the gendarme do not appear excessively brutal. As Bayley (1996: 277) notes, there is no clear difference between brutality and non-brutality. The police's authority to use 'reasonably necessary' force can at the same time be described as a scope of arbitrariness (Reemtsma, 2004: 351) and is therefore always ambiguous. The different techniques applied by the gendarme – holding the boy at gunpoint, lifting him into the air by his neck, making him hold heavy stones with his arms outstretched, kneeling down on them, closing his eyes, threatening to whip him – could be described as a 'tunnel of violence' (Collins, 2008: 361) in which the gendarme's emotional tension was released into violence towards a seemingly weak victim. However, the boy did not seem to be weak; at least the gendarme and some of his colleagues thought the boy was a 'professional' – they did not talk of him as a child. And they did not treat him as a child, otherwise he would have used the chicotte immediately and nobody would have tried to stop him; and he would not have confronted him face to face all the time, which is usually avoided. The alleged thief was considered or intentionally construed as a professional, just like the gendarme thought of himself as a professional applying refined techniques – in a sense they were equals. A Ghanaian police officer summarized: 'They are known criminals. Police cells mean nothing to them. Prisons mean nothing to them. So, for them, if you get them, they are more than lawyers, I tell you. Because they seem to know every procedure that goes on in the police station. [...] So it's like, if you don't beat them, you will not get the information you need instantly, to move on it.'

And the presence of onlookers made the avoidance of violence more difficult as the gendarme would have appeared weak. 'You know, everybody's image is always at stake. Everybody wants to protect their image', a Ghanaian police officer explained. Yet the gendarme was apparently trying to save his own face and that of the entire gendarmerie. By referring to the gendarmes' fight against Tuareg rebels, not only did he construe the boy as a professional, dangerous criminal; the gendarme also evoked the gendarmerie's fragile position in their fight against dangerous outlaws in the periphery. Thus it is the gendarmerie's moral mandate to create social order. The use of violence should not be understood as merely instrumental; it is also born out of genuine moral conviction (see Jefferson, 2009: 137–8). The boy was released only five days later when the gendarme and his équipe began their shift in a different location and handed over the office shift to another team. The gendarme did not lose face, and the new équipe was not eager to take over this 'complicated affair' as they called it.

Our own actions as participant observers highlight the irresolvable, contradictory demands of the situation. Our self-legitimization as not being 'human rights observers' was and is highly problematic. As the extracts from our field notes show, we did not act as moral subjects, but followed the ideal of the invisible camera. However, in retrospect, we feel strongly that everyone has a duty to protest against brutality and injustice, or at least to expose any cases. Even now, we continue to act somewhat amorally because we cover up the police officers' and gendarmes' actions by withholding names and places. To some extent, our behaviour during fieldwork was the result of trying to follow local moral norms (like accepting petty corruption; the popular expectation of violence by police; the banality of slapping). But at least when observing practices such as excessive torture or the negotiated release of armed robbers that are considered immoral in local norms in a sense we acted as collaborators, although we could have protested. As in the two episodes we narrated, we often chose to distance ourselves and left the situation. In retrospect, it becomes clear that our perception and feelings were normatively and practically motivated: a feeling of solidarity with police officers and gendarmes and pragmatic reasoning about continuing our fieldwork. Ironically, we were constantly looking for the most moral police officer and gendarme while we acted pragmatically. The bottom line cannot be a return to openly normative and critical police research. All these reflections were only possible in retrospect. We were not traumatized but profoundly irritated. Yet our own partial collaboration shows how easily even outsiders can accept violence as normal. Finally, we are deeply unsettled and reluctant to talk about it outside the academic discourse. This probably means that we acknowledge how incredibly difficult it is for police and gendarmes in Ghana and Niger to do the right thing. In Ghana, the illegal killings of armed robbers by the police are a reaction to warfare like attacks on police. The majority of an otherwise sceptical public praises the killings of armed robbers. Unlike us, police and gendarmes have to actually deal with this genuine moral dilemma, this ethical paradox of coercion. Following Ferdinand et al. (2007: 535), we think of these dilemmas as '"situated dilemmas", mediated by the specific context in which they arise, that by their very nature are neither reducible nor amenable to universal codified rules'. Although initially intended by Ferdinand et al. to describe the dilemmas with which ethnographic researchers can be confronted, we suggest that the same notion can be applied to situations in which police officers and gendarmes use violence. Punch (1989: 193) reminds us that 'academic researchers can end up in the same moral predicaments as policemen'. The dilemmas are indeed similar, yet for police officers there is no escape. And with us being present and observing, their uncertainty may have become even greater.

Dilemmas of violence and non-violence

Despite all the differences between the Ghanaian police and the Nigerien gendarmerie – using the term 'torture' or 'cooking', the anxiety about handling weapons or profound military training, arresting or summoning suspects, and different degrees

of visibility – both are, when they use violence, confronted with irresolvable contra-dictions and moral dilemmas. We tried to grasp these with what we call the frame-work of violence. Multiple popular discourses and organizational conditions form a framework in which each violent act and its perpetrator are situated – between legality and illegality, moral legitimacy and illegitimacy. When police officers and gendarmes use violence, they have to face the dilemmas inherent in this framework. One way to do this is to minimize and limit the use of violence. Excessive violence was rare and usually happened when gendarmes and police officers were most inse-cure about where to position their actions within the framework described above.

Police officers and gendarmes could also, and often did, deal with this dilemma by avoiding violence altogether even when it was clearly expected of them, for example when agitated civilians brought a thief to the station, or when bystanders were waiting for a gendarme to beat a half-naked 'madman' who had climbed onto the gendarme's pick-up. By not giving in to the public's expectations in these situations, they clearly demonstrated that they did not adhere to all popular moral discourses. They presented themselves as subscribing to a superior moral discourse and working in a framework where public expectations did not hold sway. Many police officers and gendarmes do not like the idea of using violence; some have fundamental doubts about it. However, they would not express these in semi-public canteen discussions with their peers, but rather in open conversations we had with them in a quiet moment. 'You know, on the one hand, they want us to become familiar with the population, know their problems. At the same time, they tell us to discipline them. This is *cin amana* [Hausa: be unfaithful to someone's trust], this is like we betray the people's trust', a gendarme explained. Some expressed their sympathy for civilians; some said that their conscience, and respect for human dignity, would not allow them to back their colleagues' actions (some even openly confronted their superiors for that reason); others voiced qualms about the existence of weapons or even their own repressive institution. This dem-onstrates that there is neither a monolithic police culture nor a monolithic frame-work for the police use of violence. Police and gendarmes refer to conflicting and changing moral discourses and thus position themselves and their actions in dif-ferent, changing frameworks.[15] Our own position as participant observers made us aware of these contradictions. We were confronted with situated dilemmas similar to those of the police and gendarmes. And just as we as observers did, they deal with these everyday dilemmas on a very personal level, whether it leads to the rejection of violence, its excess or something in between.

Notes

1. Previous drafts of this article were presented on three occasions: the conference 'Making sense of violence? Interdisciplinary approaches to violence: past and present' in Bern, September 2011; in the panel 'Soldaten – Rebellen – Banditen: von Corpsgeist, Freiheitsbegriff und Ehrvorstellungen' during the biannual conference of the German Anthropological Association, Vienna, September 2011; and in Giorgio Blundo's sem-inar 'L'État vu d'en bas' at the Ecole des Hautes Etudes en Sciences Sociales E.H.E.S.S.,

2. Due to the sensitivity of the subject explored, we are withholding the dates, places and units we conducted fieldwork in, as well as the names of police officers and gendarmes we observed and talked to.

3. The comparative approach presented here can thus be seen as pushing forward what Gingrich and Fox described as 'explicit comparison' (Gingrich and Fox, 2002) and 'self-reflexive, controlled macrocomparison' (Gingrich, 2002).

4. 'Mettre au chaud'; 'cuisiner quelqu'un'; 'faire le Méchoui'; 'raconter des histoires'.

5. Elwert focused mainly on conflict settings and the actors' underlying mundane economic interests in these 'markets of violence' (Elwert, 1997; 1999: 85) and not on specific violent interactions.

6. A similar assessment can be applied to violence research on Africa. Cramer et al. recently edited a volume on 'researching violence in Africa' (2011; for an overview of violence research in Africa see Veit et al., 2011), including articles on conflict settings and methodological questions. While the articles in the special issue of *Politique Africaine* on 'violences ordinaires' (2003) deal with many forms of violence, they present only an unclear concept of violence and barely analyse violent interactions in themselves by taking seriously their corporeal dimension. The focus of social science research lies on warfare, criminal violence, vigilantism (with explicit reference to excessive violence, see Casey, 2007; Smith, 2004) and urban violence (see Pérouse de Montclos, 2004). While important insights are delivered on the complexity of these conflict settings, little is told about mundane, everyday violence and how violence as such can be researched and understood in itself (see Janin and Marie, 2003: 12).

7. Victims of mob justice, like suspected thieves, willingly go to the police station as violence there is reduced and controlled in contrast to that meted out by furious civilians.

8. The death of an asthmatic detained in custody proved an important turning point for gendarmes in Niger. The gendarme on duty at the time was tried. Since then, gendarmes say they pay close attention to what they do to whom. Even somebody in a tiny, remote village could call a relative in town to complain about police misconduct.

9. We have translated all quotations from Nigerien gendarmes into English to make the text easier to read.

10. The absence of clear rules for the use of violence can also be attributed to Western police organizations (see Bittner, 1978: 34; Chan, 2000: 99, Waddington, 1999b: 150).

11. By calling an arrest an 'invitation', police officers prevent a civilian from demanding the rights associated with a legal arrest; it also allows police officers to retain their discretion for they can later just term the invitation an arrest, if convenient.

12. A police officer recounted an incident in which a crowd attacked his fellow officer. The pair fled after retrieving an assault rifle that had fallen onto the ground. Yet they were unable to get a taxi as the taxi drivers refused to give them a ride. So they ran to the police station, which was then surrounded by a crowd of 150 people who shouted and

threatened them. The chief inspector was able to calm down the crowd with words and a gift of alcohol. Later, no suspects were arrested and the incident was not even recorded in the station diary.

13. Even the few police officers trained in the elaborate choreographies of the Western police, using batons or strip-search, refrain from using them, as civilians will resist such practices. A police officer explained: 'In Ghana you cannot be as forceful as in Europe; you have to approach situations carefully. You do not arrest people, just grab their arms. You invite them.'

14. Since the democratization in the 1990s, the composition of Ghanaian senior officers has changed. While almost all senior officers in the Nigerien gendarmerie are career officers, some Ghanaian senior officers have not risen up through the ranks but have come straight from civilian life. Many of them are appalled by violence, particularly during interrogations, calling it 'the easy way'. Yet they have not managed to change the police use of violence. Their influence is limited, as rank-and-file don't regard them as real police officers. Some fellow senior officers with more years in the service even decided to conduct all violent interrogations in their office away from the glare of the public and their new colleagues. However, the visibility of violence during interrogations has changed, as police officers have become increasingly unsure of how their new superiors see it.

15. With our focus on violent practices, the surrounding framework may appear rather timeless and stable here. Yet a few points – which need to be explored further in more diachronic research – hinted at its transformation: the arrival and consolidation of human rights discourses; new attitudes towards violence as educational technique; and police officers' shifting view of the use of violence. With a modified framework, the dilemmas police and gendarmes face are also changing.

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