

**Revealing the Janus Face of Literacy:
Text Production and the Creation of Trans-
contextual Stability in South Africa's Criminal
Justice System**

Thesis presented for the Degree of
Doctor of Philosophy
School of Education

University of Cape Town
Faculty of Humanities

by

Abdul Moeain Arend

(Student number: ARNABD002)

February 2015

Supervisor

Associate Professor Mastin Prinsloo

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DEDICATION

For Muhammad.

ACKNOWLEDGEMENTS

I firstly want to thank my supervisor, Associate Professor Mastin Prinsloo, who patiently and unselfishly guided me and allowed me to travel and charter a journey that was characterized by a tussle with confusion followed by the growth *and* the light that comes with new understandings and an understanding of my own shortcomings. I am eternally grateful for this.

I also want to thank the following people and organizations for their support while completing this study:

- My colleagues in the Language Development Group in the Centre for Higher Education and Development (CHED) at the University of Cape Town;
- Judge Hlophe , Judge President of the Western Cape Division of the High Court of South Africa, for granting permission to conduct this study at Blue Hills regional courts;
- Commissioner Pedros, Provincial Commissioner of the South African Police Service in the Western Cape Province, for granting permission to conduct this study at Blue Hills police station;
- The police officers at Blue Hills police station and the state prosecutors and magistrates at Blue Hills regional courts for accommodating me while collecting my data;
- Dr Aditi Hunma for offering her expertise in formatting the final version of this thesis and doing all the scans; and
- Mrs Burch for editing drafts of this thesis and Mr Burch for transporting drafts to and from my home.

Finally, I would like to thank my wife Salma for her support, sacrifices and understanding over the years while completing this study.

The financial assistance of the Harry Crossley Foundation towards this research is hereby acknowledged. Opinions expressed and conclusions arrived at, are those of the author and are not necessarily to be attributed to the Harry Crossley Foundation.

ABSTRACT

Thesis Title: Revealing the Janus face of literacy: Text production and the creation of trans-contextual stability in South Africa’s criminal justice system

The thesis researches literacy practices in South Africa’s criminal justice system by focusing specifically on the production and flow of police dockets across institutional boundaries in a police station and regional courts renamed Blue Hills police station and Blue Hills regional courts in the Western Cape Province respectively. Through the use of ethnography the production and flow of police dockets are tracked across three moments – Moment One, Moment Two and Moment Three – in the criminal justice system. The three moments also show how the production of the police docket allows humans and nonhumans to be displaced across these institutional boundaries.

Apart from drawing on the New Literacy Studies (also referred to as Literacy Studies in this thesis) the research draws extensively on Actor Network Theory – a theory which argues that the social world and therefore reality are constructed through the creation of networks of associations or networks of relations consisting of human and nonhuman entities. In this study these associations or relations are referred to as material-semiotic relations. When the relations between human and nonhuman entities achieve some form of stability, that is when they hold, they can have intended *and* unintended ordering effects on the social world. Therefore, the primary focus of the research is to understand how trans-contextual order is created by building the network of the criminal justice system – referred to as “the network” in this study – through

the production of the police docket by police officers (Uniform Branch police officers and detectives) and state prosecutors.

The three moments that are identified in the study highlight the complexity of the literacy practices which lead to the production and flow of the police docket across institutional contexts. These moments are snapshots of the possible ways in which the network can be built through assemblies of configurations of material-semiotic relations. Moment One focuses on the opening of a police docket. During this moment the literacy practices between Uniform Branch police officers and detectives are highlighted when they attempt to classify the crime which should be recorded in the police docket after a member of the public visited the police station to report a possible crime. Moment Two deals with the investigation of crimes. This moment documents the literacy practices of detectives as they attempt to produce written witness statements for inclusion in the police docket from potential state witnesses. The literacy practices that are highlighted here focus on the strategies detectives employ to encode potential state witnesses with meaning and their strategies to ensure that witnesses do make it to court to act as spokespersons on behalf of the network and circulate in the network. Moment Three, the final moment, deals with how state prosecutors animate witnesses and their written witness statements in court so that the network can secure a successful prosecution.

By highlighting the literacy practices and text production that characterize the three moments, the research concludes that network stability is contingent on three factors which are inter-related. The first, 'material durability', refers to the level at which material-semiotic relations are successful at staying intact. The second, 'strategic durability', refers to the successes of various strategies (which include specific literacy practices) employed by officials to ensure that entities in the network perform their specific functions in order to ensure trans-contextual stability. Finally, 'discursive stability' refers to institutional ways of measuring productivity in the criminal justice system and which must have trans-contextual reach and ordering effects on

literacy and literacy practices across the three moments so that the network can achieve some form of stability.

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Chapter One

Origins of the research: New theoretical and empirical directions located in a previous study

Spring is the mischief in me, and I wonder
If I could put a notion in his head:
'*Why* do they make good neighbors? Isn't it
Where there are cows? But here there are no cows.
Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was like to give offense.
Something there is that doesn't love a wall,
That wants it down.'

Robert Frost (1914)

Introduction

This study has its roots in a previous ethnographic study conducted between 2001 and 2003 into the literacy practices of Uniform Branch police officers in the South African Police Service (SAPS) for a Master's degree thesis in Literacy Studies¹. My interest to research literacy practices in the SAPS was triggered when "literacy levels" in the SAPS came increasingly under the spotlight after South Africa's first democratic elections in 1994. Media reports during the first decade of the new democracy seemed to suggest that the wave of crime hitting South Africa after 1994 was inextricably linked to "a lack" of literacy skills among police officers, especially those working in the Uniform Branch of the SAPS. Because literacy levels in the South African Police² (SAP) never seemed to have been of any real concern for the apartheid state, the research centred on constructing the gap between past and present literacy practices in the newly formed SAPS. The ethnographic data gathered, focused specifically on recording the literacy practices of Uniform Branch police officers in a police station situated in the black township of Khayelitsha, on the Cape Flats of the Western Cape Province. The police station was renamed Phatisanani police station for purposes of anonymity.

¹ The title of the thesis was "Constructing the gap between past and present literacy practices in the South African Police Service".

² The SAP was renamed the SAPS after South Africa's first democratic elections of 1994.

Although my Master's research drew primarily on the theories from a body of ethnographic research on literacy called the New Literacy Studies (NLS), also referred to as Literacy Studies in this thesis, I also wove into the overarching theory of the NLS, some other strands of theoretical resources to add theoretical texture and to deepen the analysis of my data – this practice is not uncommon in the NLS. These included Critical Discourse Analysis (CDA), theories on communities of practice (Lave and Wenger, 1991) and Foucauldian theories on governmentality. In this chapter I delineate the theoretical and empirical resources I drew on for the Master's research and I argue that my Master's study drew primarily on the theoretical and empirical traditions of 'first generation' (Baynham, 2004) and 'second generation' (Baynham and Prinsloo, 2009) Literacy Studies.

By reflecting on my previous research and locating it within the first two 'generations' of Literacy Studies, I distil some of the conceptual issues which emerged during and at the end of the study and show how these set the grounds for the new directions I take, both theoretically and empirically in this research. I argue that although my current research still draws on the theoretical and empirical resources of 'first' and 'second' generation Literacy Studies, these resources are conceptualized differently and mirror some of the present research directions of 'third generation' Literacy Studies (Baynham and Prinsloo, 2009).

First and second generation New Literacy Studies

Most first- and second generation studies in the NLS were a response to theorists such as Goody (1977, 1986, 2000), Ong (1982), Olson (1977) and Havelock (1976) who argued that the acquisition of literacy led to positive and unproblematic outcomes regardless of social contexts. They argued that literacy was a strong and socially determining technology which had certain effects on both the individual and society once it was acquired by an individual and groups of people. These effects, amongst others, were an ability to think abstractly which in turn separated literate cultures from oral cultures (Prinsloo and Breier, 1996). Those who advocated that there was a distinct difference between literate and oral communities were identified as Great Divide Theorists (Street, 1984). In addition, the wide range of positive outcomes or effects associated with the acquisition of literacy evident in the metaphors associated with literacy, such as "literacy as progress", "literacy as the key to upward mobility", "literacy as a cognitive skill", "literacy as forming part of rational thought" and "literacy as improving the productivity of a country"; came to be known as the 'literacy myth' (Graff, 1979) amongst theorists in the NLS.

As a response to these claims made by Great Divide Theorists, Baynham (2004:285) argues that much of 'first generation' ethnographic studies on literacy (see amongst others Heath, 1983; Street, 1984 and Scribner and Cole, 1981), as well as 'second generation' studies (see amongst others Kulick and

Stroud, 1993; Besnier, 1993; Bloch, 1993; Prinsloo and Breier, 1996; Barton and Hamilton, 1998) moved the researcher from inside formal classrooms to the outside world of every day engagement with literacy and texts. Although these studies focused primarily on researching “everyday” and often marginalized literacy practices with only some institutionally-based studies, they provided an important theoretical and empirical orientation for my previous research. This orientation meant a move from accepting that the “acquisition of literacy” would have positive effects on the functioning of the SAPS (as suggested in newspaper articles at the time), towards a focus on what police officers were doing with literacy in localized and contextualized contexts such as at Phatisanani police station.

Millar and others (1993:1), in their critique of the positive outcomes of literacy as suggested by Goody (1977) and Ong (1982), argued that such a perspective on literacy as a determining factor for social progress, implied a view that ‘literacy did things to people’ regardless of social context. This ‘autonomous’ model of literacy (Street, 1984) as it became known in the NLS, foregrounded the dominant metaphors for literacy mentioned earlier. Many of these claims as to the definite social consequences or effects of literacy on individuals and society were tested empirically by Scribner and Cole (1981, 1999) who conducted research amongst the Vai of Liberia. Over a four year period they had tested more than a thousand participants to determine the cognitive differences between literates and non-literates. Scribner and Cole (1999:256) noted that:

With respect to Vai script and Arabic literacies, we can make the strong claim that the skills we assessed in our functionally derived tasks are operational in naturally occurring situations because the tasks were designed to be models of those situations. Whether we were studying conversations about language or memorization techniques, we were building on prior knowledge of the ways people engaged in these behaviors as part of *their* [my emphasis] literacy activities.

The research showed that specific ‘skills’ were embedded within specific social contexts. Therefore, when educationists and cognitive psychologists argued for the positive outcomes of the acquisition of literacy and in turn decided to test for these, they were in actual fact testing for specific skills associated with specific contexts. These tests favoured those who had access to and were familiar with these contexts and their particular social practices. Scribner and Cole (1999:258-259) argued persuasively that ‘particular practices promote particular skills’:

We have seen that Vai culture is *in* [authors’ emphasis] Vai literacy practices: in the writing system, the means used to transmit it, the functions it serves and the contexts of use, and the ideologies which confer significance on these functions. But literacy activities are carried out by individuals, and our research has shown that psychological skills are also *in* [authors’

emphasis] Vai literacy practices: in properties of the writing system, in its method of acquisition, and in its uses.

The conclusions of Scribner and Cole's (1999) research, coupled with Street's (1984, 1993 and 1996) critique of the 'autonomous model', which he associated with the work of researchers such as Goody (1977) and Ong (1982), along with Street's preference for an 'ideological model' of literacy, became cornerstones in theorising literacy and offering alternative perspectives to the claims associated with that of the 'literacy myth'. Street (1984) suggested that cultural and ideological aspects as well as power relations associated with literacy can easily be masked as if neutral and universal when we accept the autonomous model of literacy. Conceptualising literacy within the 'autonomous' model also implied that literacy was perceived as a decontextualized and individual skill, which could be transferred unproblematically across social contexts having the same universal effects on the individual and society.

Clark and Ivanič (1997) argued along with Street that the physical and social behaviour surrounding writing is often grouped together with mental processes under the socially constructed heading of "skills". They, like Street and Scribner and Cole, problematized the term "skills", as it suggested a set of neutral technologies completely detached from the social context that shaped and favoured them. Clark and Ivanič (1997:85) further proposed that the notion of literacy practices as "skills" focused on writing as a technology and dismissed and disregarded writing as 'meaning-making', 'negotiation of identity' and 'social participation'. Some of the pedagogic implications of viewing "literacy as a skill" were that it was and *still* is prescriptive, and in doing so, a deficit identity for the individual and groups of people who are identified as 'illiterate' is constructed (Clark and Ivanič, 1997:85). Furthermore, viewing "literacy as skill" is a view with a particular ideology that positions and classifies groups of people in particular ways which, can hold negative consequences for them – I return to this issue later on in this chapter.

Street's (1984) alternative model for theorising literacy, the 'ideological model', argued for the study of literacy as it occurred in social life, by focusing specifically on social contexts and the implications and meanings literacy had for different social groups. Street's (1984) ethnographic study of the literacy practices of the people of Cheshmeh, a village in North East Iran, highlighted the ideological nature of literacy and how literacy as a social phenomenon varied from one social context to the next. He argued that the construction of various written texts in Cheshmeh, was not the outcome of individual endeavour, nor was it necessarily the outcome of individual and isolated formalized learning, but the result of specific ideologies, specific contexts and the collective practices of specific institutions.

Similarly Heath's (1983) ethnographic study of three distinct communities within one region in the southern United States of America showed how various forms of socialization have specific outcomes in terms of how children deal with language and the written word in formal and informal contexts. Two of the communities, one renamed Roadville and the other Trackton, consisted of White and Black (or African-American) working class people respectively. The third community, the "townspeople", was a middle class community. Although Roadville and Trackton's children had been socialized differently, their socialization did not prepare them for the way language and literacy were used in the formal classroom. Heath argued that for the working class children of the two communities, their initial encounters with language and literacy and their social uses, affected the uptake of school literacy. For the "townspeople" the opposite was true because their children were socialized in such a way that the language and literacy practices of home were close to the social practices of the school classroom. Heath's study, like that of Street (1983) and Scribner and Cole (1981, 1999), emphasized that the forms of literacy and language use valued in the formal school, were not neutral and autonomous aspects of social life, but embedded in relations of power and in certain ideologies that favoured *and* at the same time marginalized individuals.

Reder (1994) also argued that the critical debate among literacy practitioners, policy makers and literacy researchers was whether to view literacy within a paradigm of individual skills or one of cultural practices. The individual paradigm emphasized the cognitive processes and development underlying the ability to read and write, a notion that subscribed to the sweeping claims of the 'literacy myth' and the arguments of Great Divide Theorists. Therefore, the social contexts in which these activities occurred were totally disregarded in this view. The cultural practices paradigm, on the other hand, viewed literacy as a set of social or cultural practices and the community in which these practices were prevalent as a community of practice. Within this paradigm, literacy was seen to spread and develop through a process of socialization. Gee (1994:189), supporting the arguments made by first generation Literacy Studies, suggested that literacy acquisition is a form of socialization, which meant that different literacy practices in different social contexts allowed the individual to practise 'different and quite specific skills'.

Kulick and Stroud's (1993:30) 'second generation' study on literacy amongst the people of Gapun, a village in the lower Sepik region of Papua New Guinea, emphasized that literacy did not exert an automatic power over the Gapuners. The villagers made use of literacy in ways that were totally unexpected by missionaries who wanted to use the "Word" to convert the villagers to Christianity. The intentions of the literacy programmes of the Church and other role players remained unrealized as villagers brought their own beliefs and cultural ideas to bear on literacy. Kulick and Stroud (1993:55) argued that instead of literacy 'taking hold' of Gapuners as the missionaries and others had intended, the villagers made use of the features of literacy that were most useful to them, that is, the use of the

written word was shaped in situated practice within a particular social context. They concluded that the consequences of literacy acquisition should not be assumed, but should be studied as situated practice especially if policy makers and literacy practitioners want to implement useful and meaningful literacy programmes.

In South Africa *The Social Uses of Literacy* (Prinsloo and Breier, 1996) presented a collection of ethnographic research studies into situated literacy practices across a range of contexts in the Western Cape Province. These included literacy practices amongst taxi drivers (Breier, Taetsane and Sait, 1996), factory workers (Breier and Sait, 1996), school staff (Watters, 1996) and squatters in an informal settlement (Kell, 1996), at a time of major political transition and when the “New South Africa” was emerging as a post-apartheid country. The research was a response to literacy policy at the time and the assumptions underlying these policies as the early 1990’s saw South Africa experiencing rapid political, economic and social changes. In this climate, education and therefore literacy soon took on metaphors associated with redressing the inequalities of the past. Breier and Prinsloo (1996:11) noted that in education policies at the time ‘literacy, or rather its lack, was presented as emblematic of the deprivations produced under apartheid rule, as a mark of the untrainability of the workforce’. In this climate, Adult Basic Education and Training (ABET) was seen as a primary vehicle to address the “illiteracy problem” amongst adults.

The policies of former governments fragmented education and training into different ethnic and racial sub-systems with unequal allocation of resources. This resulted in poor quality education in Black schools and the condemnation of millions of adults to illiteracy, effectively limiting the intellectual and cultural development of the country as a whole (Final draft of Adult Basic Education and Training, Department of Education, October 1997).

The studies in *The Social Uses of Literacy* problematized literacy and challenged the argument that unschooled adults were necessarily socially stifled and economically unproductive, simply by the fact of their “illiteracy”. Across the range of studies and the contexts that they researched, it was shown that unschooled adults held certain beliefs about literacy and used literacy in everyday practices that had gone unnoticed in policy formulation and by many literacy researchers. Studies in the book also showed that much of the literacy practices that unschooled adults had acquired were through informal apprenticeships and through the mediation of texts in local contexts – these practices were and *still* go unnoticed if one accepts an autonomous view of literacy.

Barton and Hamilton’s (1998) hallmark study in a community in Lancaster in England also moved the ethnographer from the school’s classroom and formal institutions to the world of everyday engagement with literacy. Their notion of vernacular literacy practices, described as ‘essentially ones

which are not regulated by the formal rules and procedures of dominant social institutions and which have their origins in everyday life', became an important theoretical and empirical orientation in their study (Barton and Hamilton, 1998:247). They argued that vernacular literacy practices, unlike those of formal institutions like school, offered people a greater space to experiment with literacy in creative ways. These vernacular literacy practices also gave rise to new practices which carried their own sets of values, separate from those of dominant literacies and their concomitant literacy practices. However, they cautioned that the creativity that they had documented in this community, was not free from the values and constraints of institutions such as the family. They concluded that all text construction and the concomitant literacy practices that inform text construction are always subject to power relations even if they occur outside the formal domains of schooling and the workplace. These are important issues to consider and to highlight when studying literacy as situated practice and as part of an ethnographic form of data collection.

Some of the salient issues that characterized 'first- and 'second generation' Literacy Studies included a theoretical orientation, which suggested that literacy should be theorized as a social and cultural practice occurring within a physical context and amongst a certain social group. These studies stressed that literacy was not a range of decontextualized skills and competencies, and therefore as a starting point it was necessary to describe the social setting of literacy activities and the power relations existing within these settings. Methodologically, and as a means to collect data in specific social contexts, most ethnographic research of the first two generations of Literacy Studies made use of the notions of "domains", "sites", "literacies" and "literacy events", in order to describe the social setting in which literacy practices occurred. Each domain was understood as having its *own* domain specific literacy, distinct from other domains. This demarcation of social life, each with a distinct literacy, made a convincing case for the existence of "literacies" instead of "essayist" literacy in its singular form (Scollon and Scollon, 1981; Barton and Hamilton, 2000) as advocated by Great Divide Theorists discussed earlier. Furthermore, NLS theorists argued that the literacy of each domain could best be researched and observed through literacy events which were understood as any social interaction where written texts, through various social practices, mediate social interaction. Some social sites were seen to be sites where literacy practices from a neighbouring domain overlapped or colonized practices in that site, for example, "school literacy" was sometimes seen to influence the literacy practices in home domains (Barton, 1994).

The collection of ethnographic studies of first and second generation Literacy Studies also highlighted, that lumping individuals together as "illiterate" or as "literate" for that matter, homogenized individuals who used literacy and texts in heterogeneous ways. At the heart of these studies was the issue of heterogeneity of the social groups that were studied and the heterogeneity in the way literacy was utilized in various heterogeneous social contexts.

In the next section I describe how I harnessed the theoretical and empirical resources discussed above to conduct my previous research into the literacy practices of police officers in the SAPS.

Theoretical and empirical resources of my Master's research

Data gathering: Domains, literacy events, literacies

The three notions of domains, literacies and literacy events, as they were used in first and second generation Literacy Studies, framed my ethnographic research into the literacy practices of Uniform Branch officers in Phatisanani police station. I employed Barton's (2000) model to collect data on the literacy practices of Uniform Branch police officers. He argued that ethnographers should identify domains where literacy practices were taking place; observe the physical environment; identify particular literacy events and document them; identify texts and practices around these events; and interview people (police officers in this case) about their domain specific literacy practices and sense making.

Most of the data collected for my Master's research occurred in the specific physical space of the Community Service Centre (CSC) located in the B-block and comprising of B1, B2 and B3 of Phatisanani police station (see Figure 1 on the following page). Since the time I have conducted my previous study, the Community Service Centre has undergone a name change, and is now referred to as the Client Service Centre (also known as the CSC). Regardless of the changes in the name of the space, many police officers still use the two names interchangeably.

In South Africa the CSC is the space where Uniform Branch police officers listen to the complaints of members of the public and then open and complete police dockets if such complaints constitute a recognized crime in the country's criminal justice system. It was in this physical space, which I regarded as a domain, where I recorded three literacy events comprising the core of the ethnographic data of my Master's research.

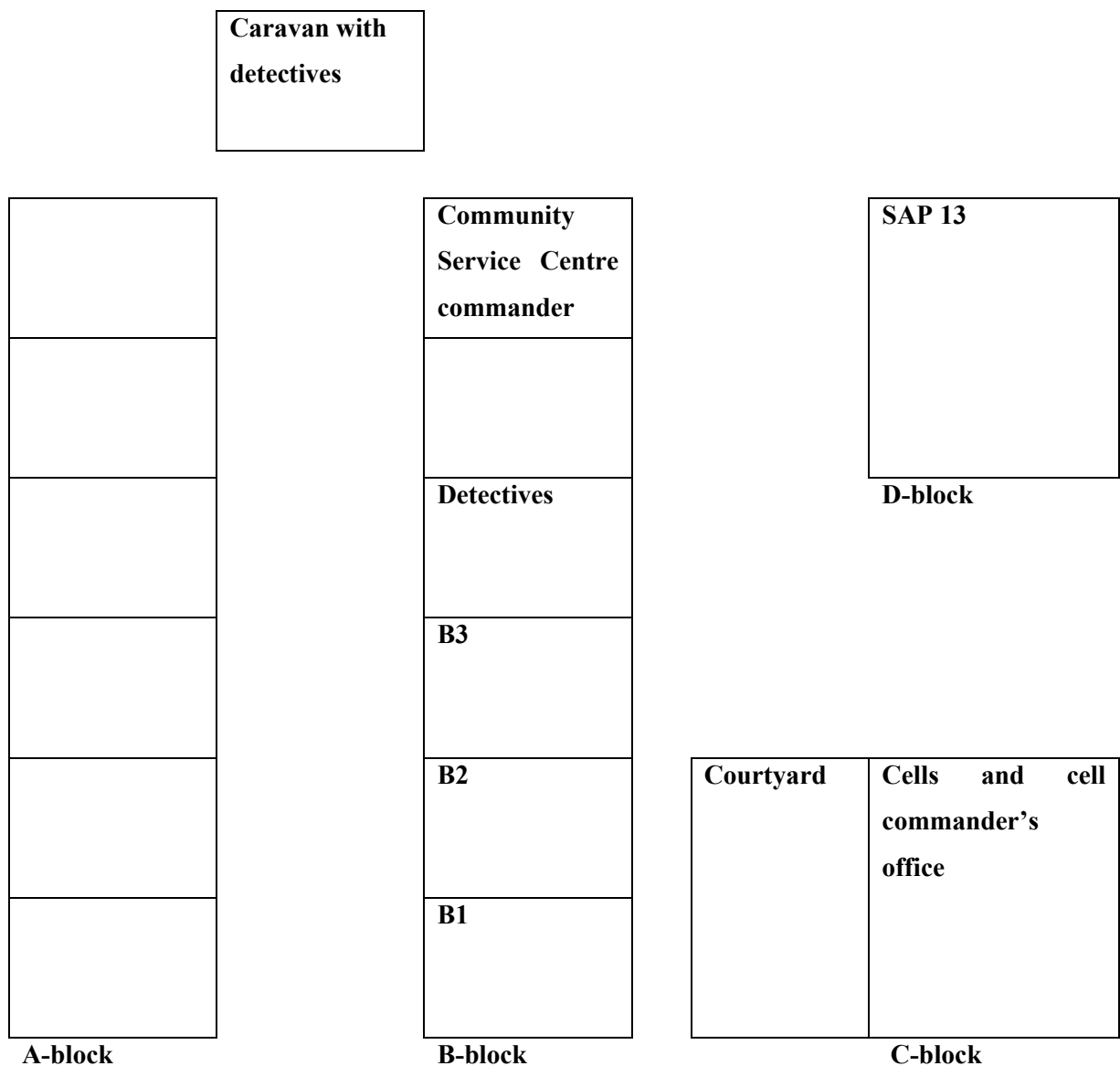


Figure 1: A rough plan of Phatisanani police station

The first literacy event which I documented, involved the opening of a police docket after two men who self-identified as Rastafarians, were arrested, one for possession of marijuana³ and the other for dealing in marijuana. This particular literacy event, which contains most of the salient issues that arose in the other two literacy events, gave rise to most of the theoretical and empirical concerns of my current research. I draw extensively on this literacy event below, to highlight these concerns and to set the agenda for my current research.

The literacy event which *seemed* to have started in the CSC did not end there. Instead, I had to follow the two sergeants, who had arrested the Rastafarians, to the cell commander's office in the C-block of

³ In South Africa marijuana is commonly referred to as “dagga”.

the police station, where it *seemed* that the literacy event came to its end. However this was not the case. One of the anomalies evident in this literacy event was that the literacy event extended beyond the domain of the CSC. A second anomaly was that the marijuana that had been seized during the arrest of the two Rastafarians, did not accompany the police docket, but was taken to the D-block called the SAP 13, where it was subjected to certain bureaucratic procedures before it was stored as evidence (see Figure 1). The SAP 13 is not only a physical space in all South African police stations, it is also an official police form which police officers routinely complete, and include in police dockets after they have collected evidence at a crime scene or have seized incriminating objects in the possession of suspects. These two anomalies, as I discuss more extensively later on, showed that documenting immediate and observable literacy practices could not account for or predict how they extended their sphere of influence beyond what was immediately observable. Furthermore, they also raised questions about what constitutes the boundaries in which literacy events occurred, and what determines the nature and shape of these events and practices in analysis that draw on the founding studies of the NLS.

Analysis of data: Discourse theory and communities of practice

I also drew on discourse theory for the purposes of my analysis because the NLS argued that all social practices and therefore literacy are embedded within particular Discourses (Gee, 1990).

Drawing on the arguments of Wodak (1996) and Sarangi and Roberts (1999), who suggested that any context is constructed and created through discourses, I made the distinction between institutional- and professional discourses. Institutional discourses are those social practices that are authoritatively sanctioned by a collection of formalized rules and regulations specific to a social institution (Sarangi and Roberts, 1999). In the context of the SAPS these would include the bureaucratic procedures, including the formalized literacy practices that police officers are *expected* to draw on. Professional discourses, on the other hand, were seen as a myriad of routinized everyday practices which professionals engage in to accomplish their responsibilities and duties within institutions (Sarangi and Roberts, 1999). In the research, I viewed professional discourses as the recontextualisation or reification of institutional discourses and associated bureaucratic procedures within situated contexts such as Phatisanani police station. The recontextualisation of institutional discourses, I argued, gave rise to the everyday observable literacy practices of police officers in situated contexts and domains such as the CSC of Phatisanani police station.

Sarangi and Roberts (1999:16) argued that ‘professional and institutional discourses share ways of constructing truth out of rhetoric and of developing rituals which both create and legitimate the practices of a profession and the institution’. I proposed that the discursive construction of truth and social practices of a particular profession could only be realized when the interaction between

institutional and professional discourses did not lead to institutional conflict. When conflict occurs it often meant that professional and institutional discourses were incommensurable. Wodak (1996) claimed that although most cultural approaches to the study of organisations work from the premise of shared meaning and sense making, they do not account for the conflicts which shape social interaction and practices inside these organisations. Therefore Wodak (1996:9) argued that the social interaction and practices as well as the corpus of formalized rules and regulations of institutions are characterized by conflicts or by ‘disorders of discourse’. This rang true for my Master’s research, as the analysis of the literacy events clearly showed that in Phatisanani police station police officers had multiple interpretations (depending on their own socialization into the SAP during the apartheid era) of the SAPS’s formalized rules and regulations, which in turn shaped the very nature of the literacy practices of the police station. This heterogeneity in literacy practices in the police station is an important issue which I discuss in more detail later on in this chapter.

Sarangi and Roberts (1999) and Cicourel (1985) argued that an ethnographer is involved in a variety of contexts which are embedded one within another – including the wider historical processes shaping institutional contexts. Cicourel (1985:182-183) suggested that ‘[r]esearch based on data sources that are limited to single utterances, or conversational or discourse materials that are not ethnographically contextualized, or fragments of written texts, do not clarify the interacting between schematized and locally produced knowledge’. To understand the broader social contexts that impinged on the three literacy events and text production in Phatisanani police station, and how these contributed to disorders of discourses, it became necessary to identify historical shifts in institutional discourses that had shaped and are still shaping the professional discourses of police officers in pre- and post-apartheid South Africa. I proposed four moments of discursive shifts in South African policing across particular, broad historical periods. These were the Union years (1910 to 1947), the apartheid years (1948 to 1990); the years when F.W. de Klerk was president (1990 to 1994) and the post-apartheid years (1994 to the time of writing the thesis, in the early-to-middle 2000s). I identified four institutional discourses characteristic of these four historical periods, namely ‘the frontier’-, ‘the Volk’-, ‘the emerging human rights’- and ‘the human rights’ institutional discourses respectively (see Arend, 2005).

Furthermore, I became particularly interested in what effects of such shifts in institutional discourses could be detected at Phatisanani police station, within the context of the rapid social and political changes that South Africa experienced after the 1994 democratic elections. Questions such as “What shifts, and traces of previous orders, were to be seen in the professional discourse of the police station; the identities of police officers and their literacy practices; and the bureaucratic texts that formed part of the SAPS?” These became an important guiding factor in the analysis of data. Drawing on Gee’s

(1990) arguments around the acquisition of a Discourse and its associated literacy practices, I suggested that exclusion from the social practices and therefore the literacy practices of the professional discourse meant that an individual would never become a full member of a discourse community. They would remain an “outsider” or a “non-member” of a discourse. Corresponding to Gee’s arguments on Discourse, Lave and Wenger (1991:64) argued that when individuals want to acquire the discursive practices or professional discourse of a community of practice, they *must* be recognized as legitimate peripheral participants engaged in on-going practice, so that the learning identity of ‘newcomer’ or apprentice could be transformed into that of full participant or ‘master’ of a community of practice.

In the analysis of three literacy events, I drew a distinction in the thesis between insider and outsider police officers, in terms of their level of socialization into the professional discourse of the SAP and their acquisition of its associated literacy practices. Insider police officers, I argued, were police officers who had received at least six months of formal training at the four racially defined police training colleges in South Africa during the apartheid era. Although the socialization of Whites, Blacks, Coloureds and Indians was racially defined and took on a character of their own, they were all trained in the literacy practices and bureaucratic procedures of the SAP. Outsider police officers, on the other hand, were those police officers who belonged to a special unit called the *kitskonstabels* (translated as instant constables – drawn from the familiar South African term *Kits Koffie* or Instant Coffee). Their formation and socialization took on a character separate from that of the ordinary rank-and-file discussed earlier.

Starting in September 1984, South Africa experienced a wave of political uprisings that spread rapidly to all the townships. On 12 June 1986, a national State of Emergency was declared, after the townships had become ‘no-go areas’, and the SAP, in conjunction with the South African Defence Force (SADF), could only patrol the townships in armoured vehicles (Institute of Criminology, 1990:5). Anti-apartheid organisations locally and internationally rallied around a ‘troops out’ campaign in the townships (Brogden and Shearing, 1993:83). It was in this political climate of unrest that the *kitskonstabels* were introduced into the SAP in September 1986, their formation linked to the SAP’s experiences in training and deploying Black counter-insurgents during the counter-insurgency wars against anti-apartheid forces on South Africa’s borders.

Brogden and Shearing (1993:83) argue that the major advantage of the *kitskonstabels* was that they were inexpensive, while still fulfilling their counter-insurgency role. Instead of receiving a monthly salary like the ordinary rank-and-file of the SAP, *kitskonstabels* were paid on a daily basis. Therefore, if they stayed absent on a day they would receive no pay for that day. They qualified for no benefits and no sick or annual leave, and could be dismissed without receiving prior notice from the SAP’s

management. Coupled with the lack of these basic employment rights, there existed no career structure for *kitskonstabels* in the SAP (Brogden and Shearing, 1993). Their peripheral existence in the SAP was not only evident in these unfair labour practices but also in their uniform – one- or two-piece royal blue overalls, peak caps and blue, black or brown boots – which made them easily distinguishable from the ordinary rank-and-file (see Figure 2 below). In summer they were allowed to wear royal blue short-sleeved shirts and in winter, a royal blue duffel-jacket (Institute of Criminology, 1990:13).



Figure 2: *Kitskonstabels* on parade wearing their two-piece royal blue overalls

Security around the recruitment of *kitskonstabels* was very tight, and in some townships people were not even informed about the type of employment for which they were being recruited. An officer at Phatisanani police station told me that SAP recruitment officers drove around Khayelitsha and other townships with loudhailers announcing that the SAP was looking for people who were interested in working for the SAP. This unorthodox form of recruitment attracted individuals who were living on the fringes of mainstream society, whilst others were already involved in criminal activities and prone to violent behaviour. Although ninety percent of the *kitskonstabel* recruits were Black males, some Coloured males and one White male were also recruited as *kitskonstabels*. “Yes, there was one White who was recruited as a *kitskonstabel*, but he was slow. If you take two seconds to sign your name, he would take five minutes. He was mentally retarded. He is still working in the police and has been promoted to the rank of sergeant,” said one officer at the SAP’s provincial offices during an interview

for my previous research. In some cases recruits were only told they would ‘get plenty of money’ (Brogden and Shearing, 1993:84). *Kitskonstabels* did not need any formal educational qualifications and many of them could neither read nor write. Therefore all their training lectures were given orally.

Everything they learn is drummed into them and they are fully competent to carry out their tasks once they leave the centre...A number of the students are illiterate and thus all information that is given has to be of an oral nature. Repetition is the key word. Each student is tested very thoroughly in all aspects of the work, but obviously the tests are all oral (Institute of Criminology, 1990:120).

The SAP did not see the lack of formal schooling amongst the *kitskonstabel* recruits as a major problem but complained about their lack of discipline and non-military conduct. Major J.B. Smith, who used to be the commanding officer at the Koeberg Training Centre in Cape Town where the *kitskonstabels* were trained, complained that ‘[t]he staff members are faced with a particular challenging task’ because ‘[t]he students under their care are mostly undisciplined and unfamiliar with a military style set up’ (Institute of Criminology, 1990:12).

Topics covered in training included crime prevention, riot control, weapons safety and handling legal aspects of arrest, searches, roadblocks and the use of weapons, foot drill, and lectures on misconduct. “They were trained in using the 9mm, the shotgun, the tonfa⁴ and they were given lectures on the law. How they were tested I don’t know, but as you can see it could never prepare them for police work,” said one Coloured police officer working at the provincial offices of the SAPS during an interview. *Kitskonstabels* were trained for only six weeks after which they were expected to be familiar with all relevant aspects of policing. It is, therefore, no wonder that *kitskonstabels* were notorious for displaying more ignorance of basic criminal procedure, legal rights of citizens and the use of firearms than the traditional police officer. When some *kitskonstabels* were asked how many times they had practised using firearms, they said: ‘Four times. We shot at boards. In total we fired only sixteen shots in those six weeks’ (Institute of Criminology, 1990:12).

The apartheid state claimed that the *kitskonstabels* had been deployed in urban and rural townships to “stop unrest”, “maintain law and order” and “prevent crime”. From the first weeks of their deployment serious abuses involving *kitskonstabels* were reported, including fatal shootings, violent attacks on the public, sexual and verbal abuse, harassment and drunkenness on duty.

⁴ A baton used in the Far East and in the martial arts.



Figure 3: *Kitskonstabels* being deployed in the townships during political unrest in the 1980's

Brogden and Shearing (1993:83) argue that the apartheid state used the *kitskonstabels'* excesses as merely further examples of what was then referred to as 'black-on-black' violence. Through their formation the apartheid state could easily obscure its own role in the political unrest and hide its racist nature, where non-Black police officers and soldiers were used to suppress the political uprisings in the townships. They further suggest, that by using the *kitskonstabels* the impression was created, that "law-abiding, moderate" Blacks supported the White regime. Although both insiders and outsiders were socialized differently, a common feature of all those who entered the SAP was to protect and ensure the continued existence of the apartheid state – a feature of the institutional- and professional discourses of the SAP at the time, and which made the two discourses compatible.

In keeping with the theories of 'first'- and 'second generation' Literacy Studies, I claimed that the processes shaping literacy practices were not only internal to the individual, but could also be seen as part of the social processes which linked people to one another through shared cognition (Barton and Hamilton, 2000) or through the shared meaning and sense making (Wodak, 1996) that characterize the inner workings of formal organisations. Barton and Hamilton (2000) also argued that many literacy events are routinized phenomena and that these may form part of the formal procedures and expectation of institutions such as the SAPS. Moreover, as suggested by NLS scholars and by

Bourdieu (1991), social practices, and therefore literacy practices, are shaped by social rules that determine the use and distribution of texts. For Bourdieu, and for three generations of Literacy Studies researchers, social practices refer to common practices that exist amongst people within particular contexts. Therefore, we find the use of the adjective “social” to stress the importance of seeing practices as social in nature. In addition, the notion of “literacy practices” is a derivative of the term “social practices” to emphasize the social nature of literacy. In most NLS work the notion of literacy practices was defined as ‘common patterns in using reading and writing in particular situations’ (Barton, 1994:37). As a consequence, literacy practices are more usefully understood as existing in the relations between people, within groups and communities through participation in distinct discourses or communities of practice, with insiders or full participants who shared homogeneous social practices, rather than as a set of unique properties residing in the individual.

Fairclough (1992) drew a distinction between the meaning potential of a text and its interpretation in various contexts. Thus, he claimed that texts are endowed with meaning potential through past social practices. The meaning potential of a text is generally heterogeneous, having overlapping and sometimes contradictory meanings. Fairclough (1992:75) claimed that interpreters attempt to reduce the potential ambivalence of texts by choosing a particular meaning or a small set of meanings that is shared and understood by a particular social group. Fairclough’s argument was particularly important in a study which focused on texts and literacy practices in institutional settings, such as the SAPS, where common texts, like the police docket, are expected to be shared, produced and interpreted in uniform and standardized ways across contexts by a range of individuals. In my own study, I argued that standardisation was an attempt by the institutional discourses of the SAP and the SAPS to constrain the heterogeneous interpretations and literacy practices, that police officers may draw on during literacy events. Furthermore, I also argued that institutional discourses attempt to shape professional discourses through these official and standardized forms and procedures in local sites in order to create coherence across sites of practice.

I also suggested that this attempt at creating coherence from a distance through the various official forms and their intended interpretations demonstrated Foucault’s notion of governmentality. Foucault (1991) demonstrated governmentality through the metaphor of the Panopticon, derived from a prison design by Bentham which allowed for the continuous surveillance of prisoners by the prison authorities. Foucault (1991:200) described the Panopticon as follows:

We know the principle on which it was based: at the periphery, an annular building, at the centre, a tower; this tower is pierced with wide windows that open onto the inner side of the ring; the peripheric building is divided into cells; they have two windows, one on the inside,

corresponding to the windows of the tower; the other, on the outside, allows the light to cross the cell from one end to the other. All that is needed, then, is to place a supervisor in a central tower and to shut up in each cell a madman, a patient, a condemned man, a worker or a schoolboy.

Foucault argued that through the *actual* prison design, the Panopticon with its pervasive and visible presence, the prisoners started to develop attitudes of self-surveillance, an acceptance of the naturalness of self-surveillance and a state of consciousness that assured the permanent, invisible and automatic functioning of power. I argued that the operation of invisible power and the continuous surveillance of police officers at a distance and within situated contexts were made possible through the SAPS's official forms and their associated literacy practices. This became the case, especially after 1994 when the police in South Africa was reconceptualized as a "service" instead of a "force", which resulted in its name changing from the South African Police (SAP) to the South African Police Service (SAPS).

During the apartheid era the bureaucratic procedures and literacy practices expected of police officers, whether insiders or outsiders, were not the most important aspect of their work, as they were expected to ensure the continued existence of the apartheid state – police docket management, for example, was less of a priority. Insiders and outsiders were allowed and encouraged to use excessive force without following the procedures expected of traditional police officers. In essence, this state sanctioned violence meant that police officers were allowed to act with impunity as they were guaranteed immunity from prosecution for their actions by the apartheid state. However, the shift from a "force" to a "service" in post-apartheid South Africa, meant that many of the police forms and texts, that were around during the apartheid era, now carried different meanings at the institutional level *and* at the professional level for some police officers. These texts were now used by the state for purposes of policing police officers, to get them to take on board the principles and practices of democracy and human rights as part of their professional discourse and its associated social practices.

I argued in the thesis that after the SAP became the SAPS, texts and their literacy practices became more of an integral part of the everyday bureaucratic procedures of a police officer than in the past, as the new democratic government worked towards ensuring that a democratic ethos permeated all government institutions. In this political climate and due to the shift in institutional discourses, official forms and their bureaucratic procedures, and therefore literacy in the SAPS took on more of a panoptic quality than before. While collecting my data, police officers at Phatisanani police station would often mention that they followed "proper procedures" by completing official forms and making entries in notebooks and police diaries "to cover" themselves, in the event that police misconduct was investigated by the state. When the SAP became the SAPS, police officers were expected to perform

certain literacy practices, such as reading an arrested person his or her constitutional rights and conducting investigations without coercing confessions out of suspects (a practice not uncommon during the apartheid era).

The Panoptic quality of literacy was shown in the analysis in my Master's thesis of the first literacy event where one of the arresting police officers, whom I identified as an insider, had asked one of the Rastafarians what his nationality was, while the officer was completing the fingerprint form that was included in the police docket (see Figure 4.1 on the following page). The Rastafarian answered that he was a "Rasta". The police officer, who became visibly agitated, replied that he had never heard of such a nation and that no such category existed in the SAPS. He went on to ask the Rastafarian what language Rastas spoke and the latter answered "Rasta". After the police officer went into a lengthy and tedious discussion as to the legitimate existence of the category "Rasta", the Rastafarian, who realized that the officer was not going to accept "Rasta" as a nation nor as a language, decided to concede that he was a Xhosa, who spoke Xhosa as can be seen in Figure 4.2.



VINGERAFDRUKVORM

FINGERPRINT FORM

PLEK WAARHEEN SAP 89 VERSEND MOET WORD
PLACE TO WHICH SAP 89 SHOULD BE FORWARDED.

MERK TOEPASLIKE BLOK MET 'X' • MARK APPLICABLE BOX WITH AN 'X' (ANDER—MELD / OTHER—MENTION)

A. BESONDERHEDE VAN BESKULDIGDE
PARTICULARS OF ACCUSED

BEVOLKINGSGROEP
POPULATION GROUP

SWART
BLACK

WIT
WHITE

KLEURLING
COLOURED

INDIËR
INDIAN

GESLACHT
SEX

M
M

SLEGS VIR KRS • FOR CRC ONLY

KR NOMMER
CR NUMBER

VA No. [] [] [] []
FP No. [] [] [] []
IPS 929

--	--	--	--	--	--	--	--	--	--

MERK TOEPASLIKE BLOK MET 'X' • MARK APPLICABLE BOX WITH AN 'X'

TIPPE IDENTIFIKASIE
TYPE OF IDENTIFICATION

IDENTITEITSDOKUMENT
IDENTITY DOCUMENT

PASPOORT
PASSPORT

ANDER—MELD TIPPE
OTHER—MENTION TYPE

IDENTIFIKASIE No.
IDENTIFICATION No.

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GEBOORTEDATUM
DATE OF BIRTH

19700323

VAN
SURNAME

[REDACTED]

NAAM
NAMES

[REDACTED]

ALIASSE
ALIASES

[REDACTED]

LAND VAN GEBOORTE
COUNTRY OF BIRTH

RSA

1	2	3	4	5
DUM THUMB	WYSVINGER FOREFINGER	MIDDELVINGER MIDDLE FINGER	RINGVINGER RING FINGER	PINKIE LITTLE FINGER
REGTERHAND RIGHT HAND				LINKERHAND LEFT HAND



LINKER-REGTER-THUMB
LEFT-RIGHT-THUMB

SLEGS VIR KRS GEBRUIK
ONLY FOR CRC USE

REGTER-REGTER-THUMB
RIGHT-RIGHT-THUMB

B. STASIEBESONDERHEDE
PARTICULARS OF STATION

DATUM VINGERAFDRUKKE GENEEM
DATE ON WHICH FINGERPRINTS ARE TAKEN

20000709

STASIE
STATION

[REDACTED]

MAS-AR No.
CAS-CR No.

107/2000

SANKLASIE
CHARGES

POSSESSION AND DEALING WITH DAGGA

DATUM VAN AANVAARDING VAN DIE FORMULIER
DATE WHEN THE FORM WAS COMPLETED

20000704

SAP 184 No.

Figure 4.1: Fingerprint form (unpublished thesis, 2002:124)

VINGERAFDRUK No. JAAR YEAR
 FINGERPRINT No. 2000

SAP 76

C. ALGEMENE INLIGTING VAN BESKULDIGDE
GENERAL INFORMATION OF ACCUSED

NASIONALITEIT NATIONALITY **XHOSA** GEBORTEGEBIED TOWN OF BIRTH **ZWELITSHA**
 HOOFMANSKAPTEIN HEADMAN/CHIEF **NIA**
 VOORKEURTAAL LANGUAGE PREFERENCE **XHOSA** AMBAAG/BEROEP TRADE/OCCUPATION
 JONGSBEKENDE ADRES LAST KNOWN ADDRESS
 NAASBESTAANDE (NIE BY ONSSELFDE ADRES) RELATIVE (NOT AT SAME ADDRESS) VERWANTSKAP RELATIONSHIP **Cousin**
 ADRES VAN B.G. NAASBESTAANDE ADDRESS OF ABOVE RELATIVE

BESKRYWING VAN BESKULDIGDE
DESCRIPTION OF ACCUSED

LENGTE HEIGHT **18** m. GEWIG WEIGHT UITERS OORGEWIG EXTREMELY OVERWEIGHT NORMAAL NORMAL UITERS SKRAAL EXTREMELY SLENDER

HAARKLEUR COLOUR OF HAIR **BLACK** KLEUR VAN OÊ COLOUR OF EYES **BLACK & WHITE**

BAARD BEARD NEE NO SNOR MOUSTACHE JA YES NEE NO BRIL SPECTACLES JA YES NEE NO

TATOEERMERKE (INDIEN NODIG, GAAN VOORT OP FOLIO) TATTOO MARKS (IF NECESSARY, CONTINUE ON FOLIO)

PLEK OP LIGGAAM PLACE ON BODY	BESKRYWING DESCRIPTION
NIA	NIA

VERGROEISELS/LETSELS/DEBREKE (INDIEN NODIG, GAAN VOORT OP FOLIO) COALESCENCES/SCARS/DEFORMITIES (IF NECESSARY, CONTINUE ON FOLIO)

PLEK OP LIGGAAM PLACE ON BODY	BESKRYWING DESCRIPTION
NIA	

SPRAAKAFWYKINGS EN OF -GEBREKE (INDIEN NODIG, GAAN VOORT OP FOLIO) SPEECH DEFECTS AND/OR ABNORMALITIES (IF NECESSARY, CONTINUE ON FOLIO)

HAKKEL STUTTER	BRY BURR	LISPEL LISP	STOM MUTE	ANDER-MELDING OTHER-MENTION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

D. BESONDERHEDE VAN ONDERSOEKBEAMPT
PARTICULARS OF INVESTIGATING OFFICER

ONDERSOEKBEAMPT INVESTIGATING OFFICER
 VOORLETTERS EN VAN INITIALS AND SURNAME
 RANG RANK
 PERSALNOMMER PERSAL NUMBER
 TELEFOONKODE TELEPHONE CODE
 TELEFOONNOMMER TELEPHONE NUMBER

E. ALGEMENE INLIGTING
GENERAL INFORMATION

VOORIGE SAP KRS VERWYSINGSNOMMERS PREVIOUS SAP CRC REFERENCE NUMBERS
 MERK TOEPASLIKE BLOK MET 'X' MARK APPLICABLE BOX WITH AN 'X'
 IS SAP 76A VOLTOOIEN AANGEGHE? IS SAP 76A COMPLETED AND ATTACHED? JA YES NVT NA

F. SERTIFIKATE EN HANDTEKENING
CERTIFICATES AND SIGNATURES

RANG RANK PERSALNOMMER PERSAL NUMBER
 HANDTEKENING VAN BEAMPT WAT VINGERAFDRUKKE NEEM EN VORM VOLTOOI SIGNATURE OF OFFICIAL, TAKING FINGERPRINTS AND COMPLETING THE FORM
 HIERAAN SERTIFISEER EK DAT VORM GEKONTROLEER IS EN DAT DIT BEHOORLIK VOLTOOI IS I HEREBY CERTIFY THAT THIS FORM HAS BEEN CHECKED AND PROPERLY COMPLETED
 RANG RANK PERSALNOMMER PERSAL NUMBER
 HANDTEKENING VAN BEVEL VOERDER SIGNATURE OF COMMANDER
 HIERAAN SERTIFISEER EK DAT BOVENWELDE INLIGTING OOR MY WAAR EN JUIS IS I HEREBY CERTIFY THAT THE ABOVE INFORMATION CONCERNING ME, IS TRUE AND CORRECT
 HANDTEKENING VAN BESKULDIGDE GEVANGENE SIGNATURE OF ACCUSED/PRISONER

Figure 4.2: Fingerprint form (unpublished thesis, 2002:126)

The sergeant's refusal to accept the category of "Rasta" as a legitimate race category, demonstrated how texts in situated contexts have to be interpreted in narrow ways so that they make sense within the social contexts where they are located and used. In addition, this process which occurs in situated practice is part of a larger form of social ordering, to create coherence across sites of practice, in instances where the same text is handled across contexts by various heterogeneous individuals. In the case of the criminal justice system the police docket traverses several sites and is handled by a number of heterogeneous individuals, including Uniform Branch police officers, detectives, prosecutors, magistrates and defence attorneys. Therefore, texts such as police dockets and all the texts that are included within them, are expected to carry certain "stable" and "narrow" meanings, trans-contextually. This was one of the features of this literacy event where categories of crimes ("possession of marijuana" and "dealing in marijuana") and nationalities (Xhosa) were quite specific and narrowly defined. Therefore, I argued that these attempts by the institutional discourse, to constrain and shape the literacy practices of the professional discourse of police officers in situated contexts such as Phatisanani police station, demonstrated the automatic functioning of power through the Panoptic quality of the official forms that police officers had to complete.

But this literacy event also indicated that the shared cognition (Barton and Hamilton, 2000) and sense making (Wodak, 1996) did not exist uniformly amongst insiders at Phatisanani police station, because insiders themselves differed on the appropriate literacy practices in literacy events. In this literacy event the cell commander, who was an insider, told the two Uniform Branch police officers who had arrested the two Rastafarians that they had to complete warning statements and include these in the police docket. However, a detective, also an insider, who had walked in while the cell commander was giving the two officers this advice, differed with him. Instead, he said that the two officers should not complete warning statements as this was the duty of the detective who would be investigating the charges against the two accused. When this detective left the cell commander's office, the cell commander told me that he knew that the two arresting officers should have completed the warning statements, as these texts would have aided in court proceedings and in a speedy prosecution. The cell commander noted that although this detective had been in the SAPS for almost fifteen years, he did not know what texts should be included in a police docket. He told me that "unproductive" police officers such as this detective, as well as corrupt police officers, were redeployed from well-resourced police stations in affluent areas to police stations in Black townships, such as Phatisanani as a form of punishment and as an end to promotion in the SAPS. Whether the reason for the redeployment of police officers from well-resourced police stations to the townships, after the 1994 elections, was a form of punishment was true or not, this interaction showed that insiders differed amongst themselves on the literacy practices of the SAPS.

Furthermore, as can be seen in Figure 4.2, the insider police officer classified the arrested person's eyes as 'black and white' instead of 'black' as would have been expected within the context of western criminal justice systems. Thus, this literacy event highlighted the heterogeneity of literacy practices in situated contexts and amongst a social group, that was perceived as socially homogeneous.

Conclusions of the research

The overarching conclusion of the research which was mostly captured by the events in the literacy event drawn on above, was that the gap between past and present literacy practices in the SAPS existed due to a 'disorder of discourses' (Wodak, 1996), that manifested itself in different ways as part of situated literacy practices in the police station.

Firstly, I argued that at one level this disorder became apparent in the tension and incommensurability between the institutional discourse of human rights which emerged and gained dominance at the level of the state after 1994, and the professional discourse of police officers at Phatisanani police station. As I described above, in the apartheid years police officers' time was spent mostly on protecting and ensuring the continual existence of the apartheid state and therefore professional discourses at the time mirrored compatibility with an institutional discourse aimed at protecting apartheid policies in South Africa and ensuring the continued dominance of Afrikaner nationalism.

Secondly, I argued that during the apartheid era the way in which police officers were initiated into the professional discourses of the police assigned them either an insider or an outsider identity. Outsiders like the *ex-kitskonstabels* who were "integrated" into the SAPS after 1994, were expected to function as insiders even though they had been excluded from the social practices of the professional discourses of insider police officers during the apartheid era. The literacy events and the interaction between insiders and outsiders showed that the peripheral identities of *kitskonstabels* were never recognized or legitimized to allow for full participation in the literacy practices of the professional discourse of the police station. I argued that this failure to legitimate *ex-kitskonstabels*' peripheral participation in the literacy practices of the professional discourse at Phatisanani police station was another factor that contributed to the disorder of discourses.

As I have stated before, the research also showed there were differences in literacy practices amongst insiders at Phatisanani police station. Rogoff and Lave (1984) along with Scribner and Cole (1981) suggested that skills acquired in one social context are substantially different from those acquired in another – I applied the same argument to account for the third factor that contributed to the disorder of discourses in the police station. I argued that the redeployment of insider police officers from the

context of one police station to that of Phatisanani police station brought with it the movement of various literacy practices across sites of practice or trans-contextually. Redeployment of police officers resulted in the recontextualisation of various literacy practices in the context of Phatisanani police station.

My Master's research has shown that at Phatisanani police station the disorder of discourses was manifested in heterogeneous literacy practices and text production within and across domains, between insiders and insiders, and between insiders and outsiders. However, the police station could *still* offer a service to the community, regardless of the disorder highlighted in the study's literacy events. Arrests were still made, criminals were still being brought to book and many investigations did ultimately lead to successful prosecutions. At the time, I thought that there must have been ways in which the disorder was normalized or "corrected" when police dockets travelled across contexts and through the criminal justice system. However, the scope of my research did not allow me to explore how disorder, as that which I have highlighted above, was normalized in a formal institution such as South Africa's criminal justice system.

At the end of my Master's thesis I wrote the following comment:

I was located in the CSC of Phatisanani police station and could not trace [police] dockets from the CSC into other spaces of the police station [and therefore future] research [should focus on] how [police] dockets are reworked or recontextualized from one space to the other. [Such a research focus] would provide for invaluable insights into how the disorder [] is "normalized" at the station. [] Future research should focus on the social processes involved in the normalization of the disorder at the station in relation to the bureaucratic practices and its associated literacy practices across the different spaces of the station (unpublished thesis, 2002:158).

The quote underscores a number of questions. If texts do carry with them intended *and* unintended effects trans-contextually, how are these effects constituted within and across contexts? How is order created in and across contexts in an institution characterized by heterogeneous literacy practices that often seem to contradict one another? And lastly, how is order created across contexts when the same police docket is used and shaped through these heterogeneous literacy practices by heterogeneous individuals? Thus at the heart of the above quote and the questions is a concern with how order or coherence is created in and across spaces that dovetail as part of the criminal justice system. This issue provides the basis of the discussion below.

New theoretical and empirical directions for my current research

In what follows, I discuss some of the salient theoretical and empirical issues that have emerged from my previous study, and which form part of some of the new directions I take in this research. These new directions centre on a re-conceptualisation of several concepts: context in as far as it was divided into domains of literacy engagement; literacy events as walled in, insular and separate from other literacy events; the problematic of the insider versus outsider to a discourse or the master versus newcomer dichotomy to a community of practice; and the involvement of human and nonhuman entities in literacy practices and the production of texts. By re-conceptualising these notions and the questions posed earlier, I lay the foundation for the theoretical and empirical directions of my current research. I also introduce, albeit briefly, the notion of “configurations of material-semiotic relations” (an important concept in this study), which I argue are produced when human and nonhuman entities are associated in particular ways during literacy events and text production which can have ordering effects in and across contexts.

Context, literacy events and domains: The trans-contextual nature of literacy and texts

One of the important questions that arose from using literacy events as a unit of analysis in my Master’s research, and as was theorized in first and second generation ethnographic research of the NLS, was how the literacies in these settings were shaped in ways that were not visible in a study that focused on local productions of texts and literacy practices. Using the notion of literacies associated with different domains of life meant that domain specific literacies have been separated from and been impermeable to literacy practices occurring in other domains. As discussed earlier, context became an important aspect of my Master’s research as I found that contexts such as the historical-, political- and social contexts over and above that of the local context of the police station, had a direct effect on and shaped the literacy practices and social interaction of police officers at Phatisanani police station. But grounding the study of literacy within a physically bounded context through the notion of domains meant that *context* was theorized as the *here-and-now*. I found myself “geographically trapped” and therefore limited, while the written texts, such as police docketts produced through domain-bound literacy practices, had the “institutional freedom” to traverse, operate and have effects in multiple social spaces in the criminal justice system. In essence, the way in which first and second generation Literacy Studies theorized context “walled” the researcher in and walled out the complexities (evident in the discussions and questions raised above) in which literacy and text production are embedded.

Current third generation literacy research has shifted focus from print based literacies and verbal communication to electronic and multimedia literacies and multimodality respectively (Baynham and Prinsloo, 2009). In addition third generation research has started to question what was walled in and

what was walled out, in the way context was understood and theorized in earlier research (see Clarke, 2008; Bartlett, 2008; Kell, 2006; Leander and Lovvorn, 2006). Baynham and Prinsloo (2009) argue that the notion of “literacy event” assumes clearly identifiable social practices linked to an event, and walls the researcher in so that he or she can only observe immediate social practices as the here-and-now, and therefore context is assumed to be fixed and stable. They suggest that to understand texts and literacy practices, we need to move beyond what is immediately observable – the local – and consider how these were produced by bigger social dynamics that started from outside the local setting. Barton (2001), revisiting his notion of literacy events as one of the conceptual issues of third generation Literacy Studies, argues that his original notion, as discussed earlier, has to be broadened to events focusing on talk around a text, events that include talk about a text and events where no talk is evident. He suggests that events can be serial, coordinated and chained. Furthermore, the new directions of third generation Literacy Studies as noted by Baynham and Prinsloo (2009:4) have now ‘become increasingly aware that the focus on literacy practices as located in immediate social, cultural and political contexts has to be tempered with a sense of how remote sites, and remote literacy practices shape and constrain local literacy practices’. Although I discuss the schism between the local and the global below, I do a more extensive discussion of this divide in Chapter Three.

Similarly Gee (2008) argues that semiotic domains with all their characteristics such as language, literacy practices and texts, have an important property of interconnectedness that need to be researched in order to understand the trans-contextual nature of literacy. He suggests that any semiotic domain is connected to others in a myriad of complex ways, such that one domain can order the literacy practices and text production of a number of other domains. However, I want to suggest here and as I will argue further on and in chapters to follow, that strategies of ordering do not always produce the intended ordering effects. Law (1994) suggests that the strategies to order the social are purely *attempts at ordering* because their effects are not always predictable. He refers to these strategies as ‘modes of ordering’ which he describes as ‘self-reflexive strategies for patterning the networks of the social’, one of the primary projects of modernity (Law, 1994:20). Texts and literacy practices and the modes of ordering which produce them in one local site, can therefore have far reaching intended, as well as unintended effects, that can extend beyond what is immediately observable. I discuss modes of ordering in greater detail below and in the chapters to follow.

The interconnectedness of situated contexts and the intended or unintended ordering effects of their literacy practices *are* significant features of South Africa’s criminal justice system. While collecting data in Phatisanani police station I had the opportunity to speak to detectives who, out of sheer frustration, used to refer to police dockets that travelled from the CSC to their domain as “brown donkeys”. This metaphor, which implies burden, hard labour and often a lack of understanding of how literacy and literacy practices have a trans-contextual quality, was appropriate because police

dockets that have been incorrectly completed by Uniform Branch police officers, carried unintended ordering effects in the form of extra work when they travelled from the CSC to the Detective Branch of the police station. Often detectives had to redo police dockets which included searching for witnesses and retaking their witness statements. The original and problematic witness statements would often contain a number of contradictory statements and if these were left as is, the contents of the police docket would have impacted negatively on a successful prosecution further down the line in the criminal justice process (I explain the “criminal justice process” more extensively in Chapter Three). When detectives eventually succeeded in tracking down witnesses, their initial account of the crime would often differ considerably from the one taken by the detectives, partly because of the time that had elapsed since the crime had been committed.

Brandt and Clinton (2002) have raised concerns over the theoretical divide between the local and the global or the micro and the macro contexts as was theorized in first- and second generation Literacy Studies. They note:

[...] we wonder if the new [social practices] paradigm sometimes veers too far in a reactive direction, exaggerating the power of local contexts to set or reveal the forms and meanings that literacy takes. Nor are they independently chosen or sustained by them. Literacy in use more often than not serves multiple interests, incorporating individual agents and their locales into larger enterprises that play out away from the immediate scene (Brandt and Clinton, 2002:338).

Paradoxically, they argue that the NLS, in its efforts to expose the assumptions of Great Divide Theorists, has created its own ‘tacit great divide’ by separating the local from the global, agency from social structure and literacy from its own technologies (Brandt and Clinton, 2002:338). They argue that this divide as a response to theorists with an autonomous view of literacy, has given rise to empirical and theoretical blind spots that do not necessarily provide a comprehensive account of literacy, as situated practice in and across contexts.

What appears to be a local event also can be understood as a far-flung tendril in a much more elaborate vine. The perspective we are advocating would allow us to acknowledge the heavy hand literacy has had in building networks across time and space – in de-localizing and re-framing social life – and in providing the centralizing powers by which larger and larger chunks of the social world are organized and connected (Brandt and Clinton, 2002:347).

Furthermore, in their critique of the NLS, Brandt and Clinton (2002) argue that although we should acknowledge the importance of local contexts, they suggest that the local and the global are not two

separate and bounded realms. To dissolve the schism between the local and the global, they suggest that literacy practices should be studied not only as local practices (as was the case in first- and second generation Literacy Studies), but also as part of building networks that extend across time and space in order to emphasize their trans-contextualising characteristics and their ability to remain durable and have effects across contexts. However, Brandt and Clinton do not theorize what constitutes the local and the global adequately, in order to understand the trans-contextual movement of literacy.

Similarly, Kell (2006) also argues that the way in which ethnography was harnessed in the NLS to study literacy within communities and domains – communities and domains constructed by the researcher as bounded and impermeable – may have hampered our understandings of how literacy practices and texts flow from immediate observable locales to other distant locales. These arguments hold similar concerns explored in my Master’s research, where I could understand local literacy practices and the literacy events only by considering how the four historical periods, mentioned above, shaped the local context and its associated literacy practices. However, this lens could not account for the effects texts and literacy practices carried trans-contextually, beyond the immediacy of what was observed and documented in real time.

The new conceptualisation of literacy events as discussed above also meant that the world outside the police station’s walls had ordering effects on the production of texts in the local site of Phatisanani’s CSC. This becomes evident in Figure 4.2 where the police officers had to fill in the colour of the eyes of one of the arrested Rastafarians. Instead of writing “black” as would have been the more appropriate and conventional western classification of the eyes, and in contexts such as South Africa’s criminal justice system, the police officer who I identified as an ‘insider’ wrote “black and white”. The other police officer, who I identified as an ‘outsider’, copied the ‘insider’ and also wrote the same description of the eyes for the second Rastafarian. Although I did not ask the insider why he had written “black and white” instead of “black”, such a question might have revealed how practices from outside had effects on the production of the police docket in this literacy event. Also, if I had to spend some time finding out why the Rastafarian wanted to classify his nationality and language in ways that were not recognized by South Africa’s criminal justice system, I might have discovered that his resistance originated from contexts outside what was immediately observable.

Both instances showed how literacy, as argued by Brandt and Clinton (2002), has the ability to build networks across time and space and therefore has effects on literacy and text production in the local site. Although I agree with Brandt and Clinton (2002), they do not clearly outline how networks are built and how they have effects in and across situated contexts. Theoretically and empirically the “network” as used in actor network theory is a useful concept to study and understand the role literacy

plays in building networks that are “stable”, so that they can extend their effects across time and space in formal institutions such as the criminal justice system. Although I refer briefly to this concept below and how it is used in actor network theory, I will discuss, in greater detail in the next and chapters to follow, how networks are built and how they, instead of ‘de-localizing’ situated contexts as argued by Brandt and Clinton (2002:347), can rid Literacy Studies of the schism between the local and the global.

The heterogeneity of insiders and outsiders, their literacy practices and their ordering effects

As was mentioned before, I classified Uniform Branch police officers as either ‘insiders’ or ‘outsiders’ to a discourse (Gee, 1990) or masters and newcomers to a community of practice (Lave and Wenger, 1991) in my previous study. This theoretically constructed divide suggested that newcomers or outsiders who lived on the peripheries of a community of practice or a discourse respectively, had no real ordering effects on the literacy practices of those at the centre of the community of practice or the discourse.

In the case of insiders, the discourse functioned automatically through the way in which insiders “covered” themselves from facing disciplinary hearings by following “proper procedures”, while in the case of outsiders, they were seen as unaware of the panopticism that operated through the texts and the literacy practices of Phatisanani police station. In addition, outsiders were seen as having no effects on the day-to-day functioning of the police station, because they were excluded from the inner workings and the literacy practices of Phatisanani’s professional discourse. Empirically this was obviously *not* the case. Insiders, who were seen as wielding more power, were definitely affected by the literacy practices of those identified as outsiders. Just like insiders, outsiders played a significant role in shaping the professional discourse of the police station. Thus the theoretical divide that suggested the complete dominance of insiders over outsiders or of masters over newcomers, did not exist empirically.

The clear distinction between insiders and outsiders and masters and newcomers also suggested that these groups were internally homogeneous. The divide suggested that individuals share, understand and practise the same literacy practices, and construct and interpret texts uniformly as insiders or masters of discourses and communities of practice respectively. Empirically this was also *not* the case. The literacy event discussed above and the conclusions of the research clearly showed that regardless of how individuals were identified and classified theroretically, individuals differed *and* agreed on the use, construction and interpretation of texts in the SAPS. This phenomenon became evident after the two police officers in the literacy event had completed the fingerprint forms and did not know what to do with the forms. The insider wanted to slip the fingerprint form in his shirt pocket and as the outsider was about to follow suit, the cell commander told them that the forms should be

included in the police docket. Another example of heterogeneous literacy practices mentioned earlier was the unconventional classification of the Rastafarians' eyes as "black and white" by an insider as shown in Figure 4.2. These multiple and contradictory interpretations of texts and bureaucratic procedures and their functions which shaped literacy and text production in the police station, showed the heterogeneous nature of social groups such as Uniform Branch police officers, as well as literacy practices and text production in situated contexts such as Phatisanani police station.

Latour (2005:29) notes that the 'first source of uncertainty' in any sociological inquiry is to be unclear as to what defines a social group. He argues that there is no homogeneous group that comprises the social and therefore 'no established component that can be used as an incontrovertible starting point' (Latour, 2005:29). He critiques the starting points of most academic research where social scientists deem it unavoidable and as part of sound academic practice to identify homogeneous and "neatly packaged" social groups in order to 'limit one's scope' – one of the rights afforded to researchers to define the objects of their research in advance (Latour, 2005:29).

Latour (2005:11) further argues that in situations where social walls are blurred, as was suggested in my previous study, the last thing to do is to 'limit in advance the shape, heterogeneity, and combination of associations'. He further claims that '[i]f the sociology of the social works fine with what has been already *assembled*, it does not work so well to collect anew the participants in what is not – *not yet* – a sort of social realm' (emphasis in original, Latour, 2005:12). Therefore, if we want to widen our theoretical and empirical understanding of literacy in situated contexts, then it is more productive to treat individuals on an equal basis, by discarding the need to lump individuals together as homogeneous groupings and to consider instead the heterogeneous effects they have on literacy and text production in situated contexts and across contexts. This understanding of individuals is not something new to the NLS. First generation research has argued strongly that lumping unschooled adults together as "illiterate" not only homogenises heterogeneous individuals but also suggested that such individuals had no engagement with literacy at all. These studies, as was mentioned earlier in this chapter, documented and proved the heterogeneity of unschooled adults and the heterogeneity of their everyday engagement with literacy, literacy practices and text production.

The heterogeneity of individuals, whether we consider them as newcomers or masters of communities of practice or as insiders or outsiders of discourses, requires us to reconsider our ideas around communities of practice and discourses. In his critique of Foucault and discourses, Law (1994) argues that discourses and their assumed stability do not allow us to tell stories of how they might reproduce themselves differently or interact with each other in heterogeneous ways. He argues that Foucault's notion of discourses rested on synchronism, that is, that 'the same non-subjective strategies instantiate themselves again and again', which gave discourses their recursive and pervasive nature

(Law, 1994:21). Thus Foucault's theory on discourses meant that discourses were already assembled and that these assemblies reproduced themselves unproblematically across time and space to exercise their pervasive power over society. The same can be said of communities of practice as well – they seem to assemble and reproduce themselves unproblematically across time and space. Instead of discourses, Law (1994) proposes the notion of 'modes of ordering'. He argues that modes of ordering operate like Foucault's discourses, but they are not necessarily recursive and pervasive or have *a priori* ordering effects on the social world. Whether they are successful or unsuccessful in achieving intended or unintended ordering effects across time and space respectively, we have to understand how they achieve these effects – both materially and semiotically – as part of networks especially in contexts such as the criminal justice system.

Literacy, texts and other objects and their ordering effects

The ability of texts from the global to have effects on the local has also been taken up by Brandt and Clinton (2002:344) in their critique of the NLS's emphasis on local literacy practices.

[We] want to grant the technologies of literacy certain kinds of undeniable capacities – particularly, a capacity to travel, a capacity to stay intact, and a capacity to be visible and animate outside the interactions of immediate literacy events. These capacities stem from the legibility and durability of literacy: its material forms, its technological apparatus, its objectivity, that is, its (some)thing-ness.

Let us consider a glossy poster on the wall of B1, which I could not find on the walls of other spaces in the police station, in order to discuss the (some)thing-ness of literacy. It depicted a Black male, a Coloured male and a White female officer and carried the following message: "Are your local police doing a good job? Help them do a better job. Let us know – (021) 483 4332". The poster was an attempt to extend the gaze of the "global-us" (the top structures of the SAPS and government) into the local site through the gaze of the "local-you" (the public). In other words, the poster was an attempt at ordering the social practices of police officers by a mode of ordering which "invited" the public to inform on police officers. This mode of ordering had its origins in the transformatory ethos that characterized the public service after the 1994 elections and to hold civil servants accountable for their misconduct or their failure to provide a service to the public.

Modes of ordering do not always have the intended ordering effects. An example of where a mode of ordering did not have an automatic functioning of power was in the literacy event mentioned earlier in which the two police officers were also required to complete the "Notice of rights in terms of the Constitution" forms. The literacy practices surrounding these forms involved informing the two Rastafarians of their rights as enshrined in South Africa's new Constitution (see Figure 5).

SERIAL NUMBER
O 578603

English

NOTICE OF RIGHTS IN TERMS OF THE CONSTITUTION

(SECTION 35 OF ACT NO. 108 OF 1996)

(1) You are being detained for the following reason:

pos of DAGGA

(2) As a person who is detained you have the following rights:

- (a) you have the right to consult with a legal practitioner of your choice or, should you so prefer, to apply to the Legal Aid Board to be provided by the State with the services of a legal practitioner;
- (b) you have the right to challenge the lawfulness of your detention in person before a court of law and to be released if such detention is unlawful;
- (c) you have the right to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate accommodation, nutrition, reading material and medical treatment at state expense; and
- (d) you have the right to be given the opportunity to communicate with, and be visited by, your spouse or partner, next-of-kin, religious counsellor and a medical practitioner of your choice.

(3) As a person arrested for the alleged commission of an offence, you have the following rights:

- (a) you have the right to remain silent and anything you say may be recorded and may be used as evidence against you;
- (b) you are not compelled to make a confession or admission which could be used in evidence against you;
- (c) you have the right to be brought before a court as soon as reasonably possible but not later than 48 hours after your arrest or the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
- (d) you have the right, at the first court appearance after your arrest, to be informed of the reason for your continued detention, or to be released; and
- (e) you have the right to be released from detention if the interests of justice permit, subject to reasonable conditions.

(4) You can exercise all the abovementioned rights at any stage during your detention.

CERTIFICATE BY DETAINEE

I, _____ (name of detainee) hereby certify that I have been informed in _____ (state language) of my rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that I understand the contents thereof.

DATE: 04/07/2000
(Informed)

TIME: 11:00
(Informed)

PLACE: _____
(Informed)

SIGNATURE/THUMBPRINT OF DETAINEE

SIGNATURE OF PERSON WHO INFORMED THE DETAINEE

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of member) hereby certify that _____ (name of detainee) has been informed in my presence in _____ (state language) of his/her rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that the contents thereof has been explained to him/her but that he/she refuses to sign the above certificate.

DATE: _____
(Informed)

TIME: _____
(Informed)

PLACE: _____
(Informed)

SIGNATURE OF THIRD PERSON

Figure 5: Notice of Rights in terms of the Constitution form (unpublished thesis, 2002:130)

Instead of informing the Rastafarians of their rights as arrested persons, the two officers' literacy practices focused on completing the forms and asking the Rastafarians to sign the forms. I remember

one of the Rastafarian asking me what the forms were for, because they had been handed the originals without any explanation as they were being locked up in the holding cells. Completing the forms was seen as purely procedural instead of an essential part of a police service in which the principles of human rights and democracy underscored text production in the local site.

In addition, texts that flow from what is seen as the global to the local are transformed to fit the local context as was evident at Phatisanani police station. Take for example Figure 6 on the following page, which is a notice sent by the SAPS management to Phatisanani police station outlining the bureaucratic procedures to follow for rape cases involving victims fourteen years and older. The handwritten sections clearly juxtaposed against the typed sections involve: renumbering the procedures to follow; informing Uniform Branch police officers what type of police docket to complete; and informing police officers to assign an Occurrence Book (OB) number to the police docket if the Crime Administration System (CAS) is off-line. The CAS is the national data-base which is used to register all police dockets and to assign CAS numbers to them for easy tracking. The OB is sometimes referred to as “The Bible of police officers”. This reference to the Bible connotes the “saving grace” the OB embodies for many police officers. Although the OB is used to document incidents reported by the public that do not require an investigation, it is one of the texts that police officers routinely draw on “to cover” themselves. On one occasion, a senior police officer on night shift duty and in charge of the CSC, documented that a police officer reported drunk for duty in the OB. He told me that he had done this “to cover” himself in the event an investigation was to be launched into the misconduct of his colleague.

The handwritten sections in Figure 6 on the following page showed that literacy or texts do not travel to local sites without being reworked to suit the local context.

From: Monday 26/6.

PROTOCOLS FOR INITIATION OF [REDACTED] CARE CENTRE

Rape Cases: Older than 14.

[REDACTED] POLICE CHARGE OFFICE PERSONNEL:

All sexual assault cases

THIS IS THE NEW PROCESS FOR RAPE CASES 14 YEARS AND OLDER

1. 1. NO REPORT MAY BE DISMISSED. EVERY REPORT MUST BE ACCEPTED.
5. 2. OPEN A ^{sketch} DOCKET AND GIVE IT A CAS NUMBER - or CB number if CFS is off line
3. 3. THIS DOCKET MUST BE GIVEN TO THE EMERGENCY SERVICES TO BE TAKEN TO JOOSTE HOSPITAL
4. 4. DO NOT TAKE ANY DETAILS OF THE RAPE FROM THE VICTIM
2. 5. DIRECT THE VICTIM TO THE COMFORT ROOM
3. 6. INFORM THE VICTIM THAT SHE WILL BE COLLECTED BY A VEHICLE TO TAKE HER TO JOOSTE HOSPITAL WHERE SHE WILL BE ATTENDED TO
4. 7. TELEPHONE THE EMERGENCY SERVICES IMMEDIATELY - 948 9900
8. 8. INFORM THE EMS THAT A RAPE HAS BEEN REPORTED AT [REDACTED] POLICE STATION AND THAT THE EMERGENCY VEHICLE MUST BE SENT TO PICK HER UP TO TAKE HER TO JOOSTE HOSPITAL
9. 9. IF REPORT IS BETWEEN 7AM AND 12 MIDNIGHT TELEPHONE THE NDPP/BJA PERSON ON DUTY AND INFORM HER/HIM TO ATTEND AT JOOSTE HOSPITAL
10. 10. NO STATEMENT MAY BE TAKEN FROM THE VICTIM
11. 11. ONCE THE VEHICLE ARRIVES, ASSIST THE VICTIM TO THE VEHICLE
12. 12. DO NOT CONTACT THE INVESTIGATING OFFICER ON STANDBY

22 June 2000

Figure 6: Bureaucratic procedures to follow in sexual assault cases (unpublished thesis, 2002: 76)

The text above represents traces of recontextualization in the way the procedures were renumbered to fit the local context. The written number one (1) from the local context seems to affirm the typed number one (1) from the global context. However, the written numbers five (5), two (2), three (3) and four (4) do not affirm the order in the typed text. Therefore, the text did not travel from the ordering 'centre' or the global to the local unchanged, but was manipulated in particular ways and through particular literacy practices to suit the demands of the local context. This raises the question of where the global is located, for things such as texts to flow from it to the local. Where does the global begin and end? Where does the local begin and end? What defines their boundaries? These are important questions in this study and which I discuss in chapters to follow.

The text in Figure 6 also suggests that the police docket was "performed" differently in Phatisanani police station when it came to rape cases. We might find that procedures as shown in Figure 6 might have been renumbered differently in other sites of practice, which might lead to police dockets being performed differently from one local context to the next. This phenomenon shows that when literacy does travel, it does not necessarily 'stay intact' or durable, as was suggested by Brandt and Clinton (2002), but it travels uncertainly and is harnessed or performed in heterogeneous ways in situated contexts. I discuss "performativity" more extensively in chapters to follow.

Another area that was left unexplored and which did not occur to me at the time of carrying out my Master's research, was the way in which other modes of communication besides the verbal and the written, played an important role in the production of texts in the police station. Thesen (2001) has argued that our focus on only two modes of communication, the verbal and the written, has oversimplified our understanding of communication and text production in situated contexts as well as their associated semiotic landscapes. She argued that we need to bring into the theoretical and empirical frame not only the verbal and the written, but also the visual and the gestural modes of communication as they occur in these contexts. In Figure 4.1 and Figure 4.2, the visual mode in the form of fingerprints and the written mode formed an important part of the construction of the actual text and the police docket and as part of the criminal justice system's semiotic landscape.

Although I agree with Thesen's suggestions, I want to add a fifth mode of communication as part of the semiotic landscape of the criminal justice system, *the tactile*. By *the tactile* I refer to objects that can be manipulated in particular ways. In essence when the tactile combines with the gestural mode of communication the resultant combination can create or signify specific meanings in the semiotic landscape of South Africa's criminal justice system. Let me demonstrate this point with an example. Person X is the owner of a licensed firearm. Every morning before he leaves for work, he straps his licensed and loaded firearm around his waist. In South Africa he is not committing a crime as the state allows citizens to carry and own firearms for protection and recreational purposes. However, if

the specific intention of the same person X was to murder person Y using his licensed firearm, then two modes of communication, if combined, could indicate that the murder was premeditated on the day the crime was committed. Say person X walked up to person Y on the day of the murder, drew his loaded and licensed firearm, pointed it at person Y and then fired, fatally wounding the latter. In this scenario the loaded and licensed firearm (the tactile), combined with the pointing of it at person Y (the gestural), could be interpreted to mean that person X possessed the intention to murder person Y.

In this current study, I suggest that the nature of literacy and text production are located in a semiotic landscape that is shaped by the verbal, the written, the visual, the gestural *and* the tactile. How these five modes operate and combine is an integral aspect of this study. When they are assembled and associated in particular ways and are then captured in written format, they produce what Gee (2000) refers to as ‘configurations’. Although I discuss Gee’s idea of configurations in the next chapter, I want to clarify Gee’s notion of ‘configurations’ and how I use it in this study a bit more clearly here to prevent confusion further on. Configurations are constructed using both social and asocial entities. To be more precise and to emphasize the social and asocial aspects of configurations, I refer to these configurations as configurations of material-semiotic relations in this study instead. Texts containing these configurations of material-semiotic relations can carry meanings that can have intended ordering effects trans-contextually, *only* when they remain intact and durable as part of the networks in which they are produced and located. One of these intended ordering effects, which I discuss in chapters to follow and which is a major concern of my current research, is creating order or coherence or stability, trans-contextually. However, texts and their configurations of material-semiotic relations can also give rise to unintended ordering effects, such as decreasing order or coherence or stability, when they are contested, reinterpreted and then reconfigured across contexts. I prefer to think of order as a state that is not static, but which is characterized by degrees of order contingent on various factors including literacy and text production. Law (2009:149) refers to this ever changing state of order as ‘relative stability’, and at times as ‘fractional coherence’ (Law, 2002:2) – these are important concepts for this study and which I will explain in greater detail in Chapter Two.

Conclusion

In this chapter I have given an overview of the theoretical and empirical resources that formed the basis of much of first- and second generation Literacy Studies and which I drew on in my Master’s thesis. I have highlighted the theoretical and empirical problems that arose when I used these resources in my Master’s research, and I went on to present an initial reconceptualization of these resources for purposes of studying the trans-contextual movement of literacy in formal institutions such as South Africa’s criminal justice system. My discussion thus far has also highlighted the concern with how order or coherence or relative stability is created, in and across contexts in South

Africa's criminal justice system, considering the heterogeneity of literacy practices that became evident in the literacy event that I drew on from my previous research.

In summary, my discussion thus far has shown that literacy in the criminal justice system is characterized by heterogeneity or complexity. Furthermore, I suggested that although I agree with Thesen (2001) that we need to consider how the four modes of communication – the spoken, the written, the visual and the gestural – shape text production in situated contexts, we also need to add a fifth mode, the tactile. By the tactile I refer to objects or nonhumans. I argued that this fifth mode is important if we want to understand how these modes of communication often combine in complex ways in the semiotic domain of the criminal justice system. I suggested that although I agree with some of Brandt and Clinton's (2002) suggestions and critique of first- and second generation studies in the NLS, they do not offer suitable responses to explain how literacy travels trans-contextually and nor do they solve the local-versus-global conundrum adequately. Therefore, we require a social theory that can account for these issues that I have raised here in order to study literacy as a trans-contextual phenomenon in the criminal justice system. This social theory, I propose, is actor network theory which I discuss in detail in the next chapter and in Chapter Three.

Below I present the research question and sub-question of my current study and outline the structure of the chapters to follow.

Current research focus

Research question

How is relative stability achieved and created trans-contextually in South Africa's criminal justice system through the production of the police docket?

Sub-question

What literacy practices shape the production of the police docket so that stability is achieved in and across sites?

Outline of chapters

Chapter Two: Gleaning conceptual tools from the Actor Network theory landscape

In order to study the trans-contextual movement of literacy, I argue that we require a social theory that allows us to understand how literacy can extend itself across time and space. Because five modes of communication define literacy events in the criminal justice system, I suggested that we require a social theory that could account for the tactile mode of communication. In this chapter, I introduce

actor network theory (ANT) and define some key actor network theory concepts which I take forward to analyze my data in this study. I move on to discuss translation – the process through which networks are created – so that they can be stable and extend themselves trans-contextually. I outline the four moments of the translation process, namely problematization, intersement, enrolment and mobilization, by drawing on Callon’s (1986) seminal study – one of the first studies in the actor network theory tradition. By locating literacy within the translation process, I argue that to understand literacy’s trans-contextual movement and its ordering effects, we need to consider how human and nonhuman entities are associated in heterogeneous ways in configurations of material-semiotic relations during translation processes and text production. Furthermore, I discuss the strategies human actors employ so that networks achieve relative stability in and across contexts.

Chapter Three: Ethnography as a means to document the trans-contextual movement of literacy: Looking down rather than up

The discussion in Chapter One highlighted the need to consider the complexity or messiness that comes with researching literacy in situated practice. In this chapter I discuss how ethnography in the NLS and actor network theory provides the researcher with a data gathering tool that allows him to “speak about” this complexity as it resides in situated practice. I introduce the notion of ‘baroque complexity’, a specific orientation which forces the ethnographer to look down (at detail and complexity) instead of up (to find a unity in things). I argue that Literacy Studies and actor network theory share a history in which they aim to study complexity and detail by documenting the complexity that resides in situated practices and contexts. I suggest that through the notion of “the network” some of the theoretical and empirical conundrums such as the schism between the global and the local that Literacy Studies grapples with, can be resolved.

I develop and explain three moments – Moment One, Moment Two and Moment Three – which I use to organize and analyze my data in Chapters Four, Five and Six. In addition, I do a broad sweep of Conversation Analysis (CA) as it forms an integral part of my analysis of data in Chapter Five.

Chapter Four: Moment One: Managing the high degree of interpretive flexibility of police dockets through classification practices

In this chapter I focus on Moment One when a crime is reported to the SAPS and a police docket is opened. I argue that during this moment, the police docket is ‘functionally blank’ (Brown and Capdevilla (1999:40) and needs to be encoded with specific meanings that are acceptable trans-contextually in the criminal justice system. Furthermore, I argue that during this moment the police docket, because of its functional blankness, can pose a real threat to the stability of the network of the criminal justice system as it is networked in heterogeneous and contradictory ways by police officers and the public.

I introduce Gee's (2000) notion of enactive work and recognition work and argue that the interplay between enactive work and recognition work allows police officers to encode the police docket with specific meanings that can be understood trans-contextually. I also argue that during Moment One the police docket can be perceived by police officers and the public as playing a similar role to the Greek god Hermes. In other words, the police docket is perceived as a text that can be utilized to serve the purposes of virtually any person. I show that the interplay between the enactive work and recognition work between Uniform Branch police officers and detectives and between detectives and the public reveal the Janus face of literacy during this moment. The one face considers the past as it is held still in configurations of material-semiotic relations, while the other face looks to the future and decides whether these configurations will impinge negatively on network stability. I argue that the interplay between enactive work and recognition work is necessary to ensure network stability.

Chapter Five: Moment Two: Encoding potential state witnesses with meaning through the production of texts

In this chapter I cover Moment Two. This moment focuses on how detectives build the network of the criminal justice system by producing texts such as written witness statements for inclusion in the police docket. I argue that humans are functionally blank at this moment and like the police docket during Moment One, can pose a threat to the stability of the network of the criminal justice system. I show that the interplay between the enactive work of witness accounts of crimes and the recognition work of detectives produces written witness statements which encode potential state witnesses with specific meanings. These texts, I argue, also produce various versions of realities which can affect the stability of the network negatively. I suggest that the Janus face of literacy that is revealed during the interplay between enactive- and recognition work highlights the literacy practices that detectives employ to manage the versions of reality that become apparent in written witness statements.

Chapter Six: Moment Three: Displacing contexts and mobilizing texts and state witnesses

This chapter deals with Moment Three. The data that I present in this chapter deals with court room interactions. During this moment, the Janus face that characterized the production of the police docket during the other moments, is hidden from contesting networks such as that of the defence.

I argue that in the court room the stability of the network of the criminal justice system is tested. State witnesses and other expert witnesses (such as medical practitioners) that have now been encoded with specific meanings during the previous moment, are animated as 'spokespersons' by state prosecutors to do enactive work for the network of the criminal justice system. However, I argue that during this moment, the recognition work of defence attorneys may at times contest the texts produced during the previous moment in an attempt to decrease the stability of the network. I argue that failures in

Moment Two to adequately encode state witnesses with specific meanings through text production, can often lead to a decrease in the stability of network of the criminal justice system.

Chapter Seven: Summary and directions of future research

In this last chapter I draw the conclusions of the data analysis chapters together and provide some suggestions for future research in the trans-contextual movement of literacy.

Chapter Two

Gleaning conceptual tools from the Actor Network theory landscape

Introduction

In the previous chapter I showed how Phatisanani police station was characterized by heterogeneous literacy practices between insiders and insiders and between insiders and outsiders. I also argued that texts such as police dockets often carried intended and unintended ordering effects from one situated context to the next within the police station and to other spaces of the criminal justice system. This was evident from the complaints of detectives in the police station. I also argued that text production in the police station drew not only on the four common modes of communication (Thesen, 2001) – the oral, the written, the visual and the gestural – but also the tactile in the form of artefacts (I explained these modes in Chapter One). Furthermore, I argued that during the production of the police docket some or all of the five modes intersect to produce configurations of material-semiotic relations that can carry intended and unintended effects trans-contextually. The movement of texts across contexts and how they are used to create order trans-contextually, also meant that the way the local and the global were understood in first- and second generation Literacy Studies, required rethinking in contemporary research.

Considering the nature of text production and literacy in the criminal justice system, I have suggested that Literacy Studies would benefit from a social theory that views the construction of the social world as characterized by heterogeneity and complexity. This is evident in the way text production in the criminal justice system involves the construction of configurations of material-semiotic relations which draw on the five modes of communication – the written, the spoken, the visual, the gestural and the tactile. This complexity that becomes evident in situated contexts and through engagement with literacy brings social (human) and asocial entities (nonhumans) together in configurations of material-semiotic relations that order the social world in heterogeneous ways resulting in intended and many a times unintended effects. Furthermore I suggested that we also require a social theory that can offer some solutions to solve the conundrum of the local versus global debate. In this chapter I discuss actor network theory as a useful theoretical resource for addressing these issues.

First, I do a broad sweep of the theoretical concepts that characterize actor network theory studies by drawing on a number of studies ranging from actor network theory's inception until more recent studies. In this first part I draw on five studies to develop two major themes: material-semiotic relationality (Latour, 1988 and Law, 2002) and performativity or enactment (Law, 2002; Moll, 2002 and Dugdale, 1999). These themes are important to understand literacy's nature, its movement and its role in the creation of trans-contextual order. Second, I introduce the concept of *translation*, the process through which networks are built so that they can extend their influence across multiple contexts. I draw on one of the first foundational studies of actor network theory conducted by Callon (1986) titled "The domestication of the scallops of St Brieuc Bay". In my discussion of this foundational study I insert the suite of theoretical concepts discussed in the first part of this chapter, into Callon's study in order to extend on the theoretical concepts that his study has to offer and which I take forward in the chapters that follow. This study is important for my current research because it describes in detail how stable networks are created and what factors can lead to their failures.

Lastly I return to Brandt and Clinton's (2002) critique of the NLS which I had discussed in the first chapter, and argue that the conceptual resources of actor network theory offer the literacy researcher an important platform to research the '(some)thing-ness' of literacy in terms of its movement and the role it plays in creating intended and unintended ordering effects trans-contextually.

A broad sweep of some key actor network theory concepts

Actor network theory is also known as the 'sociology of associations' (Latour, 2005:9) because it considers the social world as consisting of intersecting networks of associations or relations. The networks of relations are seen as heterogeneous for two reasons. The first is that networks of relations consist of heterogeneous human and nonhuman entities. The second reason follows from the first: relations are both materially and semiotically defined. All human and nonhuman entities are therefore always networked at any given moment. Law (2009:141) notes that:

Actor network theory is a disparate family of material-semiotic tools, sensibilities, and methods of analysis that treat everything in the social and natural worlds as a continuously generated effect of the webs [networks] of relations within which they are located. It assumes that nothing has reality or form outside the enactment of those relations.

Furthermore actor network theory's tenet of 'generalized symmetry' (Callon, 1980) treats humans and nonhumans on an equal footing – they have to be described using similar terms for analysis. For this reason it has also been called a theory of agency because human and nonhuman entities – also called actors – are considered to have the ability to act upon and form the social world. Although most

social theories argue that all humans possess agency, albeit at various levels and in different social contexts, actor network theory's dictum that nonhuman entities or artefacts have agency has been a contentious issue and has led to much debate and criticism. In response to these criticisms, Latour (2005:72) notes that actor network theory does not suggest that artefacts such as texts 'do things instead of human actors', but that if we want to understand how society coheres or how order is created, then we have to consider the role nonhumans had and have in shaping the social world. Thus he notes that the social is always pervasive, it is '*nowhere* in particular', it 'circulates *everywhere* as a movement connecting non-social things' (author's emphasis, Latour, 2005:107).

At best, the criticisms levelled at actor network theory for its principle of generalized symmetry has been a misreading of the interaction between human and nonhuman actors in constituting the social. If we understand the agency of actors – social or asocial; somatic or asomatic – in terms of the "ordering effects" that they have on the social world by being part of a network of relations or a network of associations, then the sociology of agency or the sociology of associations might become more "palatable" to digest. Actors do not possess ordering effects as an innate quality – this is how many have misread actor network theory's claims. Instead, Latour (2005:46) argues that any actor – human or nonhuman – is 'not the source of an action, but the moving target of a vast array of entities swarming toward it'. Any action that seems to belong purely to an actor is in reality a dislocated action because it is 'borrowed, distributed, suggested, influenced, dominated, betrayed' in various heterogeneous ways and in heterogeneous relations having heterogeneous ordering effects (Latour, 2005:46). For this reason, Law (1994) cautions that actors should *not* be considered as unified or homogeneous effects of the networks in which they are located, because when actors are associated or networked in material-semiotic relations, they *may* or *may not* cause other actors to act in ways that suit the intentions of a particular network. Successful ordering, in any actor network theory account, has *always* been shown to be a precarious achievement.

Actors then are best understood as the effects of networked relations or associations and therefore we need to understand these relations, how they are assembled and how they produce certain intended or unintended ordering effects across contexts. Law (1994:33) therefore makes the bold claim that human beings are the ordering effects of networks because the associations, which are mostly hidden, are 'folded into them'. Through the principle of generalized symmetry, the same principle must be extended and applied to nonhuman actors and artefacts: the associations are hidden and folded into them as well. Furthermore, Law (1994:101) argues that any actor is 'a spokesperson, a figurehead, or a more or less opaque 'black box' which stands for, conceals, defines, holds in place, mobilizes and draws on, a set of juxtaposed bits and pieces' (Law, 1994:101). The term 'black box' is one of the key concepts in actor network theory and is borrowed from the field of cybernetics. It refers to a set of commands that are too intricate and complex to put down on paper. Instead of explicitly making

these known, cyberneticians draw a little black box which requires the individual only to know the inputs and outputs of the box (Latour, 1987:2). Therefore the process of black-boxing can be seen as an over-simplification of complexity by concealing the messy processes which result in ordering human and nonhuman actors when they are associated in networks of material-semiotic relations. Most stable networks that can exert ordering effects trans-contextually are adept at successfully black-boxing the complexity and messiness of the processes which create the material-semiotic relations that define these networks.

In the next section I extend on the actor network theory vocabulary developed thus far by drawing on two studies which focused on how the material-semiotic relations of a network ordered the social world across time and a number of contexts.

Studies focusing on material-semiotic relationality

Law (1986) notes that if we want to understand Portugal's expansion of its spice trade during the 15th and 16th centuries, we have to bring into the analytical frame how material-semiotic relations comprising the technological, the economic, the political, the social and the natural worlds all acted together to realize Portugal's expansionist ideals.

Of course kings and merchants appear in the story. But so too do sailors and astronomers, navigators and soldiers of fortune, astrolabes and astronomical tables, vessels and ports of call, and last but not least, the winds and currents that lay between Lisbon and Calicut. Thus the problem for the Portuguese was not just of social control, though this was important. It was rather, or in addition, one of how to manage long distance control *in all its aspects* (author's emphasis, Law, 1986:235).

The successful networking of these heterogeneous elements made it possible for Lisbon to extend its power and control over vast distances in such a way that people who never visited Portugal, experienced its ordering effects. The stability of the network, contingent on holding these heterogeneous elements in place, allowed the Portuguese to expand their empire over time, space and contexts for well over 150 years. The precarious stability of the network and its ordering effects also depended on the creation of 'immutable mobiles', materials that can traverse multiple contexts without being challenged, reshaped or destroyed en route. In the case of the Portuguese network, ships were the immutable mobiles of the network – they mostly retained their shape as they sailed across national and international waters without being attacked or challenged (Law, 2009). Law (1994) argues that the mobility of immutable mobiles and their durability, in other words their materiality, are the relational effects of networked human and nonhuman entities. Immutable mobiles

can also include, amongst others, such things as written texts, money, watches, navigation routes and other entities.

Latour's (1988) seminal study titled *The Pasteurization of France* highlighted how Pasteur successfully networked heterogeneous actors such as microbes, cows, milk, experiments, medicine, political ideas and a range of social and non-social entities to gain dominance over other competing networks in the science field.

As soon as he had his vaccine, he did not confine his attention to experiments which, though interesting, would remain in the laboratory. He immediately set out to extend the methods of his laboratory to the whole of stock-rearing. He could have stayed in veterinary medicine, but this would have gone against the transversal strategy that seemed to become more imperious as he reached the end of his course (or what seems to us as a century later as the end of his course): to work on the whole of society (Latour, 1988:70).

What made Pasteur so successful that we still experience the ordering effects of his laboratory up till today? His success was contingent on two conditions. First, Pasteur extended his sphere of influence over France and over most of the modern world by "transporting" his laboratory and its experiments and microbes beyond the confines of the walls of the laboratory to other contexts. This he accomplished without leaving behind any of the material-semiotic relations which he and his team had assembled in their laboratory. They displaced or transported the laboratory by taking with them their own immutable mobiles in the form of sterile tools, logbooks, microscopes and experiment findings to contexts where their use was something of a novelty. Second, Pasteur and his team redirected what they saw under their microscopes and the conclusions that they had reached through their experiments in the laboratory to suit the causes of those heterogeneous actors that they visited (Latour, 1988).

Law (1994:103) argues that the art of network building is to turn verbs into nouns or to 'make verbs act like nouns'. All the messiness and complexities that were involved in Pasteur's experiments in his laboratory, his negotiations with government officials and farmers, as well as *all* the strategies that he employed to convince heterogeneous actors to accept the validity of his findings, were eventually black-boxed as a noun and a process, called "pasteurization" – an over-simplification of the complexity and the processes that shaped the building of a stable network of heterogeneous relations by Pasteur and his team of researchers.

In recent years actor network theory researchers have also extended their conceptual resources by looking at how networks create certain types of performativities of human and nonhuman entities. I

discuss these new influences in the section below and make conceptual connections between the studies discussed above and those focusing on performativity.

Extending material semiotic relationality to include material-semiotic performativity

Law (2002:3) uses the metaphor of the fractal, a line in mathematics which is located in more than one dimension to demonstrate the notion of performativity. He argues that the ‘objects which we study, the objects in which we are caught up, the objects which we perform, are always *more than one and less than many*’, they occupy a place in the social world ‘[s]omewhere in between’ contexts like the fractal (author’s emphasis, Law, 1999:11-12). The principle of generalized symmetry allows us to extend Law’s argument to human actors, sometimes referred to as subjects as well – they are also performed in multiple ways in and across contexts. These performances draw on the five modes of communication that I had explained in the previous chapter, especially in contexts such as South Africa’s criminal justice system and its processes of text production. Therefore, objects and subjects are not coherent wholes but can have multiple versions in the way they are utilized, written and spoken about in networks and as these networks extend their influences across situated contexts.

The “in between-ness” of objects and subjects that becomes apparent in the way they are performed by various human actors and within networks, raises questions about how coherence or order is created across contexts when the same actor – such as a text, a microbe, an accused – is spoken and written about, represented or “handled” in various ways by heterogeneous human actors in situated contexts. Law (2002:2) solves this conundrum by arguing that instead of speaking of a coherence sanitized of its messiness, it is more useful to speak of ‘fractional coherence’, an oxymoron in many ways, in and across situated contexts. The concept of fractional coherence works against the modernist project which attempted to show that the world we live in has objects and subjects that have a concrete and centred reality. Furthermore, the notion of fractional coherence also upsets the postmodern argument that all objects and subjects are fragmented and devoid of any centre. Instead Law (1999:11-12) argues that trans-contextual order, characterized by fractional coherence, involves ‘*drawing things together without centering them*’ (author’s emphasis).

Similar to Law’s (1999) notion of a fractionally coherent society, Strathern (2004:xxix) argues that heterogeneous performativities of actors in and across contexts demonstrate the role actors *can* play in establishing ‘partial connections’ across these contexts. Although Pasteur and his team of scientists were the only ones who saw the microbes through their microscopes in the laboratory while the farmers he negotiated with did not, the microbes – understood differently by Pasteur and his team of scientists and the farmers – were the partial connection, the nexus point, between Pasteur’s laboratory and the contexts of the farmers. This partial connection – the microbes – understood in heterogeneous

ways and unseen to most of the world, created the fractional coherence or partial connection between Pasteur's laboratory, France and the rest of the world. Pasteur did not only pasteurize France successfully, but also most of the world (as can be seen today) by performing the microbes in ways that suited the needs and concerns of heterogeneous actors.

Law (2002) demonstrates how an object in the United Kingdom, the TSR 2 aircraft, became the nexus for establishing fractional coherence between contexts and between various subjects in his book titled *Aircraft Stories: Decentering the Object in Technoscience*. He argues that:

[] an object such as an aircraft – an “individual” and “specific” aircraft – comes in different versions. It has no single center. It is multiple. And yet these various versions also interfere with one another and shuffle themselves together to make a single aircraft. They make what I will call *singularities*, or *singular objects* out of their multiplicity. In short they make objects that cohere (author's emphasis, Law, 2002:2-3).

Law and Callon (1992:24) note that the TSR 2 possessed ‘a high degree of “interpretive flexibility”’ and because of this quality, it could also be performed differently by a range of heterogeneous actors. For the Ministry of Defence and the Royal Airforce the TSR 2 was not seen as a bomber but as a tactical strike and reconnaissance (TSR) aircraft. For the Treasury it was seen as an aircraft that was relatively cheap to design and build and could therefore serve their interests to save on expenses. For the Navy it was a good alternative to the Buccaneer (an aircraft as well) and for the Ministry of Supply it demonstrated the industrial policies of the government at the time. Although the TSR 2 project never ended in success, the various performativities of the TSR 2 – its singularities in other words – were drawn together without them being centred thus creating some form of fractional coherence between heterogeneous actors and across contexts. Similar studies to those discussed above such as that of Bijker's (1992) and Mort's (2002) study of the fluorescent light and the Trident submarine respectively, also focused on the high interpretive flexibility of objects as they were used by a range of heterogeneous actors and across a number of contexts. Due to actor network theory's principle of generalized symmetry discussed earlier, human beings can also have a high degree of interpretive flexibility when they are constructed in various ways within networks and during literacy events – this will become clearer in chapters to follow.

How is atherosclerosis performed through everyday practices in a Dutch university hospital? This was a question Mol (2002) asked in her book *The Body Multiple: Ontology in medical practice*. After conducting an ethnographic study in the hospital she argues that the condition is performed in multiple ways by different actors. She suggests that multiple human bodies were created from one body – ‘different enactments of a disease entail different ontologies’ (Mol, 2002:176). She notes that

various performativities of an object or subject, produce their own relational-material reality. Mol's ethnographic study asked another important question which came up in the previous chapter and which hovers throughout my discussion thus far. How do these different ontologies relate to one another in a hospital space where disorder will have certain irreversible effects on patients? Her answer to this complex question is that 'tensions are tamed' in complex ways, through complex practices and through 'recurrent patterns of coexistence' (Mol, 2002:181). Of importance for my current study and at its heart, is to document and understand how 'tensions are tamed' when police dockets (as well as the objects and subjects folded into them) are performed in heterogeneous and contradictory ways during their production, so that trans-contextual order is created in South Africa's criminal justice system.

Dugdale's (1999) ethnographic study of a committee set up in Australia to advise the government on the health risks of intrauterine contraceptive devices arrived at similar conclusions to that of Moll's and Law's studies. The committee comprising different actors such as a government scientist, a gynaecologist, an industrial bioengineer, a family planning physician, a representative from the Health Department and a consumer representative (Dugdale herself), all performed the intrauterine contraceptive device in multiple ways. She argues, through an analysis of the conversations in committee meetings, that artefacts are always both singular and multiple rather than 'converging from multiplicity to singularity' (Dugdale, 1999:125). In other words, for the committee to cohere, multiplicity was a necessary condition to create trans-contextual order. The compromises made in the meetings were arrived at through 'a continued oscillation between singularity and multiplicity rather than a movement from oscillation to a resting-place [a centre]' due to the high degree of interpretive flexibility of the intrauterine device (Dugdale, 1999:125).

However, multiple performativities of an entity – object or subject – due to its high degree of interpretive flexibility can also pose a threat to the stability of a network because it does not always carry stable meanings in and across contexts. Furthermore, the multiple performativities of entities with a high degree of interpretive flexibility demonstrate how such entities 'are shaped by their organizational circumstances' (Law and Callon, 1992:42). How this happens and how order is created trans-contextually when it comes to objects such as the police docket (and the objects and subjects folded into them), is the focus of this current study.

Brown and Capdevilla (1999:40) refer to an object or a subject's interpretive flexibility as an inherent 'functional blankness'.

It is not the meaning of the artefact, what it has to say, which disrupts the network. It is rather the *lack of meaning*, or to be more precise what the object fails to say, what it does not and

cannot present to the network which is disturbing. Because this forces the network to fold itself around the object in innumerable different ways in order to accommodate its blankness (Brown and Capdevilla, 1999:40).

Brown and Capdevilla (1999:41) argue that the identity of an actor ‘must be formally indexed’ when it becomes part of a network of relations in order for the network to experience relative stability. Therefore, various performativities of an object or subject must be managed in strategic ways to ensure some level of stability in a network especially when it extends itself across time and space. And more importantly, the performativities of objects and subjects must be indexed in such a way that they serve the purposes of the network in which they are performed.

Star and Griesemer (1989:388) and Bowker and Star (2000:297) refer to objects that have a high degree of interpretive flexibility such as the TSR 2 (Law, 2002), the body (Mol, 2002) and the intrauterine contraceptive device (Dugdale, 1999) and which are used by heterogeneous actors across a range of contexts, as ‘boundary objects’. Boundary objects are ‘both plastic enough to adapt to local needs and constraints of the several parties employing them, yet robust enough to maintain a common identity across sites’ (Bowker and Star, 2000:297). To emphasize their trans-contextual nature, Bowker and Star (2000:297) argue that boundary objects are ‘weakly structured’ trans-contextually, but ‘strongly structured’ in local use. Actors who handle boundary objects in local use where they are strongly structured are ‘near-sighted’ and therefore understand the object better in its local use than its function trans-contextually (Gomart and Hennion, 1999:238).

In this study I consider the police docket as a boundary object with a high degree of interpretive flexibility depending on who is handling it and in what context and for what purposes. This became evident when detectives at Phatisanani police station complained that Uniform Branch police officers were ‘near-sighted’ in the way they completed police dockets and were not aware that police dockets carried work and therefore ordering effects, across time and space. Police dockets, I argue, *tend* toward immutability because of their high degree of interpretive flexibility, that is, their functional blankness and their plasticity. Immutability, if reached, is a precarious state which can be subverted at any time – this will become clearer in chapters to follow. Because of the high degree of interpretive flexibility of police dockets, police dockets can become the nexus for partial connections to be made across various contexts. However, as was alluded to earlier, this very quality can give rise to instabilities in a network when they are handled and interpreted in heterogeneous and contradictory ways by various actors.

Because the police docket is a boundary object it is often perceived by police officers and the public as a text that can be used to deliver *any* message to the criminal justice system. Therefore, in this

study I consider the police docket as possessing the qualities of the Greek god Hermes at certain stages of its production. Wallin (2007:4-5) notes that:

Hermes is a god worshipped at borders, and is himself a borderline figure. [He] is a messenger of signs, though in stark contrast to the contemporary rage for “clarity” and “clear communication”, his message is rarely transparent [...]. After all, Hermes is both thief *and* trickster, transgressing “clearly” defined borderlines with ease and without qualm. An illusionist and magician, his elucidation of God’s message is marked by potential omissions, substitutions and embellishment [...]. Hermes’s message becomes couched in riddles and paradox, underscored by a penchant for trickery and subversion.

I discuss the Hermesian character of police dockets in Chapter Four extensively where I analyze a specific section of my data.

In the next section I draw on one of the first actor network theory studies, “Some elements of a sociology of translation: Domestication of the scallops and fishermen of St Brieuc Bay” (Callon, 1986). Through the discussion of the translation process, the key focus of Callon’s (1986) study, I extend on the actor network theory concepts that I have developed above and insert these concepts in this earlier study to provide a comprehensive sweep of the actor network theory landscape. The theoretical concepts that Callon (1986) developed in this study and those that I insert from later studies, form the basis for organizing and analyzing my data in the chapters to follow.

Inserting material relationality and performativity into a study on the translation process

Callon (1986) was probably one of the first actor network theorists to use the principle of generalized symmetry and to outline the four moments of the translation process in his empirical study of three French marine biologists who attempted to restock St Brieuc Bay in France with scallops. The marine biologists wanted to embark on this project after they had noticed a rapid decline in the population numbers of scallops in the Bay.

While attending a conference held in Japan, the three marine biologists saw how the larvae of a different species of scallops, *Pecten patinopecten yessoensis*, attached themselves to receptors in the sea as part of a conservation strategy by the Japanese to increase their numbers and to allow for sustainable commercial harvesting. The three French marine biologists wanted to transpose this strategy to St Brieuc Bay. However, they realized that if they wanted to achieve success in their conservation strategy, they needed to translate or order three key actors, namely the fishermen who fish in St Brieuc Bay, the scallops of St Brieuc Bay and the global scientific community. The

translation of these actors involved four essential moments: *problematization*, *interessement*, *enrolment* and *mobilization*. Law (1990:101) refers to these moments and the strategies employed during these moments as the ‘tactics of translation’ because their relative success allows translators to order human and nonhuman actors by associating them in what Gee (2000) refers to as ‘configurations’. In this study, as was stated before, I consider these configurations as configurations of material-semiotic relations. These configurations are constructed by drawing on the five modes of communication – the verbal, the written, the visual, the gestural and the tactile. I discuss how these configurations are constructed during translation below and in chapters to follow.

The moment of problematization is characterized by translators of the network establishing which actors should form part of the network of relations. In addition, the translators also claim to know what the needs are of the actors whom they wish to translate and therefore they work toward convincing them that the roles assigned to them are acceptable and serve their particular interests (Clarke 2002). During the moment of problematization and as part of the tactics of translation, the three marine biologists formulated a question, a problem and a goal, that would assist them in defining the network of relations between the three actors and ultimately result in the creation of particular configurations of material-semiotic relations: Will St Brieuc’s species of scallops, *Pecten maximus*, also anchor to receptors like their Japanese counterparts? Other important questions asked by the three marine biologists were: Do *Pecten maximus* anchor themselves at birth? Will enough larvae anchor themselves so that we can convince other actors that this is a worthwhile project? The questions of the three marine biologists proposed specific identities for the fishermen, the scallops and the global scientific community. They argued that the fishermen were obviously concerned about the dwindling population of *Pecten maximus* because their livelihood depended on it. Furthermore, the marine biologists also argued that *Pecten maximus* needed a safe haven from the over-harvesting of the fishermen and would naturally choose to anchor to the receptors. When it came to the global scientific community they argued that their colleagues would, without a doubt, be interested in advancing scientific knowledge for the greater good of mankind and nature and therefore would support their research project. In other words, their colleagues too *wanted* to know if *Pecten maximus* would anchor to the receptors like their Japanese counterparts.

The tactics of translation evident during the moment of problematization are important for this study in two ways. Firstly, the questions posed by the marine biologists brought the local and the global in direct contact with each other. In other words, instead of de-localizing the network of relations, the three marine biologists engaged in de-globalizing the actors by configuring them in local material-semiotic relations of St Brieuc Bay – this will become more obvious later on in this chapter. Secondly, and as Callon (1986) warns, the identities and the allegiances of actors only become more visible through their actions. It is actions which form and adjust the identities of actors during the

translation process. Therefore, actors can betray the identities assigned to them in one network for the problematization of another network because they are also tentatively involved, defined and redefined by other competing networks. In other words, actors are *more* functionally blank at this moment of the translation process. Because of their functional blankness they become ‘the moving target of a vast array of entities swarming toward it’ (Latour, 2005:46). Therefore, translators tentatively start “encoding” actors with certain roles and identities during problematization, in order to decrease risks of betrayal to the problematization of the network and to increase the stability of the network trans-contextually.

Callon (1984) argues that the construction of reality is a process which passes through successive states and to “stabilize” one version of reality amongst many others, the network must be tested through a series of trials. One way of stabilizing the version of reality with which translators wish to order society, is to stabilize the identities of the actors defined through its problematization. This is the moment of *interessement*. Kendall and Wickham (2003) argue that *interessement* is the act whereby translators strive to stabilize the identity of another actor by stabilizing their own links with that actor while weakening or destabilizing the links the actor has with other actors and other translators from competing networks. This moment provides validity to the problematization of the network and its set of alliances *and* increases the relative stability of the network. The moment of *interessement* requires translators to be overtly aware that there are other translators from competing networks swarming towards the entities they wish to translate. If *interessement* is successful then enrolment, the third moment of the translation process, is achieved.

The three marine biologists tried to increase the relative stability of the network by developing and using certain ‘*interessement* devices’. That is, in order to interest the three actors – the scallops, the fishermen and the global scientific community – in their problematization or to ‘corner’ the actors as Callon (1986:211) puts it, they had to construct devices which could be “inserted” between the three actors and all other actors who wanted to define their identities differently. *Interessement* devices must also be tailored to suit the needs and identities of specific actors otherwise they will not be successful. For the scallops, the marine biologists developed receptors and towlines for their larvae to anchor on; for the global scientific community they developed scientific reports, presentations, conferences and conversations; and for the fishermen they presented promises of extensive economic benefits if they stopped fishing the Bay for a few years.

The tactics of translation during the moment of *interessement* together are referred to as the ‘Triangle of *interessement*’ (Callon, 1986). A translator interests actor A in its problematization by weakening A’s links with other actors; A is then redefined through its associations with the translator and is then disassociated from other competing networks through the construction and use of *interessement*

devices. Interessement devices also served three purposes in Callon's study. First, the problematization found expression and was extended in a configuration of material-semiotic relations. Second, the intention behind their creation was to disassociate the three actors from other associations or other competing networks and therefore other configurations of material-semiotic relations. Third, interessement devices also constrain and channel actions in particular ways. Thus during the moment of interessement, alliances and associations of competing networks can be interrupted while another can consolidate and shape its own associations. Put differently, the creation of interessement devices are attempts at establishing a favourable balance of power for a network as it competes for ascendancy against other networks and their translators (Callon, 1986).

However, interessement devices on their own do not always disassociate actors from other competing networks. Their success is contingent on the tactics of translation used during enrolment, the third moment of the translation process. The three marine biologists had to include 'multilateral negotiations' and other 'tricks' as part of their strategies to enrol actors (Callon, 1986). For *Pecten maximus* to be enrolled the three marine biologists had to ensure that they had a tendency to anchor to the receptors. However, other actors – starfish (the natural predators of *Pecten maximus*) and sea currents (their turbulence interfered with anchorage) – foiled the marine biologists' plans and prevented a stable alliance between the researchers and the scallops. To exacerbate matters, not many scallops anchored to the receptors because they were not of their liking, or so the marine biologists thought. One of the strategies the marine biologists employed was to replace the initial interessement devices, the nylon receptors, with receptors made from horse hair to ensure that the scallops anchored to the receptors, that is, to increase their interessement and in doing so, increase the stability of the network.

When very few scallop larvae attached themselves to the receptors, the three marine biologists had to convince the global scientific community that this failure was short-lived. The strategy that they used was to present their failure in a positive light to the global scientific community. They argued that although only a few of the larvae anchored in the initial experiment, it did prove that in principle the larvae would anchor once the receptors were changed. However, no negotiations were entered into with the fishermen who *seemed* to be prepared to accept the conclusions of the three marine biologists and the promise of extensive long-term economic gain. Callon (1986) argues that what the above discussion shows is that enrolment is achieved in various ways such as the use of physical violence (against the starfish), seduction, transaction, turning questions into statements and consent without negotiation. Thus translators have to be aware of the potential failures of interessement devices and be prepared to change and employ various strategies to ensure the ultimate aim of interessement, namely, to successfully enrol key actors.

During mobilization, the fourth moment of the translation process, ‘enrolment is transformed into active support’ for the network (Callon, 1986:218). Mobilization is achieved through the creation of spokespersons who speak on behalf of a number of heterogeneous actors who have been metamorphosed or transformed into manageable entities that can be transported across contexts with relative ease. However, as Callon (1986:216) argues, in order to become the spokespersons on behalf of human or nonhuman actors, translators first have to silence those in whose name spokespersons speak *and* to ‘render entities mobile which were not so beforehand’.

Callon notes that mobilization has a physical reality due to complex processes of displacements during translation. Displacements, Callon (1986) argues, are achieved through transforming entities into manageable and mobile entities. This is achieved in various ways depending on the resources available to a particular network. In the case of the scallops the marine biologists transformed them into larvae; the larvae were then transformed into numbers of larvae that anchored and the numbers of larvae that anchored were then transformed into tables and graphs. In other words, the larvae were transformed into texts, immutable mobiles. These immutable mobiles made it easy to displace the scallops from their home, to transport them trans-contextually, to reassemble them in specific contexts and then to use these texts to endorse the legitimacy of the spokespersons – the marine biologists – who spoke on behalf of the scallops. Thus the creation of immutable mobiles is also an attempt to transport contexts into other contexts. They are the artefacts that aid in translation because they are the ‘connection that transports, so to speak, transformations’ to other sites (Latour, 2005:108). Immutable mobiles are the partial connections, ‘[s]omewhere in between’ contexts like Law’s (1999:11-12) notion of the fractal discussed earlier.

Thus in November 1974 the three marine biologists, armed with these immutable mobiles or transformations, could transport the scallops from St Brieuc Bay to the amphitheatre of the conference room in Brest and could speak, “legitimately”, on their behalf. Besides being transportable, they were also rendered reproducible, manageable and diffusible through these material forms and through the configurations of material-semiotic relations in these texts. In addition, the scallops and other entities could be performed in specific ways that could suit the problematization of the network through the creation of these immutable mobiles.

The result which is obtained is striking. A handful of researchers discuss a few diagrams and a few tables with numbers in a closed room. But these discussions commit uncountable populations of silent actors: scallops, fishermen, and specialists who are all represented at Brest by a few spokesmen. These diverse populations have been mobilized. That is, they have been displaced from their homes to a conference room. (Callon, 1986:218)

At the end of the four moments, a network of relations had been established which depended on both human and nonhuman actors and the associations between them. Clarke (2002:117) notes that actors that have been successfully mobilized are ‘like carefully packaged suitcases which glide smoothly round the airport carousel or stack tidily in the luggage compartments on a train’. From the discussion we also see that when complex entities are transformed into manageable forms, complex processes are rendered invisible and are therefore black-boxed. Mol (2002) argues that transformations are pure simplifications derived from a much more complex and heterogeneous semiotic terrain. Similarly, Latour (1999) argues that during translation many entities in the network undergo transformations such that they land up being black-boxed as a sign, a trace or a text.

However, networks and their immutable mobiles are not always left uncontested. They can be contested at any moment by competing networks and their translation processes. Attempts at ordering can be disrupted if alternative problematizations, definitions and perspectives challenge the definitions established by the translators. Clarke (2002:117) argues that ‘[m]ore difficult to mobilize are the contested entities which, like carrier bags and chicken hampers and cardboard boxes tied with string, threaten to burst open and spill their messy contents’. A few years after the conference, more larvae did not attach themselves to the receptors. The larvae that did anchor themselves in the first year and had now grown into scallops were also harvested unceremoniously by the fishermen one Christmas eve when short term profits became more attractive than the promises made by the three marine biologists. The larvae and the fishermen became dissidents of the network, actors guilty of treason or betrayal (Callon, 1986).

Successful translation for one network is always an act of treason for another competing network. When dissidence occurs, which can be an ordering effect of a competing network, then identities undergo a change which might require translators to transform or adapt their interessement devices to ensure stability of the network. However, in the amphitheatre of the conference room in Brest, the scallops and the fishermen were successfully translated. Their loyalty to the network and its problematization seemed uncontested in the presentation of the three marine biologists to the scientific community: *Pecten maximus* *did* attach themselves to the receptors; the fishermen *were* concerned with the dwindling population of scallops in the Bay; and the fishermen *were* prepared to stop harvesting the Bay so that the scallop population could grow to a sizeable amount. In their textual forms or transformations – graphs and presentations – the scallops and fishermen were definitely on the side of the three marine biologists.

Callon’s (1986:218) study showed that ‘translation is a process before it is a result’ and therefore we need to consider how these processes allow networks to extend their power and influence across contexts. Power as we have seen in the study, is not a given but an effect of these configurations of

material-semiotic relations. A network can constitute objects and subjects as part of its ordering effects only for as long as the network experiences stability (Law, 2009). So how do networks achieve stability even if it is at times momentarily? Law (2009:148) argues that ‘relative stability’ of a network depends on *all* of the following three factors: ‘material durability’, ‘strategic durability’ and ‘discursive stability’. The three factors should be seen as “states” of a network and are not insular but intertwined and integral states to the four moments of translation and therefore the creation of network stability within and across contexts.

Networks that have a tendency to last longer than others are more successful at transporting the social in material arrangements. Law (1994:102) argues that entities such as texts translate other actors only if they remain durable and are ‘not destroyed *en route*, and there is someone at the other end who will read them and order her conduct accordingly’. In Callon’s study it became evident that texts such as graphs, tables and conference papers did not possess mobility and durability as innate qualities, but were the ordering effects of complex translation processes as outlined in the discussion above. Material durability is contingent on the success of strategies that hold in place configurations of material-semiotic relations – the three marine biologists had to use various strategies to hold actors in place so that they could have certain effects on the social world, albeit only momentarily. In other words, material durability is an effect of strategic durability. Lastly, networks attain some form of stability when they have discursive stability in conjunction with the other two factors. Discursive stability, Law (2009) argues, is achieved through multiple modes of ordering such as ways of measuring productivity in institutions as well as assessments that extend their effects through configurations of material-semiotic relations flowing into and interfering with one another. Modes of ordering, according to Law (2004:20), can take the form of ‘stories or accounts’ and are ‘ordering concerns, procedures, methods or logics, *dreams* of order perhaps, but nothing more [] they are not pools of total order’. These modes of ordering are ‘*acted out and embodied*’ (author’s emphasis, Law, 1994:20) in configurations of material-semiotic relations and generated within networks.

In the case of Callon’s (1986) study, network stability was increased and decreased when modes of ordering that position various actors interacted with each other. The three marine biologists were positioned by a mode of ordering that valued research outputs and the advancement of scientific knowledge while the fishermen were positioned by a mode of ordering that valued economic gain through harvesting St Brieuc Bay of its scallop population. The two modes of ordering interacted with each other to produce inter-ordering effects that either increased or decreased the stability of the network and its configurations of material-semiotic relations. At first it seemed that the strategies employed by the marine biologists were enough to convince the fishermen that their mode of ordering was considered and taken seriously by the fishermen and their mode of ordering. The ultimate aim of the inter-ordering effects of the two modes as they interacted with each other was to create stability in

the network momentarily. However, when the mode of ordering of economic gains became too difficult for the fishermen to resist, its inter-ordering effect was that identities were reconstructed; configurations of material-semiotic relations did not hold; strategies had to be reconsidered; the graphs and tables did not carry the same meanings anymore; the marine biologists were not legitimate spokespersons for all the entities and therefore the network experienced instabilities.

One of the ordering effects of network stability is the creation of coherence – fractional coherence or partial connections – across contexts. Literacy and texts, as we have seen in Callon’s study, played a pivotal role in creating partial connections across various contexts for the three marine biologists, albeit only momentarily. In the discussion that follows, I return to Brandt and Clinton’s (2002) critique of the NLS by focusing on the role literacy plays in creating partial connections across sites of practice. I also apply the actor network theory concepts discussed so far in my response to their critique and which I also take forward in the chapters to follow.

Actor network theory and the study of literacy: A return to Brandt and Clinton’s critique

Brandt and Clinton (2002:344) argue that literacy should be granted some ‘undeniable capacities’: to travel across sites of practice; to remain intact, in other words, to have material durability; and to have materiality or ‘(some)thing-ness’.

I will deal with the third capacity first. Actor network theory undoubtedly grants literacy its “(some)thing-ness” – its materiality – because of its insistence that the social world is constructed through configurations of material-semiotic relations. However, as we have seen in Callon’s (1986) study, literacy’s materiality *is* a relational effect contingent on the strategic durability and discursive stability of the network in which it is produced, located and used. In other words, materiality is *not* a given nor is it guaranteed from one network to the next.

Actor network theory also grants literacy its capacity to travel across sites of practice because of the notion of “the network”. Latour (1992:5) notes that one of the advantages of thinking in terms of actor networks is that we are allowed to get rid of ‘the tyranny of distance’ – elements which are close, but when disconnected, may be infinitely remote when their connections are analysed; whereas elements which would appear to be distant, may be close when their connections are brought back into the analysis. Therefore, Latour (1995:5) argues that the notion of an actor network helps to ‘lift the tyranny of geographers in defining space’ because it does not divide the social world into the macro and the micro or the local and the global – an issue Brandt and Clinton (2002) highlighted in their critique of first- and second generation Literacy Studies. As I mentioned in the previous chapter,

Brandt and Clinton (2002) do not offer a clear explanation as to where the global is located and neither do they define it in any way that is useful. Therefore, Latour (2005:179) argues that:

There exists no place that can be said to be ‘non-local’. If something is to be ‘delocalized’, it means that it is being sent from one place to some *other* place, not from one place to *no* place. ‘Shouldn’t that be common sense?’ So utters the same obsessively blind, trail-following ANT [actor network theorist].

By employing the notion of the network every space or context becomes delocalized. The problematic of the global versus local is dissolved, which in essence prevents the researcher from offering *a priori* accounts of the unproblematic effects of literacy as a trans-contextual phenomenon. Important to consider though, are the translation processes and the creation of configurations of material-semiotic relations which connect and transform spaces into local spaces and which allow literacy to travel trans-contextually. Therefore literacy’s capacity to travel is also *not* a given.

The second capacity, a capacity to remain intact – literacy’s material durability – is also *not* a given but an actual effect of translation processes. In Kulick and Stroud’s (1993) study, the Gapuners did not allow literacy to remain intact when it travelled to their village. The study showed that the villagers used literacy in ways that were unintended by the translators. Studies such as those conducted by Scribner and Cole (1981), Street (1984) and Prinsloo and Breier’s (1996) collection of studies mentioned in the previous chapter, showed that literacy was handled and interpreted in heterogeneous ways when it travelled across situated contexts. Therefore to assume that literacy will remain intact when it travels is to offer *a priori* accounts of its effects in situated contexts. Stated differently, to offer *a priori* accounts of literacy’s ability to remain intact across contexts, is to fall prey to the assumptions of the autonomous model of literacy.

Gee (2000) also argues that offering *a priori* accounts of literacy in the social world suggests that sites of practice are static spaces. He suggests that sites of practice are shaped and transformed by configurations that carry certain meanings trans-contextually. I am suggesting here that these configurations are constructed through all or combinations of the five modes of communication – the spoken, the written, the visual, the gestural *and* the tactile – mentioned and explained in the previous chapter.

Gee (2000:191) refers to our attempts to translate actors so that they recognize the intended meanings of configurations of material-semiotic relations as they occur in artefacts such as written texts, as ‘enactive work’.

We attempt, through our words and deeds, to get others to recognise people, things, artefacts, symbols, tools, technologies, actions, interactions, times, places, and ways of speaking, listening, writing, reading, feeling, believing, thinking, and valuing as meaningful and valuable in certain ways. We attempt to make each of these meaningful and valuable in itself [...] and as a *configuration* of elements all related to each other in a specific and meaningful way [...] (author's emphasis, Gee, 2000:191).

In actor network theory terms and in this study, enactive work would include the attempts by translators to convince actors to accept the problematization that they have set up and work towards realizing it. In addition, texts such as police docketts, can transport enactive work across various sites of practice. However, the meanings that these configurations of material-semiotic relations carry, are not always successful in transporting their intended meanings trans-contextually as they become embedded in heterogeneous social practices and are subjected to the effects of various translation processes of competing networks and their modes of ordering. Therefore, when texts and their configurations travel to other sites of practice, they are subjected to 'recognition work' – the attempts of actors, who are on the receiving end of these configurations, to understand or even reject their intended meanings (Gee, 2000:191).

In Callon's (1986) study enactive work was carried to other sites through texts such as tables and graphs, each having its own configurations of material-semiotic relations and which legitimized the three marine biologists as spokespersons for a number of heterogeneous entities who had been silenced during the translation process. Although these configurations initially achieved their intended ordering effects, in other words, the enactive work of these texts was successful in translating the scientific community; they did not endure once the alliances between the scallops, the fishermen and the three marine biologists broke down. The fishermen's treason resulted in the reconfiguration of the initial material-semiotic relations that the graphs and tables carried to the conference room in Brest. Thus configurations and therefore literacy do not remain intact or immutable solely because they are found in material forms such as texts, but are always contingent on strategies and modes of ordering having the intended ordering effects on those who interpret them.

In his response to Brandt and Clinton's (2002) critique of the NLS, Street (2003:80) argues that literacies do not exist autonomously but mutate as they travel across and are used in various contexts.

The features of the distant literacies are actually no more autonomous than those of local literacies, or indeed any literacy practices: their distantness, their relative power over local literacies and their "non-invented" character as far as local users are concerned, do not make them "autonomous" only "distant", "new", or hegemonic.

Although Street's response does not draw on the conceptual tools of actor network theory, it does echo similar concerns to those discussed above. Literacy's ability to mutate, its hybridity suggests that it has different forms of something-ness in and across contexts. Therefore Baynham and Prinsloo (2009:10) argue that texts are more than just objects of knowledge but are important entities as they shape and are shaped by network processes across contexts. As texts become networked in various networks, in various realities, in various practices and across sites, we might see how they – like the TSR 2 (Law, 1990), the human body (Mol, 2002) and the intrauterine device (Dugdale, 1999) – may produce multiple performativities of the same text and therefore literacy as well.

Conclusion

In this chapter I have explained the salient conceptual tools of actor network theory that I take forward in the chapters to follow. These concepts are important tools to analyze and describe how literacy and texts play a vital role in increasing the stability of a network across contexts. Furthermore, the conceptual tools discussed above are important in showing how literacy and texts form the nodes that can create partial connections between different sites so that networks can achieve some form of stability and have ordering effects trans-contextually.

In the next chapter I introduce Blue Hills police station and regional courts where I collected my ethnographic data between 2005 and 2006 for this study. I introduce a hybrid form of ethnography that draws on both NLS as well as actor network theory traditions. I show that both traditions utilize ethnography to reveal complexity as it occurs in and across sites of practice.

Chapter Three

Ethnography as a means to document the trans-contextual movement of literacy: Looking down rather than up

When I explained the nature of my research to the superintendent, he asked if I had received permission to conduct my research. I replied that I had been granted permission by the Provincial Commissioner of the SAPS. When the superintendent asked if I had the letter with me as proof, I handed him the letter, he scanned the page and exclaimed: “The letter is too old!” Not deterred by his response, I told him that I was intending to document how police dockets are completed and processed at various stages in the criminal justice system. The superintendent who was obviously not interested in having me around at Blue Hills police station curtly responded: “The complainant lays a complaint, a docket is opened in the Community Service Centre, then it’s captured on the CAS, then it goes to the detectives who investigates (sic) the crime and makes an arrest and then it goes to court and the accused is found guilty and imprisoned or innocent and released. That’s the process.” Another superintendent interjected and advised me to attend a meeting of component heads the next day to explain my research.

(Field notes, Tuesday 15 February 2005)

The next day...

After explaining the scope of my research in the meeting of component heads, the helpful superintendent added that I would be following the flow of police dockets from Blue Hills police station to Blue Hills regional courts. To this the Director of the police station responded saying that I needed to be aware that it is not always a training problem, but that cases were postponed at court which in turn led to the lengthy processing of police dockets. One policewoman dressed in plain clothes said that she hoped that my research would be made available to Blue Hills police station and the SAPS so that the service could be improved. She said that “sometimes an outsider can see that which they [the SAPS] perceive as normal”.

(Field notes, Wednesday 16 February 2005)

Introduction

The field notes above were recorded during the first two days I visited Blue Hills police station to introduce myself and to explain the nature of my ethnographic study into the literacy and literacy practices of officials working in South Africa's criminal justice system. In this chapter I draw extensively on the field notes above to discuss the way in which actor network theory harnesses ethnography to document detail, otherwise known as complexity in situated contexts. I discussed this complexity in detail in Chapter One.

I argue that actors who work in formal institutions such as South Africa's criminal justice system, often black-box complex translation processes when they speak about their literacy practices and text production. When translation processes are black-boxed, what is left is an effect, an actor, who "conceals" the complexities which allow a network to achieve relative stability and have ordering effects trans-contextually. In the case of the network of the criminal justice system one of the effects is the police docket with its various texts and their configurations of material-semiotic relations that are assembled in it during various moments of the translation process. In addition, the police docket as we shall see in later chapters also has ordering effects as it is produced and assembled during the various moments of translation.

I suggest that the four moments of translation discussed in the previous chapter, allow the ethnographer to document the detail or complexity of literacy events as they occur during these moments. I argue that the tactics of translation should also be understood as including literacy practices that translators draw on during these literacy events. The moments of translation present the ethnographer with new units of analysis, new conceptual tools and a language of description that can offer insights into the complexity of literacy events as they occur, as part of translation processes, to create network stability trans-contextually. Network stability, as was argued in the previous chapter, is contingent on three states, namely, material durability, strategic durability and discursive stability. I explained these states in the previous chapter. I argue that the four moments of translation and their literacy events are nexus points where the ethnographer can often document how these three states together impinge on creating network stability. Furthermore, I suggest that actor network theory's insistence to "localize" every site through the metaphor of the network, allows Literacy Studies to rid itself of the binaries of the global and the local or the macro and the micro, so that the ethnographer can study literacy's effects within and across situated contexts.

Lastly, I argue that ethnography as a data collection tool, can be seen as a mode of ordering that attempts to translate unfamiliar actors in an unfamiliar site to take on the problematization of the ethnographer. This makes ethnography a precarious form of data collection, one which requires trail-

following ethnographers to insert themselves into unfamiliar translation processes and their social practices. In other words, to translate heterogeneous actors, ethnographers must have at their disposal, at any given moment, a repertoire of tactics and strategies to translate actors of the site to take on their problematization. This precarious nature of ethnography can therefore present the ethnographer with a range of problems to do with identity and the modes of ordering that shape the local site. I discuss some of these problems and argue that although they make data collection a complex process, they underscore ethnography's true function in Literacy Studies and actor network theory, namely, to document detail and understand the complexity that shapes literacy in situated contexts.

Ethnography: A tool to study complexity in situated contexts

Kwa (2002) makes the distinction between 'romantic complexity' and 'baroque complexity'. These two gazes mean that an ethnographer can adopt, perceive and understand complexity in contrasting ways. Kwa (2002:24) argues that romantic complexity 'sees an underlying unity in a world of heterogeneous objects and phenomena'. When an ethnographer adopts the gaze of romantic complexity while collecting and analyzing data, complex processes and their detail, are often black-boxed. Paradoxically, this "oversimplified complexity", creates a form of obscurity because complexity in all its infinite detail is lost as the ethnographer's gaze becomes tainted by his or her quest to see unity in all things. In other words, heterogeneity is homogenized and offered as a sacrifice – a black box – at the altar of simplification where strong accounts of social life create "coherent" pictures of a complex and heterogeneous social world. In similar vein, Law and Mol (2002:3) caution that 'simplifications that reduce a complex reality to whatever it is that fits into a simple scheme tend to "forget" about the complex, which may mean that the latter is surprising and disturbing when it reappears later on and, in extreme cases, is simply repressed'. This issue, more than often, is the dilemma with which many researchers come face to face, but often choose to ignore because they need to offer strong accounts of how the social world operates. The ability to offer strong accounts is also often seen as sound practice in the literacies of academia.

The superintendent's explanation of how police dockets are processed was meant to translate me to accept that "the process" was simple, smooth and linear, devoid of any complexity, and thus meant to bring my research to an abrupt end. His version of "the process" black-boxes three moments which are interconnected and which eventually produce the whole, "the process": the first, "the complainant lays a complaint and a docket is opened"; the second, "...then it goes to the detectives who investigates"; and the third, "...then it goes to court". Indeed, these moments do capture what is known as 'the criminal justice process' (Van Veenendal, 2001:209), but they do not capture the

complexity of this process in any detail. I will explain the criminal justice process in more detail later on in this chapter as it is integral to this research.

Law (2002:4) further argues that romantic complexity asks the researcher to ‘[l]ook up’ so as to ‘see things as a whole’ and to ‘incorporate elements that were previously separate’. By doing this, the researcher will come to “understand” that there is a unity in all social phenomena. If ethnographers accept the gaze of romantic complexity, then they are accepting the macro gaze of the panopticon, where one can only see the unity in all social phenomena due to the pervasive and unproblematic operation of power in society. This was particularly the case in my previous study, where I could offer a strong account of the operation of power in Phatisanani police station through the texts and literacy practices of police officers. My previous research had elements of romantic complexity in its analysis and explanation of literacy events, but as I have discussed in Chapter One, this approach could not account for the complexity that my data had shown.

In contrast to romantic complexity, baroque complexity refers to heterogeneous individuals, a heterogeneous world where entities are in ‘turbulent motion’ (Kwa, 2002:46). This implies that in order for the ethnographer to understand how complex translation processes shape and order literacy and literacy practices, that is, how they affect the trans-contextual movement of literacy and texts as is the focus of this study, the ethnographer is required to ‘look down’ and to situate himself in the local context. And here local, as was stated in the previous chapter, is seen as a pervasive site or location because actor network theory dissolves the theoretical divide between the local and the global by following networks and how they are built across time and space (Latour, 2005). Therefore Law (2002:8) argues that:

We are looking at (what is sometimes called) ‘detail’, rather than up to search for ‘the broader picture’. And, as a crucial part of this, we are discovering complexity in that detail. [...] the baroque imagination...is an imagination that discovers complexity in detail or (better) specificity, rather than in the emergence of higher level order. It is an imagination that looks down rather than up.

Latour (2005) argues that we need to replace Foucault’s panopticon, which adopts the macro gaze of romantic complexity that is all-seeing, all-encompassing, omnipresent and omnipotent with oligoptica – the antithesis of panoptica. The gaze of the oligopticon – the gaze of baroque complexity – dissolves the macro-micro divide and prevents the ethnographer from falling prey to synchronicity, as mentioned in Chapter One. Latour (2005:181) argues that the panopticon ‘has remained a utopia, that is, a world of nowhere to feed the double disease of total paranoia and total megalomania’. Oligoptica, he argues, situates the ethnographer and localizes *every* site so that the actor network

ethnographer has a myopic gaze like that of an ant that allows him or her to follow a scent or a trace but across time and space. This type of ethnography takes the researcher from the panoramic views of the panopticon and into the myopic views of the oligopticon and allows him or her to see the detail or complexity that situated practices have to offer in and across local sites. Furthermore, more entities are included in the analytical frame because of a willingness to trace associations across contexts. This in practice can be achieved, if oligoptica are inserted in the moments of the translation process in order to document the complexity that characterizes these moments.

Baroque complexity does not propagate stable routinized patterns of communication and interaction, as suggested by the superintendent in his naming of each moment that comprises “the process”. If patterns occur, Kwa (2002:46) proposes, they are fleeting because individuals participate in a plethora of “wholes” or realities instead of one only, as advocated by romantic complexity. He further argues that wholes are constituted situationally, relationally and associatively rather than through a set of clearly defined laws and patterns. Therefore patterns, if they occur, are relational effects or the ordering effects of complex translation processes.

If we consider baroque complexity, then the moments mentioned by the superintendent above, can also be viewed as representing wholes that obscure heterogeneity and its complexity. In other words, the ethnographer needs to peel away at the façade of homogeneity that individuals create as part of the utterances and practices of situated contexts, and to expose the detail and complexity of heterogeneity in these contexts. Therefore, the ethnographer needs to insert several oligoptica in the moments mentioned by the superintendent in order to observe and document the complexities of the translation process, in which literacy and texts are performed and constructed across sites of practice during “the process”. To be more precise, ethnography in the actor network theory tradition can be argued to be “participant myopic observation”. The gaze of the oligopticon is then a situated vantage point so that the ethnographer can see the detail and the heterogeneity which shape literacy and literacy practices in formal institutions such as South Africa’s criminal justice system. Furthermore, this gaze that looks down to see detail can allow us to “un-black-box” the complexities that reside in over-simplified statements like that of the superintendent – a sentiment also echoed by one of the police officers above when she stated that “sometimes an outsider can see that which they [the SAPS] perceive as normal”.

In the next section I discuss how ethnography in the NLS tradition has touched on baroque complexity with its insistence on studying literacy as part of situated social practices. I argue that this approach to the study of literacy can be advanced and extended, if married with the empirical approaches that actor network theory has to offer.

The study of complexity in Literacy Studies

I noted in Chapter One that as a response to the literacy myth and its concomitant sweeping claims of the positive and unproblematic outcomes of the acquisition of literacy, NLS theorists argued that the effects of literacy are better studied and understood as part of social practices within specific situated contexts. Therefore at times, the NLS is also referred to as a “social practices account of literacy”. Great Divide Theorists such as Goody (1977) and Ong (1982) made sweeping claims that the acquisition of literacy automatically had positive effects on people. These claims of the effects of literacy were not supported by empirical evidence and failed to document how people in local contexts perceived literacy and how they made use of literacy in their everyday social practices (Street, 1993). Nor did these claims show that literacy and written texts are ‘functionally blank’ until they became embedded and are harnessed in local social practices. These claims, if considered from an actor network perspective, would have been criticised for not documenting how networks folded themselves around literacy and texts as part of the complex practices of translation. In addition these claims by Great Divide Theorists would have been seen as offering *a priori* accounts of the effects of literacy and texts even before they had become part of situated contexts and their complex translation processes.

Street (1993:3) argued, that ‘[t]rapped within approaches such as this [those advocated by Great Divide Theorists], it is difficult to learn anything new or to see anything different in the world of literacy since we see only our own reflections when we look at others, our own literacy when we look at the literacies of other people’. To remedy this narcissistic and walled-in gaze at literacy, Street (1993) proposed that an ethnographic account of literacy coupled with theories that magnify the operation of power in literacy practices will make the ideological nature of any form of literacy provision more apparent. For this reason, ethnographic research in Literacy Studies such as those mentioned in Chapter One along with others (see also Besnier, 1993; Bloch, 1993; Lewis, 1993 and Ormerod and Ivanič, 2000; Rios, 2005; Kalman, 2005; Papen, 2005; Nabi, Rogers and Street, 2009), focused on uncovering local literacy practices as they were embedded in the everyday social practices of people in specific contexts within clearly demarcated social domains. These ethnographic accounts considered the attitudes and beliefs that people in local contexts held about literacy and texts. As was mentioned in Chapter One, these studies also focused specifically on researching and documenting “everyday” and often marginalised literacy practices as an important theoretical and empirical orientation that distinguished itself from the assumed positive effects literacy would have on people in situated contexts.

Ethnographic studies in the NLS also proved that the social grouping of “illiterate” was problematic because it homogenized heterogeneous individuals who were engaging with literacy in heterogeneous

ways. By documenting literacy practices in situated contexts, these ethnographic studies showed that black-boxing heterogeneous individuals as “the illiterate” are best avoided as such social categories offer the researcher over-simplified versions of social life and contribute very little to a comprehensive understanding of the effects of literacy in situated contexts. This was an issue I discussed extensively in Chapter One when I referred to the binaries of ‘insiders’ and ‘outsiders’ and ‘masters’ and ‘newcomers’ and how these categories were mere abstractions. Avoiding stable and homogeneous social categories is an important tenet of actor network theory. Therefore Latour (2005:30) argues that ethnography in the actor network theory tradition is:

[...] a better way for the vocabulary of the actors to be heard loud and clear – and I am not especially worried if it is the social scientists’ jargon that is being downplayed. If I had to provide a checklist for what is a good [actor network theory] account – this will be an important indicator of quality – are the concepts of the actors allowed to be *stronger* than that of the analysts, or is it the analyst who is doing all the talking? As far as writing reports are concerned, it means a precise but difficult trial: Is the text that comments on the various quotes and documents more, less, or as interesting as the actors’ own expressions and behaviours? If you find this test too easy to meet, then [actor network theory] is not for you.

When I started the data collection process and was introduced to the different Uniform Branch shifts at Blue Hills police station, it was evident that many amongst the rank-and-file were of the opinion that the literacy classes, provided for the SAPS’s rank-and-file to improve the literacy skills of police officers, did not equate to improving efficiency at South Africa’s police stations. One captain remarked that the literacy programme that police officers attended taught police officers the literacy specific to school curricula and did not suit the needs of the police station nor the everyday literacy practices of police officers. She mentioned the importance of being able to take the statements of complainants as the first step to opening police dockets: “Your career as a police officer starts with taking a statement.” In one incident, she noted that a Uniform Branch police officer used the excuse that he could not attend the literacy classes because he had injured his finger when it got stuck in the police vehicle’s door. The police officer preferred to remain on duty as long as he was not required to attend the literacy classes.

Such attitudes in local contexts toward literacy were always of great importance to document as part of the overarching project of Literacy Studies. Therefore Rogers and Street (2009:5) argue that ‘in ethnography it is important not to decide in advance what we are looking for too precisely, because we do not know what is important to our subject’. Ethnographic studies in the NLS, like those in actor network theory, avoided offering *a priori* accounts of literacy and its assumed effects on people in local contexts. Instead, these studies focused on documenting how literacy and texts take on

various heterogeneous forms and meanings when embedded in social practices. The insistence that literacy must be studied as part of situated social practices was the way ethnographic studies in Literacy Studies documented and uncovered the detail or complexity of engagement with literacy in local contexts. It was argued, and this is still the case, that the social practices in situated contexts can be a source of constraints or affordances for individuals especially when they want to participate in literacy events where these practices are drawn upon. This was one of the arguments that I made in my previous research and which I expounded on in Chapter One.

Baynham and Prinsloo (2009:6) argue that the term “practices” is used in three ways in the NLS. First, it refers to ‘observable, collectable and/or documentable specific ethnographic detail of situated literacy events’ (Prinsloo and Baynham, 2009:6). In this sense the term refers to those aspects of literacy that subtend the creation of actual texts in situated contexts. Second, and this is an issue that I have explained briefly in Chapter One, the term also refers to ‘culturally recognizable patterns of behaviour, which can be generalised from the observation of specifics’ (Baynham and Prinsloo, 2009:6). Thus far, the two uses of the term “practices” involved human beings. However, they argue that in the last sense, the term is related to nonhumans which includes ‘institutional practices’, ‘bureaucratic practices’, ‘textual practices’ and a range of others that are associated with literacy events and text production (Baynham and Prinsloo, 2009:6).

In addition they expand on the way the term social practices has been used above by noting that in actor network theory artefacts ‘are necessary, irreplaceable components of certain social practices; their social significance does not only consist in their being ‘interpreted’ in certain ways but also in their being ‘handled’ in certain ways and in being constitutive, effective elements of social practices’ (Prinsloo and Baynham, 2009:10). This is an important issue for this study and which I alluded to in the first two chapters. I argued that we need to include five modes of communication – the verbal, the written, the visual, the gestural *and* the tactile – in our understanding and analysis of literacy events because these modes overlap in complex ways as part of literacy practices evident in literacy events and as part of translation processes. Such an understanding of social practices as part of literacy events in the criminal justice system brings nonhumans into the frame of analysis in the way they: mediate these practices; play a pivotal role in constructing configurations of material-semiotic relations during the production of the police docket and create stability for the network of the criminal justice system trans-contextually. In this study, and from an actor network perspective, I see social practices and therefore literacy practices as embedded in the tactics of translation which inform the four moments of translation. I have discussed these social practices at length in the previous chapter when I drew on Callon’s (1986) and other ethnographic studies in actor network theory. I see the term social practices as *the* theoretical and empirical ‘partial connection’ or ‘the fractal’ that connects

the way Literacy Studies and actor network theory study and document complexity in local contexts through the use of ethnography.

Law's (1994) ethnography conducted in Daresbury Laboratory focused on how all the configurations of material-semiotic relations created ordering effects and their own realities. He argued that various translation processes were at work in Daresbury Laboratory competing for ascendancy in the laboratory. Law (1994:18) suggested that because of various translation processes at work in situated contexts such as Daresbury Laboratory, ethnography can play a pivotal role in documenting 'stories [various forms of realities in other words] that have to do with the processes of ordering that generate effects'. Law's use of the plural shows that various translation processes may produce their own performativities of an object or subject, in other words, their own relational material-semiotic reality.

To demonstrate how an actor network ethnographic account can assist us in understanding translation processes and the social practices that their translators employ to achieve network stability, let us again return to the events that occurred on the first day I visited Blue Hills police station. The superintendent, who was obviously not interested in having me around in the police station, offered a quick and concise answer to my research question: "The complainant lays a complaint. A docket is opened in the Community Service Centre. Then it's captured on the CAS. Then it goes to the detectives who investigates (sic) the crime and makes an arrest. And then it goes to court and the accused is found guilty and imprisoned or innocent and released. That's the process." It is important for us to pause here and to consider the superintendent's utterance more carefully in the context of this research and of ethnography as a data collection method used to document complexity, by raising a few salient questions: How are certain transformations such as those documented by Callon (1986) achieved in the superintendent's explanation or in the criminal justice system? How are complaints transformed from ordinary utterances into written statements? How are these complaints transformed into recognized crimes in South Africa's criminal justice system? How do these transformations, included in the police docket, shape the literacy practices during the investigation of a crime? What literacy practices result in the displacement – like we saw in Callon's (1986) study – of various contexts from outside the criminal justice system into police dockets, police stations and ultimately into the court room? What human and nonhuman actors are translated and sometimes silenced in "the process"? What configurations of material-semiotic relations are produced during translation processes? And are there any competing networks that attempt to translate the same actors differently and in doing so, produce alternative configurations of material semiotic-relations? I propose that these are questions that would be at the heart of an actor network theory ethnography of literacy as it occurs in situated contexts and in order to document and understand the complexity of literacy in and across contexts.

A number of important tactics of translation and the social practices employed during translation were also black-boxed and have disappeared in the superintendent's linear and coherent explanation of "the process". These include amongst others transformations, displacements, deletions, the creation of spokespersons and the configuration of material-semiotic relations that underscore these practices, and which ultimately shape the production of the police docket as a boundary- and functionally blank object that plays an important role in creating network stability. Furthermore, the superintendent's account does not offer any explanations as to how materials and strategies endure and interact during translation to produce stability for the network of the criminal justice system in and across sites. In addition his account does not offer any explanation as to how various modes of ordering, which create discursive stability, interfere with each other to contribute to network stability.

It was also obvious that more than one mode of ordering existed in South Africa's criminal justice system when we consider the Director's view that the lengthy processing of police dockets was not always due to a training problem in the SAPS, but due to bureaucratic practices – such as postponements of cases – beyond the sphere of influence of the SAPS's members. Why are cases postponed? One possible answer could be that the lengthy processing of police dockets was an effect of other modes of ordering and their translation processes. Furthermore, when I spoke to state prosecutors at Blue Hills regional courts they informed me that productivity in the SAPS and the National Prosecuting Authority (NPA) (of which the prosecutors form a part) is measured differently. For the SAPS, productivity is judged according to the number of arrests police officers make per month. This mode of ordering resulted in police officers, especially Uniform Branch police officers, arresting people for minor crimes such as, amongst others, urinating in public. In another incident, a detective at the police station told me that Uniform Branch police officers arrested and charged a person for carrying an unlicensed firearm. However, it was eventually discovered that the "unlicensed firearm" was a toy gun. Such incidents frustrated the efforts of detectives and state prosecutors who have to work together to make police dockets "court-ready" in order to ensure the successful prosecution of accused.

On the other hand, the productivity of state prosecutors was judged on the number of successful prosecutions they made for every police docket that eventually made its way to court and onto the court roll of cases. Needless to say, when the modes of ordering in the SAPS and the NPA interacted with each other, one of the effects was a considerable amount of frustration for state prosecutors. Prosecutors would often complain that because Uniform Branch police officers did not see themselves as responsible for the rest of "the process", which includes the investigation and the prosecution of crimes, they did not pay particular attention to how statements were taken from complainants and how they completed police dockets. Detectives, whom prosecutors rely on to build stable networks in which key actors are translated during the criminal investigation process, expressed similar

frustrations when it came to the production of police dockets by Uniform Branch officers working in the CSC. These ‘inter-ordering effects’ (Law, 1999:22) included, amongst others, contestations around the way in which crimes were classified in police dockets and the lack of detail in the statements taken from complainants. In other instances some acts, not recognized as crimes in South Africa, were classified as crimes at Blue Hills police station. In this study, I consider the literacy practices of detectives as being shaped by the mode of ordering that judge the productivity of state prosecutors in terms of the number of successful prosecutions that stem from a particular police docket. This will become more apparent in the next chapter.

In Law’s (1994) ethnography of the Daresbury Laboratory he found that at least four modes of ordering existed just amongst the managers alone, excluding other modes of ordering in the laboratory amongst other heterogeneous actors. Therefore Law (1994:20) suggests that, telling stories of modes of ordering and how they affect and create network stability, provides the ethnographer with an account of the ‘character of agency, the nature of organizational relations, how it is that interorganizational relations should properly be ordered’. At best, as this study will show, the superintendent’s explanation was but one version of “the process” amongst many others in the South Africa’s criminal justice system. Therefore, actor network theory and its use of ethnography can lift various modes of ordering from obscurity, document the effects they have on text production during literacy events and as part of translation processes in local sites, by adopting the oligoptic gaze of baroque complexity. Such a gaze can reveal how the production of the police docket and the configurations of material-semiotic relations embedded in its texts, can either decrease or increase the relative stability of the network of the criminal justice system in and across contexts.

Documenting the building of the network of the criminal justice system: An ethnography of “the process”

I spent approximately two years at Blue Hills police station and regional courts collecting data. After I had completed data collection and had done an analysis of my field notes, I came to the conclusion that my field notes mirrored three moments of the criminal justice process which the superintendent referred to as “the process” earlier. In this study I regard the “criminal justice process” as a synonym for translation, the process whereby actors – Uniform Branch police officers, detectives and state prosecutors – working in the criminal justice system attempt to build the network of the criminal justice system. I refer to the network of the criminal justice system as ‘the network’ from here onwards in this study.

The ultimate aim of this translation process is to build a network in which the police docket as a nonhuman actor plays a pivotal role in creating stability for the network trans-contextually. As was

stated in Chapter Two, an actor such as a police docket, is ‘a spokesperson, a figurehead, or a more or less opaque ‘black box’ which stands for, conceals, defines, holds in place, mobilizes and draws on, a set of juxtaposed bits and pieces’ (Law, 1994:101). In Chapter Two I also mentioned that the ‘relative stability’ of the network is contingent on all of the following three factors: ‘material durability’, ‘strategic durability’ and ‘discursive stability’ Law (2009:148). The three factors, I have noted previously, should be seen as intertwined “states” which can increase the stability of the network if they are successful or can decrease its stability if unsuccessful. These factors are important to remember for the discussion and analysis of data in the rest of this study.

In order to organize my data and to document the complexity of building the network, I exploded each of the moments of the criminal justice process by matching them with the four moments of translation as mentioned in Callon’s (1986) study, discussed in Chapter Two, in the following way: the first moment of the criminal justice process, “the complainant lays a complaint and a docket is opened” was matched with the first moment of translation, problematization; the second moment of the criminal justice process, “then it goes to the detectives who investigate”, was matched with the moments of interestment *and* enrolment; and finally, the last moment of the criminal justice process, “then it goes to court”, was matched with the last moment of translation, mobilization. By matching these moments, the moments of the criminal justice process and the moments of translation, I arrived at three hybrid moments which are seen as moments in which communicative events – literacy events in the context of this study – occur and which are the units of analysis for this study.

Moment One, Moment Two and Moment Three as described above are also snapshots of the stories that can be told about how the network is built and it achieves relative stability in and across contexts. This approach, I argue, allows the ethnographer to insert oligoptica – a metaphor for the insertion of the gaze of baroque complexity – in each of the moments so that the complexity that defines them and how the network is built through literacy practices, can be documented. Furthermore, this gaze sees each hybrid moment as a nexus point where the ethnographer can document the interplay between the enactive work and recognition work (Gee, 2000) of actors as the network is built during literacy events and as other competing networks jockey for ascendancy. I discuss the various forms of the interplay between enactive work and recognition work in the chapters to follow.

I discuss each of these moments, as I have briefly explained them above, in greater detail below.

Moment One: “The complainant lays a complaint and a docket is opened...” matched with the moment of problematization

Van Veenendal (2001) notes that the criminal justice process starts when a crime is committed and someone reports the incident to the police or the police become aware that a crime has been

committed. Moment One then is the reporting phase and involves certain literacy practices such as the classification of the crime and the production of an A1 statement which culminates in the opening of a police docket. The category of crime is written on the front cover of the police docket under the section 'Nature and description of offence' (see Figure 7 on the following page). During the two years spent at the police station I had documented over fifty literacy events involving categories of crimes ranging from *crimen iniuria* to murder.

During Moment One Uniform Branch police officers attempt to establish the problematization of the network by classifying acts into specific crimes and producing an A1 statement. Classification of the crime and the production of the A1 statement produce particular configurations of material-semiotic relations textually. As will become evident in my discussion below, these configurations can either increase or decrease the relative stability of the network across contexts, in the criminal justice system.

During the process of collecting data in the police station I discovered that as part of a strategy to achieve relative stability of the network, detectives were asked by the management of Blue Hills police station and regional courts to read through police dockets that had been opened by Uniform Branch police officers working in the CSC. Put differently, detectives were asked to subject the enactive work of texts and their configurations of material-semiotic relations produced by Uniform Branch police officers to their recognition work. This was done for two reasons: to check whether Uniform Branch police officers had completed police dockets correctly and whether they had classified crimes correctly before the police docket was registered on the CAS. In other words, detectives had to determine whether the configuration of material-semiotic relations produced by Uniform Branch police officers would in future be the precursor to creating a stable network trans-contextually.

In this study I see this moment as a nexus point primarily for the interplay between the enactive work of Uniform Branch police officers and the recognition work of detectives. However, this moment was also ideal to document the inter-ordering effects of various modes of ordering operating in the network and how these affected the stability of the network. I cover this moment extensively in Chapter Four.

Moment Two: “Then it goes to the detectives who investigate” matched with the moments of interessement and enrolment

During Moment Two a detective known as the investigating officer is assigned to investigate the crime as classified on the front cover of the police docket. A senior detective will write specific instructions in the “Investigation Diary” (see Figure 8 on the following page) located on the back cover of the police docket for the investigating officer, in order to guide his or her investigation as he or she attempts to interest and enrol actors – such as potential state witnesses – to accept the problematization of the network.

Van Veenendal (2001) describes this moment as consisting of various processes such as: interviewing witnesses to the crime, writing witness statements, visiting crime scenes and collecting other documents pertaining to the crime. I see these processes that characterize Moment Two as forming part of the literacy practices of this moment and as part of the translation process. All these practices are recorded in the Investigation Diary of the police docket.

The data that corresponds to Moment Two, focuses on the interplay between the enactive work of potential state witnesses' verbal accounts of crimes and the recognition work of detectives. Through this interplay transformations, such as transforming the verbal accounts of witnesses into written witness statements, are produced. These transformations are all assembled in the police docket to endorse the legitimacy of spokespersons (such as state witnesses) who have been created and enrolled during this moment, to speak on behalf of a number of silent entities (such as accused) in court during mobilization. The investigation process is also an extension of the network beyond the confines of the walls of police stations and courts, to other semiotic domains. Therefore by documenting this interplay I could also document how modes of ordering of competing networks interfered and affected the relative stability of the network and shaped text production during this moment. As a consequence, I could document the literacy practices that detectives employ during this moment, to ensure stability of the network beyond this moment. While completing my fieldwork I accompanied three detectives who investigated crimes such as house burglaries, theft, armed robbery and attempted murder. In total I documented fifteen cases during this time.

Once the investigation is completed, the police docket's enactive work – assembled and constructed by the investigating officer in the form of texts and their configurations of material-semiotic relations – is subjected to state prosecutors' recognition work who then determines whether the police docket is "court ready". If the state prosecutors feel that there is insufficient evidence to prosecute, they will either attach a *nolle prosequi* (not to prosecute) certificate to the police docket or they will write further instructions in the Investigation Diary (see Figure 8) to guide the investigating officer's efforts at building the network. In the former case, the police docket would be closed and considered as finalized. In the latter case, once the instructions have been fulfilled, the state prosecutor will review the police docket again and decide whether the police docket is court ready, that is, whether the police docket will not decrease the stability of the network when court proceedings commence. If the police docket is "court ready", the prosecutor will formalize the charge and decide when the trial will commence.

At Blue Hills regional courts, state prosecutors meet every morning to review police dockets that have been submitted to them. Although I was not allowed to attend these meetings and document this interplay, I was told by one of the senior state prosecutors that during these review meetings they

might even reclassify crimes. He told me that police officers – Uniform Branch police officers and detectives – only classify crimes tentatively. This is done to provide the complainant with the type of crime that was committed, the CAS number that was recorded on the police docket, and the national data base, the CAS. The Criminal Procedure Act of 1976, legislated to ensure that the criminal justice system protects the rights of all South African citizens, allows state prosecutors to reclassify crimes on the police docket. The recognition work that the police docket is subjected to by a number of heterogeneous actors, highlights the trans-contextual nature of police dockets as boundary objects and as pivotal to the creation of network stability. I discuss Moment Two extensively in Chapter Five.

Moment Three: “...Then it goes to court...” matched with the moment of mobilization

As part of Moment Three, I attended twenty seven court cases at Blue Hills regional courts while completing my fieldwork. These court cases included crimes such as theft, indecent assault and murder.

Moment Three is the nexus point for the interplay between the enactive work of spokespersons created and mobilized by the network to speak in court, and the recognition work of defence attorneys who represent the problematizations of competing networks of the accused. During this moment, spokespersons are mobilized on behalf of the network to speak on behalf of a number of “silenced” entities such as accused during court proceedings. Their legitimacy as spokespersons and their enactive work are endorsed by the various texts that were created during Moment Two and which render them mobile to circulate in the network so that they can attend court proceedings. If their enactive work is successful, the relative stability of the network is increased and will lead to a successful prosecution. If unsuccessful, then the opposite is true. I cover this moment in greater detail in Chapter Six.

The importance of talk during the translation process

As was stated before I consider the three moments discussed above, as communicative events, literacy events in other words, which extend their effects beyond what is immediately observable. However, the sensitive nature of police dockets as artefacts in on-going trials and investigations, made the data that I collected during literacy events of a particular nature, namely, events focusing on talk around and about certain texts (Barton, 2001). Documenting talk around and about a text during literacy events required an analysis of the use of language as part of situated practice and as integral to text production during the translation process as described in Moment One, Moment Two and Moment Three.

The Chomskian school of thought, studied language (not literacy) as something innate to the individual regardless of social context. Therefore, the Chomskian school of thought did not consider social variability, or the study of socially occurring language in situated contexts. Hymes's (1964) socio-linguistic perspective on language was an important move away from this approach. Blommaert (2001:4) supporting Hymes's approach to the study of language, argues that the anthropological roots of ethnography provide a specific direction to the study of language by situating language deeply and inextricably in social life. He suggests that ethnography is often narrowly perceived as "description", whereby the researcher records facts and experiences under the label of "context". Blommaert (2001:4) refutes this narrow view of ethnography by further suggesting that ethnography involves a perspective on language and communication which includes an ontology *and* an epistemology. Both of these are important for the study of language (and therefore literacy) as well as of society, where language is always seen as intrinsically social and therefore intrinsically contexted. Studying language, inadvertently means studying the social, which in turn implies that empirical studies, where ethnographic methods of participant observation are employed, must attempt to capture *all* kinds of different meanings, meaning effects and language functions as they occur within a certain social environment. Blommaert (2001:4), drawing on the arguments of Hymes, differentiates between a 'linguistic notion of language' and an 'ethnographic notion of speech':

[Language] is what linguists have made of it, a concept with little significance for the people who actually use language. Speech is language-in-society, [...] an active notion [...] that deeply situates language in a web of relations of power, a dynamics of availability and accessibility, a situatedness of single acts vis-à-vis larger social and historical patterns such as genres and traditions.

Blommaert (2001) also suggests that the ethnographic principle of "situatedness" implies that not every form of communication is performed or performable in any situation. To capture the "situatedness" of language and how talk shapes literacy, textual practices and text production, I used the tools of Conversation Analysis (CA) in Chapter Five to analyze talk around the production of texts and talk about texts during Moment Two.

Similar to Blommaert's argument, Goodwin and Heritage (1990:287) argue that CA has always emphasized that talk – language in situated contexts – should never be treated as 'isolated, self-contained artefacts', but as 'forms of action situated within specific contexts and designed with specific attention to these contexts'. The concept 'interactional sequence' (Goodwin and Heritage, 1990:287) became important in CA because it recognized that observable conversational action (talk, utterances) reflects the here-and-now, that is, talk is oriented to the context of interaction. This

concept was further developed by Sacks and Schegloff who extended it to include the ‘adjacency pair’ which noted that a current action (‘a first pair part’ such as a question) suggests the production of a reciprocal action (a ‘second pair part’ such as an answer to the question) soon after the completion of the first (Goodwin and Heritage, 1990:287). When the appropriate next action – the second pair part – is ‘noticeably absent’, then it can become the source of remediation (Goodwin and Heritage, 1990:287) where actors can attempt to shape or constrain the conduct of other actors during communicative events such as is the case in a literacy event.

CA’s adjacency pair sequence, according to Goodwin and Heritage (1990:289), conceptualizes action (talk) as ‘context shaped (in that the framework of action from which it emerges provides primary organization for its production and interpretation) and context renewing (in that it now helps constitute the frame of relevance that will shape action)’. I want to stress here that in this study “remediation” often occurs when utterances and their enactive work are subjected to recognition work (Gee, 2000) during literacy events.

When talk is analyzed, we need to consider how actors perceive one another and how certain actors assign particular identities to other actors in communicative events (Goodwin and Heritage, 1990) or literacy events. One way of understanding how talk in literacy events can reflect certain identity categories is to consider turn-taking procedures. Goodwin and Heritage (1990:293) argue that the nature of a speaker’s action (utterance) assigns social identities to recipients within the interaction and in doing so, specifies the attributes recipients need to possess within that social identity assigned to them. The action, as argued by Goodwin (1981), symbolizes a specific categorization of the recipient and reciprocally of the speaker as well. Many a time the actor asking the most questions is an actor from an institution who perceives the hearer as one who possesses information of importance to the institution.

By locating current action ‘within larger action patterns’ (Goodwin and Heritage, 1990:293), it is possible to gain a much more nuanced construction of the social identities of participants during communicative events such as literacy events. For example, in most criminal justice systems detectives and state prosecutors always attempt to stabilize the identities of actors during literacy events. However, from an actor network theory perspective, identities are never stable and can be contested by various competing networks. This is especially true when social identities in the network must endure across contexts and remain stable in the texts contained in police dockets and their configurations of material-semiotic relations. Therefore, in institutional settings such as the criminal justice system, institutional talk can often take the form of questions followed by answers, which *does* reflect an attempt to stabilize and assign particular identities to actors who are seen as important to the network. Furthermore, questions that are asked during literacy events can also be the

effects of various modes of ordering operating within specific contexts. I want to stress here that in the criminal justice system and in the context of this study, the questions that detectives ask potential state witnesses are often shaped by the modes of ordering that judge the productivity of state prosecutors in terms of the number of successful prosecutions emanating from a police docket.

Although the interplay between enactive- and recognition work during the three moments discussed above is shaped by both everyday- and institutional talk, I specifically do an analysis of the conversations between detectives and potential state witnesses in Chapter Five where I cover Moment Two. The analysis of talk in this chapter takes the form of the adjacency pair (a question followed by an answer) as was discussed above. I consider the remediation that takes place during the conversations between potential state witnesses and detectives – as it occurs during the interplay between enactive- and recognition work in Moment Two – not as a phenomenon that is “trapped” within the moment or real time, but shaped by the mode of ordering that judges the productivity of state prosecutors and which extends its effects across time and space. This will become clearer in Chapter Five.

The use of legal theorists in the analysis of literacy events of the three moments

The literacy events that I present and analyze in the three moments focus on various types or categories of crime. Each crime consists of specific elements which define the crime. These definitions shape the nature of the literacy events that I draw on in the analysis chapters. In this study, I regard the elements of a crime as a configuration of material-semiotic relations. Because of this perspective, I draw on the works of two legal theorists, Burchell (2005) and Snyman (2006), to provide definitions of the crimes and to show how these configurations become pivotal in the literacy practices and the production of the police docket during the three moments discussed earlier.

Problems encountered during data collection

Blommaert and Jie (2012:17) warn that ‘there are more things one can do wrong in ethnographic work than perhaps in any other branch of science’. In this study most of the problems I encountered while collecting my data were due to doing the “right thing” such as getting official permission to conduct the research. As was stated earlier ethnographers often need to insert themselves in networks that are unfamiliar to them. Because they are not familiar with the histories and social practices of these networks, they might find that their ordering attempts – such as those documented at the start of this chapter – may fail and may be a source of frustration and result in a longer data collection process than envisaged.

Because I wanted to research the flow of police dockets across institutional sites in the criminal justice system, I required official permission from the SAPS as well as the Department of Justice and Constitutional Development of the Western Cape Province. My supervisor applied for permission on my behalf so that I could collect ethnographic data at Blue Hills police station and regional courts by sending a letter to the offices of the Provincial Commissioner of the SAPS and to the Department of Justice in the Western Cape respectively (see letters below).

Please would be you be so kind as to allow Mr Moeain Arend to carry out research for his PhD on Literacy in the Integrated Justice System. He is required to study the writing requirements and practices at police [stations] and courts. He is concerned to examine how documents are produced and processed at each of these institutional sites, and across them. His work is aimed at making a contribution to our understanding of the documentary pressures, constraints and practices that are part of the integrated justice system in contemporary South Africa. His work might well contribute to the improvement of the text-based procedures across these linked institutions.

(Letter to Provincial Commissioner of the SAPS)

I wonder if you could assist us to apply for special permission for one of our Doctoral students [...] who seeks to have access to and make notes from crime dockets at the Blue Hills regional court, for purposes of doctoral study. Mr Moeain Arend is carrying out an investigation of the role that written documents and their handling play in the investigation and successful prosecution of cases. Mr Arend has received written permission from the Commissioner of Police to carry out his study at one police station (Blue Hills), including examining dockets and on occasion interviewing court officials, but he needs also to study court documents as part of his study, as his study is concerned with the Integrated Justice System. Permission has not yet been granted by the Justice Department for his court-based study. We would be grateful for your support for his request for this access. As in all related research, the confidentiality of all such sources will be protected by the researcher.

(Letter to the Judge President of the Western Cape
Division of the High Court of South Africa)

When my supervisor received the letter granting me permission to collect data at Blue Hills police station, its subject heading read: "Request for access to information: Act, 2000 (Act No. 2 of 2000): Mr M Arend". In addition to stating that I had been granted permission to conduct the research, the letter also stated that 'no intruding upon the official time and duties of members should take place'. The fact that the "Access to Information Act" had been passed only in 2000, when South Africa had a democratically elected government in power, was indicative that the SAP, the police force during the

apartheid era, was under-researched and not open to public scrutiny. This closed institutional culture of the SAP which the SAPS inherited and the way the SAP was translated as a state organ to protect the apartheid state, had a major effect on data collection in the police station. The superintendent's utterances at the beginning of this chapter reflect this closed institutional culture.

Although most court proceedings in South Africa are open for the public to attend, the fact that I had chosen a particular court, Blue Hills regional courts, also raised suspicions even in an institution that is open to the public most of the time. I had to field quite a number of questions, pertaining to why I chose Blue Hills regional courts amongst all the other regional courts in the Western Cape Province. This suspicion made it difficult to gain meaningful access at the beginning of data collection. It was also difficult for state prosecutors to allow me to study police dockets, especially when criminal cases were of a sensitive nature and were still in the process of being tried in court. Even though I was granted official permission to view police dockets and other official texts, I had to exercise my judgement in determining the sensitivity and importance of these artefacts in certain criminal cases in order to know when I could ask to study police dockets and when to fade into the background. This proved to be a difficult choice to discern most of the times. My alliances with actors such as detectives and state prosecutors were always precarious because they were and still are the effects of the modes of ordering that judged their productivity as discussed earlier. Because of the precarious nature of my alliances with officials in the police station and the courts, all my data took the form of field notes. I was not allowed to copy any parts of police dockets directly.

My fieldwork also took place at a time when state institutions like South Africa's criminal justice system were coming under close scrutiny by the public, the media and the government because of the effects of modes of ordering such as the audit practices that typify neoliberal government processes. This, together with South Africa's violent past during the liberation struggle and the rise in crime after the 1994 elections, construed to make ethnography a precarious form of data collection. State institutions such as the SAPS and the regional courts received increased media attention as crime soared and public opinion leaned towards blaming the rise in crime on the inefficiency of these two institutions. Although this opinion has not changed much since I collected my data, it has had a noticeable impact on how I was viewed as a researcher. Because I received official permission from the provincial offices of the two institutions, I was perceived as a person who had been sent as part of these audit practices and to bring to the fore incompetence and corruption in the criminal justice system. Therefore, official permission did not automatically result in meaningful access at Blue Hills police station and regional courts. Meaningful access, as can be seen from the field notes I drew on at the beginning of this chapter, was a constant negotiation of identity and employing certain tactics to translate police officers and state prosecutors to take on the problematization that defines this research.

Initially my intention was to follow one or two police dockets across the three moments discussed earlier. I had to give up on this idea very quickly once I started collecting my data and realized that the three moments often extended across a number of years for most police dockets. In addition, some police dockets do not always make it beyond Moment One – this will become evident in the following chapter. Therefore, the literacy events that I present in this study are snapshots of how the network could be built during the three moments.

Background to the Blue Hills area

I collected my data at Blue Hills police station and regional courts between 2005 and 2006. The Blue Hills suburb, which is located about 27 kilometres from the city of Cape Town, was established in the 1970's when mostly Coloured people were forcibly removed from areas declared as White after the Group Areas Act of 1950 was passed.

In 2001 the Blue Hills population was recorded at 305 343 people living in 67 747 households. Since then, the area has experienced an annual growth rate of about 3.4%. The population is comprised of mainly Afrikaans speakers (50.1%), while 36.7% and 12.4% regard English and Xhosa as their home languages respectively. Although most people residing in Blue Hills classify themselves as Coloured, the area has seen a steady influx of other racial groupings from other parts of South Africa in recent years. According to the census of 2001, the unemployment rate in the Blue Hills area is at 30%. The area is also known for its high levels of violent crime. In 2013 the SAPS reported that the Blue Hills area was the most crime ridden suburb in South Africa Hills and that a total of 1.8 million cases of serious crimes were reported to Blue Hills police station from March 2012 to March 2013⁵.

Protecting identities of actors mentioned in the data

In the data presented in this study I have renamed the area in the Western Cape Province where I had collected the data as Blue Hills.

I refer to the police station and regional courts as Blue Hills police station and Blue Hills regional courts respectively for purposes of anonymity. As was promised, in the second letter above, I have also replaced the actual names of police officers, state prosecutors, magistrates, defence attorneys, companies and members of the public (accused, witnesses and expert witnesses) with pseudonyms for confidentiality purposes.

⁵ The statistics in this paragraph are from two reliable sources. For purposes of anonymity I could not include these sources in the reference list as it would be possible to identify the Blue Hills area from the content of these sources.

Using racial categories in this study

Like Latour I do not accept that there are clearly identifiable social groupings. This is partly due to the effects of my own socialization and my personal beliefs about the social world and the history of mankind. Personally, I view these categories as nonsensical as they cannot account for the complexity that is evident in history and contemporary society. The following definitions of “White” and “Coloured” during the apartheid era points to this nonsensical nature of racial classification: ‘[] a person who in appearance obviously is white and who is generally accepted as a white person [and a coloured as] a person who is not a white person or a native’ (Hall, 1996:130).

However, the use of categories such as “Black”, “Coloured”, “Indian” and “White” were unavoidable because of South Africa’s history of racial segregation and the use of these categories in everyday talk and in institutional talk and practices of South Africa’s criminal justice system. Members of the SAPS and state prosecutors still use these categories in their literacy practices for the purposes of description in order to identify suspects. Therefore, in this study, the term Black refers to people of Nguni- and Sotho-speaking origin; Coloured refers to people of mixed race; Indian to people of Indian origin; and White to people of European origin. I use these categories without any racist intention and purely because they reflect the utterances of actors in my data.

Limitations of the research

Ethnographic research and therefore participant observation often relies upon the particular theoretical interpretations and conclusions of a single individual, and is specific to a particular place and time. Haralambos and Holborn (1995:847) argue that it is quite possible that a different researcher would have reached quite different conclusions. Moreover, the data that I collected and present here is unavoidably part of a selective method of data collection. Ethnographers select what to record and what to omit, therefore imposing a framework upon the data in the process of analysing and interpreting them (Haralambos and Holborn, 1995:847). The conclusions that I have reached in this study apply to a specific context, South Africa’s criminal justice system – Blue Hills police station and regional courts – and the greater Blue Hills suburb. The various actors that interact in this semiotic landscape and that I have observed, do not represent the whole of society with all its complexities, and therefore broad generalizations cannot be made on the basis of my conclusions. However, ethnography’s ultimate aim in studying literacy as found in the NLS, was never to arrive at broad generalisations and conclusions, but its aim was always and still is to challenge some of the broad generalisations that theorists have made about the nature and effects of literacy (Rogers and Street, 2009) in situated contexts. Therefore, the extent to which my data illustrates and illuminates

particular theoretical relations, as discussed in this study, is of general interest and value for Literacy Studies.

Conclusion

In this chapter I have focused on arguing that ethnography in the NLS and actor network theory has traditionally been used to highlight detail or the complexity that define the nature of situated contexts. This focus, I argued, made the ethnographer adopt the gaze of baroque complexity, a form of myopia that casts the gaze of the ethnographer downwards to document detail and which localizes every site. I argued that, by focusing on the interplay between enactive work and recognition work during the three moments discussed above, the ethnographer can document translation processes, the effects of competing modes of ordering that shape the network and the strategies that actors employ to ensure the material durability of the network. By documenting these processes the ethnographer can document how relatively stable networks are built in and across contexts during the three moments.

In the next chapter I cover Moment One as described earlier.

Chapter Four

Moment One: Managing the high degree of interpretive flexibility of police dockets through classification practices

Introduction

This chapter focuses on Moment One, a hybrid moment consisting of the first moment of the criminal justice process, “the complainant lays a complaint and a docket is opened”, and which I matched with the first moment of the translation process, problematization. In Chapter Two I mentioned that the moment of problematization involves the identification of key actors and the material-semiotic relations that *should* exist between them so that a stable network can be built. In the criminal justice process this moment correlates with the classification of crimes, taking a statement from the complainant and producing the A1 statement which ultimately results in the opening of a police docket. In other words, Moment One involves achieving a number of transformations – such as changing verbal accounts of complainants into written texts – that are included in the police docket and which are important to establish the template on which the future network will be built. This is important for the creation of the relative stability of the network.

I draw on four literacy events in this chapter to show how classification practices, which I see as forming part of literacy practices, are drawn on by police officers (Uniform Branch police officers and detectives) during this moment to produce transformations, such as the A1 statement, and which contain configurations of material-semiotic relations. I argue that the plasticity of the police docket as a boundary object (Bowker and Star, 2000) in trans-contextual use, facilitates the interplay between the enactive work (Gee, 2000) of Uniform Branch police officers and the recognition work (Gee, 2000) of detectives located in the room adjacent to the CSC where I recorded the literacy events below. Furthermore, I argue that the plasticity of police dockets during this moment and which Brown and Capdevilla (1999) refer to as ‘functional blankness’, is essential and necessary in a country such as South Africa, where the aim is to encourage the public to report crimes in order to increase the public’s confidence in state institutions, especially after the end of the apartheid era.

However, I also argue that the police docket’s functional blankness or plasticity during this moment, is also a real threat to the relative stability of the network in and across contexts as the police docket is perceived, interpreted and performed in heterogeneous and contradictory ways by police officers and

members of the public. The multiplicity of police docket, in other words, their high degree of interpretive flexibility, reveals their Hermesian nature as boundary objects during Moment One.

I argue that the interplay between enactive- and recognition work in the four literacy events reveals the Janus faces of literacy and the subsequent production of the police docket during this moment. Like the Roman god Janus, the one face looks at the past and shows a particular version of the past contained in the configurations of material-semiotic relations produced in the A1 statement, while the other considers this past and looks to a future network that will be either stable or unstable based on these configurations. Therefore the interplay between enactive- and recognition work during Moment One, is important to tame tensions in order to manage the Hermesian nature of the police docket. I argue that this is achieved through recurrent patterns of co-existence (Mol, 2002), modes of ordering interfering with one another, and detectives employing certain strategies (as part of literacy practices) so that a viable problem is established for the network.

The interplay which I document in the literacy events serves to “endow” the police docket with “acceptable” meanings that can be interpreted trans-contextually especially by detectives who must investigate the crime registered on the police docket during Moment Two. This increases the relative stability of the network.

The police docket’s plasticity across contexts: heterogeneous uses of police docket

Five minutes later an officer from the Uniform Branch entered the room and went to the table where two detectives were seated. He studied the pile of police docket that one of the detectives was reading and exclaimed jokingly: “Gooi die docket weg man!” (“Throw the docket away man!”) The detective replied: “Dit is moeilikheid soek! Ek sal my job verloor!” (“That is looking for trouble! I will lose my job!”). The police officer eventually left.

(Field notes, Thursday 3 March 2005)

The interaction between a Uniform Branch police officer and a detective above, although seemingly humorous, demonstrates the importance of police docket, as artefacts, in the network. The detective’s reply “Dit is moeilikheid soek! Ek sal my job verloor!” (“That is looking for trouble! I will lose my job!”) also shows that the police docket is an important artefact which has trans-contextual ordering effects whether it is physically present or absent. In a context where modes of ordering (such as those explained in the previous chapter) consider the police docket as an essential artefact that measures productivity of various actors in various ways, the detective’s response should come as no surprise. In Chapter Three I mentioned that at Blue Hills police station detectives and

their literacy practices were a relational effect of a mode of ordering that judged the productivity of state prosecutors in terms of the number of successful prosecutions that stem from a police docket. The productivity of Uniform Branch police officers, however, was judged on the number of arrests undertaken per month and which stem from the opening of a particular police docket.

In 2005 alone it was reported that three hundred and forty three police dockets went missing over a period of twelve months in South Africa's criminal justice system (*Cape Times*, 2005). The Minister of Security at the time, Mr Charles Nqakula, reported to parliament that of the three hundred and forty three police dockets, nineteen had been stolen from police stations, one hundred and eighty eight had been lost at police stations and one hundred and fifty five had been lost at court. According to Nqakula what was significant was that twenty three of the lost police dockets were connected to high profile cases. Of the twenty three, fifteen had been lost at court and eight at police stations. Subsequently, the SAPS had launched an internal investigation into the missing and stolen police dockets, and those found guilty of negligence or corruption faced disciplinary action or criminal charges respectively. Police dockets that had been lost at court, were referred to the Department of Justice for further investigation. The fact that police dockets had been lost at police stations and at court shows that these artefacts, when removed from the network, could cause instabilities at any moment in the network.

The newspaper article also highlighted the fractal nature (Law, 1999), the functional blankness (Brown and Capdevilla, 1999), the plasticity (Bowker and Star, 2000) and the partial connectiveness (Strathern, 2004) of police dockets, and that they can be performed or enacted in heterogeneous ways across a range of contexts and by a range of heterogeneous actors. For the then Minister of Security and South Africa's parliament, the police docket was performed as an artefact that represented accountability as well as a level of responsible democratic governance. The police docket was performed as a form of discipline and as a means to discipline police officers and state prosecutors. For criminals, on the other hand, police dockets that disappeared from "the tracks" destroyed the configurations of material-semiotic relations in which they are constructed as guilty during the translation process and text production. As a consequence, their absence results in court cases being postponed or being struck from the court roll. Therefore, as was noted in Chapter Two, the police docket as an actor is always a 'moving target of a vast array of entities swarming toward it' (Latour, 2005:46) as it can become part of the translation processes of various competing networks and their modes of ordering.

At Blue Hills police station and regional courts, the police docket as a 'moving target' became apparent when the management of the detectives and state prosecutors were dealing with a specific problem, a specific ordering effect, that police dockets carried with them trans-contextually. These

were problems pertaining to the literacy practices surrounding the classification of crimes which affected the production and management of police dockets trans-contextually. I discuss these problems in some detail below.

Classification practices during Moment One: Transformations and the opening of the police docket

Bowker and Star (2000:10) describe any classification system as ‘a spatial, temporal, or spatio-temporal segmentation of the world’ and as a ‘set of boxes into which things can be put to do some kind of work – bureaucratic or knowledge production’. They argue that in the ideal world of social stability a classification system within a specific social context would function around consistent and unique social practices. In this ideal world, categories of a particular classification system are mutually exclusive and act like bounded, non-permeable pigeonholes into which any object or social phenomenon, scrutinized by the classification system, can fit unproblematically. Furthermore, classification systems in an ideal and stable world are also artefacts that are complete and flawless and their range stretches in such a way that they can describe the whole world in all its peculiarities. However, Bowker and Star (2000:11) argue that in the real world of social instability and therefore network instabilities, no classification system operates as was just described. Instead, they suggest that human actors continuously disagree about a classification system’s social function in particular social contexts and interactions; they disregard and misunderstand them; and very often they blend incompatible principles. If left alone, such incompatibilities can decrease the relative stability of the network – this is an issue I take up in my discussion of the literacy events below.

Classification of crimes is an important literacy practice in any criminal justice system especially during Moment One. When members of the public visit a police station’s CSC to lay a complaint or to report a crime, Uniform Branch police officers are expected to employ certain literacy practices to achieve two transformations (Callon, 1986). The first transformation requires the police officer to listen to the narrative provided, and to ask questions in the form of institutional talk, in order to clarify whether or not the act that is being reported is a recognized crime in South Africa’s criminal justice system. If the act is a recognized crime it is classified as a category of crime such as theft, robbery and murder amongst a host of other possible categories. Van Veenendal (2001) argues that when members of the public report a crime to the SAPS, the underlying assumption is that police officers can discern, whether certain acts can be classified as a recognized category of crime of the classification system of South Africa’s criminal justice system. In other words, the expectation is that the Uniform Branch police officers will not blend incompatible principles when they classify an act as a certain category of crime during Moment One.

Categories of crimes in any criminal justice system have their own specific configurations of material-semiotic relations, known amongst those working in the criminal justice system as the definitional elements of the crime, which are also the templates to achieve the second transformation; transforming the verbal account of the complainant into a written text, the A1 statement of the police docket. I discuss these configurations in detail below.

First transformation: Classifying acts into specific crimes

Police officers must know the specific definitional elements of a category crime to discern whether or not the act of a person “mirrors” the elements of a specific category of crime. Definitional elements, as described by Snyman (2002:64), refer to the precise ‘description of the requirements set by the law for liability for the *specific type of crime with which X is charged, as opposed to other crimes*’ [author’s emphasis]. Therefore ‘[f]or liability there must be not only an act on the part of X, but this act must also constitute a fulfillment of the definitional elements. X’s act must be in accordance with or correspond to [all] the definitional elements’ (Snyman, 2002:65).

Snyman (2006:66) further notes that definitional elements do not only describe the kind of act, but they also delineate the circumstances under which the act must be committed to render it a particular crime. Particular circumstances for certain categories of crimes may include, amongst others, the manner in which the act was committed (violently in the case of robbery), the type of object that was used (in the case of possession of an illegal substance, the accused must be found in possession of illegal drugs), how the object was used and what was said during the commission of the crime. From this we can see that the five modes of communication mentioned and explained in previous chapters play an important role in the semiotic landscape of the criminal justice system and in the building of the network.

Snyman (2006) explains, that we must distinguish between an act that fits the definitional elements of a crime and an act that is unlawful. If the act of a person fits the definitional elements of a crime, it does not necessarily imply that the act is unlawful. He argues that a fit between the act and the definitional elements of a crime only renders the act ‘provisionally unlawful’. Thus he notes that ‘[b]efore an [act] can be conclusively branded unlawful, it must be clear that there [were] no grounds of justification for the act’ (Snyman, 2006:67). Therefore, Burchell (2005:141) suggests that acts that meet the definitional elements of a crime but were committed, for example, in self-defence and out of necessity may be seen as not unlawful. When we consider Snyman and Burchell’s comments above, then it follows that the definitional elements of a crime do not only contain objective requirements, but also subjective requirements relating to the intention of the suspect (Snyman, 2006). In the classification system of South Africa’s criminal justice system, intention forms part of ascertaining unlawfulness and culpability also known as “fault” (Burchell, 2005:151) or “blameworthiness”.

Therefore, as Burchell (2005:151) argues, conduct can be classified as unlawful only when it is committed with a guilty mind, known as *mens rea*. This fact makes police docket production a complex process, involving not only understanding the five modes of communication and how they produce particular configurations, but also how entities such as “intention” underlie the use of these five modes during the commission of a crime. This is an issue that I discuss in greater detail in the data analysis in the next and following chapters.

The contextual issues which I have discussed above, and which inform the classification of an act into a crime and which also shape the investigation of a criminal case, demonstrate the precarious and unstable nature of configurations of material-semiotic relations that are produced during Moment One. Nonetheless, the production of the A1 statement must reflect these configurations associated with a particular category of crime, so that it can carry specific meanings trans-contextually and shape the literacy practices of those actors further down the line. Although the police docket, as I have argued earlier, has a plasticity that supports the state’s aim to foster confidence in the criminal justice system of post-apartheid South Africa, the classification system plays an important role in endowing the police docket with particular meanings that are acceptable and can be interpreted trans-contextually. This ultimately helps to manage the Hermesian nature (the plasticity or functional blankness) of the police docket in order to create network stability trans-contextually.

Second transformation: Writing the A1 statement

The second transformation occurs when the narrative provided by the complainant is transformed into a text called the A1 statement of the police docket. The A1 statement is the first text that detectives and prosecutors will read to decide how to proceed with an investigation. This will also determine the strategies that state prosecutors will employ in the court room so that configurations of material-semiotic relations that were assembled during the moments of translation hold and are materially durable. In essence, the A1 statement is a blueprint for a ‘network yet to be tested’ (Kendall and Wickham, 2003:104) or a template for a network that must still be built through the other moments of translation. It contains tentative associations between human and non-human entities – configurations of material-semiotic relations that *should* exist so that the network can achieve stability and can extend itself trans-contextually. The configurations in the A1 statements must be supported by and contained in the accounts of witnesses, their written witness statements as well as the opinions of expert witnesses, such as medical practitioners and forensics experts. These texts are all produced and included in the police docket in Moment Two, as I have mentioned and described in Chapter Three. In Chapter Two and Chapter Three I have also argued that these texts and their configurations are only materially durable as relational effects of the network’s modes of ordering and strategies – this will become clearer when I discuss the literacy events below.

At Blue Hills police station and regional courts, detectives and state prosecutors often complained that Uniform Branch police officers did not know how to achieve these transformations. In other words, Uniform Branch police officers had not adequately acquired nor were they able to display the literacy practices associated with these transformations. Furthermore, valuable time and money were wasted from the time a crime was reported to the police station's CSC, to the time the police docket eventually made it to court. To solve this problem the "SAP 6 Checklist" (see Figure 9 on the following page) was introduced to ensure that police dockets were properly checked by a number of actors in the criminal justice system.

SAP 6 CHECKLIST												
Instruction : This document must be filed under Part B of the docket												
A. Certificate completed by the Client Service Centre Commander who checked the docket.												
CAS number	N	N	N	N	N	M	T	C	C	Y	Y	Case opened by :
I, the undersigned, certify that the abovementioned docket was checked and that the information provided on the docket was correct according to CAS Standing order 256 (256.4.6)												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							
B. Certificate completed by the computer operator who registered the docket.												
I, the undersigned, certify that the above docket was registered correctly according to the information provided on the docket.												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							
C. Certificate completed by the Station System Coordinator who checked the docket.												
Was the following information entered correctly on the system ? Answer YES or NO.												
Crime codes	Geographical block number	All accused charged										
Complaint information	Exhibits handed in	Accused information										
Property involved	Part A and B documents	Property circulated on the Circulation System										
Additional information and updates on the Return of serious offence (function 8.1.1.1)												
I, the undersigned, certify that the above docket was checked and that all the errors on it were rectified, and the information required by the Provincial Commissioner, was included on the Serious Offence Returns.												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							
D. Certificate completed by the Detective Commander or designated member who inspected the docket during a 24-Hour inspection.												
Was the following information correct according to the Control List (functions 5.13.11/8.5.2.11)? Answer with a YES or NO. PLEASE NOTE that the Control List must be filed under Part E documents in the docket.												
Crime codes	Geographical block number	All accused charged										
Complaint information	Exhibits handed in	Accused information										
Property involved	Part A and B documents	Property circulated on the Circulation System										
I, the undersigned, certify that the above docket was checked and is correct according to the Control List which is filed under the Part B documents in the docket.												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							
E. Certificate completed by the Detective Commander or designated member who closed the docket.												
I, the undersigned, certify that the above docket was checked and is correct according to the system printout, that all part A and B documents, including the Control List, have been filed on the system. All the suspects have been charged on the system that the fingerprint numbers, according to the SAPS 76, were correctly entered on the system, that the adjudication information of the suspects has been entered correctly on the system and that all circulation or cancellation slips are correct.												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							
F. Certificate completed by the SAP 6 Clerk who received the docket for filing.												
I, the undersigned, certify that the above docket was closed correctly on the system and that this SAP 6 checklist was signed by all the officers / members / officials concerned and that the acknowledgement of the docket was completed on the CAS.												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							
G. Final certificate completed by the Station Systems Coordinator before the docket is filed.												
I, the undersigned, certify that all the above instructions were followed by all the officers / members / officials concerned and that the data on the systems was correct according to the data on the docket when the docket was closed.												
Date : _____					Initials & Surname : _____							
Rank : _____					Signature : _____							

Figure 9: SAP 6 Checklist for police docket management

This checklist again emphasizes the importance of the function of police dockets as boundary objects. The various sections of the “SAP 6 checklist” show that police dockets are handled by a number of actors such as the CSC commander (Section A), the computer operator (Section B), the station system

coordinator (Section C and Section G), detective commanders (Section D and Section E) and the SAP 6 clerk (Section F), who must all subject the police docket to their individual recognition work. The checklist also demonstrates that the police docket is a text, that is not only characterized by enactive work, but also recognition work of a number of actors. Furthermore, the checklist must also be seen as a strategy *and* as a mode of ordering to achieve material durability of the network's materials, so that it can achieve stability or coherence in and across contexts.

At Blue Hills police station, however, this first strategy did not have the intended ordering effects that the management was hoping for. In yet another strategy to solve the problem, detectives were instructed in an internal circular to report instances where they felt that an A1 statement was not completed correctly, that is, detectives had to report on their colleagues when an A1 statement did not carry the "correct" enactive work trans-contextually. After subjecting a problematic A1 statement to their recognition work, detectives were expected to make a copy of the text and then highlight areas which were incorrect or needed improvement. Thereafter, they had to write a report which had to be submitted to the management of Blue Hills police station. Once this process was completed where detectives had to inform on their colleagues, the Uniform Branch police officer was expected to attend a "special course" where he or she would be taught to take statements correctly from the public.

Through this strategy it was hoped that the A1 statements that Uniform Branch police officers would produce in future, would carry the "correct" enactive work trans-contextually. Besides informing on colleagues, this second strategy also proved to be unpopular with most detectives, because it meant taking on extra work. One detective told me that instead of writing a report, he simply studied the existing statement (even though it might have been taken incorrectly), and if he could ascertain that there were no grounds for a case, he would contact the complainant and explain to him or her that they had no case. This "under-the-radar" strategy meant that the detective's explanation to complainants was a form of enactive work so that the latter could recognize and accept that they had no case. Paradoxically, this could also be seen as a strategy to ensure network stability because a network that has a template that is problematic can result in creating future instabilities in the network.

A third strategy, which proved more popular with detectives, was to instruct detectives to sift through police dockets to ascertain if the transformations mentioned above, were achieved correctly before police dockets were registered on CAS. This strategy was implemented after the police station commander and heads of the Uniform Branch and Detective Branch had met with senior state prosecutors to discuss the problem and how it affected the rate of successful prosecutions or in actor network theory terms, network stability. This third strategy was implemented by placing a group of detectives with their shift commander in a room adjacent to the CSC, where they had to subject the

enactive work of the police docket's A1 statement (completed by Uniform Branch police officers in the CSC) to their recognition work. Once the shift commander was satisfied that the police docket carried the correct enactive work trans-contextually, the police docket would be registered on the CAS and assigned to a detective for investigation. This meant that after Section A had been completed in the SAP 6 Checklist (Figure 9), the police docket would first be subjected to Section D of the checklist. Only then Section B and Section C would follow.

This third strategy and its attempts at creating network stability, is what I focus on in the analysis of literacy events below and in this moment of the translation process. I also show how other modes of ordering, such as those that judge the productivity of Uniform branch police officers and prosecutors differently, shape the literacy practices in conjunction with this revised sequencing strategy during Moment One.

Multiple performativities of the police docket

The four literacy events that I analyze below and which were recorded in a room adjacent to the CSC, capture how strategies and modes of ordering help in shaping the network and its configurations of material-semiotic relations contained in the A1 statement, so that tensions are tamed during the interplay between enactive- and recognition work. The literacy events also highlight how police officers can be temporarily involved in the problematizations of other competing networks, which create multiple performativities of the police docket, thus revealing the Hermesian nature of police dockets as boundary objects. Furthermore, the interplay between enactive- and recognition work also shows the Janus face of literacy during Moment One – one face looks at the past as it is captured and held still in configurations of material-semiotic relations in the A1 statement, while the other face looks to the future in relation to these configurations, and decides whether or not these configurations provide an acceptable blueprint for building a network that has stability across contexts.

The police docket performed as a “name-and-shame” text

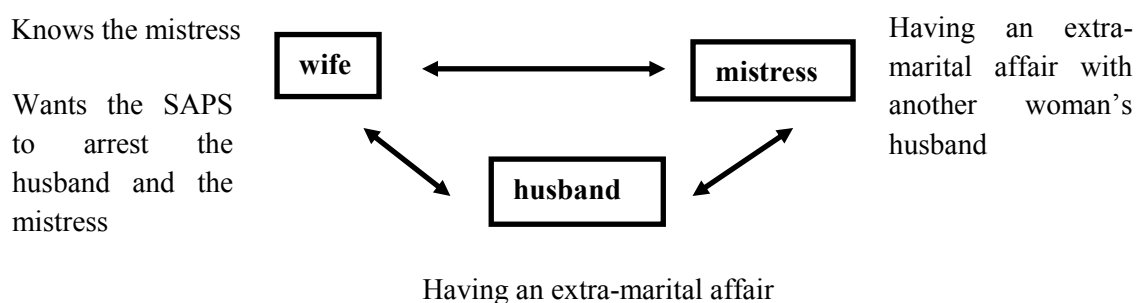
In the literacy event below a woman came to the CSC to report her husband's adultery. The Uniform Branch police officer classified the act of the husband – his infidelity to his wife – as if it was a recognized category of crime. This transformation was unlike those in the other three literacy events below where the acts were recognized crimes in South Africa's criminal justice system's classification system. However, this literacy event is of particular importance as we witness the ordering effects of the third strategy mentioned above and the mode of ordering, that determines the productivity of prosecutors along the lines of successful prosecutions.

After reading through one police docket Captain van der Walt peered over her reading spectacles and said: “Where’s the crime in this? Tell me? Having a buite egtelike verhouding (an extra-marital affair)? There’s no crime there. And yet they still open a bloody docket! Having a buite egtelike verhouding is not a crime.” She shook her head and shouted to someone in the room leading from the CSC to where the CAS computer is located. “Suster, sal jy nie saam met my in die trauma kamer gaan sit nie, dan kan ons saam eet voor ek weer met hierdie kopseer begin (Sister, won’t you join me for supper in the trauma room, before I start with this headache). Ek kan al klaar sien dat die eerste docket ’n kopseer gaan wees (I can already see that the first docket is going to be a headache). Ek gaan sommer twee Grandpa’s (headache tablets) vat voor ek begin. (I am going to take two Grandpa’s before I start). Before Captain van der Walt left, the police officer from the CAS room shouted back, asking whether the trauma room was occupied and Captain van der Walt said that it was vacant. Captain van der Walt eventually left with a packet of Kentucky Fried Chicken for the trauma room (the room where victims of sexual assaults are counselled).

(Field notes, Friday 4 March 2005)

The problematization that seems to have been captured in the police docket was as follows: My husband is having an extra-marital affair. Can you arrest him and his mistress? The configuration of material-semiotic relations in the A1 statement is shown in Figure 10 below.

ENACTIVE WORK OF UNIFORM BRANCH POLICE OFFICERS



RECOGNITION WORK OF DETECTIVES

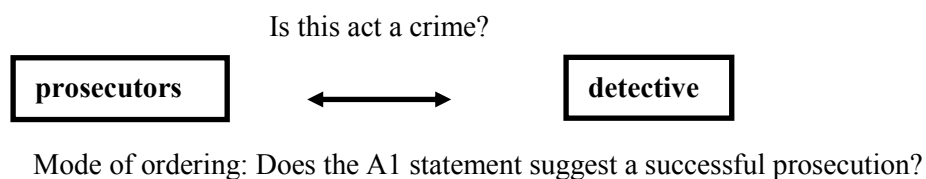


Figure 10: Configuration of material-semiotic relations in the A1 statement

The configuration above shows that the complainant, the wife *and* the Uniform Branch police officer performed the police docket as an artefact that can be used to “name-and-shame” individuals such as the husband and his mistress. The husband and his mistress were also performed as criminals by criminalizing their affair. For the detectives these performativities of the police docket as well as that of the husband and his mistress were not accepted in their recognition work, because an extra-marital affair is not a recognized category of crime in South Africa’s criminal justice system and its classification system. However, an extra-marital affair can be classified as a crime elsewhere, punished severely, including in some African states, as is well known. In the semiotic domain of South Africa’s criminal justice system however, the police docket and its configuration of material-semiotic relations as shown in Figure 10 carried no relevant or recognizable meanings to the detectives. Although the detectives knew the meaning of the police docket in the way it was performed as part of everyday use and perhaps as part of religious modes of ordering, its lack of meaning in the semiotic domain of the criminal justice system ‘force[d] the network to fold itself around the object in innumerable different ways in order to accommodate its blankness’ (Brown and Capdevilla, 1999:40) during the interplay between enactive- and recognition work.

Captain van der Walt’s question “Where’s the crime in this?” and the answer that she had provided “There’s no crime there”, sum up the conclusions of her recognition work and also reconfigured the material-semiotic relations in Figure 10. Reconfiguration in this instance meant that the husband and his mistress were de-criminalized and that the police docket was now endowed with a different meaning, “no crime there”. Her recognition work was also a relational effect of the third strategy, mentioned above, as well as the mode of ordering that judged the productivity of state prosecutors in terms of the number of successful prosecutions that they accomplished from each police docket that went to court. The Captain’s utterance also represents the Janus face, that looked to the future and saw that the problematization in the A1 statement, and its configuration of material-semiotic relations, would not be an acceptable template to build a stable network that could extend itself beyond Moment One.

In this literacy event, the police docket and human entities were also decentred as they oscillated between various realities, various ontologies. Therefore, the initial configuration and its subsequent reconfiguration highlighted different ontologies of the network interfering with each other during the interplay between enactive- and recognition work in literacy events and as part of the translation process. The conclusions that I have reached here are similar to those made by Mol (2002) and Law (2002) in their studies where multiple versions of the human body and the TSR2 were produced out of one entity respectively. The human body and the TSR2, like the police docket in this instance, became a nexus point for these multiple enactments or performativities.

Although this particular police docket did not move on to the next moment of translation, Moment Two, this literacy event showed that a single police docket was eventually created out of these multiple performativities of the police docket – a police docket that had no acceptable meanings within the semiotic domain of the criminal justice system. Paradoxically, this literacy event showed that as long as various ontologies are allowed to meet at one nexus point – the police docket – and are recognized as such, and are then managed during the interplay between enactive- and recognition work, then networks that may turn out to be unstable trans-contextually can be prevented from being built. This in itself is a strategy for establishing network stability.

The police docket as a text that can perform multiple enactments of human and nonhuman entities

In this literacy event the Uniform Branch police officer, who opened the police docket, classified the act of taking of a bicycle as a “robbery” because a knife had been used to obtain the bicycle. However, when the police docket with its A1 statement and its specific configuration of material-semiotic relations travelled from the CSC to the detectives, Captain van der Walt reclassified the crime as a “theft” during the interplay between enactive- and recognition work. She did this because she did not consider the knife as a dangerous weapon.

Robbery and theft are defined in specific ways in South Africa’s criminal justice system’s classification system. The definitional elements of these crimes, as I have stated before, suggest certain configurations of material-semiotic relations. Burchell (2005:817) defines robbery as ‘[...] the theft of property by intentionally using violence or threats of violence to induce submission to the taking of it from another’. The essential elements of robbery are: (1) theft; (2) violence; (3) submission; and (4) intention. Snyman (2002) who offers a similar definition of the crime of robbery, states that the crime can be described as theft by using violence. In contrast to robbery, Burchell (2005:782) defines theft as ‘[...] an unlawful appropriation with intent to steal of a thing capable of being stolen’. The essential elements of theft are: (1) unlawful; (2) appropriation; (3) property; and (4) intention.

Thus the key element that separates the two crimes is whether violence was used to obtain the stolen object. Therefore, robbery can be committed in two ways only: appropriation of an object through violent means or threats of violence to obtain the object from the owner (Snyman, 2002:507). The classification system also states that the violence or threat of violence must precede the appropriation of the object. This fact suggests, that if the boys mentioned in the literacy event decided to attack the boy with the bicycle for reasons other than taking the bicycle, but after the attack decided to take the bicycle because the boy ran away, then they may be convicted of assault and theft and not robbery. Snyman (2002:508) argues that the violence and the taking of the object should form part of ‘the same

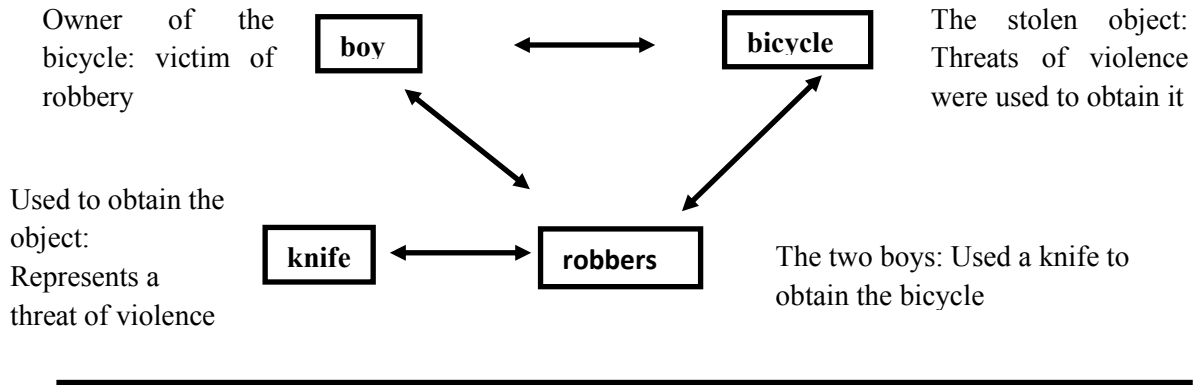
continuous transaction' to be classified as robbery. The two separate crimes, assault followed by theft, would signal that they did not possess the initial intention to rob the boy of his bicycle.

Captain van der Walt asked one of the boys to relate the events that led to theft of his bicycle. The boy said that his bicycle had been stolen by two boys and that one of the boys had a knife. Captain van der Walt said that if a revolver or gun was not used then it cannot be armed robbery. She asked the boys if they would be able to recognize the two boys. The boys said that they had not seen their faces, but that they could describe what clothes they were wearing at the time. Captain van der Walt told the two men and the woman to come to Room 45 the next day to get the CAS number and the investigating officer's name. When the group of people left Captain van der Walt said: "Laat ek gou diè verander van gewapende roof na diefstal" (Let me change this from armed robbery to theft) and reclassified the crime on the cover of the police docket.

(Field notes, Monday 28 March 2005)

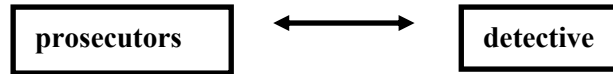
If we consider this literacy event and the definitional elements of the two crimes – theft and robbery – then it is obvious that the crime that was committed *was* robbery and *not* theft. This was confirmed by one of the senior state prosecutors at Blue Hills regional courts after I had related this incident to him. He said that the use of the knife can be seen as forming part of the definitional elements of the crime, namely "threat of violence" and therefore the crime should have been classified as "robbery with aggravated circumstances". He noted that even if a stick or any other object was used in a threatening manner to acquire the bicycle, then the crime would also have been classified as "robbery with aggravated circumstances". He told me that the taking of the bicycle and the threat of violence formed one continuous transaction. The initial configuration of material-semiotic relations is shown in Figure 11 on the following page.

ENACTIVE WORK OF UNIFORM BRANCH POLICE OFFICERS



ENACTIVE WORK OF UNIFORM BRANCH POLICE OFFICERS

Is this act a crime?



Mode of ordering: Does the A1 statement suggest a successful future prosecution?

Figure 11: The initial configuration of material-semiotic relations

In the initial classification human and nonhuman entities were performed in specific ways just like the TSR2 (Law, 2002) and the human body (Mol, 2002) and the scallops (Callon, 1986). Firstly, the boy whose bicycle had been taken was performed as a victim of a violent crime, robbery. The knife was performed as a dangerous weapon because it was used to obtain the bicycle and symbolised a threat of violence. The association between the boys who had taken the bicycle and their use of the knife transformed them from ordinary citizens to robbers in the A1 statement’s configuration of material semiotic-relations. Here the tactile (the knife), combined with the gestural (the way the knife was used), produced a configuration which resulted in a particular classification, robbery and not theft. However, when Captain van der Walt reclassified the crime as a result of her recognition work, the material-semiotic relations of the initial configuration were reordered or reconfigured, which produced different enactive work with new performativities of human and nonhuman entities. This reconfiguration is shown in Figure 12 on the following page.

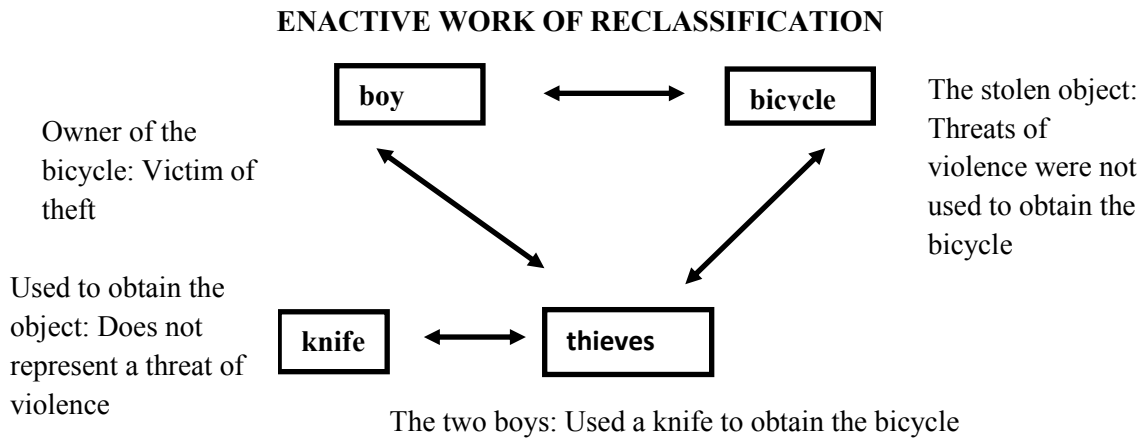


Figure 12: A reordering of the initial configuration of material-semiotic relations and its enactive work

The knife, which was performed as a dangerous weapon in the initial configuration in Figure 11 above, was “silenced” in the reordering of the configuration. This had a knock-on effect on how other entities were performed in the A1 statement. The boy, whose bicycle had been taken, was now performed as a “victim of theft” and not “a victim of a robbery”. Therefore, the suspects were performed as “thieves” and not as “robbers” and their actions as “theft” and not “robbery”. The latter crime being a more serious offence that carries a harsher punishment.

The change in the performativities from the initial configuration to when it was reordered, was a relational effect of the way the knife was perceived during the interplay between the enactive work of Uniform Branch police officers and the recognition work of detectives. The police docket was eventually registered on the CAS after a singular version of the knife was created out of its multiple performativities. Although I could not follow this police docket to the next moment of translation, the meeting that state prosecutors have every morning and which I discussed in the previous chapter, might have resulted in the crime being reclassified as a “robbery with aggravated circumstances” instead of a theft. This would have resulted in a shift of identities of the boy who owned the bicycle and the boys who took the bicycle. Again this literacy event showed how entities – human and nonhuman – are relational effects that can oscillate between singularity and multiplicity instead of a movement from oscillation (multiplicity) to a resting-place (Dugdale, 1999) during literacy events and in Moment One.

The literacy event also showed that network stability is contingent on the trans-contextual durability of associations found in configurations of material-semiotic relations in texts such as the A1 statement of the police docket. Furthermore, the literacy event demonstrated that stability of the network is contingent on discursive stability, modes of ordering interfering with one another, which allow translators such as detectives and state prosecutors to reclassify crimes.

The police docket performed as a text that can accept and carry contradictions

In the literacy event below a woman came to the CSC to report the theft of her wrist watch that had been stolen while she had been asleep. Although this is a recognized crime, the A1 statement contained contradictory statements which became the focus during the interplay between the enactive work of the A1 statement and the recognition work of detectives in this literacy event.

Captain van der Walt read a police docket aloud so that the other detectives in the room could listen to the contents of the A1 statement taken by a Uniform Branch police officer. The A1 statement related an incident in which a complainant reported the theft of her wrist watch. The statement noted that the complainant had fallen asleep with her watch on her wrist, but when she woke her watch was missing. The A1 statement clearly stated that the complainant did not witness who the person was who had taken her watch.

(Field notes, Monday 30 October 2006)

In the police docket’s A1 statement thus far the following salient aspects were captured: (a) the complainant stated that she was asleep when her watch was stolen from her wrist; and (b) because the complainant was asleep she did not witness who had stolen her watch from her wrist. Statements (a) and (b) suggest a particular configuration of material-semiotic relations that perform or enact entities in a particular way as shown in Figure 13 below.

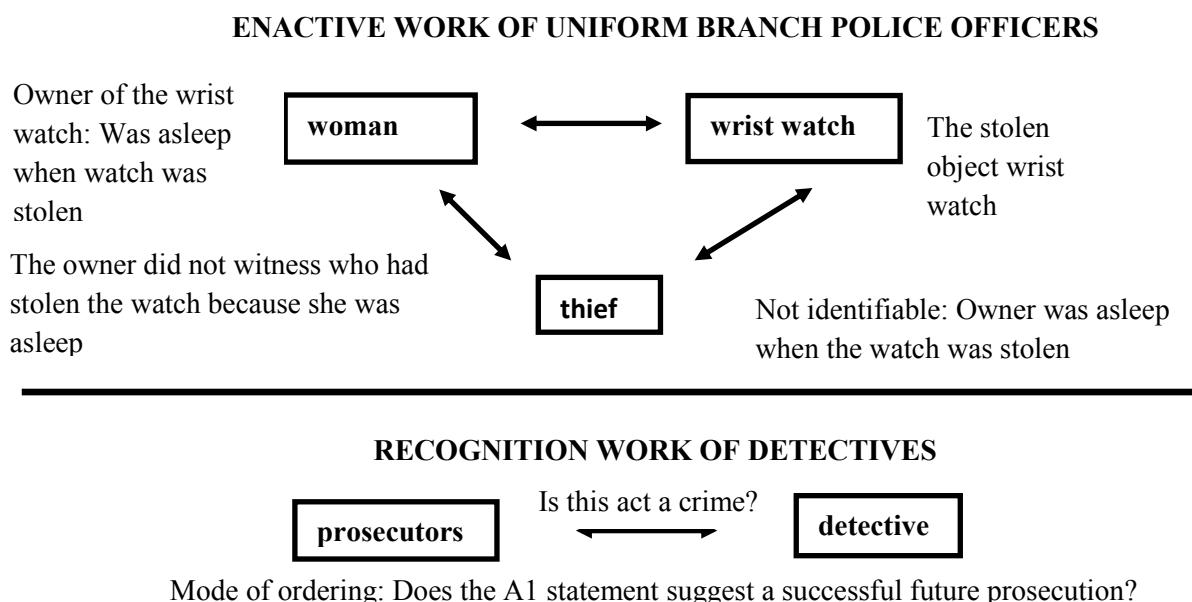


Figure 13: The initial configuration of material-semiotic relations in the A1 statement

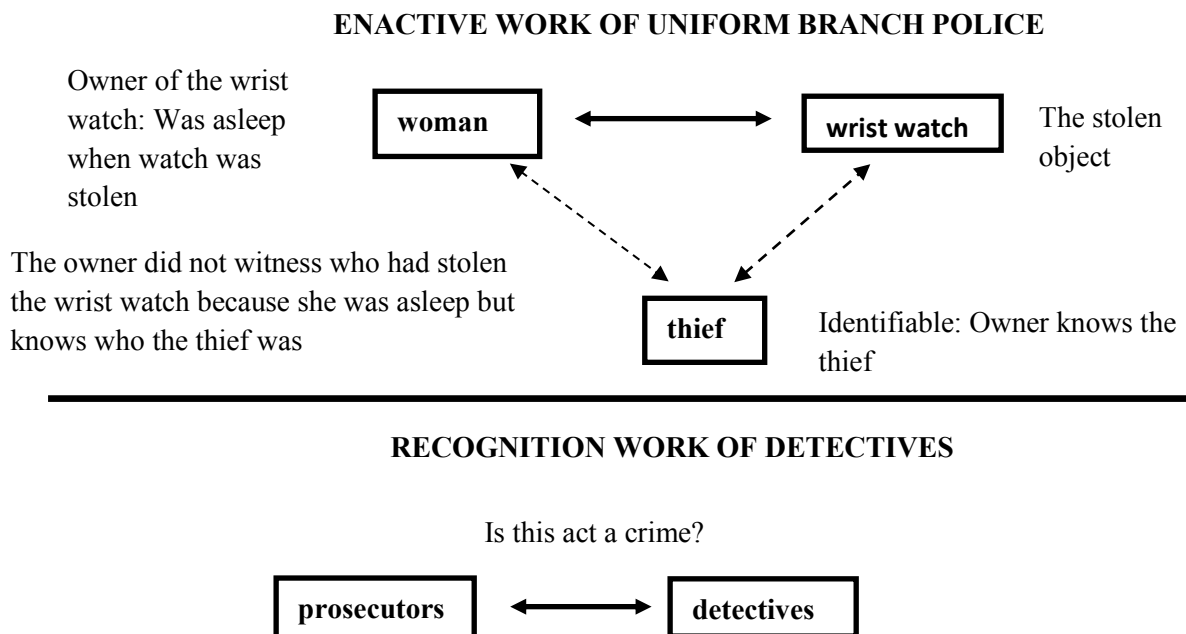
In the configuration above the fact that the complainant had been asleep meant that she could not have witnessed who had stolen her watch. The logical conclusion is that the thief was unknown to her. Because the act in this literacy event corresponded with the definitional elements of theft discussed in

the previous literacy event, it seems that the A1 statement and its configuration of material-semiotic relations carried the “correct” enactive work trans-contextually and suggested a suitable template from which to build the network. However, the rest of the A1 statement contradicted the configuration shown in Figure 13 on the previous page.

A few paragraphs later Captain van der Walt noted that the A1 statement mentioned that the complainant knew who had taken her wrist watch. A female detective said, “Skryf dit dood Kaptein” (which literally translates as “Write it dead” but which is meant here as: discard the case or declare it null and void). Captain van der Walt replied, “Dis nie nodig om dit dood te skryf nie want die polisiemanne skryf dit klaar dood met hierdie simple verklarings.” (It is not necessary to nullify the case, because the police officers [Uniform branch police officers] have already nullified it with these stupid statements.)

(Field notes, Monday 30 October 2006)

In the above interaction we find that another statement, statement (c), “the complainant knew who had taken her wrist watch”, was included in the A1 statement. The inclusion of statement (c) reordered the initial configuration in Figure 13 to the one shown in Figure 14 below.



Mode of ordering: Does the A1 statement suggest a successful future prosecution?

Figure 14: A reordering of the initial configuration of material-semiotic relations

The inclusion of statement (c) in the A1 statement of the police docket became the focus of the recognition work of the detectives because it suggested a new association between the complainant and the thief, namely that the complainant knew the identity of the thief. The new problematization seems to be a request that the detectives should merely arrest the person that the complainant identified as the thief. An identifiable thief would serve the purposes of the mode of ordering that judged the productivity of Uniform Branch police officers on the number of arrests stemming from a police docket. However, for detectives the police docket did not carry the correct enactive work trans-contextually due to the inclusion of statement (c).

We must also keep in mind that detectives and their literacy practices were the relational effects of a mode of ordering that judged the productivity of state prosecutors in terms of successful prosecutions instead of mere arrests resulting from the opening of a police docket. The utterance “skryf dit dood” (write it dead or nullify the police docket) must be seen as a literacy practice that stems from the latter mode of ordering. Although a crime had been committed, as one state prosecutor at Blue Hills regional courts had told me, the contradictions in the A1 statement would have led detectives to make strategic decisions such as that documented above, to nullify the police docket. This literacy practice shows the Janus face that looks to the future and sees the inherent contradictions in the police docket as a possible threat to the trans-contextual stability of the network.

In addition, the crime committed in this literacy event would have been considered of a less serious nature when we consider the number of violent crimes committed in Blue Hills. Between April 2004 and March 2005 a total of 77 murders and 1 429 robberies with aggravating circumstances were committed in the Blue Hills area (SAPS, 2014). Between April 2005 and March 2006 a total of 46 murders and 1 242 murders were committed in the area (SAPS, 2014). When we consider these figures of violent crimes, then the crime reported in this literacy event coupled with the contradictions in the A1 statement, would have been seen in a less serious light by detectives as well as state prosecutors.

The police docket that can perform multiple performativities of identities of a human actor

In the following literacy event a male renamed Joseph came to report the theft of his girlfriend’s cellular telephone earlier that day. Although a police docket was opened the circumstances that surrounded the theft prompted the shift commander of the Uniform Branch police officers that were on duty that evening, to accompany Joseph and the police docket to the room where the detectives were sitting. In this literacy event Joseph attempted to translate the detectives to take on his problematization by disassociating him from other actors captured in the configuration of material-semiotic relations of the A1 statement of the police docket. His attempts to disassociate himself from five homeless men and the mandrax and marijuana that they had smoked together that morning, was

part of his strategy to construct his identity in a favourable way so that the detectives would investigate the crime.

The interaction between Joseph and the detectives in this literacy event was an interplay consisting of the enactive work captured in the A1 statement, the enactive work of Joseph's verbal explanations and the recognition work of detectives. The enactive work of Joseph's verbal explanations produced various configurations of material-semiotic relations that were meant to enact him as a responsible and law abiding citizen. However, these enactments were judged by the recognition work of detectives against the configuration of material-semiotic relations captured in the A1 statement by a Uniform Branch police officer.

While reading through the A1 statement of the police docket, the detective who was sitting at the table adjacent to mine, asked Joseph to relate the circumstances surrounding the theft of his girlfriend's cellular telephone. Joseph said that he and five other males had been smoking mandrax and "dagga" (marijuana) that morning in a "hok" (shed). The detective asked where the five males stayed. He replied that they were homeless and lived on the street. When asked what their names were, Joseph replied that he did not know their names, but that he could show the police where they were "hanging out".

When the detective asked Joseph to reveal who had stolen the cellular telephone, he replied that it was one of the five males. Afterwards the detective asked if he had seen one of the five males taking the cellular telephone, he replied that he had not, but knew without a doubt that one of them had stolen it.

(Field notes, Thursday 23 November 2006)

All the elements of the crime of theft were present when we consider the narrative provided by Joseph above. However, his attempts to translate the detectives were hampered by the configuration of material-semiotic relations in the police docket's A1 statement and Joseph's narrative. This configuration of material-semiotic relations is shown in Figure 15 on the following page.

ENACTIVE WORK OF THE A1 STATEMENT

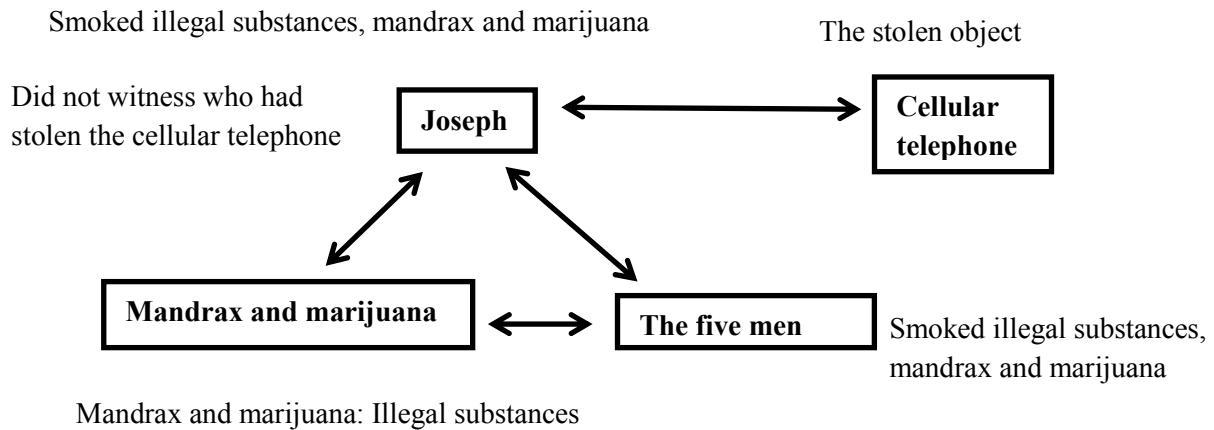


Figure 15: Configuration of material-semiotic relations in the A1 statement and the complainant’s narrative

The configuration in the A1 statement and the narrative of Joseph showed an association between Joseph, the five men and the prohibited substances. Although there was an association between Joseph and the cellular telephone, there was no such association between the five males and the stolen object. The enactive work that the A1 statement carried to the detectives through this configuration was that Joseph and the other five men had all been engaged in breaking the law by using the prohibited substances of mandrax and marijuana. In the interaction below, Joseph realized that the configuration of material-semiotic relations in Figure 15 above was interfering with his attempts at translating the detectives to accept his problematization.

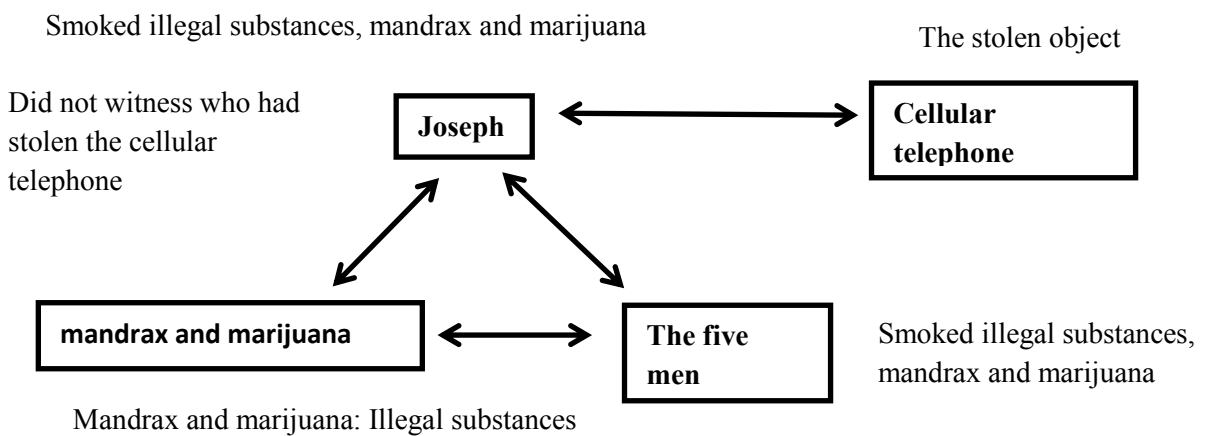
Joseph went on to say that he had bought the five men food and drink. After they had eaten, they smoked the mandrax and dagga and then he had passed out. When he woke, the cellular telephone was missing. He exclaimed: “Out of the goodness of my heart I still bought them food and cooldrinks and then they still steal from me!” The detective asked how Joseph could be so sure that one of the five men had stolen the cellular telephone, if he had passed out and did not witness the theft of the cellular telephone. He answered: “These are the same guys who break into cars and the 7-Eleven (a chain store) and Kentucky.” When the detective asked Joseph why he had never reported these crimes, he replied that he had always reported these to Blue Hills police station, but the police never took him seriously.

The detective gave a sarcastic laugh and said that Joseph wanted to “piemp” (colloquial for informing on someone) the five men, now that he suspected them of stealing his girlfriend’s cellular telephone. It was obvious that the detective did not believe that Joseph had really made any effort to report the criminal activities of the five men to the SAPS.

(Field notes, Thursday 23 November 2006)

In the interaction above we find that Joseph was attempting to reorder the configuration in Figure 15 by disassociating himself from the five men and the illegal substances. He did this by associating the five men with other incidents of crime such as breaking into cars to show that they had a history of stealing. By associating the five men with similar crimes of theft, Joseph was attempting to create an association between the men and the cellular telephone. Reordering the configuration of material-semiotic relations meant a different type of enactive work and a different performance of him as shown in Figure 16 below.

ENACTIVE WORK OF THE A1 STATEMENT



ENACTIVE WORK OF JOSEPH'S EXPLANATIONS

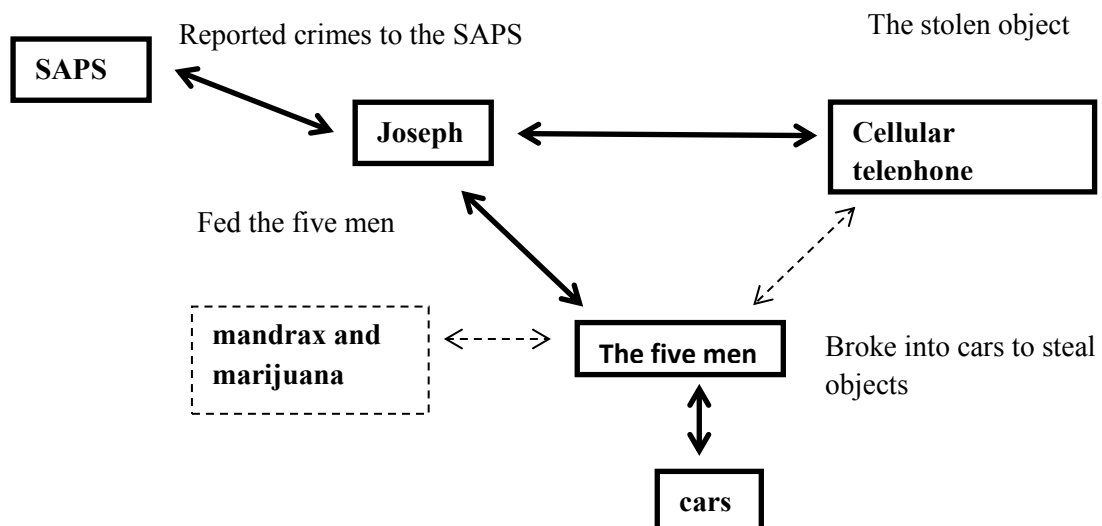


Figure 16: A first attempt at reordering the initial configuration of material-semiotic relations

By mentioning that they were homeless and that he had bought them food and drink, Joseph was also attempting to perform himself as a “good man” and not as a person engaged in illegal activities, such as the smoking of illegal substances. Furthermore, by mentioning that he had reported the five men’s criminal behaviour a number of times to the SAPS, Joseph was performing himself not only as “a good man”, but also as “a law abiding and responsible citizen” who had tried to assist the SAPS in their fight against crime. These performances of himself as “a good man” and “a law abiding and responsible citizen” were attempts at strengthening his links with the SAPS so that the detectives would accept his problematization by registering the police docket on the CAS. His enactive work, the way in which he performed himself verbally, were all attempts at weakening the links the detectives had with the A1 statement and its configuration of material semiotic-relations as was shown in Figure 15.

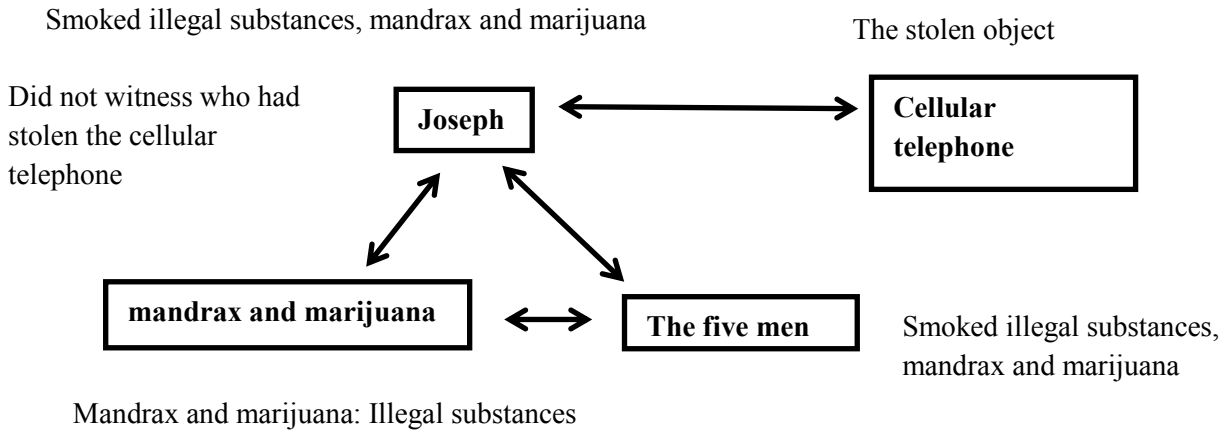
However, the enactive work of Joseph’s verbal explanations did not have the intended ordering effect that he had hoped for. This is evident in the response of the detective who said that Joseph wanted to “piemp” (inform on) the five men purely because he suspected them of taking his girlfriend’s cellular telephone. In response to the detectives’ accusations, Joseph introduced a new entity in his enactive work, his cousin the leader of the notorious Ugly American gang.

Joseph mentioned that his cousin, who is the leader of the Ugly Americans gang, contacted him and asked if he should round up the five men and take the law into his own hands. He said: “I told him that I’ll take my case to the police because I don’t want any bloodshed. I just want the phone back because it is my girlfriend’s phone. I don’t need the phone. I have fifteen cell phones at home.” The detective responded by saying that Joseph had no case as he had not witnessed who had stolen the cellular telephone. “But if you round these guys up, you’ll find the phone with one of them,” said Joseph in frustration. The detective replied that the SAPS could not embark on such action as they had no proof and that such action without some proof was illegal. “I just want you to skud (shake) them. You will find the phone with them,” said Joseph.

(Field notes, Thursday 23 November 2006)

This insertion of his cousin in Joseph’s enactive work, led to a second attempt at reordering the configuration in Figure 15. This second attempt is shown in Figure 17 on the following page.

ENACTIVE WORK OF THE A1 STATEMENT



ENACTIVE WORK OF JOSEPH'S EXPLANATIONS

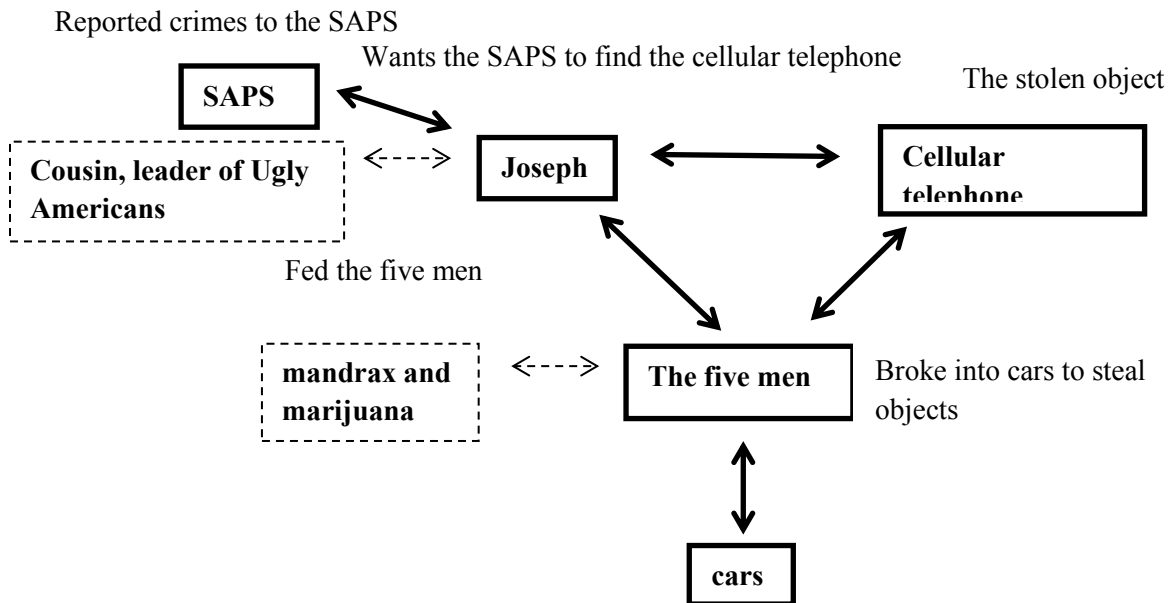


Figure 17: A second attempt at reordering of the initial configuration of material-semiotic relations

By mentioning that his cousin, who was the leader of the notorious Ugly Americans gang, had contacted him and that he had refused to accept this “help”, Joseph was once again attempting to weaken his links with any form of criminality, whether it be the smoking of illegal substances or making use of gang vigilantism to retrieve the cellular telephone. Furthermore, by mentioning that his cousin had been prepared to take on his problematization without Joseph requesting such “assistance”, he had seemed to suggest that even criminals had been prepared to rectify the injustice that had been done to him and his girlfriend. The subliminal message might have been: If criminals were prepared to ensure that justice was done, then it goes without saying that the SAPS would be even more willing

to do so. However, his explanation, his enactment work to convince the detectives to take on his problematizations was unsuccessful as can be seen in the interaction below.

At this point Captain van der Walt interjected and told Joseph to listen to her carefully. She pointed to a cellular telephone that was charging on the table where I was sitting and said that, if that cellular telephone was hers and she left the room and returned a few minutes later to find the telephone missing, could she accuse anyone of us sitting in the room as the person who had stolen her cellular telephone. Joseph did not answer, but went on to say that he was sure that it was one of the five, because he knew that they had no money and were used to stealing from others. Again the detectives responded by telling Joseph that he “had no case”. When Joseph heard what Captain van der Walt said, he rose from his chair and walked towards the door but stopped in front of Captain van der Walt’s table. He looked at her and said threateningly: “Remember my name and face. If you see five dead bodies, then you know who was responsible.”

After Joseph had left the room the detective who had initially interviewed him, asked Captain van der Walt what he should do with the police docket. She said that he must capture it on the CAS, although she knew that the senior state prosecutor was going to “throw the case out”.

(Field notes, Thursday 23 November 2006)

In the above interaction Captain van der Walt’s enactive work is a verbal version of the A1 statement’s enactive work. Her explanation was a strategy, the Janus face that looks to the future, to convince Joseph that the configuration that was produced in the A1 statement showed that he “had no case”. When I spoke to an advocate about this case, she told me that the police should have investigated the incident, because a cellular telephone *did* go missing. She mentioned however, that because of the circumstances that surrounded the taking of the cellular telephone and the number of more serious cases that detectives in South Africa have to deal with, they might have felt that Joseph’s complaint would not have been considered favourably by the senior state prosecutor. Therefore, they as detectives, through their verbal enactive work which had been guided by the enactive work of the A1 statement, were attempting to explain to Joseph that when the state prosecutor was going to subject the A1 statement to his or her recognition work, the case would not have been recommended for further investigation.

In an interview with another detective, Constable Charles, who was investigating a housebreaking incident, I was told that once he had spoken to a complainant who had come to report a housebreak-in. The complainant wanted Constable Charles to arrest someone that she “knew” was guilty of the

crime. He said that although he had explained to her that they (the detectives) first had to wait for the fingerprint results to return, she insisted that they had to arrest the person whom she knew was guilty of the crime. She told him that she had no confidence in the fingerprints that had been taken at the crime scene, as these would not implicate the person that she had suspected. Just like the detectives above, his enactive work focused on explaining that he could not arrest someone without evidence. Furthermore, he told me, that if he had to arrest someone without evidence it would lead to a civil case against him and the SAPS. Constable Charles said that it was difficult to work with the public, because they are not familiar with the procedures that shape the investigation of a crime. In other words, members of the public are unfamiliar with the semiotic domain of the criminal justice system, its literacy practices and how the material durability of the police docket was contingent on modes of ordering that complainants are often unaware of. This lack of understanding of how translation processes in the criminal justice system work, makes complainants like Joseph think, that the police docket is a Hermesian text that can take on any type of problematization regardless of the circumstances in which crimes were committed.

In this literacy event the existence of a written A1 statement with a configuration of material-semiotic relations in which the complainant implicated himself in criminal activity, was used as part of the third strategy mentioned above, to convince Joseph that, in all likelihood, his case would not be investigated further. Captain van der Walt's decision to register the police docket on the CAS should be seen as purely procedural.

Conclusion

In this chapter I covered Moment One which consisted of “the complainant lays a complaint and a docket is opened” of the criminal justice process and which corresponded with the moment of problematization of the translation process. I argued that during Moment One the police docket is seen by members of the public and some police officers as a Hermesian text that can take on the problematizations of virtually any actor, regardless of whether these problematizations correspond to a recognized crime in South Africa's criminal justice system. I argued that the police docket's plasticity or functional blankness during this moment – its Hermesian nature in other words – can pose a real threat to the stability of the network and to its trans-contextual coherence if tensions are not tamed (Mol, 2002) during the interplay between between the enactive- and recognition work of Uniform Branch police officers and detectives respectively.

During Moment One this interplay revealed the Janus face of literacy. I argued that the one face– the enactive work of Uniform Branch police officers – reflects the past as it is held still in the configurations of the A1 statement, while the other face – the recognition work of detectives –

considers whether these configurations and their enactive work can serve as a suitable template or blueprint to build a stable network in the future. I argued that in some instances, police dockets were prevented from travelling beyond the confines of the police station while in other instances, they were allowed to travel only after certain literacy practices, such as reclassifying crimes, reconfigured the material-semiotic relations in the A1 statement. Reconfiguring also meant that human and nonhuman entities were performed differently to the way in which they were performed in the initial configuration. Such changes in configurations would also affect the way in which the network would be built in the moments to follow.

In the next chapter I cover Moment Two as described in Chapter Three.

Chapter Five

Moment Two: Encoding potential state witnesses with meaning through the production of texts

Introduction

In the previous chapter I covered Moment One which consisted of the first moment of the criminal justice process, the classification of a crime and the opening of a police docket, and which corresponds with the moment of problematization of translation. In this chapter I cover Moment Two as explained in Chapter Three. This moment consists of the second moment of the criminal justice process, “then it goes to the detectives who investigate”, and which I suggested corresponds with two moments of translation, intersement and enrolment.

I mentioned in Chapter Two, by drawing on Callon’s (1986) study, that intersement is the moment in the translation process where translators attempt to stabilize the identity of an actor that they wish to translate, by stabilizing their material-semiotic relations with that actor. In doing so, the links the actor has with other actors and other translators from other competing networks are weakened. Callon (1986) refers to the weakening of links with other competing networks as disassociation which is achieved by producing and using intersement devices tailored to suit the identities and needs of actors that are to be translated. Intersement devices provide credence to the problematization of the network and increase the relative stability of the network as they stabilize and extend the configurations of material-semiotic relations produced during problematization into other material forms. These material forms increase the relative stability of the network and allow the network to extend itself trans-contextually. In the case of the criminal justice system these material forms are intersement devices in the form of written witness statements that are produced during Moment Two when a crime is investigated.

In this chapter I analyze a literacy event in which a detective renamed Inspector Matthews, interviewed two witnesses (renamed Megan and Warren) and the victim (renamed Samuel) of a shooting incident in the Blue Hills suburb. This incident was classified as an “attempted murder” case during Moment One as I had described it in the preceding chapter. I recorded the literacy event by taking short-hand notes while the interviews were being conducted and rewrote the notes soon after the interviews were completed.

By drawing on the conceptual tools of actor network theory developed earlier, and that of Conversation Analysis (CA) discussed in Chapter Three, I highlight how the interplay between witnesses' enactive work (their everyday talk) and detectives' recognition work (their institutional talk), produced multiple performativities of the same shooting incident in the form of written witness statements, each having their own configurations of material-semiotic relations. By producing written witness statements, potential state witnesses are endowed with specific meanings because their functional blankness can pose a real threat to the relative stability of the network just like the police docket in Moment One as described in the previous chapter. I argue that the Janus face of literacy is revealed during this interplay and the subsequent production of written witness statements during Moment Two. The one face reveals the performativity of the past by each witness as it is now held still in written format. The other face looks to the future, compares performativities, and has to make strategic decisions whether these performativities and their configurations of material-semiotic relations, will either increase or decrease the relative stability of the network trans-contextually. In other words, detectives often have to take strategic decisions as to whose witness statements they will include in the police docket, especially when they differ considerably from one another in terms of their configurations of material-semiotic relations and the enactive work that they carry.

When interessement devices, written witness statements, are successfully produced, they result in a precarious form of enrolment that is peculiar to the criminal justice system where violence and threats of violence from competing networks – who also want to increase their relative stability – often interfere with interessement, enrolment and the durability of these texts trans-contextually. I argue that interessement devices only have real material durability trans-contextually in the criminal justice system, when they are accompanied by their human counterparts, the witnesses. Together they are fractals having a somatic (human) and asomatic (text) component, the partial connections between the network and other contexts beyond the confines of the criminal justice system. Therefore, I argue that during Moment Two, detectives often have to employ certain literacy- and other institutional practices to ensure the material durability of these texts trans-contextually and the relative stability of the network.

Producing interessement devices and their configurations of material-semiotic relations by obtaining the “right information”

In Chapter Three I argued, by drawing on the arguments of Goodwin and Heritage (1990), that through talk actors can reflect institutional identities of formal institutions such as that of the criminal justice system. These institutional identities can become more visible when such actors travel beyond the confines of the criminal justice system, and use institutional talk to interact with members of the public in order to produce texts such as written witness statements during literacy events. The literacy

event below shows that the everyday talk of witnesses and victims and the institutional talk of detectives are intrinsically contexted (Blommaert, 2001). Furthermore, the interplay between the enactive work of witnesses and victims on the one hand and the recognition work of detectives on the other, is necessary during the literacy event for a number of reasons. First, this interplay produces interessement devices that are effective in extending the problematization of the network into other texts – a written witness statement in this instance – and their configurations of material-semiotic relations. Second, interessement devices such as written witness statements that are included in the police docket during Moment Two disassociate witnesses from competing networks. Third, interessement devices, when successful, also displace crime scenes over time and space and hold them still in their configurations of material-semiotic relations. In other words, various forms of realities are held still in textual form.

Producing successful interessement devices in the criminal justice system requires detectives to understand the role that these texts play beyond the moment of their production. This became apparent when Inspector Matthews, the detective in the literacy event below, mentioned that he had honed his skills at producing written witness statements by spending much of his free time attending court hearings at Blue Hills regional courts. During these court hearings he would take note of how prosecutors, defence attorneys and magistrates directed their questions. In the case of state prosecutors and defence attorneys, questions are asked to secure a successful prosecution or acquittal respectively. On the other hand, magistrates ask questions for clarification, to arrive at a final judgement in a court matter. In other words, questions can either support or disrupt configurations of material-semiotic relations that are produced by networks during the moments of translation.

In addition, Inspector Matthews emphasized that a detective needed to know the elements, the configurations in other words, that constitute a particular crime, so that he could obtain the “right information” when he interviewed potential state witnesses – this was a point I discussed in the previous chapter as well. He noted that when witnesses came to meet with him at the Detective Branch, he would normally take them into his office to interview them. During the interview he would not complete the written witness statement immediately, but would rather take down rough notes so that he could obtain the “right information” first before he completed the official written witness statement that would be included in the police docket. Inspector Matthews told me that he had found that inexperienced Uniform Branch police officers and detectives would immediately write verbatim what the witnesses said. The everyday talk of witnesses or complainants, now transformed into written format, would become problematic during the investigation process or when the police docket went to court. He said that to obtain the “right information” police officers must not only know the elements of crime, but they also need to ask the “right questions”. In other words, the “right

questions” produce the “right information” which in turn contains configurations that extend the problematization into other supporting material forms such as written witness statements.

In the literacy event below, asking the “right questions” formed part of the institutional talk and the recognition work of Inspector Matthews in his attempts to obtain the “right information” from potential state witnesses. Goodwin and Heritage (1990) argue that during verbal interactions, the adjacency pair organization (which I discussed in Chapter Three), provides an analytical lens through which participants, or actors, can understand and analyze each other’s actions (their utterances). Through this organization, ‘reciprocal conduct’, ‘action’ and ‘interpretation’ of actors are linked because each actor needs to engage in constant analysis of another’s actions so as to produce the appropriate reciprocal action (Goodwin and Heritage 1990:288). In other words, in the literacy event below, the “right information” is obtained through a constant analysis of utterances – the recognition work of Inspector Matthews – so as to force the two witnesses and the victim to judge their own constructions of reality, their performativities of the shooting incident and their enactive work, as these unfolded.

Inspector Matthews’s recognition work – his remediation – in the literacy event must also be seen as an effect of the mode of ordering that judged the productivity of state prosecutors in terms of the total number of successful prosecutions that stemmed from a police docket that went to court. I made this point in Chapter Three as well. Inspector Matthews also mentioned that if a detective did not know how to obtain the “right information” he did not “belong in the detective branch” (Field notes, Wednesday 30 November 2005). He said that when a police docket travelled to court and was subjected to the recognition work of a state prosecutor and was found not to be “court ready”, then the prosecutor would write the investigating officer a “love letter and that is not nice” (Field notes, Wednesday 30 November 2005). The “love letter” that Inspector Matthews referred to would not only contain instructions as to the “right information” that the investigating officer still had to obtain during further investigation (as was discussed in Chapter Three), but also the state prosecutor’s dissatisfaction with the investigation process. Writing the “love letter” was also a strategy to ensure ‘material durability’ so that the network could achieve stability trans-contextually.

The three configurations of material-semiotic relations that Inspector Matthews finally produced in the three witness statements were gleaned from certain categories of crime and their definitional elements. One of the categories of crime that was important in the literacy event was that of “attempted murder” – one of the transformations achieved through classification practices and which would have formed part of Moment One as discussed in the previous chapter. A person is guilty of “attempted murder”, if his intention to commit murder leads him to ‘unlawfully [engage] in conduct that is not merely preparatory but has reached at least the commencement of the execution of the

[murder]’ (Snyman, 2002:282). Thus an accused could be found guilty if he or she had done everything he or she had set out to do to commit the murder, but in his or her attempts, he or she was unsuccessful in realizing his or her intended goal. In the literacy event that I analyze below the accused, renamed Tabba, could not realize his intended goal because someone stopped him from following through with the murder. This is what Snyman (2002:284) refers to as “interrupted attempt”. I show how the definitional element of “attempted murder” became an important part of the configurations of material-semiotic relations that Inspector Matthews eventually produced in the written witness statements.

In the definition of the crime, “attempted murder”, “intention” is also an important element that Inspector Matthews had to establish as part of his recognition work and to create the configuration of material-semiotic relations in the written witness statements. Snyman (2000:180) defines this element as ‘the will to commit the act or cause the result set out in the definitional elements of the crime, in the knowledge of the circumstances rendering such an act or result unlawful’. He notes that “intention” can be seen as ‘to know and to will an act or result’ (Snyman, 2000:180).

“Motive” was also an important element of the configurations that formed part of the interestment devices (the written witness statements). This element is defined as a person’s reason for committing a crime regardless whether this reason is good or bad. Burchell (2005:464) argues that evidence of a person’s motives for committing a crime is admissible and ‘may prove important in implicating the accused in the commission of the crime or establishing intent’. However, establishing “motive” is not a requirement to establish “intention”. In the literacy event Inspector Matthews only directed questions regarding “motive” at Warren and Samuel. This is significant because it indicated that the detective suspected that they knew more about the shooting than Megan. In other words, they were black-boxing an element that if established during the interplay between enactive- and recognition work and then included as part of the configurations of their written witness statements, would have increased the relative stability of the network.

In addition to the elements mentioned above, the element of “incitement” was also another important element that Inspector Matthews wanted to include in the configuration of material-semiotic relations of the written witness statements. South Africa’s criminal justice system defines the person guilty of “incitement” as ‘one who reaches and seeks to influence the mind of another to the commission of a crime’ (Snyman, 2002:296). The element of incitement was also important to establish the element of “common purpose” in the shooting incident. The “common purpose doctrine” states that, if two or more individuals have a common purpose to commit a crime and combine their efforts to achieve their common goal, then the ‘conduct of each of them in the execution of that purpose is imputed to the others’ (Snyman, 2002:261).

To sum up, in the literacy event below, obtaining the “right information” as part of the interplay between enactive and recognition work focused on producing written witness statements. These texts should contain configurations of material-semiotic relations that supported the problematization in the A1 statement (produced during Moment One) *and* should also include elements such as “intention”, “motive”, “incitement”, “common purpose” and “interrupted attempt” as explained above. These elements when configured together serve to displace semiotic relations (as I detail them below) over time and space as a transformation, a written witness statement, containing specific configurations of material-semiotic relations that could serve to strengthen the stability of the network.

In the literacy event below I show how the interplay between the enactive work of witnesses on the one hand and the recognition work of Inspector Matthews on the other hand, produced multiple performativities of the same shooting incident. This resulted in multiple versions of the “right information” in the form of written witness statements. Therefore the “right information” that was used to produce written witness statements during this interplay was ‘oscillatory in character rather than being convergent’ (Dugdale, 2005:125). The oscillatory character of the “right information” is evident in the various configurations of material-semiotic relations that were produced in the written witness statements. Thus the production of these texts in the literacy event below underscored strategies to accommodate the functional blankness of witnesses by a translator of the network, Inspector Matthews. Furthermore, the production and inclusion of written witness statements in police dockets should be seen as a part of the strategies that translators, such as detectives employ, during Moment Two so that the network can achieve relative stability trans-contextually.

The production of interessement devices: The interplay between enactive work and recognition work

With the police docket under his arm, Inspector Matthews got into his car. A few minutes later we stopped in front of a house a few kilometres from Blue Hills police station. Inspector Matthews entered the house and said that he was looking for potential state witnesses to the shooting incident in which Samuel had been shot by the accused renamed Tabba, a member of the notorious Cape Flats gang, the Ugly Americans. Megan, a woman in her twenties who was sitting in the lounge, said that she had witnessed the shooting. Inspector Matthews took out some paper on which he first made some rough notes, to obtain the “right information”, before he wrote the final version of Megan’s witness statement at the end of his interview. His questioning of Megan started as follows:

1. Inspector Matthews: So, vertel my wat het gebeur?
(So tell me what had happened?)
2. Megan: Ons het heel tyd hier binne gesit, hy het warm gekry. Toe stap ons al twee

3. uit.
(We were sitting inside the house most of the time, he got hot. Then we all went outside.)
4. Inspector Matthews: Wie is ons?
(Who is we?)
5. Megan: Ek en Samuel.
(Me and Samuel.)
6. Inspector Matthews: Hoe laat was dit toe julle hier binne gesit het?
(What time was it when you sat inside the house?)
Megan thought for a while, but could not say exactly what time it was, but that she knew that it was in the morning between 11am and 12pm.

(Field notes, Wednesday 30 November 2005)

Inspector Matthews's question in line 1, the first pair part of the adjacency pair, seemed initially like an open-ended question to Megan. Therefore, she might have been under the impression that she was being invited to provide a narrative account characteristic of everyday talk of the events that led to the shooting incident. However, her answer in lines 2 to 3 and its enactive work required some form of remediation – recognition work – to obtain the “right information” so as to establish the appropriate associations between human subjects (Megan and Samuel) and their actions. This was needed in order to produce the written witness statement and its configuration of material-semiotic relations that could support the A1 statement and the classification of the crime that had been made in Moment One (the reporting of the shooting, classification of the crime and the production of the A1 statement). Inspector Matthews, therefore, asked Megan in line 4 to specify whom she was referring to when she used the pronoun “ons” (we) in line 2. Her reply in line 5 specified that “we” indicated Samuel and her and provided greater specificity, that is, her reply produced the “right information”.

In line 2 Megan used the words “die heel tyd” (the whole time) to describe the duration they were sitting in the house before they had left the house. The vagueness of her words as part of her everyday talk did not allow Inspector Matthews to construct a time-line of events appropriate for the police docket and therefore in line 6 Inspector Matthews asked Megan to specify what time they had been sitting inside the house.

Inspector Matthews asked Megan to continue. She explained that Samuel had crossed the road to join, Warren, the second witness to the shooting incident and another person, who eventually refused to be a state witness because he was a member of the same gang as the accused.

7. Megan: Toe loop hulle af die straat en toe gaan sit hulle verder in die straat.
(Then they walked down the street and they sat further down in the street.)
8. Inspector Matthews: Was Samuel die enigste een wat gaan sit het?
(Was Samuel the only person who sat down?)
9. Megan: Nee, al drie het gesit.
(No, all three sat.)

(Field notes, Wednesday 30 November 2005)

Although Megan stated clearly in line 7 that “hulle” (they) sat in the street, Inspector Matthews’s recognition work, the first pair part in line 8, was focused on whether Samuel was the only person who sat down. This question was important because Samuel was the victim in the shooting incident and if he were the only person who sat down, then it would have been easier to establish whether Tabba’s intention was only directed at “the sitting Samuel” instead of “the two standing men”. Because the second pair part of the adjacency pair stated that all three sat, obtaining the “right information” from Megan through Matthews’s recognition work to follow, was focused on establishing whether Samuel was singled out by Tabba only. In other words, was Tabba’s intention directed at Samuel only?

The interaction between Inspector Matthews and Megan above also highlighted that Megan’s narrative and its enactive work was not left to be produced in any way, but was constrained by Inspector Matthews’s recognition work so that he could establish and include the definitional elements such as “intention” as was discussed earlier in the configuration of material-semiotic relations of her written witness statement. Such a witness statement would increase the stability of the network by presenting a version of reality during court proceedings in which Tabba was constructed as guilty of the crime of attempted murder through its configuration of material-semiotic relations.

While the above interaction was going on, Warren entered the room and crouched in front of the couch where Megan was sitting and started to listen attentively to Megan’s explanation of that day’s events as they unfolded. Inspector Matthews asked Megan to continue and she said that a taxi had been making its way down the road where Samuel and the other two men were sitting. The taxi drove past the three men.

10. Inspector Matthews: Die taxi het eers verby gery, toe stop die taxi?
(The taxi first drove pass and then it stopped?)
11. Megan: Ja.
(Yes)
12. Inspector Matthews: Het die taxi langs hulle gestop of ’n entjie weg?

(Did the taxi stop next to them or a distance away?)

13. Megan: Nee, die taxi het by die naam gestop, 'n entjie weg.

(No, the taxi stopped at the street name, a distance away.)

(Field notes, Wednesday 30 November 2005)

There are two sets of adjacency pairs in the interaction above, one in lines 10 to 11 and the other in lines 12 to 13. In the first one and its first pair part in line 10, the question was asked to establish where the taxi stopped in relation to where the men were sitting. Although the second pair part, “yes” in line 11 was provided and seemed appropriate, it was not precise enough for Matthews’s purposes and therefore the second adjacency pair focused more precisely on the location of the taxi in relation to the three men. The second pair part in line 13 established that the taxi did not stop opposite the men, but a distance away, next to the street sign.

14. Inspector Matthews: Die taxi het toe gestop en toe?

(The taxi stopped and then?)

15. Megan: Toe klim hulle uit.

(Then they climbed out.)

16. Inspector Matthews: Wie klim uit?

(Who climbed out?)

17. Megan: Tabba en Attie.

(Tabba and Attie.) *Warren interjected.*

18. Warren: Nee, dit was net Tabba wat uit geklim het!

(No, it was only Tabba who got out!)

(Field notes, Wednesday 30 November 2005)

The first pair part in line 14 of the adjacency pair in lines 14 to 15, again seemed to Megan like an open ended question (the taxi stopped and then?) which produced a second pair part in line 15 (then they climbed out) that did not contain the “right information” as it did not specify who had emerged from the taxi. Therefore, the first pair part in line 16, Inspector Matthews’s recognition work, provided him with the name of the accused, Tabba, and his accomplice renamed Attie in line 17.

Warren’s interjection above is also a form of recognition work similar to that of Matthews’s but not contexted in the same way. His recognition work made Inspector Matthews turn to him and ask who he was. It turned out that Warren was one of the two men who was with Samuel the day he was shot. Inspector Matthews said that he would take his statement once he had completed Megan’s statement. Obtaining Warren’s statement was important for the network because his interjection suggested a possible different version of events or performativity of the shooting incident. Thus, if Warren

differed from Megan, then his functional blankness had to be accommodated by producing a written witness statement from his performance of the shooting incident. His written witness statement and that of Samuel, as we shall see later, was juxtaposed against that of Megan's to establish whether her performance of the shooting incident would increase or decrease the stability of the network.

19. Inspector Matthews: Toe hulle uitklim toe sien jy Tabba het guns in albei hande?
(When they emerged from the taxi you saw that Tabba had guns in both hands?)

20. Megan: Ja.
(Yes.)

(Field notes, Wednesday 30 November 2005)

In lines 19 to 20 the adjacency pair established that Tabba was the one who had emerged from the taxi with two guns, one in each hand. This configuration established a clear association between Tabba and the weapons used in the crime. However, it did not establish that Tabba's intention was directed at Samuel only.

Megan explained that Tabba had started to shoot at Samuel and that she had run inside with her two kids to protect them, but had come out again to see what was happening. Inspector Matthews asked her to explain where she had been standing in relation to the three men and the two accused when the shooting was taking place. She replied that she had been standing in front of the house that we were sitting in.

21. Inspector Matthews: Hier wat jy gestaan het, kon jy sien dat hulle na hom [Samuel]

22. toe loop? Kon jy sien dat hulle gepraat het?

(Here where you were standing could you see that they were walking towards him [Samuel]?
Could you see if they were talking?)

23. Megan: Ja, ek kon gesien het dat hulle na hom toe gestap het. Hy het met een van

24. hulle gepraat. Ja, ek kon sien.

(Yes, I could see that they walked towards him. He [Samuel] was talking to one of them.
Yes I could see.)

(Field notes, Wednesday 30 November 2005)

In the above interaction we see that Inspector Matthews's questions in lines 21 to 22 were intended to establish whether Tabba's actions, once he had emerged from the taxi, suggested that his intention was directed at Samuel only. "Intention", as was discussed earlier, is an important element of the crime of "attempted murder" and an important part of the configuration of material-semiotic relations that Inspector Matthews wanted to include in the written witness statement. Therefore, Inspector

Matthews's recognition work, in lines 21 to 22, focused on whether the two suspects had walked deliberately in the direction of Samuel; and whether a conversation had occurred between the suspects and Samuel before the shooting.

Although Megan's first answer in line 23 suggested that the suspects had walked in the direction of Samuel, her second answer in lines 23 to 24 also confirmed that there had been a conversation between Tabba and Attie and the sitting men before the former had shot Samuel. When I asked Matthews afterwards why he wanted to know if a conversation had first occurred between Tabba and Attie and the sitting men, he told me that the conversation between the men could have provoked Tabba to shoot Samuel. If this was true, then the intention of Tabba might have been the result of the conversation in which he had been provoked to shoot Samuel. If this was the case, then Tabba did not possess the premeditated intention to murder Samuel.

Thus far, the configuration of material-semiotic relations that was in the process of being constructed during the interplay between the enactive work of Megan's everyday talk and the recognition work of Inspector Matthews consisted of: the gestural in terms of the direction the men walked, the verbal in terms of the conversation between the men before the shooting, and the tactile in terms of the guns in each of Tabba's hands. The configuration that emerged thus far also showed how combinations of these three could establish whether Tabba had possessed the premeditated intention to shoot Samuel or whether the shooting was the result of the conversation before the shooting. If the latter was proven by Tabba's defence attorney, then it would have meant a reclassification of the crime which would have affected the relative stability and material durability of the network.

25. Inspector Matthews: En toe?

(And then?)

26. Megan: Samuel se rug was gedraai na Tabba, en soes hy hom draai, toe sien Samuel

27. wie dit was, maar toe was dit al te laat.

(Samuel's back was turned to Tabba, and as he turned, Samuel saw who it was, but by then it was too late.)

28. Inspector Matthews: Wat bedoel jy? Was dit soos hy omgedraai het toe skiet hulle

29. hom?

(What do you mean? Did they shoot him as he was turning?)

30. Megan: Ja, soes hy omgedraai het.

(Yes, as he was turning.)

(Field notes, Wednesday 30 November 2005)

In line 25 Matthews's question again was interpreted by Megan as an invitation to provide a narrative of events, but Matthews's recognition work in lines 28 and 29 showed that her answer – the second pair part – was not the appropriate next action, because she did not state specifically what she had meant by “maar toe was dit al te laat” in line 27. Put differently, the enactive work of her answer did not provide the “right information”. Therefore, Inspector Matthews's recognition work in lines 28 to 29 constrained her answer to two possibilities either a “yes” or a “no”. Megan's answer, in line 30, coupled with the interactions above produced a configuration of material-semiotic relations that constructed Tabba's identity as an accused who had possessed the intention to murder Samuel.

31. Inspector Matthews: Kon jy sien dat Samuel geskiet was?

(Could you see that Samuel was shot?)

32. Megan: Nee.

(No.)

33. Inspector Matthews: Het Tabba die guns net na Samuel gewys of het hy na enige

34. iemand anders die gun gemik?

(Did Tabba point the guns at Samuel only or did he point it at anyone else?)

35. Megan: Net na Samuel.

(Only at Samuel.)

(Field notes, Wednesday 30 November 2005)

In the interaction above we find that there are two adjacency pairs. The first, lines 31 to 32, was an attempt to add more elements or relations to the configuration emerging from Megan's witness account. Here Inspector Matthews wanted to establish if Megan was able to see the result of Tabba's actions, that is, did Samuel display signs of being wounded? Megan's answer and its enactive work, the second pair part in line 32, did not suggest that Samuel ran with a limp and, therefore, did not offer an association between Tabba's actions and the result of his actions. Such an association would have added more elements to the configuration that Inspector Matthews was constructing from Megan's narrative. These additional elements would strengthen a construction of Tabba as guilty of the crime of attempted murder.

In the second adjacency pair in lines 33 to 35 Inspector Matthews again wanted to establish the intention of Tabba, and therefore he asked in lines 33 to 34 whether the guns were pointed at Samuel only. The second pair part in line 35, its enactive work – Only at Samuel – established that Tabba had pointed the two guns at Samuel only. Here we find that the interplay between Megan's enactive work and Inspector Matthews's recognition work drew on two modes of communication which I discussed in preceding chapters: the gun (the tactile) and the pointing of the guns at Samuel (the gestural) together produced a particular element of the configuration, namely, that Tabba's intention or will

was directed at Samuel only. These combinations of modes of communication, as we can see, endowed Tabba and the guns with particular meanings that are understood in the semiotic domain of the criminal justice system.

Inspector Matthews told me that “the pointing of a gun” was also a separate offence to “attempted murder” and the extra crime would have played a vital role in preventing Tabba from securing bail (Field notes 5 December 2005). In this case the state prosecutor would have opposed Tabba’s bail application because gangs on the Cape Flats, such as the Ugly Americans, are notorious for interfering with network stability by intimidating and threatening witnesses with violence. Such translation processes from a competing network often result in witnesses retracting their statements – the issue of intimidation and how it affects enrolment and text production in the criminal justice system is an issue I discuss later in this chapter.

The analysis thus far has also shown how complex processes are black-boxed as elements such as “intention” and “pointing of a gun” during the moments of translation. These complex processes become more obvious during the interplay between the enactive work of witnesses’s accounts and the recognition work of detectives during Moment Two.

36. Inspector Matthews: En toe?

(And then?)

37. Megan: Toe hardloop Samuel.

(Toe hardloop Samuel.)

38. Inspector Matthews: Kon jy sien dat hy mank gehardloop het?

(Could you see that he was running with a limp?)

39. Megan: Nee.

(No.)

(Field notes, Wednesday 30 November 2005)

In line 36 Inspector Matthews started his questioning by saying “En toe” (And then) which again was interpreted by Megan to mean that she was being asked to provide a narrative of the unfolding of events. However, his question was intended to add more elements, more associations to the configuration that he had thus far assembled. Megan’s answer in line 37, its enactive work, suggested that after Samuel had been shot he was running as if he had no wounds. Matthews’s recognition work in line 38 – “could you see that he was running with a limp? – narrowed the second pair part down to two possible answers, either yes or no. Megan’s answer in line 39 did not form an association between Tabba’s actions and the shooting of Samuel. This was problematic for the network seeing

that written witness statements and their configurations of material-semiotic relations attempt to construct accused persons as “guilty” of the crime.

40. Inspector Matthews: Hoeveel skote was geskiet?

(How many shots were fired?)

41. Megan: Vier.

(Four.)

42. Inspector Matthews: Moontlik vier, presies vier?

(Maybe four, exactly four?)

43. Megan: Vier, wel kon meer as vier wees, want ek het die twee (*pointing to her two*

44. *kids in front of her*) ingebring na die eeste skoot. So dis moontlik vier.

(Four, well it could have been more than four because I brought the two in after the first shot was fired. So maybe four.)

(Field notes, Wednesday 30 November 2005)

The question as to how many shots had been fired that Inspector Matthews asked in line 40 was to add another element to the configuration of material-semiotic relations in the witness statement. At first Megan’s answer in line 41 was that four shots had been fired. However, Inspector Matthews’s question in line 42 forced Megan to reconsider her initial answer. In his recognition work he offered her two possible responses: “moontlik vier” (maybe four) and “presies vier” (exactly four). This resulted in a tentative answer, “moontlik vier” (maybe four) in line 44 as the second pair part. Inspector Matthews’s recognition work to obtain the “right information” is indicative that he knew from his observations and experiences in court that actors do not necessarily carry stable meanings trans-contextually and that the recognition work of defence attorneys (as we shall see in the next chapter) can often highlight the inherent ‘functional blankness’ (Brown and Capdevilla, 1999:40) of state witnesses.

45. Inspector Matthews: Het Attie vir Tabba aangehits om te skiet?

(Did Attie encourage Tabba to shoot?)

46. Megan: Ek kan self nie sê nie.

(I can’t say for sure.)

(Field notes, Wednesday 30 November 2005)

The question in line 45, “Did Attie encourage Tabba to shoot?”, was asked so as to add two other elements to the configuration of Megan’s witness statement, namely, “incitement” and “common purpose” discussed earlier in this chapter. If Megan had answered “yes” then the two elements would have been included in the configuration which would have had the effect of strengthening the

construction of Tabba's identity as guilty of the crime. Furthermore, and more importantly, they would have established two associations between Tabba and Attie, namely that Attie had incited Tabba to commit the crime and that Tabba and Attie shared common purpose to commit the crime. These associations, which were *not* established during the interplay, would have been included in the configuration of material-semiotic relations and would have imputed Tabba's actions to Attie as well.

47. Inspector Matthews: Sal jy weer vir Tabba en Attie kan herken as jy hulle sien?

(Would you be able to identify Tabba and Attie if you should see them again?)

48. Megan: Ja.

(Yes)

(Field notes, Wednesday 30 November 2005)

The first pair part in line 47 showed that although the configuration of Megan's witness statement constructed Tabba as "guilty", the visual mode of communication – the ability to physically identify Tabba – was also important to make the configuration more credible. Inspector Matthews explained to Megan that during an identification parade ("uitkenningsparade") she would be standing behind a one-way glass window and that Tabba and Attie would not be able to see her, but that she would be able to see them. His explanation was a strategy to retain Megan's interest and to ensure the material durability of the written witness statement by explaining that the accused would not be able to see her during the identity parade.

In the interactions to follow we see how Inspector Matthews used certain institutional practices which are part of literacy practices to ensure the material durability of Megan's written witness statement.

49. Inspector Matthews: Jy is Megan Dickson?

(You are Megan Dickson?)

50. Megan: Ja.

(Yes.)

51. Inspector Matthews: Hoe oud is jy, twintig?

(How old are you, twenty?)

52. Megan: Nee een-en-twintig, ek word Vrydag een-en-twintig.

(No, twenty one, I am turning twenty one on Friday.)

53. Inspector Matthews: Nee, dan is jy twintig. Wat is jou adres?

(No, then you are twenty. What is your address?)

Megan gave her address and other personal details.

(Field notes, Wednesday 30 November 2005)

The questions that Inspector Matthews asked in lines 49, 51 and 53 pertaining to Megan's personal details – her full name and surname (line 49), her age (line 51) and her address (line 53) – were necessary so that the witness statement could be “personalized”. These institutional literacy practices are drawn on so that the written witness statement could be identified as that of a particular witness, Megan. By personalizing the written witness statement Megan is also encoded with particular meanings, a script so to say, that she would communicate during court proceedings in the next moment, Moment Three, of the translation process.

54. Inspector Matthews: Ek gaan nou jou verklaring uitlees en dan moet jy dit vir my

55. teken as dit reg is.

(I am going to read your statement and if it is correct, then you must sign it for me.) *He read the witness statement while Megan was listening.*

56. Inspector Matthews: Ek is vertrouwd met die inhoud van hierdie verklaring en begryp

57. dit. Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie. Ek

58. beskou die voorgeskrewe eed as bindend op my gewete.

(I know and understand the contents of this statement. I have no objections to taking the prescribed oath. I accept the prescribed oath as binding on my conscience.) *Megan signed her witness statement.*

(Field notes, Wednesday 30 November 2005)

In Inspector Matthews's reading of the witness statement he detailed the time the shooting incident had taken place, who the shooter was, the two guns used in the shooting, the place where the shooting had taken place, who had been shot, who was sitting with Samuel, the number of shots that had been fired, Megan's age and her address. The declarations from lines 56 to 58 were written in the first person “I”. The personal pronoun in the declaration refers to the witness, Megan, and not the detective, Inspector Matthews, who had written the witness statement. The reading and the inclusion of the declarations: (a) “I know and understand the contents of this statement”, (b) “I have no objections to taking the prescribed oath”, and (c) “I accept the prescribed oath as binding on my conscience”, are all institutional practices forming part of the literacy practices of text production, intended to ensure the material durability of the network's artefacts such as written witness statements.

These institutional practices also render the witness statement and its configuration of material-semiotic relations mobile, so that it, together with the witness, can do enactive work trans-contextually once court proceedings start. By signing the witness statement Megan not only affirmed the configuration of material-semiotic relations in the witness statement, but also signaled the moment of disassociation from other competing networks *and* her enrolment in the network. In addition, these

literacy practices can be seen as a suite of strategies to ensure the durability of the network's materials in order to increase its stability trans-contextually during Moment Two. Witnesses on their own and written witness statements on their own do not have any real ordering effects trans-contextually. When they, state witnesses and written witness statements, are combined they have real meaning in the semiotic domain of the criminal justice system. This becomes apparent in the next interaction.

59. Inspector Matthews: Wanneer kraam jy?

(When are you giving birth?)

60. Megan: Volgende jaar.

(Next year.)

61. Inspector Matthews: Wanneer volgende jaar?

(When next year?)

62. Megan: Volgende jaar.

(Next year.)

63. Inspector Matthews: Wanneer? Januarie, Februarie?

(When? January, February?)

64. Megan: Januarie.

(January.)

(Field notes, Wednesday 30 November 2005)

There are three adjacency pairs in the above interaction and only in the third one in lines 63 to 64, Megan provided Inspector Matthews with the “right information”, as to when she would be giving birth. By knowing that the month of birth is January, translators, such as Inspector Matthews and the state prosecutor, could make contingency plans so that Megan could perform her witness statement in court in the form of enactive work on behalf of the network. Again, the interaction above highlights the tenet that human and nonhuman entities must act together to have ordering effects trans-contextually in the criminal justice system. Therefore, network stability hinges on the success of strategies such as the literacy practices drawn on above by detectives as well as the durability of materials, which in turn is contingent on their human counterparts surviving the interferences of translators from other competing networks. Finally, Megan and her written witness statement (its performativity of the shooting incident) *together* can be seen as a fractal, that partially connects the context of the criminal justice system with that of other locales. Interessement devices such as written witness statements can be seen as nodes between various realities or ontologies and the criminal justice system. Moreover, interessement devices such as written witness statements, serve to formally index the identity of an actor (Brown and Capdevilla, 1999) or potential witness as they might become part of the network.

Megan then left the house and Inspector Matthews called Warren to come sit next to him on the couch. In the interview below, Warren’s account of the shooting incident differed considerably from that provided by Megan. In his account some entities in Megan’s account are configured differently while others do not feature at all. This produced a different performance of the same shooting incident during the interplay between the enactive work of Warren and the recognition work of Inspector Matthews to obtain “the right information” in order to construct the former’s written witness statement. Like in the interview with Megan, the “right information” was used to construct a configuration of material-semiotic relations that incorporated entities such as “attempted murder”, “pointing of a gun” and “intention”. However, I show that different performances of the same crime produce different versions of reality (the “right information”), which is a crucial process to ‘tame tensions’ (Mol, 2002) so that network stability is increased during Moment Two and across contexts.

65. Inspector Matthews: Sê my wat is die ding oor?

(Tell me what is this thing about?)

66. Warren: Ek, Benny my skoonbroer, Samuel en Barry het hier oorkant gestaan...

Inspector Matthews interjects

(I, Benny my brother-in-law, Samuel and Barry were standing opposite...)

67. Inspector Matthews: Nee, wat was die skietery oor?

(No, what was the shooting about?)

68. Warren: Ek weet nie.

(I don’t know.)

(Field notes, Wednesday 30 November 2005)

The use of the colloquialism, “die ding” (the thing), in line 65 instead of “die skietery” (the shooting) in line 67, was apparently a strategy to soften the direct nature of the question which was about establishing the motive for the shooting. The subsequent misinterpretation in line 66 made Inspector Matthews interject and direct his question more explicitly in line 67. Although Warren answered “no”, the direct nature of the first pair part in line 67 and the fact that the entity, “the motive”, was not a focus of the detective’s recognition work during Megan’s interview, showed that Inspector Matthews suspected that Warren was hiding some of the relevant or “right information” about the background that had culminated in the shooting. Warren’s reluctance to reveal the motive for the shooting showed that concealing the “right information” was an effect of other competing networks and their modes of ordering. In a conversation with me after the interviews Inspector Matthews said that he knew beforehand that the motive behind the shooting was a turf war between rival gangs for control over the selling of narcotics in the greater Blue Hills area. Samuel was selling narcotics at a cheaper price than the Ugly Americans, and therefore the shooting was not just a random act of violence (Field notes, 5 December, 2005). This information had been obtained from police

informants. During the interview Inspector Matthews had also established that Warren knew that Tabba and Attie were Ugly Americans. In Warren's version three men (him included) were with Samuel at the time of the shooting instead of two as in Megan's account.

This literacy event also showed how modes of ordering and their inter-ordering effects were affecting the production of interessement devices – written witness statements – for the network. Gangs, like the Ugly Americans, have been known to threaten and even murder state witnesses who posed a threat to what actor network theorists would call *their* network stability. Therefore, Warren's concealing of the “right information” must be viewed as an effect of the mode of ordering of competing networks such as the Ugly American Gang. These effects become more apparent in the interactional account below.

69. Warren: Toe ons in die gang staan toe trek 'n wit taxi met tinted windows op.

(When we were standing in the alley a white taxi with tinted windows pulled up.)

70. Inspector Matthews: Toe waar sit Tabba?

(So where was Tabba sitting?)

71. Warren: Voor in die taxi, passenger side.

(In front of the taxi, in the passenger side.)

72. Inspector Matthews: En toe?

(And then?)

73. Warren: Toe vra Tabba vir Barry wie is daardie? En toe sê Barry vir hom jy

74. kan mos self jou ding vol maak.

(Then Tabba asked Barry who that [referring to Samuel] was. And then Barry said why don't you find out for yourself.)

(Field notes, Wednesday 30 November 2005)

When the taxi had pulled up next to the four men, the taxi driver was closest to the four men. In Warren's account Tabba had been sitting next to the taxi driver and had to lean over the taxi driver to ask Barry to identify Samuel. The informal nature in which Tabba addressed Barry in line 73 and Barry's response “jy kan mos self jou ding vol maak”, which if translated directly means “you can make yourself full”, but which is colloquial for “why don't you find out for yourself”, showed that Barry and Tabba were acquainted. A few days after the interviews Inspector Matthews told me that Barry also belonged to the Ugly Americans Gang which accounted for the informal nature of their conversation (Field notes, 5 December, 2005). Not surprisingly, when Inspector Matthews approached Barry for a witness statement, he refused.

The interactional account above shows that Tabba's intention was directed at Samuel only, because in Warren's account, Tabba asked Barry to identify Samuel and not any of the others. In the interaction

below Megan's account was further brought into question as far as how many times the taxi had stopped before the shooting took place.

75. Inspector Matthews: So die taxi het nie net eenkeer gestop nie?

(So the taxi did not only stop once?)

76. Warren: Nee, dit het gery en toe omgedraai en langs ons gestop.

(No, it continued and then it turned around and came to stop next to us.)

77. Inspector Matthews: So dit was nie soos Megan gesê het nie?

(So it was not as Megan had said?)

78. Warren: Nee.

(No.)

79. Inspector Matthews: En toe wat maak Tabba?

(And what did Tabba do then?)

80. Warren: Toe lag hy net en toe ry die taxi en toe draai dit weer om.

(Then he laughed and then the taxi drove and then it turned around again.)

81. Inspector Matthews: En toe?

(And then?)

82. Warren: Toe kom staan dit langs ons en toe klim hy uit.

(Then it came to a standstill next to us and then he climbed out.)

83. Inspector Matthews: Wie is hy?

(Who is he?)

84. Warren: Tabba.

(Field notes, Wednesday 30 November 2005)

In lines 75 and 77 the first pair parts of the adjacency pairs established that Megan's version as to how many times the taxi had stopped was contradicted by Warren. The second pair parts in lines 76 and 78 and their enactive work, established that the taxi had first stopped and then the conversation between Tabba and Barry had occurred. Thereafter, the taxi drove further down the street and turned around so that Tabba was now on the same side as the four sitting men. The taxi stopped twice instead of once as had been claimed by Megan. In addition, Tabba was the only person who had emerged from the taxi in Warren's version of the shooting incident. In Megan's version, Tabba and Attie had emerged from the taxi and had acted together in the commission of the crime.

Inspector Matthews's question in line 83 was a form of remediation – recognition work – to obtain the “right information” because the second pair part in line 82, Warren's enactive work, did not specify who had climbed out of the taxi once it had come to a stop. For Inspector Matthews what was ‘noticeably absent’, was a clear identification of who had emerged from the taxi. These turn-taking

procedures differ from ordinary everyday conversation because in everyday conversation it would have been inferred that the person who had emerged from the taxi was Tabba as he was the person who was being discussed in this part of the interview. These remediation strategies, as part of the detective's recognition work, reflect a form of institutional talk where the "right information" must be specific as to who the pronouns refer to, so that clear associations can be established between human actors and their actions. The remediation – the recognition work of Inspector Matthews – evident in the institutional talk in this interview and that of Megan's can also be described as a means to stabilize associations between who-did-what-and-how in order to construct configurations of material-semiotic relations that can be clearly captured in the written witness statement.

85. Inspector Matthews: En toe?

(And then?)

86. Warren: Toe klim Tabba uit en toe vat hy die gun en skiet hom.

(Then Tabba got out and took the gun and shot him.)

87. Inspector Matthews: Het hy die gun gecock?

(Did he cock the gun?)

88. Warren: Nee, dit was al klaar oorgehaal en hy het dit gevat en laat loop.

(No, it was already cocked and he took it and started to shoot.)

(Field notes, Wednesday 30 November 2005)

In the above interaction we see that the first pair part, "And then?" in line 85, invited Warren to continue with his account of events leading up to the shooting. But this was only a precursor to obtaining the "right information" that showed that Tabba had possessed the premeditated intention to shoot Samuel. Inspector Matthews's question in line 87 – Did he cock the gun? – and Warren's answer in line 88 – No, it was already cocked and he took it and started to shoot – constructed the element of "intention" in the following way: the combination of the already cocked gun (the tactile), pointed at Samuel (the gestural), suggested that intention, could be construed from the detail that had preceded the shooting. Inspector Matthews noted that because the gun was "cocked", it proved that the shooting was premeditated and that the shooting was an attempt on Samuel's life and not just a random act of violence (Field notes, 5 December 2005). The second pair part in line 88, Warren's enactive work, also suggested that when Tabba emerged from the taxi he shot only at Samuel and not at the other three men. By associating human and nonhuman actors through combinations of modes of communication, they are both encoded with specific meanings that have effects in situated contexts such as the criminal justice system. The gun, as part of the configuration, is transformed into an immutable mobile (Law, 1994) that can transport meanings and contexts trans-contextually. I noted in Chapter Two, that the creation of an immutable mobile is an attempt to transport sites into other sites without losing their form or meanings (Latour, 2005). However, in this instance, the gun (the

tactile) becomes an immutable mobile only when modes of communication – such as the gestural – are combined during the interplay between the enactive work of witnesses and the recognition work of detectives, at this moment of translation.

Warren's account also suggested that Tabba had only one gun in his hand and not two guns as Megan had stated in her witness account. In the two accounts and their different configurations of material-semiotic relations, Tabba was performed differently and in contradictory ways. Thus we have multiple Tabbas. In Megan's account he was Tabba who had two guns and who had an accomplice called Attie. In Warren's account on the other hand, Tabba was performed as having one gun and who had acted alone on the day of the shooting. These contradictory performativities of Tabba thus far showed that human actors, are not centred. In essence, multiple performativities of this event, just like the police docket in the previous chapter, are a necessary phenomenon in order to build a network that has stability across contexts. This will become clearer below.

Warren went on to explain that Samuel had started to run after he had been shot and had collapsed in front of a shop near to the alley in which the men had been standing. In the interaction below Inspector Matthews built more entities into the configuration to show that Tabba's intention *was* to murder Samuel.

89. Warren: Toe wil Tabba hom gaan af finish.

(Then Tabba wanted to finish him off.)

90. Inspector Matthews: Hoe weet jy dit?

(How do you know this?)

91. Warren: Want hy wou oorgestap het daar waar Samuel collapse het.

(Because he wanted to walk over to where Samuel had collapsed.)

(Field notes, Wednesday 30 November 2005)

In line 89, Warren made a definitive statement in which he claimed that Tabba wanted to “finish him [Samuel] off”. However Matthews's recognition work in line 90, “How do you know this?”, was to establish the intention of Tabba once again. The second pair part, Warren's enactive work in line 91, established that Tabba had walked in the direction of Samuel to follow through with a premeditated murder. This physical movement in the direction of Samuel was symbolic of the direction of Tabba's intention.

In the next section, Inspector Matthews's recognition work focused on establishing that Tabba's original intention, to murder Samuel, had been interrupted by Barry on the day of the incident.

92. Inspector Matthews: Hoe weet jy Tabba wou hom afgefinish het?
(How do you know Tabba wanted to finish him off?)
93. Warren: Want toe hy wou oorstap, toe stop Barry hom.
(Because when he wanted to walk over Barry stopped him.)
94. Inspector Matthews: Hoekom het Barry hom gestop?
(Why did Barry stop him?)
95. Warren: Want hy wou vir Samuel afgefinish het.
(Because he wanted to finish Samuel off.)
96. Inspector Matthews: So Tabba het nie agter Samuel gehardloop nie?
(So Tabba did not run after Samuel?)
97. Warren: Nee, maar hy sou, maar Barry het hom gestop en toe sê Barry vir
98. hom, “moet nie so dala nie”.
(No, but he would have, but Barry stopped him and then Barry told him “don’t dala [colloquial for “act” or “behave”] like that”.)
99. Inspector Matthews: En toe?
(And then?)
100. Warren: Toe sê hy nangaan. En toe hardloop hy oor met die
101. gun in die hand.
(Then he [Tabba] said nangaan [colloquial for “go”]. And then he ran over with the gun in his hand.)

(Field notes, Wednesday 30 November 2005)

The recognition work in line 92, “How do you know Tabba wanted to finish him off?”, and that of line 94, “Why did Barry stop him?” was to establish whether Tabba’s intention *was* directed at Samuel. This element of the configuration was affirmed in Warren’s enactive work in line 93, “Because when he wanted to walk over Barry stopped him” and that of line 95, “Because he wanted to finish Samuel off”. The enactive work in these two lines was interpreted by Inspector Matthews to indicate that Tabba’s original intention to murder Samuel had been interrupted. Thus the adjacency pair in lines 96 to 97 highlighted the element of “interrupted attempt” of the configuration that was constructed during this interview. The interaction between Barry and Tabba and the use of colloquialisms, such as “dala” and “nangaan” in lines 98 and 100 respectively, indicated that the two men were acquainted with each other and that Barry had some influence with Tabba.

102. Inspector Matthews: Hoeveel skote was gevuur?
(How many shots were fired?)
103. Warren: Drie.
(Three.)

104. Inspector Matthews: Presies drie, moontlik drie?
(Exactly three, possibly three?)
105. Warren: Presies drie.
(Exactly three.)
106. Inspector Matthews: Kon jy sien of iemand anders in die taxi was?
(Could you see if anyone else was in the taxi?)
107. Warren: Nee, die taxi het tinted windows gehad.
(No, the taxi had tinted windows.)
108. Inspector Matthews: Waar bly jy?
(Where do you stay?)
Warren provided his address and other personal details.

(Field notes, Wednesday 30 November 2005)

The two adjacency pairs in lines 102 to 103 and lines 104 to 105, again brought Megan's witness account into question, because she had stated that about four or more gunshots had been fired, while Warren emphatically stated, in line 103 and 105, that three gunshots had been fired. Inspector Matthews's recognition work in these adjacency pairs did not cause Warren to change the number of gunshots fired in his version of the shooting incident, in contrast to what we saw in Megan's case, where she moved from claiming that four gunshots had been fired to a more tentative and qualified estimate.

As in Megan's interview, Inspector Matthews asked Warren to provide his personal details for inclusion in the written witness statement. Matthews also read the witness statement to Warren in which mention was made of the "prescribed oath," and then the latter was asked to sign the statement if he considered it to be a true reflection of his version of the shooting incident. As had been argued before, these were all institutional literacy practices that ensured the material durability of the written witness accounts and to disassociate witnesses from the interferences of other competing networks. These literacy practices also rendered the witness together with the written witness statement mobile to circulate in the network and to be transported to court in the next moment of translation. As in Megan's case, after signing the witness statement, Warren was also asked if he would attend an identity parade in which he would be asked to identify Tabba who was in custody in Pollsmoor prison. Warren agreed to this. Again this shows that configurations in written witness statements are not materially durable unless certain literacy practices such as those mentioned earlier and other institutional practices of a more physical kind, such as identifying those constructed as guilty in these configurations, accompany the production of these texts.

After interviewing Warren we left the house. Matthews radioed Greenfields police station, a few kilometers away but forming part of the greater Blue Hills area, to obtain the address of a police officer who worked at the police station. The police officer, who was a family friend of Samuel, had allowed Samuel to stay at his house, as the latter feared for his life after a failed attempt on his life while he was in hospital. The radio controller provided Inspector Matthews with the police officer's address and we made our way to a house in Greenfields. When we arrived at the house a nervous-looking lady, renamed Sandra, opened the door after she had insisted that Inspector Matthews produce his police identification document. Sandra told us to come inside and to sit down while she called Samuel who was in one of the bedrooms at the back. Samuel, a thin male walking on crutches, appeared and came to sit next to Inspector Matthews.

In the interview with Samuel, Tabba was performed differently to the way in which he was performed by Megan and Warren – this becomes apparent during the interplay between Samuel's enactive work and the recognition work of Inspector Matthews, which produced a different configuration of material-semiotic relations. The interview below also shows that the production of written witness statements from the three performativities allowed Inspector Matthews to juxtapose and evaluate the different accounts, so as to make strategic decisions about whose witness statements should be included in the police docket. This I argued represents the Janus face of literacy and text production during Moment Two, where the one face looks at the past as it is held still in the written witness statements of potential state witnesses, while the other juxtaposes these performativities of the past and makes strategic decisions as to which should be included in the police docket. We can see that the production of written witness statements is part of the strategies that translators draw on during Moment Two and its translation process in order to increase the relative stability of the network.

Matthews started the interview stating that he required a witness statement from Samuel, as he did not believe the statement Megan had given him that morning. Inspector Matthews told Samuel that, according to Megan, Tabba had used two firearms in the shooting incident.

109. Samuel: Dit is 'n valse verklaring.

(That is a fabrication.)

110. Inspector Matthews: Megan bly in 'n fantasy world...die ou wat geskiet het

111. was 'n cowboy met twee guns.

(Megan lives in a fantasy world...the guy who did the shooting was a cowboy with two guns.)

(Field notes, Wednesday 30 November 2005)

Samuel's statement in line 109 that Megan's account was a fabrication confirmed that Tabba was performed differently by Megan if compared to Warren and Samuel. Inspector Matthews's reference

to Tabba as “a cowboy with two guns” highlighted that Megan’s Tabba was a different Tabba to that of Warren and Samuel. In the interaction that follows, Megan’s account is further brought into question.

112. Inspector Matthews: Die oggend van die skietery het jy saam met Megan in

113. die voorkamer gesit?

(The morning of the shooting, were you sitting with Megan in the lounge?)

114. Samuel: Nee, ek het nooit met haar gesit nie.

(No, I never sat with her.)

115. Inspector Matthews: Waar was sy?

(Where was she?)

116. Samuel: Sy was upstairs. Ek het haar ma met die wasgoed gehelp.

(She was upstairs. I was helping her mom with the washing.)

117. Inspector Matthews: Maar sy sê sy *het* met jou gesit?

(But she said she *did* sit with you?)

118. Samuel: Nee, daardie is valse verklarings.

(No, those are fabrications.)

119. Inspector Matthews: Nou vir wie moet ek glo in die saak?

(Now who must I believe in this case?)

(Field notes, Wednesday 30 November 2005)

In lines 112 to 114 Samuel claims that he had never sat with Megan in the lounge on the day of the shooting. The “right information” in line 116 was that Megan had been upstairs and that Samuel had been assisting Megan’s mother with the washing. This was different to Megan’s statement in line 2 of her interview above. Inspector Matthews’s recognition work – But she said she *did* sit with you? – in line 117 led to Samuel repeating, in line 118, that Megan’s version of events was a fabrication. The question in line 119, “Nou vir wie moet ek glo in die saak?” (Now who must I believe in this case?) emphasizes that written witness statements may contradict one another as they are the partial connections between various realities and the network, and therefore translators, such as detectives, must make strategic decisions as to which witness statements they will include in the police docket in order to increase the relative stability of the network by increasing the material durability of the network through these strategies. The inclusion of a written witness statement that contradicts other witness accounts may bring into question these texts and affect the network’s stability negatively.

In the interaction below, like in the other interviews, Inspector Matthews was attempting to obtain the “right information” pertaining to the direction of Tabba’s will or intention so as to include it in the configuration of material-semiotic relations of Samuel’s account of the shooting incident.

120. Inspector Matthews: Toe stop die taxi en die mense klim uit...toe fluit jou
 121. nefie en toe draai jy jou rug?
 (Then the taxi stopped and the people got out...then your cousin whistled and then you turned your back?)
122. Samuel: Ja.
 (Yes.)
123. Inspector Matthews: En toe jy omdraai toe hoor jy iemand vra “wie is dit?”
 (And when you turned around you heard someone asking “who is that?”)
124. Samuel: Ja, hy het vir Barry gevra wie is dit met die rooi manga.
 (Yes, he asked Barry who is that with the red three quarter pants.)
125. Inspector Matthews: Het jy die taxi geface toe hy [Tabba] dit vra?
 (Were you facing the taxi when he [Tabba] asked the question?)
126. Samuel: Nee, maar toe hy klaar gevra het, toe draai ek om. Maar die taxi het
 127. al klaar stadig weggery. Toe sien ek Tabba het hom half oor die driver
 128. geswaai.
 (No, but after he had asked his question I turned around. But the taxi was already driving slowly away. Then I saw that Tabba was half-leaning over the driver.)
129. Inspector Matthews: Maar jy het nie omgedraai toe Tabba dit gevra het nie?
 (But you did not turn around when Tabba asked the question?)
130. Samuel: Nee, maar toe hulle weg ry toe vra ek met wie praat jy? En toe sê
 131. Barry dit is Tabba.
 (No, but when they had already driven away I asked with whom are you talking? And then Barry said that it was Tabba.)

(Field notes, Wednesday 30 November 2005)

In lines 120 to 131 the interplay between the enactive work of Samuel and the recognition work of Inspector Matthews revealed that Samuel did not face Tabba when the latter had asked Barry to identify the former, who was wearing a red three quarter pants on the day of the shooting. Although Barry had told Samuel that it was Tabba who had asked the question (lines 130 to 131) because Samuel had not faced Tabba, Inspector Matthews could not make an association between the uttered words and Tabba. If Samuel had witnessed Tabba uttering the words that he had heard, then it meant that Tabba had wanted to be clear that the person in the red three quarter pants was Samuel, the person whom he had intended to shoot. This association, “intention”, would have been included in the witness statement and would have constructed Tabba as possessing the intention to shoot Samuel. In addition, the combination of elements would have constructed Tabba as “guilty” in the configuration of material-semiotic relations of Samuel’s witness statement.

Although the interplay between recognition work and enactive work above did not establish that Tabba had possessed the intention to murder Samuel, the interaction below established this element of the configuration in a different way.

132. Inspector Matthews: Toe hy [Tabba] klaar gevra het, toe sien jy die taxi ry op

133. en toe draai die taxi om?

(Then when he [Tabba] had already asked the question, you saw the taxi driving up and then the taxi made turned around?)

134. Samuel: Ja, toe draai die taxi om en kom weer af die pad. Toe stop dit langs

135. ons en toe maak Tabba die deur oop en sy een voet was uit die taxi en hy het

136. die gun gecock en begin skiet.

(Yes, then the taxi turned around and it made its way down the street again. Then it stopped next to us and Tabba opened the door and his one foot was out of the taxi and he had cocked the gun and he started to shoot.)

137. Inspector Matthews: So hy het net die gun na jou gerig?

(So he only pointed the gun at you?)

138. Samuel: Ja.

(Yes.)

(Field notes, Wednesday 30 November 2005)

Samuel's account above confirmed that the taxi had stopped twice – the first time Tabba had asked Barry to identify Samuel, the second time the taxi had stopped and Tabba had emerged from the taxi (lines 132 to 136). In the interactional account Samuel's enactive work performed Tabba in a slightly different way to the way he had been performed by Warren in his account. Warren noted that the gun had already been cocked when Tabba emerged from the taxi while in Samuel's account Tabba had emerged from the taxi and then cocked the gun. However, the salient issue is that through Inspector Matthews's recognition work in the first pair part in line 137 produced the second pair part, which confirmed that the gun had been pointed at Samuel only. Thus, the "right information" in Samuel's account also confirmed, once again, that Tabba's intention had been directed at Samuel only.

In the next section, Inspector Matthews's recognition work focused on the number of gun shots that Tabba had fired at Samuel during the incident as well as on obtaining a description of Samuel's injuries. In the semiotic domain of the criminal justice system the description of Samuel's injuries would be the evidence or physical effects of Tabba's intention to murder Samuel. Furthermore, it was important to establish, as part of the "right information", a description of Samuel's injuries because such injuries would have been verified by the doctors and the texts that they had produced when they

had treated Samuel's injuries when he had been taken to hospital – this will become clearer later on in this chapter.

139. Inspector Matthews: En toe klim hy uit die taxi?
(And then he got out of the taxi?)
140. Samuel: Toe vra ek hom, hoekom skiet jy my? En toe lag hy my uit.
(Then I asked him, why do you shoot me? And then he laughed at me.)
141. Inspector Matthews: Toe klim hy uit die taxi?
(Then he got out of the taxi?)
142. Samuel: Ja, toe skiet hy my in my enkel. Twee skote in my regter
143. been...eerste een in die enkel. Tweede skoot en derde skoot was nie
144. dwarsdeur my been nie.
(Yes, then he shot me in my ankle. Two bullets in my right leg...the first one in the ankle.
Second bullet and third bullet did not exit my leg.)
145. Inspector Matthews: So drie skote in jou linker been?
(So three gun shots in your left leg?)
146. Samuel: Nee, een in my linker been.
(No, one in my left leg.)
147. Inspector Matthews: Is jy wat deurmekaar praat.
(It is you who is speaking incoherently.)
148. Samuel: Twee in my regter been.
(Two in my right leg.)
149. Samuel: Toe hardloop ek en toe is daar nog 'n skoot.
(Then I ran and then there was another gunshot.)
The last bullet entered Samuel through his back and exited through his stomach.

(Field notes, Wednesday 30 November 2005)

In the conversation above, it was difficult for Inspector Matthews to follow Samuel's description of his injuries. The first pair part in line 139, "En toe klim hy uit die taxi?" (And then he got out of the taxi?), and the second pair part in line 140, "Then I asked him, why did you shoot me?", suggested that Tabba had already shot Samuel once before he had emerged from the taxi. The question in line 141, which was the same as that in line 139, did not produce the same answer as that in line 140. Instead of providing a similar answer Samuel gave a different answer, "Yes, then he shot me in my ankle [...]" (lines 142 to 143) which suggested that after Tabba had emerged from the taxi, he shot Samuel in his ankle. Remediation, or recognition work in these literacy events, is time consuming and detectives need to be aware that the narratives and their enactive work that witnesses offer during these events, do not always unfold in a logical and ordered way that is acceptable in the semiotic

domain of the criminal justice system. Therefore utterances have to be verified continuously as part of a detective's recognition work.

Samuel's answer in lines 142 to 144 and its enactive work, which was difficult to follow, now became the focus of Matthews's recognition work to obtain the "right information". The recognition work in line 146 eventually established that the first bullet had been shot as Tabba was about to emerge from the taxi. This bullet had entered Samuel's left ankle. After Tabba had emerged from the taxi and after Samuel had asked the former why he had shot him, Tabba shot Samuel twice in the right leg. Thereafter Samuel ran. Tabba then shot him in the back and the bullet exited through his stomach (line 149). The fact that the last bullet had entered Samuel's back as he was trying to get away from Tabba, confirmed that Tabba's intention was directed at Samuel only. Thus a total of four gun shots had been fired before Barry stopped Tabba from walking over to follow through with his intent to murder Samuel.

Samuel's account also highlighted the point that no conversation had occurred between him and Tabba that could have provoked the shooting – this was one of the issues that Inspector Matthews wanted to confirm when he had interviewed Megan. Therefore, in Samuel's version, a conversation could not have provoked the shooting. In other words, the shooting had been planned beforehand. In the next part of the interview, Inspector Matthews wanted to know where Samuel had been hospitalized.

150. Inspector Matthews: Waar het jy gelê? Dit was Jooste?

(Where did you lay? It was Jooste [hospital]?)

151. Samuel: Dit was Groote Schuur en toe Jooste.

(It was Groote Schuur [hospital] and then Jooste [hospital].)

152. Inspector Matthews: Ek moet 'n lêr nommer kry.

(I must get a file number.)

(Field notes, Wednesday 30 November 2005)

In the interaction above, it was established that Samuel had been treated for his injuries in two hospitals, first Groote Schuur Hospital and then Jooste Hospital (line 151). At Groote Schuur Hospital, the trauma doctor would have completed a J88 form (see Figure 18 on the following page), a standard form that doctors routinely complete in cases of violent crime.

Signature of medical practitioner

Figure 18: A page from the J88 form used to indicate specific injuries on a victim's body

In the J88 form the doctor would have documented the injuries that Samuel had sustained during the attack. The J88 form and other similar medical texts which doctors routinely complete in cases of violent crime contain their own configurations of material-semiotic relations – these texts and their human counterparts (the doctors) are enrolled and mobilized in the network to do enactive work in court in the next moment of translation, Moment Three. The configurations in these texts would support the configurations in the accounts of state witnesses, and would therefore increase the stability of the network by increasing the material durability of the network’s texts in the police docket. These medical texts, like the written witness statements, are also fractals, partial connections between various contexts – the context of the hospital and the criminal justice system. Enrolling the medical report and the doctor who had treated Samuel as an expert witness, would have allowed translators to displace “the hospital” and all the complexities that go into the construction of medical reports from its context of production to the court room. These displacements are similar to the ones achieved by the marine biologists in Callon’s (1986) study when they transported St Brieuc Bay, the scallops and the fishermen in textual forms to the conference room in Brest.

In the next part of the interview, the interplay between Inspector Matthews’s recognition work and Samuel’s enactive work, focused on establishing whether Attie was Tabba’s accomplice. Inspector Matthews’s recognition work below once again brought Megan’s witness account into question.

153. Inspector Matthews: Ken jy vir Attie?

(Do you know Attie?)

154. Samuel: Ja.

(Yes.)

155. Inspector Matthews: Was hy saam die dag toe jy geskiet is?

(Was he with [Tabba] the day that you were shot?)

156. Samuel: Nee.

(No.)

157. Inspector Matthews: Maar Megan sê hy was saam.

(But Megan said he was with [Tabba].)

Samuel again replied that Megan gave a false declaration.

(Field notes, Wednesday 30 November 2005)

The question in line 153 was a precursor to the question in line 155. Once it had been established that Samuel knew who Attie was, Inspector Matthews could ask whether Attie had been with Tabba the day Samuel was shot. Thus the “right information” obtained from Samuel showed that the Tabba in his account had acted alone, unlike the version that Megan had provided earlier. After it had been established that Attie was not an accomplice to the crime, Inspector Matthews stated that he was not

going to include Megan's witness statement in the police docket. We should see this decision as a strategy to create network stability. If these multiple *and* contradictory performativities of the same shooting incident were to be included in the police docket, they would have been seen as existing relationally, and this would have decreased the stability of the network. Megan's witness statement, therefore, would have affected the material durability of the written witness statements of Warren and Samuel.

Inspector Matthews's attention now turned to establishing another element, "the motive" for the shooting.

158. Inspector Matthews: En jy weet nie wat die skietery oor is nie?

(And you do not know what the shooting is about?)

159. Samuel: Nee.

(No.)

160. Inspector Matthews: Is jy 'n bendelid?

(Are you a gang member?)

161. Samuel: Nee, ek is nie 'n bende nie.

(No, I am not a gang member.)

(Field notes, Wednesday 30 November 2005)

In the context of the gang war for control over the selling of narcotics on the Cape Flats mentioned earlier and Inspector Matthews's knowledge of this turf war, his question in line 158, was more of a rhetorical question. Therefore, Samuel's answer in line 159, came as no surprise to Inspector Matthews as gang members live by a strict code of conduct, where they do not reveal the inner workings of their gangs which may implicate them in crimes. The next question, "Are you a gang member?" in line 160, revealed that Inspector Matthews knew that Samuel was not providing him with the "right information" pertaining to the motive for the shooting. Although Samuel answered "No, I am not a gang member" in line 161, his answer must be seen as an effect of a competing mode of ordering if compared to that which positioned Inspector Matthews.

After this interview Inspector Matthews told me that he knew that Samuel was a gang member, because he had the numbers 2 and 6 tattooed on his index and middle finger respectively. The numbers 26, 27 and 28 are used by gangs in South Africa to classify them according to their various gang activities. These include "entrepreneurship", such as theft and robbing (the activities of a gang classified as 26), acts of violent crime and murder (the activities of gangs classified as 27) and murder and sodomy (the activities of gangs classified as 28). While I was collecting my data, there had been a gang war between two gangs in the Blue Hills area. The one gang classified itself as a 26 gang

while the other classified itself as a 27 gang. While investigating the spate of murders, a direct result of the gang war, the investigating detective established that the war started because the 27 gang did not abide by the “activities” expected of a gang classified as a 27 gang. Gang members from the rival 26 gang told the investigating detective that the 27 gang “was taking our work away from us” because the latter started to commit crimes involving theft and robbery (activities of gangs who classify themselves as a 26 gang). The gang war eventually came to an end after the SAPS brokered a “peace treaty” between the rival gangs in which the 27 gang – who strayed from its gang activities – agreed not to “take the work” of the 26 gang away from them. The detective found the reason behind the gang war ironic and humorous because when it came to the selling of narcotics, all gangs in the Western Cape, regardless of their number classification, were competing for total control of this lucrative entrepreneurial activity (Field notes, 1 December 2005).

Thus Samuel’s reluctance to provide the true motive for the shooting, underscored the rivalry between gangs to control the selling of narcotics in the Western Cape. Furthermore, his reluctance emphasized the complexity and the interferences of other competing networks and their translation processes in the production of these witness statements. The complexities involving the production of written witness statements and the retention of their material durability (which can only be achieved if written witness statements are accompanied by their human counterparts at court) become evident in the interaction below.

162. Inspector Matthews: Watter adres moet ek nou hier skryf?

(What address must I write here?)

163. Samuel: Ek weet nie.

(I don’t know.)

164. Sandra: Skryf maar diè adres. Ek help maar net vir Samuel.

(Write this address. I am just trying to help Samuel.)

165. Inspector Matthews: Ek sê jou wat, ek skryf geen adres nie tot die saak

166. afgehandel is.

(I tell you what, I will write no address until the case has been finalized.)

(Field notes, Wednesday 30 November 2005)

The conundrum that faced Inspector Matthews, Samuel and Sandra in lines 162 to 164 and which was eventually solved by Inspector Matthews’s decision not to include an address in Samuel’s written witness statement (lines 165 to 166,) highlights the point that gangs in Blue Hills have formed alliances with individuals in the criminal justice system. After the interview, Inspector Matthews told me that he did not want Samuel’s current address to be known, because many gangs had enrolled police officers as informants by having them on their payroll (Field notes, 30 November 2005). In

Chapter Three, I alluded to this phenomenon (which is not peculiar to South Africa alone, as is well known). Information in police dockets is often leaked to accused persons, criminals and those trying to defeat the ends of justice. In the previous interviews Inspector Matthews included Megan and Warren's addresses in their witness statements as part of the literacy practices of producing these texts. However, his decision not to include Samuel's address (lines 165 and 166) can be seen as a concession (a strategy) to increase Samuel's interest and to ensure his enrolment, so that the materials (such as his written witness statement) of the network remain durable across space and time. The change in literacy practices during Samuel's interview is similar to the concessions the marine biologists had made with the scallops by replacing the nylon receptors with horse hair receptors to increase the scallops' interest to take on the problematization of the network (Callon, 1986).

Once Samuel had signed his written witness statement after Inspector Matthews had read it to him as in the other two interviews, Inspector Matthews told him that he would be required to attend an identity parade in order to identify Tabba. Samuel agreed to this because his enrolment was tentatively "secured" through the production of his written witness statement.

In the section below, Inspector Matthews used another strategy to increase Samuel's interest and to forge a stable alliance with him.

167. Inspector Matthews: Sal jy in die witness protection programme gaan?

(Will you enter the witness protection programme?)

168. Samuel: Ja.

(Yes.)

169. Inspector Matthews: Dit beteken jy gaan weg. Ek sal nie eers weet waar dit

170. is nie.

(That will mean you will go away. I won't even know where that will be.)

(Field notes, Wednesday 30 November 2005)

In line 167 Inspector Matthews gave Samuel the option to enter the witness protection programme. His description of the witness protection programme in lines 169 and 170, can be seen as a further strategy to increase Samuel's interest and to ensure his enrolment and ultimate mobilization. Furthermore, his offering Samuel the option of the witness protection programme was also a strategy, once again, to ensure the material durability of the network's texts. As I have stated before, written witness statements only exist relationally to their human counterparts and vice versa. Gangs know this and therefore they know how to create instabilities in the network.

Sandra told Inspector Matthews that when Samuel was in Groote Schuur Hospital, Attie had come “to look” for him. Samuel had avoided detection by pulling the blanket over his head. After this incident Samuel had requested to be transferred to Jooste Hospital, because he feared that the Ugly Americans had put out “a hit on his life” (Field notes, Wednesday 30 November 2005). Because the Ugly Americans was a gang that had extended its influence across the whole of the Western Cape Province, Inspector Matthews told Samuel that he would probably be housed somewhere outside the Western Cape and that the former would not even know where the latter would be housed. Samuel initially agreed to enter the witness protection programme (line 168), but after Inspector Matthews explained that he would not have any contact with family and friends for quite some time (maybe for a few years), he decided to give this option some thought. Samuel told Inspector Matthews that he would contact him by the following Monday to inform him of his decision. We then left the house for Blue Hills police station.

Below I offer a summary of the entities that were gleaned from the “right information” to produce the written witness statements and their configurations of material-semiotic relations. I show, in summary, how these configurations produced multiple performativities of the same shooting incident and which ultimately allowed Inspector Matthews to arrive at his decision not to include Megan’s account in the police docket. This decision, as was stated before, should be seen as a strategy to ensure the material durability of the network’s texts (written witness statements in this instance) so that the network can achieve stability trans-contextually.

Multiple performativities of the same crime: Creating network stability trans-contextually through the creation of written witness statements

Table 1 on the following page is a summary of the salient entities in the configuration of material-semiotic relations that each witness statement produced. The table reflects that, obtaining the “right information” and the subsequent production of written witness statements, produced different and contradictory performativities of the same shooting incident.

Entity of the configuration of material relations	Megan	Warren	Samuel
<i>The number of men sitting including Samuel</i>	three	four	four
<i>The person who acted with Tabba in the shooting incident</i>	Attie	He was alone	He was alone
<i>The number of times the taxi stopped</i>	once	twice	twice
<i>Where the taxi stopped the first time</i>	A distance from the three men	Opposite the four men	Opposite the four men
<i>The sequence of events when the taxi stopped the first time</i>	Tabba and Attie got out and spoke to one of the men. As Samuel turned, Tabba shot him	Tabba asked Barry to identify Samuel	Tabba asked Barry to identify Samuel
<i>The sequence of events when the taxi stopped the second time</i>	Not in Megan's account	Tabba got out and started to shoot – gun was cocked already	Tabba cocked the gun first and started to shoot from the taxi
<i>The number of guns in Tabba's hands</i>	Two – one in each hand	One	One
<i>The direction of Tabba's intention</i>	Pointed gun at Samuel only	Pointed gun at Samuel only and wanted to follow through	Pointed gun at Samuel only and wanted to follow through
<i>The number of gun shots fired</i>	Maybe four	Three	Four
<i>Knowledge of the motive for the shooting</i>	Megan was not asked this question	Did not know	Did not know

Table 1: Entities in the three configurations of material--semiotic relations in the witness accounts

In Megan's account the following entities, amongst others, were part of the configuration: Samuel and two other men were sitting in the street; the taxi had stopped once a distance away from the three

men; Tabba and his accomplice, Attie had emerged from the taxi; Tabba had a gun in each hand; Tabba's will or intention had been directed at Samuel because both guns had been pointed at Samuel only; and about four gunshots had been fired. Warren's account was as follows: Samuel and three other men were sitting in an alley way; the first time the taxi had stopped Tabba asked Barry to identify Samuel; the taxi had driven down the street and had turned around; it had stopped opposite the four men; Tabba had emerged from the taxi with a cocked gun and had started to shoot at Samuel; Attie was not with Tabba when he had shot Samuel; Tabba's will or intention had been directed at Samuel only; Tabba had only one gun; three gun shots had been fired; and he had no knowledge of the motive for the shooting. Finally Samuel's account: he had sat with three men in an alley way; the first time the taxi had stopped he had heard someone asking Barry to identify him; the taxi had driven down the street and had turned around; it had stopped opposite the four men; Tabba had emerged from the taxi and had first cocked the gun and then started to shoot at Samuel; Attie had not been with Tabba when Samuel was shot; Tabba's will or intention had been directed at Samuel only; Tabba had only one gun; four gunshots had been fired; and he did not have any knowledge of the motive for the shooting.

The production of the written witness statements during this moment, Moment Two, produced multiple performativities (realities) of the same shooting incident, and therefore, of Tabba as well. He oscillated between an entity who: had two guns *and* one gun; had an accomplice and one who acted alone; had emerged from the taxi with a gun cocked already and one who had cocked the gun just before he shot Samuel. The shooting incident and Tabba came in different versions, different performativities just like the TSR 2 in Law's (2002) study, the human body in Mol's (2002) study and the intrauterine device in Dugdale's (1999) study, which I had discussed in Chapter Two. Tabba and the shooting incident, like these entities, had no single centre, but were performed in heterogeneous ways by heterogeneous actors. These performativities interfere with one another during literacy events, so that translators can make strategic decisions as to which texts should be included or excluded from the police docket in order to create trans-contextual stability for the network. One of the strategic decisions that was taken was not to include Megan's witness statement in the police docket. This I argue, is a form of black-boxing Megan's witness account because if included would have decreased the material durability of the network. However, this interference was only revealed and could only be strategically managed, once written witness statements were produced during the interplay between the enactive work of witnesses' verbal accounts and the recognition work of detectives as a means to accommodate the functional blankness of each witness and their version of the "right information".

Conclusion

In this chapter I have argued that interessement devices in the form of written witness statements are produced during the interplay between the enactive work of witnesses' verbal accounts and the recognition work of detectives. I argued that written witness statements, as interessement devices, serve to disassociate witnesses from other competing networks by stabilizing their identities in the network. Thus their creation endows witnesses, who are functionally blank at this moment of the translation process, with specific meanings that will assist in realizing and extending the problematization of the network into other material forms. I have shown that written witness statements allow witnesses and other contexts to be displaced across contexts into the context of the criminal justice system and as part of the network.

The literacy event that I drew on in this chapter highlighted that during the interplay between the enactive work of witnesses and the recognition work of detectives, multiple versions of reality, performativities of the crime, are often produced during text production in these literacy events and in Moment Two. These performativities show that written witness statements together with their human counterparts are fractals that are the partial connections between the criminal justice system and other realities and contexts. Therefore they – written witness statements together with their human counterparts – have to be managed in strategic ways by translators to ensure that they increase the material durability and the trans-contextual stability and coherence of the network that is being built. These strategies that become apparent during the interplay between enactive and recognition work, revealed the Janus face of literacy and text production during Moment Two. However, these strategies are often black-boxed, so that the materials of the network can attain some form of durability trans-contextually. To reveal the messiness that precedes the inclusion of written witness statements in police dockets to competing networks may, in all likelihood, put the stability of the network in jeopardy.

In the next chapter I cover Moment Three as described in Chapter Three.

Chapter Six

Moment Three: Displacing contexts and mobilizing texts and state witnesses

Introduction

In the previous chapter I covered Moment Two which I suggested consisted of the second moment of the criminal justice process, “then it goes to the detectives who investigate” and which I argued corresponds with two moments of translation, intersement and enrolment. In this chapter I focus on Moment Three as explained in Chapter Three. This moment which includes the third moment of the criminal justice process, “then it goes to court”, and which I suggested corresponds with the last moment of translation, mobilization.

During mobilization, enrolment is transformed into active support for the problematization of the network through the creation of ‘spokespersons’, who speak on behalf of the network and a range of other heterogeneous actors or entities (Callon, 1986). Spokespersons of a network are vital because when they are created they assist the network to displace and transform actors into manageable entities that can be transported across contexts. In Callon’s (1986) seminal study scallops, larvae, the fishermen and the St Brieuc Bay were displaced from their respective contexts and transformed into manageable entities such as graphs, statistical analyses, conference papers and so on, so that these entities could be transported in their transformations or material forms, trans-contextually, to the amphitheatre of the conference room. After the marine biologists had found themselves in the amphitheatre of the conference room, they reassembled these entities (now displaced and transformed into textual form) and presented themselves as the spokespersons of these entities to the scientific community. Thus, spokespersons harness these transformations – in the form of texts – to do enactive work on behalf of a network in order to create network stability in and across contexts. In addition, for one to become the spokesperson for certain actors or entities, it means that those actors or entities must have been silenced – through translation processes – so that they cannot contest what the spokesperson “says” *about them on their behalf*.

In South Africa’s criminal justice system, the amphitheatre is not a conference room but the court room, and it is here where actors – investigating officers, witnesses and expert witnesses – are mobilized as spokespersons to do enactive work on behalf of the network. In networks such as that of the criminal justice system, spokespersons have more legitimacy when they are hybrids that have both

a somatic (human) and an asomatic (text) component. This was a point that I had emphasized in the previous chapter and which I will explain in greater detail below. Unlike in Callon's (1986) study, where the entities mobilized in textual form, were left unchallenged in the amphitheatre of the conference room, in the amphitheatre of the court room spokespersons are always contested by competing networks. Therefore, it is in the court room where the relative stability of the network is tested, once spokespersons of the network are subjected to the recognition work of competing networks.

In this chapter I present two literacy events that were recorded at Blue Hills regional courts. I show that the questions that state prosecutors ask witnesses and expert witnesses animate them so that they can present particular configurations of material-semiotic relations to the court which carry particular meanings, enactive work, trans-contextually. When spokespersons are animated, the enactive work of the configurations that they present to the court, represents a version of the past sanitized of the messiness of Moment One and Moment Two, which I discussed in Chapter Four and Chapter Five respectively. In other words, during Moment Three, the Janus face of literacy that characterized the interplay between enactive- and recognition work that I had highlighted in Moment One and Moment Two and their complexities, are black-boxed in the versions of the past that spokespersons present in the amphitheatre of the court room. As I have stated in Chapter Two, most stable networks that exert ordering effects trans-contextually, are adept at successfully black-boxing the complexities and messiness that characterize their translation processes and the subsequent constructions of the configurations of material-semiotic relations that define the network. Black-boxing the Janus face of literacy that was revealed during the first two moments is therefore a necessary strategy to ensure the material durability of the network, and symbolizes a "silencing" of the entities on whose behalf spokespersons are speaking.

In both literacy events, I show how spokespersons of the network can either increase or decrease the stability of the network. I argue that this depends on the success of their enactive work which is contingent on the durability of particular texts, their configurations of material-semiotic relations and the meanings that they carry with them trans-contextually. Through the analysis of the literacy events, I also highlight two strategies that defence attorneys employ to decrease the stability of the network. The first strategy takes the form of subjecting spokespersons, who were mobilized by the network, to recognition work (the cross-examination of witnesses or expert witnesses by defence attorneys). The second strategy, takes the form of enactive work by defence attorneys, who mobilize accused persons as spokespersons on behalf of their network. In this instance, defence attorneys animate their spokespersons, by asking them specific questions so that their answers can produce alternative configurations of material-semiotic relations to that of the network.

I argue that the two strategies can have two effects on the stability of the network as they both aim to produce and present the court with alternative configurations of material-semiotic relations. Firstly, if these strategies are successful then the recognition- and enactive work of the defence can produce alternative configurations of material-semiotic relations in which the accused are constructed as “not guilty”. When this happens, the material durability of the network can decrease considerably, which in turn may result in its trans-contextual stability and coherence decreasing as well. Secondly, if unsuccessful, then paradoxically the opposite is true – failure to reconfigure the material-semiotic relations of the network can increase its material durability and therefore its relative stability and coherence in the Amphitheatre of the court. Therefore, I argue that both literacy events highlight the precarious nature of building the network and that stability hinges on material relations – written witness statements and other texts such as medical texts and their human counterparts (witnesses and expert witnesses) – remaining durable trans-contextually.

Spokespersons failing to strengthen the stability of the network

The first literacy event documents the bail application of an accused, Daniel May, in a shooting incident in which the complainant, Naseema Borris had been injured. The shooting incident occurred in Springville, a residential area in Blue Hills, one Friday evening just before midnight, when Daniel May went to the residence of Naseema Borris.

The facts before the court were as follows: Daniel May, a married man, estranged from his wife, was having an affair with Shahieda Borris, the complainant’s daughter, Naseema Borris. The complainant did not approve of the relationship because Daniel May was already married. On the Friday night of the shooting incident, May and three other men arrived at Naseema Borris’s house in Springville looking for Nur Nickson. After telling the four men that Nickson was not there, Naseema Borris asked them to leave. They returned later that evening. This time around the complainant escorted them to the gate. May produced a revolver and fired several gun shots which damaged cars and houses around Borris’s residence. In the A1 statement of the police docket it had been recorded that one bullet had grazed the complainant as well. May’s personal revolver, a Magnum, some rounds of ammunition and one spent cartridge were seized as evidence when he and his three co-accused were arrested the next morning.

Constable Dalimpi, the investigating officer and spokesperson on behalf of the network was called to the witness stand by the state prosecutor, Prosecutor Jansen, because the state wanted to oppose May’s bail application. The possibility of May securing bail was seen by the network as a real threat to its stability, which was contingent on several witnesses making it to court and being mobilized as spokespersons for the network. Therefore, prior to the court session, Prosecutor Jansen met with

Constable Dalimpi and through their bilateral negotiations they agreed to oppose May's bail application as a strategy to ensure the material durability and therefore the stability of the network. The interaction below highlights how Prosecutor Jansen's questions animated Constable Dalimpi and mobilized him as a spokesperson for the network, so that his verbal accounts could present the court with a configuration of material-semiotic relations in which May was constructed as a real threat to the material durability and therefore the stability of the network. The animation of Constable Dalimpi as a spokesperson, as shown below, was an attempt to enrol the magistrate to refuse bail for May. This in turn would have assisted in increasing the stability of the network by protecting the network's spokespersons who, as I have argued in the previous chapter, are hybrids who have both a somatic (human) and asomatic (text) component.

A court interpreter took up his position in a swivel chair next to the witness box because Constable Dalimpi wanted to testify in Xhosa, his home language. Magistrate Krige swore the constable in. Prosecutor Jansen's questions were asked in Afrikaans while the court interpreter translated them into Xhosa and then translated Constable Dalimpi's answers in Afrikaans again. Prosecutor Jansen started off by asking the constable to provide a narrative of what had happened on the evening the crime had been committed. The constable started to page through the police docket that he held in his hand to familiarize himself with the shooting incident. His actions below highlight the hybrid character of spokespersons mobilized by the network.

Vrydag 11:45nm het die beskuldiges met twee karre opgedaag (Friday at 11:45pm the accused arrived in two cars). Hulle het na nommer drie Blue Crescent gegaan en daar geklop (They went to number three Blue Crescent and knocked on the door). Die vrou [Naseema Borris] wat oopgemaak het, het gesê dat hulle het omtrent nege uur daar geklop (The woman [Naseema Borris] who opened said that they had come to the house at about nine that evening). Hulle het gesê dat hulle vir Nur Nickson soek (They said that they were looking for Nur Nickson). May en die ander beskuldiges het toe die plek verlaat en het teruggekeer om en by 11:45 (May and the other accused left the house but returned round about 11:45pm that evening). Die klaagster het gesê dat hulle die plek moet verlaat (The complainant asked them to leave the house).

Naseema Borris escorted the four accused to their cars after which a firearm was drawn by Daniel May and the firearm "het drie keer gekliek" (it clicked three times, that is, three gun shots were fired). Cars and houses were damaged during the shooting. Constable Dalimpi continuously paged through the police docket to familiarize himself with the details of the case. The account was of such a nature, that the constable would read through the police docket and reply in Xhosa followed by the court interpreter's translation into Afrikaans.

After the constable's account Prosecutor Jansen asked the constable who had fired the firearm. The constable said that it was May who had fired the firearm. Prosecutor Jansen then asked if May had a license for the firearm and the constable replied in the affirmative.

Prosecutor Jansen asked if May was known to all the state witnesses, to which the reply was that he was, except for one state witness who was a neighbour of the complainant. Prosecutor Jansen then asked the constable to provide reasons why he felt May should not be granted bail. The constable said that it could not be ascertained for certain where May resided because he was estranged from his wife. It was then asked if the constable would still oppose bail for May if he had resided outside the Blue Hills/Springville area. The constable noted that he would still oppose bail for May, because he was of the opinion that he could still enter the Blue Hills area to intimidate or injure the state's witnesses and the complainant.

(Field notes, Monday 18 July 2005)

Interestingly in the interaction above Prosecutor Jansen's questions, unlike the questions asked by Inspector Matthews in the previous chapter, was not a form of recognition work, but a strategy to animate Constable Dalimpi, so that he could be mobilized as a spokesperson for the network. The answers that he had provided produced a configuration of material-semiotic relations in which May was constructed or performed as a threat to the stability of the network and therefore he should not be granted bail by the court. The configuration and its intended enactive work that Prosecutor Jansen's questions and Constable Dalimpi's answers produced, are shown in Table 2 below.

Questions	Answer	Intended enactive work
1. Who shot the firearm?	Daniel May fired the firearm in the attack	He is prone to violent behaviour and he committed a crime
2. Why oppose the bail application?	Daniel May is estranged from his wife, he is not living at home	He has no address, we will not be able to trace him, he poses a flight risk
3. What if he stayed somewhere else?	He will still enter the Springville area	He will interfere with the investigation
4. Does he know the state witnesses?	Yes he does know all of them except for one	He will contact state witnesses, intimidate them and interfere with the investigation

Table 2: Configuration of material-semiotic relations and its intended enactive work

The table shows that the interaction between Prosecutor Jansen and Constable Dalimpi, the spokesperson for the network, was an attempt to produce a particular construction of May's identity through the production of a particular configuration of material-semiotic relations. The intended enactive work of the configuration can be summarized as follows: May had used his firearm in the attack to injure Naseema Borris. Therefore, he had the propensity to commit acts of violent crime. In addition, he was also estranged from his wife and did not reside at home. Thus it might be difficult for the police to apprehend him if he should decide to break his bail conditions and decide to flee. Therefore, he posed a flight risk for the network. If he should stay somewhere else and not in the Springville area, he would in all probability still enter the Springville area to intimidate state witnesses, that is, he would attempt to decrease the interestment of state witnesses by intimidating them as he knew where they all resided. By intimidating state witnesses he would attempt to decrease the stability of the network by negatively affecting the durability of the network's materials (written witness statements). I have argued in the previous chapter that written witness statements have true material durability only if they are accompanied by their human counterparts. The configuration of material-semiotic relations produced by the spokesperson, Constable Dalimpi, seemed successful in defining May as a threat to the stability and material durability of the network, but as Callon (1986) notes, when spokespersons speak, they must have successfully silenced the entities on whose behalf they claim to be speaking.

In the next section, the defence lawyer, Mr Burns was given an opportunity to cross-examine Constable Dalimpi and in doing so he attempted to reconfigure or produce an alternative configuration of material-semiotic relations to the one produced in Table 2. Before Burns started his cross-examination of Constable Dalimpi, he argued that it was his educated opinion that May's offence had been incorrectly classified. He suggested to the court that Naseema Borris had not sustained any major injuries and therefore May had committed a Schedule One offence, instead of a Schedule Five offence. A Schedule One offence is of a less violent and serious nature, as opposed to a Schedule Five offence, which includes attempted murder (the offence Daniel May had been accused of) and murder. His suggestion to reclassify the crime as a Schedule One offence instead of a Schedule Five offence was already an attempt to reconfigure the material relations as shown in Table 2, and set the scene for the ultimate aim of his recognition work during his cross-examination of Constable Dalimpi below.

The first question that Burns asked was whether there was any evidence outstanding in the case? The answer to this question was in the negative. He then asked if there was a "magasyn in die vuurwapen" (magazine in the firearm). It turned out that the firearm was a revolver which did not have a magazine, but a revolving flywheel. Burns wanted to know how many spent cartridges had been found at the scene of the crime. To this Constable

Dalimpi replied that a revolver retained its spent cartridges in the flywheel, unlike in the case of a firearm that takes a magazine. Burns proceeded to ask how many rounds of ammunition had been confiscated when May was arrested. The answer was that eighteen rounds were unused and that one spent cartridge had been found (this spent cartridge was not found inside the flywheel of the revolver). Thereafter Burns wanted to know if it had been reported that cars, doors and houses had been damaged during the alleged shooting and why the police had found only one spent cartridge. Constable Dalimpi replied that he had never confiscated the firearm and could not give reasons why only one spent cartridge had been found. However, he suspected that the accused had destroyed the evidence.

Burns proceeded to ask if the constable knew Shahieda Borris. He replied that he knew that she was the daughter of the complainant, Naseema Borris. The Constable was asked if he had taken a statement from her and he said that he had not. He was asked who had taken the statement and he answered that it had been taken by Constable Leonard. Burns proceeded to ask whether the constable had any statements under oath from the state witnesses that May would not appear in court were he to be granted bail. The constable answered that he had no such statements. Thereafter Burns asked if he had sworn statements under oath from the state witnesses, that Daniel May would interfere with and threaten witnesses, should he be granted bail. Constable Dalimpi said that he had a sworn statement from May's estranged wife that he would intimidate Naseema Borris once he was granted bail. The defence attorney then asked if Constable Dalimpi had sworn statements under oath from the state witnesses, stating that May would destroy evidence once he was released on bail. Constable Dalimpi's answer was in the negative.

Burns asked why the Constable opposed bail even if May would be "verban" (prohibited) from entering the Blue Hills/Springville area. Constable Dalimpi's response was that the accused had driven from Thornville to Blue Hills to shoot Naseema Borris (the complainant), and that he could do so again, should he be granted bail. Burns asked Constable Dalimpi if he had ever heard the expression, "Hell hath no fury as that of a woman scorned". At this point, the court interpreter asked Burns to repeat what he had said. Burns repeated what he had said, but it was obvious that the interpreter did not understand the idiomatic expression. Burns threw his hands in the air out of frustration and exclaimed: "Magtig! Nou ken die tolk nie die gesegde nie!" ("My word! Now the interpreter does not know the idiomatic expression!").

In conclusion, Burns said that Constable Dalimpi was being manipulated by the two women, Naseema Borris and May's wife (who wanted revenge for her husband's infidelity). Burns also questioned that if May's wife was so fearful of her estranged husband, then why was it

that she was prepared to pay bail for him. The constable replied that he did not know, and that he had no interest in the wife of the accused. However, the constable stated that he was unaware that the wife was prepared to pay bail for her estranged husband. After Constable Dalimpi's answer Mr Burns indicated that he had no further questions.

(Field notes, Monday, 18 July 2005)

Burns's recognition work through his cross-examination of Constable Dalimpi was meant to produce certain enactive work, an alternative configuration to that in Table 2, so that May could be performed in such a way that he was not perceived as a threat to the network. This alternative configuration is shown in Table 3 below.

Questions	Answers	Intended enactive work
1. Is there outstanding evidence?	No outstanding evidence	Daniel May cannot destroy any evidence
2. Do you have any witness statements that May would fail to appear in court?	No	Daniel May will not flee
3. Do you have any witness statements that May would intimidate witnesses?	No	He will not interfere with the investigation
4. Why oppose bail if May would not reside in the Blue Hills/Springville area?	He drove from Thornville to Blue Hills to shoot Naseema Borris.	But you have no witness statements from Naseema Borris confirming this

Table 3: Alternative configuration of material-semiotic relations and its intended enactive work

The alternative configuration of material-semiotic relations achieved through the recognition work of Burns and its intended enactive work can be summarized as follows: May could not destroy any evidence as there was no outstanding evidence that was still being sought by the network. The network had no written witness statements in the police docket that stated that May would flee and interfere in the investigation. Therefore, there were no reasons to oppose May's bail application.

I have argued earlier that spokespersons who speak on behalf of others have more legitimacy when their statements are supported by written witness statements which mirror their utterances. Therefore,

the absence of written witness statements (which I have argued are interestment devices in the previous chapter) to support the claims made by Constable Dalimpi, did not silence nor secure the alliances of the entities – the state witnesses – on whose behalf he acted as a spokesperson. When state witnesses agree to produce written witness statements with a police officer, this agreement signals some form of interest in the problematization of the network; and when they sign the witness statement, this signals that they have committed themselves to what had been written. Furthermore, by signing the witness statement witnesses also agree, albeit a precarious agreement, to be loyal to the network. May's wife's willingness to pay for the costs of his bail was an act of treason, a form of dissidence (Callon, 1986) and brought the configuration of material-semiotic relations and its enactive work in Table 2 into question. This act of treason decreased the stability of the network, as I will show in the rest of the court proceedings presented below.

In the next section Burns called May to the witness stand to act as a spokesperson for the network of the defence.

Burns asked where May resided and he answered that he resided in the Thornville area [a suburb outside the Blue Hills area]. In the next question, May was asked if he was the owner of a house and he replied in the negative.

Burns then asked who lived with May and he replied that his wife and two children, one four years old and the other ten years old, lived with him. Thereafter Burns asked if he paid for any accounts and he replied in the affirmative. May was also asked if he paid for school fees and he replied that he did.

May was asked where he worked and his job description and he replied that he worked as an armed response security officer for Sun Armed Response. Burns also asked May to tell the court what areas he patrolled and he replied that he patrolled the Eastville, Black Fields, Walton and Cape Town areas – these are areas about 20km from Blue Hills. Burns asked if May had ever patrolled Blue Hills and the Springville areas and the reply was in the negative.

When May was asked if he was the owner of a weapon, he replied that he owned a magnum. Burns wanted to know how many rounds the magnum took and the reply was six. Thereafter, May was asked how many rounds were confiscated by the police. He replied that the police confiscated twelve rounds and the six bullets that were loaded in the magnum. Burns wanted to know why May had empty shell casings in his possession. To this he replied that they had been in his possession for the past three years already.

Burns asked May if he would intimidate state witnesses and he replied that he would not. After Burns asked May if he had ever stated that he would hurt or injure any of the state witnesses, he replied that he never made any such statements.

(Field notes, Monday 18 July 2005)

Unlike the questions posed to Constable Dalimpi by Burns, his questions, like Prosecutor Jansen's questions to Constable Dalimpi, was part of his strategy to animate May so that he could be mobilized as a spokesperson for the network of the defence, in order to produce a particular configuration of material-semiotic relations. This was meant to do certain enactive work, namely, to enrol the magistrate to grant May bail. This configuration of material-semiotic relations is shown in Table 4 on the following page.

Questions	Answers	Intended enactive work
1. Who lives with you?	My wife and children	May has dependents
2. Do you pay for any accounts?	Yes	May supports his family
3. Do you pay for school fees?	Yes	May supports his family.
4. What work do you do?	I work for a security company as an armed response security guard	May is employed to support his family and further incarceration would affect his family negatively
5. What areas do you patrol?	Bo-Kaap, Seapoint, Waterfront and Cape Town areas	These are not areas close to Blue Hills or Springville where the state witnesses stayed
6. Do you ever patrol the Blue Hills and Springville areas?	No	May will not intimidate state witnesses or interfere in the investigation
7. Do you own a weapon?	Yes, a magnum	Not evidence pertaining to the shooting incident, no outstanding evidence
8. How many rounds does the magnum take?	Six	
9. How many rounds confiscated?	Six in the chamber and twelve unloaded	
10. Why did you have empty shells in your possession?	In my possession for past three years	
11. Will you intimidate witnesses?	I would never do that	May will not interfere in the investigation
12. Did you ever state that you would injure any of the witnesses?	I never did that	May will not interfere in the investigation

Table 4: Configuration of material-semiotic relations and its intended enactive work constructed by the defence

The performance of May – the enactive work that the configuration in Table 4 was supposed to carry – can be summarized as follows: May was a married man who had a wife and children who were his dependents. If bail was denied then his dependents would suffer because he would not be able to provide for them. The areas that May patrolled were not close to the areas where witnesses resided and therefore he would not have the opportunity, during his working hours, to intimidate witnesses

which would have interfered with the investigation. Furthermore, he had never stated that he would injure any of the state witnesses and therefore he would not jeopardize the investigation in any way. Although May owned a magnum, it had no significance in the investigation. In addition, the empty shell casings that had been confiscated, had no bearing on the investigation as these had been in May's possession for a few years already. Thus, there was no outstanding evidence that the network required for the case. If the court considered the above then May *should* be granted bail.

It is important to note that the enactive work of Table 4 supports the alternative configuration of material-semiotic relations shown in Table 3. In contrast to Table 2, May's identity is performed as an individual who is responsible and who would not interfere in the on-going investigation. The interactions thus far have shown that even though the network has mobilized actors as spokespersons, their identities are constantly defined, redefined and contested by other translators from competing networks. This shows that realities are never stable or pinned down, or if they are, then it is a precarious stability that can change at any moment.

The enactive work of Burns was successful in enrolling and mobilizing the magistrate. This will become evident later, because the network did not "secure" the active support of the state witnesses (even though it would have been a precarious alliance) by disassociating them from other competing networks through the production of interestment devices such as written witness statements during Moment Two. As was stated in earlier chapters, interestment devices, such as written witness statements that are successful, can shift the balance of power in favour of the network that created them. However, in this instance, the absence of written witness statements in the police docket to offer support to the spokesperson of the network tipped the balance of power in favour of the network of the defence.

After Burns's cross-examination, Magistrate Krige proceeded to question May. Her cross-examination focused on establishing whether May would be able to leave the areas he patrolled and enter the Blue Hills and Springville areas during working hours. May mentioned that each patrol car was fitted with a satellite tracking device, which ensured that Sun Armed Response could monitor the movements of their employees on an electronic screen. If they were found leaving their designated areas, they would be radioed and instructed to return to the areas to which they had been assigned. Leaving their designated areas would also result in the employee having to face a disciplinary hearing. We can see that Magistrate Krige's recognition work supported the enactive work of the network of the defence, discussed and presented in Table 3 and Table 4.

Finally, Burns and Prosecutor Jansen were given a chance to make their final statements to support the configurations that they had produced through either recognition or enactive work or a

combination of both, as was the case with Burns. Burns's final statements were similar to the summary of the enactive work that I provided after Table 4. In his final statements he mentioned once again that May's offence was a Schedule One offence instead of a Schedule Five offence. On the other hand, Prosecutor Jansen focused on highlighting that May was the one who had been seen pulling the trigger, and if granted bail would interfere in the investigation. As was stated before, Prosecutor Jansen wanted the court to deny bail to May as he was seen as a threat to the material durability of the network. Jansen's opposition to May being granted bail was also an effect of the mode of ordering that judged state prosecutors' productivity on the number of successful prosecutions that stemmed from a particular police docket.

The bail hearing was completed two days later. The network was unsuccessful in translating Magistrate Krige to deny May bail. I attribute the network's failure to the fact that Constable Dalimpi did not succeed in disassociating state witnesses from competing networks by producing interessement devices such as written witness statements during Moment Two, as I had discussed in the previous chapter.

Spokespersons strengthening the stability of the network

In the following analysis of a literacy event I present an attempted murder case in which two brothers, John January and Melville January, had attacked their brother-in-law, Donovan Williams, on Christmas Day. In the attack, the two brothers both used their fists and one of them attacked Williams with a brick. The two brothers were arrested, charged with attempted murder and were granted bail in their bail application hearing. Williams's daughter was a state witness and Dr Richards was an expert witness in a previous court session in which they were both animated as spokespersons for the network.

The literacy event documents the cross-examination of Dr Richards by Mr Adams, the defence attorney for the two brothers. The analysis of the literacy event shows that the recognition work of the defence did not produce an alternative configuration to that in Dr Richards' medical report, which showed that the injuries Williams had sustained during the attack indicated an attack of an extremely violent nature. The configuration of material-semiotic relations in the medical report supported the classification of the crime as an "attempted murder", and therefore supported the problematization of the network as was captured in the police docket during Moment One as was discussed in Chapter Four. Unlike the recognition work of Burns's legal defence above, the recognition work of the defence in this event increased the stability of the network because their spokesperson, Dr Richards, legitimately represented the entities on whose behalf she spoke. In the previous literacy event, Constable Dalimpi, a spokesperson for the network, did not legitimately speak on behalf of the state's

witnesses, because he had not obtained sworn written statements from them to state that May would destroy evidence and intimidate the network's witnesses.

Adams was not yet in court when the court proceedings were about to start. When he was contacted he told the court orderly that he could not make it to court because he was already in Cape Town to attend a trial in the High Court. Adams claimed that he had lost his diary and therefore double-booked himself. However, a few minutes later Adams appeared in court and told the state prosecutor, Zide, that he had decided to make this case his priority and therefore, he had left the High Court in Cape Town. Adams wanted to postpone the trial, because he said his clients needed time to accumulate enough money to pay for their expert witness or spokesperson. This request was refused by Magistrate Brown.

Prosecutor Zide passed Adams's table and said mockingly: "Another stroll in the park, another stroll in the park." He laughed and said that the state had already called Dr Richards to give evidence for the state, and that it was now the defence's turn to cross-examine the state's expert witness and therefore a postponement was not necessary. He said that the case could be postponed for another date so that the defence could present the court with its own expert witness. However, today the defence should continue cross-examining the state's expert witness. Prosecutor Zide turned to me and said that Adams had said that Accused One, John January, *could* be found guilty of attempted murder. Prosecutor Zide laughed and said "that's a good indicator" of a successful prosecution.

(Field notes, Wednesday 15 November 2006)

Prosecutor Zide's utterances "Another stroll in the park, another stroll in the park" and "that's a good indicator" were not just idle jesting. These utterances should be seen as reflecting his belief that the configurations of material-semiotic relations and the success of their enactive work in previous court sessions, in which he had animated the network's spokespersons – Williams's daughter and Dr Richards – were enough to prove that the accused *were* guilty of attempted murder. Zide's utterance also indicates the effects of the mode of ordering that judged the productivity of state prosecutors in terms of the number of successful prosecutions they secure from every police docket that are assigned to them.

When Dr Richards arrived, she took the stand and was sworn in by the magistrate. Adams started to cross-examine her. He asked her when she had qualified as a general practitioner and what she was studying at the moment. She replied that she had qualified in 1997 with an MBChB [Bachelor of Medicine and Bachelor of Chirurgy] and that she was a senior registrar

in neurosurgery at Groote Schuur Hospital. She said that she would be writing her final examinations in March 2007 to qualify as a neurosurgeon.

(Field notes, Wednesday 15 November 2006)

Mr Adams's recognition work above was an attempt to bring Dr Richards's "expertise" into question by establishing how long ago she had qualified as a general practitioner and the length of time she had been practising as a registrar in neurosurgery. Her answers indicated that she was already a senior registrar (which meant she was reaching the end of her formal training as a neurosurgeon) and that she was about to write her final examinations the following year. Her years as a qualified medical practitioner, which became apparent through Mr Adams's recognition work, ironically highlighted that she was a legitimate spokesperson for the entities on whose behalf she was speaking. This will become even more apparent in my discussion below.

Adams asked Dr Richards when she had examined Williams. She said that she had examined Williams only after a number of medical interventions had occurred. At the scene of the crime, in Williams's lounge, paramedics had performed and completed what is known in medical circles as an "initial resuscitation". Williams was then intubated and given intravenous fluids by the paramedics. After Williams had arrived at the hospital, an assessment of his injuries was completed by a trauma surgeon who completed a J88 form. The trauma surgeon also sent Williams for a Computed Tomography scan (CT scan). After the CT scan was completed Dr Richards was called to examine Williams.

(Field notes, Wednesday 15 November 2006)

Important entities or artefacts on whose behalf Dr Richard spoke were mentioned in the interaction above. These were the paramedics and the resuscitation, the trauma surgeon and the J88 form (mentioned in the previous chapter), and the CT scan and Dr Richards's medical report. These entities when taken together, construct a particular configuration of material-semiotic relations which carry specific enactive work across contexts and time extending from Mr Williams's lounge on the day of the attack, to the wards of the hospital and eventually to the court room of Blue Hills regional courts. When I unpack these complex entities below it will become clearer how these entities together create a particular configuration of material-semiotic relations that increased the relative stability of the network.

First, I will discuss the entity "the resuscitation". This entity black-boxes a number of important practices that paramedics had to have performed on Mr Williams when they arrived at the scene of the crime after the attack had taken place. In medical circles these practices are collectively referred to as the "A-B-C of basic life support" (The Merck Manual, 1992:524). The A stands for "airway". When

paramedics arrived at the scene they would have secured Mr Williams's airway. This meant that Mr Williams's neck required stabilization while ensuring that his mouth and the passage leading to his trachea had been cleared of any blood or debris. The B stands for "breathing" because the paramedics would have observed whether or not Mr Williams was able to breathe on his own without any external assistance, following the attack. The fact that he required intubation meant that he was unconscious and therefore unable to breathe on his own. Intubation involves placing a tube from the mouth directly into a person's trachea. Lastly, the C stands for "circulation". After Mr Williams had been intubated, the paramedics would have established an intravenous line to administer fluids and medication to ensure the circulation of blood.

Thus far, Dr Richards was a spokesperson on behalf of the paramedics, the resuscitation and the practices that comprise the "A-B-C of basic life support". These entities when combined as a configuration of material-semiotic relations were intended to carry a particular meaning or enactive work shown in Table 5 on the following page. This configuration would have been constructed as part of the network's enactive work in a previous court session when Dr Richards had been animated as a spokesperson.

Entity of the configuration of material arrangement: The paramedics and the A-B-C of basic life support	Practices of the paramedics	Intended enactive work
A is for airway	Stabilise Donovan Williams's neck Remove blood and foreign objects	The attack was of such a violent nature that Donovan Williams could not breathe without artificial assistance. Therefore the paramedics had to resuscitate him.
B is for breathing	Observe if Donovan Williams could breathe on his own Intubate Donovan Williams	
C is for circulation	Set up an intravenous line Administer fluids Ensure circulation of blood	

Table 5: The configuration of material-semiotic relations constructed by speaking on behalf of the paramedics and the A-B-C of basic life support

The intended enactive work as shown in Table 5 above is as follows: The attack was of such a violent nature that Williams could not breathe without artificial assistance. Therefore, the paramedics had to resuscitate him.

The second entity on whose behalf Dr Richards spoke was the trauma surgeon and the J88 form (see Figure 18 in Chapter Five) that he or she had completed. This is a standard form that a qualified doctor must complete when patients are admitted to the hospital, as a result of violent attacks and sexual assaults. In the J88 form the trauma doctor would have documented in detail Mr Williams's external injuries. I was not allowed to copy this text as it was confidential, but it carried similar enactive work as that discussed in Table 5 above.

After documenting the external injuries to Williams's body in the J88 form the trauma surgeon felt that the external injuries and the fact that Williams had arrived intubated, suggested that Williams had sustained underlying brain trauma during the attack. He, therefore, sent Williams for a CT scan to ascertain the nature and extent of these injuries, as illustrated in the interaction below.

Mr Adams asked Dr Richards what injuries she had found on Mr Williams. She reported that the victim had injuries in his face, he had been intubated and that when "we see someone like

that, then it's obvious that he had received head trauma". Adams asked her to describe in detail the injuries she had found on Mr Williams. Dr Richards mentioned that she had found the following injuries: (a) trauma to the right side of Mr Williams's head; (b) a blood clot under the bone at the base of the skull; and (c) a fracture in the middle of the skull, behind the nose.

(Field notes, Wednesday 15 November 2006)

In the above interaction it is clear that the trauma surgeon's suspicions were not unfounded. Dr Richards said that there was visible external trauma to the right side of the head which would have been captured in the J88 form. However, the internal injuries – a blood clot at the base of the skull and a fracture in the middle of the skull behind the nose – were confirmed by the CT scan images. Like the configuration in Table 5 earlier, the injuries described from (a) to (c) above suggested that the attack on Mr Williams was of a brutal and violent nature. Thus far these three entities, taken together and on whose behalf Dr Richards spoke, formed a configuration of material-semiotic relations which suggested, that Williams's attackers had meant to inflict physical harm on him of a serious and violent nature.

In the interaction which follows, Adams was attempting to disprove that his clients' attack was the cause of Williams's extensive injuries. Instead, the former suggested that when Williams had risen from his settee he fell, and the fall was the cause of the extensive injuries – this was the explanation that the two brothers provided as a reason for the extensive injuries.

Adams asked if Dr Richards could ascertain from the injuries what object could have caused the injuries. She replied she could not provide the court with a definitive answer. Thereafter he asked if it was possible that the injuries could have been sustained from fist blows as his clients had told him that they had "only" punched Williams. Dr Richards said that it was virtually impossible that punches could have caused such extensive injuries. She said that in her experiences in examining trauma victims, such as Mr Williams, such extensive injuries were never due to punches alone. Mr Adams asked if it could have been possible that the injuries were caused by Williams falling after he had been punched. Adams told Dr Richards that his clients had said that Mr Williams had risen from the settee after which he fell, because of the punches he had received. She said that in her experience, such injuries as those shown by the CT scan were only seen in motor vehicle accidents and in incidents of violent attacks such as domestic violence. Dr Richards said, with some sarcasm, that her "limited experience" had shown her that one of Mr Williams's injuries had been caused by a blow dealt with "high velocity" and with "a centrifugal force". These injuries could not have been sustained due to a fall after rising from a settee.

(Field notes, Wednesday 15 November 2006)

In the interaction above, Adams’s recognition work failed to produce the intended enactive work, to reconfigure the configuration of material-semiotic relations that Dr Richards had produced in earlier court sessions. Ironically, his recognition work produced unintended enactive work which reaffirmed the network’s earlier configuration. I show the intended and unintended enactive work of Mr Adams’s cross-examination of Dr Richards in Table 6 below.

Questions	Answers	Intended enactive work
1. What object caused the injuries?	Cannot give a definitive answer	No particular object can be linked to the injuries
2. Could punches have caused these injuries?	No, punches could not have caused such severe injuries	My clients only punched Mr Williams; their punches were not the cause of Mr Williams’s injuries
Question	Answer	Unintended enactive work
3. Could the injuries have been the result of a fall?	No, a blow dealt with high velocity and with a centrifugal force had caused the internal injuries	The fall is not responsible for the injuries. A violent human being who used an object in the attack caused the injuries

Table 6: The intended and unintended enactive work of Mr Adams’s recognition work

Initially it seemed as if Adams’s recognition work had produced the desired intended enactive work, because Dr Richards could not definitively claim that a brick had caused the extensive injuries. The intended enactive work in Questions 1 and 2 in Table 6 above can be summarized as follows: My clients only punched Mr Williams. Punches could not have caused such extensive injuries and therefore they were not responsible for Mr Williams’s extensive injuries. Therefore, my clients never possessed the intention to murder Mr Williams.

Prosecutor Zide told me after the court session that by stating that his clients had only used their fists (and not bricks) as shown in Questions 1 and 2 above, Adams was attempting to convince the court that the crime should have been classified as “common assault” and not “attempted murder”. In other words, Adams’s intention was to perform his clients in a particular way, by constructing them through the configuration and its enactive work as individuals guilty of “common assault”, and not “attempted murder”. Burchell (2005:161) defines common assault as ‘unlawfully and intentionally (i) applying

force to the person of another, or (ii) inspiring a belief in that other person that force is immediately to be applied to him or her'. Common assault is obviously a lesser crime than attempted murder because the latter crime implies, as I had discussed in the previous chapter, that the suspects' intention had been to murder Mr Williams.

When Mr Adams asked Question 3, where he was suggesting that "a fall" had caused the extensive injuries, the answer that Dr Richards provided did not produce the enactive work Adams had intended. Instead the enactive work that was produced through her responses produced a configuration that supported the configurations of material-semiotic relations that Dr Richards and Mr Williams's daughter had produced in previous court sessions, when they had been animated as spokespersons on behalf of the network – this Prosecutor Zide verified in my conversations with him after the court session. The answer that Dr Richards had provided, carried the following unintended enactive work as shown in Table 6: The fall did not cause the injuries. A person who had used an object other than their fists had caused the extensive internal injuries.

After the court proceedings Prosecutor Zide told me that Williams, who was a male nurse, could not return to work because he had to receive and was still receiving physiotherapy and speech therapy due to his injuries. Williams also walked with a limp on his right side and his speech was slurred, because of the head trauma that he had received during the attack.

Seeing that his cross-examination thus far was not strengthening his clients' case for an acquittal or for a lesser crime like "common assault", Adams gave black-and-white copies of photographs of Williams's lounge to Prosecutor Zide and the magistrate.

Prosecutor Zide immediately stood up from where he had been sitting and objected to the copies being used in court, as he had never been told of the existence of these copies by the defence. The magistrate asked Adams where he had obtained the photographs. Adams then asked permission from the court to consult with his clients to establish where they had obtained the photographs. Adams turned to Melville January and after speaking to him, Adams told the court that the former had taken the photographs. The magistrate said neither the court nor the state had been made aware of the existence of the photographs and that the defence now had an "unfair advantage over the state". The magistrate said that he would allow Prosecutor Zide to speak to Williams, who was sitting in the gallery, to ask if he was happy with the photographs being discussed.

After speaking to Williams, Prosecutor Zide returned to his table and told Adams that he would not allow the copies of the photographs as evidence. Prosecutor Zide said that the photographs were of the lounge this year [2006], "at this moment" and not at "that moment"

[2004]. Prosecutor Zide asked Adams who had given permission to his client to take the photographs and Adams said that the photographs had been taken after his client had been granted permission by Williams's wife to take the photographs.

(Field notes, Wednesday 15 November 2006)

By producing the copies of the photographs of Williams's lounge, Adams was again attempting to provide an alternative configuration to that produced through Dr Richards's account. Prosecutor Zide objected because the photographs had not been listed as evidence to be submitted in the case and therefore he had never been given an opportunity to study them and ascertain whether the photographs might have affected the stability of the network negatively. The "unfair advantage" that Magistrate Brown referred to was that Prosecutor Zide had not been given an opportunity to prepare a strategy to counter any attempts at producing alternative configurations of material-semiotic relations to those that his spokespersons had presented to the court. By mentioning that the photographs, which showed the arrangement of the furniture, were taken "at this moment" (2006) and not "at that moment" (2004) Prosecutor Zide was implying that the position of the furniture in 2006 could have supported Adams's claims that the extensive injuries were the result of a fall. Although the photographs were allowed, so as to expedite court proceedings, Magistrate Brown noted that the photographs would not be allowed into the court records. Both Prosecutor Zide and Magistrate Brown can be seen to have been acutely aware of how new evidence sprung upon the court and the network could negatively affect the stability of the network. However, the photographs did not provide any alternative configurations to the one presented to the court by Dr Richards when she was animated as a spokesperson on behalf of the entities mentioned earlier. This becomes apparent in the interaction below.

Adams then told Dr Richards to study one of the pictures which showed the settee on which Williams had sat when he had been attacked. Dr Richards studied the copies, which were not of a good quality. Adams stated that his clients had claimed that they had punched their brother-in-law and when he rose from the settee he fell to the ground. In response to Adams's claims, Dr Richards said that it was impossible for fists to have caused these injuries, as the injuries suggested that the "blow was administered with extreme centrifugal velocity", which caused the patient's head and brain "to spin around". Not satisfied with Dr Richards's response, Adams again asked if falling to the ground or against the wall could have caused the injuries Mr Williams had sustained. Dr Richards answered that it was highly unlikely.

(Field notes, Wednesday 15 November 2006)

In the above interaction Adams's recognition work, ironically, had the opposite effect because it had given the state's spokesperson, Dr Richards, another opportunity to re-emphasize the configuration of material-semiotic relations that the former was contesting. By answering that falling to the ground or against a wall could not have produced the "extreme centrifugal velocity" which had caused the head

and brain “to spin around”, Dr Richards did not implicate any of the accused explicitly as this is not the function of an expert witness. However, her explanation, which was gleaned from a medical report, did support the configurations of material-semiotic relations in Table 5 and Table 6 and their intended enactive work and unintended enactive work respectively.

After Adams had finished his cross-examination of Dr Richards, the magistrate asked why a fall could not have caused such extensive injuries. Dr Richards replied that in her experience she had seen people falling after they had suffered a seizure or had fainted, but they had never sustained such extensive injuries as Williams had. The magistrate wanted to know why this was the case and Dr Richards explained that no “rotational velocity” is created when somebody falls.

After Magistrate Brown had completed his questions, Mr Adams was given a final chance to address the court. Mr Adams requested a postponement, so that his clients could secure the services of Dr Bell, their expert witness, who held a different view to that of Dr Richards. Although Prosecutor Zide objected to this request, Magistrate Brown felt obliged to grant it as it would have been unconstitutional to have refused such a request. However, Prosecutor Zide’s objection to a postponement was not unfounded. The case above had been on the court roll for close to two years and the chances were that it was going to go into another year.

Court cases that extend over a number of years pose real threats to the stability of the network, because the materials (such as police dockets and the texts that legitimate spokespersons’ position in the network) do not necessarily extend as long as court cases do, as they can disappear “off the tracks”, as I have discussed in preceding chapters. Written witness statements that are not accompanied by their witnesses have very little legitimacy and often state witnesses can retract their testimonies when they are threatened with violence if they should appear in court. I discussed these strategies by competing networks to disassociate state witnesses from the network through threats of violence in the previous chapter.

Disassociation of witnesses can also be the result of unfortunate incidents, commonly referred to as “fate” in everyday talk. This became evident in a conversation that I had with a defence attorney, Mr Felix. He represented a police officer, the accused in a case where a gang member, arrested for a crime and then been placed in the holding cells of Blue Hills police station, went missing from the cells. It turned out that the police officer had accepted a bribe from the gang member’s father, to release his son and to replace him with a drunk vagrant. When the police officer’s act of betrayal or dissidence, also known as defeating the ends of justice in the criminal justice system, was discovered, after the vagrant had recovered from his inebriation, the former was arrested and charged with defeating the ends of justice.

Felix's explanations, which I present here, highlighted that lengthy court cases could drastically decrease the stability of the network. Felix had decided to postpone the case on a technicality every time the case went to court. He told me that he would ask for a trial date to be set for the day after a long weekend or public holiday, because he knew that many people who had decided to go on holiday would leave the Western Cape for other parts of South Africa. Travelling on South Africa's roads is a real threat to any network as the country has one of the highest rates of road deaths per capita in the world. He said that an increase in alcohol consumption over the festive periods along with postponing a case could help in obtaining an acquittal, if fate was on your side.

In the terms of my analysis, events could disassociate spokespersons from the network. Felix said that in the case of the police officer who accepted the bribe, asking for a postponement every time he had to appear in court, was the only strategy that he had at his disposal. This implied that the spokespersons for the network and the configurations of material-semiotic relations that they would have produced during court sessions, would have proved that his client was guilty of defeating the ends of justice.

As the case had continuously been postponed and as it had dragged on for a number of years, many spokespersons for the network had been disassociated from the network due to fate. The vagrant, who had been substituted for the gang member in detention had died when he was knocked down by a car while crossing a street over an Easter long weekend, in a similarly inebriated state to the one that had previously landed him in jail as a substitute for the real criminal. The gang member's father, who was translated as a spokesperson for the network when he was promised indemnity from prosecution, died when the taxi he had travelled in, collided with a car during the end of year festive season. Lastly, the gang member was killed by a rival gang member during an escalation of gang violence in the Blue Hills area. The network's material durability was negatively affected when these witnesses had passed away before they could be mobilized as spokespersons on behalf of the network. The police officer was left standing alone in the dock and was found not guilty because of insufficient evidence. At the time I was collecting my data, the police officer was still working at Blue Hills police station.

Conclusion

In this chapter I have discussed Moment Three which corresponds with the final moment of the criminal justice process, "then it goes to court", and the fourth and final moment of the translation process, mobilization. I argued that during Moment Three the network creates spokespersons and animate them in court when they are asked specific questions by state prosecutors. Through their animation, spokespersons produce configurations of material-semiotic relations and speak on behalf

of a number of heterogeneous entities that were silenced during Moment Two. These configurations, I have argued, do enactive work and when their intended meanings are accepted by magistrates – the courts – they increase the material durability and thus the stability of the network. I also argued that the opposite is also true when spokespersons do not represent the entities on whose behalf they speak or are betrayed by these entities during the Moment Three. I further argued that the importance of interestment devices – such as written witness statements – becomes more apparent when betrayal occurs during mobilization because interestment devices tend to promise some form of future loyalty to the network and its problematization – this was a point I highlighted in the previous chapter.

I argued that when spokespersons for the network are subjected to the recognition work of defence attorneys, it can affect the stability of the network in two ways. If it fails then configurations that have been produced through animating the network's spokespersons, are successful in their intended enactive work. This success will increase the stability of the network by increasing the material durability of the network, that is, written witness statements and other texts included in the police docket during the previous moments, would have more legitimacy in the court room. However, when the network of the defence is successful in its recognition work, then configurations of material-semiotic relations that have been presented to the court by the network will be replaced by alternative configurations which can carry enactive work that will support the problematization of the network of the defence. When such contestations are successful, then the material durability of the network – the texts included in the police docket – is affected negatively, which in turn will decrease its stability considerably.

Moment Three was also sanitized of the Janus face of literacy that characterized the interplay between enactive- and recognition work during Moment One and Moment Two. Therefore, during Moment Three, the true stability of the network and the successes of text production during Moment One and Moment Two are tested in the amphitheatre of the court room.

In the next chapter I provide an overview of this study and its conclusions. I also discuss this study's contribution to new ways of looking at literacy as a trans-contextual phenomenon and as part of situated practice.

Chapter Seven

Summary and directions of future research

Somewhere ages and ages hence:
Two roads diverged in a wood, and I –
I took the one less travelled by,
And that has made all the difference.

Robert Frost (1917)

Introduction

In this final chapter I draw together the main points made across the analysis chapters to provide snapshots of how the network of the criminal justice system creates varying levels of stability across contexts during Moment One, Moment Two and Moment Three through the production of the police docket and its various texts. In Chapter Three I matched the three moments with moments in the criminal justice process and moments in the translation process as outlined in Callon's (1986) seminal study – I explain these moments briefly when I discuss each of the three moments below. In Chapter Two I drew on the arguments of Law (2009:148) who argued that the 'relative stability' of a network depends on *all* of the following three factors: 'material durability', 'strategic durability' and 'discursive stability'. I suggested that I see these factors as "states" or conditions of a network, that are not insular but intertwined and integral to the three moments as I have explained them in this and previous chapters. In this concluding chapter I discuss each moment and its specific literacy practices surrounding the production of the police docket and how these either lead to the strengthening or weakening of the stability of the network.

I also locate the research in relation to its significance for Literacy Studies.. I argue that the translation process and the notion of "the network", as it is used in actor network theory and in this study, offers Literacy Studies a possible path to research and theorize the trans-contextual movement of texts and literacy. Finally, I provide some suggestions for the focus of future literacy research in formal institutions, such as that of South Africa's criminal justice system, where the trans-contextual nature of literacy plays an important role in constituting and shaping the inner workings of such large institutions.

Building the network and creating stability trans-contextually during the three moments

Moment One

I covered Moment One in Chapter Four by drawing on and analyzing four literacy events. This moment corresponded with the moment when “the complainant lays a complaint and a docket is opened” of the criminal justice system and also with the moment of problematization of translation.

During Moment One actors attempt to establish the problematization of the network which in turn establishes who the actors are and what associations should exist between them so that relative stability can be achieved in and across a number of contexts. Problematization, I argued, from the perspective of how the justice system operates through the coordination of discrete elements, correlates with the opening of a police docket, which involves two transformations: the classifying of the reported act as a recognized crime within South Africa’s criminal justice system and the writing of an A1 statement. These transformations, I argued, produce configurations of material-semiotic relations contained in the A1 statement of the police docket. Furthermore, I argued that these configurations transport ‘enactive work’ to the detectives, who subject police dockets to their ‘recognition work’ (Gee, 2000), so that they can establish whether or not the police docket describes a viable problem that will allow them to build a stable network in the future and in the moments to follow.

I argued that the interplay between enactive- and recognition work during Moment One brought into sharp focus the plasticity or high interpretive flexibility of the police docket as a boundary object in trans-contextual use, as it is handled and interpreted by heterogeneous actors in heterogeneous ways. I suggested that the police docket’s high interpretive flexibility or its functional blankness (Brown and Capdevilla, 1999) during this moment is essential in a country like South Africa, where the post-apartheid state today wants to foster public confidence in state institutions such as the SAPS, that were once known for their brutal suppression of the anti-apartheid movement. However, I argued that this may create the false impression, as was seen in the literacy events drawn on in the chapter, that the police docket can be translated in any way to serve individual interests.

I argued that the police docket, due to its high degree of interpretive flexibility during Moment One, is often seen by the public *and* even some police officers as a Hermesian text. I argued, that just like the Greek god Hermes who used to take on the problematizations of heterogeneous actors, the police docket is perceived as a text that can serve the interests or problematizations of virtually any actor during this moment. This point was illustrated by the wife who wanted her husband to be investigated for an extra marital affair and Joseph who wanted the police to investigate the theft of his girlfriend’s cellular telephone after he had smoked illegal substances with the individuals whom he suspected of

the theft. I argued that the Hermesian nature – the police docket’s plasticity as a boundary object – that becomes evident during Moment One, could also pose a real threat to the relative stability of the network if tensions were not tamed (Mol, 2002), especially when we consider that the police docket traverses institutional boundaries and is handled and interpreted by various actors in heterogeneous ways.

I argued that the interplay between the enactive- and recognition work of Uniform Branch police officers and detectives respectively revealed the Janus face, or two faces of literacy during Moment One and its translation processes. By focusing on this interplay I highlighted how tensions are tamed so that a template or blueprint could be established from which to build a relatively stable network in the future and during the other two moments. Like the Roman god Janus, police docket production, and its literacy practices as an integral feature of the translation process, has two faces: one that looks at the past and shows a particular version of the past; and the other that looks to a future network that is either stable or unstable. The face that looks to the past is produced when Uniform Branch police officers transform the narrative of the complainant into a recognized crime (the first transformation mentioned in Chapter Four) and an A1 statement (the second transformation mentioned in Chapter Four) thus producing a particular configuration of material-semiotic relations. I argued that the A1 statement holds the past still – even though this may be momentarily – through its configuration of material-semiotic relations and the enactive work that it carries beyond the CSC to the detectives.

However, the recognition work that detectives subject the police docket to – the face that looks towards the future – is a face that is concerned with the future stability of the network beyond the confines of the police station and the immediacy of the police docket during Moment One. The detectives’ recognition work includes their interrogating and contesting the representations of the past that the police docket presents to them. In essence, the configurations of material-semiotic relations produced by the Uniform Branch police officers during this moment represent a ‘model of a network yet to be tested’ (Kendall and Wickham, 2003:104). This model is tested during the interplay between the enactive- and recognition work of Uniform Branch police officers and detectives respectively.

As I have discussed in Chapter Four, establishing the problematization of the network and creating trans-contextual stability require that tensions are tamed in a number of different ways, through various strategies, during the interplay between enactive- and recognition work. Firstly, relative stability is established when certain police dockets are prevented from travelling beyond the confines of the police station especially when they do not transport recognized meanings in the configurations of material-semiotic relations in the A1 statement. Such configurations and their enactive work may become the source of future instabilities in the network. The inability of Uniform Branch police

officers to classify crimes correctly and to write acceptable A1 statements, as was mentioned in Chapter Four, were often cited as reasons for instabilities in the network by both detectives and state prosecutors at Blue Hills police station and regional courts respectively. This was the case in the first literacy event, where a Uniform Branch police officer in the CSC “criminalized” a husband’s infidelity or extra-marital affair when he opened a police docket after the latter’s wife came to report the “crime”. I argued that this act may be a crime recognized in other parts of the world, where it is even punishable by death in some instances, but in the context of South Africa’s criminal justice system this is not the case. In this literacy event I suggested that actors, such as police officers, can be tentatively involved in other problematizations of other translators (such as that of the disgruntled wife) and therefore during literacy events, literacy practices and the identities of actors are constantly defined and redefined in competitive ways due to other competing networks and their translation processes. This police docket, like so many other police dockets, was prevented from moving beyond the police station and into other contexts of the criminal justice system, because its meanings would not have endured in the social context of the South African criminal justice system. If this police docket was allowed to travel further, it would have affected the material durability of the network – one of the states required for network stability.

Police dockets were also prevented from travelling to other spaces in the criminal justice system when they contained contradictory meanings in their A1 statements (the second transformation that characterizes the moment of problematization). Contradictions in the A1 statement can present the intended network with configurations of material-semiotic relations that are contradictory, as was the case when a complainant came to report the theft of her wrist watch. Thus, the detectives who look to the future and spot, through their recognition work, that the meanings that a police docket is transporting, may cause future instabilities in the network, may therefore not allow such a police docket to travel any further. This is especially the case in South Africa where more serious crimes of a violent nature, require the attention of the SAPS.

Secondly, relative stability can be increased or decreased when police dockets are amended or reworked during Moment One, that is, when the initial problematization is contested. This may involve the reclassification of a crime as was the case in the literacy event where a boy’s bicycle had been stolen. Although state prosecutors felt that the Uniform Branch police officer had indeed classified the crime correctly, and that the reclassification of the crime from robbery to theft was incorrect, the literacy event highlighted the point that reclassification is a common literacy practice in Blue Hills police station, especially during the interplay between enactive- and recognition work during Moment One. Detectives and state prosecutors often complained that Uniform Branch police officers classified crimes that the public came to report at the CSC, incorrectly. This inability to

classify crimes correctly also resulted in valuable time being wasted in getting police dockets “court ready” and to move trans-contextually.

Reclassification of a crime can also be the result of an object experiencing shifts in the way it is classified by actors involved in the translation process during Moment One. This was evident when the detectives contested the classification of a knife as a dangerous weapon used to obtain the boy’s bicycle in the literacy event. The reclassification of the knife resulted in the reclassification of the crime as well, that is, from robbery of a bicycle to theft of a bicycle. In other words a new problematization is created when crimes are reclassified resulting in reconfiguring the initial configuration of material-semiotic relations of the initial problematization. This has a knock-on effect in the way entities are seen and associated in the new configuration of the A1 statement. By seeing the knife not as a dangerous weapon, redefined the identities of those involved in the commission of the crime and those who were the victims of the crime. In the case of the suspects’ identities, their identities shifted from that of robbers to that of thieves – a crime carrying a lesser punishment. The identity of the boy whose bicycle was taken also shifted from that of a victim of robbery (a violent crime) to that of a victim of theft (a crime that has no mention of violence as part of its definitional elements).

The shift in the way the knife was classified, which led to a shift in the classification of the crime and which resulted in the production of different associations between human and nonhuman actors showed how actors oscillate between singularity and multiplicity rather than moving from oscillation to a resting-place (Dugdale, 1999) during literacy events and during the interplay between enactive- and recognition work in Moment One. These oscillations which result in new problematizations during Moment One will also have effects trans-contextually by shaping the literacy practices of the other moments of the translation process *and* the nature and shape of the network that will eventually be built.

Finally, relative stability can be increased during Moment One when detectives attempt to explain to complainants the conclusions that they as actors in the criminal justice system have reached, after they had subjected a police docket to their recognition work. These conclusions reflect the Janus face of literacy during this moment, which considers the past as contained in the configurations of material-semiotic relations produced by the Uniform Branch police officers in the A1 statement, and considers whether the configuration as a ‘model of a network yet to be tested’ (Kendall and Wickham, 2003:104) will allow for a stable network to be built trans-contextually. This is an attempt to reveal to complainants that achieving Moment Two and Moment Three of the translation process and therefore network stability might be difficult when considering the configuration of material-semiotic relations in the A1 statement and what it means within the criminal justice system further down the line.

I argued that the Janus face that looks to the future during Moment One can take on the role of mediating these meanings to the public to tame the tensions, as was the case in the last literacy event in Chapter Four. In this literacy event detectives were mediating what the configuration of material-semiotic relations in the A1 statement meant for them and other actors such as state prosecutors within the context of South Africa's criminal justice system. Joseph (the youth who reported his girlfriend's stolen cellular telephone) had attempted to create new associations and a particular identity for himself through disassociating himself from particular actors involved in criminal activities and whom he suspected as responsible for taking the cellular telephone. He did this so that police could be translated to investigate the theft.

As was evident in the literacy event, his attempts were futile because he was unaware that the mediation of meanings of the configuration produced in the A1 statement, was shaped by the mode of ordering that judged the productivity of state prosecutors and Uniform Branch police officers differently. In the case of state prosecutors, their productivity was judged in terms of successful prosecutions and not on the number of police dockets that had been created in the police station nor the number of arrests that had been made (as was and still is the case with the mode of ordering that judged the productivity of Uniform Branch police officers). I argued that detectives and their recognition work during Moment One were an effect of the mode of ordering that judged the productivity of state prosecutors along the lines of successful prosecutions and not along the line of the number of police dockets that are produced nor the number of arrests stemming from a particular police docket.

Mediation during the last literacy event revealed the Janus face of literacy concerned with network stability beyond the local site and beyond Moment One more acutely, and showed an awareness of literacy as part of a network that involves complex associations, complex modes of ordering that affect the material durability of the network. These complexities, I suggested, are managed and tamed during the interplay between the enactive- and recognition work of Uniform Branch police officers and detectives respectively where the strategies and modes of ordering that impinge on the production of the police docket become more apparent.

Moment Two

In Chapter Five I discussed Moment Two which I argued corresponds with the second moment of the criminal justice process, "then it goes to the detectives who investigate" or the investigation of a crime and the second and third moment of translation, namely interessement and enrolment respectively.

Callon (1986) argues that reality is not a given but is a process that involves translating a number of relational but heterogeneous actors. Therefore, realities only exist in the networks in which they are

created. Thus the texts, such as the A1 statement created during Moment One, and their configurations of material-semiotic relations must be tested through a series of tests, in order to present a particular and convincing version of reality – the past – during court proceedings in Moment Three. In addition the human actors and their roles in the network must also be tested to ensure network stability.

During intersement, entities can either accept the problematization of the network or reject it, by defining their identities or have their identities and goals defined by other translators in a different or competing way. Thus identities can only be constructed or reconstructed through particular actions by translators during the moment of intersement. As was argued in Chapter Five, intersement is the suite of actions – strategies in other words – by which translators attempt to impose or stabilize the identities of actors who are defined through the problematization of the network which is to be built. Stabilizing identities also means holding reality still so that the goals of the network can be achieved. The ultimate goal of intersement during Moment Two is to achieve the enrolment of actors, whose identities have been stabilized, so that they can be mobilized on behalf of the network in Moment Three. However, holding reality still is always a precarious and relational achievement contingent on material durability, strategic durability and discursive stability.

As was the case in the attempted murder case that I drew on in Chapter Five, witnesses often offer detectives multiple and conflicting performativities of the same crime and therefore they can pose a threat to the stability of the network. The interplay between the enactive work of witnesses's verbal accounts of a crime (their everyday talk) and the recognition work of Inspector Matthews's questions (his institutional talk) during intersement, showed that witnesses are functionally blank at this moment and that their potential future roles in the network had to be tested and established through this interplay. This was important *before* potential state witnesses were enrolled to take on the problematization of the network.

The literacy event showed that the “right information” that Inspector Matthews wanted to obtain was oscillatory in character – reality came in different forms or different performativities that had to be managed in strategic ways to ensure the stability of the network trans-contextually. This became apparent during Moment Two, where the interplay between the enactive- and recognition work as described earlier, revealed the Janus face of literacy. Inspector Matthews had to make strategic decisions by juxtaposing the “right information” (the various realities of the past produced in written format) of each witness and thereafter he had to decide which one to include in the police docket in order to increase and to ensure the stability of the network.

Thus the oscillatory character of reality and the functional blankness of potential state witnesses were revealed when written witness statements were first produced and could only then be managed in strategic ways, during the interplay between the enactive- and recognition work as described earlier. I argued that the literacy practices, which formed part of the strategies employed by Inspector Matthews during Moment Two, were also an effect of the mode of ordering that judged the productivity of state prosecutors in terms of the number of successful prosecutions that stemmed from a police docket that made it to court.

Written witness statements that are produced during Moment Two become interessement devices once they are included in the police docket. They do not only hold reality still and support the configuration of material-semiotic relations in the police docket's A1 statement, but also stabilize the identities of witnesses, by disassociating them from other competing networks and their problematizations. The successful enrolment of witnesses – their disassociation from competing networks – through the production of written witness statements, also means treason for another network and its problematization. Therefore, the creation of written witness statements that are included in the police docket encode witnesses with a specific function or role, a script that needs to be followed within the network of relations once they are mobilized as spokespersons to do enactive work on behalf of the network during Moment Three (when the police docket and state witnesses travel to court). Stated differently, written witness statements that are included in a police docket, formally index the identity of an actor (Brown and Capdevilla, 1999).

Enrolment, in the context of the network and the production of written witness statements, is the moment when a set of interrelated roles or associations are defined and attributed to actors who either accept them through physical violence, seduction, transaction or consent without discussion (Callon, 1986). In the case of the network, state witnesses are enrolled through transaction when they are asked to read and sign written witness statements that were produced during the interplay as described earlier. By reading and signing these written witness statements – interessement devices – the material durability of the network is also tentatively assured. Accused persons, on the other hand are enrolled in these witness statements and their configurations of material-semiotic relations without discussion, which symbolizes not a form of physical violence, but a form of symbolic and institutional violence evident in these institutional literacy practices. In essence, accused persons are silenced in the construction of their identities as “guilty” in these texts and their configuration of material-semiotic relations.

Interessement and enrolment practices of competing networks may impact negatively on the stability of the network, especially when they take the form of threats of physical violence. The literacy practice of signing witness statements does not only authenticate the construction of reality in the

witness statement and tentatively ensures the material durability of the network, but it is a literacy practice that symbolizes a willingness of witnesses to be displaced from their contexts to the context of the court room, where they will be transformed and mobilized as spokespersons to do enactive work on behalf of the network, when the trial commences. Callon (1986) argues that to achieve mobilization, translators must be able to displace entities or render them trans-contextually mobile, which they were not beforehand. This is what the literacy practices and the production of the witness statement do for the network during Moment Two, although making it to court is not a guarantee, as we have seen in Chapter Five. However, the production of written statements and its literacy practices render witnesses mobile and serve as a tentative guarantee for the network that witnesses will present themselves as spokespersons in the future on behalf of the network.

Moment Three

In Chapter Six I discussed Moment Three, which corresponds with the last moment of the criminal justice process, “then it goes to court” or the trial process and the last moment of translation, mobilization.

During mobilization enrolment is transformed into active support for the problematization of the network through the creation of spokespersons, state witnesses or expert witnesses, who speak on behalf of the network and a range of other heterogeneous actors (such as accused persons *and* complex processes). These entities have been silenced by transforming them into manageable forms, through the production of texts within the context of the network and its various practices of intersement and enrolment, discussed earlier. Therefore, the creation of spokespersons during Moment Three underscores the physical reality of mobilization, as a moment characterized by processes of displacements of a number of entities from contexts outside the criminal justice system and its court rooms. Displacements of these spokespersons, their mobility in other words, are made possible through the creation of texts and their concomitant literacy practices during Moment Two.

Moment Three is also sanitized of the messiness of the Janus face of literacy. Successful mobilization of spokespersons is contingent on black-boxing the Janus face of literacy that was revealed during the interplay between the enactive- and recognition work as described during Moment One and Moment Two. I argued that success at black-boxing the messiness or complexity of the other two moments during Moment Three must also be seen as a strategy to ensure network stability.

In the literacy events that I drew on in Chapter Six I argued that the creation of texts as a means to render heterogeneous entities and processes mobile showed that spokespersons in the form of state witnesses are hybrids who have a somatic (human) and an asomatic (text) component to them. The one without the other has no real legitimacy in the court room as a spokesperson on behalf of the

network or any competing network for that matter. The hybrid nature of witnesses is thus a necessity for the relative stability of the network, because state witnesses are the carriers of the configurations of material-semiotic relations and their intended enactive work produced during Moment One and Moment Two. State witnesses animate these texts and their enactive work and these texts provide state witnesses with legitimacy to speak as spokespersons in the amphitheatre of the court room once they are animated by state prosecutors.

I argued that it is in the amphitheatre of the court room where the relative stability of the network is tested and where it is strengthened or weakened, when spokespersons are mobilized to do enactive work on behalf of the network. Like the amphitheatre of the conference room in Brest in Callon's (1986) study, the court becomes the place where all these displacements embodied in the network's spokespersons, are reassembled for strategic purposes and with particular configurations of material-semiotic relations. In the amphitheatre of the court room state prosecutors animate spokespersons by asking them specific questions so that the texts and their configurations that witnesses embody are uttered and displayed in court. The success of the enactive work of witness testimonies, I argued, is dependent on texts and their configurations of material-semiotic relations created during the other two moments staying intact – a form of material durability – when they are subjected to the recognition work of competing networks such as that of defence attorneys. Thus the recognition work of the defence is an attempt to bring the texts of the network and their configuration of material-semiotic relations into question in order to present alternative configurations to the court. If the recognition work of the defence is successful, then the stability of the network is decreased, which also affects the material durability of these texts. However, and paradoxically, if unsuccessful, then failure of such recognition work can have the unintended effect of increasing the stability of the network, resulting in increasing the material durability of texts and their enactive work that they carry trans-contextually.

It is only at this moment of the translation process, when the recognition work of competing networks fails, that the police docket achieves a tentative state of immutability. I argued in Chapter Two that boundary objects such as police dockets that have a high degree of interpretive flexibility can only *tend towards immutability* – a resting point is always tentatively achieved. The history of any modern justice system bears testimony to this fact where police dockets are often reopened when the criminal justice system fails those falsely accused and found guilty of a crime. Advances in disciplines such as forensic science, forensic psychology and forensic linguistics have led to many police dockets, that were once seen as immutable, being reopened. These advances in human knowledge often lead to police dockets spilling their once black-boxed messy contents. In such instances, the configurations of material-semiotic relations and their enactive work that police dockets once transported, can become the subject of new translation processes in which meanings and displacements are contested, leading to the production of alternative configurations of material-semiotic relations.

The police docket, as we have seen in this study, tends towards immutability only through contestations, negotiations, trials and wider social relations in which literacy and literacy practices play a significant role in establishing associations and relational effects between entities in order to achieve a form of relative stability for the network. Such stability, as the various moments have shown, is always a precarious achievement. It is this precarious stability that makes the pursuit of justice a process that the general public can often misinterpret as a justice system that is failing civil society. However, I want to propose here that the fact that police dockets tend toward immutability because of their high degree of interpretive flexibility *is* what defines a healthy justice system that is rigorous in its pursuit of justice. In the final analysis the true essence, *the* problematization of the network, is to consider any accused person innocent, until proven guilty.

Contribution to Literacy Studies and the focus of future research

In their criticism of first- and second generation Literacy Studies Brandt and Clinton (2002) argued that the NLS over-emphasized the power of the local, and in doing so, these studies had created their own divide between the global and the local. Furthermore, Brandt and Clinton (2002:233) argued that this divide denied literacy certain ‘undeniable capacities’: a capacity to travel across sites of practice; a capacity to remain intact or durable and a capacity that granted literacy its (some)thing-ness or materiality. As a response to these criticisms, I argued that Brandt and Clinton do not offer explanations as to what constitutes the global or the local. Where does the one begin and end and where does the other start? Neither do they explain how literacy’s ‘undeniable capacities’ that they want to grant literacy are constituted in and across contexts. How does literacy travel? How does literacy remain intact and durable? How does it retain its materiality? Across the analysis chapters I have shown that these capacities are not innate qualities of literacy. Actor network theory’s conceptual tools as used in this study can shed some light on how these capacities can be granted *and* denied as the relational effects of translation processes and their literacy practices. I discuss these conceptual tools below by focusing on the notion of “the network”.

The notion of “the network” can rid Literacy Studies of the divide between the global and the local or the macro and the micro because “the network” flattens space for the ethnographer – this was a point I made in Chapter Three. Latour (2005:179) lucidly and succinctly argues that ‘there exists no place that can be said to be non-local’ because when something travels (in this case literacy) it means that it travels from one place ‘to some *other* place, not from one place to *no* place’. Therefore, the trans-contextual movement of the ethnographer, from one locality to another as he or she follows the translation process, localises every space so that the ordering effects of literacy can be documented as a trans-contextual phenomenon.

To travel also means to leave. In the actor network tradition, this is a truism. The ethnographer is expected to leave behind Foucault's panoptic gaze of romantic complexity and to replace it with the oligoptic gaze of baroque complexity (Kwa, 2002 and Law, 2003). But there is a price to pay for those who want strong accounts of social life. The gaze of baroque complexity is a downward gaze, a myopic gaze, that comes with an unavoidable but healthy amount of blindness to the deception of "seeing" emergent wholes that come with the upward gaze of romantic complexity. Thus the trail following ethnographer, who now has the freedom to travel a road less travelled, can highlight the fractal nature of reality as it emerges in its complexities and messiness and its limitless detail in the local site.

Thus the gaze of baroque complexity, an oligoptic gaze, requires the ethnographer to travel light, to shed *a priori* accounts of the social world and how it operates and coheres. By flattening space through this oligoptic gaze, we saw in this study and the three moments that it highlighted, that the ethnographer was unable to offer any *a priori* accounts of literacy's effects or capacities when it travelled from one local context to the next and while the network was assembled. This became obvious when Uniform Branch police officers and detectives did not produce the police docket and its texts in homogeneous ways and when the "right information" was always a moving target during text production in Moment Two. The oligoptic gaze is an awareness of this complexity and finds expression in the concept of "the network".

The gaze of baroque complexity also showed how the semiotic landscape of the criminal justice system is constituted through five modes of communication – the verbal, the written, the visual, the gestural *and* what I referred to as the tactile. I argued that when modes of communication are combined they create configurations of material-semiotic relations that have specific meanings during literacy events as they occur as part of the translation process. An example of this was how the pointing (the gestural) of a gun (the tactile) combined to signal intention in the literacy event in Chapter Five where I focused on Moment Two. However, these combinations do not exist automatically, but are constructions that are established during literacy events and the interplay between enactive- and recognition work as analysed in previous chapters. As a consequence, literacy's capacities – whether they are denied or granted – are not autonomous of the contexts and the translation processes in which they are located. The constructions of realities and the production of texts in this study did not only reside in the physical context of Blue Hills police station and regional courts, but were drawn from contexts that extended beyond time and space. Therefore, the metaphor of "the network" and the myopic gaze of baroque complexity that comes with it, paradoxically, extend the reach of literacy events as it was previously understood. This new conceptualization of literacy events brings into the frame of analysis not only entities such as the tactile in all its detail, but also contexts beyond what is immediately observable.

By employing the notion of the network we have seen that the durability of literacy and its capacity to remain intact and to travel across sites of practice is therefore not a given, but is better understood in literacy's (some)thing-ness, namely, as a relational effect, that is characterized by the processes of translation and all the contestations, negotiations, perils and transformations that result in the production of texts (such as the police docket) and their configurations of material-semiotic relations.

Conclusion and suggested focus of future research

The communicative events or literacy events that I have presented in this study are mere snapshots of how texts and human beings traverse or are prevented from traversing multiple contexts in South Africa's criminal justice system to create some form of relative stability for the network. The snapshots of the translation process highlighted the complexity of literacy and text production in ordering human and nonhuman entities. The resultant configurations of material-semiotic relations during translation, as I have shown in this study, are often the product of the five modes of communication discussed earlier and in previous chapters. Future research should pay closer attention to how these two modes intersect and shape literacy during the interplay between enactive- and recognition work in complex institutions in the criminal justice system. Forensic specialists and the artefacts that they produce in the form of fingerprints, photographs, laboratory tests on bullets and other evidence play an important role in the criminal justice system and in the translation process. These contexts, that I could not research, should become the focus of an oligoptic gaze of an ethnographer, in order to contribute to our understanding of literacy as it situates itself in complex semiotic landscapes.

The role social media played in shaping public opinion in particular cases, such as in the recent Oscar Pistorius murder trial, cannot be ignored. Future research into the complex literacy practices of social media and how they translate public opinion alongside the trajectory of the network, would make for interesting research into translation processes involving the internet.

Finally, the conceptual tools from the actor network theory tradition that I have drawn on in this study, could and should also be used in settings outside that of formal institutions. The metaphor of the network can assist us to understand what effects marginalized literacy has on the literacy of formal institutions when networks intersect in such settings. We often see this in education settings where students' engagement with literacy outside formal institutions has effects on pedagogy, education policies and the literacy of formal institutions. Although this is not something new to Literacy Studies, the conceptual tools used in this study, especially that of "the network" may provide us with a different vantage point to research and describe the shape that education policies and pedagogy should take, when dealing with issues around access and the acquisition of particular literacies.

Thus the notion of “the network” represents a freedom to discover detail, a freedom to travel a road less travelled, a freedom to shed *a priori* accounts of the social world and to shed some light on the questions I and others have asked about literacy as a trans-contextual phenomenon.

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