CREATING PEOPLE'S JUSTICE: STREET COMMITTEES AND PEOPLE'S COURTS IN A SOUTH AFRICAN CITY

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Ever since coming under colonial rule, Africans in South Africa have operated informal courts which the state courts have not recognized. Using fieldwork data, we contrast two such nonstate judicial structures in Cape Town. We describe the street committees, constituted by the older generation as a subsidiary form of local government coexisting uncomfortably alongside formal apartheid authorities. We then show the explosive consequences of the development from 1985 of youth-run people's courts, which attempted to redefine community values. We conclude with a discussion of our findings in the context of existing theoretical work on informal justice and draw some tentative conclusions on possible developments in a post-apartheid era.

A wide variety of nonstate courts operate in the African townships of South Africa. Contrary to current popular mythology in South Africa's non-African population, this is not a new development. A dual system of colonial state (or formal) and noncolonial state (or informal) courts existed in the rural areas from the arrival of the first magistrates in African territories, although the magistrates sometimes opposed and often much disliked the nonstate courts. With urbanization and the growth of political movements and of other forms of organization in the townships during the twentieth century, the variety of informal court models proliferated, many based on the informal courts of the rural areas. Dur-

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ing the recent political conflict yet another type of informal court, known as people's courts, joined the plethora already operating in the townships, although people's courts are now largely inactive. In this article we use informal courts in Cape Town to address a number of questions about informal justice and, in light of our answers, to suggest some elements of informal justice that may be useful in considering the infrastructure of the court system in a post-apartheid South Africa.

Many of the questions we will address regarding South Africa have been raised in various other contexts (e.g., Santos, 1977; Abel, 1979; Galanter, 1981; Channock, 1982). Among them are: What stimulated and has sustained the variety of courts in South Africa? What does the history of the courts we are examining show about the relationships between adjudication, enforcement, and policing structures? What does it show about the roles of courts as generators, as opposed to instruments, of those in power? What does it suggest about the relationships between communities and the justice their informal courts dispense? To what extent must informal court justice reflect community values and how far can it be used to change those values without sacrificing either legitimacy or effective enforcement? In particular, how far can the claims of women and the young to a greater say in their own fates be reconciled with conservative community values? What mechanisms of control can communities or groups have over the informal courts which they have set up? What effect might social disruption have on the type of justice informal courts dispense? What, if any, is the informal court's role in challenging the state's control of communities?

To answer these questions we first outline longstanding trends in the use of informal courts in South Africa. We then set the scene by describing the complex history of the African townships of Cape Town, since their history has dictated the type of informal courts they each have developed. Thereafter we explain how we obtained our information and the constraints within which we operated in doing so. We then use our field data to trace the development of two types of judicial structures and their related informal enforcement arms in Cape Town's African townships. We describe the street committees, constituted and run by the older generation as a subsidiary form of local government situated in an uncomfortable working relationship with formal apartheid authorities. Using our historical and fieldwork data, we investigate the origins of the street committees and discuss their form, function, mode of operation, types of justice dispensed, sources of authority and power, including their policing activities, and their relationship with the state and other outside bodies. Finally, we show the changes these street committees underwent beginning in 1985, as the sustained challenge to the apartheid state brought with it various forms of youth-run people's courts, which attempted to usurp the adult role

of defining and enforcing particular types of order. Our data, drawn primarily from the biggest and most important people's court in Cape Town during that period, cover the political contests played out in and around the court and the effects these had on the type of justice administered. We demonstrate the consequences of these changes, which culminated in the demise of the people's court and the revival of the street committees.

We conclude by returning to the questions that guided our research, drawing some tentative conclusions in the light of our data.

I. LONGSTANDING TRENDS IN THE USE OF INFORMAL COURTS

The colonizers who arrived in South Africa found African societies operating under their own rulers with their own laws and customs. While colonial policy in the various territories differed on the desirability of indirect rule through the chiefs, the chiefs continued to rule in all areas. The colonizers proclaimed new laws, but because isolated magistrates had few policemen or troops to help them govern large districts, when opposed by the local chiefs they were often unable to enforce these alien laws. Many of their new subjects continued to take their disputes to the chief for adjudication for a variety of reasons, which still explains much of the resort to informal courts: dislike and fear of the colonial power; a preference for familiar institutions; the belief that the white rulers did not understand the factors relevant to the disputes; loyalty to community leaders; and a fear of what those leaders or the community might do to them if they resorted to the magistrate.

On the other hand, as nineteenth-century reports show (see Burman, 1973), Africans then as now also made extensive use of the magisterial courts, both perforce and by choice. Some appeared before the state's courts, not by choice, on criminal charges or as defendants in civil cases. However, people also *opted* to use the formal courts. Some acts were recognized as offenses only under the state's system of law, so that redress had to be sought for them in the formal court system. Where the two systems of law conflicted, some plaintiffs came to the state's courts after losing their cases before the chief's court, thereby accentuating the collision of the two systems. Such plaintiffs included, as in many instances of imposed courts elsewhere (Kidder, 1979; Abel, 1982; Channock, 1982; Mann, 1982), those who under the indigenous legal system lacked certain rights, such as women and youths. Other plaintiffs came to the magistrates' court when they had won their cases before the chief but found that he either could not or would not enforce his judgment and that they needed enforcement by the state. Still others chose the magistrate's court as part of the new culture and religion they espoused from conviction or convenience.

Other cases were *sent* to the magistrates by the chiefs—usually because they were potentially troublesome, in that they were likely to provoke disputes within the indigenous society or bring down the wrath of the administration in full force if tried by the chief in defiance of a specific ban on the hearing of such cases. Murder cases are the prime example. But there was an additional continuing reason for chiefs to send cases to the magistrates. The alternative to colonial rule was war, which in many cases was a suicidal option to the defeated, so the best had to be made of the unwelcome rulers. Both sides quickly realized that the system of colonial rule depended on an ongoing series of compromises by both magistrate and chief on matters each considered relatively unimportant in order to obtain cooperation on important matters. To the extent that people seek adjudicators in their disputes, effective dispute settlement creates or tightens bonds between the adjudicator and the recipient of the services. Neither chiefs nor magistrates were willing therefore to relinquish the role of adjudicator, but some cases were sent to the magistrate as part of agreed or unspoken bargains in order to obtain important assistance. The same scenarios operate today.[1]

Since the use of alternative courts presented an ongoing challenge to the state, and since it proved impossible to displace them, efforts were made to coopt the courts. After the South African colonies joined together in 1910 to become the Union of South Africa, rural chiefs' courts were brought under the control of the state as the lowest level of state adjudication. A similar attempt was made much more recently in the townships to try to control the most widespread type of informal courts that had developed there, but this attempt had the disastrous results we discuss below.

II. SETTING THE SCENE[2]

We can most easily explain why informal courts have continued to exist and multiply, and why they have taken their recent forms in Cape Town, if we first understand how Africans were accommodated and organized in the city by their own leaders and the authorities. The roles played by African leaders and state authorities have been remarkably consistent over time.

A. The First Cape Town African Township

No published work has reported on the internal organization of African communities in the Cape Town area before the establishment of the first township or "location" for Africans. There

[1] For a much fuller exposition of the historical material in this article see Burman, 1973, 1976, 1981.

[2] To assist the reader, we have provided a chronology of events in Cape Town and South Africa from 1901 and a glossary of names and terms. The chronology and the glossary appear immediately before the References.

were, however, a substantial number of Bantu-speaking Africans living in central Cape Town from the late nineteenth century, and at the turn of the century there were on average some 9,500 migrant workers and other Africans in Greater Cape Town. In 1901 legal measures forced almost all Africans, despite their articulate and vociferous opposition, to move into a specially created African township, Uitvlugt (renamed Ndabeni in 1902). Only migrant dockworkers housed near the harbor and a few other Africans were permitted to stay outside the location (Saunders, 1979a). Separate African "group areas" in Cape Town thus predate the apartheid policy by nearly half a century.

Almost immediately after Uitvlugt was created, an "Uitvlugt Committee" was formed, and it played an important role in organizing African resistance to the way in which the township was being administered (*ibid.*). It appears likely that the community was well enough organized to establish its own courts to hear grievances and mediate petty disputes. We do not know whether these courts worked in conjunction with or in opposition to the white Uitvlugt magistrate and his six African wardsmen (one per ward, appointed from 1902). However, wardsmen had a duty to know all residents in their wards and to report anything of interest to the authorities, who would therefore presumably have been aware of the existence of any mediating "courts" at work.

The relatively few permanent residents were vastly outnumbered by a floating population of migrants, many of whom oscillated between Cape Town and the Ciskei and the Transkei, who returned home after working in Cape Town for a few months. Given their numbers, close ties to rural institutions, and the strong, ongoing networks that existed between migrant workers from the same area, it is likely that the institutions that developed were influenced by court models from the Ciskei and Transkei.

After the initial resistance to the establishment of the location was crushed by prosecution of the leaders, Uitvlugt settled into a smoother but far from acquiescent pattern of life. In 1925 the Cape Town Council took over responsibility for the location from the central government, and in 1926 new regulations were introduced for the Superintendent's Advisory Board, under which all six of its African members were in future to be elected. This greatly improved the board's status in the eyes of the community, which had previously viewed it as unrepresentative and subservient. However, even under the new arrangement the board proved powerless to prevent measures it opposed (Saunders, 1979b), engendering the skepticism with which elected but governmentally instituted local authorities in townships are still viewed by residents.

B. Langa

Overcrowding in Ndabeni (formerly Uitvlugt) became so great that by 1927 it was estimated that about half of the African population in Greater Cape Town lived—illegally—outside the location (*ibid.*). That year a new "model location," Langa, was opened. Langa had better living conditions but higher rents and was three miles further from Cape Town than Ndabeni, which made the forced move of Ndabeni residents generally unpopular. Much of the active resistance to the move was spearheaded by the local vigilance committee, an unofficial body set up by residents of Ndabeni as part of a wider national movement of largely Christianized and educated Africans with the aim of protecting the rights of Africans. (After the elected advisory board was introduced, the vigilance committee played a major role in that body too, and we found that such committees developed in other townships.) Also opposing the move to Langa was the Cape African Congress, a branch of the African National Congress (Saunders, 1979b; Elias, 1983). According to one of our interviewees, by the 1950s the Congress was running informal courts in the then existing townships (interview of 13 February 1985), and it is not improbable that it had done so earlier. By the end of 1935, Ndabeni ceased to exist (Saunders, 1979a, 1979b).[3]

Although Langa was intended to replace Ndabeni, from the first it could not accommodate all Africans in the urban area. By 1955, due to the massive influx of Africans into Cape Town during and after the Second World War, at least 65,000 were in the area, four-fifths of them living in squatter camps (Saunders, 1979b). Although this followed earlier patterns of African settlement in Cape Town, it was much aggravated by the apartheid policy of the Nationalist government, which had come to power in 1948. The government's policy of influx control aimed to prevent anyone classified as Black[4] who was not born in a city from becoming permanently resident there. An important mechanism was to declare

[3] Unfortunately, because written records of informal township organization are sparse, information on Ndabeni's role in preserving, transmuting, and transmitting earlier forms of informal courts to existing townships will probably soon be permanently lost as those who lived there die.

[4] Under the system of "race" classification set up by the Population Registration Act 30 of 1950, there were twenty-two categories (amended to eighteen after Namibian independence), which are generally collected under the broad headings of "White," "Coloured," and "Black," with "Asian" as a subcategory of Coloured. The terminology is colonial in origin, but current usage has uniquely South African governmental overtones. Broadly, "Whites" are those supposedly of European descent, "Blacks" of African descent, "Asians" of Asian descent (largely from the Indian subcontinent and some from China but excluding those considered of Malay descent), and "Coloured" embraces all other groups, including the (largely Muslim) descendants of Indonesians and Indians brought to South Africa by the original Dutch colonists and known as "Malays." Since the terms (and others, such as "independent homelands") are used in all official data and literature discussed throughout this article, the need for clarity has obliged us to use the same terminology, except that we

all such people ineligible to obtain housing or even lodgings in Cape Town and to stop the house building program in Cape Town's African areas. (Africans, who could not buy houses, were obliged to rely on housing provided by the authorities.)

Langa more than tripled in size between 1951 and 1980, providing two very different types of accommodation for residents: single-sex hostels for male migrant workers and family accommodations for those with permits. Different forms of dispute settlement developed in the two sectors. Indeed, there is evidence that within the hostels an elaborate form of paternalistic rule developed in which disputes were settled by councils of elders in the various sections (Wilson and Mafeje, 1963).

The central state was unsuccessful in getting White local authorities to control and contain the African population, and therefore wrested control of the townships from them (Kane-Berman, 1978). As a result, the Cape Town Council, which had been responsible for the development and administration of Langa from its inception, handed over the administration to the Peninsula Administration Board (later called the Administration Board of the Western Cape) in 1973.[5] The Administration Board figures often in our account below.

In a search for credibility and control, over the years various forms of official representation of the community were introduced. Advisory boards were followed by Urban Bantu Councils; neither was successful in achieving the desired credibility and control. Urban Africans became increasingly skeptical of the latter too, especially after the 1976–77 disturbances, when it became clear that the councils were of little use either in quelling disturbances or assisting members of the community. In 1977 the government therefore introduced a measure which was to play a major role in subsequent events and in our report below. The Community Councils Act No. 125 of 1977 set up Community Councils with more exten-

have used the term "African" rather than "Black" where it is not part of a title.

[5] This board was run by the Department of Bantu Administration under the terms of the Bantu Affairs Administration Act, No. 45 of 1971 (Elias, 1983).

There is some difficulty in keeping track of the bureaucracy governing African local authorities. Administration Boards, initiated under the Department of Bantu Affairs, were subsequently renamed Development Boards and the Department was renamed (after a brief period as Plural Affairs) the Department of Co-operation and Development. Since 1982, however, this department has been phased out, some of its functions falling under the Department of Constitutional Development and Planning, and some being allocated to other departments. Control over Black (African) local authorities was transferred to the Department of Constitutional Development and Planning from 1 July 1985, and to the Department of Social Development and Housing on 1 September 1985. From October 1986 the Department of Constitutional Development and Planning became known as the Department of Development Planning and Constitutional Development Services. Among the functions falling under it in this latest incarnation is the administration of Black (African) local authorities.

sive powers than those conferred on Urban Bantu Councils. Langa was divided into five wards, each of which was represented by a Community Council member (Elias, 1983). The act also continued some provisions of the Urban Bantu Councils Act, No. 79 of 1961, including one empowering the Minister of Co-operation and Development to confer on a Community Council member the same powers of civil and criminal jurisdiction as could be conferred on a chief or headman (Horrell, 1982). We have no evidence, however, to suggest that community councillors made use of this source of power to set up courts in Cape Town, even though our research discussed here and that by Hund and Koto-Rammopo (1983) on Mamelodi, outside Pretoria, shows that several community councillors did run courts.

C. Nyanga and Guguletu

Langa was not the only Cape Town location affected by the 1977 act. In 1946 the Nyanga East (later simply Nyanga) Native Location had been proclaimed to provide for some of the Africans who could not be accommodated in Langa. Yet by 1954 the estimated shortage of African housing was 7,000 dwelling units, and the African township of Nyanga West, later renamed Guguletu, was proclaimed. The form of official representation initially differed between these two townships, because they were established at different stages of government policy, but after the introduction of Community Councils, each had five community councillors. These, together with those in Langa, formed the Cape Town Community Council, from which an executive committee of five was elected (Elias, 1983).

In all three townships, however, there were various *unofficial* voluntary associations concerned with community affairs, with a variety of appellations (such as "residents," "ratepayers," or "civic"). Some were started in opposition to the government-sponsored Urban Bantu Councils and Community Councils. The Western Cape Civic Association is the umbrella body of all the associations, both African and Coloured, which refuse to accept representation of their communities by government-sponsored bodies (*ibid.*).

Langa, Nyanga, and Guguletu are the oldest African townships of Cape Town. In these townships, a high proportion of inhabitants were born or brought up in Cape Town and many originally came from the Ciskei, which had a long history of colonial rule and missionary education. However, large-scale squatting has always occurred in Cape Town, and Cape Town has two other official African townships, Crossroads and Khayelitsha, developed in recent times as a direct result of belated official acknowledgment that the government can no longer hope to restrict African hous-

ing to that which it is able and willing to provide in housing stock built to standard specifications.

D. Crossroads

Crossroads originated as an illegal squatter camp in a period when the government was demolishing a number of illegal squatter camps on the outskirts of Cape Town. Its inhabitants were mainly Xhosa speakers, many from the Transkei, which was colonized later than the Ciskei. The squatters were a mixture of rural immigrants without permits to live in urban areas (the majority) and people who had urban rights but could not get family accommodation in the townships and wished to live with their families. After an international campaign from 1978–79 by Crossroads leaders and White sympathizers, the government agreed to "legalize" most of the Crossroads inhabitants and to rehouse them. The first batch of houses was built, and some people were rehoused in what is known as New Crossroads (now administered as a suburb of Nyanga), but when building plans were "temporarily" shelved when funds became scarce, much tension resulted.

Old Crossroads, as it is now known, has continued, but is increasingly strife-ridden. While Crossroads was still fighting for legalization, the campaign and common hardships induced by government harassment united it into a tightly knit community spearheaded by a men's and a women's committee. By 1976 the men's committee had split into two, although the two groups did not always oppose each other. Each men's committee recruited its own home guards (or community police) and its own wardsmen. "Wardsmen had the function of settling local disputes and collecting funds for specific community needs. They were elected by residents of the four major sections or wards in Crossroads. The two committees, together with these two informal bodies, functioned as a local authority in the community" (Cole, 1987). In 1978 the two men's and the women's committee formed a joint committee, but from 1979, once it had been agreed that Crossroads would be legalized, struggles for political control within the community and for housing in New Crossroads led to increasing schisms and violence, aggravated by government policies of "divide and rule."

E. KTC and Khayelitsha

As a result, a number of satellite squatter camps grew up, including a large squatter area known as KTC, which had begun officially as a "transit camp" on land in Nyanga, now adjoining New Crossroads. Each of these splinter communities was run under a system similar to Old Crossroads, with an informal court as one of the institutions that lent power and prestige to the leaders. The struggles culminated in 1986 in several days of mass hand-to-hand fighting between factions and the burning of about half of KTC

and virtually all of the satellite camps of Old Crossroads. The arsonists were vigilantes from Old Crossroads (known as *Witdoeke*) who supported one faction. There followed retaliatory eviction from New Crossroads of a number of people believed to be supporters of the vigilantes. The Methodist Church in Africa and some residents whose homes were burned down brought an action against the Minister of Law and Order for the alleged police assistance to the vigilantes in destroying the homes of the estimated 70,000 people involved.[6] As the complex details of events up to 1986 are related elsewhere (Cole, 1987) and fieldwork in the area has been very difficult since then, we have not attempted to deal with Old Crossroads below. However, the struggle in the Cape Town area between vigilantes and their opponents has resulted in embittering conflict and changing residential patterns, which in turn has effected the relative strengths of political groups.

As a result of the agreement in 1979 to legalize Crossroads, the resulting struggles there, and a major drought in the poverty-stricken Xhosa "homelands," by 1981 one group of squatters after another began to occupy land adjacent to New and Old Crossroads, land the government had set aside for more New Crossroads housing as soon as money for building became available. In desperation the government eventually announced that it would build for all "legal" residents in the Cape Peninsula a new township, to be called Khayelitsha and to be situated thirty kilometers from central Cape Town. Only core housing was to be provided (that is, basic units that inhabitants are encouraged to enlarge); eventually, the state agreed to provide site-and-service schemes[7] for much of the area in what are now known as Site B and Site C. Many lodgers living in very overcrowded conditions in the three older townships quickly moved to the core housing, but there was considerable opposition from the residents of the satellite camps and KTC to being moved to Khayelitsha, especially as many felt that they would thereby lose their claims to be housed in New Crossroads eventually. They also disliked the greater distance they would have to travel to Cape Town. Most went only after the destruction of their homes by the vigilantes in 1986. However, by then various factions were well established in Khayelitsha, again with their own courts and home guards, especially in the site-and-service areas. The state generally tolerated informal government by squat-

[6] After a lengthy court case, early in 1990 a two million rand settlement was eventually agreed on, largely to save further court costs, which had already far exceeded that figure. *Methodist Church in Africa v. Minister of Law and Order,* Supreme Court of South Africa.

[7] In site-and-service schemes the state demarcates an area for housing where it provides rudimentary urban infrastructure (basic roads, sewage removal, potable water) and housing sites, on each of which is a concrete slab. The site holder is expected to erect a dwelling on it at his/her own expense. In Khayelitsha sites are between 90 and 160 square meters.

ter leaders it had manipulated into subservience, sowing the seeds for yet more future conflict.

It is against this complex background that the story of informal justice in the Cape Town area must be understood.

III. METHODOLOGY AND RESEARCH CONSTRAINTS

Our interest in informal courts in Cape Town sprang from different sources and involved different courts. One of us (S.B.) had worked on the political implications of the early competition for clients between colonial and indigenous courts, and has been accumulating information on contemporary informal courts in her current work. The sociolegal investigation of family breakup in twentieth-century Cape Town has revealed that domestic cases are being—and have for many years been—referred to informal courts called, in Cape Town, street committees.[8] (In Old Crossroads the Crossroads committees served an equivalent function.) The other author (W.S.) became increasingly interested in informal courts as two strands of his current criminological work, on the youth and on formal and informal policing, found a common focus in the development of people's courts, first established in Cape Town by the youth in 1985.

We were interested in the relationship between these two forms of informal courts as well as their effects on each other and on the communities they purported to serve. Inherent in this, of course, were questions about the quality of the justice they purported to dispense, the satisfaction this gave their clientele, and their relationship with the state. There has been no published research on such courts in Cape Town other than our own brief articles (Burman, 1983b, 1989; Schärf, 1988, 1989) and mention of them in other works (Wilson and Mafeje, 1963; Cole, 1987; Haysom, 1986). Nor has there been much on examples elsewhere in South Africa (but see Hund and Koto-Rammopo, 1983). Given our patchy historical and anecdotal information on informal courts in Cape Town, we set out more systematically to investigate the relationship between political power and these judicial services, together with consequent likely developments.

Our inquiries naturally fell into two sections. For investigations into street committees we had two main sources. Throughout 1987 we conducted interviews with members (preferably officeholders) of thirteen street committees, two—or in one case, three—street committees from each of the five townships and KTC.[9] The information from these interviews was supplemented by that gleaned in 1988 in interviews of women's committees and,

[8] It should be noted here that, confusingly, the term "street committees" appears to be used in most of the rest of South Africa as a synonym for people's courts, although that term has a separate meaning here.

[9] The only exception was that for the core housing section of Khayelitsha we interviewed a community councillor, since our information was that at the

over the period 1981–87, from interviewees for the family breakup project (people who had been involved in cases before such courts, social workers, religious leaders, lawyers, bureaucrats, and magistrates). The interviews with street committee members were conducted by an interviewer familiar with more than one community, and the supplementary interviews were conducted by interviewers from a variety of backgrounds (including, again, local communities). Given the sensitive nature of the interviews, most were granted on condition that interviewees were not identified. Interviewers asked respondents to provide introductions to other potential informants in order to obtain interviews. This was the only feasible sampling method, but it, of course, raises questions of representativeness. However, the range of other informants offered alternative sources of information. Of the fifty-one African social workers in Cape Town (qualified and unqualified) who were interviewed, for example, twenty-nine commented on the informal courts, sometimes at length. We also have some first-hand accounts of the experiences of court clients. They and our other informants often offered a more skeptical view of the courts than could be expected from the court officers and members we chose as informants in the expectation that they would be the most knowledgeable about rules, procedures (including elections), workloads, and the history of decisions. We also asked all our street committee informants about the evolution of the committees and relations with other bodies.

For our investigation of people's courts we interviewed five founders and incumbents of the Youth Brigade court and seven members of the KTC court, as well as three contestants, four participant observers, two community workers, and four political activists who attempted to influence the direction of the courts. We also interviewed a leading activist of the Azanian National Youth Union (AZANYU) who investigated the involvement of his organization's members in the court. The Masincedane Committee of KTC gave us permission to interview KTC residents, and the political activists had mandates from their respective organizations to talk to us. In addition, we interviewed three defense attorneys of people's court members whose clients had been charged in the formal state courts. Secondary sources such as Black Sash monitoring records of state courts, anthropologists' reports, press clippings, other research into people's courts (e.g., Suttner, 1986; Motshekga, 1987; Bapela, 1987; Van Niekerk, 1988; Seekings, 1989), and state court records helped to balance the highly sensitive interviews conducted by ten Xhosa-speaking researchers and one English-speaking researcher. Where possible, interviews were taped, but where this was too dangerous (for fear that the interviewer would

time of our interviews the Council, and not street committees, was hearing all the domestic cases.

be mistaken for a police informer or the respondent's voice could be identified), other methods of noting information were used. At the time of most of the interviews (January 1986–August 1988) the whole issue of people's courts was extremely controversial in the African townships, making access a very sensitive issue. Many members of several Cape Town people's courts were still in detention under the state of emergency legislation during that period, some having already been detained for up to ten months without being charged. Moreover, some trials (or appeals) were still in progress at the time. The political credibility and integrity of the interviewers was invariably closely scrutinized before consent was given for interviews. Questions were always raised about the accountability of the researchers to "the people" and "the struggle" and the use to which the information was to be put. Under the circumstances it was impossible to obtain a complete picture of events: with one exception, we were singularly unsuccessful in obtaining the participation of members of the Youth Brigade court who were also members of AZANYU, the youth wing of the Azanian People's Organization. On instruction of the dominant personality, no other members of that group were allowed to contribute to the research of that "bourgeois liberal institution," the University of Cape Town, so there are regrettable gaps in our current knowledge.

Almost all of the interviews were conducted while successive states of emergency were in operation (from October 1985), and the extra-parliamentary political organizations were under continuous surveillance. After February 1988 they were under such heavy restriction orders that they were effectively banned.[10] Stringent media restrictions were in force from December 1986, which severely restricted publication of news about certain aspects of people's courts.[11] Being a member of a people's court, advocating that people subject themselves to its authority, or doing so oneself were also made crimes under the emergency regulations.[12] One of our colleagues at Witwatersrand University was detained without trial for more than two years (from June 1986 to September 1988). When his release was sought through the courts, one of the reasons for his detention given by the Minister of Law and Order was that he had promoted the idea of people's courts in a paper read during an academic conference in April 1986 (Suttner, 1986). The above restrictions were lifted in February 1990, but the somewhat diluted state of emergency is still in force at the time of this writing.

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[10] Government Notice 334, Government Gazette 11157, 24 February 1988.

[11] Proc. R224, Government Gazette 10541, 11 December 1986.

[12] Proc. R96, Government Gazette 10771, 11 June 1987.

IV. STREET COMMITTEES

Today in Cape Town street committees are the primary informal courts in the townships' networks of informal local community courts. Although the main type of informal court is the street committee, many other bodies set up by such groups as gangs, political parties, and even sports teams (Hund and Rammopo, 1983; Burman, 1983b) operate simultaneously, hearing complaints and making settlements in special circumstances. The people's courts, recently established by the youth, are one such body. Cape Town's African population is currently estimated by bodies which work in the townships to number more than one million. While some Africans, primarily those from upper income groups, have little or no contact with informal courts, for a large sector of Cape Town's African population, the formal rather than the informal courts of South Africa are peripheral. Indeed, Galanter (1979: 20) suggests that it is by no means uncommon, even in First World settings, that informal ordering is the "primary locus of regulation."

A. The Origins of Street Committees

Street committees are the lowest level of a loosely constituted three-tiered system of informal local rule in the townships. In certain areas they are known as section committees or headmen's committees, but they exist in all the established townships and squatter camps of Cape Town.[13] Street committees serve several streets, with the number of houses or sites covered varying from a score to almost a hundred. Above them are the executive committees, sometimes also rather confusingly known as "civics." Both these types of committees are directly elected by adults, and operate at grassroots level to settle disputes and attend to the daily affairs of the township. Above these is an umbrella body called the Western Cape Civic Association, where all the executive committees meet. However, it is not clear how often this forum meets and whether the issues about which it meets relate to the cases of the two lower structures.

Our interviewees reported different sources for the street committees, not all of them incompatible, that probably reflect the different histories of Cape Town's African townships and their populations. First, street committees were said to have arisen spontaneously from a need to have a leader and rules to control the officials it created. A second explanation was that they were modeled on the courts of rural village communities. A third was

[13] The only exception found during our research was the area of the newest township of Khayelitsha, where core housing was provided and where the Community Council performed the same functions as street committees. (However, the site-and-service areas of Khayelitsha have street committees of the type existing in other areas.)

that street committees originated from burial societies which gradually began to undertake more community duties.

Probably compatible with this last explanation was a claim which initially appeared to be contradictory: that street committees developed from the political vigilance committees, which sprang up in the first townships in the early twentieth century. One informant explained, however, that the vigilance committees were so strongly opposed to the government that they were eventually dissolved on government insistence and replaced with elected wardsmen, one per area, who together formed a ward committee. But it soon became apparent that it was difficult for a wardsman to cope with the amount of work in a ward, which comprised about ten streets, and constituents suggested that there should also be smaller units of only three to five streets. The burial committees, which had been instituted merely to collect burial contributions and visit grieving families, were pressed into service to deal with a wider range of matters and were called street committees, becoming the lowest rung of the ward committee structure. A case would go to the street committee first and then to the ward committee. Members of all the street committees would attend the ward committee hearing, as would the ward committee members and the people in the dispute. The ward committee chairman presided. This practice is much like the existing relation of street and executive committees and, if historically accurate, may well explain current patterns.

In contrast to the older townships, informants from the later squatter camps of KTC and Khayelitsha reported that they had modeled their area committees on the committees which had formed in the earlier squatter camp of Crossroads to organize the community and make representations to prevent the camp from being demolished.

According to our informants, street and executive committees were elected in all cases by all the adults of the relevant areas eligible to vote at general meetings, usually by a show a hands. However, in some older townships paper ballots were used for certain elections. Officeholders, usually four of them, were elected by direct vote of the general meeting. Street committees usually had about six members, including officeholders, while executive committees were considerably bigger, with some fourteen or fifteen members.

All informants emphasized that street committees originated quite separately from, and much earlier than, government-established Community Councils, and several stressed that at the time of the interviews the committees were quite unconnected with the community councillors. However, as we show below in section H, this is more complex than would at first appear. What was clear was that the diverse origins of, and influences on, street commit-

tees explained the differences between committees, both in election procedures and general mode of operation.

B. Type of Cases Heard

From the interviews it does not appear that street committees see their judicial functions as a different type of activity from their other problem-solving roles. When asked to explain the role of street committees, they usually included dealing with domestic disputes between spouses or between parents and children, disputes with neighbors, and disputes over custody of children, assisting unwed mothers who were unable to support their children, reporting to the administration board (and its successors) on the arrival of new residents or the departure of old ones,[14] reporting on deaths (but not murder cases), and, in some cases, street cleaning. Some have retained their burial society functions, described to us as arranging for burials and having prayer meetings to console the families. In KTC the nature of the squatter camp has also led street committees to deal with such issues as rents and which residents qualify for a site or a shack. In addition, the street committee members are obviously called on for less formal assistance: for example, interviews from the family breakup sample revealed that, in the frequent instances of domestic violence, women fleeing drunken or enraged husbands had on occasion sought refuge in the home of the nearest street committee member. A member of a street committee, unprompted, gave us the following example of how even street committees that, like his own, eschewed marital disputes, could become involved in them:

> If, for instance, the husband and wife quarrel at night in their house, the wife can report to the neighbors, including the chairman of the street committee, depending how far he lives from them. The neighbors can maybe accommodate the wife if she cannot sleep in the house or try to calm down the parties. It is then the neighbor's or committee member's duty to see to it that the wife will be safe if she continues to sleep in her house for that particular night. If he has accommodated her, he should advise her to report the matter to her husband's family first, and she can even go to her own family if she feels unprotected. (Interview, 3 February 1987)

Most informants stressed their function as counsellors and their reconciliatory role in domestic disputes, emphasizing that their street committees did not deal with political cases.[15] Each

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[14] The reporting of arrivals and departures of strangers in the areas, as well as mediating in disputes, are functions which can be traced back directly to the duties of headmen and chiefs within precolonial southern African societies and, later, to the colonial authorities in the nineteenth century. See, e.g., Burman, 1973, 1981.

[15] No informant mentioned instances of street committees making representations to the authorities on behalf of the residents.

committee had types of cases it would not hear. Some, for example, excluded "love affair cases"; others excluded complaints by parents against their uncontrollable children; one refused to hear custody cases. Some insisted that cases of various types should go first to the family or other forums for an attempt at solution, such as the KTC or New Crossroads youth committees if two disputing youths happened to belong to one. Several street committees told us that they excluded only "blood cases," such as stabbings, which were taken straight to the government-run administration board (and its successors) offices and presumably turned over by them to the police.

A number of diverse women's committees, based either in the community or in political party-type organizations, operate parallel to the street committees. When we asked members what their functions included, they all told us that they took up issues which affected the community, family, or individual and that they were concerned with mediation, not punishment.[16]

C. *The Process and Problems of Adjudication*

Most street committees met once a month or whenever a problem was brought to them, usually in a member's home since committees generally did not have their own buildings. (Elections or consultations with constituents would generally take place on open ground if no halls were available.) Ideally the committee would secure the attendance of both parties in a dispute, but our cases show that this did not always occur, particularly where the attendance of teenagers and others classified as "youth" (that is, unmarried) was required—a trend that predated the 1985 political turmoil. A description from a street committee member (interviewed for the family breakup study) illustrates the situation graphically:

> Parents now have no control any more over sons, who won't even go to a [street committee] meeting if summonsed for discipline because they are now "educated"! Fathers won't go to fetch them because they might be stabbed. Most sons won't work because they earn so little in the Cape[17]—so they sleep and steal. Daughters are shy but they drink and won't work. Some come to meetings if

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16 The examples offered were much like those often given by street committee members—rent issues, protecting a family (especially a woman) from eviction, gangsterism, disciplining disobedient children, and any type of community or family dispute, including marital disputes. (In disputes, the plaintiff was usually a woman.) A Crossroads women's committee member also said that in cases involving murder and death, the committee only collected burial money. Where mediation failed, they would take cases to one of the range of possible forums, including the street committees. A separate study of women's committees is under way to cover the full scope of their activities, which overlap but do not coincide with those of the street committees.

17 This interview took place when the Coloured Labor Preference Area policy was still in force, whereby Africans could not be employed unless it was

> summonsed—some show no respect but some listen. (Interview, 13 February 1985)

A third of the street committee members interviewed in 1987 said that their committees would (at least in theory) send men to fetch a youth to face the court if he disobeyed the summons but at least one interviewee said that they had never done so. Although they did not clarify this point, it appeared that another third would too.

When all parties were assembled, considerable time was devoted to hearing both sides of the case. Descriptions by the interviewees indicated that the emphasis was on mediating between the parties and seeking acceptable solutions, often by dint of combining face-saving solutions and exerting social pressure. For example, an interviewee explained:

> A mother was complaining that her children were disobeying her. She is on her own; the father of the children died. When we heard the story from both the children and the mother, we found out that the children were fed up with their mother's drinking habits. From the two stories we could detect that the mother was wrong. We therefore counselled them separately. We did not counsel the mother in the presence of the children. We therefore told the children (aside) that we had talked to their mother. After that there was no report coming in from that family. (Interview, 23 January 1987)

Another informant described his committee's method of dealing with disputing neighbors:

> We do tell a person if we find him guilty. We do not openly tell him that he is guilty, but the way we interrogate them would ultimately show which one is guilty. It will be clear to everybody present, including the disputants, who the "guilty" person is. After having shown by the questions we ask, the "guilty" person should apologize to the other person and also promise that he will also refund whatever he has damaged if the problem involves the damaging of property. (Interview, 3 February 1987)

We were not told in this case what happened if the guilty party refused to apologize or to pay, although in an interview elsewhere we were told that anyone who disobeyed the court in such matters was obliged to pay double. The committee, in a site-and-service area of Khayelitsha where such committees have the power to evict a resident from his shack, not surprisingly had never had such a ruling defied, and allowed such people being punished to pay their double fines in installments.

Where facts are in dispute, committees will often go further than conventional courts to try to obtain all the facts and ensure that the parties concur with the court's decision. A description we were given of the solution of a paternity case illustrates the point.

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shown that there were no "Coloureds" available for the job. The policy was officially discarded in May 1985.

> The young man was denying that he had impregnated the young woman, saying that the girl had other boyfriends. We resolved the problem by sending the child for a blood test. We made the young man pay for such fees. We advanced him [money] from our funds so that he might pay us if the results came out proving him to be the father. If otherwise, the girl was going to refund us. The result came out with the young man being the father. We ruled that he should pay for the pregnancy and that he should maintain the child until the age of eighteen. It was him who told us that he wants to marry the girl. We did not object or consent to that, as it was by then the families' affair. (Interview, 21 November 1987)

We would not, however, suggest that the impartiality of the committees is beyond dispute. Although they hear a large number of family-related matters, women are almost entirely absent from the committees. Those on committees do not hold offices except occasionally as secretary. Some committees quite specifically state at elections that only men may be elected, and, we were told, "generally people know that the committee should be composed of men—that is a traditional trend." When questioned about this, committee members expressed variations of the opinion that women would not have enough time to deal with the issues, as "traditionally the place of a woman is at the kitchen and she is there to look after the children and the household in general." We were told that it was not unusual to exclude from discussion even those women who were on committees by the ploy of asking them to make and serve tea when the discussion stage was reached, while the discussion continued unabated. The effect of such masculine bias on cases was reflected repeatedly in interviews, as demonstrated, for example, by one informant's statement of his committee's stance on custody disputes:

> About custody of children, we do not concern ourselves about who is wrong and who is right between the parties. We normally take the husband's decision as the final one as he is the head of the family. If the wife wants to leave, and the husband does not want her to go with the children, we cannot interfere with that. If the wife approaches us about such a problem, we normally tell her that she should always obey her husband. We, as a street committee, do not usually interfere with a man's way of disciplining his family. Our task is to make peace in the event of there being a misunderstanding between the people. (Interview, 30 January 1987)

Such statements demonstrate how street committees operate as a conservative force to preserve patriarchal structures. The example also highlights how the current gender composition of such committees affects the committees' treatment of women.

To avoid a distorted view of women's influence, however, it should be borne in mind that some cases involving women do not

reach the street committees; instead, they are settled by mediation or other action by a local women's committee. An example of how this might operate was provided by a member of the ad hoc New Crossroads women's committee:

> We do get cases of husband and wife disputes. In such cases, when asked by a woman to help her, we do go to her house to meet her husband and find out from both of them what the problem is. We know that the husband usually does not like to see us in his house, but we keep on going. If the wife complains about being battered, we delegate some women within the committee to keep watching by either being at the house at a certain time or stand[ing] next to the house round about the time when the beating up usually takes place. That we do so as to witness and thereafter to threaten the husband.

What the threats entailed was not disclosed.

D. Street Committees and Social Workers

Social workers, especially those attached to the courts and the administration board (or its successors), indirectly exercise some power in judicial decisions and control a number of desirable resources in the townships. A favorable report from a social worker is usually essential for obtaining legal aid in a state court case, including divorce, and the allocation of custody in a disputed custody case, which in turn determines housing in most instances (Burman, 1983a). Social workers may also facilitate or prevent access to state pensions, housing, and various other benefits, such as food parcels for the needy. We were therefore interested in whether street committees were able to use this system and, if so, how.

It appeared that street committees varied in their contact with social workers. In some areas there was no cooperation; in some cases, like the following New Crossroads description, cooperation was very close. A committee chairman in New Crossroads told us:

> The social workers [presumably those attached to the administration board] once approached us with some proposals which we gladly accepted. The social workers proposed that we should organize [so] that there should be at least two women in each section who would act as acting social workers in the section: they should see to poor families—that is, give reports of such cases to social workers. If a woman was expecting a baby and was in labor, they should be the ones to be consulted for the arrangements. Everything that would need a social worker to help should be reported to these women and they would take them to social workers. That we found to be a very good idea. (Interview, 21 January 1987)

Some committees consulted social workers when they needed help, usually by giving the person involved a letter to take to the office—a very useful service in an only partially literate society.

Where people were referred to social workers, the street committees did not attempt to follow up the cases.

On the other hand, many social workers in the family breakup project were ignorant of the structure and functioning of street committees, although all except the supervisors were from the townships.[18] Others at times criticized the dispute-solving abilities of street committees. A few mentioned that the committees might refer cases to social workers, but only one reported that a committee actually had brought a case to her.

E. Enforcement of Judgments

An ability to enforce its decisions would seem to be highly advantageous if a court is to retain its credibility. We therefore examined the methods used by the street committees for this purpose.

Under the law of the land, street committees cannot impose physical punishments or fines, but the police are unlikely to intervene unless a charge is laid. The topic is obviously sensitive, and it was therefore unclear whether denials of the use of force were always strictly correct. The answers to questions on this topic are revealing. All of the members of the eight first-tier street committees from the three old established townships and New Crossroads denied that they used physical punishment at all for adults, though members of two said they gave lashes to youths with their parents' or guardians' permission. In the squatter camps and new townships, however, the picture appeared to be different, despite the denials already mentioned from New Crossroads. An executive committee member from New Crossroads said that the committee had the power "to give punishment to whoever deserves it" (interview, 1–2 December 1987). A headman (committee chairman) from the KTC squatter camp said that he and his committee had the right to punish the party they judged guilty, though he may have been referring to eviction, as the executive member from KTC interviewed said that headmen did not have this right. In Khayelitsha interviewees from both the core housing and the site-and-service areas said that they could use physical punishment on adults and that parental consent was not required for such punishment of children.

Informants from Nyanga told us that their committees had the power to "fine" people found guilty in certain circumstances, by ordering them to replace a broken object within a stipulated time. As one described his committee's position:

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[18] A substantial number were, however, very young, owing to newly promulgated professional requirements, and almost all of those had received their university training in the Ciskei.

> They only fine a person in the case where maybe two neighbors are fighting over an object. For example, neighbor A has borrowed neighbor B's chair, and the chair, on being brought back, is found to have been broken. We make the parties reconcile. If neighbor A demands that neighbor B should either repair his chair or buy another chair for him, it is then our duty to make neighbor B agree to repairing or replacing the chair. We normally demand that he should have bought that particular thing within a certain period of time. The street committee should agree on the time stipulated by the "defendant." The street committee should also see the repaired or replaced object and make sure that the "plaintiff" is satisfied. (Interview, 3 February 1987)

An informant from a different Nyanga street committee mentioned that such plaintiffs before his committee might insist on compensation rather than repair or replacement. Neither, however, told us what happened if the court's orders were not obeyed.

More potent, however, may be the power to evict. In the squatter camp areas the committees can evict people from their shacks, and the evidence indicated that they use this power. One KTC headman, for example, told us about this method of handling the frequent disputes between unmarried couples living together. (Only in these areas can an unmarried couple get a site or house, since proof of marriage is normally required for allocation of a house in the established townships.)

> We do sometimes evict the person whom we feel is the cause of the conflict. In many cases a man is usually the cause. In most cases I find that the man has become tired of staying with the woman concerned, that he now has seen someone else and so wants the woman he is staying with to leave. In such cases I evict and forbid the man from going to the shack if the partners do not reconcile within a prescribed term, which I normally give as not more than two weeks. For the first three days after the eviction some of the members of the committee usually visit the shack concerned. I usually send them during the late two hours of the evening (maybe 9–11 P.M.). After the three days the woman must come to us if she has any problems. We have been successful in a number of these cases. (Interview, 17 November 1987)

We were also told of another KTC committee protecting a pregnant woman from eviction by her boyfriend from the common home. "We told him that if he expelled the woman from the shack, we were going to evict him and let the woman have the shack" (interview, 16 November 1987).

We were not surprised that squatter camp street committees used this power, but we did not expect the street committee informants in the old, established townships of Guguletu and Nyanga to say that they too could punish with eviction a person who refused to accept their judgment. In all such cases the committees re-

ferred this sentence to their executive committees before executing it, and then apparently asked the housing authorities to reallocate the houses in question—for example, where the offending family persisted in keeping a noisy shebeen (illegal drinking house). As waiting periods for housing can extend to twelve years or more, eviction is a very serious punishment, especially since even lodging space is in short supply and anti-squatting laws are enforced outside the recognized squatter camps. We were also told of cases where unruly juveniles were "sentenced" to live in the single-sex hostels, on the assumption that the more authoritarian mode of the predominantly rural occupants there would deal with any youthful indiscipline.

F. Street Committees and Amasolomzi

At various times in all the townships nonstate community police, usually known as home guards or *amasolomzi,* have existed. Indeed, nonstate informal adjudicative and policing structures currently exist in most African townships throughout the country (see Hund and Kotu-Rammopo, 1983; Fisher and Logan, 1987; Hund, 1988; Seekings, 1989). Since evictions, corporal punishment, even if only of juveniles, and possibly enforcement of fine payments all require physical force, we asked our informants whether the street committees used these informal, community police to assist them.

The answers varied and the picture that emerged was complex. Who comprised the home guard and whether they were registered at the administration board offices varied from township to township, but, broadly speaking, relations between street committees and home guards in some townships were close, to the extent even of regular consultations between the two bodies, with some street committee members being members of the home guard. As a result, when the youths of some areas and their street committees came into conflict, as described below in section V, some home guards were either replaced or disbanded.[19] Even after the 1985–86 phase of intense political conflict, however, the association between street committees and home guards in many areas was so close that the men of the home guard probably acted for the court on a number of occasions, though in what capacity was unclear.

[19] Confusingly, since October 1986 the government has set up a "homeguard" in the Nyanga/New Crossroads area. Members are given six months of training, armed and paid by the government, and are most unpopular with the great majority of residents (*Crisis News,* February/March 1988; Catholic Institute for International Relations, 1988). They are pejoratively referred to as *kitskonstabels* or *bloudoeke*—the latter being a reference to the fact that they are perceived as legalized criminals. Officially, by section 34(1) of the Police Act No. 7 of 1958, they are temporary members of the South African police, as special constables.

G. Appeals from Street Committee Decisions

Street committees, as has been indicated, are linked to the two other structures above them: the executive committees and the Western Cape Civic Association. However, the linkage to the latter is very tenuous.

Executive committees usually insist that cases go first to the street committees, though in New Crossroads we were told that cases involving youths that the youth committee could not solve were referred directly to the executive committee, the youth committee being empowered to provide counselling, attempt reconciliation, or punish its members. In some areas at least, executive committees will also hear cases at first instance between parties from different street committees. It is indicative of the ethos of street committees' judicial functions that the explanation always given of why cases which had already been heard at the lower level came before executive committees was that the street or youth committee had not managed *to settle* the dispute and the case had therefore been referred to the executive committee. The executive committees' procedures, methods, and criteria in settling a case did not appear to differ from those of the street committees, and cases were fully presented all over again, often with the street committee that had originally heard the case present. Executive committees each also had their own views on which types of cases they would exclude from their hearings. However, as mentioned above, it appeared that in some areas at least, the executive committee had to ratify eviction orders before they could be executed and in other areas only the executive committee could use force to ensure that judgments were implemented.

H. Community Councillors and Street Committees

When Cape Town's Community Council was elected in 1979, the 1977 legislation officially placed it over the ward committees (as the executive committees in older—and at that time, the only—three townships were known). Final appeal was to this council. From it, an unsolved problem would go to the superintendent of the administration board. Some street committee members were persuaded to become community councillors also, and links in at least two of the townships were close. Community councillors met with the chairmen of the street committees in their wards to discuss cases. In addition, the community councillors would call meetings of the chairmen of all the committees in order to disseminate government orders. The street committee chairmen would relay the information first to other members of their committees and then to the residents at large. Nyanga informants indicated that some street committees there declined to have anything to do with the community councillors, but we were unable to corroborate this or to find out how it was achieved. As cooperation with

community councillors is a highly sensitive issue now, some respondents may have underplayed their links with Community Councils.

Once the township of New Crossroads was established for the former squatters who had been "legalized," the community councillors called a meeting of street committee chairmen in February 1985 to enlist their cooperation, holding out the lure of material rewards. However, when the residents were informed of the invitation, they—not surprisingly in the light of their past history of conflict with the administration—rejected it on the grounds that they did not recognize community councillors, not having elected them. During that period councillors had been elected by notoriously few voters, even before the political conflict that erupted in the mid-1980s: in Cape Town, for example, in the November 1983 elections only 11.6 percent of the electorate voted (South African Institute of Race Relations, 1983). Those chairmen of street committees who showed signs of collaboration with community councillors were given warnings by their constituents.

In most of the KTC squatter camp and the site-and-service areas of Khayelitsha the question of Community Council representation did not arise, presumably because of the long history of conflict between residents and the administration in those areas.[20] Although elected street committees did exist in the core housing area of Khayelitsha at the time of our interviews, we were told by the community councillor interviewed that they had no judicial functions, and only functioned as burial societies. The residents, we were told, took their domestic disputes to the government-created development board (and its successor) office, which immediately referred the problems to the community councillor of that particular area within the township. Street committees notified the council of problems that arose in their areas, and were in return notified of the outcome of cases involving their constituents. Nonetheless, the link between them and the council did not appear to be as close as was the case in some of the older townships. According to our informants, the street committees in Khayelitsha had emerged independently of the council, and no community councillors were also street committee members.

Thus the attempt by the state after 1976 to restructure local government in African townships highlighted some of the inherent contradictions of South Africa's various separatist doctrines. On the one hand, the African population was expected to express its own cultural peculiarities in townships geographically separated

[20] The exception was in an area of KTC called "The 200," referring to the only area of neatly aligned shacks, numbering 200, that were "owned" by a community councillor name Siqaza, who had the "right" to allocate shacks to his "followers." There was considerable tension between his area of KTC and the adjacent one. Siqaza was subsequently killed on Christmas Eve 1985 for allegedly being a "sell-out."

from those of other groups. To this end special state courts were established for Africans to apply public law and African customary law, and a sector of the African population was coopted to govern the townships. Yet, on the other hand, the intrusiveness of the authoritarian apartheid state made any courts and local authorities it created so questionable—and therefore ineffective—that the township populations created their own civic and dispute-settling structures, coupled with their own informal police forces. These adjudicative and mediational attempts to win some space from the state applied local values (albeit patriarchal and gerontocratic). Yet as shown above, they were very vulnerable to co-optation by the state.

V. STREET COMMITTEES AND THE EFFECTS OF THE 1986 POLITICAL CONFLICT

The situation in the African townships in Cape Town became increasingly volatile from the beginning of 1985. Nationwide rent boycotts had spread to the Cape townships and the state was attempting to break them (*Cape Times,* 25 November 1985; South African Institute of Race Relations, 1985). Lingering uncertainty about the right of approximately 160,000 squatters to remain in the region resulted in tensions which exploded into open conflict with the police during February. Eighteen people were killed in these clashes. The proposed relocation of *all* people classified as African (approximately 700,000 at the time) in the Western Cape to the newly proclaimed township of Khayelitsha provoked outrage and protest from the affected population (South African Institute of Race Relations, 1985). At the same time the schools crisis was taking the form of boycotts, rallies, and marches, coupled with "alternative" teaching programs and "people's education" (Hall, 1986). A schools crisis in 1980 had won some concessions for Coloured schools, such as compulsory schooling introduced in 1982, but there was (and is to date) no compulsory schooling for African children and few other signs of improvement (Jordi, 1987; Philcox, 1988).

The massacre of 21 March 1985 in Uitenhage in the Eastern Cape[21] unleashed nationwide protests, and a state of emergency was declared in some areas of the country (Kannemeyer Commission, RP74-1985; Proc. R121, 21 July 1985). Although the Cape Town area was initially not included under the emergency declaration, the state was hard-pressed to cope with the spreading insur-

[21] This shooting and killing by the police at Uitenhage of at least 19 people on their way to a funeral was the first of several incidents in which the police opened fire on crowds in questionable circumstances. However, this was the only incident that resulted in a judicial commission. The judge found the police version of events to be either false or exaggerated in several key respects, and described the issue to the police of only lethal weaponry as both irregular and illegal. See Kannemeyer Commission, RP74-1985: 76–114, 144–48.

rection there, too. It called on the army and police to patrol the townships, and detained and/or prosecuted many of the "agitators" or "ringleaders." Meetings and rallies were repeatedly banned, so that it became very difficult for community organizations to organize and discipline political activities. News embargoes, blackouts, and disinformation increased the role that rumors played in disseminating the "truth" in the townships (South African Institute of Race Relations, 1985). The police's extensive use of informers within the townships created a sense of unease and distrust that easily flared into "witch hunts."

It was a situation in which anger and youthful militancy escalated very rapidly. The relationship between street committees and Community Councils only partially survived the political conflict, which was spearheaded by politicized youths known as "comrades." They proved so threatening to community councillors, whose homes and persons were attacked in various areas, that many councillors resigned. As least one who did not resign was killed. Street committees in some areas hastily disassociated themselves where possible from any connection with community councillors. In Langa, where the association had been particularly close, fear of the comrades and the people's courts they established caused the street committees to cease all but burial society activities, and to let the comrades take over their other functions. One informant there, a street- and ward-committee chairman, resigned to protect himself and joined the local people's court, where his experience made him an immediate leader of the court. He continued his duties as chairman of the remnant burial society, however, and, when interviewed in January 1987, reported that if domestic disputes were brought to the society, it would attempt to deal with them as before. If it failed, the parties would have to adopt some other strategy, normally going to the administration's office.

In Guguletu the street committees fared somewhat better. Some members who feared identification with the community councillors resigned, but the committees continued more or less as before, although they lost much of their court business as many plaintiffs chose to take their cases to the people's court, with which the committees had no relations. The appeal of the people's court, one informant suggested, was that the comrades gave instant redress. Street committee interviewees reported that the street committees no longer sent cases they could not solve to the ward committees and community councillors, but sent family disputes back to the families and disputes between neighbors to the administrations office. On the other hand, a community councillor for the area reported that the ward committees were functioning as normal.

In Nyanga a court run by the youth (the Youth Brigade court described in section VI.A) took over the street committees' judicial functions in juvenile cases. Interviewees approved of the Youth

Brigade court, which they felt controlled the youth well—the street committees actually referred cases involving youth to them—but were less appreciative of the so-called comrades or *amaqabane,* who subsequently took over the Youth Brigade court. Otherwise the street committees continued their normal judicial functions, not having been threatened since they were not regarded as political untouchables (as were those street committees who had had close contact with the community councillors). It is, however, significant that by October 1988 there had been no Community Council elections in Guguletu, Langa, or Nyanga, as there were only eight candidates for twenty council positions (*Argus,* 22 November 1988).[22]

In the remaining areas, the overall message was "business as normal." New Crossroads street committees identified with community councillors were threatened but in general continued to function. No relationship was established with the people's court. Both the Khayelitsha council and the site-and-service areas executive committee claimed to have been unaffected by the people's court there. The KTC informants, while painting a rather tense picture of past events, reported that in the KTC squatter camp the street committees managed to coexist with, and eventually outlast, the people's court:

> There were people who used to go to the people's court for their problems. These problems were not solved, and the people concerned used to come to us ultimately for a solution. In other areas one partner would come to us and the other one would go to the people's court, to the comrades. The comrades used to come and physically fetch the person. We used to wait for them at the person's place with him so that when they came we would tell them that the case was being handled by us. They used to accept that. (Interview, 16 November 1987)

Another KTC interviewee claimed that it was mostly women who went to the KTC people's court and explained that women always wished to have their husbands punished and were therefore well satisfied with the comrades' mode of summary punishment. Supplementary information did indeed indicate that the KTC people's court acquired a reputation for punishing adult males, in contrast to street committees, which would preach conciliation or, often, support the man's view. A member of the court reported, for example:

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[22] Eight candidates were elected to a twenty-member council, with the result that there was no quorum. In November 1988, under section 29A of the Black Local Authorities Act, No. 102 of 1982, S. P. Nande was appointed as administrator of Ikapa (the Black local authority for the Cape), and the eight councillors acted as advisers to Nande, who has full Council powers. Of the eight elected, one has died and one has resigned.

> A man whose wife was a drunkard . . . found that she was always drunk without having cooked for him when he came from work. He decided to beat her, and she came to report him to us. She was drunk even at that time. We divided in two: there were people who said the husband was right as he did not hurt her [badly] and she was drunk; others said he could have come to us to report her before beating her. He ended up getting 50 lashes, as the side favoring punishment won and the "magistrate" chairing the meeting was weak. This caused women to take advantage of their husbands, as they were always saying to them whenever they wrangled [with] their men and threatened to be beaten [were threatened with a beating] that "I will report you to the people's court and you'll get 100 lashes." (Interview, 21 November 1986)

However, it appears that the people's court's support of women had less to do with a belief in gender equality than with the need for a constituency. The KTC people's court was a youth initiative in a squatter area. Squatter areas are usually tightly controlled by the governing committee—in this case the informally elected leadership called the Masincedane Committee—because they have the "right" to evict problematic residents. They are run along more patriarchal lines than the formal townships, and the youth do not have much power. Throughout the history of KTC the youth groups were far more radically inclined than the Masincedane Committee, and only very rarely had representation on it. One respondent succinctly explained the punishment policy of the KTC people's court as stemming from the fact that sometimes the youth who chaired the court "enjoyed listening to a man crying" (interview, 21 November 1986). The people's court was eventually forced to close in August 1987 (Schärf and Ngcokoto, in press) and, by the time of our street committee interviews in KTC in November 1987, our respondents claimed that the street committees were back to normal and that all cases were heard by them, with no people's court in operation there.

In the light of this history of conflict between the street committees and the people's courts, we look now more closely at the people's courts.

VI. PEOPLE'S COURTS IN SOUTH AFRICA

The idea of collective justice in the form of people's courts is not a new one in South Africa or in other countries in a state of intense conflict (Santos, 1979, 1982; Fitzpatrick, 1982; Spence, 1983). They became a prominent feature of the political scene in South Africa from the beginning of 1985 until they (and most news and views about them) were silenced by the power exercised by the police in terms of successive emergency regulations. The courts sprang up with remarkable rapidity in many African townships throughout the country (as outlined in the case of *State v.*

Mayekiso, Supreme Court of South Africa) as part of a community initiative to combat the growing crime rate caused by members of the townships exploiting political turmoil. Major extra-parliamentary political movements decided to try to create disciplinary structures for other reasons too. The consumer boycotts, which had begun during the first few months of 1985 (South African Institute of Race Relations, 1985), stimulated calls for policing efforts, but the United Democratic Front and its affiliates, which opposed the apartheid state, could not resort to state courts and police forces. Members of these political movements also wished to demonstrate to the township residents that the movements were capable of running most aspects of township life, including the administration of justice.

But more than these utilitarian reasons influenced the formation of "people's courts."[23] They were ideally conceived as both courts and places where a moral vision of a desired future South Africa could be communicated to the residents. They were also intended to be a way of involving all residents in political structures. The people's courts were thus—in some cases at least—an attempt to experiment with prefiguring the lowest rungs of a post-apartheid adjudicative infrastructure. Unfortunately, as fledgling structures in an experimental phase, they inevitably varied markedly across regions not only in their makeup and practices but also in their deviations from the standards of justice that they had set for themselves. Moreover, in regions where the political organizations were not strong enough to gain, or keep, control of people's courts, they could be diverted from their original goals and used to promote the interests of those who usurped them (such as street gangs).

Writing the history of these courts even five years after their emergence, and under conditions where they have been forcibly suppressed, can be at best an incomplete enterprise. The information about them is still sensitive, and prosecutions against incumbents of the courts are possible, though less likely in the De Klerk era. Moreover, since only adherents of certain political inclinations were willing to talk to us, the resulting picture inevitably reflects mainly the perspective of those people.[24] The full story may become clear only at some later stage, when the political spotlight is less searing. Nonetheless, we believe that this sketch of the rise and fall of the people's courts in Cape Town allows us to identify some elements that may point to a post-apartheid adjudicative in-

[23] What we refer to here as people's courts were in many areas known as "street committees"; these people's courts should not, however, be confused with Cape Town's nonpolitical street committees, which we have just described.

[24] A fuller national picture is gradually emerging as more studies and analyses are published, most notable of which are Seekings's (1989) overview of the Pretoria-Witwatersrand-Vaal region and Lodge's (1989) national analysis.

frastructure. We use a case study for that purpose: the history of the first of Cape Town's several and varied people's courts, that in Nyanga East.

A. The Formation of the Nyanga East Youth Brigade Court

In many ways the formation of the court conformed to national trends described above. It emerged during February 1985 as a result of several converging forces. The first was the growth of political momentum throughout the country which produced a number of such courts, notably in the Eastern Cape. Some of the founders of the Youth Brigade wanted to establish a similar forum in Cape Town in order to introduce the same political agenda there as elsewhere. It would also enable them to recruit followers to their organizations and educate the youth of the townships politically.

The second stimulus for the court was the growth of criminal activity on the part of marginalized youth exploiting the opportunities for theft and extortion created by conflict and confusion in the townships. These youngsters were products of the turbulent struggles in the black schools of the preceding years, when boycotts, disruptions, and high levels of state intervention had substantially diminished the already poor quality of schooling. A sizable number of school children had dropped out of school. We refer to them as marginalized because they were not part of any structures, not even street gangs, and most of them had not found any form of employment. The police seemed to be unable or unwilling to do anything about the crime wave these youths caused—perhaps because they were concentrating on policing political activities. Township residents were being robbed, assaulted, raped, and having their houses broken into and their goods stolen by these "hooligans," as they were labeled by the founders of the Youth Brigade court. However, when the hooligans caused a power failure by sawing off electricity poles, snipping the copper wire, and selling the metal to scrap metal merchants, they had overreached themselves. Some youths who were thereby inconvenienced set up a patrol to catch and punish those responsible, as the adults had done before them when they perceived that the township streets had become too crime-ridden for comfort. Initially the youths, through these patrols, succeeded in reducing opportunistic crime somewhat, but a solitary patrol of some fifteen youths could not cover their whole area of Nyanga East all the time. Complaints were brought to them by victims and witnesses. To evaluate these allegations, they began to run a court as well as a patrol.

B. Initial Operation of the Brigade Court—Democratic Idealism?

The founders of the Youth Brigade aimed at running the courts according to an ethic of what Cain (1988) called "collective justice" and a caring community. Within a relatively short period of four to six weeks these ideas took shape, which suggests that examples were adapted from elsewhere in the country, most likely the Eastern Cape. The court was composed of members of the newly formed Youth Brigade, which developed after about two months of loosely structured activities by the young males of the area. The Youth Brigade elected four officers: the chairperson, the clerk (who was in charge of the record), a keeper of the complaints book, and an orderly. The chairperson, who conducted hearings, had no voting rights.

A complainant began an action by having the gist of the complaint recorded in the complaints book, and efforts were then made to bring the defendants to the court. Depending on the circumstances, the complainant was either asked to bring the defendant to court on the designated day, or was given a letter from the Youth Brigade to hand to the defendant instructing him or her to appear. Alternatively, the Youth Brigade would send its patrol, the "pick-up team," to bring the defendant to court.

Once both parties were present, the complainant was given the opportunity to speak, after which any member of the Youth Brigade could ask questions. The defendant was also allowed to put questions to the complainant. Then the defendant was asked to explain his or her position and was again liable to be questioned by members of the court and the complainant.

Questions of guilt and punishment were settled by means of a majority vote by all members of the Youth Brigade who were present. Proposers of punishments had to justify them, after which the proposals were voted on. The aim was for the punishment process to alert the wrongdoers to the consequences of their actions, especially the damage they were doing to the liberation struggle and community solidarity. Punishment was usually accompanied by a lecture on how the ideal comrade of a future, apartheid-free South Africa was expected to behave. Punishments were intended to be less impersonal and alienating than those of the formal system, and to demonstrate to the wrongdoer that a caring community awaited him or her once punishment was over. During the initial phase of the court's existence, punishments were not excessive and aimed to provide some community service, such as cleaning old people's yards, distributing pamphlets for political organizations, returning stolen goods, paying for damage, or performing some service for the criminal's victims. When the court determined that the crime warranted physical punishment, it was administered by several members of the Youth Brigade, rather

than by an individual, in order to stress that the offense was also an injury to the community. A sentence of fifteen lashes with a sjambok (a quirt) was not generally considered excessive, even though in the formal courts the maximum number of lashes was seven. Such a sentence was pronounced as "five-by-three," which meant that three members of the Youth Brigade administered five lashes each.

Once the punishment was over, the defendant was invited to join the Youth Brigade and, after some "reorientation," become a member of the court. The idea behind this process was that the former deviant was expected to learn to be responsible under the tutelage of more senior members of the Brigade. To this end evening review session were held, in which the day's cases were discussed and the desired punishment policy explained. Members of the Youth Brigade who had called for overly punitive sentences during that day were castigated during the reviews.

Yet, however just and nurturing this phase of the court's development may appear, it was based on a patriarchal notion of democratic procedure and praxis. No girls became members of the Brigade even though cases involving females were heard. When asked to explain this, a founding member replied: "I think the response rate for females were [*sic*] very slow [meaning that they did not ask to become members of the Brigade] and that they could not be sworn to secrecy: because of the way that they were brought up they would easily divulge confidential information" (interview, 5 October 1989). Various cases illustrated the male-centered values of the court. For example, a youth and a girl happened to leave a shebeen at the same time one night after drinking there, and he propositioned her. She swore at him and he slapped her. She fought back and he stabbed her. She brought a charge against him in the Youth Brigade court. Even though he refused to come to the hearing and had to be collected by the pick-up squad, his only punishment was to pay for the taxi to take her to hospital. The court found that she has "asked for it" by swearing at him (interview, 15 October 1986).

Most defendants brought to the Youth Brigade court were unmarried, and it was considered appropriate that an all-youth court should pass judgment on them. Cases that involved adult matters, over which the youths had no jurisdiction, were referred to adult groups, usually street committees or "civics." The adults in the Nyanga East community initially expressed their support for the court, as it was considered responsible for a substantial drop in the area's crime rate.

C. *Losing Credibility: The Interaction of Politics and Punishments*

Unlike some courts in other parts of the country, the court was initially not aligned to any political movement, whatever the hidden agenda of some of its members might have been. There are in South Africa two major black ideological tendencies: Black Consciousness and Charterist. Black Consciousness is articulated by, amongst others, the Azanian People's Organization (AZAPO) and its affiliates, including the Azanian National Youth Union (AZANYU) as its youth wing. Charterism (adherence to the Freedom Charter drawn up in 1955 by the African National Congress—ANC—and its allies) was articulated in South Africa while the ANC was banned by, amongst others, the United Democratic Front (UDF) and its affiliates, including the Young Christian Students (YCS) and the Cape Youth Congress (CAYCO). The major difference in approach at present is that the Black Consciousness groups tend to accentuate black advancement and black awareness in preference to collaborating with White liberals or radicals at the current stage of the struggle against apartheid. By contrast, the Charterist policy is committed to welcoming supporters of the principles of the Charter regardless of pigmentation. Although it is difficult to gauge their relative strengths because of uneven media coverage, the Charterist movement seems much the stronger of the two.

Relations between the two movements have ranged from cordial to hostile, but each has generally organized its own events through its own structures and in its own particular style. Some—and at this stage it is impossible to assess what proportion—of the people's courts that were created throughout South Africa from early 1985 onward (the police allege that there were some four hundred) were formed as part of a UDF-linked initiative.[25] However, as mentioned above, available evidence suggests that the Nyanga East Youth Brigade was, at the outset, merely a youth version of the groups of peacekeepers (*amasolomzi*), who "swept the streets" of the townships whenever the crime rate became intolerable for the residents.[26] During the first few months of the court's existence, the intention was to deal only with conventional crimes,

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[25] Major Stadler testifying in the case of *State v. Mayekiso,* Supreme Court of South Africa); *Frontline* 1986: 11–16; *Weekly Mail,* 9–15 May 1986, 17–23 July 1987; *Mbithi Fuba v. Minister of Law and Order,* Supreme Court of South Africa; *Bhongolethu Civic Association v. Minister of Law and Order,* Supreme Court of South Africa).

[26] Cape Town people's courts in this period do not, in general, appear to be part of the UDF initiative: two courts that claimed to be people's courts began to operate in Cape Town later than the Youth Brigade court—in the KTC squatter camp and in Section 3 of Guguletu—but neither of these were linked to the UDF. Only one of the city's township courts appears to have enjoyed the approval of the UDF (in Section 2 of Guguletu), but our evidence at this stage is weak.

not cases relating to disciplinary infringements of political movements' ethical codes. This made it possible for youths concerned about the crime problem (regardless of their political leanings) to join the Brigade. It appears from our interviews with the members of the court that none had a mandate from his organization to join.

Despite this aura of neutral crime prevention, by the beginning of August 1985 the court's popularity in the township had declined, owing to its increasingly punitive sentences. The incorporation of offenders into the Youth Brigade court carried with it the seed of its own destruction. Such an ideal could work only where adequate "reeducation" was available. But if its nature and timing were not ideal, it would be highly likely that the antisocial—and still "unreformed"—elements brought before the court would soon outnumber the activists on it, threatening the court's legitimacy. Moreover, such youths' understanding of punishment had been partly shaped on the streets and lacked political sophistication.

Events temporarily came to the court's rescue—but, indirectly, led to a struggle for its control. This greatly increased its punitive mode and, ultimately, its unpopularity. As a result of the politically organized consumer boycott against White retailers, which began during the week of 12 August, a number of cases were brought before the court. Youngsters who were not members of political organizations but had adopted the powerful title of "comrades" (*amaqabane*) were assisting in enforcing the consumer boycott. The political groups, who had far too few members to police the boycott adequately, did not object initially, especially as they were also keen to recruit people. But when these pseudo-comrades began to use their policing function to mask what were really robberies, the political movement, particularly the UDF, was blamed. The pseudo-comrades "confiscated" illegal purchases at the roadblocks they set up, but rather than handing over the confiscated items to the political organizations, they kept them for themselves. The people's court came under pressure from the community to punish this behavior and did so with considerable vigor.

The hearing of consumer boycott cases, and the punishment of abuses of the status of comrades, won back for the Youth Brigade court some popular support. However, that approval and condonation of the harsh punishments strengthened the punitive momentum. This was opportunistically seized on by the dominant personality in the court, a charismatic Black Consciousness activist who had spent a considerable time in Robben Island Prison as a political prisoner. According to both Charterist members of the court and Charterist activists who were not members of the court but tried to intervene to change its punitive praxis, he was using the court to gain a personal following. Their view was that different and competing punishment policies came to reflect the policies of

the various ideological groups. His punitive approach won overwhelming favor with the growing number of formerly marginalized members of the Brigade, who had been street fighters and bullies until their recruitment into the Youth Brigade after punishment by it. The Charterists maintained that their punishment policy, by contrast, emphasized more educative and community-service-oriented aims. They quite freely admitted that they, too, were trying to recruit members to their organization through the court but, despite their relative strength in the region, their milder punishment policy prevented them from gaining dominance over the court. It must be noted, however, that we have no evidence from Black Consciousness ideologues that their punishment policy is more punitive than incorporative. The Charterists' retrospective interpretation may contain self-justifications for the later developments.

The punitive momentum of the court was further stimulated by the escalating conflict between township residents and the state's armed forces. Burning barricades were set up by teenage activists, duly assisted by the marginalized youth, whose prowess at street fighting and ability to throw themselves into the heart of the "action" enhanced their sense of self-worth through "participation in the struggle." Protest marches and meetings were being held intermittently, inevitably countered by police and army intervention with tearsmoke, birdshot and buckshot, and, often, dispersal charges in which demonstrators were whipped with quirts and batons. The police and army were in turn pelted with stones, other missiles, and petrol bombs, and on occasion there were attacks on the houses and persons of state collaborators or those alleged to be so. The situation on the streets was that of a low-intensity war. Violence was part of daily experience. All our interviewees expressed the view that the police were indiscriminate and excessive in their interventions, and their behavior tantamount to lawlessness. The state justice system to which the interviewees had been exposed was perceived in their ranks to be prejudiced against the interests of blacks, particularly black youths. Their own justice, therefore, even if punitive, was still in their eyes fairer and more humane. This was particularly so for those less sophisticated members in the age group of 16–23.

Within eight months the membership of the Youth Brigade had grown from about fifty to three hundred, and the activist leaders of either persuasion were able to give the new recruits, who lacked political education, only minimal supervision and discipline. The democratic voting practice was increasingly abused by a punitive clique that began to express its views ever more forcefully. Whenever a particular decision was passed by a substantial majority (e.g., 70 to 6), the punitive clique began questioning the integrity of the minority, suggesting that they were in collusion with the defendant, going against "the will of the people" and therefore

deserved to be punished with the same number of lashes as the defendant. Their domination of the voting procedure made a mockery of the democratic process, and defendants were almost uniformly convicted.

In these circumstances the Charterists, having lost control of the court and the Youth Brigade, felt particularly vulnerable—although their accounts to us may have been exaggerated, and it is also possible that it was their advocacy of less punitive and alienating sentences rather than their political allegiance as such which led to their victimization by the court. Whatever the cause, the Charterists claimed that they were alleged to be in collusion with the accused and that some of their members were whipped for voting in favor of the accused. Thereafter, there was great apprehension about voting. One of the officials of the court told us that several members of the Youth Brigade would drift out of court shortly before cases reached the voting stage, and those who stayed carefully weighed the support for contending factions before deciding how to vote. The democratic judicial process was thus overridden by the power of the more punitive clique. The example that follows shows how CAYCO activists who tried to dissuade the court from punitive action were treated and how the youths dominating the court expressed their antagonism toward the "intellectuals." It also demonstrates the mood of intolerance toward friends of the accused who spoke for or represented him. The words are those of an activist who attended the court to support his friend, M (the defendant), charged with raping M's girlfriend, D:

> So the court asked some questions, some individuals, like what were the intentions of forcing the lady to got [*sic*] into the car [and raping her]. And then M [the defendant] said, "I was having a right to do so because it was my girlfriend," and I tried to explain in front of the court that it is very difficult to interfere in two people. And I was fined [meaning: it was thought], oh, I'm defending M, and I was taken as if maybe I'm coming to react [meaning: act] as M's lawyer. . . . And then another guy stood to blame [meaning: cast blame on me], I mustn't come with my academic ideas, and the whole court was very confident to D's statement [meaning: of D's version of events], and then I was dopped [forced to bend over] and sjambokked and taken outside and then given a lot of lashes in [on] my body, and then I was taken back into the hall, and then the house took decisions about the punishment M was going to get. Others [some] suggested he must get 20 by 2, and others suggested he must get 10 by 5, and the majority felt that he must get 10 by 5, and then 10 by 5 was the winning decision. And then after that he was taken out and given a [the] punishment, and the problem lies with me [meaning: I was seen to be the remaining problem], because some of the people felt that a person who was defending a criminal,

> they were recognizing [identifying] me as a criminal, should also get some lashes. And then others [some] felt that they can't give me some lashes, I'm already punished. (Interview, November 1986; the interview was conducted in English, not the first language of the interviewee)

The virtual certainty of a successful conviction following a complaint caused some township residents to use the court to settle scores with personal enemies. Sentences escalated to extreme levels: as many as one hundred lashes were administered. Public opinion in the townships reacted against this, and support for the court dropped considerably.

D. Generational Conflict and the Question of a Legitimating Constituency

It is possible that excessive punishment alone would not have much affected the court's legitimacy in the eyes of the townships generally. The crucial factor which turned the townships against the court was its increasing tendency to take on cases involving adult defendants. In a context in which rites of passage from boyhood to manhood were still overwhelmingly observed, the arrogation of authority and leadership roles by the youth was unacceptable to the older generation. The majority of African males in Cape Town still go to initiation school and undergo circumcision between the ages of 18 and 25; they are usually considered men only once they are married. Boys are not considered entitled to participate in men's company and talk about men's issues. Yet the political situation had perforce led to an ambiguity in the authority patterns between the generations. As a result of the political turmoil, the battling youth acquired a great deal of prominence and prestige as the "young lions," with a consequent tacit transfer of authority to them to represent adult interests in one arena of the struggle—the streets. But the youth also tended to urge ideals of democratic decisionmaking, in which they expected to participate, and to seek a degree of authority in the formulation of ideas and policy. At schools and colleges strategies of struggle were worked out, and often executed, with little consultation with the older generation, who were often asked, and expected, to cooperate with these tactics.

The extent to which the new generational dynamic, resulting from political developments, replaced the old throughout the country depended on the relative strength of the adult and youth organizations in each place. In some regions the vesting of circumscribed authority and power in the youth proceeded in a way that was satisfactory to adult groups. In Cape Town, however, where political organization in the African townships was fairly weak and unpredictably fluid, the relationship between the generations did not develop in a way that favored the adult organizations. The youth, in cases such as the Youth Brigade court, exercised unac-

ceptable power and, as a result, faced a strong backlash. They therefore had to rely on ever increasing force to assert themselves.

In such a situation, the court can retain or regain legitimacy only from the protection of, and legitimation by, a political movement. This did not occur. The court was still not formally attached to any single political movement and was felt by adults to be out of any control. The explanation for this lack of allegiance may be that AZANYU's emphasis was not on creating and running courts but on "destroying the settler regime." It therefore did not seek to annex the Youth Brigade court, even though the majority of court members were ostensibly followers of the charismatic Black Consciousness leader. The court thus saw itself as broadly accountable only to some vaguely defined local community (interview, 13 October 1989). As a result, there was no organization to cast the protection of its name over the court, and none whose admonitions the court members would heed about the deteriorating legitimacy of the court.

The tense relationship between political youth movements and the adult organizations in Cape Town's African townships contributed to the court's failure to join an adult-run political organization. The youth movements were loath to abide by directions from adult groups, particularly if these emanated from the squatter areas, whose conservative leadership they considered an impediment to mass democratic mobilization. The legal status of Africans in the Western Cape had resulted in major structural divisions. Until mid-1986 a considerable portion of Africans living in Cape Town (perhaps as many as 40 percent) were there illegally according to the influx control laws. They tended to congregate in the squatter shanty settlements, where political organization usually followed conservative, rural models that bolstered patriarchical, gerontocratic values. The seniority of men over boys—the unmarried, uncircumcised population—was deeply entrenched. Charismatic leaders, who could negotiate with the state and mobilize help from service organizations and the media, extracted an allegiance from their followers that resembled the relationship in nineteenth-century southern African chiefdoms between chiefs and their followers—a relationship with many similarities to a feudal retinue. This emphasis on hierarchy and the tendency toward autocracy led to forms of organization particularly unsympathetic to "juvenile" participation in democratic decisionmaking: hence the antagonism between the youth movements and squatter leadership.

Nor was there a better relationship between the youth movements and the Youth Brigade court. Although some members of the Brigade court belonged to youth movements affiliated to the UDF, they were not mandated by their organizations to join the Youth Brigade. In several instances our interviewees conceded that they had received considerable criticism from their organiza-

tions for continuing involvement in a court with such excessive punishment as to make it most unpopular with the group most likely to be brought before it. As a result, there was then no township group, of any age, that could curb the Youth Brigade or legitimate it.

To make matters worse, the lack of political sophistication of the dominant group in the court further increased its loss of legitimacy. Although they had taken on some politically related cases, the court leaders still saw themselves as politically unaligned and were so naive that they asked Major Burger, the Station Commander of the Guguletu police station, for permission to patrol the court's section of the township.

> We contacted the Major after some time so that like we wouldn't have a conflict when patrolling and all that with the cops, as it was a state of emergency that time. So then we went to the Major and submitted this statement [letter] so that it should be approved. (*Interviewer:* And what did the letter say?) Asking him for a permit to patrol and see that no crime is going to be committed, you see, around the place. And that actually we are not going to take the people which we caught to him. But the crime rate would decrease. (Interview, 26 September 1986)

The state of emergency, already in effect in other regions, was promulgated in the Western Cape on 26 October 1985. In those turbulent times, only an organization with no political experience could have failed to understand that asking the police to permit their activities to continue would automatically discredit them even further both with a considerable section of the youth of *any* political allegiance and with many adults as well.

E. Legitimacy Regained—Symbolically Taking on the System

Despite this widespread unpopularity, the court was not terminated, and its survival—and, indeed, regeneration—provides a useful illustration of how complex must be any analysis of its sphere of authority.

Its new lease on life began when it became ensnared in a case that challenged the state, in the form of a complaint brought by a resident against the family of a community councillor. The community councillor's wife and daughter had become involved in a dispute between two other women. The complainant reported the matter to the police, who considered it too trivial to warrant their intervention, as it involved only an exchange of insults and threats. The complainant therefore took the matter to the Youth Brigade's court in early November 1985, and the original defendant as well as relatives of the community councillor were summonsed by that court. The defendants refused to appear before the court, as they did not acknowledge its authority to judge them. The Youth Brigade made several attempts to discourage the defendants

from continuing with their insults and threats against the complainant, but to no avail.

The matter apparently became a test of power between the Youth Brigade and "representatives of the system," taking on far greater importance than the substance of the dispute warranted. The Youth Brigade therefore attempted to bring the defendants before its court after the warnings to desist from insult had failed. We did not discover with what threats they eventually achieved their aim, but on the designated day a crowd of between one and three thousand arrived to view the spectacle. Feelings and expectations ran high. Here, we were told, was an opportunity for the township population, through a structure that had a "right" to censure behavior, to express for the first time a moral judgment on the conduct of Africans who had cast in their lot with the state. As far removed from the Community Council system as the defendants were, it was seen symbolically as a choice of siding either with the state or the oppressed majority. It was also, at another symbolic level, an occasion for the youth to discipline selected adults for violating the emerging norms that the youths were intent on spreading. It was a turning point, inverting the generational roles in enforcing discipline.

In the end, the dispute itself never reached the court: the defendant and her supporters' insulting behavior toward the court became the focus of the contest. Inevitably, the request to have the defendant and her three supporters disciplined for disrespect to the court won overwhelming support. All four defendants were forced to lie on a table and receive "ten by six" lashes each (*Cape Times,* 19 May 1987, report of trial). The severity of the punishment was a clear indication of the level of contempt and anger the people felt. Outraged and humiliated, the defendant's party left and laid a charge at the police station. The next day thirty-two Youth Brigade members were detained under the emergency regulations. The community councillor and his family had to move from Nyanga East to Khayelitsha (some seven kilometers away) for their own safety.

The remainder of the Youth Brigade briefly suspended their activities but soon resumed them at the Zolani Centre in a more clandestine fashion. The events of the above case became common knowledge in the townships, and gave the reconstituted Youth Brigade court a renewed following. So many cases were brought to it that the Brigade split up to hear cases in two, sometimes even three, parts of the Zolani Centre. Sometimes these cases continued into the night, and the court also sat most weekends.

Yet despite its caseload, the Charterists continued to view its existence with disfavor. CAYCO and YCS activists told us that they had hoped that once the core members had been arrested, the Youth Brigade would disband and discontinue the court. Even one of the nonaligned founder members of the Youth Brigade, one of

the thirty-two detained and later charged with assaulting the community councillor's family, was deeply concerned that the Brigade had reconvened after the arrest of the thirty-two. In an interview conducted while he was awaiting judgment in an appeal against his sentence, he expressed the view that the "young upstarts' who continued during December 1985 did not deserve to be members of the Brigade as they were too "undisciplined." He was no longer prepared to be associated with the Youth Brigade court in its reconstituted form.

The court continued to operate until 9 June 1986, when the vigilante assault on the KTC settlement specifically targeted its base, the Zolani Centre. Three days later the emergency regulations outlawed people's courts, but by then it was evident from the vigilante attack that township opinion was far more divided about the court than its caseload indicated. With both the activist youth and conservative elders opposing its continuation, and its supporters attracted largely by its excessively harsh punitive policy, it had become in the end as much a source of potential conflict as a conflict resolver.

VII. CONCLUSIONS

Some tentative conclusions and unanswered questions emerge from this preliminary account of our work. The first is that at no stage since the establishment of the colonial state has there been a single, generally accepted adjudicative and enforcement infrastructure that accommodated the needs of the indigenous population. This milieu led to a plurality of both adjudicative and policing structures and practices, which developed and coexisted with varying degrees of compatibility and friction. Galanter (1981) has pointed out that to understand the formal justice system, the full range of informal justice structures and practices must be known. Shearing and Stenning (1987) have argued similarly that to study formal policing and ignore private policing results in only a partial understanding. All these structures and processes interact and, as Santos (1977) and Galanter (1981) have shown, often serve to reinforce one another's sanctions and legitimacy. In tracing the history of informal courts in Cape Town, we have endeavored to demonstrate that informal justice is best understood by examining the adjudicative, enforcement, and policing structures together, focusing on the symbiotic relationships.

Our material also suggests various tentative answers to questions about the nature of informal courts in South African urban settings such as Cape Town, and their consequent probable future existence. We asked whether informal courts are likely to continue or will recur if suppressed. If so, are they likely to provide a form of justice acceptable to the communities they purport to serve? And what role might they play in local power politics? It is

clear that in selecting a forum for settling their disputes, people will try to avoid discredited or impotent courts. Those seeking power in an area where the state courts have been discredited may therefore attempt to attract and hold followers by bringing into existence nonstate, informal courts if they do not already exist or, if they do, by trying to take over existing courts or providing additional courts to hear special cases. The history of Cape Town's informal courts again emphasizes that the whole process of adjudication and enforcement is intimately linked to the process of acquiring and exercising political power. Groups will compete to gain and maintain a following, and thereby secure local power. Where the courts serve small, fairly tightly knit and established communities, the competition between groups may well focus on trivia or personalities, since basic values are not at issue. In such cases the courts tend to concentrate on mediation to enable disputing individuals to continue to coexist, and so are more likely to be conservative than innovative in the value systems which they apply.[27] They are also likely to favor established families rather than the youth when there is a conflict between these two groups' value systems.

However, when there is a lack of agreement on basic ideals in a society, as when new values are being generated, competition for followers is likely to take the form of offering alternative sets of values. In Cape Town the values and tactics of the street committees, which included a strategy of cooperation and negotiation with the state to further the power of the committees, became unacceptable after the uprising of 1985–86 had challenged old modes of operation. Contributing to this challenge was the significant change in the power relations between the generations, leaving the youth with a feeling of empowerment and a desire to attack the way in which informal justice had been exercised. Their courts emerged as a result.

Since domestic disputes form a sizable part of a community's problems, any court established to provide a service (even if to attract followers), will tend to include the settlement of domestic disputes if such work is not already adequately provided for by existing informal courts. Furthermore, a court must offer acceptable remedies and be able to enforce its judgments if it is to keep its credibility as a possible forum. Informal courts in urban areas that cannot rely on a continuing community consensus are much better able to provide some remedies, such as physical punishment, than those that require regular supervision. Some courts may not be able to obtain such remedies as regular maintenance payments or probation-type supervision. Therefore, even courts established by

[27] It is often assumed that any courts emerging independently of the state will favor a more radical set of values. As Abel (1981) suggests and our data demonstrate, this is not necessarily so.

political movements to hear political offenses will, since the movements want followers, probably soon provide a dispute settlement service for all types of disputes, including domestic, unless a satisfactory forum already exists. But political courts, particularly in a context of generational and political divisions, may well be unable to count on community pressure as a means of enforcing their judgments in nonpolitical cases. They are therefore likely to resort to one-off remedies, such as physical chastisement, confiscation, or a fine. They may soon get a reputation for this and begin to attract mainly cases which are best solved by such means. Unfortunately, great discipline is required to ensure that such punishments particularly are not used by those running the courts to exact revenge, indulge in sadistic impulses, ride roughshod over community feelings, feather their nests, or attract hangers-on for a variety of other undesirable reasons. While the informal courts the youth set up were imbued with some idealistic notions of prefiguring a post-apartheid praxis, they did not succeed in sustaining or developing these ideals. Instead they were rapidly overtaken by the turbulent events and youthful excesses induced by their competition for followers and the pervasive violence. The ideas with which people's courts began were not implemented in the unsettled context of low-intensity civil war. This is hardly surprising. As Allison (1987) warns, the tension between revolutionary expediency and prefigurative praxis can easily result in excessive punishment in such situations—and consequent lack of legitimacy.

Allison echoes Sisulu's suggestion (1986) that if the courts do not have a democratic mandate, they can easily degenerate into such populist excesses. Sisulu implies that people's courts should be linked to a party or political movement, and it may be argued that the same should apply to street committees (in the Cape Town sense of the term). However, in the light of our data, it is clear that even if the desirability of such links is agreed upon, there are practical difficulties with this solution to the problem of linking the court's legitimacy to a democratic mandate. In the first place, the residents of the African townships of Cape Town belong to different political groups, or none at all. During the time when political movements were banned and restricted (that is, before 2 February 1990), political commitment was not widespread among township adults or even a large segment of the youth. Given the democratic elections of street committees by all adults in the areas they represent, and the nature of the work they undertake, it would now be difficult for a political group to canvass for a slate of adherents. As yet no political group has adequately developed platforms. As outlined, a large part of the street committee's work inevitably consists of settling domestic disputes, and at present none of the major township political movements is beyond a very preliminary stage of addressing gender, generational, or family

structure issues in the sense of restructuring patterns of basic inequality. More than that, given the divisive nature of these issues, it may be that in South Africa—in contrast to Mozambique (Isaacman, 1982; Sachs, 1984, 1985)—no movement will be able to do so in any meaningful way in the immediate future, though lip service is already paid to the issues. It is true that street committees do deal with a few collective consumption issues, such as sewage removal, which can be made into issues in the political struggle, but these issues have tended to be developed by the Western Cape Civic Association rather than by the street committees.

Further, in the case of people's courts, our evidence of the difficulties for a political movement wishing to take over such a court is borne out by new research on other regions of South Africa. This suggests that people's courts are often independent from specific political organizations. Seekings (1989) describes the efforts of the Alexandra and other youth-run people's courts in the Pretoria-Witwatersrand-Vaal area trying to be "apolitical" and "objective." Our own most recent interviews in New Brighton and Soweto (Port Elizabeth) indicate that youth-run courts there were also unaffiliated. The Nyanga East Youth Brigade court may thus not have been as atypical as we assumed on the basis of some of our own early interviews and comparisons with people's courts in other Cape towns (such as Beaufort West, Graaf Reinet, and Oudtshoorn).

Even where informal courts *can* be linked to political movements, the adequacy of such links for ensuring justice needs to be examined. It may be debatable whether control by political parties is a *necessary* condition for justice to be achieved by the courts; our data, however, indicate that it is definitely not a *sufficient* condition. Neither group or community support for a court, nor mediatory methods of settling disputes, guarantee that minorities (or even voiceless majorities) will be spared having imposed on them a form of justice they find unacceptable; additional safeguards are required.

Although the performance of neither street committees nor people's courts can be admired uncritically, it must be asked what lessons they can teach us for the future. The street committees performed an extremely important role in settling disputes and advancing the values in which their members believed. The very conservatism of these values led them to insist on maintaining the supportive network of the African family. It was a desperate and most necessary defense against the multitude of pressures which threatened to tear apart those networks in a deeply hostile environment. The emerging political groups could provide no substitute for what was obviously felt to be a very real need. On the credit side of any account of Cape Town's people's courts, it must be noted that in its early phases the people's court of the Youth Brigade showed some potential for shaping a new set of ideals of

post-apartheid society and a more progressive notion of punishment. There was obviously a need for courts that administered justice informed by the values each generation supported. It is therefore likely that, whatever their shortcomings, a plurality of different types of adjudicative and enforcement structures will persist, ranging from state-supported squatter leadership which has been persuaded to opt for the patronage and power that flows from cooperation and even co-optation, to politically motivated groups in search of prefigurative justice, each drawing support from different sectors of society.

Thus planners seeking to formulate a future judicial system face a complex task, although not one without hope, as evidenced, for example, by the fact that all the courts operate on a basic pattern of majority vote. As Abel has cogently argued (1973), there is a tension between, on the one hand, the desire to allow local groups and communities full democratic expression and, on the other, the need to subject them to those controls that will allow them to be incorporated into national or regional organizations, whether state or party. The first option implies free operation of local courts, untrammeled by central controls; the second implies the existence of some controls by the larger unit. The dangers in leaving local courts unsupervised center on the vulnerability of weaker groups. The dangers of the imposition of some measure of uniformity revolve around the way local courts are inextricably linked to particular forms of local power and local norms: intervening in them will inevitably produce many changes, some unpredicted and not necessarily for the better, as Abel (1979), Ladley (1982), and Santos (1984) have warned. But, more important, if a central power obliges a local court to implement norms for which there is too little consensus in the local community, the court is unlikely to implement them very thoroughly or effectively. The central power, whose credibility is thus challenged, may then face the choice between humiliatingly public ineffectiveness or enforcement of those norms by its own enforcement arm. Unless these dangers are avoided in post-apartheid South Africa, the judicial system will yet again be in peril of foundering without legitimacy.

CHRONOLOGY

1901:	Most Cape Town Africans moved to Uitvlugt, a specially created African township.
1902:	Uitvlugt renamed Ndabeni.
1902:	First wardsmen appointed for Ndabeni (Uitvlugt).
1910:	South African colonies joined together in the Union of South Africa.
1925:	Cape Town Council took over responsibility for Ndabeni from the central government.
1926:	Regulations introduced providing for election of African members of the Ndabeni Superintendent's Advisory Board.
1927:	Langa opened.
1935:	Ndabeni ceased to exist as a location.

1946: Establishment of Nyanga East Native Location (later simply Nyanga).
1948: Nationalist government comes to power.
1954: Establishment of Nyanga West (later Guguletu).
1961: Urban Bantu Councils Act, No. 79 of 1961, provided for some measure of African civic and criminal authority/jurisdiction over African urban townships.
1973: Administration of Langa transferred from the Cape Town Council to the Peninsula Administration Board (later called the Administration Board of the Western Cape).
1976–77: Disturbances in Soweto spread to the whole country, including Cape Town.
1977: Community Councils Act, No. 125 of 1977, set up Community Councils and expanded their powers beyond those provided under the Urban Bantu Councils Act.
1979: Agreement to legalize Crossroads.
1983: Government announcement that Khayelitsha would be constructed. (It was inhabited from 1985.)
1984: September—protest marches on East Rand flare into widespread protests and violence throughout the country.
1985: 21 March—massacre in Uitenhage in the Eastern Cape.
12 July—state of emergency declared in parts of South Africa.
1986: June, retroactive to 23 April—lifting of influx control on all Africans.
18–23 May—Vigilantes (*Witdoeke*), allegedly state-supported, systematically torch and destroy the satellite camps of the Old Crossroads.
9 June—Despite a Supreme Court verdict, vigilantes, allegedly police-aided, torch homes of 30,000 KTC inhabitants.
12 June—full state of emergency declared over whole country. Renewed and tightened annually until partially lifted on 2 February 1990.

GLOSSARY

Administration Board of the Western Cape: state-run, regional administrative body dealing exclusively with matters concerning Africans: urban infrastructure and, prior to 1986, the policing of influx control and the operation of the commissioners' courts (i.e., the courts exclusively for Africans).

Advisory boards: committees of location residents set up by the administration to advise the location superintendent.

African National Congress (ANC): a liberation movement founded in 1912 to advance the political aspirations of the disenfranchised South Africa population. After being outlawed in 1960, it went underground and into exile until unbanned on 2 February 1990.

amaqabane; comrades.

amasolomzi: home guards or informal community police.

ANC: African National Congress.

Azanian National Youth Union (AZANYU): youth wing of the Azanian People's Organization.

Azanian People's Organization (AZAPO): political group that generally espouses a Black Consciousness perspective.

AZANYU: Azanian National Youth Union.

AZAPO: Azanian People's Organization.

Black Consciousness: its adherents tend to accentuate Black advancement and Black awareness in preference to collaborating with White liberals or radicals at the current stage of the struggle against apartheid. Articulated by, amongst others, the Azanian People's Organization (AZAPO).

Black Sash: an organization of mainly white, middle-class, liberally inclined women, which has, since its formation in 1955, provided assistance and support to predominantly African victims of apartheid.

Cape African Congress: a branch of the African National Congress.
Cape Town Community Council: composed of Langa, Nyanga, and Guguletu Community Councils, which elected an executive committee of five.
Cape Town Council: the Cape Town municipal council, which eventually became the Cape Town City Council.
Cape Youth Congress (CAYCO): affiliate of the United Democratic Front.
CAYCO: Cape Youth Congress.
Charterism: adherence to the Freedom Charter drawn up in 1955 by the African National Congress; the Charterist policy is committed to welcoming supporters of the principles of the Charter regardless of pigmentation.
comrades: *amaqabane*.
comrade's court: people's court.
core housing: basic units which inhabitants are encouraged to enlarge themselves.
Crossroads: illegal squatter camp whose residents were "legalized" after an international campaign from 1978–79; see also New Crossroads.

Guguletu: township founded in 1954 under the name of Nyanga West.
headmen's committees: street committees in KTC.
home guards: *amasolomzi*.

influx control: a government policy which aimed to control very tightly the urbanization of those classified as Black.

Khayelitsha: new township inhabited from 1985, located thirty kilometers from central Cape Town. Includes core housing and site-and-service schemes.
KTC: a large squatter area which began officially as a "transit camp" on land in Nyanga; now adjoining New Crossroads.

Langa: township founded in 1927 to relieve overcrowding at Ndabeni.
location: state-constructed and administered housing settlement outside South Africa's "White" cities and towns, usually exclusively for those regarded as African.

Masincedane Committee of KTC: an elected group of leaders which administers the KTC squatter camp. They are not recognized by the government.

Ndabeni: township founded as Uitvlugt in 1901 and renamed in 1902. Township ceased 1925.
New Crossroads: township in which houses were built to house some residents of Crossroads; now administered as a suburb of Nyanga.
New Crossroads youth committee: a youth committee empowered to provide counselling, attempt reconciliation, or punish its members.

Nyanga: Nyanga East Native Location (later simply Nyanga), established 1946.
Nyanga East Youth Brigade: a group of African youths who in February 1985 formed themselves into a crime-fighting unit composed of street patrols and a people's court. They operated exclusively in the townships of Cape Town: Nyanga and Guguletu.
Nyanga West (later Guguletu): established 1954.
Peninsula Administration Board: from 1973 responsible for administration of Cape Town's African townships. See Administration Board of the Western Cape.

shebeen: illegal drinking house.
site-and-service scheme: an area demarcated by the state for housing, with rudimentary urban infrastructure (basic roads, sewage removal, potable water) and housing sites, on each of which is a concrete slab. Site holders are expected to erect dwellings at their own expense.
sjambok: quirt, whip with short handle and a lash of braided rawhide.

township: later term for "location" (which see) but used for housing schemes of that type for all those not classified as White.

UDF: United Democratic Front.
Uitvlugt: first Cape Town location, created in 1901.
United Democratic Front (UDF): a broad and loose alliance of organizations, including, inter alia, civic associations, youth and women's organizations, teachers' and other professional bodies, umbrella bodies for legal advice of-

fices, and some religious groups. The unifying feature is an adherence to the principles of the Freedom Charter. Came into existence in 1983.

Urban Bantu Councils: councils established in 1961 to provide some civic services for African urban townships. Members of the townships served on the councils, which were set up to provide an urban parallel to the rural chiefdom/authority structure.

Vigilance Committees: unofficial bodies set up as part of a wider national movement of largely Christianized and educated Africans with the aim of protecting the rights of Africans.

wardsmen: first appointed in Ndabeni in 1902 and under the supervision of a white magistrate. They were expected to know all residents in their wards and to report anything of interest to the authorities; after 1926, they were elected.

Western Cape Civic Association: the umbrella body of all the associations, both African and Coloured, which do not accept representation of their communities by government-sponsored bodies.

YCS: Young Christian Students.

Young Christian Students (YCS): affiliate of the United Democratic Front.

Youth Brigade: see Nyanga East Youth Brigade.

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