Community Policing in South Africa

WILFRIED SCHÄRF*

1 INTRODUCTION

Defining policing in South Africa is fraught with difficulties. In an oligarchy in which the legitimacy of the state has been increasingly challenged over the last decade, both nationally and internationally, policing takes on a different character from policing in liberal democracies. The hangover of colonial conquest is still strong in evidence in the style of policing the disenfranchized majority, both within their racially separate, isolated townships and in their activities within the 'white' cities and their suburbs. The emphasis is, as Pinnock puts it, to keep blacks, in the broad sense of the term, outside the horizontal walls of the 'white' cities and suburbs as much as possible and to confine them in townships that are designed for easy policing. The barrage of laws that shored up apartheid rendered Africans virtually without any rights and made them, as far as the state's administrators and the police were concerned presumptive or ascriptive criminals. So many actions that are usually considered normal (such as freedom of movement to and within the cities, seeking employment and accommodation, using civic facilities, collective bargaining, surviving by means of informal sector activity and many leisure activities) were criminalized under certain circumstances or subject to administrative actions, as were all forms of normally democratic opposition. Policing blacks was thus primarily a process of enforcing, in the most literal sense of the word, the ideology of apartheid and less a process of protecting blacks from victimization by criminal elements.

After the Soweto riots policing became subsumed within the total strategy philosophy, and in the eighties became an integral part of the compendium of counter-insurgency structures set up under the dominance of military strategists. Almost four years of successive states of

* BCom LLB (Wits) MSocSci (Criminology) (Cape Town); Senior lecturer and Director, Institute of Criminology, University of Cape Town; Advocate of the Supreme Court of South Africa.


5 Pinnock (n 2) 260-73.

emergency giving the police almost unlimited powers to use force ensured that hegemony was retained as the police became even more militarized than they had been before. 7 Formal policing in the late eighties has thus become largely a para-military activity particularly in those branches of the police force that police the black population.

It seems paradoxical that this repressive form of order was reproduced by a relatively small police force for so long, especially when one considers that effective policing requires the help, or at least the moral support of a substantial sector of the population. The paradox is explained, however, when one explores the unique interplay of numerous ordering structures in South Africa, of which the police force is only one. This exploration falls into two categories. The first looks at the range of state-initiated and state-condoned structures and devices that perform policing and social control roles. These include the national and municipal police forces and their paid civilian informers, influx control 'inspectors', traffic police, private police forces, neighbourhood watches and forms of compelling civilians to perform policing roles, state tolerated right-wing vigilante groups, co-opted ordering/policing structures in African townships such as the 'street committees' in Cape Town and makgotla in the Transvaal, as well as the use by the state of street gangs to achieve a particular type of order in townships.

I believe that one can only really understand policing by the formal state agents in any society when one understands how the police interact with, and use quasi-legal and informal ordering structures and processes. As Shapland and Vagg put it:

'We argue that the actions and, more particularly, the effectiveness of major public institutions such as the police depend crucially upon these processes of informal social control.'

All of the above-mentioned structures fall within what Shearing and Stenning call the liberal frame which assumes that the 'state has exclusive responsibility for maintaining public order' and can therefore tolerate and encourage structures that perform roles that are similar to those of the police. The proviso which accompanies such assumption is that the

---

state remains the 'encapsulating authority that monopolizes the definition of peace'\(^\text{13}\) or order.

But there is a second category of ordering and policing structures which either claims partial autonomy because of the state's ineffectiveness at policing their areas or which consciously rejects the state's monopoly over the right to order and police South African society. These are usually groups in the African townships that range from having no overt affiliation to political movements to being aligned with liberation movements in opposition to the apartheid state. The latter mushroomed throughout the country after September 1984 as part of an initiative to set up organs of people's power to pre-figure a part of the post-apartheid infrastructure of ordering and adjudication.

So when one attempts to define community policing in South Africa there is a range of competing structures and practices which perform policing or quasi-policing roles. On the part of state politicians the notion of community policing usually entails exhuming the time-worn fiction of the 'bobby on the beat' and the idea of a police-community partnership to combat crime\(^\text{14}\) as epitomized in neighbourhood watch systems. This image of community policing is the archetype of policing the white middle-class suburbs. On the other side of the spectrum community policing is understood to mean community initiatives to order and control the population and they have varying degrees of cooperation with the police. Some pass on cases they prefer not to handle to the police but otherwise consciously exclude the police from their activity, while others operate in terms of a loose understanding with the police. In the middle there are community activities that are nurtured and fostered by the police to achieve a de-politicization of formal policing. The term community is thus a contested one and epitomizes the chasms which the apartheid society fosters. Thornton and Ramphele encapsulate the issues as follows:

'Community is a political term—perhaps the political term. Communities may be claimed as constituencies in established parliamentary politics. In revolutionary movements, they become the ultimate justification for the destruction of the establishment. In the pursuit of justice—either that administered by formal state authorities, or that of the informal "people's courts" or vigilante squads—"the community" is the ostensible audience which must "see" that justice is done and whose mandate is assumed when executing the sentence imposed.'\(^\text{15}\)

It is naive to assume, as is regrettably still fairly common, that communities are undifferentiated in their particular responses to their structural position. The mere cohabitation in a racially exclusive township does not preclude a diversity of informal ordering and differing

---

\(^{13}\) Ibid.

\(^{14}\) Hansard House of Assembly Debates cols 6348 and 6415 (24 April 1989); but contrary evidence points to this being a fiction: see G T Du Preez The Partnership in Policing: Fact or Fiction? 1988 International Symposium on Police at UNISA 64.

cultural and class mediation of experiences. The form and the style of informal ordering, and the degree of acceptance of the authority of the formal image of state order varies within and between communities. The style of community-initiated policing is usually far more adaptable to developments in the macro- and micro-political fields, than is the unwieldy bureaucracy of the formal policing system with its own organizational dynamics, subculture and peculiar South African paranoia related to total strategy. One would therefore expect current community initiatives to point to a vision of future policing, particularly for a post-apartheid society. This chapter describes the range of civilian policing activities either in defence of or in opposition to the status quo. The ideas contained in some of the initiatives may point to the shape and style of policing a more democratic, post-apartheid social order.

II POLICING INITIATIVES TO LEGITIMATE APARTHEID

The South African regime is conscious of the difficulty of legitimating an order that is morally indefensible to the majority of its inhabitants and to most of the world’s nations. Coercion needs to be balanced with a modicum of consent by winning the hearts and minds (WHAM) of the whole population. Yet the contradictions of the 1980s necessitates a high degree of both intensive policing and WHAM. To compound its problems, the apartheid state is also facing a fiscal crisis of unprecedented proportions. It therefore makes sense to disguise the intensive policing as much as possible to divert attention away from the state. This is done by covert policing, compulsion of civilians to perform certain policing roles, privatizing policing, blind-eye policing, and cooptic policing.

(1) Covert policing

It is difficult to ascertain whether the 60 878 operational members of the force mentioned in the most recent Annual Report of the Commissioner of Police include the ‘personalized police force’ as Bowden calls it, the secret police. What is certain is that it does not include the National Intelligence Services staff, as the size of this, and other secret intelligence gathering forces are not revealed to the public. But from time to time defections such as that of Gordon Winter and

Policing and the Law

exposés such as Craig Williamson, Olivia Forsyth, Gregory Flatt and the many secret state witnesses at political trials lend clues to the very extensive network of spies employed by the Security Branch of the SAP and civilian informers who are paid to infiltrate and report on any form of opposition to apartheid. Answering questions in Parliament after the exposé of an agent provocateur the Minister of Law and Order freely admitted the existence of informer networks. Similarly, recent and current political trials revealed the existence of hit squads such as the A-team or ASKARI-team, which, defence lawyers have suggested, work outside of the law to assassinate alleged guerrilla cadres. Whether they are the same as, or separate from, what have become known as 'dirty tricks departments' is not known. In a rather amusing occurrence some student activists were being harassed by means that necessitated privileged access to unlisted telephone numbers and sophisticated tapping devices. A member of Parliament complained privately to the Minister of Law and Order about it and the harassment stopped the very next day. The allegations against dirty tricks squads are extensive but they are very difficult to prove conclusively.

(2) Compelling citizens to perform policing roles

There are several statutes which compel citizens, on pain of imprisonment and fine, to police their property in a way that upholds apartheid and prevents opposition to it from developing. After influx control was 'abolished' the Prevention of Illegal Squatting Act was amended to compel landowners to evict squatters rather than have the police be seen to be performing unpopular forced removals. It was a punitive amendment which created presumptions of guilt on the part of the squatters and the landowners and moreover compelled the landowner to effect the evictions at his or her own expense.

The Internal Security Act compels citizens to become informers about the whereabouts and activities of 'terrorists', saboteurs and subverters, failing which they become eligible for the same punishments as the person they neglected to inform on. While that may not sound unreasonable, the South African definition of terrorism is exceptionally...
broad and can be read to include almost any action which aims to bring about an apartheid-free social order. Similarly, drugs legislation of the early 70s places a duty on the owner of certain premises to ensure that no-one on the premises sells or is in possession of drugs and compels him or her to report any suspicion or activity of that nature. Failure to do so renders him/her liable to severe penalties.

In response to the 1984-6 uprising against apartheid the state has forced principals of black schools to become informers and virtual policemen in their schools. In the Western Cape ‘coloured’ schools wire fences were erected or strengthened and guard-huts positioned at the gate. ‘Caretakers’ were employed to control entry to the school premises.

An attempt was made by the government to force university principals to perform the same roles as school principals, on pain of subsidy cuts, but this was vigorously resisted by the universities and the government backed down. An attempt to force employers to deduct rent from wages of their workers and to pay it directly to the unpopular and unrepresentative black local authorities in the townships also failed because of opposition from employers. Had the state succeeded in this ploy it would have been able to beat the rent boycotts in the townships and would not have needed to proceed with highly inflammable eviction campaigns.

(3) Privatizing policing

Since the Soweto uprising in 1976 the state has found it expedient to shift the responsibility of guarding and securing private property and ‘national key points’ to capital. This does not mean that there were no domains of relative policing autonomy before 1976. The history of the mines policing their own compounds and labour force is relatively well documented.

A spokesperson for Anglo-American gold mines indicated that on two Western Transvaal gold mines the current ratio of security personnel to working personnel was 2.2:100. A documentary screened on BBC on

34 Section 54(1) of Act 74 of 1982.
35 Section 6 of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act 41 of 1971.
37 University of Cape Town & Another v Ministers of Education and Culture (House of Assembly and House of Representatives) & Others 1988 (3) SA 203 (C).
38 1987/88 Race Relations Survey 59.
39 Ibid.
40 National Key Points Act 102 of 1980.
42 L Castle Private Security on the Gold Mines (unpublished research paper University of Cape Town 1989) 11. It is not quite clear whether this ratio pertains to all Anglo-American
the Goldfields mining group alleges that it has some 6,000 security personnel. Making estimates about the size of the private police in any country is extremely difficult, and South Africa is no exception. The Minister of Law and Order made a rough estimate of the number of employees involved in 'outdoor' security as being 300,000 in 1987, but insiders within the security industry insist that his estimate is far too low. It is not unreasonable to estimate that the total figure of private security personnel throughout South Africa, is currently closer to 450,000 excluding the 'Independent Homelands' and self-governing states.

If this estimate is close to the real figure, then there are roughly 6.4 times as many private security employees as official policemen. Without going into detail (Grant's paper deals with this more extensively) there are several particularly pertinent points about the South African private security industry.

Most of the senior personnel are former members of the SAP, the defence force or the former Rhodesian armed forces and even some former British army officers. Their involvement in or training in counter-insurgency warfare and the total onslaught-total strategy places them ideologically on the same end of the spectrum as the official policemen and women. Although most of the training of their personnel is in-house they do rely on the SAP to train their personnel in the identification of 'terrorist' weapons and in the identification and disposal of explosive devices. The same applies to the mines. Both mine security personnel and owners of private security companies in Cape Town have referred to good informal working relationships with the SAP. In certain circumstances there is even a close formal working relationship, such as in the prosecution of 'conventional' crime and in the case of protest action by mine employees, generally referred to as 'unrest'. Mines do sometimes call in the SAP to help them cope under these circumstances, although their own staff are extensively trained and equipped for 'unrest control', and use the same array of riot-fighting equipment including quirts, dogs, teargas, horses, water cannons, shotguns, Casspirs (the same armoured vehicles used by the police in the townships) and helicopters. It is little wonder, then that mine security

---

44 N South Policing for Profit (1988) 18–34.
45 Hansard House of Assembly Debates col 6402 (25 September 1987).
47 Holloway op cit 10–18.
48 Ibid.
49 Castle (n 42) 11–12 and 14–18.
50 Holloway (n 46) 33–4; Castle (n 42) 12.
51 Castle (n 42) 18.
personnel are seen by the National Union of Mine Workers as mere instruments of apartheid. 52

The perceptions about other sectors of the security industry vary, depending on how close their function is to public order and labour control policing. It is likely that the privatization of policing the state-owned railway services in April 1987 was hardly noticed by train commuters, 53 the vast majority of whom are black. Railway stations and trains are very public domains and the range of policing activities contains a considerable element of public order policing. Thus wherever private security firms or in-house policing structures police public order, political mobilization and union activity, they will not be immune from being seen as quasi-apartheid police.

But where private policing performs less contentious roles the depoliticization of policing can and does take place. Private policing 54 is then more likely to be seen as a service to customers rather than an oppressive defence of racial capitalism.

Privatization of policing, in theory at least, is supposed to ensure that the formal police no longer need to be concerned with all aspects of policing private property and frees them to perform tasks they consider more important. Spokespeople for mines in the Western Transvaal 55 and the security industry in the Western Cape 56 observe that since the declaration of the first state of emergency in July 1985 the formal police force is less available to their respective domains than they were before. Again, in principle, that should make the SAP more available to deal with the most important crime problems experienced in all communities, particularly those that cannot afford private security.

But that does not seem to be the pattern that is developing. Taking the greater Cape Town area as an example, the most important crime-related problem in the townships is the vast increase in the number of youths who have joined street gangs in both the 'coloured' and African townships since the first state of emergency. 57 Only in May 1989 did the police form a special 30-person gang-busting unit for the 'coloured' areas, 58 and only in August 1989 one for the African townships. 59 In other metropolitan areas the gang problem seems similar. The affected communities demonstrate little faith in the willingness or the ability of the police to do anything, and have initiated attempts to deal with the gang problem themselves 60 (as will be expanded on below).

52 Ibid 3.
53 Cape Times 2 April 1987 1.
54 This is the term used by Shearing & Stenning (n 12).
55 Castle (n 42) 2 and 11.
56 Holloway (n 46) 20, 31 and 34.
57 Cape Times 27 August 1988 5 and Cape Times 1 August 1989.
60 South 18 May 1989.
(4) Sub-contracting policing and blind-eye policing

(a) Sub-contracting

The term 'sub-contracting' in relation to policing is my own, and should be construed broadly. By sub-contracting I do not mean a formal contract between senior police officials and particular community groups to take on delineated roles. What falls under the ambit of sub-contracting, as I use it here, is more a case of police tactics to pressurize certain groups informally to perform certain policing roles. Township communities are by no means homogeneous and even though apartheid oppresses all black people it also divides them into different categories and this has a differential impact on them. They do not all therefore respond to that oppression in the same way. Short-term expediency or opportunism may outweigh longer-term liberatory goals and make temporary loose alliances with apartheid structures possible. Such alliances, if recognized by the organizations that oppose apartheid through struggle, place the various black groups on different sides of the ideological divide. Divide and rule has been a core feature of colonial and apartheid domination, and takes place at a macro- and micro-scale.

On a micro-scale the police frequently exploit the antagonisms between young, democratically oriented believers in a non-racial order and older patriarchal traditionally oriented individuals and structures. In both physical and symbolic terms it is useful, even important, for both the police and the traditionalists, often imbued with some 'tribal' authority, to have the youngsters 'disciplined' by their elders. The cases of this nature (that I call sub-contracting) involve the police delivering the victims to their civilian punishers and having them punished in the presence of the police. There are many allegations of this nature and they are widespread enough to be considered consistent patterns. One of the most vivid descriptions of such a pattern is contained in Soggot's description of the conflict in Namibia.

Not only traditionalists are encouraged by police to participate in ordering and policing but also street gangs are used to perform similar roles.

Recent South African research into the relationship between the gangs and the police is, to the best of my knowledge, available only in the Cape Town area. As Cohen has argued in connection with British gangs,
policing working-class areas does not entail arresting every wrongdoer known to the police, but constructing an informal understanding with particular elements of the working class about what type of order would be tolerated:

'a... system of informal, tacitly negotiated and particularistic definitions of public order were evolved which accommodated certain working class usages of social space and time, and outlawed others. What were ratified were those practices which articulated the institutions of patriarchy and public propriety within their class habitat; what were outlawed were those practices of women and children which challenged the monopoly of those institutions over the working-class city and its legitimate usage.'

To arrive at these definitions of public order particular attributes of gang-rule were allowed to prevail in Cape Town. It is an extremely restrictive 'public order' dominated by fear of victimization. In Cape Town the gangs are useful to the police in that they impose a fairly tight reign over most of the sub-economic 'coloured' townships. Their illegal means of survival make them vulnerable to the police and they are therefore often willing to trade information and services for the 'right' to continue operating. Their dominance over the townships is most pronounced in the hours of darkness, and that effectively imposes an informal curfew on their beats. This not only affects recreational and religious activity, but also political mobilization.

In the African townships of Cape Town the street gangs have only become a visible phenomenon from mid-1986 onwards, although 'hooliganism' and other predatory activity was in evidence before that time, as was organized crime. Cape Town's African street gangs have a shorter history than gangs in 'coloured' areas, and have not yet developed tight hierarchies and economic specializations. None the less, they also terrorize the inhabitants of their territory, inhibit political mobilization, and enable reactionary images to be sustained in relation to the 'nature' of the black population as being prone to 'faction fights' and antagonizing 'their own people'. Most importantly gang predation on ghetto populations helps to legitimize the police in the eyes of the victims of such predation. When faced with the immediate threat of being attacked by members of a gang, or when victimized by a gang, residents are inclined to seek help from any source, even the police, who are widely distrusted in most African townships. The extent to which the police have allowed gangs to become the most important civic concern in the townships is demonstrated by community groups in both

delivered at 1986 Western Cape: Roots and Realities Conference, University of Cape Town); Pinnock (n 2) ch 1, 6, 8 and 9.


67 Schärf Street Gangs (n 65).

68 N Steytler (in this volume) and D Fine (in this volume); G T Du Preez Die Verhoudingsvreest toek in Polisering (unpublished D Phil thesis University of Cape Town 1983) 269–274; B Hofmeyr & T Shefer Bhongoletu Report (unpublished research paper University of Cape Town 1987).
'coloured' and African townships who have recognized that the police do not want to/cannot solve the gang problem and have attempted to deal with it themselves. Details about these efforts will be furnished below.

(b) **Blind-eye policing**

Closely related to sub-contracting, blind-eye policing essentially refers to the formal police force encouraging or condoning illegal activity by particular power groups and omitting to perform its legal duties to prevent such crimes from being committed even though they are capable of doing so. In the highly politicized context of opposition to apartheid, this form of policing has coincided with major challenges to the regime. When protest was extremely high, right-wing vigilante forces whose short-term interests overlapped with those of the state, ie to weaken left-wing opposition groups, were highly active. An example of this was the 1976 uprising, when in Soweto and Cape Town rurally-oriented hostel dwellers (migrant workers) attacked the protesters and the police failed to intervene, although they could have done so had they wanted to. Another example is the rapid, nationwide rise of right-wing vigilante forces after the 1984 uprising, the Crossroads burnout, and current developments in Natal. (As this is an area that Plaskett's chapter deals with in greater detail I will not elaborate on this point in times of high-level protest against apartheid.)

In times of low-levels of visible township protest, blind-eye policing still takes place, but in a less visible form. The history of the establishment of Crossroads and Khayelitsha (outside Cape Town) is marked by the establishment of private armies of the 'warlords' who are nurtured into power within the formal system of local government. This is a particularly interesting case because there is a very high likelihood that many of the special constables (formal temporary police), who are deployed in the African townships, were also recruited from the followers of the warlords.

Because, according to the state, right-wing vigilantes highlight the different 'cultural traditions' that communities have of dealing with conflict they tend to legitimate the police and apartheid. Also, according to the state, it also 'proves' that not all blacks are opposed to the state, but that 'moderate' Africans are also opposed to the 'radicals'. Moreover, such 'black on black' violence makes it possible for the police to be cast

---

69 Blind-eye policing is a colloquial term that does not derive from any writer known to me. It is from the phrase 'turning the blind eye'.

70 J Kane-Berman Soweto—Black Revolt, White Reaction (1979) 3.

71 Damane v Minister of Police 1979 (4) SA 400 (C).

72 Haysom (n 63).


74 N Haysom 'Vigilantes and Militarization of South Africa' in Cock & Nathan (eds) (n 17) 188–201; Brewer (n 7) 353–75.


as impartial peace-makers between two or more feuding factions involved in faction fights, rather than as actual instigators or condoners of the attacks.77

(5) Co-optive policing

In this category belongs what is usually understood by the term 'community policing', i.e. the partnership between civilian individuals or groups and the formal police force.78 Broadly speaking this type of community policing occurs within the confines of the law and seeks to generate a consensual definition of public order while at the same time enhancing the non-punitive aspect of police work.

As can be expected in such a divided society as ours these co-optive strategies vary depending on the target community. Predictably, different dynamics develop between the police and the different communities.

(a) The police reserve

This is an initiative to recruit volunteers into the police force to serve in part-time capacities as police men and women. Its fortunes have fluctuated over the years and a recent trend has shown a decrease in recruitment. The overwhelming majority of volunteers are 'white' males and the annual numbers are as follows: active members 3 572, inactive members 16 486. The 1988 Annual Report of the Commissioner of Police states that they 'were used, with considerable success, in the combating of unrest, prevention of crime and during the municipal elections in October 1988'.79

(b) Civil defence and neighbourhood watch systems

(i) Civil defence

Although civil defence is usually intended to mobilize civilian help in coping with natural disasters and war-time emergencies, large-scale training and awareness-raising occurred as a result of the Soweto uprising. The Civil Defence Act was amended in 1977 and the main idea was to protect whites from civil insurrection. Whites, particularly women, were taught to use firearms, shooting clubs mushroomed, and communications networks between civilian groups and police/military structures were set up or strengthened.80 In the rural areas farmers were encouraged to purchase two-way radios that would improve communi-

77 J van Eck Eyewitness to Unrest (1989) 61–73.
80 Act 67 of 1977. The definition of 'disaster' included 'any consequences arising out of terrorism as defined in the Terrorism Act (83 of 1967)'. 
cations within families, among farmers and between the civilians and the police/military structures. Many complied.\textsuperscript{81}

Apart from the side of civil defence that dealt with natural disasters and the like, the South African political realities manifested themselves in the need to create an awareness about personal security. Members were encouraged to look out for ‘suspicious’ activities among individuals and groups that posed threats to the status quo. In the areas bordering neighbouring states the civil defence system is part of the counter-insurgency warfare\textsuperscript{12} but in rural areas where ‘terrorist’ activity was very infrequent or even entirely absent, the hyperconsciousness about ‘foreign interference’ was focused on other ‘suspicious’ activity such as the spreading of political awareness among farm labourers. The civil defence system indirectly contributed to the constraints on starting unionization among farmworkers.

Union organizers were considered to be part of the political threat to the status quo and were therefore prohibited entry onto private property where farmworkers lived and worked.\textsuperscript{83} The civil defence system thus informally policed a wider range of activities than is normally attributed to such a system. But the usefulness of this scheme to the state is obvious: it supplies a surveillance and information network and a community policing structure which saves the formal police forces a great amount of time and effort.

The legitimation of the security forces is also achieved within the civil defence community, but of course it enhances the us-them barrier between these people and others which, in the binary over-simplifications of this type of thinking, makes all outsiders the enemy, or at the very least ‘suspicious’.

There is a growing overlap of activity and interest between civil defence and neighbourhood watch schemes. The image of civil defence seems to be under review at the moment, as the word ‘defence’ has connotations which appear to be too militaristic. Civil defence is therefore going to be renamed Civil Protection in the very near future.\textsuperscript{84}

(ii) Neighbourhood watch schemes

Since the early 1980s examples of neighbourhood watch schemes in other countries have been observed and recommended for South Africa\textsuperscript{85} but it was not until the crisis in policing, from September 1984 onwards, that the police encouraged middle-class, overwhelming white residents

\textsuperscript{81} My own observations while living on a farm in the Somerset West/Stellenbosch area between 1975 and 1986.

\textsuperscript{82} Brewer (n 8) 165.

\textsuperscript{83} Schäfer The Impact of Liquor on the Working Class (n 65) 182 and 188–9.

\textsuperscript{84} Neighbourhood Watchword (undated) first national newsletter of the neighbourhood watch system circulated mid-1988; also see the 1988 Annual Report of the Department of Development Planning (RP37–89) 7.

to launch such schemes. An independent effort was started in Randburg in 1985 but it was only when the Minister of Police and the Commissioner decided to encourage the concept and instructed all divisional commissioners to do so and to allocate officers to assist with setting it up, that it spread rapidly throughout the country. By July 1987, 322 had been established.\textsuperscript{86} The core concepts are the protection of private property and the development of neighbourhood networks that facilitate crime prevention, area surveillance and vigilance. Essential to its functioning is close liaison with the local police force. The neighbourhood watch scheme seems also to have been set up in a few middle-class 'coloured' areas, but is an overwhelmingly 'white' phenomenon.\textsuperscript{87} It now has a national structure which attempts to discourage the temptation of member-groups to set up vigilante-type street patrols which have been introduced, according to the first national newsletter, by 'Blockwatch and other organizations'.\textsuperscript{88}

As in the case of civil defence the neighbourhood watch scheme urges members to be vigilant and report suspicious occurrences and individuals in their areas. How closely this resembles a new form of influx control is demonstrated by an admonition contained in the first national newsletter undated, but circulated in mid-1988. Despite the fact that influx control was formally abolished in 1986 members of neighbourhood watch schemes seem to have assumed that the mere presence of black people on their street constituted 'suspicious' behaviour. Referring to patrolling groups, which the neighbourhood watch scheme discourages, it says:

'Since the repeal of the Influx Control laws, Black people have the right to walk the streets freely. Thus, apart from providing an "intimidating presence" and—in common with Neighbourhood Watch—reporting untoward behaviour to the Police, patrolling residents have very limited powers.'\textsuperscript{89}

The neighbourhood watch scheme claims to be extremely successful in reducing the number of burglaries. Some areas claim a reduction of burglaries by 32 per cent (Sea Point May to July 1986, compared to 1987) while others claim a reduction of 80 per cent (Johannesburg North\textsuperscript{90} from November 1985 to May 1986). What that means for other crimes in the same area and for burglaries in contiguous areas (which may not have a neighbourhood watch scheme) is not clear from such isolated statistics. None the less the residents in the neighbourhood watch scheme are likely to support the scheme for as long as it reduces the chances of being victimized, whatever the absolute rate may be.

Thus in addition to the conventional role that neighbourhood watch schemes perform more politically controversial forms of vigilance are also possible such as looking out for illegal infiltration of blacks into

\textsuperscript{86} Ibid 13.
\textsuperscript{87} Ibid 51.
\textsuperscript{88} Neighbourhood Watchword (n 84) (not paginated).
\textsuperscript{89} Ibid.
\textsuperscript{90} Ibid.
'white' areas under the Group Areas Act and reporting on political activity.\textsuperscript{91}

(c) **Crime prevention initiatives in black neighbourhoods**

Were it not for the lack of legitimacy of the South African Police in most black residential areas, neighbourhood watch type schemes would be operating there. The stigma of working with the police has often resulted in an ambivalent relationship between groups in communities setting up crime prevention initiatives and the police.

(i) **Peace-keepers in 'coloured' townships**

It is generally acknowledged that the large-scale forced removals of the 'coloured' population under the Group Areas Act in the 1970s contributed to the breakdown of familial and community networks of support and control. The marginalization of adolescent youth was accelerated and the membership of street gangs rose exponentially.\textsuperscript{92} They preyed to some extent on the 'haves' of society and to a considerable extent on residents of their own neighbourhoods, so that 'the gang problem' was perceived to be an extremely pressing fear expressed in most coloured neighbourhoods.\textsuperscript{93} From about mid-1978 onwards residents who did not belong to gangs and who had little faith in the willingness or ability of the police to deal with the issue set up peace-keeping structures in many of the affected townships in the late 70s. This involved patrolling the streets, particularly at night and on weekends, armed with torches, whistles and weapons such as clubs and quirts. The peace-keepers confronted the youths they thought to be gangsters and searched them for dangerous weapons, stolen goods, and drugs. They also tried to intimidate the gangsters to deter their further involvement in gangs. This sometimes resulted in skirmishes with resisting gang members, and occasional assaults on innocent youths wrongly suspected of being gang members. Such incidents undermined the unequivocal support that the peace-keepers had in their neighbourhoods and strengthened the police stand that taking the law into one's own hands was unacceptable. Two developments diminished community support for the peace-keepers. First, the police prosecuted some for assaults arising out of incidents connected with clashes with youths; secondly, some peace-keeping groups seem either to have been infiltrated or to have been used by gangs to perform activities that were out of keeping with the peace-keeping image. By early 1981 the peace-keeper initiative had fallen into disarray and it eventually fizzled out despite a high incidence of gang predation.\textsuperscript{94} The police had urged peace-keepers to become SAP reservists, but no-one was prepared to be associated with

\textsuperscript{91} Rauch (n 85) 63-6.
\textsuperscript{92} Pinnock (n 2) ch 6.
\textsuperscript{93} Pinnock (n 2) Survey of Mothers (appendix questions 19-22).
\textsuperscript{94} Pinnock (n 2) 330.
it to that extent. Consequently gang activity continued without any community initiatives to temper it.

In order to understand the dynamics of community initiatives to exert some control over their neighbourhoods, urban social movements of a political nature must also be considered. The late 70s and early 80s were a period of relative quiescence in black politics and there was little ideological content to peace-keeping. Crime was not commonly understood to be a result of particular policies relating to social engineering; it was seen as a problem of predation by a group of social outsiders. The relationship between the police and the peace-keepers was an uneasy one, yet the police did not intervene nearly as early or as strenuously as they could have done had they wanted to. They allowed the peace-keepers to confront the gangs and one can only suggest that they did so because the aims of the two groups overlapped to some extent. But their inability to gauge how low their legitimacy was in the ‘coloured’ townships precipitated the error of expecting victims of apartheid to be coopted into its most repressive structure.

From 1986 onwards when the next phase of concern about gang activity arose there was to be a marked change in the understanding of the origins of gangsterism and crime. By 1986 most urban social movements had become politicized and the understanding of crime and gang activity had been recast as a product of apartheid and the suppression of community organizations under successive states of emergency. Community initiatives since 1986 cannot be understood in terms of co-optive policing and will be dealt with below under the heading of prefiguration.

(ii) Policing and ordering in African townships

The management and reproduction of the urban African labour force has been characterized on the one hand by autocratic administrative action on the part of the state through its designated local administrations, and community initiatives to resist, negotiate and accommodate these actions on the other. Formal policing has generally been punitive, insensitive and corrupt and has fostered little doubt in the minds of the residents as to whose interests were being enforced. But it was not only policing that lacked legitimacy; it was the adjudicative system set up for Africans that lacked it too. By far the bulk of cases processed by the commissioners’ courts were influx control cases and only a very low

---

95 J J Williams (unpublished interviews conducted during 1986 with former peacekeepers, University of Cape Town).


99 Hund & Kotu-Rammopo (n 10) 181.
proportion of residents used them for civil matters. Consequently community members set up not only their own policing structures but also mediation and adjudication structures.

It is not surprising that a range of different structures was created which reflected the power relations within and between particular sectors of the township populations. Hund and Kotu-Rommopo’s study is one of the few that sketch the range of informal ordering and policing structures during the early 80s in Mamelodi, one of the African townships near Pretoria. Not only do these different structures coexist with formal structures but they also compete amongst themselves for particular constituencies in terms of different conceptions of order, different values and loyalties. The range starts from conceptions of order that contain a high level of force in the creation of compliance to behavioural norms. Groups that fell into this category were street gangs and a quasi-political organization, the Vukani Vulimehlo People’s Party, headed by one of the community councillors. It had a military structure and a following of approximately 20 000 people, predominantly youth. In addition to running street patrols it also had its own inquisitorial court. But at the same time it was a social support network to the more vulnerable members of its constituency such as single mothers.

A different conception of order was generated by groups that invoked traditional tribal values of patriarchy and gerontocracy. Some of these had overt links with homeland structures, others simply operated in terms of the principles contained in their customs. When necessary their courts (called makgotla) mobilized a patrol to execute a certain order.

Another competing group within Mamelodi were the makgotla that augmented local authority rule. They were directly linked to certain community councillors and their courts had their own vigilante enforcement arms. Their activities had a lot to do with the allocation and retention of one of the scarcest resources under the influx control regime, housing. Their sanction for misbehaviour was the manipulation of administrative discretion to effect the eviction of the offending party, a serious sanction indeed.

Looser in their structure, more consensual in their operation, and less punitive in that they did not possess enforcement arms, were informal groupings of neighbours in particular localities, whose most respected members would adjudicate civil disputes among residents of the area. This could only succeed if disputants agreed to their jurisdiction. Their only sanction was moral pressure and social ostracism.

In the African townships of Cape Town there is also a long history of a plurality of ordering and policing institutions, ranging from committees that ran the single sex migrant hostels, through to Amasolomzi

---

100 ibid 182–3.
101 ibid 192.
102 ibid 184–5.
COMMUNITY POLICING IN SOUTH AFRICA

(ad hoc street patrols), to street committees. Of interest here are the street committees as their history demonstrates the uneasy give and take of community-initiated structures that wished to win concessions from the state through non-confrontational means.

As far as we could ascertain these street committees arose at the same time that formal townships for Africans were built. They were constituted by respected residents in each locality and were arranged geographically into block communities that represented small, manageable constituencies. Although a different picture may emerge as research into this field expands, Burman and I could find no overt political affiliations although their structure was identical to that which was advocated by the African National Congress. Their concerns were threefold: first to ensure peace and order within their area of jurisdiction (to this end they disciplined troublemakers and unruly children and settled family and neighbourhood disputes); secondly to represent the interests of their constituencies to the local authority which administered their township (which was done in conjunction with other street committees that may have had similar problems); thirdly to mobilize street patrols whenever crime in their area became too problematic for residents. The adult males of the area were called out for these patrols, and they would confront suspected or actual troublemakers. Depending on the severity of the situation, they either disciplined the troublemakers themselves or handed them over to the police. These patrols operated with the tacit support of the police and administration board although the police will deny it. Their denial is strategic because the police attempt to project the image of impartiality. It also enables them to disclaim complicity when patrol-members become over-zealous and injure or even kill someone.

But it is not only in this third area that these township groups are co-opted into performing policing tasks. The price they had to pay for the 'right' to represent the community on township issues was that they had to 'police' influx control and housing allocation in their constituencies. In the era of influx control no African was legally permitted to be in an urban area for longer than 72 hours without a permit. The eligible population far exceeded available housing, and householders began building shacks in backyards to take in lodgers. The state was concerned to prevent this process from developing into an avalanche and it used the street committees to inform the administration board of all influx control related issues (such as the arrival of newcomers to their area of jurisdiction and the possession of lodgers' permits by all shack-dwellers) before any community demands about street-lighting, drainage, bus services etc were even heard, let alone met. The price paid for these concessions was thus very high.

104 Burman & Schärf (n 62) 1–34.
105 R Suttner & J Cronin 30 Years of the Freedom Charter (1986) 14 cite an activist saying that the ANC volunteers were in charge of law and order in the townships. We have not yet interviewed the particular activist to ascertain what form this function took.
106 N Mandela The Struggle is my Life (1978) 40.
The Soweto riots and the state's attempt to find pliant, co-opted Africans to serve on community councils changed the relationship between the street committees, the administration boards and the police. Prior to 1976 levels of politicization were generally not very high and the street committees could operate fairly discreetly without embarrassing the administration board and their own supporters. But after 1976 the awareness and vigilance about collaboration with the oppressor state was far higher. Numerous street committee members were approached in 1978–9 with offers to make themselves available for election.\textsuperscript{107} This resulted in a great deal of controversy and split the street committees ideologically. Some members accepted the offer and became community councillors, others withdrew from the street committees. For those street committees that continued operating in Cape Town's townships a tactical decision had to be made. They had to choose whether to work in close co-operation with the community councils or not. If they did, they faced the danger of being associated with discredited dummy local authorities, and if they did not, their ability to win concessions for their constituencies diminished. So those who disassociated themselves from the community councils shifted their focus to merely hearing disputes within and between families and ceased making representations to the community councils.

Thus the degree to which community-initiated ordering and policing ventures were prepared to be co-opted varied considerably depending on the political choices made by their members. Those who refused to be co-opted on ideological grounds did not seem to go all the way towards actually opposing the state in their activities but were more susceptible to co-operating with politicized groups whose influence grew during the political upheavals from 1985 onwards. The dynamics of township politics changed from then onwards. There was a very dramatic and visible growth of radical organizations that temporarily eclipsed the institutions which the older generation had run in a relatively conservative way for many years. As Seekings puts it:

'After 1984 not only the political context changed, but that change also caused changes in the character of participants in township politics. "Popular conservatism" collapsed, at least temporarily as involvement with the state could no longer be reconciled with popular support. The role previously played by conservatives was now played by members of progressive civic and youth organisations.'\textsuperscript{108}

Members of street committees that collaborated with the police and the administration board and those who had become community councillors came under increasing ideological, sometimes even physical attack,\textsuperscript{109} and township politics became increasingly polarized. Conservatives rallied, and with alleged state connivance, set up vigilante forces

\textsuperscript{107} Burman & Schärf (n 62) 29–30 and my own independent interviews with members of these structures.


\textsuperscript{109} 1985 \textit{Race Relations Survey} 86–90.
to counter the ‘radical’ growth of civic and ‘progressive’ organizations that attempted to impress their visions of order on the township residents. Whether this new order constituted simply a continuation of the pre-1985 type of policing, or whether it constituted an opposing order to that of the state, is debatable.

VI PEOPLE’S COURTS—POLICING STRUCTURES IN OPPOSITION TO STATE STRUCTURES, PREFIGURING, OR MERELY NEW RHETORIC?

It has been widely alleged that state policing of African townships has always been a process in which the interest of the state in keeping the population subjugated was the principal concern. The failure or unwillingness of the SAP to deal effectively with crime in the townships and their inability to create formal partnerships in policing with black communities is demonstrated by the long history of community initiatives to fill the void. Although most of these initiatives won a degree of temporary autonomy from the state and cannot really be seen as being the work of state collaborators, they were not part of wider ideological movements in opposition to it.

The 1984 uprising was the first challenge to the state in which there were some attempts to set up alternative structures of local government, the ‘organs of people’s power’. Apart from the establishment of civic organizations, street committees, alternative education, women’s and youth movements, these structures also included people’s courts and street patrols. These patrols constituted the informal ‘police’ of the political organizations. They patrolled the streets to try to keep down the level of street crime and to bring transgressors of the norms propagated by political organizations to the people’s courts. Informal policing during this phase cannot focus only on the patrols themselves but must be understood in conjunction with the activities of the people’s courts. The reason for this is that the people’s courts played a far wider role than is usually attributed to courts in a conception based on the separation of powers. The people’s courts not only adjudicated, but also served as the place to which charges and complaints were brought. Policing in this context is understood to be far more than groups of working-class youths roaming the streets. Rather the broad notion of ordering plays a significant role in understanding this form of community policing.

During 1985 people’s courts came into existence very quickly throughout the country. The state alleges that there were over 400 of

---

110 N Steytler & D Fine (in this volume); Hund & Kotu-Rammopo (n 10) 181; my own interviews.
111 Du Preez (n 78) 64.
113 Cohen (n 66) 135.
them. Whether the state's definition of people's courts coincides with popular definitions is dubious but it can safely be said that policing and ordering of most African townships became a special project of UDF-linked political organizations.

Differences in political cohesion and leadership resulted in different processes of formation and different procedural operation. For example in Oudtshoorn, Graaff-Reinet and Mamelodi, people's courts were part of the range of UDF structures in the townships, while in Alexandra, Nyanga, New Brighton and Beaufort West there was no formal link between them. The only link that existed was that some members of the people's courts were members of UDF affiliates, but had no mandate from their organizations to set them up.

The degree to which the courts were linked to political organizations crucially affected their composition, procedure and underlying philosophy. Where there was a formal link between the people's courts and other progressive structures, the courts or disciplinary committees or people's advisory committees or 'comradely' courts or whatever else they were known as, were usually composed of a cross-section of the population. Civic members, union representatives and members of women's and youth organizations and sometimes even representatives of professions (for example, teachers) were members of the courts most of the time. In certain cases youth members were excluded if the matter was an adults-only case or, as in Mamelodi, there were specialized courts that heard particular issues.

114 Brigadier Stadler of the Security Police testified to this effect in the treason trial of v Mayekiso & Others (Case No 115/87 Supreme Court WLD) on 10 March 1988 (communication with instructing attorney for the defence N Manoim); see also W Schärf & B Ngokoto 'Images of Punishment in the People's Court of Cape Town 1985–87—From Prefigurative Justice to Populist Violence' in N C Manganyi & A du Toit (eds) Political Violence and the Struggle in South Africa (forthcoming).

115 There were at least two groups of 'apolitical' dispute settlers in the southern Cape who were detained on the erroneous assumption that they were members of people's courts. Communication from Fisher & Logan, Attorneys, Knysna.

116 Interview with Western Cape chairperson of Azanian National Youth Unity (a black consciousness affiliate) dated 13 October 1989. He asserts that AZANYU did not have a policy to organize or run people's courts.


118 Interviews with members of these structures, Graaff-Reinet November 1988.


120 Seekings (n 108) 6.

121 Interviews with members of these courts from September 1986 to November 1988.

122 Seekings (n 108) 2 defines people's courts as 'extra-state township courts which—met repeatedly (and possibly regularly), with a recognized structure (either formally or informally constituted), that addressed civil and/or criminal charges in the township, and were broadly aligned with the "radical" opposition.' I shall adopt this definition.

123 Motshekga (n 119) 64.

124 Ibid.

125 For example in Graaff-Reinet. Our interviews November 1988.
'Each Court was allocated its own set of cases to deal with. Court A was composed mainly of adults and as such assigned to deal with adult matters. Court B dealt with juvenile cases, and Court C dealt with general matters. Court D was assigned to deal with all defaulters of the rent boycott.'

Where the courts were not formally linked to political organizations, as in Cape Town's first three courts, they were composed either of ‘youth’ only (the Nyanga East Youth Brigade Court and the KTC Court) or of individuals who could mobilize a following which believed that such individual had some political authority to run the court (the ‘woman’s court’ in Section 3 Gugulelu).

In these latter cases there seemed to be a greater chance of the courts veering off their intended paths due to the fact that they were accountable only to themselves or the loosely defined ‘interests of the people’ as they interpreted the phrase. The turbulence of the townships at the time mid-1985 to mid-1986 was conducive to opportunism and pursuit of self-interest, particularly by those elements in the townships not imbued with a sense of organizational accountability. The low-intensity street-war that raged in most townships between the state's armed forces and the residents was also conducive to immediate, often violent, punishment.

The procedures and punishment policies practised in the courts differed depending on the degree to which the structures were linked to political organizations. In the case of those that were linked, the procedure was a common sense one and the court was as accessible as possible. The emphasis was on problem solving, not persecution; on restitution and reconciliation, not alienation and banishment; on educative sentencing stressing community service, not punitive retribution; on transmitting the morality of a future non-racist, democratic style of life, not the ideology of the incumbent regime. Corporal punishment was also administered in these courts, sometimes very severe punishment of up to 100 lashes with a quirt, but at least one court did not go to such lengths and kept whippings to a maximum of 6 lashes.

The sentencing policy was also shaped by the need to win a following for the political organization among those residents who had had little to do with politics before the uprising. The courts were therefore far more than mere places where cases were heard. They were also places where the new morality (there was no distinction between law and morality), the new set of duties was proclaimed, where information was exchanged, and where residents were recruited to political organizations by being invited to serve on the courts and exercise their civic duty responsibly. Even residents who were sentenced and punished by the courts were,

126 Bapela (n 119) 12.
127 Burman & Schärf (n 9) 29–35.
128 Non-sexism does not seem to have reached a prominent place on the political agenda.
130 Moses (n 117).
after having served their sentences, invited to become part of the court. So the sentencing policy, coupled with the recruitment drive, gave a sense of a caring community that not only exercised social control but was also a source of social support. Their areas of concern were also not limited to criminal matters but, with only a few exceptions, dealt with all types of problems. Many courts did not hear murder and rape cases, others heard rape but not murder cases. The overall policy within which they operated discouraged residents from using the formal system of justice for anything that the people’s courts and their patrols could deal with.

'It needs to be emphasised that the very reason for starting to operate the people’s court was to prove to the township residents that they don’t need an outside, alien and hostile authority to decide for them what is just and what is not. It was therefore imperative that the people’s court system should run in the most efficient way possible. Also, its sense of justice should be seen to be radically opposed to and different from that of the white authority.'

In the case of those patrols and courts that were not linked to political organizations but claimed to be enforcing a type of order ‘in the interests of the people’ and ‘as part of the struggle’ there were several dangers. The groups could become the site of ideological battles for supremacy in the group and, in the context of the street-war, a populist, usually fairly coercive policy won those battles. Membership was recruited to an increasing extent from a marginalized sector of the community, particularly the youth, and this gradually opened up the possibility of excesses becoming more frequent.

All people’s courts and patrols suffered from detention of leadership figures or the fact that they went into hiding from time to time. This invariably resulted in less skilled leadership taking control which also weakened resistance to the calls for drastic punishment of wrongdoers who had violated the people’s norms and become ‘obstacles in the struggle’. The unlinked structures seemed more prone to becoming self-serving. This sometimes manifested itself in a system of patronage as in the case of the KTC Court. In that case, procedures also became more inquisitorial and secretive, patrols were known to deliver summary judgments and to inflict punishment without reference to the courts, much like the formal policing practice experienced by many township residents at the time. This type of group relied for its existence more on the generation of fear than on voluntary popular support.

In most of the unlinked structures there was a tendency towards increasingly punitive practice, characterized by whipping reaching up to 200 lashes in

132 This quote from an interview (November 1988) with a Graaff-Reinet activist and member of the local people’s court reflects the sentiment of most of the organizationally-linked courts.
133 This was the case in at least the following courts: Youth Brigade (Nyanga East), KTC (Cape Town), New Brighton, Beaufort West.
134 Ibid.
135 Burman & Schärf (n 9) 29–32.
Research into the KTC Court reveals that there was a move towards introducing the death penalty in particularly serious cases, on the basis that the state's courts would have sentenced the accused to death as well. This move was thwarted by an activist dissuading the court about the folly of such a move.\textsuperscript{137}

Although some of the unaffiliated groups, which had patrols and courts, used this source of power in the township as a platform for recruitment,\textsuperscript{138} the more such structures resembled a gang, the more exclusive they became.\textsuperscript{139}

The question whether people's courts actually constituted a departure from pre-1985, community-initiated policing practices has no clear-cut answer. What can be said is that they drew on both the pre-1985 structures and procedures to some extent, and to a large extent dealt with much the same matters. A great number of 'civil' matters were heard, such as disputes between families, love triangles, disobedient children, maintenance of illegitimate children, insults to reputation and the like, as well as criminal matters such as assault. Where the people's courts went further than pre-1985 structures was that they tended to hear a wider range of problems such as more serious crimes—in some cases even rape—as well as some 'political' matters relating to consumer and rent boycotts, misusing the status of 'comrade' for personal gain, and disobeying stayaway calls. The real difference lies in the different political agendas with which these structures were set up. Some were initially set up solely as crime-fighting structures that did not see themselves challenging or usurping the state's function, but merely exercising it during a vacuum of formal policing. One such structure, the Cape Town Youth Brigade even went so far as making a written request for police permission to patrol the streets, which was granted by the Guguletu station commander.\textsuperscript{140} Yet despite such a 'sell-out' tactic, the members of the court emphatically denied that they were collaborators or had been co-opted by the police. They saw themselves as being largely outside political ideologies and merely interested in fighting manifestations of crime. This did not mean that they were unaware of the issues surrounding the street-war that was raging at the time. They were certainly firm supporters of the liberation struggle; they invoked the 'interests of the people' as part of their legitimation, appropriated the term 'comrade' for their members, but they chose nevertheless not to be formally linked to political movements.

In Beaufort West there was even some continuity of office holding, from the former Vigilance Committee of pre-1985 structures to the Disciplinary Committee of the post-1985 era. Some of the respected elders who were part of the pre-1985 Vigilance Committee were persuaded to be part of the Disciplinary Committee to lend authority and

\textsuperscript{136} Ibid 26 and 30–2; Bapela (n 119) 15.
\textsuperscript{137} Burman & Schärf (n 9) 30.
\textsuperscript{138} Schärf & Ngcokoto (n 114) 11–12 and 14–15.
\textsuperscript{139} Burman & Schärf (n 9) 27–32.
\textsuperscript{140} Naidimba & Others v The State (CPD) Case No A1008/86 11 April 1989, unreported.
experience to it. Although the Disciplinary Committee was run predominantly by political activists it was not a mandated structure and did not portray itself as such. Yet it served as a site of recruitment to UDF-linked organizations. So although these policing structures were not overtly in opposition to the state, it cannot be said that they were co-opted policing structures. They really belong somewhere in between these two statuses.

Research data exists for relatively few of the people's courts and that is admittedly only a small percentage of the alleged 400 which were closely linked to UDF structures and which consciously chose to style themselves as counter-hegemonic in terms of township policing. In this respect they did constitute a dramatic departure from pre-1984 community-initiated policing practices. It will be a few years before the full story about these structures will be told, not least because of the danger of prosecution for their members. If they are in danger of being charged with treason (as happened in the Mayekiso and Zwane cases described by Seekings) members of such policing and adjudicative structures are hardly likely to reveal to researchers that they wanted to usurp the functions of the state's police and courts. What some of their members are prepared to admit is that their structures were the beginnings of pre-figuring the culture of a post-apartheid democratic social control infrastructure. In terms of the Freedom Charter 'the police force and the army shall be open to all on an equal basis and shall be the helpers and protectors of the people' and 'the courts shall be representative of all the people'. Some of our interviews indicate that the ideas of social ordering contained in the era of people's courts drew strongly on the Freedom Charter and sought to democratize policing and adjudication.

It is therefore not unexpected that the state, after a surprisingly belated realization of this delegitimation taking place, clamped down very heavily on people's courts and patrols by detention (in terms of new Emergency Regulations) of most of the members of such courts throughout the country. Many of them were charged with crimes ranging from treason and sedition to attempted murder, abduction, assault and several others.

Not long after the destruction of people's courts other forms of ordering revived. In Cape Town's African townships the pre-1985 street committees resumed the roles they had played before people's courts took over. In the uncertainty pervading the townships following the

---

141 The relationship of the Alexandra courts to the political movements seems to have been similar. See Seekings (n 108) 9.
142 Suttner & Cronin (n 105) 246.
1986 crackdown, the streets gradually became dominated by a proliferation of gangs and opportunists. That seemed to be a national pattern, and it was left to the old-style street committees, in the absence of political organizations, to take the initiative to form street patrols. Moreover, they tried to go further than merely keeping the gangsters off the streets; in Cape Town some street committees investigated the domestic circumstances of families whose children had become gangsters and tried by non-punitive means to discourage the youngsters from continuing their activities. They also tried to be of assistance in helping the family through hardship where this was possible. Policing in this context has become far more than a group enforcing a particular vision of order on the streets. It has become a compendium of the roles of police, social workers and magistrates, which are the roles that make up the concept of problem-solvers in that particular political culture.

The formal police have not been well disposed towards these efforts, particularly as some clashes between patrols and gangs have resulted in injuries, even deaths. Instead they have formed 'gang-busting' units to confront the gangster phenomenon. At the time of writing there is an uncomfortable tussle going on in the townships of Cape Town between the formal police and community initiated patrols and street committees as to who 'owns' the gang-problem.

VII CONCLUSION

The notion of community policing in a highly polarized society has to be very carefully circumscribed in order not to be understood in the same vein as it is in liberal democracies, where it is commonly used to refer to a benign partnership between the police and the public. But even there the term sustains the fiction of a homogeneous public, undivided by racial, cultural, generational, gender and class differences.

In the South African context both elements of the term, 'community' and 'policing', are problematized. There are many 'communities' even within what may otherwise appear to be homogeneous localities (for example, townships) and each lives out a particular vision of order, and is likely to have a particular relationship to the formal police force.

The term 'policing' in South Africa has to be understood with its colonial ballast loading it with strong notions of conquest and para-military praxis, particularly when policing is directed at blacks.

The context in which policing occurs is one where so much of the daily activities of blacks, particularly those of Africans in urban areas, are narrowly confined by laws that are widely perceived as unjust and are therefore the subject of popular political mobilization. Law enforcement

---

145 Interview with member of street committee, Section I Guguletu February 1989.
146 South 18 May 1989 1.
147 Cape Times 10 May 1989; Cape Times 24 August 1989.
in this environment is, therefore, to a large extent the defence of the status quo, which is white privilege. In terms of the prevalent counter-insurgency strategy taught to the police force, the enemy is not only a threat from outside the borders; the enemy is every person fighting against the status quo.

So most of the activities in which whites are drawn into a partnership with the police force—civil defence, neighbourhood watch, police reserve, private police forces—have undertones of sustaining the existing political regime against the liberation struggle of the voteless majority.

When one looks at community-initiated ordering in the black townships adjacent to the white towns and cities the main aim of the police seems to be to use such groups either to reproduce a particular regime of subservience, or to destroy those groups that launch counter-hegemonic policing initiatives. But these policing policies cannot persist indefinitely, particularly as there is a strengthening momentum towards dismantling apartheid and moving towards the introduction of a Bill of Rights and negotiations for a new constitution.148 In such a climate policing will inevitably have to adopt a different role. The aspirations of the majority of blacks to have a police force that is actually a friend and protector rather than an enemy and oppressor will have to be accommodated. This issue has recently burst into the public forum with the allegations of a 'coloured' policeman who, breaking rank in order to make such allegations, accused the riot police of acting 'like a pack of wild dogs' in breaking up peaceful demonstrations. Pitted against each other in the ensuing trial were, on the one hand, the images of caring, understanding insider police who win the trust of the community and, on the other hand, impersonal bullying outsiders who read every expression of peaceful opposition as a threat to the state and are seen as oppressors.149 In this respect, looking into the future, some of the ideas contained in community-initiated ordering processes such as the street committees seem to have much to commend them. What is particularly important is the wider definition of policing, the fact that policing is seen as problem-solving instead of mere tracing and apprehension. The street-committee structure ensures that most individuals who are brought to the committee are known to most of the members and that, as far as peer pressure is concerned, there is a higher likelihood of success than mediation and adjudication among strangers. This process retains elements of the Gemeinschaft even though the township may be composed of many thousands of people.

A future government, sensitive to ruling by consent rather than coercion, will have to pay serious attention to the various forms of informal ordering in order to assess the feasibility of incorporating elements of them into the formal policing process. Needless to say the

149 Cape Times 13 October 1989; Cape Times 19 October 1989; Cape Times 20 October 1989; Cape Times 27 October 1989; Cape Times 31 October 1989.
current policy and practice of policing, particularly of the black townships, will have to be revised fundamentally. A state that enjoys legitimacy *can* generate a partnership in policing even in a pluralistic society, but the police need special training and orientation to achieve this. The existing police force has an enormous task to undo its negative image but that is its challenge for the future.