

**IN THE SUPREME COURT OF SOUTH AFRICA  
TRANSVAAL PROVINCIAL DIVISION**

**STATE vs BALEKA AND OTHERS**

**Report by  
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## 1. Factors Contributing to Disorder in Crowds

Postwar Britain, especially in the past two decades, has been plagued by urban riots and violence of increasing severity. Lord Scarman, after the widespread disorders of 1981, was appointed to inquire into their nature and origins. His Report, known as the Scarman Report (1981), sparked off renewed scientific inquiry in Great Britain into crowd behaviour. The Economic and Social Research Council in Britain (ESRC), of which South Africa's Human Sciences Research Council may be regarded as the local counterpart, is a major source of funding for research in the social sciences. This Council, in 1978, concluded that the study of crowd behaviour had been neglected.

Consequently, with the added impetus of the 1981 riots and the Scarman Inquiry, the ESRC set up a multidisciplinary panel of leading British academics to study crowd behaviour; this panel is known as the Crowd Behaviour Panel of the ESRC.

One of the objectives of the panel researchers was to discover what factors led to the distinction between peaceful or orderly crowds, and disorderly crowds. A group of social scientists from the Sheffield City Polytechnic (Waddington, Karen Jones, Critcher, and Fielding) concluded that "it remains impossible to make any definite statements about the 'causes' of crowd disorder". It is however possible to "identify a number of key processes which may increase or decrease the likelihood of crowd

disorder". Their list of "key processes" is as follows:

FACTORS CONTRIBUTING TO ORDER	FACTORS CONTRIBUTING TO DISORDER
1. Positive and organised liaison between the police and crowd representatives	Poor or non-existent liaison
2. Focusing of crowd attention on speeches, music etc	A crowd left to its own devices
3. Low-key sensitive police intervention	Over-aggressive police intervention in relatively minor incidents
4. The presence of women and children	A masculine culture amongst the crowd and police
5. A shared sense amongst all those involved of a joint stake in the maintenance of order	Groups involved perceive each other as them and us and 'stand together'
6. A belief amongst the crowd that expression of their rights has to be orderly	A belief amongst the crowd that their rights have to be defended by any means necessary

## FACTORS CONTRIBUTING TO ORDER

## FACTORS CONTRIBUTING TO DISORDER

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| 7. Media reporting which gives a balanced portrait of the event and several points of view | Media reporting which over-emphasises violence and adopts the police view of events                 |
| 8. A political climate which encourages the moderation of conflict                         | A political climate which encourages the discrediting and vilification of one group of participants |
| 9 Public opinion which is informed and sympathetic to the crowd's right to be heard        | Public opinion which is ignorant of or hostile to the beliefs of the crowd                          |

The facts known to have existed in the Sebokeng march of 3 September 1984 strongly support the belief that the factors in the above list that are likely to have contributed to crowd disorder clearly outweigh those that are likely to have contributed to crowd order.

Hence, regardless of the activities of its leaders, the crowd in question was likely to have become disorderly. The Court has found that the leadership had responsibility for the disorderly outcome. In view of the findings of the Sheffield researchers,

however, the sole responsibility for the violence cannot have been theirs.

The Sheffield researchers list "positive and organised liaison between the police and crowd representatives" as a factor conducive to order. In the case of the disorders of 3 September 1984, although the police ought to have known the march was to take place, optimum communication with leaders in the community does not appear to have been sought.

Your Lordship has found in judgment (p.734) that the City Treasurer of Lekoa Town Council had no inkling of dissatisfaction about rent increases until 3 September 1984, and that the Orange Vaal Development Board did not expect trouble either.

## 2. Characteristics of Crowd Behaviour

Although there would probably be widespread support among social scientists for the ESRC conclusion that "the study of crowd behaviour had been neglected" it has nevertheless, over the years, been studied by a considerable number of eminent social scientists.

These scientists do not always agree with one another (scientists seldom do), but there is general consensus that some characteristics are common to all crowds.

2.1 One is the relation of the crowd to its social and cultural environment. The crowd is "a product of the community and its system of social relations" (L. Wilson & W.L. Kolb: Sociological Analysis. New York: Harcourt Brace, 1949, p. 307.) Leaders cannot make a crowd nor imbue values in it.

2.2 Crowd behaviour is in large measure unpredictable. There is irrationality present, and people are capable of excesses (when acting jointly in a crowd) of which they would be incapable when acting on their own. Shared emotion heightens the excitability of people in a crowd. Rumours spread very quickly, but one cannot predict which way the crowd will interpret them. The individual finds his everyday judgment suspended. There is a sense of immunity - as if the normal consequences of an act can be escaped when the actor is a member of a crowd. Even when a crowd is being shot at, people in that crowd might believe that they will not be hurt. Gustave Le Bon (1895), who is widely regarded as the classic authority on crowd behaviour, has this to say:-

"participants feel, think, and act in a manner quite different from that in which each individual would feel, think, and act if he were in isolation".

The effect of this is to reduce the accountability of members of a crowd for their individual actions, just as a

drug, or alcohol, may be said to reduce the accountability of an individual under the influence.

A leader of a crowd, if he is not a trained social scientist well-read on crowd behaviour, cannot be expected to be aware of the nature of crowd behaviour.

2.3 Serge Moscovici, a modern French authority on social psychology (Institute for Advanced Studies in the Social Sciences, Paris, and Churchill College, Cambridge, UK) has this to say:-

"Once men have been drawn together and fused into a crowd, they lose most of their critical sense. ... Their consciousness gives way to the thrust of illusions like a dam swept away by a river in spate. Thus, individuals forming a crowd are borne along by limitless waves of imagination and tossed about by emotions which are strong but have no specific object." (S. Moscovich: The Age of the Crowd. Cambridge University Press, Cambridge, 1985, p.31.)

The famous French author Guy de Maupassant said:

"A popular saying tells us that crowds 'do not reason'. But why not, if each individual member of them does? Why should a crowd unreflectingly do what none of its component units would? Why is a crowd subject to irresistible impulses, fierce desires and stupid, uncontrollable impulses and carried away by the latter, to the extent that it commits acts that none of its members would commit? A stranger cries out, and suddenly everyone is seized by a kind of frenzy, and all are caught up in the same unreflecting movement which none tries to resist. Carried along by the same thought which immediately becomes common to all, despite differences of social class, opinions, beliefs, customs and morality, they will hurl themselves upon him, massacre him, drown him, without any real reason, whereas each of them, if he were alone, would dash forward to risk his life saving the very man he is now killing."

### 3. Preconditions for Civil Disorder

Perhaps the best-known and most widely read sociological authority in this field is Neil J. Smelser whose standard work is entitled Theory of Collective Behavior (1962).

Smelser's methodology was to compare numerous events in which crowds had got out of control with those in which crowds had



almost got out of control, and to try to establish the difference between the two. He identified certain factors as necessary and sufficient conditions for an out-of-control crowd situation. These include:-

### 3.1 Structural conduciveness

Certain characteristics in the structure of societies, more than others, permit or encourage episodes of collective behaviour. Under conditions of economic pressure, for instance, the structure of some societies might enable those under pressure to take remedial action (such as to vote the Government of the day out of power). Your Lordship in judgment (pp.732-3) found for instance that economic recession, the slump in the steel industry, unemployment, and inflation, were predisposing factors for 'unrest in this case. Legitimate and effective counters to such economic pressures are not available to Black people in South Africa. The judgment also found that there was "Black disappointment and bitterness about the new constitution and a heightened political awareness" (p.732). All this constitutes what Smelser would call "structural conduciveness."

### 3.2 Structural strain

The type of societal structure that induces violent protest also produces an intense sense of strain. The two in com-

ination radically reduce the chances of peaceful reactions. Professor Tjaart van der Walt, Rector of the University of Potchefstroom, who was appointed to investigate "Black education in the Vaal Triangle with reference to the events of 3 September 1984", devotes the whole of Section 3 of his Report to "Local Circumstances". He highlights conditions of deprivation and inadequacy and concludes that:-

"The effect of general socio-economic problems on the schools boycott and on the widespread unrest and violence in the Vaal Triangle should not be underrated. In the absence of these conditions there would probably still have been protest actions, but certainly not on such a scale, not with such intensity, and not over so protracted a period of time." (Report, p.27).

### 3.3 Growth and spread of generalized belief

This generalized belief, says Smelser, identifies the source of the structural strain. A widespread belief has developed among Black people throughout South Africa that the country's political system is the root cause of all their social ills, especially of poverty, and that the Government is discriminatory in its laws and actions. This belief might be exaggerated. If apartheid were to disappear, this would not guarantee the simultaneous disappearance of poverty. Yet the belief is real and has real consequences.

Community Councillors were not perceived as acting in the interests of their constituents in combating the effects of apartheid. Your Lordship found in judgment (p.814) that:-

"What is clear from all the evidence, however, is that at the meetings of the VCA councillors were attacked and vilified in strident language and accused of being spineless marionettes and traitors who were corrupt and in office only for their own monetary gain."

#### 3.4 Precipitating factors

Conduciveness, strain, and a generalized belief, says Smelser, "do not by themselves produce an episode of collective behaviour in a specific time and place". It is always a specific event or events which spark things off. Under conditions of racial tension this is particularly true. The coincidence of rent increases and the implementation of the new Constitution (granting no real increase of political power to the majority of the country's population) was the precipitating factor in this case. Your Lordship's judgment commences its discussion on the Vaal Triangle as follows (p.739):

"On 3 September 1984, the day the new constitution creating the tricameral Parliament became effective, the day upon which the first executive state president took the oath of office, the Vaal exploded and unrest and rioting spread country-wide."

#### 4. Some Consequences of Aggressive Behaviour

Overt aggression can sometimes have a healing effect, in that it might constitute an outlet for intense emotions. This is known to social scientists as catharsis (from the Greek word meaning cleansing or purification), which may be defined as "the release, liberation, or reduction of emotional tensions through talking out or acting out". This overt action might be less drastic than what would otherwise have occurred.

Even though there will be many persons in the communities concerned who will in retrospect condemn the acts of violence that resulted from the crowd behaviour of 3 September 1984, the catharsis that they will have experienced will also be remembered.

Punishment will most probably serve to inhibit future aggression towards the source of frustration. But it will not destroy the aggression. It will merely displace, delay, or disguise the aggression, which will reappear later. My authority for this opinion, besides my own observations over many years of events similar to those of 3 September 1984, is the joint work of George Gaskell, a noted social psychologist at the London School of Economics, and Robert Pearton, a sociologist on the staff of St. Mary's College, University of London. These two writers have become acknowledged experts on Aggression in Sport (J.H. Goldstein (Ed): Sports, Games, and Play. Lawrence Erlbauer,

Hillside (NJ), 1979, p.272).

I have been informed by residents of the Vaal Triangle that Councillor Esau Mahlatsi was recently voted out of office (by 38 votes to 4) by Sam Kodisang. Kodisang's successful platform included cheaper rentals, the reprieve of the "Sharpeville Six", and bringing "our children from the Delmas trial back into the community".

It can only be in the interests of all South Africans to build bridges, to encourage reconciliation between polarized sections of the population, and to effect social reforms. This is the policy of the Government. Sentences perceived as unduly punitive will be counterproductive to these objectives.

It should be remembered that leaders in aggrieved communities are looked to for hope, and for the reconstitution of values, because aggrieved groups seek to alter the values of society in their favour. (The present Government, in its reform movement, recognizes the legitimacy of the wish to reconstitute the values of South African society in favour of the disadvantaged.)

According to Smelser: (p.356):

"The number of determinants for which a single leader is responsible - and the degree to which he is responsible for them - is always an open question".

**Collection Number: AK2117**

**Collection Name: Delmas Treason Trial, 1985-1989**

***PUBLISHER:***

*Publisher:* Historical Papers Research Archive, University of the Witwatersrand

*Location:* Johannesburg

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