

historical review of the central problems in the relation between law, justice and morality is learned and impressive; but its place in an essay entitled "Change and Methods of Change" is questionable. Even his discussion of the minimum moral content of law does not seek to explain the apparent contradiction between the sanguine assumption that law without such a content is unenforceable and the continued and successful application of apartheid laws in South Africa. The essay concludes with a recommendation for the adoption of a rigid constitution with a bill of rights.

The real achievement of the report of the Legal Commission is to reveal the dimensions of the chasm between South African apartheid law and the precepts of justice, between the society's democratic and Christian pretensions and its legal system. Much of this is, however, an elaboration of what was already known. What is badly needed, and what the report does not offer, is a graduated programme of reform which takes account of relevant social and political realities. Without this the Commission's positive contribution is disappointingly slender. □

THE WETSWINKEL OF AMSTERDAM

by Churton Collins

Most people who come to Amsterdam are immediately struck, or (as it was in my case) moved, by its spirit. It is not scientific or even strictly rational to speak of spirit, but who can describe an experience of love except in such terms? . The people there are friendly and unified in the sense of being relaxed and tolerant. The middle aged bank teller deals with the freak without suspicion and it is a common sight to see long-haired school children helping the pensioner land his fish from the green turgid depths of one of the canals.

It is in this atmosphere that a number of institutions have sprung up whose only aim and object is to provide aid to those who need it — or to put it another way, to help those who are oppressed.

I had heard from certain Dutch friends whom I had met elsewhere in Europe, that in Amsterdam, the Hague and Rotterdam new organisations — called Wetswinkels — had been set up by law students. They told me about these after I had spoken of the dilemma facing me and other law graduates returning to South Africa — the dilemma being that entering conventional legal practice would take one into a select conclave with little immediate contact with those who really needed legal help and did not have the money to obtain it.

So in Amsterdam I went to the Wetswinkel in Onze Huis, Rosenstraat, where I was welcomed and shown round. The Wetswinkel was situated in a large old house and most of the action seemed to be taking place in a room where people were typing, writing, looking up files and just talking. It was then explained to me how the Wetswinkel was run.

It opened for 2 to 3 hours on three afternoons a week. The public were first taken to the Balie (the controller of the business) who asked for names, addresses and then simply what the nature of the problem was. As soon as he had ascertained the essential nature of the problem and that it was not entirely trivial, he would send them through to a large waiting room.

When the time came the client would be taken to a particular "consultant" who would be an expert in the branch of the law in which that client was involved.

In fact the Wetswinkel was divided into five sections each controlled by a "consultant". The sections were:

- (1) Family law
- (2) Housing and Lease
- (3) Consumer Law and Law of Purchase and Sale
- (4) Employment Law and Insurance
- (5) Criminal Law and miscellaneous.

The consultant would then freely discuss the problem with the client and the main details would be noted down. The consultant would then either give advice on the spot or else tell the client that an answer would be forthcoming in a few days.

It was then after the winkel closed that the real work would begin. Each section consisted of a group of about six people and these people would meet as a group to resolve the various problems as they arose. Advice was often solicited from members of the university legal staff and members of the legal profession who had pledged their support to the winkel.

The result of this would be either:

- a) The answer to the problem which would be sent to the client.
- b) The matter would be passed on to one of certain practising advocates who had agreed to take on Wetswinkel work 'pro amico'.
- c) The members of the Wetswinkel would take up certain procedures and would often appear in the Cantonhof — the lowest court of the land. Otherwise letters would be written, notices served etc.

Obviously details of the finer working of the Wetswinkel escaped me because my Afrikaans was not entirely adequate. The same was true of their English.

* * * * *

I was told that about 60 people (students, academics, lawyers) were actively involved with the Wetswinkel. And in the week or so that I spent observing and working with these people I was deeply impressed by their concern and enthusiasm. A huge amount of work was involved and they appeared to handle it with easy charm and incredible organisation.

The clients varied; many were old, some were destitute, some were drop outs; none of them appeared well off. A nominal charge of about 60c (S.A.) was made to pay the overheads such as typewriters, stationery etc. I was told that many of the clients were in fact just lonely, unhappy people wanting someone to talk to, and that it was intended to enlarge the scope of the Winkel to cope with people who were in emotional distress.

I mentioned to some of the consultants that I was from South Africa and intended to start up such a Wetswinkel when I returned. Their first reaction was unbounded child-like delight followed by the qualification "Do you think it will be possible there?". I said that many things would serve to obstruct the initiation of such a scheme in South Africa. i.e. apathy of the affluent public, government and police obstruction, difficulty in liaison with the legal profession, and a shortage of voluntary assistance.

It will be said that Legal Aid will destroy any need for such a Wetswinkel in South Africa. Without going into the details of Legal Aid I respectfully submit that it will not provide an instant solution for many reasons:

- a) lack of advertisement of the scheme
- b) The fact that Africans will still have to prove a host of details in the cold air of a bureaucratic office before being able to obtain legal aid.
- c) Lack of evidence that Legal Aid has in fact got off the ground.

It might be noted that Holland in fact possesses one of the most progressive legal aid schemes in the world. And yet all the students I spoke to were adamant that the Wetswinkel was entirely necessary — explaining that in a multitude of instances persons requiring legal aid became involved in a Kafka-like nightmare of being sent from person to person down endless bureaucratic corridors.

Certainly a Wetswinkel in South Africa would have to cater for an entirely different situation than that in Amsterdam. Logically it should aim at helping Africans in legal difficulties as they are the poorest of our community. But obviously the doors would be open to anyone in need. It might be stated quite definitely that the object of such a Wetswinkel would be to supply a service where none exists at the moment; and that the intention is in no way to encroach on the domain of the Side Bar or the Bar. It would be most gratifying if the Wetswinkels (if they ever arise) should work in hearty combination with both branches of the legal profession in South Africa. It is my opinion that the imposing of a means test on clients would be against the spirit of the whole idea. It is hoped that it would work on a basis of trust and easy informal communication.

Finally it is anticipated that such a venture should operate in close conjunction with the department of law of the nearest University. This would have numerous advantages. The organisation would be able to apply for a grant from the University; full-time students would be able to gain invaluable practical experience by working in the Wetswinkel; and advice might be obtained (hopefully) from already over-taxed academic staff. □

-
- N.B.** 1. The subscription slip in each copy does not mean your subscription has expired. It is for handing on to friends unless you receive a separate notice to say your subscription *has* expired.
2. Articles printed in REALITY do not necessarily reflect the opinion of the Editorial Board.

EDITORIAL BOARD:

Chairman: Mr. A. Paton
Board: Prof. E.H. Brookes, Mrs. A. Cobden,
Mrs. M. Corrigan, Mrs. M. Dyer, Prof. C.O. Gardner
Mr. D. Hemson, Mr. K. Laue, Miss S.J. Lundie,
Mr. L. Marquard, Mr. M. Murphy, Miss F. Robbins, Mr. Paul Stopworth,
Mr. J. Unterhalter.

SUBSCRIPTIONS: R1,50 (£1; \$3) for 6 issues.

Send to:-
Reality
P.O. Box 1104,
Pietermaritzburg,
South Africa