

# A toehold on the land



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# A TOEHOLD ON THE LAND:

## LABOUR TENANCY IN THE SOUTH EASTERN TRANSVAAL

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# PART I COUNTRY LIFE

## 1. SOME STORIES

Parts of the South Eastern Transvaal heading towards Natal and Swaziland are very beautiful. One drives through rolling grasslands, through rock kloofs and along mountainsides with panoramic views stretching to the foothills of the Drakensberg. Every now and again one passes black men on horseback who are herding cattle, clusters of mud huts, fields of mealies and established white farm houses surrounded by outbuildings. The area seems wide and empty and predominantly peaceful; as though mankind has not imposed much on the land and people don't particularly interfere with each other.

An old man from Driefontein, which is a 'black spot' in this area, once started to point out landmarks as we drove through the white farms towards his home. What I had noticed as a clump of trees on the hillside, he told me was the ruins of 30 huts. Two extended families had lived and farmed there for generations. In the mid 70's they had been told that their labour tenant contracts were illegal and they must leave. They had ignored this instruction and continued ploughing. Finally 'the whites' had set fire to their houses. Virtually all their possessions were burnt in the blaze. The families had gathered the remnants together and taken the children, the cattle and the sheep and trekked off to the reserves.

He told me that at that time some people were braver than others. When we passed a big hill called the Ngwempisi mountain he described what happened to the many families who had lived on its slopes with their fields at its base. They had ignored all warnings to leave, and when they were evicted they had come back and settled on the mountain again. They were re-evicted by various methods; fire, bulldozer, arrest and in the end their cattle were impounded and sold. As we drove further he pointed out where these families live now, some are just opposite their old homes, some are a few farms away.

Four years ago a beautiful young widow Aslieta Mavimbela came to ask the Driefontein committee for help after the death of her husband, Mandla. She explained how one day the police had arrived at her homestead and asked where her husband was. She answered that he had left the previous day on horseback to look for another, better farm for the family to move to. They opened the back of the van and showed her the dead body of her husband. Then they put her in the back of the van with him and took her to the Wakkerstroom police station. There they explained that a farmer, Andries Delport had shot her husband and his horse. The reason he gave was that Mandla must have ridden across his property to reach the public road. Delport said that Mavimbela didn't answer



Mrs Mavimbela

when he called to him, thus he fired two shots to warn him. Mavimbela and his horse, both shot in the back, died outright. Delport was acquitted on all charges in the Volksrust Regional Court on the basis that he stumbled as he fired the shots.

Mrs Mavimbela told us that Delport had paid for her husband's funeral but his mother had refused her request that Delport come and plough the family fields. She made this request because Mavimbela had received no wages. He had worked for the farmer in exchange for access to land. The family were subsistence farmers, and lived from the crops they ploughed and the stock they kept on the land allotted to them. The request that Delport come and plough the land thus amounted to a damages claim; that Delport provide the means to feed the family. Mrs Delport shrugged off the request by saying 'What if your husband had been killed by lightening? Would you expect lightening to plough your fields?'

Mrs Mavimbela sat looking down and nursing her tiny baby as she answered our questions. The only time she looked up was when I asked her whether she and her seven children were her husband's only dependents, or if he had another wife. Then she sat back and looked straight in my eyes and said 'He loved only me'.

Most of the farm-worker deaths that we hear about are connected with the Dirkiesdorp police station. Three of these have been the result of torture during interrogation into alleged stock-theft. Last year a group of young men who had been detained for another matter told us of a group of farm workers who were systematically tortured by the police. The subject of the interrogation was the theft of certain sheep. Finally they were taken to court. One of them Krans Mlangeni was carried in a blanket as he could no longer walk. The case was dismissed because of lack of evidence and Mlangeni was left lying semi-conscious outside the court. The other farmworkers arranged to hire a vehicle to take him home, but he died within two days.

In the course of assisting his father to prepare a damages claim we needed further information. We asked the committee of Kwa-Thandeka township to find witnesses from the area where he had worked. They found 3 groups of people and we proceeded to take statements from them. Their information was utterly confusing until we realised that only one group was talking about the same man as us. The other two were talking about other Mlangenis who had been killed by whites; one by a road worker, and the other by a farmer.

There are many types of violence apart from murder and physical assault. There is also the violence of exhaustion and hunger. Petros Ngwenya and Aaron

Zwane from farms in the Panbult area describe how they work from before it is light until after sunset, six days a week. There is no annual leave, either for them or for any farm-worker I have ever met in the South Eastern Transvaal. If you miss work because of taking a sick child to hospital there is a deduction from your wages. In Zwane's case his wages are R10 per month for 6 months and R20 per month for the other 6 months of the year. He is thin with a dark lined face and hands that shake; he has bitter burning eyes. His family have always lived in the Panbult area, although not always on the same farm. They have been evicted, moved back, been evicted, moved next door and come back again. The Zwanes used to have large herds of cattle, now the farmer has said they cannot keep more than six. Zwane is dismissive about the 'wage' he earns, he calls it 'tobacco money'. He asked me why whites are so selfish and what they feel when they see hungry children.

'We are the people (abantu) who live on the farms. It is alright about the whites (abamhlophe) we agree that we live here on the farms with them, but let them give us money for our work. A white man (umhlophe) has become a landlord (umlungu) because of us. However much money he has, it is we blacks (abantu) who do the work. Why won't he give us money because we are the people who raised him up? We have made him a man of property, a big man. Yet he ignores us, he gives us nothing'.<sup>(1)</sup>

Another kind of violence is that which happens to farm-workers who are crippled as a result of accidents at work. Again and again they and their families are evicted from the farms and left entirely destitute without transport to go anywhere else. This happened to Timothy Hlatshwayo who worked for a farmer, Mr E Paul, in the Piet Retief district. He and 24 other workers were being transported on the back of a small bakkie when the bakkie overturned. Hlatshwayo broke his neck and is now paralysed from the neck down. He spent 18 months in hospital in Johannesburg and was then sent back to Paul who refused to assist him in any way. Hlatshwayo's wife's brother helped the family to move to Driefontein where they live in a crumbling mud hut.

I was taken to meet him at night and found him and his children sitting in darkness. When we arrived they made a show of looking for a candle, but it was obvious that there wasn't such a thing in the house. They were waiting for his wife to return from her job in a forestry plantation. She earns R30 per month. We were to assist Hlatshwayo to get Workmen's Compensation money and a Disability Pension. His own efforts had been thwarted because Paul refus-

(1) The Zulu term for people, 'abantu' has come to mean black people in ordinary useage. Whites, by being called 'mhlophe', meaning the colour white, are not included in the category human-being/person. Umlungu is a common term for white people but means 'lord', person who gets some kind of due from subjects.



Timothy Hlatshwayo and his wife Anna

ed to sign an Employers Accident Report for the WCA. When Hlatshwayo had hired a vehicle to be taken to the District Surgeon in Wakkerstroom 50 kilometres away the District Surgeon had told him that he had run out of application forms for Disability Pensions.

Another serious problem for farm-worker families is the education of their children. Often children walk for 4 hours getting to school and back. Sometimes small schools have been established on the farms. A few years ago a new farmer acquired the farm Heyshope, adjoining Driefontein. He found an established, registered school operating on his property. He went to the headmaster, Mr Nxumalo and insisted that he close the school. Nxumalo refused, the farmer responded by arriving at his house at night and firing shots at him.

Luckily he missed Nxumalo, the bullets lodged in the wall of the house next to where Nxumalo had been standing. The police identified these bullets as coming from the farmer's gun. Nxumalo laid a charge of attempted murder. The farmer then arrived at his house, apologised and offered to let the school continue operating. On this basis Nxumalo withdrew the charge of attempted murder and life continued as usual.

It is beyond the scope of this paper to record examples of all the abuses taking place on the farms in the four South Eastern Transvaal magisterial districts where we work. Suffice to say that these include child labour, physical assault, debt to the farmers and impounding of cattle.

The nightmare quality of the situation is not the detail of events — these are familiar to us from stories of the Italian countryside a hundred years ago, of the American deep south, or feudal England — but the fact that these things are happening **now**, everyday, and that they form the parameters of life for hundreds of thousands of people.

## 2. THE LABOUR TENANT SYSTEM

These daily events are taking place within the remnants of an ancient system which pre-dates the straight wage-labour relationship. To understand the terms within which people live and work the land in the South Eastern Transvaal and Northern Natal one has to understand the system of labour tenancy.

Labour tenancy is a system whereby people secure access to, or tenancy of, some agricultural land, by working for the landowner. Members of the tenant family work for the farmer half the time, in exchange for being given access to land for ploughing and grazing their stock. The most common contract operates on a 6 months on, 6 months off basis. The system also sometimes



operates on a year/year basis. Typically one or more able-bodied men of the family will work for the farmer while the women and children tend the family fields. Sometimes the grown children of the family will rotate; while one does his/her 6 months stint for the farmer, the other will work the family fields. During the 6 months off period the family member may either remain on the farm, or go and find temporary employment elsewhere.

The contract is essentially between the farmer and the **family** as opposed to the family member actually working for the farmer. Thus the extended family can live on the farm as long as the agreed number of able-bodied workers are working for the farmer on the on/off system. If any one family member breaks the contract, or does something wrong, the whole family can be evicted.

In its classic form the labour tenant system does not involve any exchange of cash. The farmer does not give wages to the people working for him; their terms of payment are negotiated around the size of lands they may plough and the number of cattle they may keep. However this system was outlawed by the state which has spent decades involved in active attempts to stamp it out. <sup>(2)</sup>Farmers were told that black people must no longer be allowed to keep cattle and must instead receive cash wages. Thousands of families were evicted by the Administration Boards.

The effect of this intervention is that a new hybrid system became the norm. Now families are allowed access to much smaller fields and the number of cattle they may keep has been restricted (generally to 6 or 10 per family). In return they receive wages of R10-R30 per month. It is common that a farm-worker receives a monthly wage of R10 for his 6 months 'on' and R20 for his 6 months 'off'. Since the 70's these wages have not been increased and obviously do not compensate for the reduction of benefits under the old system.

All sorts of variations still exist, in some cases the farmer uses his equipment to plough the tenant family's fields, or he may lend them his equipment. The tenant families may be entitled to manually reap and keep the remains of the farmer's crop left behind by the combine harvester. In some cases people receive rations, in others classic labour tenancy still exists. Common to all these variations is the central contract that the family is allowed to remain on the farm only as long as it supplies some able bodied labour for the farmer.

### 2.1. Cheaper than slaves

The low wages paid under the new hybrid system have created strange new practices. It is now common for the members of an extended family to contribute to the 'wages' of the person, who by working for the farmer, secures the family's right to remain on the farm.

(2) This process and the reasons for it are outlined in section 2.3. of this paper.



A family which earns R20 per month for 6 months and R30 for the other 6. They have no family member remitting wages.

A typical example is the Ngwenya family. They have a well established homestead consisting of over 12 buildings, a cattle kraal, a vegetable garden and one biggish field. The Ngwenya grand-parents live here as does their son Petros and his wife and young children. However it is the base for a much bigger family; over 20 grand-children are growing up there. On weekends and public holidays various of the Ngwenya sons and daughters come home to visit their parents and children. All marriages, funerals and family occasions take place on the farm. The childhood bedrooms of the now grown up children are maintained and used on their visits home.

Petros Ngwenya pays for all of this by working 12 hours a day 6 days a week. His brothers and sisters who work and live in town contribute money every month so that he has cash to send his children to school and buy clothes and medicine.

The benefit to them is that they can maintain a family base in a way which the housing crisis and until recently the pass laws, made impossible in town.

The variation of this development is that the tenant family employs a stranger to fulfil their labour obligations to the farmer. This is very common. Thus a well established family which accumulated stock under the old system and has established an extensive homestead may have managed to educate its children. These children somehow evaded the pass laws and got relatively well paying jobs in Johannesburg. They then refuse to work a 12 hour day for R30 a month and so employ somebody else to do this. This person generally lives as part of the family. He receives the farmer's R30 and then wages from the tenants which vary between R30 and R100 per month.

Thus we have a system where the farmer is not even fulfilling the requirements of a slave-master; giving his slaves the means to re-produce themselves. Instead his workers are subsidised by migrant wages coming from outside the farming sector.

### **3. HOLDING ONTO THE FARMS**

The strangest thing about all the terrible stories I was told about farm life was that the people who told the stories were almost invariably fighting to remain on the farms. By far the most common reason people seek help is threatened eviction from the farms.



The children of labour tenants catching one of the family's goats.

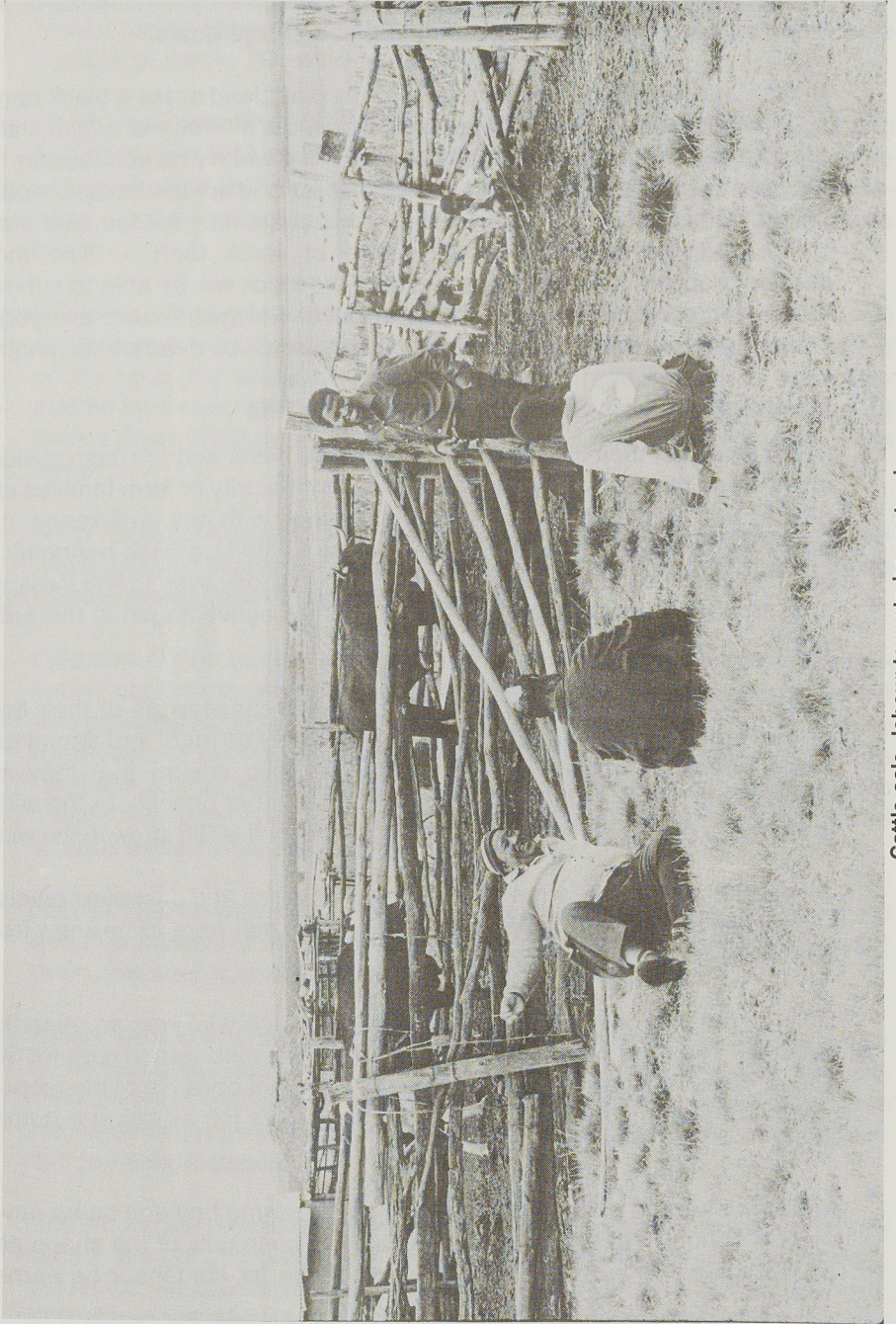
### 3.1. A binding kind of wealth

At first I found this very puzzling but then I began to understand that the benefits under the present system do not consist of wages, leave and paid overtime. They consist of being able to keep cattle and sheep, of being able to grow your own mealies, beans and pumpkins. Of having a home where there is a big round rondavel called indlu ka-gogo, a place where everyone sits round the fire on winter evenings and tells stories. And separate rooms where all the young girls sleep and laugh together and where the boys live after they are too old to sleep in their parents' rooms and before they marry and build new rooms for their wives and small children.

When I visited families I was shown trees that had been planted 70 years ago, and well worn paths leading to strong old kraals redolent with manure and hot sun. Old grandmothers have their particular patches of grass and sun and shade where they sit at different times of the day and contemplate views to distant hills uninterrupted by any sign of human habitation. Small children play around their grandparents, young girls grind mealies and fetch water, young boys bring the cattle home. As a visitor I was given meals of sour milk and dishes made from ground mealies, and wild spinach and herbs. Again and again people laughed at my concern that the farmer would arrive and find me there; this was their homestead, their place, the farmer never came there, he had no right to.

In terms of cash income these people are extremely poor. Their monthly wages are not enough to buy a bag of mealie meal. Yet in terms of agricultural capital they are often relatively rich. It is not uncommon for families to have bred cattle of excellent stock which are coveted by other farmers, black and white alike. I have seen big oxen change hands for over R1000 a piece and goats and sheep for R80.00. Often people own ploughs and sometimes even tractors which they have acquired and maintained over generations. There is a lot of money tied up in the sprawling homesteads which have been extended and improved year after year. All these things comprise inherited wealth which has been handed down and added to over generations.

However this 'wealth' exists only within the particular circumstances of farm life and it is very vulnerable in any other environment. When a family is evicted from a farm the cash wage is the least of its losses. It loses the extensive houses which it has built and maintained in expectation of living out its life on the farm. All its other assets become burdens which weigh it down when it has to take to the road; the large number of small children



Cattle sale, labour tenants homestead.

and old people in the family, the ploughs and unwieldy agricultural equipment and most of all the prized cattle, sheep and goats.

In the South Eastern Transvaal as in many platteland areas a black family may not drive stock along the public road without a 'Trekpas' which states that the said black is known to the undersigned white who vouches for the fact that the cattle as listed and minutely described are the lawful property of the said black. Without this trekpas it is customary for the said black to be arrested forthwith on a charge of stock theft. <sup>(3)</sup> The most serious problem is finding a place where the stock will be able to survive. There is no grazing in the Reserve areas of KaNgwane and everybody knows that if a family ends up there, all its stock will be dead within months.

### 3.2. The human fence: Fashioned by a 'fitting' life

In the course of their lives on the farms people never acquire cash savings and they seldom get any education. The vast majority of farm families can neither read, write nor speak a white language with any proficiency. It is all these things which lend manoeverability to life in a cash economy. If one can't read, can't speak English and has no money even to hire transport to search for a new home, then one is utterly disadvantaged in the wider world.

Farm workers are totally conditioned by the circumstances of their lives on the farm, within these circumstances they may be 'rich' and strong and independent but these very circumstances also ensure that they are powerless in terms of their capacity to choose other options. In the wider world the capital they have built up over generations is like straw in the wind.

Johann Mthethwa is a farmworker who was ridiculed and destroyed precisely because he lived and worked within the terms that were all he knew from the time he was born on the farm.

He was the only worker for a certain Tobias Koch who was an absentee landlord. The farm had no fences and Mthethwa's job was to care for 566 sheep. Mthethwa found the work tense and fraught because of the responsibility for sheep straying away. He described his job as being a human fence.

Mthethwa herded sheep from when he was a young boy and so he never went to school. Yet somehow he was able to keep tally of the sheep and always knew if one went missing. In exchange for his labour he earned

(3) This custom is so firmly entrenched that it has been the subject of litigation forcing the farmer to provide a trekpas so that his ex-employee can avoid arrest.

R10 per month, a bag of mealie meal and Koch ploughed his fields for him. Most important however, was that he was able to keep an unusually large number of stock; 25 cattle and 9 goats.

On the 1st December 1986 Koch arrived, thanked Mthethwa and his son and gave them R10 each. They were taken aback but thought nothing more of this. Then on the 2nd December a certain Henry O'Niel arrived and asked to be shown the boundaries of the farm and asked about Mthethwa's stock.

O'Niel said that he had bought the farm. He asked Mthethwa whether he could drive a tractor, Mthethwa answered that there had been no tractors on the farm. He asked him whether he could read, Mthethwa answered that he had never been to school, he asked him whether he could put up fences and Mthethwa answered that there had never been fences on the farm.

So O'Niel said that Mthethwa was good for nothing and must find another place. He said that Mthethwa must move immediately or start paying him R9 per month grazing fee per animal.

I phoned O'Niel to say that Mthethwa had not received any notice whatsoever and that to charge him R306 grazing fee forthwith was illegal. O'Niel was extremely aggressive and asked me whether I expected him to employ a man who by his own admission was an idiot unfitted for farmwork. When I pointed out that Mthethwa had been earning R10 per month and therefore couldn't possibly raise R306 he laughed and said he was quite prepared to take some of his cattle in lieu of payment.

He said that he was moving 200 cattle onto the farm on the 1st of January and that Mthethwa's fields would be ruined unless he, Mthethwa, fenced them. He said that Mthethwa would 'see miracles' soon.

Before we could do anything to help Mthethwa challenge this situation legally, he had disappeared. Nobody knows how, or when, or where he went. That is very unusual because in all other cases the local committees have managed to keep track of farmworkers over vast distances and under very difficult circumstances.

The strongest impression given by Mthethwa was of a man utterly outraged. His life and everything familiar to him was hanging in the balance yet he did not appear to be bowed-down. He was furious at the way in which O'Niel had belittled his super-human efforts in herding 566 sheep without



fences, and that O'Niel had judged him worthless for not having skills which he never had the opportunity to acquire.

The fact that farmworkers have so much to lose, and are so vulnerable once they have lost it, may explain the utter tenacity with which people cling to the farms. Most people ignore the 'trekpasses' which serve as their eviction notices. Convictions of trespass make very little difference either, people pay fines and go to jail almost as though this is just one of life's unpleasant little necessities. If the farmer persists in his efforts to get rid of them, then they sell stock to raise cash for paying fines. There are various legal ways in which they can be physically removed (Orders in terms of civil proceedings or in terms of the Illegal Squatting Act) and various other ways, for example impounding of cattle and destruction of houses. Yet time and again people will come right back and build again. One old man Seargent Yende did this eight times, and finally won the right to remain on the farm until the end of his life.

The farmers are fully aware that stopping wages is a mere irrelevance which won't have any effect in influencing people to leave. Thus when they decide to get rid of a family they attack the real assets by which the family lives. They destroy the crops standing in the fields, often by sending their own animals to graze them. They impound or confiscate the family's stock often in lieu of 'grazing fees' and then they destroy their houses. These actions may or may not be accompanied by parallel legal action. Once during legal proceedings against a farmer for impounding cattle, we showed the court papers to the Deputy Sheriff who was a lawyer from the small town of Amersfort. He looked at the papers and remarked that impounding cattle was a messy business and that most farmers in the district preferred to tie a rope around the individual huts, attach this to a tractor and then pull them down.

## **4. SELF-WORTH, BELIEFS AND RIGHTS**

Farmworkers approaching the Driefontein and KwaThandeka committees for assistance often come when their situation is already extremely serious. Perhaps their crops have been destroyed and one of their buildings has already been knocked down. I am always struck by the fact that they do not appear defeated, or nervous. Initially I had pre-conceived ideas that, as the poorest of the poor, they would be vulnerable, diffident people. Instead they are self-assured and seem proud and sometimes slightly disdainful.

### **4.1. Who owns the farms**

I fast learnt that I was phrasing certain of my questions to them in the wrong way. The question 'Who owns the farm?' often met with silence and a slight

shrug and when pressed I got replies like 'What white man tells you his name?' or 'A certain man called Baas Danie says he owns the farm'. When pressed on these replies I got further replies like the following one from Aaron Zwane. 'The whites have not been here for long. This one has been here for six months. The one before him was just the same. The one before him was a doctor from Ermelo and he was just like this one'.

When I had asked Mr Zwane why he particularly wanted to stay on the farm he said 'We are not people who are visiting or people who are passing through. We were **born** here. Another place we have not seen. We were born right here on this farm'.

#### 4.2. The right to reciprocal terms

I was amazed that people should be so sincerely shocked and outraged by the behaviour of the white farmers. It seemed incomprehensible that they still expected them to conform to human standards of behaviour. Over time I realised that the source of outrage is that white farmers flout the reciprocal terms of the system which has governed, shaped and oppressed every aspect of the farmworkers' lives.

Before labour tenancy was abolished there were sections of the Development Trust and Land Act, which set out certain protections for labour tenants to ensure that the contract had reciprocal obligations for both parties. For example, a tenant could not be evicted during the currency of any contract, contracts varied from one to three years. Thus if he had worked his year 'on' he could not be evicted before he had enjoyed his year 'off'. If the agreed conditions of the contract were breached, notice to quit was deemed to be 3 months. After this period the farmworker still had the right to come and harvest the crops in his fields. When the farm changed hands, the new owner was deemed to take over the contract of the existing tenants and if he refused to do this he had to give them an effective 6 months' notice. Furthermore, there was a provision that placed a duty on the government to provide 'alternative accommodation' if the criminal provisions for evicting blacks were used. Many of the above rights were tested and won in court in the 1920's.

These practices formed a body of custom which was entirely undermined when labour tenancy was 'abolished'. In effect the farmers got carte blanche to treat the workers as they liked without honouring the terms that until then had been the norm. An old man, Ephraim Ngwenya, told me about the period when the Administration Board had outlawed labour tenancy and substituted wage labour. He said that he had initially welcomed the

idea of wages because 'cattle can die'. But then the wages turned out to be too little even for food and they were restricted to small vegetable gardens and very few cattle. 'With what can you educate your children? That white man, you will never be able to say that he is a person who acts according to law or custom. And he will never accept a law or custom that comes from (black) people, everything must come from him. You mustn't try to suggest anything or talk to him'.

In this situation people have responded in a completely militant and determined way to resist eviction. They refuse to leave, they rebuild when their houses are knocked down, they go to jail and somehow they maintain an attitude which is predominantly scornful of the people and laws which treat them so badly.

## **PART II HOLDING ONTO THE FARMS: WHY?**

### **1. SINGING IN YOUR CHAINS: Making the best of a bad deal**

But why do people resist eviction so tenaciously? One may look for the reason in the fact that people are structurally bound to the farms. Until very recently the pass laws kept them the virtual slaves of any particular farmer. The trekpass system means that they cannot take their stock on the road or get a job on another farm without first being 'released' from the farm where they presently live.

Another equally strong constraint is that if the able-bodied men leave, the family home is destroyed, leaving the very young and the very old with nowhere to live. So too is the family's accumulated agricultural capital; stock and machinery is useless outside a farming context. Furthermore, the way in which farmworkers have lived and worked, has stopped them from acquiring the education, skills, and street-wisdom necessary for life in the cities.

People living within these constraints have managed to survive and to assert certain positive elements; the large family homes, the extended family, the independence to have whatever feasts, functions and guests they choose. In many cases, families have managed to increase the number of cattle they keep and the size of the fields they plough. They have also adopted the system where the pitiful wages on the farm are subsidised by the town wages of those who 'escape'. One man, Gideon Thenjiwe, who grew up on a farm but now works in Johannesburg, describes how his family operates.

'We live here in the location now but my home is on the farm in Piet Retief. My mother lives there, my brothers live there. We still plough and we have cattle, we increase our stock. The only thing is that there is no money. Three of my brothers work on the farm still. They work just for the right to have cows. The field we have is no bigger than two football-fields together. Even now I send my brothers money because I also have cows there. Also I ran away and they are still there'.

His friend Elijah Ngwenya added: 'You see we would all run away but the problem is the old people. They have no right of coming to live here in the location. So you must leave at least one boy to secure their cattle. ...I was a person who got away from there because I managed to get Section 10 (1) b'.

Thenjiwe said about the white farmers: 'They see how we suffer and they don't care. They do what they like because we live under their control. They know we have nowhere to go to. Besides they know that your pass is signed to them and that if you go to another place the next white will say we cannot hire you, you must go back to where you came from'.

Another source of 'wealth' which is at stake in evictions, is the extended family structure. It is perhaps this integrated extended family which has provided people with the sense of self-worth, which has enriched their lives and given them the capacity to scorn the morality of the white farmers who evict them. A compromise solution to their problems is not possible. There is no common value system to form a basis for negotiation between the land-lords and the tenant-worker. Besides, the power balance between the two parties is too unequal.

## **2. THE FARMS AS HEREDITARY AND BELOVED RIGHT**

However, the explanation that people fight for better terms because they are bound within the system and have no alternative, does not explain the tenacity which one sees again and again in relation to certain pieces of land. Nor does it explain the utterly dismissive attitude people have towards the white farmers' 'rights' of land ownership. Furthermore, despite all the structural difficulties already outlined, a very significant number of people have managed to 'escape' from the farms and establish themselves in the cities and the 'black spots'. There have always been other options, albeit mind-bogglingly difficult ones.

Yet there are people who, notwithstanding other options, have chosen to remain farmworkers and who have fought to remain on the particular pieces of

land where their families have lived for generations. For example, Petros Ngwenya, whose brother Elijah has left the farm and now lives in Katlehong, also had Section 10 rights. I asked him why he hadn't used these to get a job in town.

'Yes I do have a pass for Katlehong, but you can't be sure of that ... I want to live in a decent place so that if I go out to work I will know that I can come back and stay well there, a beautiful place. At a location, no, there is no proper space there'.

His parents, who actually have a house in Katlehong, also prefer to live on the farm. I asked him what he would do if he were ever evicted. He laughed and said:

'Indeed I don't know. Yes, well. He (the white farmer) is too rich. This one? When I go to the market at Delmas, I take 230 bags of beans. Yet we must live like this. You see the whites think that because we are black people, we must get nothing. They will not even pay us in return for our work'.

Ngwenya is confident that the blacks on the farm can manage all aspects of the work except marketing. Without him ever saying as much, I got the impression that the reason he stayed on the farm was because of its wealth and productive capacity; that he was not prepared to give up the land for some white who imposed absurd claims and laws on it. He said of the farmer: 'deWet? He has lots of farms around here. That white man thinks that we black people are stupid. When you tell him something to help him, or clarify something that is going wrong, he says "you are clever". You say "clever" in what way? It's just something like this, something simple. He says "Nee, eintlik jy is slim man"'. It's better to just keep quiet (laughs). No, no, he is a crook'.

## 2.1. Dispossession

In order to understand some of the aspects of peoples' tenacity in staying on the farms, one must consider the history of land dispossession in the platteland. It is beyond the scope of this paper to deal with the subject adequately, there are proper detailed geographical and historical studies by various historians. I have adopted the version of history which is set out in the studies cited. <sup>(4)</sup> I do not attempt to prove or justify it, and include a very potted version as necessary contextualisation for present attitudes, choices and practices.

(4) Helen Bradford 'A taste of freedom': Beinart Trapido Delius 'Putting a plough to the ground'. Colin Bundy 'The rise and fall of an African peasantry' in *African Affairs* (71,285) 1972. Tim Keegan 'The share-cropping economy, African class and the 1913 Natives Land Act in the highveld maize belt' in B. Bozzoli (ed) 'Town and countryside in the Transvaal'. Ravan Press, 1983.

Whites initially gained 'ownership' of the land by wresting it from black chiefdoms and kingdoms through frontier wars. Often too, treaties and 'deeds of sale' were signed which had implications which were not explained to the black leaders, very few of whom could read or write. For the British and Boer republics, the expansion of land occupation and control was the primary means of political sovereignty.

Parallel with the process of expansion by the British and the Boers, was the demand for labour to work on the white man's farms and plantation and in the mines. The initial difficulty in getting blacks to agree to leave their own independent agricultural production led to the importation of Chinese and Indian indentured labour. This could not meet the needs of white expansion and there were repeated attempts to force blacks into the labour market. Cecil John Rhodes was expressing the prevailing white attitude when he said of Africans: 'It must be brought home to them that in the future, nine-tenths of them will have to spend their lives in daily labour, in physical work, in manual labour'.<sup>(5)</sup>

The primary means of forcing blacks to work for wages was the confiscation of their land and thereby the destruction of their livelihood. However, even this did not always prove enough and so a system of taxation was introduced to force people into the cash economy. Rhodes again: 'We want to get hold of these young men and make them go out to work, and the only way to do this is to compel them to pay a certain labour tax'.<sup>(5)</sup>

The shortage of labour, especially in agriculture — the worst paying sector — has been the subject of parliamentary debate for well over a century. To force the blacks to become servants on the terms offered by the Boers and the mining magnates has been the object of innumerable laws. In this process, access to land was the critical factor. Land was the source of wealth and so power, for all groups. As long as blacks had some land, they could preserve a measure of economic independence and so remain their own masters.

But by the turn of the century, white land conquest was just about complete. In many areas black farmers responded by entering into sharecropping or tenant arrangements with the new white 'owners'. In terms of these arrangements, people either paid rent for access to farming land, or gave half their crop to the white landlord. Thousands upon thousands of families remained productive surplus producing farmers on this basis. Another response was for people to collect money by whatever means (most

(5) Speech on moving the second reading of the Bill which was to become the Glen Grey Act of 1894.

commonly selling stock) and to use this to purchase land. These black owned farms came to be referred to as 'black spots' by the government.

## 2.2. The Land Act

Then in 1913 the Land Act was introduced. In terms of this, South Africa was divided into the reserves, where Africans could own land (13% of the total land area) and the 'white area' where all acquisition of land by blacks was thenceforth prohibited. An extremely serious aspect of the Act was that share-cropping and rent-tenant contracts were made illegal. Sol Plaatje <sup>(6)</sup> describes the shock and anguish of the black farming families who found that their world had been destroyed overnight. One million black tenants were forced onto the roads to search fruitlessly for Boer farmers who would be prepared to defy the law and enter into tenant or share-cropping agreements with them.

And so the process whereby blacks who had tried to retain a measure of independence by adopting the white man's terms; buying (back) land, or giving the new owner half the crop, found the door slammed firmly in their faces. The myth of a racially open common economy hardly outlasted the process of land conquest.

The government substituted labour tenancy for the previous cash or crop bound nexus. The aim as clearly stated in the parliamentary debates around the bill, was that black families must become servants and **work** for their place on the farms. It was unlawful to have black tenants, but lawful to have black servants. As the M.P. for Ficksburg said in the debate: 'They (the government) should tell him, (the black man) as the Free State told him, that it was a white man's country, that he was not going to be allowed to buy land there or to hire land there, and that if he wanted to be there he must be in service'. <sup>(7)</sup>

The member for Vredefort referred to the difficulties experienced by farmers in the Free State: 'If a farmer refused to allow a native to farm on the share system, he simply refused to work. There were thousands of natives on the farms there who hired ground and did little work. The farmers had to keep their children at home to do the work. Some of the natives hired ground, did some sowing, then went to work in Johannesburg, and paid the owner of the farm half what he reaped from the harvest. That was not satisfactory ... he expressed the hope that the native would only be tolerated among the whites as a labourer'.

(6) Sol Plaatje 'Native life in South Africa' Ravan Press 1982.

(7) Union Hansard 1913. Debates on reading of Natives Land Bill. (Quoted in S. Plaatje page 45).

The effects of the transition to labour tenancy were utterly detrimental to the previously independent tenants, thousands took to the roads with their dying stock, and ended up utterly destitute rather than accede to the new terms. Plaatje tells the story of one family who tried to abide by the new law but failed.

‘During this same night in Hoopstad District we were also told of the visit of a Dutch farmer in the middle of June 1913, to his native tenants. One of the natives, named Kgabale, was rather old. His two sons are delving in the gold mines of Johannesburg, and return home each springtime to help the old man and their two young sisters to do the ploughing. The daughters tend the fields and Kgabale looks after the stock. By this means they have been enabled to lead a respectable life and to pay the landowner fifty percent of the produce every year, besides the taxes levied by the government on natives. Three weeks before our visit, the farmer came to cancel Kgabale’s verbal contract with him and to turn the family into unpaid servants, in return for the privilege of squatting on his farm. As Kgabale himself was too old to work, the farmer demanded of him that his sons should return immediately from Johannesburg to render manual service on his farm, failing which, the old man should forthwith betake himself from the place. He gave Kgabale seven days to deliver his two sons.

Naturally this decision came upon Kgabale and his daughters like a bolt from the blue. The poor old man wandered from place to place, trying to find someone — and it took him two days to do so — who could write, so as to dictate a letter to his sons in Johannesburg. The landlord, in a very abusive mood, again demanded the instant arrival of his two sons from Johannesburg, to commence work at the farmhouse the very next morning.

Kgabale spent the whole night praying that at least one of his sons might come. By daybreak next morning no answer had arrived, and the Dutchman came and set fire to the old man’s houses, and ordered him then and there to quit the farm. It was a sad sight to see the feeble old man, his aged wife and his daughters driven in this way from a place which they had regarded as their home. In the ordinary course, such a calamity could have been made more tolerable by moving to the next farm and there await the arrival and advice of his sons; but now, under the Natives’ Land Act, no sympathetic landowner would be per-



mitted to shelter them for a single day. So Kgabale was said to have gone in the direction of Klerksdorp'.<sup>(8)</sup>

## 2.3 The attempts to abolish labour tenancy

### 2.3.1 Legal

By the 1950's share-cropping and rent paying tenancy had been virtually destroyed and replaced either by labour tenancy or wage labour. Even this did not satisfy the farmers and the state. From the 50's through to 1980 there was continuous agitation to destroy labour tenancy and to substitute straight wage labour. This agitation is reflected in debates in the provincial Agricultural Unions and in parliament as effort after effort was made to stamp out this last remaining vestige of black farming. The Development Trust and Land Act was repeatedly amended to this purpose and various regulations were issued.<sup>(9)</sup>

The process saw the introduction of Labour Control Boards, the enforced registration of labour tenant contracts, the increased costs of registration, the limitation of the number of contracts allowed, the restriction of the length of existing contracts, the prohibition of new contracts district by district and finally the formal abolition of the system throughout South Africa in 1980. It had become an offence to enter into a labour tenant contract and any such contract was rendered null and void. The final abolition in 1980 was a legal tidying up exercise. By this time the main attack on labour tenancy, which had occurred in the 60's and early 70's was over.

The main reasons posited by the Agricultural Union for the abolition of the system was that it was unproductive and tied up double the amount of labour necessary for the farmers' requirements. A corollary of this argument was that farmers with labour tenants used up more than their fair share of the labour market. In 1951 the South African Agricultural Union gave the following evidence to the Tomlinson Commission:

'The farmer's main requirement is not necessarily always more labour, but rather more efficient labour, that is a greater productive capacity of the available labour ... No industry, least of all agriculture, can be built on a system of part-time, migratory labour because an absence of 6 months from farming lowers his efficiency.'<sup>(10)</sup>

(8) Sol Plaatje 'Native life in South Africa' page 97.

(9) This process is described by Mike Morris in 'State intervention and the agricultural labour supply post 1948' in 'Farm labour in South Africa'. ed. Wilson Kooy and Hendrie. David Philip 1977.

(10) Quoted by Morris *ibid* page 67.

The concern of the State was the old one of forcing blacks onto the labour market, particularly the agricultural labour market and that black farm dwellers should be full-time servants rather than part-time farmers.

In 1951 Dr Verwoerd argued that the labour tenant and squatter farming system provided a protected base for young black men who would otherwise be forced onto the labour market. 'Why should the Native not find his place as a worker through economic pressure?'<sup>(11)</sup> In the same year the Minister of Agriculture said in Parliament 'We want to prevent any retrogression from taking place in regard to the type of labour used ... We take it ... that ordinary servants are the best type of farm labour, the most economical and most sensible'.<sup>(12)</sup>

The government's view at the time was that as long as labour tenancy existed as a tempting alternative to wage labour, it would be impossible to reconcile other blacks to the status of servant. A 1958 Native Affairs Department report states:

'If all Natives who live on the platteland but do not work there or do not even constitute a labour potential for the area, were to be removed, these remaining would be a far more stable source of labour than is the case today. The places where they can squat in idleness would then be removed, and, while a Native will be able to move from one farmer to another, he will not be able to live in idleness there.'<sup>(13)</sup>

### 2.3.2 Physical

The abolition of labour tenancy was not merely a matter of debate and the subject of laws and regulations. In the 1960's and 70's the state intervened in a very concrete and physical way to evict labour tenants. Mike Morris<sup>(14)</sup> cites figures that between 1960 and 1970, 340 000 labour tenants plus 656 000 squatters were removed. In addition an estimated 400 000 labour tenants were removed between 1971 and 1974.

(11) Senate Hansard col 3099 8/5/51.

(12) Quoted in Mike Morris page 68.

(13) Quoted in Mike Morris page 69.

(14) *ibid* page 71. He cites Baldwin (1974) for a description of the process of resettlement.

### 3. CONCLUSION

#### 3.1 State Intervention

In this history the state played a major interventionist role. The relationship between black and white was not allowed to be on an 'equal' contractual basis. Fundamental equality between the two groups had been destroyed when whites won the ownership of land. Nevertheless blacks had managed to negotiate contracts whereby they remained productive farmers on the land where they had always lived.

The state intervened again and again to make these contracts, and the measure of independence they implied, illegal. Not only the weight of the law, but the might of the police force and the army had to be brought in repeatedly. And the battlefield? Essentially the battlefield was to create an ideology. The ideology that blacks are not farmers, they are servants or employees. And that the only lawful occupants of the rural areas can be white landlords and black employees. The notion of the legal right of black land ownership, black tenancy, black share-cropping and black occupation of land was destroyed.

Ask a lawyer, however progressive, to help a family evicted after three generations on the land and he or she will ask you only two questions: 'Do they have a title deed?' and 'Is any member of the family employed by the farmer?' If the answer to both questions is negative then the family is in an extremely precarious legal position and the lawyer will caution you against 'raising false hopes' and politely change the subject. No wonder that there have been more people removed off farms than any other category of removal (for example township removals, black spots and group areas removals). The Surplus Peoples Project estimates that of the three and a half million people removed between 1960 and 1983, 1,1 million have been farm workers.<sup>(15)</sup>

#### 3.2 Survivors

It is amazing that large numbers of black farmers have survived the historical blast to eliminate all blacks except full time labourers and their nuclear families from the white rural area.<sup>(16)</sup>

(15) SPP's figures are lower than Baldwin's figures cited by Mike Morris. Baldwin estimates that 1,396,000 farm dwellers were moved between 1960 and 1974.

(16) The fact that labour tenancy still exists is not just a measure of the tenacity of blacks. There were complicated relations between the state and farmers and particularly between different types of farmers. In broad outline the state and the more competitive, mechanised 'progressive' farmers formed an alliance against the 'backward' farmers who relied on forms of cheap labour such as labour tenancy and so-called 'Kaffir-farming'. The areas where the backward farmers were not in favour of the abolition of the old systems, were generally less agriculturally viable and productive areas. But this is another story and this paper is too long as it is. The reader is referred to Mike Morris in SALDRU. 'Farm labour in South Africa'.

The existence of pockets of semi-labour tenancy in Natal and the Transvaal does not denote only a kind of toe-hold on a non-servant relationship with the land, it also bears testimony to people's resilience in resisting state ideology. I have tried to show in the earlier sections of this paper that there is a pride and militancy about labour tenants which seems to be peculiar to their situation.

Again and again they take radical risks in attempts to defend their families, homesteads, and stock from eviction and destruction. Yet they are also strangely conservative people. They resist according to inflexible, self-evident rules. In this they are quite different from the black spot people who adopt more wily strategies. The black spot people are those who long ago responded to the new order by choosing to buy land and become landlords themselves. A response chosen by other farm dwellers has been to form trade-unions so that they can confront their employers with greater power. Both these responses reflect a choice to try to turn the terms of the new order to the advantage of black rural people, as such they imply an adaptation to these terms.

Labour tenants on the other hand have never entered into these terms; conditions of employment are for them of secondary importance compared with access to land and security. Perhaps they would have chosen the option of the black spot people and sold their cattle to buy land, but this option existed for a very short time and then was reversed by the process of forced removals. Very few black spots managed to survive the brutal double dispossession that took place in the 60's and 70's.

### **PART III    IMPLICATIONS AND CONCLUSIONS**

What does the existence of such pockets of residual labour tenancy signify? For a long time I was torn between two alternatives.

The one is that labour tenants are trapped within ghastly conditions but have through amazing cultural strength and spiritual resilience managed to retain rich and sustaining traditions such as the extended family. Within this situation they have insisted that the few beneficial aspects of the system that oppresses them, be adhered to.

The other is that labour tenants are like the reprieved black spot dwellers; the victorious survivors of a holocaust of dispossession.

Both views are over-simplified. In the historical context it is a victory to have retained occupation of land which historically belonged to one's forbears and to have retained an agricultural base however eroded. But the terms of labour tenancy and its present variations are extremely exploitative. They combine a debased form of wage labour with severely curtailed benefits. It has become impossible for people to produce a surplus from the limited size of fields and number of cattle now allowed. The present form of labour tenancy has become sub-subsistence in that it is often reliant on migrant wages. In fact the present terms of land occupation are those of an earlier defeat. Plaatje's records of the 1913 share-cropper evictions illustrate this graphically.

The survival of the present form of labour tenancy is not a victory, it is not a system which can be posited as any kind of solution or held up for emulation. The victory is that people have kept access to the land at all.

## 1. LEGAL CROSS ROADS

Right now we stand at an important legal cross-roads regarding the future of the kind of labour tenancy which is still wide-spread in Natal and the South Eastern Transvaal. Two major changes to the law took place simultaneously in April 1986 with the Abolition of Influx Control Act. The first is that farmworkers are no longer legally restricted from being employed in the cities. The second is that labour tenant contracts are no longer illegal.

This latter change does not signify a reversal of government policy with regard to labour tenants. It came about, apparently inadvertently, by the operation of a double negative. With the scrapping of the Pass Laws, Chapter 4 of the Development Trust and Land Act was abolished. Seemingly this was because Chapter 4 was the major mechanism for restricting the freedom of movement of blacks in white rural areas. However also included in Chapter 4 was the prohibition of labour tenancy and the provisions which made labour tenant contracts illegal. Thus the labour tenant system can now be upheld in terms of the common law of contract; the working conditions and access to land agreed between a farmer and a labour tenant constitute a verbal agreement which is good in law.

It remains to be seen how black rural dwellers will respond to these changes. Whether the lifting of the pass laws will make it easier for people to move from the farms to the cities, or conversely whether people will use the new opportunities provided in law to enforce their present contracts and fight for improved conditions on the farms.

There is no simple either/or dichotomy to this equation. The repeal of the pass laws doesn't make it any easier to find a job or a house in the cities, and there certainly isn't grazing for 20 cattle in a Soweto yard.

Furthermore, as I hope I have shown earlier in this paper, many people place positive values on aspects of farm life. There is a complex and rich interplay of culture, tradition, choice and agricultural skill.

The choices people make in the present context will indicate whether the existing forms of access to land are more valuable to farm-workers than other, now legally possible, alternatives.

What happens from here may seem irrelevant for any but the people living in these areas. After all, isn't what we're looking at merely the last remnants of a system which is dying hard? Something which is of vital importance for the actors but just a slice of history, albeit brave and terrible, for observers?

## **2. IDEOLOGY**

I believe that it is not so and that the tenacious existence of pockets of semi-labour tenancy has an important illuminative value for the debates and development concerning farm labour currently taking place. The fact that farm workers live under untenable conditions which must be improved is widely recognised by parties as varied as COSATU, the Rural Foundation, the National Manpower Commission, Inkatha, and agri-business. COSATU has attempted to unionise and organise farmworkers, the Rural Foundation (composed of concerned farmers) to improve the conditions of their labourers, the NMC to introduce protective legislation setting minimum wages and maximum hours of work, Inkatha to set up 'co-operative' productivity agreements between farmer and labourers and finally sectors in agri-business have mooted the idea of farm-villages as a solution to the problems of dependence and vulnerability arising out of farm-workers living on their employer's land.

All of these attempts to improve the present situation are firmly set within the ideology of wage labour; to improve the wages and conditions of employees.

In many areas these are the only valid and possible terms for development because black rural dwellers have become proletarianised and the wage-labour relation is firmly established. However to take the wage-labour relation as the only parameter within which change can take place is to adopt the very ideology which is the mark of the victory of white farmers and the state in the battle to dispossess blacks of the land.

The fact that there are black people who still farm, albeit in a restricted way the same land as their great-grandparents, and insist that they have the right to occupy this land flies in the face of the state ideology that blacks may be in the white rural areas only as employees. Obviously a time must (and has) come when the state recognises the need to put these employees on a more equal footing with other employees.

But a time may also come when the state will have to take account of the blacks in white areas as agricultural producers with some rights of security of tenure.

If labour tenants respond to the new possibilities in the law by choosing to remain on the farms there are various ways in which they can attempt to enforce a more equitable contract with the white farmers.

Now that labour tenancy is no longer illegal per se they can attempt to formalise their contracts with the white farmers and claim legal redress if the farmer attempts to evict them before the end of the contract period. Attempts to extend the period of notice have already been relatively successful. In some districts 6 months is now accepted as a reasonable period. Sometimes the heat of the initial dispute cools off over 6 months of co-habitation and the notice never expires. Another possibility is to sue the farmer for the value of the houses erected by the black family. The basis of such a claim is that the family built the houses in the reasonable expectation that its contract with the farmer implied security of tenure, at least for several years. Faced with the option of paying out cash, the farmer may well then suspend the eviction.

It may also be possible to enforce the protective provisions of the old system as laid down in Chapter 4 of the Development Trust and Land Act, on the basis that these are customary aspects of the contract. These include the right to reap crops after eviction, and the 6 months buffer period when the farm changes hands.

Ultimately the critical aspect will be whether legal rights of occupation can be established on the basis of a long preceding period of stable, consistent and recognised occupation. Some lawyers believe that there are legal precedents (specifically in Roman Law) to support such a thesis.

### **3. PRODUCTIVE LAND USAGE**

Another possibility inherent in the continued existence of semi-independent black farmers is that these people possess a body of skills and traditions which

could well form the basis of the (re)-emergence of productive small scale black farming.

Solutions to the long term problems of agricultural productivity and land usage facing South Africa have to be sought. There are indications that relatively liberal groupings within the South African establishment are considering small scale agriculture as a viable alternative to heavily subsidised large scale farms. There are also indications that the idea of blacks farming under-utilised land in the 'white' areas has been considered.

Planners and 'developers' in South Africa have an unfortunate tradition of dreaming up schemes and then imposing them on people with disastrous results. If there is going to be 'experimentation' with small scale black farmers in 'white' areas then this should not involve 'perfect models', and the importation and expulsion of people. There are already black semi-would-be-farmers who have clung to the land against all odds. Surely the most sensible approach is to support these people in the battle they have waged for decades. Support need not be in the form of money and machines, but in the removal of the restrictions which were imposed specifically to undermine what was a productive and viable agricultural economy.

#### **4. A NOTE OF CAUTION**

At this stage the worst approach would be to adopt an interventionist strategy. It is very likely that the new openings in the law were created inadvertently. They provide opportunities in a previously desperate situation, which are vulnerable and should not be over-exposed. There is nothing to indicate that the state has adopted a new laissez-faire approach to labour tenancy. In fact there has recently been a spate of police and army activity directed at the eviction of farm and forest dwellers who are not employed in a strict wage labour situation.

Any major assertive move or attempt to exploit the new possibilities in the law on a large scale would probably be stamped out with such a thundering footstep that its reverberations would destroy this last tentative, contradictory form of access to farming land.

The only people with the right to run risks in this area are the tenant families themselves. Our role can only be to support the decisions they make.



## 5. CONCLUSION

The unfolding history of labour tenancy and the form in which it still exists in some areas is rife with complexities, tragedies and contradictions. It is difficult to judge or assess it. How does one weigh the value of the extended family against virtually non-existent wages? Can one really judge it against the 'alternatives' of poverty in the reserves, and wage labour in the cities when each 'alternative', including labour tenancy has been so circumscribed and interfered with by the state.

The history of black access to land is one of massive intervention by a state which has played God. In this context we have no basis from which to draw hard and fast conclusions; certainly it would be presumptuous to see this as our role. Our work so far has consisted of trying to help people who have approached us for assistance in their struggle to stay on the farms. Our dilemma has been whether we are involved in propping up an archaic exploitative feudal system or whether we are assisting people to keep hold of their land by the only means presently available to them.

The central mystery of this dilemma is to understand the reasons why people repeatedly make the choice to stay on the farms. Is it because they are bound within the restrictions of the system and it has become their only means of survival? Or is it because they have chosen this alternative above all others as the only way in which they can keep occupation of the land they love, and remain farmers?

This mystery can only really be illuminated by the choices people make as the restrictions and inequalities which have shaped labour tenancy, are lifted. We must wait and see how people respond to the new opportunities in the law; whether most move away from the farms or whether a significant number stay and try to improve the present conditions.

This process will take a long time to play itself out. In the meantime our role can only be to support the choices of the people who come to us for assistance. And to try to explain and assert the ideology of access to land by which people live. Hopefully the focus of the legal aspects of our work will shift to this terrain; to protect the agricultural assets people are entitled to and to assert their rights of occupation.

It is critical to avoid the presumption that better wage labour terms provide the only possible vehicle for improving the present situation on the farms. It is also important not to jump to the opposite conclusion and say that labour tenancy provides the answers to the problems facing farm labour. Labour tenancy is

completely inappropriate where proletarianisation is already complete, as it is in most areas of South Africa. Furthermore as a system, it is, in and of itself entirely exploitative. Its importance lies in the fact that it is one of the two remaining forms whereby blacks have kept access to farming land in the 'white' areas. (The other is the 'Black Spots', very few of which have managed to survive). The terms of this access are very important given the history of land dispossession and the state's historical mission to turn all blacks in the 'white' areas into servants and wage labourers. Labour tenants see themselves not as servants, but as farmers and independent contractors. They are very well aware of the motivations in the historical process which they are still struggling against.

'The blacks were on the farms first. The Boers came later. They got the land by fighting, through the wars. They arrived and found our homesteads and made their law that we should work under them. The men must plough and the women must work in the kitchens. The law became "Hey you, come and load the trucks". Yet you don't get a cent for that and you must wake up early in the morning and sleep late.'<sup>(17)</sup>

**NOTE:** All names are correct except for the Ngwenya family and Aaron Zwane. These people's names have been changed because they are still employed on the farms.

(17) Interview with Gideon Thenjiwe. Katilehong.

The first step in the process of identifying a problem is to determine what the problem is. This is often done by asking the person who reported the problem to describe the problem in their own words. This helps to clarify the problem and to identify the person's perspective on the problem. The next step is to gather information about the problem. This can be done by talking to other people who may have been affected by the problem or by looking at data related to the problem. The third step is to analyze the information that has been gathered. This involves looking for patterns in the data and trying to understand why the problem is occurring. The final step is to develop a plan to solve the problem. This plan should take into account the information that has been gathered and should be realistic and achievable.

Once a plan has been developed, it is important to implement it and to monitor the progress. This involves putting the plan into action and checking to see if it is working. If the plan is not working, it may be necessary to revise it. It is also important to communicate with the people who are affected by the problem throughout the process. This helps to ensure that everyone is aware of what is going on and that their input is being taken into account.

There are several things that can help to make the problem-solving process more effective. First, it is important to be clear about the problem and to have a realistic goal. Second, it is important to gather information and to analyze it carefully. Third, it is important to develop a plan that is realistic and achievable. Fourth, it is important to implement the plan and to monitor the progress. Finally, it is important to communicate with the people who are affected by the problem throughout the process.

The problem-solving process is a continuous one. It is important to be flexible and to be willing to change the plan as needed. It is also important to be patient and to not give up too easily. The problem-solving process can be a challenging one, but it can also be a rewarding one. It is a chance to learn and to grow, and it can help to make the world a better place.

There are many different ways to solve a problem. Some people prefer to work alone, while others prefer to work in a team. Some people like to use a structured approach, while others prefer to use a more informal one. The important thing is to find a way that works for you and to stick to it. The problem-solving process is a skill that can be learned and improved over time. It is a valuable skill that can help you to overcome any challenge that you may face.

It is important to remember that the problem-solving process is not always linear. Sometimes you may need to go back to an earlier step or you may need to skip a step. The important thing is to stay focused on the goal and to keep moving forward. The problem-solving process is a journey, not a destination. It is a process of learning and growth, and it is a process that can be applied to any problem that you may face.







