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BENJAMIN POGRUND OF THE RAND DAILY MAIL AND ROBERT SOBUKWE, 1977

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EDITORIALS

1. FROM SHARPEVILLE TO UITENHAGE TO WHERE?

There may have been great changes in some areas of South African life since 1960 but in the area which counts most, the satisfaction of black political aspirations, there has been no progress at all. The deaths at Langa near Uitenhage on the twenty-fifth anniversary of Sharpeville were only the latest, grim reminder of that.

Perhaps the most depressing thing about the events of the last days of March 1985 was that they were an almost exact repetition of the events of twenty-five years before – the dead in the townships, the protest marches on Parliament, the bans on meetings, the threat of bans hanging over individuals and organisations, and, worst of all, the same old scape-goat hunting and ponderous statements about 'law and order' from those whose policies are the root cause of it all. The only encouraging feature was that the protests against the Uitenhage deaths brought together once again a fairly wide-ranging group of people of all races.

So there is still some hope for a non-racial future for us here. But that hope will never be realised until the Government does the one thing we have been crying out to it to do for the past twenty-five years . . . and more – talk about the future of us all to people who really have a following in the black community. Then there might be hope for us. There is certainly none while President Botha, in spite of all that has happened in the last six months, still insists that he won't abandon the present urban council system, so many of whose members have been brutally murdered in township violence, and where Minister of Cooperation and Development, Dr Gerrit Viljoen, can tell the Kwa-Zulu Legislative Assembly, less than a week after Langa that **political reform for black communities outside the homelands will still be 'inextricably related' to the structures of the homelands.**

All that lies along that route is more and more frequent Sharpevilles and Uitenhages.□

2. THE RAND DAILY MAIL

The Rand Daily Mail is dead, done to death, we are told, by the forces of the free market. The people who administered the deathblow were the management of South African Associated Newspapers. The person best pleased by what they did was the State President, who saw in the closing of the Mail signs of an emerging "new South Africanism". Where he got that curious notion from would be hard to say.

The people who will be hurt most by what has happened will be the paper's staff and its readers, particularly its black readers, for many of whom the Mail was a recurring reminder that there were at least some white-controlled institutions which were, on most issues, on their side. They will not have this regular reassurance now, and that could cost us all a lot more in the long run, in terms of racial polarisation, than SAAN would ever have lost in the market-place.

But how freely was the market operating in this instance? If the market was free how is it that the Citizen can survive, when its sales are much lower than the Mail's were? Perhaps the management of SAAN was as incompetent as many of its critics have hinted, or perhaps the market was not as free as it should have been.

If it was really the free operation of market forces which killed the Mail, that raises some other questions. Was the product too unpalatable to survive? Not to its readers, judging by its circulation. To potential advertisers, perhaps frightened of upsetting the Government by seeming to support its progressive policies? Or does its demise

suggest that no newspaper, out of its own resources, can survive the competition from TV advertising, and that we are to be condemned to the prospect of relying on dubious sources like the Citizen and the SABC to tell us what is going on in our country and the world?

Most of its supporters almost certainly felt that what the Mail had done since Laurence Gandar's day as editor was to raise the prospects of reasonably peaceful change here by regularly confronting its readers with the facts of life in Southern Africa. The editorial policies of first Gandar and then a distinguished line of successors (all of whom SAAN got rid of in one way or another) and the reporting of people like Benjamin Pogrund, made many white South Africans aware for the first time of what was going on around them, and conditioned their minds to accept that fundamental change must come. They certainly won't get any of that kind of conditioning from the Citizen and not much from most other English-language newspapers.

If it is really the operation of a free market system which has killed the Mail then its death will have dealt another blow to that system's prospects for survival here. Already all the years of economic discrimination exercised against them by governments and employers who claimed to be champions of free enterprise have made many blacks come to regard the term as just another name for their exploitation, and to reject it because of that. If it has now killed their one most tried and consistent friend in the newspaper world, why should they not be confirmed in that rejection?□

by Jill Wentzel

BENJIE POGRUND — A TRIBUTE

What was unique about the Mail was that it created, then nurtured and supported its own distinctive community: so much so that its readers seemed to think the Mail belonged to them more than it belonged to its own management — as though management were some kind of civil service who ought to do as they were told. And most indignant the SAAN management have been when public protest meetings and supportive functions greeted the threatened firing of Gandar and the firing of Sparks and Louw.

The Mail has had an open, non-pompous way with it. Most cultural, community and political organizations just took its support for granted and, if their particular stories weren't printed, or weren't printed prominently enough, felt free to take up the telephone and complain bitterly. Certainly, within the Black Sash, whenever the press didn't give sufficient emphasis to matters which we believed to be important, someone or other would be

delegated, as a matter of routine, to go and complain to Benjie Pogrund at his home before breakfast next morning — Towards other newspapers we were more tentative and more respectful. Indeed, Pogrund was at the heart of the Mail's community and its cross-fertilizing dynamic, and of its crusading, and of its steady support of people and organizations. In all the years I have known him his house has been open at any hour to anyone who wanted to wander in and tell him something. He could be maddeningly dismissive of one's ideas or suggestions. One had to get him in the right mood. But I don't know any other newsman so open to the impertinent kind of lobbying and abuse that went on in his house. It was the place for going and Blaming the Mail. Even when the Mail no longer exists, how are we going to break the habit? Suppers at the Pogrunds were a marvellous melting pot of people, politicians, artists and writers who could argue over soup and bread as long as they liked — which enriched the Mail's

contact-system and the lives of all of us who used to go there. Benjie nurtured and supported the Black Sash during its darkest days in the 60s and early 70s. He nurtured and supported black movements and their members, not only journalistically but personally, often with fierce loyalty and, in the days before overseas money, financially out of his own pocket when people were persecuted or imprisoned. And he bullied others to support them, too.

He is the unsung hero of the Mail and the unsung part of it is outrageous. It was his exposure of prison conditions which earned the Mail the World Press Achievement Award, for which he was convicted under the Prisons Act and fined. Politically he has been the catalyst and the lobbyist for much that is decent in our society. He was a vitally active founding member of the Liberal Party and in his student days an important member of NUSAS. He is the only person I know who has withstood and successfully reprimanded the student lynch mob at Wits which he did one day when they attempted to howl down his Nationalist co-speaker.

At various times he was loathed by the police and hated by the white establishment, who have never been able to recognise or appreciate a sensible, moderate ally if they fell over one. He was often much abused by the hard left. He has been the classic, reviled Liberal, and always will be.

Liberal Party members will remember how he happened to be in prison when his first child was born. There had been

a party in Cape Town at Tom Walters' house where, among much drunken hilarity, Operation Thundercracker was launched: Voortrekker celebrations in Pretoria were to be sabotaged by putting stones in the lavatories, by halving the order for ice-cream, doubling the order for hotdogs etc. Someone sent the mock-military memo to Benjie who published it in jest. Then the Security Police descended, demanding to know his source. A few Liberals, having planned serious sabotage at that time, had currently escaped the country. He could lyingly have said that his source was one of them but would never lie so stayed in prison (Tom Walters and others were actually arrested, tried and acquitted!) Thereafter, Benjie had his share of harassment and petty convictions and lost his passport for over 5 years.

His whole working life, 26 years of it, has been at the Mail. Now what is to become of him? And do the SAAN management care? Are they perhaps glad to be rid of him? Their ingratitude is their own problem. But those of us who want to see this society mutate peacefully are distressed that the entire English business community (unlike their Afrikaner fellows in previous decades) do not seem to recognise the need to look after, and have amongst us, people of the calibre of Pogrand and all the other competent and decent journalists who are now discarded, first by SAAN and ultimately by all of us.□

by Simon Baynham

PROTEST, THE POLICE AND PUBLIC ORDER

I would not have a small sore cured by a greater griefe; not, for avoydinge of popular sedition, which happeneth very seldome and is soon quenched, to bring in a continuall yoke

Examination of certayne . . . Ordinary Complaints (1581)

The recent spate of violence on South African streets in the Eastern Cape confirms the unhappy trend in internal security policy which was evident in the Vaal Triangle and elsewhere last Spring. During that season of discontent, more than 200 people died — and many more were injured — in a series of bloody confrontations (documented by Pat Schwartz in the January issue of **Reality**).

On 23 October, 7 000 troops were deployed in the black township of Sebokeng in a 'seal and search' operation, provoking widespread protest that the Defence Force was being thrust into a political role. In fact, the military had already been used in support of the SAP earlier that month when soldiers were used to patrol parts of Soweto and Grahamstown following sporadic incidents of unrest in black residential areas.

Since the start of this year, the total of riot-related deaths already exceeds 100. Seventy-nine people died in the month of March alone. It is a bleak and depressing picture.

Once again the Botha government has deemed it necessary to cast the SADF in the role of an auxiliary police force, a development that suggests the police are unable, by themselves, to keep the peace. It also suggests that the level of unrest is more serious than the public thinks or has been told.

Mobilizing the military in aid of the civil power usually occurs when police strength on the ground is stretched or inadequate to cope with a given situation. For this reason, it will also be interpreted overseas as an indication that unrest is more widespread, and less containable, than the authorities will admit.

However, there is some evidence that the matter is being approached with considerably more tact and delicacy than in 1984. For one thing, the SADF is apparently being deployed in a support rather than a policing role; that is, engaged on logistical and similar tasks rather than for

cordoning off townships. For another, the numbers involved — at least so far — are a fraction of last year's figure.

Of course, joint army/police operations have a long lineage in this country, a tradition that is intimately linked to an Afrikaner heritage in which the boundary between military and civil authorities is blurred. Or so Dr Philip Frankel, of Witwatersrand University, argues in a new book on the Defence Force entitled **Pretoria's Praetorians**.

An early incident this century, in 1913, began as a trivial industrial dispute at a Benoni mine that rapidly erupted into a major conflict involving violence and arson. Imperial troops garrisoned in South Africa were brought in to aid the police in an operation to restore order. Much more serious was the Rand Revolt of 1921 and 1922 when striking workers formed commandos. The 'uprising' was crushed in a matter of days but not before more than 200 people were killed and 1 000 injured — many of the casualties being men of the Imperial Light Horse and Transvaal Scottish Regiments.

During the following four decades, soldiers were called in or alerted for stand-by duty a number of times. On one occasion, in 1960, Saracen armoured vehicles and troops were moved into Cape Town's Parliament Street as a precaution against a 30 000-strong Pan Africanist Congress march from Langa. However, the demonstration was diverted and there was no violence. Defence Force assistance to the SAP also occurred in 1976, although this was not officially admitted at the time.

Given the State President's unequivocal statement during the recent ABC television series, **Nightline**, that he is determined to maintain law and order in the RSA, there can be no doubt that the authorities will not hesitate to deploy troops if they see fit.

But most South Africans view the military primarily as a deterrent against an outside power, not as a body — especially a citizen one — to be turned inwards against its own population. This in spite of the precedents referred to above and in spite of the politically-controversial border war.

Thus, as is the case in many other states, the Defence Force has a dual or split 'Jekyll and Hyde' image. For while there might be some verity regarding Napoleon's maxim that without an army there is neither independence nor civil liberty, it is crucially important to stress Edmund Burke's warning that an armed disciplined body is in its essence potentially dangerous to liberty.

What, then, is the solution to this apparently intractable dilemma? Part of the answer, surely, is to exert every conceivable pressure on the Government to keep the military off the streets — except as an ultimate reserve in an extreme emergency. The wider constitutional implications of applying a putatively apolitical or neutral force to quash internal dissent is made all the more problematical because the SADF is a body made up largely of conscripts. This is one of several factors that helps to explain the extreme reluctance of many senior officers to see troops utilised for enforcing public order.

It is the police who are constitutionally raised and designed for — and, most important, publicly recognised as the proper agents for — dealing with people who are a threat to or are breaking the law, whether as individuals or members of a crowd.

The armed forces' only function in this regard should be a peripheral one for which their training and equipment may be better suited. One instance would be the use of military force in handling violent confrontations with heavily-armed hi-jackers or terrorists. Such an example from overseas was the British Special Air Service assault on the Iranian Embassy in 1981 which involved split-second timing, unorthodox skills and a very high level of training.

Another legitimate scenario would be the provision of special services and equipment to enable the police to fulfil their role: bomb disposal, helicopters, night vision sighting, tactical advice and so on.

Thus, there are certain occasions when the upholders of the law may need special services and hardware over and above those familiar or appropriate to the police if an operation is to be concluded with the least possible loss of life or limb. In such circumstances, although there would be public concern, the use of military personnel and facilities would be more acceptable.

However, it would have to be clear that less risk was involved and that there would be less likelihood of casualties if the Defence Force was to be so deployed. But all of this is of a qualitatively different nature to the much more delicate and sensitive issue of using troops alongside policemen for maintaining public order in the face of violent demonstrations and riots.

Apart from the points raised already, one major reason for this is that the appearance of armed troops and the use of increased force frequently leads to an escalation in the level of violence. In addition, as Richard Clutterbuck has noted in his **Protest and the Urban Guerilla**: "The general effect of violence is to polarize moderate opinion towards the extremes. Why else should urban guerillas use it? Why else should soldiers be trained to bend over backwards to avoid it?"

But if the police are to remain responsible for law and order (and the soldiers kept in their barracks), they must be equipped and trained to do the job.

Clearly, as the tragic killings at Uitenhage have demonstrated, the police are not presently capable of fulfilling this role. However, it is the police who are confronted daily with the profound alienation and resentment of the black community. So much so, as the **Cape Times** commented recently, "that a campaign of terrorism aimed at black councillors, officials and policemen is proceeding unimpeded, rendering some areas ungovernable". In short, and irrespective of the Kannemeyer Commission's findings, one may state, with little fear of contradiction, that the SAP is poorly trained and under-equipped for the job of maintaining public order based on the principle of minimum force.

Ideally, a riot is prevented rather than controlled. If this is not possible, the aim should be to restore law and order as quickly and as peacefully as possible. In dealing with this critical and sensitive issue, the intention here is to look at the question of police options and tactics dispassionately and objectively. For purposes of analysis, the gradual escalation of police action in situations of disorder may be divided into a number of stages.

The first of these (failing a successful defusion of tensions through dialogue) involves a show of force — including warnings — ranging from the stepping up of foot and vehicle patrols to some sort of anti-riot drills. Even at this

level, there is an undoubted requirement to issue the police with special protective clothing including helmets (with neck guards and visors) and transparent shields. This helps to protect policemen from injuries caused by stones, bottles and other objects.

The second and third stages, which may be juxtapositioned depending on the circumstances, would cover first the employment of a missile which will stop or knock over a person but which will not kill or bodily hurt (fire hoses, plastic bullets and incapacitating gas — the latter dispensed by grenade, rifle or, in the case of large crowds, by the 'sneeze machine' which is a rotary dispenser mounted on a vehicle). At this level, baton charges may also be used. However, in the open layout of the townships, where a crowd has good cover and room for manoeuvre, small police units are constantly in danger of being surrounded, cut off and annihilated, a fear articulated by several policemen to the Kannemeyer Inquiry on 2 April.

The penultimate stage involves bird-shot and then heavier buck-shot. Finally, military weapons, normally the R1, would be used in a controlled (i.e. a selective) fashion against those who have taken or are endangering the lives of others.

This is what **should** happen in theory but the fundamentally important principle of minimum force is not often

adhered to in practice. One reason for this is that the SAP is under-manned and over-stretched. With only 43 000 personnel in a country approaching 30 million, they are spread very thinly indeed.

In riot control operations, this weakness makes itself keenly felt. Thus, it is not unusual for a single platoon to find itself facing a mob of several thousand.

Under these circumstances, the first rungs in the escalation ladder may be by-passed in order to avoid physical contact with the crowd. The wretched results are the deaths and serious injuries of a Sharpeville or Uitenhage.

The need is for a stronger, well-equipped and better-trained force so that the SADF can be kept for its legitimate task of national defence. Measures should also be implemented to upgrade the quality of recruits since the SAP direly needs to modernize its attitude, approach and methods. The cost of implementing such measures will be small compared with the consequences if they are not.

But the use of physical force to contain violence — however carefully regulated and restrained — is at best temporary in the present political climate. The best police service in the world will not stem the unrest if the Government fails to tackle the underlying reasons for the deep enmity and hostility its policies attract.□

by John Grogan

PESSIMISM ABOUT THE PRESS

TOTAL ONSLAUGHT: THE SOUTH AFRICAN PRESS UNDER ATTACK.
by W.A. Hachten and C.A. Giffard (Macmillan, 1984).

The threat of the "total onslaught" against South Africa looms large in Nationalist rhetoric. It is used not only to conjure up popular fears with the object of strengthening national resolve, but also to justify violations of basic liberties in the name of the "national interest". As the main title of this book is intended to suggest, a notable victim of the government's onslaught on civil rights has been the freedom of the press to comment and report on matters of public concern which may cast official policy in an unfavourable light or blot the roseate hue in which government propagandists attempt to colour conditions in this country.

Authors Hachten and Giffard — both American media specialists — have in this volume updated a growing literature on media-government relations in South Africa. Their work includes surveys of such important topics as legislation affecting the press, the background to the current Media Council, censorship, the special position of the 'black' press, and government harassment of journalists.

Included too are analyses of the role of the Afrikaans press, the South African Broadcasting Corporation, and of the significance of the Information Scandal exposures.

The book contains little in the way of fresh theoretical insights. But it is a convenient if depressing compendium of the data which supports the most pessimistic forecasts of the fate of press freedom in South Africa. At the core of Hachten and Giffard's analysis is the contention that external and internal pressures on the South African government will determine the severity of the pressures which it in turn applies to the domestic media. In other words, the fate of press freedom in South Africa is dependent on the success of policies which, the authors suggest if not directly submit, are bound to fail on both internal and international fronts.

These pressures, the authors contend, need not and probably will not take the form of more Draconian administrative action or legislation against the media — the government has already accrued to itself almost unlimited legisla-

tive power to act against errant newspapers and journalists, and demonstrated its ruthless willingness to use it. Instead, the future is likely to witness a growing propensity, at least on the part of the mainstream commercial newspapers, to "more self-restraint through self-censorship". Indeed, the authors note, such caution will not only be the result of overt political pressures, but also of an attempt to counter, through reaching for the broadest stratum of readers, the massive economic pressures caused by competition from the predominantly government-controlled electronic media. For the "black" press, on the other hand, the prognostication is a continuing wave of repression.

The evidence mustered for this forecast is compelling. The history of successive attempts by the major newspapers to head off government threats of direct statutory control by adopting self-regulatory codes and institutions, culminating in the present Media Council, is only one of a number of pointers. But Hachten and Giffard, writing within a classic libertarian frame of reference, do not write off the media as irrelevant to the growing cycle of conflict. As they note, the newspapers have made a significant contribution to the circulation of information in a society that would otherwise have become entirely closed. Whether they will continue to do so in the emasculated form into which they could be pressed by events is, however, another question.

The authors are aware that the media are inextricably intermeshed with the society in which they function. Already, the mass communications channels are beginning to reflect the polarisation of the general political spectrum – a phenomenon which has manifested itself in what Hachten identifies as a series of competing "press concepts". First, there is the adversarial idea which guides the English-language newspapers, which see their role as opposing government and conveying disinterested news and information to the wider public. Then, there is what Hachten terms the Afrikaner concept, at the heart of which lies the idea that the press owes its ultimate allegiance, not to the public, but to the chosen leaders of their own sectional group – a view against which, Hachten contends, the Afrikaans newspapers have periodically rebelled.

Finally, fuelled by the radical critique of the Opposition press and by the harassing tactics for which black journa-

lists are especially singled out, Hachten has discerned an African concept of the press, which in his words has

"...jettisoned the Anglo-American press standards of objectivity and fairness as well as the idea of a free and independent press since, in their view, blacks have little freedom or independence to express their own views. So, to them, truth is only what advances 'the cause'." (p. 98)

The authors' forecast for these competing concepts is not sanguine, at least to those who view the media's primary function as the dissemination of impartial news. In the short or medium term, they predict that the liberal English newspapers will gradually abandon their adversary role, and that public communications will be dominated by government-controlled electronic media unlikely to resist the view, advocated by the Steyn Commission, that the primary task of the media is to join the "total strategy" of the Botha government against the total onslaught of international communism, black nationalism, et al. And as long as that view triumphs, the press committed to truly radical reform will continue to be branded as treasonable.

The principal message of this book makes for sober reflection. True, the rapid flow of events in South Africa could swiftly contradict some of the authors' predictions. That is an unavoidable hazard of writing on so sensitive a subject. The book does, however, betray in irritating, if minor, detail the defect of authorial distance. For one, the section on legislative controls discusses several Acts as if they were still in force. In fact, many of the most restrictive statutes were repealed and incorporated in the Internal Security Act of 1982 and the Protection of Information Act of the same year. These include the old Internal Security Act, the Unlawful Organisations Act, the Riotous Assemblies Act and the Official Secrets Act. Although the authors made use of interviews with media practitioners in South Africa, most of these are fairly dated. More extensive analysis of the **content** of the various media discussed would also have made for a more detailed picture. These shortcomings are, however, far from fatal. This is a useful book, and has gathered in convenient compass a record of assaults on a basic liberty which, if unrecorded, could be forgotten in the press of events.□

IMPORTANT NOTICE TO SUBSCRIBERS

We apologise for the fact that poor proof-reading on our part resulted in this year's January and March issues appearing as Nos 1 and 2 of Volume 18, whereas they should have been Nos 1 and 2 of Volume 17.

Editorial Board.

BLACK URBANIZATION IN NATAL/KWAZULU: 1980–2000

Extracts from a paper presented at a Conference on Urbanisation organised by the Progressive Federal Party, Ladysmith, February 16, 1985.

Black Urbanisation in South Africa

The impact of apartheid inspired policies on Black urbanisation can be clearly detected in demographic data revealed from an analysis of the census. In the first place, this has had consequences on the level of urbanisation enjoyed by various population groups. Whereas the national level of urbanisation for Whites, Coloureds and Indians was 88, 76 and 91 percent in 1980, this was 33 percent for Blacks.

Secondly, Simkins (1982:115), has demonstrated that South Africa's overall level of urbanisation was lower than that in other countries, which had reached comparable levels of economic growth. The average in the countries examined was 59 percent, compared with the 47 percent level in South Africa. Simkins (1982:177) goes on to show that "influx control regulations are keeping between 1,5 and 3 million Blacks out of 'White' urban areas, in the sense that the Black population would increase by this number in the short to medium term, if these controls were abolished."

Thirdly, as Table 1 below indicates, South Africa's overall level of urbanisation has been virtually stagnant since 1960, in marked contrast to other Third World countries which are also experiencing rapid population growth.

TABLE 1 : Urbanisation Levels in Twelve Third World Countries, 1960 – 1980

Country	Urban Population		annual growth %	
	% of total population 1960	1980	1960	1980
Kenya	7	14	6.6	6.8
Nigeria	13	20	6.6	6.8
Tanzania	5	12	6.3	8.3
South Africa	47	47	0.03	0.03
India	18	22	3.3	3.3
Indonesia	15	20	3.8	3.6
Nepal	3	5	4.3	4.7
Philippines	30	36	3.9	3.6
Bolivia	24	33	4.1	4.3
Brazil	46	65	4.8	4.3
Columbia	48	70	5.2	3.9
Mexico	51	67	4.8	4.5

Source : World Bank (1979); Hardoy and Satterthwaite (1981 : 199); Horrel (1981).

Do these factors indicate the effectiveness of the Government's urbanisation policy of preventing Black urbanisation? Does it mean that South Africa's Black urbanisation has been stopped? One difficulty in accepting this reality, is how the expansion of the economy and of urban employment during the past 20 years, is to be accounted for. Another difficulty, is explaining the conspicuous and rapid growth of informal or squatter settlement around many towns and cities in this region. In Durban, for example, our research at the University of Natal estimates that there are well over 1 million people who inhabit informal settlement there alone.

A partial answer to these questions can be gleaned by separating urban Black population growth rates for 'white' South Africa and the Homelands. Between 1951 and 1980, this population grew from 2,3 million to 4,9 million in 'white' South Africa, an annual growth of 2,6 percent, compared to a growth of 24,3 percent during the same period in the Homelands. This very high growth rate is derived from the fact that the number of urban Black people in urban areas of the Homelands, was numerically small in 1960. However, the same general trend can be found in the 1970–1980 period. In this case, the growth in 'white' areas is actually slightly smaller at 2.1 percent, but the growth in the Homelands remains comparatively high at 6.4 percent. What is happening is that urban Black populations in 'white' South Africa are growing at no more than expected natural increases, whilst the same population in the Homelands is increasing through the combined process of natural growth **and** migration. The presence of a large migration component clearly indicates that Black urbanisation has not been stalled, but that it is being contained within the boundaries of the Homelands.

Black Urbanisation in Natal-KwaZulu

The 1980 census estimates the total Black population of Natal-KwaZulu to be 4,7 million, of which just over 1 million are urban. This gives an urbanisation level for the region of 23 percent. This level of Black urbanisation, however, was thought to be unrealistically low. This is because it reflects on the method of urban population classification which regards 'urban' populations as being those resident in areas which have some form of local authority. This results in a significantly large number of people who have clear urban linkages, being classified in the census as 'rural' people. Secondly, the census of urban Black populations in large towns and cities like Durban and Pietermaritzburg, do not correspond to figures obtained

from detailed aerial surveys, which includes informal settlement populations living on urban peripheries. For these reasons, adjustments are necessary to urban/rural population classifications, and this has the effect of increasing the level of Black urbanisation in this region to around 35 percent. This raises the estimated urban Black population given in the 1980 census, to about 1,5 million (Haarhoff, 1984).

Of this revised urban Black population, 85 percent are concentrated within the vicinity of the four major urban areas of this region, namely : Durban, Pietermaritzburg, the towns of Northern Natal and Richards Bay. Of this urban population, 65 percent is claimed by Durban, emphasising the domination of this city in the region.

The role of the Homeland in the process of Black urbanisation can be shown to an extent, by examining the spatial distribution of this Black urban population. Overall, about three quarters of the total Black population is concentrated in KwaZulu, on 40 percent of the land area. Roughly 70 percent of the Black urban population is similarly concentrated in the Homeland, the majority located in close proximity to established towns in Natal. What this indicates is the greater concentration of both the total Black population, and the Black urban population in KwaZulu, the role that the Homeland is playing in the Black urbanisation process in this region, and the spatial consequences of apartheid policies.

These figures roughly sketch out the situation pertaining in 1980, but what of the future? How large will the Black population of this region be by the turn of this century, what numbers will be urbanised, and where will they be located? Population projections have provided an indication.

Increases in the size of urban populations have two sources : natural increase and migration. Table 2 provides the results of a series of Black population projections for the year 2000. The following summary points need be noted:

1. Assuming the unlikely event of no further migration between rural and urban areas of the region, natural population alone will increase the total Black population from 4,7 million in 1980, to about 8 million in the year 2 000. Although this gives an indication of the magnitude of the Black population increase which can be anticipated, the migration assumption, is of course, totally unrealistic. (No migration assumption in Table 2).

2. Assuming then that migration continues through to the year 2 000, at the same rate as that which pertained during the period 1970–1980, the impact on urban areas becomes more dramatic. The Black urban population would increase from 1,5 million to 3,4 million. However, questions arise about the extent to which even these assumptions can be accepted. Two factors create some doubt. First, the resulting level of urbanisation at 42 percent, is much lower than that being predicted by urban scholars and demographers.

Second, the rural population would be required to increase from the 1980 figure of 3 million, to around 5 million by the year 2 000 (see migration assumption no. 3 in Table 2). Can Black rural areas in this region, which are already overcrowded, absorb an additional 2 million people? This is thought to be unlikely, unless the level of rural poverty is to decline to even lower levels than it is at present. This scenario was thus rejected.

3. A more probable scenario is that given in Table 2 as migration assumption number 8, which accepts that rural-urban migration must be at a higher rate than that experienced in past years. The major consequence of this assumption will be the increase of the Black urban population from 1,5 to 5,1 million by the year 2 000 : an increase of 3,6 million. This will result in an urbanisation level of 62 percent, but what is significant in this projection, is that the rural Black population will remain more or less static at about 3 million. In many ways, achieving this level of urbanisation is a necessary goal if Black rural populations are not to be allowed to increase. However, the impact on urban areas will be very dramatic indeed : 3,6 million new urban Blacks. The question which must then be raised, is where this new Black urban population is to be located, or indeed, where will it locate itself.

Spatial Distribution of the Future Black Population in Natal-KwaZulu

It is reasonable to assume that future Black urbanisation will focus on existing urban centres in the absence of any alternatives. Although the minor urban areas of the region may provide a degree of attraction, it is more likely that this focus will remain on the four major urban areas previously identified. This may, however, be modified by two factors : the establishment of new urban centres in the region, and changes in the distribution of the Black urban

Table 2. Population Projections: Africans in Natal/KwaZulu, 1980–2000

Migration Assumption No.	1980 Population (urbanisation level 35%)			Projected Population: 2000								Net Population increase 1980–2000		Levels Urban (14)
	Urban Sub-regions (1)	Minor Areas (2)	Rural Areas (3)	Urban Sub-regions (4)	% (5)	Minor Areas (6)	% (7)	Rural Areas (8)	% (9)	Total Ntl./KZulu (10)	% (11)	Urban Sub-regions (12)	Rural Areas (13)	
No migr.	1 503 866	143 020	3 075 434	2 541 479	2,7	212 520	2,0	5 406 437	2,9	7 947 916	2,8	+1 037 613	+2 331 003	34%
1	1 503 866	143 020	3 075 434	2 861 630	3,3	212 520	2,0	5 217 301	2,7	8 078 931	2,9	+1 357 764	+2 141 867	37%
2	1 503 866	143 020	3 075 434	3 005 280	3,5	212 520	2,0	5 139 110	2,6	8 144 390	2,9	+1 501 414	+2 063 676	39%
3	1 503 866	154 020	3 075 434	3 364 401	4,1	212 520	2,0	4 943 637	2,4	8 308 038	3,0	+1 860 535	+1 868 203	42%
4	1 503 866	143 020	3 075 434	3 723 523	4,6	212 520	2,0	4 614 499	2,0	8 338 022	3,0	+2 219 657	+1 539 065	46%
5	1 503 866	143 020	3 075 434	4 082 645	5,1	212 520	2,0	4 285 362	1,7	8 368 007	3,0	+2 578 779	+1 209 928	50%
6	1 503 866	143 020	3 075 434	4 441 766	5,6	212 520	2,0	3 923 262	1,2	8 365 028	3,0	+2 937 900	+ 847 828	54%
7	1 503 866	143 020	3 075 434	4 800 888	6,0	212 520	2,0	3 587 533	0,8	8 388 421	2,0	+3 297 022	+ 512 099	58%
8	1 503 866	143 020	3 075 434	5 160 010	6,3	212 520	2,0	3 251 803	0,3	8 411 813	3,0	+3 656 144	+ 176 369	62%
9	1 503 866	143 020	3 075 434	5 519 320	6,7	212 520	2,0	2 916 074	-0,3	8 435 206	3,1	+4 015 454	- 159 360	66%

population between existing urban centres. In order to examine the first factor, the current Government's decentralisation plan – the so-called Good Hope Plan – was examined. The intention of this plan is to divert new development away from existing centres of concentration. However, all but three of the 17 decentralisation and deconcentration points are located in close proximity to existing urban centres. For this reason, it was concluded that the Good Hope Plan will not bring about any major changes to the future spatial distribution of population in this region.

On the second factor, it was thought unlikely that the present distribution of the Black population, between the four major urban centres, will be altered in any significant way. The 3,6 million Black urban people will thus have to be accommodated within the vicinity of existing urban areas, with more or less the same proportional distribution as that which exists at present. However, given the perpetuation of present Government policy regarding the location of Blacks **within** the Homeland of KwaZulu, the bulk of this increase will be located within the **urban areas of KwaZulu** that are in close proximity to the towns and cities of Natal.

The impact on the Durban Metropolitan Region will be substantial. The total population of 1,8 million in 1980 will increase to around 4,7 million by the year 2 000. The Black population of this city will increase from 1 to 3,4 million, increasing their proportion of the total population from 40 percent in 1980, to 71 percent in the year 2 000.

Policy Implications

Black urbanisation is necessary in South Africa for several reasons: to release pressure and overcrowding in the rural areas of Homelands; to raise the country's level of urbanisation more in line with its stage of economic development; and to provide the necessary opportunities for the Black population to receive a greater share of the benefits that can flow from urbanisation. Moreover, an increase in the level of Black urbanisation in Natal/KwaZulu has been argued in any case to be an inevitable consequence of Homeland development in this region. However, at the present time, whilst recognition has been given to the existence of a permanent Black population in so-called 'White' South Africa, influx control over new settlers to these parts of the country, remains the cornerstone to the Government's policy on African urbanisation.

What is argued to be an urgent necessity at the present time, is for the Government to recognise the reality of the urbanisation process which is in progress in this region, and to set appropriate urbanisation policies to ensure orderly urban development. It must immediately be pointed out, that to some degree, the Government's decentralisation plan for this region (Region 'E'), together with Homeland development policy, implies the adoption of an urbanisation policy of this kind. However, from a development perspective, the emphasis in this policy is placed on industrial development and economic growth, based on labour advantages that accrue from locations in close proximity to KwaZulu. What is lacking is any purposeful social development goal.

Such policy for Natal-KwaZulu would need to include explicit social development policies, urban settlement and development strategies, and the elimination of influx control between KwaZulu and Natal which at present limits Black access to employment in the wider urban areas of

Natal. This last point is particularly important in the context of Natal-KwaZulu because of the close integration between urban development in these two areas. Present policy allows for Black urbanisation to ensue within the boundaries of KwaZulu, for settlement of all types to be formed in so-called 'frontier' zones of the Homeland, but access to employment within the 'white' urban areas to which they are related, is restricted. To this extent, present Government policy reflects a predilection for neglecting urbanisation as a factor in development. Commenting on this situation elsewhere in the Third World, Drakakis-Smith (1981) notes:

This does not mean that governments concerned are unaware of urbanisation occurring . . . indeed, in many instances sectorial policies have been deliberately adopted in order to permit the continuation of the unfettered urban economic development on which national prosperity is thought to be based.

It has already been pointed out that according to Simkins, influx controls keep between 1,5 and 3 million Black people out of 'white' urban areas. In the longer term, however, rapid Black urbanisation would ensue. The consequences of the resulting rapid urban growth would be, in many ways, simply a response to the fact that Black urbanisation has been held at bay for so long. The longer this is delayed, the greater the consequences will be for the cities at some point in the future.

However, relaxation of Government policy on influx controls does not appear to be on the current agendas for reform. What is offered as an alternative to full urbanisation, is Black urbanisation in the Homelands. This solution is imperfect to the extent that it prevents a more rational distribution of urbanisation in the national space, and does not benefit those Homelands which are in remote rural locations. Consequences are, however not entirely without contradictions. Without relaxation on influx control, this serves the Government's interest with respect to the maintenance of spatial and racial segregation. It also locates Black labour, in the case of regions like Natal-KwaZulu, in close proximity to urban centres. On the other hand, it offers the Black population resident in this region an opportunity for urbanisation presently denied in the national space. However, unless influx controls on employment in Natal-KwaZulu are abolished, urbanisation policy in this form will fall short of fuller development criteria.

Urban Planning: Conspicuous consequences of rapid urban growth, such as informal settlement, are often regarded as a housing problem, and seldom are they seen as problems in urban development. Informal settlement has now reached a scale in this region where it is an important element in the urbanisation process. Urban areas in Natal-KwaZulu will double their population by the year 2000, and this will demand coordinated planning, which incorporates 'frontier' zones of KwaZulu into overall urban and metropolitan plans. To some extent, the Government has now recognised this need, and the commissioning of two planning projects for peripheral areas in the Durban Metropolitan Region, serves as examples.

Commenting on the basic needs approach to urban development and planning, Sandbrook (1982) draws attention to the nature of reform, which he defines in relation to any change which shifts resources or power from the privileged in order to enhance the economic and social position of the underprivileged. However, as he notes, there are two types of reform:



In principle, **non-structural reform** refers to changes that are consistent with the rationality of a given system; that is, they challenge neither the relative power of the various classes nor the logic that underpins the productive system. **Structural reform** then entails changes that do constitute such a challenge. (Sandbrook, 1982:237)

He goes on to cite two of the most popular non-structural reforms current in the Third World : site-and-service housing projects in urban areas, and preventative health care schemes in rural areas; both of which he regards as non-structural (although laudable) policies from a development perspective. To this degree, current urban development projects in this region represent reform of a non-structural nature. Extending these policies to include political reform, the removal of influx control, and greater participation in wider urban government, would involve structural reform, and this may not be on the current agendas for change.

Rural Development : Black urbanisation is a necessary component of rural development in KwaZulu. The 62 percent level of urbanisation projected in this paper will, however, simply maintain the present Black rural population at its present size through to the turn of the century. In order to mount agricultural reforms of the type envisaged by the KwaZulu Government (Buthelezi Commission, 1982) implies achieving an 82 percent level of urbanisation. It is doubtful whether this can be achieved by the year 2000, and if it were, the impact on the urban areas would be very dramatic indeed. Discussing rural development is beyond the scope of this paper, except to stress that Black urbanisation is a necessary component of rural development.

Decentralisation : In principle, decentralising development away from centres of concentration is inherently sensible.

At present, Durban dominates the entire region in almost all respects. Unlimited expansion of this urban area would create enormous difficulties in providing transport and servicing as a consequence of uncontrolled outward expansion. At the other extreme, creating new growth points is costly, slow in generating new employment, does not have the benefit of agglomeration economics and linkages, and often requires expensive incentive packages to create the necessary investment. Between these two extremes, decentralisation to the smaller urban centres appears to offer the best alternative.

To a large extent, this alternative is contained in the Government's decentralisation plan for this region. Advantages accrue from existing infrastructure, skills, expertise and linkages offered in the existing towns. There are however two major drawbacks to this plan in development terms. First, if KwaZulu is to be regarded merely as a source of cheap labour, and location near the Homeland as a mechanism for exploitation and the maintenance of spatial and political segregation, all the problems raised in this paper will not be solved. Second, the emphasis in this plan is on economic growth and industrial development. To create the opportunity for the benefits of this economic growth to be more equitably distributed, stress will have to be placed on investment in social development, as a complementary measure.

Informal Settlement: Informal settlement of increasing size is predicted to be the outcome of increasing levels of Black urbanisation in this region. At the levels predicted, new accommodation will have to be created for 3,6 million people by the turn of this century. If informal settlement is to be the result, then this reality will have to be addressed more directly in policy. At the present time, housing policy is based on the provision of serviced sites, but if the

reality of informal settlement is to be properly addressed, consideration will have to be given to the option of large-scale **upgrading** as a means of distributing necessary services.

Conclusion

The main argument in this paper has been that KwaZulu will provide the locale for a substantial increase in the level of Black urbanisation in Natal-KwaZulu. The source of this urbanisation process lies in two factors: that Black urbanisation has been severely restrained by Government policy in the past, and that KwaZulu provides the only significant alternative for Black urbanisation in this region. To this extent it is deficient. However, irrespective of Government policy on Black urbanisation – both at the national and regional level – circumstances in this region make Black urbanisation both necessary and inevitable.

In development terms, however, spatial concentration in urban areas should not be confused with development. Unless necessary conditions are created and fulfilled to ensure the greater integration of urban Blacks into the wider functions of the cities, the consequences will be deficient in development terms as well. At one extreme, the consequences could be what Simkins (1982) calls “deruralisation”; at a lesser extreme, divisions may be created between those who have greater or lesser access to the benefits of urbanisation. In both cases, however, although to different degrees, Black urbanisation will remain deficient until the Government relaxes the restrictions imposed on the pressure for full Black urbanisation in the country as a whole. This returns the issue to what has dominated the relationship between the Government and Black South Africans for so long: intransigence over the necessity for a political accommodation of the Black population. This will continue to define the struggle over Black urbanisation and development in South Africa.□

by Joy Brain

CLOISTERED PERSPECTIVES

Patricia Kay: *Notre Dame under the Southern Cross*. Johannesburg, Ravan Press, 1984. 375p. illus.

This is a detailed history of the sisters of Notre Dame de Namur from the time of their arrival in Southern Africa in 1899 to the present, written by one of the sisters and based on the *Annals of the community, their journal, “Les cloches de Notre Dame”* and on letters passing between the sisters and the mother house in Belgium and later the English Provincial house, Ashdown. The Notre Dame sisters are renowned for the high standard of education they offer in their convent schools for girls in various parts of the world and this book is largely the story of the problems encountered in providing education of this standard in the changing political and economic circumstances encountered in Southern Africa in the twentieth century. The book deals with Northern and Southern Rhodesia as well as South Africa and the sisters are still running mission schools in Zimbabwe. The story follows the activities of the sisters to and fro across the Limpopo and from the Transvaal to the Orange Free State and finally to the Cape. Their work in Swaziland and Botswana concludes the account.

Their first assignment in Southern Africa was at the Jesuit mission at Empandeni in the Plumtree district of Southern Rhodesia where they were to be extremely successful as educators of both children and adults in the primary, secondary and evening schools. From Empandeni a number of out-stations were established, one of which, at Embakwe, was still being run by Notre Dame sisters at the time of publication of this book.

Before the sisters arrived the Jesuit fathers had already translated parts of the Bible into Sindebele as well as pre-

paring readers, catechisms and prayer books in that language and all the sisters managed to learn Sindebele and to teach in the vernacular.

In South Africa the Notre Dame sisters opened day and boarding schools for White and African children, all of which finally succeeded in providing primary and secondary education of a high standard as well as sporting and extra-curricula activities. They also ran schools for coloured children at Somerset West and at Grassy Park. As strangers to the country the sisters had to accept the judgment of bishops about the need for Catholic schools in the areas of their jurisdiction as well as the ability of the parents to pay for the facilities created for them. The advice they received was quite wrong on more than one occasion and they were to abandon the project and move on. In each case the financial problems had to be overcome usually with assistance from the Provincial house in England and a reasonable explanation had to be forthcoming. Although the sisters were sometimes badly advised nevertheless one cannot help thinking, from the information given here, that they sometimes rushed in without sufficient enquiry and gave up, perhaps, rather too quickly. The absence of any historical background to the Catholic Church in the Transvaal and Orange Free State in the account makes it difficult, if not impossible, for the reader to assess the overall situation relative to the sisters’ work. This is especially true in the case of Bishop Miller O.M.I. whose behaviour towards the sisters and their proposed convent school at Belgravia was the cause of the abandonment of the venture. Because she has concentrated only on Notre

Dame sources for her information the author has been unable to explain Miller's point of view and the picture is therefore incomplete.

After having abandoned the idea of opening a school in Belgravia, they started work in Kroonstad, eventually opening a day school in the town, and a high class convent boarding school on the outskirts. It was here, too, that they entered the field of African education, opening a school in the location for the children of urban Black families. From as early as 1907, then, they accepted the dual role of teaching White children who were able to pay fees and required not only good educational standards and examination passes but music and art; the profits from this school were utilized to provide a building and equipment for the African school which then applied for a government subsidy to pay the Black teachers required. The other communities of nuns worked in the same way providing education for rich and poor alike but, in terms of the laws of the time, separately. Sister Patricia gives a graphic description of the preparations for the official opening of the Kroonstad convent, which was to be performed by Bishop Gaughren of Kimberley. With the preparations complete, the sisters retired for the night but were soon awakened by loud knocking on the door. Opening it they found the bishop and guests with the news that their beautiful and long awaited school was ablaze. Arson was suspected but eventually the insurance company paid compensation and the building was rebuilt.

The 1920's found the community opening an African mission school near Livingstone in Northern Rhodesia. Here they were astonished to observe the missionary method of the Jesuits in action with its enormous patience and tolerance shown towards tribal customs and traditions which were frowned on by Christian missionaries all over Africa. It was only in the late 1960's that the principle of building on such tribal customs, rather than destroying them, has been generally accepted by missionaries. The Jesuits were far ahead of their time in this regard. This school prospered and was eventually handed over to another community in 1948 but not before the nucleus of an African sisterhood had been established.

The involvement of the sisters in African education was increased in 1931 when they were persuaded to open a school at Martindale, near Sophiatown, for urban children. Once established the school was utilized to the full by the local community but the return of the Nationalist Government to power in 1948 and the far reaching legislation that followed led to the removal of African families from Sophiatown and the surrounding areas and the school had to be closed. The secondary school for African pupils at Venterspost was also closed under the Group Areas act while the Bantu Education Act was eventually responsible for the closing of their other schools. The Grassy Park venture, for poor coloured children, was taken over in 1969 by the Department of Coloured Affairs. Added to their problems was the Government's unsympathetic attitude to Catholic immigration which prevented the arrival of sisters from Europe while the attempt to train nuns at the Constantia convent was not really successful.

The elite schools for White girls ran into difficulties also. The fall in admissions for financial and other reasons, such

as the growing popularity of co-educational institutions, placed a strain on the Sisters' resources. Another reason for the decline in support was that less emphasis was placed by the Catholic Church on the parents' obligation to send their children to Catholic schools and the eventual result was the closure of the convents at Kroonstad, Venterspost, Westonaria and finally Constantia.

Emphasis now shifted to Swaziland, Botswana and the two schools in Matabeleland. Here there was a genuine need for education and the sisters felt their efforts were appreciated and they would not be harassed by apartheid laws. In the case of Swaziland, however, the government policy of Africanization made it necessary for them to withdraw in 1977 when Swazis took over the running of the flourishing school. The fate of the school at Embakwe was in the balance when the book was printed. The Botswana missions were developing fast.

One might ask, then, what the Notre Dame sisters really achieved despite all their hard work and all the funds raised here and abroad and poured into their educational institutions. Generations of well educated girls of three races testify to their educational skills, to their cheerful or even joyous approach to life. All the mission schools for Africans were handed over as going concerns with substantial buildings and enviable academic records. They were among the pioneers of sound education for Africans and will be remembered as such.

The weakest sections of this book are those that deal with general historical events and perspectives. The first chapter, in particular, which gives a summary of African history from the earliest times, is so superficial that one wonders for whom it is intended. It is clearly inadequate for readers overseas or for those who have little knowledge of the subject and, because of its brevity, too inaccurate to be of much value to local readers. Throughout the book one has the impression that odd snippets of historical information have been pushed in after the text was written and they are too short and sketchy to be useful. I find it strange, too, that in a book deeply concerned with the problems of African education, there is no mention of Loram and the other policy makers prior to 1948.

In the case of Catholic Church history there are a number of factual errors and omissions, all of which could have been avoided by more careful consultation of the secondary sources quoted. A more serious criticism is the narrowness of the primary sources used. Concentration on the archives of the Notre Dame community, however interesting, necessarily leaves a great deal unexplained. The author has not referred to the decisions of the Cardinal Prefect of Propaganda whose policies and directives would have influenced the superiors of all orders and congregations and through them the actions of individual missionaries.

Sister Patricia's book is well written, contains some excellent character sketches and has adequate references to sources. There are two maps and photographs of groups of staff, of pupils and of buildings. There is a source list and also a list of all the sisters who served in Southern Africa from 1899. Of the nearly 150, 22 were born in this country. For readers interested in education in the widest sense and in the effects of Nationalist Party policies on African education after 1948, particularly in urban locations, this is a useful book. □

JUDGING THE LABOUR JUDGES IN BRITAIN AND SOUTH AFRICA

It is not good for trade unions that they should be brought in contact with the courts, and it is not good for the courts. The courts hold justly a high and, I think, unequalled prominence in the respect of the world in criminal cases, and in civil cases between man and man, no doubt, they deserve and command the respect and admiration of all classes in the community, but where class issues are involved, it is impossible to pretend that the courts command the same degree of general confidence. On the contrary, they do not, and a very considerable number of our population have been led to the opinion that they are, unconsciously no doubt, biased.

—W.S. Churchill, (1911) 26 House of Commons Debates col. 1022

I: BRITAIN

The notion that British courts of law are biased against the interests of trade unions and their members is a venerable component of trade union tradition. The origin of the belief can be traced back to three features of nineteenth century labour law. The first was the existence of 'master and servant' laws which imported criminal sanctions into the private employment relationship and were applied with vigorous determination by lay magistrates, often middle class employers. The second was the application by the courts of a number of Acts passed after the French Revolution to proscribe trade union organisation. The third was the ingenuity displayed by the courts (in the wake of the liberalisation of the statute law by the Combination Acts of 1824 and 1825, the Trade Union Act of 1871 and the Conspiracy and Protection of Property Act of 1875) in fashioning from the common law a weapon which could be employed to curtail the unions' scope for lawful industrial action.

The two last-mentioned features gave to the union movement two of its legal menhirs, the cases of the Tolpuddle Martyrs and the Taff Vale Railway Company. The Tolpuddle Martyrs were a group of six agricultural labourers from Tolpuddle, Devon, who were convicted, under the Unlawful Oaths Act of 1797, of swearing an oath of allegiance to Robert Owen's Grand National Consolidated Trades Union. For this risible act they were sentenced to seven years' transportation to Australia. A massive protest campaign resulted in the remission of their sentences in 1836 and their repatriation in 1838.

The Taff Vale case concerned an industrial dispute between the Taff Vale Railway Company and the Amalgamated Society of Railway Servants over the alleged victimisation of a trade unionist who had led a wage demand. With feelings running high over the Company's use of scab labour and alleged sabotage by the union, the Company sought an injunction against named union officials and the union itself in order to prevent further picketing of its premises. It was widely believed that the unions' status as unincorporated associations under the Trade Union Act of 1871

rendered them impervious to actions for damages founded in tort. In the High Court, Farwell J held that 'it would require very clear and express words of enactment to induce me to hold that the Legislature had in fact legalised the existence of *such irresponsible bodies with such wide capacity for evil* (emphasis supplied)'. Although Farwell J's finding that union funds were not immune to execution was reversed by the Court of Appeal, it was restored by the House of Lords. The injunction was granted and the Company later successfully sued the union for damages. The case left, in Heuston's words, 'a legacy of suspicion and mistrust . . . to poison relations between the courts and the unions for many years'. It also resulted in the enactment of the Trade Disputes Act of 1906, which granted trade unions immunity for otherwise tortious acts, provided that they were committed 'in furtherance of a trade dispute'.

The law relating to trade union immunity remained in a relatively constant state (save for ad hoc wartime measures) until in 1964 there was another burst of judicial 'creativity' in the case of *Rookes v Barnard*. The facts in that case were as follows. The British Overseas Airways Corporation (BOAC) had an informal closed shop agreement with the AESD, the draftsmen's union. Rookes was employed by BOAC as a draftsman, and was initially a member of the union. He then resigned. Some fellow employees, who were union members, and a third party, a trade union official, informed BOAC that a meeting of union members had called for Rookes's removal from the draftsroom within three days, failing which they would strike. BOAC then lawfully dismissed Rookes, giving him long notice. Rookes then sued the three unionists for damages for conspiracy.

The High Court upheld his claim, and granted him punitive damages of £7 500. The unionists appealed against this decision to the Court of Appeal, which held that they were not liable for damages for conspiracy to injure as their conduct was protected by s1 of the 1906 Trade Disputes Act. The case then went to the House of Lords on appeal. The question for decision was whether there was any merit in Rookes's contention that he had been injured by a 'civil intimidation'. The case law on this topic was both sparse and ancient. In 1793 it had been held that it was such a tort for the captain of a ship to fire his cannon at islanders in canoes in order to deter them from trading with a rival ship. But that was a clear case of intimidation by violence, and the only possible ground of unlawfulness in the Rookes case was the threat to strike. Could there be any analogy?

The House of Lords answered this question in the affirmative. Of their reasoning, Lord Wedderburn has observed 'what stands out in the speeches of the Law Lords is their determination to reach this result'. Lord Hodson held that a threat to strike was just as serious as a threat to do

violence, perhaps even more so. Lord Devlin regretted that the decision would cause 'difficulties' for unions, but 'he could not hobble the common law' on that account. The decision certainly did cause difficulties for the unions. There was a rash of actions against trade union members until the Trade Disputes Act of 1965 closed this fresh breach in the dyke built by Parliament in 1906.

The process by which the House of Lords arrived at its seemingly confident decision has only recently been revealed. Paterson reveals that when the first conference of the Lords took place in chambers after the initial hearing in *Rookes v Barnard*, Lord Devlin was in a minority of one (or possibly two) which favoured the appellant (*Rookes*). After additional argument all the Lords found themselves to have been persuaded by the speeches of Lord Devlin and Lord Reid, even Lords Pearce and Evershed, who had originally favoured the respondents. This does not prove a conspiracy, or any irregular conduct, by the Lords, but it does demonstrate the fragility of the laths which support the seemingly flawless plaster of the common law. It also demonstrates the possible effect of a strongly-held opinion on a collective decision.

There are many other cases that one could cite in order to support a contention that the judiciary *is* biased against trade unions in Britain, but this is not the place to do it. I propose to turn instead to another line of enquiry. Does the statistical evidence support the argument that such bias exists? This too is something of a vexed question. Can one infer bias from every decision which is adverse to the interests of trade unions? And which decisions should one categorise as adverse?

O'Higgins and Partington, in their unique study of judicial decisions affecting trade union interests, define an adverse decision as any decision which went contrary to the order sought by the union. Using this criterion they analysed 70 reported cases from the period 1871 to 1966. These cases were all ones in which the cause of action arose out of 'industrial conflict'. They found that of the 70 cases, 50 of which were civil and 20 criminal cases, 42 had been decided in a way which could inhibit freedom of industrial action and 28 in a way likely to extend its scope. Although this indicated that there was a majority of 'anti-union' decisions, the researchers concluded that 'there was less statistical evidence of judicial bias than might *a priori* have been expected'.

This finding, the only one based upon the available statistics in Britain, showed that 60% of the decided cases were against trade union freedom of action. The significance of this finding is somewhat limited, without comparative statistics showing the overall trend in all decided labour cases. But let us assume, for the sake of argument, that we can safely extrapolate from the specific to the general and assume judicial hostility to trade union objectives. How can one explain this assumed antipathy? Among the factors which might explain why British judges are likely to have attitudes which are hostile to trade unions are the following.

Social and class background

Lord Devlin appears to accept that the judges are 'conservative' in their dealings with trade unions, but suggests, it would appear seriously, that this should be tolerated because they are oligarchs of advanced years. His solution to the problem is for the judges to be made aware of the

'perils of maturity' by reading books on that topic, including Griffith's *The Politics of the Judiciary*.

Griffith argues, on the other hand, that the judges belong to a small social elite, functioning to a very large extent within a closed social circuit. The family and educational backgrounds of the judges are remarkably similar, that is upper and upper-middle class and public school followed by an Oxbridge degree. The fact that the judges are appointed from the ranks of the most successful barristers also means that they belong to a wealthy economic group. They tend to be of an average age of about 60. They tend to belong to the same clubs and to engage in the same kinds of social activity.

These statistics are both interesting and useful, but there are dangers inherent in utilising them in a deterministic fashion. One such danger is that one then has some difficulty in explaining the forty percent of cases in which the decision favoured the union party. One would also have some difficulty in explaining why Professor Griffith, whose personal background is very similar to that of the stereotypical judge, does not think like a judge!

An important aspect of the judicial background, which may account for decisions adverse to trade unions, is the fact that very few judges have any experience of formal training in the area of industrial relations. This incomprehension of the dynamics of collective bargaining was noted in an address by Donaldson M.R. in which he appeared to suggest that every industrial dispute could be characterised in terms of 'right' and 'wrong'. Griffith describes these views as 'bewildering in their ingenuousness'. Industrial conflicts, he adds, are not of this kind. 'They can be solved only by compromise and by the exercise of economic and political strength, not by the application of legal principles or guidelines'. Although Devlin criticises Griffith on the grounds that he is advocating a 'might is right' doctrine, Griffith's views accord with those of the great majority of industrial relations experts.

To sum up the relevance of judicial background to this topic, the real issue is one which was raised by Scrutton L.J.:

'Labour says: "Where are your impartial judges? They all move in the same circle as the employers and are all educated and nursed in the same ideas as the employers. How can a labour man or a trade unionist get impartial justice?" It is very difficult sometimes to be sure that you have put yourself into a thoroughly impartial position between two disputants, one of your own class and one not of your class.'

The legislative background

Many of the decisions which have been adverse to trade union interests in Britain have been the direct result of legislation, invariably introduced by Conservative governments, intended to bring about that very result. Apart from the direct and inevitable consequences of such legislation, the fact that the government is legislating in that way is bound to influence the judges when deciding hard cases in 'grey' areas.

Another possible explanation is the long tradition of statutes penalising breaches of contract by employees and also proscribing combinations. The spirit of such laws may well have outlived the laws themselves.

Public opinion

Although the judges in Britain do not have constitutional authority to perform the same functions as the United States Supreme Court, that does not mean that they do not feel any obligation to take public policy into account in reaching their decisions. Public policy considerations feature in many judgments in the field of industrial relations law, usually taking the form of a conviction that trade unions which are 'too powerful' are contrary to the public interest.

Eccentricity

One would not wish to attach too much weight to this factor. Yet it does seem that in the cases of at least two British judges, Lord Halsbury and Lord Denning, personal eccentricity played a major role in shaping their decisions. In the latter stages of Lord Denning's tenure as Master of the Rolls, his decisions on trade union issues had become so uniformly hostile that they were almost predictable, as was their reversal by the House of Lords on appeal.

SOUTH AFRICA

When one turns to a consideration of the attitudes of the South African judiciary towards trade unions and their members one ventures into even murkier waters. The number of cases that one has to draw upon is very limited and the South African criminal justice system does not encourage public speculation concerning the weaknesses, deficiencies or personal idiosyncrasies of the judiciary. There is also no local equivalent of the O'Higgins and Partington study.

However, one can venture at least one tentative comment on the available court decisions. The South African judiciary is at least as unfamiliar with industrial relations principles as its British counterpart. Many witnesses before the Wiehahn Commission 'criticised the application of labour law by the general courts' but the Commission did not examine the grounds of criticism because it believed

that there were other, more compelling, arguments for the establishment of a specialist industrial court. Some of these witnesses pointed out that (the) general courts must apply legal principles in their hearings and findings but in most labour cases the sociological, economic, political, psychological and other aspects are as important as the legal aspect'.

In a recent case involving industrial relations issues, including unfair dismissal and retrenchment policy, one of the two judges on the bench expressed relief that the Labour Relations Act did not apply to his 'garden boy'. His brother judge commented that with legislation like the Labour Relations Act on the statute book he was at a loss to understand why anyone needed communism. He also observed that the 'lifo' (last in, first out) retrenchment policy, which pays no heed to merit, 'stuck in his gullet'.

There are probably two explanations for such viewpoints. The first is the general unfamiliarity of the judges with the principles of labour law and industrial relations. Labour law only entered the curriculum of most South African universities in the post-Wiehahn era. The second is our Roman-Dutch legal system's preoccupation with individual, as opposed to collective, rights. This latter factor could explain how the Supreme Court could hold in the *Piet Bosman* case that an unregistered trade union has no *locus standi in judicio*, while the Industrial Court held in the *Precision Tools* case that such a union did have *locus standi* in the Industrial Court. There is a clear conflict of paradigms.

Even without a detailed statistical analysis of the existing labour cases one can assert with confidence that we have a long way to go before we can say of our judiciary, as Miliband has said of that in Britain, 'judges, like governments and capitalist interests themselves, have come to recognise that trade unions, far from constituting a menace to "society", could in fact greatly contribute to its stability and help to limit rather than exacerbate social conflict. . .'. But then would Miliband write that in Thatcherite Britain today?□

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TOWARDS RESOLVING THE NEW CONFUSION ABOUT LAND TENURE

1. Background

Both Cross (*Reality*, March 1985) and Tapson (*Reality*, September 1984) oppose freehold land tenure in the 'homelands'. The Swart Commission recommended that decisions regarding land reform be devoluted to tribal authorities, who should, in their discretion, convert some or all of their land to freehold. Both aspects of this recommendation are now official Ciskei government policy. A similar policy has also been adopted in KwaNdebele.

This article attempts to put the record straight on certain aspects of the land tenure debate, and to reply to Cross and Tapson. Because of the limited space available and the short deadline set by the editor, I have departed from certain conventions. In particular much of the article is in point form and sources are not cited in the hope that most readers will be reasonably well-informed on these matters.

When Tapson prepared his article the Swart Report was not yet out. Tapson's article was initially prepared for the Carnegie Conference on Poverty. So what I criticise here is his **prior** position, bearing in mind that he apparently now endorses Swart.

Cross writes that she is anti-freehold and anti-leasehold **a la** Tapson, but as I argue below, this **may** be due to an inadequate understanding, widespread though it may be, of the real nature of different land tenure forms.

Swart is widely and erroneously interpreted, or rather presumed, to have recommended the summary conversion of tribal tenure to 'western' freehold. This ignores the fact that local option and the availability of a range of possible choices are key features of the recommendations. To crown it all, most of the standard literature that constitutes the background to this discourse is pervaded by ambiguous, erroneous and contradictory terminology.

In sum, there is a great deal of confusion.

2. The Myth of 'African Socialism'

The near-universal departure point (Cross excluded) is that African tribal law and custom is 'communal' or 'socialistic'. The opposite is true. Prior to various measures imposed by successive colonial and white regimes to increase and centralise power in and over tribal communities, tribal law and custom was, and largely still is, characterised by laissez-faire individualism.

As is well known:

- There were few centralised **coercive** powers.
- Assets were privately owned, eg. stocks, crops, huts, handicrafts, weapons, and, in certain limited senses, wives and children.
- Dwellings and arable land were privately allotted
- (the word in most African languages means 'own') and pasturage was either allotted or, more commonly, subject to privately held grazing rights – quite unlike the 'commonage' in European history.
- There were no coercive laws (interventions) against free contract and voluntary exchange, and no **legal** constraints upon wealth accumulation.
- There was no coercive redistribution of wealth, and there were, typically, very wealthy owners of large livestock and land holdings, who might have many wives, children and huts.
- There was a quasi-meritocracy, in which wealthy tribes-folk might have extra votes and other privileges.
- Government was minarchical, i.e. it had very limited powers, with a high degree of devolution to village councils and no central planning structure.
- Chiefs and headmen had few autocratic powers, usually needing to obtain full consensus for decisions by the chief/headman-in-council.
- There were no taxes, and nothing resembling a welfare state. Welfare was, and largely remains, a voluntary familial or local community affair.
- There were no powers of arbitrary expropriation. Land or huts could be dispossessed only under extreme conditions, such as a major crime against the tribe, and there would be a full public hearing. Such security of tenure is almost beyond the comprehension of the 'western' mind. Land allotments were in perpetuity.

Given that there were many different tribal law systems, it has been necessary to simplify and generalise here but the Royal Commission of 1865 put it well when it said of the inhabitants of Kaffraria: 'Freedom from restraint (was) a ruling passion in them ...'

A possible explanation for the emergence and persistence of the 'communalism' myth may be that Karl Marx, apparently without substantiation, called the first link in the imaginary dialectic chain 'primitive communism.' Ever since, it seems, regardless of the facts, the notion has stuck – in much the same way that we still talk of the sun rising when we have known for many generations that the horizon sets.

The only sense in which land, but nothing else, could be regarded as communal, is the tradition that it 'belongs to the Chief in trust for the tribe'. This is similar to the western legal fiction that the land belongs to God, which is the origin of transfer duty, descriptively called 'God's rights' in some Germanic languages. (Afrikaans = 'Hereregte'). The true nature of substantive tribal law is however more puristically unfettered private ownership than western 'freehold', with the qualification that an effective

market for land transactions had apparently not emerged. This may be because there was no monetary system and, for the most part, land had not yet become a scarce resource. There was nevertheless a system for land transfers, and as Cross observes, since the introduction of money an 'informal freehold' system of **cash sales** has emerged. Simultaneously 'share cropping' (a form of barter lease) has been supplemented by cash rental leases.

3. What the Swart Commission did NOT say.

The Swart Commission did recommend a **true** free market land reform policy, which was accepted in full by the government. This does **not** mean:

- that **existing** land rights – held by either tribal authorities, or individuals – should be coercively removed and sold to the highest bidder.
- that rural people should be subjected to what Cross calls 'the agglomeration of landholdings, the concentration of land rights in the hands of a privileged few, or the emergence of a landless under-class.'
- that there will be no provision for the much vaunted 'community land ethic' and other customary phenomena.
- that tribal allotments, familial group rights, neighbourhood and village prerogatives **et al.** must end, and so on through the lexicon of free market mythology.

Incidentally, **every** white 'expert' who gave evidence to the Swart Commission, was emphatic that tribal blacks were anti-freehold and would never accept it, with which Cross implicitly concurs. **All** the black witnesses said that freehold was their everlasting aspiration, denied them by white rulers, and that it correctly reflected their land tradition. I personally was the 'cannon fodder' to present the freehold option to six tribal authorities, all of whom instantly, enthusiastically and unanimously accepted it.

The most dispiriting task for free marketeers is to distract attention from the diversions created by critics who set up and demolish straw men. There is a shameful degree of confusion amongst most social scientists, often liberally sprinkled with malice, regarding 'spontaneous order' schools of thought.

4. What the Swart Commission DID say:

- The de facto and de jure holder of all tribal land rights should not only retain those rights, but they should be enhanced by allowing (but not compelling) tribal authorities to remove restrictions on e.g. alienation, leasing, occupation, mortgaging, consolidation, subdivision, joint ownership, corporate ownership, succession, usufruct etc.
- Tribal authorities should be allowed (not compelled) to sell or lease unallotted land subjected to whatever conditions, if any, they like. Such conditions (of title) could retain full tribal authority, or none, or anything in between, on the same principle that the owner of freehold land in the western system may sell/lease subject to any mutually agreed condition. There could be conditions on e.g. land use, farming techniques, fencing, sub-letting or whatever.
- Existing allottees could, by agreement, convert allotments into long or short term leases, conditional or unconditional sales etc.
- 'Communal' pasturage could be kept as is (i.e. subject to grazing rights) or sold/leased to cooperatives, com-

panies or partnerships in which existing grazing right holders would get pro rata shares in return for their stock which would go into the new jointly owned juristic persona. That land could also be subdivided with each grazing right holder getting a pro rata portion, either initially or subsequently, if the shareholders so desire.

- The deeds registry and survey laws would either be repealed or streamlined so as to reduce formalities and costs to almost zero. Title deeds would be issued in respect of new and existing rights.
- The permutations that could occur within each tribal authority are endless.
- Land rights would be mortgagable so as to facilitate capital formation.
- The reforms would be situation-specific, and might take many years. Each tribal authority could have its own approach, or they could all adopt the guidelines recommended by the proposed Land Reform Commissioner whose job it will be to advise them, and who would encourage unfettered freehold.

Note that a true free market is not a static state but a **dynamic process**; not a top-down imposed order, but a bottom-up **spontaneous order**; not a diminution of rights, but an increase; not a zero or negative sum game, but a win-win situation; not centrally planned 'objective' profit-maximisation, but reverence for **subjective values**.

In adopting a new approach we don't need to be too concerned about the **initial** distribution of **new** rights since, provided there are competitive markets in the allocation of all rights, they will gravitate towards optimality, which, as we know from Hayek, cannot be predicted, defined or planned by central authority. (I strongly urge all serious scholars to read Hayek's seminal essay, 'The New Confusion About Planning,' whose title I have borrowed here.)

5. What Tapson Says.

Full justice cannot be done to a scholarly conference paper in a few paragraphs, but the essence of Tapson's case is that what is (in my view erroneously) called 'freehold' in Ciskei, has not produced positive results, and should therefore not be extended. (Swart agrees that non-freehold 'Deeds of Grant' and 'Quitrents' are no solution.) Tapson recommends 'collective leasehold' to be run on a tribal basis.

Note that Tapson's idea can be fully accommodated within the Swart (free market) approach **provided** that it is voluntary. It is presumably because of this that he now fully endorses Swart.

I would nonetheless advise all tribal authorities against a collective leasehold policy – but I will defend the right of the tribesfolk concerned to learn by their mistakes, and by those of neighbouring tribes with divergent policies. Tapson proposes a land rent that is reminiscent of the Henry George 'land tax' philosophy. Most free marketeers regard land tax as the 'least bad tax'. If Tapson condones free alienation of an individual's share in the co-operative leases, and if the leasehold is in perpetuity, on both of which questions he is silent, we actually have, in law, **joint ownership** (i.e. freehold) by another name, and we have a free market process of land right allocation which does not stand in fundamental opposition to Swart's preference for tribal authorities to convert to freehold title.

6. What Cross Says

The essence of Cross is that she agrees with Tapson's 'straw man' freehold critique, but condemns his alternative as too radical a departure from tribal tradition to be feasible, and does not agree that land policy should aim at maximum production. She wants other *in situ* values to be accommodated as well. Though she does not comment on Swart, she implicitly shares the error that this would not happen in a free market. On the contrary, the 'heart' of the free market philosophy is respect for subjective values.

Whilst what she is against is clear it is difficult to establish precisely what she is for. I often wonder whether much confusion would not be avoided if policy recommendations were accompanied by a lay version of the necessary enabling legislation.

For instance, Cross writes that holders of land rights should be allowed to exchange and lease and have access for formal sector financing. Does this imply a mortgagable title? May willing parties freely transact sales, leases and mortgages? Is the land right in perpetuity? If so, we are actually back with ordinary freehold as we are with Tapson if these conditions are satisfied. She calls traditional tenure 'informal freehold'. Why 'informal'? It is clearly formal and formalised.

Since the precise (legal) manner in which the land rights systems Tapson and Cross respectively espouse depart from free market freehold is not clear, let me say that I agree with what they clearly are for: provided that security of existing rights and freedom of contract (on both of which they are silent) are part of their respective visions. I disagree with their understanding of freehold, and endorse their critiques of this 'straw man' freehold.

I now proceed to respond to some other errors that I believe they make in concert with mainstream writers.

7. The Single Solution Fixation

It is a curious fact that people usually approach most questions with the tacit assumption that there is (a) one solution, and that (b) it must be chosen from one of two alternatives. Tapson and Cross have approached the matter in this vein.

More often than not, there are a variety of choices and a number of solutions. The Swart approach is unique in that it accommodates all conceivable **non-coercive** possibilities and is furthermore dynamic, so that ad hoc adjustments will occur as circumstances change for those affected.

8. The Meaning of 'Freehold' and 'Leasehold'

Freehold and leasehold are not absolute or unambiguous legal concepts. A leasehold often confers more rights than a freehold. Both may and usually do have 'conditions of title'. Both usually attract a payment (rates or rents) to the state. The essential difference is that a leasehold has a landlord.

9. The Romance of the Landed Peasant

There is a popular notion (amongst urbanites) that whoever happens to be on the land, should be kept there usually at great human and material cost. Tapson and Cross reveal a passion for preventing people becoming 'landless'. Yet 'landlessness' and development are almost synonymous. By contrast, Swart holds that urbanisation is desirable.

Tapson and Cross also describe those who would remain on the land as 'privileged'. This is not substantiated; merely axiomatically posited. It is a strange view indeed to regard

blacks in Southern Africa who are forced to stay in the homelands as 'privileged' and those allowed to urbanise as 'landless'. I expect that the people concerned see the matter differently.

It is the revealed preference of more than 90 percent of people in advanced societies to indulge in urban life, often as urban land owners. I would argue for an inalienable right for all people to vote with their land, rands and feet for what **they** prefer.

Under the freehold approach people will sell only if it is likely to optimise their own utility functions, as they see them. It is a paternalistic injustice to curtail such fundamental liberty.

10. Agglomeration or Subdivision?

A major flaw in Tapson and Cross is their assumption that freehold titles would be vended into 'agglomerations'. Why not make the same (false) assumption for leaseholds? Or would they not allow people to extricate themselves from their leases? That would be an Orwellian horror.

Cross says that her 'advanced system allows the **free exchange** of land rights, but discourages . . . concentration'. She does not substantiate the supposedly different outcomes from 'informal' and 'formal' freehold systems. I know of no evidence that there will be undue agglomeration or subdivision given freedom to:

- exchange land rights
- consolidate **and** subdivide
- lease, mortgage **and** foreclose
- use and enjoy
- transact with all willing parties regardless of race, nationality or citizenship.

In South Africa there is a law against sub-division, but not consolidation. The concern of most agriculturalists is that if people are left to their own devices they will endlessly subdivide until land holdings are too small to be viable. Free market phobia leads to bizarre contradictions. What is much more likely is that over long periods of time farm sizes will tend towards optimality. Whatever 'market failures' there might be, they are unlikely to rival the 'government failures' that are the only alternative.

11. Conclusion

Although **Cross** rages against 'laissez-faire freehold', she adopts major positions that are indistinguishable from that position. As we have seen she is for, inter alia:

- the 'free exchange' of land rights
- mortgagable rights in land
- the right to 'hold and deal in land'
- the landholder's right to 'lease out' land.

Tapson, it turns out, is not against freehold, but against various colonial titles created specifically to deny blacks access to freehold.

Having exposed the freehold straw man, there may be some hope that a scholarly consensus in favour of freehold, properly defined, may yet emerge.□

Footnote: Blacks in the Eastern Cape did enjoy proper freehold alongside whites during the 1800's. Records suggest that many were prosperous farmers, who won most of the prizes at e.g. the Peddie show. Some of them used the (then) most modern methods, lived in brick houses built by white contractors and displayed the same entrepreneurial appetite that other races and cultures manifest under such conditions. If they took to freehold then, they should do so all the more readily after a century of proximity to western commerce and agriculture.

REVIEW

William Plomer : **Cecil Rhodes**; David Philip
Africa South Paperbacks, 1984

This biography, first published in 1933, was no doubt controversial at the time it was written, and is likely to remain so. Plomer's attitude towards Rhodes is unequivocal and unforgiving – he portrays the man as a childish megalomaniac who abused his uncanny power over people to “develop” Africa and her people. Plomer's attack does not remain only against Rhodes, but against all the dreamers of Victorian Britain, who dreamt of colonising Africa and other underdeveloped countries of the world. Although Plomer is careful to distinguish between the colonising British, and the British as a race, his attack is nevertheless vehement and uncompromising, almost to the extent of sentimentalising the Dutch of Kruger's Transvaal as a consequence.

Plomer's style, however, is immensely readable and lucid. He carefully selects episodes in Rhodes's life which suit his critical purpose, especially events such as the Jameson Raid, and Rhodes's relationship with the Mashona and Matabele.

Thus it would seem that Plomer's biography of Cecil Rhodes is to be read nowadays by the student of literature rather than the student of history – the historian may find his selectivity and partiality annoying and disturbing. The student of literature, however, will find reading **Cecil Rhodes** an interesting exercise in how an author might blend, however subjectively, by means of skillful prose, fact, ideology and social criticism. □
K.I.B.

Sand

Arriving in Cape Town
I step down
into hot dry air,
into the blue Combi.

Let me take you
along the sea road
to Muizenberg
he says.

Hot seat
against my back
as I strap myself in
ready to absorb white dunes,
scrub,
and the promises of sea air on my face.

We speed down a narrowing road.
Trees grow over us,
wheels bump down into pot-holes,
roar out again.

Black-stacked
playing card houses
on either side.
Corrugated stuff
and sacks.

Blank eyes see darkly at me
from the still photograph.
Sand all around –
but not beach.

They keep them nice inside,
he says.
Yes,
I say.

What is this place?
He tells
and pushes the Combi
into a U-turn,
crunching sand
at the feet of the children.

Let's get out of here,
he says.

We do,
travelling fast
down the sea road to Muizenburg,
air from the sea in my hair,
grain of sand in my eye.

Floss M. Jay.