

THE PRESENT AND THE FUTURE IN SOUTH AFRICA'S RURAL AREAS*

*An essay reviewing Catherine Cross and Richard Haines, *Towards Freehold? Options for Land and Development in South Africa's Black Rural Areas*, Cape Town, Juta and Co., 1988.

1. INTRODUCTION

The common theme that allows the editors to bring all of forty contemporary articles into one book is that all of the articles focus their analyses on some aspect of South Africa's rural areas. Clearly, this is a very broad theme and within this ambit there is scope for a great deal of diversity. This might be taken to imply a lack of cohesion and direction and the publishers do little to dispel this implication when on the back cover they state that the book is intended as 'a handbook for workers in official and voluntary agencies'. Whilst not denying that easy access to this collection of articles is a contribution in itself especially to development officials but also to the academic community, it is clear that the editors had more ambitious aims in mind in that they wanted to **clarify** the options that are available in the rural areas.

The book does give a very comprehensive picture of the current state of the rural areas and, building from this foundation successfully launches a serious examination of what the future options are in these areas. In line with this focus on the present and the future, historical material is only included to the extent that it throws light on the current situation. This makes the book a strong complement to the recent surge in agrarian historiography.

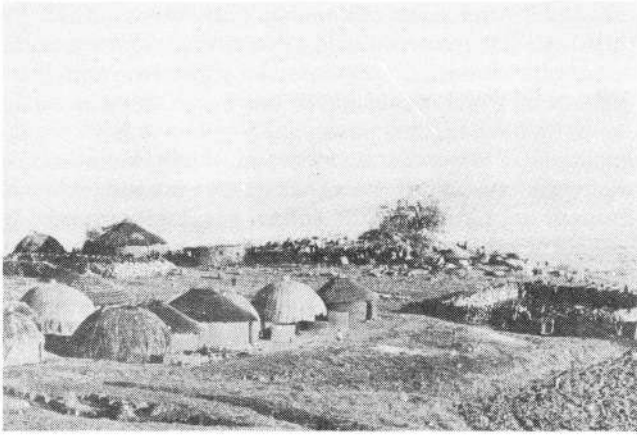
The editors have worked very hard at structuring the book in order to make it into a cohesive contribution and, to the credit of the editors, it is evident that the number of included contributions is symptomatic of the complexity of the issues at hand rather than editorial indecision. Catherine Cross has written a superb introduction that not only gives one a preview of what lies ahead but also airs her own well-considered views on current and future land scenarios. One small slip up on the production side is that in a few of the contributions the references which are cited in brief do not make it into the comprehensive reference list at the back of the book. However, this would annoy only the most fastidious of readers.

Thusfar the review has complimented the editors on putting together a book in which the whole is greater than the sum of the parts. This cohesiveness should not be understood to mean that only one consistent viewpoint is aired in all of the contributions. On the contrary, a spectrum of views is included on each of the issues which the book airs. To quote from the back cover again: 'The contributors – from the progressive left to state development agencies – illuminate differences in policy directions and give insight into the policy debate for land'. In

addition, the multidisciplinary nature of the book means that the same issues are often approached through very different lenses. The net result is that any reader inevitably becomes drawn in as an active participant in these important debates.

Rather than systematically working through the actual contributions in the book, the review will now go on to present what is, in the opinion of the reviewer, the most persuasive synthesis to emerge out of the book. This will be done without acknowledged reference to any specific author or article and will be presented in terms of four planks. The review will then raise some issues which emerge out of this synthesis. Of course, such a synthesis view is very much in the eye of the beholder and has therefore moved very far from the domain for which the editors or contributors can be held accountable.





2. A SUGGESTED SYNTHESIS

A. Any move toward freehold tenure is to be approached with a good deal of caution.

The sad state of black agriculture and other rural productive activity is largely explicable in terms of the macro-milieu within which these activities take place (the spatial lumpiness of South Africa's industrial growth points, for example) as well as more local level factors such as the lack of any effective support services for these rural activities and the considerable population pressure on the land. There is no reason to believe that the introduction of freehold into such an environment will be the fulfilling of any of the promises which freehold offers in theory. In fact, the evidence from the small pockets of freehold land already found in South Africa's rural areas suggests that yields per acre and animal husbandry practices on the freehold land are not significantly different from those on the land that is farmed under other tenurial arrangements. In addition, there is no evidence of an active market in freehold farmland.¹ Lastly, in addition to the informal channels through which all rural communities secure credit, freeholders are supposed to be able to raise credit formally using their property as security. However, there is very little evidence of this taking place at all and no evidence that credit is being raised for cultivation purposes.

The case does not rest here however; because, besides the fact that freehold will not produce the promised goods, the introduction of freehold title into rural communities on a large scale at this stage is likely to have a number of undesirable consequences. Most importantly, there is the concern that this could lead to the development of a landless class when the poorest members of rural society are effectively forced to sell off their land in order to survive through particularly hard times. Ironically, it is this same poorest group that finds itself trapped in the rural areas because they do not have the means to make the big move to the urban areas. Another cause of concern that is based on trends that are already emerging on black freehold land in the peri-urban areas is that the landlord/tenant relationships which emerge out of the renting of this freehold land are a source of great social anger, upheaval and even violence. Finally, as regards stockholding, there is concern which is also based on actual experience within Southern Africa that the conversion of commonage into freehold land could lead to the concentration of stock ownership in the hands of only the wealthier rural statum.

Alongside these arguments regarding the limitations of freehold, recent research has revealed that traditional tenure arrangements are far more functional and efficient than they have been given credit for in the past. In fact these traditional arrangements have:

- always offered residents *de facto* security of tenure,
- been steeped in a sense of social responsibility; and
- have always contained adequate checks on the abuse of power by those making land allocation decisions.

These arrangements have also shown themselves to be evolutionary rather than static by clearly undergoing adaptations in response to changes in the external environment. For example, in the peri-urban areas the contemporary tenure arrangements can best be categorised as 'informal freehold' in that they hold many of the advantages of freehold whilst retaining a sense of responsibility to the community at the same time. It appears that even the much berated commonage is not necessarily correlated with overstocking and, when such a correlation does exist, this is often due to the disruption by 'development officials' of the informal institutions within the community that were governing behaviour on the commonage rather than to the communal tenure itself.²

The impact of all of this is that a negative answer emerges to the question raised in the main title of the book, 'Toward Freehold?'.³ It should be said though that the analysis is sophisticated enough to qualify this conclusion by saying that it is applicable to the short and medium terms and that it needs to be re-assessed as the situation in the rural and peri-urban areas changes.

B. The pursuit of agricultural development should not dominate the rural policy agenda.

At least 40 percent of the so called 'homeland' population is urbanised. In addition, households in the black rural areas derive such a large proportion of their income from their members who are migrant workers in the urban, industrial centres and such a small percentage of their income from their agricultural activities that they are effectively dependent on the urban areas.⁴ Despite this urban dependency, the abolition of influx control and the granting of secure tenure in the urban areas is unlikely to catalyse a massive, permanent migration into the cities because, on the one hand, the rural base offers the urban members of the household an insurance against all the contingencies of urban life and, on the other hand, all the household members who have high wage earning potential can be channeled from the rural region into the urban via the household's urban base. In other words, a stable equilibrium appears to exist with households desiring to hold land in both the urban and rural areas. Consequently, for the foreseeable future it is unlikely that more land will become available in the rural areas for agricultural purposes or that agriculture will become a higher priority in the decision making processes of rural households.

This does not mean that there should be no concern with agriculture, however, because there are two groups of rural households who do not fit into the generic analysis of the above paragraph. The first group consists of some of the wealthier households in the rural areas who are attempting to move into commercial agriculture in order to supplement the cash earnings of their households. The

second group is constituted by some of the poorest of the rural households. The agricultural activities of this group make a much larger contribution to their earnings than for the average rural household. However, this should not be attributed to their higher productivity as farmers but rather to the significantly lower earnings which these households derive from migrant remittances and from wage work. As was mentioned in the previous section, these households find it harder to open up channels into the urban areas. They also generally live in the remotest rural regions far removed from any industrial nodes. If the focus of rural development is on the upliftment of the poor and there are many in the book who clearly support just such a Rawlsian focus – then it is crucial that something is done to help this group to break out of this low-level equilibrium trap in which they find themselves.

Given the above rural scenario what type of policy options suggest themselves?

– There is a need to provide an efficient agricultural support package for rural farmers but this package has to be targeted at those groups to whom agriculture is a priority. Clearly, the actual support provided to those farmers trying to break into commercial agriculture will be different from the support services made available to households in order that they may meet a higher proportion of their subsistence needs.

– Although most black rural households have some access to land, more land is needed for both residential and productive use. The strong political call for redistribution of land on equity grounds turns this issue of land reform into an important and contentious one. However, careful analysis reveals that the options are fairly limited.⁵ Outright expropriation of white farmland and consequent resettlement is going to be both difficult and expensive. There is the possibility of some voluntary selling off of land by white farmers but this too will be expensive. More promising is the opening up of plots on abandoned marginal white farmland for residential and/or smallholder purposes. As far as commercial agriculture is concerned, the scrapping of the Land Act and Group Areas Act would open up the land market to black commercial farmers. Given the current crisis in white agriculture, the present would be a very suitable time for this to take place. However, with the Land Act in place, a concentration of ownership is taking place in white agriculture and this trend is making the possibility of a market mediated re-emergence of black commercial agriculture an ever-diminishing possibility.

– Taking a long-term view, change in the black rural areas requires changes in South Africa's space economy so that industrial development begins to take place closer to these rural areas. Besides creating additional wage employment, this would also increase the demand for agricultural goods as well as non-agricultural goods and services from the rural areas. Such changes might make it sensible for rural households to allocate more time and labour to rural productive activity.

C. Past and current state interventions in the rural areas are good examples of what is to be avoided in rural development.

An analysis of the history of rural policy interventions by the South African state clearly reveals that the state has

abused the language of the development field in order to justify the implementation of policy in the rural areas that was really aimed at the State's own political goals and the effects of which could never be regarded as 'development' in any of the many meanings of this term. For example, in terms of state ideology, the Bantu Authorities Act could be said to have set up the broader administrative structures needed to enact development policy by giving official sanction to the administrative structures that already existed in the community. However, when resistance from within the rural communities indicated that the communities did not see the act in this way, the state implemented it nonetheless. In addition, all members of the traditional structures who were part of this resistance were excluded from the newly created Bantu Authorities. The distorted structures that emerged ensured that the *de jure* community leaders were accountable to the state rather than the community and these leaders were, in fact, in a relationship of conflict with the communities that they were supposed to represent. Given this situation, the utilization of these structures for the channeling of pension payments and the financing of rural development work was inviting corruption and certainly ensured that whatever emerged was shaped by the needs of the leadership rather than the community.

Betterment planning offers a further example. In this case the ideology was, and is, that rural villages need to be re-organised in order to promote more efficient agriculture. Once again, fierce rural resistance has not stopped the implementation of such re-organizations. The result of this 'betterment' is largescale social disruption including the disruption of long-established agricultural work parties and the informal arrangements controlling the use of the commonage. It appears that even agricultural productivity has suffered as a result of 'betterment'.

The contemporary agricultural development schemes run by the agricultural corporations in the bantustans are also not to be emulated. Many are large, expensive agricultural projects which are administered by the corporations until they become profit making at which time they are supposed to be broken up into smallholdings. However, most of them are not financially viable and the chance of these projects benefitting any rural communities seems remote. The smallholder schemes also tend to be instituted in a very top-down fashion with such rigid parameters defining the behaviour of participants that some of the participants perceive themselves to be employees on the project manager's land. In some areas the participants actually earn less from their agricultural efforts than they used to earn before they became part of the project once the increased cost of inputs such as fertilizer, special seed and tractors have been netted out. Finally, these projects discourage the cultivation of a wide variety of crops which lessens the subsistence contribution of agriculture.

D. There are marked differences between the various rural regions in South Africa and the policy options available in each region will therefore be different.

There are both quantitative and qualitative aspects to this recognition of regional differences:

– On the quantitative side it is objectively clear that

regional differences do have an important bearing on what is within the feasible set of policy options. The synthesis discussion under planks A. and B. above has however generalised across regions and is, in this sense, more gross in its analysis than the regional differences allow for.⁶ For example, there are regions in South Africa in which successful land reforms could be undertaken or in which freehold tenure may appear to be a more attractive alternative than it appears in plank A. above.

– On the qualitative side, the many detailed case studies and village-level analyses ensure that the rich diversity of rural life is brought across. They also serve to emphasise that the central commitment in rural analysis and policy must be to the rural people. The object of exploring rural options is to increase the choices available to rural people and especially to the rural poor. The discussion under plank C. above reveals that this overt commitment to bottom-up development stands in clear contrast to the past and present practice of state development officials.

3. SOME THOUGHTS ON THE SYNTHESIS

It was mentioned earlier that developing the synthesis view was somewhat contrived in that the book does present alternative viewpoints on many issues. In this section, some of these interesting open issues will be briefly aired using the synthesis view as a base. The airing will make reference to some pertinent literature that was not included in the book as well as material that was included. As before, no references will be cited for material in the book. The exposition will be structured by dividing the issues (again somewhat artificially) into discussion about the short-term and the long-term.

A. Short-term issues

Short-term policy can be regarded as interventions that can be made in the present to ameliorate the situation in the rural areas whilst recognising that there are also longer term structural forces at work which will also have to be dealt with to bring about any permanent upliftment in the rural areas. An initial issue that has to be confronted in formulating short-term policy is what priority to accord rural agriculture. There are certain infrastructural provisions such as good roads and transport that link the rural areas into the broader economy and are therefore necessary whether or not priority is accorded to agriculture. The same could be said of the provision of clinics, schools and clean drinking water. However, as soon as agriculture is prioritised additional policy supports seem to be necessary.

Stock ownership, or at least access to stock on favourable terms, seems to be a basic prerequisite for any serious farming as the time- and labour-intensity of hand-hoe field preparation seems to be too much of a disincentive for even subsistence producers.⁷ It could be argued that the provision of some basic extension service is in the same category. However, to argue for the provision of agricultural credit facilities, co-operatives, marketing boards and price supports on agricultural goods implies a policy focus on assisting commercial agriculture.⁸ But whether such a policy focus is appropriate is a contentious issue.⁹

It could be argued that support for subsistence production is compatible with commercial production; however to argue the reverse is more difficult. To make commercial agriculture a real alternative, given the options available in the broader economy, seems to involve a qualitatively different commitment. A few examples will illustrate this:

– Farming 25 hectares of land in rural Natal will give the rural household the equivalent income to one member of the household finding semi-unskilled employment in Pinetown;

– In a marginal maize area it was calculated that a maize farmer needed 71 hectares to earn R5 000 per year and this income might just be enough to prevent the farmer from moving to an urban area in search of work; and,

– In an area with good soil and rainfall and which was suitable for sugarcane farming, the average household earned an average of R368 per year by cultivating about two hectares of sugarcane.

There are other examples and they are all sobering. If this circumstantial approach is deemed to provide conclusive evidence that the South African black rural areas will not be able to produce agricultural surpluses on the 2 hectares which the average household has access to, the implications are important. For a start, this implies that a commitment to commercial farming necessitates some sort of targeting of rural households who may be successful commercial farmers and who are therefore to be granted privileged access to land and other support services. Without this targeting it seems that only the most wealthy will have the opportunity (which is different from having the inclination) to move into commercial farming. Either of these options implies that, in the short term, commercial farming will be practised by an elite.

This talk of targetting and elites does not accord too well with commitment to 'the people on the ground' that was an important part of the synthesis view. Although the synthesis view was sensitive to regional differences and the need to target agricultural assistance, not enough consideration was given to the heterogeneity of rural communities. It was hoped that rural development could increase the range of choices available to these rural communities. For a start it was hoped that rural development policy would give households the latitude to decide whether to concentrate on the cities keeping only a small rural base, or whether to spread themselves more evenly by engaging in some rural productive activity or whether to prioritise rural activities. However it is highly unlikely that all of these options could be opened up to all rural communities. Like different regions the rural community is characterised by considerable differentiation¹⁰ and, given this, it is far more likely that the opening up of the range of choices for one rural group (perhaps the poorest group) would curtail the options of at least one other rural group. Given this, debates about appropriate rural policy options are as much debates about value judgements as they are debates about technical feasibility. In fact, even in the short-run, what is and is not technically feasible depends as much on the power relations and the interest groups within the rural community as it does on anything else. Indeed, issues involving land allocation and land use are especially bedevilled by these considerations.



B. Long-term issues

Long-term scenarios have the freedom to speculate on the broader, structural changes in the economy which need to be made in order to promote the development of the rural areas. In this sense the short-run/long-run divide corresponds to a micro versus a macro focus. However, in the long-run there is also the license to allow for fundamental changes in the South African state and to assume that those in power do have a genuine commitment to improving the rural situation. In these circumstances, what are the options?

The long-run scenario emerging from the synthesis view was one in which the Land Act and the Group Areas Act have been done away with and fragmented pockets of new land have been made available for black settlement by the state through the expropriation of unused white farmland and the buying out of some small, marginal white farms. In addition it was hoped that the pattern of economic growth would have seen the spreading of industry out of the traditional core areas and into the peripheral areas so as to intergrate the rural areas into the productive economy.

This scenario has a number of serious limitations:

- Although there is evidence of some spontaneous decentralisation of industry taking place in South Africa¹¹, there is very little chance of industry relocating at anything close to the degree needed to create a fundamentally changed possibility set in the rural areas.¹²
- The scrapping of the Group Areas Act and the Land Act is

going to increase the rural options of wealthier black households who are usually well connected with the urban centres. This, together with the limited amount of new land that will be made available for resettlement, means that there will be no significant restructuring of commercial agriculture to make it more labour-absorbing. Neither will reforms come close to meeting the strong political demand for land that will emerge from those blacks who have been employed as farm labourers and those who have clung tenaciously to their smallholder status through the most arduous circumstances.¹³ This, in turn, implies that a huge burden of employment creation is placed firmly in the hand of the industrial sector and, to the extent that it is unable to meet the required growth rate, there seem to be no new processes opening up to transform the rural situation. Instead the flow of the unemployed will continue to be into the rural areas.

It appears then that the long-term scenario of the synthesis view will not lead to any major structural change. The policy emphasis therefore seems to be trapped at the local level dealing with incremental initiatives. It will certainly go nowhere near far enough to satisfy those who frame 'the land issue' in terms of the righting of historical injustices and the narrowing of the relative deprivation of rural areas compared to the urban centres and of black South Africans compared to whites.

Given these limitations, the pertinent issue is whether other long-term scenarios have offered anything more satisfactory.¹⁴ Amongst the alternative scenarios, there seems to be a general recognition that if smallholders are settled on the 'freed' white farmland and given necessary support services they may come to produce a surplus over time but that South Africa's food supply is dependent upon the productive core of white agriculture. The central issue therefore seems to be how this productive core is to be incorporated into any land reforms. All agree that the risk of ill-conceived policy in this regard is largescale food supply failure but there are differing views as to how this should be dealt with.

For the more cautious this transition should involve a carefully staged move to black dominance hopefully with the support and even under the training of white operators.¹⁵ This approach is seen to be necessary not because of the lack of farming skills on the part of the black farmers but rather because of their lack of exposure to the managerial and organisational side of largescale farming. If such a sensitive transition is not feasible this scenario tends to favour leaving this productive core unchanged rather than pushing ahead with some land reform anyway.



Less cautious are the classical Marxists who argue that swift expropriation without compensation is the only way to begin the transition to socialism in the rural areas.¹⁶ The swiftness is necessary in order to prevent the white capitalist farmers from running down their farms, in true kulak fashion, because of the threat of expropriation. This expropriation is certainly going to cause dislocations in the rural economy but this is the price that has to be paid in order to move beyond the restraints of capitalist agriculture. The doctrinaire nature of this approach is disturbing and it is certainly further away from the synthesis view than the 'cautious revisionists'. Yet, the analysis is probably correct in maintaining that any attempt to restructure commercial agriculture by compensation of white farmers is not financially feasible. This, in turn, makes any suggestion of an orderly transition to a black-dominated commercial agriculture appear highly unlikely.

Another point of agreement between these alternative scenarios is that these large white farms should not be sub-divided because they have gravitated towards their current sizes under the sway of economies of scale. For the classical Marxists these farms are to be put under the control of workers collectives who will dutifully ensure that these farms meet the planning targets which the central authorities set for them. What is to be avoided at all costs is the 'liquidation of economies of scale, the recreation of the peasantry on the basis of the division of land amongst those who work it...' (Krikler (1987, p. 113). Unemployment is less of a problem than the re-emergence of peasant farmers because the unemployed are fully proletarianised and so they do not occupy ambiguous and potentially reactionary class positions. For the 'cautious revisionists' these farms need to carry as much rural labour as they can whilst retaining their optimal size. It is also hoped that these farms can become rural growth points around which other rural productive activities, including smallholder farming can emerge.

The alternative long-term scenarios sketched above certainly do involve structural change in the rural environment and therefore do move beyond the synthesis view. However, there are many feasibility issues in these scenarios that are unclear. Recent empirical work by Moll (1988) on commercial maize and wheat farming begins to deal with some of these issues. He shows that there is evidence of economies of scale in the 50 – 300 hectare range but that the 300 – 1500 hectare range seems to be characterised by constant returns to scale. This suggests that a reform which attempts to set up a 'modest middle-class' commercial farming sector (50 hectare farms, for example) will be expensive for the state because these farms will be in the inefficient range and there will therefore be strong calls for price and/or other supports. On the other hand there is no technical support for massive collectivist farms either.

Clearly, technical feasibility does set the parameters for the realm of the possible. However, it is also evident that the debate between the different scenarios also turns on what is regarded as feasible in the human realm.

4. CONCLUSION

This essay has presented and discussed some of the issues which are examined in the book under review. The discussion has been far from exhaustive. The intention

has been to illustrate that the book is important enough to be regarded as a bench-mark detailing the extent of our current knowledge and therefore highlighting areas that warrant research priority. As such the book is representative of a broader rural research programme that is clearly making progress.

NOTES

1. This is the mechanism by which freehold is supposed to guide the land into the hands of the keenest and most efficient farmers.
2. The idea of some ideal, hypothetical stock capacity is itself under critical fire in the contemporary literature.
3. It is baffling as to why the freehold issue should enjoy star billing when it is only one of the issues discussed in the book.
4. This conclusion about low agricultural earnings remains valid even after differences in agricultural potential have been controlled for. However, it is likely that the size of the average land holding is so small that, even on the more fertile land, a serious commitment to agriculture would not be rational.
5. These limited options imply that, even with a change of government, the current black areas will have to remain the focal point of rural development initiatives.
6. However, it is hoped that this discussion does capture general trends against which any regional differences can be seen as exceptions.
7. See Derman and Poultney (1987).
8. There is some debate as to whether external access to credit and official marketing boards are necessary for the emergence of commercial agriculture because there are credit lines operating within the rural communities and adequate private marketing arrangements do seem to evolve once there is a surplus being produced. As long as these provisions make agriculture a more profitable undertaking they will facilitate the emergence of commercial agriculture even if they are not strictly necessary.
9. See De Wet, McAllister and Hart (1987).
10. See May (1988) and Spiegel (1981) for empirical examples.
11. See Bell (1987).
12. See Tomlinson (1983).
13. See Beinart (1988), Cooper (1987) and Davenport (1987).
14. It is important to note that this comparison between alternative scenarios is narrowly focussed on feasible rural options. It is not a discussion of alternative political views. Many of the authors whom the reviewer has used in constructing the synthesis view would be very much at home, politically, with authors used in the construction of the more revisionist scenarios.
15. See Beinart (1988) and Cooper (1987).
16. See Krikler (1987).

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By G.D.L. SCHREINER

LIBERALISM IN A DIVIDED SOCIETY

A Response to the LDA's policy suggestions.

The Liberal Democratic Association recently published four articles in *Reality* which were described as "part of a series of policy suggestions". It is a pity that they were not accompanied by a clarifying statement defining the purpose of their publication because their effectiveness and the discussion they are designed to stimulate will depend on this purpose. Is the L.D.A. attempting to define, for its members, a late 20th century "liberal philosophy" which is designed to bring together, into an active political party, a sufficient number of 'liberals' to make its representation in a parliament possible? Or is the L.D.A. intending to remain a Fabian-life group with its major purpose to preserve some elements of a "liberal philosophy" by their inclusion in the policies of the existing political forces in South Africa? If it is the former, then "the series of policy suggestions" need to be widespread and sufficiently accurately defined to determine the boundary between those who belong within the L.D.A. and those who do not. If it is the latter the series can be more selective, focussing on particular issues which liberals would define as being particularly necessary in the envisaged new society. Once these have been clearly stated, the value of the discussion would be largely concerned with the possibilities of their incorporation, either *in toto* or in some adapted form into the policies of groups other than the L.D.A. itself. In the current polarization of the South African political scene the latter path seems to be the only feasible one with the L.D.A. acting as a catalyist which would function by influence only.

Irvine and Maasdorp

Irvine's paper on Civil Liberties tacitly sets out the problem that liberals must face and put to those they wish to influence. He states, on the one hand; "Liberals are not committed to extreme individualism and recognise the need to reconcile liberty with other claims and values such as the respect for human welfare" and then, on the other hand "liberals are, however, utterly opposed to any ideology or policy (left or right) which makes society or the state everything and the individual nothing". It is fundamental to 'liberalism' that a liberal society would provide a balance between the protection of individual civil liberties and the level of societal intervention and limitation of these liberties which is needed to preserve "the other claims and values such as respect for human welfare". Historically, liberal political actions have been essentially "reformist" and the powers of government have been used to adjust the societal/individual rights balance toward what is deemed to be a more just society. The measure that is used to determine the "greater justice of the society" produced by a particular state intervention is a reassessment of the balance between the increased

welfare and freedom of all the individuals and the limitation of fundamental civil liberties for some individuals. Maasdorp argues cogently that "centrally planned systems" with public ownership of almost all enterprises are not only, "the antithesis of liberalism" but also prove to be economically unsuccessful. But social engineering is not "the antithesis of liberalism" until it reaches proportions which subjugate individual civil liberties almost entirely to the society or the state. Indeed liberalism has outgrown its original 'laissez faire' to such an extent that those who now advocate a totally free market economy cannot claim to remain within the liberal camp. They have rejected Irvine's first condition of reconciliation of the individual liberty with the preservation of "other claims and values such as the respect for human welfare".

Mathews and Cowling

The papers by Mathews and Cowling are most useful in pointing out two ways in which the balance of the freedom for individual and societal claims for overall justice can be policed and maintained, and from time to time adjusted. But it seems wrong to suggest as Cowling does that the two should be contrasted. As Mathews so clearly establishes, the "rule of law" precludes arbitrary governmental action by those who deem themselves to be above the law. Without the rule of law no civil liberty is protected from arbitrary limitation; not even if it were a civil liberty protected within a constitutionally accepted Bill of Rights. The protective powers of a Bill of Rights are themselves entirely dependent on the governors recognising that they themselves are subject to the rule of law, and that there is a method of testing their actions by an independent body. Rather than contrasting the two ways of providing against arbitrary governmental or administrative actions, it would seem better to regard the introduction of a Bill of Rights into a new constitution as an extension of the protection provided by observation of the Rule of Law. This is achieved by placing certain rights in a position of heightened protection - requiring of the law makers special and difficult mechanisms that they must, under the Rule of Law, observe before they can alter those rights. It does not remove from parliament the right to change the balance of individual and societal rights. It merely imposes upon the governors the necessity to do so legally and not arbitrarily or by some sleight of hand.

The four published articles do much to present a framework within which a liberal philosophy for a new South Africa could be developed. They remain, however, too far removed from the existing South African society to