
On the land question: Tentative questions around a contentious issue

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When centuries of land dispossession is followed by a process of reparation and compensation there is bound to be a plethora of ideas of what is a just and equitable solution. How we approach the land question has as much to do with our history as it does with the present. Jordan counsels us to be prudent and to take into account how

land reform was undertaken in other countries. He also says there is a need to strike a balance between justice and economic realities as we wade through this emotive and potentially divisive issue.

Since the adoption of a resolution by ANC's elective conference in December 2017 to change the constitutional provision requiring equitable compensation for land expropriated by the state, the dialogue on the specific constitutional clause as well as on land distribution and ownership in this country appears trapped between the extremes of hyperbole and double talk.

The issue has generated much heat, which has shed very little light on what addressing the land question in South Africa actually involves.

Historically, "the Land Question" has probably been the most intractable issue that revolutionary governments have wrestled with during the 20th century. Casting one's mind back, we can recall the Soviet struggle against the kulaks and the

establishment and the dismantling of the People's Communes in China, which entailed bitter struggles, including terrible violence.

With the possible exception of Cuba, revolutionary governments that have pursued radical land reform have oscillated between "leftist" and "rightist" policies. In Eastern Europe, after World War II, the intended beneficiaries – the small farmers and peasants – were often disappointed by land reform that gave them access to land with one hand only to impose a host of conditions on its use and ownership with the other. All the revolutionary governments that attained power after World War II have been compelled to revise or rescind radical land reform measures. Since 1990 those policies have been relegated to the past.

Radical land reform was originally instituted to transfer control of the land from land-barons, absentee landlords and a class of rural gentry to those who worked on the land as serfs, tenants, sharecroppers and peasants. In order to maximise production, while stimulating a collectivist ethic amongst small landowners who are notorious for their individualism, revolutionary governments encouraged small farmers

and peasants to join cooperatives. In most cases such measures were coercive, inciting passive and active resistance amongst peasants.

In Cuba small farmers and peasants acquired title to land as a result of the revolution. But the nature of the Cuban economy required the revolutionary state to maintain large-scale plantations, employing hundreds of agricultural workers whose product is integrated into the industrial value chain involved in the production of sugar.

In the classical literature of modern revolutionary movements, the “Land Question” usually refers to the “Agrarian Question”, i.e. the exploitative relationship between lord and peasant, also known as feudalism, that was prevalent in Europe prior to the French Revolution. Feudal relations on the land survived late into the nineteenth century in much of Europe. Though there were variations, in general terms, prior to 1789 feudalism in Europe had a number of common features. In Asia there was far greater variation, but the essential exploitative

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features of that relationship were shared by communities as divergent as Arabia and China.

After the late 15th century, in colonial Africa, the Americas and the Caribbean, European colonisation, conquest, enslavement and genocide shaped the exploitative relations established between the direct producers and the colonising land owners from Europe. In the Americas, the Caribbean and the settler colonies in Africa, the European colonial powers

revived slavery. Others established neo-feudal relations with those who worked the land. Over time, these evolved into the capitalist relations of production found on agri-business farms in all three regions.

Here in South Africa, in the Cape colony, one of the oldest European settler colonies, the colonisers first imported and imposed slavery. Alongside it, a neo-feudal relationship was forced on the indigenous Khoikhoi and San after their lands had been seized. After two centuries of war these neo-feudal relations were extended to territories of the two Boer Republics and, finally, during the latter part of the 20th century, inflicted conventional wage slavery on an agricultural proletariat.

European conquest and colonisation of the Americas, the Caribbean and the settler colonies in Africa invariably involved wars of dispossession and genocide – i.e. land was seized by armed force and the indigenes were either killed off, as in the Caribbean and most of north America, or reduced to >>



a status not much above that of feudal serfs or to enslavement.

Plantation slavery, based on and sustained by the enslavement of millions from Africa, was the principal mode of production in the Americas and the Caribbean prior to the 1880s.

In South Africa prior to 1838, enslavement, a neo-feudal serfdom and wage labour co-existed in the European settler Cape colony. The abolition of slavery in the British Empire ended that exploitative system but reinforced the neo-feudal relations that still persisted on the land. In the towns, wage labour grew and was catapulted into dominance by the opening of the mines in 1870.

In the settler colonies of the Free State and Transvaal, a neo-feudalism co-existed with slavery on the Boer farms. British domination consequently brought emancipation from enslavement and even amelioration of the worst features of neo-feudalism. British victory over the Boers in 1901 brought the wage labour system to the former Boer republics.

The history of the European conquest, colonisation and the government of South Africa has lent the “Land Question” in this country features that can be associated with, and arose from, slavery in the Cape and in the former Boer republics; aspects very similar to the Agrarian Question in pre-modern Europe and Asia; as well as modern features typical of the wage labour exploitative system associated with capitalism.

In South Africa, historically all dimensions of the “Land Question” entailed the “ethnic cleansing” and the systematic dispossession and seizure of the land. What has been unfortunate about discourse on the issue thus far is the temptation to reduce that to an “original sin”, as one commentator expressed it. White opinion-makers, including White chauvinists in foreign governments, being fully conversant

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with that aspect of our history, read discussion of the “Land Question” as directed against Whites as a group, the descendants of the colonising dispossessors, who control virtually all productive land today.

Discourse on the land can be highly polarising and given the emotions attached to it, could become volatile. Calm, deliberative debate, based on an appreciation of our country’s history – pre and post 1652 – the immense societal changes wrought by industrialisation, urbanisation and economic integration, is vitally important at this moment because the decisions and actions taken will be of great consequence not

only for South Africa, but also for the region and the continent.

Most importantly, we are addressing the issue and searching for solutions in the environment of a modern industrial society in which agri-business and industrial scale farming provides most of our food. Peasant and small family farms are marginal to the economy at present. But that does not mean they have no potential, considering the place family farms occupy in the agricultural sector of the European Union (EU).

“The land” under discussion is the entire country, from Cape Agulhas to Tzaneng in Limpopo, including every city, town, *dorpie* and village. While it necessarily includes the land in the former “homelands” any attempt to confine discourse to the 13% of the land area that was the former “homelands” amounts to capitulation to the outcomes produced by White domination. What became the Union of South Africa in 1910 had been four White settler colonies, pursuing different racist policies with regard to land, land ownership and access to land.

In the two Boer republics, only Whites were legally entitled to own land. Tenant farming was the most common exploitative relationship between White farmers and the African peasants. While Africans had legal title to land in Natal, the overwhelming majority held land by communal title or as tenant farmers on land controlled by White landlords. In the Cape, which had the longest history of European domination, Africans, Coloureds and Whites had legal title to land. A stratum of prosperous African and Coloured farmers, who competed very effectively with their White counterparts, developed in both the Western and Eastern Cape. Tenant farmers and black small farmers and peasants in the northern Cape produced grain and meat for the diamond fields.

Dispossession of the land had proceeded farthest in the Cape colony and thousands of Africans and Coloureds made a living working as labourers on lands that had previously been owned by their ancestors. Pass laws and the Masters and Servants Act dominated the lives of this emergent agricultural proletariat.

The 1913 Natives' Land Act specifically targeted the stratum of land-owning African farmers and tenant farmers. By law, no African would be allowed to purchase, control or own land in any part of the country outside certain portions, set aside as "Native Reserves". Africans were statutorily excluded from 87 percent of the land area of the country. All subsequent laws regarding land were designed to entrench those arrangements and consolidate the hold and control of the best land in the hands of the White minority, by placing legal constraints on the rights of Coloureds and Indians to acquire land. One can recall the Asiatic Land Tenure Act of 1946 and the Group Areas Act of 1951.

Every liberation movement in this country privileged "the Land Question" as central to the struggle for freedom and democracy. Despite the status "the Land Question" has been accorded, since the 1930s, South African Marxists haven't theorised the "the Land Question". In the Congress tradition, Govan Mbeki produced a small pamphlet, "Transkei in the Making", during the early forties, and "The Peasants Revolt" dealing with "the Land Question" as it relates to the former homelands, specifically the Transkei peasants' resistance to apartheid policies.

Kenny Jordaan published a very challenging pamphlet on the "Land Question" under the imprint of the Cape Debating Society in 1958. Jack Simons withdrew his own cyclostyled pamphlet, published by the Modern Youth Society earlier that year, in

deference when Jordaan's pamphlet appeared. Kenny Jordaan's pamphlet stands out as an exceptional attempt to analyse in some depth an issue many take for granted. Jordaan's pamphlet informs us that the "Land Question" in our country evolved through a number of phases:

- The conquest and dispossession of the indigenous people;
- The coercive proletarianisation of the dispossessed majority of the indigenous people that evolved from enslavement, a neo-feudalism, and has culminated in a labour tenancy and wage slavery on the land.
- A system of Native Reserves to whom the capitalist classes have outsourced the responsibility of reproducing the working class and absorbing the disabled, chronically ill and aged.

The "Land Question" in our country is shaped by that history and consequently entails struggles waged by labour tenants, struggles waged by workers on the farms, struggles waged by peasants in the reserves (former homelands), as well as struggles for housing in the cities and towns.

During the 1960s Harold Wolpe and others explored how the remnants of a traditional peasant mode of production in the reserves were articulated with the dominant capitalist mode of production. The transition from "segregation" to apartheid entrenched this classically colonial relationship in both statutory and economic terms, culminating in the "homelands" policy.

Since the 1920s, the national liberation movement has approached the matter from different perspectives. The ANC's African Bill of Rights, adopted in 1923, spoke in terms of the abolition of the 1913 Land Act and the untrammelled right of all South Africans to buy and sell land anywhere in the country.

During the Second World War the ANC adopted The Africans' Claims as

its programmatic statement. The "Land Question" features in clauses six and seven of the document as:

- "Recognition of the sanctity or inviolability of the home as a right of every family, and the prohibition of police raids on citizens in their homes for tax or liquor or other purposes.
- The right to own, buy, hire or lease and occupy land and all other forms of immovable as well as movable property, and the repeal of restrictions on this right in the Native Land Act, the Native Trust and Land Act, the Natives (Urban Areas) Act and the Natives Laws Amendment Act."

When the Congress Alliance adopted the Freedom Charter, it addressed the issue in the following terms:

- "The Land Shall be Shared Amongst Those Who Work It.
- Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;
- The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;
- Freedom of movement shall be guaranteed to all who work on the land;
- All shall have the right to occupy land wherever they choose;
- People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished."

Elaborating on the meaning of that clause of the Freedom Charter in 1969, the ANC's "Strategy and Tactics" document adopted at the Morogoro conference explained:

The bulk of the land in our country is in the hands of land barons, absentee landlords, big companies ➤

and state capitalist enterprises. The land must be taken away from exclusive European control and from these groupings and divided among small farmers, peasants and landless of all races who do not exploit the labour of others.

The Marxist-inspired left of the movement has consistently been more militant and strident in its analysis and policy prescriptions for solving the "Land Question". In 1928, the Communist Party of South Africa (CPSA) adopted a political programme, The Black Republic, that explicitly stated:

South Africa is a British dominion of a colonial type. The country was seized by violence by foreign exploiters, the land expropriated from the natives, who were met by a policy of extermination in the first stages of colonisation, and conditions of semi-slavery established for the overwhelming majority of the native masses. It is necessary to tell the native masses that in the face of existing political and economic discrimination against the natives and ruthless oppression of them by the White oppressors, the Comintern slogan of a native republic means restoration of the land to the landless and land-poor population.

The SACP's "The Road to South African Freedom", adopted in 1962, stated the matter more sharply:

From the time of the first White settlement, established by the Dutch East India Company 300 years ago, the pattern was set for the ruthless colonial exploitation of the

non-White peoples of our country, the expropriation of their lands and the enforced harnessing of their labour power. The Dutch made war on the people of the Cape, whom they contemptuously called "Hottentots," and rejected their appeals for peace and friendship. The so-called "Bushmen" were all but exterminated. Slaves were imported from Malaya and elsewhere. White settlers gradually penetrated into the interior. They drove the indigenous people from the best farm lands and seized their cattle. They subdued them by armed conquest and forced them into their service – at first through direct slavery, later through a harsh system of pass laws and taxation.

The SACP's programme also addressed one of the central aspects of the "Land Question", which has been the cause of confusion and if left unattended in our debate could result in misdirection. It went on to say:

One-third of the African people live on the Reserves. The largest of these are the Transkei and Ciskei, in the Cape Province, but there are also other scattered areas widely separated in the other three provinces. The Nationalist government speaks of the Reserves as the "homelands" of the African people, but so far from being able to sustain additional population, they are grossly overcrowded already and far too small to maintain their present population of 34 million. Most Africans on the reserves are not independent peasants and have no land or insufficient to make a

living. To support their families and avert starvation, most of the men in the prime of life are usually away working for White employers, and leaving the farming to old people and womenfolk. The smallness and the overcrowding of the Reserves leads to soil exhaustion. There is no opportunity for intensive farming, crop rotation, and scientific cattle pasturing, because there is not enough land. The Reserves are the most backward and undeveloped areas in the country, typical of colonial Africa. They lack industries, communications and power resources. There is no capital for improvements or mechanisation.

Under its preposterous "Bantustan" scheme the Nationalist government is proposing to partition South Africa. They pretend to be conferring "independence" and "self-government" on the Reserves, which they have rechristened "Bantu Homelands," and thus to justify treating Africans in the remaining 87 per cent of South Africa as "aliens" and "temporary visitors".

And taking the matter further, the SACP declared:

There are no grounds, in history or in reality, for the Nationalists to claim any part of South Africa exclusively for Whites. Africans live in every part of our country; their labour has gone to develop its farmlands and its cities, its mines and industries, its railways and harbours; they claim every inch of South



Africa as their homeland. The “Bantustan” scheme is not only undemocratic and opposed to every principle of self-determination, it is also fraudulent. Though they pretend they are giving land to Africans they are not giving them any additional land at all — in many cases they are actually taking away land from them. The Nationalist Party promises independence and self-government to the Reserves, but the so-called “Bantustan” schemes are both dishonest and impractical.

And finally:

Millions of agricultural labourers and labour tenants are employed on White-owned farms throughout the country. These are the most exploited workers in South Africa. They work without any protection from labour laws, from dawn to sunset, at

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hard and exhausting labour, for wretchedly low wages. The food they are given is too little, it is always the same, and it is an unhealthy diet. On most farms the housing for them is worse than what is provided for the farm animals. The use of convict labour, and compound labour, and other forms of forced labour, is common on farms in many parts of South Africa.

Neither the Unity Movement, Pan-Africanist Congress (PAC) nor the Black Consciousness Movement (BCM) would have taken issue with matters as stated above.

During the 1930s, at a time when the agricultural sector of our economy was economically more significant, the SACP and other Marxist formations spoke of the land question as the National Question. Thus for example in a letter the Executive Committee of the Communist International (ECCI) addressed to the leadership of the CPSA in 1932 we read:

The Communist Party of South Africa must understand that the struggle for national liberation is inseparable from the struggle for land. That the successful carrying through of the agrarian revolution is the basis for the victory of the Black masses over imperialism, for national independence. The main slogan of action around which the whole struggle for >>



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land must be centred, is the slogan for the confiscation of the land of the European landlords.

In an intervention that would become the basis of the Unity Movement’s approach to the land question, Yudel Burlak, of the Trotskyist Workers’ Party of South Africa, wrote:

The native problem is mainly the agrarian problem. In

a country predominantly agricultural, where 95 per cent of the population is rural, the axis of the revolution revolves around the agrarian problem. The more is this so since the native population of South Africa, 87 per cent of which still lives on the land, is deprived of land, and is **entirely** debarred from acquiring land even if it had the means to purchase. It must be made clear to the workers and intelligentsia of South Africa that the Native Problem, the agrarian problem is **their** problem, that liberation of the native is **their** liberation.

The solution to the “Land Question” proposed by the SACP, the ANC and shared by virtually all the liberation formations envisaged the seizure of agricultural land, as an economic asset, for the benefit of the landless, small

farmers and peasants. Realisation of the CPSA’s Black Republic would have entailed confiscating the farms of White landlords and land barons; the ANC’s 1969 “Strategy and Tactics” document virtually adopts the same position but calls for the creation of a stratum of farmers, who employ only family labour, by the unbundling of the agri-business farms presently in the hands of big farmers, cooperatives and corporations.

Considering the background as set out above, I submit that there are a number of considerations that have to be weighed in finding an equitable solution to the “Land Question”. First among these is South Africa’s economic development from an agricultural colony of the British Empire into Africa’s industrial powerhouse.

- Are there millions of South Africans who would prefer living in the rural areas in preference to towns and cities where they presently reside?
- How many who presently live

in the countryside would prefer moving into the towns and cities?

A second consideration is South Africa's agricultural sector. Our food is produced by huge agri-business farms, organised into producers' cooperatives with a growing number of them directly associated with and/or owned by the monopolies that dominate the minerals and energy complex.

- Would addressing the "Land Question" require us to unbundle these big farms so that we can redistribute their pieces as small farms to wannabe peasants?
- And, should such a course of action be followed, what impact would that have on our capacity to produce enough food to feed the country?

The most important consideration is the status, position and the future of workers in the agricultural sector. Most are employed by agri-business corporations on big farms. Thousands of others are employed as seasonal workers. Some are still tenant labourers. What does addressing the "Land Question" entail for these workers?

- Bearing in mind that every one of the big farms they work on is linked to a grave historic injustice.
- Bearing in mind that in many instances generations of families have laboured on these farms.
- Bearing in mind generations of low pay and degrading working conditions.

Historically, agricultural workers have been among the most vulnerable sectors of the working class and consequently the most brutally exploited. Despite numerous attempts, it has been very difficult, until recently, to organise these workers. Redress for this section of the working class extends well

beyond material goods and services, but includes the very persons and human dignity of these workers.

- Would regarding such workers as essentially no different from industrial workers be helpful?
- Have any of these workers expressed a demand/desire to dismember industrial-scale farms and redistribute portions as small farms?
- Is the pursuance of cooperatives and collective farms a viable option in such instances?
- Do we want to retain the advantages of production units of scale or does social justice demand we forgo these?

One farmer in the Western Cape arrived at a creative solution by adapting the Freedom Charter's fourth clause to his large estate. He has retained one half of the farm for himself and his family, and unbundled the second half as a co-operative owned by the workers. In this manner he sought to share the land amongst those who work it.

We also have to consider land in the former homelands and other reserves. Overcrowding, serious erosion and degradation, as well as studied neglect over one and a half centuries has resulted in extreme under-development of all these regions. Except for those in the North-West province, the former homelands were not blessed with mineral wealth. Consequently, in most instances while such land might have potential, it currently has little market value. Studies, during the 1950s, demonstrated that for many peasants in these reserves it made more economic sense to leave land untilled because, proportionately, the labour input was not commensurate with the meagre product. (In other words, farming in some of these was not cost effective!) It made more economic sense to rely on what remittances migrants earned, than for the peasant woman to break her back for so little in return. How many

such women, freed from the constraints of influx control laws, actually would choose a rural over an urban life?

The system of land distribution and tenure in these former homelands is in the hands of chiefs and other "traditional" leaders. For tactical reasons the ANC has preferred not to tamper with the institution of African monarchs, their powers and their duties, especially in relation to land. Very few, if any, of the peasants actually make an income by working the land. Unsustainable small plots proliferated as chiefs and kings divided and subdivided plots to accommodate the claims of their "subjects".

- In a sector where the actual tillers are women, what rights do women have in relation to "traditional leaders"? What mechanisms are in place to ensure that women's rights are observed and respected?
- Should the "traditional" power to distribute land be retained by monarchs?
- Should the system of "traditional" land tenure be carried forward, or should it be adapted to modern times?
- What forms of support should peasants in such areas receive from the state?
- Would freehold property in land, that can be bought and sold on the open market, assist or would it compound matters by inviting in land speculators and banks?
- What forms of communal ownership could be explored to ensure that peasants who want land can farm it securely and make an income?

In regard to the above, we cannot ignore the findings made by former President Kgalema Motlanthe.

Then there is the land in cities, towns and *dorpiés*. We do not often associate the Sharpeville massacre and other similar protests with the "Land Question", yet it ➤

stands at the core of them all.

South Africa's urban space is completely racialised as a result of the 1913 Natives' Land Act and its legislative consequences – like the Asiatic Land Tenure Act, the Group Areas Act and the preposterous Bantu Self-Government Act – flowing from it. By excluding Africans from any claim on land outside the “reserves”, the racist regimes defined the land in all urban areas as beyond the reach of Africans. Urban space was for everyone, other than the African people. This racialisation of urban space was known as Stallardism, encapsulated in the Natives' Urban Areas Act of 1923 and its subsequent amendments, that defined the cities as the “White man's creation”, into which the “Native” would be admitted in order to minister to the needs of the Whites, but from where he must depart once he ceases so to minister. That was the essence of the Pass Laws, buttressed by the Poll Tax and other impositions on the African.

Urban land and space has been a most heatedly contested terrain during the 20th century and remains one even today, though the content of such struggles might have changed. The Anti-Pass campaigns conducted by both African and Asian communities were about access to urban land and the definition of its use/s. The 1946 Passive Resistance Campaign in Durban directly challenged the racialisation of our urban geography. Anti-Pass campaigns asserted the

rights of all South Africans to the country as a whole, but especially to urban land. The squatters movements of the 1940s, subsequent struggles in Crossroads during the 1970s and '80s, the continuing establishment and defence of informal settlements by urbanising groups is a challenge inherited by the democratic era from apartheid and colonialism.

Colonial racist rule, reinforced by forty years of apartheid, has resulted in urban spaces that are typically colonial, with a “White city” and “the native quarters”. Urban land is overwhelmingly privately owned, specifically by Whites. The reconfiguration of urban areas will require their active support and participation. Are there indications that the transformation agenda will receive such active support and participation?

Forced removals invariably entailed the seizure of attractive urban spaces, like District Six, Sophiatown, etc., and dumping the victims in poorer, unattractive areas.

- Should equitable redress of these injustices entail restitution of lost land or only other forms of settlement?
- Should the state (i.e. taxpayers!) – as has been suggested – purchase such land at “fair prices” then re-sell or grant it to the aggrieved?
- Should victims of forced removals and “forced” sale in terms of the Group Areas

Act be compensated by the democratic state (i.e. the taxpayers) or should there be a special fund for the purpose?

- Should restitution apply solely to property-owners or should it include tenants, who also lost their homes, neighbourhoods and livelihoods as a result of forced removals?

In post -94 South Africa, struggles for access to urban land for human settlement have assumed new forms, but underscore the complexity of the issue, impacting as it does on environmental, health and land use. The inherited system of racialised settlement patterns has resulted in urban sprawl as the South African norm. That implies that all service delivery entails very long and extended/ing lines, with the attendant inefficiencies.

- Should we be addressing the issue of urban land by densification?
- In the instances that densification collides with land ownership patterns and claims, what powers do we envisage giving the state to pursue this policy objective?
- Is restitution the preferable and desired policy option we have in order to redress forced removals and coerced sale?

