

18. Cross, Fourie, Bacon, Jenkins, Scogings and McLaughlin, *Zulu Land Tenure and Development : The Adaptation of Contemporary, Institutions*, 1982 C.A.S.S., D.S.U. and Department of Surveying and Mapping, Durban, 12.
19. Mills & Wilson, *op. cit.*, 57.
20. Mail, L. "The contribution by social anthropologists to the study of changes in African land rights", in *Studies in Applied Anthropology*, London, 1957, 59.
21. Cross, C.R., "Freehold in the homelands! What are the real constraints. "Reality", March 1985, 5.
22. Cross, et. al., 1982, *op. ert.*, p. 5.
23. For a quick summary of land rights and the adaptation of indigenous tenure, see *Zulu Land Tenure and Development*; *Ibid!* For more detail, including the land ethic in relation to land use and land transfer, refer to "If you don't have land you are not a man at all; social thought and the mechanics of land systems in modern KwaZulu" C.A.S.S., 1985 forthcoming.
24. Social processes which remove unnecessary wealth from those who are not supposed to have it. Visibly well-off families are expected to be conspicuously generous; any who are not come to be seen as stingy and anti-social. Hostile gossip, demands and accusations, law cases, and threats of violence mount up until the offender either co-operates or leaves the community. See Wolf, E., *Peasants*, Englewood Cliffs, 1966.
25. Brandel-Syrrier, M. *Coming Through: The search for a new cultural identity*, Johannesburg, 1970, 22-27
26. Bundy, *op. cit.*, 34,45,52-4, 166-172, 204.
27. Umohlele, "Designing rural development programs; lessons from past experience in Africa" in Hunter, ed, *Policy and Practice in Rural Development 1976*, London, 267.
28. Cross, C.R., Preston-Whyte, E., "Modelling poverty on household dynamics", 1984, Carnegie Conference.
29. Cross, C.R. evidence to Buthelezi Commission, 1981, *op cit.*
30. Todoro, M., *Economics for a Developing World*, 1977. London, 235-8.
31. Botes, R., *Rural Responses to Industrialization, A Study of Village Zambia*, 1976, New Haven 17.21, 54.5.
32. Uchendu, V., *The Igbo*, New York.
33. Inedi, E., *Vasilika: A Village in Greece*, New York.
34. Smith, T., "The agrarian origins of modern Japan" in Dalton, ed, *Economic Development and Social Change*, 1971, Garden City, 425-460.
- 35; Swart Report, *op. cit.*, 18.
36. Cross, C.R., *If you have no land you are not a man at all*, 1985 forthcoming.
37. Tapson, D.R., *Freehold title – blind alley in the homelands?" Reality*, vol. 17, no. 5, 1984.
38. Cross C.R., *If you have no land you are not a man at all*, *op. cit.*

by LEON LOUW

3. FREEHOLD LAND RIGHTS, OTHER FREEDOMS AND THE FUTURE OF THE RURAL POOR (REJOINDER TO CROSS)

It has not been possible to find the time required to respond fully to Cross's "Reply to Louw". I regret this because there are aspects of her account of the "classical land system" which I should have challenged had there been a little more opportunity to consult sources. As it is, I confine myself to issues which are closer to my daily working experience of attempts to redesign institutions in South Africa and elsewhere in ways which set agents free to create wealth and pursue happiness.

1. Cross gives an account of how freehold is supposed to work (or rather, **not** work) when it is introduced from outside into underdeveloped rural areas. It "jams up solid". There is little exchange by sale or lease; rental, if it does exist, takes the form of "shack-farming"; and there develops a strange amalgam of

landlordism and the traditional system – generally immobility of resources amongst potential alternative users but an arbitrary rent-exaction transferred to the new class of landowners. The problem Cross says is that there is **no competition** – those "potential alternative users" aren't queuing up to bid against each other to use or obtain profitable land. They're in town working for wages (or hoping to) and the land isn't profitable in a market sense when used to support agriculture.

2. There is an important issue here that Cross raises, but it needs to be correctly understood. The lack of competition on the supply side has to do with restrictions on the rights of Africans to buy land in freehold. Similarly the intense competition on the

demand side from people wanting sites for residential purposes, which makes “shack-farming” profitable, is the consequence of restrictions on African residential rights in town. The lack of competition among potential agricultural users to buy or hire such land no doubt has to do with ‘underdevelopment’, the locational disadvantage of the areas, and the availability of more remunerative and less risky wage work. But it also has to do with the whole series of restrictions on movement, settlement and enterprise which have slowed the economic growth rate, lowered average incomes in rural areas as well as elsewhere, raised rural population densities, lowered average land-holdings and substantially increased the value of land in its non-agricultural uses.

3. Perhaps the point could be put as follows. I doubt that I would accept a brief to design a Black rural land-tenure system in South Africa **in isolation**. In the Ciskei freehold was proposed as one component of a whole package of economic reforms – basically designed to **deregulate** that relatively small economy and set it free to grow. That is how the tenure question should best be tackled.
4. There is encouraging evidence coming in from the Ciskei that the approach adopted there is working. Despite the fact that bureaucracy is still improperly applying old licensing procedures and that people are not fully aware of their new economic rights, our evidence is that new business starts are rising, sales tax receipts are on the increase and unemployment has been reduced. There is an unambiguous reduction in unemployment registrations at labour bureaux, and this is not simply the result of “discouraged work-seekers” – since labour shortages are being reported at growth points such as Dimbaza.
5. My vision on employment and economic growth is a fundamentally optimistic one. I believe that in an environment such as the South African one, where

the desire for material improvement is widespread, once people are freed to transact with each other the rate of growth of both formal and informal enterprise and employment will increase – obviously within some very general constraints which set limits on what is possible in any time-period. In the face of much scepticism about such claims, it is possible to point to the actual reality of a Hong Kong, and to other similar growth achievers.

6. Within such a vision the future of poor rural dwellers lies away from the land. The pressing problem is not to devise safeguards for them, inventing types of **land-based** development suited to their requirements. The right to realize the sales-value of their rural assets at some stage and quit the rural areas is an “historically progressive” right for them. The promise of the ascent from relative rural poverty **via** the switch to wage employment in urban areas is not limited to the nineteenth century and the historic core of capitalist countries. It is available today. But of course it cannot be fully achieved within a framework of influx control, Group Areas legislation, pervasive restrictions on the acquisition and use of land, and much stultifying regulation of the economy – both racially and non-racially based. Some of these obstacles are on their way out; some are likely to go; but the removal of others will have to be fought for. It is within such a reform movement that the advocacy of freehold rights in land (and the removal of discrimination against Africans in this regard) belongs.
7. I should like to say in conclusion that I look forward to the **details** of the legislative proposals that Cross refers to. She has said the various rights to transact in land have been developing “informally”. The correct procedure is certainly then to legitimise and legalise what has been found to be advantageous. But it would be unfortunate to stop the evolution by building in formal but unnecessary “safeguards”. □

by D.R. TAPSON

4. FREEHOLD TITLE: BLIND ALLEY IN THE HOMELANDS — (A REJOINDER)

My original paper was written mainly to provoke debate, and having seen it sink without trace at the Carnegie Conference, the volume and quality (far exceeding the original) of the subsequent contributions, has been gratifying. The experience of being tarred with the “betterment” brush by Cross (in print) and de Wet (in private) was traumatic – far worse than being warned against by Louw (in print) as an arrogant academic inhabiting an ivory tower. Plainly the issue of freehold touches some responsive nerves.

There is very little I can add to the debate, but I appreciate the opportunity to clarify a few points, and restate others.

1. Cross’s clear statement of the classical and modern tenure system and the rights and limitations involved has alarming implications for the technical problem which is the basis of my approach. The problem is that there is at present only some 3,2 ha of arable land in **Southern Africa** (excluding B.L.S.) per family