Alternation

Aspects of Development:
Perceptions, Perspectives, Identities

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ARTICLES

Preface

Since its inception, *Alternation* has aimed to foster interdisciplinary studies. Focused on Southern African literature and languages, many articles have dealt with this complex either explicitly or perspectivally. On the one hand, *Alternation*'s published research gives recognition to the contributions that disciplinary perspectives have made and continue to make to our country's scholarly challenges. It attempts to bring marginalised dialogues and discourses to the centre of debate and scholarly exchange as well as open up previously neglected or suppressed spaces for research, problematisation and scholarly dialogue. On the other hand, its interdisciplinary focus also poses the challenge to think differently vis-à-vis thought prescribed by entrenched positions, discourses and ideologies. It is in the context of these assumptions that the journal welcomes and encourages interdisciplinary contributions, but also the articulations of relevant views within the broader ambit of scholarly research in the Humanities. Spanning locales from the local to the global, one of the challenges the cultivation of a new and energetic Humanities constructively contributing towards 'development' is to think interdisciplinarily or beyond inherited discursive constraints.

This issue is the result of research by the recently formed School of Social Sciences and Development Studies at the University of Durban-Westville. It presents its contribution towards the on-going debate.

Johannes A. Smit
Editor

Development and the Humanities

Irina Filatova

'History, when it is well taught', said Minister of Education Kader Asmal, addressing an audience on Robben Island last October, 'can encourage critical thinking, exploration of our diverse identities, reconciliation and serve as a reminder of what mistakes not to repeat'. He appointed a panel to investigate the situation of History as a discipline both at schools and at tertiary institutions and into the ways of improving that situation[1].

Two months later the panel presented its findings. Apart from describing the crisis that the discipline is going through and outlining the ways of dealing with it, the panel stressed the multiple points of value History offers to contemporary society—points that would, of course, in varying degrees, apply to other disciplines in the Humanities. According to the authors of the report, History 'encourages civic responsibility and critical thinking, which are key values in a democratic society'; 'fosters the individual mental powers of discriminating judgement'; 'is important in the construction of identity'; 'enables us to listen to formerly subjugated voices and to redress the invisibility of the formerly marginalised'; 'encourages us to examine in concrete terms, through rich examples of narratives of real-life situations, the challenging nature of "truth"; 'is a vital ingredient in promoting democratic values'; 'is a significant instrument for desegregating society'; and is about the 'crucial role of memory in society'[2].

Of particular importance for us here is the fact that the panel stressed the practical, applied significance of History. Not only does the discipline constitute 'a

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[1] Address by Minister of Education, Professor Kader Asmal, MP at the opening of the Inaugural Meeting of the Consultative on Racism in the Education and Training Sector of South Africa. Robben Island, 18 October 2000, p. 4.: http://education.pwv. gov.za/Media Statements/Speeches/October/racism.htm.
[2] Report of the History/Archaeology Panel to the Minister of Education, pp. 9-10: http://education.pwv.gov.za/Policies Reports/ Reports/ 2000/ HistoryArchaeology/ Report.htm.

sound vocational preparation for a wide range of jobs and careers' the report stated, but it also 'provides a critically important perspective on the pathways to economic development and economic growth'[3]. Unfortunately, this view of the role of History and of the role of the Humanities in general, is not widely shared—both by learners, and administrators of education. Student enrolment is dropping dramatically in departments in the Humanities and these fields are the first to be sacrificed in times of financial constraint.

Much of this is the result of a perception that the Humanities are intrinsically conservative. This was created during the apartheid era and persists among both students and those responsible for the promotion of a holistic approach in education.

There is no lack of anecdotal evidence to confirm this view. At a meeting to discuss a 'business plan' for UDW's History Department—whose student enrolment fell from about 700 to 70 within three years—a senior manager assured the staff that she understood the importance of their discipline. 'We all know', she said, 'that the Trek is very important'. Other senior managers present nodded in agreement. The Head of the wretched department attempted to object but was stopped. 'Don't worry, we really understand that History is important—I remember we were taught all about the Trek and how important it was', the manager repeated. The year was 1999 and the manager was Black. Counterpoising the Humanities and other disciplines, a colleague in Industrial Psychology said at a meeting: 'We have so many students because we teach them what industries and businesses require, not just how to be nice —as History or Anthropology do'. Worse still, debates on the transformation of tertiary education have often seen History being singled out as an example of a 'Eurocentric' discipline.

Should one blame the managers who do not have a background in the Humanities and who hold simplistic views of its disciplines? Or should one blame the Humanities themselves for a lack of energy in engaging in public debates on what they can offer the nation? When was it last that we attempted to promote what our disciplines offer society in general and also the individual? Have we been able to show the contribution that each of our disciplines makes or can make toward what this country needs most: development?

This was the idea behind this volume: to show what our research can and does contribute to different aspects of development. More often than not the notion of development is popularly associated with the introduction of new technologies, industries and means of communication, construction of new factories, hotels and roads, the uplifting and enhancement of social services, transformation of delivery structures, etc. This volume, however, centres on different aspects of development: identities, perspectives and perceptions.

No other aspect of transformation has been raised more often than the need 'to change perceptions'. Understandably so: no development is possible without conducive attitudes and perceptions. But what are the perceptions that need to be changed? Is anything really wrong with them as they are? What were they in the past and what evolution have they undergone? The majority of the articles in this volume deal with different aspects of perceptions in past and present South Africa: religious perceptions of South Africa's Indian Muslims (G. Vahed); ethnically and socially grounded perceptions of Durban's taxi and bus drivers (A. Singh); a Zulu community's perceptions of the notion of development (P. Sithole); academic and popular perceptions of the Zulu (S. Leech); 'traditional' perceptions of land rights by Zulu women (U. Bob); historical perceptions of the patterns of transformation of a South African tertiary institution (D. Burchell); and the perceptions of women prisoners in Westville prison (N. Pillay).

None of these studies was commissioned by any industry or business, any ethnic or religious group, or by a branch of local or national government. Yet, it is difficult to imagine that any concrete project aimed at transformation and development of the above communities could be successfully carried out without taking into consideration the results of these studies. This is also true about other aspects of research, the results of which are offered in this volume.

'Tradition and innovation' is a topic that is crucial for understanding and implementing development both at the level of theory and practice. It is also represented in this volume by several studies. U. Bob discusses the changing patterns of land tenure in KwaZulu-Natal; P. Sithole looks into the intricate web of 'traditional' and new structures and institutions pertaining to development in a local Zulu community; K. Hiralal analyses equally intricate networks of ties, mutual support and interpenetration of 'old' and 'new' institutions and practices in the development of trade among the Indians in Natal; S. Leech presents the role of innovation in the creation of Zulu 'tradition'. M. Goedhals explores the conflict of 'new' and 'old' values and economic systems at early stages of the introduction of Christianity into Pedi society.

Gender issues—a challenge considered to be one of the corner stones of development—are central to five articles (U. Bob; M. Goehals; K. Nadasen; N. Pillay; P. Sithole) but they are touched on by several other authors as well. U. Bob's article is devoted to aspects of land reform in KwaZulu-Natal. G. Vahed studies the crucial yet ambivalent role of religion in the South African Muslim community. Political economy of growth, constitutes the essence of K. Hiralal's article on Indian traders. D. Burchell's story of Fort Hare presents dramatic twists and turns in the

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[3] Report of the History/Archaeology Panel to the Minister of Education, pp. 9-10: http://education.pwv.gov.za/Policies Reports/Reports_2000/History_Archaeology_ Report.htm.

historical transformation of this institution. K. Nadessen's and P. Pillay's articles deal with different aspects of international law and its correlation with aspects of Africa's political and cultural legacy. M. Goedhals presents the process of construction of a female Christian martyr.

The idea of this volume emerged when we, representatives of different disciplines who come from different academic backgrounds, traditions, approaches and styles, merged together to form a School of Social Sciences and Development Studies at UDW. Week after week we sat together to create a new programme which, as the management of the day decreed, had to be interdisciplinary. Not only was this process difficult, it was also unwanted, in fact, imposed on us—and each department asked itself and its counterparts whether it had not sacrificed too much of its sacrosanct disciplinary territory in favour of the unproven merits of complete and limitless interdisciplinarity.

At the same time, however, we discovered how much we could tell one another, how much common ground we covered in our teaching and research and how much richer we were by getting closely exposed to other disciplines' perspectives. Not that we had been unaware of these perspectives before, but our common fortune made us think of our commonalities and differences in a much more focused way.

The debate on the future of our disciplines, of the School and of the University as a whole goes on, unfolding around the issues of an interdisciplinary vs. disciplinary approach and on the relative value of our disciplines for students and for the country against the background of a national reform of tertiary education. This volume is our contribution to this debate.

Development, Clubs and Committees: Local Versions of Development Discourse in the Msinga District of Northern KwaZulu-Natal

Pearl Sithole

Introduction

Development has been defined by both social scientists and developers in a way that seeks to incorporate and centralise the ideas of people it is meant to benefit. It has invariably been redefined as something that must be a 'people driven process' and involve a 'maximisation of people's options' in social life. Attempts have been made to emphasise the participatory nature of development, that it should involve all the people it caters for. In this paper I will examine the understanding of development by the people of Msinga and their leaders. I will discuss what development means for Msinga people and their leaders, what they believe the structures that facilitate development for them are, and where those structures are located in relation to structures of leadership. I will also look at the process of taking initiative in the name of development and to what extent that initiative is top-down or bottom-up.

The subject of development has been one of the most controversial in the twentieth century, both in debate and in practice. The logic of development discourse has been questioned in terms of the approach it should take (participatory, relativist, sustainable, progressive, accumulative) and the history of its appearance. On the other hand, many writers, particularly those who adopt a broad worldview of an analysis of development (Frank 1981; Escobar 1997; Illich 1997) have seriously questioned the practical ramifications of what has been accomplished in the name of development. However, it seems that the momentum of this period of which 'development discourse' is a part has not yet given any indication of subsiding. The 'institutionalisation of the Good Samaritan gesture' (Illich & Rahnema 1997:107) seems to go hand in hand with the other current trends underlying relations within and between nation-states, such as the centralisation and institutionalisation of social services, the principles of democracy, and the contradictory ideals of economic growth through free capitalist market principles.

In South Africa, because of the historical trajectory of this country, the state has engineered and overseen the implementation of development. Since the African National Congress (ANC) came to power in 1994, this has been undertaken mainly through adoption of the Reconstruction and Development Programme (RDP) which, with the Growth, Employment and Redistribution (GEAR) strategy, have been the main policies formulated and used by the African National Congress to address socio-economic challenges. While the latter was developed in 1996 as a strategy to deal with macro-economic challenges, the former was adopted earlier than GEAR to bring economic redress to the people on the ground through the provision of infrastructure and sustainable services to communities countrywide. The RDP is meant to adopt a participatory approach to development, a programme that puts less emphasis on a top-down approach.

However, as will be clear from data in Msinga, a top-down approach is hard to abandon in an institutional setting which has specific quantitative achievements to fulfil to measure success. It seems as if services, resources, and co-ordination are hard to provide without enlisting a development discourse that polarises providers from recipients. Therefore as long as 'development' 'brings' what is not there, it is likely to entail top down relations.

The essence of this problem has long been identified by some writers on development to be the location of development in contemporary capitalist discourse (Frank 1969; 1981). It is a simple situation in which the providers must profit from their giving and those profits are unfortunately gained from those to be developed. The dynamics of this parasitic relationship are different at a local small-scale level from the global (First and Third World countries) level, although both of these contexts are usually part of the same development trend. Parasitic relations seem clearer in the analysis of the global level. A system of patronage between providers and recipients has governed the relations at a small-scale level so that 'development delivery' based on mutual self-interest is achieved.

Despite some relativist talk of decentralisation within nation-states at various points of their evolution, the centralisation of power and of a mandate to look after the social welfare of the state's citizens seems to be behind the institutionalisation of development and the accompanying definitions of it in positivist terms. The RDP document (1994) is not the only one that fails to break the trap of a top-down approach. Although it has some elements that try to break through positivism[1], a report on 'Poverty and Inequality in South Africa' (1998) could not

completely avoid positivism, possibly because government commissioned reports must give some indication or inference of how institutions may solve problems. This report therefore talks extensively in terms of measurables such as 'economic growth', 'macro-economic stability', 'a minimal standard of living' in terms of monetary income per month, and other ways of measurement of poverty and inequality. Thus '[p]overty can be defined as the inability to attain a minimal standard of living, measured in terms of basic consumption needs or the income required to satisfy them' (1998:8).

However, challenging a positivist approach without suggesting a viable alternative that seeks to be more in line with the situation on the ground may be criticised as unhelpful academic bigotry. Gilbert Rist (1997) examines the conventional definitions of development, identifying in them the basis for a positivist approach. He argues that some sociological definitions of development (which he calls 'pseudo-definitions' p.10) do not go far beyond being merely sociological. He argues that they refer 'to individual (context-bound) experience that can never be apprehended by means of 'external characteristics' (Rist 1997:10). He quotes phrases such as 'realizing people's potential' and 'expanding the range of individual choice' as examples of such 'pseudo-definitions' (Rist 1997:10).

It seems as though there are three approaches that are all essential to scrutinising and undertaking any development venture. First is the approach that Rist (1997) adopts – a broad historical analysis of development as a whole that helps to situate the local situation in broader trends. Second is a quantitative analysis of resources in the development location. This would give a sense of the capacity of resources available to the community. Leibbrandt and Speber (1997) have done an exhaustive analysis of the economic survival of three communities in the Keiskammahoek rural district in the Eastern Cape. Through their approach income is defined not merely in monetary wage/remittance terms, but also in kind, to include, for example, other forms of remittance through buying goods for the household, and income in the form of field production. The approach is quantitative and painstakingly detailed but gives a fuller picture of the economic explorations of people for survival, and a component of comparison in it highlights local economic peculiarities which may be important for developers to recognise. A third approach, one which is adopted in this paper, is that of highlighting trends in socio-economic adaptations by communities in social change. These are important to outline in order to establish the subjective socio-economic aspirations that people hold. These three approaches should complement each other in development research and practice.

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[1] For example, its definition of poverty seems quite people-centred: 'Poverty is characterised by the inability of individuals, households or communities to command sufficient resources to satisfy a socially acceptable minimum standard of living. Poverty is perceived by poor South Africans themselves to include alienation from

the community, food insecurity, crowded homes, usage of unsafe, inefficient forms of energy, lack of jobs that are adequately paid for and/or secure, and fragmentation of family' ('Poverty and Inequality in South Africa: Summary report' 1998:6).

The issue of development in Msinga, as in other remote areas of KwaZulu-Natal, is intended to link the local areas with the whole structure of government. The elected local leaders in Msinga are expected to be important units in the network of development delivery – units reachable to people to facilitate development projects that ought to be people-initiated and government supported. These projects would also be self-sustaining. This paper will show a wedge between development projects that involve the government or outside 'support', and community-based development projects that are sustained by the people who initiate them to meet certain needs. People-initiated development is tied to culturally acceptable ways of help delivery or notions of problem-sharing. Both institutionalised and people-initiated development may have something to do with basic needs and are thus crucial to people's lives, but their organisation and character is very different.

This study was conducted in the Msinga District of Northern KwaZulu-Natal between 1996 and 1998. It was part of a broader research project that I conducted in this district on issues of identity, social inequality and social change. Interviews were conducted with various people who are involved in development and with members of the community. More data was derived from attendance at meetings on development and related issues. Participant observation was also very crucial in producing data that is integral to this analysis.

There are three terms used in this paper that need some explanation and clarification. One is 'chief/s'. This term has been politicised. 'Chief' is not seen by the 'traditional leaders' whom it describes, as an appropriate term to use. They prefer the Zulu vernacular term *'inkosi'* (pl: *amakhosi*) instead. For them 'chief/s' holds the connotations of the colonial roles that were imposed on them – as tax collectors, managers of migrant labour, and so on. The other two terms are *amakholwa* and *amabhinca* (sing: *ikholwa* and *ibhinca*). These very loose terms describe social categories of people as they interact in Msinga. *Amakholwa* are 'Christians', but the term denotes far more than that as it stands for people acting under the influence of modernity and a generally changed lifestyle. *Amabhinca* describes people who mainly practice traditional ways of life in Msinga and are easily identified by their dress codes. However, the latter term can also have derogatory connotations of backwardness or primitiveness depending on the context of its use. These terms, *amakholwa* and *amabhinca*, do not capture the range of variation in possibilities of categorisation of social change in Msinga; they are merely tools in communicative interaction.

Development and Committees

The structures of political governance within the chiefdom (the Tribal Authority) and beyond the chiefdom (the Regional Authority) have existed for a long time as designs of the National Party government initiated during the apartheid years. These structures were not completely detached from pre-colonial structures, which were frequently used as a building blocks in administrative measures adopted by the colonial government. Since the abolition of apartheid in South Africa, the newly established local government includes democratically elected officials that co-exist with 'traditional' structures in rural areas. While governance of the urban areas - municipal authorities of cities, towns, suburbs and townships - is entirely elected through local elections, in areas where chiefs are authorities of governance, local elections put in place officials whose role is known to chiefs and local people as being that of facilitating or 'bringing' development (*baletha intuthuko*).

Each chiefdom has its 'development officer'. Development officers of chiefdoms were elected in June 1996 after several postponements of the local elections in the KwaZulu-Natal province. They liaise with their chiefs in establishing committees to tend to each sphere which requires 'development'. Each development officer presides over the bigger committee which is called *ikomiti lentuthuko*, the development committee. Under this general committee are smaller committees in charge of designated areas of concern: the water committee, roads committee, health care committee and the electricity committee. These committees are said to be created at various meetings of the people of the chiefdoms, meetings called by chiefs through their *izindunas*.

The ambivalence of the relationship that chiefs have with political parties is well known in KwaZulu-Natal. Development officers seem to be the people whose engagement with the political parties has no tinges of guilt. They are elected through political parties and, unlike chiefs, they do not have many apologies to make about their association with a specific party. In Msinga in 1996 there was great uncertainty surrounding the position of chiefs in the new democratic era as they themselves did not understand what the ANC-led government intended regarding their role in the new dispensation. At that time, chiefs, headmen and other respected members of chiefdoms suggested, during conversations before meetings of the Regional Authority, that the ANC might abolish the 'traditional' inheritance of chiefship in favour of democratic election of the incumbent. Not only were the current chiefs afraid for their eldest sons and subsequent generations but also for themselves in the light of the pending election, as it was not clear how it might affect them. One elderly chief said at one of the meetings: *'Abantu engibadabukelayo mina inina makhosi ngoba nisebancane. Uyabona mina kungeke kusangihlupha nokuchitha amawolintshi laphaya emgwaqeni ngidayise kanye nabanye ochitha'* ('The people I pity most are you *makhosi* because you are still young. You see, in my case it would no longer be a problem to sell oranges on the road with other vendors').

This is the background against which chiefs and development officers were soon to establish their 'normal' relations. These relations varied in different chiefdoms.

In certain chiefdoms development officers were to have very close relations with the chiefs. They would engage in no important business related to their role without informing the chief of the plans, proceedings and objectives. In other chiefdoms, however, chiefs and development officers crossed paths through official/instrumental obligations of their duties, but left each other to do their own duties separately.

Around the local election period in Msinga there was campaigning mainly from the Inkatha Freedom Party (IFP) and the African National Congress (ANC). In some parts the ANC did not campaign at all - no posters could be put up advertising their party because of politically motivated vandalism, and their campaign cars with loud speakers persuading people to vote for them did not go to these areas. In Tugela Ferry there was campaigning from both the IFP and the ANC, and this seemed on the surface to be a free and fair campaign. It was only when one asked people about the campaigners for each party, that one suddenly realised that the conversation about the ANC was hard to initiate and sustain. Informants claimed that they did not know the identity of ANC campaigners or where they came from. It was even more difficult to discover whether there were any ANC supporters around. Responses were curt and to the point, nothing was known for sure, no information was given to a stranger. The situation with the IFP was, on the other hand, different. The campaigners were known, their names and their backgrounds were discussed every time they passed by. Their use of chiefs' offices (and sometimes personnel - the headmen and councillors) was no secret, and now and again women would ululate when their campaigning cars passed by covered in party colours.

Chiefs were well aware of the freedom they were supposed to grant all parties to campaign and they and their personnel talked a lot about the fact that 'nobody is blocking anyone to campaign'. Chiefs knew that they were supposed to be 'out of politics' (*bangangeni kwi-politiki*) which they referred to as a 'dirty game'. But the uncertainty about how the party in power at a national level regarded their role and status caused them huge anxieties. The ANC took its time before it made public what it thought of the chiefs, and with the IFP being clear in its stance of supporting them, it was hard for the chiefs not to influence at least the mood, of 'party politicking' for local elections.

After the elections which were won mainly by the IFP in Msinga, it became clear that the elected officials were people whose role was to co-ordinate and bring development within chiefdoms. For some people the fact that a party they voted for won the elections was sufficient to keep them content; but some did not like the fact that they voted without knowing exactly who was likely to take the position on behalf of the party when it won. In one chiefdom there was a lot of gossip surrounding the background and character of the incumbent of this position - with people claiming '*usahlula kubo, noyise waze wamxosha*' ('he has been so much of a nuisance at his home, his father expelled him').

Development officers had a few meetings at Tugela Ferry shortly after the elections in which they were supposedly discussing their roles and were being orientated for them. Working with the chiefs, they called meetings in which committees responsible for different spheres of development were created and those that already existed were affirmed. In one chiefdom, for instance, a committee for water was already in existence, and it had a name and minutes that explained its origins. Although the background was not too clear, it seems that surveyors had already been sent to survey the ground for possible sites of boreholes in the chiefdom. The chief did not seem clear about who sent these *belungu* (white people)[2], but it was during this time that he created a water committee of people who would attend to matters that these visitors raised.

The people's concept of development

In Msinga, development and modernisation are sometimes inseparable concepts. People talk about development when they mean an increase in the quantity of facilities designed to meet their basic needs - more schools, more roads, more clinics, more water sources - basically the expansion of infrastructure. They also talk about development when they mean the coming of new or modern facilities in their area - electricity, tarring of roads, increase in western buildings and of clothing and people changing habits with the introduction of alternative facilities of e.g. banking in banks not in livestock. Development in Msinga therefore is about increasing useful facilities for the community and introducing new ways of doing things.

Development is often related to and conflated with modernity or civilisation (*impucuko*) - but these clearly do not mean the same thing even in strict local use of these terms. Modernity or civilisation is not what the development committees get together to discuss. The health committees may be involved in the arrangements for a building of a new clinic in the chiefdom, but they are not designed to have much to do with 'development' in the sense of promoting contraception, for example, as a useful product of modernity that helps (or corrupts, as some people think) the society. It seems that there is 'development' in the sense of planning accessibility to all strategic alternatives of living concerns; and there is 'development' in the sense of an assessment of morality of change, in terms of which innovations themselves present as alternatives and in terms of their 'political' origins. The former is observable when the concerns are provisions (of roads, electricity, schools, etc.). The latter is implied when development is talked about in terms of the effects of innovations and alternatives on society (options

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[2] These surveyors left a report at the end of their mission titled: 'Msinga Water Study: Implementation of the Reconstruction and Development Programme With Particular Reference to Water Services in Umgeni Water's New Supply Area: Msinga' January 1995.

afforded by the availability of contraception, the effects of having good tarred roads, banking and electricity). 'Democratic rights' (*amalungelo*) are even a subject of critical social evaluation these days as a product of modernity. There is therefore, development - the programme of projects; and development - the evaluation of the progress of humans as moral and social beings (or as rational beings who must decide what is good or desirable among many options).

These two sides of development are what is implied in the use of the concept by people in daily life. When asking what the meaning of 'intuthuko' (development) is for people in Msinga, some tend to emphasise the numerous projects/facilities that have successfully been brought to their area, while others mention the same things yet emphasise the change in the kind of people existing today as opposed to a few years or decades back, mentioning the increase in the interest or the quest for professionalised employment among people as one example. Both of these interpretations are implied in most responses.

Tugela Ferry and development

Tugela Ferry is the business and administrative centre of Msinga district. It is here that the magistrates' offices and courts are located together with the offices of social welfare and other government services such as the department of works and the department of education. There is also a police station and a post office. The last four years have seen remarkable growth of commercial activities in Tugela Ferry. In 1996, an upgrading and widening of the road so that the market could be better organised was applauded by people who depend on Tugela Ferry for their economic survival – the street vendors, the taxi owners and business people in general. In addition to the two main supermarkets and a few shops that were already operating in Tugela Ferry, a new shopping complex was built in 1997. This was felt to establish Tugela Ferry as a town on its own. In the complex was a bakery, agricultural products shop, clothing shops, a bank, and a telecommunications shop (with phones, fax machine and photocopying machine). The complex has further re-organised the use of space in Tugela Ferry as it has rank space nearby for taxis to different areas in and around the district. Tugela Ferry also has a hospital, a missionary church, a growing number of beer halls and taverns, and there are negotiations to explore a possibility of a big fuel station.

Tugela Ferry is located on the border between the Mthembu and the Mabaso chiefdoms. The border at Tugela Ferry is actually the Thukela River after which the area was named. Before the existing bridge was built over Thukela River at Tugela Ferry, a boat used to move people between the banks of the river, hence the name Tugela Ferry. The developments described above are located on the Mabaso side of Tugela Ferry. Before the shopping complex was built on the Mabaso side, the Mthembu side a had a taxi rank for taxis that take the road from the Mthembu side southwards up

to Greytown. The rank has now been relocated to a built-up area near the shopping complex. On the Mthembu side of the river is one shop and a motor mechanic. He is still operating even though the taxis have relocated to the new shopping complex taxi rank. What seems to be the main occupation of the people on the Mthembu side of the road is the renting of single rooms to workers and students who come from afar but who have to reside in Tugela Ferry for their occupations. Most of the government workers who work for the department of justice have government houses provided for them on the Mabaso side of Tugela Ferry, but others, mainly teachers and high school students, use the rented accommodation provided by the Mthembu citizens of Tugela Ferry. The Mthembu side seems to be a residential area for the well-to-do of Msinga. The houses in this place certainly mark this place as a well-to-do area of the educated. People referred to it to illustrate what they meant by *abami kahle* (the 'well to-do') in Msinga.

Not very far from Tugela Ferry, on the Mthembu side, is a very big wholesale supermarket and agricultural co-operative with a basic fuel service. This iKhwezi Co-operative is owned by all the chiefs of Msinga who believe that it provides cheaper agricultural utilities to their communities. Its committee is supposed to attract further agricultural developments for Msinga people.

From an outsider's point of view, for the emerging town to develop mainly on the Mabaso side could be seen to be a result of the fact that the basic government services had already been developed there. Business people therefore saw a potential where people tend to cluster for these services. However, the leaders of the Mabaso chiefdom see themselves as actively involved in the Mabaso 'fortune' of the emergence of a town on their side of the border. Besides the formation of development committees and an engagement with the government for the funding of some projects, the Mabaso chief and some of his council members have made some deliberate attempts to attract 'development' to the chiefdom. In 1997 an educational trip was arranged by the chief to go and observe some advancements in development in another chiefdom in Utrecht. This followed a ceremony in which a shopping complex site was handed over to the funders, KwaZulu Finance and Investment Corporation (KFIC) and the builder for the building to commence. In 1998 the chief was keen to form a builders' association in his area so that there would be an equal opportunity for all builders in his area to benefit from government projects. However, there were difficulties concerning the registration of the association. Individual builders had problems regarding their qualifications and their mandatory registration with the National Home Builders Registration Council (NHBRC). The Small Micro and Medium Enterprises (SMME) help desk in Ladysmith had given the chief a guiding document for the formation of the association. However, even though it was formed, the Sihole Builders' Association remains informal because of the above-mentioned problems.

This proves that the leadership of the Mabaso chiefdom does take the initiative in establishing what it sees as development for their people. The enthusiasm emanates

from a desire to gradually do away with the past, the situation from which Msinga has derived a reputation for being a place of feuding factions. Chief Mabaso, being a proud Christian, is very keen to implement development strategies that will instil a progressive attitude in his people, as is seen in the speech delivered at the site-handing-over ceremony in October 1997. After welcoming all the delegates from KFIC, members of the development committees and guests, and thanking them for coming, *Nkosi* Mabaso proceeded to explain the purpose of the meeting. He went on:

> I wish we had the media involved here, because it is usually said that *amakhosi* do not know development and actually block it. I am sure that people here today realise that this is untrue.
>
> When we first met with the people from Durban, the people with whom we had our initial negotiations for this project, they connected us with KFIC. We were very thankful because this is exactly what we needed and wished for, for our small town. I would like to tell all our development committees that this is what we mean by development. Now we will not have to go to Greytown for all the things we need. Our kids do not know 'Kentucky' or 'Chicken Licken'[3], but now they will surprise us by bringing it home right from here. There will be banks here and we will not have to go too far to get something for our unexpected visitors. We also have pleasure to learn that there will be a taxi rank because it was not good the way taxis parked on the road. We are very delighted about job opportunities because hunger breeds corruption. It makes people end up tending for livestock that does not belong to them[4]. We are grateful for our place, KwaMabaso. We were having faction fights here. I never knew that one day we will come here well dressed, coming to talk about development. Our white brothers here will not understand, but there were guns here, spears all over here and we used to hide all over the place. Sometimes there was not even a chance to go to wash. I therefore truly welcome you and welcome this project to this place....
>
> It is very important for us to co-operate for this project to be a success. God has given us an example of the importance of co-operation in our lives. He gave us two eyes, two ears, two feet and so on. This is symbolic of the importance of co-operation.
>
> *Asigeqi magula bakwethu* ['We are not empting all vessels' – meaning, we do not have to say everything today]. We will talk further when we come back to open the complex itself. As I said earlier on, this is only the beginning. Thank you.

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[3] Fried chicken franchise stores.

[4] He was referring to livestock theft, which is a common crime.

This is development as understood by Msinga people, or specifically, the Mabaso leadership in the late 1990's. It captures the general understanding of development as I have listened to several definitions of development as 'the education of our children', 'the establishment of hospitals and shopping complexes in our area', 'the *impucuko* ('civilisation') of our people', and so on. The bringing of development has not been untouched by problems. For example, some people have complained that, other than Tugela Ferry, the leadership of kwaMabaso brings development only to Bhubesini. Bhubesini is where the chief's home is and it is where the chief's court stands. The hall, the schools, the big water tank (a kind of reservoir) and the installation of electricity are all projects that exist or are proposed for Bhubesini. The leadership and committees, on the other hand, complain of serious problems in convincing people to pay for the initiative of bringing development. This is given as the reason why it appears as though development goes to specific areas where people are willing to pay to engage in the earliest initiative for service delivery. Some of the more sensitive problems in development revolve around the ownership of land on which there exist businesses in 'tribal areas'. The dynamics of these problems cannot be spelled out in this thesis.

As a case study Tugela Ferry shows the project side of development – the side of the accumulation of resources and betterment of services. It is an important kind of development that is institutionally facilitated to bring infrastructure and access to services to the community. However this discussion turns now to another kind of development which is even more socially embedded and emanates from within the social groups.

Social Clubs

People of Msinga, like elsewhere in rural KwaZulu-Natal, are engaged in clubs that they form to meet certain social needs. These are such clubs as the burial clubs, money stokvels[5], and food stokvels. These clubs are established as saving schemes that meet certain emergency and occasional needs of social importance. The three clubs that I have mentioned are created to facilitate saving for needy times or important goals or occasions. People save together so as to use social pressure, so that they can be engaged in a *communal effort* to do what benefits them as *individuals*, though quite often on behalf of their families. In money stokvels people contribute equal sums of money to appointed individuals, who put it in a social club account and divide it equally at the end of the year. The beginning of December is a popular time for stokvels to divide up their

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[5] Stokvels were initially rotating credit associations in which people took turns to accept monthly contributions from members of the association. Now the word is loosely used to refer to a group of people who save money together, creating their own rules of their association.

money, which sometimes comes back with bank interest. Other clubs engage in serious money lending schemes to maximise their interest. The money lending stokvels are usually a group people with similar occupations or interests who come together to save together. One stokvel mainly constitute taxi owners[6], while others are made up of teachers.

The burial groups, on the other hand, tended to be neighbourhood clubs, although not all members of a particular neighbourhood would join. The burial club meetings at Malomini tended to be attended by most women (wives and mothers) of the neighbourhood households near the Tugela Ferry Farm Store. They made monthly contributions to the scheme and in their meetings they discussed payments to the families of members affected by death. Patrilineal households formed around the nuclear households (a woman, her husband and her children) are covered for burial. The parents-in-law of the women are also covered but they need to pay an extra fee if other children or grandchildren in their custody need to be covered.

Food stokvels are mainly organised on friendship lines. Expansion in these clubs takes place as people bring more friends who are likely to share the objectives of the club – in terms of contribution, the procedure, and the kinds of food bought in the end. Food stokvels are also saving schemes in which money is saved specifically for buying food at the end of the year, for the festive season.

Other social clubs serve specific interest groups such as the youth choirs that perform at weddings, funerals and other important social occasions. The Tugela Ferry Catering Club, formed by the youth of Malomini, is hired for big ceremonies for which catering is necessary. Other social clubs are formed to serve a specific purpose and then dissolve. The common one in this regard is the association of women who come together to obtain grass for their thatched roofs. Those in need come together, contribute money to rent a truck and go to the specific area where thatching grass is found. There they work together to cut the grass that will be equally divided among them when they go back home. Women sometimes do weeding in the fields in the same way through short-term associations.

Social clubs are often women's clubs. Whether savings schemes, short-term associations or educational initiatives whereby women teach each other sewing or cooking, social clubs remain dominated by women. This is not because men are excluded, but these clubs are usually about household survival issues that women are faced with on a daily basis as 'managers' of the households.

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[6] This was the only stokvel club exclusively for men that I know of at Msinga.

A top-down approach

A factor that may be disturbing to social scientists who have criticised the top-down approach of many development projects is its persistence through people on the ground themselves. In Msinga my impression was that people have top-down expectations of how development should reach them. In my observation, the first problem is that the local people expect knowledgeable people or the people of some power to engineer the process of bringing development (hence linking development strongly to status). The second is that these 'knowledgeable' people are very selective about when to encourage a participatory approach involving the community and when to act 'enlightened' and 'knowledgeable'.

In my observation a top-down approach is embedded in the institutionalisation of projects, which is itself a necessary instrument for organisation and strategic planning. Development committees create a pyramid out of a chiefdom, with the community at the bottom, the various committees with respective specialisation in the middle range and the bigger development committee or merely a development officer at the top. This pyramid would be comparable to the Tribal Authority as a governing structure of the chiefdom. What makes it different from the Tribal Authority is that the superiority of the Tribal Authority and the chief is a matter of traditional seniority by age and sex and birth embodied in a structural way in the patrilineal background of chiefship. Hence when people talk about '*ubuholi bendabuko*' (directly translatable as 'natural leadership') the rationalisation of the capabilities (or competence) to be offered by an incumbent in terms of how knowledgeable he is (as is observable in the case of elected positions) is downplayed - because a *senior*[7] *fatherlike* incumbent *should* act in the interest of his 'children' (the people).

In development committees, superiority is clearly linked to education and the enlightened nature of the 'leaders' involved. It has been my common experience in the field that, on raising the issue of 'development', the issue of 'education' comes up in the discussion, particularly when talking with the 'traditionalists'. One of my informants MaPhahleni spoke passionately about the injustices 'they' suffer at the hands of educated people in the name of development. '*Asive sidlala izifundiswa bakithi ngoba zicabanga ukuthi amabhayi lawa esiwembathayo asenza singabi namqondo*'. ('How we suffer abuse by the educated simply because they think *amabhayi*[8] which we wear make us stupid'). MaPhahleni and other friends were complaining about a R4 fee that they had paid months back in preparation for some electricity project in the Bhubesini area. It was hard to judge why they expected that something should have happened

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[7] Not the oldest person, but the oldest in the most senior patrilineage.

[8] *Ibhayi* is cloth that is worn by married *amabhinca* women over their shoulders. Like *isidwaba*, the frilled hideskin skirt, it is compulsory for them to wear as married women.

regarding the matter. But on questioning them[9] further on the subject it seemed that it was precisely their lack of answers that irritated them and made them bitter about educated people. Things are not made transparent to them and it seems that language becomes vague the more technical it gets. There is suspicion that this is done deliberately to confuse and yet convince them to pay or to agree to be used in projects for which the full benefits are not transparent. In asking about what the R4 payment was actually for, to whom the whole sum was going to be paid, whether it was for actual installation of electricity to houses, or perhaps a small fraction of the cost related to that, all answers were - *'Asazi wemntanami, izona izifundiswa ezazi kangcono'* ('We do not know my child, it is them, the educated who will know better').

Most development projects (the institutional, infrastructural meaning of development) and clubs initiated by people themselves (e.g. money and food stokvels, burial clubs - clubs deal more with survival issues) will have leaders - chairperson, active founder or simply an enlightened advisor who will lead without having been elected in any official way. Development projects (especially those that have something to do with the government and are facilitated by a development officer) are more open to criticism doled out to the leader than is the case of clubs that are communally initiated. There is more gossip from one person to the next along friendship lines of confidence than open criticism in the social clubs.

The life of projects and products

There are typically two forms of 'development' organisation in Msinga - those that are run formally and are more impersonal, and those that are less rigidly conducted and are more case-sensitive towards their members. The latter are those whose meetings are often called by word of mouth. There is often no written agenda for their meetings; rules may or may not be written down but are so intrinsic to the objectives they are often describable in an explanation of what the organisation/club is about; and the objectives of the club are directly for the personal interests of those involved. Development projects of the kind that involve government funds such as the RDP projects that have been popular in the last four years KwaZulu-Natal as a whole, tend to be of the first type. They are formal and impersonal (which perhaps should be the case as they are designed for more communal needs), and hence alienating to those not well vested with institutional mannerisms. They are also more prone to abuse and to the power-struggles of those who want to strive to be involved at management level. They involve money which has difficult 'codes' through which it must be accessed - money for which people can either work hard to meet its access requirements faithfully and fulfil its budgeted intentions, or for which they can use cunning strategies to access and abuse.

[9] This was a conversation with five women.

The end products of these projects are also not as integrated in social nurturing and security as is desirable. The dispersed nature of responsibility for community property alienates these products. While some community schools and halls enjoy the security of being located near respected (perhaps feared) members of the community who look after them, others do not enjoy this privilege. This factor is responsible for broken windows at schools and the school furniture that is found in teachers' homes and cottages, and in houses of other community members. It is also responsible for the failure of projects such as supplying schools with meals and other inconsistencies and failures that are also partly due to unfulfilled promises by the government.

Due to impersonality, on the one hand, implying a dissociation of work process from the character of specific persons (often with the leaders claiming association of the two when the work is properly done, and the people claiming the association of the two when a leader has failed), and, on another hand, the dispersed responsibility for communal property; the condition of community property does not reflect on anyone too directly, even though it may imply the character of the community perhaps to an outsider. This may be due to the impersonality of community identity itself, which is no longer a single identity in a sense of traceable interrelations of those who form the community. Institutional means of enforcing the protection of community property is often not built into the projects that bring the property to the community, thus sustainability of development projects is questionable.

However the alienation of community projects differs according to the motivation and dedication of individuals involved in a specific project and according to the format of its monitoring. Churches are usually the least alienated of community products because they do have a single identity that relates individuals to a group with its own character in contrast to others. Their management centres on the priest who is 'employed' to manage and whose occupational role is to look after the church - the group and the building. Community halls are an example of a 'project' that usually depends solely on voluntary, commitment which varies with individuals. The physical location of community halls in relation to who its neighbours are, is also important for its maintenance. The fate of schools tends to be decided by whether they have principals who take their managerial duties seriously and liaise with their school committees (now called school governing bodies) to keep the school in good social and physical condition. However some school principals tend to be trapped in the dysfunctional relationship of an 'educated' principal and the uneducated and inferiority-complex-stricken school governing body. People's personalities and level of commitment are also factors that determine the outcome of the community property management.

There are therefore three ways in which the embeddedness of the community property within the social nurturing of the society is possible. The first is when paid employees look after the property and projects of the community. The second is observed when the objectives of the 'organisation' incorporate some personalised

benefits for participants e.g. women's savings clubs, burial clubs, etc. The third is when the condition of property reflects the identity of a particular group that runs it, e.g. a church.

Development committees are not sufficiently associated with any of these ways. Development officers are said not to be paid for their job, most of them are teachers (educators) in local schools or are retired from some profession. The competition for election is an important ritual that attributes to them a role of taking responsibility for initiating development projects and of being responsible for facilitating them. Power itself is a strong incentive, and of course people do not believe that development officers get nothing for what they do. Although political parties, which these development officers represent, have strong identities, their parameters are political governance and do not actually exist on the ground for any other social organisation purpose. Therefore their strong identities are not of the sort of a church or a family whose standing as a specific social unit could be damaged and stigmatised as a result of failure at a very local level.

Conclusion

What appears in Msinga as an ontological difference between social clubs and development committees seems to be a more concrete manifestation of the problem observed in regarding development either 'as a subjective feeling of fulfilment varying from individual to individual, ...[or]...a series of operations for which there is no *a priori* proof that they really contribute to the stated objective' (Rist 1997:11). It seems that the institutionally facilitated development has now been given its own status with results qualitatively different from those produced by socially-embedded clubs from which a more personal engagement and fulfilment is anticipated.

It could be accepted that this difference serves different necessities of development and thus they each need to be sharpened as they are. On the other hand, it could be argued that the socially embedded means of development meets the needs of people more meaningfully, and the institutional means of development should learn from or make use of the socially embedded strategies of development. Illich (1997) seems to imply that reliance on institutional development is the fundamental cause of underdevelopment. He argues that:

> Underdevelopment as a state of mind occurs when mass needs are converted to the demand of new brands of packaged solutions which are forever beyond the reach of the majority. Underdevelopment in this sense is rising rapidly even in countries where supply of classrooms, calories, cars and clinics is also rising. The ruling groups in these countries build up services which have been designed for an affluent culture; once they have

monopolized demand in this way, they can never satisfy majority needs (Illich 1997:97).

This criticism is directed at the heart of the capitalist system, as in criticising the context within which development is packaged (not just its delivery), the logic of the hierarchical access to resources and the whole system of its institutional management is questioned. There are now studies that try to emphasise the role that Third World countries should play to look after their own development interests rather than 'be helped' by the First World which has its own interests. Chivaura and Mararike (1998), for example, have edited a collection of papers that argue that Africa's problems are not purely economic but historical and social. Writers in this collection argue that only approaches that identify the impact of underdevelopment mainly on what they call the 'Human Factor' can begin to unravel the problem. This paper has outlined how people on the ground regard development. The challenge is to combine these subjective perceptions with broad political questions of development worldwide.

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Public Transport in Durban:
Indian Privilege versus African Empowerment
—Process and Perceptions

Anand Singh

Public transport in South Africa has been visibly transformed since radical changes began after the first democratic general election in April 1994. This can be especially noticed in the taxi industry, which is now dominating the transport of commuters throughout the country. The opportunities in this industry are widely seen as a spontaneous facilitator in the post-apartheid state's drive towards creating an African middle-class. The quality and neatness of the vehicles and the participants' enthusiasm to aggressively compete in the market, bears testimony to the industry's thriving performance. Under such competitive conditions in a country that was divided along racial lines, the dynamics of public transport operations ought to manifest the history of racial divisions in taxi transport. This paper attempts to contextualise the need for research in this area and it retraces the history of public transport in Durban among Indians and Africans. The archival and literary research for this paper is complemented by fieldwork with commuters, residents in several Indian dominated suburbs in Durban and Indian bus and taxi owners. The interviewees formed part of a group of 255 people whose information was used for a larger project. Information from at least 50 of the 255 was used for this analysis.

Some pertinent issues

In the course of researching the dynamics of the sprouting 'informal' businesses in the research areas, at least two significant incidents took place. Both incidents were about the passenger transport industry and the racial tension that prevailed between Indian omnibus operators and taxi operators, mainly African. Before I delve into the dynamics of Indo-African relations in the transport industry, a brief insight into the African taxi industry will help to contextualise the problem of competition between the two groups. Like the Indian entrepreneurs in the transport industry who took advantage of opportunities that were presented to them, African taxi operators

grasped at the opportunity as private transport entrepreneurs. But it came at tremendous cost to their dignity, freedom of movement and freedom of participation in the country's economy. Khosa (1990; 1991), a South African human geographer, has discussed the total repression of the African taxi industry between 1930-1976, its limited tolerance after 1976 and final acceptance of it as a means towards facilitating the creation of a conservative petty-bourgeoisie in the African townships - in order to stem the rising tide of African radicalism. Up to a point apartheid had succeeded in achieving this by subtly co-opting the South African Black Taxi Association (SABTA). The taxi industry has grown from a few dozen six-seater taxis in the 1930s to more than a hundred thousand minibuses in the 1990s (Khosa 1991:2). By 1992 the purchasing power of African taxis had grown astronomically. They were reported to be enjoying the biggest share of the taxi-bus-train commuter service, purchasing over 800 million litres of petrol and 3.5 million tyres per annum (Khosa 1992:182). Khosa largely depicts the taxi industry as 'one of the most extraordinary socio-economic phenomena in recent years' and as 'a silent revolution transforming South Africa into one of the most integrated economies' and as 'fruit of popular non-racial capitalism' (1991:2). But the industry has not been without its problems. Khosa (1991:18) acknowledges, but dismissively, the following: rank marshals overloading taxis to gain lucrative favours from drivers, raising fares without consulting the affected community, commuters having to wait long queues at ranks, taxis not serving certain parts of the townships, and taxi feuding - innocent passengers becoming victims. These problems were compounded by the interviewees' responses to the taxi services and the role played in their broader perceptions of transformation in South Africa.

Indian and Coloured taxi operators were also deemed a problem, but they were not as many in number and as big a threat to the bus owners as were the African taxi operators. Numerous media reports about tension between Indian bus owners and taxi owners in the Indian townships were reported in the press, but were never raised by the interviewees. While Indian residents saw African taxis as responsible for anti-social behaviour, Indian bus owners singled them out as a threat to their livelihoods. This created a level of tension that spilled over to Indian residents who continuously complained about the unacceptable ways of the taxi drivers—particularly their flouting of traffic rules and turning most home frontages into passenger stops, in whichever area they operated. Many had also blamed the increasing car hi-jacking[1] and the rise of crime in their areas to the taxi industry. They also felt strongly that this

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[1] Car hi-jacking occurs when the owners or drivers of vehicles are confronted by armed thieves and are asked to either hand over the keys of the vehicle or are asked to drive away with them. They are later either dropped off at a 'safe spot' or even murdered.

would phase out the Indian owned bus service that served their populations for decades. The Indian owned bus service in Indian dominated suburbs and elsewhere were viewed with a passion by many, despite their complaints against the quality of service and the residents' complacency in dealing with it. In a 'conversation' with several residents in Clare Estate a comment was once passed about the history of the omnibus service that Indians had provided: 'My family was the first to own buses in Durban. Where the hell do these Africans come from and take over this route that we built over so many years. They just park anywhere, stop anywhere and show no respect for passing traffic. When you hoot at them they just swear at you and if you try to challenge them they are sure to shoot you!' The comment was made in the context of the violence that marked the passenger service industry at that time[2], particularly in the light of the murder of several Indian omnibus owners in recent years and the abrupt halt to which many had to bring their services.

There was a noticeable atmosphere of racial tension between Indian and African passenger service providers, with the former feeling a sense of increasing alienation in a climate of African economic empowerment. While Indian omnibus owners were licensed and legitimate operators, African taxis were not. Most omnibus owners nostalgically recalled their thriving past performances and spoke of the contemporary helplessness that they felt against African taxis, who, as one claimed with approval in a group interview, '...operate with a ruthless mob mentality. You try to challenge them and you're finished. They'll just gang up on you'. The comment about the history of Indian involvement in passenger service and the anti-social elements that taxis brought into Indian dominated suburbs was made several times in the field, often in racially loaded statements. The frequency and passion with which these comments were made prompted an in-depth analysis into the issue, including the history of such transport in Durban.

The history of Indian participation in public transport
The history of public transport in Durban was as racially based as any other public service in South Africa. Archival documents have placed on record the nature of public transport for disadvantaged citizens who lived away from the city centre in the early 1900s. Singh (1977)[3] for instance reported that up to 1919 there were no

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[2] Between November 1997 and January 1998, two Indian omnibus owners from two prominent families who had a long history of transport services were shot and killed by Africans thought to be linked to the taxi industry.

[3] *Fiat Lux*, August 1997 - a magazine that was produced especially for the Indian population. It was often considered to be a propaganda instrument by co-opted members of the Apartheid regime. It has been discontinued.

attempts to provide this facility for non-whites living in areas remote from railway or municipal tramway routes. During this period the municipality of Durban did not incorporate areas such as Clare Estate, Reservoir Hills and Overport, among a number of other suburbs, within its Borough, since they were under the jurisdiction of Local Administration and Health Boards. Phoenix at the time was not even conceptualised. Those who lived outside what was then Durban had to rely on the horse-drawn spring cart as their principal means of transport. Until the 1940s, it was not unusual for people from outside the Borough of Durban to do their shopping late in the evenings, sleep over in the premises of known people and other well meaning members of the Indian community and return home the next day (Camrie 1985). It is not surprising that under these conditions Indians had to respond independently of the local authority public services in order to provide more convenient modes of transport for those who lived in the peri-urban areas. The idea was initially conceptualised by an Indian named Siddhoo. After seeing a Dodge truck displayed in a local garage, Siddhoo conceived the idea that if two benches were placed lengthwise in the back of the truck it would serve as a suitable mechanically powered vehicle to transport Indian and other non-white[4] passengers from outside the borough of Durban. After borrowing money from a few friends and relatives the Dodge truck was purchased and the first Indian owned omnibus was in operation in 1919, carrying mainly passengers from Riverside, north of the Umgeni River, into the city centre. Whites were provided with public transport by the Municipality and preferred to patronise this service, especially since it operated only in their residential areas. Siddhoo's venture did not prove to be an immediate financial success, but the rapid increase of support over the months did pave the way for more people of Indian origin to enter the business. For instance, a man by the name of Marimuthu purchased an old army truck, adapted it to carry passengers and provided a service from Clairwood to the centre of Durban. Likewise, others of Indian origin began to invest in engine powered vehicles that were converted for public utility (Singh 1977:5).

It is from these humble beginnings that Indian owned omnibus services emerged and pioneered transport services under generally unsuitable conditions. The roads during this period were usually untarred or not serviced and went into areas that were inhabited only by non-White people. The risks and the perseverance that was shown by the bus operators had a significant spin-off for the development and extension of the Borough of Durban. Their routes serviced both the residents in the outlying areas and the businesses that fell within the Borough of Durban. In this way Indian transport operators opened up these areas for the housing of Durban's industrial workers of all races and relieved the Borough of the congestion that

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[4] The word is used as a convenient reference, in accordance with the literature, to people who were then not classified as 'White' or 'European'.

characterised its early development. This gradually led to plans for the Borough to extend its jurisdiction to incorporate these areas as part of its suburban residential boundaries. It also led to a policy that was aimed at giving recognition to African residential areas where African workers could live with their families and commute to work on a daily basis through public transport.

There were two factors that led to the success and entrenchment of the Indian omnibus service providers. The buses were owner-driven and serviced by themselves, and there were no garage facilities for their vehicles, leaving the owners with no option but to park them either in their properties or on the side of the road. These were significant cost saving factors that permitted the owners to structure their fares in a way that was considerably lower than the transport that was provided, especially for Whites, by the Durban Municipality. The fares were directed at the working class population, especially Indians, and were therefore constantly aimed at keeping them at affordable rates.

The success of these initiatives eventually led, with effect from 1 August 1932, to the dissolution of the Local Administration and Health Boards in at least seven areas, incorporating them into the Borough of Durban. They included the following suburbs: Greenwood Park, Red Hill, Durban North, Sydenham, and a large portion of Mayville, Umhlatuzana and South Coast Junction (now Rossburgh). The Borough offered several other services to these populations soon after the incorporation took place.

Unlike the reliability and consistency of the buses that belonged to the Municipality, Indian owned buses, which carried between eight and twelve passengers, varied widely in the quality of their services. In the 1930s a Commission of Inquiry into Road Motor Transportation made the following observation (Singh 1977:5):

> Some of the buses in operation are sound structurally and mechanically and are reasonably comfortable; but at the other end of the scale are many vehicles in a state of such decrepitude that their arrival at their destination must cause no less surprise to their drivers than relief to their passengers. But they do manage to get through even if only by good luck and with the occasional aid of a yard of wire from the farmer's fence!

Their routes up to 1930 were unregulated and without interference from any public body or the City Council. Their freedom to change routes at any time they pleased gave rise to signs such as: *'Durban to elsewhere!'*. The real effect of this was that the route of the bus for any particular trip was dependent upon where the majority of the passengers were going at a particular time. But all of this had come to an end through the introduction of the Motor Carrier Transportation Act in 1930, which imposed a

requirement of Motor Carrier Certificates that dictated and restricted the route that each bus could take. This Act also ushered in increasing discriminatory practices from the exclusively White City Council against the Indian omnibus owners. It filtered into the apartheid era when even more profound discriminatory practices were applied. The competition they provided to the Municipality led to sporadic outcries from the consumers of transport, both White and non-White. White outrage emerged through comparison of the fares they were being charged by the Municipality, as opposed to the fares that the Indian bus owners were charging for similar trips. This painted a picture of incompetence of the White City Councillors, whose management of public transport was increasingly brought into question by White consumers themselves. Apart from the comparatively higher fares they were being charged, the service was also allegedly running at huge losses. Indian commuters on the other hand opposed the enforcement of segregation in public transport and their inability to use Municipal buses that operated in White suburbs. In a propaganda campaign that aimed to counter Indians' objections to the policy of segregation, the Durban City Council and the Joint Wards Committee issued a pamphlet in 1946 that contained a picture of an Indian bus terminal calling it the *'Durban Indian Traffic Centre'*[5]. Immediately below was a bold caption followed by six points:

Transport ... European and Non-European:
* The Durban Transport Fleet comprises 203 vehicles.
* Included in this Fleet are 8 trolley buses and ten single deck motor buses set aside entirely for non-European use.
* Out of the total fleet of 203 vehicles, 8,522 seats are apportioned to Europeans and 3,110 to non-Europeans.
* In addition there are 211 privately owned passenger vehicles operating (under a Government licence or concession) on non-European Services. The total seating capacity of these vehicles—an Indian monopoly entirely—is 8230.
* From this it will be seen that the total seats provided for Europeans is 8,522, and for non-Europeans 11,340.
* Has the Indian any complaint in this direction?

Both the City Council and the Joint Wards Committee were clearly conflating the categories of Indians and non-Europeans as a single group. The latter was made up of

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[5] No file number. The pamphlet was part of a collection of archival documents from the Durban City Council, available for reference to researchers using the University of Durban-Westville's Documentation Centre.

Africans and Coloureds as well, who jointly outnumbered the Indian population in Durban. It was the strategy of these bodies to defend their segregationist policies and subtly deflect attention away from the ailing services they were providing in transport. Over time they tried to take over the routes that were covered by the Indian omnibus owners. At their Tenth Annual Provincial Conference held in Durban on 22nd, 23rd and 24th November 1957, the Natal Indian Congress (Founded by Mahatma Gandhi in 1894), alleged in its Report (page 23) that:

> The Council's plan to oust non-whites out of transport business is cowardly in as much as it is vicious. This move is calculated to eradicate totally any form of competition in transport services. The Council is using its arbitrary power to cover its losses in the transport section. It is well known that through the colour bar policy in transport the Council has been showing continuous losses and it is common cause that it wishes to balance the losses by removing private competition which has been and is proving gainful through administrative efficiency and perseverance. Once the Council takes over, the efficiency in non-European transport will be wanting, especially in the distant routes, and it is especially unthinkable that the Council will continue services in corrugated roads now being served.
> We cannot help urging the non-European bus owners to organise themselves into a strong utility Corporation to ward off Council threats.

Numerous case histories have brought out the issue of discrimination and attempts to take over the bus services by the Council. But these efforts were not restricted to Durban only. In the neighbouring town of Pietermaritzburg and other smaller towns where Indians were providing transport for the public, similar attempts were made by White dominated Councils to take over their services. Comrie's (1985) *'Interview with Sam Chetty'* was a revealing account of how a family affected by the Group Areas Act of 1950 diverted their interests from operating a laundry to running a successful passenger transport business. From experimental beginnings in the latter venture they built up a fleet of fifty buses that serviced Indian and African dominated suburbs. The business was administered by family members who took pride in ensuring a cordial relationship with their African patrons. One sister took the role of cashier and six brothers worked as mechanics and road administrators—to minimise theft of cash from drivers and check on the quality of the roads since the Municipality did not attend to the areas that the private bus operators serviced. However, the service was ruthlessly stopped by the Pietermaritzburg Council and was sold off to a European company from outside South Africa.

In most of KwaZulu-Natal such stories of racial discrimination abound where Whites enjoyed hegemony over resources and decision making. The quest to

impose Council run passenger transport services in Indian dominated areas only abated around the latter part of the 1980s when the turmoil of anti-apartheid demonstrations forced local and national authorities to focus their attention on more volatile political issues. To date, the threat to take-over Indian omnibus services in the region did not resurface. But a totally different scenario has emerged in the post-apartheid era, with the taxi industry dominated by Africans, posing a new threat to Indian omnibus services and adding to the racially loaded dimensions of transformation in post-apartheid South Africa.

The rise of the African taxi industry: 1977-1998

There is a need to understand the rise of the African taxi industry if the role of the Indian passenger transport provider has to be understood in the context of transformation in South Africa. Both racial segments have a history of humble beginnings and have demonstrated tremendous perseverance and positive inclinations towards market incentives. Passenger transport services have always proved to be a lucrative business, especially when they were individually or family owned. The information above has briefly illustrated how this activity has empowered a number of people of Indian origin once they became involved in it. Likewise it has been construed as a viable option for nascent African entrepreneurs. At a public seminar for African taxi operators in Durban on 2 April 1999[6], the regional Minister for Transport in KwaZulu-Natal, Sbu Ndebele, stressed that one of the quicker routes for African economic empowerment in post-apartheid South Africa is in the passenger transport industry. It was time, he stated, that African entrepreneurs captured a sizeable slice of the market, especially since this opportunity did not exist previously.

The passenger transport industry certainly proved to become a lucrative niche for Africans wanting to take advantage over the market opportunities that the unfolding post-apartheid era had brought with it. But its roots predate this era, going back to the 1960s when the most convenient mode of public transport for Africans, especially in the rural areas was the privately owned sedan taxis, especially Valiants and Chevrolets. These cars were big and spacious and were normally packed with loads that exceeded the standard six-carrier for which they were built. The service that they provided to the African population in the rural areas was reminiscent of the situation that existed in the earlier part of this century when Indian omnibus owners first began their services. While the roads in the Indian suburban areas have been upgraded and are qualitatively different from the period when they first served the population, the roads going into most of the African villages in the rural areas are still in very poor condition. Only the main arterial roads have been carefully reconstructed and provide a service for most rural people only up to a point. Many still have to walk long distances for up to two hours from the drop-off point before they reach their villages.

Since Africans were not allowed permanent citizenship in South Africa during apartheid they were also not permitted to engage in licensed business activity. Hence, any public transport that they offered was not deemed legal during this period. Their motor cars provided a service in much the same way that the earliest Indian omnibuses had done. However, this almost personalised form of service changed radically when Africans entered into the transport business in greater numbers. It goes back to 1977 when the Toyota Hi-Ace, produced as a minibus, was ushered into the market. As the fight against apartheid intensified, the restrictive laws against Africans, especially the Influx Control Laws that forbid Africans from becoming permanently urban, were being relaxed. The allowances that accompanied the relaxation of these laws encouraged Africans to enter into the transport industry. The Toyota minibus grew immensely in popularity and has become the hallmark of African public transport. Africans were previously considered a risk by the banks and were not given access to credit because of this. Many who first entered the market had done so through the capital they amassed by the use of their sedans in the taxi industry. Their ownership of new vehicles was only made possible either through self-initiative or through money that was raised through private loans from relatives and friends. It was only in the latter part of the 1980s that Africans qualified for loans from the banks, but subject to the provision of acceptable collateral. Statements were made by taxi owners and traffic officials that Toyota actually facilitated the loan scheme for Africans through negotiations with the government of the 1980s because they considered South Africa to be one of the most lucrative markets in the world for their minibus. This allegedly was a condition upon which Toyota, a major employer and supplier of vehicles, would remain in South Africa. But, in an interview with the regional general manager of the company, there was an absolute denial of these claims[7].

In the course of fieldwork an interesting discussion took place with a White traffic official on the rise of the African taxi industry. His view was that:

> The majority of taxis that operate in KwaZulu-Natal actually belong to Indian taxi owners. The Indians have been the first to run taxis in Durban, and now they have got into the Black market. Most of them use Africans as fronts for their businesses and make them sleeping partners. They buy the vehicle on the African partner's name and then pay them a pittance. That's why you see them driving so badly on the roads and overloading so much.

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[6] SABC News Broadcast, 2 April 1999.

[7] Interview, 9 April 1999.

The more they overload the more money they make for themselves. And the faster they drive on the roads the more loads they do for the day. So all the extra loads they do are for them. The owner of the vehicle just tells them to do 'x' number of loads for the day and they want so much of money for the day. But they can't stop them from doing the extra loads because they can't control this. So the taxi driver makes more money at the end of the day. That's why I think that the state should control the taxi services. In this way we will be able to keep a proper check on who's running the taxis and make sure that everybody has licences for their taxis. Too many people just buy a combi and run a service anywhere they please. Because the Indians got more money, they buy better taxis and steal away the customers from the Africans with not so nice taxis! This is what causes the violence among the taxi people.

The respective traffic official was a former member of the South African Police Force during apartheid (now South African Police Services). Their training was based rigidly along racial lines and was aimed to ensure the perpetuation of White minority rule. Intrinsic to such an ideology was an indoctrination process that made law and order officials believe in condescending generalisations of other racial categories. This was an important factor in sustaining White hegemony during apartheid. Hence the generalisations with which the traffic official spoke was not surprising, although it spurred on further investigation into the nature of the taxi industry.

There is an element of truth in the allegation that Indians are capitalising on the African transport routes. For instance, in at least three instances information did unfold to the effect that Indians were heavily involved in transporting Africans from the townships into central Durban and elsewhere. A major question that was raised in this situation was: 'How do people with such deep historical mistrusts invest such huge amounts of money in an industry that could easily fail?'

The Indian taxi owners allegedly have an innovative way of dealing with the situation. In all three cases, where information could only possibly be gained from secondary sources, Indian investors signed a formal agreement with African individuals to let them own the taxis outright after five years if they could do the following:

- bring in for instance one thousand Rand per week;
- service the taxi regularly at their own expense; and
- print their own names on the driver's door to create the impression that it is the taxi drivers' vehicle.

This scheme has apparently paid substantial dividends to such owners, who persistently refused to be interviewed[8].

But Indian taxi owners disputed the allegation that Indians are the majority stakeholders in the taxi industry and various taxi associations, which had a membership that was either predominantly Indian or African. For instance, the statistics from two taxi associations, one Indian and one African, revealed its membership as predominantly one race group or the other. Ownership of vehicles was not always a disputed factor either. The African dominated association emphatically denied that Indians were purchasing taxis for operation in African dominated routes. One official responded:

> I assure you, if this happens, we will make sure that that taxi is kicked out from our association. He will never be able to run on our route because we Africans have the means to do so. We don't need Indians and Whites to come and steal our business.

The Indian taxi association on the other hand felt likewise about the routes in which they operated. But the difference was that they were unable to block the African owned taxis from participation in their areas, although a measure of control (as discussed below) has been effective.

Within all the research areas there were minibuses and the larger regular buses providing public transport. There was also a diversity of drivers from the various racial groups, predominantly Africans, Coloureds and Indians but no White drivers. However, their daily operations were only a semblance of coexistence. The situation was more accurately one of perennial squabbles and physical fights over rights to the municipality designated pick up and drop off points. It developed into a scenario of almost total submission by the Indian bus drivers to the African taxi operators. A number of significant changes have occurred as a result of this situation, which has shed more light on ethnic relations and perceptions of transformation.

Indian buses and African taxis

Tension among both sectors became apparent especially at bus stops, where taxi drivers felt an equal right to either pick up or drop off passengers. It had also become a frequent practice for taxi drivers to take over bus stops and bus terminals within the suburbs, exacerbating the tensions between bus owners and themselves. In busier routes and intersections the practice of taxi drivers has been to spend long periods in one spot in order to maximise their loads. This practice has been a source of

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[8] Interview, 9 April 1999.

tremendous annoyance to traffic and a major reason for altercations between bus and taxi drivers. Traffic either had to navigate its way very carefully through the meagre space left by poorly parked taxis or was often brought to a total halt. The public generally submissively permitted right of way to the taxis in order to avoid verbal abuse and possible physical attacks. The lawful rights of motorists were generally ignored and often the humblest of attempts to claim these rights have led to serious assaults and verbal abuse. Within the African taxi industry there has been numerous reports of rivalry between competing associations that has led to fatal attacks on one another. It had reached such an uncontrollable situation in 1998, that it led the KwaZulu-Natal Minister of Transport to a state of frustration, forcing him to publicly declare that, 'If they do not want to co-operate and if they want to keep killing themselves then there is nothing the state can do about it!'[9].

Indian taxi and bus owners did not escape the wrath of the violence that has plagued the African taxi industry. A number of them fell victim to the greed and control that certain individuals and associations acquired after their rapid successes in the passenger transport industry. In several suburbs across Durban the experiences of the Indian taxi and bus operators revealed a situation of a virtual siege mentality. Their years of monopoly in the transport industry was being challenged, particularly by the African taxis which brought in people from the African townships into the middle and upper class Indian and White suburbs. The entry of the African taxis into the Indian areas still meant a clear racial demarcation of the passengers they served. African owned taxis transported African passengers while Indian owned buses served mainly Indian passengers and to a lesser extent Africans. But the taxi service gradually extended into the Indian market, when passengers were being 'pinched' from bus stops, although most Indian passengers avoided the taxis. Herein lied the seeds of a racial division between the two sectors, although the buses did not substantially lose their clientele.

A survey of Indian passengers standing at several stops produced some of the following statements about their choice of transport:

> Do you think I'm mad? I would never take one of those African taxis. In no time, my watch and bag will be taken away from me! And do you know how they drive? I'm not going to be killed by those morons! They don't have any courtesy on the road.

> I'll never take those taxis. It's like a death wish! They just switch over from one lane to another on the freeway, don't ever indicate when they want to stop or when they take off. They think the road is just theirs.

No thanks. The Indian buses are cheaper and safer, although they do tend to take a little long to reach town. We would have a perfect service if only the Indian buses would keep to time.

> I only take the taxi when I'm late for work or have to get into town faster. Otherwise I just avoid them. Even Africans avoid them; most of them prefer taking the buses. You must see the buses in the evenings—they are full with Africans.

> I have taken the taxi a few times, but they drive like maniacs! You don't feel safe the way they drive. If you complain they just tell you to get off! And you won't get any refund. That's why I rather take the bus[10].

While African taxis made a rapid thrust into the Indian suburbs by providing transport for mainly the African squatters and township labourers, they have also tried to usurp the market in a totally unorganised and ruthless fashion. Initially no procedures were followed to enter into a particular suburb. To many, if they had a vehicle it was license enough to enter the transport sector. Application for a license to operate in a particular area was not made by most of the operators. Numerous reports in the media attest to this situation. On 25 October 1995, the *Post*, a weekly newspaper targeting mainly the Indian population, titled a report in the following words: 'SA's Indian driving force'. An interesting description followed:

> The small but tight-knit bus industry started by Indians in the 1930s has survived apartheid, white monopolies and ferried people who were uprooted by the Group Areas Act. Now the minibus taxis, gun toting highway men and the rising price of diesel is threatening the culture of Indian owned buses .... The Indian bus, like sugar cane, curry and rice and temples, is a legacy of the 1860-indentured sugar cane labourer from India .... Mr. Pillai, also chairman of the Clairwood-Merebank Bus Owners Association, a suburban organisation representing 28 bus owners owning 66 buses, said the tradition of Indian owned buses would not die easily. 'We have inherited the culture of serving the community from our fathers and grandfathers. Operating buses is in our blood ...'.

On 20 March 1997, the *Daily News* carried the following report:

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[9] SABC news broadcast April 1999.

[10] Interview, April 1999.

Effingham Heights sole bus operator, Mr. Amichand Ramkissoon, has hired a security company to safeguard him in his battle against 10 pirate taxi operators. Mr. Ramkissoon, who operates four buses on the Durban-Effingham route, said he had been the only provider of public transport until March 17 when 10 minibus taxis moved on to his route. 'I have been threatened with violence and this is why I have hired armed security guards to protect my buses and keep these pirate operators from working my route'.

A further report on 21 April 1997 stated that Mr. Ramkissoon had reduced his fare from R2.00 to R1.50 in order to lure passengers back to his service. But this had not worked either, despite the fact that the taxis were charging a fare of R2.20. His lack of success was not because commuters did not want his service, but because they were afraid of being attacked by the taxi drivers. Disappointingly, the Durban City Council was unable to provide him with any protection, in spite of the fact that he was the only licensed operator in the area. On several occasions, despite the security company, Mr. Ramkissoon's buses were forcibly stopped and offloaded at gunpoint by several taxis on several occasions to expropriate his load. This scare tactic broke his monopoly in the area but it did not scare him from his livelihood. However, in December 1997 one of Mr. Ramkissoon's buses was forcibly stopped by a car with three Africans, believed to be members of the pirate taxi association, and the driver, who was his son, was shot and killed instantly. Numerous other such episodes were related in the field, but with each one bringing in a specifically personal experience, highlighting the complexity of the problems between African taxi and Indian bus owners. Ethnographic data produced at least three similar stories in different routes, notwithstanding a range of other lesser-known cases. But the case study above serves to epitomise the situation of violent encounters that Indian bus owners have confronted in the passenger transport industry.

Several other Indian omnibus operators believed that they were still alive because they extricated themselves soon enough from the rapidly deteriorating routes they once serviced. The case study below for instance is an indication of how one omnibus owner survived possible attack against him.

> Z.R., a fifty-three old omnibus operator ran a service with his late father from La Lucia into the centre of Durban for more than fifty years. The family had a monopoly for passenger transport in the suburb, which after the 1950 Group Areas Act, was declared for White residents only. But his passengers were mainly Africans who worked as domestic employees and as unskilled labourers in La Lucia's business centres. During the apartheid era Whites were not allowed to use his buses because of segregation policies. He inherited the business from his father and built upon it during the 1970s when business was thriving. From two buses he expanded to a fleet of six. Each bus began work at 04h00 and finished at 20h00 from Monday to Saturday, doing at least twelve round trips per day. At the height of their business each bus brought in between R500.00 and R800.00 per day. This lucrative route supported an extended family of at least fifteen people. Two of the buses were given to two of his brothers, both of who were married with children. All three brothers were knowledgeable about repairs and did all their maintenance work by themselves. Up to 1993 the drivers they employed were of Indian origin. However the situation changed when circumstances demanded that they employ African drivers, but only as a tactic than out of necessity. The events that led to this situation were typical up to the time that research for this project was stopped.
>
> From August 1993, African taxis started ferrying workers into La Lucia. Several others joined in and eventually formed an association, although they were not licensed to operate in the area. From this point onwards the taxis adopted an offensive attitude towards his buses. Their modus operandi was to race in front of the buses, deliberately cut them off at the bus stops and demand that the passengers get into the taxis and not the buses. On numerous occasions accidents took place, and the reaction was to gang up and assault the Indian bus drivers and abuse them with racial slurs. This eventually led to the employment of the African bus drivers. But the same pattern of intimidation followed. At each occasion the drivers were threatened with assault and asked to warn their owner to keep out of the route. The climax to this persistent intimidation occurred when one of Z.R.'s buses was burnt and totally destroyed. He was also personally approached and threatened with violence by the taxi operators. Thereafter he decided to negotiate with the taxi association and sell all his licences to them, thereby offering to totally withdraw his services. To his surprise they agreed to negotiate and finally paid him R60 000.00 in cash for his licenses. Thereafter Z.R. and his brothers sold off their buses individually. He then purchased a forty five seater luxury coach costing approximately one million Rand and entered into a contract with Durban's international airport. He started a service for the tourist industry, which he claims 'is less burdensome and away from the jungle behaviour of the African taxis. I am so much more comfortable now and earning enough to meet my commitments'[11].

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[11] Interview, 16 April 1999.

A similar situation prevailed in numerous other suburbs where African workers and general consumers were ferried. Another omnibus operator made a series of bizarre claims that were nonetheless confirmed by other bus owners. For instance in routes that connect to large pockets of commuters the following incidents occurred during fieldwork:

> If a fleet owner had more than one bus, but ran only one in a particular route, then during a breakdown he was not allowed to replace the immobile bus with another from his fleet. If he did so, taxi drivers would stop the bus, unload the passengers into their taxis and issue a stern warning to the driver not to return. This happened despite the fact that the replacement of one bus by another was legal.
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> Buses in the Newlands West route were being continuously harassed by taxis from neighbouring routes that were deliberately forcing buses off the road and off-loading them into their taxis when their routes were not paying off.
>
> Taxi drivers were forcing Indian bus owners to increase their fares because they provided 'unfair competition'. The limited number of passengers that minibuses carried did not make their trips feasible at the costs of bus fares. Hence the bus fares had to be adjusted in favour of the taxi fares.
>
> Buses in most suburbs no longer have the sole claim to bus stops. In fact, the taxis had usurped priority over such stops when the two met simultaneously at one spot.

The taxi industry, through the use of minibuses, had increased the national fuel import bill by thirty three per cent, according to statistics released by the national Department of Transport[12]. The Department's recommendation was to replace the minibus taxis which have a seating limit of ten, but which are overloaded to sixteen or more, with an expanded diesel powered vehicle that can seat up to twenty two passengers. But there has been opposition from the taxis because these are apparently slower, significantly more expensive to purchase than the Toyota minibus, more expensive to maintain and will not yield the same returns because they would not do as many loads for the day. The Department's recommendation was based on figures that

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[12] SABC news broadcast, 19 April 1999.

will save the country enormous sums of money that are lost through import bills as well as to create a safer environment for motorists.

In responding to this situation an omnibus operator retorted:

> Why do you think the Minister of Transport Mac Maharaj is resigning from his government position. The man is not even bothered to be relocated (sic) to another position in government. He knows he can't work with the African mentality that is ruling this country. He might not make a public statement about why he is resigning but this is the only conclusion I can come to. These taxis are messing up this country's roads. And if the new minister of transport is going to be an African, what is happening to education and to health in this country is going to happen to transport! There'll be no more bloody new roads after this.

The respondent in this case belonged to a family with more than a sixty-year history in the transport industry. His twenty-three year old nephew was another victim of the violence against Indian bus drivers on Friday 23 January 1998. The story that unfolds below brings out a number of issues that have been latent since the entrenchment of the squatter camps and the spate of house burglaries, car hi-jackings, assaults, and murders that have taken place in neighbouring areas.

> On Friday 23 January 1998, at about 17h00, Sudheer Debba was completing his last load for the day and was less than half a kilometre away from his home. Three African youths attempted to board his bus to go into Central Durban, but were refused entry because it was his last load. They apparently read this as a racist gesture and found it an ideal excuse to attack him. The youth then sprinted to the next bus stop and shot him several times, killing him instantly. It was alleged that a passenger, described as 'an African police reservist', took out his gun and shot at the youth to try and defend the driver. He successfully aimed at one, fatally wounding him. The other two, realising that if their injured colleague remained on the road much longer, he could capitulate and reveal their identities. They therefore dragged him to the nearby squatter camp and abandoned him in a shack, but against the occupant's will, and fled. Realising the legal problems of housing a fugitive, it placed the respective squatter in a difficult position, especially since she was allegedly warned by the two youth that submission to the police would endanger her life. In the meanwhile the abandoned fugitive was bleeding profusely and did not receive any medical attention for more than three hours. By that time the Indian residents had gathered around the bus and the

body of the driver, trying to reconstruct the events that led to the shooting. Tempers began to flare when the passengers recollected the events of that afternoon to the family, friends and district people. An ambulance removed the body of the driver from the roadside more than two and half hours later. This long wait built up a level of reaction and solidarity from the Indian residents that brought them into a state of virtual readiness to engage in an ethnic war. Many came armed with guns, and a range of other lethal weapons, ready to extricate the alleged bleeding culprit from the respective shack, because by then they had all learnt about his whereabouts. But it was the army that controlled the situation, after the police had failed to do so. A number of altercations took place during those highly charged moments. The first occurred between Indian policemen and the Indian residents who, as one stated, 'wanted to impose the death penalty on the bastard because the courts are likely to set him free soon after he is jailed'. The second occurred between the African and Indian policemen, when the latter was charged by the former for being too soft on the mood of the Indians. The army was therefore forced to intervene. At the point that the army sought to remove the alleged culprit to an awaiting ambulance, the Indian residents tried to fight their way through their cordon that surrounded it. They managed to break through and apparently almost toppled the vehicle over. When the threat of teargas and more stern action from the army became apparent, the situation calmed down swiftly and the ambulance sped off. For at least another week however, there was a conspicuous reduction of African squatters walking the streets of Clare Road, especially at night.

The solidarity that this event generated among the Indian residents was visibly binding and showed an urge as one resident stated:

> ... to fight back in a way that will teach the squatters a lesson. They think we are afraid of them because they are in the majority. But this time we are going to fight, because we are tired of passively sitting back and letting them rob and murder us like this.

For at least three weeks there was a vigilante group that operated on an informal basis until midnight. Letters were also written to the state president and the minister of police about the incident, the rampant crime and the links it had to the squatter camps within and in the neighbouring suburbs. The victim's family called a special public meeting to discuss the above issues, but it was poorly attended. However, these were no better than knee-jerk responses to a much wider and more endemic problem. At least a month after the incident an important symbolic event was initiated by Sudheer

Debba's family. It was an occasion that provided an opportunity to take note of symbolic gestures from the Indian neighbourhood, the content of their conversations and its implied meanings. The event was particularly useful to observe Indian-African relations in a solemn but tense atmosphere, and to engage in an analysis of what was done and spoken in that time.

> On Sunday 22 February 1998, the parents of Sudheer Debba held a special memorial in a very unique way. They applied to the traffic department for permission to cordon off the road on two sides of the place where their son was shot, between 17h00 and 18h15, thereby stopping the traffic from both sides. The purpose was to have a hawaan (fire ritual) on the spot where the shooting occurred, in order to redeem his soul from his untimely death and to give his parents peace of mind that the appropriate rituals were carried out for him. The extended family, friends and the entire neighbourhood attended the event. At least three officially marked police vehicles, attended by Indian policemen only, were present. It was a noticeably solemn occasion marked by sporadic racial remarks of the senseless killing, and despite a light persistent rainfall people stood by in solidarity with the family until the end of the prayer. Africans from the neighbouring squatter camp also stood by and watched with curiosity. After the prayer all the bystanders, including Africans, were offered prasadam (ritual edible offerings). Many among the latter refused to accept it, while others asked questions about meaning of the event and the offerings and openly showed their remorse at the murder. While the prayer was in progress, a regular Sunday meeting was taking place within the squatter camp, from where snippets of the discussion was carried over to the prayer gathering through its public address system. In response to the meeting a bystander, standing with a small group, remarked: 'They are saying to the people in the meeting that because of criminals in the camp, all are being branded in the same way. They are going to try and sort out all the criminals they know and kick them out of the area'. Another replied: 'Ya, but these bastards got no mercy on us. They'll say they are going to do it, but nothing will happen. The stealing and everything else will continue as before. You know on that Friday night how I nearly fucked-up the cops! If we only got hold of that bastard who shot that 'lightie' we should have killed him straightaway, and the Africans shouldn't dare to do a fuckin' thing about it! We were ready. They were lucky to have the army there. Let me tell you something, we can finish this place up in one night. Some of us should just get together and start burning down all the shacks from one side and take our revenge! We can do it!' This racially loaded remark was met by a sobering response from the victim's forty three-year

unmarried uncle: 'No, that kind of behaviour will just make things worse. You'll never enjoy killing people and destroying their things. But my spirit is broken now. I got fuck all else to live for in this country. We bought the bus for Sudheer because work was so difficult to get and we wanted to carry on our family tradition. Every weekend I used to work on his bus with him and teach him the things he didn't know. But now what's the use? I got nothing else to live for in this country—I think I'm gonna leave. My sister in Texas is calling us. My other sister's papers are already processed. But she is worried about missing her daughter and grandchildren—so she's not sure if she wants to leave this horrible country. Can you think about what pain my sister in the U.S.A. is going through right now, since she can't be with us?' Another of the bystanders contributed by saying: 'I had to sell my house in Newlands, because only Africans are buying there now. Every day clothes are being stolen from the line and every night somebody's car is either broken into or stolen. We couldn't take it anymore. I'm lucky to get my price for my house'[13].

The situation depicted above demonstrated a sense of helplessness among the Indian bystanders. While one was affected by continuous cases of theft in his previous area of residence, others such as the bus owners felt stifled by continuous attacks against them. But not all cases of public transport providers among Indians had fell victim to African chauvinism. Some had worked quite ingeniously to protect their routes. The difference however was not to continue their services with buses, but instead with taxis. A ploy for their survival has been to form a taxi association and to include a few African owners for good purpose, as the case study below illustrates.

> R.R., chairman of a predominantly Indian taxi association servicing a predominantly Indian suburb, once owned three buses that worked very profitably for him. By the end of 1994 he was forced to sell them off because of continuous harassment by African taxi drivers. Towards mid-1995, in his desperation to think of alternative means of self-employment, he decided to join several other Indians who were already in the taxi business and to whom he was known. He believed at this stage that big buses were intimidating to smaller vehicles such as minibus taxis because of their bigger load capacities. At the age of 48 years, he did not deem himself employable by any type of organisation, and neither was he inclined to because he was self-employed throughout his life. However, African taxis once again began interference in their routes, and it only stopped after a

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[13] Interview, 20 March 1998.

shoot-out which left one African driver dead. A truce was called and was facilitated and monitored by the local police. However, the Indian taxi owners immediately formed an association and limited the number of taxis in the area to those who were already operating in it. An exception was made for tactical reasons and they embarked on recruitment of two African taxi owners, who were well respected in the business, especially for the respect they commanded among other African drivers. The condition under which they were allowed to operate in their route was to act as spokespersons and negotiators during times of disagreements with other African taxi associations, while he and other Indian colleagues undertook to deal with other Indian associations during times of dispute. It also helped to create a semblance of multi-racialism within their association. In this way they were able to minimise the racial overtones of disagreements and succeeded in dealing with conflict resolutions in a positive manner. R.R. was happy that their approach was a workable and a safe and sensitive method of surviving in a hostile environment—judged especially by the success with which disputes were handled.

The responses demonstrated by the Indian taxi owners in the illustration above reflects a unique approach in dealing with a situation that requires racial sensitivity. There was a marked reduction in taxi pirating by other taxi operators when the association acquired legal status and were allowed to limit the number of operators in their route. The inclusion of the two African taxi owners played a significant role in reducing the existence of perpetual racial mistrust between Indian and African taxi operators. However expedient it might have been by the Indian drivers, the co-option of the African taxi owners was nevertheless an important stabilising mechanism in an area that could have threatened public transport provision, especially for Indians, if African taxi operators monopolised it. The views of Indian commuters, as illustrated above, are generally conservative and are based on perceptions that have been shaped by the predominance of bad driving and immoral behaviour and violence, particularly in the African taxi industry. Most Indian taxi owners are known to the suburban residents and therefore have a different measure of faith in their service. It has also been a tendency of the Indian taxi drivers to either drive the taxis themselves, employ family members or hire Indian drivers, especially for the sake of appealing to Indian commuters.

Residents, buses and taxis

The impact of the taxi service in the Indian suburban areas, particularly in Clare Estate and to a lesser extent in Reservoir Hills, not only affected the commuter at the

bus stop but also numerous residents at their homes. When the African taxis first made their entry into these suburbs at about mid-1993, residents and bus operators made their discomfort about them known, but only informally. The early days of this service were restricted to the African squatters and were not frequent. By mid-1994, after the April 27 general election, their frequency into these areas increased rapidly. Their appearances in the areas started from humble beginnings of adhering to traffic regulations, avoiding stopping at bus stops and loading or off-loading the squatters as close to their shacks as possible. But this pattern was radically changed when the big numbers in which they operated appeared to give them a boost in confidence and they started ignoring the normal road courtesies. Any place, including bus stops and in front of houses, were good enough for them to carry on their trade, and any time was good enough to take-off, without the requirement of indicating.

Apart from the dangers that this pattern of driving introduced into these generally quiet and placid suburbs, a number of houses with accommodating driveways, were turned into convenient drop-off and pick-up points for the taxis. The affected residents were too petrified to challenge this practice either legally or personally, for fear of being attacked by the taxi drivers or their passengers. The rise in burglaries from homes and vehicles, motor car thefts and car hi-jackings from within people's properties, were linked by the residents to the entry of the African taxi service into their areas. After this comment was repeated several times and after listening to frequent reference to a small road off Clare Estate's main road, in which residents claimed that they were under greater siege than other residents in neighbouring roads, an examination into these claims was subsequently made. There were twenty houses on both sides of the road, which ended as a *cul de sac*. From among these houses, within a space of five months—between April and July in 1997, four people were car hi-jacked in their driveways, three cars were stolen from the properties and five houses were burgled. Of the four car hi-jackings, two of the owners were driven away with the thieves. In the third case the owner was taken into his house, beaten and gagged, while in the fourth case the person was hit unconscious and left lying in the garage. He was found by his wife more than an hour later and rushed to hospital, where he was kept for two nights. The two who were driven away during the incidents were left in the African townships of Umlazi and Kwa-Mashu respectively, but were unharmed. All three cars were stolen at night when the residents were asleep. Two of the owners who had dogs claimed that the thieves had ingenious ways of dealing with them. For instance, in one case a bitch was allegedly brought to quieten their dog while the car was being stolen, while in the other case large chunks of meat were found in the yard, containing substances that put their two dogs to sleep. Of the five houses that were burgled, two burglaries occurred during the evening between 19h00 and 20h30. One house belonged to a panel beater and the other belonged to an affluent family business. In the former case, an ailing eighty six

year old bed-ridden woman was taunted and abused by the thieves who pulled her hair and also terrorised the children of the house. The thieves threatened to do worse if they did not get cash and a gun. The owner of the house did not own a gun, but had six hundred Rand, which he gave to them. Only after pleading to the thieves for about twenty minutes, they left. In the second incident the house was attacked by four armed men, one with an AK 47 Rifle. The most senior person of the house was beaten with the gun and actually led to his safe. The thieves instructed him to open and empty it. As a businessman he was ready for such an eventuality. He had therefore loaded the safe with imitation jewellery, one thousand Rand in cash and several thousand fake U.S. dollars. The hold-up lasted for a maximum of seven minutes. The family strongly suspected a domestic worker who recently left their employ[14].

All of the victims were Indians, and in all the cases besides the car thefts and burglaries that occurred late at night and where those responsible were not seen, the residents identified the culprits as Africans. Hence the responses from the interviewees was produced as a 'them and us syndrome'. Their articulation of crime in the area was embedded in racial terms because it was the only way they could see it. The trauma that two women and four children suffered in three separate incidents was still visible at the time of interviews. All of them were sedated after the incidents and had taken medication for several days before they were able to calm down. None of the cars and other property that were stolen was recovered and no arrests were made for any of these incidents. In every interview, blame was apportioned to the taxis and the kind of people they carried. One response, in a sense, covers the variations of what was said about taxis and crime in eleven interviews that were done in the small road:

> The taxis are the cause of all the problems we have been experiencing recently. The people from the squatter camp line up here in the mornings and to a lesser extent during the day. Since there are such large numbers that stand there, when the taxis come their assistants have enough time to view our houses. They stop and U-turn on the blind-rise and just don't care about the risks. I've seen one once eyeing my house, he didn't see me noticing him. He then spoke to his friend standing outside the taxi while it was loading and pointed to my house. A couple of days later I was held up in my driveway and dropped off in Umlazi. Another taxi guy gave me a lift from there. Worse could have happened to me there. This was a quiet peaceful road and I am one of the oldest residents here. Even when there were only a few houses in this road these things never happened. Since the taxis started

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[14] Interview, September 1997.

loading here these problems started. When they stop coming here we'll be in peace again.

The statement above was made by an interviewee whose house was one door away from the corner house that was situated at the intersection of the two roads. The spot was on a dangerous blind-rise where numerous accidents occurred. There was no officially marked bus stop at this point because of the potential for accidents. In each of the responses, there was an expressed feeling of no confidence in post-apartheid South Africa. Apart from the crime levels and associated insecurity, the respondents generally felt that the country was seriously lacking in leadership and economic direction. All of the respondents felt a level of violation of their rights that engendered a high degree of rage amongst them and a feeling of resignation to lawlessness in a situation where the police force is deemed ineffective. One respondent claimed: 'The cop had the bloody nerve to tell me that "You are just another statistic now! To find your car would be impossible"'. The frustration, helplessness, a quest for vengeance and the thoughts of any place away from South Africa where there is peace and security, is what characterised most cases.

Conclusion

Public transport that was provided by individual entrepreneurs in Durban's 'non-white' suburbs, has been historically associated with Indians. Many who have been in the industry for decades have grown to view passenger transport provision in racial terms. Since the earliest days of entering the market, the only competitor and obstacle to Indian bus services was the Durban City Council and the unprofitable bus service it ran for many years in White designated suburbs. The City Council's persistent attempts to oust Indian bus operators from the city's roads were also emulated by other Councils in the province. Their failure to achieve this lay in the route that they chose i.e. through court action. The bus owners' support from its commuters and the strong arguments that they evinced in their legal defences to remain as service providers generally won their battles against White chauvinism since 1919, filtering into the decade of the 1980s.

This situation radically changed with the emergence of the African taxi industry. Since the early 1990s, Indian bus owners were facing a totally different kind of threat to their services, in the rising taxi industry. Unlike their White counterparts, African taxi owners forcibly claimed a stake in the transport industry. Their strength lay in their numbers and the ruthless way in which they usurped numerous routes, which were once dominated by Indian omnibus owners. They appeared to be capitalising on the undeclared motto of it being an age of African empowerment and entitlement. But to conclude that the forced entry of African taxis into Indian

dominated bus routes was based on racism alone would be wrong. It would be equally problematic to suggest that this process was solely economic in that the transport sector of the region's economy provided the easiest route to facilitate African financial empowerment. The reasons are complex and would certainly include both racial and economic factors. A major factor in the transport industry is the continuous demarcation of routes along racial lines. Although there is an historical basis to this, mixed associations like the illustration given above where two African taxi owners were included in an Indian dominated association, could help to regulate, if not obliterate racially skewed perceptions of transport provision in South Africa. Such experiments, which aim to mix executive committees on racial terms and aim to protect certain sectors without room for monopolies and regulate the transport industry in more disciplined ways, could produce different perceptions of and responses to transformation in post-apartheid South Africa.

The residents' exposure to crime not only came from the taxis that ran in their areas, but it also emanated from the neighbouring squatter camp, as well as unemployed individuals who idly walked through the areas with the intention of stealing. The role that transport has played shaping the perceptions of and responses to transformation in South Africa, is an enormous one and requires substantively more research to address the issue. This will have to include the problematising of verbal representation.

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Gender, the Role of the Chieftaincy and Rural Women's Access to Land under the Land Reform Programme in KwaZulu-Natal

Urmilla Bob

Introduction

KwaZulu-Natal is the most populous province in South Africa, with more than one-fifth (20%) of the country's total population. However, KwaZulu-Natal only occupies 8% of the country's landmass. Eighty percent (80 %) of the population are African and the majority of this group reside in rural areas. In total, 61% of the population live in rural parts of the province. The average annual household income for Africans in KwaZulu-Natal is R24 000 and that of Whites is R98 000 (DLA, 1997c). Average incomes tend to cluster around the R6 000-R23 000 bracket in the rural areas since most of the population are farm workers or are employed in semi or unskilled positions in factories. The question of survival is a real issue for many of the households. Also, this is one of the provinces that is faced with the dilemma of addressing the chieftaincy question. The rural areas constitute part of the most economically and politically marginalised regions in KwaZulu-Natal and have been the location of complex tensions over land and other scarce resources for decades (Turner, 1997). The lack of land and land resources, support services and systems for agriculture, credit, and other facilities such as roads, health clinics and educational institutions make many of the households in these communities extremely vulnerable to poverty.

Understanding the role of the chieftaincy is particularly important in analysing the relationship between women and land in rural areas. The chieftaincy as an institution and stakeholder in land allocation, management and control processes continues to be highly controversial. The chieftaincy is steeped in patriarchal relations. Controlling and allocating access to and use of land has been the primary way in which the chieftaincy has maintained and enhanced its power (Cousins 1996; Marcus et al 1996; McIntosh et al 1995; Levin and Mkhabela 1997). In this region, as is the case in many parts of South Africa, applications for land under the land

redistribution and restitution programmes are submitted via chiefs in the community (DLA, 1997b).

This article examines the impact of traditional practices and the institution of the chieftaincy on women's rights to own and access land in KwaZulu-Natal. In KwaZulu-Natal, as in other regions in South Africa, local structures and the chieftaincy tend to be steeped in patriarchy (Levin & Mkhabela 1997; McIntosh et al 1995). The gendered analysis adopted in this article also intends to look critically at the role of the local authority and the chieftaincy in terms of land reform and women's ability to be positively impacted by these processes. These institutions impact the way in which roles and needs of certain groups in the community are perceived. Few women hold positions of power in these institutions. Also, in many cases, these male dominated institutions have traditionally played a major role in marginalising women, reinforcing patriarchy and maintaining neo-apartheid structures.

This study draws from secondary sources as well as primary research conducted in three land reform projects in KwaZulu-Natal: Ekuthuleni (a redistribution project), Baynesfield (a restitution project) and Boiling Fountain (a tenure reform case). The study areas were specifically chosen so that a cross section of experiences from women in the context of different land reform projects and programmes could be examined. Intensive questionnaires were conducted with 20 women from each of the communities. Additionally, focus group exercises incorporating various participatory methodologies including mental mapping, ranking exercises, gender activities' profiles and venn diagrams were used. This study incorporates some of the pertinent findings of the research in relation to the issues under investigation.

In the context of rural KwaZulu-Natal, the multiple burdens on women are particularly acute due to women's economic dependence on men, reinforced by cultural traditions and religious practices that dictate women's relationships and roles in societies as well as the relationships to resources, especially land. Power relations from the household to the highest public level impede women's ability to lead productive and fulfilling lives. Extensive research shows that in comparison to men, women are generally at a disadvantage in terms of control and access to resources, including land (Agarwal 1996; Carney 1993; Kabadaki 1994; Rangan 1997; Small & Kompe 1991). Yet, women are key environmental managers and consumers. Their vast knowledge about the land they use is key to sustainable development in rural areas. The provision of women with land rights through the land reform program, either individually or through a system of group formation, is seen to be a way of contributing towards women's empowerment, both socially and economically. Hence, the anticipated outcomes of providing women with land rights and tenure security are very positive.

Cross and Friedman (1997) assert that women and men conceptualise land rights and land use differently. They argue that while men value land for its place in organising social and political relationships, women value it mainly for its productive and reproductive use:

> Land was (under older African tenure systems), and still is, used as a means to form and maintain groups, to establish leadership and to obtain followers. Since land has become very scarce, its social and political value, as a vehicle for organisation and power, has tended to keep its value as a means of production relatively peripheral (Cross & Friedman 1997:23).

Given the scarcity of available land to African households, even with the land reform initiatives, women have to compete with men for land. The historical forces of vesting land in male hands together with pervasive patriarchal notions that inform social, political and economic processes stack against women winning this battle.

Land demand among women is differentiated by a cluster of factors related to socio-economic status and perceived needs. As stated earlier, there are also a range of factors that combine to mitigate against women gaining land rights. The most important are the prevailing forms and practice of agricultural production, household structure and the effects of restrictive legal and customary practices.

This article is divided into six sections. The first section examines women and land reform in the South African context. The next two sections critically assess the roles of traditional institutions in managing land generally and then specifically their roles in land reform processes. The fourth section undertakes a critique of the role of the chieftaincy in the implementation of land reform projects in KwaZulu-Natal from a gender perspective. The fifth section looks at attitudes towards granting women land and finally concluding remarks are made.

Women and land reform in South Africa

The DLA has committed itself to:

> Taking legislative and administrative measures to give women and men equal rights to economic resources including access to ownership and control over land ... credit facilities, natural resources and appropriate supporting technologies (DLA, 1997a:18).

This is to be achieved by:

> The removal of all legal restrictions on participation by women in land reform. This includes reform of marriage, inheritance and customary laws which favour men and contain obstacles to women receiving rights to land (DLA 1997a:50).

Marcus (1991:26) aptly states that African women in South Africa have been disadvantaged within their class and strata. Male biased laws disempower women and bar the majority from land ownership. For example, the Black Administration Act of 1927 gave legal force to customary practices that limited women's access to land and subjected them to male authority. Also, the Proclamation R188 of 1967 bases the communal tenure of the homeland system on traditional, patriarchal African institutions. Under indigenous law although women were the principle land users and agricultural producers, they rarely owned land in their own name. Land was generally held and distributed by the *amakosi* (chiefs) to male household heads. According to Cross (1991), women were viewed as legal minors and the dependants of men. The only exception was generally widows who owned land under the assumption that the ownership was a transitional state in the transfer of land to the male son. Women generally held the land until the male heir came of age or until she died when the land would pass to the male heir or other male kin. Marcus et al (1996) further indicate that the decisions regarding the use of such land were to be made in consultation with the heir in question or male relatives. The conditions described above have remained more or less the same for rural poor women in KwaZulu-Natal despite major legal changes.

Gender and access to land is a particularly important concern in a land reform programme. Women are differentially and less favourably placed in relation to land and other resources.

> Black women are the mainstay of peasant and simple commodity production on land. Yet their link to the land is inextricably dependent on men through whom access to land is rooted in 'white law' and indigenous law (Marcus, 1991:27).

This raises questions of inequality and discrimination that, although often reinforced by apartheid practices, needs to be conceptualised by incorporating traditional patriarchal relations. Land is allocated to male household heads either via chiefs or through inheritance. Women rarely have control or rights over land. This situation ensures that women remain dependent on men. Female headed households suffer from being unable to have even indirect access to land.

As a result of the devastating effects of apartheid policies, combined with patriarchal relations in South Africa few African women own land and even fewer

effectively control land. Studies from other regions, for example in India and Zimbabwe, that share similar histories to South Africa indicate that despite progressive legislation, women's ability to acquire and effectively control land does not change substantially after independence (Agarwal 1996; Small & Kompe 1991; Thorp 1997). A persistent gap continues to exist between women's legal rights and their actual ownership of land, and between ownership and control. Social, administrative and ideological factors are largely responsible for these inequities. Women are generally disadvantaged in relation to men in terms of status, property rights and representation and authority within the community. Not all women are equally poor and programmes aimed at benefiting the poorest of the poor need to be carefully targeted, rather than aimed at women in general.

The role of traditional institutions in managing land in rural areas

There are different opinions on the role of tribal authorities and the chiefs. Often, there is contestation between traditional institutions and democratically elected local government structures to allocate and manage land. This has in some instances resulted in outright conflicts in certain localities, destabilising communities and impeding prospects for peace and development. The chieftaincy in the South African context is both a product of traditional African customary institutions and colonial and apartheid incorporation. Some chiefs were pseudo-custodians of colonial and apartheid practices as they often acted on behalf of the government during these periods to implement the indirect rule over Blacks by Whites (Harsch 1986). This history greatly influences the debates about the future roles of the chieftaincy in a democratic South Africa. Chiefs were often viewed as 'puppets' of the apartheid regime who played a major role in maintaining and benefiting from the creation of the Bantustans.

Cousins (1996), Marcus et al (1996), McIntosh et al (1995) and Levin et al (1997) argue that land allocation function is critical to traditional leaders because it is one of the few remaining actual powers and sources of influence they have. Chiefs have historically played an important role in the allocation and control of land in the rural areas. A disproportionate amount of land is used for their own agricultural, grazing and residential needs. Levin and Mkhabela (1997:161) argue that the chiefs also use their power for extra-economic purposes which includes forced labour and forced contributions:

> Control over land allocation constitutes the centerpiece of the coercive power of the chieftaincy. This is not only because chiefs are placed in a position to determine who may have access to land for different uses, but also because they have the formal power to refuse their opponents entry into

a given territory or to banish them from it. This has in turn created conditions of dependency on the chief for access to land.

There are major regional variations in the form and roles of traditional authorities. Many traditional leaders argue that the problems of land management derive from land shortages that are inextricably linked to historical dispossession. On this basis, they claim that access to more land will help them meet the land demands of their constituencies.

Letsoalo (1987:45) argues that the solution to the land problem in South Africa needs to focus on universal access to land based on renovating the traditional land tenure system that is supported by communal values.

> The traditional land tenure system of the Africans is not part of the problem today, neither was it a problem when the state initiated tenure land reforms. This system, which has been blamed for poverty and low agricultural production in the Bantustans, does not even exist anymore. It died in the process of underdevelopment. Thus, for instance, in the Bantustans there are alien features such as trust, private and tribally bought land, grazing fees, land rental, state farms. Even the famous 'one man, one plot' has become a myth.

As true as this statement may be, Letsoalo (1987) when suggesting resuscitating the traditional system fails to illustrate how this can be done. The continuation of the process is problematic in South Africa since many chiefs had been co-opted into the former White system and are viewed suspiciously by communities. Furthermore, romanticising traditional systems are problematic. The 'one man, one plot' vision reflects the inherent gender inequalities and patriarchal nature of some traditional systems even prior to colonial and apartheid influences.

Levin and Mkhabela (1997) argue that while there is widespread opposition to chiefs continuing to allocate land, there is ambiguity surrounding the institution of the chieftaincy. Mngxitama (1997:131) argues:

> The trouble is that the new government, instead of encouraging a development of rural politics away from the authoritarian and patriarchal chiefly rule, has embarked upon a process of consolidating it, even in cases where the struggle of the people has eroded these forms of feudal-apartheid corrupted rule. The establishment of the House of Traditional Leaders is a case in point. Also the land reform process through the Restitution Act wittingly or otherwise encourages the revival of the institution of the chieftaincy.

Whatever the conflicting views, the institution of the chieftaincy remains empowered at the local level in many parts of South Africa. McIntosh et al's (1995) study illustrates that in KwaZulu-Natal both traditional leaders and communities expect the traditional authorities to play a central role in land administration, even with regard to newly acquired land. In many parts of the country, however, traditional authorities have lost legitimacy. The degree of power and local popularity of chiefs exhibits high levels of variation.

The major problems faced by land management under traditional systems are corruption, contradiction of traditional systems with modernity, selling or controlling of land for personal profit and benefits, and discriminatory practices. The latter includes discrimination against women and a move towards commercial practices and accumulation. Commercial agriculture results in the emergence of a new class who are encouraged to accumulate wealth and land. This can often result in an increase of the landless as wealthier segments of farmers buy out those who can no longer sustain production and survival given competition. Commercialisation may challenge traditional rights to the land as they often prefer freehold titles to land.

Whatever the debates surrounding the roles and form of the institution of the chieftaincy, few would argue against the position that the chieftaincy is highly patriarchal. Under most traditional systems land is not allocated to women but to men. However, each man is obligated to ensure that each wife has sufficient farm land. Although this obligation remains after divorce or separation, often this has not materialised. McIntosh et al (1995) indicate that legislation passed in 1987 allows women who are heads of households to acquire land. The article, however, does not illustrate if these sentiments are being practised. The roles that traditional authorities are playing in claiming land and in the Community Property Associations, for example, raise serious concerns relating to access to and protection of women's rights over land. The next section focuses on a more critical gender appraisal of the role of traditional institutions in land reform processes.

The role of traditional institutions in land reform processes

In addition to the concerns raised in the previous section, a review of pertinent sections in the *White Paper on South African Land Policy* (DLA 1997a) suggests that there remains a vagueness and a lack of clarity about the future role of traditional authorities in the land management and allocation process. This has serious implications for gender issues since traditional authorities in South Africa are highly steeped in patriarchy. The DLA (1997a:30) states:

> There are communal areas which have been occupied by groups, communities or 'tribes' for decades and sometimes over 100 years. These

groups regard themselves as the owners of the land; it is only because of racially discriminatory laws that their ownership is not reflected in the title to the land.

The DLA (1997a) also states that pending transfer of such land, these areas should be treated as privately owned by the communities who occupy the land. Another problematic position on the role of tribal authorities is articulated in *Land Info.* (DLA 1998:31):

> We (the DLA) believe that the land belongs to the people and that they must make choices about the institutions which will preserve and manage the land on a day to day basis.

The government's view that 'the people own the land' tends to ignore the variety of discriminatory practices prevalent in rural areas. 'The people' is not a consensual group and power dynamics prevent many groups from articulating their views or being able to make choices. Women particularly are disempowered and marginalised.

Murphy (1990) argues that there is no tribal law that states that women cannot access land in their own right. This is a negotiable issue with the male tribal authorities. To a large extent it depends on the ability of the woman concerned to convince the tribal authorities to grant her land rights. Generally, it is difficult for women to access land in this way and when they do, their rights are often tenuous. Furthermore, Thorp (1997) suggests that there are no clear positions relating to land allocations and customary tenure. She asserts that land allocation depends on the position of the powerful in the community, usually the Chief or his headmen. However, there is evidence that suggests that the persuasiveness and the circumstances of women who apply for land are also contributory factors. The fact that there is no consistency in the way in which land is either allocated or denied (including inheritance practices) to women within a particular ethnic or cultural group suggests that customary or cultural notions of land rights are contextual and often ambiguous or non-existent. Berry (1993) illustrates that under customary systems of African tenure, property rights are not clearly defined or consistently enforced.

As stated earlier, many studies have indicated that traditional authorities in rural areas are problematic and in some instances prone to corruption. These institutions have been primarily responsible for allocating land in the past and are demanding that they maintain allocatory powers in a new dispensation. Men's greater access to these institutions and knowledge of the way in which 'things can be done' place them at an advantage over women in securing land access via these traditional structures. For example, they are often in a better position to deliver bribes.

Despite the calls for land to be allocated and managed more democratically, there is a strong suggestion from the DLA that traditional authorities will still be assigned a role in terms of service delivery and land allocation in rural South Africa. They cannot be left out because in many places they continue to exert power and influence that can successfully undermine the development initiatives undertaken within communities. Studies indicate, especially in KwaZulu-Natal and Mpumalanga, that *opposition to traditional authorities comes mainly from the youth (Levin &* Makhabela 1997; McIntosh et al 1995). As a large part of the older population, especially men, benefited or are part of the system, they still support these institutions. *Despite the chaotic and conflicting perception of traditional authorities in* rural areas, Westaway (1995:13) states:

> The Department of Land Affairs (DLA) is reluctant to commit itself, preferring to merely note the need for clarity of the role of traditional leaders vis-à-vis local government in land administration, and to declare its intention to democratize land administration processes.

This currently remains largely the DLA's position on traditional authorities. The repercussions on the ground are that the confusion over the role of traditional leaders is contributing to uneasiness, sometimes open conflict as in the case of the Dukuduku forests and Cornfields in KwaZulu-Natal, as well as impacting the pace and effectiveness of land reform as a whole.

There is sufficient evidence that indicates that although traditional systems prior to colonisation might not have discriminated against women they do so today (Agarwal 1996; Ahonsi 1995; Carney 1993; Carney & Watts 1990; Schroeder 1997). *Furthermore, nepotism, ethnicism and political affiliation are also widespread* discriminatory practices associated with the chieftaincy (McIntosh et al, 1995). Thus, treating land under traditional authorities as privately owned, reinforces the power of the male chiefs who view themselves as the owners and the managers of land. It would seem that the DLA's position on traditional authorities is highly politically motivated and aimed at appeasing traditional authorities. This will fail to empower women to challenge these institutions that have in the recent past generally been oppressive.

The gap between legal rights and actual power needs to be reduced. Legal rights that do not confer the power to exercise these rights simply result in rhetorical and not real support for changing gender relations. Furthermore, as stated in *Land Info.* (DLA 1997d), in South Africa where customary, religious and statutory systems co-exist, the law least favourable to women is often selected. This situation leads to rural women being particularly *vulnerable to 'laws' and customs that are outside the* control of the legal system. Customary laws often declare women as dependants and thereby deny the majority of women the right to own land. The issue of customary law and legal rights is indeed complex. This needs to be dealt with. One of the key issues is to have a clear distinction between land ownership and issues of governance and management.

Cross and Friedman (1997) argue that women are disadvantaged by social assumptions and informal land practices that are not controlled by law. The evidence presented in the literature review suggests that in numerous ways tradition in African cultures have been distorted and recreated. Thus, traditional practices must be subjected to a critical review. As Walker (1997) points out, the gendered nature of the discourse on tradition in South Africa must be acknowledged. The generally accepted male definitions of tradition are largely patriarchal. Furthermore, women often exhibit implicit and explicit support for traditional gender practices, internalising oppressive tendencies.

A critique of the role of the Chieftaincy in the implementation of land reform programmes in KwaZulu-Natal from a gender perspective

The land reform process in South Africa has three components: redistribution, restitution and tenure reform. In this section, a brief appraisal of each programme will be undertaken highlighting the role of the chieftaincy and the concomitant gender implications.

Redistribution

Land redistribution is a broad-based programme which aims to provide the disadvantaged and the poor with land for residential and productive purposes. In terms of the land redistribution process, primary research conducted in land reform projects in KwaZulu-Natal clearly shows that the definition of a household tends to be problematic. Polygamy is a common practice in many rural areas in KwaZulu-Natal. Families married under customary law involving more than one wife qualify for only one grant. This has a detrimental impact on the women involved who need to secure their own and their children's future. This type of policy also ensures the continued domination of the male head and results in the creation of dependent females who have no access and control of land and other resources.

The use of the term 'household subsidy' tends to entrench stereotypical and problematic notions of the household. The tendency is to support and promote the idea of a nuclear family with a household head that is usually male. The reality is that households take different forms in different situations in South Africa. Ngqaleni and Makhura (1996) point out that gender power relations within households and

between urban and rural residences will usually result in the grant being made to the male household head who decide where to take the grant. They can, for example, decide to use the grant in the urban area. This leaves rural women extremely vulnerable and it is likely that they will lose out.

Research conducted by the Association for Rural Advancement (1996) in KwaZulu-Natal indicates that many households which need land, especially among women, are unable to do so even within land redistribution projects. The Land Acquisition Grant of R16 000 per household is unable to cover the costs of buying land, even when grants are pooled. This means that in many instances aspirant beneficiary households are required to raise additional monies which they find extremely difficult to do. The research further indicates that when potential beneficiaries need to make additional contributions they often sell cattle, the very resource that they need to generate wealth once they have settled on the land. As illustrated in the literature review, cattle are viewed as men's property and usually women do not own this valuable social and economic resource. Thus, aspirant women beneficiaries are even further disadvantaged in terms of being unable to raise the necessary finances to enter redistribution projects.

Communal Property Associations (CPA) is one of the mechanisms through which households jointly own land that is held in trust by the CPA. The CPA has built in procedures to protect individual rights and to ensure that gender equality is a prerequisite. Rules of membership and management are drawn up in the constitution. Despite these safeguards, CPAs confront numerous challenges. Democratically elected CPAs are often in conflict with chieftaincy structures. The formation of CPAs has often meant the creation of artificial communities with dramatically different needs and aspirations. Furthermore, the power dynamics within these structures are potentially dangerous, especially for disempowered women who cannot assert their views in the decision-making forums and processes.

Tenure reform

The landless in South Africa include those people who have no fixed right to any land. They are not owners of land and have no tenure security. This may be due to past discriminatory laws as well as traditional practices. To address the needs of people who are already living on land but who are not secure in terms of their tenure, there will be tenure reform.

Tenure reform is also viewed as being one of the key programmes to enhance and protect women's land rights and tenure security. However, thus far there has been no attempt to articulate how the tenure programme will deal with the conflict between what the constitution states and customary laws and practices prevalent in rural areas that discriminate against women.

Tenure reform is extremely difficult to implement in the former homelands where the *status quo* is entrenched and information is limited. Tenure reform often directly threaten the power of White farmers and chiefs who are hesitant to relinquish the power they exert over their labour tenants or farm workers and subjects respectively. Meer (1997) argues that tenure reform can end up formalising existing inequalities. Since men traditionally held permits to occupy land, it is possible that the tenure reform process will usually upgrade men's rights making them owners. This type of upgrading can create greater insecurity for some, especially those individuals (women and children) who are dependent on men to access ownership rights through the tenure reform programme. This results in the women's and other dependants' land rights remaining insecure and they can potentially be evicted. This is likely to be worse if the man decides to sell his land. Women married to migrant workers with more than one wife are particularly vulnerable. It is imperative that women's land rights are assured in the tenure reform process. One way to do this will be to mandate that a new type of landholding system is created whereby the rights of all family members are stated in the title deed.

A final point of concern is that:

> *There is a widespread belief among rural people that their land needs are self evident, and that they need to do nothing more than wait for land redistribution agents to find them* (Marcus et al, 1996:136).

This is a dangerous situation given the fact that the Department of Land Affairs is adamant that land reform be demand driven. While some groups such as the chieftaincy are well placed to articulate their demands, others like women are marginalised from being able to effectively do so.

Restitution

The purpose of the Land restitution Programme is to:

> Restore land and provide other restitutionary remedies to people dispossessed by racially discriminatory legislation and price, in such a way as to provide support to the vital processes of reconciliation, reconstruction and development (DLA 1997a:52).

Five different groups of potential land claimants are identified: victims of forced removals, labour tenants, landless people, current occupants without title and people with historical claims based on occupation of land by predecessors (Levin 1997).

Walker (1997) suggests that since restitution is about restoring the former *status quo*, it is likely that men who were the former owners will be the key

beneficiaries. The above points indicate that if these trends continue and there is no intervention to bring the rural poor and women into the programme then restitution will fail to contribute to one of the overall objective of land reform which is to prioritise the rural poor and women. For rural women who generally were not allowed to own land, the claims process of ensuring restitution is a major impediment.

The way in which the government is going to deal with traditional authorities as both claimants and accused also remains unclear. For example in KwaZulu-Natal, land under the Ingonyama Trust cannot be brought under the land reform program without consent from the Trust and King Zwelithini. Furthermore, key claimants are often chiefs who are more powerful than the average rural resident and are therefore in a better position to claim land. Many chiefs are also claiming land on behalf of individuals or groups. Whether the rights, compensation or land will eventually be conferred to individuals by the claims court within this scenario is questionable. A key issue is whether the Land Claims Commission can, while redressing the injustices of apartheid practices also attempt to undo patriarchal land practices that were also unjust. What rights, for example, will daughters have in claiming land if the legal and customary heirs to the father's estate are the sons? Will the Land Claims Commission intervene in these situations to restore women's rights that were violated as a result of patriarchal discriminatory practices? As the restitution Act exists, these types of concerns will be beyond the scope of the Land Claims Court mandate. This example illustrates the contradictory and political nature of including women as a key target group in the land reform process. If land reform is only about dealing with apartheid and colonial discriminatory practices to the exclusion of addressing other discriminatory practices, then targeting women in land reform objectives can be viewed simply as fashionable policy positions. It will be impossible to truly bring women into the land reform process without challenging the multitude of practices that have viewed and continue to view African women in rural areas as second class citizens.

In terms of the restitution program, the stated objective of restoring land rights which were enjoyed before racially discriminatory legislation resulted in dispossession (subsequent to the introduction of the 1913 Land Act) lacks a coherent gender analysis. The assumption is that before apartheid dispossession, land rights were equitably distributed and therefore 'restoring land rights' will be a process of redressing injustices and restoring equality. It is framed as if the only form of oppression that resulted in land dispossession and inequalities was racially motivated. This, of course, is highly problematic. Firstly, prior to 1913, racist practices were already deeply entrenched in traditional societies. Many Africans were already dispossessed as a result of widespread colonisation. Furthermore, patriarchal and other discriminatory practices associated with lineage and ethnicity were embedded in traditional norms and values that largely determined how land was arranged and how it was used.

Attitudes towards granting land to women

Conflicts over women's rights to own land is evident in many studies and is evident in the communities in which fieldwork was conducted. There are strong sentiments in many rural areas that women must not be allowed to own land. Cross et al's (1996) study on land reform pilot projects in KwaZulu-Natal reflects extremely conservative attitudes toward gender and land in the twelve sampled communities. In nearly all instances older men and elected (male) officials in community structures opposed the idea of women being landholders. The main reasons for this position was that it was against cultural traditions, that it will lead to the break-up of the family structures and that it would result in the limited amount of land being exhausted. Furthermore, this study indicated that in most of the communities where research was conducted unmarried women could be considered for land rights if there was a son in whose name land could be allocated. In most of the workshops participants insisted that women obtain rights to land through their husband by way of marriage.

The 'Household Research Project' conducted by the Centre for Rural and Legal Studies/ Surplus Peoples' Project (1998) found that in Elandskloof, single women with children are not eligible for access to a single house plot in terms of the interim constitution of the CPA and have to move in with parents. This obviously clashes with the Bill of Rights and Land Policy.

Despite the general trend on the ground to oppose women's rights to own land and participate fully in land reform programmes, there tended to be support by some men, generally those who are younger, and women, for women having rights to land independently of men or jointly with men. The support tends to coincide with sentiments expressed in opposition to the existing chieftaincy arrangements that in many communities translate to chiefs owning the land rather than managing the land. Additionally, there appears to be a growing recognition that women in rural areas are raising children alone. Granting women land rights is seen as being critical to ensure greater household security. What was clear from some studies was that gender relations in the countryside are changing in many quarters (Lipton et al, 1996; Marcus et al, 1996; Small and Kompe, 1991). The tension between male traditional attitudes towards women's rights to land and more contemporary views are a sign that there are forces that are contesting traditional attitudes and beliefs. Furthermore, as households are beginning to take different forms and are becoming increasingly accepted so too are gender relations becoming reconstituted and contested in households and communities.

Conclusion

This article tended to support and stress the advantages of granting women ownership rights. However, the historical benefits of communal rights cannot be ignored. Customary law often allowed women rights to land, trees and water as well as usufruct rights. Du Guerny (1997:17) states:

> Traditional communal rights are in many regions being replaced by land tenure systems based on exclusive use, ownership and titling which tend to erode the rights of vulnerable groups, including women and minority ethnic or nomadic groups.

It is important that future research focuses on whether independent land rights erode the benefits of communal rights. Having ownership rights as well as communal rights to land resources might be the most beneficial arrangement for rural women. This sentiment has been supported by respondents in the field.

A central issue that will confront government is the nature and extent of the roles that government structures and departments play in furthering gender equity and challenging patriarchal relations and ideologies. The government will often be forced to make controversial and highly contested decisions. For example, the current tendency when dealing with the issue of the chieftaincy is political expediency, allowing chiefs to function in government structures, particularly at the local level. It is true that in many areas, especially in KwaZulu-Natal, traditional authorities are strong on the ground and are very popular (McIntosh et al, 1995). Indeed, in these instances many women also support these structures, viewing them as cultural guardians. However, there is much evidence that indicates that with the exception of very few traditional structures, the rest are highly patriarchal. According to Westaway (1995), recent history has shown that the Congress of Traditional leaders of South Africa (CONTRALESA) is one of the most organised and effective rural lobby groups in the country. Although its relationship with the ANC-led government has eroded in the last couple of years, it continues to stress and demand that from time immemorial the traditional rule was the most democratic rule in Africa. The government must challenge this notion. As Field-Juma (1996) warns, whilst there was a high level of consensus politics in pre-colonial Africa, this must not be confused with democracy. In terms of women's concerns, as highlighted in this article, it is important to note that whatever its historical evolution, traditional African institutions today are highly steeped in patriarchy. The government has to strike a delicate balance of respecting cultural tradition while at the same time ensuring that human rights are not violated.

An important issue raised repeatedly in this article is that laws and policies that protect and advance women's rights will ultimately not lead to changes in women's status if we fail to address and challenge patriarchal relations at all levels. Although the DLA and the government in general have expressed commitment to granting men and women equal rights to resources, discriminatory legislation as well as customary practices continue to significantly restrain women from participating and benefiting in land reform initiatives. The literature review shows that after decades of independence in many parts of Africa and the initiation of new laws that allow women regardless of marital status to own land, very few women do (Ahonsi 1995; Ezumah & Domenico 1995; Meeker & Meekers 1997). The studies show that rural women have neither the knowledge nor the skills to take advantage of the new laws that promote and protect their land rights. Furthermore, it is contended that the lack of compliance to land reform laws is not only associated with a lack of knowledge but also with the tenuous and undocumented land use relationships at the local level. The government must develop strategies to win over men and chiefs in their attempts to eradicate sexism. Furthermore, measures must include women's legal literacy programs and campaigns to know and exercise their rights. One must remember that the success of the legal aspects of women's land rights is what goes into the statute books as well as the changes that happen on the ground.

This discussion supports the existing literature on women and land concerns in South Africa. This warns that policy formulation that attempts to provide simple mechanical answers for complex problems, that are associated with multifarious power relations, are bound to fail. The general consensus forcefully asserted in the literature is that a land reform process that does not confront and challenge unequal power and authority, will inadvertently reinforce the existing *status quo*. Furthermore, the resources spent on land and agrarian reform in rural areas will fail to give adequate returns unless the relationship to the recipients and the land is such that proper incentives for sustaining and making investments on the land is promoted. This is best realised if security of tenure becomes widespread.

The Government-led land reform program is indeed a commendable attempt to address the unjust and unequal relations that face South Africans. Undoubtedly, according land rights will have a positive effect in increasing security and helping to reduce poverty. The study, however, suggests that there are serious problems that mitigate against land reform adequately achieving its social justice and poverty alleviation goals. The various constraints and concerns highlighted will prevent the programme from reaching the vast majority of poor rural women who will remain outside the land reform projects or whose land rights will continue to be dependent on males: their husbands, their fathers, their sons, their chiefs. Overall, the practices of land reform policies and programmes in so far as women's land rights are concerned are in a conflicting state of rhetorical support and reluctance to implement.

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Indian Muslims in South Africa: Continuity, Change and Disjuncture, 1860-2000

Goolam Vahed

Islam is a minority religion in South Africa. According to the 1996 census there were 553,585 Muslims out of a total population of forty million. Indian Muslims make up one of the two largest sub-groups, the other being 'Malay'[1]. The majority of Indian Muslims are confined to KwaZulu Natal and Gauteng, while most Malays live in the Western Cape. This has resulted in deep differences of history, culture and religious traditions. In post-apartheid South Africa Islam has moved from the private domain to public spaces. The most conspicuous illustration is the militant activities of the Cape-based group, People Against Gangsterism and Drugs (PAGAD). Notwithstanding the differences among Muslims, there has been a tendency on the part of many commentators to lump Muslims together[2]. This paper will focus on Indian Muslims, both because their experience is different to that of Malay Muslims and because Cape Muslims have been relatively well researched in comparison to their Natal counterparts. As a result of the efforts of Tayob (1999), Davids (1980), Jeppe (1995) and da Costa (1994), great progress has been made in charting the history of Cape Muslims.

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[1] There were 246,433 Malay and 236,315 Indian Muslims according to the last census in 1996. While research has shown that there is no 'Malay community' (Jeppie 1987) and the term does not have a foundation in social science it is used here because it has been widely internalised by most South Africans to refer to 'Coloured' Muslims of the Cape.

[2] For example, Chiara Carter, writing in the *Mail & Guardian* (5-11 February 1999) on the 'Holy War for the hearts of SA Muslims', stated: 'South Africa's Muslim community is influenced by events abroad and a romanticisation of the international Islamic struggle .... Radical Islam has found fertile ground in the power vacuum .... Unease at the growth of American cultural and economic dominance, admiration for Libya and the early theocracy in Iran, and the formation of militias to fight in the Bosnian civil war have influenced local politics. This fuels youthful idealism which, if not channelled constructively, might pose a problem to the state'.

Although Indian Muslims have had a very visible presence in Natal since 1860 apart from monographs and a few works concerned with theological debates, there is no historical or sociological analysis of Muslim society. This is probably due to the fact that under apartheid they fell under the umbrella group 'Indian' and have been studied as part of an oppressed Indian community (Kuper 1960; Meer 1969). Recent studies by Mahida (1993) and Tayob (1995; 1999) have begun to fill the vacuum. Although detailed chronology is important, the limitation in Mahida's work is that he provides information on developments on a year-to-year basis without contextualising these. While Tayob's 1995 study is important and illuminating, its focus is narrow. He examines the rise and role of the Muslim Youth Movement (MYM), an important reformist organisation in the 1970s and 1980s, but only one of many groups contesting for support among Muslims. Similarly, Tayob's 1999 study focuses primarily on the discursive effects of sermons in two mosques, one in the Cape and another in Brits, a town in Gauteng. While stimulating and informative, this study does not examine Muslims in Natal, where the majority of Indian Muslims live. The void in the historiography is reflected in the fact that an authoritative survey of Islam in Africa devotes no more than a paragraph on South Africa's Indian Muslims, pointing out that they have made enormous progress as a result of close links with Ismaili Shias in East Africa (Hiskett 1994). Not only does the brevity fail to do adequate justice to the complex history of Indian Muslims, but also is also inaccurate because there are no links to Ismaili Shias. A more recent article by Schell (2000) is equally superficial and inadequate.

This article has relied on a wide range of sources, including archival material, especially for the earlier periods, newspapers, particularly Indian and Muslim newspapers, pamphlets and other ephemerals, and interviews. Its premise is that the beliefs and traditions of Indian Muslims are not uniform and timeless. As Kramer (2000:57) has argued, historians should not see Islam and Muslims as a:

> distinct and homogeneous entity that is essentially defined by normative texts, i.e. the Qurán as divine word and the Sunna, or tradition of the Prophet Muhammad. For the unreformed orientalist, Muslims are sufficiently defined by their being Muslim. Little does it matter whether they live in Kuala Lumpur, Cairo or Karachi. They are overdetermined by Islam .... Scholars now insist on the openness of historical processes that are neither linear nor homogeneous, focusing on countervailing forces to megatrends such as industrialization, modernization or globalization. They highlight intra-cultural variation rather than uniformity, intra-societal conflict rather than harmony, fragmentation rather than coherence.

This article will explore change, conflict and choices made by Indian Muslims as they set about establishing Islam in a colonial setting, the process of negotiation that this entailed with non-Muslim Indians, whites and Africans; divergent religious practices and rituals; and the impact of changing political and economic conditions on religious beliefs, practices and identities.

Mosques, Mawlana and Muharram: Islam in Colonial Natal 1860-1910

The majority of Indian Muslims arrived in Natal between 1860 and 1911 as contract indentured workers or pioneer traders. Indentured migration lasted between 1860 and 1911, by which time 152,641 Indians had come to Natal. Approximately 7-10 per cent (10-15,000) were Muslim[3]. The indentured Muslim population was characterised by diversity of religious tradition, caste, language, ethnicity and culture as migrants were drawn from a range of ecologies and modes of production. Traders from Gujarat on the west coast of India began arriving in Natal from the mid-1870s at their own expense and of their own volition. The majority of traders were Muslims, either Memons from Porbandar in Kathiawar or Sunni Bohras from Surat who spoke Gujarati. While the exact number of traders is not certain, the Wragg Commission approximated their number to be around one thousand in 1887 while Maureen Swan (1985:2) estimated that the number of Indian traders averaged around 2,000 between 1890-1910.

Indian Muslims were a minority within a minority. According to the 1904 Census, of 100,918 Indians in Natal, 9,992 (9.901 per cent) were Muslim, the overwhelming majority (72 per cent) of whom were male. There was a great degree of internal differentiation among Natal Muslims. While the most obvious distinction was between traders and indentured migrants, neither traders nor indentured workers comprised a homogenous group. Muslims traders were incorrectly called 'Arabs' because most adopted the Middle Eastern mode of dress. They themselves emphasised this distinction to obtain equality with whites on the basis of Queen Victoria's 1858 Proclamation that asserted the equality of British subjects (Bhana & Brain 1990:65). This class distinction among Indians was evident to the authorities. In a confidential report to the Durban Town Council (DTC) in 1885, police inspector

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[3] Details were very kindly supplied by Professor Tom Bennett and Professor Joy Brain who are compiling an inventory of every indentured Indian. This figure is an approximation as it is made up of those who listed their caste as Muslim, castes that were entirely Muslim and names that suggested that the immigrants were Muslims. Of 130,000 immigrants analysed, there were 7874 Muslims, comprising of 4958 males, 2418 females, 233 girls and 248 boys.

Richard Alexander (1885) pointed out that the 'Arabs will only associate with Indians so far as trade compels them to'. In fact, Gujarati Muslims had more in common with Gujarati Hindus than they had with indentured Muslims. George Mutukistna, a free Indian, testified before the Wragg Commission that 'caste feeling... is kept up by the Indian merchants, who think themselves better because they are rich and think that, by observing caste distinctions, they can set themselves apart from the Natal Indian people' (Wragg Commission 1885:393). Muslim traders considered themselves 'high-class'. They were largely endogamous and did not intermarry with Muslims from an indentured background that they disparagingly referred to as 'Calcutteas', Calcutta being one of the ports from which indentured Indians departed for Natal.

Indentured Indians and Islam

In terms of the contract that they signed, indentured workers agreed to work for five years for the employer to whom they were allocated. Swan (1985) and Henning (1993) have chronicled the appalling conditions that indentured workers were subjected to. Swan concludes that 'there is a solid weight of evidence in the Protector's[4] files to suggest that overwork, malnourishment, and squalid living conditions formed the pattern of daily life for most agricultural workers' (1985:26). The experience of indenture militated against maintenance of culture, religion and caste. The long wait at the depot in India, the cramped journey to Natal, and delays in Natal while immigrants were inspected, would have made it difficult to observe the many everyday rules and rituals that are part of Islam (Buijs 1992:7). In the absence of oral or written histories it is difficult to be precise about the form and content of Islam among indentured Muslims. However there is evidence in the files of the Protector that on an individual level, many Muslims displayed 'Islamic awareness'.

The most important 'religious' activity of indentured Muslims was the Muharram festival. It was held on the tenth of Muharram, the first month in the Islamic calendar, to commemorate the martyrdom of Imam Hussain, the grandson of the Prophet Muhammad, who was killed in battle on this day. Hindus also participated in large numbers. Deputy Protector Dunning noted in his 1910 Annual Report that the festival is 'always well attended by Hindu indentured workers although it is a Mohammedan occasion of mourning'. In fact, the three days annual leave to which indentured Indians were entitled by law was granted to all Indians during this festival. Preparations began at least two weeks prior to the festival as bamboo and other

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[4] Following complaints by returning Indians about their treatment, a Protector of Indian Immigrants was appointed in 1874. Indentured Indians could lodge their complaints to him. In practice he was powerless since he was an employee of Whites.

materials were collected to build the tazzia, a miniature mausoleum constructed in wood and covered in coloured paper and gold and silver tinsel. On the tenth, groups of people pulled tazzias by hand, all the while singing songs to the memory of Hussain, beating on drums, dancing wildly or carrying out stick fights. There was always a strong police presence because the festival often ended with the spilling of blood. Despite strong disapproval from the local state as well as middle class Indians, Muharram remained a central part of the Islam of indentured workers and their descendants. Muhurram provided an opportunity for developing and expressing a self-conscious local community identity. But Muharram also signalled the participation of Indians in a larger collective by drawing them together, and played an important role in fostering a wider common identity, 'Indian-ness', in relation to whites and Africans.

Social and economic conditions would have made it difficult for indentured Muslims to fulfil the many requirements of Islam. For example, because of the shortage of Muslim women the Protector registered 115 marriages between Muslims and Hindus between 1872 and 1887 (Wragg Commission 261). Muslims and Hindus lived on the same plantations, shared the same housing, experienced the same difficulties and reacted in the same manner to oppressive social and economic conditions. The files of Resident Magistrates and the Protector are replete with examples of Muslims engaging in crime, desertion, rape, adultery, and so on. Indentured Muslims were widely dispersed, hence the task of establishing mosques, madrasahs and other aspects of institutional Islam were difficult given the long hours, oppressive conditions and meagre wages. The files of the Protector make no reference to Muslims fasting, praying or observing the festivals of Eid. In the absence of contemporary records or oral history it is not possible to construct with certainty these aspects of the indentured Muslim experience in Natal.

The arrival of Soofie Saheb in 1895 had important consequences for indentured Muslims and their descendants. Soofie Saheb, full name Shah Goolam Mohamed, traced his genealogy to Abu Bakr Siddique, the first Caliph of Islam (Soofie & Soofie 1999:45). Soofie Saheb was born in 1850 in Ratnagir, about 200 kilometres from Bombay. He studied under his father and qualified as an alim (scholar of Islamic law). When his father died in 1872, Soofie Saheb was appointed to succeed him. In 1892 he became the murid of Habib Ali Shah, a Sufi in the Chisti order (Abbas Rizvi 1978:114). In 1894 Ali Shah sent Soofie Saheb to South Africa to propagate the Chisti Silsila (tradition). According to oral tradition, shortly after he arrived in Durban in 1895, Soofie Saheb proceeded to the Brook Street cemetery where he meditated until he located the grave of a 'holy man', who was given the title 'Badsha Pir' ('king of the guides'), around which a tomb was built (Soofie & Soofie 1999:56). Despite Badsha Peer's underdeveloped biographical profile and unclear biological genealogy his tomb continues to attract large numbers of Muslims and Hindus who believe that praying in the presence of a saint was 'much more likely to

be efficacious' (Robinson 1983:189). The promptness with which Soofie Saheb erected the shrine is consonant with Sufi practice. As Bayly has pointed out, migrating devotees build 'new shrines, inspired by the belief that each was an equally potent repository of barakat'. Migration results in a 'widening and intensification of the original cult tradition, and certainly not a turn towards a more 'universal' or transcendent faith devoid of shrines, magical intercessory power and all other features of the pir cult (Bayly 1989:93f).

Soofie Saheb purchased land in Riverside on the banks of the Umgeni River where he built a mosque, khanqah (teaching hospice), madrassah, cemetery, orphanage and residential home on this site. Between 1898 and his death in 1911 Soofie Saheb built mosques, madrassahs and cemeteries all over Natal: in Springfield and Westville in 1904, in Overport in 1905, in Kenville and Sherwood in 1906, in Tongaat in 1907, Ladysmith and Colenso in 1908 and Verulam and Pietermaritzburg in 1909 (Mahida 1993:44). These were situated mainly in rural areas and provided access to large numbers of working class Muslims. Soofie Saheb was instrumental in raising the levels of Islamic knowledge and consciousness among indentured Muslims and their descendants. As a result of Soofie Saheb the practice of pir-muridi became an established part of Indian Islam in Natal. Local Muslims believed that Badsha Peer and Soofie Saheb had special attributes of divinity and could bless the childless with children, cure diseases, prevent calamity and so on. Soofie Saheb also organised activities throughout the lunar year. The birth and death of the Prophet and great saints were commemorated at the shrine of Badsha Peer. Soofie Saheb's methodology was one adopted by religious leaders elsewhere in India who accommodated themselves 'to local needs and customs... gradually building a position from which they might draw people into an Islamic milieu, and slowly educating them in Islamic behaviour' (Robinson 1983:192). Soofie Saheb created an environment that resonated with the beliefs of his constituency. It was on the basis of these common practices that an Islamic tradition eventually took shape amongst working class Muslims in Natal.

The Islam of traders

The situation was different with traders who set about building mosques shortly after their arrival in Natal. The Jumuah Musjid in Grey Street, built in 1881, remains the largest mosque in the southern hemisphere. It was built on the initiative of Aboobakr Amod, a Memon from Porbander who settled in Durban in 1874. The Jumuah Musjid has come to be known among Muslims as the 'Memon Mosque' because the majority trustees have been Memons who financed the building and upkeep of the mosque. Since 1905 trustees have comprised of five Memons, two Surtis, one Kokan and one 'colonial-born', that is, a descendent of indentured Indians (Sulliman 1985:10). This

is an indication of the depth of ethnic and caste differences among Muslims. Sectionalism explains the decision of Surti traders to build a separate mosque in 1885, just half a kilometre away in West Street (Jamal 1987:13). The first trustees were Ahmed Mohammed Tilly and Hoosen Meeran who, as per the constitution, were 'natives from Rander, Surat, in the Presidency of Bombay'. This indicates the corporate outlook of Surti's[5]. The amended constitution of 1899 stipulated that the mosque was for the use of 'Sunni Mahomedan worshippers from the District of Surat'. It broadened the base from which trustees could be drawn. While at least two had to be from each of Rander and Kathor, other trustees could originate from other parts of Surat so they long as they were Sunni Muslims, 'a storekeeper having a business in the Colony of Natal or connected with any such business in the capacity of General Manager' and had subscribed at least £25 pounds to the Mosque Trust[6]. Imams were appointed by mosque committees. As their paid employees they led the prayer and taught Islam but exercised limited authority over the Muslim community.

In addition to language and culture, religious practices also divided Memons and Surtis. Memons placed great emphasis on visitation of shrines. In India, those with wealth visited Baghdad to pray at the shrine of Abdul Qadir Jailani (d. 1165), considered the greatest saint in Islam. Those who could not go to Baghdad visited the shrines of Shah Alam at Ahmedabad or Miran Sayad Ali Dattar at Unja, 50 miles north of Ahmedabad[7]. According to an elder Memon, their strong faith in pirs is an expression of gratitude to saints for converting them to Islam (Moomal 1996:vi). Memons trace their origins to Sayad Kadiri of Baghdad, fifth in descent from Abdul Kadir Jailani. They believe that Kadiri was ordered in a miraculous dream in 1421 to set sail for Sindh and guide its people to Islam, and that this blessing is responsible for their success in trade (*Gazetteer* 1899:50f). While Surti's were also Sunnis of the Hanafi inclination, contemporary reports in India suggest that the influence of nineteenth century reform movements in India were filtering down to them. An 1899 report noted that they were 'rapidly shedding remnants of Hindu practices as a result of the activity of missionaries' (*Gazetteer* 1899:61). They 'were transferring their

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[5] Deeds of Transfer Constituting the Juma Musjid Sunat Jamat Amjuman Islam, Durban, 25 November 1893.

[6] Deeds Constituting the Surti anjuman Juma Masged, 16.1.1899.

[7] *Gazetteer*, 1899:56. Muin-ud-din was one of the panj pir ('five pirs') who are considered the five great Chisti Shaykhs; the other four being Nasir al-din, Nizam al-din, Farid al-din and Qutb al-din. Muslims from the Chisti sufi order from all over India visited Ajmer from the fourteenth century even though this was a dangerous undertaking because of the terrain and danger of armed robbery. Most of these pilgrims came dressed in pilgrim garb (ihram-I-ziyarat) and a few even professed bay'at at the grave even though the saint was dead (Digby 1983:97).

reverence to the new preachers who have become the leaders in religious matters'; women were changing their dress to 'Muslim fashion'; there were fewer public dinners; less extravagant expenditure on marriage, death and other ceremonies; and music was no longer played at weddings[8]. The Islam of traders centred on the mosque and two festivals of Eid. Aboobakr Amod told the Wragg Commission that 'the two Ids of Ramadan and Hajj' were the 'only' festivals observed by Muslims and that these days should be set aside as public holidays (Wragg Commission 389). The boisterous festival of Muharram did not have the same importance for traders as it did for working class Muslims. In comparison, Eid was a sober and temperate affair.

Race, class and religion

Natal's Muslims developed along separate trajectories. Traders did not attempt to forge a broader Muslim community on the basis of Islam. Their concern was to protect their economic and political rights in Natal and they forged class alliances with Hindu traders who were similarly affected. Indian traders who threatened their dominance of local trade aroused the hostility of Natal's whites (Wragg Commission 131). Once Natal achieved self-government in 1893 laws were passed to regulate Indian access to trading licences, deny Indians the municipal vote and control Indian entry into Natal. Merchants formed the Natal Indian Congress (NIC) in August 1894, whose strategy was primarily constitutional, dominated Indian politics. Each of the NIC's six presidents between 1894 and 1913 was a prominent Muslim merchant (Bhana 1997:12). The NIC was a tool of the Indian elite and concentrated on protecting their economic and political interests. While Memon and Surti disagreed in religious matters, they worked closely in political affairs as a result of their common class interests.

Politically and socially, Muslim merchants mingled with their Hindu counterparts rather than working class Muslims. For example, Muslims attended the middle-class Hindu festival of Diwali. In 1907 Hindu merchants arranged a Diwali celebration at the premises of a Muslim, Abdool Latif, which was attended by non-Hindus like Sheth Rustomjee and Dada Osman (*Indian Opinion* 16 November 1907). In 1911 Muslims like Dawad Mahomed, M.C. Anglia, and Ismail Gora attended Diwali celebrations. Mahomed considered the unity and 'happy gatherings' between Hindus and Muslims 'an excellent thing' (*Indian Opinion* 21 October 1911). When a dinner was held to bid farewell to Omar Jhaveri, a Muslim intimately involved in local politics, who was departing to India on account of ill-health, the reception was attended by Muslim, Hindu and Christian elites. In his speech, A Christopher 'bore testimony to his

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[8] *Gazetteer of the Bombay Presidency*, Musalmans and Parsis Vol. IX, Part II. (Bombay: Government Central Press, 1899), 61.

(Mr. Jhaveri's) catholicity of spirit in the community life of the Indian in this country, making no distinction against any of his countrymen on the grounds of religion and working for the upliftment of them all' (*Indian Opinion* 2 September 1914). The relationship between Muslim traders and workers was mainly economic, causing the 'African Chronicle' (14 October 1914) to chide merchants for 'hugging to themselves the delusion that their fate is not bound up with the ordinary labourer.... Many are indifferent to the sufferings of the labouring class'.

A similar tendency developed among working-class Hindus and Muslims who shared a history of indentured labour. Both were recruited to work on plantations, came from the same districts of India, spoke the same languages, shared local traditions in India, and had similar backgrounds as peasants, tenant farmers, artisans and agricultural workers. In Natal, the behaviour of working class Muslims was not much different from that of their Hindu counterparts. The files of the Protector of Indian Immigrants and Magistrates' Reports abound with examples of Muslims guilty of assault, rape and other crimes. The list is endless and illustrates the fact that traders and indentured Muslims came for different reasons, from different social and economic backgrounds, and established themselves in different milieus in the local colonial setting, which impacted on their understanding and observance of Islam. Indian Muslim society in Natal was dominated by elites and riven by cleavages due to class, the urban/rural dichotomy, language, variance in modes of migration, and region of origin. There were fundamental differences in practice, belief and definitions of 'true' Islam. The identities of Muslims were left in tension because of the difficult to assert a transcendent Islamic identity.

While Indian Muslims had 'hybrid' identities relating to language, class, ethnicity and religion, the most important identity in the political realm was race. The emergent white state felt economically, socially and politically threatened by Indians, who were consequently treated legislatively as a homogenous entity, separated into a discrete racial category and subdued on the basis of that category. Use of the appellation 'Indians' inferred that the attribute 'Indianness' united them as a collectivity in opposition to whites and Africans. According to Bhana, in the 'unique circumstances in which the notion of 'Indianness' became crystallised in South Africa, it became racialized in the creation of White supremacist rule' (Bhana[a] 1997: 100). Indian community formation was a complex construction historically fashioned out of disparate peoples. It was discursively constituted by struggles among Indians, and between them and whites and Africans. The privileged economic position of Indian traders was neutralised by racist policies that placed them in the same situation as workers. Politically, this forced a 'made-in-Natal' consciousness, a fact emphasised by Imam Bawazeer, a Muslim priest, when he was departing for India in 1915:

We are all Indians in the eyes of the Europeans in this country. We have never drawn distinctions between Mahomedans and Hindus in public matters. Mahomedans, like the Hindus, look upon India as our Motherland, and so is it a matter of fact, and when it is a matter of serving India, we must set aside any differences and be united (*Indian Opinion* 3 December 1915).

Urbanisation, poverty and community: Pre-apartheid South Africa, 1910-1948

The four decades after 1910 were witness to important developments. These included the rapid urbanisation of Indians, extensive poverty among them, formation of education and social welfare institutions by traders to take care of their working-class counterparts, and increasing hostility by the state. The overwhelming majority of Indians remained Hindu. According to the 1936 Population Census, for example, 81% of Natal's Indians were Hindu and 14% Muslim. In Durban 70,272 (79.64%) Indians were Hindus and 13,009 (14.74%) were Muslims out of a total Indian population of 88,226 in 1946 (SAIRR 1946). It is therefore difficult to separate the Muslim experience from the Indian one. By and large, Muslims existed as Indians; being Indian was the primary identity in the public sphere.

The availability of African labour rendered Indians superfluous in farming, mining and the public sector. When the Indian Legislative Council banned indentured emigration to Natal from July 1911, employers turned to African labour and the numbers of Indians dropped on Natal's mines, the railways, in general farming and on sugar estates. This spurred the urban-ward migration of dispensable Indian labour. In Durban, for example, the number of Indians increased from 17,015 in 1911 to 123,165 in 1949. As a percentage of Durban's population Indians increased from 23 to 33 per cent (Housing Survey 1952:35). Unemployment and low pay resulted in wide-scale poverty among Indians. While the depression of 1929-1933 was a significant cause, the situation was exacerbated by the White Labour Policy, which resulted in a drop in Indian employment in industry and the municipality. The majority of Muslims, being descendents of indentured Indians, experienced difficult conditions in the urban milieu. Extensive poverty was a pervasive feature of Indian life in Durban. A 1941 survey found that 36% of Indian families in Clairwood were in debt, 38% barely made ends meet and only 26% were able to save money (Sykes 1941:54). The University of Natal reported in 1943/44 that 70.6% of Indians were living below the poverty datum line and that 40% were destitute. A six-year study of the clothing industry reported in 1944 that 90% of Indians suffered from malnutrition (*Daily News* 8 June 1944). Poverty manifested itself in the diseases that afflicted Indians. For example, G.H. Gunn, Durban's Medical Officer of Health, reported in 1935 that higher disease and death rates among Indians were due to the 'low standard of living conditions which poverty imposes upon those sections of the population; ...

slum housing, overcrowding and defective nutrition combine to create a favourable climate for the spread of disease (*Indian Opinion* 31 January 1936).

Throughout this period the government focused on repatriating Indians. A round-table conference between the South African, Indian and Imperial governments in 1927 introduced a system of voluntary repatriation. At the same time an Agent was appointed by the Indian government to oversee the upliftment of Indians who remained in South Africa (Pachai 1971:108). The policy failed because few Indians were willing to repatriate. The government, for its part, did nothing to improve the condition of Indians. This was left to private agencies administered by Indians. Muslim traders were prominent in a wide number of organisations that cut across religious and ethnic lines. Haji Dawood Mohamed, for example, was secretary of the NIC, trustee of the West Street Mosque, member of the Rice Advisory Committee formed during the First World War rice shortages, as well as a member of the 1917 Floods Committee. When he died, Hindu and Muslim businesses shut for the day as a mark of respect. An obituary in a Hindu newspaper pointed out that 'his heart ever pulsated for the welfare of the entire Indian community. He was a truly and thoroughly patriotic man; ... his genuinely ardent patriotic zeal to lift up his compatriots ever commenced him to the community' (*Dharma Vir* 29 August 1919). When M.E. Lakhi, another Muslim trader heavily involved in community work, died in 1941, Sorabjee Rustomjee noted in his eulogy that 'he knew no communalism. He was first an Indian and always an Indian .... The vast concourse of Muslim, Hindu, Parsee, and Christian Indians that followed the funeral was a striking testimony to the esteem and respect that he was held by all (*Leader* 25 October 1941).

M.A. Motala, who arrived from India in 1903, and started out as a small retailer, was one of the richest merchants by the time of his death in 1957. In 1922 he founded a school for the children of employees of the Durban Corporation. In 1939 he established the M.A. Motala Boys Hostel near Pinetown for delinquent Indian boys between twelve and eighteen. He was also the second largest contributor to the Sastri College and donated land to the Natal Indian Blind Society in 1945 for the building of a Home and Vocational Training Centre (Mahida 1993:68f). The R.K. Khan Hospital treated large numbers of patients annually at clinics in Somtseu Road, Clairwood and Sea Cow Lake from the mid-1930s. In 1943, for example, 43,917 Indians were given free treatment (*Leader* 6 February 1943). This was made possible by the philanthropic gesture of Advocate R.K. Khan who was born in Bombay in 1874, educated in England and brought to South Africa in 1895 by Gandhi. During his stay in Natal he acted as leader of the Ambulance Corps during the Anglo-Boer war, was joint-secretary of the NIC for many years until his death in 1932, president of the Orient Club, trustee in educational and Charity Trusts, and a generous contributor to educational projects. He bequeathed £40,000 for establishing hospitals and dispensaries for Indians (*Indian Opinion* 14 October 1932). The clinics evolved

into a fully-fledged hospital, which was opened in Chatsworth in 1969 with facilities for training doctors and nurses, as well as conducting medical research. One Muslim who played a critical role in education was Mulukmahomed Lappa (M.L.) Sultan who was born in Malabar, South India, in 1874, and came to Natal as an indentured labourer in 1890. He worked as a railway porter for the Natal Government Railways. When he completed his indenture in 1895 he went to the Transvaal where he worked as a waiter. After his marriage in 1905 he took up banana and tobacco farming in Natal. When his wife died in 1933 Sultan established the Mariam Bee Charitable and Educational Trust in her memory with a contribution of £100,000 to promote cultural, educational spiritual and economic activities among Indians in Natal 'irrespective of creed, caste or religion' (*Leader* 27 August 1949). Sultan was responsible for the first tangible development in technical education among Indians as a result of his donation of £17,500 in January 1942. He doubled this just prior to his death in 1953. The M.L. Sultan Technical College is one of the largest technikons in South Africa (Mahida 1993:81).

As far as education was concerned, religious training rather than secular education was a priority. Muslims received formal religious education from a young age at madrassahs attached to mosques. For example, the Durban Anjuman Islam School, attached to the West Street Mosque, was opened in 1909 (*Indian Opinion* 5 February 1910). Similarly, a madrassah attached to the May Street Mosque had an average daily attendance of 79 in 1920 (*Indian Opinion* 15 April 1921). A.M. Lockhat, proprietor of a large wholesale and import business, established the Hajee Ahmed Mohammed Lockhat Wakuff (Trust) in 1922, which founded madrassahs in many parts of Durban. According to Bawa, madrassahs taught Gujarati, Urdu and Arabic in addition to the tenets of Islam. For example, the Stanger Madrassah had three teachers who taught these languages to 124 pupils[9]. Very few Indian children had access to secular education. In 1930, for example, only 30.9 per cent of children of school-going age attended school (Henning 1995:138). It was only during the 1940s and 1950s that leaders like A.I. Kajee and A.M. Moolla attempted to combine religious and secular education and opened the South Coast Madrassah State Aided School, Ahmedia State Aided Indian School, Anjuman Islam State Aided School and Orient Islamic High School for this purpose.

Muslim organisations
For most of this period, Muslim organisations were confined to localised areas and took care of parochial needs. These included bodies such as the *Iqbal Study Group, Orient*

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[9] SAR, BNS 902 A/1675, 8 May 1926, Stanger Madrassah to Principal Immigration Officer.

Islamic Educational Institute, Young Mens Muslim Association, May Street Muslim Jamaat, Isipingo Muslim Social Group and *Ahmedia Madressa.* The first umbrella Muslim organisation, the *Natal Muslim Council (NMC),* formed in April 1943, was the brainchild of Advocate Ibrahim Bawa who was born in India in 1915 and came to South Africa at the age of four. He completed a BA degree at Wits University in 1938, a rarity for an Indian at that time, and qualified as a barrister at Lincoln's Inn, England, in 1941. According to Bawa, when he returned to Durban 'he was struck by the lack of common vision and properly trained hafiz and ulama among Muslims' and was determined to form an organisation to attend to the needs of Muslims in a coherent manner. Together with A I Kajee, the most prominent moderate Indian politician during the 1930s and 1940s, Bawa travelled all over Natal to drum up support for a body to speak with one voice for Muslims. The NMC eventually represented 22 organisations. At the first meeting chaired by Bawa, an Executive Committee comprising of A I Kajee as president, Bawa and M.S. Badat as secretaries, and M.A. Motala, A.M. Moolla, E.I. Haffejee and A.B. Moosa as vice-presidents, was formed. There was only one Mawlana on the committee, Mohammed Bashir Siddiqui. The others were traders who were also involved in sports and community organisations. The Council focused on propagation, culture, social welfare, secular and Islamic education, and finance (Interview 20 January 1999).

That the NMC, dominated by traders and professionals, was the main voice of Muslims, is indicative of the lack of power of ulama. A I Kajee, president of the NMC, was a moderate politician who served on many charitable organisations and mosque committees. He was secretary of the NIC and SAIC, manager of the May Street Indian School, secretary of the Indian Child Welfare Society and was connected to virtually every public movement in relation to Indians. According to Mr G.M.R. Kajee was a regular at the Salisbury Club in Umgeni Road where his favourite past-time was snooker. Writing about Kajee, Pauline Podbrey (1993:94f), a white member of the Communist Party in Durban, recalled that during the 1930s and 1940s:

> One place where H.A. [her fiancee] and I might have gone together was A.I. Kajee's luxurious house. His candle-lit dinner parties were posh affairs, with damask tablecloths, sparkling wine glasses, polished silver. One dressed up to go there and the men behaved with courtesy and charm .... But H.A. wouldn't hear of it. Kajee was his political adversary. More than that, he didn't trust his intentions towards me. H.A.'s distrust of Kajee expressed itself in other ways too. I was employed by Kajee. Afterwards Kajee would invite me for a drink or offer me a lift to wherever I wanted to go. H.A. wasn't happy so he took to dropping in at Kajee's office and waiting for me to finish my work.

Kajee was not the exception. E.I. Haffejee, a committee member of the NMC, was the president of the Durban and District Football Association and helped to form the Muslim Youth Brigade in 1934 with Mawlana Abdul Aleem Siddiqui. The brigade included girls and music, both of which would later be proscribed by the ulama. According to Mr O.V., a band member, they performed during the Prophet's birthday, when Muslims departed for pilgrimage to Makkah, when prominent personalities visited Durban and during weddings. On festive occasions the streets of Durban were decorated with flags, buntings and decorative streamers. Thousands of Muslims lined the streets to watch the brigade march to the Grey Street mosque where the Mayor of Durban or other prominent whites, local Mawlanas and community leaders addressed the gathering from a podium especially erected outside the Jumuah Mosque in Grey Street.

Muslim leaders were involved in a host of activities running the gamut from sports and social welfare to education. According to one informant, Mr G.M.R., a regular at West Street mosque from the 1920s, decisions affecting Muslims, such as when to celebrate Eid, were made by E.M. Paruk, a prominent trader. To cite another example, in 1949 the Durban City Council (DCC) prohibited the slaughter of animals in private premises during the festival of Eid, a tradition practised by Durban's Muslims since 1860. The fight against the DCC by agitated Muslims against what they considered a wanton attack on their religious freedom was taken up by trader elites rather than the religious clergy. The split over this issue among Durban's Muslims reflected political divisions. A M Moolla and moderate traders preferred to negotiate with the DCC, while A I Meer and the ANC-aligned NIC called for a boycott of the abattoir and for Muslims to send monies abroad to India or Saudi Arabia to slaughter animals until the DCC changed its attitude (*Indian Views* 5 October 1949). While the DCC only changed its position in 1953, this incident demonstrates that leadership was provided by traders rather than traditional ulama. The little that is known about the ulama suggests that they were very orthodox in their thinking. This is illustrated, for example, in their attitude towards the sighting of the new moon which determined the day of the Eid. Thirteen leading ulama decreed in Durban on 4 November 1934 that news of the sighting of the moon received via the telephone, telegram, or wireless message could not be accepted. Such information had to be conveyed personally by the individuals sighting moon[10].

Formally trained ulama were in a weak position because they operated as individual employees of mosque committees. The South African government prohibited Indian immigration from 1914, except for ten 'Exempted Educated Entrants' annually. Mosque committees had to apply for permission from the Immigration Department to import religious educators. Successful applicants were allowed into the country for a probationary period of twelve months which was renewable annually. Permission was only granted when it was shown that a suitable person could not be obtained locally. For example, when seeking a replacement for the deceased Moulvi Matiola Amanulla, the Stanger Madrassah emphasised that advertisements had been placed in '*Indian Views*, an Indian newspaper printed and circulated in Natal, but there was no response'[11]. The West Street Mosque likewise imported Shaik Saith Nagar from the Cape in May 1919[12]. The Immigration Department insisted that permission be confirmed before the individual departed from India. For example, Moobin-ul-Hak and Ahmed Mohammed Vahed departed from India in November 1917 before permission was received from the Immigration Department. They were stranded at Delagoa Bay because G.W. Dick, Principal Immigration Officer, Natal, refused to allow them into the country[13]. ulama were dependent on their employers to renew their permission annually. In June 1917, for example, the trustees of the West Street mosque appealed to the Minister of the Interior to renew the visiting pass of Tajammal Hoosen[14]. These India-educated ulama, with minimal command of English and in totally foreign surroundings, were totally dependent on their employers and too weak to organise to protect their interests or articulate a coherent position.

Islam was a taken-for-granted aspect of the lives of most Muslims who were tolerant and broad-minded in their practices. Muslims accommodated a wide range of practices, including those associated with folk Islam, which was the Islam of the majority of Durban's Muslims. Muslims who did not partake directly in activities such as Muharram engaged as observers. Muharram remained a pivotal part of Islamic practice. There were literally hundreds of applications each year from Durban's Muslims to organise the festival which was spread over several days. Essop Khan's

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[10] Indian Views, 7 November 1934. The thirteen Mawlanas were Abdul Rehman Ansari, Pietermaritzburg; Ahmed Mukhtar Siddiqui of Durban; Mahomed Abdul Kadir Afriki of Durban; Abdus Samad of Durban; Sayyed-up-Haq of Verulam; Mohamed Yousuf of umzinto; Sayed Serfuddin of Durban; Abdul Karrim of South Coast junction; Hazrath-ud-Deen of Stanger; Sayed Abdul Kadir of Durban; Abdul

Vahed Punjabi of Durban; Mohamed Abdul Aleem Siddiqui of Durban and Sulaman Mohammed Kafletvi of Durban.
[11] SAR, BNS 902 A/1675, 8 May 1926, Stanger Madrassah to Principal Immigration Officer.
[12] SAR, BNS 902 21/A/461, 26 May 1919, Principal Immigration Officer (Natal) to PIO (Durban).
[13] SAR, BNS 902 21/A/461, 26 November 1917, Principal Immigration Officer (Natal) to PIO (Durban).
[14] SAR, BNS 902 21/A/461, 18 June 1917, E.M. Paruk to Minister of Interior.

October 1949 application was typical. He requested permission to hold the Muharram festival from 18 to 23 October. Festivities included nightly street processions from until 11 pm, a fire walking ceremony at Khan's home in Sea Cow Lake and the final procession that made its way to Umgeni River[15]. Opposition to Muharram did not come from ulama who considered these practices contrary to Islam, as would be the case later, but from educated and trader elites embarrassed by the raucous processions. Chief Constable Graham interviewed seven 'better class Indian persons' in July 1949, all traders, who told him that the procession was 'definitely against the Mahommedan Religion' and that they would give the police their 'whole-hearted' support in stopping it[16]. The meeting was followed by a letter from E.I. Haffejee and the NMC that stated:

> To our utter dismay and concern we note that some people instead of actually mourning the event actually rejoice. Pagodas are brightly decorated and conveyed through the streets of Durban. Usually music, the beating of tom toms and tiger dancing accompany the procession and this generally initiates drunkenness, fighting and rowdiness. Most of the participants in these celebrations are Africans, Coloureds, Hindus and Moslems of the ignorant type.... We strongly feel that the Islamic religion is being ridiculed and the Moslem community disgraced before the eyes of others. We now appeal to you to refuse to issue these permits and thus do away with this religious farce[17].

The call for action was in vain. Muharram remained a central part of the lives of the majority of Muslims until education, economic mobility and a concerted crusade from reform-minded ulama in the 1970s reduced and/or changed the form of participation in the festival.

For the most part, Hindus and Muslims lived in harmony. Recalling life in Durban in the 1930s and 1940s, Harry Sewlall recalled that:

> ... what was remarkable was the camaraderie that existed between Muslims and Hindus, who lived cheek-by-jowl with one another. I was not aware of

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[15] NAR, 3/DBN, 4/1/4/1093, D.E. Khan to Town Clerk, 3rd October 1949.
[16] NAR, 3/DBN, 4/1/4/281, Sergeant Graham to Chief Constable, 7 November 1949. The seven were A.E. shaikh of 339 Pine Street; A.M. Moolla of Lockhat Brothers; S. M. Lockhat of Lockhat Brothers; I.A. Kajee of 37 Albert Street; M.A. Lockhat of Commercial Road; E.I. Haffejee of the Natal Muslim Council and the Mawlana (High Priest) of the Grey Street Mosque.
[17] NAR, 3/DBN, 4/1/4/281, Natal Muslim Council to Chief Constable, 10 July 1949. The letter was signed by E. Haffejee, C.A. Kajee, C. Asmal, H. Badah and A. Motala.

any differences between us. In my family, we referred to our elderly Muslim neighbours as 'mausi' (aunt) and 'mausa' (uncle) (*Sunday Times Extra* 12 December 1999).

Muslim leaders largely overlooked religious distinctions. For example, at a meeting to mark Indian Independence Day, A.I. Kajee, a Muslim, made it clear that they,

> ... were not assembled as Hindus, Christians and Muslims but as Indians. The religious politics of India have not been imported into South Africa. Indians in this country must be Indians alone and not Mussulmans and Hindus (*Leader* 30 January 1943).

At the same time, Muslims celebrated Jinnah's birthday annually and sent funds to him in his attempt to create Pakistan. At the 1946 celebration, for example, Kajee regarded Jinnah as a 'leader of the entire Muslim world'. Jinnah thanked them for the aid and emphasised that 'as far as South Africa is concerned it will be treated as an all-Indian problem and I will help the Indians as Indians and not as Hindus or Muslims' (*Leader* 5 January 1946). While Muslims celebrated the creation of Pakistan, Muslims and Hindus together celebrated the independence of India. At the 1947 Indian Independence celebrations in Durban, the NIC held a meeting in Durban at which the flags of both India and Pakistan were unfurled side-by-side with photographs of major leaders, including Jinnah (*Leader* 2 September 1947).

During the period 1910-1950 the majority of working class Indians moved from agricultural work into the rapidly growing manufacturing sector of Durban. As a result of the role that traders played in forming welfare and education bodies, the gap between them and working-class Indians closed. While a multitude of regional and sectarian identities coexisted, they were all 'Indians' in relation to Africans and whites. From the 1930s the focus of the state was on segregating Indians. The struggle over land was protracted and culminated in a passive resistance campaign by Indian between 1946-1948 (Bugwandeen 1991). This increased the distance between Indians and the [white] state. At the same time, the growing tension between Indian and Africans during the 1940s culminated in riots between Africans and Indians following a minor altercation between an Indian man and an African youth on 13 January 1949. In three days of rioting 142 people were killed and 1087 injured. That a minor incident escalated into a major riot was an indication of the depth of antagonism Africans felt against Indians in a climate where they competed for scare resources in trade, housing and transport (Edwards & Nuttall 1990). Tension with Africans on one hand, and the purely Indian political parties formed to fight wholly Indian struggles, brought Indian Muslims and Hindus together in the public sphere.

and helped to foster Indianness. This racial identity was cemented after the National Party (NP) came to power in 1948.

Institutions and Exemplars: The Apartheid Period, 1948-1994

The coming to power of the National Party (NP) government in 1948 had paradoxical consequences for Indians. On the one hand, segregation was intensified socially, politically and economically. At the same time, Indians were finally recognised as permanent citizens, and there was an expansion of educational opportunities and economic mobility. These socio-economic changes impacted on the form and practice of Islam. Younger, better educated Muslims challenged traditional conceptions of Islam at the same time that more conservative interpretations of Islam were introduced. The latter laid the basis for the emergence of traditional Ulama as an influential factor shaping local Muslim communities. In 1951 there were 367,000 Indians in South Africa; of these, 79,000 were Muslims who mostly resided in Durban. Only 6 per cent of Indians regarded English as their home language. Around 25 per cent of Muslims spoke Gujarati and the rest primarily Urdu. Economic mobility and residential segregation were the main features of Indian life after 1960 (Brijlal 1989: 29).

Residential clustering was pivotal role in consolidating Muslim values. Indian traders who began arriving from the 1870s could not compete with the established white businesses and established their shops on swampy land at the northwestern periphery of the city. When the Indian and white business areas impinged, whites used the 1897 Dealer's License Act to restrict the further expansion of Indian traders (Davies 1963:23). Residential areas were also segregated according to race in most parts of Durban. Clearly defined residential areas emerged either because whites were dissatisfied with the climate or topography or because of deliberate attempts by the local state to implement segregation. There was 91% residential segregation between Indians and whites in Durban in 1951 (Davies 1963: 37). Segregation was consolidated after 1948 through the Group Areas Act. In Durban, 140,000 Indians were moved from their original homes to new residential areas between 1950 and 1978. They were segregated in two large townships, Chatsworth and Phoenix, while areas like Reservoir Hills, La Mercy and Westville were made available for middle class housing (Butler Adam & Venter 1984:18). Segregation led to population density that allowed Muslims to build mosques, madrassahs, and community halls and practice Islam in a value-friendly environment.

Education played an important role in transforming Indian Muslims. Literacy levels were very low in 1950. The majority of Muslim children attended ordinary government secular schools. After the control of Indian education shifted to a Department of Indian Affairs in 1965, free and compulsory education was available

from 1970. The rapid increase in the building of schools resulted in adequate space for all children by 1983. This reflected in the numbers of children attending school. For example, the number of candidates who wrote the final year examination at secondary school level increased from 2,623 in 1968 to 10,449 in 1984 (Naidoo 1989:116). This was coupled with the opening of the University of Durban-Westville (1963) and expansion of the M L Sultan Technical College. The advantage taken by Indians of these opportunities is reflected in the fact that the number of Indians who regarded English as their home language increased from six per cent in 1951 to ninety-three per cent in 1996. Mass education was critical in reshaping conceptions of self and religion. It gave Muslims direct access to the printed word, thus threatening the special position of traditional ulama; it marked a shift from religion being 'taken-for-granted' to Islam being thought of as a self-contained system that could be distinguished from other systems; it cultivated debate among Muslims and the formulation of clear statements of belief in order illuminate sectarian distinctions. Islam became a subject that had to be 'explained' and 'understood'; rather than 'assumed'. This brought differences among Muslims to the surface (see Eickelman 1992).

Islamic Revivalism

There was a gradual change in the manner in which Muslims understood and practiced Islam. Islamic revivalism manifested itself among all sectors of Muslim society in Durban and resulted in larger numbers of Muslims introducing Islam into their lives in a more systematic way, propagating and or contesting the hegemony of their version of Islam, and reconstructing the relationship between faith, community and society. This part of the paper will focus on three broad traditions, modernist, Deobandi and Barelwi, that were influential in Durban. The resurgence of Islam among younger Muslims drew inspiration from the ideas of thinkers like Muhammad Iqbal (d. 1938) and Sayyad Qutb (d. 1966) who attempted to marry Islamic knowledge with modern secular knowledge to engage Western culture and thought. A forerunner of later movements was the Arabic Study Circle which began operating informally in 1950 and constituted itself into a formal body in 1954 with Dr. Daud Saleh Mall as president. The social base of Circle members comprised mainly of the descendents of Gujarati trading class families who could afford secular education locally and abroad. Further, these individuals also traveled to the Middle East for Hajj (pilgrimage) which brought them into contact with Muslims from other parts of the world. The Circle promoted the study of Arabic so that Muslims could consult the Quran and formulate their own interpretations without passively relying on the analysis of ulama. The Circle introduced annual speech contests for school children, trained madrassah teachers, established an Islamic library, introduced Arabic at schools from 1975, introduced Arabic (1963) and Islamic Studies (1974) as academic disciplines at the University of Durban-Westville, sent young students abroad to expose them to new ideas, and invited dynamic non-

ulama Muslim thinkers such as Joseph Perdue, an English convert to Islam, to live and lecture in Durban. For these actions, the Circle was heavily criticised by traditional ulama (Mahida 1993:71-74). The Circle also promoted religious tolerance and organised regular seminars on Judaism, Christianity, Hinduism and African faiths. Speakers included luminaries like Professor van Selms of the Department of Semitic Studies at the University of Pretoria, Rabbi Swift, then chief Rabbi of South Africa and author Alan Paton (Bhayat 1992:8f).

There were several other organisations with a similarly broad perspective. The Durban and District Muslim Association attempted to narrow the gap between Muslims and non-Muslims, and Indians and whites. It was led by E.H. Ismail, a trader who was also heavily involved in soccer administration. For example, when the annual celebration to commemorate the birthday of the Prophet was organised on 31 October 1955, Ismail invited speakers such as the Mayor of Durban, Vernon Essery, Professor Leo Kuper of Natal University and M B Naidoo, vice-principal of Sastri College. After garlanding the Mayor, Ismail told the audience: 'Our desire is to live in peace and to share our heritage with our fellow subjects who sympathise with these' (*Indian Views* 23 November 1955). The Iqbal Study Group, named after the great Muslim thinker Sir Mohamed Iqbal, was made up of young Muslims who met to discuss issues affecting the Muslim world. They were especially critical of rich Muslims and the ulama. At the 1965 Iqbal Day celebrations, G.H. Bhabha was shocked that one of the speakers, Abdullah Deedat, had stated that 'Moulanas are good for nothing. How can we expect our children to respect the Moulanas when such slanders are being hurled by mature men'. Cassim Abdullah also complained that 'the day was a monotonous sing song of hurling abuses at the rich, and slurring the molvies' (*Indian Views* 30 August 1965). A.S.K. Joomal, who organised the event, was unrepentant. He pointed out that Iqbal has said:

> many things against the ways, manners, preachings, and peculiar brand of the mullahs' Islam, and also the brutal, ruthless manner in which the affluent class has always exploited the poor. If the speakers have quoted from the Doctor's work on these topics thus showing the Doctor up as the defender of the poor and a crusader for TRUE Islam, what crime did these speakers commit? (*Indian Views* 23 August 1965).

Other groups included the African Muslim Society and Kemal Study Group.

While these organisations were critical of stagnant thinking among Muslims they were conservative politically. In comparison, the Muslim Youth Movement (1970) and Muslim Students Association (1974) actively challenged apartheid (Tayob 1995). They were founded by young professionals and businessmen such as Hafiz Abu Bakr, an advocate who had memorised the Quran, and who was one of the main spokesmen

during the formative years. It is no coincidence that he had spent a year in Cape Town where he was in close contact with the Cape Muslim Youth Movement (Tayob 1995: 107). The emergence of these organisations must be viewed in the context of the changing international Islamic environment where events such as the 1973 oil crisis, the 1978 Iranian revolution, ongoing Palestinian problem, and Russian invasion of Afghanistan in 1980 radicalised many Muslims. Like the Arabic Study Circle, the MYM invited Black and women speakers to its conferences. They included Fatima Heeran, a German convert to Islam, Dr. Rushud Din Malik, a black American Muslim, and activists like Dr. Ahmed Sakr and Ismail Faruqi from Temple University (Tayob 1995:108f). The MYM spawned a host of organisations such as the South African National Zakaat Fund (1977), Islamic Dawah Movement (1981), Association of Muslim Accountants and Lawyers (AMAL), Islamic Medical Association of South Africa (1981) and Islamic Relief Agency (1987) which attempted to make Islam meaningful in the day-to-day lives of Muslims in an organised, coherent and systematic manner.

The MYM's support was confined to the rapidly growing student and professional population. Among the mass of Muslims there was a growth of conservative tendencies that came to be termed 'Deobandi' and 'Barelwi'. 1968 probably marks the apogee of a tolerant and liberal Islam in Durban. In that year Durban's Muslims celebrated the 1400th anniversary of the revelation of the Quran. Over 20,000 Muslims gathered at Curries Fountain in August 1968 where the likes of Dr Mall of the Arabic Study Circle and A M Moolla, moderate politician and community leader addressed the gathering. Muslim children dressed in gorgeous, colourful costumes that represented the dress of fourteen different Muslim countries including Pakistan, Burma, Kashmir, Moghul India and Egypt; boys and girls recited 'qasidah' (songs) in honour of the Prophet; the Durban and Overport Muslim Brigades lent a special glamour to the occasion as they rendered a military display and led the thousands of Muslims in a procession through the streets of Durban; men, women and children performed their Friday prayers in the open at Curries Fountain, and joined together in lunch, singing and speeches (*Indian News and Views* 15 August 1968). In subsequent years activities such as singing, music, brigades, and men and women praying together were proscribed as a result of the growing influence of conservative ulama.

Deobandi Islam

Deobandi and Barelwi institutions have played an important role in shaping Indian Muslim opinion. Deobandi Islam became a force in India from the 1860s when certain ulama responded to British dominance by renewing spiritual life through teaching principles of early Islam. They targeted popular behaviour and claimed the right to interpret Islam for ordinary Muslims on the basis that only they had access to original Islamic sources. Deobandi schools remained aloof from political activity and the

state, focusing instead on ministering to the educational and religious needs of Muslims in an attempt to create a sense of cultural community (Metcalf 1982). Deobandi ulama were closely allied to the Gujarati trading class. According to Robinson the conflict between popular and reformist Islam was between an intercessory and otherworldly Islam, and one which is 'this-worldly' in which the human conscience is brought into full play for man to act on earth to achieve salvation. Reformist Islam required Muslims to be literate, and most who embraced reformism were located within the middle class and engaged in aspects of the modern economy (Robinson 1997). Institutionally, this tradition was represented by the Jamiatul Ulama Natal (hereafter Jamiat), established in 1952 to 'guide generally the Muslim public in complete consonance with the laws of Islam' (Mahida 1993:71). Deobandi Islam focused on eradicating practices associated with Muharram and the visitation of saints shrines, as well as reforming Indian customs related to marriage, funeral rites, dress and so on which had become part of Muslim practice.

Closely allied was the role of the Tabligh Jamaat, the transnational religious movement founded in India by Muhammad Ilyas (1885-1944) (See Anwarul Haq 1972). This movement was committed 'to the fundamentals of faith and an unquestioning loyalty to a literal interpretation of Prophetic authority proclaimed to be Sunna' (Moosa 1997:31). The movement first made inroads in South Africa in the early 1960s among Gujarati traders. Later, however, it attracted support from Memons as well as some Urdu-speaking descendents of indentured Muslims (Moosa 1997:33). The main methods of propagation are Gusht (visiting Muslims door-to-door), an annual ijtima over Easter (nation-wide mass gathering) and kitaab (book) reading. The latter involves reading extracts from the works of Mawlana Zakariyyah of India. Gusht involves moving from Muslim house-to-house, city-to-city, and country-to-country to impress on Muslims the need to live a righteous life by following the commandments of God and the example of the Prophet. An indication of the growth of the movement is that whereas the first ijtima attracted 300 people to Ladysmith in 1966, the gathering in Durban over Easter 1999 attracted at least 25,000 people. The ijtima provides common group identity and reinforces Muslim perceptions that they belong to a larger international entity. While the putative right of Deobandi Islam to convey what it meant to be a good Muslim was very strong, and it exerted a powerful influence over local Muslims, the diversity of Indian Muslims meant that no group could claim hegemony. In particular this tradition has been challenged by Barelwi Islam.

Barelwi Islam
The Barelwi tradition has its origins in the work of Ahmad Raza Khan (1856-1922) of Bareilly in Uttar Pradesh, India (Sanyal 1996). In South Africa this tradition found expression through Soofie Saheb and his descendants. The main following is among

descendants of indentured Muslims who followed this more populist form of Islam which centred around shaikhs and shrines. This tradition was given organisational expression through the Sunni Jamiatul Ulama of South Africa, established in 1978 and Imam Ahmed Raza Academy which was formed in 1986 (Mahida 1993:114,133). Differences between Deobandis and Brelwis are due to class (trader against indentured), regional origins (western India against North and South), ethnicity (Gujarati against Urdu) as well as differences in belief and practice. As descendents of indentured Muslims acquired education and economic mobility a professional class emerged from the 1970s that challenged the hegemony of traders, leading to numerous violent altercations. Barelwis were scathing of reform-minded Deobandis. The Badsha Pir Mazaar Committee, for example, described them as 'white ants, eating away the foundations of Islam'. They were seen as following in the 'footsteps of Christians'. The long white robes of tablighis were equated with the dress worn by followers of the Carmelite order, the veil was equated with the head-dress of nuns, the chilla (forty days devotion) was equated with Lent, and so on. The annual Ijtima was described as a 'picnic': 'their only enjoyment in life was to hold this annual Ijtima where they put up huge degs (pots) of food. They have their four days of enjoyment, all under the pretence of propagating Islam'. Tablighis were also accused of being CIA agents because their members were granted visas more easily than other Indian South Africans ('The Tableegh' 1 May 1976). While Barelwis wanted to end practices like kitaab (book)-reading, tablighi's prohibited Salaami, a practice where members of the congregation stood and communally sent salutation to the Prophet. The tabligh programme entailed reading extracts from *Hikayaat-e-Sahaabah* (*Stories of the Companions of the Prophet*), by the late Mawlana Muhammad Zakariyya of India, after each prayer. While this might seem an innocuous exercise, together the stories portrayed a picture of what the companions of the Prophet were like and provided an ideal that Muslims should strive for. This included wearing a beard, women wearing a veil, shunning the visitation of tombs, wearing of pants above the ankles and so on. Many of these practices were contrary to those accepted by Barelwis.

There were several instances of violence. In July 1977, the chairman of the Grey Street Trust, Aboobaker Ismail, terminated a special meeting to elect a new trustee after accusing Mawlana Omarjee, the tabligh-inclined candidate, of having brought supporters from outlying areas like Verulam, Tongaat and Stanger to vote on his behalf (*Mercury* 27 July 1977). In January 1980, twenty men entered the Sparks Road mosque in Overport and stabbed Mawlana Tauhid of India to prevent him from speaking because he was allegedly pro-tabligh. A lecture scheduled for Grey Street mosque the following evening was cancelled. According to one of the attackers, tablighi's controlled mosques in Newcastle, Port Shepstone, Ladysmith, Stanger and all over the Transvaal. 'We do not wish to go to their mosques and they must not come to ours' (*Sunday Times* 13 January 1980). When the Grey Street mosque

allowed tabligh-aligned ulama to speak, 'Militant Sunni Musallees' distributed a pamphlet warning 'fence-sitting' trustees that unless they stopped 'kitaab (book)-reading', they would be responsible for 'lighting a fuse that would eventually explode into an inferno'[18]. An altercation on 7 March 1987 between Deobandis and Barelwis in Azaadville resulted in the death of Sheik Mohideen Saib, a Barelwi (*Sunday Times* 8 March 1987). Hajee A Jabbaar and three other worshippers were hit outside a mosque in Chatsworth in April 1988 (*Daily News* 27 April 1988). These and many other instances of violence led some Muslims to conclude that the only solution was to have separate mosques. For example one A. Raoof felt that

> ... with both groups pointing their goals in different directions, there is only one solution if peace is to prevail among the Muslim community; and that is to have separate mosques (*Leader* 4 March 1983).

This is what happened. Barelwis used their numerical superiority to challenge and oust the trading elites who traditionally dominated mosque committees. Examples include Verulam and Lodge Grove where trading elites were ousted, sometimes after lengthy court cases. The response of Deobandi-oriented trading elites was to build their own mosques a short distance away even though population numbers did not warrant a second mosque. In places like Verulam, Westville and Mallinson Road each tradition has its own mosque to carry out its practices.

Islamic Council of South Africa (ICSA)

Formation of the Islamic Council of South Africa in November 1975 marked an attempt to unite Muslims on a national level. ICSA was formed during a visit to South Africa by Dr Inamullah Khan of the World Muslim Congress and Abdul Muhsin Al-Shaykh of Saudi Arabia. Comprising of 109 organisation, the first office-bearers included Advocate A B Mahomed (President), Mawlana Ansari (Vice-President) and Advocate Bawa (Secretary General) (Bawa 1976). The Transvaal Jamiat did not join because it believed that only ulama, not professionals, could speak for Muslims. To placate ulama in Natal and the Cape, ICSA gave them the power to veto any decision of the Judicial Committee. There were many differences between ICSA members. For example, while ulama condemned a translation of the Quran into English by Muhammad Asad, a convert to Islam who adopted a liberal position, educated Muslims welcomed it. This led to the MYM and Arabic Circle withdrawing from ICSA (Bawa 2000). Some of ICSA's other messages did not sit well with traditional ulama. For example, Bawa appealed to Indian Muslims,

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[18] Pamphlet issued in March 1980. A kitaab is a book and this refers to the practice of Tablighi's to read extracts from the works of Mawlana Zakariyyah of India.

to increase their sensitivity to the situation and condition of the Black community .... Quicken your conscience to help them in every way possible, be just in your dealings with them, build bridges of understanding ... (*Post* 6 July 1983).

This did not resonate well with Indian Muslims in a situation where there was minimal contact between them and African Muslims who were mainly cleaners and bhangis (callers to prayer) in mosques. Political differences also created tension among ICSA members. ICSA rejected the separate parliaments that the government created for Indians and Coloureds in 1983. The Juma Musjid Trust and Sydenham Muslim Association, whose respective chairmen Aboobakr Ismail and Abdullah Khan favoured the proposals, withdrew from ICSA (*Mercury* 7 June 1983). As a result of these tensions, ICSA was an empty shell from the mid-1980s. Though it continues to exist, ICSA enjoys minimal support among Indian Muslims in a situation where the balance of power has shifted to institutions controlled by traditional ulama.

Islamic Propagation Centre (IPC)

This period was also witness to cracks in the relationship between Hindus and Muslims as a result of the activities of Ahmed Deedat and the IPC. Deedat had formed the IPC in 1957 to counteract the propaganda of Christian missionaries who, he asserted, were claiming that Muslims were anti-Christ, Muslims worship Muhammad, Islam was a danger to South Africa and so on (Mahida 1993:80). Both Hindus and Muslims initially supported Deedat. Hindu support was due to two factors. First, Christians was associated with whites and any attack on whites was welcomed during the apartheid era. Second, even a cursory reading of newspapers during the 1970s and early 1980s shows deep fear and concern among Hindu leaders regarding the conversion of Hindus to Christianity. Newspaper headlines such as 'Christian exploitation of Hindus could lead to religious war' and 'Conversions worry SA Hindus' (*Sunday Times* 2 May 1982) were common. In this context, Deedat's denigration of Christianity was welcomed by Hindus. This changed when the IPC produced a video 'From Hinduism to Islam' in 1986. P.D. Persadh, General Secretary of the South African Hindu Maha Sabha, 'viewed the present conflict with dismay .... Surely Islamic teachings are not intended to ridicule and build enmity' (*Post* 4 May 1986). The Sabha's appeal to the IPC to withdraw the video was unsuccessful as was the attempts of Hindu leaders to get the Government to ban it. Many Muslims also criticised the tape. For Example, Bawa of ICSA 'deplored attempts by any group to degrade the religious practices of any other community' (*Tribune* 20 April 1986). Despite Bawa's censure the video led to tension between Muslims and Hindus For example, at a meeting at UDW in 1986, Hindu students 'heckled and booed Muslims in the audience, who then walked out' (*Post* 18 May 1986). In another incident, Hindus in Avoca, a suburb of Durban, circulated pamphlets to boycott a

pharmacy owned by a Muslim, Mr Hassen (*Tribune* 11 May 1986)[19]. The relationship between Hindus and Muslims never achieved the harmony of the pre-video period.

Muslims and Apartheid

When it assumed power in 1948, the NP was determined to entrench racial identities. Apartheid restricted contact between Indians and those defined as African, Coloured or white in all areas of life. The NIC engaged in cross-race protest with the ANC during the 1950s but this ended with the banning of the ANC and PAC in 1960 (Bhana 1997). Ironically, the continued existence of the Natal 'Indian' Congress, perpetuated racial divisions of resistance and reinforced racial identities (Vawda & Singh 1987). The legal position of Indians changed when they were granted the status of permanent residents in 1961. A Department of Indian Affairs was established and the government attempted to incorporate Indians politically by appointing Indian advisory bodies. The South African Indian Council, comprising of nominated members, was inaugurated in 1968, while Local Affairs Committees were established to advise municipalities and local authorities on 'Indian matters'. In 1983, the Tricameral Dispensation introduced a separate parliament for Indians. The reaction of Indian Muslims to apartheid, like Indians generally, ran the gamut from vigorous opposition to active co-operation with the regime. Muslims such as A. Joosub and A.M. Moolla participated in apartheid structures while the likes of Farouk Meer and Jerry Coovadia joined the United Democratic Front (1983) which had been established to co-ordinate opposition to apartheid. The NIC joined the non-racial United Democratic Front during the 1980s to oppose participation in government created ethnic structures[20], but the ideology of non-racialism did not extend to the masses. The racial exclusivity of Indians continued until the release of Nelson Mandela in February 1990, the unbanning of political organisations, multi-party negotiations and, ultimately, South Africa's first democratically elected government on 27 April 1994. While it is dangerous to generalise it can be safely argued that unlike the Cape the Muslim experience in Durban has been a very de-politicised one. This differs from the more radical expression of Islam in the Cape during apartheid. Cape Muslims,

influenced by the 1979 Islamic Revolution in Iran, formed the Pan-Africanist 'Qiblah' under Ahmed Cassiem which popularised the slogan 'One solution, Islamic Revolution'. Qibla provided the revolutionary fervour that made Muslims a feared force amongst the police and the armed forces (Essack 1980:486).

Post-1994: Turning to the Core?[21]

The growing influence of institutional Islam and orthodox ulama during the 1970s and 1980s have impacted on Islamic practices. The post-1994 non-racial democracy clearly does not support an Islamic worldview; on the contrary, the new ANC government has legalised abortion, prostitution, pornography and so on. In addition, Muslims are also affected by affirmative action policies and the African Renaissance agenda. The uncertainty generated by transition has resulted in large numbers of Muslims changing their behaviour in various ways. There is a staggering increase, for example, in the numbers of women who cover their face, a requirement contested within local Islamic tradition[22]. The veil is seen by the Ulama as a pivotal aspect of the drive to prevent transgression of gender norms. Muslim women venture far more in public spaces than their predecessors of a generation ago, appearing regularly in places where un-Islamic practices are the norm, such as holiday resorts and the beach. According to the 1996 census 7900 (32%) of the 24,842 Muslims in formal employment in Durban were women. This is relatively high considering that prior to the 1980s there were few women in formal employment and that the census does not account for large numbers of women in informal work such as dressmaking, cooking, babysitting and religious education. The result of this drive to re-establish gender norms will be a reversal of the trend in the 1970s and 1980s whereby Muslim women acquired education and went out to work.

There is far greater concern with observing religious 'regulations' concerning food consumption; the numbers of Muslims going annually to Saudi Arabia for pilgrimage has increased from an average of 4,000 per annum at the beginning of the 1990s to 8758 in 1998; there has been a concerted and successful effort to root out television from Muslim homes; Muslims are marrying younger and

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[19] Mr. Hassan had chaired the session in which Mr. Deedat delivered his lecture on Hinduism.

[20] The United Democratic Front (UDF), based on the principles of the Freedom Charter, was launched on 20 August 1983 to protest against the tri-cameral dispensation. It included trade unions, religious bodies, student organisations, and civic associations. The formation of the UDF marked another attempt to reinstate the heritage of non-racialism. The NIC's vigorous anti-election programme included mass and local rallies as well as house-to-house visits. This resulted in low voter registration and turnout.

[21] For a detailed examination of this period, see Vahed, G 2000. Changing Islamic Traditions and Emerging Identities in South Africa. *Journal of Muslim Minority Affairs* 20,1,April:43-73.

[22] The Jamiat, for example, ruled that 'due to the immorality of the times ... it is compulsory for a female to cover her face which is the focus of her beauty. This would accord a woman a 'degree of respect, honour and dignity and of being in charge of her body'. The Sunni Jamiat, on the other hand, whose support base is amongst working-class Muslims, does not compel women to cover their faces.

eliminating lavish ceremonies; there is a return to 'authentic' Islamic dress among many men who have taken to wearing Arab garb and long beards; many Muslims have given up insurance and medical aid and have turned to Islamic banks such as the Al-Baraka Bank; there is a dramatic growth in Muslim and Islamic schools; while standardisation of the syllabus has meant that madrasahs are disseminating a rigorous knowledge of Islamic rituals, beliefs, values and practices to children from a young age. The new Islamic lifestyle is behavioural in perspective. There is an almost complete lack of theological debate. 'Truth' is synonymous with the ulama and to question them means questioning the truth. Another conspicuous feature of the new Islam is self-reformation. The trend whereby individuals become attached to Shaykhs (spiritual mentors) is becoming extremely popular.

In seeking to introduce new and tighter Islamic codes in the public and private domains, Indian Muslims are using the new freedoms of a secular state to create space for themselves and are thereby redefining for themselves the kind of Muslims they want to be. An inward-looking Indian Muslim community is developing, with an understanding that the constitution can be used to struggle for specific needs and rights. Oliver Roy refers to this as the creation of 'liberated zones', spaces where the ideals of a future society can prevail. In 'liberated zones, no counterpower is established, no counterstate'. Instead, there prevails the 'idea of later spreading the principles on which it is founded to the whole of society' (Roy 1996:80). This did not imply animosity to the state. This differs from the Cape where Muslims have rallied in large numbers around issues of crime, drugs, the US bombing of Iraq, and the visit by Tony Blair. Attempts by PAGAD to form a chapter in Durban under Rashid Sulaman failed to muster support. The two Islamic parties that contested the 1994 election, the Cape-based Islamic party under Abdullah Gamieldien and the Africa Muslim Party under Imtiaz Sooliman, failed to gain a seat. In 1999 the Africa Moral Party contested the election without success. The new Islam does not have a proselytising aspect to it. It is based largely on self-reformation while contact and integration with non-Indian African, white and Coloured Muslims is largely non-existent. While many Muslim intellectuals and professionals are concerned about the new conservatism, their problem is one of relevance because the shapers of opinion among the majority of Indian Muslims are formally trained ulama. The influence of intellectuals is marginal and they are confined outside mosques.

Conclusions: Changing Discourses, Boundaries and Identities

Islam and Muslim societies are often viewed as 'one global, timeless and cultural system'. On the contrary, Muslims and Muslim societies are 'complex and sociologically diverse' (Roy 1996:vii). As the study shows, there have been multiple Islamic voices and multiple Islamic traditions among South Africa's Indian Muslims.

There has been continuous re-interpretation and re-definition of Islamic tenets, which are often contested. Debates have centred on what it means to be a Muslim, what Islam is about and how the Quran and hadith should regulate one's life. Transformation has been integral to all traditions and is not confined to modernists. While these traditions have been transforming, they have not lost their status of normativity. The majority of Muslims, and particularly the Barelwi and Deobandi traditions, continue to view Islam as a unique and timeless whole that is the sum total of divinely ordained beliefs.

The identities of Indian Muslims have been constantly shifting since they first arrived in South Africa in 1860. For the most part, the dominant identity in relation to outsiders was 'Indian' in a situation where race played a central role in defining existence. This is changing in post-apartheid South Africa where many Muslims seem to be retreating to an Islamic identity that is superseding ancestry, descent and language. This must be understood in the wider sociopolitical context of African majority rule in South Africa, globalisation and Muslims fears. Muslims are constructing boundaries around various points of contact; between men and women, Muslims and non-Muslims, Muslims and the state, Islam and secularism, and so on. The interpretation of institutional Islam in the Deobandi / Barelwi tradition, conservative and strict, is becoming more hegemonic. The attempt to forge a 'Muslim identity' is difficult because of deep differences of tradition. However, while it would be incorrect to suggest that a homogeneous Islam is emerging, there is greater tolerance for the perspectives of others. The violent altercations between Barelwis and Deobandis, for example, have largely subsided, while the rise of Sufi Islam is one example where middle ground has been found.

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Colonialism, Culture, Christianity and the Struggle for Selfhood: Manche Masemola[1] of Sekhukhuneland, c.1913 - 1928

Mandy Goedhals

Manche Masemola was not the sort of person who, for most of the twentieth century, would have been likely to attract the attention of historians in South Africa. She was a young Pedi woman who spent her entire life within her parents' household, near the village of Marishane in Sekhukhuneland, in what is now the Northern Province. Few written historical sources describe the lives of rural women in southern Africa, and even fewer the lives of individuals. The fact or date of Manche Masemola's birth was not officially recorded[2]. That we know her name or anything about her is largely due to the manner of her death in 1928: she came quickly to be regarded by local Anglicans as a martyr, and it was this which drew attention to her life. Most of what we know about Manche is found in missionary records and is shaped by Christian hagiography. Some redress for this imbalance is provided by Peter Delius' work on the Pedi published in *The Land Belongs to Us* (1983) and *A Lion amongst the Cattle* (1996). The missionary story is essentially about the making of a Christian martyr, a witness for Christ amongst people whom the church viewed as hostile pagans. Delius, on the other hand, points to missionary collaboration with forces of imperialism and colonialism, and although he does not mention Manche, it can be inferred from his work that the compromised position of the church within Pedi society contributed to her death. Missionary hagiography and Delius' exposure of the oppressive impact of

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[1] Her name is pronounced 'maa-n-chee muh-sair-moo-luh'.

[2] Births and deaths in Sekhukhuneland at this time were not reportable (*Native Economic Commission* 721). Some sources give Manche's age as eighteen, while Whitnall records that she was born in 1914. Canon John Tsebe, who worked as Archdeacon in Sekhukhuneland and whose wife Nora belonged to the Masemola clan, argues that if Manche had been eighteen, she would have been too old for the initiation school which she attended. He argues that Manche was about fifteen years old at the time of her death (Interview, Jane Furse, 7 August 1997).

imperialism and colonialism on Pedi society treat Manche as an object or as a victim. Tinyiko Maluleke, emphasises the need to search for African agency, while acknowledging the pitfalls of his proposed approach. Attempting to reflect on Manche's life from this perspective can help us to recover a life and experience hitherto hidden from history.

The missionary story

The history of the Anglican mission to the Pedi shaped the way Anglican missionaries approached their work and interpreted the circumstances of Manche's life and death. From the start, white Anglicans found Sekhukhuneland 'rather a hopeless mission' (Wilkinson 1992:231). The first Anglicans in Sekhukhuneland in the 1860s were probably returned migrant workers who had been converted during a term of labour away from their homes. The first Bishop of Pretoria, Henry Bousfield (1878-1902), was so attached to the institutions of the established Church of England, and so depressed by British retrocession of the Transvaal to the South African Republic (ZAR) in 1881, that he had no enthusiasm for mission. As a result, Anglicans in Sekhukhuneland received only sporadic visits from Anglican clergy (Hinchliff 1963:153-157): Edwin Farmer's visit in 1897 was followed by Latimer Fuller's tour as an itinerant preacher in a cape cart drawn by four mules in 1908 (Wilkinson 1992:230). The next priest, who remains nameless, passed through Sekhukhuneland on a bicycle in 1913 (Lewis & Edwards 1934:639). White clergy were reluctant to settle permanently in an area where the climate was harsh and the people unwelcoming. In 1919, the young African priest Augustine Moeka, trained by the Community of the Resurrection and newly ordained, settled in the village of Marishane, and opened a school and St. Peter's church there (Wilkinson 1992:230). Marishane, where the chief was willing to accept missionaries although never himself baptised (Whitnall 1983), was not the only Anglican centre in Sekhukhuneland. In 1918, Jane Furse, daughter of Michael Furse, bishop of Pretoria, and of Frances his wife, died two weeks short of her fourteenth birthday. She was a beloved only child, and money raised in her memory was used to build a hospital in Sekhukhuneland. This mission centre and hospital, named Jane Furse, was just sixteen kilometres away from Marishane, and was opened in 1921. In the view of one visitor, Marishane and Jane Furse were two tiny Christian 'oases in a great desert' (Lewis & Edwards 1934:640). This phrase 'oases in a great desert', is a key to understanding the early accounts we have of the life of Manche Masemola. These accounts have more in common with hagiography than history, and it is not surprising to find that they bear some of the crude and uncritical characteristics often associated with missionary writings.

Two related assumptions run through the early mission accounts of Manche's life and death. Firstly, they ignore Pedi history, regard Pedi political and social structures as inimical to the growth of Christianity, and reject Pedi culture, while the benevolence of European rule is taken for granted, and conversion to Christianity is often equated with adoption of western norms and customs. Secondly, missionaries in Sekhukhuneland had a strong sense of identification with the life of the early church, when Christians had faced prolonged and often fierce persecution. Missionaries encountered great resistance to the message they preached. Christian converts faced rejection by Pedi society, and it seems that much missionary teaching was designed to prepare Pedi Christians to face persecution. No doubt many missionary sermons stressed the fortitude of early Christians and dwelt on the theme that the blood of the martyrs is the seed of the church. The result of these two tendencies is that Manche, stripped of the cultural context and world view in which she was brought up, is presented as a stereotype of the faithful Christian who is courageous in the face of persecution and obedient unto death. In missionary writings, she has been used by the missionaries, rather than respected as a whole person, in the context of her own culture. Missionary records, although prejudiced against Pedi society and customs, and shaped by piety, give her a name and preserve details of the life of a young woman who would not normally have received much recognition in either Pedi society or the Christian church.

The first accounts of Manche's story were collected by Fr. Augustine Moeka. The priest was away when reports of Manche's death were brought to the church at Marishane. On his return, he set down his own recollections of conversations with her, and he sought to establish the circumstances of her death. It is clear that from the first, he was concerned to establish Manche's cause as a Christian martyr. Although we have no record of a detailed written account from Moeka, he left rough notes and these were incorporated in Dominic Whitnall's 1983 narrative. Moeka's notes make a considerable contribution to our knowledge of sayings of Manche, although it appears that only the English translation of her words has been preserved. In any society where there was resistance to Christianity, the period of preparation for Christian baptism was usually prolonged, and Moeka came to know Manche when she started attending the meetings for hearers which were held twice weekly at Marishane. By mid-1927, Manche was a catechumen, which meant that she was being formally prepared for baptism. It was quite common for young women in this group to encounter parental anger and in October, Moeka told several young catechumens, who were being subjected to varying degrees of corporal punishment, that they should not defy their parents. To this, Manche replied 'I am sorry, but from now on, I am going to stand by myself'. She reportedly went on 'If they cut off my head, I will not leave my faith' and when warned that it would be some time before she could be baptised, Manche responded, 'I may be baptised with a better baptism'

(Whitnall 1983). It was apparently intended that Manche would be baptised just before Easter 1928, and Moeka suggested to the young women that they should retain their traditional Pedi dress after their baptism, but Manche, with the rest of her group, rejected this proposal. Manche subsequently returned and told Moeka she was sorry she had joined the others in this veto. There seems to be no reason why Moeka preserved this anecdote: it does not seem to forward the cause of Manche's martyrdom in any way, and so perhaps provides a glimpse of Manche herself. Does it perhaps indicate that Manche wanted to please the priest, or does it suggest that she liked to be different from others, or that she thought retaining Pedi dress might placate her parents? Moeka also reported that in January 1928, shortly before her death, she predicted 'I shall be baptised with my own blood', and when asked whether she was afraid to die for her faith, she responded, 'Never' (Whitnall). This seems almost too trite to be true, but Moeka, who may have heard similar defiance from young women before, recalled afterwards that he didn't take much notice at the time at which Manche actually said this, an admission which may add a touch of authenticity to his memory.

The earliest written account about Manche was produced by Mrs. Moffat, wife of the Anglican priest at Jane Furse, for publication in England. One aim of the article was clearly to illustrate the excellence of the work being done by the local missionaries, and also to call forth further financial support. The article was published in *The Cowley Evangelist* in November 1928 and was significantly entitled 'The Seed of the Church'. Mrs Moffat reports on a meeting of the Wayfarers Club, an organisation for Africans along the lines of the Girl Guides, which Manche had attended, although she could not join until she had been baptised. There were 43 Wayfarers in the Marishane group, 'a group of girls of which any Leader might be proud'. The clergyman's wife writes approvingly of the khaki dresses and white headscarves of the Wayfarers, which she contrasts with the traditional Pedi dress, bracelets of lead and grass, and hair dressed 'like a pancake, the way the heathen do it here', worn by Manche, a tall girl among the group. Mrs. Moffat's account differs from other accounts in two ways. First, she tells that Manche was taken ill, as many were, in the rainy season, a fact somewhat conveniently ignored by other reporters, who perhaps wished to play down her illness, as detracting from her death for her faith. Second, Mrs Moffat suggests that Manche's time of trial was of short duration, whereas others describe a prolonged persecution: there seems to be no reason to question Fr. Moeka's account here. There is a kind of heartlessness about Mrs Moffat's account, as she claims that Manche laughed as she was beaten to death and asks, 'Why chronicle the death of a young Native catechumen?' The answer for Mrs Moffat is not the infinite value of all human life, but the fact that Manche died as a martyr. It is clear that by November 1928, Manche's cause as a martyr was well established. Mrs Moffat records that at Easter 1929, there would be a pilgrimage to

Manche's grave, on which would be inscribed the words 'the noble army of Martyrs praise thee'[3]. The article, not surprisingly, ended with an appeal for donations to build a permanent church at Marishane[4].

Thus, from a very early date, Manche's death as a martyr was being commemorated at Marishane and Jane Furse. The Anglican church hierarchy was cautious about local initiatives which did not have episcopal approval, and was particularly wary of developments which indicated any attempt at independence in African congregations. Augustine Moeka was aware of this and took care to keep the local bishop informed of his attempts to encourage the development of a pilgrimage to Manche's grave. As part of the process of investigation, the Bishop of Pretoria, Wilfred Parker, visited Jane Furse in 1937, and there interviewed Manche's cousin, Lucia Masemola. The mothers of the two girls were sisters, and the orphaned Lucia was taken into her aunt's home and brought up with Manche and her two older brothers and younger sister Mabule. Lucia and Manche had joined the hearers' class at the church together and Lucia had witnessed the beatings to which Manche was subjected before her death. Lucia was subsequently baptised, and in telling her story, she would probably have been eager to have her cousin's status as a martyr recognised by the bishop. Moreover, Lucia was not with Manche at the time of her death and reports by others are included in her account. Nevertheless, however stilted by pious memory, and influenced by the telling and retelling of the story which had taken place over the decade which had elapsed since Manche's death, her account of life in the Masemola family contains personal details of Manche not elsewhere recorded. The method used in this interview fell far short of the modern scientific approach to collecting oral evidence: for example Augustine Moeka himself acted as interpreter, and this may very well have influenced the outcome. The experience of being interviewed by a bishop was almost certainly an inhibiting factor, bishops of the 1930s being far more awe-inspiring figures than their modern counterparts. We also only have the bishop's report of Lucia's story in a version typed in 1944, not a verbatim account, although the 1944 typescript may be a copy of an earlier text (Parker 1944).

According to Lucia, when Manche was about 13, she and her cousin heard Fr. Moeka preach at St. Peter's, and Manche was so drawn by what she heard that she asked her mother for permission to attend the hearers' classes at the church. This was allowed, but her parents also insisted that she participate first in the traditional Pedi initiation school. When Manche's interest in Christian teaching persisted, she and her

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[3] A tablet with these words was actually erected on the grave only in 1949 (Blake 1950).

[4] Thanks to a generous response, the church was freed of debt by April 1930 (Whitnall 1983).

cousin were sent away from Marishane, to cook for youths herding cattle in distant pastures. Her parents' next resort was to beat and humiliate her in order to force her to leave the church, and this punishment reportedly intensified from October 1927. By this time, the family was living at Mabuke, an outlying part of Marishane, as this was where their fields were situated. Lucia was sent back to Marishane, as she was regarded as a bad influence on Manche[5], and parental violence towards Manche at this stage is reported to have increased. Probably the real causes of tension in the family, the underlying fears which lead to violence were never clearly expressed. A bone of contention seems to have been the fact that Manche spent time going to church instead of working in the fields, and this seemed to enrage her mother particularly, because it was on her that the burden of agricultural work fell. Lucia records that on one occasion she pursued Manche with a whip and a spear, and on another occasion Manche went into Marishane covered in bruises. The situation was clearly a dangerous and explosive one. Lucia remembers Manche saying 'I am going to obey my parents and work for them as hard as I can with my hands. What I will not do is turn away from the Church'. Was this really Manche's view? Perhaps partly, but it also smacks of what a priest might have advised. A witchdoctor was consulted, and Manche was forced to swallow the medicine he prescribed, but this did not turn her away from Christianity. Her clothes were confiscated, so that she could not attend church meetings, but it is recorded that she continued to pray outdoors, morning and evening. Eventually, in about February 1928, her parents took her to a lonely place and beat her to death, because she refused to give up her allegiance to Christ and her desire for baptism.

The interviews at Marishane satisfied Bishop Parker that Manche's death was a genuine case of Christian martyrdom. As a result, the South African bishops recommended that Manche be included on the list of holy persons commemorated on special days each year by the Anglican church (Parker 1944), although this was not implemented for forty years. Within the Anglican church in Sekhukhuneland, in South Africa and in the worldwide Anglican church, the hagiography surrounding Manche Masemola has continued to evolve. A pilgrimage to her grave initially took place every few years and was attended by a small group of people, but by the 1960s, the pilgrimage drew many hundreds from all over the northern Transvaal, and continues to do so (Blake 1950, Whitnall 1983). After her daughter's death, Manche's mother persisted with her vehement expressions of hatred towards the church, shouting obscenities at Christians, spitting at those who came within range and warning vociferously that Christians killed people. She lived with her niece, Lucia, who reported that she was nevertheless drawn to the church in some way.

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[5] Another cousin, Elesina Masemola, witnessed Manche's last days, and reported what she had seen to Lucia (Whitnall 1983).

Eventually, Manche's mother was baptised and confirmed in 1969, taking the biblical name Magdalene (Tsebe 1969:16). She died in the hospital at Jane Furse in 1973. These events may have given fresh impetus to the commemoration of Manche, who was eventually given an official feast day on the Anglican calendar of saints in 1975. In 1998, statues of ten Christian martyrs of the twentieth century were placed above the west door of Westminster Abbey (*The Times* 10 July 1998). Those depicted included Martin Luther King, Dietrich Bonhoeffer, Archbishop Oscar Romero and Manche Masemola: as there was never a photograph or detailed description of Manche, the statue was an artist's impression (Chandler 1998). At the pilgrimage at Marishane in 1999, a large photograph of this statue was placed on the grave during the service, so that a depiction of Manche by a European artist defined the visual perception of Manche in her home village. Hagiography surrounding the Sekhukhuneland martyr has taken on a life of its own within the church, without necessarily leading to greater understanding of Manche herself. An examination of the political, social and economic context in which she lived out her life provides insights not yielded by the missionary records.

The political, social and economic context of the Pedi

In the early nineteenth century, Pedi hegemony extended over much of the land to the north and east of modern Johannesburg. In the 1820s, depredations from other African chiefdoms and from advance boer commandoes led the Pedi to withdraw from their capital in the fertile Steelpoort river valley, and to move northwards to the mountain fortresses between the Steelpoort and Olifants rivers. Here they regrouped under Sekwati, but the new location cast a shadow over the future of the Pedi kingdom. The land was not fertile, and the mountains acted as a barrier to rain, and poverty forced the Pedi into migrant labour, while the devastating storms which struck the land helped to shape the mindset of its people (Delius 1996:10). From the 1840s, white trekkers began to settle on the perimeter of the Pedi kingdom, competing with the Pedi for land, and creating a demand for farm labour. Although Sekhukhune succeeded Sekwati without a dispute in 1862, Pedi ability to rival the ZAR as a focus of power in the northern Transvaal had declined by the 1880s (Maylam 1986:127-131).

In the last quarter of the nineteenth century, profits of the diamond fields and potential wealth of gold deposits in the Transvaal led to reformulation of British imperial policy for South Africa. Political control of the subcontinent, long avoided as too expensive, was now clearly in Britain's interests. The mineral revolution required a cheap and steady labour supply, which could be unlocked by the imposition of taxes on African people, taxes which would conveniently cover the cost of colonial administration. This policy was clearly incompatible with the continued

autonomy of African chiefdoms, including the Zulu and the Pedi, and in 1879, Garnet Wolsley, in alliance with the Swazi, defeated the Pedi and captured Sekhukhune. In the wake of this defeat, small parcels of Pedi heartland were set aside for African occupation, and the rest thrown open to white settlement. The notion of private property as opposed to communal ownership was entrenched, and taxes which the Pedi had always resisted, were systematically collected, legacies which remained when the Transvaal reverted to the ZAR in 1881. British rhetoric implied that the South African War (1899-1902) was fought in the interests of indigenous peoples, but post-war policy ensured that Pedi did not regain their land or independence, although the ZAR government was replaced by 'native administration' run by the British and then Union government. Within the Pedi polity, subordinate chiefs had always enjoyed regional autonomy, and under British and subsequent Union administration, this assertion of independence continued. Beyond the ken of native commissioners, chiefs held court, allocating land and settling disputes, receiving cash or cattle fines and tribute paid in labour, agricultural produce or beer, as well as a proportion of bridewealth payments. The chiefs presided over seasonal ceremonies of rainmaking, sowing and reaping, and their maintenance of community life through mediation with the ancestors, and through initiation rites for young men and women kept traditional customs and values alive in the popular consciousness (Delius 1996:12-21).

The Pedi way of life, with its values deeply rooted in a rural existence, was financially maintained by labour migrancy. From the 1840s, young men had travelled south, first to the eastern Cape, and then, from the 1870s, to the diamond fields: their object was cash to buy guns for defence, but as Pedi territory shrank and became impoverished, labour migrancy became a matter of economic survival. Soil in their locations was poor, the rainfall erratic, and by the late 1920s, overcrowding due to population growth and expulsion of Pedi from white farms placed further pressure on the land. The Pedi herds had been decimated by rinderpest and then East Coast fever, and in the drought of 1924-1929, over ten thousand cattle died of starvation. There was seldom a crop surplus, even when drought-resistant crops like millet and sorghum were planted, and by 1930, the Pedi had born the cost of imported mealies for their staple diet through six years of drought. In 1930, nine thousand migrants, mostly young men, left for the mines and domestic service in towns while the conservatism of Pedi society ensured that very few women left their homes as labour migrants. Migrancy remained only the means to an end: a way to pay taxes, to build a home, to provide for a wife and family and to save for old age. The outside world and urban life was regarded as immoral and corrupt and time spent there was a necessary evil to preserve the rurally based social and moral order of the Pedi (Delius 1996:21-24). Pedi society was not egalitarian. Members of the royal house enjoyed wealth and status not available to commoners, and although all men were still able to obtain

access to land and stock, there was a gulf between the prosperous Pedi and those whose economic resources were slight.

The deepest breach in Pedi society was not primarily economic, but occurred between the *bakreste* (the name given to the minority Christian community) and those who adhered to Pedi religious practices, whom Christian converts called *baheitenye*. Other names given to the two groups further illustrate the division. Christians were called *majakane*, a word which implied that they had chosen to live in a foreign country, while those who preferred the traditional ways of their people were called *baditshaba* or those of the community (Delius 1996:25). This separation from and suspicion of Christians, which was deeply rooted in Pedi society and which was to shape the course of Manche Masemola's life, had its origins in the role which Christian missionaries played in Pedi history in the nineteenth century.

Nineteenth and early twentieth century missionary apologetic presented the Pedi as heathen savages and the Pedi chiefs, Sekhukhune in particular, as persecutors of Christianity (Delius 1983:108). There is another perspective on the past. First Pedi contact with Christianity came through the Transvaal boers, and through Pedi who travelled to work in the Cape and Natal, and encountered missions there. Some Pedi were baptised, and a few proved diligent evangelists when they returned home. Their initial impression of Christianity was favourable, and Sekwati was interested in acquiring missionaries as counsellors such as Moshoeshoe had found in members of the Paris Evangelical Missionary Society (Thompson 1975:84). In 1861 Alexander Merensky and Albert Nachtigal of the Berlin Missionary Society (BMS) established the first mission on Pedi land (Delius 1983:108-125, 158-180). Interested in their political usefulness and medical knowledge, Sekwati smoothed the way for them, and Sekhukhune allowed them to remain until it became clear that their presence threatened his own position and undermined the independence of the Pedi. Sekhukhune was eventually forced to act by popular belief that Christian rejection of traditional values and practices rendered the Pedi kingdom vulnerable to enemy attack, and exposed land and people to drought and disease. The first steps were taken against Pedi Christians, but in 1866 the BMS missionaries were expelled from the chiefdom: Sekhukhune described the mission as wounds through which his people bled away. Nor was this a figment of his imagination. The missionaries had realised that while the Pedi chiefdom remained intact, their efforts would gain no foothold, and they therefore had an interest in undermining the political independence of the Pedi. In 1863, Merensky had accepted appointment as ZAR agent with the Pedi, thus allying himself with the land and labour interests of white farmers, which were diametrically opposed to those of the Pedi. Anglican missionaries had seen no reason to dissociate themselves from the Berlin missionaries – T.E. Wilkinson, first Anglican bishop to work in the Transvaal wrote of them: 'most glad I am to see them here' (Lewis & Edwards 1934:576).

Missionaries were strongly identified with foreign administration, and in the 1940s, an Anglican priest lamented that his arrival in Pedi villages was equated with that of government inspector or tax collector.

How did this impact on Manche's world?

In the Sekhukhuneland reserve, where shortage of land created real danger of a landless class, Manche's family was still able to obtain access to arable land. Her father was not a migrant worker, and the household was therefore dependent on the annual harvest for their subsistence. The fields allocated to Manche's father were far from Marishane, in the village of Mabuke, and the family moved there during the planting season to tend their crops (Interview with Canon John Tsebe, 7 August, 1997). Her father or older brothers probably did the ploughing, while Manche helped her mother with hoeing, weeding and reaping. Like other girls of her age, she worked at home, helping to fetch water and firewood, and learning to gather wild plants and to cook. She would have been trained to grind corn, to gather needs for fencing and baskets, and to maintain the mud walls and dung floors of the homestead (Delius 1996:28). The repetitious songs, games and dances of children everywhere relieved this domestic routine. Manche appeared mature for her age, and took on her fair share of caring for babies and toddlers in the village. We know that Manche attended the traditional initiation school, the foundation of Pedi social organisation, which was supervised by the senior wife of the chief, older women and those who had already passed through the rites. Instruction emphasised loyalty to chiefs and parents, especially the respect women owed to men and their elders, while the work and duties of women as well as sexual matters were explained. The process included ceremonies shrouded in secrecy. According to one account, the school started with a symbolic circumcision which must have taught an impressive lesson in stoicism and patient endurance to those on the receiving end:

> The girls are told that an operation is to be performed on them. A knife is sharpened in their presence and they are then taken, one by one, made to lie down, and covered with a blanket. The knife is then pressed between their legs. Although they are not injured at all, the girls cry out with fright when feeling the cold metal. As each girl is led away, ... the women who perform the operation emerge from the blanket with their hands reddened with plant-juices. The girls still waiting their turn, thinking that the hands of the women are covered with blood, must obviously be terrorized[6].

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[6] This extract from Mönnig, H. *The Pedi* Pretoria:np, is quoted in Delius 1996:30. D.R. Hunt, the native commissioner for Sekhukhuneland 1908-1931, has a different

Missionaries, recognising that initiation practices were intended to bolster Pedi values and traditions, forbad Christians to undergo initiation (Delius 1996:31), and Manche's mother may have hoped that the church would look with disfavour on her daughter if she had recently emerged from the initiation school. It is perhaps to the experience initiation of school that one can at least partly attribute the forbearance with which Manche endured her parents' beating because of her stubborn resolve to become a Christian.

Christianity was closely associated with conquest of the Pedi, with their loss of land and with colonial demands for tax and labour, while urban areas were regarded as centres of immorality. Most of the women who left Sekhukhuneland to work in towns were Christians, so that Christianity was regarded as an example of 'truly delinquent behaviour' (Delius 1996:31). These factors explain Manche's parents' alarm. As a young girl, Manche did not enjoy high status in Pedi society: the expectation was that she would respect and obey older women and all men. Communal solidarity was highly regarded, and in wanting to be Christian, Manche was placing her individual sense of vocation above the wishes and wisdom of her elders. Among the Pedi of Sekhukhuneland, there were instances of violence and brutality towards those who threatened stability and continuity within the society (Delius 1996:172-211). Other factors also need to be considered. The late 1920s were a time of sustained drought, and the Masemola parents may have been anxious about their ability to feed their family. Moreover, Augustine Moeka was trying to establish a religious community for women in Marishane, and Manche's mother may

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account of the initiation ceremonies. The school was spread out over eight months. At one stage of the training, young women were required to stand in cold water for long periods, they were beaten across the shoulders and the hymen was broken to ensure that the girl was still a virgin: if there was no flow of blood, she was punished. Hunt remarked: 'this is done to harden them' (Hunt A1655, file Ca2). The Union Government officials lacked resources to prevent these practices, but as intervention would have disturbed the equilibrium of the arrangement with the chiefs on whose co-operation Hunt depended, there was no will to intervene on behalf of young girls and women. Exactly what happened to Manche is not clear. Missionary descriptions of the initiation school refer to initiates being required to stay awake and stand up all night, but the hospital at Jane Furse has no record of treating young women for the effects of female genital mutilation (Davies 16). Clearly, in the case of Sekhukhuneland, the initiation rites were associated with Pedi determination to retain their customs as an assertion of their independence, particularly when this independence was so circumscribed. In this way, colonialism and resistance to colonialism simultaneously reinforced the oppressive structures which indigenous culture inflicted on young women.

have feared that Manche would ultimately join a celibate sisterhood: in Pedi society, failure to marry and bear children was a curse, to be avoided at all costs. From a material point of view, it also meant loss of the bride price to parents of daughters, and determination to acquire cattle on Manche's marriage, and with them a more secure future, seems also to have been on the mother's mind (Interview with Canon John Tsebe, 7 August 1997).

The severe beating of a young woman by her parents is an appalling dimension of this story. The dynamics and tensions of the relationship between a seemingly rebellious and obstinate young girl and her mother, a woman herself marginalised by the low status of women in Pedi society and by the precarious foothold of the family on economic independence can be imagined. Added to this was the parents' fear of the forces of disease and destruction which their child's seemingly irresponsible Christian devotion could bring on them, which in turn could lead to their ostracism from the rest of the village community. This was a result of the impact of colonialism on the Pedi. The local native commissioner was aware of the physical violence inflicted on young women and issued an order that those who wished to be Christians should not be molested (Davies 1984:18), but had no means of enforcing this except through the chiefs. What of the church? Why were the clergy silent? The fifth commandment 'Honour thy father and thy mother' had first of all to be obeyed. The church also clearly had less influence with the native commissioner than the alliance so often emphasised between Christianity and colonialism would lead one to expect. Christianity was the faith of only a tiny minority in Sekhukhuneland and permission to proselytise was dependent on the good will of the local chief, as was the safety of Christian converts: the missionaries would wish to alienate the chiefs as little as possible. But why did the church not act when Manche was beaten to death? One explanation is that the church was looking for a martyr, not a murder victim. Although a death was involved, the factors which determined the response to the beating of children continued to apply. This is how Bishop Parker summed up the situation in 1944:

> Canon Moeka told me afterwards that the local chief and some of the people were much annoyed, no doubt they feared an enquiry by the authorities.

It is inadvisable to say much about Manche's death, at any rate in South Africa, as her parents are still alive. Here, therefore, we have to be rather guarded (Parker 1944).

> In this way, colonialism and Christianity not only distorted aspects of Pedi culture, but also exacerbated its impact on the most marginalized within Pedi society.

What then, in these circumstances, can be made of Tinyiko Maluleke's project for the recovery of African agency, in the case of Manche Masemola? Maluleke argues that Christianity is not 'intrinsically and irredeemably Western' (Maluleke 2000:29) and that Africans who are Christian are not thereby betraying their Africanness. Christianity is translatable into a variety of cultures and is rooted in Africa because of African agents and not because of the European missionary endeavour (Maluleke 2000:31). At the same time, he warns particularly against romanticization of African agency by those whose forbears did not experience the impact of colonialism and missionary attempts to impose western civilisation as part of the Christian gospel (Maluleke 2000:35) a warning which is germane in the case of the present writer. He cautions that emphasis on African agency may appear to minimise the extent of oppression which was experienced, whereas emphasis on agency is only acceptable where a careful examination of the victimisation provides the context: 'we are being called to a humble but careful observance of the struggle of Africans to be agents against great odds, not by discounting the odds, but by confronting them' (Maluleke 2000:27f). Maluleke (2000:33) also points out that it would be unreasonable to expect the marginalized to be fully conscious of the nature and extent of their domination and of their potential for agency.

Is Manche Masemola an agent of her own history, although in circumstances not of her own making? It is difficult to imagine a more marginalized person: member of an oppressed race, living out her life in a poverty-stricken reserve, she knew only a domestic economy dependent on subsistence agriculture. Her labour was controlled by her parents, and she could not read or write. But we can take her life history seriously, even in the circumscribed form in which we have it. Though illiterate, she was capable of making decisions, she had resources for survival and resistance, an inviolable sense of self. Her resistance was not based on any clear theoretical or analytical understanding of her circumstances, but she was not passive nor could she be easily silenced (Stratton 1994:172). Defiant and persistent, she was ultimately feared and terribly punished. Although she was excluded from power, her choices had political, economic and social consequences in her community (Norris 1999:209-220). In many ways, her mother, resolute and outspoken, may tell us something about Manche herself.

Sekhukhuneland lies in one of the most underdeveloped provinces in South Africa, with low levels of literacy, productive capacity and life expectancy. Three quarters of the children live in poverty (Delius 1996:6). Manche Masemola is a reminder that behind the statistics lie individuals, and that those who live in poverty and obscurity exist in their own right and have a sense of self which is not easily crushed.

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Rewriting the Zulu Past beyond the *Washing of the Spears*

Stephen Leech

Introduction

Peter Davis, in a study of cinematic representations of the Zulu, utilised the word
'Zuluology' to describe how his subject has been treated. He defines 'Zuluology' as:

> ... the white myth of the Zulu; the equation of the Zulus with the wild
> animals of Africa; the domestication of these creatures; the Zulus as the
> prototypical 'African tribe'; the political uses of the Zulu image (Davis
> 1996:124).

This definition summarises the ways in which the Zulu have been portrayed by the
media, in literature, film and political discourse. A consistently familiar image of the
Zulu has been propagated in the space of almost two centuries. E.A. Ritter's *Shaka
Zulu*[1], the 1964 film *Zulu* and the 1980s television series *Shaka Zulu* are better-
known vehicles of such portrayals. These twentieth century portrayals were based
upon the events and historical writing of Natal[2] in the nineteenth century.

The Zulu entered the European imagination in four phases in the nineteenth
century (Martin 1982). It began with the arrival of the first permanent white settlers
in the 1820s in Port Natal. The second phase developed out of the expansion of this
settlement into a Colony. These two phases saw four of the first settlers - Francis
Farewell, James King, Nathaniel Isaacs and Henry Fynn - publish material about the
Zulu and about their relationship with the Zulu. An account of Shaka, apparently by
Farewell, appeared in the *Narrative of voyages to explore the shores of Africa*, while
King contributed two articles to the *South African Commercial Advertiser*. These
were later published in *Travels and Adventures in Southern Africa*. More significant
than these were Isaacs' *Travels and Adventures in Eastern Africa* and the writings of
Fynn, reproduced in 1950 in *The Diary of Henry Francis Fynn* but which appeared

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[1] First published 1955.

[2] I use Natal and KwaZulu-Natal where chronologically appropriate.

earlier in *inter alia* Colenso's *Ten weeks in Natal* and Bird's *Annals of Natal*. These publications provided the basis for many of the histories of Natal that followed, including Theal's *Records of South-Eastern Africa*; *Natal: the Land and Its Story*; *Natal: the State and Citizen* and *The Cradle Days of Natal*.

The third phase was the Anglo-Zulu War of 1879. This colonial conflict ensured that the Zulu would gain and retain worldwide fame as a military people. The fourth phase was introduced by the fiction of Rider-Haggard. Although his primary African characters are fictitious, they are based upon the Zulu. Haggard makes this clear, for example, when he states in *King Solomon's Mines* that the Kukuanas are a branch of the Zulu, and throughout the book he links them together (Haggard 1983:22,59 and 201). Serious fiction writers such as Joseph Conrad and more popular authors like J.R.R. Tolkien have drawn upon his imagery, as did Ritter's *Shaka Zulu* and the *Shaka Zulu* series. In addition, fictional films set in Africa, of which there have been some four hundred, have also relied on Haggard for their characters and settings:

> Weird settings, erupting volcanoes, valuable treasures, unflappable hunter-heroes, demonic black witches, lost white civilizations, warrior tribes, white goddesses - all poured from Haggard as from a spring, watering blockbusters and serials alike ... (Cameron 1994:17f).

Such images of Africa helped to establish a fictional history for Africa and its inhabitants. Africa in these films became an extraordinary and bizarre place, a place of legend and adventure rather than reality.

The four phases of white writing about the Zulu reduced the latter's history to one of warriors and warfare - the rise of Shaka, the Battle of Blood River and the Anglo-Zulu War (Maylam 1986:vii). The purpose of this article is to examine academic[3] interventions into this narrative of the Zulu past. Professional histories written by academics from the 1960s sought to change the above perceptions and to move the Zulu from a perspective that considered their society abnormal, to one that served to place them within the 'normal' history of KwaZulu-Natal. This rewriting has been approached from two areas, with a more recent third area being articulated. The article examines examples of this rewriting of history and then assesses the extent to which it has influenced wider perceptions of the Zulu.

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[3] By 'academic' I mean history produced by professionals in the academy. By contrast, I use 'popular' in the sense of amateur or non-professional, not in terms of 'people's history'.

A 'good year' for Zulu studies

The popular historian of the Anglo-Zulu War, Ian Knight, believes that 1965 was a 'good year' for studies of the War. Prior to this, he argues, accounts of the conflict had been poor and unreliable but the work that changed all of this was Donald Morris' *The Washing of the Spears*. *Punch* called *The Washing of the Spears* a magnificent book about the history of the Zulu (Morris 1992:1), but does it really deserve this accolade? Morris relied extensively on the writings of early colonists, such as Fynn and Isaacs. The problems with these authors have been alluded to above. *The Washing of the Spears'* success however depended not on its Zulu history but on its nature as a military history. *The Washing of the Spears* is significant in its contribution to the historiography of the British role in the war and only in this regard can it be said to be a 'bench-mark and essential reading' (Knight 1990:195).

Two academic historians at the University of Natal agreed with Knight as to the significance of 1965. Andrew Duminy and Bill Guest however looked to the publication of *A History of Natal* as their starting-point for professional histories of the region (Duminy & Guest 1989:xvii-xxvii). *A History of Natal* was the first general history of Natal written by professional historians. Its stated aim was to bring together African, Asian and European histories of the region (Brookes & Webb 1967:x). The text was based on the sources mentioned above and accordingly the familiar warrior and Shakan images are present. However, the authors Edgar Brookes and Colin Webb integrate the Zulu role in Natal's history by means of the chronological layout of the chapters. The rise of the Zulu monarchy and Cetshwayo are given separate chapters and therefore greater importance. In this way *A History of Natal* laid one of the foundations for an integrated history of the region.

Another was being laid outside South Africa, as scholars based elsewhere infused their work with an Africanist perspective from the 1960s. The decolonisation process in Africa also served to stimulate a 'reorientation in South African history' (Saunders 1988:144). This reorientation included the work of anthropologists such as Max Gluckman and Monica Wilson, as well as the historian, J. Omer-Cooper. Gluckman saw South Africa as a heterogeneous society but believed that its various groups were inter-dependent (MacMillan 1995:64). Wilson's work emphasised the place of black history in South Africa, as did Omer-Cooper in his *The Zulu Aftermath*. Blacks were identified as agents of change within the South African past. Political developments were no longer the result of mere barbaric desire but were proactive responses to regional changes (Hamilton 1993:34). Out of these historiographical developments came Wilson and Thompson's *The Oxford History of South Africa*, the first synthesis of South African history to acknowledge the precolonial past (Smith 1988:139). *The Oxford History* was however criticised on a

number of grounds, including the lack of detailed empirical research. Its critics included, unsurprisingly, the government but also the ideological left[4].

This group comprised scholars with a materialist interest in the past. The result was tension between the 'liberal' and 'radical' schools of thought. The liberal school, for example, in examining the Anglo-Zulu War, concentrated on the personalities involved in the War. The radical school, while not completely rejecting the liberal view, saw the need to understand underlying issues such as the role of capitalism (Duminy & Ballard 1988:xvii-7). The radical school arose out of research being carried out both overseas and in South Africa. Local stimuli for this research were provided by the desire to popularise history, the History Workshops held at the University of the Witwatersrand being an illustration of this, as well as work by materialist historians such as Jeff Guy and John Wright (Guy 1976 & Wright 1978).

While this academic work was being conducted, two new publications appeared at the end of the 1970s that seemed to offer the missing Zulu perspective of KwaZulu-Natal's history. *The James Stuart Archive* was drawn from the evidence collected by the colonial official James Stuart from numerous oral informants, while *A Zulu King Speaks* was based upon the 'most important surviving records of statements' by Cetshwayo[5]. There has been much debate over whether these two works, collected and mediated by colonial officials and interpreters, could effectively provide a dedicated Zulu view of the South African past. This debate involved arguments about the validity of oral sources generally. Although it seems to offer a view free of Eurocentrism, oral evidence is itself part of an ideological discourse. As a terrain of struggle (Hamilton 1987:74) oral testimony has numerous methodological problems and the sources in *A Zulu King Speaks* and *The James Stuart Archive* are no exception. Nevertheless, the evidence that these two sources provide has been utilised to revisit the Zulu past, to provide new ideas and to compare other sources with.

In 1979, the centenary of the Anglo-Zulu War was celebrated and academia responded with a conference at the University of Natal, 'The Anglo-Zulu War: A Centennial Reappraisal 1879 - 1979'. The conference was attended by some 250 delegates, of whom sixteen presented papers. While the focus was the War, a number of speakers addressed related issues such as Zulu politics and economy before the outbreak of war. Drawing upon *The James Stuart Archive* and *A Zulu King Speaks*, as well as Guy's and Wright's pre-1979 research work (Guy 1976; Guy 1977; and Wright 1978), Colenbrander reinterpreted the Zulu *amabutho* system as a labour

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[4] For more on the criticism, see Saunders, *The Making of the South African Past*, pp. 154-161.

[5] For more on the James Stuart Archive, see Wright (1996). Four volumes have been published thus far.

force designed to uphold the state (Colenbrander 1988:80). The Zulu kingdom emerged as an entity with political and economic problems and concerns. Colenbrander also provided a more detailed image of Cetshwayo as a leader faced with problems which included insufficient cattle supplies, a population increase and the growing power of the *izikhulu* (chiefs) who often opposed the king (Colenbrander 1988:82-89). This suggested that there was a need for a multi-dimensional analysis of Zulu society, not mere emphasis on militarism or alleged 'bloodthirstiness'.

Various writers have offered a letter by Cetshwayo in 1876 as an illustration of the threat he and the Zulu posed. The letter for example was 'disturbing' (Clammer 1973:23). Colenbrander however offered a rebuttal of this image (Colenbrander 1988:81), basing it upon research by Cope in 1967 and Colenso and Durnford's 1880 publication. He suggested that Cetshwayo's 'outburst' in the letter may have been overly impetuous or that the king's words had been misrepresented. Both Cope's research and Colenso and Durnford's publication were available to Clammer, yet he does not utilise them. Clammer's portrayal is more negative. He does not attempt to place the letter in any sort of context and must be seen as part of his attempt to provide evidence of the legitimate need for war in 1879. In Colenbrander's view, Cetshwayo's outburst becoming far less significant than it has been made out to be.

Elaine Unterhalter investigated the residents of the Nquthu district before and after the War. The role they played in the causes of the War and its subsequent influence upon them is discussed at some length. She concludes that the 1879 War had a fundamental impact on the Nquthu district, altering the residents' way of life (Unterhalter 1988:115). This paper was built upon a number of sources including Guy's doctoral thesis, Parr, Montague, both of which were published in 1880 and contemporary documents (Unterhalter 1988:115-119). Using sources, many of which were available before the twentieth century, the author was able to develop a description of Zulu social, political and economic life during the War, to balance existing accounts which depicted the British circumstances. The political and social problems faced by the Zulu, emerge as integral therefore, to the study of the Anglo-Zulu War.

By the 1970s then, academic historians were producing research that showed that many of the views of the previous decades were either myths or complete fallacies or ignored documents and publications that had been in existence for decades.

A further context for this revisionist research was provided by South Africa's political situation. Opposition to apartheid was another stimulus for revisiting Zulu history. Apartheid aimed at compartmentalising people and thus their history. Revisionist authors opposed this. They placed the Zulu within the wider society of South Africa, emphasising that they were also worthy of historical

investigation. Paul Maylam's *A History of the African People of South Africa* focused on a black role in South African history. In his sections dealing with the Zulu, they are the 'main characters' of their history, not whites.

By the 1980s, the research work of the preceding decades led to a growing number of publications about the past. Works such as *Enterprise and Exploitation in a Victorian Colony* showed that there was much to investigate about the history of KwaZulu-Natal beyond the Anglo-Zulu War. Bringing together historical and economic issues, the book's articles focused on a number of different topics including trade in the Zulu kingdom. Colenbrander suggested that trade had a greater impact on Zulu society than was previously thought. Cetshwayo, Zibhebhu kaMpahita and Dabulamanzi kaMpande all engaged in high level trade with white traders. This promoted an image of the Zulu as not merely 'savage warriors' but businessmen, some of whom enjoyed extensive trade interests. Zibhebhu kaMpahita for example traded in Swaziland, the Eastern Transvaal, as well as Natal (Colenbrander 1985:115).

By the end of the 1980s, a successor to Brookes and Webb's *A History of Natal* was being planned by the Department of Historical Studies at the University of Natal. The result was Duminy and Guest's *Natal and Zululand - From Earliest Times to 1910: A New History*, a chronological account of the province from the Stone Age to the beginning of the twentieth century. It was hoped that 'Duminy and Guest' juxtaposed against 'Brookes and Webb' (would) generate 'the creative tension from which there will come ... a brave new synthesis of the history of Natal' (Duminy & Guest 1989:x). Most significantly, there was an attempt to re-examine the development of the 'Phongola-Mzimkhulu region' *sans* the now hackneyed concepts of the Zulu-inspired disturbances, the Mfecane and Shaka as the sole protagonists (Colenbrander 1985:57-74)[6]. Instead changes were viewed in terms of ecological factors, advocated earlier in the decade (Guy 1980), although Wright and Hamilton warned that there was much left to 'untangle' (Wright & Hamilton 1989:68). The image of the mysterious, threatening warrior hovering on Natal's border was replaced by one that fixed the history of the Zulu firmly within the context of the development of the province. Moreover *Natal and Zululand* clearly indicated that historians, using sources such as the *James Stuart Archive* and researching Zulu society in depth, could effectively dispel much myth and ultimately show that .... 'The ingredients that made up the various societies that inhabited Natal and Zululand were no different from those of other societies' (Duminy & Guest 1989:xxvii).

The idea of the Zulu as a normal society was taken further in *The Mfecane Aftermath*. This publication was drawn from papers presented at a colloquium, 'The Mfecane Aftermath: Towards a New Paradigm', held at the University of the

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[6] Ideas about the Mfecane have been developed further in Hamilton (1995).

Witwatersrand in 1991. Assessments of the Zulu, amongst others, were set out with a sense of their wider socio-economic and political history (Wright 1995). *The Mfecane Aftermath* also contained evidence of the second area of academic revision of Zulu history. Dan Wylie's contribution was a literary analysis that examined the extent to which early white authors had 'othered' the Zulu, deviating from the 'truth' in order to tell a story (Wylie 1995). It was part of a growing historiography that utilised the methodological tools of postmodernist analysis.

History as invention?

Following Edward Said, scholars examined the ways in which the past has been conceptualised and portrayed by various political, scholarly and literary agencies. The notion of 'invented tradition' began to receive scholarly attention. Martin, Wylie and Daphna Golan have examined perceptions of Zulu history and how it has been manipulated over the last two centuries[7] (Martin 1982; Wylie 1997:2 and Golan 1994). Wylie argued that historiography has ignored earlier historian's lives and the subjective nature of their authorship (Wylie 1993). As already noted, literature about the Zulu has been very dependent on the writings of Isaacs and Fynn. Investigation of these individuals' lives[8] has shown that the nature of their histories and the information later authors have derived from them, remains as problematic as the 'real nature' of the nineteenth century Zulu.

The notion of 'invented tradition' seemed to receive support from archaeological findings. Archaeologists examining the site of KwaBulawayo discovered that Fynn and Isaacs had exaggerated the size and number of inhabitants of Shaka's capital. Fynn claimed that it was two miles in circumference and when they first arrived at Shaka's homestead, they were reportedly met by a crowd of 80 000. He later refers to an assembled crowd of 30 000 (Stuart & Malcom 1955:71 and 86). Archaeologists however estimate it at between 250 and 350 metres in size, with no more than 1000 to 1500 inhabitants (*Sunday Tribune* 30 October 1994). This helped to bring the writings of these early English settlers further into question.

This questioning of such primary sources has brought forth the elucidation of a third area of academic revisionist thinking. It was noted above that using *The James Stuart Archive* and *A Zulu King Speaks* involved asking questions about their legitimacy in conveying a Zulu perspective. The Archive was vigorously criticised by Julian Cobbing in 1988. He saw Stuart's record as being 'tainted' by colonial involvement and therefore of dubious value (Cobbing 1988:135).

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[7] Other works which make use of the idea of 'invented tradition' are *inter alia* essays in Burness (1976) and Malaba (1991).

[8] For Isaacs, see Wylie (1991) and (1992). For Fynn, see Pridmore (1996).

Nevertheless, as we have seen, historians made use of these sources despite this and with positive results. Carolyn Hamilton has been responsible for reinforcing the position that the limitations of colonial authorship do not outweigh their usefulness. In both her PhD and her recent publication *Terrific Majesty*, Hamilton has argued that such intellectual contentions as the distortion of the Zulu past by various agencies limits our access to this past. To decry all colonial writing as invention for example, simplifies the nature of the relationship between coloniser and colonised and with that, the nature of the former's writings about the latter (Hamilton 1993:77 and Hamilton 1998:29). For Hamilton, Zulu history is not merely about what white writers say but is much wider than this, involving other agencies such as politics and art (Kros 1998:199f). Moreover white settlers were not totally limited by their cultural prejudices but were influenced by indigenous perceptions (Guy 1998). Consequently their work has value, *The James Stuart Archive* being in Hamilton's view, 'the single richest source of evidence concerning the precolonial history of southeast Africa' (Hamilton 1998:164).

John Laband's work on the Anglo-Zulu War provides another example of the advantages utilising these sources can have. Histories of the War had received criticism from academic historians (Guy 1979:8). Images of the Zulu that emerged in these military histories were not positive ones. Guy observed that many of the publications about the War were sad distortions where many myths about the Zulu were well represented (Guy 1979:8). Despite this reaction to the military historian's point of view, there were indications that there was much that could be investigated about the War itself. Utilising the methodology of 'war and society studies' (Laband 1992:2), Laband pointed out that much less was known about the War than had been assumed. A broader approach was needed. War and society studies developed in Anglo-American historiography during the 1970s and were a reaction against examining the purely military aspects of conflict: instead socio-economic and political contexts gained in significance (Grunglingh 1982:1). Laband negated the image of the Zulu army as a professional institution. Indeed from Zulu testimony, it emerged as a militia, an informal organisation. To call it an army is a misnomer and to formalise it by listing its alleged components and strengths is to promote a fallacy. An example of a work which falls into this trap is Wilkinson-Latham's book, *Uniforms and Weapons of the Zulu War* (Wilkinson-Latham 1978:91f), in turn was based on Fynney's 1879 publication designed to provide intelligence for the British about their opponents. The latter was used to create an image which, Laband believes, was totally misleading.

Thus the formalisation of the military image of the Zulu was a process undertaken by writers with a particular motive in mind. During the war, the British exaggerated the numbers of their Zulu opponents to enhance their victories. Writers after the war continued this practice but in a context in which it was important to promote the notion of attacking a nation or group with an organised force of arms. It was face-saving to argue that Britain had been defeated by an army with many regiments rather than by informal militia units. The Anglo-Zulu war then, emerges not simply as another 'colonial war' but as a historical tool. Its function was to establish a conceptual framework in which to understand an aspect of South African history from a Western perspective. The role of the whites and the role of the Zulu in the War has, to a very large extent, been defined by this paradigm.

In 1979, the centenary year of the War, Laband set about altering this conception of the past, by attempting to provide a Zulu perspective of the war. The aim was to bring the Zulu from their allotted place on the periphery of interest in the War, to centre stage. A significant step in this direction was the publishing of *A Field Guide to the war in Zululand 1879* in 1979. Making use of Zulu evidence from *A Zulu King Speaks*, the *James Stuart Archive*, as well as academic work by Guy and Wright (Laband & Thompson 1979:82-84), Laband's chapters on the Zulu military system and strategy offered an insight which was not available in many Anglo-Zulu War works. *The Field Guide* contained descriptions of Zulu military activities which were major improvements over any predecessors. The Zulu military system was placed in perspective and it became apparent that the Zulu did employ a strategy. They emerged as active participants in the war. Laband and Thompson also made the point that defeat for the Zulu was by no means inevitable. In fact, it was not so much the British who defeated them but rather it was they themselves who simplified the task for the British by adopting a conservative strategy (Laband & Thompson 1979:12). These were major changes to the image of the Zulu in war. For Furneaux in 1963, defeat had been inevitable because of European gunpowder (Furneaux 1963:7), and Zulu tactical ability was accordingly dismissed as being of little consequence. However, the *Field Guide* pointed to the fact that at the outset of war and contrary to popular opinion, the outcome was not definite. Even those activities which in the 1964 film *Zulu* appear frighteningly primitive and are the preamble to the attack on Rorke's Drift - that is singing and dancing - emerge as a form of exercise (Furneaux 1963:4). This aspect of Zulu life was not performed merely to act upon primeval desires nor only for enjoyment but it had a far more practical nature. Zulu society then, emerges as considerably more complex than the more simplistic earlier views allowed for.

In 1985, Laband produced *Fight Us in the Open*. The second volume in a series co-produced by the KwaZulu Monuments Council, its subtitle and theme was the 'Anglo-Zulu War through Zulu Eyes'. The idea of non-existent Zulu sources is shown to be quite wrong. While there may be neither Zulu regimental histories nor written orders, there is sufficient testimony to provide a Zulu insight into the War. Based on material from *The James Stuart Archive* and *A Zulu King Speaks*, amongst others, Laband provides details of political disagreements among members of the

king's council, Cetshwayo's orders and the Zulu strategy involved in various battles. When discussing the Zulu decisions before Isandlwana, Laband uses the word 'conference' to describe senior Zulu's activities (Laband 1985:3-10). Gone is the concept of the headlong savage charge at the British. Replacing it is a view of normality; the Zulu held 'conferences', discussions and took decisions based on gathered intelligence. Thus Zulu warfare was not a series of bloody encounters; planning was involved at all times. Defeats occurred since command and control systems broke down at a tactical level, resulting in uncoordinated and unsuccessful attacks, as at Gingindlovu (Laband 1985:29-31).

What is the result of the use of this testimony? Does the book succeed in 'seeing the Anglo-Zulu War through Zulu Eyes'? Can a historian successfully hope to do this one hundred years later, using material which has colonial interpreters acting as intermediaries between the past and the present? *Fight Us in the Open* certainly succeeds in moving a step nearer the Zulu perspective of events. It does this, firstly, because primary material about the British view of the War is equally problematic, and secondly, because works such as *A Zulu King Speaks* and *The James Stuart Archive* offer detailed sources of primary Zulu eyewitness accounts. With the assistance of these, Laband's Zulu are emotional, proactive deliberators who show normative responses to conflict and crisis.

The most important work to emerge was his *Kingdom in Crisis*, published in 1992. Based on Laband's doctoral dissertation, the book proved that there was much to be stated and concluded from the Zulu participation in the war. For those who advocate one of two extremes, either that the Zulu state responded in a coherent, unified manner to the British threat (authors such as Endfield, Clammer and Barthorp and the producers of *Zulu* and *Zulu Dawn*) or alternatively that Cetshwayo was totally confused and disorganised, being dominated by his 'warlike regiments' (Morris 1992:273 and 282), *Kingdom in Crisis* has very different images to offer. It becomes apparent that the Zulu were not superhuman, nor were they suicidal extremists. Their tactics were not totally antiquated (they had learnt from the Battle of Blood River in 1838 for example), but morale did decline, they were shocked at their casualties and when defeat was obvious, they were prepared to negotiate with the British. Cetshwayo did procrastinate at times but there were logical reasons for this (Laband 1992:2-252).

Laband also reaffirms the importance of the war itself, as opposed to merely concentrating on the causes and repercussions. It assumes a new significance, in that *Kingdom in Crisis*' analysis shows how the Zulu polity gained and lost from the War. It assisted various senior officials to gain greater autonomy and brought Cetshwayo's senior council into disagreement with him and among themselves (Laband 1992:29-252). Indeed Laband overturns the notions that the war was 'an epic of

misunderstanding' (Edgerton 1988:5), that the conflict is simply explained and that in-depth analysis is unnecessary.

In 1995, Laband published *Rope of Sand*, a history of the Zulu kingdom in the nineteenth century. He drew on the sources referred to above amongst others, as well as the praises of the Zulu kings. *Rope of Sand* aimed at providing a context for the political situation in KwaZulu-Natal in the mid-1990s and to 'make history accessible' by writing for a wider audience (*Sunday Tribune* 5 November 1995). Indeed, it was being argued that the consumer market for academic history was small, while the desire for more popular, public history was growing (Maylam 1995:10f). Prior to *Rope of Sand*'s publication, a non-professional historian utilised the academic research of the preceding decades to write about the Zulu in the twentieth century. Taylor's *Shaka's Children* made use of *The James Stuart Archive*, as well as ideas of representation drawn from Golan and Martin. Notably it also examined a period of the Zulu past that has often been ignored, namely the mid-twentieth century.

Rope of Sand and *Shaka's Children*[9] were attempts to bridge the divide between academic history and popular history. Drawing a distinction between these two approaches, making a judgement about who or what produces the 'best history', is not easy. It involves placing academic history in a positive light which implies that professional historians are immune to ideological and other subjective influences. Charles Ballard's *The House of Shaka* provides an illustration that this is not the case. A professional historian, his publication was regarded by some as an example of a 'royalist history' concerned with the partisan treatments of Buthelezi and Inkatha[10] (Wylie 1995:73f and Hamilton 1990).

Martin, in discussing Curtin's *The Image of Africa*, makes the point that Curtin attempted to provide a respectable pedigree for professional historians, to show that their work had greater legitimacy and truth than popular representations (Martin 1982:7f). Clearly such generalisations about academia are impossible to make. Academic knowledge was the basis of European representations of the 'other'. The sciences, biology and anatomy were complicit with the various institutions of colonial power (Young 1990:127). Challenging popular views of the past also leads to accusations that academics indulge in 'ivory-tower theorising about what people know, what is in their blood' (*Mercury* 1 March 1994). Guy has been criticised for arguing with 'old and mouldy facts' and ignoring emotion (*Daily News* 30 March

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[9] See Lambert (1996) for a comparative review of both books.

[10] In 1924 Inkatha was founded to pay off the Zulu royal family's debts. It later took on a more political function but lost momentum in the 1930s. Inkatha was re-established in 1975 to promote Zulu ethnicity. In 1989 it formed itself into a political party, the Inkatha Freedom Party (IFP).

1994). Another analyst was attacked by the editor of the Inkatha-owned *Ilanga* newspaper for writing about the Zulu hierarchy when he was in fact an 'outsider' and could therefore not understand it (*Daily News* 23 January 1995). In assessing images of the Zulu in the twentieth century however, historical material produced by certain professional historians has attempted to investigate and understand the Zulu past, apart from the oft-used signifiers of violence and bloodshed. Academic research from the 1960s provided a major impetus for moving 'beyond the washing of the spears' (Wright 1979) but to what extent did it make academic history 'accessible' and influence popular history?

Anticipating a brave new synthesis?

Popular histories continued to make contributions to KwaZulu-Natal history and South African history. Their success needs no other measure than the fact that a number of these texts - including Morris' - provided the sources not only for the *Shaka Zulu* television series but continue to be quoted as sources of fact[11]. *A History of Natal* had been superseded, but works such as *The Washing of the Spears* have maintained a constancy over the decades. Indeed a mere six years ago, a newspaper article declared Morris to be an expert on Zulu history (*Daily News* 23 June 1994).

Throughout the decade of the 1980s the Anglo-Zulu War continued to attract attention. The 1982 edition of the journal *Soldiers of the Queen*, was devoted to a debate between two views of one of the War's major engagements, the battle of Isandlwana. Differences of opinion notwithstanding, this debate really concerned itself with the reasons for the British defeat at Isandlwana. Much was written about the positions of the British units (Knight 1982:4 and Knight 1983:16f), British rate of fire (Knight 1982:6 and Knight 1983:15) and so on, questions which tend to overshadow the Zulu triumph. Morris and Jackson were concerned with searching for reasons for this victory but the place they looked was the British role in the battle. Langley (1983:22f) did offer a more practical view of matters pointing out that the Zulu won on the day as their tactics, abilities and courage stood them in good stead, particularly when combined with British mistakes and failures.

The fact that the Zulu had no literate historians at the time of the War is no excuse for ignoring Zulu participation. Certainly it may make the gathering of Zulu evidence more difficult, yet the methodological problems of oral evidence are not worse than historiographically problematic literary material about the British which appeared after the War. Knight (1983:20)has written that the *umPunga* unit typifies the problems 'besetting a serious study of the Zulu Army'. Confusion over its proper

name and its location during the battle, make it difficult to describe its composition and activities. Yet Knight seems to have overlooked the fact that such problems are also found on the British side. Despite the literature that deals with the British at Isandlwana for example, there remains a debate about British unit dispositions, strengths and respective leaders. Indeed, an archaeological dig at Isandlwana is being planned in order to resolve these issues (*Sunday Tribune* 3 September 2000). Anything definitive in nature remains difficult to arrive at however, as much for the British as the Zulu. Nevertheless the inadequate coverage of Zulu participation is explained away by such difficulties and problems. This can only be understood as a persistent inability to come to terms with the Zulu view of the War. The image of the Zulu 'warrior' as victor or as worthy opponent continued to be a difficult one.

This was evident in two other publications of the 1980s. They represented the inability of some to see the Anglo-Zulu War in any other context than that of an 'African adventure'. Furthermore, their respective sources were based mainly on secondary material and thus the myths which appeared in these, were perpetuated.

Barthorp's *The Zulu War - A Pictorial History*[12] and Bancroft's *Rorke's Drift*[13] were able successors of this tradition. Zulu military tactics were to all intents and purposes non-existent. They had not learnt lessons from their defeat at Blood River forty-one years before, implemented no deception plan nor did they exploit their victories. In fact a planned campaign was unknown and Zulu warfare was simply a series of bloody encounters (Barthorp 1984:18). As a leader and tactician, Cetshwayo's orders were 'simple in the extreme' (Barthorp 1984:44). After such comments, one is left to wonder how the Zulu managed to fight at all or indeed how they earned their military reputation. In Barthorp's estimation they appear as little more than street hoodlums. These descriptions are however significant, in that they again underlie an ambiguous aspect of Zulu imagery. On the one hand the Zulu 'warrior' is the perfect fighting machine, on the other he is disorganised, inflexible, intent on hacking and stabbing. Again on the one hand he is brave and fearless, on the other he retreats in disarray, not bothering to resist pursuers. This lack of resistance is explained by suggesting that those who fled were either cowards or feared execution by Cetshwayo for their misconduct. Not considered is the point that retreating Zulu may have been exhausted or felt that it was futile to flee cavalry on foot. Instead the concept of a brutal Zulu system of justice is invoked (Emery 1977:51). Barthorp (1984:118) also finds it curious that the Zulu attack with great courage but retreat with little resistance. Far from trying to understand this, Barthorp seems happy to accept the idea of inflexible, simple tactics and inadequate skills.

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[11] See for example Wylie (1993:98) and *The Grolier Multimedia Encyclopaedia* on CD-ROM.

[12] Originally published in 1980.

[13] Originally published in 1988.

Furthermore, what emerges is the concept that the Zulu were brave fighters, but only when confronting an opponent of a similar capacity, that is to say a 'native foe'. Against 'modern civilisation', the Zulu 'warrior' is seen as being at a disadvantage. Their courage and bravery - for this is all they are alleged to have, their weapons being of no consequence - are insufficient to defeat sophisticated Western armaments as *Zulu* so clearly shows. Apart from the British 'catastrophe' at Isandlwana, Khambula, Gingindlovu and Ulundi are seen to show the futility of attacking British troops.

Insofar as learning from Blood River is concerned, not taking heed of previous battle experience cannot be attributed to the Zulu alone. Twentieth century European armies have also failed to do this (Hart 1992:20). At the same time however, evidence suggests that the Zulu did learn from experience. Firearms provide a useful example. Morris, a source Barthorp used, points out that Cetshwayo was already procuring firearms from John Dunn before the 'Coronation' in 1873 and by 1879 had acquired a large number (Morris 1992:209 and 293). The quality may have been questionable, but the Zulu had clearly realised the value of guns. If any of these authors had bothered to consult the February 1880 edition of *Macmillan's Magazine*, they would have found that Cetshwayo was displeased that captured British rifles from Isandlwana had not been brought to him (Webb & Wright 1987:35). This is an indication of the significance the Zulu placed on firearms. Admittedly they were not used to their full potential, nor were they properly integrated into the Zulu battle plan but this is related to problems within the Zulu units themselves.

It is more useful to note that there were times when firearms were used efficiently by Zulu marksmen. There is evidence of this in the many letters of *The Red Soldier* (Emery 1977:23 and 169) but neither Barthorp nor Bancroft acknowledge this ability. Even the secondary works of Morris and Clammer give examples of Zulu firepower being utilised successfully (Morris 1992:404 and 494 and Clammer 1973:107 and 162), but these episodes are overlooked or ignored in favour of a stereotyped view of the Zulu.

Bancroft unashamedly celebrates the British activities, highlighting 'the fighting spirit of the British soldier'. Both authors also provide legitimacy for the British invasion. Barthorp (1984:vii) considered that, although unjustified by modern standards, the attack was undertaken as a protective measure for both black and white since the Zulu threatened the stability of Natal. Terms like 'powder keg' are used to describe the Zulu kingdom (Barthorp 1984:12). This colonial attitude was aggravated by Zulu raids into Swaziland and restlessness among the 'impis' (Bancroft 1991:17). Sir Bartle Frere, one of the architects of the War, by contrast is presented a naive European civil servant out of place in volatile Africa (Barthorp 1984:8). Even logical behaviour by the Zulu is denied. Bancroft sees Cetshwayo's attempt to avoid a quarrel with the British by showing no hostility towards them, as an indication of the king's failure to understand 'European law' (Bancroft 1991:17). This makes little sense since not showing hostility could be considered logical in the face of such a threat. Yet Bancroft portrays this in a negative light.

Publications working within the 'popular' framework, continued to generate the types of images which had been introduced in the 1820s and 1830s. At best the Zulu were the stereotyped 'warrior', at worst the cruel tyrant. Even among more serious studies, such conceptions remained. Ian Knight's *The Zulus* (1989:10) saw Shaka's birth as having 'all the elements of a dark fairy story'. For a book published in 1989, this comment is hopelessly inadequate as history. The fact that Shaka's existence is myth-bound does not mean that it is mythological. In addition, the series of which the book was a part, was designed to examine famous fighting units of the past and present. The Zulu are in the company of, amongst others, the United States Marine Corps and the Israeli Defence Force. It is strange to rank the Zulu alongside professional army units. There was no edition in the series dealing with 'the Americans' but rather their military units, to which a percentage of the population belongs. 'Zulu' however implies militarism and consequently all Zulu people take their place in the company of regular fighting units (Knight 1989:53).

In 1988, Robert Edgerton published *Like Lion's They Fought*. An American, his aim was to improve on his fellow countryman's *The Washing of the Spears* and include a Zulu perspective of the War (Edgerton 1988:ix-xi). Utilising the work of professional historians (Guy 1975; Webb & Wright 1976; Laband & Thompson 1979; Webb & Wright 1987; and Duminy & Ballard 1998), Edgerton incorporates the Zulu role in the battle of Isandlwana (using *inter alia The James Stuart Archive* Volume III and Zulu accounts from Mitford[14]) and even goes some way in mentioning the role of Zulu women. Nevertheless Edgerton chose to write about the Zulu in a simplistic manner. Issues such as bodily functions enjoy the same emphasis as political and economic matters. He also provides details of the apparent role of body parts in Zulu society (Edgerton 1988:40,42 and 45) including cannibalism. According to Edgerton, human flesh was a potent part of the ritual preparation for War and before the battle of Isandlwana, the flesh of a certain O'Neal was eaten. Edgerton acknowledges Krige's *The Social System of the Zulus* here. Krige's source (1965:270) for this information is Stuart's *A History of the Zulu Rebellion 1906*. Tracing this back to Stuart, it becomes clear that Krige has made an error, something that Edgerton compounds. Stuart (1913:377f) discusses the murder of an Oliver Veal, not O'Neal, in July 1906, not 1879.

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[14] Bertram Mitford travelled extensively throughout South Africa and Africa. From the 1880s, he produced numerous stories and novels.

The War is described in these terms. It is said to be an 'epic of misunderstanding', which is simplistic to say the least. The attack on Sihayo's *umuzi* at the beginning of the War is discussed as if it were a humorous event. In Edgerton's view much of the 'frolicsome fracas', as he calls it, involved the antics of a Lieutenant Harford. There is no serious interpretation of this event and the destruction of 'jolly' Chief Sihayo's home is dismissed as being of anecdotal importance.

While Edgerton was critical of Haggard's romanticised view of the Zulu, his contribution to Zulu history was influenced by fictional accounts. The influence of the *Shaka Zulu* series can also be seen in the section where the exaggerated role of Princess Mkabayi in Zulu society, is discussed (Edgerton 1988:5 and 214). As a result *Like Lions They Fought* fails to comprehensively deal with the Zulu. The image of the Zulu society as savage and/or primitive is replaced by one which shows it to be peculiar. In addition the book is reductionist, simplifying the Zulu to the level of a group of people who behave according to ritual and tradition. They are not seen as creative or proactive in any way. They merely react to events, be they rituals, the British invasion or battle. Perhaps the author thought this style would assist in the book's commercial appeal but it merely serves to submerge Edgerton's attempt to understand the Zulu in a mass of trivialities. *Like Lions They Fought* really reflects little more than the primitive ethnography of the early American films about the Zulu[15].

Ian Knight's publications however, are quite different. *The Zulus* notwithstanding, Knight's subsequent books have acknowledged that popular histories have neglected much of the source material about the war, as well as academic research (Knight 1990:6 and Knight 1992:6). Consequently he has endeavoured to produce analyses of the War and the Zulu which offer the perspective of both sides (Knight 1990:9). *Brave Men's Blood* for example, is a general work about the Zulu with a focus on the Anglo-Zulu War. Knight avoids beginning with Shaka; rather he alludes to the arrival of the first inhabitants in the region and the importance of land and resources. In addition Knight (1990:18-166) offers a revised, less romanticised view of Fynn and his colleagues, includes the names of various Zulu participants in the war and the Zulu arrival at the battle of Hlobane in March 1879 is told from the Zulu perspective. In *Nothing Remains but to Fight* an entire chapter is devoted to the Zulu and Knight offers a sound discussion of Zulu tactics (Knight 1993:Chapter 5 and 63-105). At the same time however, features of earlier popular discourse can be found in Knight's work. He has been criticised for attempting a balanced assessment of both the British and Zulu sides but neglecting

Zulu political and strategic options (Laband 1992:1). Moreover there are continued allusions to the more mythological aspects of the Zulu. Shaka continues to be dealt with as the 'great man' (Knight 1990:Chapter 17 and Knight 1992:6), while Isandlwana retains its sinister connotation in the eclipse of the sun which occurred on the day of the battle and to the premonitions of various officers and men (Knight 1995:72 and 76). These aspects of Knight's work suggest that the more mythical conceptions of the Zulu will continue to play a role in the production of South African history. Nevertheless, Knight does acknowledge the developments in South African historiography and consequently his work becomes part of the 'brave new synthesis' of the history of Natal envisaged by Colin Webb in 1989 (Duminy & Guest 1989:x).

Part of this new synthesis will be the necessary and important development of African academic historians adding their accounts to the research and publications set out above. Naturally the latter will be perceived by some as merely white accounts and it will be argued that an African approach or more specifically an African-authored approach will pay greater dividends in uncovering the Zulu past (Maphalala 1997). Caution is necessary here, lest such history operate only as a new universal paradigm, which is merely an antithesis of a white-centred perspective (Ashcroft et al 1989:21). Moreover, an African-authored approach will ignore the academic research discussed above to its detriment.

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[15] See for example *A Zulu's Heart* (1908), *Rastus in Zululand* (1910), *Zululand* (1911), *A Wild Ride* (1913) and *The Zulu King* (1913).

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The Economic Role of the Indian Commercial Class in Colonial Natal

Kalpana Hirallal

The arrival of the 'Passenger Indians' in Natal from the 1870s marked a new era in the economic history of the colony. The immigrants paid their own passage and were free in all respects – hence the name 'free' or 'passenger' Indians. Unlike indentured Indians, they did not fall under the contractual labour system, and differed from the indentured workers in terms of place of origin, dialect and religion. This group originated from the west coast of India, from the province of Gujarat and were in the main Gujerati speaking Hindus and Muslims. In Natal, probably because the passenger Indians were mostly Muslims, and because of the flowing robes they wore which were reminiscent of Middle Eastern dress, the group as a whole came to be referred to as 'Arabs'. Endowed with business acumen and little capital, they came to explore and exploit the economic opportunities created by the needs of the ex-indentured Indians labouring on the plantations and mines in Natal. They set up retail stores in Durban, Pietermaritzburg and in the isolated and remote districts of northern Natal and gradually monopolised both the retail trade and trade among Africans throughout Natal.

Indian business and trade patterns in colonial Natal are fascinating areas of research but have received minimal attention. Despite Bhana's extensive work on the Indians in Natal (1984; 1985; 1990), his studies on the Indian trading class have largely focused on their place of origin and eventual settlement. In contrast, Padayachee and Morrell (1990) have attempted to examine and analyse the nature and complexities of Indian business practices in Natal. They argue that Indian traders played an important role in extending Natal's commercial network via credit and trade relations. Their study also emphasises the social stratification within the Indian commercial community, in terms of the nature of their economic activities and the extent of their business relationships with the white commercial fraternity. However, no attempt is made to explore the internal organisational structure, nature and diversification of Indian trade. This paper will attempt to provide a broader analysis and understanding of Indian business patterns and characteristics of trade in colonial Natal. It will examine the role of caste, religion and kinship ties in the early stage of

the organisation, and the structural expansion and diversification of Indian businesses. In-depth analysis of this aspect of Indian trade is an important step towards understanding the nature and complexity of Indian entrepreneurship in colonial Natal. By the turn of the century Indian traders had taken over much of the retail trade in the rural areas, as well as a great deal of the urban retail trade and trade to Africans, together with wholesale importing from overseas, notably of Indian foodstuffs and clothing. In many ways the operational procedures and trade patterns of the Indians in Natal were very similar to their commercial counterparts in the diaspora especially in east Africa and Mauritius (Hiralal 1992:).

The 'passenger' Indians who arrived in Natal during the mid-1870's can be placed into three essential categories of trade: the well-established merchants, the petty storekeepers and the hawkers. Together they formed the Indian commercial class in the colonial period.

The first group of businessmen were often representatives of major international companies who wanted to expand their business enterprises to Natal. Others who had sufficient capital, (a tiny minority), opened up shops immediately, or entered into partnerships with a relative or friend from the same village in India, or with someone with a shared religious background. Of the twenty-eight partnership companies formed by Indian merchants between 1884 and 1900, seventeen were formed by members of the 'passenger' Indian group. In some cases partnerships were formed temporarily only, with one partner subsequently leaving the firm to set up a business on his own (*Natal Government Gazette* 1898-1900).

The second group, namely the petty traders, formed the core of the Indian commercial class. They generally arrived in Natal at an early age (17 to 25 years), and due to lack of capital, served an extended period of apprenticeship with an established firm. This provided a basis for setting up their own shops at a later date, or for acting as an agent, with the help of goods advanced on credit by some large firm. Alternatively, the apprenticeship could lead by stages to appointment as manager or partner in the existing firm (Mangat 1969:15). Among the well-established firms who offered apprenticeships to prospective traders were Aboobaker Amod, Amod Bayat and Parsi Rustomjee. Only after some years of successful enterprise in Natal, could the young trader hope to pay a visit to India to marry and to establish fresh business connections. Both in business and in personal life, there was a close inter-relationship between India and Natal, and mutual good faith and trust apparently formed the corner-stone of the enterprise of these Bombay and Surat traders. This was provided largely by ties of kinship, caste and sect, and was perhaps best described by Sir Bartle Frere as the

... marvellous system of private intelligence which is the keystone of Native Indian commerce and by which every great Indian trader seems to hear of everything which concerns him whenever it may happen (Mangat 1969:15).

Caste and kinship ties played an extremely important role in the early organisation of Indian businesses. In recruitment and promotion of assistants within the firm, top priority was given to relatives or fellow villagers. The larger merchants were able to recruit skilled artisans under a contract system. For example, in 1893, Dada Abdoolla signed contracts hiring the services of Sheik Ismail and Essop Mahomed, to work as general servants in his firm of Messrs Dada Abdoolla and Co. of Durban. The contracts stipulated that the employer was to provide medical, travelling and boarding benefits. Legal contracts, such as the one described, indicate the formalised business relationships of the more established merchants (Port Shepstone Minute Papers 1901).

The wages paid by Indian traders to their employees ranged from 30 shillings to £15 a month. The colonial trader often complained of these low wages (Port Shepstone Minute Papers 1901). For example, George L. Russell, a draper in Ladysmith stated in 1905 that his business suffered due to strong Arab competition. He claimed that Arabs 'imported' assistants from India and paid £3 to £4 per month. He added that 'juniors' from India were paid 30 shillings per month, while colonial traders were paying their assistants £14 to £20 per month (Natal Parliamentary Papers 1905). It is true that some Indian assistants and employees received £4 a month, with board and lodging included: men new to the work, who needed to be trained and who were very much at a disadvantage so far as their knowledge of the English language was concerned, did not command high wages. Only the few established merchants paid their employees a higher salary, especially those who hired a white accountant to balance their books (Gandhi 23-25).

Indian merchants and storekeepers did not have an elaborate or sophisticated method of bookkeeping. Books were drawn up in Hindi, Urdu and Gujarati; the latter predominated because it was the mother-tongue of the majority of the 'passenger' Indians. The petty storekeeper was in the habit of keeping a cash book and a daily book to record transactions, while the larger merchants kept an invoice and stock book as well. Books were drawn up once a week or once every fortnight (Weenen Magistrate's Records, Licensing Board Application Note Book 1898-1904). The owner of the store usually dictated to the accountant what entries to make, especially if the latter was a non-Indian and did not understand the Gujarati language. However, the manner in which Indian merchants and storekeepers kept their account books was severely criticised by petty colonial traders, who accused

them of resorting to unscrupulous trading methods[1]. In 1897, the Natal government passed the General Dealers' Licensing Act which made it compulsory for all traders to keep their account books in the English language. This placed severe restrictions on petty Indian storekeepers, for many were not well versed in English and could not always hire a competent white accountant. Consequently, a considerable number of their trade licenses were refused because of their inability to keep proper books (Thaker Collection 1107/324).

While the petty Indian storekeepers formed the bulk of the Indian commercial class, the more established merchants can be described as the elite Indian trade group in Natal. They were importers of goods and moneylenders, and diversified their trade by investing in real estate and shipbuilding. Those who headed the list of major importers were Dada Abdoolla and Co., Jalbhoy Sorabjee Brothers, Moosa Hajee Cassim, Dada Osman and Aboobaker Amod amongst others (Kalla 1987:54). These merchants were representatives of major international companies, who were regularly supplied with Indian groceries. For example, Ajum Goolam Hoosen and Company, a firm based in Mauritius, regularly exported dholl, ghee, dates and haberdashery to their agent Aboobaker Amod after 1880 (Kalla 1987:54). Another merchant, Moosa Hajee Cassim, made frequent visits abroad to do his own buying. He visited England twice; on the first occasion his purchases were so large that he could not get the regular line of steamers to bring out his goods and so in 1895, he bought the steamer *S.S. Crescent*, which made it easier to transport his goods cheaply and quickly (*Who's Who* 1936-7:131).

The importation of Indian groceries and clothing became a necessity, because these items could not be manufactured in Natal. These merchants knew the habits and customs of the Indian people, and used these effectively in their trading ventures in Natal. A witness told the Wragg Commission in 1885-87:

> Their friends and partners in India can watch the market and purchase at the moment of greatest profit and advantage, they know the ways and habits of Indian immigrants and choose their stock by the aid of such knowledge (Meer 1980:391).

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[1] The unscrupulous trading methods of which Indian traders were accused included short-changing and using unsized weights, and there is evidence to show that these practices did occur. *Indian Opinion* 6 March 1909; Report of the Finance Committee 6 February 1920 in Durban Mayor's Minutes; H.H. Kemp to Licensing Officer 31 December 1924 in Durban Town Clerk's Files.

The chief articles imported were dholl, ghee, rice and spices and other Indian condiments and these were commonly referred to as 'coolie stores' in the list of general imports.

Bombay, Calcutta, Madras and Mauritius were the chief centres of trade with Natal. This was primarily due to the fact that merchants like Aboobaker Amod, Parsi Rustomjee and Dada Abdoolla and Co. had their head offices in these regions. The imports from abroad remained more or less constant. For example, in 1880 'coolie stores' worth £6,129 were imported but in 1888 the value dropped to £5,433. Between 1891-92 it rose to £15,442, but in 1898 it dropped again to £632 (*Natal Blue Books 1880-1896*). It is possible that the fluctuation in the value of commodities imported was due to the trade depression that hit Natal in the 1880's and mid 1890's. Nevertheless, we can deduce that initially the quantities of goods imported were small. However, as the number of merchants in Natal increased, so the pattern and volume of trade with overseas countries gradually grew, but was subject to shifting patterns in the Natal economy (Meer 1980:391).

Small quantities of goods were also imported from the Cape Colony and the countries of East Africa. One of the chief items imported from the Cape was snoek fish. For example, J.M.H. Gool, an Indian wholesale merchant in Cape Town, regularly exported snoek fish to his agent in Natal, namely Jalbhoy Sorabjee Bros, part of a company belonging to Parsi Rustomjee, a Parsee merchant in Natal. In this way Indian merchants in Natal helped to establish inter-provincial trade links. East Africa, Delagoa Bay and Mozambique were common areas of trade and a thriving Indian commercial class supplied goods regularly, in small quantities, to Indian merchants in Natal (*Colonial Indian News* 28 June 1901).

Besides being importers of goods, Indian merchants also acted as moneylenders or 'local bankers'. In 1908 an advertisement appeared in the *Indian Opinion* to the effect that amounts ranging from £5 to £5 000 were available to be lent against bonds, promissory notes, title deeds, scrip and all other available securities. It also added that as a special feature, loans might be repaid by monthly instalments. Potential borrowers had to apply through the well known firm of Bernard Gabriel and Co. (*Indian Opinion* 22 February 1908).

In the early colonial period, the 1870s and 1880s, those merchants who had sufficient capital advanced money to members of their family and to petty storekeepers, the latter usually restricted to those from their own village or district in India. Most often these loans were made to help relatives or friends to set up their own businesses. Loan repayment periods were often extended on the basis of trust, with little or no legally acceptable documentation of the financial obligation. Only on rare occasions would there be an exchange of a written note, attesting to or verifying the transaction. Failure to meet the obligation meant exclusion from the network of credit and trade (Mangat 1969:11).

Credit facilities were also extended to African, indentured and ex-indentured Indian labourers. The latter, once their contracts had expired, would often purchase a lease on a piece of farm land, with the assistance of finance from the Arab merchants; in return, the ex-indentured Indian labourer would have to supply the merchant with part of the proceeds from the land, in both cash and kind. This system of moneylending was a common practice in India. In times of depression, famine and drought, the wealthier merchants, would act as moneylenders or 'local bankers' and advance money to the destitute labourer or peasant farmer. If the latter failed to pay the cash in time, he often lost most of his remaining possessions (Padayachee & Morrell 1990:17).

In Natal, the Civil Record Book for Camperdown, New Hanover, and Richmond reveals that several African and Indian labourers, as well as Indian and colonial petty storekeepers were debtors to the more established Indian merchants. In most cases the sums involved were small, ranging from 10 shillings to £5, though in some cases it was high as £49 to £100. In some instances, the rate of interest charged was very high. For example, Mahomed Vally of Camperdown brought a civil summons against a fellow Indian trader Ebrahim Osman of Georgedale, for the sum of £39. This included two promissory notes of £8 and £7, signed by Osman in favour of the plaintiff on 25 April 1904, which fell due on 25 May 1904. However, on due presentation the two promissory notes had been dishonoured. The plaintiff also claimed £24, an amount of cash lent to Osman on 16 April 1904. Vally also claimed interest to date of payment of this claim, and the cost of the civil suit (Camperdown Civil Record Book 1903-1908).

Arab merchants were severely criticised by white colonists for charging high interest rates to their customers. For example, Reverend James Scott of Impolweni wrote to the Under Secretary for Native Affairs in 1907, complaining,

> that an Arab or Turk named Pathan who keeps a store at Albert Falls is gradually getting the whole native population into his clutches, by lending money. I have good reason to believe that he charges up to 6400% interest. In the interest of the Natives and the peace and good Government of the Colony I do not think this man's licence should be renewed (Secretary of Native Affairs 1907).

Muslims were forbidden by Islamic religious principles to accept interest on their investments, but there is evidence in the Civil Record Books to show that not all Muslims were bound by this ideal.

There were several factors that prompted Indian merchants in Natal to act as moneylenders. During the early colonial period, Indian merchants were largely excluded from the formal banking mechanisms, in terms of lending and discounting policies of the banks at that time. For example, the Standard Bank in Natal urged its branch managers to have little or no business contacts with 'Arabs', 'Indian' or 'Banyan traders', noting in one instance that their business relations with these clients,

> ... call for special caution. The hole and corner way in which their business ramifications (sic) are conducted give one a feeling of distrust and they bear a name for utter unscrupulousness if they find themselves in a bad way (Padayachee & Morrell 1990:19).

It would seem that this 'cautious policy' by the Standard Bank was extended to most of the larger and wealthier Indian merchants as well, but with some exceptions: for example, between 1897 and 1902, the bank extended loans to twenty-four Indian merchants from Ladysmith, Greytown, Newcastle and Port Shepstone (Standard Bank 1894, 1897, 1904).

While the Standard Bank was cautious', the local settler bank, the Natal Bank, adopted a more liberal policy towards the Indian merchants. The more established and successful Standard Bank provided fierce competition, and in order to survive in the banking world, the Natal Bank had no alternative but to accept Indian merchants as their clients (Standard Bank 1894, 1897, 1904). Besides the Standard Bank and the Natal Bank, a few wealthy Indian merchants also had accounts with the Bank of Africa. M.C. Camroodeen of Durban banked and received credit here, and in turn assisted smaller merchants by providing them with credit which banks were reluctant to grant. In Estcourt, the leading Indian trader, Abdoorahaman was the owner of much landed property, and owed his prosperity to the financial support of the Camroodeens. Besides the Camroodeens, other merchants, like Dada Abdoolla & Co., A.M. Paruk, P. Dowjee, Amod Bayat and Amod Jeewa, regularly offered credit to petty Indian storekeepers (Master of the Supreme Court, Assigned Estates, July 1892, November 1893). It can be argued that an exclusive network of trade, credit and moneylending linked large coastal Indian wholesalers and import houses to one another and to the hundreds of small traders in the commercial centres and in the rural areas of Natal. In 1898, M.C. Camroodeen & Co. had outstanding debts of over £25 000 among nearly 400 Natal storekeepers and hawkers. This example confirms a confidential government memorandum of August 1898, which claimed that up-country traders in Natal were 'supported' by larger Indian houses, which were mainly established in Durban (Master of the Supreme Court, Assigned Estates 1889, 1892, 1893).

There were also several colonial wholesalers and merchants who offered Indian traders good credit facilities. In the Master of the Supreme Court Records, in the insolvency lists, British based companies such as M.T. McCubbin, Randle Brothers and Hudson, S. Butcher and Sons, Gumpleson and Lipinski were often cited

as creditors to Indian storekeepers. The amounts lent varied from as little as £12 to as much as £300 or more (Master of the Supreme Court, Assigned Estates, 1893; 1897-1898). The colonial petty trader often complained at the manner in which easy credit was granted to Indian storekeepers. For example, during a Legislative Assembly debate on 'Asiatic Traders' in 1907, Sir J.L. Hulett, speaking on their behalf as member for Victoria county, stated

> ... that Arabs can get credit almost to an unlimited extent from various mercantile establishments. I may say truly that they will get credit where respectable Europeans will have that credit refused to them (Legislative Assembly Debates, 30 July 1907).

The fact that several colonial wholesalers were willing to support Indian storekeepers indicates that they did not compete with them to any appreciable extent. They acted rather as middlemen, and because the Indian sold wares purchased from the European wholesaler, the latter could offer employment to hundreds of European clerks and assistants. Besides, most Arab traders were regarded as trustworthy, reliable and in most cases prompt with their payments. Very often orders for goods would take the form of personal letters to the head of the company. Credit was extended from three to nine months and took the form of promissory notes (Camperdown Civil Record Book 1903-1908).

Promissory notes between fellow Indian traders were usually drawn in English or Gujarati. Arising from this were several cases of gross fraud. There were also cases involving promissory notes in which Europeans defrauded, and were defrauded by, Indian merchants. Some cases of fraud were facilitated by the inability of the Indians to sign such promissory notes in English characters: in such cases, these notes were made without the contents being known to the signatory. To prevent this opportunity for fraud, the Natal government passed Act No. 48 of 1904, 'to regulate the signing of negotiable instruments by Indians', which meant that documents executed by Indians, whether promissory notes or bills of exchange, would only be valid if written and signed in English, or if endorsed by a magistrate (*List of Laws affecting Indians in Natal* 74085).

Besides their role as moneylenders, Indian merchants were also major owners of landed property. An inspection of Durban's valuation in 1893, almost entirely in Ward IV bears testimony to this. Dada Abdoolla owned property worth over £7000. Mahomed Isak, a member of the Natal Indian Congress Committee in 1894, possessed £2,595 in properties in Ward IV. Moosa Hajee Cassim and Dawood Mahommed also had holdings in Ward IV worth £2,170 and £1,820 respectively. By the beginning of 1900, Aboobaker Amod's successors, Ismail Aboobaker and Omar Hadji Amod, possessed numerous properties valued in total at £27,000. Dada

Abdoolla's properties in addition to his business premises were then valued at £10,800. By 1906 the firm of G.H. Miankhan and Co. owned landed property valued by the Corporation at £20,000 (M.W. Swanson 1983:419; Valuation Rolls of Farms 1899-1900, Colonial Secretary's Office 1901, 1906). Merchants like Moosa Hajee Cassim and Aboobaker Amod converted their property holdings into a profitable investment. They built lodging houses and rented them at reasonable rates to Indians and Europeans. A considerable number of the Indians who rented were Arab storekeepers. Other merchants, on the other hand, lived on their business premises. A typical Indian store in the colonial period had a large verandah in front and a single bedroom and a storeroom was adjoined to the rear of the store, with the kitchen and W.C. facilities in separate outhouses. Buildings were initially of wood and iron, probably due to the high price of bricks, because as time passed and profits increased, bricks were frequently used (Port Shepstone Minutes nd.).

Another interesting feature of the Indian merchants world was their ability to diversify their trade. They consistently looked for new opportunities. For example, Moosa Hajee Cassim, Parsi Rustomjee and B. Ebrahim Ismail & Co. took to real estate and shipping. As real estate agents they let out large warehouses, flats and shops and even bought and sold landed property. During the first decade of the twentieth century, Moosa J. Mohammed started manufacturing mineral water while D. Pillay produced Indian condiments such as spices and Madras curry paste (*Indian Opinion* 10 December 1903).

Besides these merchants, there was also another significant group of traders, namely the hawkers and peddlers. Hawking and peddling were among the very first jobs that many 'passenger' Indians took. They constituted a special class of buyers who usually brought fruit, vegetables or eggs in the morning for resale during the day. Most of these hawkers had regular customers to whom they allowed credit. The upcountry districts in Natal were practically dependent on these hawkers. Shops were scarce, especially on African mission stations and isolated villages. In these areas, hawkers would often stay a fortnight or more, until all their wares were sold. They generally arrived with two or three donkeys laden with a wide variety of goods. They sold their goods at reasonable rates, which tended to undermine the colonial petty traders. In 1907 W.A. Harris wrote to the Chief Inspector of Location and Mission Reserves, Edward Fitzgerald, claiming that a

> ... systematic arrangement exists among these Arabs that no sooner one party of donkeys even depart, another takes their place, so that they are never absent (Secretary for Native Affairs 1907).

Besides Indian hawkers, the colonial trader was also hostile to white farmers leasing land to Indian storekeepers, particularly in the country districts. For example,

in Klip River, New Hanover and Estcourt, there were a few established Dutch and German farmers who leased land to Indian storekeepers. The latter paid profitable rent towards these leases, ranging from £5 to £25 a month. During a debate in the Natal Legislative Assembly on 'Asiatic Traders' in 1907, G.S. Armstrong (member for Victoria County) stated:

> I think a great deal of blame rests, not only with the merchants (European) but also with the farmers and with landowners throughout the length and breadth of this country. You will find that in the country districts these storekeepers would be done away with today if the landowners only had the pluck and the manliness not to grant them the land to open the store upon. You will find hundreds of storekeepers at the present moment depending upon the goodwill of the owners of the land (Legislative Assembly Debates 30 July 1907:406).

In fact, the country districts were one of the most popular trading areas for the Indian storekeepers. Many opened up what were described as 'Kaffir stores', as African labourers were seen as valuable customers who bought goods regularly and could always bargain with the Indian storekeepers. Sir J.L. Hulett stated in the same 1907 debate:

> ... the Kaffir [sic] prefers to go to an Arab store rather than to a white man's store for his requirements, because he gets civility, because he gets patience, and because he gets his wants attended to in a way that he fails to obtain from other stores (Legislative Assembly Debates 30 July 1907:406).

Besides, the Indian storekeepers sold a variety of goods in demand by Africans, including beads, boots, sickles, blankets and ploughs.

In the urban areas of Durban and Pietermaritzburg, the majority of the storekeepers were general dealers, but there were a few who specialised. For example, the Gujarati-speaking Muslims, in particular those who originated from Surat and Bombay, dealt chiefly in Indian fabrics and clothing. This group included Hoodamals, E. Aboobaker and Brother and M.C. Camroodeen and Co. Hoodamal was a Mooltani silk merchant based at 476 West Street, who stocked a large variety of curiosities and Indian fancy goods, as well as cashmere shawls, China and Maltese silks. Aboobaker and the Camroodeens dealt chiefly in the importation of women's and children's clothing, namely hats, boots and underskirts. Boots were often imported via A.M. McWilliam, a European wholesale merchant, on a commission basis (*Al Islam* 28 June 1907, *Indian Opinion* 18 August 1906). Others, for example, S.P. Mahomed & Co., Ebrahim Camroodeen and M. Sohner Peerum specialised in tobacco, selling a variety of cigars, cheroots and perfumes. A very small number of merchants specialised in hardware and timber: they were N.M.A. Karrim, O.N. Mahomed and Co. and Suliman Essop, who were stockists of ceiling boards, nails and screws (*Natal Almanac and Yearly Register* 1902: 244, *Indian Opinion* 7 February 1905, 4 July 1908).

The merchants and storekeepers were chiefly Muslims. The Gujarati-speaking Hindus on the other hand, normally adopted a trade that was prescribed by their respective castes. For example, the 'Mochi' took to shoemaking, the 'Dhobi' to laundry work, and the 'Dharji' to tailoring. Others specialised in fresh produce, jewellery making, Indian groceries and sweetmeats. One of the first Gujarati Hindu sweetmeat makers was Bhana Parsotham. Based in Durban, he made a variety of Indian delicacies and even took orders from up country, as his popularity grew (*Indian Opinion* 4 February 1905).

With the expansion of Indian businesses went a certain amount of sophistication in the method of business. This was apparent in the increasing use of commercial advertisements in the almanacs and newspapers. As early as 1883, the well-established merchants like Dada Abdoolla & Co., Parsee Dorabji, Aboobaker Amod & Co. made their entry in the *Natal Almanac and Yearly Register*. Others followed in 1890: Hajee Mahomed, Hajee Dada, Ismail Mamojee & Co., Hassam Bava & Co. and Mamoojee Amod & Co. The advent of the local Indian newspapers during the first decade of the twentieth century, such as the *Indian Opinion* (1903) and *Al Islam* (1905), as well as *The Colonial Indian News* and the *African Chronicle* afforded both the Indian merchants and petty storekeepers further opportunities to advertise. Readership was mainly confined to Indians. The *Al Islam* and the *Indian Opinion* were predominantly merchant class newspapers. Advertising space was bought by merchants, who were expected to subscribe to the newspaper as well as to try to sell new subscriptions. Indian businesses in the Cape, Transvaal, Delagoa Bay and Salisbury also advertised regularly in these newspapers (*Natal Almanac and Yearly Register* 1883:68-72; *Natal Almanac and Yearly Register* 1890;37-59; *Indian Opinion* 4 July 1908; *African Chronicle* 11 July 1908, *Colonial Indian News* 28 June 1901).

Advertising in the early years was very conservative and simple. Advertisements appeared in English and Gujarati, as well as in Arabic, notably in the *Al Islam*. At times the title page of the newspaper, on which the advertisements appeared, would remain the same for weeks or months without any change. Advertising space bought by the petty Indian storekeepers was often the size of a match-box. Advertisements were precise and small, listing only the name of the company and their address. The more established and wealthier traders placed bigger and larger adverts (*Indian Opinion* 2 December 1905, 18 August 1906). A few had the logo of their company, or a picture of their premises printed in the adverts. Prices

of goods were not advertised; only the type of goods sold was listed. As the years passed, merchants and storekeepers realised the importance of Indian newspapers, and changed their style, method and form of advertising. For example, M.C. Camroodeen & Co. of Durban placed a small advertisement entirely in English in the *Indian Opinion* in 1903. In 1906, a larger, bolder and much more informative advertisement was placed. A picture of the company's premises appeared with a list of the type of goods they sold. In 1907 the same company advertised in two languages, English and Gujarati, in the *Al Islam*. By 1909, the company once again advertised, in English only, with a much bolder and more sophisticated print. Other Indian merchants, such as, B. Ebrahim Ismail & Co., E. Suleman Bros., and Moosa Hajee Cassim also adopted similar methods of advertising .

The organisation, characteristics and pattern of trade of the Indian merchants and storekeepers in colonial Natal gives one an insight into their commercial skills, thrifty and industrious mode of life, even their unscrupulous trading methods. In a colony to which they came as pioneers and in which they faced racial prejudice, they established a distinctive trading community and forged a remarkable contribution to the colonial economy beyond their own community.

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The Geneva Convention and the South African War of Liberation

Poobalan Pillay

This article is devoted to the contribution that South African liberation movements have made to the progressive development of the laws of armed conflicts. It shows how liberation movements, especially within South Africa, have contributed to the development of new laws of armed conflicts by exposing the weaknesses of the old laws. The liberation struggles were recognised by the international comity of nations as being so important as to warrant a thorough review of the laws of warfare in the Geneva Diplomatic Conference which drafted the new laws.

International law does not cease to exist in the event of armed conflict. Diplomatic and treaty relations, the rights of persons who are in a country with which their government is at war, and the rights and responsibilities of nations that want to remain neutral, are aspects of international law[1].

The laws regulating armed conflicts are divided into two categories. The first regulates the conditions under which a government may or may not resort to war as an instrument of national policy. The Charter of the United Nations has outlawed the use of war except for self-defence. Wars have also been replaced, in legal terms, by 'armed conflicts'. The second, which is the scope of this paper, regulates the way in which armed conflicts are fought. This second category has also been classified as the Law of the Hague and the Geneva Conventions which lays down the rights and duties of belligerents in the actual conduct of hostilities and limits the use of weapons. The Laws of Geneva consists of rules which have been designed to ensure respect, protection and humane treatment of war casualties and non-combatants. These rules have been periodically revised and adapted to modern needs and conditions. The 1949 Geneva Conventions, in their application to international conflicts, are a recent and relatively complete codification of rules for the benefit of civilians, prisoners of war, the wounded, the sick and the shipwrecked. The Conventions also established the machinery to ensure that the rules are observed (Suther 1975:211-219).

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[1] No. 24/80: 'Apartheid' – Notes and Documents, United Nations Centre.

The origin of the Geneva Conventions is beyond the scope of this paper. A series of Conventions, whose primary focus was the amelioration of the condition of soldiers wounded in the field and prisoners of war was held in Geneva from 1864 onwards. At the 1949 Diplomatic Conference in Geneva four Conventions were agreed upon for the amelioration of the condition of wounded and sick in the armed forces in the field, shipwrecked members of the armed forces at sea, the treatment of prisoners of war, and the protection of civilian persons in time of war. The objectives of the Conventions was to extend the category of persons covered (wounded personnel, to prisoners of war, to civilians)[2]. It could be argued that it is pointless having laws of war when the object is to win and this must take priority over any legal niceties. Where the laws do apply they are followed more often than not, for instance it is now rare for soldiers to take no prisoners in a battle. When the laws are followed by one side, the other side is thereby encouraged to do the same. Even if the laws are followed on only one occasion in a war, the people who benefit would certainly not regard the laws as being pointless.

Whilst the new Geneva Conventions were set out in the wake of World War II, the conflicts since 1945 have taken on different forms, and the Conventions have had a limited application. Wars traditionally took place between nations, hence the Geneva Conventions have been based on this notion. However, most conflicts since 1945 have lacked a clear international character and have tended to be internal. At the 1949 Geneva Diplomatic Conference for the first time provision was made for the respect of basic human values and prohibiting certain acts in such conflicts. The Charter of the United Nations however outlawed international conflicts but did not cover internal conflicts at all. In any case it is difficult to define when an internal disturbance had reached the level of an internal or a non-international conflict.

A further concern was the application of the Geneva Conventions to wars of national liberation, that were already in progress by 1949. The Geneva Conventions were mainly devised by countries that had colonial empires and by the USSR. No representatives of national liberation movements were invited. Though guerrilla warfare was the world's oldest form of fighting, it received no specific attention. This omission reflected the historical, cultural and legal background of most of the nations represented at Geneva. Their method of fighting involved soldiers who wore uniforms, carried their arms openly, fought in organised groups and in theory obeyed the laws of armed conflicts. Hence they made no specific provisions for wars of national liberation that in any case did not enjoy the same standing in 1949 as they would later. In 1949 it was widely assumed that the decolonisation process would be slow, orderly and based on negotiation.

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[2] ICRC/League of Red Cross Societies (1971:377).

It should be remembered that the Geneva Conventions were designed to regulate conventional international conflicts. No special attention was given to wars of national liberation and to guerrilla fighters, thereby implying that such persons were not 'privileged' combatants. The laws of armed conflicts began as rules relating to those who were directly involved in a conflict; the Fourth Convention, on civilians, was the newest. Persons who were 'privileged' could expect prisoner-of-war (POW) status upon capture and medical treatment. Combatants who were not 'privileged' were not eligible to the protection of international law and therefore branded as 'bandits', 'terrorists', etc., and subject to severe national laws. Whilst most nations were bound by the Conventions, no state can claim to have followed them in all conflicts.

However, gradually the situation started to change. From 1968 onwards, the United Nations General Assembly adopted resolutions seeking the application of the Geneva Conventions to the South African liberation struggle. In resolution 2396 which referred to South Africa's apartheid policies, it expressed concern over the persecution of opponents of apartheid and treatment of freedom fighters who were taken prisoner during the struggle for liberation and condemned the Government for its degrading treatment of political prisoners. It called for the release of such prisoners. It also declared that freedom fighters should be treated as prisoners of war under international law, especially the Geneva Convention dealing with the treatment of Prisoners of War. The South African Government ignored the request and was condemned by the General Assembly[3].

Western Powers that had special influence in South Africa because of their investments, did nothing to carry out these directives. South Africa's attitude illustrated the weakness of the Geneva Conventions and most of international law in general: lack of external enforcement measures. The majority of people, suffering under 'apartheid', required protection immediately. The legal vacuum created by South Africa's attitude towards the Geneva Conventions highlighted the fact that if a government regarded its opponents as 'terrorists' or 'bandits' it encouraged them to act like terrorists or bandits. There was no incentive for them to follow the laws of armed conflicts.

It is necessary to look at the way in which the Geneva Conventions was updated. In one important field, the protection of human rights in armed conflicts was first put under scrutiny when a resolution sponsored by India, Czechoslovakia, Jamaica, Uganda and the United Arab Republic was adopted at the International Conference on Human Rights in Teheran (22 April-13 May 1968). It drew attention to the inadequacy of the existing humanitarian conventions in their effective application to armed conflicts. The resolution also called for the conventional

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[3] United Nations, General Assembly Resolution 1506 (XXIV) of 21 November 1969.

protection of the victims of racist and colonial regimes and the protection under international law of such victims who were imprisoned and for their treatment as prisoners of war or political prisoners (Suter 1977). This important resolution was inspired by the sustained pressure of the non-governmental sector. The resolution reflected an international concern over the suffering of civilians and armed personnel, particularly in the Indo-Chinese, Middle East and southern Africa conflicts (MacBride 1969:64f).

The resolution had significant results. For the first time it established a linkage between human rights, armed conflicts and the laws of armed struggle for liberation. It paid particular attention to the plight of persons struggling against minority, racist or colonial regimes and called for their treatment as prisoners of war. This was taken up by the United Nations General Assembly a few months later. It was the first time in almost two decades that a United Nations body had decided to consider the need for codifying the laws of armed conflicts, thereby making a significant contribution to the development of the laws of armed conflicts. It augmented the initiative being undertaken by the International Committee of the Red Cross (ICRC) to update the Geneva Conventions. Thus the 1968 resolution became one of the most important developments in Human Rights[4].

ICRC, after consultations with national governments produced two draft Additional Protocols to the four Geneva Conventions. Whilst the first dealt with international conflicts, the second provided rules for non-international conflicts. The last stage of the ICRC's work was the Geneva Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in armed conflicts. The first session took place between 20 February and 29 March 1974. The debate centred on the status of national liberation movements, in effect, those of Southern Africa and the Palestinian Liberation Organisation. This debate had the most significant results both for liberation movements and for the history of international law[5].

As far as the legal status of wars of national liberation was concerned the majority of the member states of the United Nations wanted captured members of liberation movements to be granted prisoner of war status. The logical action, would be to decree all wars of national liberation to be international conflicts. This suggestion was opposed by most Western states. National liberation movements recognised by regional intergovernmental organisations (the League of Arab States and the Organisation of African Unity) were present. There was also the determination and solidarity of 'Third World' nations and their allies to work for the

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[4] A/CONF.32/41, Final Act of the International Conference on Human Rights, p.18.

[5] Geneva, ICRC, *Draft Additional Protocols to the Geneva Conventions of 12 August 1949.* (1973:40-44).

victory of all liberation movements recognised by the League of Arab States and by the Organisation of African Unity.

The debate was resolved in favour of the liberation movements. The issue of the legal status of wars of national liberation in essence was a dispute over the history of colonialism. In the past Western powers did treat wars of national liberation as international conflicts. In the eighteenth century, France had aided the American colonies in their fight for independence against Britain. In the First World War, President Woodrow Wilson of the United States proclaimed the doctrine of national self-determination as 'an imperative principle of action which statesmen will henceforth ignore at their peril' (Thompson 1966571). The United Nations practice has long shown that opposition to colonialism and apartheid were matters of international concern. The United Nations Security Council had intervened, in effect, on the side of South Africa's national liberation struggle by imposing a partial arms embargo[6].

In its preparatory work for the Diplomatic Conference, the ICRC, in consultations with national governments, drafted a provision for Protocol 1 that met U.N. requirements. Article 42 dealt with a new category of prisoners of war. In addition to the persons mentioned in article 4 of the Geneva Convention, members of organised resistance movements who have been captured are prisoners of war provided such movements belong to a party to the conflict, even if that party was represented by a government or an authority not recognised and provided that such movements:

1.1   were under a command responsible to a party to a conflict;
1.2   distinguished themselves from the civilian population in military operations;
1.3   conducted their military operations in accordance with the Geneva Conventions.

The Protocol stated that non-fulfillment of these conditions by individual members of the resistance movement should not deprive other members of the movement of the status of prisoners of war. Members of a resistance movement who violated the Conventions if prosecuted, should enjoy the judicial guarantees provided by the Convention, and, if sentenced, should retain the status of prisoners of war.
It also stipulated that in cases of armed struggle where nations exercise their right to self-determination as guaranteed by the United Nations Charter and the Declaration on Principles International Law, members of organised liberation movements should be treated as prisoners of war as long as they are detained.

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[6] Geneva ICRC, *Draft Additional Protocols to the Geneva Conventions of 12 August 1949.* (1973:47-48).

Non-aligned states were not satisfied with the proposal that captured freedom fighters should be granted prisoner of war status as though they were fighting in an international conflict. They insisted that the rules that relate to international conflicts should apply to all aspects of wars of national liberation (Forsythe 1975:77-91).

The result was that in Article 1 (general principles and scope of application), the parties undertook to respect the adopted Protocol in all circumstances. In cases not covered by the Protocol or other international agreements, civilians and combatants should remain under the protection of the authority of the principles of international law. This Protocol, which supplements the Geneva Convention for the protection of war victims, should apply to members of organised resistance movements. The Protocol in the main referred to armed struggle against colonialism, alien occupation and racist regimes in order to exercise their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law in accordance with the Charter of the United Nations. The Geneva Convention now applied to all cases of declared war or any other armed conflict. This was a significant breakthrough in the legal and diplomatic struggle against apartheid.

The Conference revealed the unwillingness of the Western powers to support apartheid. The South African liberation movement was now entitled to the legal status of an armed force fighting in an international conflict[7]. South Africa which was represented at the first session (1974) of the Diplomatic Conference was heavily criticised and had few allies willing to speak openly in its favour. Two members (Senegal and Madagascar) disputed the South African delegation's credentials on the ground that the government of South Africa represented only a minority of the population and pursued a policy of racial discrimination contrary to the spirit and aims of the Conference. Other delegations saw their role limited only to determining the validity of the credentials of participants and not deciding who may attend the conference[8].

South Africa, naturally opposed the provisions dealing with wars of national liberation. Session but its delegation took little part in the detailed negotiations. The South African delegation did not attend the 1975 session of the Diplomatic Conference and gave no explanation for its absence. The Portuguese Government by

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[7] A/32/144 of 14 August 1977. 'Respect for human rights in armed conflicts'. Fourth session of the Diplomatic Conference on Reaffirmation and Development of International and Humanitarian Law Applicable in Armed Conflicts: Report of the Secretary-General.
[8] Conference document CDDH/51 Rev. 1, United Nations Centre against Apartheid, 2 September (1974:5-7).

that time was following new policies towards its colonies after the overthrow of the dictatorship, and the South African Government had responded to the collapse of the Portuguese colonial empire by initiating its short-lived 'détente' policy[9]. Whilst South Africa did not withdraw from this session, its delegation did not attend the third (1976) and the final (1977) sessions, and did not sign the Protocols. The Pan Africanist Congress of Azania (PAC), the African National Congress (ANC) did sign the additional Protocols[10].

The South African national liberation movement was now determined to increase the armed struggle. Rural guerrilla war had already begun. A protracted conflict had become inevitable. This could threaten the economic stake of the West in South Africa. In this situation it was possible that the West would change its 'pro' South Africa bias.

Since the South African Government did not sign the Protocol it was decided that the International Committee of the Red Cross, at the request of the United Nations General Assembly, should impress upon it that it should follow the laws of armed conflicts in combating the liberation movement. The Geneva Diplomatic Conference gave considerable attention to the breaches of the Geneva Conventions and the First Protocol which listed various war crimes, including the practices of 'apartheid' and other inhuman and degrading practices based on racial discrimination. Western governments were requested to encourage South Africa to stop committing the war crime of apartheid[11].

A highly publicised case to illustrate the difference in approach was the case of Solomon Mahlangu, a South African school student. He left South Africa to join Umkhonto we Sizwe, the military wing of the ANC, after the Soweto uprisings of 1976. When he returned with two comrades in June 1977 he was captured in Johannesburg. He was tortured under interrogation and tried for murder. Although he claimed that he was not present when the shooting took place, he was sentenced to death for the murder of two whites. The ANC maintained that Mahlangu should be treated as a prisoner of war under the terms of the Geneva Convention of 12 August 1949. The Geneva Diplomatic Conference has recognised this claim. The execution of Solomon Mahlangu on 6 April 1979 illustrated the fact that the actions of the South African government were based on an entirely different principle[12].

In the light of the Truth and Reconciliation Commission hearings since 1994, the human rights abuses during the 'apartheid' era, would in all probability

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[9] For a South African perspective see Wall (1975).

[10] Conference document CDDH/Summary Record/30, 18 April (1975:94).

[11] *Geneva Conventions*, Additional Protocol 1, article 1(1).

[12] Notes and Documents, No. 4/79, Commission of Human Rights, United Nations Centre against 'Apartheid', pp.22-23.

have been limited had the laws of the Geneva Convention been upheld. The ceremony held on 13 August 1999 to mark the 50th Anniversary of the Geneva Convention which calls on all nations to eradicate conflict should serve as a poignant reminder of human suffering.

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Prisoners are Women too:
A Case Study of Women Prisoners at
Westville Prison

Anusha Pillay

Prisons are institutions that intrigue. Like asylums, they are defined by what Goffman (1961) referred to as their 'totally closed' nature. Incarceration and deprivation of liberty have long been thought of as deterrents to violators of the law or to potential violators of the law. As opposed to physical punishment for serious criminal offences, physical isolation came to be regarded as the solution to the problem. According to Wolfgang (1979:1), each of the rationales of punishment – revenge, retribution, expiation, deterrence, reformation and social protection - has influenced the development of others. The central point for each rationale has been the prison. While society endlessly recites themes of democracy and liberty, prisons act as constant reminders of society's foibles.

The prison system is an integral element of the South African criminal justice system, which has loomed over the social system like a spectre, interfering with and offending our sense of equality and equity. South Africa has a notorious record for its large prison population, its high incarceration rate, low conviction rate, its conveyor belt justice, and its overpopulated prisons, not to mention the cloak of secrecy surrounding prison life.

Armed with this dismal image of prison, many researchers have undertaken criminal studies, focusing on prison life and the male prisoner. These studies have broadened the scope and understanding of prisons in our society, but they remain concerned with the activities and interests of men. Women's prisons have long been shrouded in secrecy, and female prisoners have been regarded as non-existent entities. Feminist criminology began as a refutation of male monopolisation of the academic discipline. Women were scarcely regarded as worthy of attention. When they were discussed, they were dismissed with scornful sexist views. Feminist criminology used this as a basis for argument – and proceeded to dispel other stereotypical myths about women, the most important being their assertion that there is no such thing as the 'typical female criminal', or 'a new type of female criminal'.

Women offenders occupy various positions in society and come from a variety of backgrounds. To persist in searching for a single, monocausal theory of women's criminality, as is implicit in some theories, is limiting. To further persist in finding explanation by reinforcing the masculine/feminine dichotomy, serves to echo and project the same mistakes as those postulated by the biological explanations. It is this process and these stereotypes that have affected the incarceration of women, and their treatment in prison.

Aim of this study

This paper explores the peculiar way in which women prisoners adjust to this closed environment, by focusing on a case study of women inmates at Westville Prison in the locality of Durban.

Of paramount importance was an investigation of the experience and effects of imprisonment and rehabilitation of 100 women inmates at Westville Prison. An exploratory study with a focus on the experiences of women prisoners within this confined area was conducted. The research design of this study can best be described as utilising both quantitative and qualitative methods.

The quantitative method yielded the basic demographic and descriptive data. It was necessary to utilise various empirically appropriate techniques such as a study of the prison records, administering of questionnaires, interviews and observation. Consultation of the prison records yielded information about the formal rules of the institution as well as sociological characteristics of the population. Research instruments were also developed to collect data from the institutional administrator and staff in charge of the various prison programmes. These were the observation schedule, administrator-questionnaire and programme interviews. The inmate interview schedule was structured to gather information on biographical characteristics, offence history, work history and participation in institutional programmes. The qualitative method dealt with open-ended questions which involved the inmate's perceptions of prison life, the programmes offered, their attitudes towards other inmates and staff. This type of qualitative research aims to provide 'understanding'.

Selection of Inmate Sample

The type of sample drawn was a stratified systematic sample. Inmates were separated into strata, determined by the length of sentence categories, for example 1-2 years, 2-3 years, 3-5 years. This was done largely to determine the severity of the offences committed, attitudes and experiences of imprisonment in relation to length of sentence, and the programmes offered for inmates in these categories. After this was

done, a systematic sample was drawn within each group, where every nth inmate was selected in the sampling frame, where n represents the same number. In this instance the sampling interval was 5 where every 5th inmate was selected. The total number of inmates during the period of the research (August 1992 – December 1994) was 399.

The presentation of the demographic characteristics of the women offenders provides an important, albeit incomplete, profile of the women incarcerated at Westville Prison. It emerged that Black inmates comprised approximately 88,2% of the total inmate population, and 96,2% of the women who had only a primary level of education were Black. A higher rate of incarceration of Black women raises the important question, according to Glick and Neto (1977:107), of whether 'Blacks were charged with more serious crimes or whether Black women had more problems getting bail of release on their own recognizance'. These figures indicate that the educational level of Black women in prisons is but a microcosm of the educational level of Black women throughout South African society. The percentage of White, Indian and Coloured women with senior secondary education was higher than that of Blacks. Of the total number of Black female offenders, only 21,1% had a senior secondary education. This low rate could be attributed to the fact that many Black areas lack high school facilities. Further, education has long been regarded by Blacks as an expensive commodity. Also, there is some evidence that there was a prevailing attitude among Blacks for decades that education was more relevant for boys than girls. These factors meant that girls were denied access and the right to education. This attitude has only recently changed (Meer 1984:90).

To provide a complete profile, it is the women themselves who provide information about their needs, wishes, views of the people with whom they share their lives in prison, as well as their thoughts on prison as a rehabilitative institution.

Differences amongst women prisoners do exist. Different prisoners have varied perceptions of imprisonment. These depended upon the inmate's prior criminal record, educational and economic background, the prison job she occupied, her adjustment to prison life and the inmate social system.

The punishments which were inflicted upon women in previous centuries (branding, whipping, etc.) no longer form part of attempts to manage or control women inmates. Instances of solitary confinement or dietary rations occur less frequently in prisons of recent times.

Despite these seemingly less harsh restrictions placed upon women prisoners now, it would be a serious error in judgement to assume that the lot of the female prisoner has been eased. It would be a further mistake to assume that society regards the prison as a place of rehabilitation first and foremost rather than primarily as a place of punishment. The conflicting goals of punishment and rehabilitation with which the prison is faced create a dilemma, not only for the prisons but also for the communities which set these goals. How does one punish and rehabilitate a person at the same time?

However one looks at it, the prison experience is a painful one, and to grasp some vestige of understanding of prison life one must understand the women who live there. This paper provides an account of women's experiences in their own words.

Difficulty in Adjustment

Absence of home and family, and the rules and regulations of prison life, together, proved to be the main aspects of inmates' difficulties in adjusting to life in prison.

The fact that visitation by family and friends is restricted to specified times and all but A-Group prisoners[1] are restricted to non-contact visits is equally restraining. Those prisoners who are allowed contact visits have to endure a body search after each visit. In addition to contact visits, A-Group inmates are also privileged to eat their favourite food which their family or fiends bring for them during the visits. But as *Angie tells it: 'You are not allowed to take the food back with you to your cell. Within those thirty minutes of visiting time, you do not know whether to eat the food or talk to your family. The visits are supervised. They (the prison members) even sit in on my husband's visit'.

Inmate Mothers

Many of the inmates who are mothers have mixed feelings about their children visiting them in prison. A few of the inmates have kept the truth away from their children. *Jane says: 'My child thinks I have a job in another town. My mother sends me photographs of him (he is five years old) and writes to me to tell me how he is. I never want him to know that I am here'. Jane believes that she is protecting her child from unnecessary pain.

In Dorothy's case, her little girl (2 years old) was very traumatised by the first visit eight months ago. Ever since then and acting in accordance with doctor's orders that the girl should not be allowed to visit, *Dorothy has not seen her daughter.

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[1] Working from the privilege system, A-Group Prisoners receive additional privileges compared to B, C and D Group Prisoners. These privileges include contact visits, retiring to their cells at 22:00 instead of at 15:30 as for B, C and D Group Prisoners, A-Group Prisoners are also allowed to indulge in their hobbies, read , listen to the radio and watch television. None of these privileges are accorded to prisoners other than A-Group Prisoners.

Many of the inmates admit that they long for a visit from their families, and yet find the experience very distressing when they do see their families. *Thandi, a B-Group prisoner who is not accorded contact visits explains that: 'to look at my children through the glass and not touch them is heartbreaking'. Thandi waived her rights to keep her baby of eight months with her in prison[2]. *Thandi believes that her baby is well taken care of by her mother.

*Babs states that she would rather not have her mother visit her in prison. 'When mum comes to visit, I cannot hug her or touch her. It is difficult to express feelings through a glass and I know that it is tough on her too. So I told her not to come visit. After every visit you come away emotionally drained. I would just rather not go through all that'.

Apart from the visits, the major means of communication between inmates and their families is letters. No restrictions are placed on the number of letters an inmate may receive or send. However all mail, incoming and outgoing, is censored. Many of the women feel that this is an invasion of their privacy. Prison management however, argue that the censoring of mail is important in certain circumstances. For instance, news of death or of serious illness of a family member, or a husband's intention to initiate divorce proceedings and sue for custody of any children are all likely to cause immeasurable pain for the woman.

In *Farah's case, her husband removed her baby daughter from her parents' care and refuses to visit her in prison. He has written to her to tell her that he is getting on with his life and that he would rather have the baby with him. *Farah is angry and frustrated. She says she is helpless to stop him. 'I have spoken to the social worker and she was no help at all. Her advice was that if he does not want to visit, it is his choice. Nobody can force him to'. Farah has since spoken to the psychologist. All she can think of now is getting her child back.

Inability to take charge of, and possibly change events, in their families' lives on the outside is a frustrating position that many of the inmates find themselves occupying. Spousal infidelity, neglect of children, death in the family, all adds to the pressures of doing time in prison.

*Anna tells of the sleepless nights she has worrying about her children. 'All three of my children are living with my aunty [Anna is unmarried, and has no idea where the children's father I)]. She [the aunt] is very sickly and does not have a job. When I was there I used to do odd jobs to try and provide for my family. I do not know how they are managing now'.

*Promise's children have never been to visit her. She explains that it is very costly for them to make the trip and they do not have the money to afford to make the

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[2] Inmates have the option of keeping children aged 3 and under with them in prison.

visit. 'I do not have a phone at my home and I cannot write. I think I will ask the social worker to write for me, and find out how my kids are'.

*Beauty's eldest daughter gave birth recently. The baby was very sick and Beauty says 'all I wanted to know was if the baby was all right. I asked the social worker if I could phone home and she refused'.

Controlled by Time

There are many other restraints which collectively serve to further restrict the personal freedom of the inmates. Probably the most pervasive is the fact that in prison every activity is controlled by time. For instance, the early morning wake-up call signals the fact that prisoners have to line up for the parade and morning count and proceed to breakfast in pairs silently, with hands behind their backs. *Angie says of this rule: 'This is something I can never get used to. I am not a child at school. I am a grown woman'.

After breakfast, the women proceed to their appointed places of work. Lunch is at 13h00. At 13h30 prisoners return to their places of work: this mainly applies to those inmates who work in the kitchen, laundry, workshop, crèche and salon. Those inmates who are involved in cleaning chores which they complete before lunch, return to their cells after lunch. 15h00 is lock up for all prisoners except A-Group prisoners who are locked up at 22h00. Those inmates who wish to visit the library have to follow a fortnightly schedule when they are escorted to the library in groups for a specified time period.

Every six months, prison management staff adjourn to review inmates' conduct, address any queries by inmates related to their sentences, or any other grievances that inmates may have. Inmates refer to this meeting of prison staff as 'the Board'. Inmates have to wait to be called before 'the Board', to have their conduct reviewed, or their release dates finalised. Inmates who are in the C-group category of prisoners and whose conduct gains the approval of 'the Board' are then moved to the B-group category and similar procedures apply to the inmates in the B-group category. *Angie was full of scorn for the 'Board', 'all they want from me is to tell them where the money is (Angie is serving a three year sentence for fraud), but I pretend like I do not know what they mean. Why should I tell them?' *Flo, an A-group prisoner says she made three requests to the 'Board' for a single cell. 'They always tell me that all the single cells are full. I do not believe them'.

In addition to having every scheduled activity timed, inmates also spend a lot of time waiting. If an inmate wishes to move from one cellblock to another, she has to wait until a prison warder is in the vicinity to let her through. In the dining hall, no inmate is allowed to speak. Any inmate who wishes to, has to raise her hand and wait until a prison warder is able to attend to her. Those inmates who want to visit

friends in other sections have to wait to obtain permission first before doing so. A familiar sight in the corridors of the prison, is that of inmates laden with shopping bags of groceries, waiting to be let in into some or other section of the prison. Invariably, the waiting depends upon the chance passing of a prison warden who is able to let them into their prison section.

If the inmate would like to speak to a social worker, she has to speak to the prison warden in charge of her section and then wait until an appointment is made for her to see the social worker. But as *Babs put it, 'We all just wait for each day to pass and some days seem longer than others'.

Physical Survival

Physical survival in prison, it would seem, depends almost totally on the inmate's ability to make the necessary transition from making her own decisions outside, to having decisions made for her on the inside. It seems that prison rules and regulations reduce the inmate to an automaton who is incapable of challenging any rule which she finds unreasonable or illogical. Further, while prison staff are adamant that all rules and regulations are explained to each inmate, many of the women dispute this claim. *Pat says: One prison [staff] member tells you to do something one way, and then another member comes along and screams at you for doing it all wrong, and insists that you do it her way'.

For many inmates the deprivation of personal goods and services is demoralising and denies the inmate any form of individuality. At Westville Prison, attempts have been made to allow women to enhance their appearances. The floral materials used for the inmate's dresses are of different shades. Many of the inmates believe that this is the only redeeming feature of the dresses. The dresses were described as 'shapeless', 'unflattering' and 'plain squares'. All inmates are issued standard brown shoes. Inmates are allowed to wear their own underwear, use their own towels and toiletries. [A family member or friend may send these items to the inmate]. *Angie remarks: 'When I was getting ready to come for this interview, one of the Warrant Officer's suggested that I use one of my good outfits. I refused. Why should I get all dressed up? I wanted you to see me like this, in this dress. I would not want to use my lovely outfits here. Everybody will think I am just showing off. My cupboards at home are filled with expensive clothes. I am just waiting to get out of here so I can wear them again. You would not even recognise me then'.

*Angie is equally scathing about the deprivation of the basic necessity that all women are entitled to: 'When you are menstruating, you receive only three pads a day. Can you believe that, only three pads? I bleed heavily, so three pads only last for a couple of hours. But I am lucky, I can afford to buy whatever I need from the shop', Some of the inmates have learned to work around the system to beat this rule. *Angie

elaborates: 'What they do is they take red polish and smear it on the pads to show how heavy they are bleeding [In order to obtain additional sanitary pads, inmates have to show proof that they indeed have heavy menstrual flows.] That is the only way you learn to survive in here, you have to be one step ahead of the rules'.

Almost all of the inmates who participated in the interview made mention of the food served to them. Many complained that the fixed daily allowance of food served to them was insufficient. Others complained about the quality of the food. The following are some of the views expressed by inmates about their meals:

'The food rations are too little'. – *Babs

'The food has no taste'. - *Angie

'One small blob of butter in the middle of a slice of bread is ridiculous'. - *Angie

'You have breakfast and lunch and for supper, if you save something at lunch then you are allowed to take this to your cell. Otherwise you go hungry, unless you gamble for maybe a slice of bread or you trade for something to eat'. - *Bianca

'I think they could do something about the food. If you have a full stomach, you have a happy prisoner. If we are sitting at a table, and you have finished eating and you still have some food left and the women next to you is still hungry, you cannot give the food to her. It is got to go to the pigs. I am not allowed to give my food to a hungry prisoner, that is called smuggling'. - *Farah.

Prison officials stated that an expert dietician prepares all food menus with all the necessary food groups included. Food is prepared under strict supervision and the ration scale is uniform for all prisoners. According to Neser (1989:213), 'complaints on insufficient or poorly prepared food can usually be effectively judged merely by noting the prisoner's physical appearance and his mass record'.

There are no pay-phones available at the prison, so the only way one can gain access to a phone is via the social worker. This practice is widely discouraged, not least because it proves inconvenient and disruptive for the social worker. As each inmate tells it though, the strength they find to cope with their troubles is largely due to the support that they receive from other inmates.

Coping Skills

Helping each other out, insofar as the sharing or trading of goods is concerned, helps to minimise the difficulty of 'doing time' for inmates.

Even though *Farah appears distrustful of people, she acknowledges the support of her 'friends' here in prison. But as *Angie, who is closest to *Farah explains: Farah just goes on and on about her problems. Sometimes I get so tired of listening to her. We all have our problems, but thinking about them all the time will just make you crazy'.

For *Angie, and most of the other inmates, avoiding thoughts of the outside world is the strategy that is used to cope with prison life. Learning to freeze her emotions and withdraw from any type of deep involvement with events on the outside, is a valuable and necessary aspect of survival for any imprisoned woman.

Finding ways to outmanoeuvre and outwit prison officials produces a strong sense of accomplishment for many of the women inmates. This is enforced by inmates maintaining their silence when confronted with knowledge of illegal goings–on among inmates. Inmates believed that playing 'deaf and dumb' when confronted by irregularities amongst fellow inmates was important. Not only did it guarantee one's safety in prison, it enforced prisoner rules against staff members. The prevailing consciousness among inmates was that of 'us' against 'them' – 'them' being the prison staff members.

At Westville Prison, the inmate who occupies the role of the 'pimp' is held in contempt and scorned by inmates. The 'pimp' is an inmate who informs on her fellow inmates in exchange for extended privileges. She proves a hindrance to the status quo of the inmate community by disrupting most illegal activities in which other inmates may participate. She further emphasises and widens the division between staff and inmates. At Westville, the code of honour among inmates is 'see nothing, hear nothing and do nothing'. Violation of this code by any inmate could lead to persecution by the rest of the inmate community. *Bianca explains: 'It is against prisoner rules to pimp. You have to cover for each other otherwise you will never survive. I will give you an example. We had a lady in here, she is gone home now. She used to pimp. Oh! All the time about the drugs, everything, to the members. Do you know they did to her? They got her in the diningroom, and she ended up covered with porridge and cuts … here and here (Bianca pointing to her neck and face). They had to pull her into the kitchen to save her life. You do not pimp in prison'. The inmates at Westville Prison regarded 'ratting', 'snitching' or 'pimping' on another inmate to staff members as forbidden behaviour. While the inmate code of honour extended to all inmates, this was only when inmates were pitted against staff inquisition.

The social characterisation of inmates as 'snitches', 'pimps' or 'doing the Big Five' (informing on fellow inmates) leads to the issue of security for the women. The constant threat of violence or sexual abuse is not present for the Westville inmates. However, this aside, most of the women do experience some form of threat to their personal security. The women prisoners at Westville experience this sense of

insecurity by living in close proximity with other women who are believed to be selfish, cunning, untrustworthy and extremely devious. The following are some of the widely held beliefs of women:

'The women gossip all the time – you never know if they might be talking about you'. - *Farah

'Each one is only out to get what they can for themselves'. - *Bianca

'Never trust anybody here'. – Wendy

'I only have acquaintances, not friends. I will never tell anybody anything too personal'. - *Angie

The inmates believe that one has always to be aware of what one says in prison and to whom one says it. This is a golden rule by which all inmates have to live.

Further, many inmates admit to fighting a psychological battle within themselves to achieve some state of emotional security. *Bianca confides: 'You have to put on a brave, tough-cookie act, otherwise you will never survive here. Put on a happy face. You know, we were not allowed to have glass things or anything in the single cells … glass cups or anything like that. My husband brought me a glass cup and they allowed it in because I did not have a cup. And I will never forget. It was about after the first week I had this terrible dream that I was actually committing suicide in my cell. I was locked up and I was committing suicide with my glass cup. And I took that cup and I gave it away because my mind was so mixed up at the time that I was scared that I would really do it. I cannot. I have got a husband and children to think about. If I survive this, I can survive anything'.

Rehabilitation
Some of the inmates reveal anxious thoughts about their impending release. Questions like 'Will I be able to make it on the outside?' and 'will I be accepted by my family/community again?' are questions the inmates ask themselves repeatedly.

Their concern is justified when one looks at the work they do in prison and the relation it bears to rehabilitation. A work assignment in prison is an inmate's duty. Work assignments are primarily geared towards institutional maintenance. No assignments are developed for inmates to assist them upon release into the community. Work-release programmes are non-existent. As *Flo argues: 'At the workshop, they teach you to sew and they give you a certificate. But the certificate

has the Westville Prison stamp on it. When I get out and show this certificate to get a job, who do you think is going to give me one?'

There was a noticeable relationship between the delegation of work assignments to inmates and the length of sentences of inmates. Workshop and laundry assignments were most likely to be meted out to inmates with longer prison sentences. The cleaning of sections was most likely to be the job of inmates with shorter sentences. *Wendy scornfully states: 'Working in the workshop or laundry are the only worthwhile jobs here ... And these are given to inmates with longer sentences ...which I think is ridiculous! The inmates with shorter sentences are the ones who need to be taught some skills, even if it is in the workshop. They are the ones who are gonna be back on the streets soon, and need to learn not to make the same mistakes again'.

The Race Issue and Women Inmates

Class and race determine most social relations in South Africa. The position of women within racial structuring must not be ignored. Further, the history of Black women in South African society is characterised by both race and sex domination. At Westville Prison, Blacks comprised approximately 71% of the sample population, and, more than 88% of the institutional population. Whites and Asians accounted for the remaining 10% and 15% in the sample population and 17% and 20% in the institutional population respectively. Coloureds comprised 10% of the institutional population and 4% of the sample population.

It is obvious that here in prison, racial divisions are reflected. The differentiation among the women at Westville Prison is intense. Some of the women consider themselves socially superior to other inmates. Some of the White and Indian women find living among the Black women intolerable. Other inmates find the personal hygiene, mannerisms, or lack thereof, of some inmates difficult to live with.

*Sandy (Coloured) argues: 'The Blacks talk too much and they talk too loud. Because of them, we all get punished and we do not get any cigarettes'. [Each inmate (irrespective of whether she smokes or not) is given a packet of cigarettes every week].

*Farah (Asian) speaks of her stay in a communal cell. 'I was surrounded by Blacks in the cell. To have a shower, we all had to make queues and there was only hot water available. So some of the Blacks used to use the basin to wash themselves, and some used to even sit in the basin. That was too much to take. And worse they will be screaming and talking all the time. I used to have headaches. After six months I

requested for a single cell. I told the members I needed to have space to spread my musallah (prayer rug) and silence to say my namaaz (prayer)'.

*Marlene (31 years) and her mother *Gloria (55 years) are both serving prison sentences of three years and four years respectively, Marlene for fraud and her mother for theft. Marlene (White) says: 'Thank God, when I came here I did not have to stay in a communal cell with all those Blacks. I was given a single cell. And you know me, I tell these Blacks off, they must not mess with me. Gloria interrupts Marlene's ramblings [mother and daughter were interviewed together]. I worry about her. Sometimes she screams at them to shut up. She is going to get a knife in her one of these days'.

Of the Black inmates interviewed, many believe that some of the White and Asian inmates receive preferential treatment from certain prison staff members. *Nen (Black) states that she belongs to the 'Bible Prayer Group' (comprising Black inmates). 'The members always shout at us. They say that when we pray and sing we make too much of noise. But they do nothing to the group that is involved in smuggling. They like them. I do not know ... maybe the members are scared of this group, so they ignore all the bad things that goes on'.

Conclusion

The aim of this sociological study was to research how women prisoners adjusted to this closed environment inside a prison. The research was made easier by the repeal of the Prison Act, Section 44(1) (f)[2], but obtaining access to the prison was nevertheless something of a coup.

Essentially, this study was about letting the women speak for themselves. The task at hand was to take these experiences and evaluate whether the central role of prisons – to rehabilitate – was effective, or rather, to ask whether prisons reinforce criminality rather than empowering women to lead more meaningful lives?

There is punishment involved in women's imprisonment: the loss of freedom, deprivation of material goods, loss of security, sexuality, identity, and autonomy are suffocating, frustrating and restricting for women inmates at Westville Prison. As Kenneth Dimick (1987:57) points out, 'some imprisoned people live one

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[2] Any person who publishes or causes to be published in any manner whatsoever any false information concerning the administration of any prison, knowing the same to be false, or without taking reasonable steps to verify such information (the onus of proving that reasonable steps were taken to verify information being upon the accused) – Statutes of the Republic of South Africa Prisons and Reformatories Correctional Services Act, (Act No 8 of 1959).

day at a time. They cannot afford to look back and are usually too afraid to look forward. Today is all that exists and the singular goal is to get through each 'today''.

As we have witnessed, the women of Westville Prison feel, dream, believe and think. They present their point of view clearly and they express their own perceptions and thoughts, thus providing a glimpse into prison life and the women who sit and wait. In common with most women, they have worries about their families and their children. Many of the women are frustrated by the helpless feeling they experience when trying to establish some contact with their children. Others find adapting to a regimented lifestyle difficult and unmanageable. Some of the women make concerted efforts to waylay depressive thoughts and feelings which they consider to be insidious and threatening.

At Westville Prison, rehabilitation and rehabilitative programmes suggest a general ignorance of the importance of programme planning for female offenders. The study established that isolated in a state of discontented domesticity, the women at Westville merely exist and serve out their time in despair and aimlessness. Punishment of offenders and rehabilitation are widely accepted reasons for the existence of prisons, yet very few people have faith in the current prison system to ever expect our prisons to achieve in these areas. To begin to address this situation, there is a need for comprehensive studies of the demographic characteristics of female offenders in correctional institutions throughout the country, and in community-based programmes. In addition, comparative studies are needed on male and female correctional institutions, as well as the attitude of male and female offenders. It is clear that room for improvement and change within the prison system exists. This can only be achieved by research, and by refusing to succumb to untested assumptions and stereotypes.

As revealed in this paper, the imprisonment of women is primarily punitive. The issues and challenges facing women's prisons today are complex, and multifaceted disciplinary approaches and programmes are required. There are no simplistic measures or techniques which will bring about immediate changes. However, prison-policy making should endeavour to incorporate views from experts in the various fields of psychiatry, sociology, law, gender studies, education, criminology, biology, nutrition, etc. and the prisoners themselves, who could all raise issues and propose solutions to problems encountered by the prisons.

As Dimick points out (1979:180): 'We are our society. If our society is not what we want it to be, we have the power to change. If prisons are as we want them to be, so be it. If not, we have the ability to change them. As long as we are willing to have prisons exist as they do, we will continue to imprison many victims of crime instead of criminals. If we want to change, then the responsibility is ours'.

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A Profile of Female Genital Mutilation and Human Rights:
Towards Outlawing the Practice

Kathy Nadessen

Although there is a worldwide movement towards the recognition that Female Genital Mutilation (FGM) is a form of torture and a violation of human rights, there are still protagonists who believe that the practice is justified. In the course of this research, claims were often encountered that FGM is neither a human rights violation nor a form of torture but an important cultural rite. Attempts to justify and enforce FGM have a strong cultural and religious bias. Although the sincerity of these views was respected, it was apparent that these views were seldom grounded in any detailed insight or knowledge regarding the procedures involved or the suffering endured. This article aims to fill that hiatus. Through a detailed descriptive analysis of the various procedures and the consequences of FGM, this article will a) show exactly how and why FGM is regarded as a torturous experience, b) delineate which rights are violated, and, c) list the measures that have been adopted by various countries in relation to FGM. What follows is a general overview, and while some countries may perform the mildest form of FGM, in other countries the most extreme type may predominate.

Brief Historical Overview
FGM is still a prevalent custom in some 26 African countries, in some parts of the Middle East, South East Asia and African. Immigrants to the North and West continue to maintain this tradition (Mekuria 1995:1) and is estimated that 130 million girls and women have experienced similar the practice (Toubia 1995:5). According to FORWARD (1996:1) five women every minute and two million girls annually are added to this figure, making it, '... the widest form of brutal female torture in contemporary society'.

Female circumcision or female genital mutilation (FGM) is not a nascent phenomenon. According to Walker & Parmar (1993:82) the first documented case

was performed approximately 6000 years ago. In Egypt it dates back to approximately 1500 B.C. The mummies of Cleopatra and Nefertiti show evidence of the clitoris being removed (Daly 1978:162). This custom was known and discussed by physicians of the Roman Empire (Rathmann 1959:115). FGM predates the advent of Islam (Lancaster 1997:6; Slack 1988:443) and it is evident that pre-Islamic Arabs performed this practice. With the introduction of trade, it is possible that the practice of FGM spread from Arabic countries and the areas around the Red Sea to Sudan, and with the spread of Islam it eventually enveloped other parts of Africa (Smith & Werde 1992:7).

In ancient times FGM had a definite class component as it was performed only on women from the upper socio-economic echelons and on relatives of priests and rulers (Daly 1978:162). Among contemporary practising communities, circumcision is defended as a 'social leveller' which maintains equality as it is performed on all females irrespective of educational, religious or socio-economic status (Lamb 1992:13).

FGM survived because it was shrouded in secrecy and superstition. According to Koso-Thomas (1987:20) it was only during the 19th century that researchers were able to obtain decisive information on FGM. This conspiracy of silence is also reflected in the fact that this subject is taboo and any discussion brings dishonour to the families (Bartels & Haaijer 1995:72). In certain tribes there are no actual words that can be used to name the procedure (Mekuria 1995:3).

Various terminologies have been utilised to describe the procedure: 'female circumcision'; 'female sexual castration'; 'female genital cutting'; 'female genital surgery'; and 'female genital mutilation'. Since the early 1990's the term Female Genital Mutilation has been adopted by the United Nations and is used internationally (WHO 1996:4). There have been some negative reactions and resistance to this forceful and controversial term, but it is the term that is generally accepted.

Types of FGM
In order to understand fully why FGM is regarded as a form of torture and a violation of human rights, it is pertinent to provide a description of the various types of FGM.

Incision or Prick
This is the mildest form with little chance of adverse or long term debilitating effects. The incision into the clitoris is largely symbolic and does not damage the female genitalia (Reyners 1993:23). Immigrants to the USA and Europe who seek alternative rituals for FGM (Bartels & Haaijer 1992:16) encourage this form, which ensures that they satisfy their religious and cultural obligations.

Clitoridectomy

This includes the total removal of the prepuce and the clitoris and it has been suggested that this form is 'true circumcision' because it is analogous to male circumcision (WHO 1996:4). Following this procedure, the chances of complications such as excessive bleeding and infections are extremely high (Reyners 1993:23).

Excision

The clitoris and the labia minora are removed completely. The labia majora are left intact and the vagina is not closed.

Infibulation

This is as the most extreme form of FGM and is also referred to as severe circumcision. Infibulation involves the complete removal of the clitoris, the labia minora and the inner surface of the labia majora (Koso-Thomas 1987:17). The vulva is stitched together with acacia thorns soaked in 'mammal' a special oil mixture; silk; catgut; horsehair; pins or other metal objects. When the skin of the remaining labia majora heals, a bridge of scar tissue forms over the vagina (WHO 1996:2; Yidu 1998:13; Crul 1992:99). The entrance to the vagina is obliterated but an opening no larger than a grain of rice (Warsame et al 1985:2) is maintained by the insertion of a sliver of wood or straw to allow for the flow of urine and menstrual blood. In some cases women have actually conceived through this aperture (WHO 1996:2; Allen 1995:1; Walker & Parmar 1993:367). Toubia (1995:10) records that: 'If the opening *is more generous, sexual intercourse can take place after gradual dilation, which may* take days, weeks or even months. If the opening is too small to start the dilation, recutting has to take place before intercourse'. Family honour and prestige is dependent on making the opening as small as possible, which increases the value of the girl and of the bride price (Hosken 1999:3).

Gishiri Cuts

According to Reyners (1993:26) and WHO (1996:2) the term Gishiri is used to describe ostensible problems associated with the reproductive system e.g. infertility, painful intercourse, and amenorrhoea. This process entails the scratching of either the anterior or posterior vaginal wall with a sharp knife. Following the flow of blood it is believed that the problems will abate.

Defibulation

This term refers to the opening of the infibulated vulva. It occurs after marriage, once the husband or his female has confirmed that the wife is a virgin or 'closed' (Bartels & Haaijer 1995:84). In some instances where the opening is very small, penetration can fifteen days or more with much pain and bleeding (WHO 1994). Often, full

penetration only occurs after three to 24 months (Khalifa 1994:21). If the husband is still unable to attain full penetration, he uses instruments such as a knife, piece of glass, or his fingernail (Slack 1988: 453) which can result in further complications, or the circumcisers and female family members are approached to assist. In some instances, on the wedding night, the bridegroom has a friend who ties down the bride, while the groom opens the vagina with a razor (Khalifa 1994:16-34).

Another reason for defibulation is that during birth it is impossible for the baby to emerge through the tiny aperture and the mother has to be defibulated (Reyners 1993:26). This process recurs with each new birth.

Reinfibulation (Recircumcision)

This process entails the suturing of the raw edges after the woman has given birth and is also done to repair an interrupted circumcision (Lamb, 1992:17). Reinfibulation is seen as a symbolic regeneration of virginity and entails 'the closing of the vulva to its post-wedding night size and is repeated after each child is born' (Forms of FC 1999:1). According to Lamb (1992:28), in Sudanese Arabic reinfibulation is referred to as *Adlat El Rujal* (men's circumcision) because it is designed to bring greater pleasure to the man. After the baby has been weaned the woman is opened again for intercourse (Hosken 1999:2). Widows and divorcees also undergo this process in the hope of regaining their 'virgin status', thereby increasing their status as prospective brides. Girls try to procure this procedure after premarital sex (Allen 1995:2).

The World Health Organisation (WHO 1996:6) recommends that the following practices should also be included in any classification or definition of FGM:

* stretching the clitoris and /or labia;
* cauterisation by burning of the clitoris and surrounding tissues;
* scraping (angurya cuts) of the vaginal orifice;
* introduction of corrosive substance into the vagina to cause bleeding; or
* putting of herbs into the vagina with the aim of tightening or narrowing the it;
* any other procedure that falls under the definition of female genital mutilation.

The above procedures require skill, good light, proper surgical instruments, an anaesthetised body and knowledge of female anatomy (Hosken 1999:1). In societies where FGM is practised, the procedure is performed by untrained persons, including barbers, elderly women, priests and priestesses, wandering gypsies, fortune-tellers, blacksmiths and traditional midwives, nurses and physicians (Koso-Thomas 1987:21; Toubia 1995:29; Tracy 1997:3; Lightfoot-Klein 1989:36). Unsterilised instruments such as knives, scissors, scalpels, pieces of glass, broken bottles, tin, sharp rocks,

pottery and razor blades are used (WHO 1996:2; Pielou 1998:87) and are reused immediately on other girls without even rudimentary cleansing, thereby increasing the risk of the transmission of any number of diseases and infections. Neither anaesthetic nor antiseptic is used. Young girls are fully conscious of what is happening to them and are required to undergo the full procedure without fear or crying: any sign of this brings dishonour to their families (Burnett 1997:1).

Some societies attempt to desensitise the affected area, for example initiates are commanded to sit in a cold stream so that the genital area is numbed to decrease the initial pain (Koso-Thomas 1987:2). In other societies the clitoris is cauterised or stung repeatedly with nettles to deaden the nerve endings (Morgan & Steinem 1984:292). Sometimes, girls are given a stupefying drink so that the immediate effects are not fully experienced (Koso-Thomas 1987:22). A girl who resists or struggles while undergoing FGM may have other parts of her genitalia accidentally damaged. Pastes containing herbs, porridge, ash, alcohol, lemon juice, cow dung, eggshells, sugar, eggs, gum arabic and oils are frequently applied to the wound to arrest the bleeding (Hosken 1999:2; Koso-Thomas 1987:21; Bartel & Haaijer 1995:42). Afterwards, the girl's legs are tied together and she is bandaged from knees to waist, remaining immobilised for two weeks while any excrement remains in the bandage (Hosken 1999:3).

Besides the shock and trauma of this procedure, the young girl or woman is faced with the debilitating results of the mutilation.

Consequences of FGM

Arguments surrounding the health benefits of FGM are not unique to Africa. In the mid-19th century some Western countries claimed that forms of FGM could cure a variety of female sexual 'deviancies' e.g. nymphomania, excessive masturbation or the unnatural growth of the clitoris (Abusharaf 1997:19). In practising countries, it is argued that FGM has curative powers and that a direct positive consequence is that women seldom complain of ill health (Koso-Thomas 1987:9). Other benefits claimed for FGM are enhanced fertility and easier childbirth (Robertson 1996:622). These pronouncements are not based on medical facts but are enshrouded in the mysticism of a particular cultural or religious belief system (*Amnesty International* 1999a: 6). Health benefits are not the most frequently cited justification for FGM. It is most frequently argued that FGM makes women strong and uncomplaining about illness (*Amnesty International* 1999a: 6). If women in traditional societies are socialised into believing that they are strong and can endure illness, then very little of their actual suffering will be reported. Moreover, the complications of FGM are not regarded as a direct result of the procedure, but as part of the natural course of a woman's life. As such, serious life-threatening infections are not seen as a deterrent for defibulating an unmarried girl as this will decrease her chances of marriage or lower her bride price

(van den Berg 1992:16). It seems therefore that in practising communities, suffering and death are more acceptable choices.

Most practising countries are silent about any negative consequences of FGM. The secrecy surrounding FGM, and the protection of the circumcisers makes it difficult to collect accurate data. Where information has been collected, time has lapsed after the event, and women in traditional societies do not readily associate present illness with something that occurred during their childhood (*Amnesty International* 1999a: 3). Symptoms that researchers ascribe directly to FGM may be considered by women to be natural and normal in societies where FGM is a universal practice (Carr 1997:37). Women are also reluctant to seek medical assistance and complications usually go unreported (Kouba & Muasher 1985:95). Large parts of the population in practising communities fail to perceive the hazardous health consequences of FGM and males, especially, are '... ignorant, content to dismiss damages arising from FC as of the natural, inevitable consequences of being born a woman. Many women share this predisposition' (Rushwan et al 1983:7). In instances where research has been done, the physical damage caused by FGM is medically indisputable (Rushwan et al 1983:7). To this effect Pereria (1989:11) states that 'No single medical voice can be heard stating that mutilation is good for the physical or mental health of girls and women and growing research show serious permanent damage in health'.

Potential health risks

In societies where FGM is a universal practice, females are at risk for a number of interrelated reasons:

Circumcisers

Many of the circumcisers have no medical training or knowledge of the female anatomy, they have poor eyesight and are sometimes intoxicated (*Amnesty International* 1999a: 6).

Instruments

Unsterilized equipment is utilised both for cutting and for binding the wound. This increases the risk of infection (Carr 1997:38).

Context

FGM is generally performed outside recognised medical facilities. Post-operative care is virtually non-existent and if complications arise, families are reluctant to seek medical help (Kouba & Muasher 1985:95).

Even before the actual procedure, the girls are already at risk. Even if they survive this round, there are other serious debilitating consequences which await them.

Physical consequences
The physical consequences are numerous and occur at different stages of a woman's life. They can be divided into the immediate, intermediate, long term, obstetrics, and sexual and psychological consequences

Immediate consequences
As an immediate response, most girls and women experience some of the following:

Excruciating pain: During the process, the dorsal nerve of the clitoris is severed, resulting in the whole genital area becoming permanently and unbearably painful. Some groups recommend cold baths as a means of anaesthetic but this is insufficient to curb the excruciating pain. The acacia thorns used to bind the wound are thought to have anaesthetic properties but this has not been proved. Even in settings where anaesthetic is available it is difficult to administer because the clitoris has a dense concentration of nerve endings and multiple painful application of the needle is required. (WHO 1994:E2; Reyners 1993:30).

Shock: The young girl may have some idea of what she is to undergo but the actual procedure is sufficient to leave girls in a state of post-operative shock (Smith & Werde 1992:22).

Haemorrhage: Excision of the clitoris involves severing the clitoral artery which has a strong flow of blood at high pressure. Haemorrhaging is the most common and life-threatening complication of FGM, as extreme or protracted bleeding can lead to anaemia or shock and death. (WHO 1996:7; Reyners 1993:30).

Transmission of infections: The flow of blood and the fact that one unsterilised instrument is used for a number of girls may result in tetanus, HIV and Hepatitis B. (Smith & Werde 1992:24; WHO 1996:7; Koso-Thomas 1987:25; Kouba & Mausher 1985:101).

Septicaemia (blood poisoning): Traditional circumcisers very often do not wash their hands before the procedure; the water that is used is often already infected. The wound is also contaminated with urine and faeces because of the binding of the legs for long periods of time (WHO 1996:7).

Acute urine retention: The pain of the raw wound usually results in conscious retention of urine (Reyners 1993:30).

Fractures: Fracture to the femur or the clavicle, or dislocation of the hip joint is not infrequent, due to the pressure of a number of heavy women immobilising the struggling girl (WHO 1996:7).

Injury to adjacent tissue: A clumsy and poorly sighted circumciser coupled with a struggling patient can result in serious damage to areas surrounding the genitals, e.g. the urinary canal and the perineum and this can result in incontinency (Rushwan et al 1983:68).

Death: Many girls die from shock, haemorrhaging and the lack of medical attention (Koso-Thomas 1987:26).

Intermediate consequences
These effects usually occur some time after the actual procedure.

Delayed healing: Infection, irritation from urine, friction when walking or an underlying condition such as malnutrition, can lead to a purulent weeping wound which sometimes never heals (WHO 1996:9).

Pelvic infection: Pelvic infection can be caused from the infected genital wound and through the poor urinary flow (Lee 1994:39).

Painful intercourse: Due to vaginal stenosis (tight or narrow vaginal opening) and recurring damage caused by intercourse, vaginal penetration is always painful and can sometimes be impossible. This condition is non-existent in non-mutilated women (Lee 1994:39; Ozumba 1992:106).

Dysmenorrhoea: Girls experience extreme painful menstruation due to the total occlusion of the vaginal opening, accompanied by chronic stomach-aches and abnormal swelling of the stomach. A normal menstrual cycle of three to five days may continue for ten days, disabling the girl with pain and toxicity (Rushwan 1994:7; Lightfoot-Klein 1993:190).

Infection: This occurs in a number of ways. Girls try to dislodge the accumulated clots, using their infected fingernails, if the opening is large enough (Dorkenoo & Elworthy 1992:8). The consummation of marriage is bloody and as the demand for

absolute chastity does not extend to men, HIV infected bridegrooms may infect their brides. In cases of anal sex, the risks are higher (WHO 1992:153; IAC 1990:75-91).

Urinary infection: This is caused by the retention of urine, the use of unsterilised equipment, and unhygienic dressings such as cow dung and ash, which are an excellent growth medium for bacteria (Koso-Thomas 1987:25).

Dermoid inclusions: Cysts and abscesses are caused by the edges of the wound being turned inwards. These cysts form on the scar line and also arise as the result of an accumulation of skin and products secreted by the skin, e.g. fats and hair cells. These dermoids are sometimes as large as a grapefruit (Rushwan 1994:7; Sanderson 1981:37).

Keloid formation: Slow and incomplete healing of the wound and infection leads to production of excessive connective tissue on the scar, often so enlarged that it obstructs walking (Slack 1988:452).

Long term consequences
These have extremely serious physical and social effects.

Haematocolpos: The closure of the vaginal opening by the scar tissue causes severe retention of menstrual blood. This causes the stomach to become severely enlarged (Dorkenoo & Elworthy 1992:8). This sometimes leads to the girl being murdered by her family because she is suspected of being pregnant thereby dishonouring the family (Smith & Werde 1992:23; Koso-Thomas 1987:26).

Infertility: Infertility is frequently caused by infection of the ovaries and the Fallopian tubes. A quarter of the cases of infertility in Sudan are due to FGM. Infertility is discovered many years later and is usually not seen as a direct result of FGM (Smith & Werde, 1992:22; Mustafa, 1966:304; Slack, 1988:454).

Incontinence: Frequent bladder infection often leads to chronic incontinence.. Rectal intercourse also causes anal incontinence. Women can be cast out of the community because they constantly smell of urine (Dorkenoo& Elworthy 1992:8; Koso-Thomas 1987:26; Smith & Werde 1992:23).

Calculus formation: Vaginal stones are common because of urine retention. Most women report difficulty in urination, which may take 10-15 minutes on average to two hours in extreme cases (Lightfoot-Klein 1983:356).

Partially erected clitoris: The erection of the partially mutilated clitoris stretches the scarred erectile tissue and stimulates damaged clitoral nerve tissue. This can be painful and is mentally inhibiting because it impairs arousal which inhibits sexual foreplay and affects the development of sexuality (Smith & Werde 1992:24; WHO 1996:10).

FGM is not only debilitating to women themselves but also has far reaching implications for babies at birth.

Obstetrics
Women experience various problems associated with childbearing:

Fear: It has been reported that women eat less during pregnancy because they fear that the baby may grow too large to pass through the tiny vaginal opening (Kwaak 1992:780).

Prolonged labour: Prolonged and obstructed labour is caused by the tough scar tissue which must always be slit to allow the baby to emerge. The tough obliterated vulva loses its elasticity and if not opened in time may fatally obstruct the second stage of labour. Obstructed dilation increases the chances of asphyxia and subsequent brain damage to the infant. There are significantly more severely asphyxiated babies among mutilated women than among non-mutilated women. Women in Sierra Leone know that the scar tissue will not yield for the first child and therefore promote the belief that it is usual to lose the child at birth. An obstructed birth where both mother and child die will probably be blamed on fate or attributed to God but never to the unnatural build up of inelastic scar tissues. (WHO 1996:9; Lee 1994:40; De Silva 1989:235; Slack 1988:454).

Fistulas: These are holes that develop between the bladder and the vagina or between the rectum and the vagina and occur when there is constant pressure of the baby's head on the posterior wall of the bladder causing necrosis (death) of the vagina and bladder walls. Sufferers constantly smell of urine and this condition can put off male partners. In the unlikely event of conception recurring, the urine can poison the foetus and repeated miscarriages can occur (Koso-Thomas 1987:27).

In addition to negative physical consequences, the psychological effects can be just as debilitating for women.

Sexual and psychological consequences

According to Smith & Werde (1992:10) all forms of FGM rob women of sexual enjoyment. The clitoris is a prime erogenous zone and when it has been reduced to scar tissue no orgasm can be released (Mclean et al 1980:5). Research suggests that although FGM does not necessarily attenuate women's sexual desire it may affect her capacity for sexual gratification showing that there is a correlation between FGM and sexual frustration (Rushwan et al 1983:91). Shandall (1967:188) found that some women in Sudan had no idea at all of orgasm. In societies where FGM is performed to curb sexual desires, sexual intercourse is not something women expect to enjoy. Women experience extreme pain and are in fact afraid of sex (Slack 1988:455). One woman, in talking about her own experiences of FGM states:

> Men invented it so that sex is just for men. Some women are cut and sewn again and again like a piece of cloth. Its cruel, its unfair, its humiliating, its unacceptable, it changes your whole life (Fritz-Patrick 1996:47).

Psychological complications including depression, anxiety, psychoses, sexual dysfunctions and marital disharmony can be lifelong (Lee 1994:40). Immediately after the procedure, girls report a sense of pride in being like everyone else, in being made clean and in having suffered without screaming (Dorkenoo & Elworthy 1992:10). But the euphoria is short-lived because the existential realities are different. Research shows that personal accounts contain references to feelings of anxiety prior to the procedure, terror at the moment of being seized and pinned down by several adult women, unbearable pain and the feeling of humiliation and betrayal by parents especially the mother who is part of the proceedings (Dorkenoo & Elworthy 1992:10). According to Grassivaro Gallo & Moro Moscolo (1984:187) most traumatised girls cannot forget the moment of FGM: they remember the precise day, the time and the circumciser.

In light of the immediate, intermediate and long term consequences, the occurrence of death seems to be ever-present in practising communities, but few are willing to disclose deaths or to admit that they are is directly related to FGM.

Death

According to WHO (1996:5) the mortality rate as a result of FGM is unknown as no accurate records are kept and death due to FGM is rarely reported. It is nevertheless estimated that 500,000 women die annually due to complications in pregnancy or childbirth following FGM (Leeuw 1993:14). Doctors in Sudan estimate that one third of girls die because of FGM and health ministers were alarmed by the increasing number of deaths due to unhygienic and unsafe methods both in rural and urban areas

(*Daily News* 25.7.1996:20). It has also been shown that there is a positive correlation between high rates of infant mortality and countries that practice FGM (Slack 1988:450).

It is therefore difficult to estimate the number of deaths because the secrecy that enshrouds the practice makes it easy to conceal, and a very small proportion of cases with complications reach the hospitals (Dorkenoo & Elworthy 1992:8). Deaths are also rarely viewed as a direct result of FGM and are usually blamed on an enemy, evil spirits, failure to appease the ancestors or the will of God. Most frequently, the girls are blamed for being promiscuous (Kouba & Muasher 1985:103).

Any definition of torture refers to the infliction of severe physical and mental pain. It is self-evident that a woman born in a FGM practising society is subjected to intense physical and psychological pain. Pain is experienced from an early age when the actual FGM occurs. Through the occlusion of the vagina she may suffer severe abdominal pain during the onset of menses. If the wound is not properly treated she may be susceptible to various infections. On her wedding night the couple may not be able to consummate the marriage and the young bride has to be slit open again. If infection has not rendered her infertile, the young expectant mother is subjected to intense fear because she is aware that the baby cannot be delivered through the tiny aperture. During labour, she has to contend with the fact that her vagina has to be opened once more. After delivery, the mother is stitched again and this cutting and restitching will recur with each new birth. Besides the physical suffering, FGM can have substantial consequences for women's self image and sexual lives including severe depression, irritability, frigidity and feelings of incompetence (WHO 1994).

If it is accepted that FGM is torture, what then is being done nationally and internationally to protect girls and women?

Human Rights

The subordinate position historically occupied by women within the patriarchal family, country and society has meant that abuses such as FGM have been ignored for centuries. It is only recently that many anti-FGM activists have concentrated largely on health arguments to campaign against its continued practice. At present the human rights dimension is also being debated as another major reason to bring this practice to an end (*IAC Newsletter* 1993:3). As a consequence of this debate FGM is now emerging as an international issue attracting concentrated and visible efforts by organisations and institutions to address it as a human rights concern (*IAC Newsletter* 1998:2). The urgency for fighting FGM as a human rights issue is that although the conferences of the early 1990s emphasised that women's rights are human rights, these rights continue to be universally abused and infringed on a normative scale

(*IAC Newsletter* 1997:2). Mackie (1996:999) reports that rather than diminishing with modernisation, FGM is spreading and some observers predict that eradicating the practice will take up to 300 years.

Since the Second World War, various declarations and conventions giving attention to harmful traditional practices including FGM, have been adopted. In these, FGM has been declared a violation of human rights and injurious to the health and well being of women and girls (Ministry of Foreign Affairs Danida 1996:iii). At the same time a series of international and regional conferences have taken place where the prevention and eradication of FGM was the core issue, and where strategies for national coherent policies were discussed and adopted (Ministry of Foreign Affairs Danida 1996:24). These deliberations have resulted in the following declarations:

* The Universal Declaration on Human Rights 1948;
* UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979;
* United nations Commission on Human Rights 1981;
* The African Charter on the Rights and Welfare of the Child 1990;
* The 1992 London Declaration on FGM;
* UN Declaration on the Elimination of Violence Against Women 1993;
* The Vienna Declaration 1993;
* International Conference on Population and Development 1994;
* Beijing Declaration and Platform for Action 1995;
* World Summit on Social Development 1995;
* African Ministries of Health 1995;
* WHO and UNICEF 1996;
* Dakar Declaration 1997;
* Addis Ababa Declaration 1997;
* The Banjul Declaration 1998.

By ratifying any one of the above international instruments on human rights, countries have in effect agreed to uphold the following:

* Everyone has the right to life, liberty and the security of the person.
* No one shall be subject to torture or to any cruel inhuman or degrading treatment or punishment.
* Every human being shall be entitled to respect for his/her life and the integrity of his/her person. No one may be arbitrarily deprived of this right.
* All forms of exploitation, inhuman or degrading punishment and treatment shall be prohibited.

* Every individual shall have the right to enjoy the best attainable state of physical and mental health.
* The state shall ensure the elimination of any discrimination against women and also ensure the protection of the right of the women and the child as stated in the international Declarations and Conventions.
* States shall take appropriate measures to modify the social and cultural patterns of conduct of men and women in order to eliminate prejudices and customary practices which are based on the notion of inferiority or superiority of either of the sexes.

(Slack, 1988:464-5; Ministry of Foreign Affairs Danida, 1996:23; Dorkenoo, 1995b:49.)

Taking the above into account, the following rights of women are prejudiced when they undergo FGM:

* Rights afforded to women
* During FGM women are subjected to dangerous health-compromising and unnecessary operations. Women are discriminated against on the basis of the fact that they are female. Women undergo FGM because of their inferior position in FGM practising countries, where they are subjected to the control of their husband and other male members of the family.
* Right to life / Right to reproductive life
* Morbidity and mortality are reported to be high in FGM practising countries (Ministry of Foreign Affairs Danida 1996:3). It could also be argued that the reproductive organs of the woman, which give life to future generations, are mutilated thereby denying women the right to reproduce life (Slack 1988: 446).
* Right to health
* The unsanitary and unsafe conditions in which FGM is usually performed can adversely affect the physical and mental well being of the woman.
* Right not to be subjected to torture
* When young women are subjected to FGM and its complications, this can be considered as being subjected to torture and to cruel, inhuman and degrading treatment.
* Right to bodily and sexual integrity
* FGM is conducted primarily to curb the sexuality of a woman thereby denying her any sexual pleasure. Her external genitals are altered because they are considered ugly and dirty and in need of reconstruction to ensure male pleasure. By totally destroying her organs, especially the clitoris which assists in orgasm, the woman is denied the right to bodily and sexual integrity.
* Right to protection

When states refuse to enact definite legislation on FGM or where legislation is not implemented, women are denied proper protection from the state. The fact that some communities advance FGM shows that these states have not modified the cultural and social patterns of conduct of both men and women in those communities, and this only serves to perpetuate the discrimination against women.

At what point do human rights apply universally and at what point can religion and culture take precedence over human rights? In the case of FGM, which is declared to be a violation of universal human rights by the world community (IAC 1994:28), can practising communities argue that it is an important part of their cultural and /or religious obligations and should be respected at such? Butegwa (1993:16) is of the view that:

> Human rights are universal in that they apply to all human beings. The international community of states recognise human rights for all persons throughout the world. All persons are seen as equal and valuable beings endowed with certain inalienable rights.

Maher (1996:14) states that:

> The theory of universality holds that there are human rights so fundamental to every human being that they transcend all societal, political and religious constraints. Various human rights instruments have codified this theory.

Maher (1996:4) confirms unequivocally that FGM has been identified by the UN and other international human rights organisations as a violation of those fundamental human rights such as the right to life, integrity, protection etc.

On the question of the violation of rights there are two opposing views. Protagonists of FGM declare an absolute right to cultural self-determinism and state that cultural practices that result in death cannot be attacked as a violation of human rights (Slack, 1988:439). What then, is the responsibility of the world community to those who are threatened by suffering and possible death through those practices? Anti-FGM lobbyists, on the other hand, argue that a tradition that harms and kills an individual is a violation of fundamental rights, and cultures should be barred from continuing such practices (Slack 1988:439).

Practising communities could argue that engaging in any cultural and /or religious practice is the prerogative of that society and external societies have no right to impose contrary morals and beliefs on them. It is clear that with the present persistent continuation of FGM, the concept of universal human rights has therefore not been readily accepted by all members of the international community of states. Some states with strong cultural and religious obligations opine that individual human rights must be subjected to traditional and/or religious rules which take precedence over everything else (Slack 1988:435). Accordingly, there is no need to respect or protect the rights of specific groups, e.g. women who undergo FGM, because practising communities do not view it as a problem or a human rights violation, but rather see it as a cultural and/or religious injunction. The Secretary General of the UN, Kofi Annan, discounts the above view and reaffirms the universal nature of human rights by stating that the rights of women and girl children are not something that could easily be explained away by cultural specificity (*IAC Newsletter* 1998:10).

At the international conference on human rights in Vienna in 1993 the indivisibility of human rights, regardless of the cultural and social context, was presented and adopted (IAC 1994:39). According to Cook (1993:45) the CEDWA convention clearly mentions that state parties should take appropriate measures including legislation to abolish existing laws, regulations, customs and practices which constitute discrimination against women. States were also urged to modify the social and cultural patterns of conduct of men and women in order to eliminate prejudices which are based on the inferiority or superiority of either of the sexes (Cook, 1993:45). The draft *Declaration on the Elimination of Violence against Women* also proposes that states should condemn violence against women and should not allow custom, tradition, religion or any other consideration to deter it from eliminating such violence (Cook 1993:46). Despite the ratification of several human rights instruments, lack of adherence in some countries remain in the name of morals, culture, religion and many myths, taboos and beliefs are the very foundation used to justify the continuation of women's inferiority and lack of protection by basic human rights (*IAC Newsletter* 1997:3). The Norwegian Prime Minister condemned FGM as 'a stain on the world map' (*IAC Newsletter* 1995:5) and mentioned that there are limits to what the international community can accept, immaterial of the deep cultural roots of certain practices. This is where universal human rights take over: FGM does not become sacrosanct just because it is part of a cultural pattern. When it comes to the question of people's right to cultural collectivity and an individual's right to self-determination, does a woman give up her rights. in order to ensure that the collective values, norms, identity and cohesiveness of the group are upheld? The President of the Court of Appeal in Togo (*IAC Newsletter* 1995:10) stated that people have the right to protect and promote their cultural values provided that t these did not violate the rights of women.

According to Freedman (1997:331), in international discourse the problem of rights is often viewed as a dichotomy between the individual verses the collective, and antagonists of women's rights characterise any efforts by women to direct the course of their own lives as a denial and rejection of their responsibility to others or the collective. Freedman (1997:331) states further that:

This basic conception of the 'uncontrolled' woman as a dangerous and destructive force explains, in part, why human rights, with its apparent defence of the individual as against the collective, has become so explosive, particularly when applied to women's reproduction and sexuality, the area in which control over women is guarded most jealously.

According to Lamb (1992:17), where collective identity depends on cultural solidarity, FGM is regarded as a necessary and honourable tradition which allows the young girl to become fully integrated into the community. It is therefore extremely difficult for a young woman to try and develop an individual sense of worth and identity that is in direct contrast to the collective expectation (Lamb, 1992:17). In FGM practising countries, women who refuse to undergo the procedure are ostracised, dishonoured and alienated from all ceremonial process with the group (Oukbih 1992:6). Women will be accepted as full members only if they abide by the collective will of the group and undergo the mutilation. FGM therefore still remains a prerequisite for adulthood. According to Lamb (1992:17) the individual is socialised into believing that the community, the collective, takes precedence, and that the individual's honour is bound to that of the family. Any assertion of individuality by women is readily regarded as the betrayal or reckless abandonment of the collective, and women are therefore forced to choose between a sense of themselves and the assertion of the group and its religious and cultural identity (Freedman, 1997:333).

The conflictual nature of the two versions of rights, one based on the Enlightenment ideal of the sovereign individual subject and the other grounded on the notion of collective identity cemented by cultural solidarity therefore clearly plays itself out in the complexities of FGM. Here, it illustrates total cultural conflict between the rights of the woman to bodily integrity on the one hand and the need to be accepted and integrated into the community on the other . Faced with this dilemma, there is undisputed consensus that women lack control over their sexual and reproductive lives and this is one reason why the collective values and norms predominate over women's individual rights (Garcia-Moreno & Claro 1994:47-52).

Legislation

The adoption of legislation as a means to eradicate FGM has been a subject of intense debate because of the complexities engulfing FGM. Although some countries have adopted specific legislation against FGM (*IAC Newsletter* 1998:3), other governments have been reticent to legislate against it, citing the following reasons for their reluctance:

the problem of ethnicity and prosecution are remnants of colonialism when FGM was seen as a national symbol of freedom and this has continued to the present time; in countries where the majority of the population practice FGM, to legislate against it may further exacerbate the situation as people will then resort to backstreet procedures thereby increasing the health risks of women and girls (Ministry of Foreign Affairs Danida 1996:25).

Notwithstanding the above fears, some countries have adopted definite steps against FGM. For instance, Burkina Faso passed a law against FGM in February 1997, in terms of which any person harming the physical integrity of the female genital organs can be imprisoned for three years. In the Democratic Republic of Congo, the Ministry of Health has declared FGM a violation of the rights and freedom of girls and women. In Egypt, after a long protracted battle, FGM has been declared as physical mutilation and is punishable by law. Activists in Ghana have succeeded in amending the Criminal Code 1960 (Act 29) to include FGM as an offence carrying a sentence of three years imprisonment. In May 1989 the government of Guinea issued a declaration against harmful traditional practices including FGM under Article 6 of the constitution which notes that the State should safeguard the moral and physical integrity of any individual (*IAC Newsletter* 1996:9). At a conference on jurisprudence of FGM in Nigeria it was recognised that FGM is a form of violence against women and denies them the right to dignity which is guaranteed in the Constitution of Nigeria. On 17 June 1999, the National assembly of Senegal passed legislation which completely bans the practice of FGM: any defaulter can be imprisoned for six months to five years (*Awaken* 1999:11). The government of Sudan integrated the anti-FGM strategy in the government's ten-year plan of action: in 1990 the President ratified the Convention on the Rights of Children which indicates the intention to eradicate FGM. Togo is the third member of the Economic Community of West African States, in addition to Ghana and Ivory Coast, to ban FGM. In Australia each state and territory was requested to develop legislation against FGM. Canada has amended the Criminal Code to prohibit FGM and any practice that causes harm to a child and which has been procured in another country. Perpetrators can be prosecuted when the child returns to Canada (Hussein 1995:2). In Paris, a 53-year old Malian women described as the 'superstar of circumcision' was convicted and sentenced to eight-year imprisonment for performing FGM on 48 young girls (Herbert 1999:5). It is estimated that 20,000 women in Germany have undergone FGM and political asylum was granted on the basis of FGM to a woman in 1996. Approximately 5000 women from Somalia have sought political asylum in the Netherlands and the Dutch government was confronted with the dilemma of medicalising FGM, but it decided to oppose all forms of FGM (*IAC Newsletter* 1994:14). In 1992 FGM was made illegal in Sweden with the signing of the FGM Act (Nath 1994:1) FGM has been illegal

throughout the United States since March 1997, and is punishable by up to five years imprisonment (Dugger 1996b:1-2) According to US legislation, political asylum can be granted to women who fear persecution through FGM (*IAC Newsletter* 1996:10).

That Female Genital Mutilation is a widespread form of torture and a violation of human rights cannot be denied. Until recently, Western anti-FGM lobbyists were attacked for being ethnocentric, racists and cultural imperialists. It is encouraging to note that African women and men in FGM practising countries are now themselves involved in the campaign to eradicate FGM. Intensive educational programmes have had positive results in some countries. These campaigns and lobbying have influenced some governments to ban the procedure completely. Nevertheless, the *de facto* reality is that out of the 26 African countries where FGM is practised, only 12 have definite legislation against it. Some observers predict that it will take another 300 years to completely eradicate the practice: this is a serious indictment o the world community's commitment to protect young girls and women from such suffering.

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