

ADDENDUM

Due to a fault in the xerox machine, typographic errors occur on a number of pages. These errors have been corrected by hand.

THE TRANSFORMATION OF LAND TENURE IN LESOTHO

by

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Dissertation submitted for the degree
of Master of Arts(Social Anthropology)

University of Cape Town

November 1983

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ABSTRACT

Using Lesotho as a case study, this dissertation examines the changing forms of land tenure in a rural Southern African population. Land tenure in Lesotho is seen to have undergone many transformations over the last 200 years.

These transformations are illustrated through an historical analysis of political and of social relationships in rural Lesotho. For example, the chieftainship in Lesotho is analysed to illustrate how changes in its structure have led to a strengthening of commoners' usufruct land rights. In turn, by examining how commoners' land rights have been expressed over time, this study demonstrates the contemporary significance of kinship ties in a rural Lesotho community.

The significance of kinship is seen to lie in the flexibility which its principles allow, for members of the rural community, to accommodate the demographic, ecological and economic pressures of living in a peripheral part of Southern Africa. In effect, such flexibility is seen to have enabled the rural community to allocate, as optimally as possible, the scarce resources it has and can utilise. By examining how those resources have been utilised, this study demonstrates how relations of production in the rural community have become defined by communal control over rather than individual ownership of resources. As a result, this study illustrates how groups of agnatically related households have been formed into units of production in which the permanent rural residents, rather than the wage earning migrant workers, have control over resources, including the latter's cash incomes.

The development of such a unit of production is seen to be based on a sustained and vital interest by Basotho in land. That interest, which has been defined by principles of kinship, has prevented the alienation of Basotho from land. In effect, that interest has been a response by Basotho to the many and diffuse threats to their material existence brought about by their incorporation into a Capitalist politico-economic system. Consequently, this dissertation argues for a reconsideration of kinship in anthropological history, in view of the historical rather than synchronic anthropological perspective adopted in this study.

ACKNOWLEDGEMENT: HA BATHO EA HA

Ke rata ho le lebohela thuso eo le mphileng eona ha ke hlophisa 'Histori ea Basotho'. Ke tsoanela ho ikopela tsoarelo ha e le mona ke nkile nako e telele ho feta kameo ke neng ke lebeletse ho qeta histori ena, le ho le fa dikopi ha ea ka litumellano. Ke tsepa hore boiteko ba ka bo bile le katleho le hore bo hlokisitse ka ho totobala seo le mpolletletseng sona ka bolokolohi le ra lobe letho.

Ho thata ka 'nete ho leboha ke qolla batho ka bonngoe. Batho ba nkamo'hetseng ka matsoho a mabeli, moea o mofuthu le hona ho buisana le 'na ka mosebetsi oa ka bangata! Leha ho le joalo, ke tlameha ho isa teboho e ikhethang ho Morena ea ileng a ntumella ho lula ha ha ke ne fihla ke le motoaitoai oa lekhoa la moeti o nthusitse ka tsela tse ngata. Ka mokhoa o joalo ke rata ho leboha Ntate le 'mé le ka ho nkamohela lapeng la bona. Ba entse bonnete ba hore ho lula ha ka ho be monate. Liteboho tse ngata ke li lebisa ho batho ba ba ileng ba mamella mekhoha ea ka le ho itsunya- tsunya maphelong a bona. Ke le leboha e le ka 'nete. Ho feta mona ke leboha ntate , ntate le ka ho nthuto Sesotho. Kantle ho thuso ea bona ke ne ke sa tlo bua le eona nteteroane ea Sesotho. Qetellong ke rata ho leboha kaofela hobane leha le bangata hoo ke sitoang ho le qolla ka mabitso, le nthutile!

Ho le leboha ke ngotse mosebetsi ona ka bokhoni le kutloisiso ea ka eohle. Joalo kaha le mphile tsebo ena ka botsepehi, ke fetotse mabitso kaofela ho ea ka tloaelo ea li-Anthropologists. Ha ke bontse nyeliso kapa tello ka fats'o ena ke mpa ke sireletsa bathusi ba ka hobane liphuputso tse ngotsoeng li ka baloa ke mang kapa mang. Ka heo khohlo ea ke e fetotse ka e bitsa khohlo ea Naleli. Lebitso lena Naleli le tla nkhopotsa tse ling tsa lipuisano tse monate tseo ke bileng le tsona le ntate ka linaleli, le mokhoa o hlakileng ao li bonoang ka ona ha . Mabitso a metse le a batho, le ona a fetotsoe. Mohlomong babali ba tla ikelelloa 'moho le ba bang ba hlahang mosebetsing ona. Ke tsepa hore ha ke a hlahisa batho bana hampe le hore ke beile lintlha ka nepo. Liphoso tse ka hlahang ke tse tsoets'oeng ke ho haelloa ke kutloisiso ha ka. Koana ke tsepa hore hona ho nyenyefalitsoe ke thuso ea lona.

Leha le fane ka nako ea lona ho nthusisa ho phetha mosebetsi oa ka, 'na ha ho seo nka le fang sona . Ke tsepa hore histori ena e tla thusa e le seo ke le fang sona 'me likopi tseo ke tlileng le tsona li tla bolokoa ka tlhokamelo

ke Morena , Ntate . le 'mé hore meloko e tlang ea ha
e fumane molemo ho tsona. Ke histori eo ke tsepang hore e tla anafatsa
tsebo ea Basotho le batho ba libaka tse ling. Leha sena e le mosebetsi oa ka,
ho a hlaka ho 'na joale hore mohlomong ke seo le nthutileng sona ka botho ho
feta naha 'me ke a leboha ke hona.

PREFACE

The field research for this study was conducted between August 1981 and March 1982. The research was funded by a scholarship from the University of Cape Town and by two research grants from the Harry Oppenheimer Institute for African Studies at the same university. I am grateful for these awards which made this study possible.

My thanks also go to the many people who helped me in my work. In particular, my thanks go to the ward chief and the residents of the valley where I conducted field research. There is little that I can give in return for their hospitality and their tolerance of my habits. I hope, however, that the copies of this dissertation which we agreed should be available to villagers will be of interest and value to them. My debt to the valley residents is acknowledged fully in the preceding two pages. The chief and the valley's residents must, however, remain anonymous. In view of the fact that the anthropologist can never tell how his/her work will be used and given, the volatile politics in Lesotho at present, I have judged it best to hide the identity of the valley and its inhabitants. I have identified the valley by the name of Naleli(star), simply in reflection of some discussions on astronomy which I had with a villager and in view of the clarity with which the stars can be seen from the valley. The villages in which I worked are identified by the fictitious names of Ha Batho(Place of people), Selema(Spring) and Thabeng(in the mountains). I have used pseudonyms for all informants who appear in the text.

Beyond Naleli valley I received help from many Basotho. My thanks go to the drivers and passengers of the buses and taxis which plied the road near Naleli valley. They never failed to help me reach my destinations and in particular, helped me greatly to carry my loads when I was setting up base in Ha Batho. In addition many people in the environs of Naleli valley contributed to my study through discussions on my work. I also wish to thank Solve and Pat Skorge for their hospitality and for the many stimulating discussions when I stayed with them in western Lesotho. I am also thankful to John Cobbe at the Institute of Southern African Studies, National University of Lesotho, for his sponsorship of my research .

At the University of Cape Town, I have been greatly assisted by the encouragement of Professor M. West, staff and post-graduate students in the Department of Social Anthropology. A special thanks must go to 'Mugsy' Spiegel,

my supervisor, for all his effort in helping me put together my work into a coherent form and for reading through my "turgid" writings. Special thanks also go to Joanne Martiny for her forbearance while I completed this dissertation and for her help in sub-editing draft chapters. My thanks also go to Tim Coulton and Di Norton who helped in many ways during the typing of this dissertation. Finally, my thanks also go to Cheryl Hullett for coming to the rescue at the last minute and loaning me this superb typewriter.

NOTES.

Orthography:

The citizens of Lesotho refer to themselves collectively as Basotho. The individual citizen is referred to as Mosotho. There are two official languages in Lesotho, Sesotho and English. Sesotho is the indigenous language and it forms part of a cluster of linguistically related languages in Southern Africa. English is the product of the period of colonial rule by Britain and while it remains an official language, it is not spoken by many Basotho. While Sesotho is the word used to designate a language, it can be used to refer to anything pertaining to Lesotho, Basotho and their lifestyles.

There are two orthographies of Sesotho. One orthography is used in Lesotho and it is derived from the lexicographic works of the early French missionaries in the country. The other orthography is used in South Africa and it is an anglicized version of the first orthography. Basotho prefer to use the first orthography and thus, I use that orthography in the text of this dissertation. In a few instances, however, I use the second orthography when I refer to historical events, in order to convey the political circumstances of the time. In addition, I do not use the definite article in front of the word "Basotho". To do so could misrepresent the sense in which the word is used. To place the definite article before the word "Basotho" tends to imply the existence of a culturally homogenous group. Historical evidence, however, does not support such an implication. By excluding the definite article, I indicate that I am referring only to the population which was formed by political circumstances and which was forced to reside in the territory now known as Lesotho.

The Lesotho orthography contains several idiomatic features. Listed below are those features which are contained in words that appear in the text.

- (1) An "l" before an "i" or a "u" is pronounced as a "d" in English. Thus, the word "Naleli" is pronounced "Naledi".

- (2) The letter "o" is sometimes prolonged in sound like the letter "u" in English.
- (3) "th" is an aspirated "t". There is no locution in Sesotho of "th" as there is in English.

Thus, in reference to (2) and (3) above, the words Lesotho, Basotho and Mosotho are pronounced as Lesutu, Basutu and Mosutu respectively.

- (4) "oa" together is pronounced similarly to "wa" in English.
- (5) "ea" together is pronounced similarly to "ya" in English.

Currency:

Prior to 1961, the currency of Lesotho was sterling pounds and pence. Between 1961 and 1978, the South African Rand was the currency in Lesotho but it has since been replaced by a local currency of Maloti and licente. The new currency is equivalent to South African Rands and cents. During my period of field research many Basotho discussed finance in terms of Rands and cents though pounds, shillings and pence often figured in everyday speech. Commonly, the sterling numeracy was rated at double an equivalent figure in rands. Throughout this thesis I have given monetary figures in rands.

Symbols used in the text:



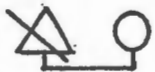
denotes living male, female.



denotes deceased male, female.



denotes marital relationship.



denotes divorce.



denotes tie of biological descent which has been given jural recognition.



red boundary markings denote domestic boundary of a household.

" If (the) writer's vision were true,
what kind of universe would it presuppose".

(Wilson,1982,22).

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INTRODUCTION

1. LAND TENURE IN LESOTHO: A PERSPECTIVE

1. The Struggle for Land:

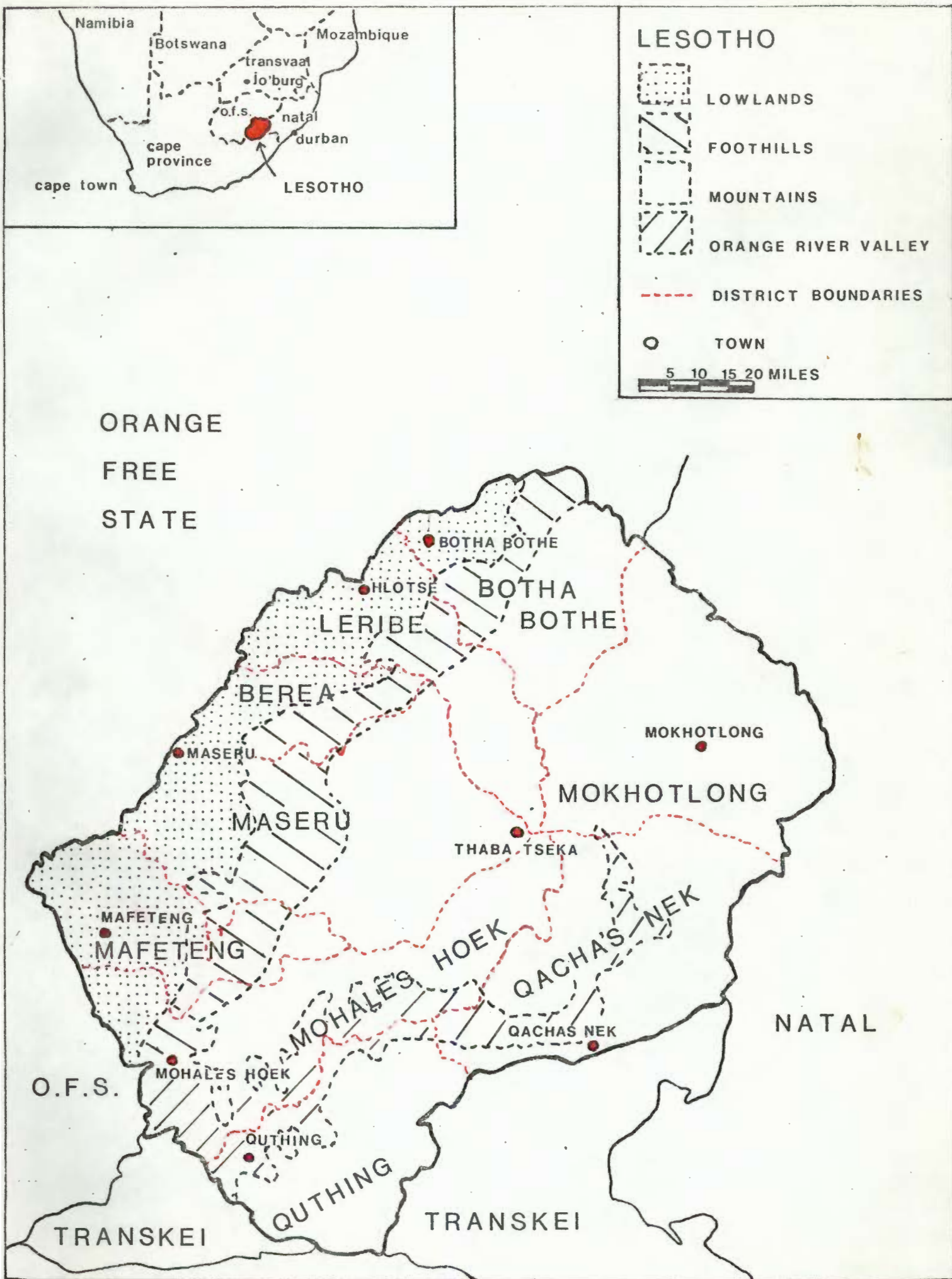
The alienation of people from land is a characteristic of African history, particularly in the course of the last 300 years. It is a characteristic of increasing dimension which originated when European traders went further than their Arab and Indonesian counterparts and sought more than a foothold to Africa's wealth. In that time, Africans have been alienated from land not only in terms of actual loss of access to land but also in terms of changes to their relationship to land.

In the wake of the traders, came European colonists who sought to own or at least to control access to Africa's natural resources. For Africans, this invasion threatened to deprive them of the land from which they drew products for sustenance and trade. The outcome was a struggle for land between Africans and Europeans. In Southern Africa, this struggle has taken many forms; from military action to political and economic interaction. The consequences have generated deceptive and more insidious threats to Africans' ties to land.

For those African populations which have come through to the present with some land intact, the struggle continues. One such population consists of the people of Lesotho, a small country encircled by the Republic of South Africa, (see map 1, page 2). For Lesotho's people, collectively known as Basotho, their attachment to land, in the face of historical and contemporary threats of alienation, is justifiably a source of national pride. Yet, in order to meet these threats, Basotho have had to change their ideas and practices on land. Consequently, their relationship to land, which we may call land tenure, has been transformed over time.

The subject of this study is this process of transformation of land tenure in Lesotho. There is now a large corpus of literature on Lesotho, much of which discusses land tenure in the country. There is, however, no single work to my knowledge which collates available historical and contemporary information on land tenure and examines specifically, the relationship

MAP 1: ECOLOGICAL ZONES AND DISTRICTS OF LESOTHO



between past and present forms of land tenure in Lesotho. Thus, within the limits of my research programme, (see Appendix 1), this study is an attempt to synthesise available material on land tenure in Lesotho.

Land tenure in Lesotho, however, encapsulates the very fabric of society in the country. Therefore, my research has led me to analyse many aspects of the rural lifestyles of Basotho. My research has been greatly facilitated and influenced by five recent ethnographies on Lesotho (Murray, 1976; 1981; Kimble, 1978; Spiegel, 1979; Gay, 1980).⁽¹⁾ On the one hand, these works have set a particular standard for consequent research on Lesotho. They have demonstrated clearly that any study of socio-economic issues in the country is abrogated if it does not consider political and economic developments beyond the borders of the country. Given the intrusion of external factors on land tenure in Southern Africa in historical times, my study is based on this proviso established by the above works. On the other hand, my own research has led me to reassess some of the findings in this and other literature on Lesotho and subsequently, some of the theoretical formulations contained within it.

In view of the standard set by the recent ethnographies, I have adopted a materialist perspective. Throughout my research period, I have considered the transformation of land tenure in Lesotho in the context of the penetration and development of Capitalism in Southern Africa. Land tenure is, of course, a socio-economic phenomenon. Land is primarily an economic resource and the relations between people in extracting products from land must formally be economic relations... Therefore, it is logical to locate these relations within the context of the broader politico-economic system. Since the colonisation of Southern Africa by Europeans, that system has been Capitalism. Thus, the implication here is that the economic relations in the extraction of products from the land in Lesotho are now defined by the Capitalist system.

Yet, in terms of this perspective we must also acknowledge the pre-existence of a Pre-Capitalist politico-economic system. Therefore, we must deduce that the economic relations in production were defined by that system at one time

(1) A copy of Perry's thesis (1977) became available to me only in the later stages of writing this dissertation. Unfortunately, I have been unable to use this work here.

in the past. One value of British social anthropological studies in Africa, in the earlier part of this century, lay in the insights they gave into that system. Generally speaking, formal economic relations were identified in the formal principles of kinship in African society. And still, to the present day many studies on rural african populations continue to identify formal economic relations which appear to be defined in terms of kinship.

Thus, there is an apparent contradiction here in the definition of formal economic relations in production on land. In Lesotho, kinship still appears to be prevalent in Sesotho ideas and practices on land. Thus, the recent ethnographies have commented in some detail on this issue but it is here specifically, that I experience some doubts about their conclusions. In the course of preparing this thesis, I found little satisfaction with current Marxist theoretical resolutions of this apparent contradiction. Therefore, I have found it necessary to develop a perspective which would discuss the transformation of land tenure in Lesotho while leading to an attempted resolution of the apparent contradiction. My approach is outlined below. I return to consider this theoretical issue of kinship in my concluding chapter.

2. Land Tenure as Social Process:

My argument on the transformation of land tenure is based on an historical analysis of agriculture in Lesotho. In my analysis, I have focused on the relationship between those ideas and practices which together form the phenomenon of land tenure. It is the analysis of ideas on equal terms with practices which has given insights into why and how land tenure in Lesotho has been transformed. Equally, this focus illustrates the transformation as a process which has been engendered by an active response by Basotho, in the past and today, to changing political and economic conditions within and outside Lesotho.

Thus, my argument includes another that sees this process of transformation as an integral part of broader political and economic developments in the history of Southern Africa. An extension of this argument is that land tenure in Lesotho has become an idiomatic feature of society in the country. In other words, it is an idiomatic feature arrived at through its transformation being an integral part of economic and political developments within and

outside Lesotho.

Land tenure is understood to be in a continual process of transformation rather than being of a longstanding and definite form. That transformation implies a qualitative change from one form to another in a way or ways such that the different forms are related to each other. The suggestion here is that past forms determine later forms in some way. What is meant by determination is critical to an understanding of how and why land tenure in Lesotho is transformed.

Determination is a term of ambiguous meaning in which the notion of a relation between phenomena is all too easily mystified. It can imply or mean specifically one or more of the following: a process of cause and effect, of definition, or of limitation in cause, effect, definition or function of phenomena. I use the term in the sense that it is a process of interpretation necessary in an everchanging environment. Thus, a present form of land tenure is an interpretation of past forms and it is in a continual process of redefining itself to accommodate potential and actual developments in the wider environment.

Thus there are two frames of reference in 'determination' - the interpretation of forms and of the wider environment. One cannot look at either separately. Equally, there is logically no reason to subordinate one frame of reference over another. Therefore, the large scale processes of Capitalism (as expressed in the political and economic policies of its agents in Southern Africa) are not the singular cause of the transformation of land tenure in Lesotho. Rather, Capitalism defines the broader parameters of land tenure in that it defines the political and economic conditions under which land is to be exploited. Undoubtedly, Capitalism is a major influence on land tenure in Lesotho but equally, the responses by Basotho to that influence must be acknowledged fully.

There are two levels at which we can analyse the transformation of land tenure and their mediator is the process of interpretation;

- (1) at the macro-level: a complex matrix of historically specific large and small scale processes expressed through the interaction and multiple interpretation of European and African concepts about land, politics and economy.
of analysis

(2) at a micro-level of analysis the interpretation by Basotho, historically and currently, of past concepts and current economic and political conditions under which they live(lived) which are used to justify, define and modify their ideas about land and their methods of using land.

Thus, in reference to (1) and (2) above, land tenure in Lesotho is a small scale process itself and in it are expressed both the large scale processes of Capitalism and the responses of Basotho to those processes.

It is at the micro-level of analysis that one can see how land tenure in Lesotho has become an idiomatic feature of society in the country. Perhaps, the best way I can argue this is by elaboration on what I understand the 'forms' of land tenure to be. By definition, the components of land tenure are changeable ideas and practices that are communally acknowledged by a population as a guideline for the use of a natural resource. What makes a form of land tenure is the interplay between ideas and practices sensitive to the wider environment. Therefore, a form of land tenure can never be definitive or concrete.

A form of land tenure can be conceptualised as the abstract relations between ideas and practices. The significant feature here is the category of ideas. Ideas, in this context, are ideas about land; that is they are ideas about a population's relationship to land in general as much as they are ideas about specific resources of land and the means for using land.

The ideas then, are a reference point between practices(which are easily changed by technological innovations) and the wider environment in which land is perceived as a resource and used. Equally, as changes occur in the wider environment, ideas about land are assessed, interpreted and acted upon to change in turn the form of land tenure. Thus, one form determines another form and later forms embody constructs of earlier forms. The past and the present are linked, not just in terms of the present representing an accumulation of the past but also in terms of the past always being redefined by the present.

In summary, my argument is that there is no valid reason for a pure conception of an existent 'traditional' form of land tenure in Lesotho. There can be no such form because the ways in which Basotho conceptualise and utilise land are everchanging in answer to the changing political and economic conditions under which they live.

There are, however, valid reasons for recognising land tenure in Lesotho as being specific to the country and its citizens. This peculiarity is not due to some intrinsic feature(s) of Basotho but has been arrived at through the interaction of Europeans and Africans in specific historical circumstance. Thus, land tenure in Lesotho as we see it today is grounded in political and economic developments within and outside Lesotho.

3. Methodology for the analysis of Land Tenure in Lesotho:

In view of the above discussion, my research has included an analysis of the historical conditions from which current Sesotho concepts and practices on land originated and in which they developed. Elucidating the relations between those conditions and land tenure, however, has been problematic.

An initial problem lies in accepting the notion that there is a system of land tenure in Lesotho and that the system has a coherent structure. It is an attractive proposition to hold. Generally speaking, the components of the structure could be seen as Sesotho concepts about land while the structure, as a whole, could be defined in terms of the way in which those concepts are ordered and used for agriculture in the country. An ethnographer need then only discern the components and the structure to arrive at an 'explanation' of the 'system' and its current operation.

Such a methodology is expressed in the 'Structural-Functionalist' ethnographies on Lesotho (e.g. Ashton, 1952; Sheddick, 1953; 1954) as would be expected. Nonetheless, the presuppositions in that methodology are expressed in more recent ethnographies which are highly critical of the 'Structural-Functional' paradigm (e.g. Murray, 1976; 1981; Spiegel, 1979). The trend in these works is to continue to use early ethnographers' conceptions of the land tenure 'system's' components as a basis for discussion on how land tenure in Lesotho has changed. Thus, the notion of an existent 'system' is maintained in the literature on Lesotho.

My own initial approach to the subject followed similar lines since I used this literature to trace the historical development of land tenure. I reasoned that by researching historical records and ethnographies for the origins and development of concepts about land and methods of land use and relating them

to contemporary conditions, I could explain how the system had changed. With that corpus of information, I could then suggest reasons as to why the system had changed.

It became apparent, however, that the method was misconceived, let alone simplistic in design. Research into the origins and development of Sesotho concepts about land illustrated, (1) the difficulty in defining a supposed system of land tenure and (2), the illogicality of any attempt to define the concepts as being singularly Sesotho in nature, origin and development.

Current Sesotho concepts about land have diverse historical origins. Some concepts originated 200 years ago or more. 'Sesothoness' being of only recent origin, in that neither Lesotho nor Basotho existed prior to the 19th century, there is little validity in a claim that these concepts are Sesotho in origin and development. Some concepts originate in the 19th century while others originate in this century. Since we have a wealth of records of these times, we can locate quite accurately the social reasons for their origin. Research in this area revealed their origin not to be the product of debate between Basotho themselves. Instead, they were the product of interaction between themselves, other Africans, European settlers, missionaries, governments and more recently, foreign aid planners.

These findings opened up a more profitable method of research. This was an analysis of the interaction between populations which gave rise to the formulation of concepts about land in Southern Africa, the conditions which led to the incorporation of those concepts into what became Sesotho agricultural practices and the subsequent modification of the concepts. The conditions which I considered relevant in this context were the social, political and economic conditions of people's existence.

The method raised a question about my own presupposition on these conditions and their relation to land tenure. Since the concepts which Basotho use have a varied historical basis and, if fundamentally, these concepts are expressions of Basotho's conditions of existence, then how do these concepts remain significant under conditions that are now very different to those in the time of their origin? A possible answer lay in examining the ways in which the significance of the concepts to Basotho had been modified over time while their outward enunciation remained the same as before.

Such a methodology begged another question, however. The outward enunciation, be it in the form of maxims, proverbs or legal codes, must still express the practical conditions of agriculture if the ideas and principles contained in them are not to be redundant. At this point two answers suggested themselves but both were inadequate. Either (1), the practical conditions of agriculture had not changed and therefore, the concepts about land had also remained the same or (2), the practical conditions of agriculture had changed and the concepts about land were indeed redundant hangovers from the past.

In Lesotho, however, the conditions of existence for Basotho are very different to those of their ancestors. Likewise, the practical conditions of agriculture are very different. Yet, Basotho espouse concepts, some of ancient origin, which they uphold as being very significant in some way.

The central problem of the analysis lay in ignoring the point that land tenure is a process, in terms of the interplay between ideational components of behaviour patterns and the patterns themselves, and in terms of changes in the forms of land tenure over time. If the ethnographer ignores this characteristic or considers it only superficially, questions on Sesotho concepts about land cannot be asked. Likewise, to acknowledge changes in agricultural methods but to ignore the ideational component is to provide no answer to the question of why longstanding concepts are expressed at all, let alone what significance they might have. Alternatively, not to consider the interplay between ideas and practices leaves the ethnographer with a very narrow and static perspective. It would amount to a denial of the dynamic of human behaviour in general and any possibility of understanding the direction of that dynamic. In other words, the ethnographer could not consider history in terms of the past's effects on the present, or, as in the context of this study, in terms of the way in which current ideas and practices on land interpret the past.

Thus my methodology has been to accommodate historical research on the same terms as research on contemporary matters. My focus is explicitly on the interplay of ideas and practices within land tenure in Lesotho and on the relation of that interplay to the historical and contemporary conditions of existence of Basotho.

4. Content of the Study:

The topic of land tenure and the issues which it raises are broad in content and scope. My programme of research has not allowed me to cover as much of it in the detail I would like. Therefore, I have limited the content of this dissertation but in a way, in which I hope does not detract from its broader aims. Generally speaking, the limitation has been twofold: in my examination of historical data and in my examination of different aspects of land tenure.

(a) Historical Presentation:

My comments on the 'history of Basotho' is limited in order to accommodate contemporary research data. Nonetheless, it has proved necessary to mention and, in some instances, to discuss in detail a wide range of political and economic developments within and outside Lesotho. The methodological problem here was to decide what time scale to adopt. That problem is compounded by the current lack of knowledge on the political economy of African societies in general, and on their land tenure in particular, for times prior to the 19th century. This means that the further back in time one extends an historical analysis, the greater the potential for speculation and error in analysis.

In view of these difficulties, I have chosen, somewhat arbitrarily, the late 18th/early 19th century as a starting point. My discussion begins with reference to cattle herding groups from which Basotho, as a distinct ethnic group, were eventually formed. Given the gaps in historians' knowledge of these cattle herding societies, we must accept some assumptions about them.

A basic assumption is that the majority of cattle herding societies of the interior and southern eastern areas of Southern Africa were broadly similar in economic and political organisation, as is implied in recent historical works (Wilson & Thompson (eds), 1969; 1975; Thompson (ed), 1969; Beinart, 1982; Oliver & Atmore, 1981; Peires (ed), 1981; Peries, 1981). This assumption suggests a static conception of society due to ignorance of detailed information on cattle herders prior to the 19th century. Therefore, my initial discussion is perhaps idealistically conceived although qualifications are made throughout the text to counter that bias.

(b) Contemporary Presentation:

My field research data is drawn mainly from a small locality in Lesotho. In view of my field research method (see Appendix 1) my data covers the

different aspects of land tenure in varying detail. The outcome is that my dissertation focuses more on arable farming than on other aspects of land tenure. Arable land rights are a central aspect of land tenure in Lesotho. Nevertheless, my focus highlights the need for more information on the other aspects of land tenure, particularly the land category of pastureland. I consider this land category from a general perspective but a more detailed consideration was beyond the scope of my field research for this dissertation.

(c) Comparative Presentation:

My dissertation is limited to discussion on land tenure in Lesotho and it does not make reference to land tenure elsewhere in Africa. As much as I would have liked to offer comparisons and to have used the insights of other studies on land tenure, I have found it necessary to restrict the scope of my study. Instead, my dissertation offers detailed comparisons of my research findings and other research studies on Lesotho. From these comparisons, the dissertation raises questions about the analytical conception of land tenure in Lesotho as well as, questions about the categorisation of rural african populations in Southern Africa.

5. Thesis Format:

The dissertation presents historical and contemporary information on land tenure in Lesotho. The format aims to present information in a chronological manner, while also developing a perspective which goes from the general to the specific details of land tenure in Lesotho.

Chapter 2 examines the political economy of Lesotho in the 19th century with reference to agriculture. In that chapter, the general parameters of land tenure in Lesotho are discussed with illustrations of how these changed throughout the 19th century.

Chapter 3 examines the transformations of land rights in Lesotho during the 20th century in relation to political and economic developments in the 19th and 20th centuries. This chapter along with chapter 2, provides a basis for discussion on land tenure as it developed in the area where I carried out field research. That discussion occurs in chapters 4,5,6,7, and 8.

Chapter 4 considers the history of settlement in the researched community with a view to illustrating how and why land resources have been defined as they have in that community. The local history of that community is marked by some major disputes over chiefs' rights. Those disputes have coloured and continue to influence the residents' efforts to prevent their alienation from land.⁽¹⁾ Thus, this chapter places in context certain practices which are considered in chapters 5 and 6.

Chapter 5 focuses on the allocation of arable land in the field community, relating changes over time to demographic trends in that community. Chapter 6 examines the general economic trends in arable farming in Lesotho during this century. This examination is related to a discussion on the contemporary economic conditions in the field community. Chapter 7 examines the way social relationships in agricultural production have changed over time. Drawing on information given in the preceding chapters, Chapter 7 illustrates the increasing significance of kinship in land tenure in the field community. Chapter 8 discusses this significance of kinship and demonstrates how kinship has come to define most social relationships between rural households. Chapter 9 presents my conclusions on my research with particular reference to this matter of kinship. A fuller introduction to the subject matter of chapters 4-8 is given just prior to chapter 4.

Throughout this dissertation, I have sought to express the temporal dynamic in behaviour patterns as is consistent with my subject matter. This theme has proved to be problematic, however, given the tendency of a chronological presentation to impose a linear conception of that dynamic. There is a growing corpus of literature on this theme (e.g. Chomsky, 1968; Henson, 1974; Keesing, 1972; 1980; Sahlins, 1976) which offers promising contribution to the anthropological study of social process. Unfortunately, a greater amount of time than I could afford would be necessary before I could become competent to use those contributions. As it stands, this dissertation is a step towards consideration of those contributions at another time as indicated by the questions which are raised in my concluding chapter.

(1) These disputes are common knowledge in the community I researched. A full discussion on these disputes would indicate clearly their relation to the political structure of Lesotho and re-organisations of that structure. Such a discussion would immediately pinpoint my area of research as well as some local residents, some of whom are still living. Given the dangers of such a discussion (see Preface) I have had to obscure some of my sources of information. Such a measure is, I realise, not commonly acceptable in empirical research studies. Nonetheless, I feel that it is justified in the circumstances.

PART A

2. FROM A LAND OF PEOPLE TO THE LAND OF A NATION

The 19th century witnessed the formation of the geo-political unit - the Basotho nation. In the early decades of that century, this polity did not exist. Instead, between the Limpopo and Orange rivers(see Map 2 overleaf), a plethora of political groupings existed. These groups had, perhaps, more in common with each other than differences. 'The Basotho' emerged out of this cluster of people whom I categorise, for ease of general description, as Sotho peoples on the basis of the linguistic affinity between these groups and in contradistinction to the linguistically different groups on the peripheries of this region. Map 2 overleaf shows the different Sotho groupings which lived in the interior of Southern Africa at the beginning of the 19th century. The names of these groups pertain to the totemic categorisations which the inhabitants used to differentiate between groups in the region.

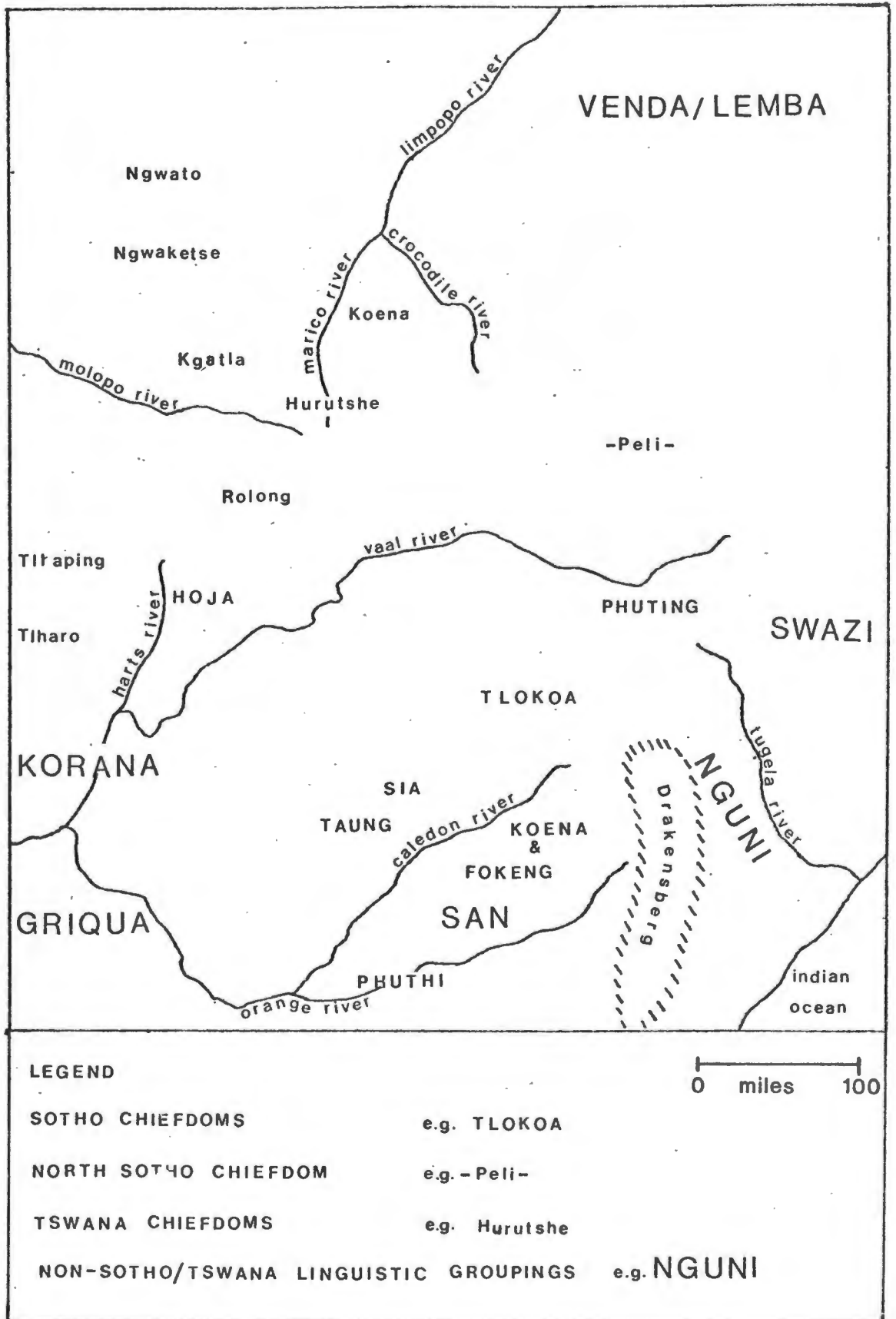
Legassick(1969) and Lye and Murray(1980) have pointed out the many difficulties in categorising the different Sotho groups said to have existed at the beginning of the 19th century. Historical evidence suggests that there were no clear cut divisions between groups. Totemic categorisations were but a general means of categorisation made in association with the perceived significance and classification of biological ties between individuals. In short, the different names of the groups refer to general but fluctuating political allegiances of the time. More categorical distinctions are largely the artefact of European travellers whose concepts were based on European intellectual thought of the day(Legassick, 1969; Thornton, 1983).

European explorers and settlers of the 18th and 19th centuries tended to categorise the people that they came across as "races"(Bradlow, 1979) and/or "tribes"(Germond, 1967; Mears, 1968; Kirby(ed), 1971). The implications of both terms were that the indigenous people had long been formed into discrete political and social groups which occupied specifically defined territories and whose members practiced unchanging customs of ancient origin.⁽¹⁾

Nonetheless, recent works by historians indicate that such categorisations

(1) see overleaf(page 15).

MAP 2: DISTRIBUTION OF AFRICAN HIGHVELD CHIEFDOMS circa 1800



were misconceived and that in reality, those 'societies' were relatively mobile and that there was a high degree of interaction between the different groups(Thompson(ed), 1969; Davidson,1978; Lye & Murray,1980; Oliver & Atmore, 1981; Peires,1981).

Such mobility and interaction does suggest that the different groups might have had broadly similar social, economic and political structures and in turn, held similar concepts about land and man's relationships to land. The Sotho people do not appear to have been markedly different from their neighbours. Excluding the Bushmen(San), they were all cattle herders who practised some arable farming under the nominal leadership of chiefs. In general, the groups may be described as relatively mobile chiefdoms. Such a definition rests on the social, economic and political variables that influenced a group's numerical size, lifestyle and form of political authority.

The following two sections of this chapter discusses those variables. The discussion is divided into three sections - the first and second focus primarily on the social and political variables to provide a basis for the discussion of the economic variables in the third section. In the first section, I outline the social concepts which are expressed in the social, economic and political organisation of ' Sotho chiefdoms' that were the forerunners of the Basotho nation. The second section details the changing political and economic conditions in Southern Africa from the late 18th century to the late 19th century. Finally, I discuss the transformation of land tenure in those chiefdoms during the 19th century.

- (1) I have abbreviated a complex process of development in European intellectual thought. Generally speaking, the earliest European travellers appear to have been less categorical than their successors(compare the report of Somerville's expedition (Bradlow(eds),1979) and missionary reports(Mears,1968) to late 19th century missionary notes(Germond,1967). The general trend, however, is significant as I discuss later, since European categorisations had profound effects on the people who were so categorised.

1. Social Structure of Sotho chiefdoms circa 1800:

(a) Principles of Kinship:

The ideational basis of social relationships was acknowledgement and classification of consanguineal and affinal ties between individuals. Anthropological elucidation of those ties varies, however, depending upon what principles of kinship are seen to have been important bases of social structure. For a long time it has been common practice to emphasise the hierarchical principles of descent (e.g. Radcliffe-Brown & Forde (eds), 1970) in 'traditional' African societies, including Sotho chiefdoms (e.g. Legassick, 1969). Murray (1976, 245 - 280), however, has questioned this emphasis, noting the pervasiveness of lateral principles of kinship in social relationships amongst contemporary Basotho.

The following discussion attempts no resolution of this problem. Rather the aim is to set out both hierarchical and lateral principles that were identifiable in Sotho chiefdoms of the past in order to illustrate the ideational basis of chiefdom society. This discussion serves as a basis for a fuller consideration of the dynamic and continued significance of kinship in contemporary Lesotho (see chapters 5, 6 and 7).

It can be said that within a chiefdom, individuals were born into a social group which was hierarchically defined in reference to consanguineally related males. That group can be identified as an agnatic group whose consanguineal ties represented ideally the structure of the wider society, both in the past and in the present. Living members were only representatives of a social group whose origins could be traced back in time to real and mythical ancestors and whose existence confirmed the future of the unborn generations. Likewise, authority and status were acquired in time by individuals. When children married, they established the social and biological basis for the continuity of the agnatic groups and of the wider society. As the couple aged, ideally, they would gain status through their longstanding involvement in the affairs of the agnate group and their closer links to the ancestors. Ideally, authority would come from the couple's accrual of wealth. Thus, the agnatic principles of kinship expressed a sense of corporate unity for individuals.

The corporateness of the group was an ideal, based on the economic and environmental conditions of the time. Living in an environment over which the people had little control, corporate action was a necessary condition for survival. Thus, a major resource of an agnatic group was the labour of its members. Equally, given limited technology and an environment conducive to livestock rearing, cattle were a major natural resource.⁽¹⁾ Their value lay in the concentration of a variety of products within a single beast (e.g. milk, meat, hides for clothing, dung for fuel and housing construction). Moreover, cattle were mobile. Thus, people could easily transport much of their sustenance requirements should environmental, economic or political conditions make movement necessary.

Of course, groups of agnates had no basis for existence without the means to incorporate women for the procreation of future generations and to distribute resources to realise that aim. Thus, marriage arrangements involved not only the couple but also their respective agnates. Marriage provided the social bond for uniting different agnatic groups. In practice, that bond was endorsed by the transfer of cattle from the husband's group of agnates to that of the wife. In effect the marriage transaction involved the transfer of wealth and labour. The husband's agnates received the services of women for the procreation and rearing of future generations of agnates. The wife's agnates received cattle which could be used for their own marriage arrangements.

The above discussion provides only the most basic rendition of social structure in Sotho chiefdoms. There is a wealth of evidence that practices such as polygyny, cross and parallel cousin marriage and various forms of the levirate were practiced and which in principle, confounded the abstract principles of agnatic descent (see Ashton, 1952, 65-87; Germond, 1967, 535-537; Murray, 1976, 245-280; Murray, in Lye & Murray, 1980, 112-121).

Essentially, it must be realised that principles of descent were overlaid

(1) The chiefdoms developed from earlier nomadic cattle herders who had migrated south over many centuries (Inskeep, 1978). South of the Limpopo river lay open grasslands suitable as pasturage as well as being below the Tsetse fly belt (Wilson & Thompson (eds), 1969, 132).

in time by practices which emphasised not only descent but also lateral affiliations between persons. Agnatic groups would splinter in time, different political groupings would emerge, decline or be incorporated into larger groupings such that in time, ancestral origins and perceived ties of consanguinity between persons would become blurred. An outcome was the social group - the clan - in which members acknowledged affinity on the basis of a common totem and who claimed to be linked consanguineally by acknowledgement of a common ancestor.

At the basis of a process of kin group formation and dissolution, lay the social unit - lelapa (the 'house'). Essentially, a 'house' was formed by marriage and its focal point was the wife. A man could have several wives and the relationship of wives to each other, of their children to their father and to each other and of the wives' kin groups to the husband's was demarcated by reference to the relevant 'house' or 'houses'. Ideally, a man would apportion his wealth amongst his 'houses'. Children, particularly sons, would then inherit the wealth that was attached to the house into which they were born (Hamnett, 1975, 45-46). In Sesotho terms, that ideal has become embodied in the maxim "houses do not eat each other" and in the way women often adopt the name of their eldest son with a prefix which connotes "Mother of" (1)

In short, lelapa was the abstract concept which signified the complex matrix of interlocking social, economic and political ties between members of an agnatic group and, between different agnate groups in a chiefdom. As Murray (1981, 116) notes, this concept has long been subsumed under the anthropological notion of the 'house - property complex' as a key to understanding kinship amongst Sotho and Nguni populations. For, it is in the maintenance and distribution of wealth that we can see how kinship concepts gain substance. Equally, the political organisation of Sotho chiefdoms was based on the articulation of kinship principles with the transfer of economic resources.

(1) see Murray (1979) for further elaboration on the symbolic content of names.

(b) Political Organisation of Sotho chiefdoms:

Principles of kinship were the theoretical basis for defining the status, role and authority of persons. From a group of consanguineally and affinally related persons living together, came the chief - a personage in whom overall authority over the group was vested. Ideally, the chief came from a group of agnates which through the actions of a real or mythical ancestor formed a nucleus to which other individuals and possibly other agnate groups later attached themselves. Theoretically, the chief inherited his position, as the eldest son in a line of eldest sons, that could be traced back to the original ancestor. (1)

Thus, the chief stood at the apex of a corporate social structure. His marriages and those of his agnates endorsed the corporate bond between the core agnate nucleus and the other affiliated groups. The chief's position was significant in a religious sense. In a society where ancestors were perceived to be influential in the lives of the living, the chief was the living representative of a powerful line of ancestors. Thus, he was the focus for religious belief and ritual. In effect, the chief was a peer among elders but his status gave him an edge over others and therefore, general command over the group's activities.

The chief had a wide scope in exercise of his authority which ideally, would be directed towards maintaining a cohesive following. With cattle gained from his agnates, from the marriages of his daughters or from the cattle raids of his warriors, the chief could forge political alliances in various ways. For example, he could loan cattle to poor men under a system known as mafisa. The recipient herded the cattle and in return was allowed use of some of their products. In effect, the recipient gained a means for sustenance and implicitly, the direct protection of the chief. In turn, the chief secured the labour of the recipient and his political allegiance.

In practice, the chief gained power through the exercise of patronage amongst his followers. He had the authority to mobilise labour for activities that

(1) Some very recent publications (Bonner, 1983; Delius, 1983) have contributed to a fuller understanding of actual developments in the political organisation of chiefdoms in Southern Africa. Unfortunately, these works were published only in the final stages of my research and thus I have not been able to assess their contributions.

would accrue more wealth and power for himself. For example, cattle raids by his men could produce more cattle and thus widen his opportunities for patronage amongst his followers. Large scale military ventures, if successful, could disperse neighbouring chiefdoms, provide more personal wealth and expand the chief's following through the incorporation of survivors. Alternately, a militarily powerful chief at the head of a large following could coerce smaller chiefdoms into paying tribute to himself.

X Yet, for all his powers the chief held a tenuous position. Although the chieftaincy was sacrosanct, the principles for succession to the position were open to manipulation. Reasons for this can be found in the social dynamic of chiefdoms. In practice, economic and political practices continually threatened the ideal of corporate unity amongst members of a chiefdom and thus, the authority of the chief.

As a chief built up his following, expansion of the group's territorial area would be necessary. In turn, the chief would be required to delegate authority over settlements and resources in his enlarged domain. In principle, such administrative posts would go to the chief's agnates (Thompson, 1975, 9-21, 27). Those agnates however, then had the authority and power to exercise patronage over their subjects. In time, an enterprising agnate might gain a following large enough to challenge or to breakaway from the chief's jurisdiction (ibid). In other words, there were processes of fission and fusion amongst Sotho chiefdoms (Legassick, 1969).

X The dual process of fission and fusion however, was complex. As Legassick (op cit) argues, the process as it had developed by the late 18th/early 19th century was not one that kept chiefdoms in a relative state of equilibrium. By this time, chiefdom society was experiencing political and economic developments which intensified the conflict that characterised this process. As much as there is evidence of apparent peaceful interaction during this time⁽¹⁾, there was a rise in the stature of a number of chiefdoms in Southern Africa. For instance, Shaka's rise to power is the classic example. Equally,

(1) Amongst the Sotho chiefdoms, the career of Mohlomi, reportedly the mentor of Moshoeshoe I (the chief whose Mokoteli following formed the nucleus of the later Basotho polity), and the marriage links of Moshoeshoe's agnate ancestors, indicate a high degree of interaction between Sotho chiefdoms (see Omer-Cooper, 1966, 99; Lagden, 1969, 24; Wright, 1971; Breytenbach, 1975, 12; Thompson, 1975, 22-25; Manchobane, 1978).

the rise of the 'Ndebele' chiefdom under Mzilikaze highlights the principles of chiefdom expansion discussed above, as well as indicating the dramatic historical scenario which was developing. For this reason, the rise of Mzilikaze's polity is briefly considered below.

The rise of Mzilikaze's 'Ndebele':

In the first decade of the 19th century Mzilikaze was chief of the Khumalo chiefdom, an Nguni group situated to the east of the Drakensberg. Within a few years however, he acquiesced to the authority of Shaka (Brown, 1969, 261). Mzilikaze's people were incorporated into Shaka's chiefdom but Mzilikaze retained authority as commander of a regiment manned by his own men (Lye in Lye & Murray, 1980, 32-33). In 1823, Mzilikaze rebelled against Shaka and led his following to the highveld in the area now known as Transvaal (ibid). There, he began to build up his own chiefdom.

Over the next 10 years, Mzilikaze subjugated Sotho chiefdoms and incorporated Sotho people into his polity. By the early 1830s, however, his expansion was curtailed by Griqua raiders from the south, by Sotho chiefdoms which were beginning to consolidate and by the threat of Zulu impis from the east. Once again, Mzilikaze moved his Sotho-Nguni following westwards, this time to the Marico river. There, he subjugated and incorporated Tswana peoples into his chiefdom before being threatened by European colonists who were coming up from the Cape (ibid). He then removed his following across the Limpopo river to form the 'Matabele' (a name which is in fact of Sotho origin) (Morrow, 1972, 87).

Recent historical analyses of early 19th century political developments have yielded a variety of interpretations. Authors such as Omer-Cooper (1966), Thompson (1975) and Oliver & Atmore (1981) tend to emphasise demographic pressures as the cause for these developments. Such an interpretation, however, does not define clearly how, and at what point, demographic pressures would convert the process of fission into one of consolidation. Inevitably, the impression given is that the change was the result of personal and charismatic leadership.

Alternatively, historians such as Legassick (1969) and Kimble (1978) argue that such developments and the conflict were an expression of economic developments (e.g. in the conditions and patterns of trade and agriculture) and the contradictions that these developments generated in the social structure of chiefdoms. Such interpretations are attractive in their sensitivity to underlying processes in society. Nonetheless, there is a tendency to emphasise external factors (e.g. the encroachment of Europeans) at the expense of internal factors, as well as to ignore the significance of demographic pressures. Recently, Peires (et al) (Peires (ed), 1981) working on Nguni history, have

sought to integrate demographic interpretations and their ecological correlates within the materialist perspective.

All these interpretations have one point in common. With varying degrees of specificity they allude to two general and linked processes:

(a) the gradual intensification in the extraction and use of natural resources and (b) the greater control which chiefdoms began to exert over those resources. In the early decades of the 19th century, there was a significant change in the relationship of cattle herders to the land. In turn this implies a restructuring of the relationship between chiefs and followers. Change in one relation could not occur without change in the other.

The earliest and most tangible expression of that process was the development of trade between chiefdoms. Artefacts made from furs, ivory and metal had been traded in Southern Africa for many centuries (Inskeep, 1978, 131, 134). By the 15th century Sotho metal workers controlled the production of artefacts from iron ore sites on the highveld interior (Wilson, 1969, 82). The trade network appears to have been extensive. For example, Sotho metal work found its way to Nguni chiefdoms, hundreds of miles away to the south east (Legassick, 1969, 121).

Possibly of more significance was the incorporation of people in Southern Africa into an international trade network. Since the 10th century Arab and Indonesian traders had been establishing settlements on the east coast of Africa and trading with peoples of the interior (Legassick, 1969, 121; Inskeep, 1978, 134). By the 16th century, these links were being contested by the Portuguese (Axelson, 1973). By the 18th century, the Portuguese had established contact with Nguni chiefdoms near their settlement in Delagoa Bay (Omer-Cooper, 1966; Legassick, 1969, 122). By the 19th century, Dutch and English traders had established similar links from their Port Natal base (Legassick, 1969, 121; Smith, 1969, 186).

The escalation of trade had diverse effects in Southern Africa. Politically, it enhanced the powers of chiefs by extending their opportunities to exercise patronage over their subjects. After all, chiefs were in the position to organise the requisite labour for obtaining furs and ivory, arranging portage and for controlling the distribution of imported goods. On the other hand, trade increased the demands made upon natural resources. In turn, chiefs were required to exercise greater control over their territories in order to

ensure continued access to resources(Wright,1971,33; Davidson,1978).

Such control could have been realised by topographical demarcation of boundaries between chiefdoms. But in the context of the chiefdoms' power structure, it appears to have been neither necessary nor feasible. Instead, chiefdoms either expanded to enlarge their resource base(which inevitably led to conflict), or they formed temporary alliances to allow for access to trade routes and the transport of goods along them(Smith,1969; Peires(ed),1981). For example, Dingiswayo, Shaka's predecessor, rose to power in the 18th century partly by controlling the extraction and trade of ivory along the Natal coastline (Omer-Cooper,1966,38; Smith,1969,183-186).

Likewise, Shaka and his successor Dingane built upon Dingiswayo's efforts. They manipulated the competition between Dutch, English and Portuguese traders to acquire guns and, in Shaka's case, even the services of European soldiers (Smith, 1969,187-189). In the interior the growth of the Peli polity has been attributed, in part to the extension of Peli control over trade routes between the highveld and Delagoa Bay(Legassick,1969,122).

Although trade was largely in luxury goods and effectively the preserve of chiefs, this limited neither the diversity of goods imported nor their distribution. Trade networks spread right across Southern Africa. Livingstone, for example, found Chinese pottery in a Tswana settlement during one of his travels(Wilson & Thompson, 1969,148). Members of Andrew Smith's expedition (1834-1836) found copper ornaments amongst Sotho chiefdoms(Kirby(ed),1971,21).

Yet, more subtle but equally profound effects resulted from such trade. For example, the Portuguese introduced maize into Southern Africa and by the 1820s it was being cultivated on the highveld by Sotho peoples(Omer-Cooper,1966,22; Wilson & Thompson,1969,142). Compared to 'indigenous' crops such as millet and sorghum(Davies,1975), maize was far more versatile. Equally, its cultivation required more care and attention. Such characteristics of the crop would have led to a subtle shift in the balance of agricultural interests towards arable farming and to the stabilisation of settlements.

Thus, political and economic expansion went hand in hand. Although the many and complex processes of that trend are too numerous to mention here, however, the general trend is clear(see Peires,1981; Beinart,1982; Bonner,1983;

Delius, 1983). In the context of demographic pressures and the dynamic of chiefdom society, 'expansion' led to competition for human and natural resources. A consequence of that competition was widespread conflict throughout the 19th century, intensified by the encroachment of Europeans (and the new political and economic dimensions they added to it).

The conflict was a complex process. The most visible and dramatic aspects were military and political. Nevertheless, the social and economic aspects are equally significant for understanding the causes, resolutions and later conditions that bred further forms of conflict. Moreover, it is through analysing the details of those aspects and their articulation that we can understand the transformation of society and of land tenure. The following two sections of this chapter detail this conflict and transformation of Sotho chiefdoms.

2. Political Transformation of Sotho chiefdoms 1820-1884:

Initially the widespread military and political conflict that embroiled early 19th century Sotho chiefdoms was purely an African affair. In Sesotho that conflict is known as lifaqane (Ellenberger & Macgregor, 1969, 117-236; Lagden, 1969, 38-47).⁽¹⁾ A recent paper by Cobbing (1983) examines how the Mfecane or lifaqane has come to connote an era. From the original root terms that meant different things to different peoples (e.g. fetcani = "raiders" for Thembu, amamfengu = "refugees" for Xhosa), European translations have made it an all encompassing descriptive and explanatory term for later political and economic developments. Cobbing's comments (op cit), require us to reconsider the significance of the lifaqane. The lifaqane undoubtedly had widespread ramifications. Nonetheless, the tendency of early ethnographers (e.g. Casalis, 1965; Ellenberger & Macgregor, 1969; Lagden, 1969) and historians (e.g. Omer-Cooper, 1966; Thompson, 1975; Lye in Lye & Murray, 1980) to see it as the direct cause of a multitude of developments, particularly the rise of a distinct Basotho 'nation' needs to be questioned. An examination of political developments

(1) variously translated, e.g. "the scattering" (Lye in Lye & Murray, 1980, 31), "forced migration" (Wilson & Thompson (eds), 1969, 144). The word has been said to originate from the Xhosa term for the same conflict - Mfecane which Moyer (1972, 144) translates as "the clubbing".

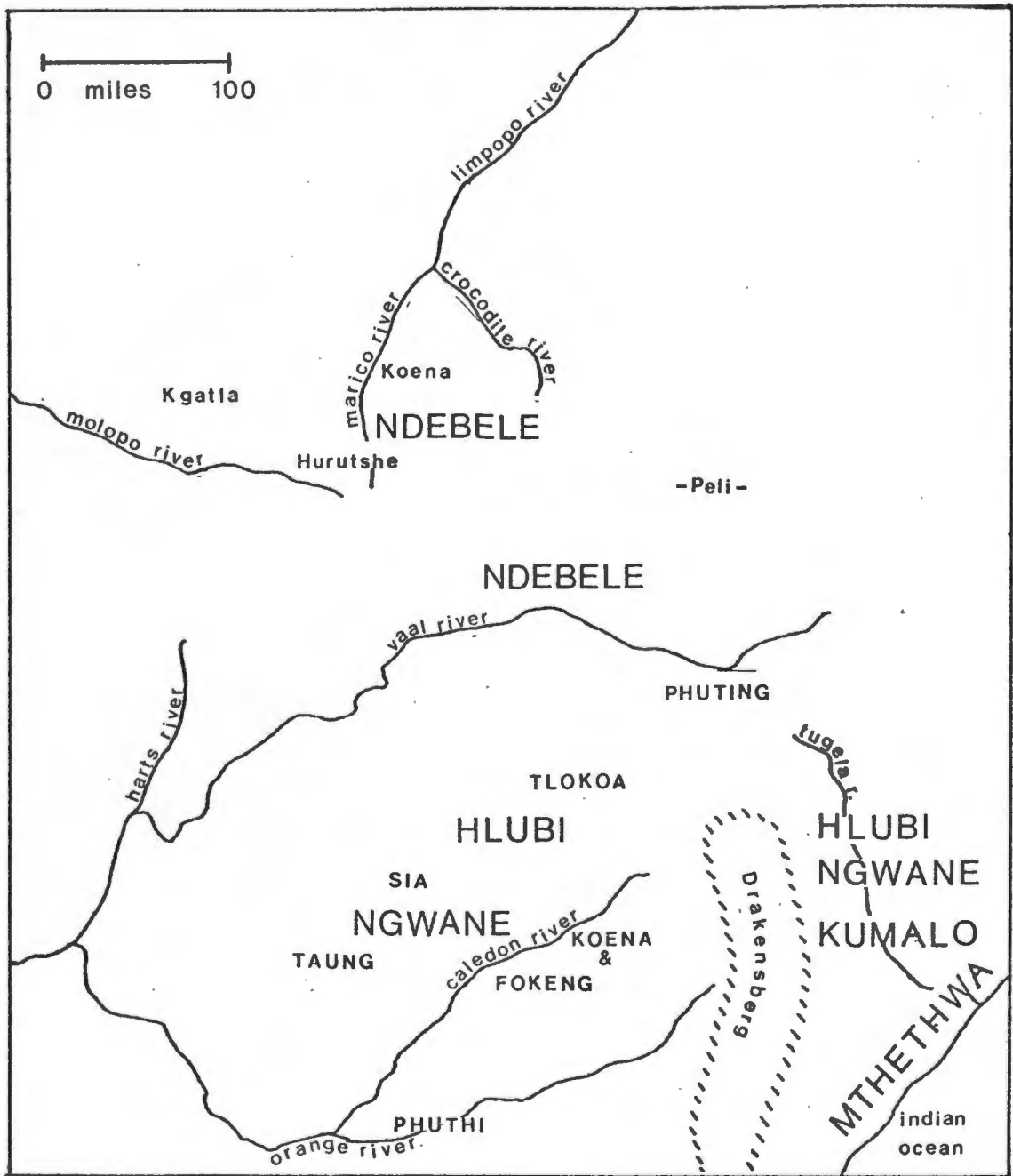
amongst Sotho chiefdoms in the 1820s and the 1830s reveals that the lifaqane was a brief if intense period of military conflict which preceded their political (and economic) transformation in the 19th century. For one chiefdom, the Mokoteli under the leadership of Moshoeshoe, it lasted only four years(1821-1824).

(a) The lifaqane:

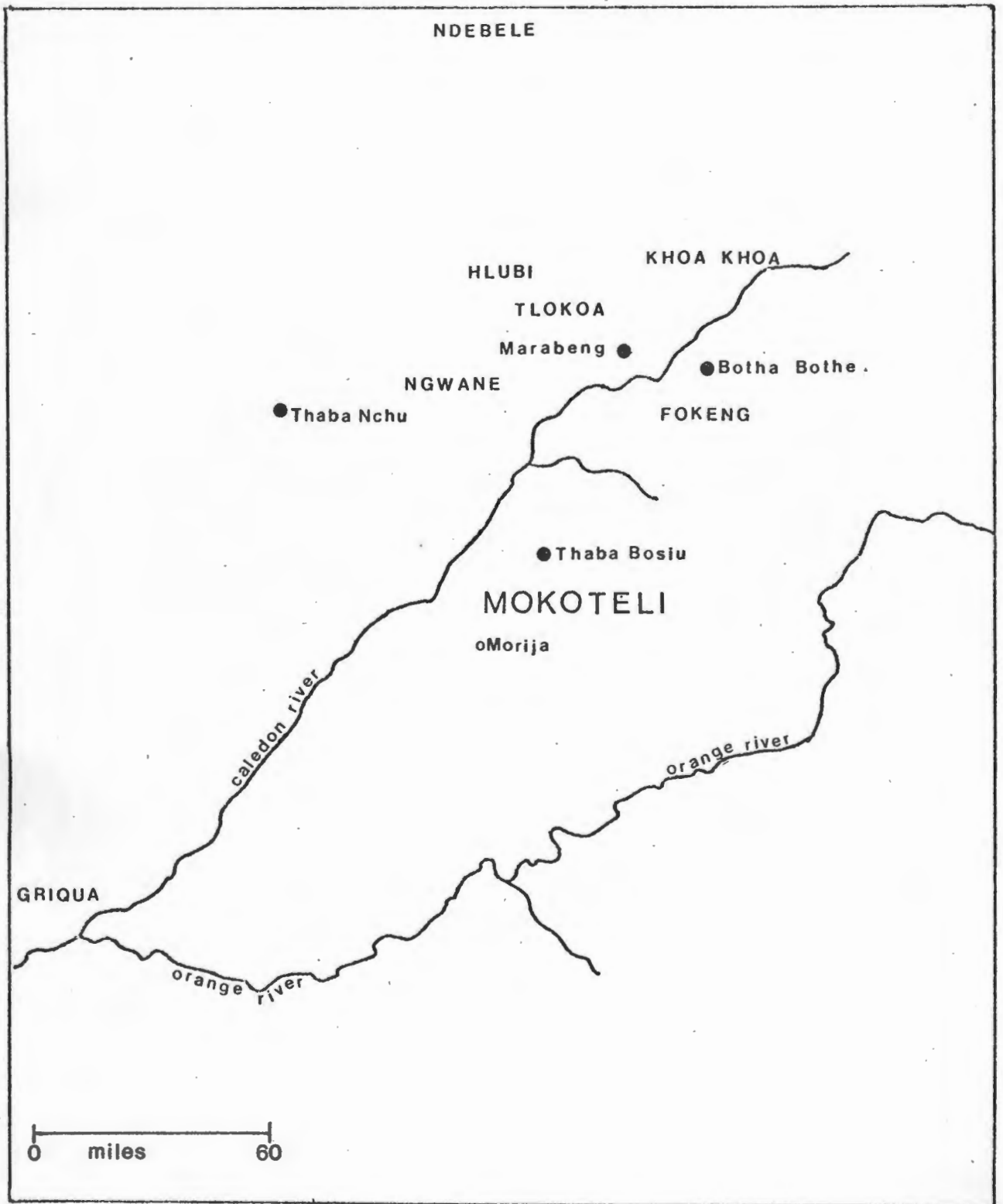
In the 1820s, the Sotho chiefdoms along the Caledon river were subject to the depredations of invading Nguni chiefdoms. In about 1816-17, Dingiswayo's Mthethwa chiefdom, on the south eastern coastline, had embroiled neighbouring chiefdoms along the Tugela river in a series of feuds(see map 3 overleaf). One outcome of the feuding was the defeat of the Ngwane chiefdom and their retreat up the Tugela river(Thompson,1975,29-32). The Ngwane encroached upon the Hlubi chiefdom which it defeated in battle(ibid). As a result, the Hlubi split into two sections. One section headed south while the other headed west into the upper reaches of the Caledon river(Lye in Lye & Murray,1980,31). Under the leadership of Mpangazitha, the northern Hlubi group fought against Sotho chiefdoms(Lye,1967,117-118). In 1822, the Ngwane were forced to follow in the footsteps of Mpangazitha's Hlubi after being threatened by Shaka's impis(Lye in Lye & Murray,1980,31). Likewise, Mzilikaze's following arrived on the highveld, to the north of the Caledon river, in 1823(Omer-Cooper, 1969,208).

Thus, Sotho chiefdoms were faced with a sizeable incursion of people into their territories. Inevitably, some Sotho chiefdoms were displaced and their people incorporated into more powerful chiefdoms. At the time, Moshoeshoe's Mokoteli chiefdom was a small one based at Botha Bothe mountain(see Map 4, page 27). Between 1821 and 1824 Moshoeshoe struggled to keep his following. Alternately, he raided other chiefdoms(e.g. the Fokeng), formed temporary alliances(e.g. with the Khoa Khoa, Hlubi and Ndebele) and moved his people after defeats in battle(e.g. by the Tlokoa) (Germond,1967,144; Thompson,1975, 39-42).

Eventually, Moshoeshoe was forced to abandon the area altogether. In 1824, he led his people south to the mountain fortress of Thaba Bosiu(see map 4). Along the Caledon river the conflict continued and the Hlubi, the Tlokoa and the Ngwane emerged as the dominant chiefdoms. In 1825, the balance of power shifted in favour of the Ngwane after they had defeated and dispersed the



MAP 4: SITUATION OF MOKOTELI CHIEFDOM post 1825



the Hlubi(Thompson,1975,57). In addition, Moshoeshoe became effectively a vassal chief in the Ngwane polity at this time. He acknowledged the superiority of the Ngwane chief, Matioane and paid tribute to the latter (Thompson,op cit,44). In 1826 however, Moshoeshoe began to forge an alliance with Shaka with the apparent aim of curtailing Matioane's growing power (Thompson,op cit,49). Moshoeshoe coaxed Shaka to send an impi against the Ngwane who were subsequently defeated and dispersed(Thompson,op cit,50-52)⁽¹⁾

Following the exodus of the Zulu impi, the Tlokoa under the leadership of Sekonyela emerged as the dominant chiefdom along the Caledon river(Sanders, 1969). In effect the lifaqane was over and a new era had begun. This era was also marked by conflict, between Sekonyela and Moshoeshoe as they both attempted to expand their followings and, between Sotho peoples and Europeans who had begun to encroach into the region.

(b) The Post-lifaqane era:

Moshoeshoe expanded his chiefdom in a manner not significantly different to any other chiefdom. He incorporated refugees from the lifaqane into his following. As peace returned to parts of the interior, many people who had fled to the Cape Colony during the lifaqane began to return to the highveld(Germond,1967,40; Lye,1969,203; Thompson,1975,35,54). Moshoeshoe married widely into neighbouring chiefdoms(Thompson,1975,61). He led cattle raids against chiefdoms to the south of the Orange river(Thompson,op cit,55-57). His mafisa operations were extensive. For instance, by 1839 he is reported to have owned 2,000 milch cows alone which were distributed throughout his domain(Thompson,op cit,79).

Nonetheless, Moshoeshoe's chiefdom appears to have been neither particularly powerful nor large at that time. Sekonyela remained an implacable foe and commanded a sizeable following around the Caledon river(Sanders,1969). Posholi, Moshoeshoe's half brother, had established his own chiefdom 90 miles south west of Thaba Bosiu and did not recognise Moshoeshoe in any way as paramount to him(Thompson,1975,176-178). Moshoeshoe's cattle raids south were conducted in alliance with Moorosi, chief of a Phuthi group(Thompson,op cit, 55-57). Moreover, armed Griqua regularly made incursions into the south

(1) The Ngwane moved south, then more under Moshoeshoe's protection but after a further defeat, at the hands of British colonial troops in the Cape Colony, were dispersed ultimately(ibid).

western flank of Moshoeshoe's chiefdom and the latter had difficulty in containing them(*ibid*).

Nevertheless, Moshoeshoe's diplomatic skills brought relative peace to the area and secured for him a growing following. In addition he was hospitable to early European encroachment into his domain. He allowed Voortrekkers to settle temporarily and to farm in his domain(Germond,1967,156). Then in 1833, he allowed the Paris Evangelical Missionary Society(PEMS) to build a mission at Morija(see Map 4) (Thompson,1975,58-59).

The arrival of PEMS missionaries was particularly significant to the growth of Moshoeshoe's chiefdom. They provided political support to Moshoeshoe in the latter's dealings with European settlers and colonial officials as well as introducing agricultural innovations for his people. Missionaries in general, however, proved to be an ambivalent resource for Moshoeshoe. The PEMS missionaries supported him for their own interests and equally, he used them in his own political designs. By allowing the PEMS missionaries to build missions in his territory, Moshoeshoe effectively placed them like kinsmen, as subordinate chiefs. Mission stations and their congregations were nuclei which promoted peace in their environs and which secured indirectly more followers for Moshoeshoe.

On the other hand, Sekonyela used the same technique with the missionaries of the London Missionary Society and of the Wesleyan church(Mears,1968).

Sekonyela reportedly sold land to these missionaries at Thaba Nchu(see Map 4) and let them bring in refugee Kolong, Kora and Griqua settler congregations (Mears,1968,19-21; Lye in Lye & Murray,1980,65). In turn, these missionaries backed Sekonyela. They provided counter arguments in the Cape Colony legislature to the PEM'S support of Moshoeshoe and in particular,were to block Moshoeshoe's later claims to territory north of the Caledon river.

Indirectly however, missionary interference in chiefdom politics did serve Moshoeshoe's drive to expand his chiefdom. By 1840, relations between Sekonyela ,the British missionaries and their congregations had soured. Minor conflicts between Sekonyela's people and Kora settlers culminated in a Kora attack on Sekonyela's base at Marabeng(see Map 4)(Thompson,1975,112-113). The Kora defeated Sekonyela's army and his Tlokoa following was temporarily dispersed to the south of the Caledon river(*ibid*). Sekonyela managed to regroup a following and return to Marabeng but his chiefdom was smaller than

before and limited to an area north of the Caledon river (ibid). These events gave Moshoeshoe the opportunity to expand his chiefdom northwards. He began to place kinsmen as subordinate chiefs along the Caledon river and encouraged the building of mission stations in that area (Thompson, op cit, 86-87, 176).

Although the missionaries were useful to Moshoeshoe, their arrival and that of European settlers in his own and other chiefdoms dramatically altered the destiny of the Sotho people. Generally speaking, European encroachment into the Mokoteli chiefdom signified its incorporation into a larger political arena. Moreover, it was an arena where the terms of negotiation were defined more in terms of European concepts of nationality and territory than of indigenous concepts. The consequence was a direct threat to indigenous concepts of political formations, land and man's relationship to it.

At the local level, Dutch-Boer settlers brought with them the European concepts of property and ownership of land. Moshoeshoe, however, allowed them to settle only under the same conditions that applied to his own subjects. A letter by him (written in fact by a PEMS missionary) to a Cape Colony official sets out clearly the indigenous concepts about land, its allocation and the problems created by the Boer settlers. I quote it here at length:

" The selling or renting of land...has hitherto been a practice wholly unknown to us and I believe to all Bechuana nations. The subject has never yet been made a question for discussion or inquiry. Our system is that whenever people wish to establish themselves on unoccupied spots, they apply to the principal chief of the country for permission and he entrusts to the principal man among them the care of dividing the ground fit for cultivation. If the ground is not sufficient, a fresh application is made. As long as the people choose to remain on the spot it is considered theirs; but whenever they move, another party may come and take possession provided they previously make due application to the chief. I could not, according to the customs of my tribe, alienate any portion of my territory without the consent of my people. It would be on my part introducing an unprecedented practice. The people I govern look upon me as being entrusted with the preservation of the country, and I could not forfeit or cede my right to any part of it without being considered as having robbed the community....

I cannot...ascertain the exact number of Boers now within my territory. It is considerable and certainly not under three hundred families. From their first appearance till now I have never ceased to warn them that I view them as passers-by, and although I did not refuse them temporary hospitality, I could never allow them any right of property..... Last year finding that many disposed of places by sale among themselves, I published a notice to annul all such acts and to warn them

"...(the Boers) more generally not to consider any part of my country as their own.... Notwithstanding my protestations against it, many of the emigrants have transferred their supposed rights to others without my knowledge or consent....."

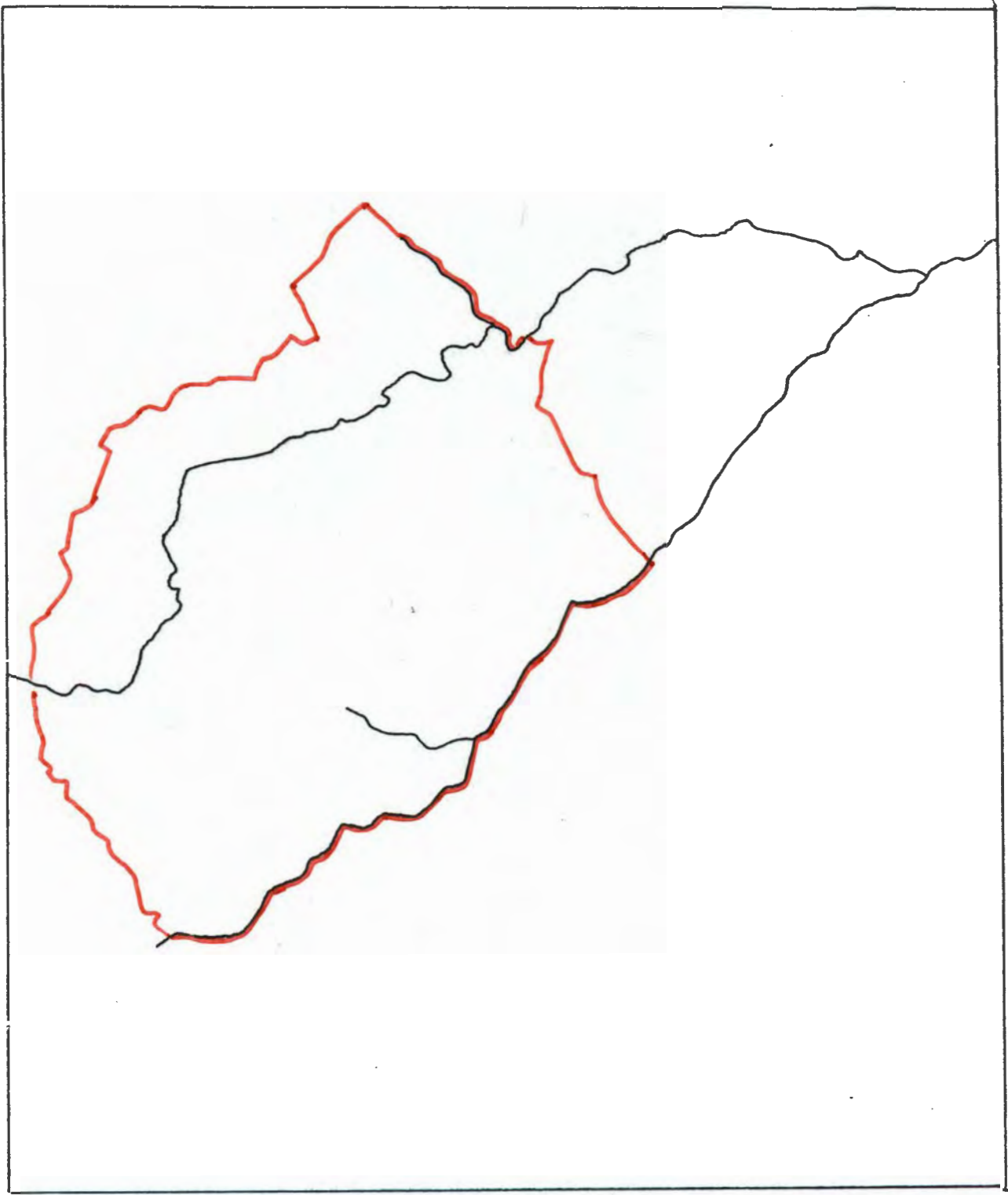
(Germond,1967,156;(Letter dated 1845))

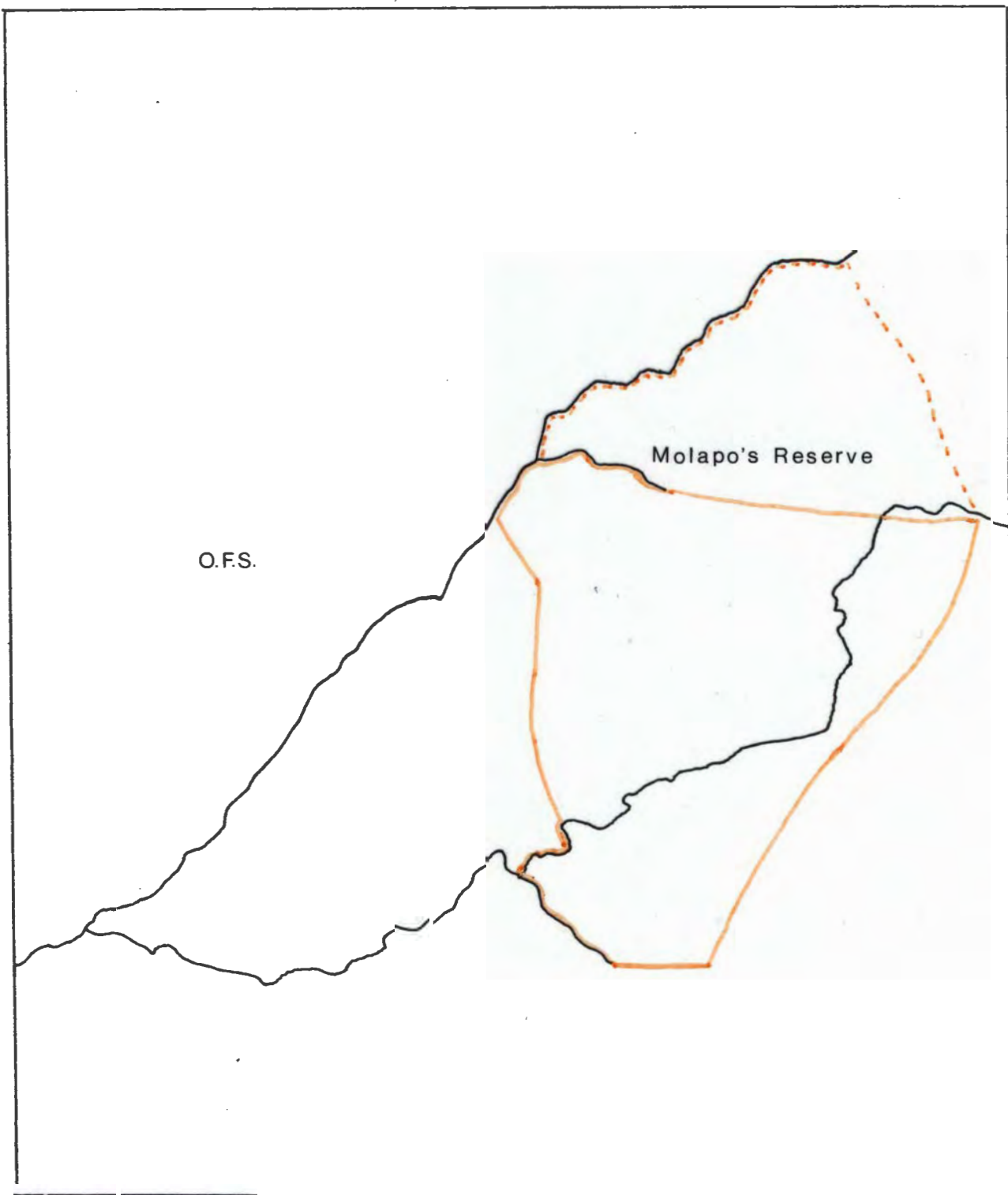
On a more general level, Moshoeshoe's chiefdom was one piece in a complex political jigsaw - one that included Britain, her colonies of the Cape and Natal and the Boers. It was a jigsaw in which Moshoeshoe fought a losing battle to define the pieces and their placing.

In the first instance, definition of Chief and Chiefdom was made increasingly in European terms. To Africans, Moshoeshoe was a powerful leader on the basis of his wealth in cattle, the size of his following and the tribute he could exact from individuals and other chiefs alike. By the 1840s, Moshoeshoe led a large following that could justifiably call itself "Basotho", meaning in a sense 'The Sotho people'. To Europeans, however, Moshoeshoe was more than a leader. He was "majestic", a "stately" ruler with "absolute" power over a distinct "Basuto/Basuto/Basutu tribe" which lived between the Caledon and Orange rivers(Orpen,1979,10-12; Thompson,1975,59,64,80,81,122,123). Thus Moshoeshoe and his following were institutionalised.

In the second instance, Moshoeshoe was drawn into accepting a European definition of a 'Basutoland'. His people were categorically distinguished from other African populations, and from Europeans, largely on the basis of topographical boundaries drawn by Europeans according to the extent of their encroachment and domination over the interior of Southern Africa(Orpen,1979, 33-38; Mears,1968; Thompson,1975,105-170). Moshoeshoe's following did not acquiesce willingly. Between the 1840s and 1870, Basotho were involved in numerous military conflicts against the British and the Boers. In that time Moshoeshoe's chiefdom was redefined in 5 separate treaties(see Map 5 overleaf). As indicated in Map 5, the boundaries drawn in consecutive treaties progressed towards strict topographical demarcations of Moshoeshoe's chiefdom.(1)

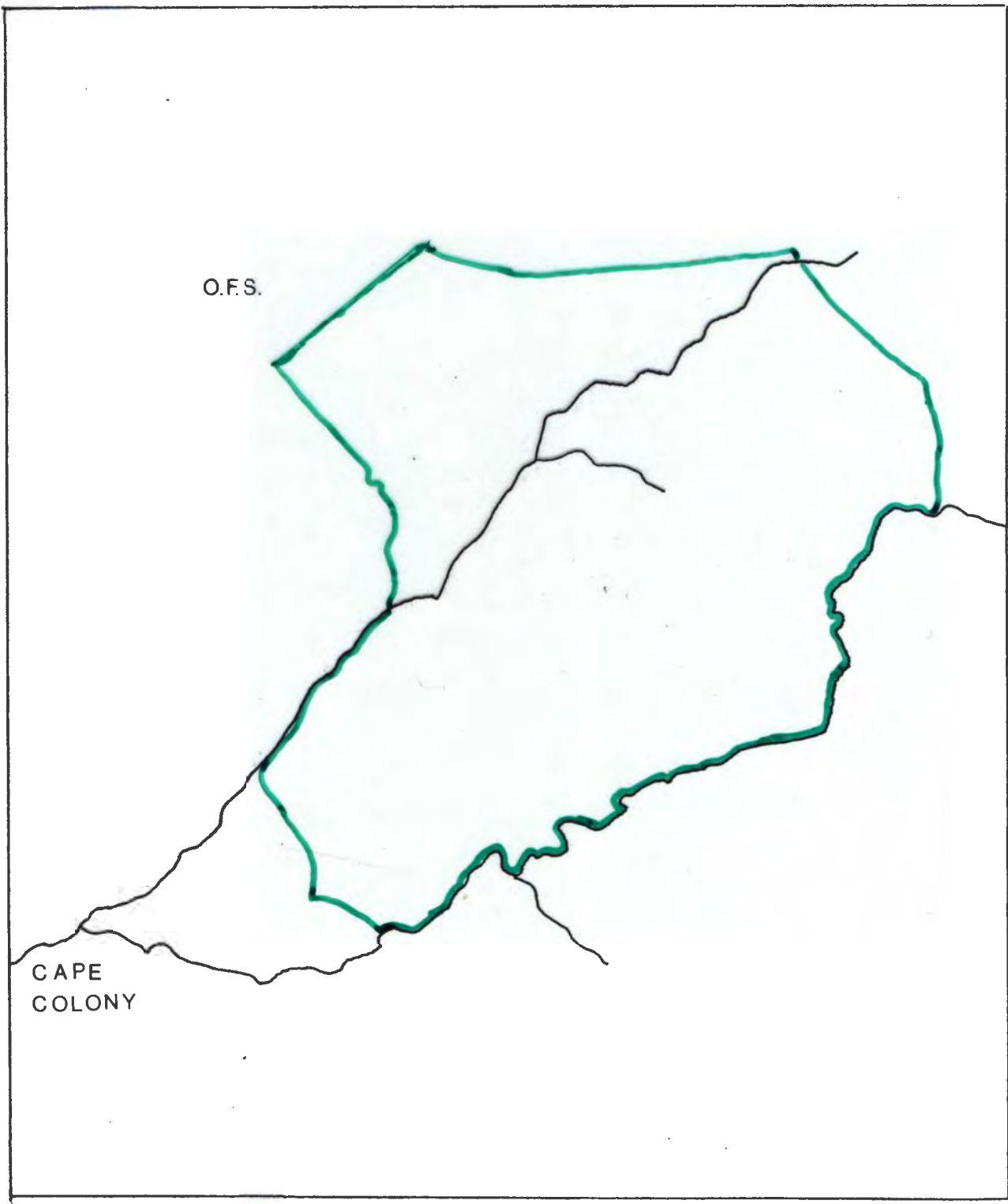
(1) The Free State and the South African Republic(Transvaal) were created in 1854 and 1856 respectively.





O.F.S.

Molapo's Reserve

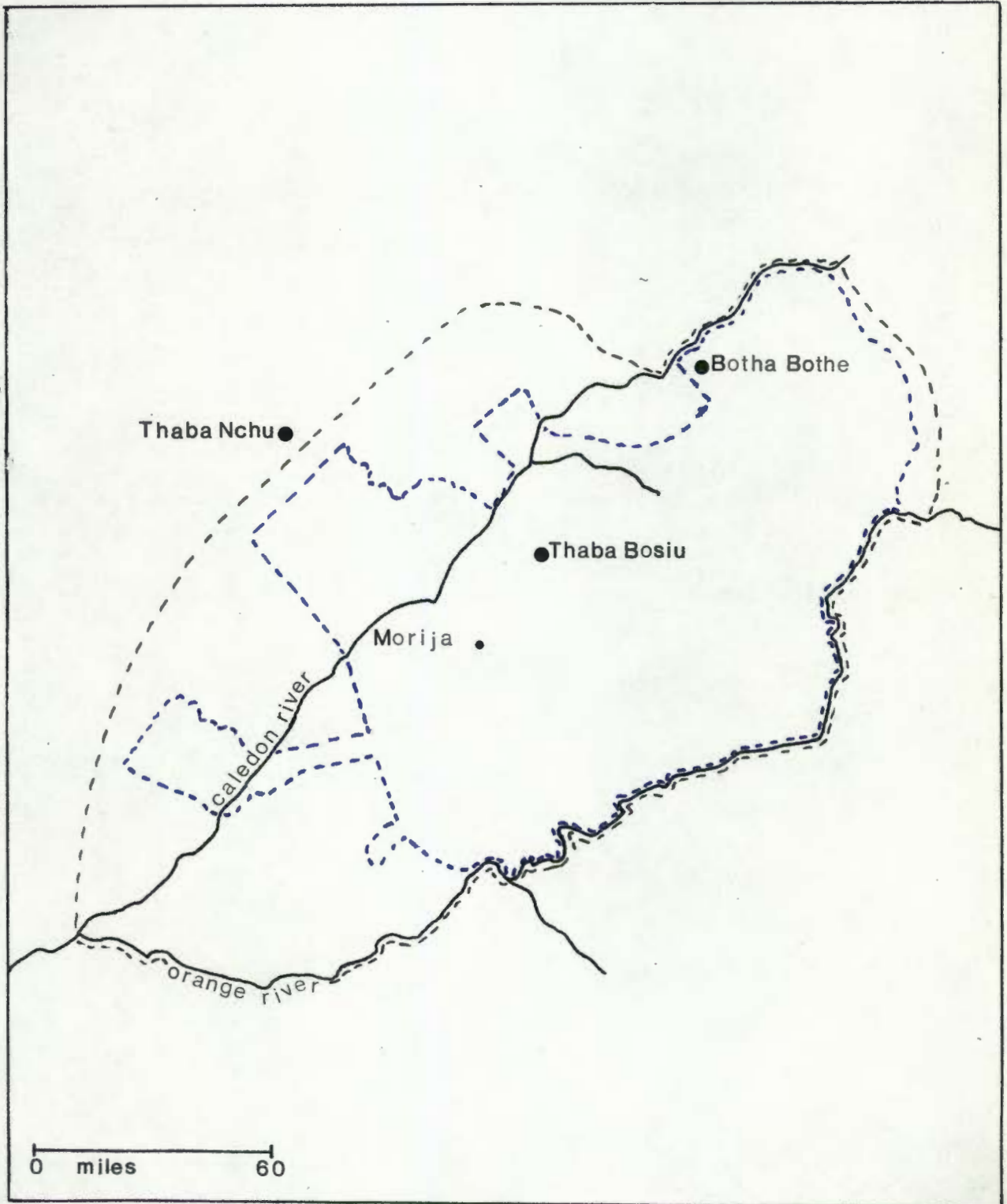


O.F.S.

CAPE
COLONY

MAP 5 THE TERRITORIAL BOUNDARIES OF 'BASUTOLAND' 1843-1872

- MOSHOESHOE'S TERRITORY AS RECOGNISED BY CAPE COLONY IN 1843.
- - - - " " " " " " " " " " 1849.
- BASUTOLAND AS DEFINED BY 1st TREATY OF ALIWAL NORTH, 1858.
- " " " " TREATY OF THABA BOSIU, 1866,
- " " " " 2nd TREATY OF ALIWAL NORTH, 1869⁺,
- +(after the incorporation of Molapo's (in 1870) and Moorosi's (in 1872) chiefdoms)



The corollary of this trend was Moshoeshoe's own efforts, within the chiefdom, to consolidate his following by developing a political hierarchy of chiefs with himself as paramount. In effect, this policy was only a slight modification to the political structure of the chiefdom. His placement of kinsmen as subordinate chiefs was simply an expression of his own rise to power and the necessary delegation of authority that this entailed. Fundamentally, the policy was based on the primacy of the concept of a chief being a leader of a popular following rather than of a defined territory. In the context of the political and social structure of a chiefdom, definition of territory was largely redundant as it would inevitably follow the realisation of a popular following.

The problems of Moshoeshoe's internal policy were twofold.

Firstly, Moshoeshoe never redefined his subordinate chiefs' authority. Therefore, while he could generally expect the loyalty of his subordinates, he could not prevent them from trying to realise their own ambitions as chiefs. The activities of his nephew Lesoana, and of his son Molapo, were a case in point. Moshoeshoe had placed them as chiefs along the Caledon river. They were prone to raiding the Free State and Natal for cattle and tried to incorporate people of those territories into their domains (Thompson, 1975, 283).

Secondly, the placing of chiefs did not remove the possibility of fission within the chiefdom as Lesoana's and Molapo's activities illustrated. In the context of the broader political arena such activities were catastrophic. The inevitable antagonism between Basotho and Boer resulted from the European imposition of rigid territorial definitions and the rights of people within and beyond those boundaries.

Moshoeshoe's ideal for a corporate and cohesive following was continually shattered by the contradiction between his internal policy and the broader political context in which this was carried out. In times of war he could mobilise Basotho against a common enemy. Periods of peace, however, allowed his subordinate chiefs to independently resume their expansionary drives until these evoked further European retaliation.

The successive peace treaties did little to change the process. Although extremely effective guerrilla fighters, Basotho continually lost crops and cattle in wars mainly waged against the Boers. After each war, the Boers could

claim nominal control over large areas of land occupied by Moshoeshoe's followers. This strategic advantage enabled the Boers to impose their ideas of territorial boundaries at each peace conference.

Moreover, by 1866, the Boers appear to have learnt the nature of chiefdom politics. At the treaty of Thaba Bosiu Moshoeshoe lost the allegiance of Molapo (his own son) to the Boers. The Boers offered Molapo the chieftainship of an area in the upper reaches of the Caledon river (see Map 5). In fact this area had previously been part of Molapo's domain but at the time was nominally controlled by the Boers. In return, they required Molapo's allegiance to the Free State government. In short they had realised that to Sotho peoples, a chiefdom was defined primarily according to social relations between chief and commoner. Political allegiance took precedence over land area.

Nevertheless, that treaty did not alter the basic political differences between Basotho and Boer. Consequently military conflict continued. Again, broader European concerns saw to the acquiescence of Moshoeshoe to their terms of negotiation. At the second Treaty of Aliwal North, Moshoeshoe manipulated power politics between the British and the Boers. Under this treaty, he accepted the annexation of 'Basutoland' by the Cape Colony. It was a diplomatic move that required the Cape government to forestall Free State and Natalian designs for territorial expansion by using the Basotho as a block. In effect, this provided Basotho with protection against their Boer aggressors (Wilson & Thompson (ed), 1969, 446; 1975, 267).

In conclusion, the political transformation of Moshoeshoe's chiefdom was characterised by a subtle change in the nature of the chieftainship. From being a position held through the allegiance of followers, the chieftainship was in process of becoming an office of authority over land. Yet, British overlordship of 'Basutoland' was to generate a further process of political transformation. The chieftainship stayed as an office of authority but its dependence on a greater power was to become its more significant political feature.

(c) Cape Colony Rule:

The annexation of 'Basutoland' by the Cape Colony suggested a future of peace for Basotho. Although a large population had been excised from the

Basotho polity, the prospect of peace encouraged chiefs to acquiesce to the concept of a nation within a defined territory. Chiefs moved to settle with their followings within 'Basutoland' (Thompson, 1975, 313). Molapo's reserve was formally incorporated in 1870 (ibid). Similarly that part of Moorosi's chiefdom that lay to the north of the Orange river was incorporated in 1872 (ibid).

Cape Colony rule, however, was to last only 14 years. The Cape government's mismanagement of 'Basutoland' inspired a rebellion which was resolved only when Britain assumed direct control of the country in 1884. The Cape's misconceived policies affected all strata of society in the country. The misconception was greatest in reference to chiefs. Although the various policies entrenched the chieftainship hierarchy, the same policies challenged the chiefs' authority over their own people. The Cape ruled through a Governor's agent and appointed magistrates (Burman, 1981, 132-147). Although Basotho came to accept the overriding authority of the Governor's agent, the authority of the magistrates were a daily challenge to Sesotho concepts of local government (Wilson & Thompson (ed), 1975, 268; Burman, 1976, 44). The very presence of magistrates usurped the judicial role of chiefs. On the one hand, their presence decreased the opportunities for chiefs to exert their authority over commoners. On the other hand, commoners were given the opportunity to circumvent the chiefs' courts, thus challenging that authority.

In addition, the power to grant trading licences was given to magistrates (Burman, 1976, 14). This was contrary to Moshoeshe's own written laws of 1859 which reserved the right to the paramount chief (Stutley, 1960, 2). As most traders were 'white' colonial settlers (ibid), this policy potentially created the opportunity for indiscriminate settlement in the country. Effectively, Basotho lost formal control over 'white' immigration - a condition they had fought so long to prevent.

Furthermore, the Governor's agent and his magistrates, while maintaining the pitso (the forum for debate between the chiefs and their male subjects on any topic), changed its essential characteristic. It came to be a forum for the issuing of colonial government directives rather than for debate and consensus decision on government policy (Burman, 1976, 62-64). In effect, this abrogation of the pitso was one avenue through which the well tried principle of 'divided and rule' could be practiced by the colonial government.

The manipulation of jealousies and feuds between chiefs was evident. For example, the Governor's agent secured greater co-operation from chief Molapo after an incident in 1872. In that year, an Nguni chief, Langalabilele, fled Natal to find sanctuary amongst Basotho after refusing to hand over his people's firearms to the Natal government (Mohapeloa, 1971, 16). Molapo and his son, chief Jonathan, arrested Langalabilele and handed him over to the British authorities. Molapo's actions were seen as an act of betrayal by some Basotho. Molapo, threatened with Basotho denial of his authority was forced to turn to the Governor's agent for support (Burman, 1976, 52).

Basotho indignation against Molapo stemmed from the growing suspicion amongst Europeans and Africans of each others' political integrity. Africans had suffered politically and economically from European military ventures and were beginning to feel the discrimination inherent in Pax Britannica. Colonial officials, like those in Natal, were concerned about the threat to their rule in Southern Africa if Africans possessed and retained their firearms (Wilson & Thompson, 1975, 263-264, 268). The Zulu uprisings and the resistance of the Peli confirmed those fears (ibid).

Although the arms issue was not of direct concern to Basotho until 1878, for Basotho, guns were highly valued items. Basotho had acquired guns over many years through long periods as contract labourers in the colonies. Guns were acquired by individuals, independently or on the orders of their chiefs (Germond, 1967, 429; Thompson, 1975, 191). In 1878, however, the Cape government passed the Peace Preservation Act (Mohapeloa, 1971, 37). This act required Africans in the colony to surrender their firearms (Wilson & Thompson, 1975, 268). In 1879, the Act was implemented in 'Basutoland' (Burman, 1976, 90). Basotho opposed this implementation, as the surrender of their firearms was tantamount to giving up the means by which they had resisted European encroachment over the preceding 40 years. An immediate response came from chief Moorosi who rebelled against the colonial administration (Germond, 1967, 333-336; Mohapeloa, 1971, 41). It took six months for the British to defeat Moorosi in a war that highlighted the ineptitude of the British military presence.

Moorosi's rebellion and subsequent defeat fostered latent antagonisms between Basotho and the colonial authorities. This antagonism was compounded in 1880. In that year, the Cape government doubled the hut tax from

10 shillings to £1 per hut and appropriated £12,500 of the country's surplus funds to pay for the war against Moorosi (Germond, 1967, 345; Mohapeloa, 1971, 51). In addition, the government's representative antagonised some Basotho chiefs at a national pitso held to discuss the implementation of the Peace Preservation Act. Not only did he fail to satisfy Basotho complaints about the inherent racism embodied in the Act's clauses but threatened to allow colonial settlers into Moorosi's territory if Basotho did not comply with the Act (Germond, 1967, 344-348; Burman, 1976, 90).

The result was open rebellion and the beginning of the 'Gun war' (Burman, 1981, 132-147). Led by the paramount chief, Letsie, Basotho waged an effective guerrilla war against colonial troops. A few chiefs, notably Molapo and his son Jonathan sided with the British (Breytenbach, 1975, 20). For three years the British tried unsuccessfully to coax Basotho to cease their rebellion. Eventually a semblance of peace was restored after negotiations began for Britain to assume direct administrative control over the country (Burman, 1976, 109).

(d) 'The British Protectorate of Basutoland':

The structure of colonial administration was not changed markedly with the implementation of direct British rule. The chieftainship hierarchy continued to be entrenched as the legitimate internal political structure. This was partly achieved through the efforts of the first Residential Commissioner, Clarke. He allied himself closely to the paramount chief and encouraged the view that the latter was the supreme local authority at the apex of a hierarchy of chiefs (Wilson & Thompson, 1975, 270-271). Nonetheless, the organisation of that hierarchy was left to the chiefs. This meant that the placing system continued but to the advantage of the agnates of the paramount chief. With the tacit backing of the British, they secured positions as chiefs over much of the country (Wilson & Thompson, 1975, 267). } X

The placing system, as developed by Moshoeshe and his agnate descendants was not very different in concept to the delegation of authority in pre-colonial times. Yet by the 1880s and subsequently, it was being carried out in a very different political context. The net effect was a further subtle transformation of the chieftainship from within and from without. }

On the one hand, aspirant kinsmen of chiefs were able to look to their

respective chiefs for a placing as a subordinate chief. But, given the imposition of a European definition of a chieftainship, it was territory rather than a following which chiefs gave to their kinsmen. Thus, a chief tended to be an authority imposed upon commoners rather than being an office held by popular consent.

On the other hand, British rule exacerbated the above trend and effectively atrophied the institution of the chieftainship. There are several indications of this process. Firstly, as the British demarcated the country into administrative wards and districts, the territorial definition of chiefs' areas of jurisdiction became more fixed. Secondly, the number of chiefs could multiply as much as Basotho could tolerate it but this process obscured a fundamental contextual change from pre-colonial times. The multiplication of chiefs served only to develop and define a rigid political hierarchy. In effect, the chiefs were chiefs of British defined administrative areas which they governed, unconsciously perhaps, as administrators of the colonial state. Consequently, they functioned for British political interests at the cost of their overall functions and the flexible relationship between themselves and commoners. In turn, this tacit collusion between the British administration and the chiefs continued to erode the means by which commoners could remove chiefs and sanction their powers.

In short, this political process confirmed a more rigid and permanent structure along European ideas of state administration. The ramifications of this process pervaded every facet of society in 'Basutoland'. Generally speaking conceptual boundaries about Basotho, their customs, and economic practices were drawn in an equally rigid way. The 'systematisation' of land tenure is a case in point.

This 'systematisation' was a cultural demarcation of agricultural practices by others rather than by Basotho themselves. Such a process of intellectual definition was grounded in the political, economic and ecological events of the 19th century. Its origins lay in the earliest missionary reports. Its later developments lay in the views propagated by these reports. Ultimately, it reflected colonial domination of society in 'Basutoland' and the rationalisation of the colonial administration's policies in that country. This made it a significant though obtuse process.

The underlying feature of this process was an unconscious evolution of a notion of subsistence farming into a conscious categorisation of Basotho as subsistence farmers. This was reflected in the reversal of the European perception of the ideas contained in the farming practices of Basotho. Early views acknowledged the dynamic response of Basotho to agricultural innovations. Later, however, there evolved an implicit notion that Basotho held unchanging ideas on farming. Ultimately for Europeans, this notion rationalised the difficulties in farming experienced by Basotho at the end of the 19th century.

Early missionary reports conveyed a picture of a thriving agricultural economy in Moshoeshoe's chiefdom. They pointed to the fertility of the land which despite frequent vicissitudes of drought, locust plagues and climatic hazards, appeared to produce the sustenance requirements of the inhabitants (Germond, 1967, 47-48, 438-450). Justifiably, the missionaries conveyed a picture that agriculture was primarily subsistence oriented at that time.

Between the 1840s and the 1870s these same reports noted changes in agricultural practices in the chiefdom. They expressed the qualified but dynamic interest which Basotho displayed in technological and crop innovations introduced by Europeans. In addition, these reports noted the rapid expansion in agricultural trade between Moshoeshoe's followers, neighbouring chiefdoms and European settlements (Germond, *op cit*, 441, 449-451, 453-454, 472; Thompson, 1975, 190-192; Kimble, 1978, 94-95).

Nonetheless, the tone of these reports did not indicate any transformation in the agricultural economy of Moshoeshoe's chiefdom. The implicit view was that Moshoeshoe's followers were still primarily subsistence farmers but whose quality of life had been enhanced by the innovations and trade. In effect, these reports did not see the expansion of agricultural trade as an integral part of agricultural production in the chiefdom. In other words, they indicated that sale of crops and livestock by the inhabitants was not directed towards reinvestment of the earnings into agriculture. Instead, the reports indicated that the earnings went into commodities of use value (e.g. clothing, horses, firearms, iron goods), (Germond, 1967, 472). Thus, while retaining their static notion of Basotho as subsistence farmers, the missionaries assumed an equally static notion of unchanging social structure.

Although the 'Basuto' were seen to be prospering through both agricultural trade and wage employment in the neighbouring colonies (Germond, op cit, 462, 463; Burman, 1976, 46), by the 1870s, this assumption had become manifest in the missionary reports. For example:

"Hitherto our Basuto have all quietly remained at home, and the movement which is taking place beyond their frontiers has produced no other effect than to increase the export of wheat and other cereals to a most remarkable degree. While the district in which the diamonds are found is of desperate aridity, the valleys of Basutoland, composed as they are of a deep layer of vegetable mould, watered by numerous streams and favoured with regular rains, require little more than a modicum of work to cover themselves with the richest crops.

.....The Basuto have been drawn into the orbit of the modern movement of exchange and if we do not wish them to be crushed, we shall have to work with more zeal than ever to educate them intellectually, socially, and religiously.

.....The Basuto are becoming more and more industrious and, for an African tribe, they are truly astonishing."

(Germond, 1967, 319-321).

By the 1880s and 1890s, colonial government and missionary reports portrayed a depressing view of 'Basutoland' and agriculture in the country. In part, a succession of ecological catastrophes which had severely disrupted agricultural production (Germond, op cit, 469-476; Van Onselen, 1972) justified this view. At this time, government officials and missionaries began to make categorical statements about Basotho and their agriculture. The observable conditions of decline and poverty in agricultural production served as a basis for enunciation of causal generalisations for these conditions (e.g. overpopulation, poor farming methods, political and economic prejudice by neighbouring colonies against Basotho), (Germond, 1967, 410, 426; Murray, 1981, 13).

Missionary explanations of the problems soon took on moralistic overtones.

This rhetoric contributed to a view which:

- (a) saw the problems as a product of various social ills introduced by Europeans (Germond, 1967, 468, 478-480);
- (b) reduced these problems to one of an inherent incapacity on the part of Basotho to overcome their difficulties (Germond, op cit, 540-542);
- (c) connotated a fixed form of agriculture in 'Basutoland' that was reflected in official reports and learned journals (e.g. Darwin, 1886; Drysdale, 1902-03):

(d) sought a remedy that espoused 'work' according to the ethics of Protestant Christianity (Germond, 1967, 526-527, 532-535, 538-545).

This outlook effectively twisted the response which Basotho had been making to overcome their difficulties. For many years and on an increasing scale, Basotho had been finding wage employment outside 'Basutoland'. Initially, some Basotho had gone to obtain commodities introduced by European settlement in Southern Africa (Thompson, 1975, 194-195; Kimble, 1978, 97-98). Later, they went periodically to recoup losses sustained as a result of wars and ecological catastrophes or to expand their material wealth (Kimble, 1978, 175-180; Murray, 1981, 22-26). Missionary and official reports, however, coincided to rationalise their explanations of the difficulties facing farming in 'Basutoland' in order to justify colonial policy. As the Resident Commissioner noted in 1899:

"Though for its size and population Basutoland produces a comparatively enormous amount of grain, it has an industry of great economic value to South Africa, viz. the output of native labour. It supplies the sinews of agriculture in the Orange Free State, to a large extent it keeps going railway works, coalmining, the diamond mines at Jagersfontein and Kimberley, the gold mines of the Transvaal and furnishes, in addition, a large amount of domestic services in the surrounding territories.... To (those) who urge higher education of the natives, it may be pointed out that to educate them above labour would be a mistake. Primarily the native labour industry supplies a dominion want and secondarily it tends to fertilise native territories with cash which is at once diffused for English Goods."

(Quoted in Murray, op cit, 24).

In effect, the categorisations of Basotho by administrators and missionaries alike reflected the colonial governments broader political and economic interests in Southern Africa. Racist attitudes confirmed economic and political policies. In turn, these led to the decline of agriculture into a state where it could no longer produce a major income for most Basotho. Thus, subsistence farming had become a reality as well as a categorical explanation of Basotho impoverishment.

These European misconceptions served to channel the economic transformation of Moshoeshoe's chiefdom.

3. The Economic Transformation of Moshoeshoe's Mokoteli Chiefdom:

The economic expansion of the Mokoteli chiefdom was based on agricultural production. Once Moshoeshoe had restored relative peace in his area of influence in the 1830s, stock rearing and arable farming found a new significance to his followers.

At that time, Moshoeshoe's followers enjoyed the use of fertile land (Kimble, 1978,7). Although farming methods were rudimentary by European standards, the land reportedly yielded bountiful harvests. For instance, a PEMS missionary noted in 1838 that enough grain had been harvested in Moshoeshoe's chiefdom to feed his followers for 7 years (Germond, 1967,439). In the neighbouring chiefdoms, the missionary added, there was enough grain to last for 5 years (ibid).

Such productivity in grain was matched by a large demand for foodstuffs in chiefdoms to the west and in the European settlements on the frontiers of the Cape Colony (ibid). At the time, the European and Griqua settlers could not produce sufficient quantities of grain to feed their settlements' populations (ibid). Thus, these settlers came to Moshoeshoe's chiefdom to buy grain. In exchange, they offered goods which were of value to Moshoeshoe's followers. Thus trade between Moshoeshoe's followers and Europeans evolved. As Abrousset, a PEMS missionary at Morija commented in 1838:

"Since our arrival in this little state no fewer than 1,500 head of horned cattle, 40,000 sheep, 35,000 goats, 200 horses, 300 rifles and ammunition in corresponding amounts of powder and lead have been imported".

(ibid)

Through trade and through the use of technological and crop innovations introduced by it, the Mokoteli chiefdom's agricultural economy blossomed. A missionary report of 1855 intimates the diversification which had been achieved in a relatively short period of time:

"The inhabitants reap wheat and maize in abundance. Besides, they have fields of maize, of sugar cane, potatoes, beans and various other vegetables of lesser value. Tobacco, of which they are very fond, also grows in their country. A greater part of their time is devoted to agriculture and, as it is only exceptionally that they employ the plough, and they are still reduced to turning the sod with the hoe, they have a great deal of labour to perform. They are now beginning to plant fruit trees and the vine everywhere."

(Germond, 1967,453-454).

The missionaries' eulogies on agricultural productivity and trade belied the changes which the trade in grain wrought to social relations in Moshoeshoe's chiefdom. In particular, the missionaries did not consider fully the question of why Moshoeshoe's followers had been able to become directly involved in the production of surpluses and in their exchange.

In previous times, trade had been under the control of the chiefs in terms of the production, the exchange and the distribution of goods amongst followers. Primarily, trade goods were luxury items that were not readily available to chief and trader alike. By the 1850s, however, not only had Europeans flooded Southern Africa with a wide range of goods but they were also willing to exchange them for grain - a common consumable product to Africans. In other words, the expansion of trade between Moshoeshoe's chiefdom and the European settlements changed the value of grain. Grain became a commodity in that it was translatable into a diversity of products.

The new found value of grain directly challenged chiefs' powers to keep a following through the exercise of patronage. For instance the sale of grain by followers could yield a return in cattle and thus preclude entry into mafisa arrangements with chiefs(see page 19). This challenge was realised by chiefs, and Moshoeshoe amongst others attempted to restrict agricultural production and trade amongst their followings(Kimble,1978,151-153). Their efforts, however, were neither effective nor longlasting, given the flexible method of land allocation and the chiefs' dependence on a popular following.

For though chiefs could conceivably have limited the size of their followers' arable plots, the likely response would have been the desertion of many followers to more lenient chiefs. Moreover, Moshoeshoe and the other chiefs needed trade with the Europeans. In particular, they needed firearms and horses in large quantities in order to combat expansionary drives of other chiefdoms and of the Europeans themselves(Thompson,1975,194-195). Thus, the chiefs had to acquiesce to the entrepreneurial activities of their followers. Nonetheless, this acquiescence sowed the seeds for a restructuring of the political relationship between chiefs and followers. The followers gained a degree of economic independence from their chiefs in the ensuing years of economic prosperity. Yet, this independence could not go unchecked if chiefs were not to lose control over their followings. As I discuss later this threat to their authority was curtailed only later when the authority

of chiefs came to be based on their control over land rather than over a popular following.

The independence of chiefs' followers was reflected during the 19th century in their agricultural enterprise. From the 1850s there was a marked intensification in agricultural production which was matched by a similar development in trade relations between Africans and European settlers. For example, in 1854, Abrousset noted, in reference to Morija, the mission site within Moshoeshoe's area of influence, that:

"...the trade in grain is now considerable, stimulating activity and increasing the affluence of its inhabitants. The trade is carried on by the farmers of the Orange Free State but, in addition to this, two speculators, one Dutch and the other English, have settled in the place with their families, and trade in wheat, millet, maize, cattle, and horses, the main resources of the country. A Boer, half wheelwright, half blacksmith; a brickmaker; and a tailor also live here."

(Germond, 1967, 451-452).

Morija appears to have been a growing trading settlement in the 1850s. Thompson (1975, 191-192) comments on another missionary's report of 1858 that:

"...one of the half-dozen British traders at Morija had sold £3,700 worth of British merchandise during a fourteen-month period, including about 1,000 overcoats, 220 pairs of trousers, 220 jackets, 1,200 shirts, 200 hats, 350 saddles, 500 bridles, 500 pairs of stirrups, 7,300 knives, 8 ploughs, 1,500 hoes, 150 iron saucepans, and 6 wagons; and he had received in exchange about 2,000 head of cattle, 230 horses, some cattle hides, 1,000 muids of wheat, some wool, and £50 in cash".⁽¹⁾

The figures above indicate both the agricultural wealth amongst Moshoeshoe's followers at the time, as well as their accumulation of wealth through trade.

(1) "muid": an old French measure for grains and liquids, the definition of which varied according to the product and market conditions in the country in which it was used. In the Cape Colony, French and Dutch settlers used to measure grain seed and the harvested crops in muids. In the colony, it was estimated that one muid of seed would yield a harvest of 10 muids of crop and that one muid of threshed wheat equalled about 180-190 lbs of grain (VRV, 1982, 387-388). For trading purposes where grain was transported by wagons, the settlers estimated that one wagon load equalled approximately 10 muids of wheat (VRV, op cit, 347).

It cannot be assumed, however, that this accumulation was limited through transactions at trading stations only. There is evidence that Moshoeshoe's followers also accumulated wealth through wage employment in the Cape Colony.

As noted earlier, many Sotho people had sought refuge in the Cape Colony during the lifaqane. There, they settled temporarily and earned a living by working for European settlers. Similarly, Moshoeshoe's followers had occasion to work in the colony during their wars against the Boers. There were those who migrated to the colony to recoup material losses sustained during the wars (Kimble, 1978, 179). Other migrants included men who had been sent by their chiefs and by Moshoeshoe for the express purpose of obtaining firearms for the defence of the chiefdom (Thompson, 1975, 194). In addition, there were migrants who had been converted to Christianity by the missionaries and encouraged to seek work by those missionaries (Kimble, 1978, 132-135).

In effect, these migrations and the agricultural activities of Moshoeshoe's followers signified their incorporation into a Capitalist politico-economic system. And, as their wars against the Boers dramatically illustrated, Moshoeshoe's chiefdom was subjected to the regional and international dynamics of that system. Equally dramatic, was the fluctuating success but ultimate decline of the chiefdom's agricultural economy.

As the demand for their crops grew, Moshoeshoe's followers expanded the land area that they cultivated. Yet, as Moshoeshoe's chiefdom became increasingly defined in terms of territorial boundaries, the only direction in which his followers could extend cultivation was into the Maloti mountains.⁽¹⁾ This region had generally been avoided and left to the Bushmen (San) in the past (Germond, 1967, 428; Wright, 1971, 10) but was gradually settled by Moshoeshoe's followers. In response to market opportunities and with missionary encouragement, the settlers began to cultivate wheat extensively in the mountain valleys (Germond, 1967, 429; Kimble, 1978, 25).

Economically, this pattern of expansion was stimulated by the discovery of diamonds in the Cape Colony in 1867 (Murray, 1981, 11). The town of Kimberley which grew up around the diamond diggings provided a large market for grain from 'Basutoland', as well as providing wage labour opportunities (Germond,

(1) Maloti : the Sesotho name for the western ranges of the Drakensberg.

1967,462; Murray,1981,11).

With this economic 'boom' and following the imposition of Cape colonial rule, the economy of 'Basutoland' became increasingly based on monetary terms. This political and financial development, however, generated negative economic pressures on society in 'Basutoland. For instance, the Cape government, in seeking to obtain funds for the administration of 'Basutoland', imposed a hut tax which was later doubled(Mohapeloa,1971,14,51; Burman,1976, 9,13). In addition, the Cape government introduced specific regulations such as licences for traders and hawkers while fostering a retail market infrastructure of many trading stations in the country(Stutley,1960,2; Burman,1976,71). Furthermore, amongst Basotho themselves, chiefs reportedly extracted an informal tax from returning migrant workers(Murray,1981,12).

On a more general level, economic fluctuations in the Southern African economy adversely affected Basotho and their agricultural activities. In 1876, a world economic recession affected Southern Africa and Basotho found that they could not sell their grain profitably(Kimble,1978,203). Later, a regional economic recession between 1882 and 1884 which had been exacerbated by drought , paralysed agriculture in 'Basutoland'(Germond,1967,468-469; Kimble,1978,230). In addition, from 1885 farmers in 'Basutoland' faced competition from Cape Colony importers of Australian and American wheat (Murray,1981,12). A railway line which had just previously been layed between Cape Town and Kimberley, cut the transport costs of Cape entrepreneurs and enabled them to market their grain more cheaply than Basotho farmers(Germond, 1967,469-470; Kimble,1978,235).

These economic pressures upon Basotho were compounded by discriminatory political policies enacted by the O.F.S. and the Transvaal. In 1869, the O.F.S. government had introduced 'pass' laws which restricted the movement of Basotho to job centres in the republic and the Cape Colony(Kimble,1978,122). In 1876, the O.F.S. government imposed a tariff on grain wagons passing through the republic(Kimble,op cit, 210). Later, in 1886, Basotho farmers were affected by a similar policy enacted by the Transvaal government. Following the discovery of gold on the Witwatersrand, the Transvaal government prohibited the import of grain into the republic(Murray,1981,12).

The various political and economic pressures upon Basotho farmers were particularly destructive towards the end of the 19th century. By then the territory of 'Basutoland' had been rigidly circumscribed and Basotho were trading in relation with powerful neighbouring states, the British colonies and the Afrikaner republics. Having been set on a path of externally oriented trade, on the basis of internal agricultural commodity production, Basotho were ultimately at the mercy of those states' policies on trade. Towards the end of the 19th century, the trading success of Basotho farmers was visibly undermined by these states' political and economic policies. The destructive power of these policies, however, was facilitated by an insidious environmental process born of the territorial circumscription of 'Basutoland'. This process was the ecological devastation of the land upon which Basotho farmed.

Throughout the 19th century, periods of drought, locust plagues and climatic vicissitudes had regularly bedevilled the agricultural activities of Moshoeshe's followers. As the 19th century progressed however, the deleterious effects of these hazards increased. Whereas in pre-colonial times, these hazards could have been offset by movement of the chiefdom, the colonial demarcation of a territory for the chiefdom meant that these hazards had to be faced in situ by the population. Consequently, once 'Basutoland' had been demarcated, there was little that Basotho could do but suffer the economic plight brought about by these hazards.(1)

In addition, the intensification of agricultural production exacerbated an incipient process of soil erosion(Germond,1967,65,67-68,70,71). The gradual replacement of the hoe in favour of the plough(Germond,op cit,453-454,462; Kimble,1978,222), and the repetitive cropping of land led to severe gully erosion((Germond,1967,410-411). The extension of crop cultivation onto the mountain slopes contributed to the gully erosion of the land while also reducing the area of pastureland(ibid). Moreover, the pastureland itself

(1) e.g. An epizootic in 1864 which caused the death of a large number of cattle amongst Moshoeshe's followers(Germond,1967,461);
 The continent wide rinderpest epidemic which swept across Southern Africa in 1896-97 and which reportedly killed 90% of the cattle in 'Basutoland'(Van Onselen,1972; Murray,1981,13);
 The droughts of 1882,1883,1884(Germond,1967,468-469);
 The droughts and locust plagues of 1898 and 1905 which destroyed the wheat, maize and millet crops(Germond,1967,473,476; Murray,1981,13);
 The destruction of the wheat crop by lice and of the maize crop by drought in 1909(Murray,1981,13).

deteriorated in time. Missionaries and trade opportunities had encouraged Basotho to breed merino sheep and angora goats for a wool and mohair industry (Germond,1967,324,326,462; Kimble,1978,218). As this industry developed,the pastureland was used extensively and ultimately, denuded of its original grass cover(Staples & Hudson,1938). With the circumscription of territorial boundaries,this whole process of soil erosion was exacerbated by the extension of settlements into the Maloti mountains.(1)

The corollary to this compendium of political,economic and ecological pressures upon Basotho, was the decline in the capacity of their agricultural activities to generate cash incomes. Consequently more and more Basotho were forced to seek wage employment outside of 'Basutoland'. By the 20th century, labour migration had become a pattern of life for most Basotho. Further British and South African policies developed this trend into an economic system of oscillating migration which has been continuously entrenched through to the present day(Murray,1981,22-36).

In the face of the above transformations, it is untenable to hold a notion that Sesotho concepts about land remained the same throughout the 19th century. The changes in land use indicate changes in ideas about land. There was in fact,a subtle transformation in the rights of Basotho to land and in the codes for the allocation of land. It was a subtle process only in the sense that it was obscured and subsumed under the effort of Basotho to prevent the encroachment of colonial settlers onto the land which they used.

4.The 19th century Ideological Transformation of land tenure within Moshoeshoe's chiefdom:

As I have pointed out, Moshoeshoe's followers gained an inalienable right to land in the course of his rise to power. Followers applied for and received

(1) e.g. The 'Gun War' led many chiefs to establish mountain refuges(Germond, 1967,417-418), many of which became permanent settlements after the war. In addition, the war produced an influx of refugees from the Cape Colony into the southern part of 'Basutoland'. These immigrants were allies to the rebel cause but having been defeated in battle, by colonial troops, they were forced to find refuge in 'Basutoland' (Bardsley,1982). The refugees were unable to settle in established settlements in the Orange river valley because of overcrowding, and thus, they were despatched by the paramount chief to settle in the mountain region(Germond,1967,469).

land, according to a general criterion of what was necessary to support themselves. As the agricultural trade developed, Moshoeshoe and his subordinate chiefs were neither in a position to change this right nor were they able to curtail their followers agricultural enterprises. Consequently, the followers gained some degree of economic independence from the chiefs(see pages 43-44).

This independence generated a subtle restructuring of the relationship between chief and follower(*ibid*). It also generated a change in the perceived value of land. From being a resource of no defined value, land came to be defined as a political concept and as a specific resource for agricultural commodity production. Once British domination over Basotho had been achieved, these latter values became more manifest. The rights of Basotho to arable land in particular, were specified according to British precepts about land and the chieftainship in 'Basutoland'. It was at this juncture that the chiefs were able to reassert economic control over their followers by acquiescing to the colonial prescription, that they were authorities over land and through that authorities over people.

An illustration of the above process is given in the reply of a chief to the Cape government's 1873 commission of enquiry on the "Native Laws and Customs of the Basutos(Basutoland,1873). In answer to the question, "how is the land distributed?", the chief(a brother of Moshoeshoe) replied:

"Land is not sold or permanently alienated, but is occupied with the consent of the chief, who apportions a certain part or tract to minor chiefs or headmen, who again apportion it to the people under them. A chief has the power to take a man's garden away; but it is never done because it is like killing a man."

(Basutoland, *op cit*, 50)

This statement intimates a very different conception of land by the chiefs compared to that of Moshoeshoe in 1858(see pages 30-31). In the first sentence, the chief alludes to the chiefs' active control over land rather than to Moshoeshoe's perception that the distribution of land was secondary to the political allegiance of followers. The second sentence is revealing in the way it echoes the economic dependency of Basotho on arable land at the time. Yet, significantly it clearly intimates the capacity of chiefs to define allotments and to remove them, even if there was a moral injunction against doing so at the time.

On a broader level, the chief's statement is consistent with the way the Cape Government had interpreted land tenure in 'Basutoland' and in doing so, had

compromised the chieftainship. In Sesotho, the fundamental principle of land tenure, as developed during Moshoeshe's era, was expressed in the phrase, Mobu ke oa Sechaba(land is the people's). The 1871 Basutoland Annexation Act, however, sought to remove any possible ambiguity in this principle. Land was specified as a politically circumscribed territory as opposed to being a universal phenomenon. Similarly, people were specified. The land of 'Basutoland' was to be available for use only by the "Basuto tribe"(Burman, 1976,6). In addition, the land was to be held under the supreme authority of the Governor's agent and allocated by the colonially entrenched hierarchy of chiefs(Burman,op cit,13). In effect, the basic Sesotho concept of their relationship to land was overlaid by a European reification of that relationship.

When 'Basutoland' was made into a British Protectorate in 1884, that reification which had been imposed by Cape Colony rule was retained by the new administration. Thus, the 20th century opened with a bi-partite conception of land tenure in 'Basutoland'. Throughout this century, land tenure in Lesotho has frequently been explained on the basis of that reification and its assumed relation to a people and a form of agriculture. Yet, as I discuss in the following chapter, Basotho themselves have continually redefined both the Sesotho and the European expressions of their fundamental concept of land tenure.

3. CONCEPTS AND CATEGORIES OF LAND IN LESOTHO

Mobu ke oa Sechaba is a maxim which, in the context of 19th century Southern African history, expressed a radical change in the political economy of Basotho. It signified the fusion of many different concepts about land along with the new political order imposed upon Basotho.

The maxim contained Moshoeshoe's understanding of land tenure. As we saw earlier, the central idea of that understanding was that, land could not be owned privately or administered and disposed of by any individual or group without reference to the community that used it. Effectively, no individual could claim exclusive use of land, and only had access to it as long as he/she was living and resident in the community. In short, Basotho had usufructory rights to land.

Once the British administration had taken control, the community came to be more precisely structured than it had been before. The community was defined nationally in terms of the polity, 'Basutoland' and its inhabitants, the 'Basuto'. Internally, this community was defined by means of entrenching a hierarchy of chiefs. People were placed into the defined administrative areas of village, ward and district. Over each administrative area, a chief had jurisdiction for local government including the authority to administer the land. In short, chiefs retained administrative rights to land but these were defined by the colonial administration.

It was in that context that the maxim Mobu ke oa Sechaba became the most expressed principle of land tenure in Lesotho. Consequently, the maxim has been embodied in the legal codes (e.g. Laws of Lerotholi) and in legislation on land (e.g. Land Act 1979). Likewise the maxim has been a central feature of discussions on land tenure in Lesotho, though often it has been interpreted differently (e.g. Ashton, 1952, 144: "All the land of Basutoland belongs to the nation with the Paramount Chief as trustee"; Hamnett, 1975, 63; "The land belongs to the nation"; Murray, 1981, 65: "..all land is vested in the nation..")

While ethnographic translations tend to favour the British conception of the maxim, it is implausible to presume that the principle and the ideas contained

within it have not changed over time. Indeed there is visible evidence to the contrary. For example, in the Land Act of 1979, an undefined but omnipotent concept is added to the principle:

"Land in Lesotho is vested absolutely and irrevocably in the Basotho nation and is held by the State, as representative of the nation".

(Lesotho, 1979, 195. (author's emphasis)).

Thus, the land may be the nation's but this raises a number of questions. Firstly, we need to ask how that mandate has been interpreted and acted upon in general terms (i.e. in terms of the categorisation and definition of usufructory and administrative rights to land)? Secondly, what have been the consequences of these interpretations and definitions (i.e. the response of Basotho, chief and commoner)? Thirdly, why have the principles and ideas of land tenure been modified. In answering these questions, we can achieve an understanding of how and why Basotho continue to redefine their relationship to land. The following discussions examine the above issues.

1. Usufructory and Administrative Rights to Land:

A study of usufructory and administrative rights to land is a study of their articulation. Yet, their articulation can only be defined as an adjunct to an analysis on the change in the form and content of each set of rights. For when we examine land tenure in Lesotho, we find no simple interrelationship between these rights. Land resources are differentiated by Basotho. Their categorisations of these resources change in response to political and economic developments which affect the use of each resource. Each categorisation overlaps with other land categories such that change in one bears upon other categories. We are thus drawn to consider the changes in the categorisation of land resources in order to elucidate the articulation between usufructory and administrative rights to land.

One point of departure is to base analysis on the labels which Basotho use to differentiate between land resources. Elucidation of how the categorisation of each resource has changed over time, pinpoints both the causes of the changes and the areas of interrelationship between land categories.

Defining the causes however, is no simple process. Inevitably we find a

confusion of causes. For instance, a modification in one land category at any one point in time might express the response of Basotho to the re-categorisation of another. In addition the response can be a re-interpretation of several past events and developments in the categorisation of land resources. In short, the past and the present do not distinguish themselves clearly for analysis.

In view of this complexity, we can say that the land categorisations change due to a complex interplay between legislation and customary practice. To this we need to add that, this interplay has been sensitive to the changing land requirements of Basotho and, to the changing political and economic conditions within and beyond Lesotho.

To provide a comprehensive analysis of this interplay is perhaps, beyond the scope of this study. This interplay, however, can be demonstrated here, by adopting a slightly different focus on each of the land categories in Lesotho. Taken separately, each focus highlights the general trends of change in each land category. Taken together and compared, each focus presents an illustration of the processes of divergence and convergence between the land categories. Thus, the implication here is that it is implausible to describe and analyse land tenure in Lesotho as a coherent corpus of ideas and practices. The following discussions reflect the fluidity of each land categorisation. Ultimately, these discussions seek to illustrate the differential process of articulation between usufructory and administrative rights to land. In turn, the aim here is to show how the rural inhabitants of Lesotho have prevented their alienation from land through the re-categorisation of land resources over time.

There are 4 main categories of land resources which have been emphasised in the literature and by Basotho themselves. These are as follows:(1)

- (1) Lelapa - residential site;
- (2) Jarete - garden;
- (3) Tsimo - field;
- (4) Maboella - communal resources(e.g. pastureland, wood, water)

Generally speaking, the following discussions examine the transformation of

(1) In Lesotho, further distinctions are made within each main land category. These are referred to in the relevant discussion in the following pages.

usufructory rights in each land category. This demands a preliminary understanding of the concomitant transformation in the status and role of the chieftaincy and its administrative rights to land.

2. Administrative Land Rights; the political and legal process:

In chapter 3 ,we saw how the imposition of British colonial rule shifted the emphasis of chiefs' authority from command over a popular following to legal jurisdiction over a fixed land area. In short, a process was initiated whereby chiefs began to be administrative agents of the colonial state. This has had marked effects on chiefs' administrative rights over land resources.

It is a process which has been highlighted since the 1930s by legal developments and political conflicts concerning the chieftainship. A basis of this process is the 'placing' system of chiefs. By the 1930s, there was official and popular concern over the proliferation of chiefs in the country, and over attendant abuses of the chieftainship(Murray,1981,16,67). The legal reforms which the colonial administration initiated, in response to this concern, have eroded chiefs' administrative rights, precipitated a chain of political conflicts and led to further legal reforms of the chieftainship.

These developments, in themselves, continue to transform chiefs' administrative land rights. Equally, this process has been felt by the rural inhabitants of Lesotho. Commoners have not been slow to capitalise on legal and political developments to ensure their continued security of access to land resources. Their actions, as regards the inheritance of arable land and the use of pastureland, influence this process(as illustrated in later discussions).

(a) The decline in chiefs' administrative rights to land:

In 1938, following official concern over the proliferation of chiefs in Lesotho, the colonial administration issued the "New Native Administration Proclamation". The intended aim of this Proclamation was to reduce such proliferation and by that measure reduce the number of administrative areas in the country. Under this Proclamation, the colonial administration drew up a gazette, listing every principal chief, ward chief and village headman. Thereafter, only those listed in the gazette were recognised by the administration as legitimate authorities in the country(Ashton,1952,144,210;

Duncan,1960; Hamnett,1975,35-36).

As a result, the number of chiefs who were officially recognised was reduced to 1,340(Hamnett,1975,91). This meant the amalgamation of administrative areas. Although many chiefs and headmen lost their rights in this process, some continued to function informally, on the basis of their social status amongst their followers(Murray in Lye & Murray,1980,91).

These aims, however, were not achieved without conflict, as no consistent criteria was used to define chiefly status. When the administration drew up the Proclamation, it did so in consultation with senior chiefs and acted largely upon their advice(Hamnett,1975,36). These chiefs were thus able to reorganise the chieftainship hierarchy as they wished it to be rather than as it was (ibid). The result was widespread feelings of insecurity throughout the hierarchy. Such ill feeling led to the revival of Liretlo('medicine murders'), wherein some chiefs resorted to ritual means to overcome the threat to their positions(Jones,1951; Murray in Lye & Murray,1980,83,92).⁽¹⁾

These conflicts were compounded by the way this Proclamation precipitated a decline in chiefs' judicial powers. Customarily, chiefs alone had the right to hold Makhotla(chiefs' courts) where they settled disputes between residents in their areas of jurisdiction(Hamnett,1975,91). It was in the exercise of this function, that chiefs obtained much of their income. Any fines which a chief imposed on litigants in his court could be held by the chief for his own use(ibid). Implementation of the Proclamation effectively restricted the right to hold 'chiefs' courts' to those who were listed on the gazette.

Moreover, while the Proclamation did not challenge gazetted chiefs' rights to hold their own courts, it did alter the legal basis of that right. As Hamnett(1975,91) pointed out, the Proclamation:

".....served to....obscure the basic principle that it was no longer chieftainship but administrative recognition by warrant that bestowed the authority to hold a court."

(1) Liretlo have continued to occur on occasion through to the present day(Murray in Lye & Murray, 1980,83) A case occurred in southern Lesotho in 1981(personal communication: A.D.Spiegel).

That principle was not obscured for long. In 1946, the administration issued the "Native Court Proclamation" by which only 121 chiefs were empowered to hold 'chiefs' courts'(ibid).

The same year witnessed the ratification of the administration's efforts to reorganise the administrative and judicial structure of the country. A National Treasury was established, into which all court fines and taxes were to be placed(Ashton,1952,208). Thereafter, all gazetted chiefs and headmen were to receive regular salaries from the treasury(ibid). The judicial structure was modified to create independent courts of law in terms of British concepts of justice(Hamnett,1975,86-100). 'Chiefs' courts' were incorporated into that structure but greater scope was given for citizens to pursue their cases up a hierarchy of impartial courts.(1)

In effect, the colonial administration's policy was to separate the Executive from the Judiciary. The administrative role of chiefs was subtly redefined by the legal reforms. An illustration of this is given in the revision of the Laws of Lerotholi which was made in 1946. Ashton(1952,144) notes that in the 1922 version of these Laws, a section read:

"All chiefs and headmen must by law provide people living under them with lands to cultivate."

Under the 1946 version, however, the same section read:

"Every chief and sub-chief and every headman has the power to allocate land in his area for cultivation."

(ibid)

The revision did not imply an addition to the administrative and judicial capacity of chieftainship. The very need to state that chiefs had "the power to allocate land" indicates an abrogation of chiefs' authority while subtly obscuring the basis of that authority. Whereas in the past, it went without saying that chiefs had 'power' to allocate land, that power, in the 20th century was controlled and defined by the colonial administration whose agents were the chiefs.

(1) Description of this structure is problematic. It underwent several modifications during the 1940s and '50s, not to mention the reforms brought about earlier under Cape Colony rule(see Hamnett,1975;Poulter,1981).

The separation of the administrative and judicial structures continued and further abrogated chiefs' 'powers'. In 1949, the number of the 'chiefs' courts' was reduced to 106 and by then the office of court president did not have to be filled by a chief (Ashton, 1952, 210; Hamnett, 1975, 91). This meant that while the chiefs were administrators of land resources, commoners gained further rights to challenge chiefs' decisions by being able to go to courts outside of the chiefs' control.

The redefinition of the chieftainship brought into question other aspects of the chiefs' authority. Given that the chiefs' authority was based on jurisdiction over land, it was inevitable that their powers of arable land allocation should be questioned. Customarily, chiefs allocated land in consultation with baabi (land issuers) - local elders who were appointed by the chief - whose job was to know what arable land was available in the chief's area of jurisdiction, and who would assess land applicants' claims (Hamnett, 1975, 69). Ideally, the use of 'land issuers' provided some control over chiefs by commoners and enabled arable land to be allocated in the interests of the community as a whole, rather than to the advantage of specific individuals. In practice, however, there was room for abuse of this system of land allocation. Chiefs could appoint 'land issuers' who would obey their wishes while the 'land issuers' themselves, could favour kin, friends or those who would return favours.

This system of 'land issuers' was finally abolished after Lesotho had gained political Independence in 1966. In 1967, the Land Procedures Act was passed with the aim of curtailing abuses in arable land allocation. The Act stipulated that in every ward, a Komiti ea Mobu (land committee) was to be formed. Each committee was to consist of 5 members who were to be elected by the ward's residents at a pitso convened by the ward chief (Murray, 1981, 71). Thereafter, the ward chief was to allocate land in consultation with the 'land committee'.

These 'land committees' were not particularly successful. Primarily, they constituted a blatant challenge to the chiefs' authority. Consequently, some chiefs simply ignored their 'land committees' (Williams, 1972, 5) and thus, they served mainly to increase the incidence of land litigation (see Perry, 1977). The government did appoint a Land Complaints Commission in an attempt to resolve the problems generated by the formation of 'land committees' but reportedly, it was ineffectual (Williams, 1972, 5).

Although the conflict over the 'land committees' stemmed partly from the challenge to the chieftainship, it was the political context in which these committees were formed that fueled the conflict and detracted from the effectiveness of the committees. At the time, the two main political parties in the country, the ruling Basotho National Party (BNP) and the opposition Basotho Congress Party (BCP), were campaigning for electoral support in the rural areas for the 1970 general elections (Khaketla, 1971; Breytenbach, 1975). The result was that the election of land committee members became more a forum for political debate and a means for party political contests than as a means for the democratic allocation of arable land (Murray, 1981, 71-72).

The above conflicts expressed clearly the political import of arable land allocation in Lesotho. This was not lost on the BNP. Consequently, it sought to increase its control over arable land allocation, effectively at the expense of the chieftainship.

(b) The increase in central government control over land:

The 1970 general elections in Lesotho resulted in the collapse of parliamentary democracy in the country. The BNP, in the face of falling electoral support, declared a state of emergency, seized power and banned any further elections (Khaketla, 1971).

The BNP's efforts to consolidate its control over the country is reflected in its legislation on land. In the first instance, the 1973 Land Act revised the procedures for the allocation of arable land. Under this Act, the newly designated Komiti ea ntlafatso (development committee) replaced the existent 'land committee' (Murray, 1981, 71). The significant aspect of this revision lay in the way it allowed for the direct intrusion of the government into the election and operation of these committees. Each committee was to include 3 members appointed by the Ministry of Interior, in addition to 4 publicly elected members from the ward (ibid).

In the same vein, the 1979 Land Act has seeks to further government control over Lesotho's land resources and through that, over the country's citizens. Under this Act, a distinction is made between "Urban areas" and "Rural

Areas".⁽¹⁾ Each area has its own hierarchy of arable land allocation committees. In the 'rural areas' there are now "Local Development Committees" in each ward and above them, "Senior Land Committees" for each district (Lesotho, 1979). The local development committees are a replica of the earlier 'development committees'. The senior land committees are similar except that they are convened by the Principal chief of each district and are designed to hear commoners' appeals against decisions of the local development committees .

Such a structure for the allocation of arable land provides for greater government inclusion in the administration of the country's land resources. Under BNP rule, most senior chiefs have become government officials and act within the interests of the BNP. Thus, the use of the senior land committees would appear to be a means for shifting the matter of arable land allocation further away from being a judicial matter and effectively, into the administrative control of the BNP. This does not mean that citizens are denied access to courts of law if they are dissatisfied with the decisions of the land allocation committees. What it does signify is that, in the context of BNP rule, citizens are subject to potential abuse of the government's administrative powers.

Such abuse is a real problem in the work of at least one agricultural project in Lesotho. This project aims to train individuals in farming skills and then place the trainees in their rural communities where they will be able pass on their skills by example (Project name withheld; see Preface). The Director of the project commented in an interview that securing arable land for trainees in their own communities was a frequent problem. Often political differences between trainees and the local development committees precluded the co-operation of the latter. For instance a BCP trainee might have difficulties in getting arable land if his/her 'local development committee' was aligned to the BNP, and vice versa.

Since the 1979 Land Act, two more Acts have been passed which are significant attempts by the BNP to consolidate its administrative control over Lesotho's

(1) The distinction is made on the basis of Ministerial Proclamation and Definition of the boundaries to an 'urban area'. At present only the centres and the immediate environs of 16 towns are designated as 'urban areas'. The rest of Lesotho is composed of 'rural areas' (Lesotho, 1979).

land resources. These statutes are the 1980 Land Regulations(Lesotho,1980(a)) and, the 1980 Range Management and Grazing Control Regulations(Lesotho,1980 (b)). Effectively, these statutes encroach further on chiefs' administrative rights to land while also challenging in a subtle way, commoners' usufructory rights to land.

The 1980 Land Regulations cover omissions in the 1979 Land Act. In particular, these regulations elaborate on the formal procedures of the local development committees and specify the reasons by which a committee may revoke usufruct rights to land. The revocation of usufruct rights is a particularly significant issue as the reasons, specified in these regulations,are a departure from the chiefs' previous administrative rights in this respect.

Previously, a chief could remove arable land from a subject only if,(1) the subject had not cultivated his/her field(s) for two years or more in succession and/or (2) the subject was deemed by the chief to have more fields than were necessary to meet the sustenance needs of the members of his/her 'house'(s) (Murray,1981,71; Melao ea Lerotholi,1981,(sections 7(2) and 7(3)). With regard to maboella resources, a chief had the right to designate maboella areas, to specify the quantity of products that could be taken from these areas at any one time and, to decide when those areas were to be available for exploitation(Ashton,1952,150-154).

Under the new regulations(section 3(f),(g) and (h)), a local development committee must review the land situation in the ward every 3 years. Its review must ensure that the land is being used for "agricultural purposes" (Lesotho,1980(a),215). Consequent to the review, the committee may revoke usufruct rights to land if (a) the land has been "overgrazed"(ibid), (b) a fieldholder refuses to or is unable to combat soil erosion or (c) a fieldholder has not cultivated his/her field(s) for more than three years in succession.

Of immediate concern, is the omission in the 1980 regulations of the Law of Lerotholi's second provision for the revocation of usufruct rights to arable land. As Murray(1981,199) notes, the second provision in this legal code was used to provide an equal distribution of land in terms of the citizens' basic right to arable land, and not in terms of an intangible, if not redundant, criterion of sustenance needs. Thus, the omission in the new

regulations, destroyed a significant principle of land law in Lesotho.

In a different vein, the clauses in the 1980 regulations reflect a reorientation of administrative land rights. The first clause (on overgrazing) expresses a significant extension of power to the 'local development committees' at the expense of the chieftainship. In the past, chiefs' rights over pastureland had remained relatively free from legal circumscription, even in the face of pressure from the colonial administration to reorganise use of pastures (I discuss this issue in more detail later). Indeed, chiefs' rights over maboella in general, had been nominally confirmed in the post-Independence legislation (e.g. 1969 Land Husbandry Act). The first clause in the new regulations represents, however, an intrusion upon chiefs' rights to administer pastureland and thus, a legal circumscription of individual chief's authority over maboella in general, and over pastureland in particular.

Similarly, the third clause (on the time period for which fields are allowed to lie fallow), brings another aspect of the chiefs' administrative functions under the control of the 'local development committees'. In effect, it represents a de facto usurpation of chiefs' administrative authority over arable land.

By reorienting chiefs' administrative land rights, the 1980 regulations inevitably affect commoners' usufructory land rights. This is made apparent in the second clause of the new regulations (on soil erosion). In addition, this clause presents a potentially destructive development in land law legislation. It cannot be denied that soil erosion is a major problem in Lesotho which needs to be solved. Nonetheless, the second clause in the new regulations, together with the third clause, emphasises the principle that commoners have the financial capacity to not only farm but also to bear the direct costs of anti-soil erosion campaigns. This adds a significant and further financial burden on a population which is dependent on unguaranteed wage remittances of migrant workers. As we shall see in later chapters, the wage labour remittances barely cover the costs of most rural households farming activities let alone provide for major improvements to their fieldholdings. Thus, the clauses above, effectively discriminate against the dependants of the poorer migrant workers who are most in need of access to fields in order to survive. Thus, these clauses serve to challenge the basic right of commoners to arable land.

The legal implications in the 1980 Land Regulations are extended in their corollary, the 1980 Range Management and Grazing Control Regulations. In effect, the latter regulations elaborate on the legal trends set in the 1980 Land Regulations. Elaboration of these trends consists of a greater specification than before on how pastureland is to be used and who has administrative control over the pastureland. The net result is a further redefinition of chiefs' administrative land rights and another subtle challenge to commoners' usufructory rights to land.

In regard to the above, the redefinition of the chiefs' rights is expressed in the 'grazing regulations' legal circumscription of the chieftainship's authority over pastureland. Throughout the colonial era, the administration did not legally circumscribe that authority. The administration's officials could only serve in an advisory capacity to the chiefs' administration of pastureland (Agric Dept, 1955; 1960; Annual Report, 1961, 47). Under the 1980 'grazing regulations', however, chiefs are legally subject to the advice and decisions of a government appointed agricultural officer. This officer has the overall right by these regulations to (a) decide what areas are to be set aside as pastureland (as well as to designate other maboella areas); (b) to determine what the "stocking rate" will be on the pastureland⁽¹⁾; and (c) to designate what methods are to be used to preserve the pastureland (e.g. rotational grazing). Failure on the part of the chief of a ward to implement an agricultural officer's decisions constitutes a legal offence.

In regard to the effect of these regulations on commoners' usufruct rights, the challenge comes from these regulations' de facto restriction of the commoners' right of access to pastureland. In the past a livestock owner could graze his/her livestock on pastureland, subject only to the chief's rulings on maboella. Under the 'grazing regulations', however, the livestock owner must now obtain a permit from the agricultural officer before he/she can graze the livestock. In addition, the permit specifies the areas in which the permit holder may graze livestock as well as specifying the number of livestock he/she can graze in those areas. Furthermore, these regulations do not encourage the breeding of poor quality livestock ("bastard sheep and

(1) "Stocking Rate" means: "the number of stock per unit area of land that may be allowed to graze in a grazing area over a given period of time without any permanent damage to grass cover or soil." (Lesotho, 1980(b), 133).

boer goats";(Lesotho,1980(b),134)). Should the Agricultural Department decide that there are too many animals, in either the national herd or in specific localities, for the optimal use of pastureland, the livestock owner of "undesirable" stock can be required to cull them. These regulations are enforced at the yearly compulsory dipping of small stock(sheep and goats). In effect, enforcement of these regulations restricts livestock ownership to those who are capable of making regular cash investments in livestock and who can bear the costs of improving the quality of their livestock.

The political and legal process of administrative land rights clearly illustrates the changes in the role and the authority of the chiefs in Lesotho. In particular, the co-option of the chieftainship in contemporary times by the BNP, has hastened the decline in chiefs' powers. Such co-option is the logical outcome of a process of transformation of the chieftainship begun in the 19th century. As the chieftainship became increasingly dependent upon a central administration, it was inevitable that the chieftainship's administrative land rights were transferred more into the hands of that administration. This process has been escalated in recent times by the BNP's usurption of that administration.

In the context of the above, it can be said that the BNP has used the chieftainship, in its own political interest to gain control over land and through that, over Lesotho's citizens. This does not mean, however, that the BNP's policies have generated a transformation of usufructory land rights similar to that of administrative land rights and of the chieftainship. The BNP'S policies and the transformation of the chieftainship are only a specific and a general threat respectively, to commoners' rights to land. Thus these two threats are only additional threats to the commoners' rights and which, amongst other threats, have been responded to by the commoners.

The general response of commoners to these threats has been to re-categorise Lesotho's land resources. It is this response which expresses the transformation of usufructory land rights over time. Moreover, it is this response which has thwarted implicit and explicit attempts to alienate the commoners from the land while also, significantly influencing political and legal developments regarding land in Lesotho. The following discussions detail this transformation of usufructory rights to land.

3. Usufruct Land Rights; the re-categorisation of land resources:

(a) Residential Sites:

The residential site is a small plot of land upon which a homestead is built and occupied. Its simple function, however, belies the complexity of rights that are attached to it. The label for this land category - lelapa - alludes to this complexity. As I discussed in chapter 2, lelapa refers primarily to the 'house-property complex' of kinship relationships. Thus, in varying degrees of specificity, the residential site refers to the matrix of social relationships in a rural community. Therefore, any specific reference to the residential site, as a land category, immediately incorporates a reference to usufruct and administrative land rights.

In view of the above, we can say that the residential site is the physical manifestation of a 'house' and a tangible reference point for the definition of usufruct land rights. Yet it is this feature of tangibility for defining rights that makes independent analysis of residential sites problematic. On the one hand, to analyse this land category is inevitably, to analyse all facets of land tenure. On the other hand, as the residential site is a tangible reference point in land tenure in Lesotho, it has often been the implicit focus of recategorisations of other land categories by Basotho themselves. Thus in spite of its tangibility, the residential site has been perhaps, more prone to marked redefinition by Basotho than the other land categories.

Therefore, I do not wish to attempt a lengthy discussion here on residential sites, prior to consideration of the other land categories. There are, however, three developments about land sites which are worth noting here, as they indicate the very marked change in the significance of this land category to Basotho. In addition, knowledge of these developments provides a basis for understanding how and why the re-categorisations of other land categories has had marked effects on the definition and significance of residential sites. The developments which I speak of, are outlined below.

Firstly, by 1981 it was evident in my area of fieldwork that, the formation of a 'house' by marriage did not necessarily mean that the 'house' would automatically realise its usufruct rights to land, particularly a residential site and arable lands. Even if other criteria for arable land

rights had been fulfilled (discussed shortly), it was unlikely that a couple, who formed the new 'house', would realise those rights until they had been allocated a residential site and occupied it. In addition, it was evident that contemporary economic conditions often prevent a young married couple from being able to build a homestead for several years after their marriage.

The above situation is very different to the situation in pre-colonial times. In those times, marriage formally marked the entrance of both spouses into the chiefdom as adult members of the community. As adults, the married couple had rights and responsibilities which were expressed in the way the community's resources were made available to them. Primarily, the allocation of a residential site and of arable land followed an oath of allegiance to the chief. Given the mobility of the chiefdom and its political definition in those times, the allocation of a residential site, in particular, was relatively insignificant. Yet it did signify tangibly if temporarily, the status and membership of occupants to a particular chiefdom.

Thus, the current observation indicates a shift in the importance of the land category, the residential site. In contemporary times, it is effectively a pre-condition for gaining access to arable land and not just a tangible signification of allegiance to (or nowadays, subjection to the authority of) a chief. In short, the residential site has gained a more rigid specification than before as a land category.

Secondly, a residential site can, in contemporary times, have an arable allotment attached to it. People can nowadays effectively inherit the homestead of an agnate and with it a portion of the latter's fields. Although, people have inherited homesteads in the past, there was no precept, in Moshoeshoe's time, that an arable landholding could be associated with a residential site beyond the lifespans of the site's occupants. In effect, the current situation in comparison to the past suggests an extension of the rights attached to the residential site.

Thirdly, there are indications that the current trends described above, are being matched by a corresponding increase in the area of residential sites. On occasion, agnates who occupy different sites but which are in close proximity to each other, amalgamate them into a single fenced off compound. Alternately, disputes over landholdings that are next to residential sites, suggest sometimes an effort to make that land an integral part of the site

and thus, an inalienable piece of land.

Together, the three developments suggest changes in the articulation of administrative and usufruct land rights. An understanding of these changes is given through an analysis of other land categories. Such an analysis reveals the diffuse causes for the three developments. These causes are located in the following discussions and considered in the concluding remarks of this chapter.

(b) Fields:

Although the evidence is not conclusive, it does appear that in the days of mobile chiefdoms and for much of the 19th century, people could obtain arable lands far in excess of their immediate needs. For instance, Ashton (1952,145) notes that clan elders of the Tlokoa chiefdom could obtain large areas of land. Reportedly, a portion of these lands were reserved for distribution amongst needy kinsmen or future generations of agnates. To what extent this practice was a norm, an artefact of freely available land or an artefact of the 19th century agricultural trade, is debatable.

Nonetheless, the evidence on the demise of that agricultural trade and the attendant political, economic and demographic developments, suggests that this practice would have been untenable by the end of the 19th century. Moreover, in a British administered 'Basutoland' the significance of the relationship between arable land allocation and the authority of the chieftainship cannot have been lost on the chiefs. Thus more precise stipulations as to who could have arable land, and how much, had to come into existence. Certain criteria for gaining access to land did evolve. These have been variously defined and expressed in the different ethnographic records on Lesotho.

Laydevant(1931,227), writing on the situation in the 1920s, states that:

"Each citizen of Basutoland has a right to three fields while widows and old men who are exempt from tax have a right to one field only."

Sheddick(1953,45) is more informative than Laydevant(öþ cît) by specifying the criterion of citizenship as a fundamental prerequisite for gaining

access to arable land. In addition, Sheddick(op cit,58) qualified this criterion by implying that sex and marital status were equally significant, if informal, criteria. The implication lay in his noting that it was normally married males who held usufruct title to fields and that a man should receive three fields upon his first marriage and additional two fields for every subsequent wife.

Ashton(1952,144) corroborated Sheddick's(op cit) findings but added the following qualification:

"These rights(to arable land) normally accrue on marriage, although unmarried adults of either sex may be given agricultural land, and....bachelors are entitled to a house site independent of their parents. Payment of tax is sometimes claimed to be the basis of these rights, but here again exceptions occur; men do not forfeit such rights when they are exempted from payment of taxes on account of poverty, old age or physical deformity, and widows or elderly spinsters, who are not required to pay tax, are nonetheless entitled to similar rights...."

In addition, Ashton(op cit,146) noted the existence of the three field norm. He noted, however, that this was an ideal of limitation applicable to the "household" and that, in reality there was considerable variation in the size and number of fields held by households.⁽¹⁾ This theoretical norm, he argued, was based on the three main crop types that were grown by Basotho. These crops were maize, sorghum and wheat, and ideally, each household should have had one field for the cultivation of each crop.

Murray(1981,70-71) summarised in effect, earlier definitions of the criteria for rights to arable land. Yet, writing in a different historical context, he too, found it necessary to add qualifications:

"The criteria nominally applied to assess an individual's claim for an allocation of land are citizenship, sex and marital status. An indispensable first condition is membership of the political community defined by reference to the chief's area of jurisdiction. A second condition is that the applicant be male. Women do not normally hold usufructory titles in their own right, though married women and widows have clearly defined rights to maintenance from the product of their husbands' fields; while an unmarried daughter cannot in..

(1) Ashton(1952,22) defined household as basically consisting of a man, his wife and children. Implicitly, Ashton equated the 'household' to its physical manifestation - the homestead.

"...general expect a personal allocation of land at her own natal place. A third condition is that the applicant be married. Thus, a married man domiciled in the chief's area is in principle entitled to an allocation of three lands...., for cultivation of maize, sorghum and wheat respectively."

The above quotations on the criteria of arable land rights are translations which abbreviate complex processes of arable land allocation in the history of Lesotho. There is a danger of reifying these criteria, as Ashton, Murray and Sheddick (in a later work; (1954)) were aware of in their writings. This is evident in the qualifications made by Ashton and Murray above. The qualifications indicate clearly the indeterminate nature of the criteria, particularly those of sex and marital status. Thus, only in the most general sense could these authors identify three longstanding criteria for gaining access to arable land in Lesotho. Yet, when we compare the different periodised quotations above, the differences between them indicate the fluid computation and application of these criteria over time. In short, no criterion is absolute. Thus an immediate indication is given that fields, while being a central land resource in Lesotho, have been re-categorised over time. An examination of the three criteria, citizenship, sex and marital status, illustrates this process.

(1) Citizenship as a criterion for rights to arable land:

While the criteria of arable land rights are not absolute, the criterion of citizenship has become more so than the others. In the days of mobile chiefdoms, 'citizenship' was a transient phenomenon, given the political structure of chiefdoms. Yet, once Moshoeshoe had united the various chiefdoms and refugee groups, acknowledgement of his paramount authority added a more concrete political definition of 'citizenship'.

As the 19th century progressed, the political and cultural demarcation of a 'Basutoland' and a 'Basuto tribe/nation' endorsed the earlier political definition of 'citizenship'. Once 'Basutoland' had become a defined geo-political entity, ethnicity, the chieftainship based political structure and territory specified citizenship. Any person who was domiciled in 'Basutoland' and who expressed allegiance to the paramount chief and the British Crown was a citizen of 'Basutoland'. This definition of citizenship has persisted through to the present day, although some modifications have

been made since Lesotho gained its Independence in 1966. Obviously, expression of allegiance to the British Crown has fallen away. Application for Lesotho citizenship is now made through the Ministry of Interior. Moreover, since the formal emancipation of women in 1966, the legal implication is that women have the same rights as male citizens.

At the local level the structuring of administrative areas and the identification of the chieftainship with land, corroborated the evolution of a national definition of citizenship. Citizens were domiciled in defined localities under the jurisdiction of a chief. With regard to land, domicile in a locality and acknowledgement of the chief's authority gave the resident a right to land in that locality. In short, citizenship has become the fundamental criterion of arable land rights.

While citizenship identifies an individual's basic right to land, other criteria elaborate that right. Every resident in Lesotho can claim a right to land on the basis of citizenship but not everyone has equal rights to arable land. This inequality has been generated by the evolution and the application of the other two major criteria, sex and marital status. Yet it is potentially misleading to state that rights to arable land in a locality are defined by these criteria. To be specific, the rights to arable land are defined by the social relationships which an individual has with others in the political community of the ward. Amongst those relationships, sex and marital status are the most visible and publicly expressed criteria used for defining social relationships. Thus sex and marital status are tangible criteria but their significance in arable land allocation has changed over time as the structure of social relationships in ward communities has changed.

(2) Sex as a criterion for rights to arable land:

Generally speaking, rights to arable land have been vested in males, in terms of both popular understanding and the implication of legal codes. This andro-centric bias has an ideological and historical foundation which continues to be expressed in contemporary times. The evolution of this bias, however, is not clear cut. Changing political and economic conditions have influenced the balancing of men and women's rights to arable land.

In the pre-colonial era, chiefdoms existed by virtue of the fact that a chief could command a following and personally own a large proportion of the chiefdom's cattle. In order to maintain that political and economic superiority, the chief needed the services of male warriors. In return for their services, men obtained protection for themselves and their dependants. In addition, the men would receive cattle from the chief either directly, as part of the booty from cattle raids, or indirectly, under mafisa arrangements with their chief. This political relationship between the chief and his male followers defined the rights of the chiefdom's members to arable land. As I discussed in chapter 2, the exploitation of land was largely engineered by the fission of villages and chiefdoms. Given that intra-chiefdom fission would normally have been initiated by disputes between the chief and male followers, land would have been apportioned with prime reference to men.

This reference to men rather than women would have been endorsed throughout the 19th century, given the military and political developments of that century. Thus, it is not surprising that early ethnographers (e.g. Ashton, 1952; Sheddick, 1953; 1954) on Lesotho in this century, encountered an andro-centric bias in arable land rights. Yet there is evidence in the ethnographic records that this bias was not progressively endorsed but rather, fluctuated in significance.

For instance, Ashton's report (1952, 145) that amongst the Tlokoa, land was apportioned with a view to provide for the future generations of the male recipient, suggests a flexible definition of arable land rights for men and women. Although such land would have been vested in males, it would not have been vested to the exclusion of women. Rather, the above practice suggests that the land was vested by reference to the man, his wives, his other dependants and to the needs of other members of the chiefdom. Therefore, it is unlikely that women would have been excluded from the decision making.

On the contrary, there is evidence that women were active influences in the apportioning of arable land. For instance, administrative rights to land have not been the preserve of males. Chieftainesses have existed since pre-colonial times (Lye, 1967; Sanders, 1969; Ashton, 1952, 197-198) and

there is no indication that women are being excluded from such office in contemporary times.⁽¹⁾ Moreover, the criterion of sex in arable land rights has been legally contested throughout this century, as I discuss shortly. In addition, recent legal developments such as the formal emancipation of women, suggest a contemporary formal attack on the andro-centric bias in arable land rights (see Gay, 1980; Poulter, 1981).

In view of the above, the intimation is that sex is an informal but significant criterion of arable land rights in Lesotho. As an informal criterion, it has effectively led to the discrimination against women in the allocation of arable land. Such discrimination in this century, however, has not been applied consistently to all women. Generally speaking, this discrimination has served to differentiate the rights to arable land amongst different categories of women (e.g. widows, divorced women, unmarried women). Such differentiation, however, has been inconsistent with legal developments on the status of women. Thus, there has been considerable variation in the formal and informal rights of women to arable land throughout this century. This process is discussed below.

Laydevant (1931, 227) was not far off the mark in stating that widows were entitled to only one field in the 1920s. This was not a legal stipulation, however, but a discriminatory practice, of depriving widows of their late husbands' fields. It appears that arable land was a scarce resource by that time and that, this practice was one response by chiefs to meet claims for arable land from men (Sheddick, 1954, 164). In addition, this practice appears to have been widespread in the country, given the amount of official attention it received in the 1930s and 1940s.

In 1936, for instance, the paramount chief proclaimed that widows were not to be deprived of their late husbands' fields (ibid). This ruling, however, did not stop the practice but appears to have only restricted its implementation. For in 1938, members of the Basutoland National Council noted that a widow was likely to lose one of her husband's fields upon his death (Ashton, 1952, 146). They added, however, that there was no legal prescription for this

(1) Perry (1977) and Spiegel (1979) conducted research in wards which were under the jurisdiction of chieftainesses. Near my area of field research a ward was being administered by a chieftainess in 1981.

practice(íbid). In 1946, this finding of the council was endorsed by the paramount chief. The paramount chief issued an edict in that year, to the effect that, a widow had the same rights as any fieldholder and thus, she was entitled to keep all her late husband's fields(íbid).

Thus, it is clear that widows have gained in time, the same formal rights to land as men. It could be argued, however, that the origin of these rights for widows differs in respect to men, as the widow's rights are based on a former attachment by marriage to a man. Yet, this would be a confusion of the issue. As I illustrate in the following section, marriage has become a necessary prerequisite for gaining access to land for either sex. Where there is tangible evidence of discrimination against women is in respect to the other categories of women.

In spite of the elusive suggestion given by Ashton(1952,144)(see page 67), that women had formal rights to arable land in their own right, there is no tangible evidence that this applied or now applies to unmarried or divorced women.(1) Rather, the evidence from research in recent times indicates that, divorced women are excluded from gaining access to arable land on the basis of their sex and marital status, while unmarried women are excluded(as are unmarried men) on the basis of their marital status. In effect, there is a fine line here between the criteria of sex and marital status, between an informal and a formal criterion respectively.

In addition, while there is no formal exclusion of women in general from gaining access to arable land nowadays, a number of recent studies(e.g. (e.g. Murray,1976;1981; Spiegel,1979; Gay,1980) have shown that divorced and unmarried women do not gain access to arable land by formal means. Yet, as I illustrate in later chapters on my own field data, such women are using informal means to gain access to arable land. In turn, I argue that these means, in the context of current trends in land allocation, and land

(1) With regard to past situations, this is an issue which would entail far more analysis than space here allows. There is a vast number of variables which one needs to be aware of in terms of their differential impact and operation over time; and this consideration would justify a separate study (e.g. kenela-the levirate practice; bonyatse-informal cohabitation: (both legitimate and censured); the long term effects of the migrant labour system and of missionary influence on the social and economic position of women; and the perspectives of Basotho informants(and ethnographers) past and present.

use, may be working against the dichotomy between the formal rights and the realisation of those rights.

(3) Marriage as a criterion for rights to arable land:

Like the criterion of sex for arable land rights, the criterion of marriage is neither discrete nor absolute in definition and operation. It overlaps considerably with the other criteria of citizenship and sex. With regard to citizenship, marriage is a constituent of citizenship in general, in that it forms part of the legal basis for the defining of the community's past, current and future members. With regard to sex, marriage is a major means by which status and roles are ascribed to individuals in a community. Yet, the generality and the almost timeless quality of marriage belie its specific and thus, changing significance, in the matter of arable land allocation in Lesotho. A look at marriage itself illustrates the changing relation between its general principles for social organisation and its specific application as a criterion of arable land rights in Lesotho.

It is axiomatic to understand marriage as a public expression of an individual's transition from childhood to adulthood. In numerous studies of pre-industrial societies around the world, the perception of who is an 'adult' has been seen to be based on relatively clear cut rites of initiation and confirmation. Central to these rites were marriage ceremonies. Adulthood, however, has come to be defined by many diverse criteria in the modern era. In Lesotho, these criteria include completion of a first mine contract for a young man, payment of taxes, financial contribution to support rural kin, occupation of own homestead and, to a lesser degree, age (Ashton, 1952, 144-147; Murray, 1981, 70-71).

In view of the above, a dual problem of conception and expression of marriage, as a criterion of arable land rights in Lesotho, is raised. Firstly, to list marriage as a criterion is to abbreviate the notion of adulthood - a problematic elision in itself when that notion has become so flexible and so intangible for definition. Secondly, abbreviating this notion implies that marriage is a relatively concrete criterion and thus a definitive reference point for the definition of individuals' rights to arable land. The resultant impression is that marriage is a condition extant immediately after being initiated by a couple and concerned kin.

In effect, the resultant impression is a reification of marriage as a criterion of arable land rights. Marriage is effectively defined out of the context in which it operates as a criterion. In addition, analytical use of marriage on these terms obfuscates the changing relation between the general principles of marriage for social organisation and its application in arable land allocation.

Murray(1981,119-148) effectively questioned the above reification an analysis on the persistence of bridewealth in Sesotho marriage contracts. His analytical reconception of marriage is, as discussed below, applicable to an analysis of arable land rights. Murray's reconception of marriage was to see it not as a condition but as a process, the legal and social functions of which change during the lifespan of a married couple. Thus Murray(op cit, 142-146) illustrates how legal paternity over children, born in marriages contracted by bridewealth payments, is dependent upon the extent to which a husband has completed his bridewealth commitments. Since bridewealth payments may take many years to complete(Murray,op cit,128-142), a father's legal claim to paternity of his children is one achieved in time rather than prescribed through initiation of a marriage contract.

By seeing marriage as a process, the general application of it as a criterion of arable land rights becomes quite clear. In the beginning, the initiation of a marriage contract grants a couple formal rights to the resources of the community(including arable land) in which they reside. Yet, in the context of the historical foundation of marriage in the 'house-property' complex', marriage is but an expression of the formation of a new lelapa. As we saw earlier, a 'house' has always been defined in reference to the wider community. Thus it is perhaps, more appropriate to say that, it is the formation of a new 'house' which marks the primary condition for establishing rights to arable land.

It is only at this point of 'house' formation in marriage that rights to arable land are prescribed. As the marriage progresses, rights to land become dependent upon the individuals' commitment to their 'house'. For instance, if a couple separate and the wife leaves the husband, the husband remains in principle, the jural head of an existent 'house'. Thus, in principle, the husband is entitled to retain usufruct title to any arable land attached to the 'house'. The wife, however, has effectively removed

herself from the 'house' and unless she returns she has no claim in principle to the land allocated to the 'house'.

If the wife does divorce her husband and returns to her parents(as is often the case in contemporary Lesotho), she effectively reincorporates herself into her parents' 'house'. Thus, she would not be eligible for an allocation of arable land.⁽¹⁾ By seeing marriage as a process, we have in this instance an illustration of the relation between the criterion of sex and of marital status in arable land rights. This instance is in direct opposition to the principle applied in the case of the death of the husband. In that case, the wife has not left the 'house' and thus, has a legitimate claim to the arable land allocated to the house.

In formal terms the operation of the marriage criterion to the categories of women above, applies equally in reverse to men. Yet, as discussed in the preceding section, the formal operation of this criterion has been confounded in practice by the informal operation of the sex criterion. Thus we have an indication of how marriage cannot be an absolute criterion of arable land rights although it is formally a fundamental criterion.

Although, the conception of marriage as a process can give insight into arable land rights criteria, there is one problem in its use, as it stands above. It cannot be forgotten that a 'house' is defined primarily in reference to the wider community in which it exists. This reference thus affects any application of the marriage as a criterion of arable land rights. Therefore, as a marriage progresses and rights to land become dependent upon the individual's commitment to the 'house', the rights also become dependent upon the individual's commitment to the wider community. As discussed in chapter 2, the definition of the community in Lesotho has changed markedly over time. Thus any practical analysis of developments in land tenure must focus on the changing relation between the 'house' and the

(1) In practical terms of research, the analysis of marital separation and divorce is problematic, given the synchronic studies of ethnographers. Under the migrant labour system, wives are inevitably separated from their husbands for long periods of time. The removal of wives to parents' homesteads can be part of marital strategy on their own and on their parents' part(e.g. to secure further bridewealth payments and/or financial support from husbands)(Murray, 1981, 119-148). Thus in short periods of fieldwork the ethnographer often has difficulty in categorising informants' commitment to their 'houses'.

wider community (discussed below).

From the above discussions, it is clear that citizenship, sex and marital status are criteria of major significance in the historical and contemporary definitions of arable land rights in Lesotho. It is also clear that these criteria vary in significance according to changes in the social, political and economic contexts in which they operate. Thus it is evident that analysis of arable land rights criteria must proceed with caution, as their expression is always specific to conditions at one point in time.

In addition, it is clear from the above discussions that these criteria are not beyond the control of the people who created them. These criteria have been manipulated in the past and continue to be manipulated. Yet, given that their manipulation is in the context of changing social conditions, the operation of these criteria has led to significant changes in the categorisation of arable land in Lesotho. In turn, this has led to changes in the relationship of Basotho to arable land. This process is no more aptly illustrated than in the practice of arable land inheritance.

(4) The inheritance of arable land:

The evolution of arable land inheritance as a legitimate practice, highlights the conditional nature of land law and custom. An examination of this evolution, illustrates the ways in which legal and folk definitions of rights to a specific land category are not only manipulated but, actively changed by responses to social conditions of existence. Moreover, an examination illustrates how those responses affect definitions of other land categories. In this case, the expressed other category is the residential site. Yet as indicated below, the effects of arable land inheritance on the residential site has a direct bearing on the land category, gardens (discussed in the following section). The net effect of this complex process is a continual redefinition of the ideas contained in the phrase, Mobu ke oa Sechaba (land is the people's).

The expressed Sesotho meaning of the phrase "land is the people's", has been that, people have only usufruct right to arable land for the duration of their lifetime. Apposite to this phrase is the longstanding and firmly held Sesotho maxim, "Mobu hase lefa" (land is not an inheritance) (Ashton, 1952,

149: Sheddick, 1953, 60; Hamnett, 1975, 77; Murray, 1981, 72). The reasons for the origin of this maxim are not hard to locate. As we saw in chapter 2, the 19th century saw a largely collective struggle by Basotho to prevent their alienation from land by Europeans. The outcome was the Sesotho rejection of the European notion of land as private property. This outlook was then entrenched by the British interpretation of land tenure in Lesotho.

The presence of this maxim thus suggests that the practice of arable land inheritance is something of an anomaly. If it is taken as an expression of 'customary law', there would appear to be a direct contradiction between law and practice in Lesotho. The contradiction, however, exists only if we presume an extant land tenure system and are consequently led to seek absolutes in the definition of that system. As I have argued in the preceding text, land tenure in Lesotho cannot be defined in terms of absolutes as the practice of arable land inheritance indicates. The fact that arable land is, and can be inherited, reflects the relativity of practical conditions to land tenure principles.

The question is how has arable land inheritance become an integral aspect of land tenure in Lesotho, in principle and in practice? In very general terms, we can say that arable land inheritance stemmed from the consequences of circumscription of Lesotho's boundaries, migrant labour and population growth. As the population grew, arable land became a scarcity in Lesotho. Meanwhile, it became necessary for Basotho to seek wage employment in order to support themselves. As the income from agriculture declined such that the necessary cash inputs could not be met from the sale of its products, wage remittances became the main means for the maintenance of agricultural production. A consequence, as Murray (1976; 1981) and Spiegel (1979) have noted, is that rural landholders have become dependent on wage earners who are sometimes landless.

In addition, Murray (op cit) and Spiegel (op cit) noted that it was sons who usually provided the financial support for their landholding parents, and thus sons had a vested cash interest in those landholdings. In the context of land shortage, that interest could be translated into an expectation to acquire the landholdings. With regard to the migrant labour system, Murray (op cit) and Spiegel (op cit) demonstrated this translation. They illustrated how the expectation to acquire the landholdings was legitimated, in terms of the material interdependency between rural residents and absent wage

earners. In their terms, the transfers of wage remittances from the wage earners to the rural residents maintained rural activities. In return for their financial contributions, the wage earners obtained social security in the rural areas when they returned or retired from wage employment. Included in that social security was access to the arable land which they had made productive. Thus Murray(op cit) and Spiegel(op cit) demonstrated a material basis of arable land inheritance in contemporary times and by implication, in this century's past.

This demonstration, however, does not effectively explain how or why arable land inheritance has been legitimated. It tends to accept the contemporary situation of arable land inheritance as an explanation of its past evolution. This is a simplification, given the relativity of practical (in this instance the wage labour), conditions to principles of land tenure. Moreover, it does not indicate why or how the practice of arable land inheritance itself, has changed. Thus there can be no illustration of how this practice has affected other land categories in Lesotho. To answer these criticisms, analysis must focus on how the material interdependency between the rural residents and the absent wage earners has been interpreted.

With regard to arable land inheritance, this material interdependency was first formally recognised in 1947-48, by the Basutoland National Council (Sheddick, 1953, 60). In view of this interdependency and then, current litigation to legitimate arable land inheritance, the Council acknowledged the informal expectation of sons to inherit their parents' homesteads and arable land rights (Sheddick, 1954, 168). Recognising these developments, the Council recommended the formal acceptance of arable land inheritance as a legitimate practice (ibid). Subsequently, the recommendation was approved and the relevant sections of the Laws of Lerotholi were revised (ibid); (see Melao ea Lerotholi, 1981, sections 11-13).

The only condition in this legal revision was that an heir dwell in or near to the homestead of the deceased. This condition nominally endorsed the criterion that a new 'house' be formed and be existant before arable land rights could be realised. Yet, this revision effectively modified the operation of this criterion. In effect, the revision formally linked the residential site to the land category, arable land. Moreover, it linked the site and the arable land to specific individuals and by implication, to

their specified descendants. Furthermore, this revision effectively prescribed the continued residence of an heir in the same ward as his benefactor. Implicitly, this prescription and the specification of individuals to residential sites concurred with the ideals of agnatic kin ties.

The corollary to these underlying effects of the legal revision was to promote the significance of the 'family council'. The 'family council' was a loose body of agnates who generally, maintained the ritual and social bonds between agnate and affinal kinsfolk (Sheddick, 1954, 20-21, 61; Hamnett, 1975, 49-52; Poulter, 1981, 107). Specifically, it was the group which formed to distribute the estate of a deceased agnate (Hamnett, op cit; Poulter, op cit). As its functions intimate, the 'family council' was not necessarily a co-residential group nor was it a particularly strong corporate group. Yet, the legal revision subtly modified the 'family council's' functioning and long term development as an institution.

Primarily, the legal revision enabled the 'family council' to become directly involved in the allocation of arable land. Previously, the 'family council' had informally transmitted a residential site to an heir, as part of a deceased person's estate was his/her homestead. Yet, once the residential site had been formally linked to an arable landholding, a person's estate was implicitly enlarged to include the landholding. Subsequently, when the 'family council' deliberated on the inheritance of a deceased agnate's homestead, it was also drawn into deliberating on the arable land inheritance.

Secondly, the legal revision implicitly re-oriented a probable trend in the previously informal practice of arable land inheritance. In the context of the migrant labour system, the trend would have been towards this practice being defined by a narrow-based material relationship between parents and their sons. This trend would have been away from the formal principles of kinship which ideally, had defined the relationship between parents and offspring and the latter's rights to arable land. The new legal dispensation, however, formally and effectively re-established the close relation between principles of kinship and arable land rights. This was achieved through the agency of the 'family council'. For given the social orientation of its composition and functions, the 'family council' was in

a position to assess both the social and the material commitment of the heirs to their parents.

On the surface, this linkage between kinship and arable land rights was nominally consistent with the communal ethics of arable land allocation. In general terms, the 'family council' was a body which could assess competing claims for arable land, invoke social and moral criteria for its decisions and ultimately ensure a fair distribution of the deceased's estate. In particular, the 'family council' could prevent the realisation of an inherent bias in the concept of inheritance. For, in regard to arable land, inheritance implies (a) that the land could be the private property of individuals and, (b) that the distribution of the land could be made in favour of one or a few individuals at the expense of others.⁽¹⁾ Yet, by having a group of persons to decide on the re-allocation of arable land after the landholder had died, these implications could be sanctioned. In effect, the 'family council' could arbitrate between the practical conditions which had given rise to arable land inheritance with the historically based ideals about land.

Nonetheless, it is precisely this undefined power for the 'family council' to arbitrate in arable land inheritance that has led to modifications to the communal ethics of arable land allocation. In addition, it has led to changes in the practice of arable land inheritance. To understand these developments, it is necessary to reconsider the contexts in which the practice has evolved.

Primarily, it must be noted that the practice has developed in the context of a decline in the chiefs' authority. The practice of arable land inheritance has effectively contributed to that decline. In effect, the practice signified the intrusion of commoners into the domain of administration of arable land rights. As the chiefs have been stripped of much of their former power and authority, the net result has been that commoners intrude into that domain from a strong base:- actual title to areas of arable land that the chief has less authority to administer.

(1) This bias is well recognised in Sesotho. The Sesotho phrase for "to inherit" is "ho ja lefa". Literally, this means "to eat the inheritance"; that is 'to take the whole at the expense of others'.

Secondly, in the context of land shortage, it was inevitable that the practice of arable land inheritance become a major means of gaining title to arable land. In addition, in the context of the migrant labour system, the dependence of parents on their sons is not necessarily restricted to one son. To these contexts is added the fact that arable land inheritance is decided by the consensus decisions of a group, the 'family council'. The combined effect of the above has been to pressure the 'family council' to divide up landholdings amongst several heirs. As the heirs must reside in close proximity to their benefactors, the net result is a concentration of kin in a ward. Thus, there has to be a long term effect on the functioning of the 'family council'. Inevitably, it has become a closer knit association of agnates who are well acquainted with the economic and the social affairs of each other.

In turn, the concentration of kin, specifically agnates, has created the potential for agnates to form a powerful pressure group to influence the chiefs' decisions in arable land allocation. Thus, again there has evolved a challenge to the chiefs' powers of administering the land. In effect, the chiefs' powers are challenged by the increasing strength of commoners' formal usufruct rights to land and their informal power, to obtain arable land under conditions of land shortage.

This is reflected in the contemporary developments concerning the land category, the residential site(see pages 64 -66). Firstly, there is the development that a 'house' must occupy a residential site before realising its rights to arable land. Clearly, this has been influenced by the formal association of a residential site to a specific landholding. The practice of arable land inheritance demands this association and thus the condition for the 'house'. In effect, the chief has only the authority to oversee that this condition is met but in the process, confirms the application of it.

Likewise, the association of the residential site with a landholding has clearly extended the rights attached to the former. The implicit consequence of the association, as noted earlier, was the specification of individuals to the site. In this context, the contemporary development whereby a son(s) inherit a portion of their parents' landholdings during the latter's lifetime can be understood. Having been identified with their parents' landholdings, sons can then use their financial contributions to confirm their right to those landholdings.

Finally, there is the development (page 65) whereby disputes over landholdings next to residential sites, suggest efforts to make those landholdings an integral part of the residential site. This development is a practical corollary of the above implicit and explicit trends in the practice of arable land inheritance. While such a practice has not yet rigidly defined a specific landholding to a residential site in perpetuity, it has virtually made the site an inalienable land category. Thus, it would be logical for individuals to try to incorporate arable land within the residential site. For by achieving this, the arable land is effectively recategorised. It falls under the category of the residential site and not arable land. Thus, in the context of land shortage, some arable land is effectively made inalienable from its user.

In view of the above discussed evolution and consequences of arable land inheritance, the recent legislation on land needs to be re-considered. In this context the relevant legislation is the 1979 Land Act and the 1980 Land Regulations. Some recent discussions (e.g. Spiegel, 1980) have suggested that the 1979 Act in particular, may radically alter land tenure in Lesotho. The radical intent of the Act is seen to lie in its allowance for the leasing of arable land (which in some cases may be inheritable) and in the clauses on inheritance (Spiegel, *op cit*; Murray, 1981, 66), (see Lesotho, 1979, 197-198, sections 8-11). In short, these clauses are seen to imply that arable land will increasingly become the private property of individuals.

In view of the above discussions, I would question this outlook of observers on Lesotho. With regard to the leasing of land, there is no indication that the clauses will effect a significant departure from current trends in arable land allocation. Essentially, the purported radical intent of land leasing rests on the implication that arable land will become private property. This would intimate a destruction of the historically based communal ethics of land tenure in Lesotho. On the contrary, I would argue that such a development is unlikely. My argument is based on the emerging trends in arable land use, as indicated by my own field research. I discuss these trends more fully in Chapter 7 but what they indicate is increasing communal use of individual landholdings. Thus to be brief, an individual may nominally hold arable land in perpetuity, but the title is of little value unless he/she allows other individuals access to the land. In short, the relativity of practical conditions to land tenure principles will affect implementation of land leasing. Land leases

are effectively a threat to commoners' usufruct rights to land and, and it is unlikely that they will not deflect the threat.

Such a deflection has already been realised in the evolution of the practice of arable land inheritance, as discussed above. In fact, the 1979 Land Act's clauses on such inheritance do not reflect a radical departure from trends in the practice. Essentially, these clauses only confirm citizens' manipulations of land tenure principles. This is evident in Section 8(2) and 8(3)(Lesotho, 1979, 197-198) which reads as follows:

"(2)...where an allottee of land referred therein dies the chairman of the Land Committee having jurisdiction shall record in his register the passing of the interest in the land of the deceased allottee to -

- (a) the first male issue of the deceased allottee (who shall share with his junior brothers in accordance with the advice of the family) unless the deceased allottee had designated otherwise;
- (b) where paragraph (a) does not apply, the person nominated as the heir of the deceased allottee by the surviving members of the deceased allottee's family; or
- (c) where paragraphs (a) and (b) do not apply within twelve months from the date of the death of the allottee, the State.

(3) Notwithstanding subsection (2) a surviving spouse or or a minor child of the deceased allottee shall be entitled to remain in occupation of the land allocated to the deceased allottee until his own decease."

In effect, the above clauses give considerable scope for interpretation by the 'family council'. In addition, while these clauses allude to the propensity for individuals to gain individual tenure of land, there is considerable ambiguity in the phrasing. In short, arable land can still be divided up amongst heirs; an individual's claim can still be subject to his/her other agnates' decisions; and the land rights criteria of sex and marital status can be freely interpreted.

Ironically, if the compilers of the 1979 Land Act sought to radically change land tenure in Lesotho, their focus was misplaced. Effectively, they focused on arable land but as I indicated, the citizens have realised the significant land category to effect changes in land tenure. The citizens have concentrated on the residential site. The residential site is the land category which has gained a central place in the definition of arable land rights. A further illustration of this is given below in a discussion on

the evolution of the land category, jarete(garden)

(c) Gardens:

Nowadays, when a residential site has been allocated, the site's boundaries may be so defined as to include some land suitable for cultivation.

Frequently, the site occupants demarcate part of this land, explicitly for the cultivation of cereals and vegetables. This arable plot is commonly referred to as a jarete(garden).

Currently, the garden appears to be a well defined land category. These small arable plots abound in the rural villages of Lesotho. Usually, they are fenced off from the rest of the residential site and from the open land between homesteads. Villagers are commonly in agreement about their rights to these plots. The garden is seen to be an integral part of the residential site. Thus, the garden cannot be removed by the chief. In addition, the site occupants have a right to use their garden as they wish without any interference from the chief or other villagers.

In effect, the villagers' claims explicitly distinguish gardens from fields. While the field is an unenclosed arable plot, the garden is enclosed. The field user can only take the crop and not the stover from the field, as after harvest the field becomes grazing land until the following spring. The garden, however, remains an arable plot throughout the year and the user can dispose of all of its products as he/she wishes. While the chief can allocate and re-allocate fields, he cannot do the same with gardens.

Sheddick(1954,77-78) noted similar distinctions made between the garden and the field as arable plots. Thus, it would seem that there has been no change in the rights to and use of gardens since the 1950s.

In law and in practice, however, there has been considerable ambiguity regarding the categorisation and the use of gardens. In part, this ambiguity arises from a confusion between the description, the function and the qualifications made in Sesotho about small arable plots. The term jarete⁽¹⁾

(1) Jarete : derived from Afrikaans jaart(yard); yard being used in the British sense of an area outside a house.

describes a small arable plot which is used primarily for horticulture. It is, however, not the only label which has been used to describe such plots. Sehoana and Serapana are alternative labels which descriptively distinguish between fields and gardens in terms of their comparative sizes. For Sehoana and Serapana are expressions for diminutive forms of Seho(small field) and Serapa(small arable plot) respectively (Sheddick, op cit, 78; Mabilile & Dieterlen, 1979). Alternately, the term, Lerako has been used, in reference to the enclosure of gardens (Sheddick, op cit).

These alternative labels, however, refer primarily to arable landholdings which can be allocated and re-allocated by the chief. In addition, they have been used to express a nuance in the rights of commoners to arable land. The Seho and the Serapa were types of arable land which could be gratuitous allocations on the part of a chief to a commoner. Thus, they were not effectively fields (masimo) to which commoners had a fundamental right (Sheddick, op cit, 77).

Thus, the association of the Sesotho labels for small arable plots with gardens implicitly confuses the rights attached to gardens, small arable plots and fields. This confusion, however, has not been just an abstract anomaly in the categorisation of arable land. It is an artefact of rhetorical arguments between chiefs and commoners over arable land allocations. Ever since the garden was introduced as a land category by the colonial administration, this confusion has been deliberately maintained. In short, the ambiguity in the categorisation of gardens has been an integral aspect of land tenure in Lesotho.

Having recognised this ambiguity, we can proceed to understand why it has occurred. In the following discussions, the origins and the evolution of gardens as a land category are examined. This examination reveals how alien ideas about land have been accommodated by Basotho. In turn, this process of accommodation illustrates the conditional reasons why gardens have become a land category.

Gardens were formally introduced as a land category by the colonial administration in the 1930s (Agric Dept, 1934, 10; Sheddick, op cit, 78). Previously, Sheddick (1954, 78) reported, there was no such land category in Lesotho. The nearest type of land to the garden was a "small patch of

"..land not more than five square yards for the cultivation of tobacco" (ibid). Effectively, this patch fell under the category of Seho and Serapa referred to above.

Sheddick(op cit,78-79) went on to note how gardens came into being. He argued that they were created partly, through Basotho emulating the habit of the European residents in Lesotho to establish and enclose gardens around their houses. In addition, Sheddick(op cit) discussed how that emulation was facilitated by the colonial administration's encouragement of Basotho to practice horticulture.

In the 1930s, the Agricultural Department began a campaign to promote the production of fruit and vegetables in Lesotho(Agric Dept,1934,10). It was an intensive campaign which involved the training of Agricultural Demonstrators and encouraged the participation of chiefs, local agricultural associations and co-operative societies(Agric Dept,1936,8). Basotho were encouraged to establish vegetable plots and orchards on their residential sites under the supervision of the Demonstrators(Agric Dept,1936,8; Sheddick, 1954,78).

The Agricultural Department's campaign was ostensibly designed, simply with a view to improve the diet of Basotho(Sheddick,op cit,78). Consequently, this campaign's functional advantages and the intensity of the Agricultural Department's efforts, were seen by the British observers to account for the campaign's success(Agric Dept,1937, 1945). The number of gardens increased dramatically in the 1930s and the 1940s(Sheddick,op cit,78-79; Stutley,1960, 99). In addition, Sheddick(op cit,78-79) noted that Basotho had enlarged their gardens and diversified production on them to include cereals.

The undoubted success of the campaign appears, however, to have clouded the British observers understanding of why gardens were accepted by Basotho. In particular, Sheddick(op cit) while being informative on the origins of gardens, simplified their subsequent evolution as a land category. In his view, gardens came into being, effectively in terms of the British understanding of their purpose(i.e. to grow vegetables) and their location (i.e. next to and part of the homestead). Accepting implicitly that this understanding had been accepted by Basotho, Sheddick saw no difficulty in the categorisation of gardens. The rights to gardens were seen by him, to

be clearly identified by the garden's purpose and location. In short, Sheddick envisaged a completed development by the 1950s, excluding perceived minor modifications in the size and use of gardens.

What Sheddick and colonial officials failed to identify was the ongoing process of gardens as a land category. Sheddick's analysis emphasised the spatial and functional criteria in the definition of gardens at the expense of temporal and structural criteria. Consequently, Sheddick failed to consider the articulation of these criteria together. The colonial administration's campaign envisaged the integration of two forms of agriculture, horticulture and pomiculture, on residential sites. The reports of that campaign saw only the functional response to that campaign.

If we add what is missing from Sheddick's analysis and consider with hindsight, the broader response of Basotho to the colonial administration's campaign, a very different picture of gardens emerges. Generally speaking, principles and practices of arable land use prior to the campaign broadly defined the subsequent categorisation of gardens (though never definitively). The broad response of Basotho to the campaign was defined by economic conditions. In effect, these conditions led to different sets of responses to the campaign. The conditions and these responses effectively distinguished between the vegetable and the fruit growing programmes in the campaign.

(1) The responses to the Gardens programme:

The responses of Basotho to the gardens programme was based on historical and then, contemporary economic conditions. The presence of British residents in the country had undoubtedly been an informal influence on the formation of gardens (see Taylor, 1972) but as we saw in chapter 2, horticulture had been a longstanding form of cultivation. The specific association of horticulture with defined arable plots was, however, conditioned by economic developments in the early 1930s.

Significantly, the colonial administration's campaign on horticulture came about in the context of a catastrophic period for Lesotho. The world economic recession of the late 1920s/early 1930s resulted in the collapse of local wool prices (Murray, 1981, 14). In addition, Lesotho experienced a severe drought from 1932 to 1933. As a result of this drought,

many Basotho suffered major losses to their livestock holdings while arable production and export was severely hit (Palmer & Parsons, 1977, 24; Murray, 1981, 15).

Therefore, it is not surprising that many Basotho responded enthusiastically to the campaign. The aid of Agricultural Demonstrators on their plots provided the hope of producing alternative foodstuffs in sufficient quantity which might see them through the lean years. In addition, the aid of Agricultural Demonstrators and the intensive nature of this form of cultivation, would have helped offset the emigration of many Basotho to South Africa in the 1930s. For during that decade, a recovery in the South African gold industry increased a demand for migrant workers. Consequently there was a marked increase in the number of men leaving Lesotho for the mines (Palmer & Parsons, 1977, 24).

Similarly, the economic conditions of the 1930s accounts for the intensity of the Agricultural Department's efforts to promote the formation of gardens in Lesotho. Subsequently, the response of many Basotho to establish gardens led to gardens being acknowledged in a revision of the Laws of Lerotholi (see Hamnett, 1975, 82, 139; Melao ea Lerotholi, 1981, section 7(7)).

Nonetheless, the Agricultural Department's efforts and the legal revision did not prevent subsequent recategorisations of gardens by Lesotho's citizens. In fact, the revision to the Laws of Lerotholi in particular, served to add a notion that commoners were entitled by right to a small arable plot. For the implication of the revision was, that a garden was an integral part of the residential site. Therefore, as much as individuals had a right to a residential site, they had a right to a small arable plot. As indicated earlier, however, this implication contradicted the implicit meaning of the Sesotho labels for small arable plots. The labels, Sehoana and Serapana implied that the garden was a gratuitous allocation by the chief and thus, not an allocation by right but subject to the chief's wishes.

In the context of land shortage, this confusion was consciously manipulated by chiefs and commoners alike. Sheddick (1954, 77) himself, gave an indication of this manipulation:

"Basuto families are entitled by established practice to rights over three fields (tsimo). In addition, they may..

"..acquire plots(serapa) and gardens, but to these there exist no established rights of entitlement. The fields represent the rights that may be insisted upon, while plots and gardens are gratuitous allotments the existence of which the Basuto often choose to ignore on all occasions when their holdings of land are in question. A Mosuto holding two fields will often complain of the injustice which robs him of his third field whilst studiously overlooking his possession of, perhaps, two plots and a garden which may themselves exceed the average total size of two fields."

The rhetoric in arable land allocation, indicated by Sheddick, has been compounded in time, by the association of small arable plots with residential sites and, by the practice of enclosing gardens.

For instance, situations can arise where an allotment, adjoining a homestead, is granted by the chief to the homestead occupant on the understanding that it is a serapana. The allottee may then use the plot for horticulture and in time, fence off the area to protect the crops from livestock. In time, the allottee may claim publicly that he/she has no land(tsimo) but only a garden. On that basis, the allottee may then pursue a claim for 'land' - meaning another serapana holding or a field(tsimo). At the same time, the allottee would be attempting to gain public recognition of his/her plot as a garden and thus, a redefinition of his/her residential site's boundaries.

Such a development appears to have occurred in Ha Batho where I conducted field research, although this could not be confirmed. Two neighbours had similarly sized allotments upon which they grew cereal crops. Both villagers had fenced off their allotments to include their homesteads. One villager, maintained that his allotment was a field, the other, however, maintained steadfastly that he had no 'land', only a garden.

Moreover, a number of Ha Batho villagers who had fields(masimo) adjacent to their homesteads, had fenced them off and included the homestead within the demarcated area. In short, this development is, perhaps, indicative of efforts by perceptive Basotho in current times, to obtain permanent hold over some arable land. Since, as we saw earlier, the residential site has become the most tangible and permanent land right, inclusion of fields within their boundaries establishes a de facto translation of that land category into a garden.

Such developments contain within them another underlying and significant extension to usufruct land rights. As noted earlier, the practice of arable land inheritance has extended the rights attached to the residential site. One implication of that extension is, that if a residential site can be inherited, then logically, a garden can also be inherited. The subtle extension to this logic is, that the residential site can be inherited by one heir and the garden by another. In effect, the garden can be separated from the residential site. Consequently, the garden can become disposable by the holder rather than the site occupant or the chief.

Hamnett(1975,82-84) has noted that the above logic has been applied successfully by a commoner in litigation against a chief. Yet, while this development indicates a growing incapacity of chiefs to prevent commoners gaining permanent titles to arable land, it is not a definitive development. As Hamnett(op cit) has pointed out, the success of such claims in court, depends upon how the courts assess the claims in relation to the fundamental principle that land(mobu) is not inheritable and the pressures of land shortage in a rural community. To Hamnett's qualifications we can add another. If a garden and a residential site are separable, and if a site with a garden becomes vacant without an heir, the chief can, perhaps, remove the title to the garden from the site before the site is re-allocated.

My own qualification above cannot be verified, though there are indications that it is reflected in events which I observed in Ha Batho. In Ha Batho some villagers had informally annexed some land between their own and other homesteads. This land was used as a garden and it was referred to as such by the users and other villagers alike. Yet, as I observed in 1981, one of these gardens ceased to be when the chief allocated the land as a residential site to another villager.

What the above longterm responses to the gardens programme indicate, is that these responses have been an integral aspect of the practice of arable land inheritance. That practice, as we have seen, has reflected commoners' efforts to extend their rights to arable land. When the colonial administration introduced gardens, it implicitly introduced a means that enhanced that effort. In effect, the gardens programme generated a focus on the residential site while also challenging earlier principles about rights to small arable plots. The consequence was a struggle by commoners to get

small arable plots identified with residential sites. The result to date has been an emphatic folk association of the residential site with those plots. Yet, while this has occurred, the legal association has been ambiguous. Consequently, there has been scope for further interpretations about gardens as a land category.

On the surface, these interpretations suggest that gardens have become the private property of individuals. The implication here is that commoners have obtained permanent hold over significant areas of arable land. Such an appearance is misleading, however, as it ignores the contexts in which gardens have been categorised.

Firstly, the categorisation of gardens cannot be separated from the practical consequences of land shortage. As fields are divided up, their sizes become smaller. Consequently, the necessity to specify such categories as Seho and Serapa will fall away. Such a process of extinction has effectively been promoted by the rise in prominence of gardens.

The above trends have their corollary on a smaller scale in the villages. As a result of population growth, the villages of Lesotho have grown. One frequent result has been a lack of land available for use as gardens because of the density of homesteads. Only some of the older homesteads have gardens which are relatively large and in some cases are equal in size to fields. Yet, there are indications that even these homesteads are now having to curtail the size of their gardens in favour of homestead expansion. As I noted in reference to residential sites on page 65, there is the incidence of homestead clustering in villages. Such clustering reflects, perhaps, an incipient process of further land recategorisation. Having secured a relatively large residential site, that land could become the space for offspring to build their own homesteads.

Secondly, the categorisation of gardens cannot be separated from its ideational context - arable land inheritance- and the social and economic conditions which influence that context. While gardens have been specified as a land category, access to them has been governed by the principles and practices governing access to residential site and field inheritance. As I noted on page 82, those principles and practices have prevented arable land becoming the private property of individuals.

Photograph 1: Homestead Clustering on a residential Site.



The homestead under construction in the centre of the photograph belongs to the married son of a widow who occupies the homestead on the extreme left. The new homestead is being built in the garden of the widow's residential site.

The concept of ownership which has been an underlying feature in the history of gardens has, in fact, found expression in the responses to the orchards programme. As I discuss below, it is not the land, however, which has become private property but its product (in this case fruit trees).

(2) The responses to the Orchards programme:

In general, the complexity of the responses to the gardens programme has been the opposite to those in the orchards programme. Compared to the fundamental questions about land which the gardens programme raised, the idea of orchards was relatively insignificant. Nonetheless, the orchards programme has influenced land tenure in Lesotho. The main feature of this influence has been a modification in Sesotho principles about trees as a resource of the land. Fruit trees have become the private property of individuals, irrespective of the land upon which they are grown. In short, a careful distinction between the trees and the land has been fostered, as discussed below.

The Agricultural Department's orchard programme began shortly after the gardens programme had been initiated (Agric Dept, 1937, 5). The Departmental policy was to encourage Basotho to establish small orchards on the same terms as gardens and to grow peaches, figs and apricots (ibid). The incentive for Basotho was that the Department would give saplings as rewards to individuals who had cultivated their gardens successfully, had accepted innovations suggested by the Department (e.g. had built compost pits) or had helped improve agricultural facilities (e.g. worked on dam construction) (Agric Dept, op cit, 5, 26). As with gardens, this programme was functionally a success. From an initial distribution of 1,890 trees in 1937, an estimated 11% of rural households had small orchards by 1945 (Agric Dept, 1937; 1945).

It is doubtful, however, that these small orchards were identifiably separate from gardens. The Agricultural Department's reports suggested the definitive existence of orchards. In short, they suggested the evolution of a distinct land category. Unlike the garden, however, the orchard never did evolve into a specific land category. Generally speaking, the reason for this was that fruit growing was economically and ideologically, a secondary feature of the gardens programme.

The whole thrust of the Agricultural Department's policy was to integrate fruit growing with vegetable growing. Thus the orchards were to be established on the same land as gardens. As witnessed in the history of gardens, the prime focus of Basotho after the campaign had begun, was on the land and its relation to the residential site. Fruit trees standing on the land were literally a peripheral issue.

In addition, the revised Laws of Lerotholi effectively limited the scope for villagers to manipulate the orchards programme. This limitation stemmed from a fundamental contradiction in the phrasing of the legal revision. In the legal revision, orchards were placed in conjunction with gardens in the same clause (Hamnett, 1975, 139; Melao ea Lerotholi, 1981, section 7(7)). Thus there was the same implication, as with gardens, that villagers had a right to a small arable plot for an orchard. In addition, there was the implication that orchards could be established on land separate from the garden plot. Thus, there was the potential for villagers to use the establishment of an orchard in addition to a garden, in order to extend both the area of and the rights to a residential site.

Yet, apposite to the above, the revised clause defined orchards in such a way as to preclude the manipulation of the above implications. Orchards were defined as 'tree plantations' (Hamnett, 1975, 139). This definition effectively placed fruit trees in the same conceptual category as trees in general. The significance of this categorisation of fruit trees lay in the fact, that there had never been any clearly defined right or practice of allocation of trees to individuals (Sheddick, 1954, 124-126). Trees had commonly been classified under the land category maboella. As noted earlier, this category defined resources for communal use (e.g. water, clays, wood) and specifically excluded individual tenure of those resources. In addition, this was a land category which was under the direct control of the chief. He alone could specify when a particular resource could be used and, such specification was made directly in reference to the community's needs and the availability of the resource.

Therefore, the fruit trees were a particularly ambiguous resource in terms of right of tenure to them. Implicitly, there was the intimation that the trees were a communal resource. This intimation was enhanced by the Agricultural Department's effectively gratuitous distribution of fruit trees to villagers. Theoretically, it could have been argued that the trees

were a gift from the nation for use only by the recipients. Thus there was the intimation that the fruit trees and their product could be separated from the land upon which they stood.

In effect, the conceptual constraints meant that there was little advantage to be gained by establishing orchards in order to secure access to land. As the history of gardens indicates, villagers did not confuse the implications of both the gardens and orchards programmes, and of the revision to the Laws of Lerotholi. Securing access to land as a garden not as an orchard, gave the interested villager the opportunity not only to grow fruit trees but also to ensure tenure of the land upon which they stood.

In addition there was little economic advantage to be gained from fruit growing. In the context of land shortage, there was little enough land for arable farming and thus, minimal opportunity to establish large orchards. In short, fruit growing became an informal sideline agricultural practice. This is not to deny the success of the orchards programme in stimulating afresh an interest in fruit growing. As the Agricultural reports indicated, there was a large demand for fruit trees. This demand is reflected today in that many rural residential sites in the foothill region have a few fruit trees on them.

Yet, in the contemporary situation the trees are the private property of individuals but not necessarily the property of the site occupants upon which they stand. This development appears to have been generated by the earlier demand for fruit trees and subsequent reaction of the colonial administration's agricultural department. In response to the demand for fruit trees the Agricultural Department later began to sell them and with great success.⁽¹⁾ For instance, in 1962 the Agricultural Department (Agric Dept, 1962) reported that it had sold 30,700 fruit trees in the preceding year alone.

The advent of the Agricultural Department's retail policy implicitly challenged the Sesotho principles on rights to trees. As the fruit trees

(1) I was unable to locate when this change in policy was initiated, from the Agricultural Department's reports I had access to.

were sold, the buyer could legitimately claim right of ownership to them. Yet, given that fruit trees had, in principle, been separated from the land upon which they stood, there was no implicit corollary of ownership of the land. Therefore, it is not surprising that chiefs and commoners alike uphold the right of individuals to own fruit trees. In turn, this has meant that villagers can buy and sell fruit trees from each other. For example, in 1981 a villager of Ha Batho bought 4 peach trees which belonged to a neighbour and which were situated within the boundaries of the latter's residential site.

In short, an old indigenous principle that people had a right only to use a resource(trees) on the land, has been re-interpreted in time. The separation of trees from the land has effectively allowed for freer transfer of this resource between individuals. At the same time, this re-interpretation has been such as to not affect the more fundamentally important re-interpretations of the land itself.

4. The Land is the People's:

In conclusion, the transformations of arable land categories in this century indicate a common theme. This theme has been the retention and realisation of Lesotho citizens' fundamental right to arable land. This historical right from the era of Moshoeshoe I has been upheld through to the present day. The expression of this right, however, has changed as the recategorisations of arable land categories indicates. Different land categories have emerged and declined as past and innovative ideas have been reinterpreted by Basotho to suit the political and economic conditions of the time.

On a superficial level, the recategorisations of arable land have been oriented on occasion towards a definition of the land as the private property of individuals. Yet, in time there has always been a reassertion of the notion that right of access to the land be defined by reference to the community around the individual. As indicated in the discussion on arable land inheritance, that community is currently the agnatic kin of the individual.

This is not to say that land tenure in Lesotho has effectively been kept in a state of equilibrium. In reference to the agnate community above, its development has generated further changes in land tenure, as I discuss more fully in chapters 6 and 7. On a general level, the dynamic of land tenure in Lesotho is identified in a comparison between administrative and usufruct rights to arable land. Clearly, there has been a strengthening of these usufruct rights at the expense of the chiefs' and currently the BNP's administrative rights and control over arable land. This development has been effected by the centripetal orientation of usufruct arable land rights onto the land category, the residential site.

A major influence in the above process has been the colonial administration's policies. While abrogating the former relationship between the chiefs and the commoners in diffuse ways, these policies, evident in the gardens programme, have been a powerful catalyst to strengthen commoners' arable land rights. The result to date is that arable land is still the people's land. The specification of arable land here is deliberate, for the same relation cannot be said with regard to pastureland. As I discuss below, pastureland is a land category to which commoners' rights have been eroded by the colonial administration's policies.

5. Pastureland; The Ecological Process:

As my discussion on gardens indicated, an analysis of land tenure in Lesotho must include the changing perceptions and demands on the country's natural resources, in addition to the conflicts and decisions on how those resources may be used. An examination of those changing perceptions and demands can indicate how and why differentiations occur within a land category (e.g. arable land). It can also indicate why there has been differentiation of rights between land categories. An illustration of this differentiation is given below in an examination of the land category, pastureland.

As discussed on pages 62-63, pastureland falls under the general land category of maboella, the resources of which are effectively held under communal rather than individual tenure. Each resource is distinguished from the others (e.g. water, wood, reeds, pastureland) and the rights to each vary slightly (Ashton, 1952, 150-154). Generally speaking, access to these resources has been defined by reference to the needs of all in the community. Thus it

Photograph 2: Re-thatching a homestead.



Reeds for the thatching of homesteads are one of the resources which fall under the land category of maboella.

has been the customary practice for the chiefs to decide when, from where and in what quantities, specific resources may be exploited.

With regard to pastureland, livestock owners in the past, had a right to graze their herds on land designated for such use by the chiefs. That land was and is currently known as leboella (Hamnett, 1975, 64). There are now, however, two types of pastureland. A distinction in type has been made as a result of the increase in the use of land for arable farming (Sheddick, 1954, 64) and because of the definition of the chiefs' administrative areas.

One type of pastureland is that so designated by a chief in his/her own ward. This pasture is for the use of that ward's residents only unless specified otherwise by the chief (Ashton, 1952, 150). Most wards have some permanent pastureland (e.g. mountain slopes, plateaux) which are used in the winter months when livestock are kept near to the villages. In addition, ward pastureland includes the aforementioned stover on the fields after harvest time (see page 84).

The second type of leboella is "cattle post" pastureland (ibid). This is permanent pastureland which is located in the mountain regions of the country. It is used by livestock owners from different wards in the summer months when livestock have to be kept away from the crops. Access to such pastures has commonly been arranged by Principal chiefs, who in consultation with the ward chiefs, decide which areas are to be available for livestock owners from specific wards.

Nominally, usufruct rights to both types of pastureland have not changed markedly over time. Yet, as a result of changing perceptions and demands on pastureland, the de facto rights of livestock owners have become less than those defined in principle. This development has been an artefact of the decline in the chiefs' administrative rights over pastureland, as discussed on pages 61-63. In short, unlike the developments we have seen with regard to arable land rights, the usufruct rights to pastureland have not been successfully retained.

The questions are thus, why and how such an abrogation of, specifically, usufruct rights to pastureland have occurred. An indication of why this has happened is given in the current legislation on the use of pastureland, the Range Management and Grazing Control Regulations of 1980. As noted on

pages 62-63, these regulations embody a number of implicit and explicit restrictions on administrative and usufruct rights to pastureland.⁽¹⁾ The salient theme in those restrictions is a concern for the ecology of Lesotho.

If we examine how and why such a concern has permeated current legislation in Lesotho, we find that there are three major and closely interlinked contributory factors. Firstly, the concern is a product of the colonial administration's understanding of the ecological problems in Lesotho. That understanding identified a chronic problem of overgrazing on and inattention to pastureland (Annual Reports, 1912-13; Pim, 1935; Staples & Hudson, 1938; Sheddick, 1954, Sheddick, 1954, 112; Quirion, 1958, 112-115). The administration's answer to these problems was to implement policies which redefined pastureland areas and restricted the use of pastureland (Agric Dept, 1936-40; 1955; Sheddick, 1954, 112; Quirion, 1958, 148).

Secondly, the virtually unopposed implementation of the colonial administration's policies was made possible because of two interrelated facets of pastureland tenure. One facet was the long term compromisation of the chieftainship by the colonial administration. This effectively gave this administration the power to apply its own ecological concepts, given that the chiefs were directly in control of pastureland. The second facet was the nature of usufruct rights to pastureland. As there was no specific individual right of tenure to pastureland, there was no tangible or perceivable threat in the policies to the usufruct rights of livestock owners. Rather, the colonial administration's ecological concepts were obscured by some very real advantages of this administration's policies.

Thirdly, it was specifically the economic advantages for livestock owners in this administration's policies which abetted the implementation of those policies. Yet, it was not so much absolute economic gain engineered by these policies, as the effect of economic conditions in the 1930s upon standards of living which promoted acceptance of those policies. At that time, animal husbandry was the singularly viable industry in Lesotho in spite of the

(1) i.e. The legal circumscription of the chief's authority under the Agricultural Department; the issue of permits to livestock owners; the restrictions on livestock breeding; the specifications on the use of designated pastureland.

economic recession. Basotho were renowned breeders of trek oxen and horses, and there was an established wool and mohair industry (Agric Dept, 1936). The major losses in livestock caused by the droughts in the 1930s were countered by the colonial administration's efforts to revitalise animal husbandry (Agric Dept, 1937-40; Quirion, 1958, 84). While those efforts were directed towards conservation of pastureland, they effectively enabled the animal husbandry industry to recover and thus, to the economic advantage of livestock owners.

In effect, the colonial administration was able to impose ecological concepts of its own making upon Sesotho principles of pastureland tenure. Such 'freedom' of action was not entirely unqualified. Nonetheless, the interaction of the three factors outlined above, enabled those concepts to gain currency and become integral aspects of land tenure in Lesotho.

These concepts embodied principles of restriction and of limitation which were actively endorsed throughout the history of the colonial administration's programmes on pastureland.⁽¹⁾ In short, they were well entrenched by the time Lesotho gained political Independence and thus, they were incorporated into the legislation of the new State (e.g. Land Husbandry Act, 1967). As the 1980 Range Management and Grazing Control Regulations testify (see pages 62-63), these principles have been retained. Yet, these regulations also reflect an extension of those principles which effectively serves to further transform pastureland rights in general. As discussed on pages 61-63, the chiefs' administrative rights over pastureland have again been redefined while the usufruct rights of commoners have been defined in terms of financial commitment. Livestock ownership is now restricted to those who can bear the recurrent costs of improving the quality of their animals. Thus, the usufruct rights of commoners to pastureland have been curtailed.

In conclusion, it is evident that the ecological process, as expressed in the land category, pastureland, has been a composite of reactions to changing economic and political conditions within and beyond Lesotho. That composite has been overlaid by a global concern to which populations have reacted according to the options available to them. In Lesotho, the options have varied for the administrator, chief and livestock owner alike.

(1) See Appendix 4 for a more detailed discussion of these programmes.

The economic conditions of the 1930s stimulated one response from the colonial administration which effectively imposed its ecological concepts on the definition of pastureland. The response was accepted by Basotho as it appeared only to modify methods of pastureland use rather than usufruct rights to this land category. Yet, as we have seen, the usufruct rights have in time been challenged.

6. Conclusion:

It is apparent that Sesotho concepts and categories of land change continually. The net result is that land tenure in Lesotho today is vastly different from what it was in the last century. Yet, old principles have been retained, in conjunction with accommodation of innovative ideas and practices. In general terms, two broad conceptual divisions in land tenure have emerged, arable land and pastureland. From the evidence given above, this division is indicative of a perceptible shift in the articulation of administrative and usufruct rights to land. Usufruct rights to arable land have become more clearly defined as well as being strengthened. Administrative rights, however, have declined with regard to arable land but not with regard to pastureland. Yet, the holders of those administrative rights, the chiefs, no longer have the same authority or power as before to realise those rights.

While an effect of the transformation of the chiefs' rights has been to strengthen the commoners' usufruct rights, the corollary of private ownership of arable land has not occurred. The closest resemblance to such a corollary lies in the practice of arable land inheritance and of the residential site. Yet, as indicated in the foregoing discussions, inheritance has been so defined as to preclude a definitive form of permanent tenure to arable land categories. Access to arable land is still defined by reference to the wider political and social community.

That reference, however, has changed in form such that, both the community and the patterns of land use have changed. It is this process of change in relation to the transformation of concepts and categories of land which is considered in the following chapters.

PART B

Introductory Comments:

In the following chapters, discussion focuses on empirical research data and the perspectives of different ethnographers on land tenure in Lesotho. This focus is designed to elucidate the trends in arable land tenure identified in chapter 3, as they have been expressed in my area of field research.⁽¹⁾ Generally speaking, my aim here is to consider in detail four closely linked process and contemporary conditions noted in chapter 3.

Firstly, the discussions consider arable land tenure in the context of the material relationship between the migrant wage earner and the rural dependant. As I argued in chapter 3 (pages 77-83), this relationship has to be considered in terms of the ways it has been interpreted and legitimated in the rural community. In examining this interpretation and legitimation, the changing relationship between the 'house' and the wider community can be elucidated. In turn this provides insight into the social relationships which define land tenure in Lesotho.

Secondly, the discussions consider the relationships between those who hold formal title to arable land and those who do not. This consideration is made in view of two interrelated developments identified in chapter 3 (page 83). The first development is that individuals in contemporary times can effectively gain permanent title to an arable plot. Yet, opposite to this development is one which specifies that such tenure can only be obtained if other individuals are given access to use the land. In short, the discussions focus on the informal means by which individuals have gained rights of access to arable land and its products. As indicated in chapter 3, these informal means can in time, become formal and legitimate practices. Therefore, they must be an integral aspect of an analysis of transformations in land tenure.

Thirdly, the discussions consider the practice of arable land inheritance as it evolved in Naleli valley. The intention here is to analyse how and why this practice evolved, with a view to identifying its expression in social

(1) As noted in chapter 1, a concomitant analysis of pastureland tenure was beyond the scope of my research programme in Naleli valley.

relationships in the rural community.

Fourthly, the discussions consider methods and practices of arable farming, in more detail than in chapter 3. As I demonstrate in chapters 6,7, and 8, these methods and practices have contributed to the definition of arable land categories and social relationships in the rural community of Naleli valley.

The underlying reason for the above foci is to understand the significance of principles of kinship in land tenure in Lesotho. As noted in chapter 1, kinship is an issue which has received much attention in the literature on Lesotho. While being indebted to that literature, my discussions offer criticisms of that literature's analytical treatment of kinship. My arguments, however, do not serve to reach a definitive conclusion on the issue. Rather my effort has been towards voicing the necessity for analytical reconsideration of kinship and its expression in behaviour patterns.

Bearing in mind the general aims of the discussion, the following chapters are primarily ordered to develop the above focus on kinship.

Chapter 4 considers the history of settlement in Naleli valley in order to define the political context of arable land tenure in that locality.

Chapter 5 then considers the demographic trends in the valley as a basis for discussion on the practices of arable land allocation in the context of land shortage in that locality. The relation between the trends, practices and principles of kinship is initially made in this chapter.

Chapter 6 focuses on the changing economic conditions of arable farming in Lesotho during the 20th century.

In view of those changing conditions, chapter 7 discusses their interpretation by the rural community in Naleli valley, as they are expressed in contemporary methods and practices of arable land use. In this chapter, it is argued that principles of kinship underly these methods and practices, rather than the material relation between the migrant worker and the rural dependant.

Chapter 8 examines the arguments in the foregoing chapters in greater detail. It is in this chapter that the main body of criticisms on previous explanations of land tenure and kinship in Lesotho are voiced.

A problem in the approach outlined above needs to be noted here. My reference material (i.e. my own research data and those in other ethnographies),

is synchronically collected data. Thus, the data fits imperfectly into my historical perspective on arable land tenure in Lesotho. In addition there is the distinct possibility that my differences of opinion with other ethnographers of the 1970s are the product of subtle developments in land tenure in the intervening years prior to my own research.

4. FROM PASTURE RESERVE TO WARD: THE DELINEATION OF USUFRUCT AND OF ADMINISTRATIVE RIGHTS IN NALELI VALLEY

The Naleli valley lies in the foothills of the Maloti mountains. From a cleft where a mountain ridge fractures into two, Naleli valley opens out into an L-shape in the course of its 7 mile(11kms) length. At its elbow, Naleli valley turns with one ridge which then forms its eastern slopes. The valley's western slopes are now formed by rocky spurs which lead up to an escarpment. Here the cliff face drops sharply 400ft(160m) into the neighbouring Moluane valley. It is the mountain ridges, corrugated by tributary valleys, which predominate however, rising as they do, 1800ft (600m) above the valley floor. The spurs which protrude like fingers from the escarpment, serve only to crease the valley basin. In between these spurs, gullies channel rainwater into the Naleli river at the base of the eastern mountain ridge. At the valley's end, the Naleli river flows around a spur, turns westward with the ridge and joins the Moluane river.

At present, there are 13 villages in the Naleli valley. Three of these villages are tucked away in the higher reaches of the valley. 9 villages are spread out either on the spurs or on the escarpment, leaving a single village at the entrance to the valley. In the 19th century, Naleli valley was sparsely populated and served mainly as a refuge for some Basotho during the wars of that period. According to some informants, there were only two small settlements established in Naleli valley during the 19th century. The valley, however, did gain a specific function during the latter part of the 19th century when a principal chief claimed it as a pasture reserve for his livestock.

Nowadays, there is still some pastureland in the valley though much has long since been taken over for cultivation. Moreover, the valley is now incorporated, along with another(Nenyane valley), into an administrative ward named after Naleli valley. Nenyane valley, however, contains to all intents and purposes a separate community, as it lies in a fault in the mountain ridge to the north of the Naleli river.

Settlement in Naleli valley illuminates a number of legal processes. Primarily, it illustrates the articulation between administrative and

usufruct land rights in a rural community. Yet, it also gives insights into how that articulation is subject to shifts after changes in one or other set of rights. In particular, the transformation of the chieftainship in Lesotho is illustrated by events in Naleli valley during the last 100 years. In turn, an examination of the legal processes illustrates the effects of that transformation on usufruct rights to land and on settlement in Naleli valley.

Secondly, a consideration of various cases of legal conflict gives an indication of how Basotho have responded over the years to the circumscription of their national territory, and the pressures this created on their rights to land.

Thirdly, the history of settlement in Naleli valley highlights the ideological dynamic of those responses to the pressures on land. While that dynamic has imposed some restrictions on individuals' realising their rights to land, it also expresses the way the challenges to the fundamental right to land have been met.

In short, the legal history of settlement in Naleli valley identifies the political parameters within which the struggle for land has been carried out by the valley's residents. The antecedents to this struggle are to be found in the 19th century when two interrelated events led to the settlement of Naleli valley. The first event was a dispute between chiefs over administrative rights to an area which included Naleli valley. The second event was the demand for land from villagers in the lowlands.

1. The Chiefs' dispute and Early settlement in Naleli valley:

In the late 19th century when the Principal chief of this region died, a succession dispute erupted between this chief's sons. Ultimately, one son, Seeiso, became his father's successor while the other sons stayed on as subordinate chiefs in the region. Nonetheless the brothers remained at odds with each other and with Seeiso. According to colonial reports, one brother in particular, Makhaola, remained antagonistic to Seeiso.⁽¹⁾

(1) As noted in chapter 1 (page 12), I have found it necessary to obscure some names of people, places and events. Unfortunately, this means that I have also had to obscure some references.

Significantly, a border of Makhaola's domain was a mountain ridge, on the other side of which lay Naleli valley and Seeiso's cattle herds. Like his father before him, Seeiso used Naleli valley as a pasture reserve for his own cattle. In 1902, Seeiso's cattle herders had built a small settlement, called Paballong, in one of the tributary valleys on the ridge. In 1905, however, Seeiso despatched a follower to establish a larger settlement, Ha Sechaba, in the valley. According to informants, Ha Sechaba was established primarily to house Seeiso's herdsmen and their families. Yet, given the hostility between Seeiso and Makhaola, it is probable that Seeiso's primary aim was to provide more security for his cattle against possible cattle raids by his brother.

In 1909, another village was established in Naleli valley. Local informants state that this village was established by settlers from a lowland village 30 miles (50kms) from Naleli valley but within Seeiso's domain. Apparently, these villagers had complained to Seeiso about a lack of land in the lowland village and Seeiso had responded by allowing them to move into the foothill regions.

There are indications, however, that the reasons for the move were more complex than simply land shortage in the lowlands. Firstly, there are indications of conflict in the lowland village. Two of Seeiso's sons resided in that village and according to a colonial official's report of 1908, these sons were antagonistic to each other. In addition, other official reports of that time mentioned that Seeiso had little control over his sons. Therefore, it is probable that the antagonism of the sons expressed discontent in the village and that this, was partly responsible for the removal of some villagers.

In addition, it emerges from some court records that Seeiso used the opportunity of resettlement in the foothill regions, to depose the incumbent but unrelated chief of the area around Naleli valley. In place of this chief, Seeiso placed a kinsman, Masopha, as the chief of the area and in authority over the settlers. Masopha led the settlers to Moluoane valley where he established his own village while allowing some settlers to establish a village in Naleli valley. The combined areas of Naleli valley, Nenyane valley and Moluoane valley became Masopha's area of jurisdiction.

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Thus, it seems that the migration to Moluoane and Naleli valleys was, in part, the product of a skilful political manoeuvre by Seeiso. Seeiso solved the probably legitimate complaint of land shortage in the lowlands, defused a problematic village dispute and satisfied the ambitions of a kinsman. At the same time, he effectively established his authority over a sensitive area within his domain, given his relations with Makhaola. He had populated the area with his followers who were under the jurisdiction of a faithful kinsman.

Early settlement in Naleli valley is illuminating in respect to the question of land shortage. On the one hand, the complaints from a lowland village express the constraints which Basotho were feeling after the circumscription of their national territory. Yet, equally, there is an indication that the ideals of a citizen's usufruct rights were still realisable though, only by moving into the hinterland of the country.

On the other hand, the constraints imposed by territorial boundaries was at that time, a great threat to a chief's administrative rights. The de jure rights of chieftainship could not be guaranteed, even though these rights had been entrenched by the British colonial administration. Rather, these rights had to be actively implemented or otherwise lost. Seeiso, for instance, faced an insidious threat from Makhaola as well as the problems of meeting the demands for a chieftom from an aspirant kinsman. The outcome at that time was in favour of Seeiso and Masopha but at the expense of another chief who irrevocably lost his administrative rights.

These early disputes in Seeiso's area of jurisdiction affected the usufruct rights of later settlers in Nalelei valley. In addition, the way in which administrative rights over the valley were expressed up till the 1940s exacerbated the problem of land shortage which early settlement in Naleli valley had attempted to ameliorate.

2. Settlement in Naleli valley, 1910- circa 1948:

Between 1909 and 1948 , three villages were established in Naleli valley. There were, however, restrictions imposed on settlement and in turn , upon the villagers' rights of access to the valley's natural resources. These restrictions stem partly from changing patterns of administration in the

environs of Naleli valley.

On the one hand, Seeiso stipulated that the valley basin was to be a grazing area for livestock (primarily his own). Thus, settlement was restricted to the perimeters of the valley; on the escarpment or in the tributary valleys. On the other hand, the residents of Naleli valley were not the only people who had right of access to the valley's land. Residents of Moluoane valley had right of access to that land, as Naleli valley was then just one part of Masopha's area of jurisdiction. Therefore, as the population of this area grew, so the land area available for use by the population declined proportionately. This process was exacerbated indirectly by the antagonism between Seeiso and Makhaola.

Throughout the early part of the 20th century, this antagonism between the two brothers remained a source of concern to colonial officials. In addition, Makhaola's authority was continually challenged by his younger brother, chief Sele. Sele was chief of an area within Makhaola's domain but which was close to Naleli valley. Collusion between Seeiso and Sele became evident when Seeiso appointed Sele's son, Tumo, chief of Naleli valley. Tumo, however, was placed only as a subordinate chief to chief Masopha and he administered Naleli valley in the latter's name. Nonetheless, the placing of Tumo paved the way for people from Sele's area of jurisdiction to settle in Naleli valley if they wished.

Thus the land in Naleli valley was progressively encroached upon and exploited by more and more people. According to local informants, however, the valley's residents were able to obtain arable land without too much difficulty up till the 1940s. Nonetheless, by that time, the residents were receiving specific allotments. Yet, it was during the 1940s that the general parameters of the residents' rights to land became more sharply defined. The main feature of this process was the delineation of the land area that was to be available specifically for Naleli valley residents alone to use.

There were several causes for this delineation. Political developments, both national and local, were again a major influence as I discuss shortly. Of equal significance, however, was the colonial administration's agricultural campaigns of the 1930s (see pages 86-102 and Appendix 4(248-252)).

These campaigns affected Naleli valley in the 1940s when the valley basin was redesignated as arable and residential land and the valley slopes (including all the tributary valleys) were designated as pastureland. Theoretically, this meant that the villages on the valley slopes had to be abandoned and resited in the valley basin. In the event, however, most resettlement occurred on the marginal areas between the newly designated arable land and pastureland. Three villages in the tributary valleys were abandoned. In their place, four villages were established in the main valley.⁽¹⁾ Only one of these four villages was established in the valley basin. This was Ha Batho which was established on one of the spurs in 1948.

An interesting aspect of resettlement in Naleli valley is the difficulty that chief Tumo experienced in re-allocating fields to villagers. Not only did the resettled villagers have to be re-allocated fields but also, every person who had fields on the valley slopes. It is apparent from the manner in which fields were re-allocated that the colonial administration's policies generated an acute problem of arable land shortage in the valley. The founding of Ha Batho is a case in point.

Case 4.1; Arable land re-allocations to the founders of Ha Batho:

Ha Batho was established by villagers from the abandoned village of Paballong. Altogether, 8 men, their wives and children moved from Paballong to Ha Batho while another man and his family came to the village from elsewhere in the valley.⁽²⁾

The headman of Ha Batho received 6 fields. Three men received 4 fields each and two men received 3 fields each. The other three men, however, received only 2 fields apiece. Yet, in each case those who received only 2 fields were allowed to retain some of their fields which lay in the newly designated pastureland. Thus one man kept 3 of his original fields while the other two kept 2 fields from their original landholdings.

Local informants could give no specific reason why cultivation was allowed to continue on the pastureland. In fact several factors contributed to the bending of official policy. The relocation of a number of valley residents would have placed an unusual and immediate demand upon available arable

(1) These villages were not established at the same time nor were the other mentioned villages abandoned at the same time. I do not know precisely, however, the dates when these villages were respectively, either abandoned or established.

(2) Whether this was the total population of Paballong is unknown by me. Traces on the site of Paballong suggest, however, that it was a small settlement and probably did not house more than 8-9 households.

land in the valley. Moreover, this was exacerbated by the political context in which the resettlement programme was carried out. This context was the aftermath and implementation of the 1938 Proclamation which radically restructured the chieftainship in Lesotho (see pages 54-57).

This Proclamation affected the residents of Naleli valley in 1942. In that year the then Principal chief of the surrounding region, chief David, announced that henceforth Moloane ward was to be divided into two separate wards. The Naleli and Nenyane valleys were to form an independent ward under the jurisdiction of chief Tumo who was raised to the status of ward chief. Chief Masopha immediately disputed this move by his Principal chief, and thus began a series of court cases over the administrative status of the Naleli and Nenyane valleys.

The crux of the matter for villagers inside and outside Naleli valley was considerable uncertainty as to what land resources they had a right to use, let alone from whom they could obtain arable land. Throughout the 1940s, chief Masopha and chief Tumo allocated arable land independently of each other. It is conceivable then, that neither chief was in a position to alienate any resident in Naleli valley, thus the continued cultivation of land in the newly designated pastureland.

The residents of the Naleli and Moloane valleys were inevitably drawn into the dispute between their chiefs. In effect, the residents of Naleli valley were pitched against those of Moloane valley in a struggle to claim their rights to land in Naleli valley. The consequence was a long drawn out process towards a local definition of 'citizenship' which was to be a major criterion for defining the contestants' rights to land in Naleli valley. From the perspective of the Naleli valley residents, this process lasted until the late 1950s during which time it was characterised by many feuds over land in the valley.

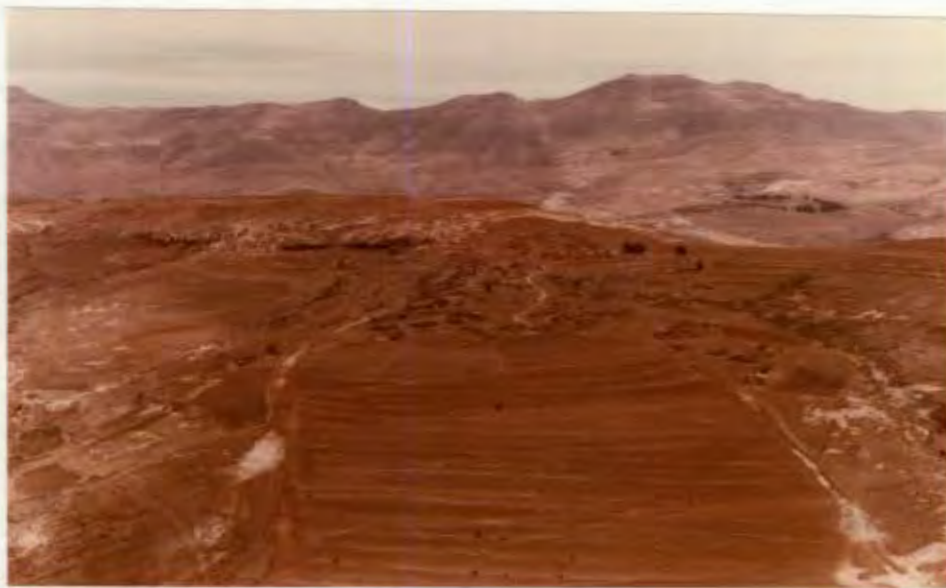
Naturally, the respective rights of chief Masopha and of chief Tumo were questioned during this process. For as noted earlier (pages 68-69), a central reference point of 'citizenship' was the chief and his area of jurisdiction. Nonetheless, the administrative rights of these chiefs were only partially clarified by this process. The partial resolution of these rights served only to provide fuel for the same issue to flare up again in the 1960s. Thus, chief David's announcement effectively generated a struggle

Photograph 3: Fields on the mountain slopes in Naleli valley.



The fields in the centre and left foreground are situated in the designated pastureland. The fields in the right background cover the marginal area between the designated pastureland and the arable and residential land. (Photograph taken during January 1982).

Photograph 4: Some fields belonging to Ha Batho villagers.



Fields below the village of Ha Batho which have been demarcated along the contours of the spur. (Photograph taken in September 1981).

for the definition of usufruct and administrative rights to Naleli valley.

3. The struggle for the definition of usufruct and administrative rights to Naleli valley:

In 1940, chief Tumo died and his eldest son, Samuel, was introduced to chief David as the rightful heir to the chieftaincy of Naleli ward. By this time, chief David had won two court cases against chief Masopha. Therefore, from a legal perspective, Naleli valley was in a ward separate from chief Masopha's. To prove his point, chief David accepted Samuel's nomination and amidst scrupulous adherence to the customary rituals for the initiation of a chief, Samuel was proclaimed chief of Naleli ward. In addition, chief David informed the colonial authorities of Samuel's new status, so that Samuel could be gazetted as a chief and would receive his allowance from the National Treasury.

Chief Masopha continued, however, to pursue his case through the courts. As a result, chief Samuel was not gazetted as a chief. This occurred because the colonial administration refused to recognise a chief whose status was in dispute. Nevertheless, chief Samuel was recognised as the de facto chief of Naleli ward by that administration and he received the commensurate allowance.

The above developments effectively contributed to conflict amongst the residents of the Naleli and Moluoane valleys. For instance, herdsmen from villages in Naleli valley were often involved in fights with herdsmen from Moluoane valley. These fights erupted whenever herdsmen from Moluoane valley attempted to use pastureland in Naleli valley. On occasion, some local disputes ended up in the courts. For example, in the early 1950s, a number of chief Masopha's subjects were once brought to the Local Court on a charge of intimidation. This case had arisen after chief Samuel had re-allocated fields, that had once been held by residents of Moluoane valley, to residents of Naleli valley. Some of the accused were men whose fields had been appropriated by chief Samuel and apparently, they had threatened the new fieldholders with violence when the latter went to work on the fields. On another occasion, chief David had 45 residents of Moluoane valley in court on a charge of theft. He claimed that the accused had taken wood from a maboella area in Naleli valley without his or chief Samuel's permission.

The struggle over usufruct and administrative rights to Naleli valley neared its end in the late 1950s. By then chief Masopha had lost an appeal in the Paramount Chief's court. One local dispute appears to have been a test case for this court's decision. It was a dispute over a specific field which was taken through to the Judicial Commissioner's Court in 1960 and which was singled out as evidence in a later dispute over administrative rights in Naleli valley. In this court, the appellant - a man from Moluoane valley - claimed that he had been allocated the field by chief Masopha in 1955. He added that he had let the field lie fallow for two years but when he came to use it, he found that the respondent was using it. The respondent - a man from Naleli valley - countered with a claim that chief Samuel had allocated the field to him in 1956. Accordingly, he had used the field since then. The court found in favour of the respondent.

In effect, 1950-1960 was a decade during which the issue of land shortage came to a head for the residents of the Naleli and Moluoane wards. For the residents of Naleli valley, the outcome could be seen as being in their favour, given that the Moluoane valley residents had been legally excluded from using the land in Naleli valley. Yet, it is doubtful whether the Naleli valley residents gained more than clarification of their de facto usufruct rights,

In practice, the residents of the Naleli and Moluoane valleys were forced by these disputes to choose where they would reside. They had to choose between chiefs and identify themselves unequivocally with one or the other. For those who held fields, the choice appears to have been decided partly by the location of their fields. For example 2 of the 4 male settlers in Ha Batho from beyond Naleli valley during that decade, had previously been resident in Moluoane valley and already held fields in Naleli valley.

Therefore, it seems unlikely that there was any marked drop in the size of the Naleli valley population, given the probable cross migration of people from one ward to the other. Moreover, the area of land available for exploitation by the Naleli valley residents had, in fact, been reduced by the legal circumscription of Naleli ward.⁽¹⁾ Such circumscription also defined clearly the administrative boundaries of the chief of Naleli ward. It did

(1) Following the decision of the Paramount Chief's Court referred to above, its representatives had gone and defined the topographical boundaries between Naleli ward and Moluoane ward.

not clarify, however, the status of chief Samuel as the ward chief. To be sure, the Paramount Chief's Court ruling had clarified the primacy of chief David's authority over the area and over the Naleli and Nenyane valleys. The court addressed, however, only the definition of a ward and its separation from another. The internal administrative structure of that ward(Naleli) was not the legal issue in question. Thus, chief Samuel's position remained as before, an unofficially recognised chief. That ambiguity in his position was to be the focus of a further struggle. This was the struggle for the definition of administrative rights within Naleli ward.

4. The struggle for the definition of Administrative rights within Naleli Ward:

It is surprising that chief Samuel was not gazetted as a ward chief after the Paramount Chief's Court had clearly defined Naleli ward. Apart from that court's ruling, chief Samuel was recognised by the residents of Naleli valley as the ward chief. In addition, he had been appointed as ward chief by chief David whose authority over Naleli ward had been endorsed by the Paramount Chief's Court. Furthermore, chief Samuel had obtained de facto recognition by the colonial administration.

Moreover, chief David had always sponsored chief Samuel's efforts to be gazetted by the colonial administration. Such sponsorship appears to have been willingly offered as relations between the two chiefs were cordial. For instance, two of chief David's sons, Mpho and Mokete had been reared for part of their childhood in chief Samuel's homestead, while chief David had always referred to chief Samuel as "Acting Chief" in official correspondence.

Nonetheless, chief Samuel was not gazetted as a chief. There was still a legal problem against his gazettelement in that chief Masopha continued his litigation to rescind the legal Circumscription of his ward. Yet, in the circumstances, there is some doubt about chief David's sponsorship of chief Samuel. For clearly, chief David had the power and legal advantage to override that problem. Still, chief Samuel administered Naleli ward and even established two more villages in 1963, under the headmanship of two of his sons and with chief David's approval.

In the early 1960s, chief David died and his son Mpho succeeded him as the Principal chief. Doubts about chief David's sponsorship of chief Samuel surfaced in events subsequent to his death. In 1965, chief Mpho proclaimed his brother, Mokete, chief of Naleli ward. Chief Samuel immediately disputed this proclamation in the courts. Meanwhile chief Masopha had died and his son and successor, Bereng, used the opportunity to begin afresh with litigation for the right to administer the Naleli and Nenyane valleys as part of Moluoane ward.

The two legal disputes ran concurrently into the 1970's, being settled finally in the High Court at Maseru. The chief Samuel - chiefs Mpho/Mokete dispute appears, however, to have been of more importance than chief Bereng's appeals, as the latter were rarely voiced in the former dispute. There was rarely any question in the chief Samuel - chiefs Mpho/Mokete dispute that the issue was just definition of the internal administrative structure within a ward. Inevitably, however, this dispute affected the residents of Naleli valley.

(a) The chief Samuel - chiefs Mpho/Mokete dispute:

In 1965, chief Samuel appealed to the Local Court against chief Mpho's Proclamation. The court president found in favour of chief Mpho, on the basis of clauses in the 1938 Proclamation of the colonial administration. As far as this court was concerned, chief Samuel was not a gazetted chief and thus, the chieftaincy of Naleli ward was vacant. Therefore, chief Mpho had a right to fill the vacancy as he considered fit.

In 1967, chief Samuel appealed to the Central Court. Here legal disputation was more involved than it had been in the Local Court. For, both parties referred to legislation which had been passed shortly prior to and after Lesotho had gained Independence in 1966. Initially, argument hinged around the meaning of the term "Acting Chief". Chief Samuel argued that he was properly a chief and that the designation 'Acting' was simply a necessary expedience, adopted for the duration of the dispute between chief David and chief Masopha. Chiefs Mpho and Mokete argued to the contrary and stated that the title implied chief Samuel to be only a temporary chief, adding that chief David had had no intention of making chief Samuel a chief in the full sense of the word.

Argument then switched to the validity of each litigant's claims. Chief Samuel produced eyewitness evidence of his investiture as a chief in 1949 and the customary manner in which he was initiated. He then backed up the legitimacy of his accession to the chieftaincy in this way by noting the incorporation of customary law in the 1966 Constitution (Part II, section 10(1), 10(2), 10(3)). In the relevant sections of this Constitution it was specified that the rightful successor to a chieftaincy was the one designated as the legitimate son and heir of the previous incumbent. Chiefs Mpho and Mokete countered with the argument that a chief had the customary right to place a kinsman as a chief within his domain and that this right had been incorporated in the Chieftainship Act of 1968 (which was passed during the period of this court's hearing of the case). On this occasion, the court found in favour of chief Samuel.

Chiefs Mpho and Mokete appealed to the Judicial Commissioner's Court which heard the case in 1970. Prior to the hearing an acrimonious situation had arisen in Naleli valley. Firstly, chief Mpho had managed to have Mokete gazetted as the chief of Naleli ward. Subsequently, chief Mokete moved to establish his residence in Naleli valley. Initially, chief Mokete resided in Ha Batho, the same village in which chief Samuel lived. Even more humiliating for chief Samuel, was chief Mokete's residence in the homestead of his 'man' - a chief's representative when the chief is absent from the ward - who had defected to chief Mokete.

In the Judicial Commissioner's Court, chiefs Mpho and Mokete argued that the Chieftainship Act took precedence over the Constitution. In addition, they argued that the placing of chiefs was primarily an administrative matter, of concern only to the Ministry of Interior, rather than being within the jurisdiction of the courts. Chief Samuel repeated his former arguments. The Judicial Commissioner had to recognise, however, the fait accompli of chief Mpho and chief Mokete. The Judicial Commissioner noted, that as valid as chief Samuel's arguments might be, chief Mokete's gazettelement effectively made any legal disputation redundant.⁽¹⁾

Chief Samuel then made a final appeal to the High Court but it was not upheld. In his summary, the Judge stated that a prerequisite of chieftainship

(1) The Judicial Commissioner did suggest, though unsuccessfully, a compromise solution based on principles in customary law (see Appendix 5).

was that a chief be recognised under the legislated law of the country. This prerequisite, he stated was mentioned in the 1965 and 1966 Constitutions. Thus, he added, custom had to be forfeited in favour of the body of law which legitimated chief Mokete's status as the ward chief of Naleli. Moreover, the Judge stated that it was up to a chief to ensure that he secured his position according to the law as this was an integral aspect of a chief's administrative rights. Chief Samuel had not met this condition and thus could not claim to be a chief.

Thus, chief Samuel was deposed from his position. From a legal perspective, the administrative rights within Naleli ward had been defined (shortly after this dispute had been legally resolved, the High Court rejected chief Bereng's appeal). Chief Mpho had effectively achieved a 'placing' of a kinsman but in a very different way compared to the past. Chief Mpho could not act unilaterally as the central authority in the dispute but had to rely on a Proclamation and legislation. This reliance effectively illustrates the way the role of a chief had been circumscribed such that the chief had become the administrative agent of the State. The disputation and decision in the Judicial Commissioner's Court, in particular, highlights this transformation of the chieftainship. The Judicial Commissioner and the chiefs Mpho and Mokete had explicitly recognised the administrative status of a chief and as the former implied, the chieftainship had become an administrative rather than a judicial matter.

(b) The effect of the chief Samuel - chiefs Mpho/Mokete dispute on settlement in Naleli valley:

The residents of Naleli valley were divided in their support for Samuel and the new ward chief, Mokete. After the High Court ruling, Samuel had no legal claim to be a chief. He proved a point, however, when he moved out of Ha Batho and established the village of Thabeng in 1974/75, with the support of some valley residents.

Seven men, their wives and children demonstrated their support for Samuel actively, by leaving other villages in Naleli valley to help establish Thabeng. Four men in this group already had well established homesteads elsewhere in the valley. Another supporter of Samuel quit the ward altogether but before departing, passed on his two fields to a married son

who then moved to Thabeng. Two other settlers were married sons of Samuel's supporters in Ha Batho.⁽¹⁾

In addition, Samuel's social status in the valley was expressed in other ways and continues to be felt in the valley. For instance in 1973, the son of one of Samuel's deceased advisors in Ha Batho, moved to the village of Selema next to Thabeng. This man expressed that he had made the move in order to be close to Samuel as an advisor, like his father before him. Given that Selema was under the headmanship of one of Samuel's sons, the move of this man to the village suggests an implicit effort, to consolidate the support for Samuel in some of the villages in Naleli valley.

In another instance, a resident of Ha Batho moved to Thabeng after a dispute with the headman of Ha Batho. In short, there have been undertones to the most recent chieftaincy dispute in Naleli valley which indicate perhaps, that it has not been resolved entirely and which might influence arable land tenure in the valley.

5. Conclusion:

The legal history of settlement in Naleli valley illustrates a number of general changes to the usufruct and the administrative rights of its residents. Generally speaking, the legal process has been a significant factor in creating or at least exacerbating a problem of land shortage in Naleli valley. Equally, the legal process expresses the ways in which this problem has been perceived and acted upon. The overall effect of such action was towards greater specification of what land people had a right to use, in association with a demarcation of where they must reside to use that land. This trend has been paralleled by a clarification of the administrative rights of the chieftaincy in the environs of Naleli valley. The overall response was to stake out a territory in which the Naleli valley residents would alone have the right to exploit the land, in association with one or other set of administrative rights to the valley.

There has been no longstanding resolution of this process, however, due to

(1) I was unable to interview the occupants of one homestead in Thabeng. That homestead is, I believe, occupied by the widow of a founder settler. If this is the case, then the original number of founding households would have been nine, including Samuel's.

the differential articulation of administrative and usufruct rights over time. At various points in time, the struggle for these rights has emphasised different concerns. These have ranged from a concern to distinguish between the administrative rights in different areas of jurisdiction, to a concern to describe those rights within an area of jurisdiction. Likewise, the struggle over usufruct rights has emphasised different concerns. These ranged from a concern to gain access to as large an area as possible, to retention of those rights over what land was available.

Neither aspect of the struggle can be separated from the other, and it is apparent how their differential articulation has produced different effects. Generally speaking, when the administrative concern was over distinctions between areas of jurisdiction, the usufruct concern was to maintain rights of access to each area. When the administrative concern was within one area, the usufruct concern was to retain right of access to the land that was available.

Yet, it is this struggle which has ultimately led to a specification and demarcation of rural populations and of the land, particularly arable land. It is this process of specification and demarcation which can now be considered in more detail.

5. GAINING ACCESS TO ARABLE LAND IN NALELI VALLEY

In general terms, the struggle for land, as reflected in the history of settlement in Naleli valley, expresses one form of the Sesotho response to population growth within a circumscribed territory. Equally, at a higher level of abstraction, we can say that this response is a reflection of the ways in which population growth in Lesotho has been constrained by political and economic developments in Southern Africa. The history of Lesotho has witnessed the confinement of Basotho onto smaller and smaller areas of land. In addition, there have been few options for Basotho to reverse this trend. The migrant labour system in particular, characterises this predicament facing Basotho.

Since the 1950s, the permanent emigration of Basotho from Lesotho to South Africa has been blocked by the S.A. government (Murray, 1981, 25-36). The inception of the Apartheid policy and its later embellishments have ensured that most Basotho do not legally gain permanent residence in South Africa. In many ways, Basotho face the same injustices of Apartheid as the populations in South Africa's 'homelands'/labour reserves. Effectively, these populations are forced to live in prescribed areas. Notably, these areas are the rural parts of the sub-continent, away from the industrial centres. South Africa's legal stipulations are such that Basotho may only leave Lesotho on job contracts and, must return to Lesotho on completion of those contracts in order to renew them. Consequently, Basotho are forced to retain their ties with Lesotho. For most Basotho this means that they must retain ties with their rural homes. (1)

The outcome has been that the wards of Lesotho have become occupied by large populations which continue to claim rights to the land and its products. Given the emphasis on social relationships in the land rights criteria, it is apparent that the internal composition of a ward will influence the means which individuals use to realise their rights to land. Thus, the following

(1) The towns of Lesotho offer relatively few opportunities for permanent and stable employment. Industrial infrastructure is minimal, wages in comparison to those in S.A. are low and urban costs of living are higher than in the countryside (See Claus (et al), 1977; Trollip, 1981). There is however, a steady expansion of squatter settlements on the outskirts of towns but as yet, there is little information on the relation between the squatters and their rural homes.

discussion focuses on demographic trends in Naleli ward, as reflected in my data from the villages of Ha Batho, Selema and Thabeng.

These trends identify a concentration of kin related households in Naleli valley. This concentration does not automatically indicate the significance of kinship relations in arable land tenure. Yet, the existence of this concentration demands that analysis consider whether kinship has become a significant criterion for defining arable land tenure in Naleli valley. There are indications that principles of kinship have become significant in practices of arable land allocation and arable land use. Therefore, the aim here is to identify how kinship is expressed in these practices and what kinship principles are significant in arable land tenure, amongst the many options afforded by the concentration of kin in the valley.

1. Demographic Trends in Naleli valley:

My research data indicates a rapid growth in the Naleli valley's population since the 1940s. Table I below, illustrates this trend, as reflected in the population figures of Ha Batho, Selema and Thabeng.

Table I: Number of Residents domiciled in Ha Batho, Selema and Thabeng since they were established

Date	1948(1)	1963(1)	1975(1)	1976(2)	1982(3)
De jure population in:					
Ha Batho	27			265	297
Selema	-	14		49	74
Thabeng	-	-	21		64

(1) Estimates from Field Data.

(2) Figures from 1976 National Population Survey*.

(3) Figures from my own census survey.

* Thabeng appears to have been listed under another name in this survey. I was unable to decipher the name under which it had been listed.

With regard to the population of Naleli valley as a whole, I was unable to obtain official census figures for the years prior to 1976. One informant, however, estimated the valley population to have been ± 500 persons in the

1940s. In 1976, the official census survey enumerated a total de jure population of 2128 persons in Naleli valley and 2472 persons in Naleli ward (including Nenyane valley).

The indications are that the Naleli valley population has grown largely from within rather than from the immigration of settlers, during the latter part of this century. For instance, of the 64 new households which have been established in Ha Batho since 1948, only 7 have been established by men who immigrated into Naleli valley.⁽¹⁾ Moreover, 3 of these 7 immigrant households were established by men whose fathers had left the ward but who themselves, had returned to inherit their fathers' fathers' homestead and fields.

Likewise, since the founding of Selema in 1963, only one of the 15 new households established in the village was established by immigrant settlers. Similarly, in Thabeng only 2 of my 15 household sample had been established by immigrants since the village was founded in 1974/75.

Very clearly, immigrants who establish households in Naleli valley are in a minority. Thus, the main trend in all three villages has been one

(1) By 'new household', I mean one that has been created distinct from existent households. This means that a man, a woman or a couple may form a new household by:

- (1) seceding from a parent household to form his/her/their own. This would entail the building and the occupation of a homestead on a separate residential site to that of the parents;
- or (2) remaining in the parents' homestead but constituting anew the household after both parents have died or,
- (3) coming to reside in or remaining in a homestead from which the jural head has departed through death or otherwise.

Therefore, by this definition I mean that a household is not constituted in cases where only one parent or spouse who is the jural head of the household dies. In such cases, the surviving parent or spouse becomes the jural head of an existent household. As a rule, this definition works in all but two cases in the villages I surveyed. The two exceptions were the households of two half-brothers. They lived with their wives in the homesteads of their respective mothers. Their father lived in another village. In both cases, these half-brothers were recognised by the other villagers as the jural heads in their respective households.

It should be noted that the figures in the above discussion do not necessarily correspond with the total number of households in the villages in 1982. Those figures enumerate all new households in the history of the villages and thus, include some which have been constituted anew on the same residential sites.

whereby village residents' offspring usually remain domiciled in their natal ward after they have married. Table 2 below, represents this trend as reflected in the settlement pattern of the offspring of Ha Batho residents.

Table 2: Residential location of married offspring born in Ha Batho households which were existent by 1955.⁽¹⁾

Total No of offspring born to villagers*	No of off-spring who had married by 1982	No of married offspring who had established their own households:				No of married offspring in parents' household in Ha Batho
		in Ha Batho	in Naleli ward	in N/bour-ing wards	Further afield	
<u>Sons</u>						
128	65	23	18	5	2(a)	17
<u>Daughters</u>						
135	53	9	26	13	4(a)	1

(1) This Table is not based on households which were established by 1948 as I did not have adequate data on the relevant households.

(a) Included in these figures are one Ha Batho resident's 1 son and 1 daughter who have cut ties with their family and are presumed by the parent to be resident somewhere in South Africa. The daughter is known to be married.

* (excluding child mortalities).

As indicated above the vast majority of Ha Batho's sons and daughters have remained domiciled in Naleli ward. In fact all of that majority were resident in Naleli valley in 1982. There is an observable difference in the settlement patterns of the sons and daughters. In part, this difference is a reflection of marriage patterns in Lesotho. There has been a strong social emphasis for patrilocal residence after marriage as indicated in chapters 2 and 3. That emphasis has been endorsed by political and economic developments in this century.

As discussed in chapter 3, material resources including rights to land have commonly been vested in males. In addition, it is men more than women who have been the migrant workers. Thus, there is the obvious dependence of women in rural Lesotho upon men. Moreover, given the social and material interdependency between the migrant worker and the rural dependant, the male

migrant worker has been committed to maintain ties with kin in his natal ward. Thus, it has usually been incumbent upon women to reside patrilocally after they have married.

Yet, as indicated in Table 2, the trend is for women not to be married very distant from their own natal homes. As I demonstrate more fully later, this trend is of significance with regard to arable land tenure in Naleli valley. As it is women who are primarily dependent upon rural activities for day to day survival, their actions, in realising their own rights to arable land and some of its products, actively endorse agnatic principles of kinship in social relationships. Therefore, their concentration near to or amongst their own agnates has become an underlying practical condition of those actions.

With regard to men, the same developments, which have defined the patrilocal emphasis in marriage have, of course, resulted in the propensity of men to reside in their own natal wards and commonly in their natal villages. The outcome of this demographic process has been that by 1982, the jural heads of 26 of the 54 households in Ha Batho were sons of alive and deceased villagers. Table 3 below illustrates this situation.

Table. 3: The Jural heads of Ha Batho households in 1982:

Jural Head of household	Number of Households
Sons of Ha Batho residents	26
Surviving spouse	1
Male settlers from within Naleli ward	6
Surviving spouse	11
Male settlers from outside Naleli ward	5
Surviving spouse	1
Sons of emigre sons of Ha Batho residents	2
Surviving spouse	1
Sister of Ha Batho resident	1
Total number of households	<hr/> 54

In effect, the figures in Table 3 above, reflect the demographic trends already considered. In addition, it is necessary to note the incidence of women who are widows and who are also jural heads of households. Taken in relation to my previous comment on the concentration of women near to or amongst their own agnates, this incidence points to a significant variable in the social structure of the rural community. The loss of a husband frequently causes his wife severe financial hardship. Yet by retaining much of their late husbands' estates (including arable land), widows can be in a position to overcome that hardship. But, as I discuss below and fully in chapters 7 and 8, overcoming that hardship entails maintaining and endorsing ties with the agnate community around the widow.

In short, the concentration of kin related households in Naleli valley has become highly visible. This is not lost on the valley residents who actively use kin to ameliorate the hardships imposed by the constraints of the migrant labour system. As I outline below in a series of case studies, that interdependence between kin has been central to the individuals' social and material welfare.

The case studies below, illustrate the expression of agnatic principles of kinship as an integral aspect of the demographic trends in Naleli valley and its environs. The case studies focus on one Theko, who used to live in Moluoane valley. In general, they highlight a central feature of rural social ties; that is, a 'house' has always been defined primarily in reference to the wider community. In the context of the concentration of kin related households a central reference point of that community is the grouping of agnates in the ward. By basing the case studies in relation to the individuals' kin ties to each other, that reference point is clearly exposed.

With regard to the male descendants of Theko, a case study illustrates settlement patterns in the context of the circumscription of the Naleli and Moluoane wards. From these patterns, there emerges an illustration of the significance of agnatic principles of descent in defining place of domicile, 'house' formation and arable land allocation. With regard to the case studies on women, fundamentally it is the criteria affecting 'house' development in relation to the wider community that is considered. Three cases are considered. One, focuses on a female agnate of Theko who divorced her husband. Her life history is compared to that of the widowed wife

of one of Theko's agnate descendants. The differences between these two cases highlight the differential articulation of the land rights criteria of sex and marital status, in the real contexts of economic hardship and kin ties. Apposite to these case studies is one which focuses on a married female descendant of Theko. In this case, the broader significance of social ties that are based on the concentration of kin related households is illustrated. Specifically, it is the importance of the wife's social ties for the husband who marries matrilocally and who aspires to establishing a 'house' that is illustrated.

Diagram 1 on the following page illustrates the genealogy of Theko and in part, those of his descendants' affines. Included in the diagram are the residential locations of Theko's descendants. As indicated, the descendants of Theko have been concentrated largely in the environs of Naleli valley. That concentration is due partly, to Theko settling in Moluoane valley during the second decade of this century. It was the dispute between chief David and chief Masopha, however, which led to the settlement of his descendants in Naleli valley.

Case 5.1: Settlement and the inheritance of arable land; the histories of Theko's male descendants:

Theko's four sons married in due course and established their own households in villages in Moluoane valley. All the sons would have remained in that valley were it not for the dispute between chief David and chief Masopha. For Theko's eldest son, Sele, that dispute was of particular concern as all his three fields lay in Naleli valley. Given the outcome of that dispute, Sele stood to forfeit his rights to those fields if he remained domiciled in Moluoane valley. Therefore, he moved and settled in Ha Batho.

Having moved to Ha Batho, Sele and his 'house' became subjects of chief Samuel. Sele's eldest son, Tsiu did not remain in Naleli valley, however, as he inherited Theko's homestead and some of the latter's fields. Sele's other sons, Letele and James remained in Ha Batho and eventually established their own households in the village. Letele married in 1966 and shortly thereafter, obtained two fields from the chief and the land committee. James married in the early 1970's and shortly thereafter, was allocated a residential site in Ha Batho. In spite of repeated applications to the land committee, by 1982 James still had not been allocated any fields by the chief and his land committee.

James hopes, however, to inherit his father's fields in due course. Since the death of Letele in a mining accident in 1974, James has been the main source of financial support for his parents. In addition he has become actively involved in farming his father's fields. He frequently arranges leave from his job in South Africa, to coincide with the ploughing season in

Lesotho.

In the case above, the chieftainship dispute and land shortage affected the settlement of an agnate cluster over time. Yet as indicated, the settlement pattern of that cluster has been in the context of application of agnatic principles of descent. Tsiu was able to secure a residential site and arable land through the formal tie between himself and his father's father, Theko. As the eldest son of an eldest son, Tsiu was legitimately entitled to that land in terms of agnatic principles of descent. Such a practice would appear to be confounded if James achieves his aim of inheriting his father's fields. It is unlikely that James will inherit all those fields, however. Tsiu's eldest son, Api, is formally entitled to an inheritance from Sele, according to the same principles by which Tsiu got land. Although still a young boy, Api frequently stays with his father's father, Sele, and helps the latter in agricultural tasks. Such activities are a common indicator of acknowledgement of a tie between a man and his formal heir. Thus, it is probable that James and Api will share Sele's fieldholdings when Sele dies.

In addition, the above case study indicates the interdependence between agnates beyond the father/son relationship. Other aspects of this interdependence are illustrated in the life histories of two women considered below. In particular, these life histories illustrate the significance of paternal kin for a woman after life crises. In these cases, the crises were divorce and widowhood for MaNapo and Matholi respectively. Yet, in comparison, these two cases highlight the importance of having kin ties in a rural community and being able to retain them. In MaNapo's case, divorce meant beginning afresh to build up ties again in Ha Batho, largely through her children. For Matholi, though her husband's death caused financial hardship, having established ties with agnates in Ha Batho and not having to leave the village, meant that she remained secure within the network of kin around her.

Case 5.2: Divorce and re-establishment of a 'house':

MaNapo married a man from another district and accordingly, went to live in her husband's village. In 1972, however, she divorced her husband and at

an age of 40, found herself having to support 5 children. The only feasible way to care for her children was for her to become a migrant worker. At the same time she was compelled to leave her husband's village.

MaNapo returned to her agnates, and her brother Sele and his wife agreed to care for the children while she worked. MaNapo then found a job as a domestic worker in Johannesburg for R50.00 per month. There she stayed for most of each year with her two eldest children.

By 1978, MaNapo had saved enough cash to build and furnish a homestead and in that year, she was allocated a residential site in Ha Batho. She was not allocated any fields, however. In the meantime, she had born 3 more children who were reared almost constantly in Ha Batho by Sele and his wife. MaNapo's two eldest children cut their ties with her, however, preferring to remain in South Africa where they had been reared for most of their lives.

Through her other children, MaNapo has been able to slowly re-establish herself in the rural community of Naleli valley. Her two elder daughters have married men in the locality (one from a village in Naleli valley, another from a neighbouring ward). Her elder son went through initiation rites with other boys from Ha Batho in 1981. Her younger sons are being reared constantly in Naleli valley. MaNapo expects her elder son to become a migrant worker within a few years and thus, be able to support herself and her other sons.

As the life history of MaNapo indicates, her material struggle for survival has been directed towards the re-establishment of her 'house' amidst an intergenerational network of agnates and affines. The basis for this has been her brother but in the long term, it is her children who will secure her position in the rural community. As a divorced woman, the discrimination against her is evident in that she has never obtained fields. Yet as noted, it is her children who in time, as residents of Naleli ward, will provide her access to arable land when they establish their own 'houses'.

By contrast to MaNapo's life history, Matholi's expresses an effort to maintain established kin ties, notably with her mother's brother's sons, Mark and Letsie.

Case 5.3: Widowhood and the maintenance of a 'house':

Links between Matholi's parents in the O.F.S. and her mother's kin in Naleli valley led to Matholi meeting and marrying Letele. As noted in Case 5.1. Letele obtained a residential site and 2 fields after marrying Matholi. When Letele was killed, Matholi was placed in a similar position to MaNapo. No longer having the financial support of her husband, Matholi was forced to become a migrant worker.

Matholi has been fortunate, however, in having the support of her cousins,

Mark and Letsie. They have provided the necessary equipment and labour to work her fields and effectively, she has been involved in a network of reciprocal aid involving herself and her cousins' households. Consequently, her migrant labour activities have been informal trips to South Africa where she sells Sesotho handi-crafts. Usually, her trips are not of long duration and she remains in Ha Batho for most of the year.

Matholi's relative security compared to the life of MaNapo rests on Matholi having established social and material resources in Ha Batho. In short, that security is based on Matholi having a 'house' which had been well defined by the time of her husband's death. MaNapo, on the other hand, has had to re-establish the ties which would define her 'house' and thus, secure her some degree of social security in the rural community.

Apposite to these cases, is the settlement history of Peter and George and the establishment of their 'houses' amongst their affines.

Case 5.4: Establishing a 'house' amongst affines:

Peter originally came from one of South Africa's 'homelands'. While working in South Africa, however, he met his future wife Mary who was also working there. In the early 1970s, Peter and Mary married and, Peter opted to settle in Ha Batho. His expressed reason for settling in that village was, that he did not like the political conditions in the 'homeland'.

Peter's acceptance in the Naleli valley community has been fostered largely by Mary's social connections in the ward. Mary is an active co-worker with chief Mokete in the affairs of the local Anglican church. Through this association, Peter was able to settle in Ha Batho, receive a field from the land committee and be sponsored by chief Mokete in his application for Lesotho citizenship.

The case history of Peter has a close corollary. Once established in Ha Batho, Peter's brother, George visited him. While there he met his future wife. Like Peter, George also opted to settle in Ha Batho after marriage. Again, the social connections of his brother's wife plus the support of his wife's parents, enabled George to settle in this village. He obtained a field from the land committee and sponsorship from chief Mokete in his application for Lesotho citizenship.

The common theme in the above case studies is the corroboration of kin ties between households in the environs of Naleli valley. As evident from the above cases, such interaction has ensured the concentration of an agnatic cluster in the locality and its reproduction over time. Such a propensity

for clustering and interdependency was voiced by Mary in one conversation. Were she to have a daughter, she stated, the ideal marriage tie that she would look for, would be between her daughter and Api, her brother Tsiu's eldest son. For by that cross cousin marriage, the material resources of the agnatic cluster would be concentrated within it. With regard to the retention of arable land, such ideals have been attained by evocation of agnatic principles of descent, as indicated in Case 5.1 (page 128).

In Case 5.1, it was evident that the inheritance of arable land was not restricted to transfers between the households of parents and those of their sons. This has been a development which was discussed in chapter 3 (pages 77-83). In short, this development has specified a condition in arable land tenure whereby individual households have become dependent upon a number of kin related households to obtain arable land. In effect, arable land tenure has become defined in terms of kinship relationships as I discuss below.

2. Gaining access to arable land in Naleli valley:

At various stages in the discussion to date, reference has been made to the problem of arable land shortage and, that this is the context in which rural Basotho have sought to gain access to land. While it is possible to identify the general reasons for the decline in the area of arable land available to an individual, identifying the details of that process is problematic. An understanding of these details, however, is necessary to understand the development of kinship relationships in arable land allocation. Thus the following discussion is a qualified assessment of this process of land shortage, as identified in Naleli valley.

There is a methodological problem in proving that the size (area) of fieldholdings per household have declined over the years. Firstly, there is neither a standard size of field nor any specific area of land set aside for specific villages in a ward. Therefore, fields are of all shapes and sizes and frequently, households' fields are scattered across the ward. Given the limited time in which I conducted research, it was impossible to locate and survey all villagers' fields. Moreover, many people do not take kindly to an outsider showing too close an interest in the size of

their fields, whatever his/her purpose.⁽¹⁾

Nonetheless, various surveys which have been carried out in Lesotho indicate a definite decline in the size of household's fieldholdings.⁽²⁾ It needs to be noted, however, that the surveys' findings provide statistics of the situation at one point in time and do not take into account the variations in the size of fieldholdings over time. For as a household develops domestically, ideally, it is allocated more fields to meet the sustenance needs of its members(see pages 67-68). Moreover, the surveys' figures are aggregates that obscure the wide range in the number and sizes of fields between households.

My own evidence from Naleli valley corroborates the trend towards a decline in the size and number of fields per household as identified in the survey figures below. My specific interest, however, has been to consider how the residents of Naleli valley have reacted to this trend. To examine this issue, I think it is necessary to ask four questions, so as to identify both the quantitative decline in fieldholding size and, the responses of villagers to that process.

Firstly, do households hold fewer fields nowadays than their predecessors? Secondly, if the answer to the above question is yes, according to the results of a synchronic survey, then we need to ask whether or not this situation is a temporary condition for most households. In short, are households simply having to wait longer than their predecessors to obtain

(1) This is a common problem of field research(see Wallman,1969; Murray, 1976; Spiegel,1979).

(2) The 1949-50 Agricultural survey estimated the average size of fieldholdings per household to be 5.7 acres(Annual Reports,1953,33); The 1960 Agricultural survey estimated the average size of fieldholdings per household to be 5.4 acres(Annual Reports,1963,24); The 1970 Agricultural survey estimated the average size of fieldholdings per household to be 2.26 acres(Lesotho,1972,45, Table 1.0431);

It must be emphasised that the above are aggregate figures for the whole country. Hamnett(1973) has shown that the number of fields per household is a reasonable index of acreage. Thus while ethnographers have not usually been able to survey fields, their records of field numbers give an indication of size.

Murray(1976,107)(on research carried out 1972-74) noted that the average number of fields per household in his sample was 1.55; Spiegel(1979,59)(on research carried out in 1977) noted that the average number of fields per household in his sample was 1.44(and of landholding households, 1.84).

the same number of fields as their predecessors.

Thirdly, we need to ask whether the practice of arable land inheritance has had any effect upon the allocation of fields to ward residents?

Fourthly, in examination of the above question we need to ask if there have been effects, how the practice of arable land inheritance has influenced the process of decline in the size and number of fieldholdings?

These questions are considered in the following discussions.

(a) The quantitative decline in the size of fields formally held by households in Ha Batho, 1948-1982:

The area of arable land in Naleli valley has remained relatively constant in the last 20 years. As a result, fields have been divided and sub-divided in order to meet as many claims as possible from the growing population. Thus, the total number of fields in the valley has risen but at the expense of their size. Moreover, the division of fields has not kept pace with demand such that, there has been a decline in the average number of fields held by households. Table 4 below illustrates the above process, as reflected in data from Ha Batho.

Table 4: The average number of fields per household in Ha Batho, 1948-1982:

Date :	1948	1955	1965	1975	1982
Total No of households :	9	20	29	44	54
Total No of fields held by Ha Batho villagers :	38	68	75	94	94
Average No of fields per household :	$\overline{4.2}$	$\overline{3.4}$	$\overline{2.6}$	$\overline{2.1}$	$\overline{1.7}$

N.B. The figures of the total number of fields held by villagers are empirically correct for the years 1948 and 1982. The figures for the intervening years are estimates based on cross referencing of data from interviews. The direction of possible error would be for the totals to have been lower in 1955 and to have been higher in 1965 and 1975. This is possible as some of the households might not have had their full complement of fields by the indicated dates. Such possible error is offset partially by the fact that, there has been a decline in the total number of fields held by households over the years.

The figures in Table 4 above, indicate a very distinct trend of decline in the average number of fields held by households in Ha Batho. Nonetheless,

as aggregate figures; they simplify the trend. At any one point in time, there is considerable variation in the size of different households fieldholdings. Yet, the data from Ha Batho indicates that this variation is becoming less marked in time. Since 1948, the number of fields which households have held has been declining. This trend is represented in Table 5 below. It should be noted here that the table illustrates the number of fields which households, that were existent by certain dates, ultimately held. The table should not be read as indicating that the households held all their fields by the specified date (see NB, Table 4).

Table 5: The decline in the number of fields held by individual households in Ha Batho, 1948-1982:

Date	No of Households	0	1	2	3	4	5	6
1948	9	-	-	-	2	4	2	1
1955	20	-	-	5	6	6	2	1
1965	29	2	4	10	6	3	3	1
1975	44	4	13	16	5	3	2	1
1982	54	6	21	17	4	3	3	-

From Table 5 above, several developments can be deduced. Most striking is the concentration of households holding only 1 or 2 fields, during the latter part of this century. This trend which emerges from households that were established in the 1960s, is in direct contrast to those households that were established prior to then. As indicated in the above table, no new household, established within the first ten years of Ha Batho's existence, ultimately held less than two fields.

The corollary to the above trend, has been a perceptible decline in the incidence of households holding relatively large fieldholdings. While holdings of 3-4 fields used to be the norm, by 1982 such fieldholdings were very much in the minority. Moreover, as indicated in Table 5, the single large holding of 6 fields had disappeared by 1982. Furthermore, there has been a growing incidence of households not holding any fields.

Taken together, the above trends show that households nowadays hold fewer fields than their predecessors. Moreover, there is no indication that households nowadays simply have to wait longer to obtain the same number of

fields as their predecessors. Instead, it seems that title to one or, at best, two fields is becoming the norm and all that most households can expect to obtain. This argument of a trend towards an absolute condition of title to 1-2 fields per household, gains more force if we examine the trends in the allocation of arable land in Naleli valley.

(b) Trends in the allocation of arable land in Naleli valley:

The two main means of allocating arable land in Naleli valley have been allocation by the chief (and his land committee) in conjunction with the practice of arable land inheritance. The practice of arable land inheritance raises a number of issues in the matter of arable land allocation. Firstly, an increase in the incidence of field inheritance means that the area of arable land available for the chief to allocate would decline. In turn, such a trend would be compounded as individuals come to rely more on agnatic kin than on the chief, to obtain arable land. Consequently, such a trend would mean that, in time the chief would retain direct control over less arable land than before. As I argued in chapter 3 (pages 80-82), the corollary to that development is that, commoners would gain more control over arable land and thus, over its allocation amongst the ward residents.

The evidence from Ha Batho, Selema and Thabeng, suggests that the above suppositions are becoming increasingly valid. The evidence from Ha Batho is tabulated below. Table 6 presents two sets of data for comparison. Firstly, the number of fields which have been allocated to Ha Batho households, by the chief and through the practice of arable land inheritance are distinguished. Again, it needs to be noted that the figures for the years 1955, 1965 and 1975 are estimates. Only the numbers given for 1948 and 1982 are empirically correct. Secondly, the table shows the proportion of fields allocated by both means, to the total number of fields ultimately held by the households existent by the specified dates.

Table 6: Comparison between the number of fields allocated by the chief and by inheritance and, their respective proportions to the total number of fields ultimately held by Ha Batho households existent by 1948,1955,1965,1975 and 1982:

Date	No of households	Total No of fields ultimately held by households	No of fields allocated by chief	% of total No of fields	No of fields inherited from kin	% of total No of fields
1948	9	38	34	89%	4	11%
1955	20	68	53	78%	15	22%
1965	29	75	43	57%	32	43%
1975	44	94	48	51%	46	49%
1982	54	94	51	54%	43	46%

While the above table presents perhaps, too definitively, the inverted relationship between field allocations from the chief and through inheritance from kin, the trend is clear. More and more fields in Naleli valley are being inherited rather than being allocated by the chief. In addition, there has been a perceptible trend whereby a greater percentage of fields in the valley are being inherited nowadays than in the past.

In the same vein, Table 7 below represents a refinement on the above tabulations. Table 7 below (subject to the same provisos noted for the aforementioned tables) illustrates the trend whereby the number and the proportion of households in Ha Batho, holding inherited fields, is on the increase. In the context of land shortage, this trend suggests the sub-division of fields amongst kin related households (this issue is discussed more fully shortly).

Table 7: Comparison between the number and the proportion of Ha Batho households holding fields allocated by the chief and by inheritance from kin:

Date	No of field- -holding households	No of house- -holds with fields allocated by chief*	Proportion of * households to total No of households	No of house- -holds with inherited fields**	Proportion of ** households to total No of households
1948	9	8	89%	1	11%
1955	20	16	80%	4	20%
1965	27	18	67%	9	33%
1975	40	23	58%	17	42%
1982	48	28	58%	20	42%

Similar trends to those discussed above are discernable in the evidence from Selema and Thabeng. For instance, in Selema the 7 households which were established between 1963 and 1975 were allocated fields by the chief and/or the chief and his land committee. 4 of the 8 households which were established between 1976 and 1982 inherited their fields. 3 of the other 4 households were allocated fields by the chief and his land committee, while one household had not obtained any fields by 1982.

The evidence from Thabeng is similar to that on Selema. 7 of the 8 founding households in my sample already had fields when their members established the village in 1974/75 (see pages 119-120).⁽¹⁾ Between 1975 and 1982, 7 new households were established. 2 of these households obtained fields from the chief and his 'land committee', 2 inherited their fields while 2 had not obtained any fields by 1982. The outstanding household was one which had removed itself from Ha Batho in 1977 (see page 120). This household already had fields which in fact, had been inherited previously.

With regard to the actual number of fields held by the households in Selema and Thabeng, the same trends, as noted for households in Ha Batho, are discernable. Only two households from both villages had relatively large fieldholdings (4 fields). One of these households was that of the deposed ward chief, Samuel. The other household was one in which a man had

(1) I do not have information on how these households obtained their fields.

informally managed to inherit 2 fields which lay in the designated maboella area of the valley (see pages 111-112). The other households in both villages had mostly one or two fields.

The evidence from the three villages discussed above highlights the trends in arable land allocation in the contexts of population growth and land shortage. As indicated above, the general response has been an increase in the incidence of arable land inheritance. Yet as intimated earlier, such a practice in these contexts entails the sub-division of fields and of fieldholdings and, the practice of staggering access to rights to fields. An examination of these details of the trends in arable land allocation, illustrates clearly the social relationships which define such practices.

3. The Fragmentation of fields and of fieldholdings over time:

In chapter 3, the various criteria which defined rights to arable land were outlined (see pages 68-76). As indicated in that discussion, none of these criteria has been definitive and their implementation has varied according to specific circumstances. In effect, however, these criteria have coalesced in contemporary times into one single tangible criterion. This criterion is that a person has ratified the existence of his/her 'house' by occupation of a residential site and homestead in which he/she is the jural head. This criterion has become the necessary prerequisite for gaining title to fields by any means.

For at least 20 years, this criterion has been applied in Naleli valley. Effectively, the application of this criterion staggers access to title to fields in the valley. For, given the time necessary to make marriage arrangements, save for initial bridewealth payments and the costs of building a homestead, a person or couple are unlikely to be able to meet the conditions of the criterion very quickly after marriage.

Yet, as indicated in the foregoing discussions of this chapter, establishment of a household does not guarantee an allocation of a field. Some households never gain formal title to fields throughout their existence, while others may wait several years before realising their rights to arable land. In the context of land shortage, such delay has been exacerbated by the practice of arable land inheritance. With less and less

land to allocate directly, the chief and his land committee are forced to further delay some households' claims for fields. Consequently, the practice of arable land inheritance has become the surer way of gaining title to some land. The corollary of this practice, however, has been for fieldholdings to be distributed amongst several heirs (see page 81). In short, fields and fieldholdings have been fragmented.

The case study below demonstrates the above developments. In particular, it elucidates several of the conceptual developments in arable land tenure that were identified in chapter 3. Firstly, the criterion of household formation is clearly evident in the given instances of married couples who are attempting to obtain fields. Secondly, in illustrating the practice of arable land inheritance, how the fields are fragmented, is demonstrated. By noting the various transfers of fields over time, it becomes clear that arable land in Naleli valley is being retained by agnatic clusters of households. In short, the power of commoners to gain control over arable land allocation at the expense of the chief is illustrated.

Case 5.5: Field inheritance through three generations:

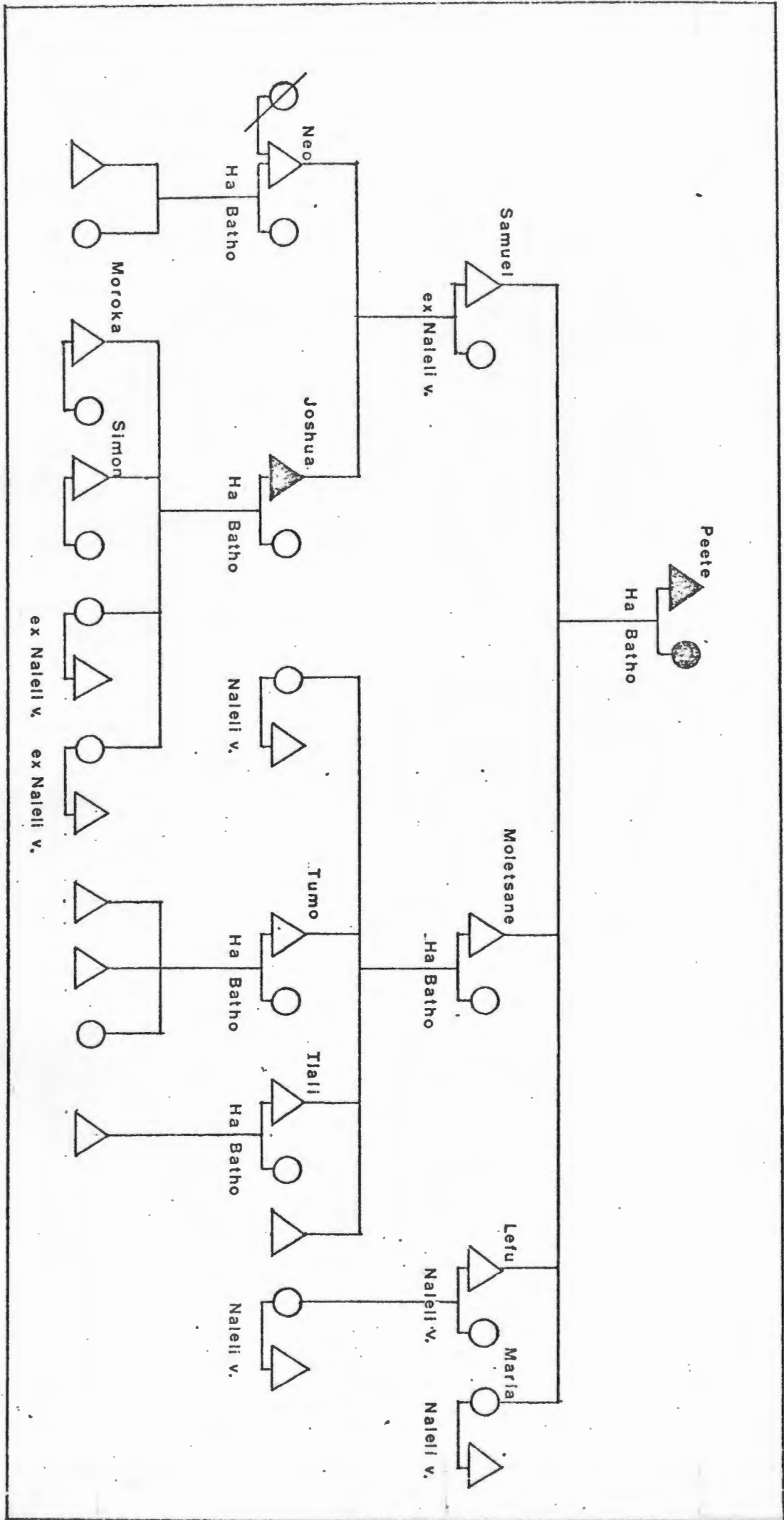
When Peete (see diagram 2 on following page) moved from Paballong to Ha Batho, he was allocated 4 fields by chief Tumo. He had three sons but prior to his move, his eldest son, Samuel, had settled in a village 30 miles (48kms) away. Nonetheless, Samuel's two sons, Neo and Joshua, were reared for much of their youth in Peete's homestead. Peete's second son, Moletsane, stayed in Ha Batho after he married and eventually established his own household in the village. Lefu and Maria, Peete's two younger children settled elsewhere in Naleli valley after they had married.

In their old age, Peete and his wife were supported by their two resident grandsons, Neo and Joshua and by Moletsane. After Peete and his wife had died, Moletsane, Neo and Joshua inherited Peete's fields. Peete's fields were divided into 5 fields by the 'family council'. Neo and Joshua received two fields each while Moletsane received one field. Moletsane, however, had obtained a field from the chief prior to his father's death. Peete's homestead was inherited by Neo. Joshua built his own homestead in Ha Batho.

I was told that Peete's fields will be re-distributed again amongst his male agnate descendants. The sons of Moletsane, Neo and Joshua aspire to inheriting their respective fathers' fields. Since Neo's divorce from his first wife and her removal from the village with the children, Neo's son by his second wife was regarded as the heir to Neo's fields. This attitude may change, however, should Neo's wife bear more sons in the future.

Joshua's sons, Moroka and Simon hope to inherit their deceased father's fields but neither believes that this will happen in the short term, as their mother is neither infirm nor wishes to pass over the titles to the fields to

Diagram 2: Genealogy of Peete.



her sons. Both sons had married by 1982 and were still resident in their mother's homestead. In 1982, however, Moroka was planning to set up his own household in Thabeng. He was expecting his application to the land committee to be successful and thus, had made plans to fulfill the conditions for receiving arable land.

Tumo and Tlali, Moletsane's sons had married by 1982 and already had established their own households in Ha Batho. In addition, they had both obtained a field apiece from the chief and his land committee. Both sons, however, reckoned on inheriting a field each from their father. Therefore, as Tumo mentioned, he was not going to apply for another field from the land committee.

In the above case study, the retention of arable land within the cluster of kin related households is very apparent. In addition, the individual cases within it, point to the strategising by households to obtain fields.(1) For instance, in the case of Moroka and Simon, the former had applied to the chief and the 'land committee' for a field although his mother had two fields. In that household, the two sons were the financial supporters of their mother. Thus, they legitimately expect to inherit their mother's fields. The mother's refusal to pass on the fields for the time being suggests, however, that it was part of a strategy to enable Moroka's application for a field to succeed. Likewise, the corollary to that intimation was Tumo's own comment which implied that, the chief and the 'land committee' are well aware of who is likely to inherit from whom. Having successfully obtained a field by application, Tumo effectively realised that any further applications would be unsuccessful, given the likelihood of him inheriting a field.

What emerges from the above, is an indication of the changing articulation between usufruct and administrative land rights. On the one hand, there are the villagers who struggle to obtain arable land. A major practice to that end, is arable land inheritance. Yet, this practice leads ultimately to the situation where few households have more than 2 fields. On the other hand, there is the chief whose administrative powers have declined but who can still exert his authority and influence the arable land inheritance practice. For, by effectively limiting the applications for land from potential heirs of estates, he can prevent the excessive accumulation of

(1) Arable land allocations have often been fraught with in-politiking (see pages 57-58) and as Spiegel (1979, 94, 179-180) has noted, with incidences of bribery.

fields by individual households.

The brief outline of that articulation above, needs to be examined in more detail, as it contains the reasons for further developments in arable land tenure. As I discuss in later chapters, these developments have led ultimately to the integration of kin related households into co-operative economic units in which the social relationships are defined largely by principles of kinship. In abstract terms, a significant contributor to that development has been the dialectic between those principles of kinship and the practical conditions and trends in arable land allocation. The details of this dialectic are outlined below.

As discussed, one inevitable result of the arable land inheritance practice has been the fragmentation of fieldholdings such that, most households now hold only one or two fields. Apposite to this practice has been the administrative action of the chief to prevent the excessive accumulation of fields by individual households. The obverse to such action has been corroborative action to promote the fragmentation of large fieldholdings.

For instance, in a conversation with chief Mokete, I mentioned the aspirations of a young man to inherit all four of his father's father's fields. As the eldest son of an eldest son, this man had a legitimate right to such an inheritance. In reply, however, the chief stated that such a claim was unlikely to be realised. In all probability, the chief explained, the 'family council' would divide up the fields amongst several heirs. Alternatively, should the 'family council' acquiesce to such a claim, the chief noted that this council's decision would probably be disputed by the other would-be heirs. In such a situation, the chief foresaw those heirs appealing to him to use his influence and authority to change the 'family council's' decision.

In effect, the chief voiced his own and his 'land committee's' effort to ameliorate the problem of land shortage in Naleli ward. As noted, he has de facto power in that context to re-distribute the fields of the large fieldholdings. For example, the chief and the 'land committee' had ensured a de facto fragmentation of one relatively large fieldholding of a household in Ha Batho. In 1982, this household consisted of two brothers and their respective wives and children. In the 1960s, the elder brother

had inherited his father's homestead and the latter's four fields. The younger brother had later married and duly made applications to the chief and the 'land committee' for a field for his own 'house'. Predictably, these applications were unsuccessful, given that this brother had not formed his own household and could inherit his father's fields. Thus, the two brothers have had to share the four fields.

Both illustrations indicate that the chief and the 'land committee' have effectively promoted the practice of arable land inheritance. For by arbitrating inheritance disputes and by not giving fields to those who can inherit fields, the chief and the 'land committee' effectively demand that, agnates look to each other to obtain arable land. In addition, in the context of land shortage and the conceptual association of the residential site and fields to specific individuals, the chief and the 'land committee' endorse the extension to that practice of field inheritance. That extension has been for individuals to transfer the titles to some of their fields to an heir(s) during their own lifetime(see pages 81).

Yet, the significant feature of this practice is that such transfers are commonly initiated by individuals who have title to a relatively large number of fields. For instance, the single 6 field landholding in Ha Batho was fragmented in this manner. The fieldholder in question, had given two of his sons a field each when they married and set up their own households in Ha Batho during the 1970s. The point to note here, is that the practice still leads to the reduction of fieldholdings to the current 1-2 field norm. In addition, the formal kin ties between the 'landless' and the landholding households are endorsed.(1)

The above developments and social consequences are central to answering the inevitable question of why do individuals bother to obtain fields when the area of that land is minimal. A one or two field landholding is useless for producing the sustenance needs in cereals of most households. In addition, it is often not cost-effective for the individual household to cultivate its fields by itself. In view of the kin-based social relationships which have been endorsed for gaining title to fields, it is logical that those same relationships have come to define how that land is used.

(1) The transfers are not necessarily restricted to parents and sons as I illustrate in chapter 7.

As I discuss in chapters 7 and 8, the lack of arable land available to individual households, has led to the formation of co-operative economic units by kin related households. In short, the individual household has become integrated into a kinship defined unit of a number of households who work each others' land and who share its products. As I illustrate in the following chapter, land shortage has not been the sole cause for such a development but has been integral to the general economic trends in arable farming in Lesotho.

6. THE CHANGING ECONOMIC CONDITIONS OF ARABLE LAND USE IN LESOTHO.

In order to identify the social relationships which define arable land use in Lesotho, analysis must first consider the resources which have to be allocated for arable farming. Thus, the focus of this chapter is on those resources (i.e. the factors of production; e.g. cash, labour, equipment) and their availability to rural households in Lesotho. In short, this chapter discusses the changing economic conditions of arable farming in Lesotho.

In the course of this chapter, the economic problems and the trends in the economic use of resources in arable farming in Lesotho are outlined. This serves to illustrate the economic parameters that have evolved within which contemporary rural households have to organise crop production. The background to these parameters is, of course, the migrant labour system. For, given that wage incomes in Lesotho during this century have been derived largely from migrant workers, it has been the latter who have borne the financial costs of arable farming in the country.

The contribution of the migrant workers, though absent from the rural community, is thus an integral aspect of arable farming in Lesotho. I consider this aspect in more detail in chapters 7 and 8. Here, the point to note is, given that the rural residents can invest only the remitted portion of the migrants' wage earnings, cash investment in arable farming has been severely restricted. The question to answer, however, is how the rural residents have responded to this restriction in conjunction with other constraints on arable farming (e.g. land shortage, fragmentation of fieldholdings) in order to continue producing foodstuffs. By outlining the trends in the availability of the factors of production, a basis is established for later consideration of the social relationships which have defined that response.

1. Factors of Production:

Ever since Lesotho's boundaries were circumscribed, Basotho have been making innovations in land use in order to counter the difficulties of farming on less and less land. Basotho have intensified and continue to intensify their farming methods in an effort, to produce harvests which will meet at least

some of their sustenance requirements. That intensification, however, has not been in the form of individuals increasing capital investment on their own. Rather, in the context of changes in the methods of arable land allocation, its form has been a collectively oriented deployment of available factors of production. In short, the intensification of farming methods has been to acquire and to deploy factors of production suitable to the social and material conditions of use. The details of this process, under the headings of the different factors of production, are considered below.

(a) Equipment:

The ox drawn plough was introduced to Basotho by the earliest missionaries to Moshoeshoe's chiefdom and according to reports, it rapidly replaced the hand hoe (Ashton, 1952, 124). By 1875, there were an estimated 2,000 ploughs in Lesotho amongst a population of approximately 130,000 (Sheddick, 1954, 6, 34) (i.e. a ratio of 1:65). In the 1920s, the colonial administration's census surveys intimated an even higher ratio of ploughs per capita population. These surveys enumerated 26,645 ploughs in Lesotho amongst a de jure population of 544,147 (Annual Report, 1922-23, 6) (i.e. a ratio of 1:18).

The intensification in the ownership of ploughs continued until the 1950s. The Agricultural Survey of 1949-50 estimated that there were 60,070 ploughs in Lesotho amongst a de jure population of 689,919 (Douglas & Tennant, 1952, 93) (i.e. a ratio of 1:11). Effectively, this meant that 37% of rural households owned ploughs in the 1940s (Sheddick, 1954, 84). In addition, there are indications that there was the same trend in the ownership of other ox drawn implements (e.g. planters, cultivators) up to that time.⁽¹⁾

Yet, since the 1950s, various survey reports suggest a levelling off in this trend of ownership of agricultural implements. For instance, the 1970 national Agricultural Survey statistics indicate no significant change to the situation in the 1940s. As indicated in Table 8 on the following page, the ownership of ploughs was limited to an average of 30.9% of households, while a smaller percentage of households owned planters and cultivators.

(1) Information on these items is vague. These items were usually mentioned in terms of their being used more and more frequently than before (see Ashton, 1952, 126; Sheddick, 1954, 75, 96, 104-106).

Table 8: Percentages of Households owning agricultural implements in Lesotho in 1970:

Region/ % of households	Agricultural Implements		
	Plough	Planter	Cultivator
Lowlands:	34.87	15.00	18.68
Foothills:	30.40	9.76	12.11
Mountains:	26.01	0.79	2.02
Orange River Valley:	27.44	3.39	6.02
Lesotho:	30.90	9.56	11.92

(condensed from Lesotho(1972,184,Table 7.0422)

My own survey for 1981/82 in Naleli valley(foothill region) corroborates the general pattern of contemporary times, as indicated in Table 9 below.

Table 9: Percentages and numbers of households owning agricultural implements in the villages of Ha Batho, Selema and Thabeng in 1981/82

Village	Total No of households	No of house-holds surveyed	Agricultural Implements		
			Plough	Planter	Cultivator
Ha Batho	54	54	17(31.5%)	14(25.9%)	10(18.5%)
Selema	15	15	6(40%)	6(40%)	3(20%)
Thabeng	16	15	3(20%)	3(20%)	1(6%)

Although a rudimentary statistical analysis can prejudice processual analysis, what is very clear from the given data is that, households owning agricultural implements have always been in the minority. In addition, the apparent levelling off in the ownership of these implements since the 1950s would appear to corroborate a qualified argument by Murray(1981,129-130). Murray(op cit) illustrated the evidence which indicated,that the real wage earnings of Basotho migrant workers remained substantially the same between the 1930s and the 1970s. In effect, the levelling off in the ownership of agricultural implements since the 1950s, reflects the declining earning and spending capacity of many households since that time.

The limited earning capacity of most households is reflected in my own data on the distribution of agricultural implements amongst households in Naleli valley. While only a minority of households own agricultural implements, these implements are unequally distributed amongst that minority. For instance in Ha Batho, only 21 households(38.8%) owned any of the above mentioned implements(i.e. plough,planter,cultivator). Yet, only 7 households(12.9%) owned all three implements.⁽¹⁾ 6 households(11.1%) owned only a plough and a planter. 4 households(7.4%) owned only a plough. One household(1.8%) owned only a planter. 3 households(5.5%) owned only a cultivator.

In Selema and in Thabeng, the distribution of agricultural implements was as skewed as in Ha Batho. In Selema, only 7 households(46.6%) owned any of the above mentioned implements. Only 3 of these 7 households owned all three implements,while 2 owned a plough and a planter. One household owned a plough, while another owned only a planter. Likewise, only 4 households(26.6%) of my sample in Thabeng owned any of these items of whom, one owned all three items. One household owned a plough and a planter, another owned a plough and another household owned a planter.

Clearly ownership of these implements is not a prerequisite for arable farming. The households which own the implements are very much in the minority and certainly, they are not the only households which farm the land. This situation implies a high incidence of some form of co-operation between rural households. Therefore, if there ever was intensification of individual ownership of equipment earlier this century, it has since been recognised as either unnecessary or unfeasible. The same trends discussed above apply also to the ownership of draught cattle.

(b) Draught Cattle:

When Basotho harness cattle to agricultural implements, they regard a team of six oxen for a plough and two oxen for a planter or a cultivator as the ideal combination of draught power to tool. These ideals, however, have been shaken in the past and frequently, they cannot be matched nowadays. Part of this problem has been the rising cost of cattle which has been fueled on

(1) one household owned two ploughs in 1982.

occasion, by climatic hazards which have decimated the cattle population in Lesotho. As a result, the size of this population has fluctuated markedly during the last 100 years, as indicated in Table 10 below.

Table 10: Comparison between the size of the nation's cattle herd and the human population in Lesotho, 1875-1976:

Year	Head of cattle	<u>De jure</u> human population	Head of cattle per capita population
1875	175,000*	130,000*	1.35
1912	520,000	427,549	1.22
1921	726,740	544,147	1.34
1931	786,000		
1936	499,522	661,809	0.75
1946	537,442	689,919	0.78
1956	510,445	794,253	0.64
1966	436,567	965,913	0.45
1976	589,600	1,216,765	0.48

(condensed from figures and tables in: Annual Reports(1911,12; 1922-23,6); Sheddick(1954,34,36); Spiegel(1979,214); Murray(1981,91).)

* The estimated populations in 1868(Sheddick,1954,34)(see Kimble(1978,132)).

As mentioned earlier(see pages 87 - 88) there were marked declines in the size of the cattle population during periods of ecological crisis such as, the rinderpest epizootic of 1896 and the droughts of 1884,1897-98 and 1932-34. As indicated in Table 10, the size of the cattle population has been steadily declining though recently, there has been a sharp increase. This upswing has been linked to the substantial rise in the real earnings of Basotho mine workers(Murray,1981,29-31,90-91,129-130; see Spiegel,1979,77-84)(see page 149)..

In spite of this recent upswing, the net result of the general decline in the cattle population has been that most households have lacked draught cattle, particularly for ploughing. As indicated in table 10 above, the ratio of head of cattle per capita population has fallen markedly during the last 100 years. This decline gives an indication of the lack of draught cattle amongst rural households. Even the recent upswing in the size of the cattle

population has not caused any significant improvement. For if we consider the 'average' household to have a de jure membership of six persons, then in 1976 the 'average' household only had 2.88 head of cattle (on the basis of the ratio figure for 1976).⁽¹⁾

In reality there has always been considerable variation between rural households' cattleholdings (see Sheddick, 1954, 99). Yet, few households could match the ideals for draught power in the past and certainly most households have not been able to do so in recent times. For instance, Sheddick (1954, 99-100) noted that in his field sample, approximately 48% of the households did not own enough oxen to make up a full ploughing team. Instead, he noted (op cit, 86) that ploughing teams frequently included cows and heifers. More recent reports (Spiegel, 1979, 61; Murray, 1981, 76) suggest that 6 head of cattle, irrespective of gender, are still the norm for ploughing and 2 head of cattle, the norm for planting and cultivating. In my own experience similar standards were upheld in Naleli valley. Gay (1980), however, has noted that 4 head of cattle were common in ploughing teams in her area of research.

While most Basotho still manage to use a full complement of cattle for the various tasks on the fields, most households have had to obtain the cattle from other households. Moreover, the evidence suggests that fewer households own enough cattle for those tasks than in the past. Sheddick (1954, 99) noted that in his sample 12% of the households owned no cattle at all. Sixteen years later, the 1970 Agricultural Survey estimated that just over 50% of rural households owned no cattle. Recent research reports show a more marked lack of cattle across the country. For instance, Murray (1981, 76), reporting on conditions in a northern Lesotho village, noted that only 2 out of 73 households owned enough cattle to make up ploughing teams of 6 beasts.

Spiegel (1979, 59-61) reported that, in two Orange river valley villages, 56.6% of the households owned no cattle while at best, 16.9% of the households could have formed 6 beast plough teams from their own cattleholdings. Gay (1980, 21) reported that, in a lowland village, 67% of the households owned no cattle. Moreover, she added, only 17% of the households could form

(1) Hypothetically speaking, the 'average' household in Ha Batho had a de jure membership of 5.55 persons. The figures for Selema and Thabeng were lower, being 4.93 persons and 4.26 persons respectively.

plough teams of 4 head of cattle from their own herds. My own research, found a similar situation existent in all three villages which I surveyed. In Ha Batho, for instance, 25 households(46.6%) owned cattle but only 6 households could muster ploughing teams of six head of cattle from their own herds in 1981.

As noted earlier, such a lack of cattle amongst rural households in the past and today, is closely linked to the wage earning potential of the migrant workers. Yet, even with the increase in the real wage earnings of the migrant workers in the 1970s, the market price of cattle remains beyond the earning capacity of many individuals(see Murray,1981,129-130). Even if individuals attempt to build up a herd of cattle it can take many years to do so.⁽¹⁾ Moreover, the practice of paying bridewealth in the form of cattle has declined and thus, the opportunities to build up a herd by that means. Nowadays, bridewealth is often paid in cash on a rating linked to the market price of cattle but in fact, well below that price.⁽²⁾

Consequently, individual cattleholdings vary over time while at any one time, there is always wide variation between the households' cattleholdings. It proved impossible to gain accurate historical information on villagers' cattleholdings in Naleli valley. Nonetheless, the situation in 1981, as indicated in Table 11 below, illustrates the small size of herds in the villages which I surveyed. Reference to Table 11 shows that 11 households in Ha Batho had cattleholdings of 6 or more head of cattle in 1981. 5 of these households were unable to form plough teams from their own herds in that year, however, as the herds included a majority of cows in calf or calves.

(1) In 1981, the local market price for cows and oxen varied between R200 and R300. The monthly wages of many migrant mine workers was not more than R180.

(2) (see Murray,1981,131). In 1981/82 in my field research area, the 'brideprice' equivalent of one head of cattle varied between R100 and R120. The 'average' 'brideprice' given by informants was R1500 in cash. In chapter 3(pages 62-63),I noted the possibility of livestock ownership being restricted to those,who could afford to invest in breeding stock of the standards dictated by the government. If this has occurred, it would raise the market price of cattle and,exacerbate the problem of paying bridewealth in the form of cattle. In addition this might widen the differential rating between the market price and the 'brideprice' of cattle.

Table 11: The size of cattleholdings per household in Ha Batho, Selema and Thabeng, 1981:

Village	No of households	Number of cattle													
		0	1	2	3	4	5	6	7	8	9	10	11	12	13
Ha Batho	54	29	3	4	3	4	-	2	2	1	2	2	1	-	1
Selema	15	4	3	2	2	3	-	-	-	1	-	-	-	-	-
Thabeng	15*	9	2	-	1	2	-	-	1	-	-	-	-	-	-
Total:	4	42	8	6	6	9	-	2	3	2	2	2	1	-	1
		%: 50	9.5	7.1	7.1	10.7	-	2.4	3.5	2.4	2.4	2.4	1.2	-	1.2

(c) Labour:

As indicated by the foregoing discussions, the continued use of cattle drawn farming implements in Lesotho identifies such farming to still be very labour intensive. Consequently, it is not surprising to find that most households lack the necessary labour amongst their own members to work their own fields. This lack of labour is by no means a new development but has been an inevitable corollary of the migrant labour system. As indicated in Table 12 below, there has always been a large population of Basotho absent from Lesotho.

Table 12: African Population of Lesotho, 1875 - 1976:

Year	<u>De jure</u> population	Population absent from Lesotho	%
1875	130,000		
1891	218,504		
1892		20,000	
1904	347,953	86,000	25
1905		95,000	
1906		76,785	
1911	427,549	24,630	6
1921	544,147	47,141	9
1936	661,809	101,273	15
1946	689,919	128,128	18
1956	794,253	154,782	19.5
1966	965,913	115,900	12
1976	1,216,815	152,654	12.5

(condensed from: Annual Reports(1905-06,13-14; 1906-07,11); Basutoland(1937; 1947); Sheddick(1954,34); Lesotho(1976); Murray(1976,28); Spiegel(1979,214); Murray(1981,13) (NB: There are minor differences in the figures of the above sources).

The majority of the absent population has consisted of male migrant workers with women forming between $\frac{1}{4}$ and $\frac{1}{3}$ of the absentees (see Spiegel, 1979, 214). While the above statistics indicate frequent fluctuations in the size of the migrant population (see Murray, 1976, 26-48; Spiegel, 1979, 19-29; for a full discussion), the persistent absence of a large proportion of Lesotho's population has undoubtedly had effects on the availability of labour for arable farming.

These effects have been frequently cited in ethnographic reports on Lesotho. For instance Ashton (1952, 124) wrote, in reference to ploughing:

"The full human team consists of a small boy as leader, a youth as driver and an experienced man as ploughman. Owing to the dearth of males, due to labour migration, the most varied combinations may be found. Sometimes there is no leader, at other times boys of twelve or thirteen may have to take the plough and girls and women often have to be inspanned as drivers or ploughmen. The effect of this absence of men is serious and an important contributory cause of the low standard of Basuto agriculture."

Likewise Sheddick (1954, 81) noted:

"When both husband and wife are living together and are able-bodied, and when they have around them a number of young children and youths, then the household has a chance of being economically adequate for the tasks it has to perform. But families of five, six or seven persons are not the norm in Basutoland. ... These small families are made even less effective by the temporary absence of one or more of their members. Men and women, the former for complete seasons and the latter for days or months, go away into the Union to work for money. ... As adult labour becomes scarcer, child labour assumes a correspondingly greater importance."

More recently, Murray (1976), Spiegel (1979) and Gay (1980) have demonstrated the absenteeism of migrants to be an integral aspect of a rural household's farming activities. While a household's farming activities can suffer through the absence of its members, the household needs the wages of its absent members to finance its activities.

In view of the fact that, absenteeism from rural households is a common phenomenon, it would be surprising if the household has remained the unit of production in arable farming. This issue is the central focus of later discussions but one point should be noted here. The ethnographic literature has quite rightly pointed out the problems facing most households with regard to their arable farming activities. The reference point of these

problems has commonly been the individual household. Consequently, such a focus must inevitably produce similar conclusions whether the research was carried out in the 1940s or the 1970s. Thus, any changes in the organisation of labour for farming have been obscured by the literature. In short, while the internal lack of labour within a household has been identified as a constraint, the development of relationships beyond the household to secure labour have only been a secondary aspect of analysis.

Given that the internal lack of labour in a household has been such a common problem, it would be surprising if social relationships beyond the household had not come to the forefront in arable farming in Lesotho. Therefore, it would seem logical to give these relationships primary or at least, an equal position to intra-household relationships, in analysis of labour relationships in the rural community. In view of the above, it is worthwhile describing the mundane constraints on arable farming which cause households to look beyond themselves to acquire labour.

(1) The utilisation of labour in arable farming in Naleli valley, 1981/82

During my research period, it became evident that few households could muster the necessary labour for the various agricultural tasks from amongst their own de facto residents. For example, in Ha Batho 29 of the 50 households who had some arable land (be it field or garden), lacked male labour for ploughing in 1981. In these 29 households, there was not a man, resident, present and capable of handling a plough team. In some of the households, there was simply no male resident at all. In other households, the men were either away on work contracts or those that were present, were too old and infirm to work a ploughing and a planting team. The number of the households in this state would have been greater were it not for the fact that, the male migrant workers of 12 households returned on leave to work the land.

A similar problem exists when fields are planted with a mechanical planter and are weeded with a cultivator. Able men usually carry out these tasks. As the physical demands on a person are less than for a plough, however, the aged men and boys can often handle the draught teams in lieu of an able adult male. Finding the labour for planting would not be a particular problem if people continued to sow seed by hand. Murray (1976, 105) and Spiegel

(1979,64) noted that the broadcasting of seed by hand was common practice in their areas of research. In Naleli valley, I found very little evidence of this practice. No informant claimed to broadcast seed but instead, often noted the advantages of using a planter. Planters were more efficient in terms of using less seed (and many informants claimed to use relatively expensive hybrid seeds). In addition, the use of a planter was seen to ease the task of weeding, as the seed was sown uniformly and in straight lines by this means.

The use of a cultivator which follows logically if a planter is used was, however, not common practice. Few people owned these implements and they were not regarded as being of major importance in arable farming. Cultivators can only be used for up to two months after the crop has been planted. After a couple of months, the crops stand a foot or two above the ground and the cultivator becomes more of a liability than an asset. The shoots are less flexible by that time and thus, likely to be damaged by the cultivator. In addition, the draught team can cause considerable damage to the young shoots. Alternatively, weeding by hand is more thorough and can be done by all household residents. Likewise, harvesting is better done by hand as all can participate.

Nevertheless, weeding and harvesting are arduous tasks. A single household, even one with a resident labour force of a number of women and children and using herbicides, cannot keep up the work for long. Children who may make up a major part of the labour force are either at school or herding livestock or finding other pursuits. Thus, the major part of the work load often has to be born by the mother or wife in the household or if a son's wife is resident, by 2-3 women in the household.

Therefore, as with the other factors of production, labour is a relatively scarce resource in individual households. Consequently, labour must be procured by some form of co-operation with other households. In short, arable farming in Lesotho has rarely been an enterprise of the individual or of the single household. The necessary factors of production are available in the ward or village community, the problem which faces fieldholders, however, is how to procure them. One recourse has been for households to use cash to buy or hire whatever factor it lacks. This option is predestined, to a large extent, however, by the residence of a wage earner in the household. Nonetheless, a recent and significant development

in arable farming in Lesotho, is the use of hired tractors.

During 1981, the use of tractors for ploughing and planting was extensive in the environs of Naleli valley. The incidence of this practice in that area compared to reports on the incidence of tractor use in the ethnographies of the 1970s, suggests a shift towards greater mechanisation in arable farming in Lesotho. Murray(1976), Spiegel(1979) and Gay(1980) reported the use of tractors in their areas of research. Yet, in Murray's and Spiegel's areas of research, the use of tractors was not common. Gay's later report, however, emphasised the high incidence of tractor use in her area of research. While it is perhaps, premature to suggest that tractor use has become entrenched in land use patterns in Lesotho, the evidence from Naleli valley points to an evident change in those patterns since the 1970s.

During the 1981 ploughing season, there were a number of tractors for hire in the environs of Naleli valley. Three tractors were based in a village four miles(6.4kms) from Ha Batho and they were owned by Basotho residents of that village. Four tractors(and various implements) were based at a nearby mission station. The presence of these tractors is of interest. They belonged to a South African farmer from across the border. According to informants, this farmer regularly came to Lesotho to do contract work in the villages. The location of this farmer's equipment at the mission station for several weeks during October 1981, is indicative of the demand for them in the area. In Naleli valley itself, I came across only one resident who owned a tractor. The owner had acquired the tractor early in 1982.

Many informants aspired to using tractors on their fields because of their technical efficiency. Tractor drawn ploughs and planters carry out their respective tasks far more rapidly than the cattle drawn equivalents. Speed of work is a major consideration for the fieldholders, as harvest yields are partly determined by the time at which the crops were planted. If one can get a crop in,during or just after the October/November rains, the crop yield is likely to be higher than if one delays in planting for several days after the rains. Given that most households lack the necessary resources and that those households which do own the equipment and cattle will use them at their own convenience, many households do have a problem in ploughing and planting at the best time. Tractor hire can circumvent this problem. If a number of tractors are available, there is a greater chance that one can get a tractor when one wants it. For the speed at which tractors

can complete contracts, enables the owner to meet the contracts in a relatively short space of time.

In addition, the use of tractors does ease the burden on draught cattle. Apart from the general lack of draught cattle, these animals are required for heavy labour when they are not in prime condition (after several months on arid winter grazing). Furthermore, the use of tractors can reduce the labour effort of household residents. All that is required is cash from the absent wage earner, which the rural dependants can then use to arrange a contract with the tractor entrepreneur. Draught power, equipment and labour are acquired in one transaction instead of in a number of possibly, complicated arrangements with other households.

The various advantages of tractors do not, however, guarantee their viability for use in rural Lesotho. There are the practical constraints such as the cost of hire and availability of cash amongst the households, which mitigate against the use of tractors. Moreover, while arrangements with other households may be complicated and tedious, they often minimize the expenditure of cash.⁽¹⁾

Inevitably, the availability of cash has been a major influence on the development of land use patterns in Lesotho. Like the factors of production mentioned above, cash has been a scarce commodity in rural households. Yet, as discussed below, the investment of cash has been a necessary feature of arable farming in Lesotho, particularly in view of the scarcity of equipment and cattle in the rural communities.

2. Hire costs of Factors of Production:

An historical discussion on trends in the hiring and the hire costs of factors of production is problematic, as generally speaking, the relevant data has been included in only the more recent research studies. Therefore, the following discussion focuses mainly on those conditions which were evident in Naleli valley during 1981/82. Where possible historical information has been included.

(1) Obversely, it has been noted that tractor owners usually work outside their own community of kin and friends to avoid entanglement in moral obligations which might detract from the success of their business (Murray, 1976, 104; Spiegel, 1979, 182).

(a) Hire cost of equipment, draught cattle and tractors:

There were few set standards for the hire of cattle drawn or tractor drawn equipment in Naleli valley during 1981. Contract prices varied, as frequently, they were determined through individual bargaining between the contractor and the contractee. Furthermore, while the contract prices were usually calculated on the basis of what area of land had to be worked, there was considerable variation in how people defined land areas.

Some people arranged contracts on the basis of a price given to work an English acre (an area of 4840 square yards (4425.7sq m)). Alternately, some contracts were made in terms of Sesotho acres. A Sesotho acre is a roughly defined area of approximately 12 x 100 foot paces. Otherwise, arrangements were made in terms of the cost to work a 'field'. Such arrangements usually indicated a purely arbitrary contract wherein the price had depended upon the bargaining skills of the contractor and the contractee.

Moreover, contract prices varied depending on whether the contractor supplied labour and/or some or all of the necessary cattle. Thus it is only possible to approximate the going rates in Naleli valley during 1981. These rates are presented in Table 13 below. Included in the table, are the average hire rates for oxen and plough which Murray (1981,85) obtained in his area of research between 1972 and 1974.

Table 13: Average hire rates for agricultural equipment in Naleli valley during 1981:

Item	Land Area		'Field'	Hire rates (from Murray, 1981,85)
	English Acre	Sesotho Acre		
Tractor & Plough :	R12	R6		
6 Cattle & Plough :	R10	R5	R10-15	(1972: 0.80c)(1974:R1.50)
2 Cattle & Planter :	R7-8	R4	R4-5	
2 Cattle & Cultivator :	R7	R4	R4	
2 oxen :			R5	
Plough :			R5	

Murray's figures in the above table refer to the charges for ploughing a Sesotho acre. As evident from comparison, the difference between Murray's figures and my own reflect a relatively high rate of inflation in hire rates

since the 1970s. In addition to these costs which a household can incur, there is the cost of seeds and fertilisers.

(b) Costs of seeds, fertilisers and herbicides:

The use of hybrid seeds and artificial fertilisers has been extensively promoted in recent years by agricultural extension officers in Lesotho. These items are often available from a number of different outlets. In and around Naleli valley, a number of cafes sold artificial fertilisers. In a village near to Naleli valley, there was a government financed farmer's co-operative store which stocked seeds and fertilisers for sale to the public. Alternatively, some shops in the nearby towns carried seeds and fertilisers amongst their stock.

In the environs of Naleli valley, the prices for the above items varied. For example a 2 litre can of hybrid seed cost between R15 and R20. Fertiliser was available in 50kg bags and was sold for between R12 and R15. I was unable to ascertain the extent to which these items were bought and used by villagers in Naleli valley. Most informants were, however, knowledgeable on the relative merits of the different types of hybrid seed, and many claimed to use such seed on their fields. Yet, hybrid seeds were often mixed with ordinary seed from a crop, according to some informants. The cost of hybrid seeds was a mitigating factor against their use. Yet, the cost was often weighed against the individual's assessment of what type of seed would be the best to use under the (predicted) climatic conditions of each year.

With regard to the use of artificial fertilisers, its use appears to be on the increase. The 1970 Agricultural Survey estimated that 20% of households in the foothill region used artificial fertilisers but on only 17% of the arable land. My own information is incomplete but there was evidence that many households in Naleli valley used these fertilisers. For example, 30 households(57%) in Ha Batho claimed to use artificial fertilisers. Yet, these fertilisers were used in such varying quantities that, their use appeared to be determined more by the cost than by the recommended amounts for the fields.

The use of artificial fertilisers raises the cost of arable farming considerably. Therefore only the most persistent (and wealthy) villagers use adequate amounts (approximately 4-5 bags per field) to significantly raise their crop yields. The majority of villagers appear to have been more hopeful than systematic, using 1 or 2 bags per field in the hope that it might do some good. Yet, in the cases which I could verify, the crop yields of such users of fertiliser were no better than those of persons who had not used artificial fertilisers.

An additional small cost incurred by a number of households which I surveyed was the purchase of herbicides for their crops. A common brand was available at the co-operative store. It was sold in 250g bottles at R1.30 each. This herbicide is diluted with water and then sprayed on the crops.

While the above discussed costs of arable farming are very visible, they are underlain by the less easily discerned costs of labour. There were standard wage rates for labour in Naleli valley during 1981, however, labour hire was often obscured in households' farming arrangements. An assessment of these visible and hidden costs of labour is given below.

(c) The costs of Labour:

With regard to ploughing and planting, labour is often hired as part of the hire of draught cattle and ploughs and planters. For example, a person who hires a plough team and a plough may arrange for the owner of these items to do the ploughing on his/her fields. The situation varies, however, as sometimes a household will have an adult male present who can do the work. In short, the hire of labour for ploughing and planting with cattle teams is dependent on two linked factors: the presence of male labour in the household when it is needed and, access to equipment which a man can use. It is only in arrangements where a tractor is hired that labour is always included in the agreement. The owners of tractors either drive their machines themselves or they employ tractor drivers.

With regard to the labour costs for weeding and harvesting, the costs are often obscured under a cloak of reciprocal aid arrangements between households. As noted earlier, many households lack the necessary labour amongst their own members to adequately work their own fields. In Naleli

valley, some households overcame this problem by hiring labour for cash. In 1981, the standard wage rate in that locality was R1.00 per day(6.30.a.m. - 2.30.p.m.).⁽¹⁾

Although labour was hired for cash by some households, it was not the most common method for procuring labour. Most households acquired labour for their own fields by involving themselves in reciprocal aid arrangements with other households. In these arrangements there was rarely any tangible definition of the costs incurred against the benefits obtained. This was partly due to the fact that such arrangements were relatively informal arrangements and often were carried through from year to year on the basis of ties of friendship or kinship.

Generally speaking, these reciprocal aid arrangements have been of three forms(see Murray,1976,102,106; Spiegel,1979,65). One form is direct reciprocal aid between the members of two or more households for the task in hand. In such cases the labour cost and the labour benefit even out. Another form is reciprocal aid between households,as a constituent part of a co-operative arrangement between households,which covers all tasks from ploughing to harvesting. In such cases, the transfers of labour between the households is diffuse and defined by moral obligations as well as by material considerations. The above two forms of labour arrangements are often complex . I discuss them fully in chapters 7 and 8 where it will be possible to illustrate developments in these types of arrangements.

The third form of labour arrangement for weeding or harvesting is one which has developed into an institution known as letsema(work party). Currently, the basic form of this institution is for a person to invite a number of people to come and work on his/her field(s),in return for food and/or joala(beer) which the fieldholder provides at his/her own cost. The 'work party' is not,however, a common labour arrangement nowadays. Only the wealthy who have large acreages of land can afford to procure labour in this manner. Usually such persons are chiefs and sometimes village headmen. Certainly, the only 'work parties' which I encountered were,one organised by the chief of Naleli ward and one organised by the headman of Ha Batho. The 'work party' is, however, more than a pragmatic economic method for the

(1) Murray(1981,78) noted that the average daily wage rate in his area of research was 0.20c.

wealthy to get their fields weeded and harvested. 'Work parties', particularly those organised by chiefs, have political connotations which have deep historical roots. Moreover, in such cases, the costs are not entirely the organiser's. Thus while 'work parties' are not a common form of labour arrangement they are still a central feature of land tenure in Lesotho and, of course, their form has changed in time, as discussed below.

(1) Historical background to 'work parties':

Moshoeshoe I instituted a practice whereby some arable land in the chiefdom was set aside for the cultivation of grain to provision his regiments on campaigns. This land was known as masimo ea lira (literally: fields of the enemy). Reportedly, the men of Moshoeshoe's regiments worked these fields and sometimes, they would be given a feast by Moshoeshoe after the work was done (Sheddick, 1954, 147-151).

As Moshoeshoe's chiefdom expanded, his subordinate chiefs adopted his practice. In time, every chief claimed the right to hold masimo ea lira and the right to call upon subjects to work on them when called upon to do so (Mohapeloa, 1971, 15). Under British colonial rule, the military need for these fields fell away but the chiefs were able to retain their rights to them. This is not surprising, given the entrenchment of the chieftainship with power vested through control over land under the colonial dispensation. Moreover, despite initial opposition from the colonial authorities (Mohapeloa, 1971, 15), chiefs were able to validate their right to these fields in terms of their duty, to feed persons in their employ and visitors or to help poor subjects in need (Sheddick, 1954, 147).

Thus, the right of chiefs to fields other than their own was entrenched as was the right for chiefs, to demand the necessary labour from their subjects to work these fields. This practice was, however, open to abuse. Sheddick (op cit) noted that the right to these fields was originally restricted to senior chiefs but that in time, junior chiefs appropriated the right as well. In addition, the chiefs could decide what proportion of land in their domains was necessary to cover the costs of their 'duty'. In effect, the chiefs were able to obtain fields in excess of their needs and to dispose of the product as they wished (Mohapeloa, 1971, 15-16). Obviously, these fields could be used for personal profit and if extensive, the costs of providing

food for the work parties would be more than offset by the return on the harvest yield.

In 1950, masimo ea lira and the attendant rights of chiefs to them were abolished, partly in response to the abuse of those rights (Sheddick, 1954, 151). In recompense, however, the senior chiefs were to receive a dividend from a new one shilling tax which was to be paid by all tax paying citizens of Lesotho (Ashton, 1952, 131; Sheddick, 1954, 151). The institution of the chief's 'work party' has not died, however, while the term letsema remains to describe various forms of co-operative labour arrangements for weeding and harvesting.

(2) Contemporary forms of Letsema:

The political connotation of the chiefs' 'work parties', that subjects in their areas of jurisdiction should attend those 'work parties', persists to the present day. While a chief may only invite rather than demand his subjects to attend his 'work parties', people do not refuse lightly such an invitation. After all, the chief is a person of importance who can help or hinder a subject's aspirations (e.g. application for fields, sponsorship for citizenship).⁽¹⁾

In Naleli ward, the chief's 'work parties' have become known by a slang equivalent - "local rate". This colloquial phrase aptly characterises the labour costs and the labour benefits of those 'work parties'. In the past, 'local rate' referred to the food which the members of a 'work party' received from a chief. The term meant that the food was the 'local rate' for labour as opposed to cash which Basotho normally expected to receive when they worked for someone. Legally, the one shilling tax abolished the necessity for ward residents to earn the 'local rate'. However, not all chiefs received the tax dividend. Therefore, a luckless ward chief was losing out on what was informally his due. So when the chief of Naleli ward organised a letsema in January 1982, some villagers remarked cynically that it was time for them to pay their "local rate". In other words, the term

(1) The point was conveyed to me by the chief's wife, a few days after the chief of Naleli ward had organised a 'work party'. She 'jokingly' asked why I had not attended when the invitation to do so had been known throughout the ward.

has taken on an ambiguous and witty meaning. The informants meant that it was time for them to earn the 'local rate' for labour but also that, it was time for them to pay, in the form of labour, the 'local rate' for being the subjects of a chief and for his authority to care for them.

Such ambiguity characterises the informal 'work parties' organised by households under reciprocal aid arrangements. In Naleli valley, co-operative arrangements between households for weeding were often called matsema (plural of letsema) and the implication was that the labour of the participant households was given voluntarily. The designation matsema, however, was misplaced. In some cases the work party involved a group of people who worked another person's field but each member of the group contributed some food for a communal meal. In other cases, the letsema was a thinly disguised form of labour hire (see Spiegel, 1979, 65, 154). Usually, informants unconsciously mentioned that they paid for the labour on their fields rather than gave something in return for the labour. As one informant commented, people were "paid cash for weeding, food (grain) for harvesting."

In effect, the costs of labour in arable farming are not always clearly defined, though as indicated above, villagers are well aware of the material transactions that take place. This lack of definition in labour costs is due partly to the fact that, labour arrangements are often directly and indirectly based upon ties of kinship between the participant households. Likewise, cash expenditure of households on other factors of production were often premised on such ties if the households were incorporated into co-operative farming arrangements. As I discuss fully later, these ties have become a very real and necessary component of arable farming practices in Naleli valley, largely because of the financial constraints on rural households farming activities and their dependence on the remitted portions of migrant wage earnings. In short, these ties have to be maintained in view of the various constraints which have limited crop production on the land.

In view of the fragmentation of fieldholdings discussed in chapter 5 and, the various inflationary financial input costs of arable farming noted above, it is not surprising to find that crop yields no longer meet the sustenance needs of rural households. Such limitations on crop production, as identified in Naleli valley during 1981, further illustrate the necessity of households to look beyond themselves to curtail the financial costs of

arable farming and to obtain grain foodstuffs.

3. Crop production in Naleli valley, 1981:

The material cost of producing a crop was weighed against a number of factors by Naleli valley residents. Primarily, the input costs were assessed against the other costs of supporting the rural residents and the wage earner in town. Secondly, the input costs were assessed against the probable returns on the investment. Here a number of factors were considered. An important consideration was the condition of the fields. Few fieldholders could afford to let their fields lie fallow and thus, the fields were worked every year, usually under maize or sorghum. Occasionally, these cereals were intercropped with beans but still, the soils on most fields were exhausted. Therefore, the merits of using artificial fertilisers had to be considered. This concern was compounded by the fact that many fields were not particularly fertile in the first place.⁽¹⁾ In addition, the investment of cash was weighed against the predicted climatic problems, some of which were peculiar to Naleli valley.⁽²⁾

In view of the above, a major consideration was whether the fields would produce yields that would justify the costs involved. From an analytical viewpoint, that consideration can be broken up into four interlinked questions: (1) Do the crop yields from a household's fields meet the

(1) In Naleli valley many fields are located on relatively steep slopes (e.g. on mountain and spur slopes). Moreover, the geological formation is such that the base rock is often very close to the surface. Thus, the soils of many fields either lose nutrients easily or lack depth and nutrients. A particularly fertile area is the alluvial basin of the Naleli river but this area forms only a small proportion of the arable land in Naleli valley.

(2) For example, the crops of fields on the spurs are particularly susceptible to drought. A five week drought during January and February 1982 damaged the crops on those fields and would probably have affected the 1982 harvest yields of those fields. A geological peculiarity on one spur also caused problems for villagers' fields on that spur. Topographical evidence suggests that the base rock on this spur forms a cup shape and thus, there is a high water table on this spur. Consequently, the crops on the fields on that spur rarely suffered during droughts and produced relatively good yields. Nonetheless, considerable effort was required to prevent a particular weed which grew in high water table areas, from strangling the crops.

consumption needs of the household's residents in those crops?; (2) are the crops produced at a financial cost less than the retail market price for the product of those crops?; (3) are the crop yields of sufficient quantity to allow the farmer to sell part of the crop(or all of it) such that the input costs are covered and/or an adequate income to support the household's residents is provided.

My own research indicates that only the first two questions can be answered positively and then only with a number of qualifications. The crop yields of some households do meet, albeit infrequently, the consumption needs of their members and usually, the crops are produced at a cost below that of the product's retail market price. The evidence from Naleli valley and my qualifications about crop production in the valley are discussed below.

There are a number of methodological difficulties in analysing crop production in Lesotho. Unfortunately, these difficulties were exacerbated by the brevity of my time in the field. Firstly, I was not resident in Naleli valley during a harvest season and thus, I could gain no first hand impression of harvesting or of crop yields. Secondly, information on the quantities of households' harvests is not easily obtained. Most households grow maize and/or sorghum only but a few grow other crops(e.g. beans, potatoes, pumpkins). While there are standard measurements for assessing maize and sorghum yields, there are no reliable measures for the other crops. I found it impossible to obtain reliable information on any crops other than maize and sorghum. Therefore my analysis is limited to these two crops.

Thirdly, while there are standard measures for assessing maize and sorghum yields, these standards are not always used by villagers. Ideally, maize and sorghum are stored in 'bags' which contain 200lbs(80kgs) of decobbed maize or threshed and winnowed sorghum. Some households store maize on the cob, however, either in bags or in piles in a storage hut or in large wicker containers next to the homestead. Likewise, sorghum may be stored on the stalk, in bags or in piles on the floor of a storage hut. It was within my means to assess only the yields of maize and sorghum which respectively, had been decobbed and threshed and winnowed, and had been stored in 'bags'. Consequently, my analysis is limited to a sample of 27 households drawn from

Ha Batho.(1)

Finally, it proved extremely difficult to obtain information on households' harvests over any length of time. The results of my survey were unsatisfactory and subsequently I abandoned the attempt. Therefore, my analysis is restricted to the harvest yields of May/June 1981.

With these provisos in mind, the following analysis is but a qualified assessment of the productivity of arable farming in Naleli valley. The analysis examines the questions raised on the preceding page to illustrate the current poverty of individual household crop production.

(a) Maize and Sorghum production in 27 Ha Batho households, 1981:

In Naleli valley, maize and sorghum were the principal crops grown on the villagers' fields. Maize in particular, was grown extensively and often to the exclusion of sorghum. For instance in my sample of 27 households, 20 grew maize only in 1980/81. 6 households grew sorghum that year but all of them grew it in conjunction with maize.

The predominance of maize over sorghum is due partly to maize meal being an everyday food item. Maize meal is usually cooked in the form of a solid porridge (known as papa) which is the staple of most meals. Although sorghum is a common food item, it is not eaten as regularly as maize meal. Sorghum is often used to make a liquid porridge which may be served on occasion for breakfast or as a refreshment to visitors. Alternatively, it is used as the basic ingredient in one type of beer which some households brew intermittently. Thus sorghum, while being a foodstuff, is not central to most households' sustenance requirements.

Table 14, on the following page, presents the crop yields of the household sample to illustrate the predominance of maize production over sorghum production. In addition, the table presents the relevant data for consideration of the households' consumption needs in maize and the opportunities these households had for sale of their crops.

(1) I have accepted in one case, the informant's estimate of his harvest of 15 bags of maize stored on the cob, as being equal to 3 'bags' of decobbed maize.

Table 14: Crop yields (maize and sorghum) of Ha Batho households in 1981:

Household number	No of <u>de jure</u> residents	No of <u>de facto</u> residents	Crop yields (in 2001b 'bags')		FAO projected ⁽¹⁾ 'Consumption Requirements (in 2001b 'bags')	Maize surplus/ deficiency (in 2001b 'bags')
			Maize	Sorghum		
1	9	8	6	15	12.72	-6.72
2	7	6	3	1	9.54	-6.54
3	6	6	4	-	9.54	-5.54
4	6	4	1	-	6.36	-5.36
5	9	8	9	-	12.72	-3.72
6	8	6	6	-	9.54	-3.54
7	5	4	3	7	6.36	-3.36
8	4	4	3	-	6.36	-3.36
9	4	3	2	-	4.77	-2.77
10	5	4	4	2	6.36	-2.36
11	5	4	4	-	6.36	-2.36
12	5	4	4	-	6.36	-2.36
13	4	3	3	-	4.77	-1.77
14	3	3	3	2	4.77	-1.77
15	5	4	5	-	6.36	-1.36
16	3	2	2	-	3.18	-1.18
17	4	3	4	-	4.77	-0.77
18	1	1	1	2	1.59	-0.59
19	3	2	3	-	3.18	-0.59
20	3	2	4	5	3.18	+0.82
21	1	1	3	1	1.59	+1.41
22	3	2	5	-	3.18	+1.82
23*	8	6	12	-	9.54	+2.46
24	4	3	10	-	4.77	+5.23
25*	7	5	14	-	7.95	+6.05
26*	9	8	20	-	12.72	+7.28
27*	2	2	14	-	3.18	+10.82

* indicates households which claimed to have sold part of 1981 harvest.

(1) Consumption needs of Ha Batho households:

Analysis of consumption needs in maize and sorghum is problematic as 'need' is not an easily quantifiable phenomenon. Murray(1981,200,n8) noted this problem given the discrepancies in official estimates and in the "actual variation in age and sex composition of the household and the frequency distribution of household sizes". In addition, one might add the problem in determining what proportion other foodstuffs gathered, grown and bought, contribute to a household's diet. As indicated in Table 14 above, my calculations on the consumption needs of households is based on a FAO construction of dietary requirements and limited to consideration of the households' maize requirements.

(1) FAO = Food Aid Organisation.

As noted in Murray (op cit), this FAO construction estimated that:

"...the average de facto household of 4.4 persons in rural Lesotho requires 7 bags of grain per annum to meet that proportion of its calorie requirements that can be properly met by the consumption of maize meal."

While the concept of the 'average' household is problematic as Murray (op cit) pointed out, an application of the above FAO construction can be of use in an analysis of household consumption needs.

In Table 14 above, the number of 'bags' of maize which the households are estimated to have required in 1981/82 are based on the FAO construction. On that basis, Table 14 lists the estimated surplus or deficiency of each household's 1981 maize crop. Using these calculations, 19 households (70%) did not produce enough maize to meet their consumption needs in maize. Even if we allowed for a wide margin of error and reduced the FAO estimation from 7 bags to 5 bags, there would be no significant change. Using the revised figure, 16 households (59%) (household numbers 1-14, 16, 18) would still have produced an inadequate harvest in 1981 to meet their consumption needs.

In view of the qualifications one must make in this type of analysis, perhaps, the best indication of the inadequacy of the individual household's maize production in 1981, lies in the number of households which could sell some of their crop. As noted in Table 14, only 4 households in the sample claimed to have sold any part of their 1981 crop of maize. If the other sample households had produced even subjectively assessed adequate quantities of maize for household consumption, one would expect more households to have indicated that they sold some of their crops. Further analysis of these households which claimed to sell part of their crops, illustrates indirectly the inadequacy of the individual household's crop production.

(2) Production costs and the sale of crops:

Expectedly, the 4 households which claimed to sell part of their crop were those who could be said to have produced a 'surplus', on the basis of the FAO formula. For two of these households (numbers 23 and 25), their production of a 'surplus' in 1981 compared to the majority of the households was nothing

but fortuitous.⁽¹⁾ In addition, the sale of these 'surpluses' would barely have covered the input costs of these two households' crop production on their fields the following season. In both cases, these households were only able to cultivate their fields in October 1981 by investing relatively large sums of cash, as indicated below.

Case 6.1: Household Number 23:

In 1981, Bereng was a retired migrant worker who had four fields and owned ten head of cattle and a plough. His plough was broken, however, and thus unusable for working his fields during October 1981. His married brother and eldest son - both active migrant workers - who were resident in his homestead were, however, able to finance his farming activities that year. Bereng's main problem during October, was obtaining equipment to cultivate his fields. He was unable to hire a plough independently and thus, had to employ a tractor owner to plough his fields. For R12, he managed to hire a planter which he harnessed to two of his own oxen, and then, he worked the fields by himself. In addition, he used cash contributions from his brother and son to buy fertiliser but he could afford only 5 bags at R12 each. Bereng used one bag of fertiliser on one field and divided the other four bags on the remaining three fields. The financial costs which Bereng incurred are listed below.

Item	Field A size of field 2750yds ²	Field B	Field C	Field D
Tractor & Plough:	R10	R12	R12	R12
Planter:	R 3	R 3	R 3	R 3
Fertiliser:	R12	R16	R16	R16
Total costs	<u>R25</u>	<u>R31</u>	<u>R31</u>	<u>R31</u>

During 1981, maize producers could retail a 'bag' of maize for R20-R25. Therefore, even if Bereng had sold all of his 'surplus' crop of May/June that year, he would not have covered his financial costs for the following season. At best, his 'surplus' would have earned him R61.50. His basic input costs during October were R118.00.

(1) Using a number of variables together (number of fields, sex, age and de facto residence of household members, financial investment, labour investment, ratio of wage earners to de facto consumers) did not indicate any significant differentiation between the individual households crop yields.

Assuming that Household number 25 sold all of its 'surplus' at the optimum price in 1981, then the cash return would have been R151.25. As indicated below such a return would have just covered that household's basic input costs for cultivating its fields in October 1981.

Case 6.2: Household Number 25:

Mathabiso was a widow who had two fields in 1981. That year, she did not own any mechanical equipment for farming or cattle. In addition, she had no cash income of her own. Mathabiso was able to get her fields ploughed and planted in October 1981, through the cash contributions of her two married migrant sons who lived in her homestead. Moreover, one son returned on leave for a short period, during which he arranged the hire of implements and bought fertiliser (5 bags). The costs which he incurred were as follows:

Item	Field A	Field B
Tractor & Plough:	R36	R10
Oxen & Planter:	R12	R 6
Oxen & Cultivator:	R10	R 4
Fertiliser:	R48	R12
Total Costs:	<u>R106</u>	<u>R32</u>

Both cases above show that individual household production of maize was at best marginally productive in terms of covering the input costs of arable farming or perhaps, contributing to those costs. Given the indication that maize production of the individual household was more on the financial debit rather than credit side, it is perhaps, more profitable to look at what the debit would have been if these two households had bought their maize needs on the retail market. During 1981, the retail price equivalent of a 'bag' of maize (i.e. the refined product, sold in smaller quantities than 200lb bags) varied between R30 and R40. Thus, if the above households had spent what they invested on their own fields instead, on buying maize meal, they would have got less than the amount they produced themselves.

While the above analyses indicate generally the contemporary poverty of crop yields and the financial constraints amongst farming households in Naleli' valley, they pose more questions than answers. This is partly due to the fact that such analysis inevitably leads to a focus on the individual

household separate from others. Consequently, the impression given is that arable farming in that valley is at best, marginally productive or at worst, an insignificant activity for most households.

Yet, an indication of the significance of arable farming in Naleli valley is given in the social relationships identified in the above case studies. There, is evidence of considerable cash investment and effort on the part of both the wage earners and the rural residents. This indicates two underlying and closely interlinked relations which have been necessary for arable farming to be carried out by most households. One, as noted earlier is that arable farming has depended on a close relationship between the absent wage earner and the rural resident. The second, is that arable farming has not and cannot be an individual enterprise. An individual is always dependent upon another or others to cultivate the land.

In the two case studies (cases 6.1, 6.2) above, these two relations were fused together in that the interdependent individuals were in the same households. The aspect of those relations which was not considered was the interdependence of individuals on others who are not in the same household. A focus on inter-household relations tells us more about the significance of arable farming in Naleli valley. An indication of that significance is given in the cases of Households 26 and 27 in Table 14. These were the households which could be said to have produced the largest 'surpluses' in 1981. Such high productivity in maize, relative to the other households in the sample, was based on the social relationships between these two households and others in Naleli valley.

Household 27 was the only household in the sample (and in Ha Batho) which claimed to be able to produce a real surplus in grain crops each year, over and above the consumption needs of its members. The de facto size of this household and the fact that it held two fields were obviously contributory factors to such high productivity in grain. Nonetheless, this household - a retired migrant worker and his wife - were supported by the wife's brother who lived in Selema. It was the brother who paid for the hire of cattle and equipment to work Household 27's fields as well as buying 5 bags of fertiliser for those fields in 1981. In addition, this brother contributed R30 per month from his own earnings to support his sister and her husband.

In the case of Household 27 above, its members were very clearly dependent upon the migrant worker brother of the wife in that household. As a quick calculation indicates, even if Household 27 was able to sell 11 'bags' of maize in 1981 at the optimum price (R25 per 'bag'), the year's income from the household's fields would have been only R275.

In the above case study, the prominent relation between the two households was that of the dependence of the rural residents in one, upon the absent wage earner in the other. While this relation was prominent, maize production on household 27's fields was also dependent upon the co-operation between the rural residents in both households. Members from both households worked on each others' fields for the rest of the season, weeding and harvesting.

The necessity of the latter relation in crop production is very evident in the case of Household 26 in Table 14. This household is discussed fully later (page 204). The relevant point to note here is that the production of a 'surplus' maize crop in 1981 by this household and the sale of part of that 'surplus', was based on the household's dependence on a number of other households. As important as the contributions of wage earners in Household 26 and in the other co-operative households, was the co-operation between the rural residents in all the co-operative households. This co-operation between the households provided Household 26 with a large labour force to care for its crops throughout the season. In addition, that co-operation enabled the rural head of Household 26, to become a contractor in a share-cropping agreement.

The net effect of this relation of maize production was that Household 26 was able to produce a relatively large harvest from its own fields in 1981. In addition it obtained an extra quantity of maize from the share-cropping arrangement. Thus, it was in a position to sell part of its own 'surplus' maize crop. Yet, this household was not able to sell all of the crop that it did not need for personal consumption, as part of the crop was also distributed informally amongst members of the other co-operative households.

It is this co-operation and distribution of individual households' crops between households which makes arable farming a significant industry in the rural community. In abstract terms, it is both sets of relations of

production discussed above, which have lifted most households seemingly ineffectual crop productive capability (see Table 14) onto a communal and inter-household co-operative level of crop production. Having identified the relations of production which have evolved under the economic constraints of arable farming in Lesotho, the co-operative nature of production can now be discussed. Essentially, this discussion which is contained in the following chapter, examines the inter-household arrangements for arable farming in Lesotho.

7. THE TRANSFORMATION OF THE HOUSEHOLD AS THE UNIT OF PRODUCTION.

Having identified the two relations of household production, the aim of this chapter is to examine their development in Lesotho and their contemporary form in Naleli valley. Thus, in abstract terms, the subjects of this chapter are the relation between rural residents in different households and the relation between the rural residents and the absent wage earners within a household. In order to examine these relations, the discussion focuses on household arrangements to cultivate the land. In effect, this chapter examines the question of why people continue to cultivate cereal crops when, as identified in chapter 6, the individual household's capability to produce its own sustenance requirements has declined.

In answering this question, this chapter seeks to demonstrate how household farming arrangements have become based on kin ties between households. An integral part of this answer identifies the corresponding decline in the household as the unit of production such that this unit has now become composed of a number of kin related households. The evidence for this is found in my data on household farming arrangements identified in Naleli valley during 1981/82. Yet, to understand this transformation of the household, it has been necessary to consider historical trends in the definition of households themselves. Therefore, a preliminary discussion examines the household itself.

In that discussion, the decline in the household as the unit of production is indicated by reference to the literature on Lesotho, namely the works of Ashton(1952), Sheddick(1954), Wallman(1969), Murray(1976), Spiegel(1979) and Gay(1980). It should be noted here that the purpose of this discussion is not to detail comprehensively the changes to the household as a unit of production. Its purpose is to establish the context in which changes to the household have taken place and in the process, to identify the changing articulation of the relations between and within households. Thus, emphasis is given to the works of Sheddick(1954) and Murray(1976) to provide a comparison of the changes to the household as the unit of production over time. The other mentioned works are cited briefly to illustrate the continuity of the above changes. A more detailed discussion of those changes, particularly the trends indicated in the data of studies carried out within

the last decade, occurs in the following chapter.

By examining generally, the changes to the household as the unit of production, a basis is established for consideration of changes to the forms of household farming arrangements which is the focus of the second part of this chapter. That discussion leads on to a discussion of those farming arrangements, as they were evident in Naleli valley during 1981/82, and illustrations of how they were underlain by ties of kinship between households.

1. The Household as the Unit of Production, 1940s-1970s:

In the literature discussed below, the household of the past and of contemporary times has been considered as the unit of production in the rural community. The problem with this conception has been, as noted earlier (see pages 155 - 156), that it does not allow consideration of whether the household is still, in fact, the unit of production. At best, the literature sees the household as becoming a relatively ineffectual unit of production because of the economic constraints on its members' activities. Given these economic constraints (i.e. as discussed in chapter 6) and the effect on the household, it is, perhaps, time to reconsider whether the household is still the unit of production. If the household has become a relatively ineffectual unit of production then, it is unlikely that it would remain the unit of production.

Identifying such a change in the function of the household from the literature, is, however, problematic. Primarily, this is due to the primacy of the household as the unit of analysis in the past and current literature on Lesotho. Consequently, one is never quite sure whether the writer's discussions truly indicate the household as the unit of production or whether the discussions reflect primarily, the writer's theoretical premises. I can see no clear way out of this problem. Instead, it has been necessary to accept the intangible criterion of the writer's impression of social and economic relationships in the rural community. In short, it is accepted that the writer's vision of phenomena in the field is reflected in his/her analytical conception of the household.

In view of the above, the following discussion draws evidence from the literature to illustrate how the household has been identified and in the process, to indicate changes to the household as the unit of production.

(a) The household as the unit of production during the 1940s/50s:

In 1952, Ashton(1952,130) wrote:

"The various agricultural tasks are usually done by the members of the household to whom the field belongs, and mostly by women, working alone or with their unmarried daughters or female relations and dependants."

Ashton(op cit,22) had previously identified the household as consisting of a man, his wife and children who occupied a homestead(see page 67).. Sheddick(1954,84) identified the household in a similar manner:

"The household inhabiting a single homestead is the primary unit for economic co-operation".

Both Ashton and Sheddick effectively defined the household on the basis of the jural significance of the residential site. For instance, as Sheddick(op cit,16) noted:

"The homestead is something more than a collection of huts. It is a complex of rights of access to natural resources such as fuel, water and building materials fields to cultivate, space for stock byres and grazing for stock."

Such a perspective and definition of the household was justifiable and consistent with the social and economic conditions of the time. As we saw in chapter 3, the residential site had become an increasingly important land category just prior to the above authors' research. The colonial administration was actively promoting its gardens programme(see pages 85-88). Moreover, the informal practice of arable land inheritance had recently been endorsed as a legitimate practice(see pages 78). In short, with regard to land tenure, the residential site had become the focus of land rights. Consequently, it is not surprising that both Ashton(1952) and Sheddick(1954) identified the household occupying a residential site as the unit of production.

Having identified the household as the unit of production, the question was to consider how the household articulated its rights in practice. As both authors were aware, the household's economic activities were affected by the migrant labour system(see page155), though it was Sheddick rather than Ashton who considered these effects in detail.

Consequently, Sheddick(op cit,83) began his analysis by noting:

"The homestead as an agricultural unit is largely inadequate. Its deficiencies are made good partly, by assistance from wider family associations, partly by neighbourhood co-operation and to some extent by engaging labour."

In detailing those social and economic relationship of the household, Sheddick(op cit,83-87) suggested that they were defined by economic necessity rather than by ties of kinship. In the light of the economic trends and conditions of arable farming at that time, such an impression seems reasonable. As noted earlier(see page 148), there were indications that individual ownership of agricultural implements was no longer on the increase.

In addition, rural households were,perhaps, feeling the financial constraints imposed by no rise in the level of real wage earnings since the 1930s(see page 149). As discussed in chapter 6, the 1930s had witnessed an injection of agricultural aid into arable farming in Lesotho but at the same time there had been increased emigration of Basotho to the mines in South Africa. Therefore, while the amount of cash reaching rural households in Lesotho probably increased in the 1940s, the capacity for that income to acquire the necessary agricultural inputs gradually declined.

Apart from the gross trend in the ownership of agricultural implements, an indication of the above process is given in the fluctuation in the size of the cattle population in Lesotho between 1936 and 1956. From a 20th century low of 499,522 head of cattle in Lesotho in 1936, the size of the national herd increased markedly during the following decade. By 1946, there were an estimated 537,442 head of cattle in the country(see page 151).Yet,in the following decade, this number declined such that by 1956, there were 510,445 head of cattle in Lesotho. Furthermore, an indication that the capacity of wage earnings to support the rural household was declining is given in the marked increase in the emigration of Basotho between 1936 and 1956. During that period, the population which was absent from Lesotho rose from 101,273 persons to 154,782 persons(see page 154).

Thus, Sheddick's impression of interhousehold co-operation was based on the observable necessity of households to share scarce factors of production. Accordingly, with regard to ploughing and planting, Sheddick(op cit,84) saw the frequent co-operation between kin as being based on economic necessity rather than on a tie of kinship obligation. Similarly, he saw

inter-household co-operation, in weeding and harvesting, as simply the reciprocal exchange of labour between friendly neighbours (Sheddick, op cit, 86).

Where Sheddick had noted extensive co-operation between kin, he had surmised that it emanated more from the residential proximity of kin related households rather than from the moral obligation to help one's kin (ibid). In view of these impressions, Sheddick (op cit, 87) concluded that:

"The Basuto themselves recognise that no great reliance can be placed by a homestead on receiving family assistance."

Turning to the distribution of a household's crops, Sheddick (op cit, 95-96) reported that interhousehold co-operation inevitably led to the crops being consumed by a wider circle of consumers than the household members.

In effect, Sheddick's analysis identified the challenges to the viability of the household to remain the unit of production. As indicated above, Sheddick did not see this unit of production to be in decline. Instead, the household remained a viable unit of production by involving itself in networks of co-operation with other households. In short, Sheddick's analysis concentrated on the relation between rural residents in different households. Such a perspective was extended in a study carried out during the 1960s by Wallman (1969).

(b) The household as the unit of production during the 1960s/70s:

Wallman (1969, 45) corroborated Sheddick's view of the household as the unit of production. Wallman's emphasis, however, was to relate inter-household co-operation directly to the absence of migrant workers from the rural community (Wallman, op cit, 4-5). In detailing the effects of such absence on the rural community, Wallman (op cit, 44) noted that inter-household co-operation was:

"...governed by practical need rather than by traditional principles of kinship or political authority."

In effect, Wallman's analysis of the household as the unit of production was not markedly different from Sheddick's (1954, 83-96). It did, however, indicate that the relation between the wage earner and the rural resident within the household was of increasing significance to the household's effort to remain

a viable unit of production. Wallman's analysis, however, only outlined this relation in general terms. It was the ethnographic surveys of the 1970s which detailed this relation and its expression in the household.

Three ethnographic surveys of the 1970s (Murray, 1976; Spiegel, 1979; Gay, 1980) explicitly focused on the effects of the migrant labour system on the rural household in Lesotho. These studies focused on different issues but in doing so, they revealed the changes to the household as the unit of production. By noting each study's focus and its findings, it becomes evident that by the late 1970s, the household was no longer a viable unit of production. During the early 1970s, however, there are indications from Murray's (1976) research that the household was able to retain that viability through the infusion of cash from its absent wage earning members.

By focusing on the contributions of the migrant worker to a household, Murray (1976) found it necessary to redefine the household. Given the evident dependence of most rural Basotho upon the wages of migrant labour, it was apparent to Murray that the household as a production unit was not identifiable in the 1970s, primarily in terms of its agricultural activities. Accordingly Murray (op cit, 54) defined the household as:

"..an aggregation of individuals within which are concentrated the flows of income and expenditure generated by the activities of its members."

In practical terms, this meant that the household was:

" ..composed of resident members who occupy a homestead in a Lesotho village and of one or more absent members who contribute to its income."

(Murray, op cit, 55, (Murray's emphasis)).

In effect, Murray, unlike Sheddick (1954, 16, 84), had identified the household as a production unit in terms of its necessity to have a de jure resident wage earner. Moreover, again differently to Sheddick (1954, 83-87), Murray (op cit, 72-80) identified the relationships within the household as being central to the household's viability as the unit of production. In short, the household's capability to be involved in agricultural activities, including networks of inter-household co-operation, was dependent on the cash income supplied by the absent wage earner to the rural manager (i.e. usually the wife or widowed mother or retired father of the migrant worker).

Consequently, Murray (op cit, 111-133) identified inter-household co-operation as being defined primarily, by each household's effort to develop its own social and material resource base (i.e. to secure title to land, access to agricultural implements, labour from the offspring of household members). In addition, Murray (op cit, 115-117) argued that the low productivity of a household's fields relative to the increasing costs of producing a crop, meant that cash investment in arable farming was restricted. Consequently, a household's ties with others were defined mainly by its own efforts to minimise costs and to secure access to cash incomes rather than by reliance on kin in a communal effort to overcome the constraints on farming.⁽¹⁾

Murray's emphasis on the relation between the wage earner and the rural resident within the household was contained in a study by Spiegel (1979). Spiegel's identification of the household as the unit of production was similar to Murray's (Spiegel, op cit, 49-50). His focus on the expenditure of households' wage incomes in the rural community, however, illustrated a further dimension of the relation between the wage earners and the rural residents. In effect, this focus illustrated the co-operative arrangements between rural residents to be a necessary means by which they could gain access, directly and indirectly, to a part of the migrant workers' wage incomes. In short, Spiegel's study highlighted the way a household's primary dependence upon its wage earning members had become an integral aspect of farming relationships between rural residents in different households.

Spiegel's study can be seen as an extension of Murray's work (1976). It can also be seen as indicating a development whereby, the rural residents in different households were finding it increasingly necessary to rely on each other, in addition to their dependence on wage earners in their own households. Such a development is explicitly identified in the later work of Gay (1980).

By focusing on the activities of women rural residents, Gay (1980) effectively extended Murray's (1976) study of the rural manager of the household. In doing so, Gay (op cit, 13, 192-193) identified the inadequacy of wage remittances for women to support the rural members of their households. Consequently, the ties between rural residents in different households were of major importance to women in order to overcome the deficiencies in their dependence on the

(1) Murray's qualifications in this respect are considered in more detail in chapter 8 (see pages 232-233).

household's wage earners. In effect, Gay's study showed that a household's dependency on its wage earners was, by the late 1970s, insufficient for the household to remain the unit of production. Rural residents, women in particular, had to develop ties with other households which could become primary relationships at any time.

In view of the above findings of Gay, it is significant that she found it necessary to redefine the household. While accepting Murray's (1976, 54) definition, Gay (op cit, 19) reasserted the rural aspect of the rights attributable to the residential site. For clearly, those rights, in lieu of a steady cash income, were a major resource for the household's rural residents.

My own research has indicated that the residential site has become the basis for defining the household, and the rights attached to it, the basis for defining the relationships of household members to other households (see pages 64-66, 76-97). In order to make use of these rights, particularly the rights to arable land, rural residents must in the context of limited wage incomes, form larger units of production than the household. My own evidence from Naleli valley indicates that by 1981, that unit of production had become the group of agnatically related households within the ward.

The primary evidence for such a development became evident when I found that, the forms of co-operative arrangements between households were subtly different to those encountered by previous researchers in Lesotho. It is those forms which are discussed below. This will serve as a basis for consideration of the case studies on household co-operative arrangements which I present later in the chapter. In the knowledge of these discussions, the transformation of the household outlined above, can be discussed in detail and related to trends in the allocation of arable land. That discussion takes place in chapter 8.

2. The Forms of Inter-Household Co-operative Farming Arrangements:

Generally speaking, the literature on Lesotho has identified two main forms of inter-household co-operative arrangements. Usually these forms have been described under their folk headings which are, (1) Kopano (company) and (2) Seahlolo (sharecropping) (see Ashton, 1952, 125-126; Sheddick, 1954, 83-85; Wallman,

1969,53; Spiegel,1979,118-127; Gay,1980,192-193; Murray,1981,78).

As mentioned, my own research indicated that these forms had changed in concept and in operation. Evidence for this is not based entirely on my field research. It is evident in the way these forms have sometimes been identified differently at different points in time(e.g. compare Sheddick's (1954,84-85) description of sharecropping to Murray's(1981,79-82) description). Therefore, in order to assess the changes in these forms, the following discussion sets out how they have been described previously. In turn, I present how these forms appeared in Naleli valley during 1981/82. Subsequently, I reconsider the literature's descriptions of kopano and of seahlolo arrangements.

(a) Kopano:

Spiegel(1979,119-122) has discussed in detail the hypothetical character of Kopano arrangements(identified as "ploughing companies"). The 'ploughing company' was informal in origin but often quite complex in operation. In order to get his/her fields ploughed and planted, an individual might pool his/her resources with one other or more individuals. Together, these individuals would form a group with the express aim of sharing the effort in ploughing and planting each others' fields. Theoretically, it was an arrangement that covered specific agricultural tasks and there was no obligation to share the crop amongst the members of the partnership.

The nature of the partnership could vary, however, from being a form of reciprocal aid between equal partners to being a more structured, hierarchially organised partnership(Ashton,1952,125-126; Spiegel,1979,119-122).For example, a partnership between equals might have been as follows. Two individuals might each possess some but an insufficient number of oxen to make up their own ploughing teams. In addition, one individual might own a plough only, while the other might own a planter only. In this situation, these two individuals might form a kopano and combine their oxen to form a draught team,share their equipment and help each other to plough and plant their respective fields. In this case, the kopano would be an informal and pragmatic arrangement between two individuals.

Alternately, the kopano could be a more structured unit than outlined above,

particularly if one or other partners contributed a greater proportion of resources to the partnership. Such differentiation in the contributions of partners ideally determined the order of work on the partnership's fields. Wallman(1969,53) quoted an informant's response on the "custom" of deciding the order of work:

"First always do the field of the man with oxen; he takes first place. Then the man with the hoe(plough). The man who brings only his labour comes last; he is the man with nothing. But even he loses no part of his crop because he has done something too.."

Ideally, the different contributions of the partners in a kopano also determined the structure of it. Spiegel(1979,120-12) noted that there were "chains of seniority" in 'ploughing companies'. For instance, in the two person partnership mentioned earlier, neither partner had a yoke and chains and neither had the time to do all the work. In such a case, these partners might expand their kopano and become 'senior partners' to other members who were incorporated into the arrangement. For example, one 'senior partner' might bring in a 'junior partner' - a man who owned a yoke and chains - who would loan his equipment and contribute his labour, if he could use the other partners' cattle, plough and planter on his own fields. Likewise, the other 'senior partner' might bring in another 'junior partner'. Such a partner might be a man who could contribute only his labour and time and, who would do so if he could use the partnership's other resources to work his own fields.

The presence of unequal partners in a kopano has been recognised in Sesotho. Spiegel(op cit,120-122) noted that a partnership between two equal partners was usually stated in terms of re a thusana(literally: 'we help each other'). In a kopano involving 'junior partners', however, the latter were seen "ho kena lehafing"(literally: to enter the armpit(Spiegel,op cit,120)) or "ho kena sepane"(literally: to enter the span(Gay,1980,201)) of the senior partners who had matla(strength) by virtue of their command over more resources.

Theoretically, the structured and unstructured forms of the kopano is very different to the Seahlolo(sharecropping) arrangement, as indicated below.

(b) Seahlolo:

Theoretically, seahlolo, the sharecropping arrangement, is a contract agreement between two persons who share the effort to produce a crop from a specific field and who then share the harvest (Spiegel, 1979, 123-127; Gay, 1980, 192). Partners in this type of arrangement, formally agree upon what resources each partner will contribute and upon what share of the crop each will receive. Ideally, the crop share is decided by the proportion of resources each partner has contributed. If it was agreed that each partner contributed equally to the effort to produce the crop then, the crop should be shared equally (Sheddick, 1954, 85; Spiegel, op cit, 123; Gay, op cit, 192).

From the above description of the sharecropping arrangement, the nominal differences between it and the kopano arrangement are quite evident. Theoretically, a sharecropping arrangement extends throughout the agricultural season, while a kopano arrangement is limited to cover only the ploughing and planting season. Theoretically, the sharecropping arrangement is a formal arrangement, while the kopano is an informal arrangement. Moreover, a sharecropping agreement specifies the field on which the partners will work, while under the kopano arrangement, there is greater flexibility in the allocation of labour and of other resources to the fields. Finally, the sharecropping arrangement specifies a sharing of the crop from the field which has been worked by the partners. No such specification is made in the kopano arrangement.

As outlined above, the kopano and the seahlolo appear to be well defined forms of household farming arrangements. The description of these forms in the literature cited above is, however, different to what I encountered in Naleli valley during 1981/82. Obviously one would not expect these forms to be exactly the same in practice as in theory. Nonetheless, the marked divergence between previous descriptions of these forms and their expression in Naleli valley, suggested that these forms had changed over time. In turn it became evident that the terms kopano and seahlolo, as categories of farming practices, needed to be reconsidered.

(c) The changing forms of the kopano and the seahlolo arrangements:

In Naleli valley during 1981/82, people used the term kopano to designate a range of co-operative arrangements between households. A number of

informants stated, however, that the term designated commercial enterprises more aptly. Such a view stemmed from the way in which informally organised arrangements between households could and did develop into more formal commercial partnerships. Once a group of households had met their commitments to each others' fields, some groups remained as units and hired out their resources for the remainder of the ploughing and planting season. In short, the term kopano had come closer in meaning to its English commercial equivalent - 'company'.

Such a development linguistically and in practice was significant in its illustration of responses to the changing economic conditions of land use in Lesotho. Firstly, this development highlighted a consequence of limited ownership of cattle and of agricultural implements amongst households and, of the scarcity of labour in the rural community. In the light of such scarcity there were many opportunities for those who had access to these factors of production, to hire them out. By sharing its resources with a number of other households, a household could get its own fields worked and then earn some cash income by staying involved with the other households to provide services to less fortunate households.

Secondly, the linguistic development reflected the way distinctions were made in inter-household co-operative arrangements. As indicated above, the kopano, as a commercial co-operative enterprise, was premised on a previously organised arrangement of reciprocal aid between households. In effect, the kopano was an extension rather than a basis of inter-household co-operation. Accordingly, informants noted that the informally organised co-operative arrangement was better expressed in terms of 're a thusana' (we help each other) or 're a sebelisana' (literally: we cause each other to work). Significantly, both these expressions implied that the co-operative arrangement was not necessarily restricted to the ploughing and planting season only. In fact, many of these arrangements, some of which included the commercially organised kopano, extended throughout the agricultural season.

In addition, these arrangements which included a kopano and, which extended throughout the agricultural season, were sometimes designated as seahlolo. Such conceptual ambiguity stemmed from the fact that the households involved in informal co-operative arrangements often informally shared their harvests. Usually, it was the household which produced the

largest harvests that gave out some of its stored crop. In short, the significant feature in the use of the term seahlolo, in this context was not that there was a formal contract between the households. Rather, its use was in recognition of one or more households' dependence upon another's 'strength' (matla).

In effect, the recognition of that dependence was an allusion to an underlying feature of proper sharecropping arrangements. This feature was that a person who became a contractee sharecropper was usually dependent upon a contractor who could supply most of the necessary inputs to work a field. Contractee sharecroppers were commonly people who were too poor to afford hiring equipment and, who were unable to become involved in informal co-operative arrangements between households. Consequently, when people wished to be specific and distinguish their own informal co-operative arrangements (in which they might be dependent upon another household), from proper sharecropping arrangements, they referred to the latter as "ho etsa lihalefothe" (literally: to make half shares)⁽¹⁾

In turn, an examination of the contractors in sharecropping (lihalefothe) arrangements indicated that such persons' enterprise was based on their having the necessary resources from their informal co-operative arrangements with other households. In short, the contractor was a person from the dominant household in an informal co-operative arrangement but needed the co-operation of the other households (e.g. to provide labour) in order to contract a sharecropping arrangement.

As indicated above, both the kopano and the sharecropping arrangements were based upon underlying informal co-operative arrangements between households. In view of this, it became apparent that the categorisation of farming practices under the labels of kopano and seahlolo needed to be reconsidered.

(d) A reconsideration of kopano and seahlolo as categories of farming practices:

In this reconsideration, the focus is on the relation between the production process (i.e. the physical tasks of producing a crop) and the relations

(1) lihalefothe : derived from the Afrikaans word, halfte meaning half.

between the producers of the crop (i.e. the social relationships within and between the households producing the crop). Through criticism of the literature's conception of the kopano and the seahlolo arrangements, this relation can be deduced and in turn, serve to illustrate why the unit of production is currently the group of households who co-operate to produce crops on each others' fields.

The primary problem in the literature's conception of kopano and of seahlolo is that these two forms are juxtaposed as equal and alternative types of farming practices in Lesotho. This is an attractive assumption as in theory, there are clear bi-polar differences between the two forms. In addition, this juxtaposition implicitly corroborates the view that the household is the unit of production. For, with regard to the kopano, the household is seen to be the author of the exchange in material resources with other households. With regard to the seahlolo, the household is seen similarly to be the author of the contract agreement in that, two households, independently of others, decide how a crop will be produced on a specific field. Consequently, the household's ability to produce a crop is then seen to be based on its own wage earning potential to initially secure (or fail to secure if it must become a contractee sharecropping household) some of the necessary inputs for arable farming. In short, the orientation of the descriptions of kopano and of seahlolo has been to focus on the individual household.

Such a focus, however, answers only the material question of why it has been necessary for a household to share its resources. It does not consider why a household shared its resources with particular households in the community. The only answer that such a focus can give, is that a household share its resources with other specific households because the latter have the resources which the former needs at a certain time. Yet, with regard to the kopano, clearly it is necessary to consider the social relationships of a household with others that enable it to form a kopano, either as a form of reciprocal aid and/or as a commercial enterprise, each year. With regard to sharecropping agreements, the same consideration is necessary. In particular it is necessary to consider whether the contractee household is forced to make a sharecropping arrangement every year. As we shall see later in the case studies which I present, it is primarily a lack of social relationships with other households, that exacerbates the contractee household's own lack of

material resources and so forces it to sharecrop its fields. In effect, the literature's juxtaposition of the kopano and the seahlolo arrangements presents only a synchronic view of them.

A consequent problem of this juxtaposition is that it leads to confusion between the description of agricultural tasks and the analytical treatment of those tasks. This is particularly evident in the descriptions of the kopano arrangements. The basis of this confusion lies in a tendency of the literature to present the agricultural tasks (i.e. ploughing, planting, weeding, harvesting) as disjointed activities. Consequently, having identified the kopano as only a ploughing and planting arrangement, the tasks of weeding and harvesting are vaguely described as being carried out by other (and conceptually different) co-operative arrangements (see Murray, 1976, 115; Spiegel, 1979, 118-119).

The practical problem with this perspective is that emphasis is placed on relationships within the kopano itself at the cost of not considering the informal co-operative arrangement from which it emanates. Consequently, there is no effective way of seeing how the kopano can be just one part of a long term informal co-operative arrangement between households. In short, there is minimal consideration of the kopano being formed by individuals in the knowledge, that it can express the commitment of their respective households in a reciprocal aid arrangement throughout the agricultural season.

The analytical problem with the above perspective is that the relation between the production process and the producers is not made clear. It is of course necessary, to break down the production process into its constituent parts of the different agricultural tasks. It is necessary, in order to identify how the scarce factors of production are applied by the households so that most can get their fields cultivated. This methodology, however, is misplaced as a basis for analysis of the social relationships between the producers (see Murray, 1976, 101). For effectively, the relationships between the producers is placed secondary to the actual process of production.

Consequently, only a limited explanation of the relationships between the producers is possible. Generally speaking, it is the scarcity of the factors of production which is seen to define those relationships. While this may be true for the organisation of work in specific tasks, it does not hold true for the production process as a whole. The reason for this is that

the scarcity of the factors of production is not an absolute condition. As we saw in chapter 6, the availability of those factors relative to the user population has declined while for the individual household, ownership of those factors varies within its own lifespan. In short, the scarcity of those factors has been a common problem for rural households. Moreover, there is no guarantee for a household against it suddenly losing ownership of or access to those factors of production (e.g. loss of cattle through disease, death of wage earner in household).

Consequently, irrespective of the presence of wage earners in the household, it has become increasingly important for households to base their rural activities on longstanding social ties with other households. Such social ties ensure regular access to factors of production that it may lack at any one time or always lack throughout its existence. In turn, the household has had to acquiesce to the needs and demands of the other households with which it is involved. Accordingly, the social relationships between these households have come to define how the crops on each household's fields will be produced. In view of this, the household has become a constituent part of a larger unit of production than itself.

In order to avoid the above mentioned problems associated with the categorisation of the kopano and the seahlolo arrangements, my analysis of data from Naleli valley focuses on the social relationships between households. Through this focus the current form of the informal co-operative arrangements between households is illustrated. On that basis, the formation of kopano and seahlolo arrangements can be demonstrated. My consideration of these arrangements is defined by their folk descriptions which I encountered in Naleli valley. Thus, I limit the use of the term kopano to those arrangements in which a combined unit of cattle, plough, planter and labour are hired out. To describe those arrangements I use the term 'company'. Likewise, when I refer to sharecropping, I mean the specific and formal contract agreement which the informants designated as lihalefothe.

3. Inter-Household Co-operative Farming Arrangements in Naleli valley during 1981/82:

Amongst all the households in Ha Batho, Selema and Thabeng, I found only one which claimed to be self sufficient (in terms of owning or containing all the factors of production which were deployed only on its own fields). Every other household was in some way, dependent on other households either in acquiring or in extending the use of one or more factors of production. In some instances, a group of households collectively used hired equipment and/or draught power which had been paid for by one household. In other instances, the households hired the necessary equipment and/or draught power individually and then, co-operated together in weeding and harvesting. The majority of households, however, pooled resources with other households thereby, precluding the use of any hired factors of production.

This majority of households effectively organised informal co-operative arrangements for farming their fields. These arrangements were not necessarily restricted to households within a single village or to kin related households. Yet, in the vast majority of cases, the co-operative arrangements involved core groupings of kin related households to which were attached, possibly one or two unrelated households. In the larger and older villages such as Ha Batho, these kin based co-operative arrangements often involved households resident in the same village. Yet, in some cases these arrangements also involved households in other villages. This was particularly evident in Selema and in Thabeng where there were many young married settlers. Frequently, these settlers were involved in co-operative arrangements with parents and/or siblings in other villages.

From some of the co-operative arrangements between households, there emerged 'companies' and sharecropping agreements. Generally speaking, I found that these enterprises were more likely to occur when the households involved, contained permanently resident members of the rural community (see Spiegel, 1979, 128). Nonetheless, this did not mean that absent wage earners were excluded from these enterprises, particularly in respect to 'companies'. For example, two of the seven 'companies' which were operated by Ha Batho households during 1981, involved absent members. Moreover, while most 'companies' were organised by men, women were often active participants. For instance, the partner of one 'company' in Ha Batho was a widow (see case 7.2 below). Another Ha Batho company was organised in 1981 by two brothers who were both absent on job contracts for the entire ploughing and planting

season. Their 'company' was administered during that time by their wives and by the son of one of the brothers. This son, himself a migrant worker, had returned on leave from the mines to help cultivate his father's fields, his father's brother's fields and to carry out local hire contracts amongst other households. In addition, 'companies' were not necessarily restricted to households in the same village. For instance, the seven Ha Batho 'companies' involved a total of seventeen households, three of which were resident in other villages.

An illustration of how these 'companies' operated and how they were organised on the basis of informal co-operative farming arrangements, is given below in the case studies 7.1 and 7.2. In case study 7.1. various points which I have stressed in this chapter are demonstrated.

Primarily, the complex set of co-operative arrangements involving seven households indicates that the single household was not the unit of production. In this case the unit of production was composed of a group of kin related households which overlapped with other such units.

Secondly, the case study demonstrates the dependence of households with wage earners, on the rural residents in other households. This is very evident in the case of one household which contained two absent wage earners. This household was as dependent upon the others for generating a cash income and for cultivating grain foodstuffs as the others (some of whom lacked migrant worker members) were on it. In effect, this case study demonstrates the incapability of a single household to maintain itself even if it has resident wage earners, unless it is involved in co-operative arrangements with other households.

Thirdly, as an adjunct to the point above, the reliance of rural residents in different households upon a household with an absent wage earner is illustrated. In effect, it is the wage earner who can provide such resources as equipment and cattle to which the rural residents in other households have access.

Fourthly, two significant options for the rural residents and the wage earners are demonstrated, as a consequence of their interdependence on each other. The first option is that the absent wage earner and the rural resident are able to earn a rural cash income by organising a 'company'. The second

option is that any household deficient in grain foodstuffs can informally draw on the crop store of the other households. For by its contributions in the co-operative arrangements, such a household has an informal claim to some of the other households' crops.

Fifthly, on the basis of the above points, it becomes evident from this case study, that the kin based social relationships between these households secure for the absent wage earners and the rural residents, the short and the long term means to support each other, irrespective of which household they are members. This is made evident by the way the various co-operative arrangements overlap such that some degree of social and economic security is obtained for all in the face of adverse conditions of existence.

Case 7.1. A complex set of co-operative arrangements between seven households:

Diagram 3 on the following page presents seven households whose farming activities were closely interconnected during 1981/82. All of these households except Households 6 and 7, resided in Ha Batho. Households 6 and 7 resided in different villages elsewhere in Naleli valley. As indicated in Diagram 3, all except Household 6 were kin related households.

The farming arrangements of these seven households was complex during 1981/82. Thus, there is no clear means for breaking down the group for purposes of describing these arrangements. Therefore I have arbitrarily chosen to narrate these arrangements largely from the perspective of Household 1 and its de facto jural head, Tanki.

Tanki was aged 30 in 1981 and he claimed to have retired from migrant work that year. For the future, Tanki hoped to earn a living in Naleli valley. During October/November 1981, Tanki obtained a cash income from two 'companies' in which he was a partner. One of these 'companies' consisted of himself, Ketse (Household 2) and Molapo (Household 3). The other company consisted of Tanki, Paki (Household 5) and John (Household 6).

These 'companies' were, however, founded upon the resources collected in the informal co-operative arrangements which involved all seven households. In Table 15 (page 197), I have outlined the resources which each household had in 1981 and the fields to which these resources were allocated for the 1981/82

Diagram 3: Kin ties between a group of households which co-operated extensively in farming.

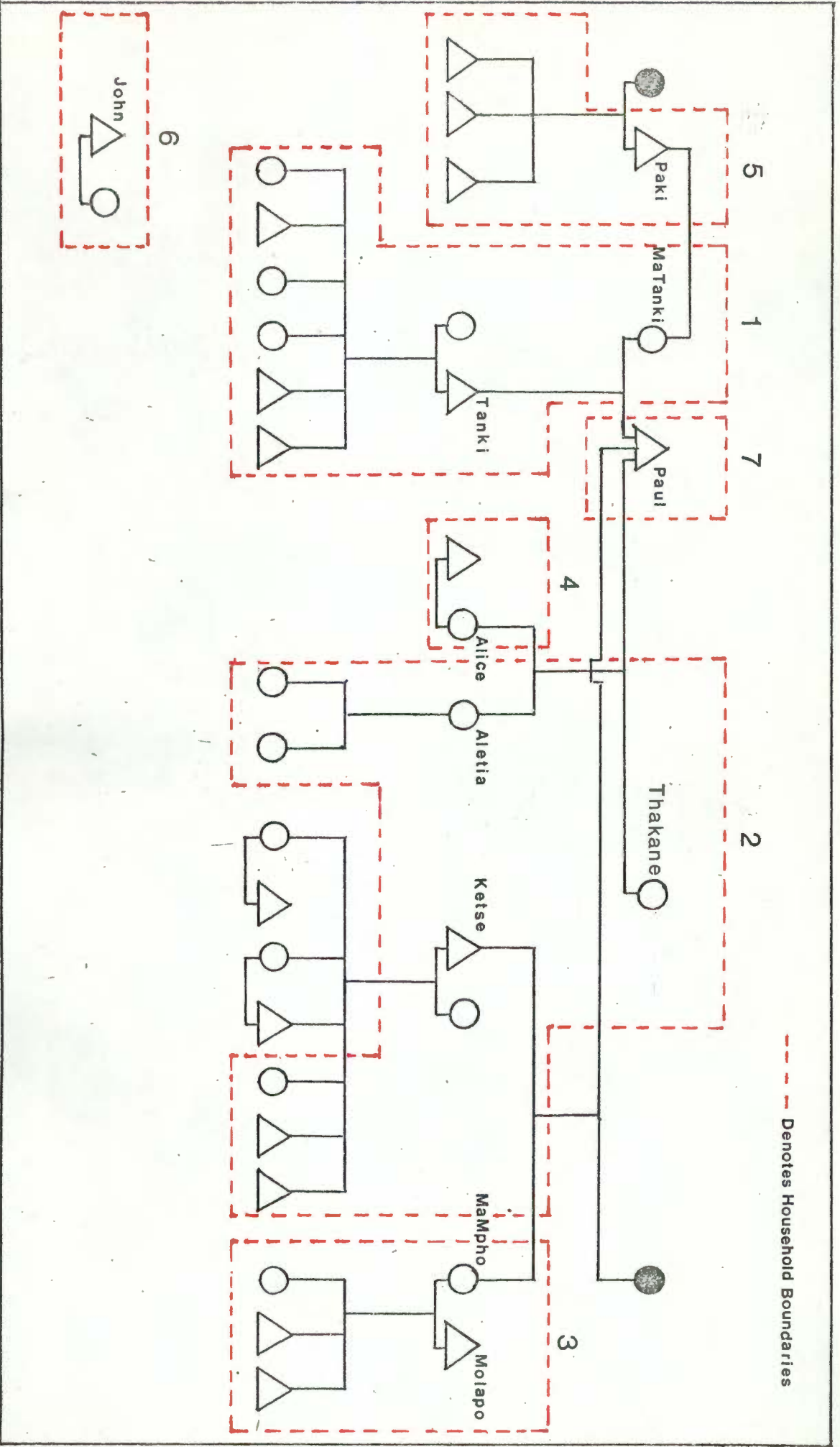


TABLE 15: The factors of production contributed by households in case study 7.1. in their co-operative farming arrangements.

Household Number	Household Members	No of fields	Factors of Production	Factors of Production contributed to work the designated fields of:													
				MatTanki's fields	2 fields	1 field	2 fields	Thakane's fields	2 fields	1 field	2 fields	Paki's fields	2 fields	John's fields	?		
1	Tanki's wife & children	0	Plough	Plough	-	Plough	Plough	Plough	Plough	Plough	Plough	-	-	-	-	-	-
			Planter	Planter	-	Planter	Planter	Planter	Planter	Planter	Planter	Planter	-	-	-	-	-
1	Tanki's wife & children	0	2 head of cattle	2 Ct1	2 Ct1	2 Ct1	2 Ct1	2 Ct1	2 Ct1	2 Ct1	2 Ct1	1/2 Ct1	1/2 Ct1	1/2 Ct1	1/2 Ct1	-	-
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	-	-	-	-	-
1	Tanki's wife & children	0	Cash	Cash	Cash	-	-	-	-	-	-	-	-	-	-	-	-
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
2	Ketse's wife & children	2	Cultivator	Cv	Cv	Cv	Cv	Cv	Cv	Cv	-	-	-	-	-	-	-
			4 head of cattle	4 Ct1	4 Ct1	4 Ct1	4 Ct1	4 Ct1	4 Ct1	4 Ct1	4 Ct1	4 Ct1	-	-	-	-	-
2	Ketse's wife & children	0	Cash	-	-	Cash	Cash	Cash	Cash	Cash	-	-	-	-	-	-	-
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
2	Thakane	2	Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
2	Aletia	0	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
3	Molapo Molapo's wife & children	0	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
4	Alice	(1)	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
5	Paki	2	Plough	-	Plough	-	-	-	-	-	-	-	-	-	-	-	-
			1 Ox	-	1 Ox	-	-	-	-	-	-	-	-	-	-	-	-
5	Paki	0	Labour	-	-	-	-	-	-	-	-	-	-	-	-	-	-
			Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour	Labour
6	John	?	4 Oxen	-	4 Oxen	-	-	-	-	-	-	-	-	-	-	-	-
			Labour	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	Paul	(2)	6 head of cattle	-	-	-	-	-	-	-	-	-	-	-	-	-	-
			Labour	-	-	-	-	-	-	-	-	-	-	-	-	-	-

NB: Ct1=Cattle; Cv=Cultivator.

agricultural season. The way these resources were allocated is presented below.

In order to plough and plant one of his mother's fields, Tanki enlisted the aid of Ketse and Molapo. In this arrangement, Ketse's two fields were also ploughed and planted. Between the two of them, Tanki and Ketse owned the necessary cattle and equipment to cultivate their fields(see Table 15). In addition, they both had cash to invest into farming. Tanki was able to buy seed and fertiliser with his cash savings. Ketse remitted some of his earnings to his wife in order to buy seed and fertiliser. The labour for handling the ploughing and the planting teams was supplied by Tanki and by Molapo. Ketse was away on a mine contract at the time and he had deputed Molapo to work his fields.

When it was time to weed the fields, Tanki and Molapo initially used Ketse's cultivator and two of the latter's oxen. Later, the women from Households 1, 2,3, and 4 shared the effort of weeding these fields. Reportedly, they also share the effort to harvest the crop from these fields.

A number of points emerge from this arrangement. Firstly, Molapo was involved in this arrangement even though he had no fields of his own, largely through his relationship with Ketse. Molapo's involvement stemmed from his marriage to Ketse's sister MaMpho. Molapo was a retired migrant worker and there was no other wage earner in his household. He was, however, part manager of Ketse's household in that he looked after Ketse's affairs while the latter was away. As a result, Molapo helped to cultivate Ketse's fields and was able to informally obtain part of the crop from those fields.

As this situation indicates, Ketse and Molapo, though of different households, were mutually dependent on each other. Ketse was a wage earner who had been able to accumulate material resources to which Molapo had access, by his social relationship with Ketse and Ketse's sister. Ketse, however, also needed Molapo to ensure that his fields were cultivated well and to help him earn a rural cash income by helping to manage their 'company'.

In effect, Ketse's migrant wage income was insufficient to support his own household. This is further indicated by the absence of Thakane, another member of Ketse's household, who was working in South Africa during 1981. At that time, Thakane was separated from her husband Paul. She was away in South Africa for most of the year and remitted some of her wage earnings to her daughter, Aletia(another member of Ketse's household). It was Thakane's de jure residence in Ketse's household which associated Thakane's other daughter Alice(Household 4), in the above co-operative arrangement.

Alice was involved in the arrangement to the extent that she helped to weed

and to harvest Tanki's and Ketse's fields. The fields of her household, were not, however, cultivated under this arrangement but under another (see Case 7.2). Nonetheless, through her contribution of labour to Tanki's and Ketse's arrangement, Alice was able to call upon the latter's households for grain were she to run short of grain for her household's needs.

Alice's partial dependence on Households 1 and 2 for grain foodstuffs effectively illustrates the necessity for some women to look beyond their own household's wage earners for some material support. Similarly, Tanki, as a rural resident, also could not rely solely on the resources available to him in Households 2 and 3. In order to cultivate his mother's second field, Tanki was involved in another co-operative arrangement. This second arrangement highlights the interdependence between rural residents in different households.

Matanki's second field was ploughed and planted with the aid of Paki (Household 5), Tanki's mother's brother, and with the help of John (Household 6), a mutual friend from another village. Paki and John provided oxen so that a strong plough team could be formed. Paki and Tanki combined their equipment and oxen to John's oxen. Each man then worked his own fields by himself.

As indicated in Table 15, this co-operative venture did not extend to weeding and harvesting of the fields. Matanki's field was weeded and reportedly, harvested by the women from Households 1, 2 and 4. Paki usually worked on his fields by himself but occasionally, he hired labour to weed and to harvest his fields. (John's arrangements are unknown by me).

For Tanki, the above arrangement was effectively an extension of his other co-operative arrangement. Indirectly, it was also an aid to Ketse and Molapo. By mainly using John's and Paki's oxen, some of the burden was taken off Ketse's and Tanki's cattle while Molapo did not have to labour on another field.

In addition, the organisation of the ploughing and planting arrangement above, involved the interplay of kinship, residential proximity and material need. In material terms, Paki was effectively an unnecessary inclusion in the arrangement. Tanki and John owned the necessary cattle and equipment between them and thus, did not necessarily need to use Paki's single oxen and plough (see Table 15). Yet significantly, Paki was a particularly close kinsman of Tanki and also, he was resident in the same village as Tanki.

In a similar fashion, kinship played a role in another of Tanki's co-operative arrangements.

During the 1981 ploughing season, Tanki extended aid to his father Paul (Household 7). Tanki lent Paul his plough and planter which Paul then harnessed to his own cattle team. Paul used this combination to plough and plant the two fields which were nominally attached to the 'house' of his wife, Thakane. Tanki helped Paul in these tasks. Aletia, a daughter of Paul and Thakane, was, however, the only person from the seven households to help her father weed these fields. Aletia claimed that her father gave her some of the crop from these fields if she needed it. In addition, Tanki apparently obtained some of the crop from these fields (I was unable to confirm this claim).

In the above arrangement, Aletia's contribution of labour effectively led to Household 2 obtaining more grain foodstuffs even though the other members of the household had not been involved. In short, another aspect of the relation between rural residents in different households is illustrated. While Household 4 (Alice) could make demands on Ketse's household for grain, Aletia's activities, in a separate arrangement from Ketse's own co-operative arrangements, ensured that Household 2 was a recipient of grain. Together, the above interactions illustrate the way grain foodstuffs can be distributed amongst a wide circle of households. In the context of relatively low crop yields for most households (see Table 14 (page 170)), such mechanisms are necessary for many households. Similarly, the same can be said of the production process as indicated by Tanki's extensive co-operative arrangements.

Through his extensive arrangements, Tanki was able to minimise the costs of cultivating his mother's fields. Furthermore, those arrangements provided the basis for him to earn a rural cash income as a partner in two 'companies'. As mentioned earlier, one of these 'companies' consisted of Tanki, Ketse and Molapo. For both Tanki and Molapo, their co-operative arrangement with Ketse provided the means for them to organise a 'company'. Moreover, as two adult males permanently resident in the rural community, they were in a suitable position to hire out their services. The formation of the other 'company', consisting of Tanki, Paki and John, was clearly possible on the basis of the overlap between these men's co-operative arrangement and that of Tanki's, Ketse's and Molapo's households. In short, these 'companies' were made possible by the co-ordinated activities and overlapping of those activities amongst a group of seven households.

In view of such dense interaction and interdependence between these households for obtaining cash, factors of production and grain foodstuffs, it

is implausible to consider the household as the unit of production in Naleli valley during 1981/82. Corroborative evidence that the unit of production was the group of kin related households is given in Case study 7.2. below.

In Case study 7.2. below, another co-operative arrangement between households is presented. In this case, the arrangement was one which involved the households of three siblings who were resident in Ha Batho. During 1981, the co-operation between these three households enabled them to form a 'company'. In addition, that co-operation enabled the jural head of one household to become a contractor sharecropper. Reportedly this person had been a contractor in sharecropping agreements in previous years. By examining how this person was able to become a contractor sharecropper, a basis is established for comparison with later case studies on contractee sharecroppers (see pages 209-213).

In addition, Case study 7.2. below, illustrates various aspects of the wage earner/rural resident relation. As opposed to the households considered in Case study 7.1., all the households discussed below had active resident wage migrant workers. As a result, these households enjoyed relative wealth in Ha Batho. Yet, that wealth was not derived entirely from the de jure residence of absent wage earners. Rather, the cash income from those wage earners was insufficient to support each household. The significant feature of this insufficiency within the household was its prevalence amongst the households which were in different stages of domestic development. This phenomenon suggests two alternative explanations though they lead to the same conclusion. One explanation is that there was an absolute lack of cash within each household due to the migrant worker including insufficient sums in his wage remittances. The other explanation is that the amount of cash remitted by the wage earner was made in the knowledge that the recipient household would overcome the cash deficiency by reliance on the other households. In effect, both explanations lead to the conclusion that the rural residents in each household were dependent on each other for cash, food and sundries.

Accordingly, by focusing on the relationships between the rural residents in the different households, Case study 7.2. below, details this interdependence between those residents. In the process, this study highlights the ways cash from the migrant workers was distributed amongst the different households. In addition, this case study illustrates how the migrant wage incomes were

paralleled by close ties between the three households which enabled each one to secure a rural cash income and grain foodstuffs. In effect, these households formed a unit of production based on kin ties and residential proximity.

In order to illustrate the above points, Case study 7.2. below, is narrated from the perspective of one member in each household in turn. Diagram 4 on the following page represents these households and their members. In Household 1, the absent wage earner was Thabo, the married son of Mathabo. Similarly, in Household 2, the absent wage earner was Mokachane's eldest son, Thebang. In Household 3, the absent wage earner was Tane. As indicated in Diagram 4, Mathabo was a widow. When her husband died in 1965, Mathabo was left to bring up three young sons. Despite financial difficulties Mathabo was able to draw support from her brothers, Mokachane and Tane. As a result she was able to secure in time a position of relative wealth in Ha Batho. Recently, the contributions of her migrant son, Thabo, had enabled Mathabo to improve the education of her two other sons. Thabo's wage remittances allowed for one son (1) to be at High school during 1981⁽¹⁾ and Mathabo hoped that her second son would follow suit in 1983.

Mathabo's aspirations for her sons were, however, premised on her close co-operation with her brothers in their rural activities. This co-operation, as reflected in the three households arable farming arrangements, served to help Mathabo minimise cash expenditure from her household, generate a rural cash income and obtain adequate supplies of grain foodstuffs without paying cash for them.

Case 7.2. The Co-operative farming arrangements between three households:

As in previous years, the three households of Mokachane, Mathabo and Tane shared their resources in order to cultivate their fields during 1981/82. During that agricultural season, these households together contained a relatively large supply of draught cattle, equipment and labour. These factors of production which each household had and contributed to the co-operative effort are depicted in Table 16 (page 204). The ways in which these factors of production were allocated is presented below.

(1) During 1981, the fees for High schools varied between R112 and R120 per annum.

Diagram 4: The households of Mokachane, MaThabo and Tane.

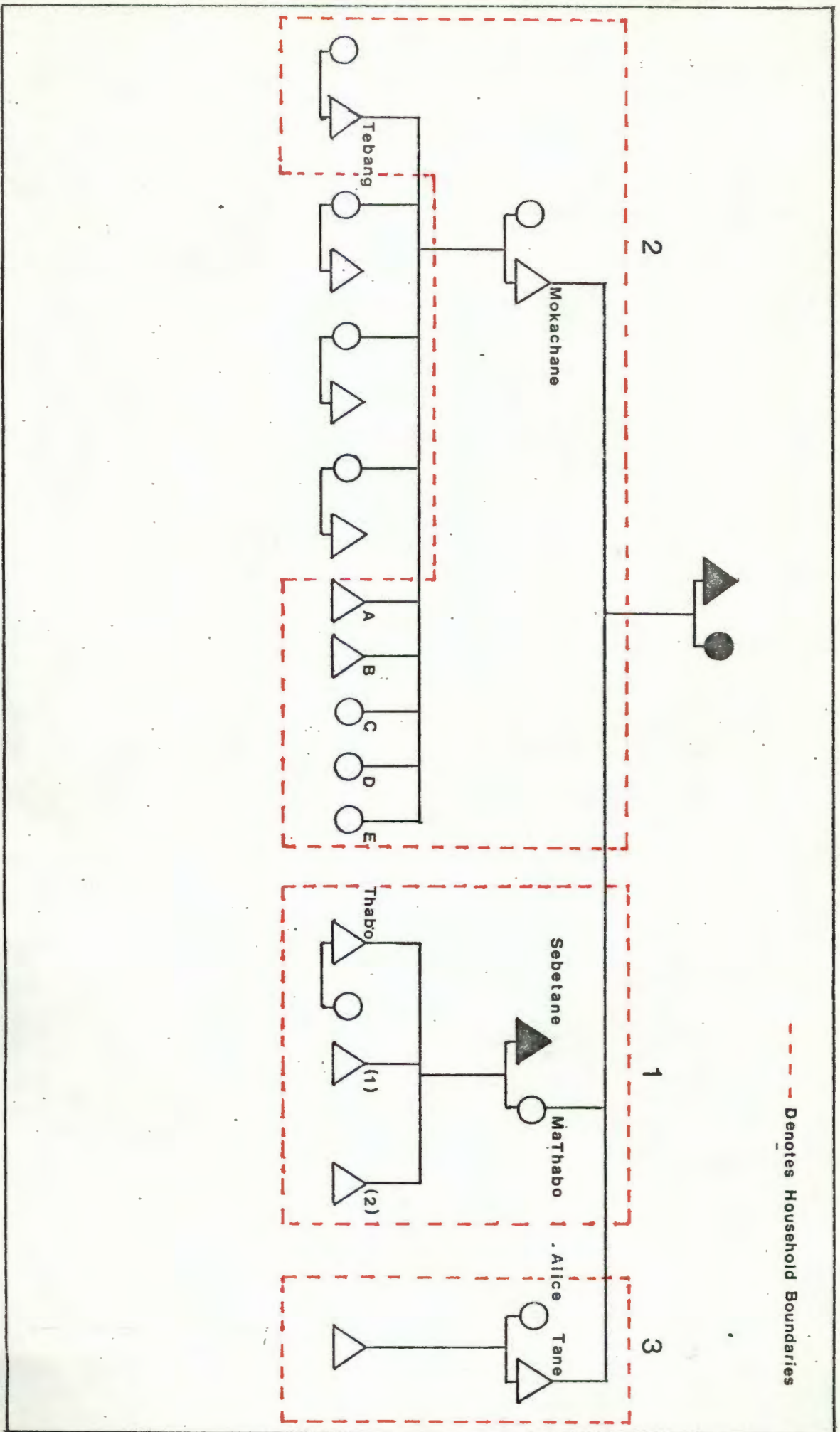


TABLE 16: The factors of production contributed by households in case study 7.2. in their co-operative farming arrangements.

Household Number	Household Members	No of fields	Factors of Production	Factors of Production contributed to work the designated fields of:					
				Mathabo's field		Mokachane's fields		Tane's field	
				1	2	3			
1	Mathabo	1	Plough 3 head of cattle Labour	Plough 3 Ctl Labour	- 3 Ctl Labour	- 3 Ctl Labour	- 3 Ctl Labour	Plough? 3 Ctl Labour	
	Thabo	0	Cash	Cash	-	-	-	-	
	Thabo's wife Mathabo's sons(1)(2)	0	Labour	Labour	Labour	Labour	Labour	Labour	
2	Mokachane	3	Plough Planter 4 head of cattle Cash Labour	- Planter 4 Ctl - Labour	Plough Planter 4 Ctl Cash Labour	Plough Planter 4 Ctl Cash Labour	Plough Planter 4 Ctl Cash Labour	Plough? Planter 4 Ctl Cash Labour	
	Mokachane's wife & children, A, B, C, D, E	0	Labour	Labour	Labour	Labour	Labour	Labour	
	Tebang's wife	0	Cash Labour	- Labour	Cash Labour	Cash Labour	Cash Labour	- Labour	
3	Tane	1	1 Ox Cash	1 Ox -	1 Ox -	1 Ox -	1 Ox -	1 Ox Cash	
	Alice	0	Labour	Labour	Labour	Labour	Labour	Labour	

NB: Ctl=Cattle

Each household provided its own seed and fertiliser for its fields. As Mokachane was the only adult male present during the ploughing and planting season, he did most of the necessary work on his own, Mathabo's and Tane's fields. He combined his own equipment (and occasionally Mathabo's plough) with his own draught cattle, Tane's ox and Mathabo's cattle. While working on the three households' fields, Mokachane was helped by Mathabo's two teenage sons.

Later, these fields were weeded (and reportedly harvested) by the women and children in the three households. Prior to the weeding season, Mokachane, Mathabo and Tane had formed a 'company'. Tane returned on leave from his job during this time to help Mokachane carry out their hire contracts. In addition, Mathabo was able to hire out her plough, independently of the 'company', a few times. Furthermore, by manipulating the available cattle and equipment of the three households, Mokachane was able to enter sharecropping agreements with two Naleli valley residents.

In his first sharecropping agreement, Mokachane provided the draught cattle, equipment and his own labour to plough and plant the designated field. In addition, he provided some manure to fertilise the field. The contractee provided the seeds for the field and agreed to weed the field. The agreement for harvesting the crop was that Mokachane would provide labour to help the contractee. Reportedly, the women and children from Mokachane's, Mathabo's and Tane's households would be the labour that Mokachane was going to provide. The crop from the designated field was to be shared equally between Mokachane and the contractee.

In his second sharecropping agreement, Mokachane provided the draught cattle and a plough which he used to work the designated field. The contractee then provided a planter and seed. Mokachane combined the planter with his own draught cattle and then worked the field. Later, this field was weeded by the contractee and by members from Mokachane's, Mathabo's and Tane's households. Reportedly, the same labour arrangement was to cover the harvesting of the crop from this field. The crop from this field was to be shared equally between Mokachane and the contractee.

A central figure in the co-operative arrangements presented above, is Mokachane. His household is one I have referred to in the preceding text (see page 175; Table 14, page 170). His household's fields were particularly productive and in May/June 1981, he had harvested 20 bags of maize from them. As noted on page 175, Mokachane did not sell all of his 'surplus'. Part of the harvest was informally distributed amongst members of his siblings' households. The reasons for this distribution can be seen in the co-operation between Mokachane's household and his siblings' households. Mokachane produced a large harvest but its production had been based on considerable help from members of his siblings' households, like that which was extended later in 1981/82. Consequently, the members of these households had an informal claim to Mokachane's crops on the basis of their economic contributions and their kin ties to Mokachane.

Thus, Alice, Tane's wife (Household 3) relied on Mokachane for maize when the

three bags of maize which had been harvested from Tane's field had been consumed. In addition, Alice also relied on the households 1 and 2 discussed in Case study 7.1. for maize, as noted earlier(see pages 198-199). Similarly, Mokachane's married daughters relied on him for maize when they ran short in their own households in villages elsewhere. Although these daughters were not involved in their father's co-operative arrangements, they were able to obtain some of his crop on the strength of their kin tie with him. Equally, Mathabo draws on Mokachane for maize when her household's supply runs short.

Thus, Mokachane's extension of food aid amongst his kin effectively depleted his 'surplus' crop harvest. Yet, through his ties with his kin, Mokachane was able to earn both a cash income(from the 'company') and a grain income(from his sharecropping agreements). His sharecropping agreements effectively provided him with more maize to offset the amount that he gave to kin. Yet, Mokachane's enterprise in sharecropping was premised on both access to his siblings' cattle(Mokachane only had four head of cattle, see Table 16) and the labour from their households. In effect, Mathabo and Tane were implicitly co-contractors with Mokachane in his sharecropping agreements. Thus, it is clear that the unit of production in these agreements was not the individual household.

With regard to the mutual aid between Mokachane's, Mathabo's and Tane's households, the unit of production was the combination of those households. These households could not rely on the wage remittances of their absent wage earning members. For instance Mathabo mentioned that ideally, she needed at least R50 per month to support her household. This amount was not always forthcoming, however, and thus she had to look beyond her household to obtain an additional cash income. As noted, Mathabo earned some cash from her partnership in a 'company'. In addition she obtained some cash indirectly through Mokachane's livestock herding activities.

For example, during February 1982, Mokachane left Ha Batho to herd his own livestock and the stock of Mathabo and Tane. In addition, he contracted to herd other people's livestock. Mokachane received cash payments from these contracts but he needed an assistant. He took Mathabo's youngest son along as his assistant and paid Mathabo R30 for this son's assistance.

In a similar vein, Alice's activities highlight the mutual interdependence between households for overcoming the deficiencies of wage remittances from

the household's wage earner(s). Alice's household was the smallest of the three households in the co-operative arrangement. Moreover, in material terms, Alice's household had the highest wage income/ consumer ratio. Yet, Alice's provision of labour to the other households reflects the necessity for even these types of household to be integrated into a larger economic unit than themselves.

In effect, the rural resident of a small and/or young household (in terms of domestic development) has to extend a comparatively disproportionate amount of resources to the co-operative arrangements with other households. For instance, Tane and Alice in the above case study, had one field of their own. To cultivate that field, however, required Tane and Alice to be involved in the labour arrangements for cultivating four other fields. The two other households which had these fields also had command of a relatively large supply of labor, cattle and equipment. Thus, they could easily incorporate Tane and Alice's field in their farming arrangements. In the process, these two households could use as they wanted, the labour of Tane and Alice's household and indirectly, obtain some of Tane's cash income in the form of his ox. In short, Mokachane's and Mathabo's households, the former in particular, were able to draw more resources from Tane's and Alice's households than they expended on the latter.

The return for Alice and Tane was material and social security in the short and long term, which would allow their household to develop domestically. In general terms, such development would lead to Tane and Alice commanding control over a relatively large social and material resource base like Mokachane had in 1981. As indicated in the case study above, such domestic development and control is based on the maintenance of kin ties between the three households.

The significance of these kin ties cannot be underestimated. That significance is reflected in the difficulties which face people who do not have an effective social network of kin. Such people are often forced to become contractee sharecroppers as they have no social means of access to scarce factors of production. In turn, the deleterious social and material consequences of sharecropping highlight why it is necessary for households to form themselves into larger economic units than the single household.

Photograph 5: Weeding a field.



Members of two kin related households share the effort to weed the field of the man in the centre of the picture.

4. Sharecropping in Naleli valley during 1981/82:

During 1981/82, Mokachane(Case 7.2.above) and one other man in Thabeng were the only contractor sharecroppers in the three villages I surveyed. There were, however, four households whose members were contractee sharecroppers (two households in Ha Batho, one in Selema and one in Thabeng).⁽¹⁾

The low incidence of sharecropping(lihalefothe) in the three villages is indicative of the nature and direction of arable farming in Naleli valley. Sharecropping agreements are particularly disadvantageous arrangements for the contractees compared to the informal co-operative farming arrangements. The disadvantages of sharecropping are highlighted in the three case studies which I present below. In effect, these case studies illustrate by converse example, the necessity for households to be integrated into a household group unit of production. In particular, these case studies illustrate three points about arable farming in Naleli valley.

Firstly, the sharecropping agreement is a contractual farming arrangement. This means that it is purely an exchange of factors of production towards a material end - the crop from a specific field. The contract relationship obscures, however, the underlying social relationships which bring about sharecropping arrangements. As we saw in Case 7.2., a person can become a contractor sharecropper on the basis of social ties with other households and their result, the informal co-operative farming arrangement. The contractee sharecropper, however, has to enter a sharecropping agreement precisely because he/she lacks those ties with other households. For such a lack of those ties means that (a) the contractee sharecropper lacks informal access to the material resources of other households and,(b) the contractee sharecropper lacks the informal means for gaining access to the grain foodstuffs of other households. Consequently, the contractee household does not obtain any of the tangible and the diffuse benefits that accrue under the informal co-operative farming arrangement.

Secondly, the cases of the contractee sharecroppers succinctly illustrate the inadequacy of the household as the unit of production. Through a lack of social ties with other households, contractee sharecroppers are caught in a tenuous economic condition. Often, their lack of social and material

(1) None of these households sharecropped their fields with the contractors cited above.

resources means that they have little chance to re-integrate themselves into an informal co-operative farming arrangement. Consequently, contractee sharecroppers are often caught in a downward spiral towards abject poverty. One means out of this predicament is by access to the wage incomes of household members or of kin in other households.

This option leads to the third point. Access to a wage income can occur in time when and if a household member becomes a migrant worker. Yet, as in the case of informal co-operative farming arrangements, a wage income can only ease a household's economic predicament, it cannot solve it. A shortfall in wage income can only be ameliorated by having an effective social network with other households. Contractee households, virtually by definition, do not have such an effective network. Consequently, such a household may be able to avoid sharecropping during some years but not in others. In short, a contractee sharecropping household's reliance on a wage earning member may be only a temporary respite from the decline into extreme poverty.

Case 7.3. A contractee sharecropping household in dire economic straits:

One household in Ha Batho was forced to sharecrop its field in 1981 as it had been so forced for several years previously. This household consisted of an aged and infirm couple. This couple's children (all daughters) had long since married and settled elsewhere in and beyond Naleli valley. These children occasionally provided their parents with cash for cultivating the latter's field but never more than enough to pay for seeds. Moreover, the parents had no farming equipment or cattle of their own and with the dispersal of their children, no effective source of labour. Consequently, they had to sharecrop their field and were fortunate that they could obtain a half share of the crop.

In the above case study, an old couple were lacking in virtually every necessary social and material resource for arable farming in Naleli valley. As a result, this couple were reduced to an extreme state of poverty. The only way they managed to survive was through the charity of other Ha Batho villagers. The above case study reflects the extreme end of a contractee sharecropper's existence. In Case 7.4. below, it is that poverty which a widow was attempting to prevent.

The case of the widow in Case 7.4. below, highlights her struggle to remain part of an informal co-operative farming arrangement with her late husband's agnates. In particular, this case highlights the problems associated with a young household's dependence on older households. In this case, the problems

facing the young household were exacerbated by the death of its male jural head.

Case 7.4. A widow's struggle to prevent extreme poverty in her household:

Mavis was a widow who lived in Selema with her three young children. Ever since her husband, Michael, had died in 1973, Mavis had been forced to sharecrop her field intermittently. Before Michael's death, this field had been cultivated under a co-operative agreement between Michael's household and the households of his brother, his father and his father's brother. These men and their households lived in villages further up Naleli valley. Between them, Michael's agnates' households owned a draught cattle team, a plough and a planter. Michael owned nothing himself but as a migrant worker, he had cash to invest into arable farming. Moreover through Michael's kin links and through Mavis's contribution of labour, Michael's household could be regularly incorporated into a co-operative arrangement with Michael's agnates.

After Michael's death, however, the relationship between Mavis and her late husband's agnates declined because of a lack of contact between the respective households. In addition, Mavis had little cash to invest in cultivating her field as her main sources of income were other villagers, on whose fields she worked as a labourer. Consequently, Mavis could not afford to hire cattle and equipment to work her field. Thus Mavis had to sharecrop her field or rely on the generosity of her late husband's agnates. These agnates, however, were not always consistent in helping Mavis to cultivate her field.

For instance, in 1980 Michael's agnates could not or would not plough and plant a crop on Mavis's field. Mavis, therefore, had to arrange a sharecropping agreement. During May/June 1981, Mavis helped to harvest the crop from her field and she received a half share of it. This share consisted of 2 'bags' of maize and 2 'bags' of sorghum. As a result, Mavis did not have enough grain foodstuffs to feed herself and her children. Yet, during 1981, Michael's agnate's came to her aid. Michael's brother gave Mavis maize when she needed it. Then during October, Michael's father's brother ploughed and planted Mavis's field for no payment at all. Mavis had been re-incorporated into the co-operative arrangement of her late husband's agnates.

The above case history of Mavis can be usefully compared to that of Alice who was mentioned in Cases 7.1 and 7.2. (see pages 198, 199, 206). Alice was in a similar position to Mavis with regard to her dependence on older households which had command over the necessary resources for arable farming. In addition, Mavis's and Alice's position was similar in that they relied on inclusion in a co-operative arrangement, partly through their contribution of labour. Yet, after Michael's death, Mavis lacked two significant resources that Alice still had in 1981. Mavis had little cash to invest into the co-operative arrangement while Alice's household could contribute cash directly and indirectly into its co-operative arrangement. In addition, Mavis lacked a husband to ensure that her household's kin ties with those of her late husband's agnates were fully expressed. In effect, not only was Mavis totally dependent upon her late husband's agnates but also, she had no

influence over how those agnates allocated their resources. It was, however, her kin link to her late husband's agnates that was critical for her if she was to avoid her household declining into extreme poverty.

The problems associated with a household's dependence on kin and with any event which reduces the extent of a household's kin network is illustrated in the case study below (Case 7.5.). In this case study, a household in had previously lost its kin ties with other households through the death or dispersal of relevant kin from Naleli valley. In this case, the household had recently begun to re-establish a kin network through the formation of a household by one of its offspring. As a result, these two households formed a co-operative economic unit for mutual support. Yet, the limited size of this unit meant that any adverse event in one household immediately affected the other. The adverse event in this case was a temporary shortfall in wage income for both households. As a result, the two households had to resort to a sharecropping agreement in 1981.

Case 7.5. A short term recourse to sharecropping by a widow:

During 1981, widow MaMokete was residing in Thabeng, in a homestead with her youngest son. As in previous years, MaMokete's household was involved in a co-operative farming arrangement with the household of her married eldest son, Mokete. Mokete's household also resided in Thabeng. These two households shared the effort to cultivate MaMokete's three fields and Mokete's field (which he had inherited from his mother). Mokete was a migrant worker who remitted some of his wages to support both his own and his mother's households. Every year, it was his wage earnings which were used by MaMokete to hire a tractor entrepreneur to plough and plant crops on her own and on Mokete's fields. In addition, Mokete provided the cash for MaMokete to buy seeds. The fields of both households were then weeded and harvested by MaMokete, her youngest son and Mokete's wife. The harvest was then shared informally by both households.

In October 1981, Mokete remitted only enough cash to cover the tractor hire costs to work three fields. Therefore, MaMokete was forced to sharecrop one of her fields. This field was ploughed and planted by the tractor entrepreneur who had been hired to work the other three fields. In addition, he provided the seed for this field. MaMokete then provided the labour from her own and Mokete's households to weed and harvest the crop from this field. Under this sharecropping agreement it was agreed that MaMokete and the tractor entrepreneur would share the harvested crop equally.

In comparison to the case studies 7.3 and 7.4, the above case study represents a household that has been able to escape the downward spiral into extreme poverty. This has been possible by the formation of a kin related household from the parent household such that the latter could draw on the resources of the former. As indicated above, however, the limited extent of the social network of the two households involved, indicated that a firm

resource base had not yet been established. As a result, both households were in a tenuous economic position, as reflected in the circumstances which forced them to sharecrop a field.

As evident from the above case studies, the households concerned only sharecropped by force of circumstance. Sharecropping was not a desired arrangement by the contractee sharecroppers. Moreover, sharecropping was not particularly liked by those persons who could be sharecroppers. One reason for this was that there was little profit to be gained by the contractor from such arrangements. For a contractor, the material risks involved in sharecropping arrangements could be offset partly, by the social ties he/she had with other households and upon which his/her capacity to be a contractor was based. Yet in material terms, the contractor's enterprise was better directed towards forming a 'company' where the returns were immediate, in cash and obtainable for minimal risk. In short, what cash profit that could be made from arable farming in Naleli valley in 1981/82, was derived not from producing a crop but from providing services to those who produced the crops.

Thus, it was not surprising that there were few sharecropping agreements amongst the households in HaBatho, Selema and Thabeng. Arable farming under an informal system of co-operative farming arrangements provided the optimum possible material and social returns for the villagers. In effect, by using arable land under that system, diffuse means by which households could ameliorate the difficulties associated with rural life in modern day Lesotho were generated. The informal co-operative farming arrangements between kin related households served to provide some social and economic security for both the rural residents and the absent wage earners. On that basis limited means for earning a rural cash income were possible. but these were premised on a necessary form of communal interdependency between households.

Such communal interdependency has been in part a function of the scarcity of factors of production in the rural community. As has been discussed, that scarcity was not absolute and was overcome by most households, by evocation of ties of kinship. The actual patterns of land use involved an interplay of material needs and application of kinship ties. The informal co-operative farming arrangements between households discussed in this chapter show them to be based on kinship ties. If this is taken in association with the

contemporary patterns of arable land allocation(see chapters 3, 4 and 5), the intimation is that social relationships have become increasingly defined by principles of kinship. This intimation is the question which can now be considered. Having outlined the emergent patterns of arable land use, the discussion in chapter 8 can consider them in relation to the emergent patterns of arable land allocation.

8. COMMUNAL INTERDEPENDENCY IN NALELI VALLEY; THE SIGNIFICANCE OF KINSHIP.

In the foregoing chapters, the discussion has indicated that land tenure in Lesotho has become increasingly based on ties of kinship between members of the rural community. The question to be considered here is the extent to which principles of kinship have come to define land tenure in Lesotho. Such a question effectively presupposes the hypothesis that principles of kinship have come to define most social relationships in the rural community in Lesotho.

I do not think that such a hypothesis, unqualified as it is, is true for contemporary Lesotho society. As discussed in the foregoing chapters, rural activities in Lesotho have been premised on the export of labour from the country and the remittance of the migrants' wage earnings to the rural residents in Lesotho. In effect, a large part of Lesotho's population has been directly incorporated into the Capitalist economic system by the sale of its labour in South Africa. A case, therefore, could be made to the effect that Lesotho, its people and the rural activities of its resident population have become integral parts of the Capitalist politico-economic system. Consequently, it could be said that social relationships in the rural Lesotho community have become defined by that system.

Such a perspective rests on the dependence of the rural residents on the wages of the migrant workers. In effect, the argument would be that social relationships between rural residents have become defined by those residents' pursuit of some of the migrant workers' wage incomes. In short, the argument would state that the rural residents have become subjects of a wage labour relation with the migrant workers like the latter's subjection to such a relation in South African industry.

Such an argument is also extreme, in that it reduces kinship to an insignificant role in social relationships between members of the rural community in Lesotho. Obviously, doubts about this argument require us to recognise that those social relationships have been defined by a complex articulation between principles of kinship and Capitalist wage labour relations. It is this articulation which is examined in this chapter. In view of my arguments in the preceding chapters, the suggestion here is that principles of kinship have become dominant in that articulation.

In order to elucidate that predominance of kinship, I have based the following discussions on criticism of the recent literature on Lesotho. This literature (Murray, 1976; 1981; Spiegel, 1979; Gay, 1980), as noted earlier, has focused specifically on the effects of Capitalism in the rural Lesotho community. Thus, this literature provides much of the necessary information for me to demonstrate my argument. Through criticism of that literature, three indices of the increasing significance of kinship in social relationships are identified.

Firstly, it is apparent that principles of kinship have become the basis for defining the relation between the absent wage earner and the rural resident. This is illustrated in the transformation of the household as the unit of production and the consequent redefinition of its form in agricultural production. Generally speaking, the potential for the household to become an individual unit of production has been prevented in the interests of the wider rural community. As a result, the boundaries of the household have been minimised, so as to allow the inclusion of the household into a larger unit of production than itself. That larger unit is currently the group of agnatically related households whose kin links currently define the activities of both the rural resident and the absent wage earning members. Consequently, the household has become mainly a domestic unit rather than an economic unit, as its rural rights and the means for realising those rights have been placed in the control of the group of kin related households.

Secondly, therefore, the central feature of economic relations between households has become control over material resources rather than the individual ownership of those resources. By recognising this feature, analysis can then consider the flexibility that such control gives to the members of the rural community, to allocate, and use scarce resources available in that community. In turn, it becomes evident that principles of kinship are the necessary basis for such flexibility.

Thirdly, by considering how technical innovations have been accommodated by rural Basotho, a practical demonstration of the above points is given. Such innovations (e.g. tractor ownership) usually demand a capitalist relation between the owner and the user. By considering how tractor ownership can come about and the relationships between the users, it is shown that the potential for that relation to become entrenched amongst members of the rural community has been prevented. In effect, the discussion on this issue

demonstrates the necessity for analysis to consider the broader social context around the relations between persons within an economic practice. As a result, that discussion shows that the rural residents, by previously subverting the potential for the absent wage earners to dictate the use of resources, have prevented the Capitalist relation in agricultural production from predominating kinship relations.

In order to elucidate the above indices the following discussions reiterate some issues discussed in the preceding chapters. The aim here is to bring together those issues into a concluding discussion on the contemporary form of land tenure in Lesotho. Thus the first discussion expands on the discussion in chapter 7 on the household as the unit of production. This discussion serves as a basis for consideration of how material resources in the rural community are controlled by the kin related group of households. The third discussion then presents the evidence and the analytical reasons for attaching so much importance to principles of kinship in the contemporary form of land tenure in Lesotho.

1. The Redefinition of the Household:

Murray's(1976) and Spiegel's(1979) general research focus was on the relation between the macro- political and economic conditions in Southern Africa and their expression in Lesotho. Their more specific anthropological focus was on the relation between the political and economic conditions under which Basotho obtained wage incomes as migrant workers and the lifestyles of the rural recipients of those wage incomes. Noting that the primary source of the rural residents' cash incomes was in the form of wage remittances from the migrant workers(Murray,1976,19,95; Spiegel,1979,3,36), these authors argued that the cash incomes determined the ability and the capacity of rural households to farm.

On that basis, their arguments followed, that cash was the main means by which households gained access to arable land and used it. Noting the same trends in arable land allocation(i.e. field inheritance) and in arable land use(i.e. the necessity of cash investment) as I have done, Murray and Spiegel put forward two interrelated arguments. Firstly, the inheritance of fields was prescribed primarily by the financial support which an individual(usually a son) gave to the fieldholder(usually the parent). Secondly, the productive effort of a household's wage earning and farming activities was directed

primarily towards building up its own resources in order to farm.

In order to conceptualise the processes in the above arguments, Murray and Spiegel used the model of the Household Developmental Cycle (Murray, 1981, 37-64, 86-99; Spiegel, 1979, 1-11; 90-159). Generally speaking this model was used to illustrate how households go through stages of inception, growth and decline. In application to rural Lesotho, the separation of a son from the parent household was seen as the inception stage of a new household. The growth stage of this household was marked by its domestic and material development which was based on the financial support of the man's migrant wage earnings. Children were reared, the father acquired legal paternity over them through payment of bridewealth and with a cash income, the household invested in agriculture, acquiring fields and the factors of production to use them. In time, the father would retire from migrant work and his sons would take on the task of financing the household's activities by becoming migrant workers themselves. At this stage the household would be nearing its zenith. There would be a regular cash income from the sons, the father would be a rural resident and so able to organise the household's farming activities and possibly generate a rural cash income from them.

During that stage, the sons would be accumulating cash savings of their own to make initial bridewealth payments and they would be looking towards establishing their own households. In short, the sons would gradually fulfill the legal, the customary and the practical criteria for establishing their independence and their adult status in the rural community. Eventually, they would establish their own households and begin to devote their cash resources towards developing their own households. The parent household, having lost its main sources of cash income and its labour, would then fall into the stage of decline.

On the basis of the above model, Murray (1976; 1981) and Spiegel (1979) sought to identify social differentiation between households in the rural community. For Murray, social differentiation was a process in which the household's relative wealth, varied over time according to the flows of cash income into and out of the household. Spiegel came to similar conclusions. Yet, by focusing on what happened to the migrant worker's wage remittances, Spiegel identified farming in Lesotho as serving mainly to redistribute wage earnings throughout the rural community.

In effect, Murray (op cit) and Spiegel (op cit) saw agriculture in Lesotho as serving a residual security function for the rural population. The basis for this argument lay in their identification of various features about farming in Lesotho. In condensed form these features were:

- (1) A household's resources were focused primarily on wage labour to ensure its survival;
- (2) Agricultural activities produced neither sufficient sustenance in grain for household members nor a cash income necessary to reproduce agriculture's necessary inputs;
- (3) The labour which was spent on agriculture was that of women, children and old retired migrant men rather than active able bodied men;
- (4) Agricultural activities primarily allowed for the redistribution of wage earnings throughout the rural community.

The immediate point for criticism here is that the argument is premised on a simple definition of dependence. The rural resident may be dependent on a wage earner's cash but as discussed in chapter 7, the cash income was often insufficient to meet the needs of the rural resident. In effect, this was the point raised by Gay (1980) (see pages 183-184) with regard to women rural residents. As we saw in chapter 7, women often had to look beyond their own household for additional sources of cash income and foodstuffs. The net result was that the labour of the household's rural members was as important as the cash income of the absent wage earner. The labour of those rural members, was, however, directed towards rural activities of which a major feature is arable farming. Thus as Gay (1980, 185) argued:

"For women, it is conceivable that the farm represents a degree of security more akin to that of the true subsistence farmer. It is a fallback enterprise, a hedge against risk that gives it significance beyond its value as an income producing enterprise."

Gay's argument above implicitly equates "farm" with the household's own fields. Yet, as we saw in chapter 7, the labour of women was not expended to only maintain their own households. Their labour had to be directed towards supporting other households, in order to ensure the survival of the rural members in their own households.

The extension of that labour has been of primary importance, given the practical and structural constraints on women's lifestyles. The women's husbands are often involved in hazardous jobs which can lead to an unexpected

curtailment of the wage remittances to the rural household.⁽¹⁾ Consequently, as much as the men need a rural home base to fall back on in case of an accident, their wives need to develop ties with other households to secure external resources and aid against such eventualities.

Structurally, women have been discriminated against by society with regard to realising their rights to resources in the rural community(see pages 69-76). Consequently, they have needed to informally develop as wide a resource base as possible. A divorced woman for example, has few opportunities to obtain arable land in her own right. Prior to her divorce, a woman's activities were directed towards her inclusion into the network of her husband's agnates. After her divorce, the woman effectively loses membership of that network and must redirect her effort towards her inclusion into a network of her own agnates. Adversely for the divorced woman, she has little to contribute to that network. Therefore, she is often forced to become a migrant worker herself, to build up an initial cash reserve in order to establish her own household. In time, her own offspring establish their own households which re-establish a network of agnates around her. In addition, her own offspring can provide labour to her elder agnates and thus, the means for her household's inclusion into their network.(A case of this nature was presented on pages 130 - 131).

A widow, on the other hand, usually holds title to a residential site and fields. Yet, with a sudden curtailment in her household's cash income, her resources of arable land can become insufficient. For her landholdings to become a viable resource, the widow must get other households to invest their cash and their labour into her fields. Effectively, this means that the other households gain informal access to the widow's fields. Such access is expressed in the way her crops are informally shared with the other households. In addition, her labour on her own agnates' fields(or those of her late husband's agnates), becomes a fundamental resource in order to retain their support.

Cash incomes from migrant labour are thus a catalyst rather than a

(1) Gordon(1981,61,75) reported that an average of 6 Basotho men die in mine accidents every month. This is in addition to the numerous accidents and occupational diseases which force men to leave their jobs and return to their rural homes. Such hazards are reflected in my data from Naleli valley (see Table 3, page 126; case studies on pages, 130-132; 202-203; 211-212; 223-228).

determinant of household formation and development in contemporary times. The dependence of the rural residents on the cash incomes of absent wage earners has been a dependence that can be manipulated by the rural residents. Such manipulation effectively demands that the boundaries between households are minimised so as not to preclude the transfer of resources necessary for survival in the rural community.

In view of the above, it has become increasingly problematic to analytically define the household as anything more than a domestic unit. Economically, households in contemporary times, cannot afford to develop or to transfer their resources in the way implied by Murray'(1976;1981) and Spiegel's(1979) use of the Household Developmental Cycle model. A household's domestic development has become premised on its close association with others throughout its entire existence. Consequently, it has been that association which has ensured the transferral of cash incomes beyond the household. This has ensured the material welfare of all the households concerned.

This redistribution of cash has not been dissipated into the rural community in general. The cash remittances of wage earners are directed nowadays towards that group of households upon which they are dependant for their individual households. This dependence of the wage earners continues to make arable farming a highly important activity. This importance is not so much due to the productive capacity of the fields as to the ways in which fields and factors of production are allocated. The way these resources have been allocated have been defined by the social relationships between households. The significant feature of those relationships, in this context, is the control rural residents have over field allocation, use of the factors of production and the redistribution of the wage earners' cash incomes.

2. The Rural Residents' Control over resources in the rural community:

The outstanding feature of land tenure in Lesotho has been that arable land has always been a communal resource. It has been dispensed to individuals always by reference to the needs of the wider community. One major development to that feature has been the practice of field inheritance. As noted in chapter 5(pages 137-140), this practice has expanded at the expense of field allocations by the chief and his land committee. The reasons for

this development received different interpretations.

In chapter 3(pages 77-78), I noted Murray's(1976) and Spiegel's(1979) interpretation which argued that the wage earners support of rural kin was the basis for the increasing incidence of field inheritance. Yet, as I argued in that chapter(pages 78-83), a significant basis of the implementation of that practice was the kin defined 'family council'. In chapters 4 and 5, the increasing significance of that 'council', through the concentration of kin related households in a ward, was demonstrated. More and more fields in Naleli valley have come to be held by households with the view to passing the titles to them onto agnate descendants. In addition, fieldholdings have been distributed on the basis of both the formal kinship defined rights of heirs and the heirs' material commitment to their agnates in the rural community. Consequently, field inheritance has become prescribed by the inclusion of all people who, on the basis of agnatic ties, have a claim to the deceased's fields. As a result, it is this group of agnatically related households rather than the individual household which now decides how fields are distributed amongst heirs. That group of households has thus become the unit of allocation of arable land.

The development of such a unit has affected the material claims of would-be heirs. The individual 'landless' household cannot only support the household from which it hopes to obtain a field. Rather, that individual household must become involved with the group of kin related households in order to secure its claim to a field.

Such involvement has been necessary in the context of land shortage. As discussed in chapter 5(pages 135-137), households in Naleli valley are holding fewer fields as time goes by. The decline in the size of fieldholdings has occurred also in the context of the rising costs of farming in Lesotho (see pages 153,162). The net result has been that it has become implausible for a household to own all the necessary factors of production. Such an investment would be grossly disproportionate to the possible crop returns from the household's own fieldholdings. Thus, the factors of production have become distributed amongst many households. As a result, newly established households have to rely on kin not only to obtain fields but also to obtain the factors of production to use those fields.

It is in the above contexts that the older households have gained control over the resources of their younger kin related households. The resources of these younger households are specifically, labour and cash - two major factors of production necessary for arable farming in Lesotho. The older households are dependent on each other to obtain such items as cattle and equipment which are relatively expensive and which are obtainable only by the accumulation of cash over many years.

The current conditions of land tenure in Lesotho emphasize communal control over a household's resources rather than individual ownership and control. Thus, gaining access to those resources has become premised on the relationship between rather than within households. In view of the kinship principles which have defined arable land allocation, it is not surprising that those principles have been confirmed by the current patterns of arable land use. Specifically, it is agnatic principles of descent which appear to have been emphasized. Yet, an emergent force which has promoted the practice of those principles has not been entirely the activities of men. Rather, it has been the women, the affines in a group of agnate households, whose daily activities in farming have effectively endorsed those principles for their own survival.

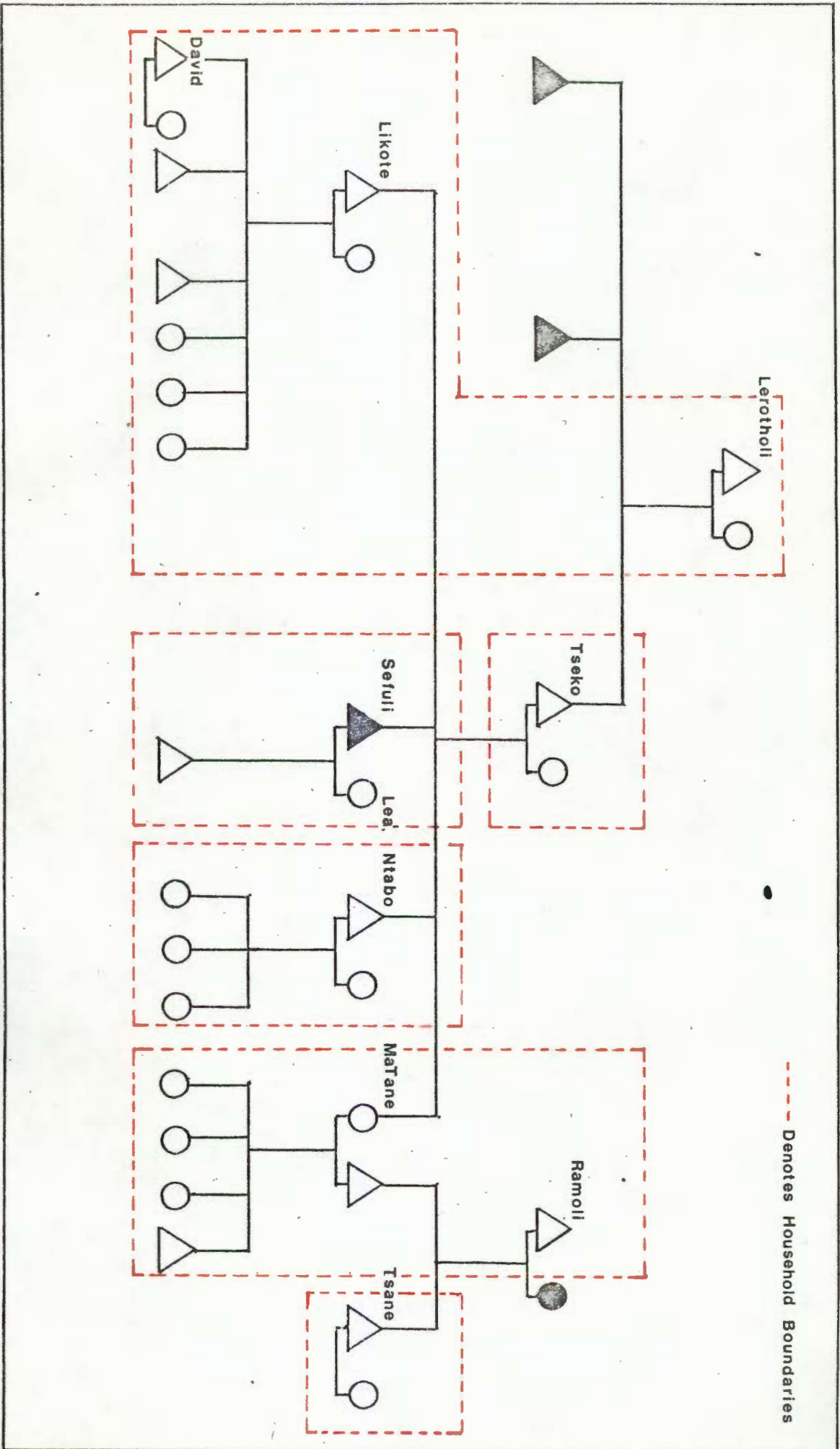
The current significance of agnatic principles of agnatic kinship are illustrated in the case study below.

Case 8.1(a): Intergenerational aid and consolidation of household resources amongst a group of agnatic kin in Naleli valley:

Diagram 5, on the following page, presents the kinship links between the members of a group of households whose activities have been closely interconnected for many years. The main focus of this case study is on the agnatic descendants of Lerotholi.

By presenting the historical background to the activities of these households, the trend towards closer ties between agnate households is indicated. On that basis, the extensive co-operation the households' members in and beyond farming in recent years can be understood to have been predominantly based and defined by principles of kinship.

Diagram 5: The agnate descendants of Lerotholi.



Lerotholi was an aged retainer of the deposed ward chief, Samuel. When Samuel established Thabeng, Lerotholi abandoned his homestead in another village in Naleli valley to join Samuel. Prior to his move, Lerotholi's single surviving son, Tseko, had established his own household in Ha Batho.

Tseko's eldest son, Likote, was reared for much of his youth in Lerotholi's homestead. In 1958, Likote married and stayed on in Lerotholi's homestead as the expectant heir to the latter's estate. Thus, in 1975, Likote moved with Lerotholi to Thabeng. By then, Likote had a number of children and he built a homestead on Lerotholi's residential site. Throughout the years, Likote has provided financial support for Lerotholi and his wife.

In principle, Likote should have long since inherited Lerotholi's residential site and fields. Lerotholi's longevity, however, has confounded that expectation. By 1981, Likote's own son, David, was married and working as a migrant labourer. He was still a member of Lerotholi's household.

Tseko's second son, Sefuli, was married in 1971 but stayed on in his father's homestead until 1976. During 1976, Sefuli was allocated a residential site in Selema where he established his own household.

Tseko's third son, Ntabo, and his daughter, Matane, married their respective spouses during the 1970's. Ntabo then established his own household in Ha Batho on a residential site near to his father's. Matane went to live with her husband in Ramoli's homestead in another village in Naleli valley. In 1975, Ramoli, like Lerotholi, moved to Thabeng to demonstrate his support for Samuel. Ramoli's eldest son, Tsane, inherited his homestead whilst his youngest son and Matane moved to Thabeng. During 1982, Matane and her husband were still members of Ramoli's homestead in Thabeng.

The above settlement history of Lerotholi and of his agnate descendants, reflects the emergent settlement patterns in Naleli valley discussed in chapter 4. Lerotholi's agnate descendants have remained in Naleli valley in close proximity to each other. In particular, Likote's continued residence in his father's father's homestead highlights the kinship defined relation that has governed this residence pattern. That relation rests on the formal expectation of Likote to inherit Lerotholi's estate and his fields in particular. While this expectation has yet to materialise, the fieldholdings of this agnatic group have been contained and made accessible to the members of this group.

Lerotholi had three fields prior to his move to Thabeng. His son, Tseko, also had three fields which had been allocated to him by the ward chief during the 1950s. As Likote has remained in Lerotholi's household, he has not acquired any fields of his own. Likote's younger brothers, however, by establishing their own households, have obtained fields. When Sefuli and Lea moved to Selema in 1976, Lerotholi gave them one of his own fields. Sefuli's younger brother, Ntabo, obtained a field from the ward chief and his 'land committee'.

The fieldholdings of the above agnates were extensive. The agnate descendants of Lerotholi and of Tseko were fortunate in that the latter had a relatively

large number of fields to dispose of. It is expected that Lerotholi's and Tseko's fields will be further distributed amongst their agnate descendants. For instance, Likote expects to obtain Lerotholi's two remaining fields in due course. Ntabo aspires to inheriting some of his father's fields. He expects those fields to be shared by himself and Tseko's formal heir, David.

Lerotholi's grant of a field to Sefuli and Lea highlights the first stage of keeping fieldholdings within the agnate group. In particular, this grant demonstrates two points. Firstly, Sefuli inherited his field on the basis of his agnatic tie to Lerotholi. Sefuli was not the direct financial supporter of Lerotholi. Secondly, the formal right of Likote to Lerotholi's fields could be manipulated without conflict, as in fact, all members of this group have access to the crops of the members' various fieldholdings. Such access has been due to the informal co-operative arrangements between Lerotholi's, Tseko's, Sefuli's and Ntabo's households.

The sources of cash income for these households have varied over time. Since the 1950s, Likote has been the main wage earner in Lerotholi's household. Since 1976, however, an additional source of income to the household, through David, has been acquired.

Tseko retired as a migrant worker in the 1960s. Since then, his two younger sons have provided financial support for him and his wife. Sefuli, however, died in 1981 and thus, Ntabo became the wage earner for his own and his father's households. With Sefuli's death, his widow, Lea, became financially dependant upon her late husband's brothers.

The cash incomes of this agnate group have been used to work its members fieldholdings. As in previous years, Likote and David paid for the seeds and the fertilisers for Lerotholi's two fields in 1981. Similarly, Ntabo paid for these items for his own and his father's fields in 1981. Lea still had funds in 1981, to buy her own seeds and fertiliser for her field.

During 1981, Tseko was the only person in the group to own cattle (10 head) and equipment (a plough and a planter). As in previous years, these items were loaned by Tseko to his agnates to work their fields. Tseko received no cash payment for his aid to the other households. Lerotholi emphatically stated that such a transaction was out of the question as "he (Tseko) is my son." The labour for handling the draught teams was provided by Tseko, Likote and Ntabo. They shared the effort to plough and to plant all the fields of the households in the group. Ntabo had previously returned on leave from his migrant job, in order to help with those tasks. During October/November 1981, Tseko, Likote and Ntabo formed a 'company', though it was Ntabo who managed it.

The labour for weeding and harvesting this agnate group's fields was regularly provided by the members of all its constituent households. During 1981, however, much of this work was done by Likote, his wife and children, Lea, Ntabo and his wife. Lerotholi and his wife were infirm and rarely worked in the fields. Tseko and his wife helped in the fields but not as frequently as his sons and their families.

MaTane was occasionally involved in the co-operative effort of her own agnates. She was mainly involved, however, in the co-operative arrangement between Ramoli's household and that of his son, Tsane, though both co-operative arrangements overlapped to some extent. MaTane commented that while she helped her own agnates to weed and harvest their fields, her mother and Ntabo's wife helped her to weed and harvest Ramoli's two fields.

The harvests from Lerotholi's and Lea's fields were usually stored at Lerotholi's homestead. The harvests from Tseko's and Ntabo's fields were usually stored in Tseko's homestead. The combined harvests from these fields were shared by all the members of Lerotholi's, Tseko's, Sefuli's and Ntabo's households. For instance in May/June 1981, the combined harvest from Lerotholi's and Lea's fields consisted of 13 'bags' of maize. The combined harvest from Tseko's and Ntabo's fields consisted of 20 'bags' of maize. None of this crop was sold as it was shared by the members of this agnate group for personal consumption. MaTane was also involved in this crop distribution.

The above descriptions highlight the minimisation of boundaries between households. A result is that a kin network can expand and so, provide a broad resource base for the continued welfare of its constituent households. Within Lerotholi's lifetime, a kin network was established by Lerotholi and by Tseko and this in turn, was confirmed by Tseko's sons. Consequently, Lerotholi, his wife, Tseko and his wife have secured material support for themselves in their old age. Similarly, that network has provided security against life crises for its constituent households at any one point in time (e.g. Sefuli's death and his agnates' support of Lea).

Another feature of such mutual interdependence between those agnate households was the residence of Likote in his father's father's homestead rather than his father's homestead during his youth. This effectively reflects a common behaviour pattern in Naleli valley (see pages 130, 141, 144). Such a behaviour pattern highlights intrahousehold dynamics in the course of a household's own domestic development. On the one hand, it has been a necessary strategy for households to overcome the burden placed on their own resources during their own domestic development. On the other hand, it has been a basis for endorsing ties between households and for providing resources to households which have become deficient in them. In effect, it is a complex process which expresses a household's adjustment to fluctuations in its own resources during its existence. This is illustrated in Case 8.1(b) below in the strategies of members in Lerotholi's household.

Case 8.1(b): Intrahousehold dynamics; the confirmation of ties between households:

When David became a migrant worker in 1976, Likote retired from migrant work in South Africa. Likote remained in Naleli valley until 1980 living off his son's wage remittances and a rural income derived from his co-operative

farming arrangement with his agnates. In 1980, Likote found employment in Lesotho as a road worker and was prepared to accept a far lower wage than he could get as a migrant worker in South Africa.⁽¹⁾ By 1982, Likote still had that job.

When David became a migrant worker, Lerotholi's household was given the opportunity for Likote to return home to contribute his labour directly to the household's activities. Lerotholi's household had effectively been able to increase its resources. Yet, Likote's re-employment suggests that the cash income became insufficient for this large household. The financial burden on this household was partially eased by Likote finding a job as a road worker though this meant that the household was again deficient in male labour for its rural activities. In addition, the household's problems in securing its own resources to support its members were partially eased by the placement of two of Likote's sons in another homestead.

Likote's two younger sons had been reared mainly in the homestead of Likote's wife's parents. These parents lived in a village some distance from Naleli valley near a town where Likote's sons attended school. The sons thus stayed with their mother's parents during their school going years.

By 1981, the elder son had completed his schooling and was assisting his mother's father in his agricultural activities. For instance, during the summer of 1981/82, this son herded his mother's father's livestock in the mountain pastures. The youngest son was still at school during 1981 but helped his mother's parents in farming when out of school.

By placing two of his sons in the household of his wife's parents, Likote had effectively solved the problem of finding lodgings for his sons while they were at school. In addition, he had effectively removed the burden of feeding two members of Lerotholi's household.

In short, the changing strategies within Lerotholi's household illustrates the flexibility which kinship gives to households to transfer their resources when they need to. In the process, however, it is the older rural residents who have gained control over the resources of the younger generation. In the above instance Likote's wife's parents informally gained labour for their rural activities.

Thus, it has become apparent from the above case studies 8.1(a) and 8.1(b)

(1) According to road engineers I spoke to, there was extensive employment of Basotho men on Lesotho's road projects. The use of such labour was only cost effective, however, if the wage rate did not exceed R5.00 per man per day. In 1981, the daily wage rate of a roadworker in Lesotho was R3.50.

that communal control over resources has characterised the material aspect of kinship in recent times. Having detailed this contemporary feature in social relationships amongst the Naleli valley residents, its expression in entrepreneurial activities can be considered. The following discussion illustrates how principles of kinship have underlain social relationships which appear to be defined by Capitalist relations between the persons involved.

3. Capital and Kinship in social relationships in the rural Lesotho community:

In the preceding chapters, the evidence on economic practices of land use indicated that in some instances, the practices were defined by Capitalist relations between the persons involved. Two notable instances were tractor hire and the formation of 'companies'. This has suggested to Murray(1976) and to Gay(1980) that social relationships in the rural Lesotho community are becoming increasingly defined by Capitalist relations between rural residents. Murray's(1976) and Gay's(1980) arguments are considered in the following discussion in reference to tractor hire and the operation of 'companies' in Naleli valley during 1981/82. This discussion shows that Capitalist relations in agricultural production have been conditioned by and remain subordinate to kinship relations in the rural community of Lesotho.

Kinship relations were the basis of the single incidence of tractor ownership I encountered in Naleli valley during 1981/82. Case 8.2. below, presents this incidence of tractor entrepreneurship in Naleli valley, illustrating how it was premised on the kin tie between a father and a son.

Case 8.2. Becoming a tractor contractor:

Simon retired from a varied career as mineworker, truck driver and taxi driver in 1974. He returned to Ha Batho with a view to making a living from farming. Since he has been in Ha Batho, Simon has been able to achieve his aim. He has regularly planted cash crops such as potatoes, beans and radishes in addition to, maize for household consumption. Moreover, Simon has accumulated livestock including pigs which he breeds for sale. By 1981, Simon was in a position to buy a tractor. Simon bought a second hand tractor at the end of the 1981 ploughing season and during February 1982, he was repairing it for contract work later in the year.

Simon invested much of his own savings into his farming enterprise and he has been able to derive a regular income from it. In addition he has earned a small income through his work as the local watch repairer. Simon's enterprise, however, has been consistently underwritten by his father, Anton.

In 1981, Anton was still an active migrant worker who provided some of the cash for Simon to buy the tractor. In addition, Anton has regularly bought cattle which have been used by Simon for hiring out and for breeding purposes. For instance, in 1982, Anton railed three head of cattle from South Africa to Lesotho. This brought Anton and Simon's combined livestock holding up to 22 head of cattle, 3 pigs, 2 donkeys and one horse.

Furthermore, Simon's arable farming enterprise has been carried out by using Anton's four fields in conjunction with his own two fields. Jem has planted crops on those fields as he saw fit. Occasionally, he has hired labour to work on his own and on Anton's fields. Most of the work, however, has been carried out by himself, his wife and by his mother and a sister who live in different households in Ha Batho.

In the above case study, Simon was effectively the rural manager of a joint enterprise between two households. The success of the enterprise depended on the optimal allocation of resources by these households. The father could provide the cash and most of the arable land. The son could provide the skilled labour while the women in both households could provide labour. The combination of these resources, based on the kinship relation between the two households, enabled the formation of a capitalist enterprise.

As we saw in chapter 6 (pages 158-159), such enterprises have been a recent innovation in rural Lesotho land use patterns. The innovation of tractor hire, and the increasing incidence of tractor ploughing in Lesotho, has created the potential for tractor hire to radically alter land use methods and consequently, social relationships in rural Lesotho as well.

Gay(1980) has put forward an argument to that effect. Tractor hire, Gay(op cit) contended, requires increased cash investment but lessens the demand on male labour. This means that the migrant workers could become increasingly peripheral to the farming activities of their rural dependants. The result which Gay(1980,208) foresaw, was that the migrant workers' wives would become capital intensive farmers:

"The more the man is detached from the rural domestic group as a production unit, the less links remain to guarantee his involvement with the life of that group and the more strains his periodic departures and returns create. The rural group becomes increasingly independent of him as a productive decision maker but increasingly dependent upon him as an absent wage earner. When a wife can hire an outside tractor contractor to plough, her autonomy to conduct the entire farming operation is greatly increased. She and women partners can perform all the remaining agricultural tasks. Thus her strategies must be focused on the means to obtain money not on the joint productive work with her husband nor on multistranded relationships with family, kin and neighbours who own cattle or can join a...

"..team. She cannot easily exchange food or beer or lineage loyalty or client labour for access to the men who plough. Hence, the focus of her relation with her husband and sons may itself become an increasingly monetised one, for it is now their money and not their labour which she needs in order to feed her family."

Gay's argument is a particularly deterministic one in that the technical innovation of tractors is seen to cause itself, a change in social relationships. The implication in this argument is that there would be greater individualisation of rural households in their economic activities, as a consequence of tractor hire. Gay's argument, however, takes out of context two sets of relations in farming in rural Lesotho. Firstly, it suggests an intra-household condition in which a cash relation defines the social relationships between the household's members. Secondly, on the basis of this cash relation, the relationships between households are seen to be defined by that cash relation.

As we saw in chapter 7, such a relation has not been all determinant of the social relationships within and between households. From a practical view point, the absent wage earners have rarely been abstractedly involved in farming. Moreover, their wage earnings have not been directed primarily towards their own households. Those wage earnings have been directed towards their agnates in other households, directly by their own need to obtain the latters' support and, indirectly, by the latters' command over rural resources.

Furthermore, women cannot hope to farm in the way Gay (op cit) has suggested. Although, women may secure much of their cash income from within their households, they above all, have had to conserve their cash incomes against any temporary or permanent curtailment in that income. Effectively, this has meant that women have had to find means to minimise their household's cash expenditure. This has meant that they endorse the informal co-operative farming arrangements with their husbands' agnates by contributing their labour to those arrangements.

On a general level, tractor hire has not been an intrahousehold concern only (see pages 159, 193, 212). Tractor hire can serve to overcome a short term lack in resources until the network of kin has been able to obtain draught power and equipment. This can mean that a young household which perhaps, has no kin network, has to hire tractors to work its own fields until its members have established their own households. After such time, the household

may have more resources, available through its ties with its offspring households, and so be able to preclude the hire of tractors or other equipment and draught cattle.

On a more general level, the increased use of tractors in rural Lesotho reflects, perhaps, the increasing costs of using draught cattle. For instance, if the Lesotho government's standards on livestock breeding and its controls on the use of pastureland are fully implemented(see pages 62-63), the recurrent investment costs of animal husbandry would be raised considerably. In that context, the hire of tractors might be a developing response to those increasing costs. In effect, this would mean that tractors are being used to fulfill a technological gap,brought about indirectly by government policies, which has been beyond the control of the rural residents. Thus, tractors are perhaps, not so much a radical innovation but a necessary investment which can be integrated into contemporary patterns of land use in Lesotho. Therefore, Gay's argument above has perhaps, also taken out of context tractor hire from the ways factors of production have been allocated in rural communities.

A similar argument to Gay's above, was put forward by Murray(1976). Whereas Gay focused on the factors of production, Murray focused on the labour process in completing the tasks of ploughing, planting, weeding and harvesting. Murray's argument is problematic as, like Gay's argument, it takes these tasks out of the context of the broader social relationships which have defined the entire labour process in farming.

Principles of kinship, Murray(1976,121-129) argued, applied in the tasks of long duration in which there was sustained personal interaction. It was that interaction which effectively generated ties of moral obligation based on kinship ties between the persons involved. Principles of kinship did not apply, according to Murray, in tasks of short duration. Such tasks which required immediate completion did not allow for sustained personal interaction. Thus, the relations between the persons involved in these tasks were defined by Capitalist relations of agricultural production.

To explicate his argument, Murray(op cit) suggested that the tasks of ploughing and of planting were capital intensive and thus required immediate completion to be cost effective. The relationship between individuals involved in those tasks, therefore,was a Capitalist rather than a kinship

relation. The tasks of weeding and harvesting, however, being of long duration were defined by kinship relations between the persons involved. For, these tasks required a co-operative labour effort over an extended period of time and as a result the distribution of crops could be influenced by appeals to the conscience of individuals.

A primary problem with Murray's argument above, lies in its juxtaposition of ploughing and planting against weeding and harvesting. This is derived from a similar conception of the kopano and the seahlolo arrangements (see pages 185-192). Consequently, Murray (op cit, 127-128) argued that sharecropping arrangements were based on principles of kinship. In addition, the implication of his argument was that the tasks of ploughing and of planting could radically alter the bases of social relationships between individuals. Effectively, Murray's argument is in direct opposition to my own arguments which I have put forward with respect to the organisation of labour in the above tasks. The reason for this is that Murray's argument focuses on the relationships within the tasks rather than on the relationships upon which those task relationships are based.

The social relationships between persons for ploughing are pragmatic arrangements, given the environmental exigencies which require them to be completed quickly. Within the informal co-operative arrangement those relationships are not Capitalist relations. The demands of the tasks are but an environmental aspect of the people's need to allocate scarce resources. Such allocation is in contemporary times based on kinship relations which take into account the whole range of tasks to be completed in an agricultural season. In simple material terms, those relations allow individuals access to cattle, ploughs and planters in exchange for labour later on in the season. In the same vein, the 'companies' which form during the ploughing season demand capitalist relations in operation but as we have seen, are based on kinship relations that define the informal co-operative arrangements.

Such flexibility in the allocation of factors of production has been necessary as I have discussed in this chapter. It is, therefore, problematic to attempt an analysis based on the view that, the different agricultural tasks are ends in themselves. As we have seen, arable farming in Naleli valley is a cyclical process in contemporary times, maintained by diffuse forms of inputs and expenditure by individuals to ensure a shared crop return and the means to reinvest in farming each successive year. Kinship has become

the organising principle for this contemporary state of arable farming in Naleli valley, for the principles of agnatic descent identify social relationships over time, while lateral ties between agnate siblings and their affines identify those relationships at one point in time.

In view of the above, the reasons for my differences of opinion with the literature on Lesotho become clearer. The evidence on the significance of kinship in defining social relationships in Naleli valley during 1981/82, suggests that there has not been a linear transformation of social relationships, from kin based to Capitalist based relations between individuals. The literature's conceptions which I have criticised (i.e. the juxtaposition of kopano and seahlolo arrangements, the emphasis on the cash relation between members within a household, the emphasis on technological innovation as a determinant of change in social relationships, the identification of the household as the unit of production), are, however, consistent with a vision of such linear transformation. For in effect, such conceptions place farming practices in Lesotho on a spectrum. At one end of the spectrum is Kinship and at the other end, Capital, - two perceived abstract and underlying bases of social relationships.

Effectively, Kinship and Capital are opposed. Technological innovations and capital intensification in ploughing and planting, for instance, are associated with Capital. Accordingly, their presence must indicate Capitalist relations between individuals in agricultural production. Conversely, Kinship must be the basis of social relationships where there is an absence of technology and of capital intensification in farming practices (e.g. weeding and harvesting, sharecropping agreements).

An immediate indication of the fallacy of such a spectrum image is given by the varied definitions of seahlolo arrangements in the literature on Lesotho. Sharecropping is an arrangement between kin (Murray, 1976). It is an arrangement between non-kin (Sheddick, 1954; Spiegel, 1979). It is an arrangement practiced by the majority of households (Gay, 1980). The difference of opinion in research over an extended period of time is not simply due to a semantic difference in the definition of seahlolo arrangements. Rather, it points to a changing articulation between principles of kinship and Capitalist relations in agricultural production, in which the former has varied in significance. Thus, it cannot be said that Capitalism has established its form on social relationships in rural Lesotho. Rather, the evidence suggests

that principles of kinship have been used by Basotho to prevent the consequences of Capitalist relations in land tenure.

Those consequences would have been (1) the control by fewer and fewer people over larger and larger areas of land;(2) the formation of a clearly observable 'landless' population which would be totally dependent on wage labour for survival;(3) a process of individualisation of the household as a domestic and economic unit;(4) marked social differentiation between households on the basis of individual households' access to wage incomes and their subsequent capacity to generate rural wealth by securing title to more arable land and the means to use it.

These consequences have not developed to a marked extent. With regard to the formation of individually held large landholdings and the formation of a 'landless' population, there is little evidence to suggest such a development. People are holding less acreages of land in their own right than their forebears. The leasing of land, which would be an indicator to the contrary, has not been widespread practice. I found no evidence of it in Naleli valley during 1981/82 and in the literature, it has only been mentioned as a formal possibility(e.g. Sheddick,1954,159-160; Murray,1976,78). The leasing of land has been incorporated in the Land Act of 1979 as a legitimate practice but if the minimal incidence of sharecropping in Naleli valley during 1981/82 is an indication, land leasing has not been accepted by citizens. The simple reason for this, is that land leasing, like sharecropping, removes from the title holder a significant resource for his/her inclusion in an informal co-operative arrangement. Consequently, the titleholder to the land loses a means to gain access to the crops of other people's fields and indirectly the latter's cash and the means to work the fields.

Thus, there are few indices which might indicate the formation of a 'landless' population in Lesotho. In the context of land shortage, access to titles to land has been staggered such that more and more people are having to wait to hold title to arable land. Yet, as we have seen in the preceding text, the different responses to the problem of land shortage over time, have maintained the fundamental cultural concept that people have a right to land and in most cases,that right has ultimately been realised. In addition, the formation of co-operative farming arrangements between households has ensured that most people informally gain access to the product of other people's land. In the process, the increasing significance of the residential

site has pointed towards more permanent title to land and the exclusion of some people from holding land. Yet, as we have seen, while tenure of a residential site has become a central criterion for holding title to arable land, the actual transfer of land titles has become qualified by kin based relationships between the titleholders and the land claimants.

In view of this significance of kinship in gaining titles to arable land (and in using the land), the individualisation of the household as an economic unit has been prevented. The household has become a domestic unit but its members have become intricately bound to the economic unit of the group of agnatically related households. Consequently, social differentiation in a rural Lesotho community has been underlain by the networks of kin which identify those economic units. The establishment and the maintenance of those networks has become the basis for securing relative wealth for individuals whether they be migrant workers or permanent rural residents. Conversely, those households which lack such networks are those that are most likely to face a decline into extreme poverty.

9. CONCLUSIONS.

Land management in Lesotho has had a complex history. Throughout that history, Basotho have retained a vital interest in land. That interest has been maintained in the face of numerous political, economic and demographic pressures on society in Lesotho. Moreover, that interest has been maintained, in spite of the population's dependence on migrant labour wage incomes and, the inability of rural households' fieldholdings to produce their members' sustenance needs in grain.

This sustained interest in land has been characterised by a transformation of Sesotho ideas and practices about land. In order to prevent their alienation from land, Basotho have consistently modified their own and alien, ideas and practices to suit their needs. As a result, the contemporary form of land tenure in Lesotho is very different to previous forms. For instance, a variety of Sesotho and British interpretations have been attached to the fundamental rights of Basotho to land, as expressed in the maxim Mobu ke oa Sechaba (land is the people's). For example, these interpretations have led to the transformation of the chieftainship's land rights and to the formation of a British inspired land category, gardens. Equally, other land categories have been redefined in the course of time. The residential site, for example, has become an increasingly important land category, tenure of which now premises the realisation of rights to other land categories.

Consequently, this study has shown that social relationships in the rural Lesotho community have changed, in conjunction with the changing forms of land tenure. The central feature of this process has been the demand for flexibility in the allocation and in the use of land. An emergent and significant basis for such flexibility has been shown to be principles of kinship. This study has illustrated how the allocation of arable land and of factors of production (including cash) has become defined by ties of kinship between households. It is these ties which have been the means for the optimal allocation of resources in the rural community. As a result, this study has shown how the household is no longer the unit of production. The household is a domestic unit within a unit of production which consists of the group of agnatically related households. In turn, it has been demonstrated that the material character of kinship is expressed in the rural agnates' communal control over, rather than individual ownership of, individuals' resources.

It is that material significance of kinship which has led me to understand

kinship in rural Lesotho as a dynamic and living body of thought and practice. Certain aspects of kinship(e.g. agnatic descent) have been upheld over successive generations as a means to cope with the harsh reality of economic impoverishment in rural Lesotho. Kinship principles, therefore, are not a remnant expression of a past reality but the product of a reality which has required a flexible social basis for survival.

Such a flexible social basis is contained within principles of kinship. Agnatic principles of descent identify relations between persons who have or who may acquire, in time, resources which other agnates may require. The effectiveness of such relations depends to a large extent on the mundane requirement that kinship be expressed in person. This study has shown that the spatial aspect of kinship has been endorsed by the concentration of kin related households within close proximity to each other in a rural Lesotho community. Consequently, it has been demonstrated that the scope of a kin network has become a major criterion for the welfare of the young and the old, and of the migrant worker and the permanent rural resident, in Naleli valley.

In view of the above, theoretical questions about the nature of kinship have been raised. In particular, this study has questioned materialist perspectives on Lesotho and the role of kinship in the rural communities of that country.

1. Materialist perspectives on Lesotho:

In recent years, anthropological and historical studies on Lesotho have been informed by Marxist theory(e.g. Murray,1976; Kimble,1978; Spiegel, 1979). These studies have been based on the legitimate premise that little understanding of socio-economic conditions in Lesotho is possible, without reference to the structure and the dynamic of Capitalism. The above mentioned studies have shown that society in Lesotho has been shaped to a large extent by its incorporation into the Capitalist political economy of Southern Africa.

In abstract terms that incorporation has been seen to be due to the imposition of a Capitalist Mode of Production(CMP) throughout Southern

Africa.⁽¹⁾ One premise of that perspective is that if economic production is defined by the CMP, then the relations between Capital and labour must be relations of the extraction of surplus value (Marx, 1979, 320-339) (i.e. the relations are Capitalist relations of production). Yet; as various authors (e.g. Palmer & Parsons (eds), 1977; Ranger, 1978) have pointed out, this premise is contradicted by the continued existence of production relations amongst some rural african populations which are defined by kinship ties (i.e. by kinship relations of production).

The existence of kinship relations of production has been conceptualised in terms of an existent Pre-Capitalist or Non-Capitalist Mode of Production (Pre-CMP) (Coquery Vidrovitch, 1978; Kahn & Loberra (eds), 1981). Consequently, an attempted theoretical resolution of the apparent contradiction within the CMP was contained in the Articulation of Modes of Production model (Wolpe, 1980). This model rested on the premise that the CMP must ultimately supplant the Pre-CMP though in the process, it may conserve kinship relations of production in a Pre-CMP, albeit in restructured form, for its own interests.

This model has been of some use in giving insight into the general economic predicament of rural african populations such as Basotho. It gives an indication of how the migrant labour system in Southern Africa has operated as a means by which South African industry has acquired cheap labour. For, this model has indicated how the burden for the welfare and the reproduction of that labour has been placed on the kin based social structure of the rural areas from whence the migrants came. Thus, the costs for Capital to procure labour have been reduced by the maintenance of a Pre-CMP in the rural areas.

Nonetheless, this model has been subject to detailed criticisms in recent years, generally (e.g. Foster-Carter, 1978; Mafeje, 1981) and specifically with regard to Lesotho (Spiegel, 1979, 200-210; Murray, 1981, 175-176). My own criticisms pertain to this model's conception of kinship relations of

(1) Mode of Production is an analytical construct. It signifies the way in which material resources are extracted by the labour of a population for its survival and, what ideological means are used to legitimate what is produced, how it is produced and why it is produced. In order to examine a Mode of Production, the analytical reference point is the relationship between persons whose labour produces the requisites for the population's survival (the relations of production). Analysis entails defining and relating the material basis of the relationship (i.e. what goods or services are exchanged during production) with how the labour is organised in production and the means which are used to legitimate that relationship (i.e. legal and moral codes).

production. Primarily, in terms of this model, if kinship relations of production are to be conserved in the interests of the CMP, the implication is that the former have no dynamic of their own. This implies in turn, that kinship relations of production are basically a static structural condition which is changeable at the discretion of the CMP. Consequently, the implication is that in contemporary times, kinship is largely an epi-phenomenal construct amongst rural african populations.

This study's arguments are contrary to the above. It has argued that kinship is a dynamic structural condition within the CMP that is of central significance for any study of rural Lesotho. This study does not deny the validity of an articulation concept but suggests that there must first be a reconsideration of the model's understanding of kinship. In turn, it suggests that there is an articulation of Capitalist and kinship relations of production within the CMP rather than at the level of the Mode of Production. This perspective has emerged from an analysis of how the means of production, land, has been allocated in rural Lesotho, how the product of labour has been distributed and how labour has been organised in a rural Lesotho community.

That analysis has shown that over time, the product of labour (e.g. ploughs, cattle, grain) has been increasingly redistributed, amongst the producers in a rural Lesotho community, rather than concentrated amongst a small population of non-producers or owners of the product of labour. This distribution has occurred because the utility of such products of labour to generate individual wealth has become minimal in the contexts of the fragmentation of fieldholdings, the displacement of household labour and the relatively low rise in the level of the migrants' real wage earnings.

As a result of the above processes, production in the rural Lesotho community has become what Marx (1979, 126-177) discussed as 'simple commodity production'. In that context, the value of labour has been of use value in contemporary times. In other words, the resources which are exchanged between households have not been qualitatively different from each other in function. For instance, the exchange of draught cattle for agricultural implements is not a transfer of resources which contain qualitatively different values of labour as each resource is used to the same end by the same users (i.e. the sharing of the labour effort to plough and plant fields which premises further exchanges of labour later in the season to produce the crop and

an informal sharing of the fields' harvests by the users).

There has, of course, been the potential for a very different set of relationships between the producers to develop, given the incorporation of Lesotho's population into the Capitalist economic system. The wage earners might have become agricultural commodity producers through their ability over and above the rural residents, to purchase cattle and equipment and, to extract the labour of the rural residents, to work the fields that they had acquired. As the evidence from Naleli valley testifies, that potential has rarely been realised and then, only on the basis of pre-existent kinship relations of production between the rural residents and the wage earners. The reasons for this are twofold.

Firstly, the wage earnings of the migrant workers have been appropriated by the rural residents such that, the latter have commanded control over rural activities and the migrant workers' cash investments into those activities. This relation between the migrant workers and the rural residents has been fostered by the conditions of migrant labour (low wages, enforced return to Lesotho between job contracts) and land shortage (the rural residents hold the land which is a scarce resource). In addition, this relation has been fostered by the insufficiency of the migrant workers' incomes to entirely support their rural households. Consequently, the labour of the rural household's members has had to be expended beyond the household according to terms stipulated by other rural residents who use that labour. Thus, the exchange of the migrant workers' wages and thus, of his/her labour, in the form of cash or in the form of cattle and agricultural implements, has been made equal to the rural residents' resources of land and labour. This condition of labour value has become necessary, so that the migrant workers' and the rural residents' resources can be flexibly allocated in a communal effort, to overcome the constraints imposed by de jure and de facto residence in a peripheral part of Southern Africa.

Secondly, those constraints have effectively prevented the entrenchment of Capitalist relations of production in rural Lesotho communities. Land shortage has led to the fragmentation of fieldholdings while the costs of farming have been increasing. As a result, individuals involved in farming cannot produce crops in sufficient quantities to meet their sustenance needs, let alone produce a saleable surplus. Consequently, to extract the labour of others through capital intensification of farming practices on one's own

fieldholdings has become a futile exercise. An apt illustration of this is reflected in the minimal incidence of sharecropping in Naleli valley during 1981/82.

Sharecropping is a contractual agreement which produces little material profit for either the contractor or the contractee. From the contractor's perspective, this is due to the fact that his/her enterprise is premised on his/her capacity to informally draw resources, notably labour, from other households, in order to gain the inputs necessary to be a contractor. Consequently, the use of that labour has to be acquired in exchange for the contractor's own resources. Commonly, that exchange has involved the labour gaining informal access to the crop share of the contractor's enterprise. Thus, the product of the contractor's labour is returned to that labour while the contractor has had to make an investment which yields him/her only a half share of the crop product in the first place.

Such a disadvantageous return to the contractor is paralleled by the contractee's situation. For the contractee, sharecropping denies him/her the full use value of his/her labour. In the contractual agreement, the contractee's land and labour is exchanged directly for cattle, agricultural implements and labour to produce a specific product. This precludes the contractee from gaining the intangible benefits of holding land in the rural community.

Those benefits accrue only through the individual's contribution of his/her land, labour and any other resource into informal co-operative arrangements with kin. Those arrangements provide the individual access to some of the crops from other kins' fields. In addition, those arrangements provide in the short and the long term, the necessary kin network which can give the individual some security against the harshest kinds of economic impoverishment in rural Lesotho.

Accordingly, this study's analysis on the value of labour and its product has led to a focus on kin networks in Naleli valley. In view of the way these networks prescribe economic security for the de jure and the de facto residents of that valley, it is implausible to see kinship relations of production as a static structural condition. This study, however, has been limited to elucidating the material significance of kinship in a rural Lesotho community. It has not examined the details of changes to the moral

obligations which have been significant amongst specific categories of kin. A comparison of recent literature(e.g. Murray,1976,248-282; 1981,119-148) with earlier literature(e.g. Ashton,1952; Sheddick,1953) shows that these details have changed in some instances. My own research has indicated that the material significance of agnatic principles of kinship has been circumscribed to relevance amongst small groups of the direct descendants of a living agnate elder. It is thus inappropriate to suggest that the lineage or the clan is of any material relevance nowadays(if it was at all relevant in the distant past).

The persistence of such kinship principles and their contemporary significance in Naleli valley, suggests, however, that anthropological theory must question its basic constructs of theory. As noted in chapter 1, one of British Social Anthropology's major contributions in the past was its clear conception of kinship structures. After many years of almost universal application of those concepts, kinship structures in African societies have come to be seen as fundamental and unchanging social structural principles, deeply ingrained in African societies. Till, recently, however, there has been an absence of discussion on whether kinship has a dynamic in its own right if indeed, it is a deeply ingrained phenomenon of African societies.⁽¹⁾

This study's focus on land tenure in Lesotho and its transformations has revealed aspects of that dynamic. In particular, the lack of uniformity in Sesotho interpretations of the relationship of Basotho to land, highlights the persistent flexibility inherent in kinship relations of production. Similarly, those interpretations highlight the struggle by Basotho to prevent the entrenchment of Capitalist relations of production in land tenure in Lesotho. To date, Basotho have been successful in that struggle and thus, they have prevented their alienation from land.

(1) Two papers recently presented at a conference in South Africa(Hammond-Tooke, 1983; Preston-Whyte,1983) suggest that perhaps, there is a move to reconsider the significance of kinship in contemporary times.

APPENDIX 1: Fieldwork Method:

I conducted fieldwork between July 1981 and March 1982. During the first two weeks of August 1981, I assessed various localities as potential research sites. Essentially, the criteria which I employed were based on the restrictions of my research programme. The research topic was broad and the period for research was limited. Therefore, I felt it necessary to find some means of reducing my research area.

On the one hand, my research would be facilitated if I could identify the community in which I was to carry out field research. Thus, I decided to carry out field research in a valley where perhaps, the topographical features might distinguish the resident community from the environs. On the other hand, I decided to choose a valley where the resident population would be relatively small, so that I would be able to cover the social interrelationships in farming more adequately than if research was carried out in a large rural community. In addition, practical matters had to be included in the choice of a research site. I had no transport of my own and thus, I wished to be somewhere from which I could travel abroad by public transport with relative ease. Equally, I wished to be in a place where I could obtain such items as food, water and fuel without being a burden on the village community and, without adding too much pressure on my limited budget.

Ultimately, my decision to carry out research in Naleli valley was governed as much by chance as by the 'criteria' I had in mind. When I arrived in Naleli valley I was fortunate to meet the ward chief on the first evening of my arrival. The ward chief agreed to my residence in Naleli ward and it was through his help that I ended up staying in Ha Batho. In Ha Batho, I lodged at the homestead of a migrant worker and his family and I remained a member of this lelapa for the duration of my stay in Naleli valley.

During the first few weeks of my residence in Ha Batho, I explained my intentions to the village headman and other villagers and gradually, I was accepted as a village resident. During September, my field research was interrupted by a short visit to Cape Town. Upon my return to Ha Batho, I began to conduct a scheduled population census survey in the village. The questionnaire included prepared questions as well as additional questions

which, based on information I had already accumulated, were relevant to specific individuals. The basic questionnaire schedule which I used for this survey is in Appendix 2.

During the course of carrying out the census survey, I found that only one person could speak English. Being unable to afford an interpreter and being unable to speak Afrikaans which many of the villagers could speak, I decided to curtail my research programme until I had become conversant in Sesotho. During this learning period, I carried out informal interviews with villagers who helped me to speak Sesotho. Once I had become conversant in Sesotho, I began to conduct more structured interviews with Ha Batho villagers. Initially, I used a questionnaire schedule but soon abandoned this in favour of open ended discussions with informants.

By December 1981, I had collected enough information to be able to extend my research beyond Ha Batho. In particular, I began to conduct research in the villages of Selema and Thabeng. These villages are quite close to Ha Batho and the information I had gathered from Ha Batho, suggested that these two villages would be suitable for acquiring further information on the interrelationships between villages. In addition, Selema and Thabeng are the two most recently established villages in Naleli valley. Thus, I hoped to be able to obtain detailed information on their origins which would be of value to any research which I might conduct in the future.

In Selema and in Thabeng, I used a questionnaire schedule which was based on information I had gathered in Ha Batho (see Appendix 3). As before, however, I soon abandoned such a method of research in favour of open ended discussions with villagers. Much of my research in these villages was directed towards corroborating information gathered from Ha Batho villagers and in many cases specific questions were only relevant to specific individuals.

Towards the end of my stay in Ha Batho, I conducted interviews with agricultural officers in the environs of Naleli valley and at the administrative headquarters at a nearby town. In addition, I conducted archival research in Maseru at the High court.

Since my return to Cape Town I have been involved in further library research. During January 1983, I was fortunate to be able to obtain information from records in the Royal Commonwealth Society library in London.

APPENDIX 2: Questionnaire schedule for initial population census survey in
Ha Batho:

1. Household composition schedule:

- (a) Name of jural head and of spouse.
- (b) Ages of jural head and spouse.
- (c) Sex, age and number of other household members.
- (d) Location of absent members of household.

2. Location of kin of jural head and/or of spouse:

- (a) Domicile of married sons and daughters.
- (b) Domicile of Husband's parents.
- (c) Domicile of Wife's parents.
- (d) Domicile of Husband's father's father and mother.
- (e) Domicile of Wife's father's father and mother.
- (f) Domicile of other kin considered relevant by husband and wife.

3. Employment schedule:

- (a) Number of migrant wage earners in the household.
- (b) Type of job held by each wage earner.
- (c) Place of work of each wage earner.
- (d) Number of years the wage earner(s) has been employed.
- (e) (if unemployed): Reasons for unemployment,
 Type of job being sought,
 Problems experienced in finding employment,
 Kinds of aid received from kin, neighbours during
 period of unemployment.

4. Arable landholdings schedule:

- (a) Number of buildings on residential site.
- (b) Title to a garden.
- (c) Title to fields; number of fields.

APPENDIX 3: Questionnaire schedule for initial survey of Selema and Thabeng:

1. Household composition schedule:

- (a) Name of jural head and of spouse.
- (b) Ages of jural head and spouse.
- (c) Sex, age and number of other household members.
- (d) Location of absent members of household.
- (e) Occupations of wage earning members of household.

2. Rural resource schedule:

- (a) Title to a garden.
- (b) Number of fields held by household.
- (c) Method of acquisition of fields (from chief, chief and 'land committee' or by inheritance from kin).
- (d) When obtained title to fields.
- (e) If fields were inherited, specified kin from whom fields were inherited.
- (f) Number of cattle owned by members of the household.
- (g) Number and species of other livestock owned by members of the household.

3. Productivity of fields schedule:

- (a) Harvest in 'bags' from fieldholding during May/June 1981.
- (b) Input costs for cultivating fieldholding in 1981 (and for previous years).
- (c) Estimates of proportion of 1981 harvest which was sold.

4. Arable farming arrangements for 1981-1982 season:

- (a) Hire of factors of production: (1) factors hired,
(2) from whom factors were hired,
- (b) Sharing of factors of production during ploughing season:
(1) factors shared,
(2) with whom factors shared,
- (c) Labour arrangements for weeding and harvesting of own fields.
- (d) Extension of labour to other households' fields:
(1) to whom labour extended.

5. Costs of living schedule:

- (a) Expenditure of cash on commodities and foodstuffs each month.
- (b) Amount of cash remittances from wage earning member(s) of the household.

APPENDIX 4: A Short History of Pastureland Programmes in the Colonial Era:

The history of pastureland programmes is one aspect of longstanding official concern about Lesotho's natural environment. The imposition of European concepts on Sesotho principles of tenure to pastureland is thus, a corollary to a more general understanding that colonial agricultural officers had of Lesotho's ecology. That understanding itself took time to develop. Initially, there were efforts to improve the economic use of natural resources with some concern on the effects of that use on the resources. Later, there was greater concern for the deterioration of the natural environment and concerted efforts to conserve it were made.

Thus, there are some complex issues to be examined. On the one hand, we need to consider the more general concerns about Lesotho's ecology. On the other, we need to examine why that concern has achieved particular success in modifying Sesotho practices of pastoral land use. Having considered the latter process in the text, this short history details the underlying official concern which facilitated that process.

There are many indications that Lesotho's natural environment deteriorated rapidly during the 19th century. As we saw in chapter 2, the agricultural boom in Moshoeshoe's chiefdom led to the opening up of pastureland for crop cultivation. Equally, the circumscription of Lesotho's boundaries coupled with population growth, wars and climatic vicissitudes disrupted and extended arable use of pastureland. The result was that pastures were used intermittently for arable farming or settlement. When peace prevailed and market opportunities were good, pastures were tilled. When adverse political and economic conditions prevailed, the land was returned to pasture or was encroached upon by settlements.

A chronic problem of soil erosion and decline in pasture areas thus evolved. On the one hand, pastures were not being reclaimed in a restored state. Whenever cultivation of the land was abandoned, no effort was made to rejuvenate the soil (e.g. with fertilisers) (Quirion, 1958, 112-115). On the other hand, increasing settlement on former pastures and arable land plus the expansion of animal husbandry amongst Basotho, removed the original grass cover (Staples & Hudson, 1938; Palmer & Parsons, 1977, 6-7). Together, these developments led to severe gully erosion (Germond, 1967, 410) and impoverishment of grass cover on the pastures (Staples & Hudson, 1938; Quirion, 1958, 112-115).

Official concern on the above problems can be said to originate in 1868-70 when the first Governor's Agent started a programme of tree growing (Germond, 1967, 56). Apart from this programme, there is little evidence of official concern until the beginning of the 20th century. Quirion (1958, 12) notes that the colonial administration first voiced concern in 1902, on the matter of gully erosion. He adds, however, that official intervention was sporadic. Soil conservation programmes, consisting largely of tree planting schemes, were initiated in the first decade (Annual Report, 1912-13). These works stagnated during World War I when a large number of government personnel joined the armed forces (Annual Report, 1920-21, 8, 9). After the war, the administration acknowledged a further decline in its soil conservation work because of a lack of personnel and limited government budgets (Annual Report, 1920-30).

Extensive use of pastureland, however, appears to have been encouraged directly and indirectly by the administration. In the 19th century, many Basotho had begun to breed merino sheep and angora goats, and soon developed a thriving wool and mohair industry (Murray, 1981, 12). This industry had been encouraged by the colonial administration early in the 20th century (Kilpin, 1912; Ashton, 1952, 134). In addition, this administration encouraged the import of mules and donkeys in order to extend animal husbandry in general (Ashton, 1952, 134). Thus, with the breeding of cattle and horses as well, the livestock population in Lesotho increased markedly. In 1875, there were an estimated 175,000 head of large stock (cattle and horses) and 160,000 head of small stock (sheep and goats) in Lesotho (Sheddick, 1954, 36). By 1931, there were an estimated 786,000 head of large stock and 3.83 million head of small stock (Annual Reports, 1931-34; Sheddick, 1954, 36).

The 1930s, however, were a disastrous period for many Basotho, as discussed in the text. The economic recession led to the formation of a Commission of Enquiry (Murray, 1981, 13-15), the report of which detailed the economic plight of many Basotho. Its effect in official circles was to stimulate a revision of the colonial administration's agricultural policies. The first major soil conservation programme was initiated through a loan of £160,233 from the Colonial Development Fund (Crown Colonist, 1940; Memorandum of Development Plans, 1945, 10). Soil conservation works were to have major priority in the years ahead. For instance, up till 1953, more than half the recurring budget for all development projects was allocated to the soil conservation works (Annual Report, 1953, 11).

With regard to pastureland, the colonial administration's efforts were not initially directed towards the conservation of soils and grass cover. Instead, the projects were directed more towards improving the standards of animal husbandry in Lesotho. Wool classing standards were introduced in 1937 (Agric Dept, 1937; Quirion, 1958, 84). Dipping tanks were installed around the country (Staples & Hudson, 1938, 23). The import of pedigree livestock was actively encouraged, with the administration taking the initiative by buying livestock for stud purposes (Agric Dept, 1938-40; 1951).

The direction of these projects appears to have been decided by the enormous stock losses in Lesotho between 1931 and 1936. Due to droughts between 1932 and 1934, an estimated half a million stock units were lost (one stock unit being one head of large stock or 5 head of small stock) (Sheddick, 1954, 36; Murray, 1981, 91). Thus, in the context of that calamity but also, given the the economic viability of animal husbandry compared to arable farming (Agric Dept, 1937-39), the projects were effectively aimed at revitalising this industry.

These projects began, however, prior to the publication of the first ecological survey of the mountain areas in Lesotho. The survey report (Staples & Hudson, 1938) presented a depressing picture of the state of pastureland. According to the authors, Lesotho possessed some of the best pasture grass in Southern Africa. This grass, known locally as Seboku, was thought to have covered most of Lesotho's mountain areas at one time. Such pastures, however, had been severely damaged by overgrazing and trampling by livestock. In addition, such damage had led to the encroachment of a scrub bush (Sehalahala) which was useless as fodder (Staples & Hudson, 1938, 12-16).

Furthermore, the authors noted that Seboku commonly grew in the more fertile valleys of the mountain region - areas which had been taken over for settlement and crop cultivation (ibid). In view of the various detriments to Seboku pastures, the authors estimated that over one million acres of pastureland had been lost between 1900 and 1938 (Staples & Hudson, op cit, 45). In addition, the authors estimated that 300,000 acres of the above estimate had been lost through cultivation of these pastures (Staples & Hudson, op cit, 20).

The survey report appears to have stimulated a revision to pastureland projects. While the livestock improvement programmes continued, more effort

was directed towards conservation of pastureland. The Agricultural Department conducted surveys with chiefs to evaluate pastureland and to advise on methods for preserving it (Agric Dept, 1938-40). The standard methods which were implemented were rotational grazing patterns and controlled stocking rates (ibid).

The trend towards the preservation of pastureland appears to have met with relative success. Out of a total of 6,100 square miles of permanent pastureland in the country, 2,500 miles were subject to conservation programmes by 1949 (Quirion, 1958, 148). By 1955, controlled stocking rates and methods of rotational grazing were concepts that had been included in the Laws of Leretholi (ibid). Implementation of the revised code was fostered by the appointment of more Agricultural officers in 1955, to work closely with chiefs in administering pastureland (Agric Dept, 1955).

Nonetheless, these efforts did not meet with unqualified support from Basotho. There are different opinions, however, as to why or if resistance to the projects occurred.

Ashton (1952, 139) stated that Basotho responded "slowly, suspiciously and apathetically" to these projects. His reasoning, however, is not clear. He argued that the differential response by Basotho to the stock improvement programmes and an inherent social conservatism were contributory factors to the resistance. Yet, his own evidence on the efforts of Basotho to improve the quality of their stock, small stock and horses in particular, contradicts his argument of social conservatism. Moreover, it is not clear in his analysis, how responses to stock improvement programmes should have caused resistance to pastureland conservation projects in general.

Sheddick (1954, 98, 101-104) explicitly rejected Ashton's type of argument. He argued that economic factors rather than "allegedly reactionary and conservative social orientations" defined responses to the colonial administration's projects. His analysis demonstrated clearly that these projects were evaluated by most Basotho in terms of their worth to them, in exploiting the use and retail values of their livestock and its products.

Sheddick's analysis suggests that if there was resistance to the projects, it would have been against the restrictions which the projects might have imposed on herd size, thus limiting profit opportunities. In fact, what

resistance there was, appears to have come from the chiefs. For instance, a common complaint by officials was that the Agricultural Department had only advisory powers in the administration of pastureland. Thus the department's officials were dependent upon the co-operation of the chiefs, some of whom were not forthcoming with support(Agric Dept,1955). Later, the Agricultural Department blamed the chiefs for an increase in the number of poor quality sheep and goats in the national herd(Agric Dept,1960). The justification for this blame was seen to lie in the greater powers which the chiefs seemed to have acquired under the new national constitution and through the national elections held in 1960(Agric Dept,1960; Annual Report,1961,47).

Thus there was some resistance to the ecology conservation programmes of the colonial administration. Yet, the resistance outlined above, reflects more the gradual erosion of the chiefs' powers and the threats to their authority as discussed in the text. As noted in the text, the colonial legacy with regard to pastureland was the incorporation of its ecological concepts on pastureland in the legislation of post-colonial Lesotho.

APPENDIX 5: Bokhina Pere: A compromise suggestion in the Judicial Commissioner's Court(see page 118).

In the dispute between chief Samuel and chiefs Mpho and Mokete, the Judicial Commissioner suggested a compromise solution. He suggested that perhaps, the dispute could be settled by the application of a principle in customary law, whereby a chief could be placed in an area and super-imposed over incumbent chiefs and headmen. According to the Judicial Commissioner, this principle required that the area of jurisdiction and the powers of the new chief would have to be decided upon in consultation with the other chiefs and headmen. Moreover, implicit in this arrangement was the requirement that commoners in the affected area had to agree to the imposition of another chief.

The Judicial Commissioner's report referred to the above principle as 'bekhina pere'. The word bekhina is probably a mistranscription of bokhina. The literal meaning of the phrase bokhina pere is to hobble a horse(pere) in someone else's enclosure. Thus, this practice would appear to be an apt analogy for the principle outlined above. I was unable, however, to clarify the etymology of this phrase and the principle of customary law.

The Judicial Commissioner's suggestion would appear to have been outdated, given its conception of the relationship between chiefs, subordinates and commoners. Such a relationship had long since disappeared as a central characteristic of political relationships amongst Basotho.

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