

A Rough Guide to Commons, Enclosure and Popular Insurgency in Durban¹

by Richard Pithouse

[If their cause be so good, why will they not suffer us to speak and let reason and equity, the foundation of righteous laws, judge them and us?

– Gerrard Winstanley²

The Founding of Durban

After the Haitian Revolution the nexus through which slaves were imported from Africa and sugar exported to Europe began to move from the Caribbean to Brazil. By the 1820s slave raiding from Delagoa Bay, in Mozambique, for the plantations in Brazil³ set off a series of disastrous displacements, migrations and wars that opened the way for colonial incursion across much of Southern Africa.⁴

In 1824 twenty-five British men arrived in the great bay that would later become the Durban harbour. They were under the command of Lieutenant Francis Farewell, a veteran of the battle of Trafalgar, and had plans to trade in ivory with the Zulu Kingdom in the interior. Jeff Guy explains that the commoners in this Kingdom lived in “tens of thousands of homesteads (*imizi*) which were scattered over the hills and ridges of the country.” Guy goes on to explain that although “the king and his officials exercised authority over these homesteads extracting surplus from them, and uniting them politically into one large centralised polity”⁵ it remained the case that “the autonomy of the commoner’s homestead was considerable; here the Zulu men and women consumed the products of their own labour, which provided the means of subsistence and reproduction of the homestead.”⁶

Farewell’s men named their trading post as Durban in 1835. Two years later Boer trekkers arrived in Durban from the Cape which they had left following the abolition of slavery across the British Empire in 1834. After a number of battles with the Zulu Kingdom, including a decisive victory in 1838, they proclaimed the Boer Republic of Natalia adjacent to the Zulu Kingdom in 1839. They didn’t have the military strength to overcome the resistance to their attempts at extracting rent in the form of labour or produce from the people whose land that they had occupied and so they lived in small groups surviving primarily by hunting and barter.⁷

¹ *This essay is a short summary of a larger project. Thanks are due to Silvia Frederici, Peter Linebaugh, Vashna Jagarnath and Stephen Sparks for useful comments on the first draft of this piece. Its limitations are the responsibility of the author alone.*

² *Gerrard Winstanley: His Thoughts and Works* edited by Subrata Mukherjee % Sushila Ramaswamy (Deep & Deep Publications: New Delhi), 1998 pg. 44

³ Julian Cobbing, “The Mfecane as Alibi: Thoughts on Dithakog and Mbolompo” *The Journal of African History*, Vol. 29, Issue 3 (1988) pg. 487 - 519

⁴ Julian Cobbing, “The Mfecane as Alibi: Thoughts on Dithakog and Mbolompo” *The Journal of African History*, Vol. 29, Issue 3 (1988) pg. 487 - 519

⁵ Jeff Guy, *The destruction of the Zulu Kingdom* (University of Natal Press: Pietermaritzburg, 1994) pg 10

⁶ Jeff Guy, *The destruction of the Zulu Kingdom* (University of Natal Press: Pietermaritzburg, 1994) pg 18

⁷ Henry Slater, “Land, Labour and capital in Natal: The Natal Land and Colonisation Company

In 1843 the British annexed the Boer Republic. The market for sugar was still booming in Europe⁸ and with the end of slavery in the Caribbean there were prospects for competitive production elsewhere.⁹ Sugarcane plants were brought to Durban, from Mauritius, where they flourished.

There were a hundred thousand Africans living in the colony and between 1846 and 1847 the colonial administration set aside seven segregated areas for African occupation. According to Keletso Atkins these were intended to have three functions: “They would be mechanisms for dividing and controlling the black population to minimize the possibility of hostile combinations forming against the white inhabitants, they would free up Crown land in order to make it available for future [white] settlement, and they would ensure a steady supply of migrant labour for the settler community.”¹⁰ Colonel Henry Cloete, sent to the colony in 1843 by the Queen, hoped that overcrowding on barren land would create a “gate of misery”¹¹ through which a steady supply of labour would enter the colony. The creation of a bounded, fragmented and inadequate commons was aimed at extracting labour without having to cover the costs of its reproduction.

In 1848 the colonial state sought to force more people through the ‘gate of misery’ with the introduction of *isibhalo*. This was a tax on the commons that took the form of a period of obligatory labour which forced those unmarried men who were resident in these ‘locations’, and who did not possess a pre-existing employment contract with a white employer, to work for the colonial state or on sugar estates.¹² Squatting, the popular appropriation of land, became a widely used tactic both to gain access to arable land and to avoid taxes. The state responded to this form of insurgent commoning by giving magistrates the power to remove African trespassers from public and private lands.¹³

By 1849 360 English settlers had almost two million acres of land¹⁴ and in the next three years a further five thousand settlers arrived in Natal.¹⁵ Many of their families had originally been impoverished by enclosure in England. But in the 1850s the success of African resistance to settler

1860 - 1948” *The Journal of African History*, Vol. 16 No 2 (1975) pg. 272

⁸Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860-1920* (University of California Press, Ltd: California, 2007) pg 140

⁹Sidney W. Mintz, *Sweetness and Power: The place of Sugar in Modern History* (Penguin Books: London, 1985) pg 70

¹⁰Keletso E. Atkins, *The Moon is dead! Give us our money! The cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg. 47

¹¹Keletso E. Atkins, *The Moon is dead! Give us our money! The cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg 47

¹²Keletso E. Atkins, *The Moon is dead! Give us our money! The cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg 53

¹³Keletso E. Atkins, *The Moon is dead! Give us our money! The cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg 48.

¹⁴Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860-1920* (University of California Press, Ltd: 2007) pg 138

¹⁵Henry Slater, “Land, Labour and capital in Natal: The Natal Land and Colonisation Company 1860 - 1948” *The Journal of African History*, Vol. 16 No 2 (1975) pg. 261

demands for labour meant that settler 'farming' generally took the form of seeking rent, in produce or cash, from African tenants.¹⁶ This meant that the sugar planters were unable to meet their need for labour.

Those Africans that did work in Durban usually worked on the *togt* system in which workers only contracted to sell their labour for a single task or a single day. This produced tremendous white anxiety about the relative autonomy of African workers and "for a span of over sixty-five years, [white] town dwellers and civil officials conducted vigorous campaigns to rid the boroughs of the *togt* menace."¹⁷ The *amaWasha* (laundrymen organised into a guild) were a particular target of these attacks, but were able to defend their autonomy. In 1859 an agent of the sugar industry ascribed their political restlessness to "some evil disposed white man,"¹⁸ evoking a trope that spanned the entire colonial world¹⁹ and retains an astonishing degree of currency in contemporary Durban. Many *amaWasha* later moved to Johannesburg to work in the mining towns, and were there able to earn enough money to avoid being separated from their lands.²⁰ For a time the commons could be sustained by an autonomous and partial corporation into the colonial labour market.

But the plantations required altogether less autonomous labour. There were suggestions of bringing in liberated slaves from America and Zanzibar²¹ but it was decided to follow the Mauritian example and import indentured labour from India. The first batch of labourers arrived in Durban in 1860. By 1911 384 ships had transported more than 150 000 Indians to Natal under indenture.²² Most came from Madras but people were also indentured in Calcutta and Bombay.²³

Ravinder Thiara argues that:

The transportation *en masse* of Indians through the indenture system was a direct consequence of British penetration into the entire economic and social fabric of Indian society. The introduction of landlordism, excessive revenue demands, commercialization of agriculture, change in rent in kind to cash, decline of indigenous

¹⁶Henry Slater, "Land, Labour and capital in Natal: The Natal Land and Colonisation Company 1860 - 1948" *The Journal of African History*, Vol. 16 No 2 (1975) pg. 263; Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860-1920* (University of California Press, Ltd: 2007) pg 138

¹⁷ Keletso E. Atkins, *The Moon is dead! Give us our money! He cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg 114.

¹⁸ Keletso E. Atkins, *The Moon is dead! Give us our money! He cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg 105.

¹⁹ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Beacon Press: Boston, 1995)

²⁰ See Charles van Onselen, *New Babylon New Nineveh* (Jonathan Ball: Johannesburg, 2001)

²¹ Keletso E. Atkins, *The Moon is dead! Give us our money! He cultural origins of an African work ethic, Natal, South Africa, 1843-1900* (James Currey, Ltd: London, 1993) pg 2

²² Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press: 1995) pg. 3

²³ Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press, 1995) pg. 3

handicrafts, discriminatory taxation on Indian goods, and persistent famines and pestilence were among the many reasons for migration.²⁴

The planters had not wanted to enable the development of a settled Indian community and were extremely reluctant to allow Indian women into the colony. But Imperial regulations required that 40 women embark with every hundred 100 men, and a settled community quickly developed that would, within a generation, realise the worst fears of the often anxious and hostile white population²⁵ by surpassing it in number.²⁶

The Destruction of the Zulu Kingdom

In 1873 gold and diamond rushes in the interior increased the prosperity and confidence of the colonial elite. In 1879 the Zulu Kingdom was invaded by the British Army, supported by colonial forces. Four years later it was destroyed.²⁷ In 1887 Sir Arthur Havelock, Governor of Natal and later of Zululand, rode out to Zululand to inform an assembly of Zulu leaders that “All the Zulus must know, that the rule of the House of Chaka is a thing of the past. It is dead. It is like water spilt on the ground.”²⁸ A system of indirect rule was established in which chiefs, now under colonial control, exercised a “decentralised despotism”²⁹ from which labour could be extracted without the need to cover the full cost of its reproduction. It became a model for all of colonial Africa.³⁰

The first shack settlements began to be constructed in Durban as a result of the accompanying loss of land and imposition of various taxes, as well as the simultaneous movement into the city of Indian workers who had completed their indenture on sugar plantations.³¹ These settlements also became home to a number of white people. By the turn of the century there was a growing panic about the settlements on the part of settler elites who railed against Durban as a “modern Babylon”

²⁴ Ravinder K. Thiara, ‘Indian Indentured Workers in Mauritius, Natal and Fiji’ in *The Cambridge Survey of World Migration* (Press Syndicate: University of Cambridge) 1995 pg 65

²⁵ For more on this see Bill Freund, *Insiders and Outsiders: The Indian Working Class in Durban* (University of Natal Press: Pietermaritzburg, 1995)

²⁶ Jo Beall, ‘Women under indentured labour in colonial Natal, 1860-1911’ in Cheryl Walker (ed), *Women and Gender in Southern Africa to 1945* (David Philip: Cape Town, 1990) pg. 146 - 167.

²⁷ Jeff Guy *The Destruction of the Zulu Kingdom: The Civil War in Zululand, 1879-1884* (University of Natal Press: Pietermaritzburg, 1994)

²⁸ Jeff Guy *The Maphumulo Uprising: War, Law and Ritual in the Zulu Rebellion* (University of KwaZulu-Natal Press: Pietermaritzburg, 2005.) pg. 237-238

²⁹ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton University Press: Princeton, 1996)

³⁰ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton University Press: Princeton, 1996) pg 62

³¹ In 1960 R.G.T. Watson, former General Manager of the Tongaat Sugar Company, wrote, without regret, that in the 1920s ‘Flogging...was accepted as the traditional and most effective method of getting work out of coolies and kaffirs and of maintaining plantation discipline’. *Tongaati, an African Experiment* (Hutchinson: London, 1960) pg 149. It is hardly surprising that so many chose the relative freedom of the shanty town over re-indenture.

in which white men living with African women were “bringing disgrace on our own people”.³² Colonial authorities soon began to act against the settlements by legally entrenching the segregation of Africans and confining male migrant workers to Municipal barracks.³³

The constant white anxiety surrounding the presence of single African woman earning livelihoods outside of colonial control is striking. In 1906 the Chief Constable declared that:

This borough is at present infested by a large floating population of Native females, and who are living in many instances with Europeans... principally through the manufacture and sale of Native beer... it is very desirable that the borough should be rid of these persons.³⁴

In 1906 the tax burden on the remaining rural commons in Natal was significantly increased when a poll tax was implemented on Africans. Resistance, in the form of an armed rebellion led by Bambatha kaMancinza, Inkosi of the Zondi claim from the Mpanza Valley near Greytown, was crushed with the support of a brutal settler militia at the cost of 1 500 lives.³⁵ The smashing of the Bambatha Rebellion left more than 30 000 people homeless³⁶ and increased the labour supply for the City.³⁷ These workers needed to be housed and administered and a Municipal beer monopoly was established in terms of which Africans were only allowed to drink ‘native beer’, the City was the only agent licensed to brew it, and it was only sold at licensed Municipal Beer Halls.³⁸ The City simultaneously seized control of the largest source of African women’s economic independence, and used the profits to fund ‘Native Administration’.

This scheme came to be known as the ‘Durban system’ and was widely copied across colonial Africa. But the beer system was not only about money. Paul la Hausse argues that shebeens had become an important space in an emerging oppositional popular culture and that:

The consequent proscription of shebeens and the African drink trade, were rooted in a wider struggle by Durban’s white rulers to forge a time and labour discipline appropriate to an urban capitalist social order. The battery of labour-coercive by-laws and penal sanctions anticipated the delivery of a suitably sober, submissive and

³² Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press, 1995) pg. 61

³³ Maarsdorp & Humphries, *From Shanty Town to Township* (Juta and Company Ltd: Durban, 1974) pg. 11.

³⁴ Maarsdorp & Humphries, *From Shanty Town to Township* (Juta and Company Ltd: Durban, 1974) pg. 42

³⁵ Jeff Guy *Remembering the Rebellion: The Zulu Uprising of 1906* (University of KwaZulu-Natal Press) pg. 170

³⁶ Jeff Guy *Remembering the Rebellion: The Zulu Uprising of 1906* (University of KwaZulu-Natal Press) pg. 170

³⁷ Paul la Hausse “The Cows of Nongoloza’: Youth, Crime and Amalaita Gangs in Durban, 1900-1936,” *The Journal of Southern African Studies*, Vol. 16, No.1 (1990) pg.83

³⁸ Paul la Hausse, “*The Struggle for the city: Alcohol, The Ematsheni and Popular Culture in Durban*” (M.A. thesis, University of Cape Town, 1984)

disciplined workforce to local employers.³⁹

The establishment of the Union of South Africa in 1910 removed the colonies from direct Imperial control, and allowed local whites to run the state. The idea of 'White Labourism', which originated in Australia, had found fertile ground amongst many white workers in South Africa⁴⁰ and there were quick shifts towards greater regulation of the African presence in the cities.

The 1913 Land Act gave legal sanction to the mass enclosures of African land for the purpose of setting up a fully commercial white agriculture. These enclosures ended the residual autonomy of the rural commons and pushed a rural crisis into a spiralling descent into mass poverty that is still evident in the deprivation and struggles of today. For Magistrate Moe the act was aimed at "raising the Natives from the low moral state they are in. Labour is the best means of raising the Native, and here we have a piece of legislation that has that for its primary object."⁴¹ In his *Native Life in South Africa*, Sol Plaatjie wrote of the "roving pariahs" created by the "sickening procedure of extermination, voluntarily instituted by the South African parliament."⁴²

On the sugar plantations 1913 was also the year of a great strike by indentured workers. Mohandas Gandhi and his supporters had led a strike in the collieries and had assumed that if there was ever to be a strike by plantation workers they would lead it.⁴³ But in the end, as Maureen Swann pointed out,⁴⁴ Gandhi and his followers were astonished as the strikes began outside of their authority, spread and turned into militant protests.

The Union of South Africa

A swift hardening of official attitudes towards Africans in cities followed the insurrectionary threat to the state posed by the 1922 Rand Revolt – a revolt by 20 000 white miners and their families in Johannesburg under the slogan 'Workers of the world unite and fight for a white South Africa.'⁴⁵ The revolt was put down bloodily, using artillery, tanks and planes. Following this, the system of reserving certain jobs for white workers was firmed up and a more uniform system of Influx Control and urban housing segregation put in place. More than 17 million people were arrested

³⁹ Paul la Hausse, "The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930", *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg) pg.23

⁴⁰ Lucien van der Walt, "The first globalisation and transnational labour activism in Southern Africa: White labourism, the IWW and ICU, 1904-1934" in *African Studies*, Vol. 66, 2-3, August - December 2007

⁴¹ Henry Slater, "Land, Labour and capital in Natal: The Natal Land and Colonisation Company 1860 - 1948" *The Journal of African History*, Vol. 16 No 2 (1975) pg. 280

⁴² Cited in Colin Bundy, *The Rise & Fall of the South African Peasantry* (David Philip: Cape Town, 1988) p.231

⁴³ Author Unknown 'Progress of Passive Resistance' in *The African Chronicle* 25th October 1913

⁴⁴ Maureen Swann 'The 1913 Strike' *Journal of Southern African Studies*, Vol 10. No. 2, April 1984, pg, 252

⁴⁵ Jeremy Krikler, *The Rand Revolt: The 1922 Insurrection and Racial Killing in South Africa* (Jonathan Ball: Johannesburg, 2005)

under Influx Control Laws between 1921 and 1986.⁴⁶ The annual arrest toll peaked in 1968, at 694 000.⁴⁷

Nevertheless by 1925 there were more than 22 00 Africans in Durban. Most were living illegally in shacks in what the Mayor called the ‘meanest quarters’ of the city.⁴⁸ *Umkhumbane* (known as Cato Manor in English) was the largest settlement. All kinds of regulations were passed to exclude African women from urban areas and African women deemed to be wearing ‘European clothes’ risked arrest as prostitutes.⁴⁹ But in spite of all this the rate of female urbanisation in the first decades of the twentieth century was higher than that for men.

There was “massive resistance from women beer brewers at the end of the 1920s”⁵⁰ and the Industrial and Commercial Worker’s Union (ICU) became an institutionalised space for popular black counter-power within the settler city. The ICU had emerged out of the general black ferment – including riots, strikes, boycotts and anti-pass campaigns that developed in most towns and many rural areas after the First World War.⁵¹ It was founded in 1920 by African and coloured activists with the syndicalist ambition of forming “one great union of skilled and unskilled workers”.⁵² In Durban it mixed the syndicalism of the Industrial Worker’s of the World with “Zulu nationalism...Garveyism,...anti-white, anti-Indian and anti-clerical ideas, through to a broader African nationalism”.⁵³ By 1928 it was a significant force with 27 000 paid up members in the city.⁵⁴ The ICU explicitly opposed itself to the elite politics of the African National Congress and the Natal Native Congress, who it derided as *Ama-respectables*, and whose meetings it sometimes forcibly closed.⁵⁵ The ICU ran night schools, staged music and dance performances, held large marches,

⁴⁶ ‘Over 17 million arrested under influx control laws’, *South African History Online* <http://www.sahistory.org.za/pages/chronology/thisday/1991-02-10.htm>

⁴⁷ Bill Freund, *The African City* (Cambridge University Press: Cambridge, 2007) p. 125

⁴⁸ La Hausse, “The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930” in *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg) pg. 23

⁴⁹ La Hausse, “The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930” in *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg) pg. 25

⁵⁰ Paul La Hausse ‘The Cows of Nongoloza’: Youth, Crime and Amalaita Gangs in Durban, 1990-1936,’ *Journal of Southern African Studies*, Vol. 16, No.1. (1990) pg.114

⁵¹ Helen Bradford, *A Taste of Freedom, The ICU in Rural South Africa, 1924-1930* (Yale University Press: New Haven, 1987) pg. 2

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Helen Bradford, *A Taste of Freedom, The ICU in Rural South Africa, 1924-1930* (Yale University Press: New Haven, 1987) pg 3

⁵³ La Hausse, “The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930” in *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg) pg. 27.

⁵⁴ Paul la Hausse ‘The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930’, *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg), pg. 19

⁵⁵ La Hausse, “The Message of the Warriors: The ICU, the Labouring Poor and the Making of

made innovative use of the courts, and spoke in many churches, becoming what liberation theology would later call a prophetic voice in these churches often leading to a profound re-orientation of their collective social vision.

In 1929 a boycott of the beer halls led to the famous beer hall riots and open racial antagonism:

White 'vigilantes' laid siege to the ICU Hall, and by evening close on two thousand white civilians, from 'every class', and three hundred and fifty policemen faced six thousand stick-wielding African workers. These Africans had poured from every quarter of town to relieve the beleaguered men, women and children in the hall and in the ensuing clashes one hundred and twenty people were injured and eight mortally wounded.⁵⁶

In the end the 'vigilantes' destroyed the ICU Hall along with the instruments of its famous brass band. Although the riots were soon crushed by the police, the beer monopoly never regained its full authority.

In Henri Lefebvre's view the appropriation of land, planning and style inherent to the shack settlement produces "an extraordinary spatial duality. And the duality in space itself creates the strong impression that there exists a duality of political power."⁵⁷ In Durban in the late 1920s the ICU had developed more than an impression of dual power in the shack settlements and the response of the state was Slum Clearance. Shacks began to be demolished and in 1934 people began to be moved out of the city, and out of politically autonomous space, into four roomed family homes in Lamontville, the African first township to be built in the city. It was tightly regulated by the state.

In the 1930s and 1940s there was dramatic growth in the manufacturing industry. As the power of African workers grew, they began to extend their political demands beyond the work place and to assert a right to the city. For instance, Zulu Phungula, a leading trade unionist, insisted that: "The Government must show us where to go because our homes are here in Durban."⁵⁸ At the same time a black working class non-racialism developed as African and Indian workers stood together in a series of strikes beginning at the Falkirk foundry in 1937.⁵⁹ But in the year after the war an acute shortage of land threatened this solidarity. Unlike Africans, Indians had been free to live in the city and to buy 'white land'. Many of those who had become successful market gardeners turned to shack renting as it was more profitable.⁶⁰ The shortage of land led to increased overcrowding and

a Popular Political Culture in Durban, 1925-1930" in *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg) pg. 26

⁵⁶ La Hausse, "The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930" in *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg) pg. 55.

⁵⁷ Henri Lefebvre *The Production of Space*, Oxford, Blackwell, 1991, pg. 375

⁵⁸ Cited in David Hemson, 'Dock Workers, Labour Circulation and Class Struggles in Durban, 1940-1959', *Journal of Southern African Studies*. pg. 88

⁵⁹ See Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press, 1995) pg. 54-56.

⁶⁰ Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press, 1995) pg. 25

the exploitation of many of the renters.

High Apartheid

Afrikaaner nationalism ascended to state power in 1948. In 1949 serious conflict erupted in Durban between Indian landlords and African tenants denied the right to own property. The riots did not achieve the decommodification of the land. On the contrary a new African shack-lord class emerged to extort large profits from tenants and to attempt to forge clientalist relations with the state.⁶¹

The City's initial response to the riots was to provide basic services within the settlement – “roads, storm water drainage, street lights and ablution blocks....Sites were also made available for schools, churches, community halls, sports grounds, crèches, shops.”⁶² Low interest loans were provided for building and upgrading shacks. For a while *Umkhumbane* flourished and its urban cosmopolitanism produced everything from its famous *izitabane* (gay) community to musical and dance syntheses that have continued into the present.⁶³

In 1950 the legal foundation for the successful segregation of the city were laid via the newly-passed Group Areas Act, which eventually resulted in mass forced removals of blacks to segregated townships on the periphery of the city. The City presented their project as “the noble art of slum clearance”⁶⁴ and Freund stresses that planning for segregation was often organised through “sanitised language” that evoked “technocratic rationality.”⁶⁵ But there were times when some of the motives of the state were laid bare. For instance in 1951 Dr. Eiselen, Secretary for Native Affairs, stated that “Only by the provision of adequate shelter in properly planned Native townships can full control over urban Natives be regained.”⁶⁶ The state was proposing a clear trade off – people would have to give up both the political autonomy and spatial proximity to the city of the insurgent commons in order to access legitimacy and services from the state.

In March 1958, as the city's African population grew rapidly and the apartheid state began to achieve its full power, the Durban City Council began a ‘slum clearance’ project. Black shack dwellers were relocated to racially segregated modern townships on the periphery of the city, such as KwaMashu, or transit camps, such as Tin Town. In Tin Town each person was given a monthly tenancy of 2 400 square feet of land on which they erected their own shacks and for which they had

⁶¹ See Iain Edwards, ‘Cato Manor, June 1959’ in Maylam and Edwards (eds.), *The People's City: African Life in Twentieth-Century Durban* (University of Natal Press: Pietermaritzburg, 1996) pg. 108

⁶² Gavin Maarsdorp & A.S.B. Humphreys, *From Shantytown to Township* (Juta: Cape Town, 1975) pg. 17

⁶³ Edwards, ‘Cato Manor, June 1959’, Paul Maylam and Iain Edwards (eds.) *The People's City: African Life in Twentieth-Century Durban* (University of Natal Press: Pietermaritzburg, 1996) pg. 108

⁶⁴ Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press, 1995) pg. 65

⁶⁵ Bill Freund, *Insiders and Outsiders: The Indian working Class of Durban, 1910-1990* (Pietermaritzburg: University of Natal Press, 1995) pg. 69

⁶⁶ Cited in Susanna Godehart, ‘The Transformation of Townships in South Africa: The Case of KwaMashu Durban’ *Spring Research Series* No. 49 (2006) pg. 52

to pay R2.30.⁶⁷ In contrast, white shack dwellers (numbering, according to Lodge, “a few thousand”⁶⁸) were moved into flats in the city.

Forced removals to new houses in new townships were militantly opposed, primarily on the grounds that transport costs from the new townships to work were unaffordable. This opposition was popular, and extended beyond people at risk of being made homeless by eviction. In 1958 ten thousand Indians gathered at Curries Fountain to protest against the Group Areas Act.⁶⁹ In June 1959 African women attacked the beer halls, and in that year demonstrations in the settlements stopped the evictions three times. There were moments when the resistance was clearly organised and articulated as a women’s project.⁷⁰ Women residents in Cato Manor issued a direct challenge to the state and the dominance of men in the settlement. The slogan ‘*Wa thint’ abafazi wa thint’ imbokodo!*’ (You strike a woman, you strike a rock!) was widely used and some contemporary shack dwellers vigorously assert that it first emerged out of the women’s struggle in Cato Manor and was only later taken up in more elite oppositional politics.⁷¹ The military was called in to break the resistance and mass evictions were continued and largely completed in August 1965.

These forced removals are remembered bitterly in popular and official memory as great crimes of apartheid. They occur as originary events in many accounts of political conscientisation. However, the memories of these settlements also capture an essential recurring ambiguity: on one hand, the shack settlements are remembered as sites of political and cultural freedom due to their proximity to the city, their cosmopolitanism, and their autonomy from the state and authoritarian modes of enforcing ‘tradition.’ Speaking in 1960, the former head of the ICU, A.W.C. Champion described *Umkhumbane* as “the place in Durban where families could breathe the air of freedom”.⁷² But at the same time the settlements are also remembered as sites of suffering as the absence of state support meant the absence of the services - sanitation, roads, health, water, refuse collection and so on – that were needed for a viable urban life. Contemporary shack dwellers with roots in *Umkhumbane* often recall it, with an explicit ambiguity, as being a simultaneously deprived and elevated place.

Places like *Umkhumbane*, District Six in Cape Town, and Sophiatown in Johannesburg gave rise to vibrant and cosmopolitan urban cultures in which local practices mixed with appropriated and reworked imported cultural idioms such as jazz.⁷³ In Johannesburg, urban ‘slum life’ produced the *Drum* writers, while the painter Gerard Sekoto spent important phases of his life in District Six

⁶⁷ Killie Campbell File no: KCM 99/70/3/1-71

⁶⁸ Lodge, *Black Politics*, p. 147.

⁶⁹ Paul Maylam, ‘Introduction’ in Paul Maylam and Iain Edwards (eds.) *The People’s City: African Life in Twentieth-Century Durban* (University of Natal Press: Pietermaritzburg, 1996)

⁷⁰ See Edwards, ‘Cato Manor, June 1959’ in Paul Maylam and Iain Edwards (eds.) *The People’s City: African Life in Twentieth-Century Durban* (University of Natal Press: Pietermaritzburg, 1996)

⁷¹ Focus group, Arnett Drive, 4 August 2007

⁷² Paul Maylam, ‘Introduction’ in Paul Maylam and Iain Edwards (eds.) *The People’s City: African Life in Twentieth-Century Durban* (University of Natal Press: Pietermaritzburg, 1996) pg.19.

⁷³ See Bill Freund, *The African City* (Cambridge University Press: Cambridge, 2007) pg. 116

and Sophiatown.⁷⁴ Well-known contemporary Durban musicians such as Madala Kunene and the late Spho Gumedede have often spoken about their musical roots in *Umkhumbane*.⁷⁵ Many people loved these places – they became themselves precisely because of the urban cosmopolitanism of these ‘slums’. Bloke Modisane’s novel *Blame Me On History* begins: “Something in me died, a piece of me died, with the dying of Sophiatown...In the name of slum clearance they had brought the bulldozers and gored into her body.”⁷⁶ In places like Sophiatown and *Umkhumbane* people did not achieve the right to decent housing but they did achieve the right to the city, “the right to an urban life”⁷⁷ and they created an urban intellectual, cultural and political commons for which there is considerable popular nostalgia to this day. It is, as Manuel Castells cautions,⁷⁸ a serious mistake to reduce the urban question to a housing question.

The End of Apartheid

After the Sharpeville massacre in Johannesburg in 1960 the protests against pass laws that had been common in the 1950s were crushed and the state appeared impregnable. Africans were successfully barred from occupying any autonomous or potentially autonomous spaces in the city and could legally live only in workers’ hostels or servants’ quarters. In the year after Sharpeville Frantz Fanon described the colonial city as a “world cut in two”:⁷⁹

A world divided into compartments, a motionless, Manichean world. ..The native is a being hemmed in; apartheid is simply one form of the division into compartments of the colonial world. The first thing which the native learns is to stay in his place, and not to go beyond certain limits.⁸⁰

But in 1973 the Durban strikes⁸¹ began a new era of urban militancy. Workers again become willing to reject the restrictions of hostel life. At the same time the Black Consciousness movement began to move out of the university and to become a popular force. It was an important influence on the 1976 uprising in Soweto and the country-wide aftermath of the uprising widened the cracks emerging around white space. In cities across the country land was occupied and new settlements founded. By the mid 1980s as the state battled to contain a growing urban rebellion and waged war in Angola it lost the capacity to regulate the movement of Africans. Although elite white suburbs were protected where possible, people were able to flood into the cities, seize land in defiance of the state, and establish communities beyond the control of the apartheid state. They were often referred to ‘liberated zones’.⁸²

⁷⁴ Bill Freund, *The African City* (Cambridge University Press: Cambridge, 2007) pg. 117 – 118

⁷⁵ Personal communication with Gumedede and Kunene.

⁷⁶ Bloke Modisane, *Blame Me on History* (Paper Books: Johannesburg, 1986) pg. 5

⁷⁷ Henri Lefebvre ‘The Right to the City’, *Writings on Cities* (Oxford: Blackwell), 1996, pg. 158

⁷⁸ Manuel Castells *The Urban Question: A Marxist Approach* (Cambridge: MIT Press), 1979

⁷⁹ Frantz Fanon, *The Wretched of the Earth* (London: Penguin), 1976, pg.29

⁸⁰ Frantz Fanon, *The Wretched of the Earth* (London: Penguin), 1976, pg. 40

⁸¹ See Institute for Industrial Education, ‘The Durban Strikes: South Africa 1973.’

⁸² See, for instance Andrew Silk’s *A Shanty Town in South Africa: The story of Modderdam* (Johannesburg: Ravan), 1981 and *Life in the Liberated Zone*, Text by Rian Malan and

Reservoir Hills where, with some others who'd been left homeless, they occupied land and founded the Arnett Drive settlement on a river bank in a steep wooden gully.

The 1980s were profoundly marked by the violent conflict between the anti-apartheid and non-racial United Democratic Front (UDF) and the pro-apartheid and Zulu Nationalist movement *Inkatha*. This conflict was often waged in shack settlements – and in consequence some came to be governed by warlords. But by the late 1980s the UDF-aligned civics had won over large portions of the squatter periphery.⁸⁸ Marie Huchzermeyer reports that - although there were certainly instances where UDF-aligned civics were authoritarian – generally, “the UDF and civic structures introduced free access to land. In informal settlements, this meant a shift from rental tenure towards a system that may be associated with ‘communal land holding in rural areas’ with entry through sponsorship and screening.”⁸⁹ The insurgent urban commons drew and reworked on rural and traditional practices to, in Catherine Cross’s words, organise “a powerful social movement against the practice of paying rent to access land.”⁹⁰

In 1990, when the ANC opened their offices in Johannesburg after their unbanning, a huge banner in the foyer declared ‘Occupy the Cities!’⁹¹ But the moment of Thermidor came quickly as the elites that captured the popular movements against apartheid movement via the ANC demobilised or incorporated popular politics⁹² and set about making their own accommodation with white power. Two years into democracy Operation Jumpstart was set up in Durban at the initiative of business interests.⁹³ It had developed out of a report commissioned by the city’s largest landowner, Tongaat Hulett⁹⁴, which had emerged from the consolidation of the sugar plantations, and was conceptualised as a ‘stakeholder body’ in which old and new elites could meet outside of the normal administrative and political structures to begin planning a new urban vision.⁹⁵ The elite pact, driven by the sugar industry, disguised its out and out revanchism by quickly and deftly redefining the urban crisis as a housing crisis and therefore as technical rather than a political question that would be best resolved by experts. The era in which the anti-apartheid movements accepted the legitimacy

⁸⁸ See Huchzermeyer *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil* (2004) pg. 117

⁸⁹ See Huchzermeyer *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil* (2004) pg. 117. Also see Catherine Cross ‘Shack Tenure in Durban’ in Doug Hindson and Jeff McCarthy, *Here to Stay* (Indicator Press: South Africa, 1994) pg. 180.

⁹⁰ Catherine Cross ‘Shack Tenure in Durban’ in Doug Hindson and Jeff McCarthy, *Here to Stay* (Indicator Press: South Africa, 1994) pg. 180.

⁹¹ Gill Hart: personal communication

⁹² Michael Neocosmos Civil society, citizenship and the politics of the (im)possible: rethinking militancy in Africa today. <http://abahlali.org/node/1429>; Nigel Gibson ‘The Pitfalls of South Africa’s ‘Liberation’’ *New Political Science* 23 (3), pg. 371-387

⁹³ Ann Bernstein and Jeff McCarthy, ‘Durban’s vision needs good leadership,’ *Business Day* (16 October 1996) http://www.cde.org.za/article.php?a_id=209

⁹⁴ Charles Abugre ‘NGOs, Institutions and Sustainable Development in South Africa’ in Ken Cole, *Sustainable Development for a Democratic South Africa* (Earthscan: London, 1994) pg. 121

⁹⁵ Bill Freund, *The African City* (Cambridge University Press: Cambridge, 2007) pg. 136. Also see Shannon Moffett and Bill Freud, ‘Elite Formation and Elite Bonding: Social structure and development in Durban,’ *Urban Forum*, Vol. 14. (2004) pg. 134-161

of “grassroots urban planning”⁹⁶ ended with the advent of representative democracy. The 1996 Constitution made arbitrary evictions unlawful in principle but the state soon returned to the practice of evicting shack dwellers to peripheral townships treating them and their settlements as if they were beneath the law. The settlements once presented as liberated zones were reimagined as dangerous zones and presented as a dirty, diseased, criminal and anti-social threat to wider society. By 2001 there was an explicit return to the language and practice of slums clearance.

After Apartheid

Fanon provided a clear spatial measure for decolonization. He argued that the ordering of the colonial world, its geographic lay-out, must be examined in order to “reveal the lines of force it implies” which “will allow us to mark out the lines on which a decolonized society will be reorganized.”⁹⁷ There was no such reorganisation in Durban.

Post-apartheid Durban came into being with four key forms of space. On the one hand there were the state created and regulated spaces – what Lefebvre calls strategic spaces, spaces that sort and classify⁹⁸ - which were broadly divided into black spaces and white spaces. On the other hand there were the autonomous spaces created and regulated by popular power some of which were governed democratically and some of which was not. The late apartheid state had been forced, by its lack of popular legitimacy and the power of popular resistance, to seek an accommodation with autonomous space. That took the form of the withdrawal of the threat of eviction and the provision of basic services. But the post-apartheid state has largely used its popular legitimacy to pursue two projects – the deracialisation of formerly white space, the commodification of formerly black space and the eradication of all autonomous space be it democratic or authoritarian.⁹⁹

The apartheid state’s forced removals put people in four roomed houses and created a working class that could eventually unionise and win significant concessions from the state and capital. The post-apartheid state’s forced removals have put people in one roomed houses or transit camps on the urban periphery where there is simply no prospect of formal employment for most people.

The Arnett Drive settlement is one of those now slated for eviction. For Clement Mtshali this is an old story:

We have the pride. Nobody put us here...When we came here this place was rocky. We made it our place. If they push us out we will find another place...It is very bad to be evicted...What is happening now is the same as what happened in *Umkhumbane*. It is still relocation. We still have no freedom to stay where we want. We are still being collected like animals and taken in trucks to places outside the city.¹⁰⁰

⁹⁶ Marcelo Lopes de Souza. ‘Together with the state, despite the state, against the state: Social movements as ‘critical urban planning’ agents.’ *City*, v. 10, n. 3, p. 327-342, 2006.

⁹⁷ Frantz Fanon, *The Wretched of the Earth*, Grove Press, New York, 1976, pg. 29

⁹⁸ Henri Lefebvre *The Production of Space*, Oxford, Blackwell, 1991, pg. 374

⁹⁹ Centre on Housing Rights & Evictions, *Business as Usual: Housing Rights and ‘Slum Eradication’ in Durban South Africa*, Geneva, 2008 <http://www.cohre.org/southafrica>; Richard Pithouse ‘A Progressive Policy Without a Progressive Politics: Lessons from the failure to implement ‘Breaking New Ground’, *Town Planning Journal*, No. 54, 2009, pg. 1 -14.

¹⁰⁰ Arnett Drive Focus Group, Saturday 4 August 2007

It is not just shack dwellers and their settlements that are under attack from the state. As I conclude this essay the state is actively seeking to enclose the century old market in downtown Durban with a corporate mall.¹⁰¹ To the North of the city the state is seeking to enclose 16 500 hectares of rural land owned in common by the Macambini clan to allow a Dubai property developer to build 'AmaZulu World' a massive Zulu theme-park. Up to ten thousand families will be dispossessed of their land if the project goes ahead.¹⁰² At the same time private power, often with the active support of the state, and led by Tongaat-Hullets, is pulling the rich out of increasingly degraded public space and into gated residential areas, shopping malls, schools, hospitals and office parks.

The largest movement to have emerged from the popular struggles across the country in recent years has developed in the shacklands of Durban. Abahlali baseMjondolo [Shack dwellers] was formed in 2005¹⁰³ and now has more than ten thousand paid up members in 34 branches across the city and another twenty elsewhere in nearby smaller towns and in Cape Town. The movement was initially criminalised and repressed¹⁰⁴ but at the end of 2007 the state conceded that the movement governed and could legitimately speak for fourteen settlements. Abahlali baseMjondolo is horizontally organised and rigorously democratic. It has proposed and developed what it has called 'a politics of the poor'¹⁰⁵ against the elitism of both the ANC and NGO based civil society. The movement has had considerable success in opposing evictions at the hands of the state and private landowners, appropriating water and electricity on a mass scale, developing democratic forms of self-management and, against a vicious, flagrantly dishonest and at times clearly racialised backlash from some in the academic and NGO left, enabling shack dwellers to represent themselves and their politics in the elite public sphere. It has also taken a clear and effective position against a turn to the politics of ethnic and national chauvinism.¹⁰⁶

S'bu Zikode, the movement's elected president, proposes 'a living communism':

[A] living communism is a living idea and a living practice of ordinary people. The idea is the full and real equality of everyone without exception. The practice, well, a community must collectively own or forcefully take collective ownership of natural resources - especially the water supply, land and food. Every community is rightfully entitled to these resources. After that we can think about the next steps. We are already taking electricity, building and running crèches, insisting that our children can access the schools. We just need to keep going.

¹⁰¹ See the collection of article archived at: <http://abahlali.org/taxonomy/term/1282>

¹⁰² See the collection of articles archived at <http://abahlali.org/taxonomy/term/1021>

¹⁰³ Richard Pithouse 'Struggle is a School: The Rise of a Shack Dweller's Movement in Durban, South Africa', *Monthly Review*, Vol. 57, No.5, 2006
<http://www.monthlyreview.org/0206pithouse.htm>

¹⁰⁴ Richard Pithouse 'Shack Dwellers on the Move in Durban', *Radical Philosophy*, No. 141, 2007 http://www.radicalphilosophy.com/default.asp?channel_id=2187&editorial_id=23275

¹⁰⁵ S'bu Zikode *To Resist all Degradation and Divisions*, 2009 <http://abahlali.org/node/5063>

¹⁰⁶ Richard Pithouse 'The May 2008 Pogroms: xenophobia, evictions, liberalism and democratic grassroots militancy in South Africa', *Sanhati*, 2008
<http://sanhati.com/articles/843/>

People are defending the insurgent commons and at times, and against great odds, even expanding them. For many these commons remain preferable to what the state calls 'development' and 'delivery' and what many shack dwellers call 'forced removal to human dumping grounds'. But for as long as the spatial and political benefits of autonomous space are divorced from the security from eviction, the right to build legitimately and the services (water, electricity, drainage, refuse removal, sanitation etc.) which the state provides to its strategic spaces these commons will remain a profoundly imperfect solution to social exclusion.

Durban, July 2009

Postscript, 13 November 2009

On 26 September 2009 a group of armed men, many of them drunk, attacked an Abahlali baseMjondolo (AbM) Youth League camp [all night meeting] in the Kennedy Road settlement without warning. They were chanting the slogans of the most debased form of Zulu ethnic chauvinism and threatening to kill S'bu Zikode and Mashumi Figlan, the elected deputy to Zikode in AbM and also the elected chair of the Kennedy Road Development Committee. The police refused all calls for help but when unarmed but spontaneous resistance began to repel the attack the police stepped in to break the resistance. In the presence of the police and leading local ANC politicians the homes of more than 30 AbM leaders as well as the movement's office and library were systematically destroyed and looted. In the next days 21 AbM activists were arrested and 13 are currently in prison being held, still without a bail hearing, on a charge of murder. A number of the 13 were not at the settlement at the time of the attack. None of the attackers have been arrested and death threats continue to be publicly issued against AbM leaders, including people not living in the Kennedy Road settlement and the homes of AbM activists in the settlement continue to be destroyed and looted.

The ANC has openly endorsed the attack, calling it a 'liberation' and issuing virulent and scurrilous attacks on the movement and its leaders. It also moved swiftly to install the attackers in power in the settlement. They, with ongoing police support, have banned AbM from the settlement and many AbM activists remain homeless and are living under regular and public threats of death. The movement is now operating underground in some areas and, due to the enormous pressure it is now under, struggling to sustain its practice of open and regular meetings. The attack on AbM has some echoes of the xenophobic pogroms of May 2008 and inaugurates a new political sequence in South Africa - repressive, communalist and policed by state backed popular violence. Many in the movement are determined to continue their struggle, and to do so on the basis of fidelity to its commitments to what the movement refers to as 'a living politics' - collective and democratic reflection and action by and for shack dwellers in response to the particular situations confronted by shack dwellers. But it is not yet clear if this will be possible or, if so, what compromises in the political form of the movement's activities will be required to adapt to the new situation. But it is clear that the ANC intends to contain insurgent and democratic commoning with state backed repressive communalism.