

BETHAL CASE-BOOK

RUTH FIRST

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Now undergoing Preparatory Examination on a charge of High Treason.

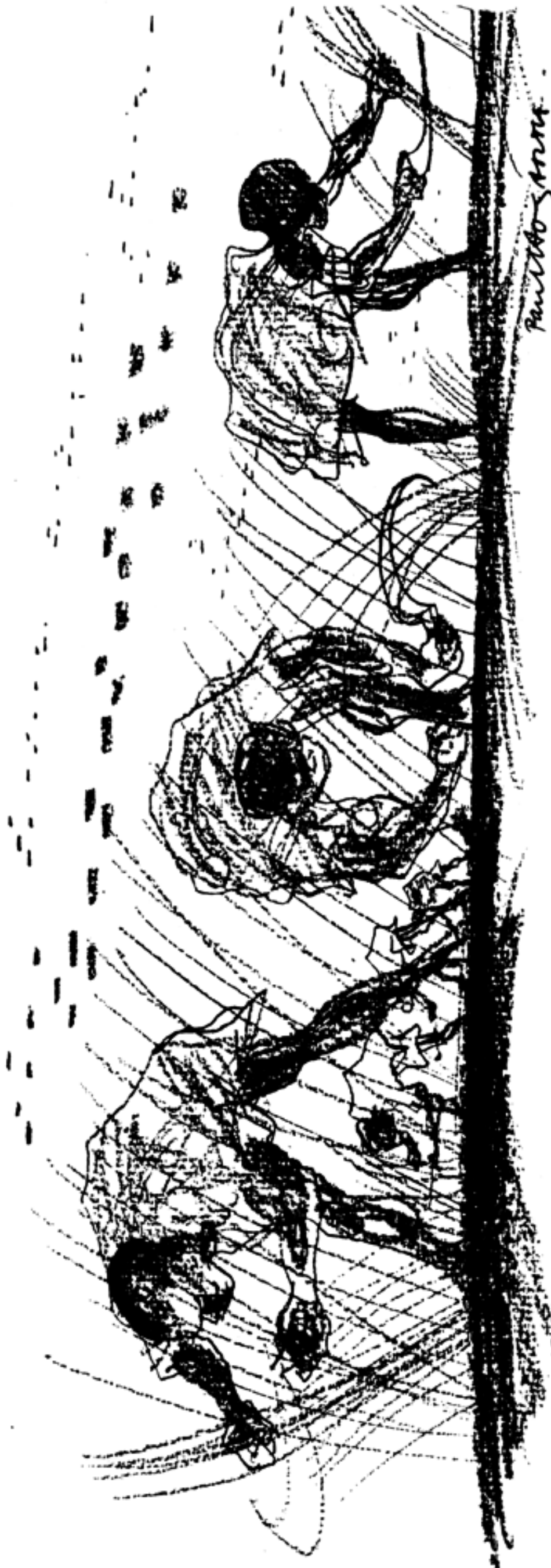
THERE are some choice bits in my Bethal file. The daily press headlines of late June, 1947, screamed in heavy type, "NEAR SLAVERY AT BETHAL", and then followed the account by the Reverend Michael Scott of what we had seen and heard of forced labour and compound conditions, beatings in the mealie fields and sjambok-carrying farm "boss-boys." Top score for being quick off the mark must surely go to the manufacturer of steel heaters who placed the following advertisement in the press:

**"NEAR SLAVERY AT BETHAL
Be Kind to Your Native—for Only 75/-
Keep them warm with an all-steel - Economic Heater."**

The sensational disclosures of 1947 kept Bethal in the news for quite some time. There were weeks of accusation and counter-accusation.

Michael Scott detailed the gruesome assaults documented in Court records and described the compounds surrounded by high stone walls: watchmen and watchdogs on guard outside; the barn-like buildings often without windows or chimney and only a hole in the roof through which the smoke from the braziers could escape; cement blocks doing service as beds. It was a description of Bethal that has become familiar over the years: men whose clothes had been taken from them lest they should try to run away; the rows of labourers strung out in long lines across the fields, backs bent, clawing out potatoes with their nails; cut and calloused hands; weals and scars across backs subjected to the sjambok.

1947 was not the first time this tale of Bethal had been told, and farmers in the district under fire for their treatment of their African labour were quick to complain that they were a much maligned group and that the Scott reports were highly exaggerated. "Publicity harmful to Bethal would harm the good name of South Africa," they reminded the public. The week Scott was challenged to repeat his accusations before a meeting of farmers, Bethal was rather like a small town in the Deep South



Farm Labourers

just before or just after a lynching. At the meeting itself, Scott could read no more than a few paragraphs of his speech. "Tar and feather him," came the shouts from the audience, and then, "He is an Uitlander."

Africans from Bethal Location clustered round the hall during the meeting, then held their own meeting and collected £17 to send a deputation to Johannesburg to state their views to the press in support of Scott's allegations. If the Scott report was so exaggerated, why the scores of desertions from the farms, they asked? Why the padlocks on the compound doors? Deaths on the farms were being explained away by pneumonia cases in winter. "This pneumonia of which the farm labourers die is a wonderful thing," commented one old man. "It leaves scars on the backs. If only the government people could see . . . people are being murdered here, whipped, lashed, so they live no longer. . . ."

In July, 1947, one month after the Scott exposures, a conference in the Prime Minister's office in the Union Buildings considered on-the-spot reports by the police and directed that the force should act at once to clean up unsatisfactory labour conditions on certain farms in the Bethal district. Nineteen days later, the then Minister of Justice, Mr. Harry Lawrence, told a mass meeting of farmers in the Bethal Town Hall that the police investigations had completely vindicated the large majority of farmers. By November, 1947, it was judged that the situation had sufficiently improved for the Government Labour Inspectors to leave the Bethal area.

Yet that December, at the annual conference of the African National Congress in Bloemfontein, two delegates from Bethal insisted that conditions had not improved. Farm labourers were still driven to work under the whip, squatters who complained suffered severe victimization. In some cases, they said, police investigations had done more harm than good. "The police inspectorate does not seem able to get at the facts."

A year later, at the 1948 Congress conference, a delegate said, "I am from the Bethal 'jail'. Never before have I seen so much convict labour, so many removed from Johannesburg by the workings of the pass laws. I now see women working in the fields for the first time."

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The shock of Bethal is almost as regular as the phases of the moon. For a while the public conscience is outraged.

Each new exposure brings back painful memories of the one before that, and many of them are written into the Court records of the day.

On April 12, 1929, in the notorious case of *Rex v. Nafte*, the Circuit Court found a farmer guilty of tying a labourer by his feet from a tree and flogging him to death, pouring scalding water into his mouth when he cried for water.

In January, 1944, a labourer was beaten to death for trying to escape, and in May, 1944, Justice Maritz commented on the flogging of a farm labourer to death by an 'induna' or 'boss-boy', "It is not so much the 'induna' who is to blame for the killing of the labourer as the system which subjected him and those in his charge to such conditions." In 1947, the local newspaper, the *Bethal Echo*, repeated the comments of a magistrate who described the spate of floggings and assault cases as being "tantamount to slave-driving." That year Balthasar Johannes Brenkman was found guilty of having two labourers stripped and beaten and then tied to one another with donkey trek-chains and left to sleep the night out in the compound. In 1951, at Delmas, farmer Max Mann and his 'boss-boys' were tried on 78 allegations of assault. A 17-year-old recruited at Durban said labourers on the Mann farm were driven to work by 'indunas' on horseback. Another who had been on the farm for eleven days said he had been assaulted on every single day, including the day of his arrival. "No matter how hard we worked we were assaulted." The cases make grim reading. And for every conviction through the years there must have been a score or more of unreported cases of whipping.

There are other areas where African labourers work for a pittance (where, on the farms, do they not?) and where the only law is that of the sjambok. But Bethal is always starker, uglier, somehow it never fails to make the headlines. While Europeans recall Bethal only when another nasty incident attracts publicity, Bethal is a by-word among Africans. It is the dreaded trap for those who fall foul of the pass laws; there is always the husband, the son, the neighbour, the man from Alexandra Township, who was missing for a while to be heard of at last on a farm in the Bethal-Delmas-Kinross district. The Bethal exposé regularly occupies the front page of newspapers with large African circulations, and about all these reports there is a horrifying sameness.

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Why Bethal? Are the farmers right when they complain that the reports are grossly exaggerated for the sake of newspaper scoops? Unfortunately not. The accusations against the district as a whole must stand. For the evidence is overwhelming. The reasons are to be found in the fact that while the Bethal area is one of intensive cultivation, it suffers from an acute and perpetual shortage of labour. Look at a map of South Africa and you will see why. Bethal is plumb in the centre of the Transvaal farming area furthest from any African Reserve. The Free State draws seasonal labour from Basutoland, and the squatter system is extensive; Natal's wattle and sugar plantations are close to Zululand; the Transvaal citrus areas in the north of the province are fed their labour from the great trust areas in that vicinity, the Western Transvaal borders on Bechuanaland. But for Bethal's maize, wheat and potato lands there is no ready-to-hand source of labour.

The east side of Bethal is farmed chiefly by squatter families, but the west side, where the farming is even more intensive, is ever panting for labour and is forced to recruit it from further and further afield.

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In 1946, just before the Scott exposures, there were some 40,000 foreign labourers contracted to farms in the Bethal district, the majority from Nyasaland and the Rhodesias. Bethal's Arbeidsvereniging existed largely to recruit labour for its members, and illegal immigrants from across the Limpopo were screened at Messina and then again at Bethal, at a depot just outside the town, and given the choice between signing on for work on a farm or mine, or being deported back across the border. Thousands signed contracts for farm work, hoping that Bethal would be a stepping stone to work in industry and commerce on the Reef.

Already in the late 'forties, though, this source of labour was beginning to dry up. In 1948, of the thousands of Africans crossing into the Union, only one in seven accepted work on farms, the rest preferring to be sent home, and year by year the regulations for the recruitment and employment of African labour from outside the Union were tightened up, and Nyasas and Rhodesians were sent packing. The round-up of "foreign Natives" in the towns and their transfer to farm work did not help either; these men soon left the Union altogether rather than remain farm labourers.



Farm Squatters

September 9, 1949, was a red-letter day for Leslie, said the *Bethal Echo's* headline of that date, when the Minister of Justice, Mr. C. R. Swart, opened the private jail for farm labourers in the area. (The Bethal newspaper reported the opening as though it were an official garden party.) The Minister invited farmers who wanted to build private jails to see "this beautiful building" and he reminded the farmers that he had always been conscious of their labour needs. It is worth noting that the plan for a Bethal prison out-station had been first conceived by Mr. Swart's United Party predecessor, Mr. Lawrence, who had spoken of it at a farmers' public meeting in July, 1947.

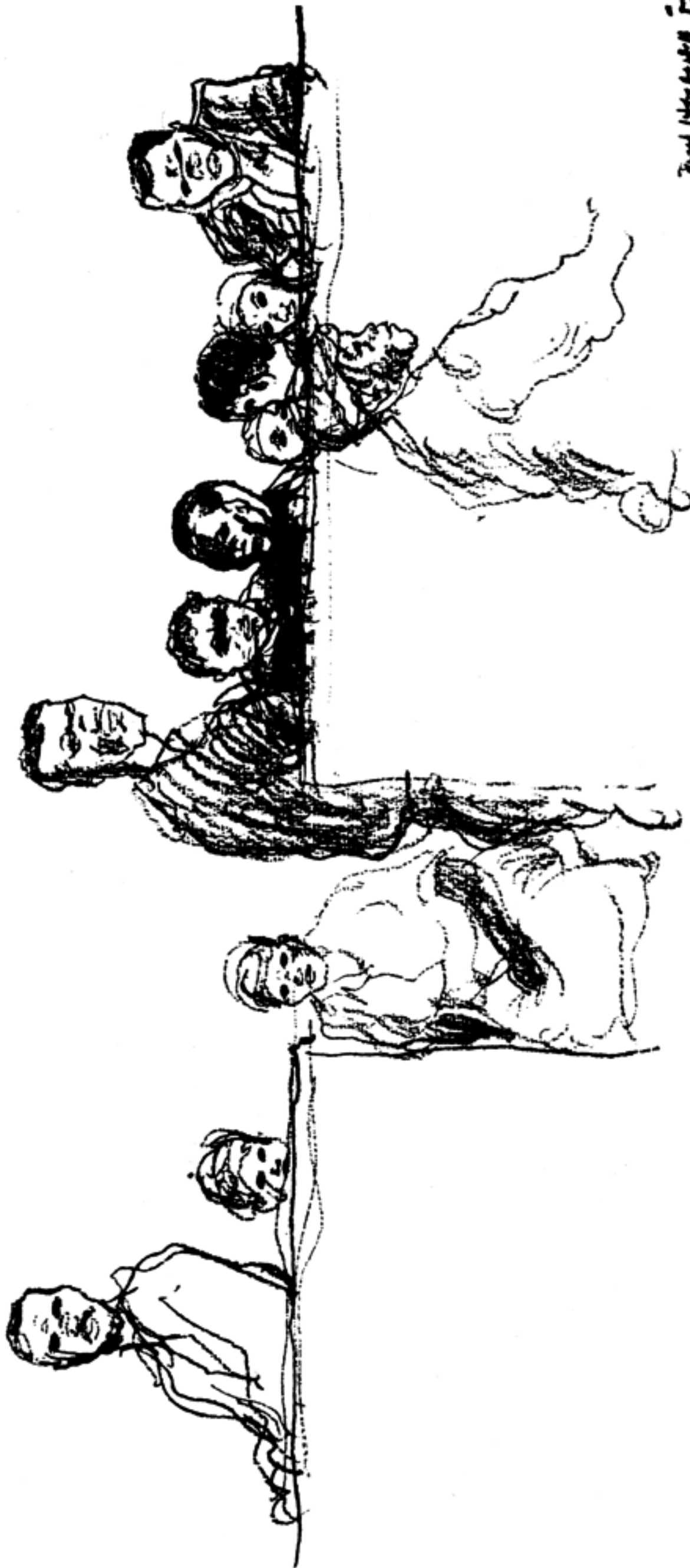
By now convict labour was becoming as important a source of labour as foreign workers, and by 1950 the system of private jails or "out-stations," as the Department of Prisons calls them, was well established, with seven private jails dotted through the Eastern Transvaal close to Bethal, Leslie, Kinross and Delmas. These jails were built by the farmers' associations and then staffed, maintained and guarded by the Prisons Department, which hired out gangs of prisoners to farmers at two shillings a day per convict. Parallel with the system of private jails went the Prison Department's scheme of hiring out short-term prison offenders for work on the farms at 9d. a day. The official version was that men serving up to three months' imprisonment were *offered* work on farms and released under contract to the farmer (who paid the 9d. a day to the jail to be held until the convict's release) for the remainder of their sentences. In 1949, 38,000 Africans were sent to work on farms under this scheme, though its voluntary nature was by no means confirmed by those who were the victims of it.

But forced labour is never willing labour, and the desertion rate in Bethal has always been high. Some farmers reported that they lost anything from a fifth to a half of their labour force in a season, and, said one in 1947, "The matter has got so bad that farmers do not trouble any more to report cases to the police."

The net for labour had to be cast even wider.

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In 1949 and the following years, allegations were made in the press that Africans arrested for petty contraventions of the pass laws, before any examination by a magistrate, were being pressed to take farm work and promised that the charges against them would be dropped if they signed contracts with farmers. The



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Africans in Court

matter was raised in the House of Assembly, but the charges were denied. The scheme was purely voluntary, the authorities said. And so year after year it continued to operate. Farmers' lorries and vans (with TAB—Bethal—number-plates prominent among them) could be seen on certain days of the week waiting for their human cargoes outside the Fordsburg and other Native Commissioners' Courts.

In the townships it was common knowledge that the Labour Bureaux of the Native Commissioners' Courts and local Pass Offices were dragnets for farm labour, and in Alexandra Township every year, as the reaping season approached, the police raids for pass offenders became noticeably more frequent.

Men trapped in the net of the pass laws and fearful of being permanently endorsed out of the urban areas because they were unemployed, or had not complied with some small requirement of the complicated Urban Areas Act and Labour Bureau regulations, signed themselves away to farmers for six months at a time in the hope that they would be allowed to re-enter an urban area after that period. Others signed because they thought they would be given labour in factories and then found themselves on lorries bound for the Eastern Transvaal. Still others put their fingers to documents and contracts they did not understand.

This scheme was revealed for the forced labour it was and remains in July, 1957, when the case of Nelson Langa, municipal street sweeper, came to Court. Langa had been arrested on July 4 on his way from work, his metal work-badge bearing his number attached to his belt and his broom still in his hand. To the constables who arrested him he protested that he was employed, but he was detained in the police cells for a night and then taken to the Native Labour Bureau and from there to the farm of Max Hirshowitz in Bethal.

His brother, Innocent Langa, searched for him after his disappearance and hearing of his whereabouts, applied for a writ of *habeas corpus* from the Supreme Court, which thereupon ordered Nelson's immediate release and return to Johannesburg.

In his affidavit to Court, Nelson Langa said that he had told several officers at the Labour Bureau that he was employed, but they had taken no notice. "They said they were going to give me work because I had no pass. My right thumb was pressed on a pad. I was not asked about this or told what it was about. As far as I could see this procedure was adopted

with the case of every Native brought to the pass office with me.” Nelson said he had never volunteered for farm work. At the farm he was taken to he found “many Natives who are kept on forced labour at this farm against their will, who often used to speak of their unhappy lot.”

The facts in the Langa case were not very different from those recounted many times before by Africans shunted through the same process. But the bombshell burst when during the proceedings an official document countersigned by the Department of Native Affairs, the Secretary for Justice and the Commissioner for Police was led in evidence. This was a circular addressed to all Native Affairs Department officials and magistrates and entitled “*Scheme for the Employment of Petty Offenders in non-Prescribed Areas.*” This document says:

“It is common knowledge that large numbers of Africans are daily being arrested and prosecuted for contraventions of a purely technical nature. These arrests cost the State large sums of money and serve no useful purpose (*sic*). The Department of Justice, the South African Police and this Department (the Department of Native Affairs) have therefore held consultations on the problem and have evolved a scheme, the object of which is *to induce unemployed Natives now roaming the streets in the various urban areas to accept employment outside such urban areas.*” (My emphasis.)

The circular then states that the operation of the scheme is confined to technical contraventions of the Urban Areas Act, Labour Bureau regulations and tax laws.

“The scheme has now been in operation in the larger centres for some time and with certain exceptions necessitated by local conditions the procedure below is followed in dealing with Natives arrested for the above-mentioned offences:

“(a) Natives arrested between 2 p.m. on Sunday and 2 p.m. on Fridays are not charged immediately after arrest but merely detained by the police.

“(b) Natives so detained are removed under escort to the district Labour Bureau and handed over to the employment officer. . . .”

The circular then describes the preparation of a roll on which all the arrested men’s names are entered by the police and which is handed over to the Labour Bureau “as a receipt for the prisoners handed over.”

- “(c) At the Labour Bureau the employment officer completes card NA 1 in respect of each Native so received, if he has not been previously registered.
- “(d) The Native must be offered such employment as is available in non-prescribed (rural) areas. Priority should be given to farm labour in this connection.
- “(e) Natives who on account of their declining to accept the employment are not released, are returned to the South African Police for prosecution.”

Langa pointed out in his Court affidavit that the crime for which he had been arrested carried a maximum penalty of a fine not exceeding one pound or fourteen days' imprisonment. The scheme outlined in the Native Affairs Department circular had no statutory justification. Langa's detention was illegal. At no time was he told that if he refused farm work and was prosecuted and convicted, the most that could happen to him was that he would be fined one pound. Work on a farm for three or six months was out of all proportion to the trivial offence, and the scheme for sending Africans to work on farms was sheer forced labour, induced by threats of prosecution.

Langa's release was ordered, but judgment on the application for costs is still awaited at the time of writing.

Not long after the Langa case, a similar petition for the release of a labourer from a Bethal farm went to Court. Isaac Soko applied for the production of his brother Nicodemus Klaas Soko who had not appeared before any Court, it was alleged, or been charged with any offence, but who was being detained on a farm. The application was not heard in open Court but in chambers, where it was decided that it was not an urgent matter. As Soko could leave the farm compound on Sundays, he was not being forcibly detained and *habeas corpus* was therefore not an applicable remedy. The issue of whether Soko had been induced to enter into a contract by unlawful means was to go to trial separately.

If this case sets a precedent, the urgent remedy of *habeas corpus* will no longer be available to the labourer seeking to release himself from detention on a farm. Imagine the laborious procedure involved in his going in search of an attorney to take down his statements, interview his witnesses and then serve papers on his master to release him from service! Litigation is expensive and the pace of the law tortoise-like.

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Bethal is not altogether unchanged these days. Public clamour over the years has resulted in fewer fierce dogs and locked compounds; the early morning shifts start some hours later than they once did; the boss-boys on many farms are not as free with their sjamboks; new compounds have been built; and some farmers have no doubt installed steel heaters.

But a system whereby labour is channelled onto farms via farm jails and forced contracts by-passes the normal methods of attracting labour by improved wages and working conditions. It is a vicious arrangement which gives farmers in the Eastern Transvaal—and elsewhere—a vested interest in the pass law machine that turns the unemployed into a “criminal” to be “reformed through labour” on the land.

It does not need padlocks and barred windows to tie the Bethal labourer to the farm. There is always his fear of being prosecuted as a deserter if he runs away; the fear of returning to his home in the town if the pass book he must carry can reveal to the first searcher that his documents are not in order, and that he has not been discharged by his farmer-employer or has been endorsed out of the urban area. And then there is the bewilderment—even if the labourer can show that he entered into the contract not freely, but under duress—with the slow, puzzling processes of the law.

It is rather like a wierd jig-saw puzzle. The misshapen pieces make up the total picture only when fitted together. Some pieces tell of the deportations from the cities under the Urban Areas Act; others of the Labour Bureau machinery; others of the farm jails; others of the so-called voluntary scheme for “the employment of petty offenders.” The total picture is one of forced labour for the Bethal farms. “Bethal”, said one African, “is the worst place that God has made on earth.” It is an eloquent commentary.