

PRISON LABOUR ON FARMS IN SOUTH AFRICA.

The use of prison labour in South Africa dates back as far as the 1860's when prisoners worked on the roads and docks in the Cape. (1) The hiring out of prison labour by the State began as early as 1889 - wine farmers began to make use of prisoners. But it was not until the period after the Great Depression that prison labour was extensively used by private individuals. The South African pound was devalued in 1932 and a period of rapid economic growth followed. As a result and because the gap between farm wages and industrial wages was widening, the farm labour shortage (which had been little of a problem since the Land Act of 1913) (2) grew worse. Two important measures were introduced during the 1930's to help alleviate the growing shortage of cheap farm labour. The first was an attempt to re-inforce the 1913 Land Act. The second was the introduction of the "Sixpenny Scheme" in 1934 - prisoners serving less than three months could be compelled to work for farmers who were charged sixpence a day per labourer by the Department of Prisons.

In 1947 the "Sixpenny Scheme" was abolished and replaced by a system known as the "Voluntary Scheme" - petty offenders (short term prisoners) could work as farm labourers if they wished and earn ninepence a day. In the same year the first prisoner outstation or farm jail was built at Bellville in the Western Cape. By the farm jail system the local farmers were to provide the land and pay the building costs of both the jail and residences for staff; the amount of capital provided by each farmer in the form of shares determined the number of labourers he was allowed to use. The farmers were also responsible for the transportation of prisoners to and from farms and for the provision of watchmen on the farms, and were charged between 15 and 50 cents per day per prisoner. The Department of Prisons met the running expenses of the jail. The two systems, introduced in 1947 in order to use prison labour more extensively, can be seen as an attempt to alleviate the farm labour shortage made worse by both another period of rapid industrial growth after World War II and the continuation of low farm wages. (3).

LONG TERM PRISON LABOUR:

The change to a Nationalist Party Government in 1948 increased the rapidity at which the farm labour system (which used long term prisoners almost entirely) developed. By the end of 1952 there were 5 farm jails in the Bethal district (Eastern Transvaal), and large jails at Klein Drakenstein (near Paarl) for wine farmers and Welkom. By 1954 three more farm jails were operating in the Paarl area alone. In 1966 there was a total of 23 farm jails capable of accommodating more than 6,000 long term prisoners. (4) There were 13 in the Western Cape (pass laws strictly applied in order to prevent the inflow of African labour), 9 in the Eastern Transvaal, "where the unscrupulousness of farmers had given rise to reports of ill treatment which discouraged labourers from going there" (5), and one in the Orange Free State where the gold mines attracted labour from the rural areas.

The Government, in its defence of the use of prison labour to help alleviate labour shortages in certain areas caused by the restriction on labour mobility, low wage rates and ill-treatment, argues that "it is an accepted principle that prison labour forms an integral part of this country's economy and that every prisoner has a right to work"; But because the number of prisoners is too large to "occupy everybody productively" (6) other avenues (inter alia the outposts) must be found". (7). The Minister of Prisons has also contended that the cost of prison labour is not in fact cheap when one considers that apart from 15 cents per prisoner payable by the farmer, he also has to: -

- (a) provide the watchmen
- (b) provide his own transport to transport the prisoners
- (c) provide land and buildings; in addition prisoners are generally "reluctant to work" and are "productive for only 6 - 7 hours a day" (8).

Despite the contention that prison labour is in fact not cheap in relation to other farm labour, the demand for prison labour by farmers continued during the 1950's and 1960's. In February 1959 the Director of Prisons said at Riversdale (Cape), "They (farmers) all want labour from us, but we cannot supply it all, but we are doing everything in our power to meet the emergency" (9). In 1963 farmers of the Klapmut's Farmers' Association "who have been totally opposed to the principle of prison labour for many years" and who decided to "press urgently for a farm prison", (10) were told that the waiting list for farm prisons was more than 30. In the Eastern Transvaal a shareholder estimated that the right to use prison labour had increased the value of the farm by between £2.00 and £3.00 per morgen in 1952, and in 1965 in the Western Cape the right to use prison labour was estimated at R1,000 per prison labourer. (11) A prison share bought for R2,000 was sold recently for R4,000. (12) The above statements, together with a calculation that "the total cost to farmer is estimated by the South African Institute of Race Relations to be 40 cents a day per worker (including amortization of the capital costs)," (13) support the view that prison labour is cheap in relation to other farm labour.

In recent years there has been increasing criticism, from economic and moral points of view, of the use of prison labour on farms in South Africa. Critics (outside South Africa) have argued that the use of prison labour is unfair in that it is a "violation on the fair competition spirit of the General Agreement of Trade and Tariffs".¹⁴ The Hex Valley farm prisons were in fact closed in the late 1960's after overseas criticism that the table grape producers were by the use of prison labour competing unfairly in the United States.

By being available cheaply, prison labour also serves to keep wages of other farm labour low - farmers, because of this and other Government policies relating to labour control, have not had to raise wages to attract more labour to the agricultural sector. With present unemployment and underemployment amongst Blacks in South Africa and the extremely low wages in agriculture there seems little ground for arguing that prison labour is necessary on the farms - productivity of farm labourers could be increased substantially and wages and use of resources determined could be in more perfect market conditions, through relaxation of restrictions placed on Blacks at present.

A most convincing argument for the abolishment of prison farms, is that prison farms provide farmers with "a vested interest in crime To have found empty a jail which cost them up to £25,000 to build would have been painful to local farmers no matter how much they deplored lawlessness" (15). A farmer who pays more than R4,000 for a prison share will find it difficult to be pleased when the number of long term prisoners declines and he is left without prison labourers.

Also in light of (a) the statements made in a previous paragraph in connection with the estimates of the value of prisoners and prison shares, and (b) an advertisement of a farm for sale at "Price R235,000 includes winery sheds and 10 convicts" (S.A. Outlook Op.cit.front page), the prison labour system seems to smell of slavery.

Recent statements by the Minister of Prisons indicate that the Government is considering the possibility of closing farm jails despite the opposition of a large number of farmers. In reply to a resolution adopted by the Coloured Persons Representative Council during August / September 1971 requesting the institution of a Judicial Inquiry "into the whole system of farm Prisons" the Minister stated. "It is foreseen that prison labour will at one or other stage no longer be hired out and that all outposts will in due course be closed". (16) A similar statement was made by the Minister of Prisons in the House of Assembly at the beginning of 1972. (17)

As it is already more than 1½ years since this statement was made the Government should issue a public statement on the progress so far made and/or the steps to be taken to curtail the dependence on prison labour with a view towards its total abolishment within a few years.

The closure of the prison outpost will not however provide the final solution to the use of labour on farms in South Africa - three matters of major importance require change in order to move towards the most efficient use of labour (and other resources) within a sound moral framework:-

A. MIGRANT LABOUR:

If the prison outstations are closed migrant labour will be used in place of prison labourers. When the farm jail in the Hex River Valley was closed the farmers began recruiting labourers from the Transkei. The use of migrant labour in the place of prison labour is a step in the right direction " but the emerging pattern which breaks up families is clearly immoral and a far cry from minimum ideal of farm labourers - apart from the seasonal workers - living with their families either on the farms or in nearby villages." (18)

B. RESTRICTIONS ON FARM LABOUR:

The many restrictions on farm labour (19) limits its movement both within the rural areas and between country and town. M. Roberts (writing on the effects of legislation before 1959) says that "there is no doubt that before the introduction of these regulations, Africans were migrating in large numbers to the towns where many of them were absorbed into expanding industry." (20). This legislation has effectively rid the African worker of the little bargaining power he might have had, through restricting his movement to a minimum. Legislation must be introduced to provide the farm worker with the basic recognised means of bargaining power as, for example, enjoyed by White South African workers. Artificial restrictions on labour, as well as being morally unjustified, serve to prevent the most efficient use of labour. (21).

C. SHORT TERM PRISONERS:

The Voluntary Scheme introduced in 1947 to use short-term prisoners developed quickly to provide a large labour force for farmers - 38,000 short term prisoners from Witwatersrand went to work on farms in 1949. (22) In 1954 the scheme was in use throughout the country. In the 1957/58 year 199,312 prisoners were hired out to farmers at a wage of 9d a day. (23) The scheme was open to abuses - although strictly speaking the petty offender sentenced to under 4 months had to agree to work on farms for 9d a day or go to jail, "a great deal of evidence came to light of men being compelled to volunteer." (24)

A public outcry as a result of a number of habeas corpus applications led to the cancellation of the system in 1959. A new system of release on parole (described by the Minister of Prisons in the following sentence) then took its place. "If a prisoner qualifies for release on parole and he is prepared to work for the employer a written undertaking is drawn up under the supervision of the Department wherein agreement is reached on matters such as wages and boarding arrangements. Inspections are carried out periodically by members of the Department to ensure that paroles receive proper treatment." (25) Control of the Department of Prisons over this system was brought to light in December, 1971 when 2 White farmers and an induna were found guilty of assault which resulted in the death of the paroled prisoner. The judge called on the Department of Prisons to maintain strict control over the implementation of the system, and stated that the contract forms used by the Prisons Department were so full of typing errors that the contract did not make sense in places. (26).

Even if abuses of the system (which seems particularly easily open to abuse) were eliminated, however, the public should be fully informed of the extent and application of use of short term prisoners on farms in South Africa., because it is also a system which easily creates a vested interest in crime as well as adversely affecting farm labourers and those seeking work on farms. "It is high time the Government furnished the general public with some basic information about a scheme which on the face of it, seems suspiciously like the use of petty offenders to solve the labour problems of private employers unwilling to provide the necessary wages and conditions to obtain the services of free men". (27)

1. F. Wilson (i): op.cit.page 146.
2. The Land Act increased the supply of African labour to white farmers by abolishing 'farming on the half' and eliminating squatter settlements. Farming on the half was the system where the African entered into an agreement with a White landowner - he was given the use of the farmers' land in return for half his crop production as well as half his proceeds from cattle and sheep grazing.
3. In 1952 mine wages were exactly double the value of the average African farm labourers' income. F. Wilson (i) op.cit.page 146.
4. Hansard 1967, column 3511. (A figure of more than 6,000 prisoners working on the Boland wine and fruit farms alone - was quoted in Argus 11/3/72 - but this possibly includes a large number of short term prisoners not kept in the farm jail.)
In reply to a question by Mrs Suzman M.P as to the number of farm prisons in the Western Cape in 1972 the Minister of prisons replied that the position was the same as that prevailing in 1969, namely there were 3 near Paarl, two near Stellenbosch, and one each at Swellendam, Wolseley, Wellington, Tulbagh, Worcester, Malmesbury and Ceres. There were more than 2,800 prisoners in these prisons (Argus 29-3-72).
5. F. Wilson (i): op.cit.page 148.
6. The State (as well as training a number of prisoners in trades, the building industry, and as chefs and stewards) also owns a number of farms which use Black Prisoners for labour.
7. The Minister of Prisons in Progress Report op.cit. Page 34.
8. The Minister of Prisons in Progress Report op.cit. Page 36.
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10. Argus: 13/11/63
11. F. Wilson (i): op.cit. Page 148.
12. Rapport: 5/3/72.
13. S.A.I.R.R.: op.cit. Page 90.
14. Argus 29/3/72.
15. F. Wilson (i): op.cit. Page 148.
16. Progress Report op.cit. Page 35.
17. Argus: 29/3/72
18. F. Wilson (ii) op.cit. page 46.
19. The Native Land Act (1913); Population Registration Act (1950) and Abolition of Passes and consolidation of Documents Act (1952); Bantu Laws Amendment Act (1952). Native Land and Trust Act No 18 of (1936); Bantu Laws Amendment Acts, No 42 of 1964 and No 76 of 1963.
20. M. Roberts: op.cit. Page 129.
21. As points (a) and (b) do not directly concern the subject matter, they are not discussed in detail.
22. F. Wilson (i): op.cit. page 149.
23. R. Ainslie: Page 6.
24. F. Wilson (i) op.cit. page 149.
25. Progress Report op.cit. page 37.
26. Rand Daily Mail 9/12/72.
27. F. Wilson (ii): op.cit. Page 46.

APPENDIX INFORMATION EXTRACTED FROM HANSARDS 1973.

- A. Mrs H. Suzman asked the Minister of Prisons (a) what fees are payable by persons employing labourers from prisons and (b) what portion of the fees is payable to the prisoners.

The Minister of Prisons replied:

- (a) Fees vary from 15 cents to 65 cents per day, depending on factors such as type of employment, area i.e. urban or rural and the employment or not of prison guards.
- (b) None ! It may however be mentioned that it is possible for a prisoner to earn, by way of bonus, or gratuity, amounts which vary from 50c to R30 per month.
(Hansard Number 3 Tuesday 20th February, 1973 column 136 question number 3.)

- B. Mr A. Hopewell (for Mr J.O.N.Thompson) asked the Minister of Prisons:

- (1) What is the average number of prisoners who daily perform work on land or premises other than that of his Department ?
- (2) (a) what categories of work do they perform and (b) what is the number of prisoners employed in each category of work:?
- (3) what is the number of (a) Coloured, (b) Bantu, (c) Indian and (d) White prisoners who daily perform such work?

The Minister of Prisons replied:

- (1) and (3). These particulars are not readily available. Each prison throughout the country will have to be approached and they will have to go through their records for each day of at least the past year to obtain the information.
- (2) (a) Unskilled manual labour.
(b) Falls away.
(Hansard Number 6 Friday, 16th March, 1973 column 457 question number 14.)

- C. Mr J.O.N. Thompson asked the Minister of Prisons what information does he have concerning (a) the number of prisoners who perform work on land or premises other than that of the Department of Prisons and (b) the daily, monthly or annual number performing work in (i) rural and (ii) urban areas.

The Minister of Prisons Replied:

- (a) Approximately 24,000 prisoners are made available daily to organizations such as other government departments, provincial and local governments, as well as private persons.
- (b) Not available.
(Hansard Number 15 Friday 25th May, 1973: columns 925, 933. question number 404).

D. Mrs H. Suzman asked the Minister of Prisons:

How many inspections were carried out in 1972 into the housing, feeding and working conditions of prisoners hired out as farm labourers.

The Minister of Prisons replied:

357 Inspections were carried out during 1972. During such an inspection tour prisoners employed by various employers are interviewed.

(Hansard Number 17, Tuesday 5th June, 1973 Column 955 question number 2.)

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