

**“Everyone has a right to the farm”:  
Generational conflict in the African freehold areas of Zimbabwe**

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## Introduction

In 1931 a pioneer group of farmers staked out their individual farms in an area called Marirangwe Native Purchase Area. These farms were the first to be fully settled under the new limited freehold scheme introduced by the government in the 1930 Land Apportionment Act which segregated land along racial lines. Considered a bold social and economic experiment, the settler government moved cautiously in forming an administrative policy for these areas of African freehold. Drawing on the experience of South Africa, the administrator of the purchase areas, A. C. Jennings, made the case for limiting as much as possible subdivision of the farm to inheriting sons. Indeed, Jennings so stressed this point that he considered the entire success of the scheme would rise or fall on the transition from one holder to another.<sup>1</sup> Having targeted subdivision to heirs as the chief problem of freehold farms among Africans, the government at the urging of the Native Department and the newly established Native Land Board restricted inheritance of the freehold farms to the “heir-at-Native-law”, itself an ill-defined term, or to the heir named in a legally recognized will.<sup>2</sup>

However much this restriction was meant to ease the transition to a new owner upon inheritance, the very heart of the matter, that of the transfer of property and economic decisions, was not affected in the way that government had hoped. Angela Cheater, for

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<sup>1</sup> The idea of a will was not necessarily new to Africans. They had made oral wills previously but these wills were not recognized by the Settler courts.

<sup>2</sup> The African Wills Act, 1933. Most farmers opted not to write wills in this manner, though many, apparently wrote wills according to local customs. On “legal” wills see S2799/4: “Notes on Native Wills Act,” ND, NA. Stamped 19 January 1956. The law concerning inheritance was refined on an “as needed” basis. Thus only when problems concerning the “heir-at-Native Law” became evident did administrators move to more clearly define what they meant. Potential legal heirs realized that they could press their inheritance rights by attacking the government definition of heir. On official puzzlement over the phrase “heir at law” see S1043 1939-1940: NC, Ft. Victoria to Assistant Director of Native Lands (ADNL), 31 October 1941 and correspondence therein including 7 July 1941. Such issues still seek resolution in independent Zimbabwe. See *Mvududu v. Mvududu, N.O., and Others*, Zimbabwe Law Reports (1981), 397-407.

instance, has noted that inheritance disputes in Msengezi purchase area are punctuated by bitter accusations of witchcraft, jealousy and gossip.<sup>3</sup> On another level, government legislation forced succession battles to other levels such as the day-to-day management of the farm.<sup>4</sup> The transition to an heir was made more problematic because very often the heir had little if any agricultural training.<sup>5</sup> As others have pointed out, purchase area farms are notable for their aging population.<sup>6\*</sup> The sons of farmers tend not to stay in the purchase areas either because their futures on the farm are so insecure as non-heirs or because the farm does not create enough wealth to sustain their preferred lifestyle.<sup>7</sup>

This paper sets out to explore the nature and impact of generational conflict in one area, Marirangwe purchase area. A schematic outline of sons' strategies for protecting their interests and the intersection of gender issues is also offered.

### **A brief history of the purchase areas**

The purchase areas were created as a result of the recommendations of the 1925 Morris Carter Land Commission, appointed by the newly self-governing colony of Southern Rhodesia to find a final distribution of land between Africans and white settlers. The recommendations of the Commission were later incorporated, with some differences, into the 1930 Land Apportionment Act which divided land in the country along racial lines. Prior to the Act Africans could legally purchase land anywhere in the

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<sup>3</sup> Angela Cheater, "Fighting over Property: The Articulation of Dominant and Subordinate Legal Systems Governing the Inheritance of Immoveable Property among Blacks in Zimbabwe", Africa, 57, 2 (1987), p.176. For a comparative case see Synder, Capitalism and Social Change, (New York: Academic Press, 1981), p. 237.

<sup>4</sup> Sara Berry has explored the impact of generational disputes in a Yoruba farming community in Fathers Work for their Sons (Los Angeles: University of California Press, 1985); A.K.H. Weinrich, African Farmers in Rhodesia (London: Oxford University Press, 1975).

<sup>5</sup> The Native Land Board recognized this limitation and began in 1953 to require that heirs complete agricultural training courses before taking up land.

<sup>6</sup> Weinrich,

<sup>7</sup> These were the two most common reasons given for leaving the farm among Marirangwe sons.

country; after the Act was passed, Africans wishing to purchase land were confined to the purchase areas.

An underlining premise of the report was that “private” land, which was defined in the most loose terms, was still an alien concept to most Africans. The report acknowledged, and indeed in spots lamented, the effects of mission education and “European” ideas and culture on “advanced natives” and their growing desire for land of their own. The Commission noted further that there were a handful of land transactions amongst Africans and also between Africans and settlers. Settler farmers seem to have been well aware that Africans were willing to “buy” land and they themselves were willing to buy and sell land.<sup>8</sup> But, as Robin Palmer has shown, these sales amounted to the barest of fractions of the total land mass of the country and involved for the most part South African-born Africans.<sup>9</sup> The Commission acknowledged as much, but argued that the real issue was the increased tempo of such sales and the rising wealth of Africans. Wealthy Africans might be able to acquire land, argued the Commission in their report, but for the vast majority of Africans there would soon be no land available. This logic, based as it was on rather slim evidence, then became the rationale for segregated land sales and the establishment of the purchase areas.

A number of important legal restrictions were placed on land in the purchase areas. The most significant was that farms were held not in freehold but in a leasehold which might lead to freehold status. Farm holders were also held to tight limitations on cropping and the number of persons allowed to live on the farm. The government also set the limits of inheritance, reserving to the appointed Native Land Board the right to refuse heirs.

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<sup>8</sup> See S138/21 vol. 3: Chief Native Commissioner (CNC) to secretary to the Premier (Native Affairs) 18 March 1931.

<sup>9</sup> Robin Palmer, Land and Racial Domination in Southern Rhodesia, (Los Angeles: University of California Press, 1977) Appendix II.

In theory the board was the first and final administrative body for the purchase areas.<sup>10</sup> In reality, in the early period the board lacked the staff and the funds to adequately oversee the areas. Of equal significance, in this early period the board had yet to press firm guidelines for farm size and settlement in the areas. Basic questions such as farm size, occupation and development of the farms, and conservation were left ambiguous. These questions were resolved on an ad hoc basis. On the question of plot size Jennings laid down the order that no farm be too large for any one family to manage. At the same time, and for reasons of fairness, Jennings also proclaimed that no one family should lay claim to the majority of natural resources, specifically water, in the area. But such size was relative to the area, whether the area was considered “range” land or cropping land. Later, under the pressure of perceived land shortages in the country, farm sizes were also based on the idea that no one group of Africans should monopolize the “good” farmland available for Africans.

The board and the government assumed that many years would pass before any pressing concerns of inheritance would come before the board. As such, the board treated the vexing questions of inheritance, the position of women, and the rights of children in only a cursory manner. The driving force of the board’s rules were economic rather than social. Farms were meant to be economic livelihood; not merely a home for families. Such farms should be self-contained, making the need for an off-farm income redundant. Coupled with this was the board’s unique understanding of the applicants for purchase area farms. Though the board did not stray too far from the standard view of the African as inferior to settlers, the board did consider the purchase area farm applicant as superior and better “educated” than the average African in the reserves.<sup>11</sup> From

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<sup>10</sup> The board was not granted nearly all the powers originally proposed for it by the Land Commission. The lack of oversight and particularly financial clout was later cited by the 1960 Commission on the Resettlement on Natives as a fundamental flaw in the administration of the purchase areas.

<sup>11</sup> See S924/G1/5: A. C. Jennings to Professor J. D. Rheinalt Jones, South African Institute of Race Relations, Johannesburg, 21 August 1935.

the very beginning of the scheme African owners and settler administrators clashed over the conception of the farms. At the most fundamental level for administrators, the areas represented Africans' quid pro quo for the loss of the right to purchase land anywhere in the colony. Although the subtle policy of the administration changed over the years, there was never the goal of creating a substantial rural middle-class in the purchase areas.<sup>12</sup> To the government the farms were meant to provide a livelihood for the owner and his immediate, meaning nuclear, family. In sharp contrast, Africans purchased farm to establish their elite status and to escape the drudgery of the communal areas; not to reproduce such a farm life. Those who criticized the purchase areas as mere retirement homes completely misunderstood the intentions of the first generation of owners. The farms were meant to be launching pads of a sort to better lives and a higher standard of living, and not necessarily examples of yeomen farming. Hence the notable investment in the education of children among purchase area farmers in general.<sup>13</sup> In the pioneer period this meant staying in employment as long as possible. Farms were bought not as productive farms but rather as investments in the family and the family's future.

### **Subdivisions and "uneconomic farms"**

Jennings was aware from study and correspondence of the problems of "uneconomic" subdivisions in South Africa as a result of inheritance rules. Thus one of the first proclamations of the board was that no holding should be "sub-economic" through "uneconomic subdivisions" to kin. Again, the determination of whether a proposed division was uneconomic was the ecology of the area, the water situation, and whether the area was considered cropping or grazing land. Regarding sons and other

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<sup>12</sup> I document this subtle but significant change in Part I of my thesis, "'We are the best poor farmers': Purchase Area Farmers and Economic Differentiation in Southern Rhodesia, c. 1925-1980", Ph.D., University of California, Los Angeles, 1995. See particularly chapters 2-4.

<sup>13</sup> See Angela Cheater, "Aspects of Status and Mobility among farmers and their families in Msengezi Purchase Land", *Zambezia* III, ii (1974): 51-59; Weinrich, *African Farmers*, p. 222.

family members, the board declared that the farms could not accommodate all family members. From this the board developed the policy against “excessive squatting” aimed at evicting unnecessary family members from the farm. In the early period of settlement enforcement of the “squatter” rule was nearly impossible given the acute shortage of staff to supervise the areas.

As in other colonies, the position of women and inheritance was not completely resolved, although the weight of the law was prejudice towards absolute male ownership. The question of a women’s right to a farm when she assisted in the payment of the installments and down payment was murky enough for women to request clarification. In these changing circumstances of the acquisition of land under terms approximating private property, African women and men were unclear about which laws might be enforced in these new purchase areas. Wrote one Mrs. H. Mutelo Size Mhlana who helped her husband purchase a farm in Mshagashe in Ft. Victoria province:

Now I want to know that as the native men are not satisfied with one wife, if he wants to take a second wife who is going to take possession of that farm as I am working for it? Does the government allow that ? I ask because you are the N.C. of our District [.] [Y]ou understand well down here. Please can I hear the [?] answer from you? Please don’t say anything to my husband [.] I want the answer from you.<sup>14</sup>

The eventual position of the board was that women should be discouraged from purchasing land as that would be an offence to custom. This decision meant that issues of access and gender were expressed in generational conflicts.<sup>15</sup> This is seen most clearly in the number of resolutions passed by the African Farmers Union regarding inheritance

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<sup>14</sup> S1043 1937-38: Mrs. H. Mutelo Size Mhlana, House of Correction, P. O. Box 1, Gwelo to NC, Ft. Victoria, 5 February 1937. Emphasis in the original. Mrs. Mhlana is obviously South African.

<sup>15</sup> Cf. Joey Power, “‘Eating the Property’: Gender Roles and Economic Change in Urban Malawi, Blantyre-Limbe, 1907-1953.” Canadian Journal of African Studies 29, 1 (1995) p. 80.

and succession struggles. There were roughly two periods when the AFU voiced public concern over inheritance problems and the fate of widows. The first in the 1950s coincided with a private market in farms and the rapid increase in demand for farms. The response of the government reinforced the tendency toward an urban-orientation of heirs. The second occurred in the 1970s and was characterized by the abandonment of the farms by the sons. During both periods farmers expressed their horror at the number of widows being evicted from farms by sons and grandsons. In the first instance the government took the side of “custom” as interpreted by the land board, and mixed that with a respect for private property and the workings of the market. The result was that widows could expect no protection from the government upon eviction. On the one hand the government upheld inheritance by the eldest male<sup>16</sup>, and on the other, the government was legally obligated to respect the decisions of the owner of the farm, even if that meant violating the “custom” of caring for widows and mothers. Thus in reply to a resolution about the eviction of widows, the government representative stated,

The Native Land Board takes no particular interest in this subject, and always endeavours to ensure that the welfare of the widow of a landholder receives every consideration, and seldom evicts one whom it (sic) is satisfied is in a position to develop the farm satisfactorily. It cannot, however, allow widows to continue occupation of farms if they are clearly not capable of carrying out the necessary development, nor can it deprive an heir at Native Law of his inheritance, even if it seems likely that the widow will suffer thereby.<sup>17</sup>

Even those women married under so-called Christian rites which were associated with a life-style more in line with Europeans, were denied legal rights to their husband's

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<sup>16</sup> On which see Angela Cheater's "Fighting over property", an examination of inheritance cases in Msengezi in which the wishes and "customs" of landholders were routinely ignored.

<sup>17</sup> I.F. Chipunza Papers, Marirangwe, AFU Conferences and Resolutions: Replies to Resolutions. Office of the Secretary of Native Affairs, Gwelo, 22 July 1955.

farm that such a marriage implied under the colony's legal statutes. Again the government leaned on a narrow interpretation of "custom". Writing in 1954, the NC Hartley wondered whether the Marriage Act did not contradict rules of inheritance. Under this Act, a widow married by Christian rites could retain part of her husband's estate and under the Deceased Estates-Succession Act, the widow or surviving spouse was entitled up to £1000 of the estate. Stated the NC,

I bring this matter up because if my contention is correct, in every case of the death of a N. P. A.[native purchase area] farmer, married by Christian rites, and there are many of them, his wife would inherit the farm and other property, as most of these estates are less than £1000 in value. Such an effect would be a bombshell to native opinion and native ideas of inheritance.<sup>18</sup>

The Justice Department quickly laid to rest the concern that women might somehow inherit property with the help of government by declaring that customary law provided nothing relating to the status of women and that, in any case, the Acts in question were not specifically aimed towards Africans. The laws would come into effect only "in so far as such statute law has been specially applied to natives by statute."<sup>19</sup>

To the government's mind these complications of succession were merely nuisances to the transfer of land to an individual owner. The NLB, which administered the purchase areas until 1963, labored under the principle of a single heir and his legal right to inheritance. Careful not to tread on what was considered African "custom," the government gave the father and, later, the inheritor by "custom," considered to be in most cases the eldest male, exclusive legal power. The government reaffirmed this legal sanction at the 1953 Conference of Native Commissioners where it was resolved that heirs could not be stripped of their land unless they abandoned the land altogether or to

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<sup>18</sup> S2799/4: NC Hartley to PNC, 9 June 1954.

<sup>19</sup> S2799/4: D. A. Watt-Pringle, Secretary for Justice to Secretary, Native Affairs, 21 June 1954.

squatters, or subdivided the farm into “uneconomic” units. Further, it was deemed that the heir should not lose his land “except under very exceptional circumstances, and that if such action were considered, the persons concerned should be able to present his (sic) own case before the Board” and that they could further demand an investigation by the board.<sup>20</sup> In 1956 the NLB further defined its position by stating that it could not refuse successors their land, only approve or disapprove of the chosen successor. At the same time the board noted “cases of refusal of transfer to an heir are extremely rare.”<sup>21</sup> Two years later the NLB further strengthen the rights of heirs, but, crucially, also the power of native commissioners to nominate heirs.<sup>22</sup> Now, if the heir recognized in “customary” law could not be traced within two years, the family could nominate a new heir, and if the NC nominated the heir, the “heir at native law” had no legal rights to the land.

While the various land boards reaffirmed the rights of heirs they simultaneously diminished the “traditional” rights of widows and dependent kin. For instance, at the 1965 AFU conference D. G. Goddard, chairman of the RLB, responded to a resolution on children and dependents thus,

If an inspector found several people ploughing there is no good saying these are my lands and I have instructed him to plough. Straight away the inspector will say ‘what are you paying him?!’ If you are not paying anything then you are indulging in share cropping. . . With regard to widows and their dependents and so on, I am very sorry this is against the law. That is what we have reserves for.<sup>23</sup>

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<sup>20</sup> S1123 vol. 8: NLB Minutes, 25 April 1953.

<sup>21</sup> S2799/4: “Notes on Native Wills,” NA, ND. Stamped 19 January 1956.

<sup>22</sup> S1123 vol. 11: NLB Minutes, 28 November 1958.

<sup>23</sup> African Farmers’ Union, Report of the Proceedings of the Annual Conference, 1965, Commentary on Resolutions: Comments of Mr. Goddard. Hereafter the annual conferences are cited as AFU Conference. Apart from the perplexing issue of women’s place on farms, after the pioneer period of settlement the problems of inheritance only became more complicated. For instance, some heirs were of advanced age once they inherited. See S1043 1939-1940: NC Ft. Victoria to ADNL, 20 January 1941, for a case involving a sixty year old heir. The phrase “heir at law” became an imprecise legal term as there were often conflicting viewpoints as to who the heir was and how to identify him. See S1043 1939-1940: NC Ft. Victoria to ADNL, 31 October

Inheritance and the dispossession of widows remained enough of a concern that the AFU again debated the issue in the mid-1970s. Unlike the resolutions of the 1950s this debate remained internal. This was largely the result of the farmers' unwillingness to interfere in the personal family matters of inheritance. In 1971 the Charter District delegates proposed, and the conference carried, that widows should automatically inherit their husbands' leases or agreement to purchase "as they are part and parcel of the application of the farm."<sup>24</sup> In 1974 another resolution was introduced at the annual AFU Conference concerning deceased estates. Worries that the inheriting generation were not fulfilling their obligations to widows continued to be expressed. In 1974 William Kona, president of the AFU, asked the delegates to consider

whether we are going to pull out from the African Law and Custom in cases where a will has not been made. This may be difficult for some of us but we want the DC to administer disposal of our properties outside African law and custom. .

I want to get it sorted out—what line are we going to take—outside African law and custom or within it? (interjection [by delegates]: 'within')<sup>25</sup>

The mistrust of heirs was highlighted by Matabeleland delegates who proposed the automatic transfer of the title deeds to the widow unless a will stated otherwise. These resolutions led to a lengthy debate on inheritance. Circumstances had changed, as had the economy which was much more urban-oriented. These changes in the national economy trickled down to disputes on the farm. Nowadays, it was presumed that sons

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1941. Then of course there were the problems of constructing a customary law which would be inclusive of all the different peoples in the country. See *Matambo v. Matambo*, Rhodesian Law Reports (2) 1969, 154-158.

<sup>24</sup> AFU Conference, 1971, Charter District resolutions. Also see "Lease Cancellations Spread Fear in Purchase Areas," Murimi, December 1970.

<sup>25</sup> AFU Conference, 1974, Resolution debates.

were more apt to sell family property. The delegates reacted in particular to a case where the widow of a farmer was evicted from the farm by her son. Kona summarized the situation in 1975 thus:

There is not a farm tied up in the Purchase Area such as existed some years ago. It was then accepted that the eldest son automatically took over from the father according to African custom. That no longer exists and therefore I think something has got to be done to push what claim to where (sic) a son sells a farm—in cases like what do you do, where a son sells the farm over his mother's head? The children are safer under the custody of their own mother than under the custody of their elder brother. If you cannot trust your wife to mother your children after your death more than your own brother, there must be something wrong.<sup>26</sup>

After continued debate about the merits of wills versus African “custom”, the matter was left unresolved. Some considered the problem outside the scope of the AFU, while others believed that changes had to be legislated if the purchase area concept were to survive. Regardless of the fact that “customary” notions of inheritance had always been problematic, Kona articulated a widely held perception that these “customary” rules of inheritance, wherein the eldest male inherited outright, were no longer suitable to the needs of purchase area residents, especially dependent kin. What was fading away was the “family” aspect of the purchase areas in favor of economic transactions without regard to family obligations and discussion. Several delegates noted that the urban economy lured sons away from the farms and impacted on inheritance in that urban-centered heirs tended to sell farms. But most delegates who responded to the resolution favored bolstering tradition, especially in terms of dependent kin, rather than writing wills.

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<sup>26</sup> AFU Conference, 1975, Resolution #5 (a). Kona added that the AFU should not interfere in domestic disputes. There were a spate of evictions in the mid-1970s.

Delegates were very aware of the influence of government on inheritance decisions and customary law at large. One delegate proposed addressing the minister of Internal Affairs about the resolution and the problems of inheritance on the farms. Another delegate noted the conflict between an inheriting son and government sanctions against absentee landholders. Kona reminded the delegates that in the absence of a will the local district commissioner (DC) was the arbitrator of the estate and that the influence of the AFU ended at the DC's door. The debate concluded without a firm resolution.

The issue of inheritance and family had come a long way since the 1950s. The government solution of writing wills held out no solution to the problem of succession to a "family" farm but neither did "custom". The "security of tenure" deemed so critical to development by the Morris Carter Commission thus became more narrowly defined over the years to exclude all but those legally appointed heir-at-law.<sup>27</sup> The law which came to govern inheritance in the purchase areas was neither "customary" nor "colonial" but rather an uneasy mix of the two. Without an appropriate legal structure to secure tenure for family members, inheritance struggles often defined the transition of ownership in the purchase areas.

### **"Unemployed on the farm"**<sup>28</sup>

These disputes within the nucleated family and the extended family must also be set against the broader canvass of the formation of an African middle-class.<sup>29</sup> Numerous scholars have noted the "educational" strategy of purchase area families which sought to

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<sup>27</sup> Some flexibility but no real solution was introduced in 1976 when the government allowed more than one heir to inherit to a farm.

<sup>28</sup> Phrase from an interview with Edward Madzimbumuto, Marirangwe, 25 July 1991.

<sup>29</sup> Terence Ranger, *Are We Not Men?* (New York: Heinemann Press, 1995) takes this point as his lead. Angela Cheater has investigated other types of relationships on the farms in *Idioms* and in a number of articles. Michael West has examined the urban middle-class in his excellent thesis, "African Middle-class Formation in Colonial Zimbabwe, 1890-1965", Ph.D., Harvard University, 1990.

reproduce and enhance their elite status through their children, specifically through their sons.<sup>30</sup> The idea, according to Ranger, was that educated sons would contribute to the family farm by way of capital and expertise, thus expanding the family enterprise.<sup>31</sup>

Though purchase area farm families produced a number of high profile and successful businessmen and politicians, on the whole this strategy was frustrated.<sup>32</sup> A major impediment was government policy which acted as a check on the development of “family dynasties” in the purchase areas.<sup>33</sup> Indeed, government officials were deeply suspicious of extended family holdings and tried to prevent their development.<sup>34\*</sup> In Marirangwe one family was threatened with the eviction of the family head unless he personally occupied his own farm which was next to his son’s.<sup>35</sup> The government also established rules against the residence of sons on family farms, labeling them “squatters”. The government also opposed the use of sons as “managers” on family farms. The African Farmers Union rightly understood these restrictions as undercutting their enterprises and so vehemently protested their implementation. The guiding principle underlying all of government policy was that nothing should be done so as to encourage development in the purchase areas beyond certain well-defined limits.<sup>36</sup>

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<sup>30</sup> A. K. H. Weinrich, African Farmers, p. 222; Angela Cheater, “Aspects of Status”. Terence Ranger, Peasant Consciousness and the Guerrilla War in Zimbabwe ( Los Angeles: University of California Press, 1985). Also see Shutt, “We are the best poor farmers”, chapter 8. Elites in other countries also realized the value of education, see Kennedy, African Capitalism (New York: Cambridge University Press, 1988), and Sara Berry, Fathers Work for their Sons.

<sup>31</sup> Ranger, Peasant Consciousness.

<sup>32</sup> Ranger offers several examples of the success of the educational strategy of families in Dowa purchase area. However, it was not clear from my survey of Marirangwe that purchase area farmers were over- represented in higher education or in better-paying occupations. See ““We are the best poor farmers””, Table 7.1, p. 379. Discrete studies of individual areas are available but there is now need for a more systematic study of the children of purchase area farmers as a study in its own right.

<sup>33</sup> The idea of family dynasties is Ranger’s. He traces the “family dynasty” of the Samkange family in Are We Not Also Men?.

<sup>34</sup> See the example provided by Ranger, Peasant Consciousness, p.

<sup>35</sup> Shutt, ““We are the best poor farmers””, pp. 276-279 on the case of attempted eviction.

<sup>36</sup> For an extended discussion o this see Shutt, “We are the best poor farmers”, chapter 2-3.

Government policy against this strategy of rural capital accumulation was a significant factor in discouraging sons from staying on the farm, and certainly shaped the reaction of sons in particular toward the family farm, but generational conflicts between fathers and sons, quite independent of the government, was also an important factor. A.K.H. Weinrich has described the conflict between fathers and sons on purchase area farms in these terms:

[Sons] are dependent on their fathers to set them up in life and, apart from the farm owners' eldest sons, most of the sons have little at stake in the land and are forced to look for security in European employment or in tribal trust lands. . . . [Fathers] control the money of their families, yet depend on their sons for help in the fields and for advice in their dealings with government officials. While they are proud of their educated sons, they nevertheless feel inferior to them. These tensions between fathers and sons are acutely felt in most families and give rise to a constant emigration of youths from their fathers' farms.<sup>37</sup>

Emigrating sons were not always a drain on the family farm, nor were they always invited back to the farm to work with their fathers.<sup>38</sup> As Weinrich points out above, fathers did depend on the expertise of their sons, but they were also aware that their sons were potentially threatening to their power over the farm. Like urban capitalists farm owners in the purchase areas insisted on assuming all power over their nuclear family and property.<sup>39</sup> Any threat real or imagined, to that leadership was forcefully rejected. In the mid-1960s for instance, several requests from sons to pay the farm rates were rejected by the Marirangwe Council because there was the fear that sons might then have

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<sup>37</sup> Weinrich, *African Farmers*, 166-167. This situation is not unique to the purchase areas or Zimbabwe. This quotes echoes the findings of Sara Berry for Nigerian cocoa farmers. See Berry, *Fathers Work for their Sons*. See also interview with Mrs. Nyamweda, Marirangwe, 30 June 1991.

<sup>38</sup> Interview with Richard Madzimumuto, Marirangwe, 13 March 1990.

<sup>39</sup> See Powers, "Eating Property", p. 80.

to be given a vote in Council, thus reducing the prestige and power of the fathers.<sup>40</sup> In the best of all possible worlds, fathers hoped that their sons would find good jobs in town and funnel money back to the farm. They did not necessarily want their sons to return to the farm to live and work.

Many Marirangwe sons expressed their frustration over their fathers' suspicion of them and their motives. One farmer expressed the reluctance of fathers to include their sons in decision-making in these terms:

Even now, in our culture, children are not allowed where elders discuss matters, because otherwise the secrets will spread to all. For instance, if a member [a farmer] wanted some help from other farmers the children who attended the meeting would spread the matter before the other farmers could help. ...Many thought children shouldn't know too much.<sup>41</sup>

The attitude of landowning fathers was backed legally by the government and the concept of one farm, one owner. Legally, then, sons were powerless to make a case for taking over the farm before their father died. In this instance sons took their cases to the community at large via the court of gossip and social interaction. The complaints made by some sons against their fathers in the most popular meeting place--the beerhall--are legendary and notorious. In this social space where the men (and some women) mingled, exchanged news and drank, some sons at least felt comfortable enough to voice difficulties with their fathers publicly. One story is told of a son who asked his father when he would die so he, the son, could finally inherit.<sup>42</sup> Such outbursts are notably

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<sup>40</sup> Marirangwe Council Minutes, 24 February 1965; 7 July 1965.

<sup>41</sup> Interview with Amon Gwanzura, Marirangwe, 13 February 1991. The reluctance of farmers to disclose their plans and problems to their families is considered a barrier to increased production by the government. See comments of ..at Zimbabwe National Farmers Union Annual Conference, 1990. Also see Interview with Stanley Gwanzura, Marirangwe, 26 June 1991. Interview with Richard Madzimbumuto, Marirangwe, 13 March 1991.

<sup>42</sup> Many "sons" in Marirangwe are ageing. It was not unusual for inheriting sons to be in their late 40s and early 50s before they inherited. Some heirs were even older.

precisely for their outrageousness, but other sons confirmed that they, too, took advantage of the social space offered by the beerhall to discuss their position on the farm.<sup>43</sup>

### **“They belong to the cities”**

Inheritance disputes in the months after the death of the landowners were the most dramatic expression of tensions on the farms. But there were usually a number of years before succession to control of the farm became an immediate concern. In these years leading up to the death of the landholder, sons and wives tried to create their own power niches and build up a portfolio of legal rights, personal interest, customary rights, and historical association with the farm which they could use in inheritance battles to come. This portfolio might include helping the father on the farm, living on the farm, the support of the community, and the building of a network of supporters. These claims to land were variously based on family kinship, historical use of the land, customary usufruct, and investment in improvements. Though not “legal” in the sense that these claims were recognized by colonial administrators, these rights and claims potentially shaped the inheritance pattern. These claims were based on the tacit understanding that although the land was categorized as “individual freehold”, those on the farm had different associations with the land and the produce of the land, ranging from temporary use rights to the wider of claims and demands for land by kin.<sup>44</sup> These demands for access to the land were in fact more problematic than division of land to heirs. In 1976 the state acknowledged that such tight controls on inheritance were creating more

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<sup>43</sup> Interview with Stanley Gwanzura, Marirangwe, 26 June 1991. Threatening sons are not unique to Marirangwe and the purchase areas. See Synder, Capitalism, pp. 219-220.

<sup>44</sup> Angela Cheater in particular has noted the changing claims to freehold property. See “Formal and Informal Rights to Land in Zimbabwe’s Black freehold Areas: A Case Study from Msengezi”, Africa 52, 3 (1982) pp. 77-91.

problems rather than contributing to the smooth transfer of property in the purchase areas, and so in that year allowed for two heirs to inherit.

Despite the concerns of the Native Land Board, in Marirangwe only four of thirty-four farms were ever sub-divided for sons. The real problem, as Marirangwe residents see it, is not sub-divisions but rather the uncontrolled ability of heirs to sell the land at all, especially to non-kin.

**Table 1.1: Subdivisions in Marirangwe to 1980<sup>45</sup>**

<b>Decade</b>	<b>number</b>	<b>by owner</b>	<b>by son/ grandson</b>	<b>by 2nd owner</b>	<b># to kin</b>
1930s	2	0	2	0	2
1940s	2	2	0	0	1
1950s	17	13	4	0	6
1960s	4	1	1	2	0
1970s	1	1	0	0	0
<b>Total</b>	<b>27</b>	<b>17</b>	<b>8</b>	<b>2</b>	<b>9</b>

**Table 1.2: Sales in Marirangwe to 1980**

<b>decade</b>	<b>number</b>	<b>by owner/ spouse</b>	<b>by son/ grandson</b>	<b>by 2nd owner</b>	<b># to kin</b>
1950s	14	9	1	4	0
1960s	1	0	0	1	0
1970s	5	0	5	0	0
<b>Total</b>	<b>20</b>	<b>9</b>	<b>6</b>	<b>5</b>	<b>0</b>

<sup>45</sup> Source for Tables 1.1 and 1.2: Registry of Deeds, Harare, African Farms, L-M, "Marirangwe". Farm #60 of Sidodjiwa Kumalo's farm #30 was subdivided and sold by the government. Kumalo's son, Kwanga Kwangawawa, was rejected as heir to the farm by the Matabeleland Council of Chiefs and therefore the remainder of the farm was sold on behalf of the estate. See S1123 vol. 11: NLB Minutes, 25 January 1963. Out of the nine subdivisions, one was to a son-in-law, one to a brother-in-law, one to daughters, and one to an uncle. The remainder were to sons. One farm was subdivided twice. Table 1.2: I have included in this chart those farms which were sold as a subdivision but which retained the original farm number.

An important factor shaping sales and subdivisions in the purchase areas was the expanding urban economy. Michael West has made a compelling case for the importance of the urban economy for African middle-class formation.<sup>46</sup> The pioneer farmers in the purchase areas were firmly within the orbit of elite politics and the elite social world. These pioneers took advantage of the fact that the Native Land Board lacked both the means and the will to enforce personal occupation during the first two decades of purchase area farm development in Marirangwe. These pioneer farmers could therefore carry on their urban occupations while maintaining the farm in Marirangwe. Indeed, according to several farmers, it was only the threat of eviction from the farm which convinced them to settle on the farm.<sup>47</sup> One consequence of this more urban-orientation by men, at least in the early years of farm ownership, was that their wives tended to become more wedded to the farm, becoming *de facto* managers, and that meant that the concerns of the family were often divided between elite concerns and those of the farm.

By the 1950s, the decade of the majority of sales and subdivisions in Marirangwe, the dynamic of elite formation and more importantly, elite goals and aspirations, had changed considerably from the pioneer period of development. This decade fell within the family cycle of pioneer families in Marirangwe and also within a period of economic prosperity in the country.<sup>48</sup> At the same time opportunities in the urban economy and in urban housing were then also becoming available. In 1955 for instance, 99-year leases were introduced in selected sites in Salisbury and Bulawayo.<sup>49</sup> African elites now had more opportunities open to them than did the pioneer elites of the 1930s, the era when African tradesmen and merchants were being pushed out of towns to make room for their

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<sup>46</sup> West, “African middle-class”, *passim*.

<sup>47</sup> Interview with Samuel Tutani, Marirangwe, 13 November 1990. Retirement was the major factor in relocating to the farm.

<sup>48</sup> On the economy see Volker Wild, “An Outline of African Business in Zimbabwe”, *Zambezia*, p. 27, 30, and table 1 on p. 29.

<sup>49</sup> Wild, p. 41 and see West, “Middle-class”, chapter 4.

settler counterparts. At that time, in the 1930s, the lack of urban amenities made the purchase areas particularly attractive to elites in a way which was not matched in the 1950s when African elites staked their claim, politically and economically, in the urban areas.<sup>50</sup> This change in the orientation of the African elite, from rural to urban, impacted directly on the purchase areas and on the inheritance process on farms.

The dilemma on the farms was of course that the farms were not just an economic investment meant to perpetuate an elite status amongst the children of farmers, but also a “family heritage”.<sup>51</sup> The farms were meant to be self-perpetuating within the family. At the same time, however, the farms were representative of elite status and as private property which was potentially profitable, especially after the private land market emerged in 1952.<sup>52</sup> From the very beginning, then, there was a tension between the goals of the self-styled elite of farmer-middle-class elite and that of the family and the family heritage. The majority of farm sales were not to kin but rather to other elites with the cash and capital to buy land. The goals of elite-maintenance had a far greater pull on pioneer farmers and their heirs than did the notion of the family farm.<sup>53\*</sup> This was particularly true after the 1950s when elite formation shifted decidedly away from the purchase areas and purchase area farmers.<sup>54\*</sup>

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<sup>50</sup> On which see Lawrence Vambe, From Rhodesia to Zimbabwe (Pittsburgh: Pittsburgh University Press, 1976).

<sup>51</sup> The phrase “family heritage” comes from Gordon Chavanduka, who, among other things, is a son of a purchase area farm owner. “Farmers Should be Encouraged to Take Out Wills”, The Harvester, 4 November 1959. In Marirangwe as elsewhere families have buried their kin on the farms. Non-inheriting kin suggest that the presence of a family grave on the farm acts as another check against sale of the farm.

<sup>52</sup> Private sales of farms were first allowed in 1952.

<sup>53</sup> As Angela Cheater notes, sons are not tied into the reproduction of the farm and therefore many prefer to sell the farm. Idioms, p.

<sup>54</sup> The perception of the farmers themselves reflected this change in orientation. Whereas in the pioneer period farmers retained status in urban organizations and felt themselves to be urban elites with purchase area farms, by the mid-1970s the AFU declared the farmers to be part of the rural middle-class, quite apart from the urban elite. See AFU Conference,

This tension between elite and family goals was played out in the inheritance process. Farm holders recognized the lure of the urban areas and though they did not actively seek to attract sons back to the farm, many realized that the fate of the family farm shifted from rural pursuits to urban interests once an urban-established son inherited. In answer to whether children might be able to take over the farm, one holder simply answered, If you move in town and your children get educated there and they only come to the land just...to see grampa and so on; they feel, you know, they do not belong to the land, they belong to the cities. After the death of an owner such a child will obviously sell or lease the farm.<sup>55</sup>

Farm development is complicated by these calculations. Non-inheriting sons do not invest money or time in an enterprise which they know they will not inherit. On the other hand, inheriting sons of original farmers in Marirangwe were aloof from the goings on of the farm precisely because they knew they would inherit the farm someday. Most often the “manager” of the farm was the son-in-law of the owner rather than the inheriting son. One son explained that he did not take any great interest in the farm because he knew he would inherit regardless of his contribution to the farm.<sup>56</sup>

In the pioneer period of settlement the eldest male had reason to believe that he would naturally inherit the farm. However, such an automatic transition was and is contested by family members, particularly younger males and women, who make the argument that their contribution to the farm is greater than the eldest male's, who is usually resident in an urban center.<sup>57</sup> Some younger sons who spent more time on the farm than their siblings, began to argue that their direct contribution to the farm should

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<sup>55</sup> Interview with Matthew Madzimumuto, Marirangwe, 10 July 1990.

<sup>56</sup> Interview with K. Gwanzura, Marirangwe, 13 February 1991.

<sup>57</sup> Some heirs were resident in foreign countries. Interview with Nehemiah Siunya, Marirangwe, 14 March 1991.

be noted in the inheritance process.<sup>58</sup> Some Marirangwe residents criticized some younger sons for competing for their father's favors against the rightful heir. Such behavior was viewed as scandalous and embarrassing. Still, younger brothers actively built up evidence of their participation on the farm to use in community and social battles with the heir. One son explained the reasoning of such non-inheriting younger sons thus: The elder one was out working. The younger one on the farm working with the old man. There was no will and the father passed away and the elder brother was called from work--the Title Deeds were given to him. And the younger brother says I have worked this farm to what it is now.<sup>59</sup>

Such "quiet" disputes might linger for years on the family farm, hampering production. For instance, after the death of their father the Siunya brothers jointly took over the family farm, though legally the farm was registered in the name of their eldest brother. Despite working pieces of the property, the farm by their own admission fall into disarray precisely because no son had farming experience.<sup>60</sup> In another instance a disinherited brother burned down the house that the inheriting brother built for their father.<sup>61</sup> This may have been an instance where the disinherited son, who was the eldest, believed that his brother had "bribed" their father in order to get the farm.

Mothers in Marirangwe are opposed to the idea of one heir deciding the fate of the family farm. As two mothers put it, "everyone has a right to the farm."<sup>62</sup> These women rely on the disgust of the community-at-large toward the legal heir to protect them. Other mothers stated that they were reluctant to name a successor because a single heir

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<sup>58</sup> Likewise, in the cattle syndicates Pauline Peters studied younger brothers are insisting that they be allowed to join and are resentful when they are excluded. See Dividing the Commons (Charlottesville: University of Virginia Press, 1994) pp. 122-123.

<sup>59</sup> Interview with Bevan Chipunza, Marirangwe, 14 February 1991.

<sup>60</sup> Interview with Nehemiah Siunya, Marirangwe, 14 March 1991.

<sup>61</sup> Interview with Samuel Tutani, Marirangwe, 13 November 1990.

<sup>62</sup> Interview with Miriam and Penena Manimike, Marirangwe, 11 July 1991.

would cause problems in the family.<sup>63</sup> Two farmers in Marirangwe wrote wills specifying that their wives had rights to live on the farm until their death.<sup>64</sup> In another instance women--sisters and mothers--were considered neutral agents able to protect not only the family farm, but also the interests of the sons. One family, for example, agreed to give their mother the title deeds to the farm and after the death of their mother asked their sister to be the executor of the farm to protect the interests of all the sons.<sup>65</sup> In this case the farm has not been subdivided but it is run as five separate farms rather than a family corporation.<sup>66</sup>

However much legal power an heir has, that power is first exercised through the family and to a lesser extent the community. Families, including sisters, wives and mothers, have also expressed their interests and have denied heirs the right to act unilaterally. One heir forfeited his rights to the farm after a family meeting concerning the future of the farm.<sup>67</sup> Another family has drawn up a document naming the rights of those to the farm, and although not binding in a court, the document express to the heir quite clearly that the family will not tolerate the sale of the family farm.<sup>68</sup> In a similar case, another family has prevented the heir from residing on the farm, preferring instead to lease the farm.<sup>69</sup> And in those cases which caused colonial administrators the most nightmares, some kin have literally staked out individual claims to the farm, regardless of

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<sup>63</sup> Interview with Diana Jacha, Marirangwe, 4 July 1990.

<sup>64</sup> Registry of Deeds, African Farms, L-M, "Marirangwe": "Will of John Nugani Sibanda"; Registry of Deeds: "Will of Matthew Rusike".

<sup>65</sup> Interview with Arthur Chipunza, Marirangwe, 27 February 1991. For a comparative case of mothers protecting the inheritance of sons see David Parkin, Palms, Wine and Witnesses (San Francisco: Chandler Publishing Co., 1972).

<sup>66</sup> On family farming corporations see Isaac Ncube Mazonde, Ranching and Enterprise in Eastern Botswana (Edinburgh: Edinburgh University Press, 1994).

<sup>67</sup> Interview with Bevan Chipunza, Marirangwe, 14 February 1991.

<sup>68</sup> See for instance the farm document "Zuvarabuda farm". The former District Commissioner for Marirangwe recalled that entire families would come to see him about inheritance. Interview with D.E.F Gumprich, Harare, 4 June 1991.

<sup>69</sup> This is a case where the farm cannot be sold for profit by the heir. Interview with Twanda Rusike, Harare, 21 July 1991.

the legal sanctions against “squatters” and subdivisions. In cases such as these the legitimacy of the title deed is much less important than, in some cases, the coercion of the kin and the support of the community.<sup>70</sup>

## **Conclusion**

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<sup>70</sup> There were two such cases in Marirangwe at the time of fieldwork. The resident kin resented their treatment by the farm holder, and explained their dilemma thus: “We are like tenants but we don’t pay rent.” Field notes, Marirangwe, 6 July 1991.

The Native Land Board assumed that the greatest administrative concern for the purchase areas would be unchecked subdivisions to numerous heirs. Consequently legal and administrative barriers were established against naming more than one heir to the farm and against subdivisions.<sup>71\*</sup> For much the same reason, farmers and their families were pressured by the land board not to allow more than a certain number of kin on their farms.<sup>72</sup> To a certain extent these regulations were circumvented by farmers and their families. For instance, the land board never had the staff to supervise the areas closely, and one government official admitted that the government lacked the will to evict all sons from farms.<sup>73</sup> But the larger issues concerning inheritance, land rights for the kin of

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<sup>71</sup> In 197 the law was changed in order to make it possible to name two heirs.

<sup>72</sup> The impact this had on farmers' labor strategies cannot be dealt with here but see Cheater, Idioms and Shutt, "We are the best poor farmers", pp. 315-322 for labor recruitment in the 1950s.

<sup>73</sup> AOH/HO 3: Oral History of Roger Howman.

heirs, and the idea of a “family heritage” were never finally resolved. In part this was a consequence of the ad hoc basis of reforms which characterized the government’s treatment of the purchase areas. More fundamentally legal reforms did not address the range of status and rights on purchase area farms.

Families on farms are not united as to the purpose or meaning of the farm. Claims and counterclaims for access to the farm are grounded in a web of interests and recognized rights. The historical development of the purchase areas and in particular elite formation which is skewed toward urban males, meant that mothers and sons often had a different relationship to the farm. This gender difference was then legally obscured by the generational conflicts resulting from an inheritance process which in “customary” and colonial law privileged the male heir. Realizing that they have limited or no legal recourse, families in Marirangwe have begun to look to themselves and to the world of social sanctions to safeguard access to family property. Though not legally binding, family contracts which set out the general claims to the farm might yet prove strong enough to prevent heirs from selling the family farm. Still, the fate of the family farm in the purchase areas will continued to be influenced by wider economic prospects.