

## **POVERTY WAS CRAWLING AROUND THAT HOUSE: TRENDS IN LAND RELATIONS FOR AIDS-AFFECTED HOUSEHOLDS**

There are 20 cases in the KwaNyuswa sample, enough to begin to open a window into the way AIDS-affected households in KwaZulu Natal's inner peri-urban zone are relating to land. In this transitional zone, where metro-urban and rural in-migration streams meet, the traditional rural land system – originally based on the old land economy, and adapted to supply the pre-colonial household with all its consumption requirements – comes up against the turbulent urban tenure system. In its popular version, urban tenure as it operates in the informal shack settlements stresses residential priority over any other concern, is based on reliance on the cash economy for all consumption, and all but excludes agricultural land use. In this urban land use system, an attenuated version of the rural land allocation system still prevails (cf Cross 1994), but rental options and tenancy are among the most important mechanisms for getting access to land.

Out of this meeting of urban and rural institutions, a number of trends appear to be emerging which can be related to developments in the other areas of study, which lie further from the transformative orbit of the province's metropole. Perhaps the most significant difference lies in the lower ranking of home agriculture and crop production in household livelihoods at KwaNyuswa, compared to what was found in Empangeni, Muden and Umzinto.

As noted above, crop production is still carried out by many households at KwaNyuswa, but it is no longer universal. In effect, the classical forms of agricultural land use in rural South Africa – livestock grazing, arable cultivation and residential use – have been competing for the land area of the former homelands, with increasing ferocity since land originally began to become scarce during the colonial period. Production uses have been losing out as the artificially induced population densities of apartheid have continued to rise in the old homelands.

In the peri-urban zone, and to a less extent in more rural localities, stock-grazing has largely dropped out, and stock holdings are now often concentrated in the hands of better-off older men who make up a relatively small fraction of the community. The remaining competition is between arable cultivation and residential use. Arable cultivation requires water and expensive inputs, and has been rising steeply in cost over the last ten years: it is now out of the price bracket for many poorer households who need cultivation products and income badly (ECI, field data 2000). Residential use has been taking over allocated arable area in any location where residential sites are in demand, and particularly in the peri-urban zone. As well as designated pasture, allocated arable land is regularly converted for housing use. One path taken by rural and peri-urban households in responding to land scarcity has been greater intensification of production, and a turn toward higher-value crops requiring greater investment: the other has been to abandon production activity entirely, and convert agricultural land for residential use.

When home agriculture declines, households become more and more dependent on cash earning. The households of the poor and sick – including particularly AIDS affected households – then have less and less backup options when and if their access to cash income fails.

This trend has gone along with the increasing number of weak households – those without a clear and undisputed authority role for the household head, and/or without enough able-bodied, economically active adults to support the household's members. Weak households appear to be characteristic of KwaNyuswa and other peri-urban districts with high in-migration, for reasons cited earlier.

These households are less able to support themselves than stronger households based on a married couple and their children, but they are in addition also weak holders of tenure. In so far as they do not have household heads with full tenure standing as legitimate landholders, their claims to hold land are fragile, and may be attacked by unscrupulous relatives or by stronger neighbours. That is, weak households are the ones most subject to asset-snatching of all kinds, and to land-snatching particularly. This category includes woman-headed households for the most part, but also includes households whose headship has been inherited by orphans and unmarried young people. It also takes in the great majority of AIDS-affected households.

### **Points of conflict in the tenure system affecting AIDS households**

At least two wide-scale trends are putting pressure on traditional tenure as it continues to operate in the former homelands, and look likely to combine with the very high incidence of AIDS in KwaZulu Natal to press for change, and to demand policy responses. These are:

- *Rising population densities in the rural destination areas which are attracting population movement are leading to loss of tenure security.* The increasing densification of rural population goes along with the shift in the priority of the land system from production to residential uses. But it is also accompanied by high rates of residential turnover and increasingly impersonal communities, in which traditional security mechanisms based on long-standing relationships and high levels of social capital no longer work as well as they did in the historical past. As high mobility makes rural communities less stable, tenure security appears to be declining as well, and creating a need to reinforce witness procedures with standard written documents.

The increasingly shaky process of tenure security appears to be hitting the rising numbers of weak households, and particularly AIDS-affected households. Families which are not well qualified under the tenure system have least chance to defend their claims to land and housing, and the tenure institutions also have less capacity to help. High residential turnover and unclear tenure status of land transactions are trends that are most advanced in peri-urban areas such as Hillcrest. Siphso D, Vusi M, Busi N, Sibongile C, Bhekumuzi F, Buhle G, Mandlakayise H, Jabulani J, James L, Sandile E, and Thandiwe S were all in-migrants to the Hillcrest community where they were living, and their land claims were definitionally weaker than those of local-born residents. All but one of the reported chronic disease cases in which land rights had at some time been either taken away or put under threat were found in this grouping of in-migrant households – and in the remaining case, the land was sold out from under the family by the victim's own father before he left the area.

- *Rising unemployment means youth cannot marry and is promoting rent tenancy.* The traditional land allocation system depends heavily on the married family – a conjugal unit of married parents with children – as a qualification for both formal citizenship of the community, and for receiving rights to land as a public sign of citizenship status. Unemployment is disqualifying significant shares of young men – and therefore of young women as well – from legal marriage: unemployed men are not acceptable partners because they usually can neither support a family nor complete the *lobola* marriage payments owed by the husband to his wife's family. The knock-on effect is therefore to disqualify unemployed men from having land allocated to them through the former homelands' tenure system. The result is that large numbers of younger people are forming unmarried partnerships and finding accommodation through a second-tier tenure mechanism, in the form of the room-rental market. Residential rent tenancy is not a mechanism recognized by traditional rural tenure, though it dominates the urban informal

areas. As tenants, couples have no formal identity as community citizens, their household is not recognized in relation to shared property or inheritance, and they have no rights to public guarantees of tenure security. Such rights are emerging informally, but so far protect only weakly. At the same time, rental transactions for access to agricultural land are generally not recognized either, and therefore remain unenforceable when they are not actually blocked.

The weaker the household, the greater the problem for the AIDS-affected poor who are renting land or housing because they cannot qualify for formal site allocation. Likewise, the poverty of AIDS sufferers means they are usually unable to marry, and cannot fulfill the conditions for secure inheritance of land from parents who have died. Vusumuzi M, David N, Sandile E, and Jimmy D were all involved in unmarried partnerships or households with weak tenure rights: it is not clear how Jabulani J managed to find the resources he needed to marry, but his position in relation to his uncle's attempted land snatch would have been more precarious if he had not somehow succeeded.

Against this background, a number of linked trends in the relations of HIV/AIDS sufferers and their households to land tenure and land use can be tentatively identified for further study and assessment.

### **The household dynamics of AIDS and land**

For the peri-urban zone in KwaZulu Natal, how can the question of the relation of AIDS to land tenure and land relations best be tackled? Though it is not very difficult to show the effects of AIDS on land use, it seems clear that there is no direct or immediate connection between households suffering the devastating effects of AIDS, and the tenure system itself. For a household to suffer an AIDS death – or for many households to face AIDS deaths – does not, in and of itself, change tenure. Instead, it can be seen that the mediating factors are how the household is inserted into the tenure system, and how the households of the victims respond to the way the death or illness, or the arrival of orphans, affects their support arrangements.

What is critical here is perhaps not so much the so-called 'support strategies' or 'coping strategies' of the household, but the household's actual deployment of household members and their labour. It is through assigning workers to tasks that households deal with the breach made by AIDS in their existing support arrangements, and also in their future plans and long-term strategies – if in fact the AIDS death has actually affected the household in such a way that support arrangements are put out of alignment. The accumulation of many household decisions about where to commit their efforts – into cultivation and land use, into the old land economy or into the newer, more intensive version found in crowded areas, into housing or into rental accommodation, into the job market or into microenterprise and small business activity – can change the tenure system, as it changes land use and as de facto tenure rules adjust to follow these changes in practice.

It then follows that what land-related decisions are made by the frightening numbers of AIDS-affected households now found in rural areas partly depends in turn on how effectively the household's management can bring about successful labour deployment. That is, if households facing the fact of AIDS are to try to increase their cultivated area or intensify their cultivation, or even hold the line on their existing cultivation, they will need both to earn money to cover the costs, and to mobilize the actual workers to go into the fields or gardens. But contemporary households have been badly hit by social dislocation, and the processes of social dislocation are accelerated by the effects of AIDS in breaking up the household's functional internal

organization. Given the cross-pressures within contemporary rural households, and the clear fact that households are not unitary structures that act with a single purpose, not all household managers who are coping with social dislocation can deploy the labour they need or want to deploy, whether it is into cultivation, into the job market, or into any other economic activity.

In terms of the KwaNyuswa case studies, the opposite poles of labour mobilization are illustrated by the household case histories of Busisiwe N and of Thandiwe S, which are discussed in greater detail below. In the case of Busisiwe N, a small family comprised of three adult women and two children, has been able to maintain effective internal cooperation while navigating their way through land dispossession and the later onset of AIDS, and is still maintaining strong cooperation around wage earning and care giving after one of the three daughters has died and the second has begun to sicken. The daughters have taken up and also given up wage jobs in domestic service as necessary in order to care for the young and the sick while supporting the earning efforts of the mother. Wage income has dropped as the earning power of the older daughters has been taken away, and cultivation is going on at a lower level than before, but the household is still viable and falls into the category of the moderately poor.

But for the family of Thandiwe S, with three adults and nine children, little or no cooperation is in evidence, and the standard of living has dropped into desperate poverty since the death of the grandmother and the loss of her pension. There appears to be no agreed head now, and the two older daughters, the mothers of the children, have not taken on the responsibility of either working or cultivating or trying microenterprise to support the younger generation. There is no cash income aside from one child support grant, and although the family still has cultivation land, their cultivation operation has dwindled to a small patch of maize which is not well cared for. Thandiwe S, one of the granddaughters, at the age of 15 is sick with a chronic chest problem since age six but does her best to support the children in the frequent absence of their mothers by begging around the community. Ill from malnutrition, the children are not caring for the garden either. Pooling of resources is difficult to find in this family.

#### *Labour mobilization and household cohesion*

What appears to count here, both for the general welfare of AIDS-affected households and for the specific question of the impact of AIDS on land tenure and land use, is how far the household manager – the head of household – can get compliance from all members in respect of their labour time and can then plan to use all the household's human resources effectively, so that pooling of resources and accumulation can take place. If this does not happen, then as a general rule the great bulk of the household's total income is likely to be diverted into short-term individual consumption, so that housing, education, and cultivation, other microenterprises and other long-term collective family priorities go by the board. For the household, increasing paralysis, loss of both land use and earning capacity, and descent into deeper poverty are the frequent outcomes. For this analysis, it is central that management authority is linked to the tenure standing of the head of household.

The other side of weak internal labour mobilization is that the process of accumulation – in which households use their available package of resources and their human capital to lift themselves by their own bootstraps out of poverty - does not take place. Inevitably, the effective mobilization of land resources in support of accumulation does not take place either.

Weak households which are disorganized by serious social dislocation are less able in themselves to engage with either the tenure system or with land use, because the same requirements about internal authority and management capacity apply on both sides. That is, the households which in

terms of accepted norms have the most respected and autonomous standing in tenure and land relations are usually those which also have the greatest internal capacity to deploy their labour. Woman-headed households are probably at a disadvantage across the board in this regard, since women in charge of households do not receive the same respect as men either from the community at large, or from their own family members. The key point here is that one effect of AIDS is to disorganize households by eating away at their management structure, and destroying some of their capacity to respond to economic needs as well as to the socio-legal system that is indigenous tenure.

The importance of the KwaNyaswa case material – human stories drawn from a high-income area with high settlement density and rapid residential turnover – is perhaps that it draws attention to the possible extent of shortfalls in the internal functioning of AIDS-affected households as a land and poverty crisis which is otherwise often invisible. Many of the households in this community, and particularly the households of the poor, are in an unfavourable support position because the social and economic turbulence associated with high levels of migration have helped to break up their internal coherence, and left them unable to use their potential workers effectively. Weak-structured households are common in this peri-urban community, and are particularly common among the poor. At the same time, one of the most vicious effects of HIV/AIDS is to turn well-structured households into weak ones, to undermine their cohesion and take away workers and managers who will not be replaced or substituted. In the most severe cases, social dislocation advances so far that interdependence disappears – each household member finds his or her own money and own food, so that nearly all income goes on individual consumption, and nothing is put by for the collective future. At the end of this process, the household's capacity to respond to losses can be permanently crippled. Production land use, definitionally a collective activity for collective ends, suffers accordingly. How does this process happen, and what does it mean for land use and land tenure?

### **The household as the basic unit in tenure: role concepts**

The critical factor which the KwaNyaswa case histories engage with is weak households – households suffering severe social dislocation – as they relate to HIV/AIDS hitting the community, and as they relate to land use and tenure practice. It is often observed that AIDS-affected households are labour-short, but this statement probably needs to be examined. What does it mean to say, 'labour-short'? or, what would it mean to talk about unmobilized labour instead? To come at it from the side of the household's internal organization, what do different household configurations mean for land use, tenure access and overall levels of support for AIDS-affected households? Do the implications of different household configurations change depending on where the household is located? What are the factors that relate to the internal collapse of the household, so that virtually all internal cohesion is lost and household members become disconnected individuals, managing themselves as separately as birds on a telephone wire?

Some light can be shed on these questions by measures derived from the work of Marshall Sahlins, built on Chayanov's theory of peasant household economy. The discussion here is based on the consumer/earner ratio (C/E), derived from Sahlins' consumer/worker ratio<sup>1</sup>. The

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<sup>1</sup> The C/E ratio is a form of dependency ratio that addresses the discrepancy between the number of consumers in the household adjusted for age and gender, and the number of economically active household members supporting the total consuming membership by bringing in income. In this version of the measure, modification has been made to allow for the relative levels of returns from different kinds of economic activity which working members may be involved in: these include wage work at different

household's relation of mobilized work to consumer need can then be crudely compared to how the household stands in relation to tenure, which is assessed on a simple index referred to as the tenure/authority rank, or Tau rank. Both can be considered in relation to income measures.

This report has suggested that households and their internal functional are critical both to land use and to tenure effects in relation to the HIV/AIDS pandemic. This is true in the first place because rural tenure in Southern Africa admits households and not individuals to land rights and to community membership. In the second place, it holds true because it is at household level that decisions come about concerning tenure and residence, and the household level is where resources are deployed into cultivation as against deploying those resources into other household support activities. That is, all the critical decisions which determine overall involvement with land use in both AIDS-affected and healthy families are normally located at household level. These decisions are usually led by the household head or whoever s\he designates, and develop in interaction with the dutiful or other responses of other household members.

For understanding the issue of household support patterns as they respond to the attack of AIDS on the household's human resources, a great deal turns on the question of when a child in the household reaches the age or status of taking on adult responsibility and therefore sees a duty to contribute either cash earning or labour time to the welfare of the entire household unit. This age of responsibility is generally felt to occur later in African society than for whites or for most other groups: Wittenberg's results (1999) show young African men entering the labour market substantially later than young white, Coloured or Indian men, and then continuing their job search to an older age. In KwaZulu Natal, reaching the age of responsibility in practical terms has usually meant reaching an age between 25 and 30, or marrying and setting up a household, or having a child, or needing to take over from a parent who has died, whichever comes first.

However, the once rigid discipline of rural households in KwaZulu Natal has loosened considerably under today's conditions, and these changes have advanced furthest in the peri-urban zone. In place of older role expectations which made relatively clear under what circumstances and in what order the children of the family should take on the role of earner and begin supporting the household, contemporary households frequently find themselves with unclear principles around the issue of children becoming involved in support.

In addition to changes in the larger society, role concepts around the obligation to contribute household support have been affected both by unemployment and by the introduction of old age pensions. Unemployment has made it much more difficult for younger household members to help with household support, while the senior generation's access to pensions has made it much less necessary. The decline of the last 15 years both in labour migrancy and in wage remittances has followed (May & Trompeter 1992, May, Carter and Posel 1997). Rural role relations have begun to shift to a pattern in which the old support the young, instead of the other way round<sup>2</sup>.

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levels of earning, informal business activity, home agriculture, pensions or grants recipients, and local casual labour. At the time the case histories were collected, R 1500 was roughly the lowest level for an adequate formal wage, though women and domestic workers often earned less than R 500, and about R 10 per day was the going rate for local casual labour. High C/E values express a high proportion of consumers being supported, and low values reflect a higher share of economically active household members relative to consumers.

<sup>2</sup> It is worth noting here that the children's rights movement is widely blamed in KwaZulu Natal township society for having helped to persuade youth that parents owe them support without any obligation in return – that is, that children need not account for their time or their movements to their parents, can reject ordinary family discipline, and should not be expected to help with household support since support is an

At a time of high unemployment, it is no longer assumed that unmarried sons will find jobs and contribute to the parental home as a matter of course, and when they do contribute this relation may not continue for long before it lapses. A generation or more ago, in conservative peri-urban society, unmarried women who gave birth to a fatherless child were socially expected to take on an adult role immediately, and to go look for work in the nearest town or city so as to support the child (cf Vilakazi 1962). Today, when many children are born outside marriage and social pensions have reached most of the elderly to free them from absolute dependence on children's earning, this perceived support obligation for young women is probably no longer so strong, and unmarried fathers are often not seriously expected to pay child support. In many cases, fatherless children are brought up at home, supported by the grandparents on pension, while both the mothers and the fathers remain separately at their respective homes. That is, many contemporary young rural parents do not immediately give up the role of unmarried youth living at home, who are not old enough to be expected to take up economic obligations, and instead may maintain the dependent youth role until a relatively late marriage, which may not take place until they are in their late 30s.

However, rates of formal marriage have dropped in peri-urban communities particularly, and unemployment is driving these rates lower still. If the second generation does not marry and move out of the home at the expected point in the family's developmental cycle, households are increasingly likely to be supporting a number of school-age children who are not receiving direct support from either parent. C/E ratios rise accordingly, and leave the household vulnerable to losing the grandparents, and any other active earners.

One implication is that these new role relations may be pushing toward changes in household structure that affect both management capacity and land use, and through these effects also tend to shift the tenure system. One of the important points of internal household cohesion is whether the household's management can negotiate with adult unmarried children for active engagement with support needs: the KwaNyuswa case material may be read to suggest that particularly under the stressed conditions of the peri-urban zone, this kind of support delivery can fail when weaker households do not have the internal authority and cohesiveness needed to ensure cooperation. By damaging internal household structure, the AIDS pandemic is making this condition worse on a vast scale that is still largely unseen and unstudied.

The upshot for weak households of not fully engaging adult children in support activity is to drive up C/E ratios and drive down per capita income. When AIDS then subtracts from a weak household the people who have been carrying the support burden and their economic activity is not replaced, serious losses in relation to land use can take place in households that appear to have abundant unutilized labour. The same effect can come about when AIDS subtracts a household manager with relatively well-accepted authority qualifications and leaves the household disorganized, with a new head who has much less social legitimacy and management experience.

### *Cultivation in weak households*

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entitlement. If something like this view is in fact often found among youth in the urban townships, it is not clear how far such expectations have spread into rural and peri-urban communities.

These losses both affect cultivation directly, though withholding labour needed to keep the family cultivation sideline in operation, and also affect land use indirectly, in helping to ensure that households do not earn enough to be able to afford the inputs, equipment and services that high-intensity peri-urban cultivation now routinely uses. That is, as input costs rise, one of the effects of AIDS is to drop many households below the economic threshold level for running a cultivation operation. AIDS-affected weak households have often become too poor to cultivate, even when they acknowledge that they have some land and need the cultivation products.

The late Siphon D's daughter commented in regard to her grandmother's chance of mobilizing production since acquiring a household of orphans,

'The main thing is that it is too expensive to plough, because we use tractor ploughing, and that costs too much...the money which we use to buy seeds is gone, because we are all feeding ourselves on granny's pension. We could maybe help ourselves by using land – but for cultivating we would need to have all the tools, and also sprinklers.'

Her remark illustrates how younger people in the peri-urban zone now see the microfarming enterprise. The example of James L perhaps reflects a more realistic and low-tech approach: an older man who had once been a farmworker, he fell back on hand-hoed garden production when he lost his disability grant, and continued even after his sons, perhaps resentful of no longer being supported through school, pilfered and sold his agricultural tools. However, the comments of Thenjiwe H, the deserted wife of Mandlakayise H who is now supporting her household of eight on a part-time gardening job, can serve to underline the relation between sudden poverty and land taken out of cultivation:

'About cultivation, the problem isn't the chronic disease (AIDS) which took my son, the problem is simply with my husband, who doesn't give me the money to cultivate any more. I am carrying all the load now. Even though my husband is alive I am responsible for everything, including school costs.'

With a C/E fraction of 9.1 and per capita income of R 158 monthly, virtually all of Thenjiwe H's income goes on urgent consumption needs together with school costs, leaving nothing for the costs of the cultivation. Her comment about having no help is echoed by other women heads in the KwaNyuswa case sample, who remark that no one helps them in providing the money for household support.

### **Assessing household capacity to mobilize labour after AIDS**

Weak labour mobilization appears to relate directly to very weak internal cohesion and very weak standing on the part of the household head. The analysis that follows therefore addresses how households lose coherence and lose legitimated internal authority as they are hit by AIDS or another chronic disease condition, and then tries to sketch the probable results for tenure and the land system in communities like KwaNyuswa.

To do this, it uses the consumer/earner ratio and the household tenure/authority scale in relation to a rough approximation of per capita income, for the household's 'before' condition and its 'after' condition separately (Table 1, Table 2 detailed in Appendix One). That is, this approach tries to show how the state of the household after the onset of AIDS or another chronic disease departs from the household's state before it was affected by the disease condition. Using the case data, the analysis then looks at the kinds of effects on land use reflected in the data (see also

Table 1 for the before-and-after outcomes for levels of agricultural contribution to household support), and explores how the buildup of such outcomes can affect the tenure system.

The household's de facto situation in relation to capacity to mobilize domestic labour is reflected partly in the C/E ratio (Table 1), which expresses the proportion of consumers in the household against the proportion of earners, defined as members contributing directly to household support. It therefore shows how the household is performing in mobilizing members to help in family support. As for most dependency ratios, low ratios of consumers to earners are favourable. However, very high ratios indicate that support contributions are being stretched to feed too many mouths, while the presence of underutilized internal labour becomes progressively more likely as the ratio rises<sup>3</sup>.

At the normative level, in terms of how the household and the community see the situation, household labour mobilization also relates to the tenure/authority measure (Table 2), which ranks how closely the household conforms to the ideal standard of formal marriage demanded by the tenure system as a qualification for holding tenure rights. On this ordinal ranking scale, the regularity of the household's domestic authority structure is the other side of external tenure standing, and follows exactly the same ladder of social acceptance, so that departure from the ideal standard of the married male head as a landholder can be used to help predict how effectively the actual head can exert internal authority. That is, single female heads with no regular source of support have very little social acceptance or legitimacy as household heads and need to rely on personal force of character to be able to mobilize the labour of household members, while formally married male heads have full acceptance and the weight of society behind their authority.

Inspecting Table 1 illustrates the general principle that C/E and estimated per capita income stick reasonably closely together, so that households with very high and unfavourable ratios for consumers against earners also tend to have low per capita income. This is not surprising, since these measures are interactive. However, in this case sample there also appears to be some relation between the household tenure/authority scale and both per capita income and C/E, though it looks as if any such relation is not necessarily linear. Instead, they may involve income-related clusters of households whose internal dynamics are similar, but whose authority scores do not necessarily scale together with income.

For the purposes of this analysis, the per capita income groupings of greatest significance seem to be the ones in the middle and lower levels of the distribution, where most of the KwaNuswa chronic disease cases were located (Table 3). For reasons that will be discussed below, the smaller numbers of cases locating toward the highest levels of C/E and per capita income may represent kinds of households that are less likely to affect land relations. Main consideration is therefore given to the middle and the poorer end of the estimated income distribution, while the relatively better off households may serve as limiting cases.

### **Poverty, land sales, and land snatching in relation to AIDS-affected households**

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<sup>3</sup> For interpreting this dependency ratio, it is important to remember it works by adding up standardized fractions of consumers and of earners, and that its value in poor households will often exceed the total number of actual household members. That is, many of these households are supported by contributions that add up to less than the standard value of one wage income for a healthy male worker, or R 1500 per month plus. In this kind of case, if the equivalent of five full consumers are supported by one earner, a woman on pension whose income is R 570 and who is categorized as .5 of a standard male earner, the C/E fraction will exceed the actual number of people in the household.

The analysis that follows relies heavily on the household's estimated per capita income, but it is important to note that there are only 20 KwaNyaswa case studies available, that they are purposively chosen and not random, and that information on income is not always fully provided in each case history. The per capita income estimates therefore rely heavily on interpolation, based on the available information on what, for instance, domestic service or construction jobs were paying for people in the area at the time. For these reasons the per capita income estimates are provided mainly to give an anchor and a comparison for assessing the related distribution of consumer/earner ratios, and to compare and contrast with the household tenure/authority scale, both of which are more easily and more accurately derived from the available data. No strong reliance should be placed on the per capita income data alone.

Using the per capita income estimates, five categories of relative poverty fall out along the income distribution. The intervals run arbitrarily from R 0-100, R 101-200, R 201-300, R 301-400, and R 401+. Because of the small sample size, only a few cases are available in each category, and what seems to be the internal cohesion of these per capita income categories is likely to be illusory.

#### *Destitute*

*Estimated per capita income R 0-100. DESTITUTE.* Siphon D Case 1, James L Case 4, Daniel N Case 8, Vusumuzi M Case 3, Thandiwe S Case 20.

Against expectations, the bottom category of poverty in the KwaNyaswa case sample was dominated by male-headed households: only Thandiwe S's household, which in practice seems to be effectively headless, had an adult generation comprising only women. Monthly per capita income was estimated between R 67 and R 93, and C/E ratios ran from 7.7 to 11.3, but clustered at the top end of this range. Actual household size varied from five to 12, but most cases located closer to the lower end. Included in this group are the two most severely dislocated households in the KwaNyaswa case sample of 20.

These five cases mainly reflect destitute two-generation families with very high consumer/earner ratios, in which the head was the person responsible for household support, but was sick, disabled, unemployed and/or incompetent. At the same time, these household heads were also not old enough to get a government old age pension, and were not able to bring in any other reliable income source.

From the case histories, it looks as if the families in this small category tend to be collapsed households, which usually did not have the internal authority structure and coherence to draw on the available labour capacity within the household to substitute against lost earning and work contributions resulting from AIDS deaths of key members. Very low per capita incomes and very severe poverty seem to have resulted. Land use has been hard hit by the knock-on effects, and it appears to be this category of disorganized households facing very serious shortfalls that is most likely to be putting land on the informal market.

For these household cases, the combination of high dependency, very low income and weak labour mobilization appears devastating in destroying the capacity of the household to withstand the attack of AIDS or other chronic disease. The immediate effect of AIDS was in all cases to worsen the C/E ratio, while cutting off access to income streams and cutting recorded wage income. Land use was seriously affected, with immediate consequences for tenure.

James L's C/E ratio went from 5.6 to 11.3 after he lost his job and his disability grant due to chronic disease, and Daniel N's C/E declined from 7.2 to 11.2. C/E for Vusumuzi M went down only slightly, from 7.5 to 7.7, since his loss of his employed daughter to AIDS resulted in the dispersal of most of his household. Siphos D's orphan children found themselves in a household with a C/E of 7.6, up from 4.3. But in Thandiwe S's distressing case, after the loss of her grandmother together with her old age pension, C/E went from an already very unfavourable 10.3 all the way to 17.0. This was the worst C/E recorded for the 20 KwaNyuswa cases, and came about in a household of 12 people, most of them children, who from then onward had no recorded cash income beyond one child support grant, the proceeds of begging, and irregular money gifts from their mothers' boyfriends.

None of these households were able to put anyone else into the formal job market after the chronic disease onset, and in all of them cultivation declined or stopped. This was in spite of the strenuous efforts of James L to keep his cultivation option open by reselling slaughtered chickens on a very low margin to get money to buy seeds. Thandiwe S herself, aged 15 and sick with chronic chest pains which may be TB or AIDS, was the only one of the older grandchildren attempting to support her household. Since she could not stand to breathe dust from hoeing, she did this by begging from door to door in the community. Because outside contributions from boyfriends are likely to address occasional lump-sum requirements more often than day-in, day-out consumption needs, not all the eight children in this household have yet been taken out of school, but all are reported to be sick with malnutrition-related disease.

As assessed on the tenure/authority measure, two of these households (James L and Vusumuzi M) did not have a change of head and did not suffer a structural loss of authority status and tenure standing: in these two cases the heads had the relatively high, rank-3 public standing of unemployed married men, but had lost most of their individual domestic authority by failing to support their family members adequately by local standards. The remaining three households plummeted down the authority ranking as a result of chronic disease. David N lost his intended wife and his sister to AIDS, became sick himself, lost his job, and slid from rank 1 – married, employed male head with children – to rank 8, single male surviving on casual work. Siphos D's two orphan children had no income and had to leave their house and stay with their grandmother nearby when their parents died of AIDS, dropping the surviving family's tenure/authority ranking from 1 to 6. Exploiting the vulnerability created by this change and by the household's fall into poverty, Siphos's relatives from the D descent group arrived and took over the unoccupied house and landholding. Thandiwe S's family lost their relatively young grandmother to a chronic gastro-intestinal condition that may or may not have been AIDS-related, and went from rank 6, widowed woman head on pension with children, to rank 11, single woman with no income as head.

Three of these five households were relying heavily on cultivation activity before their chronic disease onset, but after their chronic disease event both found their agricultural returns seriously cut back, by loss of land, loss of cash for inputs, and/or loss of motivated labour. It is likely to be important that this was the only income grouping which reported distress sales of land. But is it also important that all the male heads in this destitute grouping did in fact sell or try to sell land, while Thandiwe S's household of women may have had too low a tenure standing to be able to mobilize a sale, and Dennis D and his weak and elderly grandmother were unable to oppose the takeover by former in-laws.

Daniel N and James L both sold cultivation land when their financial resources ran out completely, and Vusumuzi M tried unsuccessfully to do the same. Thandiwe S reported that her extremely weak-structured household could not sell their land, as if they had tried to there were

so many of them they could not find any other household to accommodate them. Perhaps equally to the point, they were probably unable to sell any of their now-unused cultivation land since there was now so little authority remaining in their domestic relations that no one in this disorganized family could unequivocally claim the standing of head and act in a land transaction. Likewise, the agreement of the Pietermaritzburg uncle – the only person in the family group with any claim to be able to transact land – would probably not be forthcoming.

In Thandiwe S's household, and also in the case of Vusumuzi M, household structure and pooling of resources had largely fallen apart. In Thandiwe S's case, since the death of her grandmother no one other than she herself was in charge of ensuring that household members had food to eat. Her aunts who were the mothers of the eight children were away from home most of the time, and groceries supplied by an outside uncle who had taken over the grandparents' Pietermaritzburg house were reported to last only half the month. For the rest of the month household members ate what they could find, unless the mothers' outside boyfriends made a contribution. No money was available for medical treatment or any other purpose. Outside of the single child support grant, there was no cash income. Though the family still had a decent landholding and a desperate need for food, cultivation had shrunk to a small and sporadically cultivated patch of maize outside the door. In effect, this household has become child-headed, although there are two adult members. Thandiwe S commented that her household was past all help, and all that was left was prayer.

In the case of Vusumuzi M, structure and pooling had collapsed before the death of the only employed child from AIDS. Vusumuzi M is an unsuccessful part-time informal builder, whose work is not of good quality. He earned too little to support his household of 11 people, and after the added embarrassment of his wife's episodes of insanity he had apparently lost the respect of his children and the community at large. The household was being supported by the earnings of the second daughter, the mother of the four children, and Vusumuzi M described her as *inkosana* – the (normally male) heir and supporter of the family, who would eventually succeed the father. When she became too sick to work in spite of strenuous efforts to return to her domestic service job, the other three daughters broke off from the household without leaving the homestead, and each began to cook separately for herself. Vusumuzi M was already cooking for himself alone since his wife was absent undergoing traditional treatment for her mental condition, and the sick daughter cooked for herself and her children. After her death, and the death of the mentally unstable mother, the second daughter's two younger children were taken away by their paternal grandmother, the two youngest daughters moved out, and the oldest daughter has continued to cook separately with her boyfriend. The father of the younger two children has also died of AIDS, and that family can provide no help.

Vusumuzi M is now apparently only involved in providing for his two older grandsons of 13 and 10, whose father died in a car accident. Since the employed daughter's death the household has shrunk from 11 members to five, but the C/E ratio has worsened slightly, and Vusumuzi M has no influence with the remaining adults in the family, who do not contribute in any way to the general household interest.

The situation of Siphso D's survivors was different. As unsupported orphans with no income, the surviving son and daughter of the late Siphso D and his wife could not stay at their late parents' house alone. They went next door to live with their grandmother, the wife's mother, who was a pensioner and already had several orphans staying with her. They now comprise a transferred household of about seven people. Siphso D's wage income and his wife's informal earning have been lost, and the combined household is now bigger than it was, but with more dependants and with no wage or informal earning. Siphso D's surviving son Dennis D tries to help the grandmother as the household's manager with small amounts of money from casual work, but

this seems to be the only household income aside from the grandmother's pension. As a result of the two probable AIDS deaths, the household's C/E has deteriorated from 4.3 to 7.6, and estimated per capita income has apparently dropped from R 440 to as low as R 93 per month.

On Siphon D's death, the household also fell in tenure/authority status, from rank 1 to rank 6, making it much more vulnerable to land snatching. Left unattended, the house and land of Siphon D's family have now been taken over by relatives in the D descent group, who are taking the role of nominal guardians, and can also claim to be the nearest land-qualifying heirs of Siphon D. However, given what is reported of the family's history, it is also possible that the D family, which for the most part lives at the nearby Ngcolosi TA, still holds some anger against Siphon D's late wife and her parents of the P family, for persuading Siphon himself to leave his relatives and move to stay with his wife's family, who then provided him with land at a cheap price. It is striking that the land the D relatives have taken over seems to be the same holding originally provided to Siphon when he left his own family grouping and came to stay with his in-laws. This land, originally held by the P grouping and given to their son-in-law, would not normally ever be inherited by the D family group, other than by the line of Siphon's son or daughter, who are also P grandchildren.

However, under prevailing conditions this AIDS-affected household seems to be the only surviving representative of the P family, and it has too low a tenure standing, too few resources and too little income security to fight the takeover. Siphon D's children and their grandmother P have not put a case against their D relatives in the tribal court.

In principle these assets will be returned to the children – or at least to the son, Dennis D – when he is ready to marry and therefore qualifies to hold the land. However, there is no guarantee that this will happen unless the son takes forceful action in the relatively near future. Since Dennis D is both unemployed and uneducated as well as unmarried at the age of 21, he is an unqualified heir in relation to eligibility to hold land and obtain formal community membership status as a head of household. His own sub-marginal tenure status (rank 8) and lack of an income or of income prospects make his marriage chances doubtful, and a successful move to regain the house and land does not look likely. It is not clear whether the D family members who have taken the house and land will now recognize any obligation to contribute to the support of Dennis and his sister, but nothing of this kind is reported in the interview.

*Estimated per capita income R 101-200: VERY POOR.* Dora B Case 6, Sibongile C Case 9, Magdalene M Case 15, Mandlakayise H Case 16.  
and

*Estimated per capita income R 201-301: POOR.* Busi N Case 3, Sarah K Case 5, Nkosinathi R Case 10, Sandile E Case 12, Buhle G Case 14.

The groupings in the middle of the estimated per capita income distribution have a very different composition from the category at the bottom. These households are predominantly female-headed, with three generations, and with relatively large numbers of children in school and economically inactive adults at home. These families tend to be supported on the efforts of the women heads for the most part, with perhaps one other economically active household member contributing earnings in cash or in kind. Unutilized or unmobilized household labour appeared to be a common characteristic, though some of these households did show effective labour mobilization in the face of chronic disease in spite of structural and social disadvantages.

AIDS or other chronic diseases had frequently knocked out one of the household's key earners, dropping per capita income and ratcheting up C/E. However, the pandemic less often damaged the existing authority structure, since the women heads in this category tend to be too old to face a high AIDS risk. As it typically does, AIDS tended to strike the second generation, creating orphans in households run by grandmothers.

### *Very poor*

Household size for the four cases in the 'very poor' grouping at R 101-200 ranged between 7 and 19 – that is, from medium-sized to very large. Per capita income ran from an estimated R 117 per month to R 158, and C/E ratios ran from 4.9 to 10.7, but clustered above 9.1.

Household tenure/authority ranking clustered very closely around ranks 5 and 6, which represent employed widows with children at rank 5, and widowed heads with children living on pension at rank 6. Ranks 5 and 6 express a tenure and authority standing which is accepted in the community as legitimate, but is not strong, and can often be threatened. It also does not give full autonomy in deploying and transacting land, as Magdalene M's and Thenjiwe H's cases illustrate: widows have a clear right to land usufruct, and also have the capability to sell under informal tenure, but even now do not necessarily have full control of transfer and disposal if a son or absent husband disputes their authority. Internally, household management by impoverished widows still supporting the family on their own earning does not offer a strong platform for labour mobilization.

The 'very poor', in the interval between R 101 and R 200, include mainly the households of women heads who are working for wages. These women had often found some other source or sources of personal income in order to support large households with little or no help. This reliance on the ingenuity and hard work of one person leaves these big households very vulnerable if the main supporter dies, as the severe impoverishment of Thandiwe S's household after the death of her grandmother illustrates. All or nearly all support lines may be broken off, and in a youth household with weak management there is no guarantee that substitutes will be found.

This designated very poor grouping in the second lowest income interval was occupied entirely by women headed households. Perhaps not unrelated to female headship, the numbers of children too young to work went as high as 10 and 12, and three out of these four cases contained internal AIDS orphans, children who had lost their mothers to the pandemic and had no fathers present. One household had taken in orphan grandchildren from outside, and one had lost an orphan grandchild when the family of the mother claimed him after the mother and father both died.

It is worth noting that two of the women heads in this category – Magdalene M and Thenjiwe H, the abandoned wife of Mandlakayise H – wanted to sell land but had been blocked from doing it. However, the declared intent in both cases is closer to an investment decision than to a distress sale.

Magdalene M, an uneducated traditional widow, inherited a large tract from her husband and earlier in her widowhood contributed greatly to strengthening the local informal land market. She sold land to six households of new people in the 1970s and 80s, and also contributed land for a community garden. But at the time of her son's battle with AIDS she could not lighten her support burden by selling more, since her son was now an adult and the heir to the landholding, and he forbade his mother to dispose of any more land. Since his death, Magdalene M has begun considering selling more land to fund delivery of water to the house. Likewise, Thenjiwe H

wants to build a new house, and would like to sell land to cover the costs, but says she is unable to do it because the TA will not allow her to dispose of any land since her missing husband Mandlakayise H is the landholder of record. This might not hold if Thenjiwe H pushed forward with confidence, as Sandile E's aunt did in disposing of Sandile's land against the rules of the tenure system, but Thenjiwe H is very aware of her weak tenure status and has not challenged this prohibition.

In terms of land use, cultivation and cultivation rights, several of the woman-headed households were not displaced, and were able to carry on their production operations limited only by labour mobilization and what they could afford to fund. Of the households in the *poor* grouping that had agricultural land allocated, Buhle G and Busisiwe N said they were able to continue cultivating albeit on a smaller scale than before their households' AIDS episodes: both these woman-headed households had relatively effective internal labour mobilization and a moderate level of estimated income. However, as many as three of the other households reported in this income category have no access to cultivation land at all as a result of land snatching, and have been cut off from trying this option. The remaining case, Sarah K, has continued as before in her very small but secure household garden, but obtains only a very small yield. Neither she nor Sandile E, Nkosinathi R or Siphon D's heirs would necessarily be able to obtain more land through a rental transaction if they wanted to use this form of household support, although the Siphon D family still seems to have access to garden land on the grandmother's own holding.

Continued cultivation also applied to Magdalene M and the deserted family of Mandlakayise H in the *very poor* category – these households were significantly worse off than the *poor* group, but still had enough land and mobilized enough labour to continue growing food. Households in this group with very small gardens were limited to Sibongile C, who also continued to do what she could by way of gardening after the AIDS deaths of two daughters and a son, with no interruption but little benefit.

#### *Middle poor*

Six households fell into the next per capita income interval, of what is perhaps ordinary poverty at R 201-300 per month. Five of these six were female-headed, but in these specific case histories these women heads had accumulated fewer children too young to contribute. Household sizes in this category therefore tended to be smaller, ranging from 1 to 8. With fewer mouths to feed, estimated individual household per capita incomes ran from R 200 to R 266 per month, appearing to represent a higher tier than the 'very poor' grouping. C/E ratios were also clearly lower, and ranged from 3.3 to 8.6, clustered below 4.1. Though in four out of these six households AIDS has taken away the former main supporter, and has also cut per capita income and increased dependency, relatively low dependency rates at the onset of chronic disease have allowed most of these families to make some recovery once the acute crisis was past.

While these women heads who were living on their pensions and had not taken jobs may actually have been receiving less income than the working grandmothers in the *very poor* grouping, their income was not being spread as far. The overall effect on poverty and tenure standing is for these households to be objectively better off and probably stronger and less marginalized in their de facto tenure standing. It is in this grouping that some effective household labour mobilization begins to be found.

Though these households are poor and often face shortages, selling land was not a strong strategy. These women heads appeared to be using credit, borrowed against their pensions or cash incomes, to try to maintain their investment in the future by keeping children in school without

having to sell off household land assets. Though KwaNyuswa women have in the past tended to be more willing than men to use the informal land market, and are widely believed at the level of rural social perceptions to be ruthless about selling off land to meet consumption needs, most of the women heads in this group were struggling to stay above water without liquidating the household's land assets.

It is also worth noting that women have historically been largely blocked from using the micropolitical aspects of the tenure system, which revolve around using land transfers to bring relatives and allies into a local land-based settlement cluster obligated to support the land-giver's initiatives and increase his local influence: however, this kind of strategy did occur among the women heads in this grouping, where Buhle G apparently offered to transfer land to her brother so that he would come with his family and help her create a land-based proto-cluster of her own. As an unmarried and childless woman landholder, having a married brother next door would have strengthened her tenure standing considerably. Her strategy worked well, and would have succeeded if her brother and his wife had not both died of AIDS after building their house, stranding Buhle G with their orphans.

These six households vary in how many unsupported children, working children and orphans they are maintaining. The household of Sandile E no longer formally exists, and has none of its former members below working age. But before its enforced breakup, two of the orphan children it contained were too young to support themselves, and those who were old enough to work were unemployed. Likewise, Nkosinathi R no longer has rights to land, but is supporting two orphan children while living alone in temporary accommodation.

Nkosinathi R is now 37 years old, and was severely injured in civil violence in 1998, resulting in a chronic condition that needs regular hospital care. He and his brother Mfanafuthi R lost all land rights around 1985, when their father took the occasion of their mother's death to sell the family land, abandon his sons and leave the community. After this event, he and his brother as de facto orphans were shuttled around among several households of their local relatives. As they grew older they found jobs and were able to support themselves independently. But as in the case of David T, neither married, and although they remained together there is no sign that they ever had a house or home of their own. Instead, they appear to have remained members of the new floating tenant population of KwaNyuswa. People in this category do not qualify for tenure status and are not recognized as adult citizens, but many are locally born and continue to live in the community on an informal, uncertain basis: this population appears to be increasing significantly as a combined result of unemployment and AIDS, and shows signs of becoming a major tenure problem for the future.

Mfanafuthi was killed in an accident in 1997, leaving Nkosinathi R to support his two children born to different mothers outside of marriage. The following year Nkosinathi R was attacked, losing an eye and becoming brain-injured and partly deaf. He lost his job as a result, making his situation much more precarious. At the time of the interview he was living on casual labour in a rented room, but still successfully supporting his late brother's two orphans, who remain with the mothers' families, and to some extent he was supporting their mothers as well.

Though he is literally homeless, his unusual virtual household allows him to claim some respectable community standing as a man supporting the children of his family. Because the dependency burden he has taken on is limited to a relatively small family unit, with a C/E ratio of 3.3, and because he works hard at finding casual and temporary jobs in gardening and painting to add to a probable disability grant, he seems to be able to manage enough earning to give a per capita income roughly estimated at about R 270 per month. This implies only moderate poverty.

Likewise, though land is not involved, as an uncle he has been a remarkably honest guardian under very stressful circumstances.

However, given his difficult position Nkosinathi R is not likely to be able to marry and establish a home of his own in the usual way. Therefore he probably will not be able to get back into the tenure system as a household head. It is not clear how stable even his present precarious health is, and his condition may be deteriorating. As an individual alone, he has no future – unless, like Jimmy D, he finds a similarly afflicted partner. As a landless orphan himself with chronic care needs, his situation is very similar to that of AIDS orphans and AIDS patients, and highlights the possible destiny of AIDS orphans who become victims of land snatches.

At the other end of the scale, Buhle G, a hard-working and entirely honest guardian, had no children in her own marriage, and lost her house and land when her husband divorced her, claimed and sold the land, and left KwaNyuswa: she supports five orphan children belonging to her brother now dead. Not coincidentally, she has obtained a new landholding partly on the strength of this guardianship, which raises her tenure/ authority ranking from the unacceptable status of rank 12 – single woman with no children – to rank 5, widowed/divorced working female head with children.

Her position here, better for tenure and community standing with orphan children than without them, illustrates how guardianship can work in a positive way if both the guardian and the children genuinely have a common interest. Of these orphans staying with Buhle G, three are still in school, and two are old enough to work but are not formally employed. One of these older orphans tries to help Buhle G by contributing small amounts to the household from casual work around the neighbourhood.

Likewise, Busisiwe N is supporting a relatively small household with only one small grandchild, and received considerable income support from her two older daughters before the eldest died of AIDS and the middle daughter also became ill. The eldest daughter both worked for wages and cultivated their allocated land enthusiastically, although she had no child of her own and was working for the household as a unit. When she became sick her next sister found a job, and worked till she needed to leave her job to look after the older sister, enabling Busi N herself to switch from a part-time job to a full-time one. At present, it is not clear what contribution the youngest daughter, who is only 20, is making to the household, but some cultivation work looks likely, and she is helping to care for the middle daughter who is now sick., and also for her child.

This female-headed household had a very manageable C/E ratio of 3.4, up from 2.7 before the illness and death of the oldest daughter. Although total income has been cut drastically by the loss of the two working daughters' income, and household cultivation has gone down seriously due to loss of available labour time, per capita income from the mother's fulltime domestic job is still in the low-moderate bracket at R 200 per month and the household still obtains some cultivation returns. Although Busisiwe N was forced to give up her inherited landholding by her late husband's relatives before she arrived at KwaNyuswa, like Buhle G – who had also been deprived of land earlier in her life, before her experience with chronic disease – Busisiwe N reported that she felt no threat to her land at the time of the interview.

Sarah K's household was more complex, and included more young children and a higher dependency burden. Sarah K is a widow living on her pension, who originally had 9 surviving children and four grandchildren. It appears that her three oldest children married and left the family home, leaving behind one boy born outside marriage. At the time of the interview, Sarah K had eight surviving children and grandchildren at home, including one son who appeared to be

sickening with probable AIDS. She had lost her two older sons who were still living at home. One died of AIDS and the other died as a result of fatal wounds in a knife attack. One of them was the principal supporter of the household. Her only surviving employed child was her older daughter, the mother of three grandchildren. The two oldest sons who had married and moved out still contributed to the support of Sarah K's family, though these contributions may have been small and irregular.

The impact of AIDS on this household has been to take away or incapacitate three out of five adult children, a very serious blow in itself. This family, which previously had relatively effective labour mobilization in the adult generation, lost at least half its earning capacity, while four children or grandchildren are still in school. However, C/E rose only to 4.0 from 3.4, and a roughly reconstructed prior per capita income estimate suggests that mean income per family member has fallen from about R 300 to about R 246. These income and dependency levels remain manageable for the immediate future. Because there was no change of head, the impact of the employed older son's death on tenure status has not been vital, though the loss of an adult employed son will have weakened the grandmother's standing and authority to some extent. Cultivation activity was reported to be continuing at the same level as previous to the AIDS deaths – the household is still able to carry the costs – and there seems to be no specific threat to the household's land.

The distribution of income among the mainly woman-headed households in the *middle-poor* and *very poor* categories draws attention strongly to the power of dependency in determining how effectively AIDS-affected households can engage with their challenges, and can use land to deal with some of their food needs. With only one or two exceptions, the 'middle poor' grouping had very much lower dependency than the 'very poor' category, though tenure/ authority ranking tended to be marginally weaker. Particularly, the better off grouping had lower social dependency and better labour mobilization, while the poorer group perhaps tended to depend on one female supporter more often.

However, land use effectiveness tended to go more directly with gender of head, for slightly surprising reasons. That is, the male-headed households were often youth households, with weak prospective male heads, which had accordingly faced land snatches, and which were no longer independent household units. The households, or former households, of Siphon D, Sandile E, and Nkosinathi R had no land left, and could not cultivate. By contrast, the women heads in these groups tended to stick with their cultivation, though usually on a declining scale as losses of children to AIDS ate away at the income they had available for crop production. With the single exception of Dora B, whose cultivation status is not clear, all these women heads were using crop production to provide part of the provisions they needed for their families. However, most of them also complained about not having enough money to buy the supplies and inputs they needed, and Sibongile C had only a garden operation.

*Estimated per capita income R 301-400: UPPER POOR.* David T Case 7, Jimmy D Case 17, Jabulani J Case 18  
and

*Estimated per capita income R 401+: ADEQUATE INCOME.* Rose Z Case 8, Bhekumuzi F Case 13, Elias H Case 19.

The categories of households on the higher side of the case study income distribution contain very few cases, but have a different appearance again. The households in the *upper poor* grouping had relatively higher incomes, but appear in the community setting as seriously

impoverished, vulnerable both to poverty and to land fraud as well as badly affected by chronic diseases. In this set of cases, it was the households that reached the level of *adequate income* which both appeared and acted as better off, and seemed to be able to withstand both poverty shocks and chronic disease.

### *The upper poor*

The households in the *upper poor* category include three male-headed households of orphans, all of which represented youth households, built around weak heirs. Their tenure standing was too weak to allow the nominal heads to hold land officially. Only one of the three, that of Jimmy D and his commonlaw wife Jane, ever has or had any children, and they had only one child, born around the time Jimmy D died at the age of 27. The implication is that these households have no institutional future in the community. This lack of future possibilities may be reacting on their internal organization and use of resources.

Neither David T nor his brother or sister have ever married or brought any children into the house, so that their household remains a sibling family of one generation, 13 years after they were stranded as young adult orphans after the death of their mother and the desertion of their father. Jabulani J is reported to have had mental or emotional problems in early youth, but also seems to have managed to marry on a disability grant after spending most of his life living with his sisters or alone. Up to the date of the interview, he and his recently married wife had no children, so that his household is also a youth household of one generation. However, now that he has managed to marry his tenure standing has gone from rank 8 to rank 4, that of a married man with no children. His position in the land system is therefore stronger than that of David T at rank 8, or of Jimmy D, whose standing during his lifetime was also rank 8.

What these three orphan households appear to have in common is very low dependency, and a household structure made up almost entirely of adults who were able to support themselves relatively effectively before the onset of AIDS or chronic illness. At the same time, their tenure standing, at least before Jabulani J's marriage, was uniformly at a level which disqualified them from holding land through a formal allocation, though all three households actually did hold land on the basis of default inheritance. Prior to Jabulani J's marriage, their standing as citizens of the KwaNyuswa community was very equivocal in all three cases, because none were legitimately constituted households eligible to hold the land right.

The result of the combination of youth households with very weak tenure standing together with very low dependency produced paradoxical results for poverty on one side, and also for household tenure standing and internal authority on the other. On the poverty side, these households were all seen as poor by the neighbourhood, and seem to have behaved as if they were either very poor or middle poor. But at the same time all three had relatively high estimated per capita income levels, between R 300 and R 380 per person per month. In the objective sense of cash coming into the household, they were not easy to class as severely disadvantaged.

Nevertheless, David T's sibling family reported that they could not mobilize the cash to repair their severely dilapidated house, although the combined income of the two working family members may have been over R 3000 monthly and they had only three household members to support. Jabulani J's situation around the time of his marriage is not reported, but before that point, and before his sister told him to return to KwaNyuswa, he was described as living a hand to mouth existence on informal casual selling while staying at his father's community of origin. However, throughout this period he had a disability grant to support himself alone. Jimmy D and his commonlaw wife Jane were themselves disabled, but had two disability grants to support two

adults, a level of support that is taken in the community as very adequate. Nevertheless, they were not able to arrange to rebuild or replace their broken-down mud block dwelling until an outside charity intervened. Both Jimmy D and Jane are described as heavy drinkers, with debts at many local drinking spots. For these three households, all male-headed and all childless until Jane later had a baby, it is difficult to avoid the impression that most of the income of members was going on individual consumption, with very little invested in the household as a unit or in its future.

On the side to tenure standing, all of these households had very marginal status, could not be formally placed on their inherited land, and were not unequivocally members of the KwaNyuswa community. Their marginality in this regard raised a serious risk of land snatch attempts. At the same time, two of them had relatives in the area who could try to claim legitimate tenure status and general seniority against the young and unqualified heirs of the direct family lines, completing the necessary conditions for attempts against their land. In contrast to the other two, David T and his household were relatively safe, because their father's family lived in Zululand and they had only benignly disposed maternal relatives at KwaNyuswa.

In Jabulani J's case, his maternal relatives treated him as not quite mentally competent, ordering him to leave his inherited land so that his half-brother could take over, and then using the land to build rental rooms. After Jabulani J married and his maternal uncle made a second attempt, Jabulani J was able to exclude the uncle's claim in court, but it is not clear if he got the first plot and also his half-brother's rooming house structure back as well. The interview does not record whether the rooms are still being rented out, but there is also no indication that they are abandoned.

Households such as that of David T illustrate the problems around vulnerability and risk of paralysis that some of the weaker and more disorganized households meet. This family of three adults comprises two unmarried brothers, one in his late 30s, the other in his mid 30s and a 30 year old sister. This household has remained in what is almost a state of social suspended animation since the death of the mother and the desertion of the father. These traumatic events occurred 13 years ago, when David T himself, the oldest brother, was 25 years old, so that the family was then a household of young adult orphans. Although two of the orphan siblings have been working, none of them have married, brought home a partner, or brought children into the house. Being unmarried and childless, all these adults have the status of children in the community, and are described that way by the interviewer.

The two men are not working since the older brother David T lost his job due to TB with probable AIDS complications, and the family is supported by the working sister. The second son is apparently healthy, but not economically active although he seems to have looked for work in the past but failed to find anything. All three adults are locally born, to a locally born mother whose family provided the T family with their land, but the father originally came from far to the north, in Zululand.

After the mother's death of what seems to have been blood poisoning after an accidental injury, the father deserted the children and moved alone back to Empangeni. His motive appears to have been fear of witchcraft or poisoning carried out against his family by enemies, after his wife's unexplained death. Since none of the three unmarried and childless adults qualifies to hold land or head a household, this household is now under the assumed headship of the mother's brother, who has his own family and does not live with David T and his brother and sister. The house is described as in a very bad condition, and the garden plot, now out of production, seems to be too small to sell. The family has not made any use of their land in their response to sickness, but has

relied on cash income. David T himself does not see any future option for the remaining family members in crop production because of lack of resources, and particularly lack of land.

It is not clear from the case narrative why this household, with a C/E of only 1.6 until about a year ago and a per capita income perhaps as high as R 1000 per month during that period, still behaves as if it were impoverished and has allowed their house to get into a dangerously dilapidated condition. Although the nominal per capita income is still over R 300 per month, David T told the interviewer,

‘The head of our household is Nkani, our father, since our mother is dead. But he is not here now. If we need to do something, we report the situation to our uncle next door. We eat normally, because our sister Thobile is working to get food for us, but sleeping is not good because we have only one room to sleep, and the other room is to eat in. We don’t have debts, but many things are short in this household, and the house is falling down - none of us can repair or rebuild it.’

David T, aged 38, attributes responsibility for maintaining the house to his absent father who subsequently died.

The situation he describes is what was reported by other households with nominal per capita income incomes of less than R 150 per month. It is tempting to speculate that without the presence of children and a recognized place in the community as incentives to invest in the family and its future, the larger bulk of the total income has been going into individual consumption expenditure rather than into household reproduction and accumulation.

Equally, it is striking that this family has remained vulnerable and formally ineligible for landholding over a period of 13 years, neither formally joining the community nor losing their land, which they continue occupy by default in the absence of other qualifying claimants. They have stayed together and been easily able to support themselves, and their only guardian seems to have been helpful and benign. But in this connection it looks important that their guardian is their mother’s brother, and not someone from the descent line of their father. Going by the case record for other households in a similar position, David T and his orphaned family may have been lucky that there was no relative of their Zululand-born father living anywhere near them. A married father’s brother might have been in a viable position to move in and claim their assets so long as there was no qualified heir in the orphan family, as in effect happened to the family of Siphon D. Absent a male-line relative of their father as the last community-registered landholder, David T’s incomplete household has been relatively safe from land snatch attempts, though not apparently able in terms of its own resources to take the social initiatives that would have resolved their uncertain and precarious situation.

Jimmy D’s case is complex, but is worth reviewing here for the light it sheds on land deprivation and resistance, and on land priorities in KwaNyuswa and in the peri-urban zone. Jimmy D, who was disabled due to paralysis and epilepsy, seems to have been seen as very poor, although he had a disability grant, and his disabled partner Jane L also had a grant. Two government grants gave them a relatively high combined income. They established their household on an unmarried, informal basis in the early 90s, after Jimmy D moved out of the house at KwaNyuswa which he and his female cousins should have inherited after the death of his grandmother. Instead, their relatives at Clermont, a freehold township outside Pinetown, seem to have intervened and successfully taken over the grandmother’s house and land, taking advantage of the obvious difficulty of Jimmy’s ever qualifying to hold the property in his own right. Having taken over the grandmother’s house, the Clermont family held the funeral of the grandmother at Clermont so as to better establish their claim to be legitimately responsible for the KwaNyuswa family, and

also brought Jimmy D's cousins to stay with them. Jimmy managed to build or take over a small flat-roofed mud-block structure on his grandmother's site, and Jane L left her family home to join him there.

As an unmarried and unemployed young man, Jimmy D did not qualify to claim the grandmother's house and land, and could not afford to claim his position as head of the KwaNyuswa family by paying for his grandmother's funeral and supporting his female cousins. Still, in principle he would have had the right to inherit the house at a later point. An acute family quarrel over this sequence of events around the takeover of the house and land would not be unlikely, since through the Clermont relatives' intervention Jimmy D lost all realistic claim to the grandmother's property. By moving out of the house but remaining at KwaNyuswa, Jimmy D may have been signalling that he rejected his Clermont relatives' claims, and would not accept support from them if they offered it.

The Clermont relatives then rented out the grandmother's house, leaving Jimmy D and Jane L staying in their dilapidated earth block structure. Jimmy D did try to insist that he should be paid part of the rent for the grandmother's house since he was the family representative keeping an eye on the property – and by implication, since he was also the displaced heir – but the Clermont family refused, saying he already had a disability grant: in other words, that as a single person he was more than adequately supported and they owed him nothing.

A few months later the Clermont relatives sold the grandmother's house and land to the people renting it, leaving Jimmy D and Jane L with no more land than what their shack was built on. At this point the local induna intervened because of the conduct of the Clermont family, and awarded Jimmy D the use of a very small garden plot on compassionate grounds in spite of his unqualified tenure status. Shortly after, seeing that their mud block house was falling down, that both were disabled and Jane was pregnant, the Valley Trust development NGO came into the picture and built a two-roomed cinderblock house for Jimmy D and Jane L as a couple. Around this time Jimmy died of what is described as a lung condition, leaving Jane L alone with the child.

About a year later, Jane L found a new boyfriend, who moved into the house with her. The Clermont relatives were furious, reasoning that they should inherit the cinderblock house from Jimmy D since Jimmy as the man was presumably the owner, and he and Jane L had never married. They warned Jane L that if she did not tell her boyfriend to leave then they would sell the house.

Aware of her marginal tenure status, Jane L did not try to take steps or to put a case with the TA. Instead, she gave way to the demands from the Clermont family and moved out of the cinderblock house, and rented a room in the neighbourhood together with her boyfriend. Rumours spread the Clermont D family was about to sell the cinderblock house.

People in the community were reported to be angry because a township family from outside the area was intervening in local land affairs, and they warned Jane L to take action before the Clermont relatives went further. Apparently encouraged by community backing, she approached Valley Trust and told them the entire story. Valley Trust communicated with the TA, supporting Jane's claim to be the co-owner of the house in her own right, and a tribal court case was held. The Clermont D family said they would allow Jane L to stay in the house, but refused to allow her to have a boyfriend living with her: that is, they were indicating that they would allow Jane L a customary usufruct right to the house for her lifetime only as the surviving female partner, but still insisted that the house was theirs and would revert to them after she died or left.

Perhaps buoyed up by the support of Valley Trust, the TA ruled strongly against the Clermont D family, insisting that they were abusing a disabled person and that Valley Trust had the right to put them in prison. The Clermont D family was told that they had no inheritance rights at KwaNyuswa since they had left the community and sold their house and land, and that they should never bother Jane L or come near her house again.

Jane L stayed in the house till she became too ill, and care of her child was taken over by a local community AIDS charity. When she died in 2001, Valley Trust and the AIDS charity had to pay for her funeral since there was no contribution from Clermont. The house was inherited by the child, who remained in the care of the AIDS charity, and Jane L's mother as the guardian started to rent out the cinderblock house and collect the rent on behalf of the child as the future heir. It is not clear whether or not the child will ever be able to inherit, and it seems unlikely he will get the accumulated rent, but in principle his tenure right is clearly allocated.

The upshot of the various actors maneuvering around Jimmy D and Jabulani J's landholdings was that the two vulnerable orphan households – Jimmy D and later his partner Jane L, and also Jabulani J – both had to face land snatching attempts from relatives. Perhaps because their vulnerability was acute, in each case there was more than one attempt. That is, these three households suffered four land snatch attempts between them.

There are too few households in this income bracket to support any conclusions: however, these single-generation, weakly structured households of orphans who are not formally qualified to hold land can serve to illustrate one vulnerable kind of household, which is associated with orphan status and chronic disease but where the heads are likely to be male. These households seem to be built around stranded children or adolescents, who may not marry ever formally. Where such households of orphans are too disorganized to integrate easily back into what rural African society sees as the accepted routes to land access, they can remain structurally unfinished and vulnerable across a period of years. Even when they draw in high nominal incomes, which otherwise would suggest strong labour mobilization, cohesion and mutual support can remain weak. In a situation where each household member provides mainly for himself or herself, internal authority and labour mobilization are much weaker than they appear to be. Consequently, both the appearance and substance of poverty may remain.

#### *Income adequacy*

For the last group of households, at the top of the case study income distribution for KwaNyuswa, not many privations and difficulties remained in their immediate situation. Like those in the *upper poor* category, these relatively older households were small, with few children at home, and had adequate incomes. Unlike those in the upper poor grouping, they were stable families with heads qualified to hold land and exercise community citizenship. Internal organization and use of resources was effective, so that low dependency ratios carried forward into some relative escape from poverty. Per capita incomes ranged from R 414 to R 750.

Nakile H is the widow of Elias H. She lost her employed daughter to AIDS and her husband – a pensioner – to old age, but her surviving daughter has looked for and found a job. She commented, 'Things are not so tough now after these two deaths – things are now better from the chronic illness'. Nakile H has few demands on her income with only one child at home. Their C/E ratio is 1.4, the lowest recorded. With her own economic pursuits of local casual labour and selling vegetables from home in addition to her old age pension and her daughter's contributions, this uneducated widow is enjoying a per capita income of as much as R 750 in a household with only two surviving members. She has been able to pay off all the debt she took on for the

funerals, and continues using her land for producing vegetables for sale. She has no plans to dispose of any land.

As a widow with a child and with means of support, Nakile H is well positioned in the community. She has an uncontested traditional claim to hold the land on a usufruct basis, and sees no need for any stronger form of right. But her surviving daughter, childless and unmarried in her late 20s, may face problems after her mother dies. There are other relatives of her father's family living in the area, and according to previous knowledge of the household, the H family is conservative and traditional. They are not impressed by women's land claims, and would be likely to oppose a single daughter living alone and holding or selling land.

The household of Bhekumuzi F and his wife Nelisiwe is also well positioned in most ways. This elderly couple also have little education, but have successfully raised a family of adult children who have all left their parents' home, though a daughter and her husband live close by. This daughter and her husband seem to have been provided with land and invited to stay by the parents, who would then have convenient helpers and prospective heirs next door. The parents themselves are living on Bhekumuzi F's old age pension and his wife's earning as a successful informal trader in the market at Pietermaritzburg. With two small grandchildren in the household, their C/E ratio is 1.9, very favourable, and their per capita income is estimated at R 485 per month.

They have taken in twin AIDS orphans left by one of their younger sons, who is now in jail. According to his mother, this son seems to have committed a crime in despair after the death of the twins' mother from AIDS. There may also be a possibility that he wanted to ensure that his mother and father took custody of the orphan twins, whom he could not support and care for while living without his partner on an informal income. Since this son is still in the youth age bracket but was described as living in Pietermaritzburg by selling in the market, without a job, it may be possible that his parents found him a trading opportunity and encouraged him to leave home once he reached early adulthood. It is slightly unusual to find a young single man living away from home when he is not actively engaged in job search.

Nelisiwe F apparently did not consider giving up her earning activity to stay home and take care of the twins. Instead, she borrowed a granddaughter of about 13 from her daughter's family next door, taking this child out of school for a period of three years so that she could care for the orphan grandchildren. This granddaughter apparently splits her time between the two households, and has been able to return to school this year as the twins are entering pre-school. Nelisiwe herself spends most of her time in Pietermaritzburg.

This household reports having about 1.5 hectares of cultivation land, but none of it is in use. Before getting land at KwaNyuswa, Nelisiwe F spent years earlier in her life working for a farmer in the area as a labour tenant while her husband worked at an outside job. She declares that due to this experience, when she was expected to cultivate perhaps 3 hectares of land without help, she has lost interest in farming. What is also clear is that the household does not need the money or the income in kind from cultivation, and Nelisiwe F apparently sees her economic time better spent in market trading.

This family of long-established in-migrants is well accepted in the community, and their land rights are secure. However, they faced a land snatch episode from within the household after they moved to KwaNyuswa. Having obtained a landholding in the Nyuswa community, Bhekumuzi F decided to move his household to Maphepheteni to be involved in the Echibini church colony being established there by KwaNyuswa in-migrants. Before leaving, he divided off land for his

wife's mother to live on, and also left his wife's mother as a caretaker for their KwaNyuswa landholding. When Bhekumuzi F decided that the church enterprise was going badly and he wanted to return to KwaNyuswa, he and his wife found that the wife's mother had sold off their some of their landholding without having notified them. They could not reverse the transaction to get their land and house back. They took Nelisiwe H's mother to court, but the tribal court found against them and ruled that the transaction was final. It would appear that too much time had gone by for the land transfer to be re-opened. However, the mother was ordered to repay the money she had made from the deal to Bhekumuzi.

Unable to get another holding at KwaNyuswa, Bhekumuzi and Nelisiwe F had to rent a site at the turbulent Durban shack settlement of Lindelani and wait for the mother to die, so that they could inherit what was left of their original KwaNyuswa landholding. When the mother died in 1986, Bhekumuzi F brought his family back to KwaNyuswa.

Their house and landholding will probably be inherited either by the twins or by the son-in-law next door, and there is no sign that any problems around landholding are likely to emerge either in the short term or in the long term. Since cultivation land use is not the accepted priority in KwaNyuswa, there seems to be no pressure on this family around the issue of the unused land. Nor does the uncultivated status of the agricultural land have anything to do with the AIDS death of the son's partner, who was living with the son in Pietermaritzburg at the time. This death appears to have had only marginal consequences for the grandparents' family. Instead, with very little dependency in the household the grandparents have a degree of choice as to whether to use the land or not, and have taken the option of microenterprise instead of investing in cultivation.

The last household in this category belongs to Rose Z, and is less well off than the other two. She is a widow on pension who is now chronically ill, and heads a household comprising her daughter and son, and her daughter's two children. Their C/E ratio is higher than that of Bhekumuzi F or Nakile H, at 4.9, and her household's per capita income is estimated at R 414 per month, the lowest in this income bracket.

Her son also suffers from a chronic neurological condition after having been brain-injured in a bar fight. He has lost his job, and is unable to support his two children, who live with the family of his intended wife. In view of the son's disability, it looks unlikely that he will ever be able to complete the marriage. It is not reported whether the son has a disability grant. However, the sister is working in a well paid domestic job, earning a reported R 1500 per month.

They consider themselves poor, and report periodic shortages on some basic needs, as well as sometimes not having enough to eat. However, they are able to maintain at least one stokvel savings group membership, and have only minor incidental debts. When they have shortfalls, they borrow from stokvel groups, and seem to have no trouble repaying these small credits.

Their land assets are limited to a small garden, which seems to be in use, but is not cultivated intensively. They have never had more land than this, and are not involved in land transfers. In their present circumstances, their land rights are not threatened, and their landholding is probably too small to tempt self-interested relatives. If Rose Z dies, the land and house will be inherited by the son and daughter unless the daughter marries and moves out. This brother-sister household will be relatively weak, but would include children and would be able to hold the land. If the son inherits the land alone, as an unmarried orphan, his tenure status will be very vulnerable.

Overall, these relatively higher-income households all had fairly low dependency to cope with, and seemed to be split mainly on whether or not the household was built on an ordinary conjugal

marriage, or whether it was an orphan household compiled from people not connected through the kind of marriage relation that the tenure system expects. Jabulani J and Jimmy D's families were not as well off as in principle they might have been, and also had very weak status in regard to land, opening them to repeated tenure attacks. In most cases, these weak orphan households did not see themselves as able to approach the TA for help against better positioned relatives.

Rose Z's family, Bhekumuzi F and Elias H had roughly similar kinds of income streams as the others, but appeared much more comfortable and much better organized. Labour mobilization as such was probably not much higher, but internal commitment to investment in the household entity seems to have been more effective. Being older and based on legal marriages, these heads also had more standard family structure as well as greater land security, and commanded greater respect for their tenure rights. They were also formally positioned to turn to the TA, as representatives of the tenure system, to demand protection of their land rights if they needed to do so. The only tenure attack in this small best-off grouping came from within the household of Bhekumuzi F, and was not particularly related to household vulnerability.