

A ZIMBABWEAN PLAYWRIGHT'S MOCKERY OF THE RESTRAINT CLAUSE IN THE LANCASTER HOUSE CONSTITUTION

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ABSTRACT

This paper analyses the debilitating effects of the restraint clause in the negotiated 1979 Lancaster House Constitution that called for a moratorium on the possibility of constitutional reforms during the first 10 years of Zimbabwe's independence. That clause effectively meant that reforms related to the nature and form of land (re)settlement, let alone radical repossession, could not be entertained until after 1990. This paper argues that George Mujajati's play, *The Wretched Ones*, dramatises the negative impact that this restraint clause had on the majority of the black population of Zimbabwe in the first 10 years of their independence as the state could not radically redistribute land to correct the imbalances of the colonial era. Thus, the paper attributes the glaring poverty and misery among the majority of the black characters in the play to that restraint clause, a clause that continued to benefit white settlers, such as Mr Buffalo in this play, who had appropriated land by force during the colonial era. The paper concludes that land redistribution is a powerful tool in the fight against poverty in countries where the majority of the people live in rural areas.

Keywords: restraint clause; Lancaster House Constitution; independent Zimbabwe; white farmers; squatters; land

INTRODUCTION

Chimhowu, Manjengwa, and Feresu (2010, 34) argue that a “key determinant of whether a household is able to make a living and stay out of poverty in rural Zimbabwe is access to adequate stocks of assets, built around access to and ownership of land.” We agree with this assertion and argue that in colonial Rhodesia and the Zimbabwe of the 1980s, ownership of land was not possible for the majority of the black population because of the restraint clause in the Lancaster House Constitution that favoured the prevailing status quo of white privilege and of black poverty. What strikes the reader and/or audience when reading and/or watching the play *The Wretched Ones* (Mujajati 1989) are the levels of poverty and misery among the so-called “squatters” whose condition of deprivation is strikingly juxtaposed with the privileges and land ownership enjoyed among white characters such as Mr Buffalo and his family. Thus, the issue of poverty emanating from land reform and tenure pervades the play, which was published in 1989 but was performed several times in 1988.

The country of Zimbabwe covers an area of 390,757 square kilometres. Geographically it is further divided into three main areas; the highveld, middleveld and lowveld. According to Chimhowu, Manjengwa, and Feresu (2010), the highveld stretches for 650 kilometres from the southeast towards the northeast of the country, and on either side of this highveld is the middleveld. Finally, there is the lowveld which is mainly located along the Zambezi River basin and the stretch of land between the Limpopo and Save river valleys. Generally, about 50 per cent of the country lies in areas that are classified as dry and unsuitable for dryland farming. During colonialism, black people were pushed to the drier parts of the country as white settlers took areas with rich soils and good rainfall patterns. The majority of the black population was condemned to live in the lowveld, notoriously infamous for its punishingly hot and dry weather and its low and erratic rainfall. Thus, where black families were placed had significant practical implications for their ability or inability to eke a living off the land. With up to 74 per cent of the areas reserved for black people in colonial Zimbabwe being in the hot and drier areas, this meant that many were condemned to poverty and misery.

THE RESTRAINT CLAUSE IN THE LANCASTER HOUSE CONSTITUTION

Zimbabwe was colonised during the Partition of Africa when European powers occupied and divided African territory. This era spanned nearly 100 years, a time during which the white man continued to expand its dominion by annexing land that had previously belonged to the indigenous black population. According to Nyawo-Viriri (2012), the Land Apportionment Act, which was enacted in 1957, made it legal for the coloniser to remove black people from their fertile soils and areas of high rainfall. Black people found themselves not only in hot and dry areas but also in areas such as Gwayi and Shangani that were infested with the tsetse fly. This is land that can be categorised

as the lowveld as indicated above. After failing to negotiate their land back, Africans had no choice but to physically fight back, and these fights, which came to be known as the First and the Second Chimurenga, forced the coloniser to the negotiating table in London in 1979. The negotiations resulted in a compromise deal as both white and black people had to make concessions to end the ravaging war of the 1970s.

According to Raftopolous and Mlambo (2009, xxviii), the Lancaster House Constitution “ended the war in Zimbabwe in 1979, and the constitution that emerged from it together embodied a series of compromises over minority rights in particular on the future of land ownership in the country and guaranteed white representation in parliament.” The constitution advantaged the white coloniser who, according to Mucheke (2012), was sure to lose in the elections in 1980. According to the concessions in the constitution, nothing could be done to redress the land imbalances that had been created by colonialism. Raftopolous and Mlambo (2009, xxviii) further suggest that the constitution that resulted in Zimbabwe’s independence “gave white capital a decade-long period of consolidation, during which time issues around the radical restructuring of the legacy of economic inequality were effectively put on hold.”

The result was that the majority of the black population was condemned to poverty in the dry and low-lying areas also known as the Tribal Trust Lands. In other words, the independence that was ushered in in Zimbabwe was what wa Thiong’o (1993) calls incomplete independence or flag independence. He argues that this kind of independence only entails political and not economic independence as far as the majority of the population is concerned. Thus, although Zimbabwe became independent under the then Prime Minister, Mr Robert Mugabe, this independence was questionable (wa Thiong’o 1993) as the black leadership could not radically reclaim and redress the injustices of the colonial past.

The consequences of the restraint clause in the Lancaster House Constitution are what George Mujajati mocks in *The Wretched Ones* (1989). Mucheke (2012) calls the consequences of the restraint clause the curse of the Lancaster House Constitution because even if the new black leadership wanted to radically reclaim the land back, that could not happen as it was against the constitution. In line with the provisions of the constitution, the black government, with grants from the United Kingdom’s Overseas Development Administration (now DfID), embarked in 1980 on an acceptable reformist and gradual “resettlement programme with the declared aim of resettling 18,000 [people] on 1.1 million hectares of land over three years” (Chimhowu, Manjengwa, and Feresu 2010, 35). This well-thought-out and neat way of resettlement was frustrating as white people were not willing to sell their land on a willing-seller-willing-buyer basis. Nyawo-Viriri (2012) argues that this process was frustrating because white farmers decided on a currency of their choice, which made it very difficult indeed for the government to buy back land from them. The result was that land largely remained in the hands of the white settlers who had grabbed it from the indigenous black people, people such as Povo and Lazarus, two of the black characters in *The Wretched Ones* (Mujajati 1989).

THE WRETCHED ONES AND THE HUNGER FOR LAND

The Wretched Ones (Mujajati 1989) centres on the lives of two poor families in independent Zimbabwe in the 1980s: Lazarus and his family, and Povo and his parents. Then there is Mr Buffalo, the white landowner. Lazarus, similar to the biblical character and namesake Lazarus, is poor and cannot provide for his family because he has no land of his own. He is one of the squatters, what the play refers to as “the wretched ones.” Povo’s name is also allegorical with the particularised meaning of ordinary people. Thus, the two names, Lazarus and Povo, epitomise the poverty among the ordinary black people, also known as the “povo,” as opposed to the privileged ruling black elite and/or white settlers. As Lazarus’s pregnant wife is starving, he has no choice but to go and steal two maize cobs from the rich Mr Buffalo’s farm. Unfortunately, he is caught and sentenced to a fine of two dollars, which he cannot afford. The result is that he serves time in prison, and when he is released after one month of hard labour, he finds that his wife has miscarried and that his daughter, Liza, has died from eating poisoned maize cobs from Mr Buffalo’s farm.

As already highlighted, *The Wretched Ones* is a play that dramatises the sad reality of deprivation among the ordinary black people in independent Zimbabwe, what the play refers to as the povo or the squatters. The title of the play is taken from Frantz Fanon’s seminal work, *The Wretched of the Earth*. In the case of the play, “the wretched ones” not only refer to the ordinary people, but also to the “have-nots” (Mujajati 1989, 37). As the play suggests, the have-nots are juxtaposed with the “haves,” who include the white settlers such as Mr Buffalo and a few black people who belong to the ruling elite in independent Zimbabwe. Indeed, the focus of the play is the poverty among the poor people who are represented by the families of Povo and Lazarus. Despite the euphoria of independence and the socialist rhetoric of the 1980s, the ordinary black people have not benefitted from the independence that was ushered in by the Lancaster House Constitution. If anything, as dramatised by the leading characters in the play, their lives are worse off even though the new black government is celebrating the notions of independence and equality among all Zimbabweans regardless of skin colour.

It is clear from the play that the “flag independence” in Zimbabwe is only benefitting Mr Buffalo because his interests were guaranteed in the Lancaster House Constitution of 1979. There is very little that the government can do to correct the land imbalances, and this state of affairs has led to the misery and poverty among the so-called squatters such as Povo and Lazarus and their families. Historically, pockets of poor ordinary people “invaded” white men’s land as early as in the 1980s but the ruling black elite almost always managed to persuade them to move off the occupied land. Even as late as in 1998 when some villagers from the Svosve Communal Lands invaded the neighbouring white man’s land, government officials persuaded them to vacate the occupied land with the promise of resettlement (Chimhowu, Manjengwa, and Feresu 2010).

However, in February 2000, when a group of war veterans invaded two farms, the government did not stop them. These farm invasions were the result of the slow pace

of the land redistribution exercise. As history has shown, the radical land redistribution exercise in Zimbabwe proceeded well beyond the first decade of independence, but even after 1990 no meaningful land redistribution took place until the so-called mass invasions began in the year 2000. In fact, Chimhowu, Manjengwa, and Feresu (2010) argue that if the state's intentions to redistribute land were good, it could have easily circumvented the restraint clause by using the Regional Town and Country Planning Act of 1976 to compulsorily acquire land to settle the restless and poor black people. Even the Riddell Commission, headed by Roger Riddell, then of the Catholic Institute for Race Relations, which was set up in 1980 to look into the income disparities in the country, concluded that landlessness was the major cause of poverty among black people in the newly independent country. This commission recommended a massive resettlement programme but it was not followed up by the policy-makers. Thus, the black ruling elite may have been complicit in the continued landlessness of the ordinary people after independence. The government only chose to side with the ordinary people's hunger for land when the ruling party, ZANU PF, felt threatened by the emergence of a strong opposition in the form of the Movement for Democratic Change (MDC), which was backed by anti-hegemonic civic organisations such as the National Constitutional Assembly. All along, the state had sought to follow the dictates of the restraint clause in the Lancaster House Constitution, which only resulted in tokenistic acts of resettlement exercises that were not enough to radically shift the status quo. The result of this compliance and complicity is seen in the prevalence of poverty among the povo or the ordinary people, who became squatters in their own land.

As the play opens, one meets Mr Buffalo, the proud and arrogant white landowner living on his large and rich farm. On the outskirts of his farm lives a group of black squatters whose lives are miserable, as are evidenced by the families of Povo and Lazarus. The establishment of squatter camps along the margins of big farms owned by white people, and of other settlements in newly independent Zimbabwe, was the response of the poor black people to the situation of landlessness. In the play, the squatter camp and its dwellers are symbolic of the high degree of poverty, deprivation and misery among the majority of the black people. From the stage directions on the first page of the play, one learns that the squatter camp is built from plastic materials and next to the camp is a heap of dirty rags that may be the only clothes that the squatters have. Next to the dirty rags is a child who is "covered by torn rags" (2).¹ The woman who is introduced to the audience and/or reader is "wearing a tattered, oversized maternity dress" (2). Through the conversations between the characters, the reader/audience gets to know from Lazarus that his wife, who is also pregnant, "has eaten the only piece of bread that I had kept aside for our supper" (2). Even Lazarus, the only male adult in the play, is not spared the experience of poverty. Like the rest of the squatters, when he comes onto the

1 The page numbers of quotations in this section of the article refer to the play *The Wretched Ones* (Mujajati 1989).

stage, he looks weary, is thin from not having enough to eat, and is “dressed in tattered and heavily patched overalls” (2).

The status quo—which Taylor (2003) refers to as the “scenario”—that is demonstrated in the play as described above and portrayed by the characters, must be transformed if ordinary black Zimbabweans are to emerge out of poverty and misery. The characters are squatters clearly because they have been deprived of their land. This was one of the major grievances that persuaded Africans to fight colonialism. At independence nothing much changes, as is shown by the situation in which ordinary black people find themselves in. This state of affairs (that is, the status quo or the scenario) should be transformed with a view to changing the lives of ordinary black Zimbabweans. The scenario of black landlessness and poverty should be attended to but this cannot be done as the black leadership's hands are tied by the restraint clause in the 1979 Lancaster House Constitution. As suggested by Sandi-Diaz (2007), the scenario should, in theory, be replaced by an anti-scenario, which will entail the radical confrontation and transformation of the status quo. This may not happen if the leadership continues to respect the Lancaster House Constitution.

The poverty that characterises the lives of the ordinary black people in the play is not caused by laziness as Mr Buffalo suggests. It is clear that Lazarus works hard for his family, but because he has no means of production he cannot provide for his family. Thus, the result is that he cannot even afford one decent meal a week. Historically, many of the black squatters in the country, and indeed in the play, consequently resort to stealing from the white men's farms to keep body and soul together. Even if the squatters work for the white farmers, they are not rewarded enough to be able to live decent lives. Tellingly, the deprivation in the squatter camp is placed side by side with the opulence on the farm of the privileged Buffalos. Although the Buffalos have enough money to live in a large house, have a male cook and employ black field workers (of which Lazarus is one), they underpay these workers for their labour. Mr Buffalo's daughter is described as obese from over-eating at a time when Lazarus and his family cannot afford one decent meal a week. And because the squatters steal from their farm, Mrs Buffalo asks the police to evict them as they are “a nuisance. I saw one of them fighting for leftovers with dogs this afternoon. It's very unhealthy. That squatter camp can become a breeding place for all sorts of diseases” (Mujajati 1989, 6).

The play is a clear condemnation of the state of affairs in the society where some are obese from over-eating while others are thin and frail-looking from lack of food and because of deprivation. What is also clear is the fact that the Buffalos derive their status from the land that they historically grabbed from the ancestors of the so-called black squatters. Thus, there is inequality and incompleteness of independence which should be corrected but cannot because the black elite are following the dictates of the restraint clause in the Lancaster House Constitution of 1979. The poverty among the black people is a result of the moratorium on constitutional reforms during the first 10 years of independence in Zimbabwe. Thus, no meaningful resettlement is possible to

transform the lives of subalterns, the majority of whom are black people such as Lazarus and Povo.

Later in the play, Lazarus, whose parents died during the liberation struggle, is forced to steal two maize cobs from Mr Buffalo's farm, and after failing to pay a fine of two dollars is sentenced to a month of hard labour in prison. It is ironic that when he comes out of prison, he is described as looking "fatter" (22). Later, when the policemen come to evict the squatters, it is telling to note that the squatters try to resist, insisting that it is their land, which, in reality, it is. Povo's mother is a leader in this failed resistance. She asks, "Why should we leave?"—upon which the policeman answers, "Because this is not your land!" which compels her to retort, "But we lived here long before Mr Buffalo bought this farm" (24).

Despite the protest, the squatters are evicted from the land of their ancestors and the result is that they have to continue to fight with the dogs over leftovers. Thus, the play is a statement on the curse of the Lancaster House Constitution, especially the restraint clause that favoured the continuance of the scenario over its replacement with the anti-scenario.

CONCLUSION

The paper critically discussed the play *The Wretched Ones* by Mujajati (1989) as one that bemoans the poverty among the ordinary black people in independent Zimbabwe of the 1980s. It argued that the alarming gravity and rate of poverty among ordinary black people, who are referred to in the play as "the wretched ones" or the "have-nots," emanated from landlessness. We also argued that the state could not radically redress the land imbalances due to the restraints placed on it by the Lancaster House Constitution that prohibited the new government from taking black land from the white settlers by force. As a result, the people became squatters in their own land as epitomised by Lazarus and Povo and their families.

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