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*(Re)constituting Class?: Owners, Tenants and the Politics of Land Reform in Mpumalanga Province*<sup>1</sup>

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**Abstract**

The paper demonstrates some unintended consequences of land reform, showing how the restoration of land has become a local political resource. Sectors of South African society beyond the classic ‘black spot’/restitution constituency have latched onto the discourse linking restored land with restored citizenship: many farm workers and tenants, although their land rights are officially designated for protection under other legislation, have lodged land claims and are distressed at the state’s failure to settle these. The paper demonstrates contested relationships between such people - now evicted from their former homes on white farms and seeking refuge on restored African-owned farms – and their mostly unwilling landlords, set against a broader geographical and historical backdrop of owner-tenant relationships. Members of the two constituencies, configured in ethnic as well as class terms, variously draw on repertoires advocating, or contesting, forms of moral ‘good’. These include two contrasting views of citizenship: one highlights the rights of all citizens to be equal, while another is grounded in the restored ownership of private property. State officials have responded to owner-tenant ethnic conflicts by trying to appease the latter, facilitating their visions of citizenship by pandering to ethnically-defined regional majorities of the landless. The ANC, having promised equal rights at the election, has been ‘reshaped’ as the party of the poor and landless by tenants holding the party to its promises, while the ANC-supporting title-holders whose land rights were restored to them, and who thus embody the inequalities inherent in private property ownership, have been redefined in the popular imagination as supporters of the opposition. Local perceptions of party and state, constructed in the course of owner-tenant conflicts on African-owned land, amount to a reshaping of citizenship by the landless.

**Introduction**

It is a matter of debate whether, since 1994, South Africa has become a stable democracy or whether it is a state experiencing crisis. Critics point to the increasing gap between rich and poor: presumably an indication of ‘crisis’. It has also been acknowledged, however, that the ANC in government has had some success in building the nation in such a way as to obscure these socio-economic faultlines<sup>2</sup> and has thus achieved ‘stability’.

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<sup>2</sup> H Marais, *South Africa: Limits to Change: the Political Economy of Transition* (second edition) (London, Zed Press, 2001), pp. 50-1, 90.

One of the areas in which this debate has been played out most vigorously is that of land reform. Restoring or redistributing land to the African majority has been seen by some as a meaningful way to address the plight of the poor. Taking place largely in the pages of the press, the debate has counterposed those, outside the government, who are critical of the misguided emphasis and slow pace of reform, and those, within it, who issue press releases and offer facts and figures to demonstrate that real headway is being made.

It is instructive, however, to shift focus from the national level and examine how these contests play out locally. Within local settings, dissatisfaction at the slowness of reform, instead of being focused on the government or the ruling party, is levelled instead at those whom these reforms have already benefited. Conflicts develop between 'have-nots' and 'haves': in this case, owners of land and those who have settled on it as tenants (or 'squatters'). In the process, each side draws on repertoires advocating, or contesting, forms of moral good. Two contrasting views of citizenship become apparent, both of which were espoused by the ANC at the time of the elections. One is grounded in the restored ownership of private property, while the other highlights the rights of all citizens to be equal.

During such contestations, there has been a tendency by local people, especially those in the tenant category, to think of the state as indivisible from the ruling ANC. Some light is thrown on this blurring of boundaries by a recent overview of politics and the state in third-world settings. The authors suggest a detailed examination of the means through which a political party dominates the state: of how, for example, politicians manipulate or intervene in state functions in order to build support.<sup>3</sup> In some settings, like those where favours are done or money changes hands, this is assumed to be a sign that the state is weak. But where politicians simply act so as to demonstrate their mindfulness of the needs of – or the promises they made to – their constituents, the state is assumed to be a strong one underpinned by a healthy democracy. Although the differences between the two seem clear, it may often be difficult to distinguish between such instances in practice. This is especially true where the political party using state apparatuses to build support is – as in South Africa – answerable to supporters from

different classes or socio-economic groupings, thus needing to bear in mind separate, even contradictory, demands. These considerations make it more complicated to establish whether, within local contexts, the state can be seen as ‘in crisis’ or ‘stable’.

If one aspect of state/party blurring is politicians’ use of state instruments to pursue political objectives, another is the converse: the process in which local constituents manipulate or reconfigure parties’ political agendas or ideologies to fit their perceptions of how politicians, via the state, ought to be delivering on their election promises. The present chapter explores both of these in relation to the case of the Doornkop, an African-owned farm in Mpumalanga.

What is at stake here – as in similar scenarios elsewhere - is a contest over values and modes of social being. This contest goes beyond the specific matter of rights to land: land symbolizes other things. When tenants stake their claim to land, they are stating a sense of entitlement to welfare, security, and a variety of forms of protection which, they assert, the state has a duty to provide. In the process, they have ‘remoulded’ national political agendas to make them fit with such claims. The ANC which the farm’s owners supported from a time well before Mandela was incarcerated on Robben Island has been locally reshaped, by its tenants, as the party representing *their* interests and hence opposing owners’ ones.

The Doornkop owner/tenant conflict thus illuminates two aspects of local level politics. It tells us not only how politicians manipulate state functions, but also how local constituents reshape political parties. This, in turn, throws some light on recent analyses of post-transition South Africa which highlight the ANC’s difficulties in reconciling the interests of its richer and poorer constituents. Writers point to how the party’s ideological nation-building project has attempted to downplay ‘the socio-economic faultlines in our society’.<sup>4</sup> Emphasising racial and nationalist unity is an attempt – often unsuccessful - to hide these faultlines.<sup>5</sup> How far, ask another set of commentators, can the economic consequences of embracing competitive market capitalism, with its inequalities in the capacity to generate wealth and own the means of

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<sup>3</sup> T B Hansen, and F Stepputat ‘Introduction’ to TB Hansen and F Stepputat (eds) *States of Imagination*, (Durham, Duke University Press, 2002), pp. 29, 31.

<sup>4</sup> Morris, quoted in Marais, *Limits to Change*, p. 90

<sup>5</sup> Marais, *Limits to Change*, pp. 50-1.

production, be mediated by a political system that promotes equality and egalitarian rights? <sup>6</sup> Although such analyses point to a seemingly irresolvable tension between these principles contained within a single political party, popular political interpretation provides a means to resolve the tension, as the case of Doornkop reveals. The ANC, having promised equal rights at the election, has been reshaped locally as the party of the poor and landless, while the ANC-supporting title-holders - whose land rights were restored to them and who thus embody the inequalities inherent in private property ownership - have been redefined in the popular imagination as supporters of the political opposition.

It may, then, be misguided to try to establish whether the South African state/party configuration is 'in crisis' (by highlighting socio-economic faultlines) or 'stable' (by seeing how far these faultlines have been blurred through the party/state's nation-building project). The paper shows that local perceptions of party and state, constructed in the course of owner/tenants conflicts on African-owned land, represent a kind of 'manufacturing of consent' by the landless themselves.

### **Land Reform in South Africa**

Although land reform was underplayed by many of those in South Africa's liberation movement who were gearing up to take their places in the new government, its importance was emphasised by some within the exile community and several networks of activists inside the country, as well as by the rank-and-file landless. As policy was gradually developed during the early 1990s, land reform's significance was assumed to lie in its combining of moral and material aims: in redressing past wrongs by restoring property/citizenship rights; solving economic problems and ameliorating rural poverty; and establishing a class of viable African farmers. These objectives have increasingly revealed themselves as contradictory, and a tension has emerged between the program's 'moral' importance and its relative neglect in budgetary terms.<sup>7</sup> This tension is partly explained if one looks at the ruling party's present trajectory against the history of

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<sup>6</sup> H Adam, F van Zyl Slabbert and K Moodley 1998 *Comrades in Business: Post-liberation politics in South Africa* (Utrecht, International Books, 1998), p.189.

<sup>7</sup> C Walker 'Relocating Restitution' *Transformation* 44 (2000) pp.1-16; Ruth Hall and Gavin Williams 'Land reform in South Africa: problems and prospects' in Baregu, M and C Landsberg (eds) *From Cape to Congo: Southern Africa's Evolving Security Architecture*, (Boulder, CO., Lynne Reiner, 2003).

earlier dispossession. The land reform program is informed by memories of the 1913 Land Act, infamous for having legislated that a mere 13% of the land would be set aside for black occupation, by the ANC's 1950s Freedom Charter with its resounding slogan of 'land to the tiller', and by the gradual alienation of land occurring between those two dates as well as after 1950. But land has more recently become a less central issue for the ANC, which is said now to be privileging 'urban-based struggles' and to be attending to the needs of elites.<sup>8</sup>

The program acknowledged the diversity of land reform's intended 'beneficiaries' by subdividing its intended activities into three categories: *restitution*, *redistribution* and *tenure reform*. *Restitution* would concentrate on returning land to titled landowners, who had lost their property during the apartheid era as a result of forced removals. Controversially, the Restitution Act of 1994 was phrased so as to render more far-reaching claims, dating from before 1913, illegitimate. *Redistribution* would allow for those Africans who had never had secure claims on landed property to group together and purchase farms with the aid of government grants. It was this category, rather than restitution, which increasingly seemed the only way of transferring formerly white-owned land to the 'historically oppressed'. *Tenure reform* was intended to protect the rights of residents of privately-owned farms and state land in the former homelands. It would protect poor people from summary eviction or buy alternative land on which they could live.<sup>9</sup>

Restitution was pivotal. It appeared, at least at the outset, as crucial in restoring citizenship, largely because of how citizenship had earlier been denied. Apartheid planning had put in place a system of customary tenure in separate ethnically-defined territories, which formed the basis of the African rural population's political dependency upon chiefs. This system, by 'mapping the social landscape' according to

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<sup>8</sup> H Bernstein, 'South Africa's agrarian question: extreme and exceptional?' *Journal of Peasant Studies* (1996) 23, 2/3; R M Levin, 1996 'Politics and Land Reform in the Northern Province: a Case Study of the Mojabelo Land Claim' in M Lipton, F Ellis, M Lipton, M de Klerk (eds) 1996 *Land, Labour and Livelihoods in Rural South Africa*, (Durban, Indicator Press, 2002) pp. 364-5.

<sup>9</sup> E Lahiff 'The impact of land reform policy in the Northern Province' in Cousins, B (ed) *At the Crossroads: Land and Agrarian Reform in South Africa into the 21<sup>st</sup> Century*, (Cape Town and Johannesburg: University of the Western Cape and National Land Committee, 2000) pp. 92-106.

a particular conception of the innate relationship of ‘people to place’,<sup>10</sup> laid the foundation for the definition of rural Africans as chiefs’ ‘subjects’: land reform was intended to reverse this by making all Africans equal and sovereign members of a unified nation.

The importance of restored citizenship, due in part to the prevalence of human rights lawyers amongst those developing the program, positioned a language of ‘land rights’ rather than ‘property/ownership’ at the heart of debates about land reform. But an alternative and increasingly predominant line of argument began to foreground the economic benefits to be gained from secure ownership of property. The two approaches were linked in the early years of the land reform program, which drew many former NGO officials into state employment. But the government’s subsequent shift towards more explicitly neo-liberal economic policies has seen the rights-based approach decoupled from the property-based/economic one, with a tendency to favour the latter. Attempts to foster a land-owning, middle-class African farming constituency have eclipsed the previous emphasis on safeguarding the basic residence rights and welfare of the ‘rural poor’ through land redistribution or tenure reform.<sup>11</sup> With this altered direction and the substitution of personnel which accompanied it, many former NGO activists and human rights lawyers, having briefly worked in state employment, once again rejoined the NGO sector and have used legal means to challenge the government, attempting to contest its insistence on the private property model, and to reinstate the more egalitarian vision of the program’s priorities.

Restitution has, then, foregrounded the claims of former titleholders like the owners of the farm Doornkop. Inasmuch as land purchase was a strategy adopted by those who strove to better themselves despite the racially-based ownership restrictions enshrined in the 1913 Land Act, it underpinned the emergence of an African middle class. When the most successful members of this class began basing themselves in urban areas in the mid-20<sup>th</sup> century, their land came to serve as a residential and livelihood base for tenants, mostly people evicted or voluntarily departing from white-owned farms who then paid rent to the African owners of adjoining farms.

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<sup>10</sup> A Ashforth *The Politics of Official Discourse in South Africa*, (Oxford, Clarendon Press, 1990), p 158; M Mamdani *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (Princeton, Princeton University Press, 1996), p. 21-2.

Restitution, by returning such properties to their former owners, now looks set to strengthen, or reconstitute, this longstanding social division in South African society, as former tenants have attempted to move back to the land they previously occupied. Some have returned from the former homelands to their earlier homes. More significantly, new waves of people – some but not all of them related to former tenants - continue to be evicted off farms in the South African countryside. These new-wave tenants have settled, along with their precursors, on African-owned land. Social divisions are both being reconstituted and newly constituted at the same time.

Even though the land reform program was originally conceptualized so as to encompass the needs of all such constituents, there is a far larger constituency of land-hungry people, convinced of their entitlement to land, than restitution allows. Its demands are also far greater – and more complex - than can be realistically satisfied through the alternative subdivisions of the land reform program, such as redistribution or tenure reform.

### **‘Who’s land?’**

The existence of these broader demands was not ignored during the design of the program. Largely as a result of input from land NGOs and human rights lawyers, there was early recognition that people with ‘lesser’ or ‘informal’ rights had been living on African-owned land and that their land hunger would need to be satisfied. Indeed, it was these activists’ work with owners - dispossessed titleholders - which first alerted them to tenant needs and demands. According to some, the land NGOs concentrated on the victims of ‘black spot’ removals,<sup>12</sup> but the owners of these farms were not the sole beneficiaries of such efforts. In the Eastern Cape, for example, the plight of tenants on African-owned land were often at the forefront of NGO attention.

Practical experience with tenants’ problems translated into theory and later into policy when the land reform program was designed. In the deliberations and published writings of human rights lawyers, much attention was given to the problem of different

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<sup>11</sup> B Cousins *At the Crossroads*, Hall and Williams *Land reform in South Africa*.



levels of rights coexisting on the same pieces of land. Outlining what she called the ‘community land ethic’, Gilfillan, the lawyer later to become Mpumalanga’s Restitution Commissioner, discussed how this ethic would ensure better protection for holders of lesser rights. This ethic recognized fragmented land rights and represented a challenge to unitary ownership. It was only when this ethic came into conflict with ‘absolute private ownership’, she believed, that tenants on African-owned land would be left vulnerable:

private landowners use their absolute ownership rights under common law to deny tenants those social entitlements rightfully theirs under the community land ethic<sup>13</sup>

Such views had been based on long-term work with specific communities. Reflecting a similar commitment, and expressing a similar view of communal – and shared – rights, were those working in the land NGOs such as the Transvaal Rural Action Committee (TRAC), who relied on Gilfillan and other human rights lawyers for advice. Their researches yielded some insight into landlord-tenant rights and relationships on the African-owned farm of Kwa-Ngema in Eastern Mpumalanga Province (then known as the Eastern Transvaal). Explaining why his African landlord accommodated him, a tenant quoted in the newsletter claimed that

God created the earth for all people to live on, so all people should have a place to stay. In our culture we cannot refuse someone land to live on if it is available.

Analyzing these sentiments, the report states that ‘this philosophy stands as a reproach to free market ideas which encourage people to forget about community’.<sup>14</sup> The report reveals an assumption that for title-holders to have refused to accommodate evicted farm workers would have been to fly in the face of African concepts of community. Such assumptions about African communality came to be enshrined at the heart of land reform, and eventually to be codified in the new property-owning ‘legal entities’ to which land was restored.<sup>15</sup>

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<sup>12</sup> Levin, ‘Politics and Land Reform’ p 373; L Wotshela, ‘Homeland Consolidation, resettlement and local politics in the Border and Ciskei region of the Eastern Cape, South Africa 1960-1996’ (DPhil, Oxford University, 2001).

<sup>13</sup> D Gilfillan, *Common-law and customary land-rights in the context of section 28 of the constitution*, (Masters dissertation, University of Pretoria, 1995), pp.36,27.

<sup>14</sup> *TRAC newsletter* 24, 1991.

<sup>15</sup> D James ‘The tragedy of the private: owners, communities and the state in South Africa’ in F von Benda Beckmann, B von Benda Beckmann, Melanie Wiber (eds) *Changing Properties of Property*, (Oxford, Berghahn, forthcoming).

Idealistic as these notions may sound, lawyers recognized the need to set limits. The fact that individual African-owned farms had originally borne the brunt of immense population pressure, such as resulted from the large-scale farm labourer evictions of the 1960s and 1970s, had been a kind of unhappy accident: it was now acknowledged that these farms, once restored, should not again have to absorb evicted people. By the time Gilfillan began to work as Mpumalanga Province Commissioner she conceded that, if former tenants had rights, it might be fairer to restore these through broader processes of land reform, than to honour them on the African-owned farms where the tenants had once resided. It might be necessary to 'exclude' people in order to avoid re-establishing the chaotic situations which had often developed on African-owned land.<sup>16</sup> In the face of the practical realities of ensuring land access, this position privileges the 'private' dimension of ownership over the 'communal ethic'.

The main policy solution for satisfying the land hunger of former African tenants, as of many other landless people without demonstrable rights, was through an individual government grant. This was known as the Settlement Land Acquisition Grant (which translates into the unhappy acronym SLAG). It is based on, and equivalent to, the government's urban housing grant, and was initially set at R15,000 and later increased to R16,000 per household. Since grants could be pooled and used to buy land they would, in theory, make for equality between those who had formerly held recognizable land rights and those who had held 'lesser' or 'informal' rights - or no rights at all. A number of other solutions emerged. As time went by and the policy of restitution became more finely-tuned to recognizing such rights, it was proposed to start restoring farms to former tenants on African-owned land alongside those of the title-holders themselves. At the time of writing, this option was being explored in the case of the recently restored farm of Kromkrans in Southern Mpumalanga. But Doornkop had been restored before any of these options had been thought through.

Before continuing to explore African owner/tenant relationships, it should be pointed out how these complicated the conceptualisation of land reform and its purpose. 'Private property' had been thought to pose a problem, but it was assumed that it would be the interests of *white owners* which might derail the program. When lawyers and

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<sup>16</sup> Durkje Gilfillan, Pretoria, 13 June 1997; Johannesburg, 19 January 2001.

ministerial advisors initially debated the principles of land reform, concern was expressed that the controversial 'property clause' in the constitution, which protected the existing rights of owners and ensured that their land would not be confiscated or nationalized in the course of land reform, might confirm black landlessness, homelessness and poverty. Steps were taken to avert this when the ANC adopted the clause in September 1995.<sup>17</sup> There is little indication that, at this stage, the ownership of private property by *black owners* was considered a significant problem. But evidence has come to light, during the years since 1994, that such owners have often been as recalcitrant as their white counterparts in acknowledging the rights of those living on their land.<sup>18</sup>

The existence of an owner/tenant divide within the ranks of African landholders thus deracialises the issue of land reform, but it also renders a question first asked by Colin Murray in his book *Black Mountain* - 'who's land?' - more difficult to answer, whether in general/symbolic terms or specific/practical ones.<sup>19</sup> On a former African-owned farm, does the restored farm belong to its original purchasers and their descendents, to their former tenants who may have lived there as long or longer, or to other people in the region with 'greater need' who now demand with increasing stridency to be given a place to stay?

Notwithstanding the abovementioned solutions, former tenants often continued to assert their entitlement to live where they – or relations, or other more remote social acquaintances – had lived before the time of removals. That African-owned farms had historically been the first port of call for evicted people will be demonstrated below. That they appear, once again, to be settling on such farms, despite the best efforts of planners and policy makers, and despite the fact that redistribution grants are intended to allow them to buy their *own* farms, is the main thrust of what follows.

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<sup>17</sup> South African Institute of Race Relations *Survey*, (Johannesburg, South African Institute of Race Relations, 1995-6), p.370.

<sup>18</sup> Theunis Roux, Wits Centre for Applied Legal Studies, Johannesburg, 22 November 2002.

<sup>19</sup> C Murray, *Black Mountain: land, class and power in the eastern Orange Free State 1880s-1980s*, (Johannesburg, Witwatersrand University Press, 1992), p.8.

### **Owners and tenants: the broader context**

To outline the history of African owner/tenant relationships in South Africa's rural areas is to examine the origins of a basic faultline in South African black society. Early in the 20<sup>th</sup> century, a division was established between a class of better-off longer-urbanized and 'respectable' people and an underclass of poorer people, usually arriving later in towns.<sup>20</sup> In the case of the former Natal (now KwaZulu Natal), a study by Marks outlines the rural relationships which lay at the basis of this division. These were relationships between African landowners and the peasantry who, displaced from its former landholdings by white farmers, increasingly sought refuge as tenants on these owners' land. As these tenants were pressed into labour migration in cities, so the farms on which they paid rent to live were gradually transformed from agricultural sites into residential reserve areas.<sup>21</sup>

Black title-holders elsewhere in South Africa likewise established themselves as landlords, either leasing their land to be farmed by others or giving it over to full-scale 'shack farming'.<sup>22</sup> Historical studies give some insight into the complex reasons why such owners found this a more suitable use of their land than farming proper. On the one hand there is the now-familiar story of the 'fall of the South African peasantry', which tells how the terms of trade were gradually set in such a way as to privilege white farmers and sideline their African counterparts.<sup>23</sup> Simultaneously with this prejudicial situation, many African farm owners were using their land as a basis for social mobility through means other than agriculture. This mostly involved leasing or mortgaging property in order to fund higher education or other forms of expenditure appropriate to an aspirant middle-class status. While such owners initially favoured leasing their land to white farmers because black ones could not afford to pay an economically viable rental, this

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<sup>20</sup> B Bozzoli with M Nkotshe *Women of Phokeng: Consciousness, Life Strategy and Migrancy in South Africa 1900-1983*, (Johannesburg, Ravan Press, 1991), p.123; see also B Bozzoli 'Marxism, feminism and South African Studies', *Journal of Southern African Studies* (1983) 9,2, p.21; S Marks and R Rathbone 'Introduction' to S. Marks and R. Rathbone (eds) *Industrialisation and Social Change in South Africa*, (London, Longmans, 1982), p.19; S Stichter, 1985 *Migrant Laborers*, (Cambridge, Cambridge University Press, 1985), pp.7-16.

<sup>21</sup> S Marks, *The Ambiguities of Dependence in South Africa: Class, Nationalism and the State in Twentieth-Century Natal*, (Johannesburg, Ravan Press, 1986), pp.63-4.

<sup>22</sup> P La Hausse de la Louvière, *Restless Identities: signatures of Nationalism, Zulu Ethnicity and History in the Lives of Petros Lamula (c1881-1948) and Lymon Maling (1889-c1936)*, (Pietermaritzburg, University of Natal Press, 2000), pp. 163,173; T Marcus. K Eales, AWildschut, *Down to Earth: Land Demand in the New South Africa*, (Durban, Indicator Press, 1996), p.13; Murray *Black Mountain* p.118).

<sup>23</sup> C Bundy, *The Rise and Fall of the South African Peasantry*, (Berkeley and Los Angeles, University of California Press, 1979); J van Zyl, J Kirsten and H Binswanger (eds) *Agricultural Land Reform in South Africa: policies, markets and mechanisms* (Cape Town, Oxford University Press, 1996).

became increasingly impossible after the state's racialized restructuring of land use through the 1936 Natives Trust and Land Act. African title-holders were then left with little option but to let their land to African tenants, usually displaced from their homes on white-owned farms. Or, where African middle-class landowners were engaged in farming, they might own several farms in different provinces, leaving at least some of these available for rent to African tenants who would farm it in their place.<sup>24</sup>

This picture is accurate in broad outline. But not all tenants displaced off white farms relocated on African-owned ones. Initially, the prospect of settling on such farms or even eventually purchasing land on them seemed more promising than that of resettling in the homeland areas which were more remote and less hospitable. But increasing pressures brought to bear by the state on the inhabitants of African-owned farms - owners and tenants alike - meant that tenancy on such farms was merely the first step on a longer road that led inexorably to the African homelands. Although the infamous 'black spot' removals were the most extreme and punitive means used to accomplish this, they were by no means the only ones.<sup>25</sup>

Owner-tenant relationships were shaped by the struggle against these removals: a struggle which reached its height during the 1960s-70s but assumed different forms in different regions. In some cases, like that of Daggakraal in Eastern Mpumalanga, tenants, although being disparaged by some, were seen by others as a valuable source of income. They later supported the fight against removals and became part of the radical anti-apartheid Civics movement. Indeed, the strength of this united resistance on the farm Daggakraal was one reason why the removals were never, in fact, accomplished.<sup>26</sup> Even in cases where resistance was eventually quashed, such as in Natal (now KwaZulu Natal), owners helped tenants in allowing them to move onto their land 'at the last minute' so that they could then legitimately claim land after relocating in the new 'removal' townships.<sup>27</sup> In other cases, in contrast, members of the two groupings were brought into conflict by the threat of removal. Tenants and owners were left on either side of the political fence. Tenants, tempted by the promise of secure residence in the homelands and allying

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<sup>24</sup> Murray, *Black Mountain*; C van Onselen *The Seed is Mine: the Life of Kas Maine, a South African Sharecropper, 1894-1985*, (New York, Hill & Wang, 1996), pp.414-5.

<sup>25</sup> Van Onselen, *The Seed is Mine*

<sup>26</sup> *New Ground* 93(7)

themselves to chiefs in order to secure this, appeared as ‘collaborators’ with the state, while owners – often absent from the land and living in urban areas – offered fiercer resistance and allied themselves with the Civics movement and ultimately the ANC.<sup>28</sup> Such splits, indeed, were sometimes manipulated by the National Party government as part of a ‘divide and rule’ strategy, although this was not always successful.<sup>29</sup>

Detailed examination of a single case, like that of Doornkop, reveals such generalisations about collaboration and resistance to be lacking in nuance: there was a waxing and waning of enmity and amity depending on a variety of factors. It also shows that, although the owner/tenant distinction has some use in understanding class divisions in South African society, these categories must be further subdivided to yield a sufficiently subtle analysis. Many of those in the owning group are in fact so poor that they have more in common with tenants than with their better-off fellow-owners, while many present-day tenants are neither newly-evicted farm workers nor the offspring of former tenants, but have simply taken advantage of a relatively lawless local political context in order to live cheaply in the short term.<sup>30</sup> What Doornkop also demonstrates is an interesting inversion of collaboration and resistance. Where tenants agreed to their own removal during the 1970s and invited disparagement by the stalwart ANC-supporting owners in so doing, these tenants (and their successors and hangers-on) are now seen as supporting the ANC’s promise of equality for all while the owners are dismissed as having joined forces with the Afrikaner and the supporters of the former regime.

### **‘Practising apartheid’**

Doornkop is a farm close to the town of Middelburg. It was bought in the early years of the 20<sup>th</sup> century by a group of 284 Lutheran Sotho-speaking families in a bid to establish their independence from the Berlin Mission Society settlement of Botšhabelo. It was subjected to ‘black spot’ forced removal in 1974, by which time several of the owners had settled in cities and much of the farm was occupied by rent-paying Ndebele tenants. Those owners still present in 1974 were forcibly, and after much resistance, removed to various villages in the homeland of Lebowa. Bothashoek was the officially-

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<sup>27</sup> G Hart, *Disabling Globalisation: Places of Power in Post-Apartheid South Africa* (Berkeley, University of California Press, 2002), p.102

<sup>28</sup> Josie Adler, Johannesburg, 16 December 2003; Steve Miller, Middelburg, 29 January 2003; Wotshela. ‘Homeland Consolidation’.

<sup>29</sup> Hart *Disabling Globalization* p.65

selected 'compensation farm' but many preferred to settle in more developed settlements, more accessible to white urban centres and remote from the chief whom they saw as having betrayed them by agreeing to the removal. They settled in Monsterlus, Phokwane, and Tafelkop. Tenants – predominantly Ndebele – were later voluntarily resettled in the new Bantustan of KwaNdebele. Meanwhile, the farm became the property of the SADF (South African Defence Force). The removal caused great loss of employment and disruption, but the social differentiation (even within the titleholder group) which it augmented – between white-collar, middle-class city dwellers and blue-collar migrant workers remaining on the farm - was already far advanced. After the farm's official reoccupation in 1994, these differences re-emerged. They became manifest in the division between rank-and-file and leadership: those resettling on the farm were mostly poorer, but tended to rely on members of the middle class - who did *not* resettle there - to represent their interests. The differences were also reinforced by divisions between diehards and modernizers, and – most important for this paper - between those opposing and accepting the re-emergence of tenancy on the farm.<sup>31</sup>

During a visit to Doornkop in 2002, almost a decade after some of its owners had reoccupied it in 1994, we discovered that embryonic tensions over the question of tenancy, evident during an earlier visit in 1996, had focused themselves in the interim. Restored owners' antipathy towards the idea of tenancy had formerly been little more than a generalized repugnance. It was born out of a memory that the state had used the unsanitary conditions in which the farm's then huge tenant population was living as a justification for the removal of the entire community, owners and tenants alike; and out of a fear that similar conditions might lead to state interference in the future. But the historical charter for this repugnance was of longer standing. Owners invoked the community's original constitution, drawn up by some of their forefathers in 1933, which states that no-one 'who is not a legal purchaser of the farm' or a descendant may 'dwell

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<sup>30</sup> Marcus *Down to Earth* pp.30-2

<sup>31</sup> D James, *The Road from Doornkop: a case study of removals and resistance*, (Johannesburg, South African Institute of Race Relations, 1983); 'Hill of thorns: custom, knowledge and the reclaiming of a lost land in the new South Africa' *Development and Change* 31,3(2000), pp.629-49; ' "After years in the wilderness": development and the discourse of land claims in the new South Africa', *Journal of Peasant Studies* 27,3 (2000), pp.142-61.

or settle' there.<sup>32</sup> The apparent xenophobia in such an injunction was linked to the sense of religious exclusivity which had led Doornkop's owners, like many similar owners, to buy land in the first place, in order to live in exclusively mission/Christian communities.

What made this sense of exclusivity more stark in the case of Doornkop was that it echoed an ethnic cleavage. The original Christian purchasers (*bareki*) of the farm were primarily Pedi while their rent-paying tenants (*bahuri*, those who hire) were Ndebele. These tenants' forebears had lived as indentured workers on white farms under conditions of virtual slavery since the defeat of the Ndzundza Ndebele polity in the late 19<sup>th</sup> century.<sup>33</sup> As indenture ended or became transformed into labour tenancy, so the Ndebele had gradually moved off these white farms during the 1960s. Some resettled in the Lebowa homeland while others elected to live on the African-owned Doornkop. Their tenure here proved to be transitory when in 1975, along with many other Ndebele, they were relocated in the newest of South Africa's Bantustans, KwaNdebele.

Although the Pedi/Ndebele ethnic division does not translate squarely into one of class, since many Pedi had also been labour tenants and had worked on white farms neighbouring those which housed their Ndebele counterparts in the Middelburg district, Pedi have nonetheless tended to look down upon Ndebele as unsophisticated and inclined to paganism.<sup>34</sup> It is in the context of Doornkop that the two markers of division have aligned most clearly. There is also a third mode of classification: that of kinship. From owners' point of view, the Ndebele who could be envisaged as legitimate occupiers of Doornkop in the post-restitution era would be those who had married into Pedi families. These 'sons in law' (*makwenyana*) have been permitted to return provided their children – 'true' Doornkop descendents - are resident on the farm as well.

Owners were uneasily aware, however, that their opposition to tenancy echoed the ethnic exclusivity of South Africa's past. This was evident from well before there was a tangible

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<sup>32</sup> Copy of 'The Constitution of Doornkop 42' dated 6 November 1933, in file on Doornkop kept by Kalushi William Kalushi.

<sup>33</sup> P Delius 'The Ndzundza Ndebele: indenture and the making of Ndebele identity' in Bonner, P, I Hofmeyr D James and T Lodge (eds), *Holding their Ground: Class, Locality and Culture in 19th and 20th Century South Africa* (Johannesburg, Ravan, 1989).

<sup>34</sup> D James 'A question of ethnicity: Ndzundza Ndebele in a Lebowa village' *Journal of Southern African Studies* 16,1 (1990), pp.33-54.



threat that 'squatting' might be resumed in any serious way. In one incident soon after 1994, several truckloads of Ndebele, having been refused permission to resume their tenancies on the farm, accused the Doornkop community of 'practising apartheid'. It was also rumoured that the Mpumalanga Province housing director had refused to provide services to Doornkop until it abandoned its elitist stance as a *Volkstaat* (lit. 'people's state', a separate homeland for Afrikaners proposed by the far-right Conservative Party). Community leader Jacobeth Maabe admitted that she was ambivalent about whether to admit outsiders. Confessing that she was 'ruled by her elders', she stated her opposition to the arrival of those not entitled by birth to live there. But she recognized that the community's exclusive ethos would disadvantage it by endangering government assistance in its development.<sup>35</sup>

### **New or old wave tenants?**

When a 'new wave' of tenants eventually arrived on the farm in early 2000, this dilemma was sharpened. At first sight, it appeared that the new arrivals, although mostly Ndebele, were unconnected to the people who had lived there before the removals in 1974. The sequence of events was recounted by Chris Williams, a former government officer who had newly assumed his post as director of the land NGO TRAC.

In December 1999, the Parliamentary Portfolio Committee on Land Reform visited Doornkop, among other places, to investigate delays in land reform. At the time, there were a few squatters living on the farm who had been brought there by the South African National Defence Force (SANDF) to whom the farm still officially belonged despite its having been 'given back' in 1994. Although Doornkop's residents had agreed to let the squatters stay there as an interim measure until they could be re-housed, they took this opportunity to question the delays in removing these unwelcome visitors. The Mpumalanga Province MEC for Housing, who was attending the meeting on behalf of the province, made a public statement to the effect that 'Africa is for everyone'. His remarks were interpreted as meaning that the government had recognized squatters' rights and given them equal status to that of owners. Rumours of his speech spread like wildfire, and within a short time several hundred households had moved onto the farm and built shacks there. Certain of the legitimate residents then took advantage of the situation to charge rent to the new arrivals.<sup>36</sup>

Statements by owners variously emphasised the relative entitlement of the new occupiers -

some of these Ndebele are people who have come back. When they arrive, they point to their *marupi* (original sites) and go there.<sup>37</sup>

- or the groundlessness of their demands to be recognized as rightful occupiers -

... They are not those who lived here before – those people went to Siyabuswa. These new ones came from farms: near Hendrina, Arnot. ...[and] they are not only Ndebele.<sup>38</sup>

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<sup>35</sup> Makhwele Jacobeth Maabe, Doornkop, 14 July 1997.

<sup>36</sup> Chris Williams, TRAC Nelspruit, 26 January 2001

<sup>37</sup> Lekwetse Ratau, Doornkop, 10 December 2002.

The ensuing disputes, like earlier ones, evoked emotive memories of apartheid. Picking up on the Housing MEC's statement that the land of Africa should not be kept for the exclusive use of any particular group as it previously had been for whites, the moral case for the squatters centred on their poverty and landlessness, and tapped into local memories about Ndebele dispossession. But, although many of these shack-dwellers were indeed poor, not all had been driven to the farm out of dire necessity in the sense of having no alternative place to settle. Some had elected to move there from the nearby township of Mhluzi, adjoining Middelburg, in a desire to avoid paying expensive rents and service charges. Others, having moved from one squatter area to another around the district, had been attracted to this specific farm by the promise of farming land where they could plough, keep cattle, and enjoy the benefits of the life they had known earlier, while working on white farms.

The reason why I have been moving around to different places up till now, is because I wanted to do what I have been doing on the farms where I used to work ... I want to plough my crops like beans ... even if I am expected to pay rent here, I know it's worth it because I'm farming in my own yard.<sup>39</sup>

Most surprising of all, one woman, whom we met while she was single-handedly building a shack out of mud bricks, already had a six-room brick house in the KwaNdebele homeland, but needed a house in Doornkop as a kind of *pied-a-terre* so that her husband could more easily visit her during his weekends off. Squatting, rather than necessarily being a last resort, is often preferred because it allows proximity to work and access to food garden sites, and provides a relatively mobile and flexible option for short-term residence for those not wishing to make long-term investments in housing.<sup>40</sup>

These people had apparently settled on the farm with the randomness often attributed to squatters, who flock to empty land like 'birds in the cornfield'.<sup>41</sup> But many were in fact linked to the original tenants, and to each other, through ties of kinship which corresponded with those of ethnicity. When it became a matter of common knowledge that Doornkop 'was open' for African residence, the news spread over Radio Ndebele as

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<sup>38</sup> Magdalena Sehlola, Maria Riba & Lucas Mashabela, Doornkop, 8 November 2001.

<sup>39</sup> Jack Mthombeni, Doornkop, 10 December 2002.

<sup>40</sup> Marcus *Down to Earth* pp.30-2

<sup>41</sup> A Stadler, 'Birds in the cornfield: squatter movements in Johannesburg 1944-7' *Journal of Southern African Studies*, 6,1(1979), pp.93-123.

well as through family links between aunt and nephew, grandmother and granddaughter. Some of the 'new wave' of squatters were, in short, related to Doornkop's tenants pre-1974. In seeking to understand the significance of these kinship links and their part in recruiting the new wave of squatters, one needs to recognize the process through which domestic groups divide and proliferate. New squatter households in South African cities often begin when young men and women move out of parental homes (not necessarily squatter ones) to marry.<sup>42</sup> If 'landlessness' is a factor encouraging the expansion of rural squatter settlements, it is newly spawned in each generation. What appears, then, as a new wave of tenants, is revealed as being connected to the old one. This goes some way towards explaining these occupants' strong sense of moral entitlement to the land.

The case of Rose Mahlangu and her husband illustrates this point. It also shows that it is difficult to draw distinctions between people in terms of the 'informal rights' once enjoyed by specific families, since occupiers of African-owned land, white-owned farms and the former ethnic Bantustans are often connected by kinship ties. The profile of Rose's family was the classic one of Ndebele farm-dwellers. With her parents and siblings she had lived on – and been forcibly evicted from or more subtly persuaded to leave - a bewildering succession of white farms in the Middelburg district. When they eventually arrived to erect their shack on Doornkop in 2000, they had not previously lived there. Rose's father's sister, on the other hand, *had* done so: she was one of the Ndebele tenants who had moved into the homelands after the 'black spot' removal of 1974. Although this aunt had opted to remain in the vast settlement of Siyabuswa, in KwaNdebele, rather than returning to live at Doornkop, her residential history on the farm suggested to her brother and his family that they might find a home at Doornkop some 30 years down the line. In Rose's case, ties of marriage had also pointed to Doornkop as a site where they could build their own independent dwelling, since her husband – also mainly reared elsewhere - had briefly schooled on the farm while staying with some relatives who had been tenants there in the pre-1974 period.

There were, then, historical precedents for an Ndebele sense of entitlement on the farm, as local Ndebele notable and civil servant, JB Mahlangu suggested:

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<sup>42</sup> H Meintjes, 'Poverty, Possessions and Proper Living: constructing and contesting propriety in Soweto and Lusaka city' (MA dissertation, University of Cape Town, 2000).

At Doornkop in the 1970s, Pedis who were the legitimate owners of the land had given hectares to Ndebele who were renting those places. When the government decided to move people away from Doornkop, it was only the owners whom they evicted, because they were the ones resisting. They did not have a problem getting the *bahiri* (tenants) to move. Now, the new system allows only the owners to return. But through the historical understanding, the Ndebele also returned, because they used to stay there as well.<sup>43</sup>

But the full story of Doornkop's squatters goes beyond this. As already mentioned, several of them had no specific basis – ethnically or in terms of kinship or prior occupation - for a sense of entitlement to this particular site. And for those who did have such a sense, asserting it was merely one among a series of strategies deployed within the district overall. Ever since the mid-20<sup>th</sup> century, people evicted from white farms in the Middelburg district had explored, or been forced to settle for one of, a range of possible alternatives. The range became more restricted as population increased. When evictions spiralled with increased farmer paranoia before and during the 1994 elections, pressure on existing sites became more intense: some people, like Rose's family mentioned above, moved to other farms from which they were to be evicted in turn; others settled at Sango village, specifically established in 1994 to house farm evictees, or to one of several informal settlements whose names - like '*wag plaas*' or '*wag huis*' (lit. waiting farm or waiting house) - signified the temporary nature of the refuge they offered.<sup>44</sup> Limited numbers had used their grants to become 'beneficiaries' of redistribution on farms like Mooiplaas or Sizanani, next door to Doornkop. The prospect of filing restitution claims had also opened up. Centred on the conviction that Ndebele would regain farms they had historically occupied and where their chiefs had been based, some members of the Ndebele elite initiated the *Sibuyel' Ekhaya* (We are going home) movement. It lodged claims on 14 farms. Of these, a section of the 'anchor' farm, Kafferskraal, was returned to its owners through the Land Claims Court during 2003. But on none of these was there a chance of settling in the immediate future, and most were any case more remote than Doornkop from centres of urban employment. Despite the apparently wide range offered by these alternatives, the insecurity of most of these meant that Doornkop, close to Middelburg and apparently offering limitless possibilities for cultivation and cattle-keeping, had initially at least been more attractive.

### **Current conflicts**

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<sup>43</sup> J B Mahlangu, KwaMhlanga, 25 November 2002.

<sup>44</sup> Mpumalanga West Consortium, Initial Community Surveys, March 1997, pp.35-6.

The story of Doornkop's squatters is emblematic of many similar situations elsewhere in the country. It is the story of a loose agglomeration of people at whose core is an ethnically-defined group seen as an underclass not only viz-a-viz white society but also in relation to other African groups. On the basis of a sense of historical and moral entitlement, they have laid claim to land and in so doing have become the fulcrum for a further concentration of the disenfranchised and 'landless'.

Owners are divided between the view that such problems would never have arisen had tenants been excluded from the outset, and the view that tenants – 'the landless' – ought to be allowed to stay in the interests of fairness and egalitarianism. In the midst of all this disagreement, the situation is fraught with promises of conflict, some of which have been actualised in violent confrontation. Owners complain about thefts and assaults by squatters: squatters have been assaulted and their houses burnt or destroyed by owner vigilantes; and they, in turn, mutter darkly about various forms of possible retaliation. Much of the blame has been laid at the door of a state policy implemented too soon with too little proper planning. Doornkop, it is argued, represents a very early stage in the restitution process; much has subsequently been learned from the mistakes. Had the farm been earlier 'developed', larger numbers of people from within the legitimate owner fraternity might have moved back, leaving less room for tenants. Alternatively, or in addition, had tenants' needs been taken into account from early on, land might indeed have been set aside for them as has been done in other more recent cases like Kromkrans, further to the south-west. Furthermore, had the farm been transferred more speedily from the hands of the state into those of the former owners – a matter which took several years to accomplish - the squatter problem might not have arisen in the first place (the first group of squatters had been dumped on the land by SANDF, which owned it before its restitution). Or, once squatters *did* arrive, owners would have felt entitled to assert their recognized property rights and to control the problem by requesting police assistance to evict the squatters. While these mistakes have informed the further development of national-level restitution policy elsewhere, rectifying them in the case of Doornkop has been left to vigilante action, to various actors within local government structures, or to the consultants they employ.

Could the somewhat abstract solutions proposed by the human rights legal fraternity (and mentioned earlier) have solved owner-tenant conflicts in a specific case like the one

described here? These lawyers had made concerted efforts to balance the principles of private ownership with its corollary of exclusiveness, against those of communal property with its more egalitarian connotations. It is undoubted that they recognized the possibilities of conflict over land under either regime, as can be gathered from this statement by Durkje Gilfillan, the human rights lawyer mentioned earlier who became Land Claims Commissioner for Mpumalanga:

property is, ultimately, about mediation ... After vesting the rights, how you enforce those ... is sheer negotiation.<sup>45</sup>

The need to balance exclusion against egalitarianism, and to solve disputes through negotiation, were here acknowledged in principle. But in the particular case under present consideration, especially after changes in the Department of Land Affairs post-1999, neither structures for the clear 'vesting of rights' nor for 'mediation' were in evidence. And, according to arguments proffered by the human rights fraternity, the broader context of state policy had in any case changed since the turn of the 21<sup>st</sup> century. Within a framework privileging the interests of 'owners' overall, policy now seemed to be geared particularly towards ensuring the prosperity of commercial African farmers. Given this new policy direction, commentators have shown that attempts to downplay divisions between South Africa's rich and its poor have become increasingly less credible. As inequalities of wealth intensify, so 'rights talk' in its most egalitarian sense becomes less convincing.<sup>46</sup>

What is at issue, according to such analyses, is the success or failure of a hegemonic project: a 'manufacturing of consent' by South Africa's ruling ANC. Success would require that constituents within various layers of the increasingly differentiated social fabric perceive their interests as indivisible and their needs as being fulfilled within the current political dispensation,<sup>47</sup> but this appears progressively more unlikely with the escalation of actual differences in wealth. Its unlikelihood is further intensified given the ever-greater centralization of power in the hands of the ruling elite and its tendency to exclude political control from below: a pattern which was often commented-upon in the media and by acquaintances during fieldwork in 2003. But to see all this as a failure to

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<sup>45</sup> Durkje Gilfillan, LRC, Johannesburg, 19 January 2001.

<sup>46</sup> Marais *Limits to Change* p.50-1; Adam *Comrades in Business* p.189.

‘manufacture consent’ is to fail to grasp the importance of local political contexts in which land access plays a crucial role. The poor and landless, so inadequately served within the current climate, have some capacity to reshape political imperatives. The ANC has attempted to ‘take control’ of this reshaping process by responding to it, partly through tapping into regional/ethnic contexts. Indeed, the story of Doornkop’s squatters shows that the party’s tendency to centralize, rather than representing an inclination to ignore local imperatives, may have been forced upon it by them.

In the respective condemnations and justifications of tenancy expressed by those we interviewed, the moral positions adopted were, not surprisingly, closely linked to perceived material interests. As a result, they did not always coincide with the owner/tenant division. Those members of the owning community who had fewest options for making a living outside the rural context were most ready to ‘sell’ or let plots, and their expressed views echoed those of tenants: that land should be available to all rather than being privately owned, and hence that the basis for owner exclusivity was invalid, since this went against the promises made at the 1994 election.

The opinions of tenants on the morality of tenancy scarcely differed from those of the few owners who had invited them onto the farm. Lekwetše Ratau, for example, was one of a small number of owners who had been chided for letting land out to tenants, while Joseph Kunene, considered the major offender against the tenet of exclusively-owned property, had been assaulted and (unsuccessfully) charged for similar but much more pervasive practices. Indeed, he had ‘sold’ several hundred plots on the farm. Thus, when tenant Enoch Mabuza asserted that land be freely available to all -

... we voted to stay anywhere in South Africa. They say that this place belongs to their forefathers. But how could someone chase you away, when you have voted in South Africa?<sup>48</sup>

- his words were echoed by Lekwetše Ratau: ‘All people have the right to stay - the law does not allow people to be treated like this ... They just want a place to lay their heads.’<sup>49</sup> and by Joseph Kunene -

People have been thrown off farms, they're suffering. As a black person I can't allow a fellow black to suffer, so I help them to come here. The national government doesn't believe in keeping people separate, so why should we keep them separate here?<sup>50</sup>

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<sup>47</sup> Marais Limits to Change pp.232-3; 240; M Burawoy, Manufacturing Consent: Changes in the labour process under monopoly capitalism, (Chicago, University of Chicago Press, 1979).

<sup>48</sup> Ephraim and Fanie Mabuza, Doornkop, 6 November 2002.

<sup>49</sup> Lekwetše Ratau, Doornkop, 10 December 2002.

Such statements embody the ‘communal’ dimension of how human rights lawyers envisaged property ownership (and echo the sentiments of the Kwa Ngema tenant cited earlier in the paper) but suggest none of its ‘private’ or exclusionary aspects. Asked to elaborate on the kind of land ownership which they saw as legitimate, tenants and their landlords alike advocated a continuation of the model which had formerly operated during the apartheid era, in the communally-held homeland areas.

We want land to be under government control and that is where we want to stay. If the place is under government, it can always assist us in times of need. If the place is my property, I will have to provide everything for myself, such as buying this and that. I don’t want that. I want the government to tell me: ‘stay here, there is water, your house, your toilet’.<sup>51</sup>

This ‘communal/trusteeship’ model of ownership was that which operated in the state-owned former homelands, parts of which had belonged to the South African Bantu Trust and hence were known simply as ‘the Trust’. Although this model had been established only during the 1930s and 1940s,<sup>52</sup> it appears from these tenant comments to have become firmly entrenched as the ‘customary African’ practice by the time of writing.

Expressing a very different vision, those owners opposed to tenancy, like MO Mohlala, insisted on a model of private ownership, despite their recognition of the kinds of conditions which had driven tenants off the farms in the first place:

Doornkop is a private land - a bought land - like any other land that has been bought by a farmer. You cannot just enter a farmer's place and say ‘it's a democracy’. They have got this wrong. They are trespassing - this is private property.

The Ndebele came here because South Africa got freedom and democracy, and this implies that they must also have access to a living place in case they need it ... They came here also because the conditions on the farms where they used stay are bad.

Before 1974, *bahiri* (tenants) were predominantly Ndebele, but now we have lots of other ethnic groups also coming from nearby farms. People who used to accommodate *bahiri* were referred to as *dinokwane* (traitors) because Doornkop is a private property and therefore *bahiri* were trespassing.

As revealed by his testimony, those willing to dispense or let land to tenants during the pre-1974 period had been disparaged as much as their present-day counterparts. But then as now, admitted Mohlala, the occupiers of Doornkop best able to use its productive resources were these tenants. By way of proof, he gestured towards the shack-dweller

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<sup>50</sup> Joseph Kunene, Doornkop, 8 November 2002.

<sup>51</sup> Ephraim and Fanie Mabuza, Doornkop, 6 November, 2002.



area, where the most temporary of corrugated iron dwellings were flanked by well-built cattle byres stocked with beasts and surrounded by the verdant growth of this year's vegetable crop:

The Ndebele people who grew up here might be able to do farming. And they are best placed to do it - they have experience, since they have lived on farms for many years.<sup>53</sup>

In disputes about who had the greatest entitlement to live on the farm, its absentee owners or the squatters with their immediate material needs, ideas of morality merged with those of custom and culture. Measured against the promises made by the ANC during its election campaign, squatters perceived it as unfair to allow one group of privileged people to own land of which they clearly had no need, while another group was being denied land despite being much better placed to use it.

### **Land and Politics**

Strongly-held tenant views that the ANC promised 'land for all' have been translated into concomitant threats of withdrawing voter support: 'If they chase us from here, I will never vote again'.<sup>54</sup> This is accompanied by a recognition, among those owners who *have* derived financial benefit from 'selling' land, that the restitution process, although beneficial only to a few, had been undertaken with electoral backing of the broader population: 'We got this land back through other people's votes'.<sup>55</sup> Political considerations of this kind lie at the basis both of the local reshaping of political ideologies and alignments mentioned earlier and, perhaps paradoxically, of increased party centralization at national level.

Where landowners like the original buyers of Doornkop had formed the core membership of the ANC in its earlier incarnation, the exclusionary attitude of some of them, and their refusal to let their land be used for the 'greater good', was now leading to their being recast, at least from the perspective of squatters and those 'selling' land to them, as supporters of the opposition DA. The ANC, in contrast, had been recast as co-terminous with the tenants/the Ndebele, and was thus being envisaged as the party of the common people, intent on defending the landless and the poor.

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<sup>52</sup> Murray *Black Mountain* p.132. *passim*.

<sup>53</sup> MO Mohlala, Doornkop, 10 December 2002.

<sup>54</sup> Ephraim and Fanie Mabuza, Doornkop, 6 November 2002.

This perceived realignment had occurred, in part, as a result of the efforts of local ANC councillor Piet Tlou, whose own life history itself traced the resettlement trajectory of those of many of his constituents. His Ndebele name, *Khambani*, (Go Away) was given to him in recognition of his parents' eviction from their home on a white farm on the day of his birth; he had subsequently lived as a tenant on Doornkop; and relocated after 1974 to yet another white farm. Having successfully resisted an attempt by the farm owner to expel him, he was now encouraging Doornkop's occupiers in similar forms of defiance. As a councillor elected by a ward constituency in which evicted farm occupiers and other landless people were predominant, he made no bones about his view that African owners were unfairly discriminating on ethnic grounds: he was spreading the message of defiance as far as possible among his constituents.

When the Pedi returned, they were very few. On the other hand, the Ndebeles are being increasingly evicted from the farms. Doornkop is open. When the farmers evict Ndebele, they have no other place to go to except Doornkop. So as councillor, I was asked what do I say about this? I told them that the government has not stipulated anywhere that Doornkop is only for Pedi and that anyone who goes there must be chased away.<sup>56</sup>

That the ANC was locally seen as the party of the poor was confirmed by our discussions with one of the owners. Titleholder and land-seller Lekwetše Ratau identified herself, unlike her better-off counterparts, as an ANC sympathiser, on the grounds of her fellow- feeling for the Ndebele:

The ANC people here are those who come from the farms - those who have been chased away from the farms - the *bakgopedi* (those who ask). They should not be called *bahiri* (tenants): the law does not allow that label as these people are also landless and are asking to be accommodated. I feel that these people must be allowed to stay. But most people from Doornkop are not in sympathy with these farm-dwellers.<sup>57</sup>

She made clear her opinion that to align oneself with the property-owning group – officially known as the Communal Property Association (CPA)<sup>58</sup> – was to demonstrate one's sympathies with the DA. This party, the official opposition at the national level, had a rather different profile at the local level. It was a loosely allied coalition of opposition forces, with a basis in white farmer interests, which had recently won the Municipal elections. Her analysis of the situation betrayed some confusion about whether it was political parties or property-owning entities which were designated by

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<sup>55</sup> Joseph Kunene, Doornkop, 8 November 2002.

<sup>56</sup> Piet Tlou, Middelburg, 27 January 2003.

<sup>57</sup> Lekwetse Ratau, Doornkop, 10 December 2002.

<sup>58</sup> See James 'The tragedy of the private'.

the confusing array of acronyms involved. But it nonetheless revealed much about this perceived political realignment:

*Who owns the farm?*

They usually don't call me to meetings, so I have lost touch. Does the farm belong to the ANC? ANC, CPA, DA - I don't know which organisation is the owner.

*Which of these do you belong to?*

I am ANC. I am not a CPA person - this means you have isolated yourself from others. In the beginning the DA came, and said they were going to bring development: this would be done by the state. Later we started to co-operate more with CPA. But DA and CPA seem to be connected to each other. ... (*ibid.*)

Equally underlain by suspicions of conspiracy, and displaying similar levels of conviction, was the opinion of squatter leader Jan Masina. He informed us that the predominantly white/Afrikaner DA was using Doornkop's property owners to do its dirty work for them: to help get rid of squatters in the DA-dominated area overall. According to his logic, the eviction of the Ndebele squatter/tenants would return Doornkop to its status as an exclusive Pedi enclave. The DA would then make political capital by asking the ANC government 'isn't this an example of a *Volkstaat*? You have allowed it here, yet you deny us Afrikaners the right to have ethnically separate communities'.

These protagonists in the squatter scenario describe a series of rapid political shifts over the period since the second elections in 1999. Their statements and attitudes suggest that the ANC at local level – and in a Municipal ward where it was currently in the minority – had been refigured so thoroughly by local interests and the perception of local voter priorities that it was pursuing policies distinct from those it was advocating at the level of government. Surely this can be the only way to explain why a party which was nationally pursuing a project to put ownership of land and other assets into private ownership and distance itself from welfarist functions, was locally invoked as the defender of the destitute against property interests?

The national and local levels were not, however, as disarticulated as this might suggest. Such was the opinion of another of the owners, Naape Setoaba. He pointed to the ANC's need to appease, and hence attract and maintain voter backing from, those who formerly supported the ethnically-based homeland governments in the old South Africa. He was –

in his own description - a 'loyal member of the ANC': a fact which contradicted tenant claims of owner collusion with the opposition DA. He was nonetheless astutely perceptive about – even critical of - his party's ploy.

In 1993 when we were moving towards elections, there was an Ndebele party called *Intando ya Sizwe*. Near Nelspruit, where we had had KaNgwane [the Swazi ethnic bantustan], there was Enos Mabuza and his Swazi party. As we approached the elections, the ANC wanted to swallow these parties, and give positions to some of these Bantustan leaders. So Enos Mabuza and James Mahlangu [the Ndebele leader] both got positions in the government. ... Because the ANC in Mpumalanga Province mainly consists of these two pre-existing parties, we had to appease them and give them positions. The Pedi here are very few. The Ndebele are in the majority; there are Swazi too. We need their votes.<sup>59</sup>

The ANC at national level was thus aware of the significance of ethnic allegiances in provincial settings. The Ndebele, often disparaged by better-off groups as illiterate and uneducated, were in the majority in West Mpumalanga. They also constituted a significant section of the populace in Mpumalanga Province as a whole, where smaller-scale ethnic divisions – between Zulu, Swazi and Ndebele - had begun to be transcended in the name of an overarching 'Nguni' identity. Both national and provincial levels were invoked when Doornkop's Pedi-speakers complained of ethnic strategizing. People muttered darkly about the high office held by Ndebele in Municipal structures – alleging, for example, that the Mayor of Middelburg (an Ndebele) had been appointed on ethnic grounds alone. They also claimed that the former Mpumalanga Provincial Premier - Matthews Phosa (a Sotho-speaker) - had been excluded from his office in recognition of the importance of the ethnic vote, and a Premier from the Ndebele-speaking majority – Ndaweni Mahlangu - chosen in his place. The reluctance by the police and other functionaries of the local state to help evict the squatters could, according to Doornkop owners, be explained in similarly ethnic terms. It was attributed to the recognition by Ndebele notables and office-holders of the plight of the farm workers from whose ranks they had come, and to whom they felt an obligation as office-holders.

Such allegations revealed something about the continued – or revitalized – significance of ethnic mobilisation in South Africa. At the same time, they pointed to the flawed logic of returning land as a basis for restoring citizenship and embarking upon a project of national unification. Although land as a broader motif resonates with generalized notions of shared nationhood and appears to transcend narrower ethnic identities, the act of reclaiming it makes people remember their specific histories. Reclaiming land thus

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<sup>59</sup> Naape Setoaba, Doornkop, 8 November 2002.

conjures up the particularistic ethnic sentiments which the old South Africa had been so notorious for emphasising. To revive communities' ownership of lands was, it seemed, to invite the renewal of ethno-nationalism: a process which was reinforced when the ruling party tried to strengthen its support base through ethnic forms of mobilization. When Ndebele shack-dwellers, located at the core of a heterogeneous assortment of landless people, railed against the immorality of ethnic exclusivism and claimed that 'the land is for all', they were tapping into historical memories about Ndebele entitlement to broad swathes of the Highveld. The ANC, by playing into this strategy, would not be acting in such a way as to transcend ethnically-based claims: or to 'build a nation'. Instead, through forms of mass ethnic mobilisation, it appeared to be acting against the minority ethnic groups from amongst whose elites it had earlier drawn its key support.

### **Conclusion**

Nevertheless, in one sense, the 'nation-building project' was proving successful. The poor were being kept on board by the party for whom they had cast their votes in South Africa's landmark democratic elections in 1994. But the 'manufacturing of consent' was not serving to create racial and national unity. Rather, the interests of better- and worse-off voters were here diverging. These interests were fragmenting along the lines of class which reinforced those of real or imagined ethnic identification. It was on the level of this local-level balkanisation, rather than in any broader image of national unity, that the future for Doornkop's inhabitants was later to be sought. Despite the impassioned pleas being made by local ANC councillors such as Piet Tlou on behalf of the poor, the solution to Doornkop's 'squatter problem' was being sought beyond the realm of politics. It was being looked for, instead, in the world of 'planning'.<sup>60</sup> In the process, the state was outsourcing its responsibilities to private consultants. With very little input from 'beneficiaries', and despite much opposition from amongst their number, a 'redistribution' land reform project was being hatched to house the squatters on a nearby farm bought with their combined government grants.<sup>61</sup>

This was not the only respect in which attempts were being made to outsource state functions. Conflict resolution was also being effectively privatised. The transfer of land

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<sup>60</sup> A F Robertson, *People and the State: an anthropology of planned development*, (Cambridge, Cambridge University Press, 1984); J Ferguson *The Anti-Politics Machine: 'development', depoliticization and bureaucratic power in Lesotho*, (Minneapolis, University of Minnesota Press, 1990).

to communities represents an attempt by the state to devolve responsibilities for law and order, and other public duties, away from itself and into the hands of private owners.<sup>62</sup> Effectively, the local state was using Doornkop's restored owners to handle – on their own land - a problem of evicted farm workers which might otherwise have become a broader one within the region as a whole.

In both respects, one can see Doornkop's owner/squatter dispute as emblematic of broader postcolonial political scenarios. There is a cruel irony in the fact that, just at the moment when people have transformed themselves into a citizenry which demands political rights and entitlements, so the political means for satisfying these demands have dwindled in an increasingly privatised world.<sup>63</sup>

To conclude, we return to the question of political parties and the state relations. Reading the Doornkop owner/tenant conflict as a case study of such relations yields a complex script. State recognition of, and attempt to redress, the lost rights of its key constituency through land 'restitution' has been politically strategic in one sense. But it has promised to reinstate, or exacerbate, socio-economic differentiation. A broader constituency has forced itself – and imposed its own interpretation of events - upon the attention of the state through its local councillors. This modern case of owner/tenant relationships on African land neither confirms the existence of an absolute 'faultline' between pre-existing classes, as some studies in the apartheid era suggested; nor guarantees a 'site of stabilisation', as those promoting the 'nation-building project' might prefer.

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<sup>61</sup> James 'The tragedy of the private'.

<sup>62</sup> James, 'The tragedy of the private'; K Pienaar, ' "Communal" Property Institutional Arrangements: a second bite' in Cousins, B. *At the crossroads*.

<sup>63</sup> T B Hansen and F Stepputat, 'Introduction' to *Sovereign Bodies: Citizens, Migrants And States In The Postcolonial World*, (Princeton, Princeton University Press, 2005).