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**"After years in the wilderness": the discourse of land claims in the new South Africa**  
DEBORAH JAMES

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ABSTRACT

The paper examines land restitution in the new South Africa, and looks at the intersecting roles of land-claiming communities who were forcibly resettled from their land during the apartheid years and the NGOs and – since 1994 - Government Commissioners who have helped them to reclaim the land. Ideas and practices concerning land, community and development that have emerged from the interaction between these different players have been mutually constitutive but are sometimes mutually incomprehensible. A populist rhetoric, evident both in discussions with former land owners, and in much of the writing in NGO publications such as *Land Update*, depicts land as something communally owned which must be communally defended. This sense of a uniformly experienced injustice and a shared resistance against outside intervention obscures the fact that claims on land derive from a series of sharply differentiated historical experiences and articulate widely divergent interests, such as those - in the case of the farm Doornkop for example - between former owners and their former tenants.

The restitution of land to these former owners, while being of great importance to them as a source of identity and as a redress of past injustices, is not necessarily the key to solving “poverty, injustice and misery” as has been claimed for the process of land reform as a whole.

INTRODUCTION

Anthropologists, it is currently claimed, can and should play a significant role in those processes of managed and haphazard social change subsumed under the heading of development (*Pottier, 1993*). One of the ways they have done so in South Africa is by acting, indirectly or directly, to defend the rights of communities subjected to the vagaries of the capitalist economy and to various forms of government planning. In relation to the former, they have documented the effects of labour migration and of the gradual decline in subsistence agriculture; while in relation to the latter they have looked at the social upheavals caused by population resettlement, whether these were the clear outcomes of state plans or rather more unforeseen (*Gordon and Spiegel, 1993*). But a more novel and certainly more ambitious approach would be for the anthropologist's gaze to broaden, thus encompassing not only these local communities but also the people who have worked to alleviate their plight or to represent their interests in the broader world. My own analysis here is based on the discourse and practice of resettled people claiming restitution but also by parties - people in South Africa's land NGOs and in national and regional government - who concern themselves with restoring land to their claimants and with developing and improving such land.

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To broaden one's vision in this way may seem like stepping into a political minefield. Surely, one might argue, the motivations and modes of expression used by those who have worked unselfishly on behalf of the dispossessed need not be probed in this way. Surely these assumptions and rhetorical styles are, in any case, utterly dissimilar to the kind of much-criticized development rhetoric which represents the Third World as backward: as a *tabula rasa* on which knowledge must be written by the West (*Hobart, 1993*). But it is generally acknowledged that the job of the anthropologist is to deconstruct cultural realities by making clear how these relate in often contradictory ways to the specific social contexts within which they are produced. If anthropologists are currently encouraged to study the processes of development and change, and if it is thought appropriate for them to include within the ambit of their investigation the developers as well as those developed, then it is illuminating for them to examine and analyze the forms of behaviour and expression used in both arenas, and the extent to which these intersect and/or diverge.

This paper has as its context a series of debates about land reform (*Birch, 1996; Palmer, 1998*) and about the political economy of the South African countryside: a topic addressed in the special issue of the *Journal of Peasant Studies* entitled "The agrarian question in South Africa" and analyzed in the introductory article by Bernstein (1996). The paper explores a case similar to that analyzed in Murray's contribution to the volume (1996), in which there is a "chasm between the rhetoric of benefitting 'the poor' and the reality of their practical exclusion" (*ibid*) due to the limited nature of the state's land reform measures which have been "'captured' by elements of the local (black) bourgeoisie and petty bourgeoisie" (*Bernstein, 1996: 25*). The paper focuses, in particular, on the multiple rhetorics drawn on by land claimants, NGOs and government personnel. An inclusivist and communalist discourse, which originally emerged in the course of a struggle against a long history of coercive state planning, masks the sectional and individual interests that are served when land restitution is pursued. A liberal/universalist discourse of human rights sometimes overlaps, but is often at variance, with the primordialist ideologies of ethnicity and tribe. The charter for change which results from these interlocking discourses can be unexpected. Communities reclaiming land may desire rapid, urban-style material advancement while their urban-based development partners envision them as committed to communalist ideals and simple, rural-style and "appropriate" technology.

## DEVELOPMENT PLANNING AND THE COMMUNALIST RHETORIC

Among the major players in the drama of land restitution and development in South Africa are its land NGOs. Their existence, like that of many cognate organizations in South Africa, must be understood not only in the broad

context of apartheid and the struggle against it on various fronts, but also of a deeper colonial history. Part of their strategy, in helping communities to reclaim land, has been to stress its communal ownership, and to emphasise that land, in African culture, is a jointly-owned resource to be used for the common good. This idea, interacting in complex ways with indigenous notions of community, has come into being over more than a century of negotiation between dominant and dominated (*Chanock, 1991*). In an initial phase, native commissioners planning the use and rationalization of land tried in the process to confine communities and prevent their members from acquiring individual ownership, which African cultivators and their chiefs both contested and collaborated with. Communal ownership was from the outset, then, an idea arising out of struggle and contestation.

Later, resistance to plans for agricultural "betterment", imposed by the apartheid government in the late 1950s, would provide a further basis for this communalist ideology. The groundwork for betterment planning had initially been laid by the Native Economic Commission of 1930-2, but was eventually undertaken only in the 1950s, after the report of the Tomlinson Commission (*Delius, 1996*). This report discussed the need to improve and rationalise agriculture in the reserves, and suggested the creation of a class of successful farmers, cultivating on a freehold basis both the land formerly held in "Trust" and that currently used in communal tenure by numerous subsistence farmers. It would, of necessity, require the redeployment - or more bluntly the dispossession - of many of these small-scale communal-tenure farmers. But the implementation of these plans in the broader context of apartheid's mass relocations meant that they became little more than a way to subdivide the land so that successive waves of newcomers could be accommodated on it (*James, 1983; Yawitch, 1982*). What was originally a modernising development plan, conceived of in broadly similar terms to those being proposed and implemented elsewhere in the world, became recast as part of the apartheid state's strategy, articulated in racial terms, to control the lives of African country-dwellers.

While the rhetoric of development plans often masks unequal power relations (*Hobart, 1993*), South Africa's plans for agricultural betterment as finally implemented were less circumspect. Their implementation exposed relations of control rather than hiding them. Their unwilling recipients - or victims - resisted with varying degrees of intensity and effectiveness. In some areas, especially heartland reserve areas which had previously housed independent chiefdoms, uncompromising defiance was mounted against all facets of the state's attempts to achieve total control. People who had submitted to the regulation of their lives in the cities as labour migrants resisted state interference at the places cherished as home, and their informal struggles, in some cases, became the basis for involvement in broader-scale resistance politics (*Delius, 1990; 1996*). In other areas, such as those held by the South African Native Trust<sup>1</sup> to which people moved from various forms of tenancy or freehold in officially designated white areas, opposition to the planners expressed itself in recalcitrance or was hidden behind an attitude of weary resignation to the actions of planners and extension officers lumped together as the "Trust" (*James, 1988;*

1994:56-7). Whether the land had been long possessed or more fleetingly occupied, in both cases it represented a source of security and a refuge against outside interference.

Fierce and subdued alike, the struggles against state attempts to dictate land use provided the basis for a populist rhetoric rejecting top-down initiatives undertaken by agents from beyond the community, which depicted the land as something communally owned and to be communally defended. In the decades leading up to South Africa's change of government, political struggles became more muted (*Bernstein*, 1996:22): those which did occur were fragmentary and locally-based, centring largely on the efforts of former freeholders and tenants - with NGO help - to regain their territory. But inherited from the earlier phase, and pervading much of the writing in NGO publications such as *Land Update*, was the sense of a commonly-experienced injustice and a shared resistance against outside intervention. Its characteristically communalist rhetoric veils the fact that claims on land derive from a series of sharply differentiated historical experiences and may articulate widely divergent interests: a point made by Murray (1996) which I further demonstrate here.

#### RESTITUTION: SPECIFICITY OR COMMON CAUSE

South Africa's land NGOs, then, have drawn their ideology from a complex historical background, but what brought them into being was a particular set of events. The NGO TRAC (Transvaal Rural Action Committee) for example, like several of its partner organizations in other provinces, was established to defend the rights of African owners of freehold land in white South Africa whose lives were disrupted by the infamous forced removals of the apartheid era, which reached their height during the late 1960s and early 1970s. Starting as a subsidiary of the Black Sash, an organization devoted to welfare work and human rights issues, its brief later expanded beyond the interests of freeholders to include a concern with the plight of other categories of dispossessed people, such as labour tenants, and with the efforts of women to own and control the land they tilled (*TRAC newsletters No.1*, 1983; *No.15*, 1988; *No.17*, 1991).<sup>2</sup>

Expanding its activities in this way also involved collaborative work with regional partners and, eventually, the formation of an umbrella NGO called the National Land Committee. Its magazine *Land Update* stressed the plight of the landless in South Africa as a whole, but its origins were in the struggles of former freeholder groups to reclaim their land - a process whose outcome is now known as restitution. The claimants are specific communities driven off their farms within the last 30 years, and usually inadequately compensated. Their claims are contained in time and space, and fall within the parameters for valid land claims set by the post-apartheid government of South Africa (*Marcus et al*, 1996:4-5). Campaigns were given impetus by the sharp sense of loss engendered by the removal of such communities to "dumping grounds" in the bantustans, though their rhetoric drew on the

experience of more longstanding and generalised experiences of loss of control over land outlined above.

Restitution provides but one of the many - sometimes contradictory - imperatives emphasised in discussions of land reform in South Africa. On the one hand, NGO workers and officers in the new Land Restitution Commission (hereafter the Commission) combine a commitment to equity and redistribution of wealth with a pledge to restore lost lands to their former owners. On the other, the World Bank and other developers have stressed the need to promote viable agriculture in a manner not dissimilar to that proposed by Tomlinson, and thus to foster capitalist-style production (Williams, 1996). Perhaps because of its commitment to the World Bank's vision, and because of the rise and current predominance of " 'statist' tendencies in the ANC and the aspirant petty-bourgeois and bourgeois elements of its (inevitably) heterogenous class alliance" (Bernstein, 1996:35) which underpin the willingness to entertain such a vision, post-apartheid policy on land reform has been conservative rather than attempting radically to overturn previous patterns of ownership. The conservatism may also derive, though, from unease about the real prospects for small-scale farming in a country whose cultivators became so thoroughly reliant on wage labour over so short a period of time. Someone commented at a recent workshop on Land Reform that the relatively greater strength of restitution than other motives driving land reform may indicate the state's preference to pursue short-term and realisable objectives rather than more radically redistributive and hence prolonged processes of agrarian reform which may ultimately prove unsuccessful (Birch, 1996:10).

It was restitution which originally catalyzed communities to press for land reform and which nurtured the vigorous growth of the land NGOs, but the government's commitment to restitution rather than to any more radical impetus is also seen as a major limitation on the scope of South Africa's land reform process (Bernstein, 1996:21). When looked at against the broader backdrop of this reform process, restitution has a morally ambiguous status. Put in the starkest possible terms, restitution could be seen to restore property to those whose original ownership of it assured them a better life, even after its confiscation, and is thus driven less by a desire for social justice and equality than by an urge to re-establish the *status quo ante*. The potency of restitution as an incentive may, then, reflect the fact that the communities whose struggles (among others) are documented in the National Land Committee's publication *Land Update* have particular interests not necessarily shared by those demanding land on other grounds.

Many of those who seek restitution had owned their properties on a freehold basis, but had not purchased them in ways that enshrined individual property rights. In some cases, ownership is claimed to have approximated the kind of tribal tenure which existed in the reserve areas: the farm Brakfontein, for example, was owned by a chief on behalf of his people. *Land Update's* claim that the farm Brakfontein was "given to the Mampuru people by Stephanus Grove, a representative of President Paul Kruger, in 1881" (29:14) is, however, contested by the

followers of another chief who formerly lived there, and the dispute is currently under investigation by the Commission. In other cases, like the nearby Doornkop, the transaction was a financial one, with the purchasers a group of individuals rather than a people conceived of as a "tribe" or followers of a chief. The farm was bought in 1905 by 284 people (*Land Update* 35:19-20; *James*, 1983), whose names were recorded in a black book : a document now frequently consulted in order to substantiate or reject claims by returnees that they are genuine descendants of one of the original *bareki* (those who bought). Even on a farm such as this, though, the buyers' identity as a solidary group was given legitimacy by the presence of a leader, one Seth Ramaube. Although elected, his close relationship to the Pedi royal family in Sekhukhuneland added legitimacy to his position as leader. In both these cases, as in many others, there are indications that the buyers/occupiers envisioned themselves in some senses as possessing the land collectively. This sense of communalism and sharing is what those opposing the apartheid regime on behalf of the dispossessed emphasised most strongly in their campaigns. But the very fact of having owned the land, even on a communal basis, is an indication that its purchasers had a higher socio-economic status than African in surrounding communities, and served further to entrench this higher status. This was not necessarily because land ownership "was a condition of successful farming - it was not", as Murray has noted in respect of similar communities in the Free State, but rather because it "was the material springboard for a decent education and hence for socio-economic mobility within the district and outside it" (1992).

#### DOORNKOP: OWNERS AND TENANTS

A closer look at the case of Doornkop illustrates some of the complex and conflicting significances of communal ownership. The farm is near the town of Middelburg and has been under the jurisdiction of Mpumalanga province since 1994. It was designated as a "black spot" by the apartheid regime because of its position amongst predominantly white-owned farms, and its occupants - descendants of its original purchasers, together with a number of tenants - were forcibly removed from the farm by army and police in 1974 and resettled in the bantustans: the landowners in Lebowa and their tenants, somewhat later, to KwaNdebele. The land was never reoccupied or sold, but was used by police as a range for target practice and an entertainment venue. Symbolically close to the site of the original *mošate* (chief's kraal) a *lapa* (enclosed yard, used in Afrikaans to mean thatched picnic venue) was built in which policemen and their families had barbecues on Sundays. Former landowners continued to bring home their dead to bury in the farm's graveyard, and tried various strategies to get the land back. The Progressive Party's Helen Suzman was petitioned, lawyers were engaged, and later TRAC provided advice and support. Eventually, twenty years after the removal date, the campaign was successful. Under terms initially established by the government's 1991 Advisory Committee on Land Allocations, but finally effected by the Minister of Land Affairs Derek Hanekom only a few months after the Government of National Unity took office in 1994 (before the Commission for Restitution of Land Rights was established in 1995), the Doornkop Homecoming

Committee finally won for its constituents the right to reside on the farm again. Although the farm is thus not strictly speaking an example of the government's restitution campaign, it provides an interesting case study because of the number of years since it was successfully reclaimed and reoccupied.

Like many similar communities classified as "black spots" under apartheid which later attempted to reclaim their land, these people had initially lived where they did because of their conversion to Christianity, expressed in aspirations to middle-class status among some of its founders' grandchildren and great-grandchildren. The community of Doornkop thus combined the privileges of property ownership, education and Christianity, but it is simplistic to infer, as some have, that every member of a landowning group like this one had a superior material security than those subject to different forms of tenure (for example, the communal tenure of the reserves, or the insecure situation of labour tenants on white farmers' lands in the surrounding area). More accurately, only *some* of the descendants of a Christian community like Doornkop, with its ideological predisposition to providing its children with education, were able to improve their social standing and material well-being. Inevitably, these families or members of families had moved away from the farm to work or pursue careers in urban centres like Johannesburg, well before the fateful date of the forced removal. Equally inevitably, it is the members of such families, perceived as the most educated, able and successful sons and daughters of Doornkop, who became the prime movers in efforts to reclaim the land and, when it was finally reoccupied in 1994, were elected to form the Management Committee to oversee matters of development and advancement so keenly desired by most Doornkop residents.

Both the geographical scatter which this entailed, and the inequalities of status, wealth and influence between different sons and daughters of Doornkop, proved a matter of extreme cognitive dissonance for members of the Land NGOs who continued to play a (much-valued) role in assisting with the reconstruction of Doornkop. Their ideas of community derived not only from the experience of struggle in South Africa (as mentioned above), but also from an internationalist development discourse used by NGOs throughout southern countries. As part of its insistence on the existence of community, or perhaps as part of its attempt to encourage the growth of community out of disparate social elements, this approach prescribed such activities as Participatory Research to establish a communal perception of the past (as uniformly experienced oppression) as a basis for future planning imperatives, and "institution-building" and "capacity-building" to construct an ability to run meetings, organise finance, and enter into tough negotiations with developers and government alike. Doornkop people's choice of an absentee educated elite to represent their interests clashed fundamentally with the model of participatory and consensus-based democracy embodied in this development discourse.<sup>3</sup>

Inequalities and hierarchy do not lessen the extent to which freeholders stand united on the question of their



inalienable right to own and occupy the land of Doornkop, but their basis for seeing themselves as a community is also - and equally - a basis for distinguishing themselves incontrovertibly from others who might, in a broader and perhaps more radical programme of land reform, claim land, and perhaps even the same land. *Sechaba* (community, also translated as nation or tribe) is thus for them a concept which excludes as much as it incorporates.

The right to be a member of this freehold community, as in many others, is founded upon that old anthropological stalwart: descent. A person returning to Doornkop has to be able to trace his or her ancestry from a member of one of the group of core families who originally bought the farm in 1905, and to prove this ancestry to the satisfaction of the farm's Land Allocation Committee. This, in tandem, entails a religious identity, as a member of one of three churches which thrived on the farm before its occupants were removed: the Evangelical Lutheran Church of South Africa (formerly Berlin Mission Society), its breakaway Bapedi Lutheran Church, and the Baptist-style Pentecostal Holiness Church. It also entails an ethnic identity, as a Pedi linked via the original Doornkop chief Seth Ramaube to the royal house of Sekhukhuneland.

Furthermore, membership of the Doornkop community entails the exclusion of another group of people, likewise defined in both ethnic and kinship terms. They are the Ndebele who previously lived and worked as labour tenants on surrounding farms, many of whom later came to live at Doornkop as rent tenants and worked the land - often in the absence of those members of landowning families who had left to pursue their education or careers. In the furious debates about rights to claim portions of the farm, they are spoken of as "sons-in-law", since those who have possible entitlement to land are only men who courted and married daughters of Doornkop, while living on the farm or during the period of exile. Current community opinion has it that a son-in-law *may* live and occupy land on the farm, but only provided that his wife (the Doornkop daughter) is there with him. A son-in-law who tried to dodge this rule by arriving to settle with his *second* wife after the death of his first, had his truck piled with possessions turned back at the gate to the farm.<sup>4</sup> In another case, Ndebele former tenants who tried to return were called "police spies" and chased away.<sup>5</sup>

If the residents of Doornkop see themselves as superior - in religious terms if not uniformly in material wealth - this is expressed, firstly, in relation to the ethnically similar but geographically and culturally distant *baditšhaba* (non-Christian Pedi) from Sekhukhuneland. But it is also expressed in relation to those in closest proximity: the lowly status of Ndebele farm labourers who were trapped in slave-like tenancies on white farms was, for some, further reinforced by their heathen beliefs and practices, including sending their children to initiation schools rather than having them baptised and confirmed.

It is difficult to get an accurate picture of the relationships which bound these tenants to their freeholder landlords,

since the nature and quality of these connections has become morally charged in retrospect by the issue of forced removal. Views expressed locally and in the broader political world, and reflected in newspaper reports of the time, were polarized. Those - mostly white farmers living nearby - who claimed that Doornkop was a "slum", overcrowded and plagued by landlord/tenant tensions, were supporters of apartheid. To state this view was to align oneself with apartheid policies and to accept the legitimacy of "black spot" removals. Conversely, to deny the existence of such problems and emphasise the harmonious community spirit which bonded landlords and tenants was to express opposition to apartheid and condemnation of the removal (*James*, 1983).

Whatever the character of these landlord-tenant relations, it is unlikely that the tenuous rights which tenants had on a freehold farm like Doornkop provide the basis for them to lay claim to any portion of these farms, even under the inclusive terms laid down in recent legislation. Although the need to establish the rights of former and current labour tenants on *white* farms is stressed in *Land Update* in the mid-1990s, there is no mention in its pages of the rights of former tenants on African-owned farms. Members of the Commission take the view that individual freehold communities should not have had to bear the effects of immense population pressure, such as resulted from the large-scale labour tenant evictions of the 1960s and 1970s, and should not do so now. If former tenants have rights, these should not be exercised in relation to the farms where they once resided, but rather should be solved through broader processes of land reform.<sup>6</sup> Giving an alternative perspective, a TRAC newsletter in 1991 (No 24) provides some insight into landlord-tenant rights and relationships. The tenant view is expressed by a man asked why his African landlord at Kwa-Ngema accommodated him, who replied 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". Echoing these sentiments, the newsletter goes on to state that "this philosophy stands as a reproach to free market ideas which encourage people to forget about community", and that charity and kindness led freeholders to accommodate tenants leaving white farms, since they had nowhere else to go and it would have been un-African to refuse them lodging. At Doornkop today, this is echoed in the view of some residents, and some former tenants wanting to settle there, that land should now be available to all comers who want it.

But in Doornkop from about 1970, it was not the community as a whole which opened its arms to *bahiri* (tenants, lit. "those who hire", from the Afrikaans *huur*). The few *bahiriši* (landlords, lit. "those who cause to be hired") who had let numerous pockets of land to Ndebele tenants were seen - by those opposing this practice - as motivated purely by greed; as having allowed pagan practices into the community; as having been contrary to the spirit of the farm's constitution, and ultimately as having given the apartheid government an excuse to remove all the farm's occupants on the grounds of overcrowding and slum-like conditions.<sup>7</sup> The logical extension of this view is that all Ndebele should be denied land on the farm; except sons-in-law, on the very strict criteria noted above.

The debate between Doornkop residents over whether the farm should retain its religious, ethnic and kinship integrity as stated in the original constitution drawn up by its founders, or whether it should admit others, is linked in interesting and unexpected ways to debate of the desirability of developing and modernising the farm. Contrasting views about what "development" is and whether or not it is desirable, form the basis, in turn, of a deep factional cleavage which has split the community into two: a split which eventually caused TRAC to suspend its decades-long involvement with reclaiming and redeveloping Doornkop farm.<sup>8</sup>

Since well before the return to Doornkop of the families who now live there, TRAC was engaged with the Management Committee and other sub-structures of the Doornkop Homecoming Committee, to secure not only the return of the land but also its provision with essential infrastructure such as water, sanitation, schools, and the like. At the many meetings held, both before and after the return, a small group stated its determination to settle on the precise plots they had occupied previously, and, by implication, to subsist from the small-scale cultivation which had provided at least part of their income before they were moved. The Management Committee, although ideologically at variance with this idea, felt it would be unwise to alienate this group since its leader, Madileng Ramaube, claimed to be a descendent of the community's original chief and thus enjoyed credibility among older Doornkop people. The opposed group, whose rapid increase in size owed something to the influence of the Management Committee, desired to live in the manner of the planned townships of the bantustans they had been removed to: with a grid plan, tarred roads, street numbers, and so on. The increasing preeminence of the latter led it to dub its adversaries *majela thoko* (those who eat alone) or *dingangele* (those who contest or dispute) - terms often used to describe minority opponents of a mainstream political view whose proponents desire consensus.

When TRAC arranged a PRA workshop at which people were encouraged to draw maps showing how they had lived before the removal, this was interpreted by the modernising faction as an endorsement of the backward-looking *majela thoko* position, and an unnecessary impediment to the inevitable development of a township on the farm. (It was also thought that TRAC's African fieldworker had taken part in the exercise primarily as a career move – this appeared to be substantiated when he gained an important position in the government soon afterwards.)

Antagonism between the positions and their proponents was very fierce. When officials of the Mpumalanga government arrived to survey and peg out the new "planned" plots, the pegs mysteriously disappeared every night. It was rumoured that Madileng Ramaube had hired someone to pull them out after each day's planning activity. Eventually giving up the battle to win other community members to their side, Madileng and his wife ignored the planners' designs, built their shack on the exact site of their earlier house, and planted a patch of maize which encroached substantially upon the neat grid plan the surveyors had laid out. The sudden and unexpected recent

death of Madileng was said by some to have been caused by a heart attack resulting from the stresses of this dispute, but was attributed by others to witchcraft.<sup>9</sup>

For most of the majority who aligned themselves against the *majela thoko*, Madileng's demise was taken as a vindication of their own position. In contrast to the linked conservatism and exclusivism of *majela thoko*, members of the majority faction believe that the community will not progress or enjoy the benefits of its situation within the prosperous province of Mpumalanga until it resolves to open its gates to all comers.<sup>10</sup> Sounding echoes from the separatisms of the past, one resident recounted an incident in which, after several truckloads of Ndebele had been refused permission to resume their original tenancies on the farm in 1994, they had accused the Doornkop community of "still practising apartheid". In similar vein, Mrs Maabe said she had heard that Padayachee, the provincial government's housing director, had vowed not to offer any more help to Doornkop until it abandoned its stance as a *Volkstaat* (lit. "people's state", a separate homeland for Afrikaners proposed by the far-right Conservative Party), independent of broader structures. Although firmly opposed to a backing-looking stance, she was nevertheless ambivalent about the desirability of admitting outsiders. She believed that the community's insistence on self-rule would disadvantage the farm, since it would guarantee the Mpumalanga government's refusal to assist in its development, but on the other hand, being "ruled by her elders", maintained her opposition to the arrival of those not entitled by birth to live there.<sup>11</sup>

As a background to this fierce contestation, in which the importance of ethnic separateness is inextricably interwoven with notions of entitlement on the basis of descent from particular ancestors, regionally-patterned ethnic power bases are emerging. Some locals perceive the Mpumalanga provincial government as dominated by ethnic interests opposed to those of the Pedi - whether these be the culturally and linguistically proximate "Mapulana" as one opinion has it, "the Swazi" as it is represented in another view, or more broadly "the Nguni" which incorporates the Swazis but primarily highlights Ndebele language, culture and economic power.

To move once again to a more general level of discussion: even if one excludes tenants, those who can demand or enjoy the benefits of restitution become increasingly limited when questions about inheritance are introduced. One question is whether all descendants of those dispossessed have the right to restitution. In Doornkop they do, but no-one knows exactly how many they are. Many important decisions concerning development have been delayed until everyone comes back, but the majority of those entitled do not want to come back until these aspects of planning and development have been agreed. Those attempting to reclaim adjoining land (previously occupied by Merensky's mission station Botshabelo) have resolved to avoid the pitfalls of the Doornkop experience, by listing each descendent of the original owners (52 so far).<sup>12</sup> A further unresolved question is whether all descendants have rights, and what those descendants not wanting land do with their share of the patrimony.

Having made the point that restitution, despite its communal rhetoric, is likely to exclude more people than it incorporates, it is necessary also to investigate the extent to which its claimants may have participated in experiences common throughout the areas where they lived. One such experience is the intensity of social interaction deriving from population movement. The continuous flux of people around the South African countryside has been caused not only by the obligatory removals of apartheid but also by economic imperatives, or by the wish to move closer to schools, shops, churches and other amenities (*Schirmer*, 1994; *James*, 1994:200-4). Freehold farms such as Doornkop, as well as providing a long-term refuge for families evicted from or voluntarily leaving the white farms, in some cases acted as staging-posts in families' treks from these farms to the bantustans. Even if freehold owners occupied a relatively fixed position in this situation of movement, there was considerable interaction between them and their immediate or more distant neighbours: resulting in the formation of marriage ties in some cases. And even in freehold communities, intergenerational continuity was not sufficiently strong to ensure that all male and female children of original owners stayed on the farm, even before forced removal. Upwardly mobile people left to establish careers in urban centres. And many of the daughters of freeholders experienced high rates of mobility. Although they and their descendents were technically allowed to inherit land, the expectation that they move to live with their husbands meant they were not usually around to do so.

Another common experience of freeholders and surrounding tenants was involvement in waged or salaried work. In general, freehold farms did not provide the basis for an existence as independent agricultural producers. Rather, the sale of particular crops such as peaches in Doornkop is remembered as having provided income for specific purposes like the schooling of children. Subsistence crops like maize were grown to supplement, and were supplemented by, wages earned in Middelburg or on the Reef. People's present-day claims that they led a stable and fixed land-based life rather than one subject to the flux of migratory labour are based on moral rather than objective considerations.

If the experiences of dispossessed freehold communities both converge with and diverge from those of their neighbours, we now look briefly at some of the meanings which their ownership of land - previously cherished, later denied, and now regained - may have for them.

## RECLAIMING LAND, DEVELOPING LAND

Why do people want to go back, especially in cases where they have established a security elsewhere? How do their interests in reclaiming their land connect with the reasons underlying NGO and government programmes of land reform and development? In South Africa, government and NGOs emphasise the need to redress past

injustices and at the same time - somewhat under the influence of the World Bank - to create viable small-farmer programmes. The land NGOs also advocate small-scale, sustainable and community-based development initiatives (with an emphasis, for example, on toilets that people themselves will build and maintain). But what most people living in Doornkop draw attention to, at the same time as celebrating their return from exile in quasi-biblical terms, is their wish to live in conditions of *tlhabologo* (civilization), similar to those in urban settings. Attempting to bridge this cognitive gap and to explain to his constituents the mindset of the developers, Mike Thamaga of the Management Committee told them “whites say ‘don’t give a person a fish, teach him to fish’”.<sup>13</sup> But remarks by many of these constituents, including those not prepared to return to such a “wild” place, suggest that their interest lies in having the government pay for the farm’s planning and infrastructure rather than in engaging in small scale and sustainable agricultural projects.

Neither in the pages of *Land Update*, nor in other sources on restitution (Murray, 1996:217) is there any suggestion that freeholders returning to their original farms do so in order to pursue careers as full- or even part-time farmers. The emphasis is rather on the bitterness of being cast out of one's birthplace and the joy of return. The experience of living away from home is repeatedly described as "exile" in terms which evoke the Israelites' exclusion from their homeland (*Land Update* 35:19-20), and the places of exile in similarly evocative and biblical terms as "barren", "the wilderness" or "foreign lands" (*ibid.*; *Land Update* 32:11-2). Echoing biblical passages from Exodus, Madileng's wife Rebone Ramaube told me “we were treated like foreigners, like slaves” in Lebowa . “Our suffering there was God’s punishment for our having lost hope in God”.<sup>14</sup> The representation of the return home, in places where it has occurred, combines biblical images with more overtly nationalist ones, as in the return to Doornkop in December 1994 of some of its previous residents. While speaking of the newly reclaimed farm as a "promised land" and kneeling on the soil to give thanks to God for its return, their singing of *Nkosi Sikele iAfrika* (God Save Africa, the anthem of the ANC and now of South Africa) chanting of "Viva Mandela!" and hoisting of the new South African flag, also linked this reclamation to the recently constituted "new South Africa" as a whole. (The prevalence of old testament imagery in these evocations, incidentally, is a reminder that the original move of some communities away from the communal land tenure system of the reserves was prompted by their linked rejection of ancestral religion and the authority of local chiefs, and that they were strongly Christian in their orientation).

Seemingly more pagan and less Christian in its emphasis, however, is the repeated use of the ancestor motif. Echoing many similar articles, the account of the Doornkop returnees described them as going "back to their ancestral land" and spoke of the intention to "visit graves and reconnect with their ancestors" (*Land Update* 35:15, 19-20; 34:10). Somewhat similar, but in wonderfully contradictory vein, there is the story of Mr Moloko who celebrated his return to Bakubung, the "land of his forefathers", while describing in the same breath his original

migration as a child with his parents from the far distant Orange Free State where he was born (*Land Update* 32:11-2). It emerges from his account that his chief happiness was that he could be buried alongside his wife who had died and been interred prior to the community's forced removal. He was more concerned, then, to secure his future burial there than to demonstrate an interest in the past or a commitment to the security of living close to a long lineage of buried ancestors. Many Doornkop people, even during the years of exile when there seemed no possibility of return, made their children promise to bury them at the farm's graveyard. If there was no possibility of living close to the ancestors, they could at least ensure that they would re-establish communion with them in death.<sup>15</sup> For those now returned or planning to go back, the pull of the farm's graves has been strong. As David Debeile said "it is my father's land, he and his father died there, I must go back to where my family is in the graveyard".<sup>16</sup> And even some of those living on the Reef who have no plans to return to live on the farm are intending to be buried there.<sup>17</sup>

Linked to the importance of being close to ancestral graves are issues of health and healing. Doornkop people emphasise their need to be able to communicate with, give libations to, and tend to the graves of their ancestors in order to secure health and freedom from ancestrally-derived misfortune. This aspect of the "ancestor" theme is scarcely mentioned in *Land Update*, perhaps because its suggestion of pagan practices does not integrate easily with the rationalist discourse of development or with the universalist human-rights-based discourse of the "struggle agenda". The veneration of forefathers practised among Christian freeholders such as those from Doornkop, however, is insisted upon by some as being distinct from its pagan equivalent practised by *baditshaba* (traditionalist Pedi) from the heartland. It is *makgolo* (forefathers) rather than *badimo* (ancestral spirits) who are venerated, and the ritual involved is described as *go phahla* (to pray) rather than *go phasa* (to give sacrifices and libations).<sup>18</sup> Others acknowledged, though, that years of living and intermarrying with ancestor-worshipping Ndebele on the farm, and subsequently of living among traditionalists in the bantustans to which they were relocated, had had an influence on freeholder belief and practice. More people than were prepared to admit it were now engaging in fullblown sacrifice.<sup>19</sup>

Another perceived source of health in this newly-reclaimed land of Canaan is its future domestication - and hence its civilization. Eva Mokaungoe indicated that the farm had become a wilderness while uninhabited, and that only with a proper grid-plan, houses with street numbers, tarred roads and water laid on in pipes, would the place become really healthy.<sup>20</sup> This vision of development had little to do with the "small is beautiful" model espoused by the TRAC. It may derive in part from the promises of development made by the ANC during its election campaign but also comes from experience of the apartheid-planned urban landscapes where they lived while in exile. Ironically, the imposed, ordered designs of the Tomlinson Commission, which were so much hated and fiercely resisted in the 1960s and 1970s, have set a standard which people living in the 1990s are reluctant to do

without.

What, then, is the significance of this ancestrally-based communalism: this mixture of Old Testament imagery with a commitment to the burial place of forefathers who might turn out to have been itinerants in any case? One effect of using an imagery of ancestors and graveyards is to establish the fixity of claims on land - to prove or legitimise ownership, citizenship, ethnic or clan identity (*Shipton*, 1994:361). This is especially important in situations of extreme flux, such as the earlier era of rapid population movement, or of extreme uncertainty such as post-apartheid South Africa where new and often conflicting land claims are made daily. The ancestors' claim to establishing a place may prove the prior or even exclusive right to it for their descendants. On the other hand, ancestral presence may suggest collectiveness and inclusivity and the sense that no one, among those considered to be the same people, should have to go without land (*ibid*:350). The ancestors, then, provide a compelling symbol to represent two ideas about community noted earlier: both the exclusivity of freeholders' property rights and the warm inclusiveness of African communalism.

People reclaiming land are affirming their right to a seat of identity linked to longstanding family ties which also stretch forward into the future. They combine ideas of traditionalist communalism with the image of being one of God's chosen people brought back from exile into the promised land. Tied to this, there is the strong motif of a place freed-from-outside-interference.

## CONCLUSION

Developments since 1994 have, of course, set the scene for new kinds of discourse and practice. One of the distinctive features of post-apartheid South Africa is that many of those who previously worked in NGOs now hold key positions in government departments. In the Restitution Commission, for example, the present Commissioner for the Northern Province Durkje Gilfillan formerly worked at a human rights NGO, the Legal Resources Centre, which was consulted by TRAC about the Doornkop case among others, while Witness Phiri, formerly on the staff of TRAC, was recruited into the Commission in 1998. Given that the struggles of the formerly dispossessed against a hostile state are now transformed into legitimate claims from a benevolent one, staffed by those who long championed their cause, it seemed that all would proceed smoothly. The continuity of personnel would lessen the possibility of corruption and enhance the prospects for accurate and detailed research (*Birch*, 1996:14).

At the same time, having lost some of their staff and finding much of their former funding now diverted into government projects, the land NGOs now have to seek new roles. TRAC, for example, worked earlier worked with



donor funding to help land claimants, but now competes with other organizations to enter into "development partnerships" with the same claimants, newly resettled on their land. This process pits them against other "role-players" as they are called in NGO-speak: development companies, former NGO staff who have moved into consultancy, or - ironically - former employees of the apartheid government's South African Development Trust who reinvented themselves to form consultancies with African-sounding names and African business partners.

Amidst all these shifts, land reform - even confined as it is to the narrow emphasis on restitution - has not proceeded as smoothly as the early promise suggested. The last few years have seen bitter complaints about the slowness of the process and about the small number of claims that have been adjudicated and finalized. They have also seen conflicts between members of the Commission, the resignation in 1999 of its Chief Commissioner, Joe Seremane, and the substitution in 1999 of Thoko Didiza for Derek Hanekom, previous Minister of Land Affairs. Promises to fast-track the process have yet to bear fruit.<sup>21</sup> The delays, however, have been due less to internecine strife and inefficiency of government than to the immense complexities of each claim, which Commission staff, now inclined to transcend their earlier populism, have investigated in painstaking detail.<sup>22</sup> In this paper I have shown some of these complexities, and some of the ways in which they are reciprocally constructed by the different parties involved, in ways that can make for both mutual comprehension and complete misunderstanding.

In the decades leading up to South Africa's first democratic election, the voices of former freeholders have combined with those of NGO activists to emphasise the collective defence of rights as a means of solving the collective problems of the nation's dispossessed. The resulting synthesis bore a striking resemblance to the "rhetorical glaze" through which Chinese peasants visualised and conceptualised the post-revolutionary future (*Croll* 1994:1-10), using a rhetoric which denied "individual interests separate from those of the collective" and emphasised the homogeneity of the latter (*ibid.*:8). With similar emphasis, the restitution of land to its former owners became part of a broader discourse in the new South Africa, in terms of which land reform was thought to provide the key to solving "poverty, inequality, injustice and misery" and to be "the starting point in any real debate about redistributing wealth and providing opportunities" (*Land Update* 31:2). Establishing a rather more circumscribed and humble aim, a survey conducted between 1994 and 1996 showed that people's priority was to gain "secure access to residential land" (*Marcus et al.*, 1996:17), and that the kind of farming they envisaged on such plots was nothing grander than "small scale cultivation for home consumption". Post-1999, such aspirations are being swept aside by the new Agriculture and Land Affairs Minister, concerned not so much with the rural poor as with transforming rural society and agriculture by "fostering a black farming class".<sup>23</sup> The recommendations of the Tomlinson Commission, refracted through the lens of World Bank policy, are once again being pursued. In the process, presumably, there will be an overlooking of the needs of former freeholders and poor tenants alike.

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## Endnotes

1. Later renamed South African Bantu Trust (SABT) and later still South African Development Trust (SADT).
2. Other land NGOs are AFRA (Association for Rural Advancement) in Natal; ANCRA (Association for Northern Cape Rural Advancement) in Northern Cape; SCLC (Southern Cape Land Committee) in Southern Cape; BRC (Border Rural Committee), ECLC (Eastern Cape Land Committee) and TLSO (Transkei Land Service Organisation) in Eastern Cape; FSRC (Free State Rural Committee) in the Free State; and FRRP (Farmworkers Research and Resource Project).
3. Greg Jacobs and Melinda Swift of TRAC, discussion with the author (hereafter DJ), 6th March 1997, Johannesburg.
4. Kalushi William Kalushi, discussion with DJ, 12th May 1997, Johannesburg.
- <sup>5</sup> Melinda Swift and Greg Jacobs, discussion with DJ, 6th May 1997, Johannesburg.
6. Durkje Gilfillan, discussion with DJ, 13th June 1997, Pretoria.
- <sup>7</sup> Lekwetše Ratau, discussion with DJ and Jeffrey Nkadimeng (hereafter JN), 14th July 1997, Doornkop; Sophie Ngcobo, discussion with DJ and JN, 4th December 1997, Soweto.
8. Melinda Swift and Greg Jacobs, discussion with DJ, 6th March 1997, Johannesburg. Many of the points in this and the following two paragraphs come from Kalushi William Kalushi, discussions with DJ, 3rd March, Johannesburg, 1997, and 12th May, Johannesburg, 1997.
9. Minutes of Doornkop Community Meeting, 13 April 1996, TRAC file on Doornkop; interview with Roswald Linnenkamp, Doornkop, 20th May 1997.
- <sup>10</sup> Eva Mankge, discussion with DJ, 16th July 1997
11. Makhwele Jacobeth Maabe, discussion with DJ, 14th July, Doornkop.
12. Immanuel Makuse, discussion with DJ, 21st July 1997, Mhluzi township, Middelburg.
- <sup>13</sup> Mike Thamaga, meeting of Management Committee with Doornkop residents, 20 December 1997
- <sup>14</sup> Rebone Ramaube, discussion with DJ, JN and Hellen Nkadimeng (HN), 17th July 1997, Doornkop
- <sup>15</sup> Sophie Mokubedi, discussion with DJ and JN, 1 December 1997, Soweto
- <sup>16</sup> David Debeile, discussion with DJ, JN, HN, 10 Dec 1997, Soweto
- <sup>17</sup> Sophie Mokubedi, discussion with DJ and JN, 1 Dec 1997, Johannesburg.
- <sup>18</sup> Julia Mphela, discussion with DJ and HN, 15 July 1997; David Debeile, discussion with DJ, JN, HN, 10th December 1997; Mmule Thabani, discussion with JN, 15 July 1997.
- <sup>19</sup> Jacobeth Maabe, discussion with DJ, 14 July 1997, Doornkop
20. Eva Mokaungoe, discussion with DJ, Doornkop, 21 May 1997; Nicodemus Mphela, discussion with JN, 15 July 1997, Doornkop.
21. "We can't deliver the land, admits government" *Daily Mail and Guardian*, January 21, 1999
22. Tony Harding and Durkje Gilfillan, discussion with DJ, 9th June 1997.
23. "Hanekom's policies axed" *South Africa Times UK*, July 28 1999.