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Originally published in Development and change, 31 (3). pp. 629-649 © 2000 Blackwell Publishing.

You may cite this version as:

James, Deborah (2000). Hill of thorns : custom, knowledge and the reclaiming of a lost land in the New South Africa [online]. London: LSE Research Online.

Available at: <http://eprints.lse.ac.uk/archive/00000790>

Available online: May 2006

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Hill of thorns: custom, knowledge and the reclaiming of a lost land in the New South Africa¹

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Development and Change 31(3), 2000: 629-49

1 Introduction

The "knowledge" of the title is a much-used, perhaps over-used word. In recent writings it appears in a number of divergent forms, of which two in particular concern me here: that used in mainstream anthropology, and in development anthropology, where it comes qualified by adjectives like "indigenous", "rural" and "people's". It has been pointed out how little the insights of the former have penetrated the latter. Knowledge, in much development literature, refers to an awareness of techniques - say about farming - which are presumed to be underpinned by a coherent package of belief and cosmology. These writings, as Scoones and Thompson point out, ignore the piecemeal and performative nature of knowledge, they also ignore or naively underestimate the relationship between knowledge and power (1994). NGOs, like the one I will discuss below, often seek to uncover community knowledge through techniques of participatory research. The aim of these is to penetrate to the heart of people's concepts about residence patterns, or land use. But in the process, such researchers attempt to circumvent - or perhaps even fail to recognise altogether - the normal controls exercised by brokers and other power-mongers in rural hierarchies.

Partly dovetailing with Scoones and Thompson's critique is a body of writing which, far from assuming the existence of a pristine body of knowledge which developers can access, takes the opposite view - that indigenous people's ideas and practices have been irreversibly altered by processes of colonial domination. Looking at development in particular, one of the most articulate exponents of this view is Escobar (1991, 1995). He sees development as a hegemonic discourse, as yet another stage in the domination of the First by the Third World. Even those forms of research and practice which aim to tap into local knowledge and practice are defined by reference to their provenance from a dominated position within this totalising discourse. Such a position overlooks two things. First, it underestimates the importance of differentiating power relationships within local populations (the targets of

development), and thus tends to reinforce simplistic and populist ideas of the people, the community, and the like. Second, it fails to recognise that development discourse - meaning both talk and practice- can, as I will demonstrate below, be the product of an interaction between these communities and those developing them, rather than being wholly imposed by the latter. This second aspect is one which is highlighted by Scoones and Thompson. All knowledge – or discourse as Escobar would have it - results from processes of negotiation, even contestation, in a series of power struggles which, although unequal, do not necessarily have predetermined outcomes.

2 Hill of thorns

The "hill of thorns" in the paper's title is an English translation of *Doornkop*, one of the most frequently-used Afrikaans farm names in South Africa. While the particular *Doornkop* of the title is merely one among several hundred farms of the same name in the country, to its owners the farm is unique and irreplicable. It is the farm which their great-grandparents bought in 1920 from one Klaas Joubert or, in the nickname which they gave him, *Ntumatlago*. They bought it "on the surface and below the ground" (*ka fase le ka godimo*), and they handed down to their descendants an emphatic injunction, memorized and repeated to me by virtually everyone I have spoken to on the subject, not to leave the place: "You must stay here, and your child, and your child's child ... as long as children are born, you will be staying here." ²

The urgency of the injunction was due, in the first place, to the fact that its utterers were descendants of former members of the Pedi polity who in the 1860s had fled from the domain of their chief, Sekhukhune, to live a new life as Christians. For some fifty years they had lived on the farm Botšhabelo (the place of refuge) in a community established under the tutelage of the Lutheran missionary Merensky (Delius 1983:158-180). Later, a sense that his protection had become something more like exploitation prompted some 280 of his followers to club together and buy their own farm, Doornkop, nearby. The impassioned plea for generational continuity by these people - known to their descendants simply as "buyers" (*bareki*) - affirmed their identity as independent Christian landowners. Amidst the flux of

landholding arrangements and political allegiances in the post-Boer War Transvaal, owning their own farm would have positioned them and their progeny with some security.

But a far greater urgency, and a somewhat different meaning, was to attach itself to the injunction after a much later event, which the buyers could perhaps not have foreseen. This was the forced removal of the farm's occupants in 1974, under apartheid policy. In the light of this event, the impassioned plea for all children of Doornkop to live on the farm for generations to come acquired a terrible poignancy: it appeared that none of them would be able to live there at all. But, with the words of their forebears still ringing in their ears, a small coterie of people mounted a campaign to get the land back. Their efforts, at first undertaken in isolation, were later to dovetail with those of an NGO, the Transvaal Rural Action Committee or TRAC, which had been established in 1983: primarily for the purpose of restoring such farms as Doornkop to their previous owners (*TRAC newsletter* No.1, 1983). Eventually, after the founding of the new Government of National Unity in 1994, the newly-formed statutory Commission on Restitution of Land Rights (referred to hereafter as the Restitution Commission) was established in 1995 to fulfil a similar purpose. But this did not happen quite in time to help the reclaiming of Doornkop. Shortly before the establishment of this commission, the former owners of the farm had won the right, through negotiations first with the dying apartheid regime and later with the new regime in the midst of its birth pangs, to reoccupy their land.

It is here that the story of this particular and unique farm merges with that of many other Doornkops, and indeed with that of various Rietfonteins, Boomplaases and Riemvasmaaks. Apartheid jargon had lumped them all together as "black spots" whose occupants were to be removed from a scatter of areas around the countryside and to be relocated in their ethnically-designated homelands. Media and other accounts written by critics at the time – including one by the present author - characterised the victims of these removals uniformly as "discarded" or "surplus people", stressing the impersonal and heartless way in which the removals had been carried out and the terrible conditions to be found in the "dumping grounds" to which they were taken by government trucks - mostly during the 1960s and early 1970s, when grand apartheid was at its most intense (Desmond 1971; James 1983; SPP 1983).

Depicting this plight in perhaps more dignified terms were activists from several Transvaal farms who in 1991 had united with NGO help to form the Transvaal Land Restoration Committee (TLRC) – later to amalgamate with others as the Land Access Movement of South Africa (LAMoSA). The purpose of this grouping was to lobby and intensify pressure on the government. Their pronouncements characterised the situation in biblical terms, combining old-testament themes of exile and return to the promised land with new-testament expectations of almost millennial proportions. In a letter written to marshal support, one of this committee's members, the Reverend Phasha, explicitly connects the plight of the people of Doornkop and neighbouring farms with that of Moses' followers. It starts with a terse listing:

Exodus: 5.1

Author: Moses

Place: M. Sinai

Date: 1420 BC

Theme: LET MY PEOPLE GO AND RE-OCCUPY THEIR LANDS

and continues with a heartfelt prayer “ Lord ... restore peace, as we are waiting for your kingdom and the restoration of our lands”³

Finally, combining these themes of dispossession and biblical-type exile with potent imagery referring to the forebears buried on these farms, and with resounding calls for restitutive justice, were publications such as *TRAC Newsletter*, published by regional NGO TRAC (Transvaal Rural Action Committee), and *Land Update*, put out by the National Land Committee, the national NGO which was co-ordinating the efforts of the smaller, regional land NGOs.⁴ These told of displaced people's needs to leave the "barren" places, "the wilderness" or "foreign lands" (*Land Update* 1994, No. 35:19-20) and to return to "ancestral land" or to "visit graves and reconnect with our ancestors" (*Land Update* 1994, No.32:11-2; No.34:10). The same story is told and retold many times over in these pages, with only a few details making one case slightly different from the last.

In subsequent years - in fact from around the time of the farm's reoccupation - the rhetoric of dispossession and struggle has given way to one in which the technicalities of development planning and land use have primacy. But some of the tone and the assumptions from the

earlier phase have found their way into the later planning-and-development oriented one. In particular, the outrage expressed in these various accounts, although justifiable, lent itself to a populist rendering of the story which simplified matters inordinately. A picture is presented of united groups of people whose only obstacles have been those posed from the outside. Not portrayed is a set of predicaments which has threatened, and several years down the line still threatens, to derail completely the reclaiming and further development of a farm like Doornkop, despite the fact that it has been officially given back to the descendants of its original owners. As Kosie Maserumule, a Soweto taxi-owner and driver who has not yet returned to live at Doornkop, said:

I should have been the first to go there, but after I checked it out, I saw there was no water, no sewerage ... but I saw the Mpumalanga government, "promises, promises". They didn't even build a school there. But the government said, "We can't build a school until we find out how any children there will be".⁵

Eva Mankge, a pensioner who had returned to Doornkop in the very first wave of resettlement, added

Development will only happen if there are people here, there will be no-one here to pay for water.⁶

These statements point to a central paradox which has inhibited the reclaiming of Doornkop. Not all those who are entitled to return to the farm have done so, being reluctant to go back until the government provides basic services. The government is reluctant to proceed with providing basic services until it has some idea of how many people are likely to occupy the place. There is a further twist to the paradox as well. While those who are entitled to go back are hesitating to do so, a host of other people is clamouring to live on the farm. But the constitution drawn up by the original buyers in 1933 states that no-one "who is not a legal purchaser of the farm" (or a descendant) may "dwell or settle" there.⁷ Put simply, most of those who are entitled, don't want to come, those who want to come, are not entitled - so hardly anyone comes.

One can sense from this that the people of Doornkop, having been scattered, no longer - if ever they did - constitute a close-knit community. Community, nonetheless, is an idea

endlessly invoked by the various "roleplayers", as they are called within the NGOs, who have worked to reclaim this and other similar farms. The idea of community serves as a vignette to introduce some of the complex ways in which these roleplayers' attitudes intersect.

In the eyes of Doornkop people themselves, the basis for seeing themselves as *setšhaba* (community)⁸ is also - and equally - a basis for distinguishing themselves incontrovertibly from those living round about who, in a broader and perhaps more radical programme of land reform, might be seen to have the right to lay claim to pieces of land.⁹ It is for them a concept which excludes as much as it incorporates. Prospective returnees must fill in an application form and submit it to the Land Allocation Committee, certain elderly female members of which are said to be able to identify anyone who has ever lived on the farm. For those who have worked in the land NGO TRAC, in contrast, the same concept has been taken to define an inclusive and egalitarian entity, as can be gleaned from the cover - and the contents - of a booklet they published about Doornkop and similar farms in 1992. The booklet's title, *Botho Sechabeng/A feeling of community*, is taken from an interview with dwellers on another farm who opposed the idea of individual freehold, as this would "undermine the unity of the area by undermining the feeling of community". The cover features a drawing of people with arms linked, and a photograph of women bringing in beer for a communal celebration.¹⁰

It is true, of course, that the stressing of community is partly tactical. The human rights lawyer helping the regional land NGO on the case stressed the strategic necessity, based on her experience of similar cases, for all claimants to act in a concerted group and speak with one voice if they were to be seen by the government as a force to be reckoned with.¹¹ Her plea, and subsequent self-reflection by the NGO, reflects the inescapable realization that people are more likely to unite, and that their united voices are more likely to be listened to, when there is something to struggle for than when the struggle has been won.

But her advice did not constitute a mere machiavellian tactic. The idea of community which underlies it is central to a vision of reform shared by many South African activists. This vision looks forward, beyond the immediate prospects of restitution, to a future of

development and progress, achieved within just and egalitarian social frameworks. Such a vision, with its idea of community, can be discerned for example in the Communal Properties Associations Act which was passed by Parliament in 1996 to facilitate the legitimate reclaiming of land formerly owned on a communal basis, as Doornkop was, and to prevent the misuse or hijacking of the land restitution process by particular power brokers or "big men".

This example demonstrates that the case of Doornkop is instructive both as a site of complex understandings about the meaning of custom and communal property, and as an example of proposed transformation in land ownership which highlights the conflicting needs of owners and tenants. The former (and now newly-restored) landowners have ideas and practices concerning community, property, land ownership and development which do dovetail in particular ways with those of NGOs, human rights activists and prospective developers. Indeed, knowledge and practice about these issues has in part been formed through a series of interactions and negotiations between these various actors (and also between the forebears and predecessors of these actors in earlier periods). But landowners' ideas also diverge in significant ways: not only from those of the activists and developers who have worked on their case, but also, internally, from those of other Doornkop people: as I have hinted, they are far from being a unified group. The injunction that buyers' children live on the farm as long as children are being born must, then, be understood in complex ways.

3 Custom, community and human rights

The "custom" in the paper's title is a concept closely linked with that of community. It is evoked less by land claimants in the new South Africa than by the human rights lawyers and activists who have worked on their behalf. Drawing on "communal tenure" and on "customary law", they have proposed new models of land tenure in order to make the legally complex process of restoring and redistributing land more effective and, in their terms, more equitable. The idea of custom which serves as a basis for such models is one which balances individuality and communality. It depicts people's rights to continue using and occupying a piece of land into the future as being based on their having continually used and occupied it

in the past; and sees such rights, although heritable, as being inalienable without community agreement (Gilfillan nd:1, 23).

Central to this idea of custom is the figure of the chief, whose political position is seen both as having entitled him to administer and apportion land on behalf of his subjects and as having checked his doing so in ways which would not have met with their approval. The figure of the chief, however, has been eliminated from the working model devised by restitution officers for the effecting of land restoration. In part this is because of a wariness about imposters: people with royal pretensions who might attract a crowd of followers and lay an illicit claim to land. But it is also due to the increasingly autocratic behaviour of many chiefs during the colonial and apartheid period: behaviour which is fundamentally at variance with the anti-hierarchical ideology upon which the claims process has been built. The commission has gone so far as completely to disqualify any chief from laying claim to land on behalf of his subjects, allowing him rather to claim only as one individual among a group of equals. Those working on restitution wish at all costs to avoid having the land claims process hijacked by individual sectarian interests, big men, and power mongers.¹²

Custom, as a basis for restoring land rights, thus combines the sociability of an African village existence with the egalitarianism of a socialist collective. But scholarly analysis has shown this image of custom to be, itself, the product of negotiation between dominant and dominated during the colonial and apartheid eras. According to Chanock, it developed through a reciprocal process: it was evoked by colonial governments, whose officials usually had a background in elementary ethnology and a smattering of Morgan and Maine, in their attempts to dispossess and/or confine communities, and to prevent the entrenching of individual ownership within them, and also by African chiefs and communities trying to defend themselves against further such land loss (1991). In the South African context, specifically, it was an interaction between the commands of native commissioners and other state officials involved in the planning of land use and its rationalisation (a process which began long before the apartheid era) and the struggles of African cultivators against these, which provided the basis for a populist rhetoric depicting the land as something communally owned which would be communally defended. This sense of a uniformly-experienced

injustice and a shared resistance against outside intervention veils the widely divergent interests and sharply differentiated historical experiences which underlie land claims.

4 Owners and tenants

There has, indeed, been a growing awareness among human rights lawyers and restitution officers that land restitution, of the type which occurred in the case of a formerly legally "owned" farm like Doornkop, is not necessarily reconcilable with - and may even work in the opposite direction to - the more equity-driven process of land redistribution. The latter process was designed to restore land to people, such as tenants, whose previous occupation of it was based on rights other than those of ownership. There has been a continual tension between the imperative to restore private property to its rightful owners (the impetus out of which the land NGOs were originally born), and the desire to alleviate the plight of the poorest people in the South African countryside, which would necessitate a more radical style of land reform. Arguing for the latter view, one human-rights lawyer, who later took up a position in the Department of Land Affairs in the new government, expressed the view that vested property rights should not be allowed to stand in the way of the radical reconstruction of South African society. Where such rights in a piece of land prove directly obstructive to the rights of former tenants who might have a claim to live there, he proposed that these should be overridden (and the tenants' rights shored up) by a constitutional prescription against homelessness which would be more far-reaching than any single property-owner's claim.¹³

This tension has been present in the case of Doornkop. The farm experienced an influx, in the late 1960s, of Africans who had lived as labour tenants on surrounding white farms: many of them strongly marked, in ethnic terms, by their use of the language and culture known as siNdebele. A few Doornkop residents - about four or five in all - began allowing them to settle on sections of their own plots, in return for a monthly rental. Rather than being defined in ethnic terms, these tenants were known in Doornkop by reference to two other features. One was their residency status: they were *bahiri* (from the Afrikaans word *huur*, to hire: the word means "those who hire or rent"). The three or four people who let their land out to them were known, reciprocally, as *bahiriši* (literally "those who cause to

hire or rent"). They have been much criticised in retrospect for having disobeyed the buyers' injunction not to let the land be rented, but to use it only for those who own it.

Much of people's past and present ambiguity about the *bahiri* stems from the degree to which they were, in fact, assimilated into Doornkop society, and hence the degree to which they might now be considered rightful claimants to the farm. Their alleged love of initiation and primitive ritual, their heathen beliefs, their dislike of education, and their practice of customary ways in general, made them a foil to the forward-lookingness of Doornkop's Christian landowners. These stereotypes notwithstanding, many of them were churchgoers who went through Christian wedding ceremonies to marry daughters of Doornkop. The conflicts which did break out between Doornkop's owners and its tenant population were often sparked off by the courtship of women, and the antagonism was fuelled by the greater ability of some of the tenants than their landlords to pay substantial sums in bridewealth, having brought with them large herds of cattle when moving from the white farms.¹⁴

And it is their status as "sons-in-law" - *makwenyana* - that the second mode of identification I mentioned singles out as a basis for their exclusion from residency rights. *Makwenyana* has in fact become a catch-all phrase, implying but not specifying ethnic identity, which is used to describe any male Doornkop claimant who demands a share in terms other than those of direct descent: that is, all those I described earlier - who want to come, but are not entitled. (A xenophobia similarly blending ethnic stereotype with antagonism towards affines has been noted in the case of other freehold farms. In the reclaiming of the farm Putfontein, sons-in-law who tried to lay claim to land were dubbed as members of Inkatha - a coded reference to being Zulu).¹⁵

The question of tenancy is a vexed one. Most former owners cite the disobeying of their forefathers' injunction against renting the land as the cause of removals, and so are opposed to readmitting tenants. The NGO people, in their publications, stress the humanitarian instincts which had prompted many landowners to offer refuge to tenants in the first place, and suggest that a spirit of sharing would allow such tenants a place should they wish to return (*TRAC newsletter* No 24, 1991). Here, a broader notion of custom is invoked: it

would be against the spirit of African hospitality and humanity to refuse. More pragmatically, however, the regional Restitution Commissioner felt that the mere fact of geographical proximity should not be given undue weight in settling this issue. It was unfair that Doornkop should have borne the brunt of housing the displaced Ndebele in the first place simply because it happened to be nearby to the farms from which they had been evicted, and it would be unfair to expect Doornkoppers to house them again at this later stage. Some broader process of redistribution is needed, to ensure that such tenants get some land, somewhere.

Whether human rights lawyers were to favour owners or those who had not been fortunate enough to own, one thing on which they resolved when working with future land-claims cases, in part because of the Doornkop experience, was the need to work only with geographically circumscribed communities: that is, with people actually living in whatever area was to be claimed. It was mistaken, they would later ruefully point out, to have spent so much time negotiating with the men whom Doornkop had elected as its committee, since these were mostly well-off and educated people, living in Soweto rather than on the farm itself, who should not have been given the definitive say in what should be done with the farm.¹⁶ As the Restitution Commissioner said:

I have allowed outsiders some influence, but not to obstruct the development of the land. I've said, "if you want to have a direct say, you should go and live there".¹⁷

A different strategy, also developed largely as a result of the Doornkop dilemma - and also directed largely towards avoiding similar dilemmas in the future - has been adopted by the group of people aiming to lay claim to the former mission station Botšhabelo nearby. Having observed the complexities arising from the fact of Doornkop's large absentee population and from the horde of eager - but unentitled - prospective residents gathering at the gate, Mr Makuse, Chair of the Botšhabelo committee, has started to collect written claims and xeroxed ID documents from every one of the 52 people whom he has traced as being entitled to a share of that farm by virtue of their descent from the original owners.¹⁸

5 Custom and chiefs

The custom so earnestly invoked by lawyers and commissioners does have a place in the rhetoric of Doornkop's sons and daughters, but only in its abjuring. "We do not do things in a sotho way (*wa sesotho*), in a traditional way (*wa setšo*, literally "of sesotho" and "of origin" respectively)". It is thus that they distinguish themselves from their Pedi forebears, and from the other descendants of those forebears who remained as the subjects of their chief Sekhukhune rather than converting to Christianity. In similar terms, they also distinguish themselves from the Ndebele who formerly tenanted the farm. Doing or not doing things in a customary way, in an original way, is a criterion for distinguishing between two dichotomous categories of people: those abjuring custom are *majakane*, (Christians), while those following it are *baheitene* (heathens). The distinction arose originally out of the process whereby converts, in an act which was as much one of political fealty as one of spiritual discipleship, transferred their allegiance from the chief to the mission minister, and in doing so gave up the initiation of children through Pedi rituals, replacing this with Christian baptism (Delius 1983:112-14, 160-78; James 1999:7-9).

This dichotomous categorisation was at the same time ritual and political. Politically, though, it did not remain a simple matter of a choice made between two rulers. When Christians like those at Doornkop eventually renounced the missionary as leader and set up as independent property owners, there were new complexities to take into account. In political as in other matters, the avowedly new and independent life which they constructed for themselves seems not to have represented quite as clean a break with past practices as their strident disclaiming of forefathers' pagan ways might suggest. Many practices, such as the veneration of ancestors and initiation, show this. Seth Ramaube, whose home near the rocky hill of the farm's title was known to everyone as *mošate* (the word designating a chief's headquarters in traditional parlance), was the first in what became a hereditary line of leaders - albeit one which lasted no more than three generations, since it was cut short with the removal of 1974. Being junior relatives or "children" of the royal house of Sekhukhune gave them a kind of entitlement, in the eyes both of Doornkop residents and of white officials in the district who were constructing and implementing a system of Indirect Rule. In line with this, they were asked to adjudicate minor cases and accorded something of the honour and loyalty which a customary chief enjoys. People

would walk to the *mošate* after a wedding to give ceremonial greetings (*dumediša*) and to offer a portion of the slaughtered beast.

But countering the idea that these men had a royal status, Dorcas Phala described their role rather in the pastoral terms of mission Christianity:

The Germans taught us that we should not walk around like cattle in the veld. The shepherd is Christ. We would have been lost without a shepherd, so we chose Ramaube to be our leader.¹⁹

The "chose" was emphasised even more clearly in other accounts, with a stress on the fact that it was his skills as an administrator, adjudicator, or mere bookkeeper, which fitted him for his role. He was like a township mayor, he heard minor cases, or simply "did the books".²⁰ In a complex mixture of discourses, the Ramaubes are here depicted as having occupied a role something between loving spiritual guides and elected functionaries.

But it was in respect of land that the members of the Ramaube dynasty are seen as having been utterly distinct from customary chiefs. Indeed, said Sophie Ngcobo,

Doornkop has no chief, it has never had one ... A chief is someone who has a land, and people come to ask for a portion. But here it was the people, not the chief, who had bought the land. Here, the land belongs to the committee. The councillors are the ones who elected the chief.²¹

This account, and others like it, depict the act of buying land as the definitive one which prised chief apart from land and hence denied people like the Ramaubes of Doornkop any real source of custom-like chiefly authority. The descendants of Doornkop's buyers represent themselves as having been, essentially, independent and self-governing; forward-looking, in favour of education and of improving the chances of the next generation. All these things were seen as irreconcilable with the blind and slavish devotion and service - and also, literally, physical work - expected by a chief of his subjects. Being *majakane*, they had:

a tough head ... they want to live their own life, they don't want control, they don't want all this "come to the meeting, come and clean the chief's kraal."²²

But it was not only the imperative to be independent when the farm was bought at around the turn of the century which shaped the attitudes of Doornkop people to their own particular chief. These attitudes also owe much to the experiences which led up to and followed their forced removal in 1974. Here, again, the rhetoric of accounts told with hindsight is underpinned by a sharp contrast between the blind obedience (and acquiescence) of customary behaviour and the forward-lookingness (but stubbornness) of independent Christians. By this time the second Seth Ramaube had recently died, leaving his widow Miriam and young son, also called Seth. After the death, in terms used by the peculiar mix of bureaucratise and ethnology which informed apartheid policy, Miriam was named "Tribal Authority" and it was stipulated that she would act as regent until her son was old enough to fulfil the promise of his inheritance. It was Miriam's longing to rule as a real chief, Sophie Ngcobo said, that led to the removals of 1974:

According to rumours, the real cause was Miriam. She wanted to introduce the old system of chiefship - *go hlanyela kgoši*. We did not know this system, so we refused it. ... Miriam was unable to really control the people of Doornkop as a chief would do, because she was constrained from doing so by the title deed. When she called a meeting to ask us to work for her, we told her, this is not *Bopedi* (the place of the Pedis) this is Doornkop. We told her that this kind of work for chiefs is heathen (*ya bo heithene*). We do not even know where she came from. She wore bangles (*maseka*) - those things which signify whether you are a married woman, or initiate (*kgarebe*), and so on. We called her a heathen. It was only when she arrived that she was baptised as a Lutheran. We disliked her from the beginning, but the removals made this worse. ...²³

Miriam is not only held to blame for having colluded with the enemy (or slept with them, married them, in a series of statements which use images of sexual betrayal to describe her treachery). She is also thought responsible for the removal in another sense, in that she allowed - or at least failed to prevent - the massive influx of tenants to the farm in the late 1960s and early 1970s: an influx which provided the apartheid state with a ready-made justification for removing the farm's entire population, using the excuse of slum-clearance. Sophie continues:

Miriam went to the government and told them "the Doornkop people are violating this chiefship system, by allowing Ndebele people to come here, so you must remove them. So, wherever we go, they will finally be under my control."

She is depicted as having longed to get them apart from their land, to make them completely subject. The story as a whole suggests that inadequate chiefly guidance can be held accountable for the loss of this privately-owned yet communally-administered piece of property. Perhaps she was not chief enough on this occasion - although we have already heard how opposed Doornkop's owners appear to have been to the practice of custom-based and land-linked leadership, that is, of chiefship. At the same time, she was too chiefly - she is referred to in terms which stress her proximity to custom and the old-fashioned way. Like the Pedi of Sekhukhuneland, from whom she is alleged to have been sent as a bride with her bangles showing her position in a strict custom-bound life-cycle, she provides a foil to the image of the independent Christian community whose land she is held to be responsible for having lost.

This points to an ambivalence which Christian landowners have about custom in general, and chiefship and customary leadership in particular. Their keenness to distinguish themselves from those who blindly obey chiefs masks their proximity to this custom in a number of respects. The story told here seems to suggest a desire to have it both ways. Indeed, much of the antipathy towards the chief springs from the fact that she did not in the final analysis behave as a chief ought to: acting as custodian of the land and protecting it from invasion. They seem to be blaming her, in retrospect, for failing to do a job which, according to the Doornkop constitution, ought by rights to have been done by the committee.²⁴

It also shows how strongly the image of custom has been in defining a negative image of land and authority: in part this has served to strengthen the argument of residents and prospective residents against the arrival of anybody from beyond the charmed circle of Lutherans. Such incomers would dilute the essentially Christian ethic of the farm.

6 Pegged plots and navel cords

By the time NGO workers and human rights lawyers had begun to concern themselves with Doornkop and other similar farms, the significance of the chiefly model of leadership was beginning to diminish. With the dispersal of Doornkop's people to a scatter of resettlement

areas, political office was striven for only by those involved in negotiating with people from government and the opposition to reclaim the farm. This meant the privileging of forms of leadership and representation in which modernity and democratic choice, already present in the story about Ramaube's election, would become still more important. But in the process of reclaiming the farm a more custom-oriented discourse and practice of leadership was to resurface - or perhaps newly to materialize - in tandem with the emergence of a deep factional cleavage which split the prospective residents of the farm into two parts. These disputes were so fierce, and the disputers so irascible, that TRAC for a period suspended its decades-long involvement with the reclaiming and redevelopment of the community. Visions of the future, and the forms of political representation which would ensure and safeguard these, became intensely contested issues. As long as these remain unresolved, it seems, the farm will remain without its designated population.

To look first at the discourse on leadership - and at the faction - which favours modernity. This portrays each consecutive chairman of the succession of land-reclaiming committees as having been more modern and representative than his predecessor. The last chair but one, for example, was uneducated, had little knowledge about how to chair a meeting, and his lack of consideration of his constituents' opinions gave him the reputation of being authoritarian. His successor, by contrast, had a university education which equipped and equips him ideally to represent his constituents in the increasingly frequent dealings with people from the world of government and NGOs in which Doornkop leaders were having to participate:

The previous chairman is short of "heart", short of temper. We thought the new one would be better as he has a "long heart". And he is also educated. He can write. He used to take notes during meetings, unlike others who "would just listen". When we went to report back to *setšhaba*, or arguing about something, he could recall exactly what had happened, with the help of his notes.²⁵

On the occasions when people do complain that this chairman has failed to represent them, this is not interpreted as due to his being remote from them as a result of his education. Rather, it is blamed on his inability to behave as an educated person ought to do: helping his people, being sensitive to their needs, and the like.

It was with this man, and his fellow-members of the Management Committee, that the NGO continued to meet even after the return of the farm, in order to arrange essential infrastructure such as water, sanitation, schools, and the like. During the course of these meetings, one committee member and a few of his cohorts made known their wish to settle on the precise plots they had previously occupied, and, by implication, to subsist as the small-scale cultivators they had been before they were moved. They wanted to go back to *maruping* (the place where one's umbilicus is buried). Opposing, and coming to be defined by its opposition to, this stance, was a 'modernizing' group. Its members desired to live in the manner to which - ironically - they had become accustomed since being removed to the planned townships of the apartheid bantustans: with a grid plan, tarred roads, street numbers, and the like. The ensuing skirmishes saw the modernizing group with its educated representative enjoy increasing pre-eminence, while its adversaries, with their leader modelled more on a customary chief and indeed related to the original Ramaube, lost popularity.

The minority status of this latter group of diehards can be seen from the way it was named. Its members were dubbed *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. They are alleged to have adopted guerilla-style tactics, such as causing the mysterious disappearance, each night, of the pegs which planners from the local government office had used, each day, to demarcate the new "planned" plots on which returning residents were to build their houses. When such tactics failed, the group's leader Madileng Ramaube and his wife ignored the planners' designs and returned to settle on their original plot, encroaching substantially upon surveyors' neat grid plan with the fields of corn which they then resolutely planted. Other members of the diehard faction, however, are said to be staying away because of the majority position which is that they should not be allowed to occupy original plots. This, then, is part of the explanation for the first part of the paradox - why some of those who are entitled, do not come.

The growing conviction within the constituency led and represented by the Management Committee that the farm needs development (*tlhabologo*, which also translates as

civilization) would probably be taken by Escobar as the definitive proof of his idea about the discourse of development being yet another tool of domination. In this case it might seem all the more sinister because the longing for square-built houses in lines laid out by planners with pegs appears to be a direct assimilation of the ethos of apartheid's planners, whose at the time much-hated plans had been applied to the resettlement areas to which "black spot" residents were moved. From this perspective, those wanting to return to *maruping* might at least be seen to be expressing some lack of willingness to comply. But it is evident from Landau's recent book about the Kgamas of Botswana that elements of such dominant discourses - bits of apartheid knowledge and practice in the case of Doornkop, bits of Christian knowledge in the case he describes - are not contested only between structurally more and less powerful players in the game: say, between developers and those developed (1995). They are also appropriated locally and become the weapons used in internal conflicts. These were the local power struggles with which NGOs were to feel so uncomfortable.

7 Participation and representation

The chairman and his Management Committee, then, appear to have won this particular round of the skirmish. But it was to the influence of this grouping, with its inevitable correlates of middle-class status and urban residence, that the human rights activists in the NGO came increasingly to object in the course of several year's development meetings subsequent to the reclaiming of the farm. Realising in retrospect that they had unwittingly played a part in fostering the influence of this coterie since its proximity to the NGO headquarters in Johannesburg made meetings much easier with it than they would have been with a more distant rurally-based (and in their eyes therefore more representative) committee, they subsequently regretted having strengthened the arm of an educated elite rather than facilitating a voice for those whom they saw as the more needy among Doornkop's sons and daughters.²⁶

There was something inescapable, even fated, about the type of leadership and representation which came to be pre-eminent at Doornkop, as much as there was about the activists' objection to this. In recapping, let me explain the nature of this inevitability. As

with countless other freehold farm owners, these people had initially come to be living where they did because of their Christian orientation, which expressed itself in aspirations to middle-class status among some of grandchildren and great-grandchildren of the farm's founders. Land ownership had not, as noted by Murray of similar communities in the Free State, provided the basis of successful farming: but it had provided "the material springboard for a decent education and hence for a socio-economic mobility within the district and outside it" (1992) - at least for some of the owners, or their children. So, some of the descendants of a Christian community such as Doornkop, with its easy access and ideological predisposition to providing its children with education, have risen rapidly in 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, even before the fateful date of 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 the efforts to reclaim the land and, when it was finally reoccupied in 1994, were elected to form, and to chair, the Management Committee.

This entailed a geographical scattering, and an accompanying differentiation of status, wealth and influence between those laying claim to live at Doornkop, which proved to be a matter of cognitive dissonance for members of Land NGOs such as TRAC. Their ideas of community and leadership had derived, in part, from an approach used in international development circles throughout southern countries: an approach which prescribed the necessity for various types of Participatory Research which would establish how people communally viewed their past and thus provide a basis for future planning imperatives. It also prescribed the need for "institution-building" and "capacity-building" which, on the basis of a uniformly-experienced deprivation, would construct an ability to run meetings, organise finance, and negotiate with developers and government. When Doornkop people chose an absentee educated elite to exemplify their interests, this clashed fundamentally with the NGO model of participatory and consensus-based democracy.²⁷

In both the NGO and the commissioner's perceptions, then, the elaboration of a discourse of community and of egalitarian community representation, while being partly modelled on a view of "custom" excludes one key aspect of what independent Christian landowners have

both perceived to be part of custom and - albeit with ambivalence - rejected. This is the presence of hierarchy and its correlate of unthinking acquiescence.

Just as the restitution commissioners strategised to cut chiefs out of the reclamation process, so the NGOs wished they had bypassed the chairman. Both sets of people share a pronounced unease about the existence of hierarchy and differentiated power-structures within the constituencies where they work. Much of their effort has been expended in finding ways to create a direct relationship between "the people" and themselves, and in the process to flatten out the political structure of communities. Or, if senior parties, leaders, or representatives must be dealt with, attempts have been to find some at least that emerge from the ranks of the poorest people rather than having been reared, as was the present chairman, through several successive generations of education and privilege.

In their keenness to eliminate leaders and intermediaries, these hard-working and committed people overlooked two things. One is that they themselves could be seen as performing the role of broker. The other is the extent to which the broader process of reclaiming land - to which TRAC owes its existence - came about in the first place and has proceeded because of the actions of various brokers. These were people of ambiguous status. (In the case of both Abey Maloma, who travelled to Parliament in 1991 to bring Doornkop to the attention of the then opposition, and the Reverend Phasha, who authored the biblical-style document discussed earlier and was a key member of the Doornkop and Botshabelo Homecoming Committee, later the broader Transvaal Land Reclamation Committee, and later still the Land Access Movement of South Africa, questions have been raised about whether they were really descended from buyers themselves). Using much the same rhetoric as TRAC, these men explain their involvement as resulting from the desire to get directly in touch with the people, and hence to forestall the involvement of *other* leaders, or of brokers with questionable motives. Rev Phasha accounted for his role as follows:

... I wanted the leadership to represent the community in the true sense of the word, and ... I did not want either lawyers, TRAC, or the government to lie to the people. These things made the people trust me. I used to fight, especially when community leaders used to lie to the people. People in the government, TRAC, or whatever, should be bold enough and tell the community the truth. To lie to the people and make empty promises, because the community were building up their hopes in TRAC, government - the community would believe them. I used to take up the fight. I had the confidence of the people.²⁸

From TRAC's statements, and from Rev Phasha's, it is almost as though the process of reclamation, and later of development, has consisted of a proliferation of competing brokers, each one legitimating his entry into the fray as a means to prevent the undue influence of others.

Brokers, chairmen and chiefs have jostled with or replaced each other in quick succession. But there is a common theme running through these narratives of leadership and representation. When speaking of their elected and educated chairman, people reveal an ambivalence similar to that which underpins their earlier attitude towards the more custom-oriented chief. On the one hand they fiercely, almost anarchistically, defend their autonomy in respect of land and the future plans regarding its use, arguing at length in meetings when committee members make decisions or representations on their behalf which are not to their liking. On the other, they expect their leaders, as educated and privileged beings, to interact with the wider world on their behalf on matters in which they themselves do not feel competent: an expectation to which these leaders are then thought, in some cases, to have responded with undue enthusiasm. Regarding the delivery of services in particular, several people no longer attend meetings called by the committee because they are tired of being promised things that never materialize. In this matter, as in others, the Doornkop experience has taught lessons to those roundabout. Having attended several Doornkop meetings, Mr Makuse of the Botšhabelo committee advised his co-members to tread warily rather than promising too much:

they have been promising things to people. They have promised them houses, they have promised them roads ... they told them, "man, we are going to have a city". I said, "look, lets just tell people we are going to try ... Don't promise people heaven on earth. If we don't manage to keep our promise, we could even be killed."²⁹

Conclusion

A complex dialectic of dependence and independence, of communality and individuality, has been played out - and continues to be played out - in the case of such farms. Insecure footholds and gaping potholes are as apparent in the road ahead as in the roads which led

back to Doornkop. There seem to be as many yawning gaps as there are overlaps between the knowledge and practice of developers and those developed.

Some workers at TRAC see the best prospects, interestingly, as lying in the individualisation of rights, because they think that the local Mpumalanga government will be likely to invest money in development only if these plots are unequivocally owned. The unpredictability of community veto stands as an obstacle to future development. Having burnt their fingers with Doornkop, they also prefer cases of redistribution to those of restitution, since these represent a challenge to the existing status quo, are less likely to lead to the restoration of former styles of patriarchal control and more likely to enable the entrenching of the rights of women, the poor, and other disadvantaged community members. And whatever the nature of the struggles in which they engage, they stress the need for unity between people with similar interests in gaining and in developing land. This is a view of communal action which owes something to the ideas about social movements which are now current in development circles (and in Escobar's work).

Farm owners and claimers, in contrast, remain at once thoroughly committed to the communal ownership model - because of the right it gives them to exclude illicit claimants - while being sceptical of any broader collectivities. When, for example, they participated in a land-claim rally, this was seen in retrospect as a matter of having been hoodwinked by the NGO into participating, through promises of immediate success for their own specific land claim. Despite having fought to reclaim land through participation in such collectivities, then, they see their very involvement in these movements as having resulted, in part, from the actions of unscrupulous brokers.

The Restitution Commission on the other hand is committed, but for quite different reasons, to communal models of ownership. But whether these will be easier to implement in farms other than Doornkop remains to be seen.

On a quite different level, what lays a path into the future is the original injunction by the forefathers. Ancestral influence is an element of custom to which I have paid little attention, despite alluding to it early on. Ancestors (*badimo*) or forefathers (*makgolo*) provide a

compelling and legitimating motif which underpins virtually all discussion and disputation occurring in respect of this land, and others like it. NGOs and those on whose behalf they work; Christians and those whose Christianity has been moderated or obliterated by ancestor veneration; owners and tenants; civilizers and backward-lookers: all have drawn strength for their own specific sectarian visions of the future by invoking the image of the forefathers who are buried in the farm's graveyard, and by referring to the law of the farm which they laid down.

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¹ The financial assistance of the Centre for Science Development (Human Sciences Research Council, South Africa – now National Research Foundation (NRF)) towards this research is hereby acknowledged. I also acknowledge the contributions of the Oppenheimer Fund and Wolfson College, University of Oxford. Opinions expressed are those of the author alone. Thanks to Jeffrey and Hellen Nkadimeng for assistance in the field, and to David Coplan, Keith Hart, John Friedman, Sara Rich Dorman, William Beinart, Johnny Parry, Paul la Hausse, Isak Niehaus, Patrick Pearson, Robert Thornton, Linda Waldman, and participants in the Seminar on Anthropological Theory, London School of Economics; Anthropology Department Seminar, University of the Witwatersrand; African Studies Seminar, St Antony's College, University of Oxford; and African Studies Seminar, University of Cambridge, for comments on earlier versions.

² This farm is not the only Doornkop to have been confiscated during the apartheid regime and restituted in the new South Africa. Doornkop near Ventersdorp in the Transvaal was restored to its former owners in 1995. See report by Evidence wa ka Ngobeni in *The Mail and Guardian*, June 23, 1999: "Twenty years after the Doornkop community's land was given to white farmers, the commission on land restitution restored their ownership".

³ Letter from Rev Othniel Phasha, 13th March 1992, in the file on Doornkop kept by Kalushi William Kalushi.

⁴ In addition to TRAC in the Transvaal there were 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). Names are those of the former provinces, or smaller divisions of provinces, in pre-1994 South Africa. See James (2000) for a fuller account of TRAC's involvement. For a summary of the restitution of Doornkop, see *TRAC Newsletter* No.30, 1995, and Winburg and Weinburg (1996).

⁵ Kosie Maserumule, recorded discussion with Deborah James (DJ) and Geoffrey and Helen Nkadimeng (GN and HN), 11th December, Soweto.

⁶ Eva Mankge, discussion with DJ, 16th July 1997, Doornkop.

⁷ Copy of "The Constitution of Doornkop 42" dated Nov.26th 1933, in file on Doornkop kept by Kalushi William Kalushi.

⁸ Can also be rendered as *sechaba*, and also translated as nation or tribe.

⁹ See Murray (1996) for a discussion of way in which land reform processes in South Africa, apparently driven by the imperative of helping the rural poor, have often excluded them in practice. See also Bernstein (1996) for a broader discussion of the issues.

¹¹ Dirkje Gilfillan, discussion with DJ, 13th June 1997, Pretoria.

¹² Tony Harding and Durkje Gilfillan, discussion with DJ, 9th June 1997, Pretoria.

¹³ G.Budlender, cited by Gilfillan (nd:16): this and opposing positions were fiercely debated at a conference held in Johannesburg in 1992. When the Department of Land Affairs was established in 1994, the three prongs of its approach were restitution, redistribution and tenure reform (SAIRR Survey 1994/5).

¹⁴ Kalushi William Kalushi, discussion with DJ, 3rd March 1997, Johannesburg.

¹⁵ Dirkje Gilfillan, discussion with DJ, 13th June 1997, Pretoria; for more on the reclaiming of Putfontein, see Murray (1999).

¹⁶ Melinda Swift and Greg Jacobs, discussion with DJ, 6th March 1997, Johannesburg.

¹⁷ Durkje Gilfillan, discussion with DJ, 13th June 1997, Pretoria.

¹⁸ Emmanuel Makuse, discussion with DJ, 22nd May 1997, Mlhuzi township, Middelburg.

¹⁹ Dorcas Phala, Eva Mankge and Makgwane Maseje, discussion with DJ, 19th May 1997, Doornkop.

²⁰ David "Frank" Debeile, discussion with DJ and HN, 10th December 1997, Soweto; Doornkop Workshop, information for submission, March 1992, file on Doornkop kept by Kalushi William Kalushi.

²¹ Josephine (Sophie) Ngcobo (nee Kgoro), discussion with DJ, GN and HN, 4th December 1997, Soweto.

²² David "Frank" Debeile, discussion with DJ and HN, 10th December 1997, Soweto.

²³ Josephine (Sophie) Ngcobo, discussion with DJ, GN and HN, 4th December 1997, Soweto.

²⁴ The committee, according to one view, had by this time become "weak" and had hence failed to take action to prevent the influx of tenants into Doornkop. Doornkop workshop: information for submission, March 1992, in file on Doornkop kept by Kalushi William Kalushi.

²⁵ Abey Malele, discussion with DJ, GN and HN, 14th December 1997, Soweto.

²⁶ Melinda Swift and Greg Jacobs, discussion with DJ, 6th March 1997, Johannesburg.

²⁷ Ibid.

²⁸ Rev. Othniel Phasha, discussion with DJ, 19th May 1997, Mhluzi township, Middelburg.

²⁹ Immanuel Makuse, discussion with DJ, 21st May 1997, Mhluzi township, Middelburg.