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The return of the broker: consensus, hierarchy and choice in South African land reform

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Abstract: The broker, a key concept in 1960s and 1970s political anthropology, merits revival in settings of rapid social transition. In South Africa, where state planning directs the course of change while attempting to privilege the market, brokers do not merely negotiate between fixed positionalities of 'state/market' and 'people'. Instead, they embody and bring into being socio-economic positions and identities. They blend together the egalitarianism and rights-based character of post-liberation society with the hierarchy of re-emerging traditional authority. Drawing on notions of consensus they embody 'the people', drawing on ideas of free choice and enterprise they embody 'the market'. Simultaneously they bear the bureaucratic characteristics of 'the state'.

Settings of rapid transition, where state planning attempts to direct the course of change but does so in a way that foregrounds the influences of the market, have laid the grounds for a re-emergence of brokerage. Brokers and mediators use assets furnished by the state and provide the means for others, less able, to gain access to these. They benefit materially while simultaneously developing followings of others who hope to do so. New forms of identification are produced even as brokers mediate between old ones. These key figures emerge in social situations which they, in part, have helped to mould. Particular styles are drawn on and new socio-economic positions brought into being.

The context of post-apartheid South Africa, like many transitional settings elsewhere, is one in which elements of state, market, and patrimonial/patriarchal-style political authority intersect. Aspects of 'neo-liberal' (or 'millennial') capitalism are prevalent, with many enriching themselves and becoming upwardly mobile while others become inexorably poorer (J and JL Comaroff 2000). Tempering this, state intervention, much of it based upon a version of state welfarism inherited from the apartheid order, plays a key role. Increased levels of unemployment associated with market liberalisation have made many people dependent upon pensions, disability or child support grants: crucial sources of income in a highly monetized economy. The welfarist order or 'distributional regime' (Seekings and Nattrass 2005), has thus endured, even intensified, rather than precipitously collapsing.

State intervention, as well as effecting redistribution, has been the key factor in attempting to privilege the market as a central driver of economic and social life. Where members of the new middle classes, for example, have started to enrich themselves via entrepreneurial activity or involvement in business, this has been possible only as a result of a government policy of 'black economic empowerment' which has been minutely regulated, with rafts of new legislation having been passed in recent years. Much further down the social scale, the poor people who are the intended beneficiaries of redressive and redistributive measures are expected to legitimate their claims by couching these in terms of elaborate and often unrealisable 'business plans'. Alongside all this, insecurities have led people to place renewed faith in traditionalism and patriarchal-style political authority (Koelble and LiPuma 2005; Oomen 2005).

These different and unevenly blended elements not only provide the context in which brokers emerge, but also furnish the bricoleurs' hybrid 'toolkit' from which such figures construct their identities. Brokers are not only products, but also producers, of the kind of society in which they re-emerge. They blend together egalitarianism and rights-based concerns with the hierarchical political authority of traditional leaders and patriarchs, while simultaneously foregrounding the economic individualism and choice-orientation associated with neo-liberalism. Drawing on notions of consensus, they embody the local concerns of ordinary people, drawing on ideas of free choice and competition they embody 'the market'. Simultaneously, they endorse and embody some of the bureaucratic characteristics of 'the state' which provides a legitimating framework for these merged - but often contradictory - frameworks.

Inevitably, the combining of such unlike attributes presents a picture of moral uncertainty. The two such figures described below - Jack Mtsweni and Amos Mathibela - were heroic in their resourceful creativity delivering something tangible to a disenfranchised class of landless poor. At the same time, they could be seen as hustlers, exploiting marginalized people to enrich themselves and enhance their status. This moral ambiguity has been present throughout several decades of scholarly discussion of brokerage.

The anthropology of brokerage and clientelism

Ties of dependency and clientelism have been variously analysed, celebrated and decried by generations of scholars. Patron client relations preoccupied political anthropologists analysing late colonial and newly-independent countries: particularly those with an interest in individual action, such as the members of the Manchester school (Gluckman 1955; Long 1968). Where peasants and elites or 'great' and 'little' traditions (Redfield 1956) were newly juxtaposed in settings of transition, some groups or individuals acquired the status of patrons on the basis of their new access to economic and or political resources, while others mediated between these figures and those lower down in the pecking order, often bridging these separate worlds while simultaneously deriving benefits from keeping them some distance apart. What underpinned such relationships was the fact that clients abdicated their potentially open access to the state and/or major markets in order to gain mediated access via a patron (Eisenstadt and Roniger 1980; Randerad 1998).

When these and other studies of 'local level politics' ran into a 'dead-end' (Spencer 1997), this was both because Marxist scholars disparaged accounts of individual transaction, and because the imposition of political power in the modern state - with its accompanying forms of entrenched private property rights and the like - appeared to have lessened the possibilities for manoeuvre of any kind (Mitchell 1990). Where such possibilities did exist, scholars analysing them were condemned for failing to recognize the importance of political/economic structural constraints. The scholarly war between consensus models and those emphasising structural inequalities was largely driven by ideological difference. In a well-known debate, Barth's claim that intermediaries canvassed political support on behalf of Pakhtun landowners who were thus dependent upon them to build a power base (1965) was repudiated by Asad (1972). Such consensus or 'market models', argued Asad, downplayed the fact that political authority was in fact derived from pre-existing factors such as the ownership of landed property.

This line of argument was animated by a conviction that the 'choice' allegedly exercised by maximizing brokers and mediators was an ideological construct which overly privileged individualist frameworks (Alavi 1973) and obscured darker realities (Silverman 1974). Taking a

less condemnatory line, and one more intellectually attractive than the methodological individualism of scholars in the Manchester school because of its focus on group practices and ideas, was Scott's work on Malaysia (1972a; 1972b; 1976). Peasants in modernizing contexts made appeals to their patrons by appealing to a 'moral economy', deriving from their dependency upon these patrons in earlier periods (1976). Reappraising Scott's work, Mitchell notes however that although personalized relations remained crucial in political and economic life, practices earlier mediated by such relations and by a redistributive ethic appeared to have been placed 'outside the play of local relations' (1990). He shows how - given the advent of capitalism and the emergence of a modern state - power now appeared to emanate from somewhere beyond even though it was still exercised locally and felt with immediate effect, and power relations now appeared fixed and permanent rather than being personalized and fluctuating.

Where, for Scott, these bonds of dependence provided the basis for positive and 'moral' forms of action, some anthropologists, having a sound grasp of the structural underpinnings of such relationships, had been more critical. The self-perpetuating character of patronage in Sicily was examined by Boissevain (1966) and later Blok (1988), who showed how many of the conditions for which the peasantry needed assistance actually arose *because of* the patronage/ brokerage system or were at least sustained by it; and how patrons, brokers and intermediaries, by exploiting difficulties of access, were simultaneously weakening the system of government. Similar patronage has been widely documented in Africa, where it has been shown to underlie corruption, the failure of development resources to reach their intended targets, and the inability of the poorest people to access the rights of the ordinary citizen (Hyden 1995; Mwenda and Tangri 2005).

The borderline legality, or downright criminality, of brokerage is one of its problems. But some celebrate rather than condemning this feature. Writers on popular culture draw attention to the performative skills of 'cultural brokers' (Barber 1987; see also Geertz 1960) who creatively interweave diverse social and cultural threads in settings of rapid change and urbanisation. Given the disintegration of traditional frameworks and the impossibility of reconciling new capitalist value systems with the need for self-respect in a dehumanising society, these figures must live by their wits (La Hausse 1993). They have little option but to use get-rich-quick schemes to make a living, climbing the social ladder while defrauding others as they do so (*ibid.*).

More recently, analysts of development contexts have recognized the ubiquity and inevitability of such brokers, indicating the need to analyse the phenomenon rather than condemn it (Mosse and Lewis 2006). In settings where new opportunities may be seized and existing statuses transformed, actors construct social contexts, enrolling and juxtaposing a variety of elements. One means by which this is done is by the act of 'translating' between previously unintelligible registers. 'Actors assume identities *in relation to* their strategies of interaction ... through a process of 'translation' that permits the negotiation of common meanings and definitions and the mutual enrolment and co-optation into individual and collective objectives and activities' (Latour 2000, cited in Mosse and Lewis 2006:14). Rural and marginalized people's personal dependencies may well have been obscured by new fixities of state and market as Mitchell claims (1990). Such people nonetheless remain crucially reliant on intermediaries to enunciate their demands and claims. In South Africa, former farm-dwellers, evicted from white-owned farms as so-called 'surplus people' during the 1970s, and belonging economically in the lowest income decile, have puzzled analysts by failing to represent themselves politically or to unite in defence of their own rights - especially that of acquiring land, whether for cultivation or simply as a secure place to live after having been summarily evicted from these farms (Seekings and

Nattrass 2005). Instead of organising directly, they remain reliant on ties of dependency similar to those analyzed by Scott, but the increasing prevalence of market forces has added an extra layer to the terrain of complexity which they need to negotiate. Brokers, often emerging from their midst, draw on, creatively mediate, and translate between these varied and often contradictory styles and modes of being.

Background and setting: Land reform in the Mpumalanga/Limpopo borderlands

It was for members of this group – both the ‘surplus people’ who had already left the white farms in the 1970s to settle in the former homelands, and those still living on these farms but without secure tenure – that South Africa’s new legislators and policy makers, post-1994, designed a land reform programme as a system both of redress and of redistribution (James 2007; Walker 2008). Aware of the probability that new forms of wealth would attract ‘big men’ or brokers in search of a following, they tried to design impartial processes of land access that would put citizens directly in touch with the state and thereby block such opportunists. The conventional wisdom on land access in Africa (Berry 2002; Lund 2002) shows how social connections outweigh formal titling in importance: but in South Africa, with its centralized planning and effective formal legal system, and where the state – as much after as before apartheid’s demise – has tried to exercise control over land transfer and distribution, there was a determination to counter these tendencies. To this end, new edifices of social engineering classified people into types and proposed corresponding kinds of property ownership. But the construction of these putative social categories, the accompanying models of property-ownership – and, in contradictory combination with these, the ultimate reliance on market forces to achieve the work of planning – provided new spaces and new repertoires for entrepreneurial brokerage.

The context of my fieldwork, conducted in the Mpumalanga/Limpopo borderlands in 2002-3, was one of an earlier population displacement for which recompense was now being planned, via land reform: one of the intensive planning activities which underlay South Africa’s transition from an apartheid to a democratic state. The programme attempted to combine moral and material aims. It tried to balance the redress of specific past injustices against the fulfilling of demands for broader socio-economic redistribution, thus achieving (1) the restoration of property/citizenship rights; (2) the solving of economic problems and ameliorating of rural poverty; and (3) the establishment of a class of viable African farmers. These divergent aims were equally ranked at an early stage of the land reform program, but the government’s subsequent shift towards liberalisation has seen the market-oriented approach gain more headway. The varied tendencies nonetheless continue to combine in often unexpected and contradictory ways.

Histories of dispossession and settlement: the 1960s and 1970s

Undoing the injustices and inequalities of more than a century proved to be a complex task. The most disruptive episode, and the one most difficult to reverse, was the population displacement of the 1960s-70s. In Mpumalanga, Africans who had lived on white farms as tenant-cultivators moved off in large numbers (they continue to do so, in lesser numbers, in the present). Their eviction, although mostly not forceful, was the result of efforts by a powerful white farmer lobby pursuing economic rationalization. In close parallel, apartheid state policy carved the area into ‘black’ and ‘white’ zones, establishing South Africa’s much-disparaged tribal ‘homelands’ as the place where such former tenants would in future reside, under the rule of chiefs on state-owned land (Surplus People Project 1983). With reference to the map, Africans were being displaced from white South Africa’s south-eastern Transvaal (now Mpumalanga Province),

northwards across the Steelpoort (Tubatse) River to the then Lebowa homeland (now Limpopo Province). Swathes of the countryside were being depopulated while others were repopulated in over the course of less than a decade.

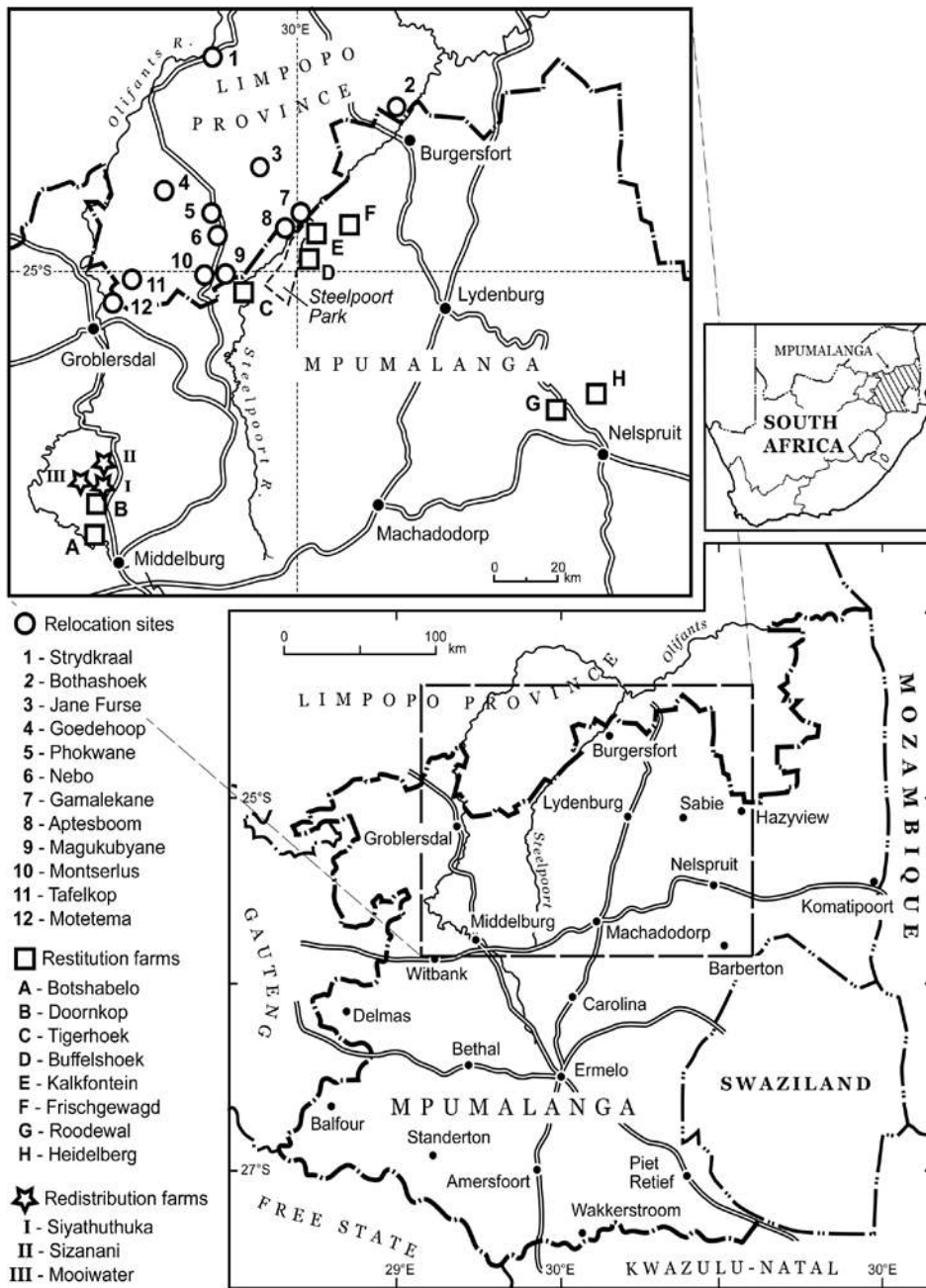


Figure 1: Map of Mpumalanga, showing relocation, restitution and redistribution sites

In the period of greatest upheaval, and despite the apartheid state’s attempt to formalize arrangements by settling all displaced people in the state-owned homelands, negotiated access to and ownership of land was of key importance for uprooted tenants (Wotshela 2001). ‘Like birds in the cornfield’ (Stadler 1979) they sought out places to settle, in defiance of state plans, often impermanently and usually in search of a close to jobs and other resources (Marcus, Eales and Wildschut 1996). Some of these displaced tenants, instead of moving into the homelands as state policy dictated, sought refuge instead on African-owned land within what were technically ‘white’ areas.

The farm Doornkop was one such piece of land. Taking advantage of a brief window of political opportunity, its owners - a small group of African titleholders, sePedi-speaking mission converts - had originally purchased it from a white owner in the first decade of the twentieth century (see Figure 2). During the late 1960s, the farm gradually acquired a tenantry of siNdebele-speakers who had been evicted from surrounding white farms. These displacement processes, cruel to begin with, were even more brutally interrupted in 1974 when Doornkop's inhabitants – titleholders and tenants alike - were subject to apartheid's most violent episode of social engineering: a 'black spot' forced removal using army trucks (James 1983).¹ Despite this moment of rupture, the patterns of land-based clientelism established here would later re-emerge, through the activities of new brokers. This, then, is the setting for the drama of brokerage and land-seeking described in the present paper.



Figure 2: Doornkop group photograph with Pentecostal missionaries, 1910 (photo McDonald family)

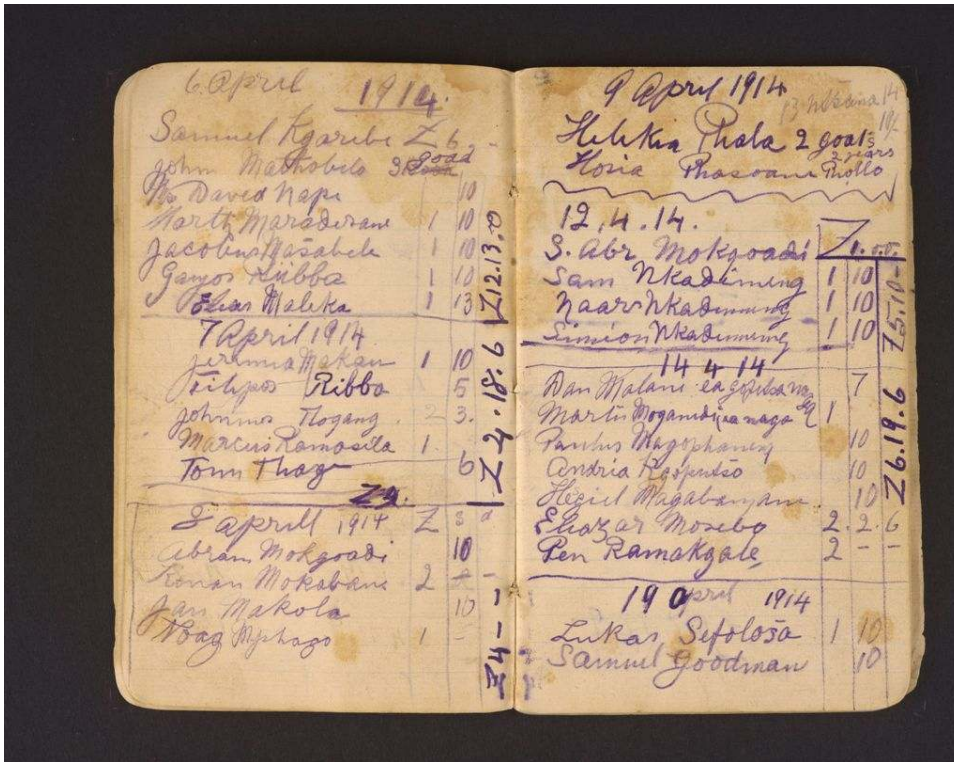


Figure 3: Pages from Doornkop log book showing contributions to farm purchase in cash or kind (in possession of McDonald family)

A note is necessary here on how ethnic difference relates to the landowner-tenant divide. Although Doornkop’s original Christian owners were exclusively sePedi speakers, the tenantry living on surrounding white farms until their eviction included sePedi and siNdebele speakers, strongly conscious of their differences. Ndebele were considered backward, more traditional, less well educated – but with more entrepreneurial capacity (taxi drivers, builders, etc.) - while Pedi were represented as better-educated but poor, usually following well-established migrant trajectories into industrial employment (James 1990). For complex historical reasons, greater numbers of Pedi had converted to Christianity, and a small but significant number had purchased farm land in the early years of the twentieth century, becoming titleholders. It was Pedi in the latter group that owned the farm Doornkop. But Ndebele have been and remain in the majority in the region: a matter which had a significant influence on state policy after South Africa’s transition. Although the ANC, in power after 1994, had earlier drawn its most influential constituents and its leadership at national level from the ranks of mission converts like the Pedi titleholders, members of the small, and new, Ndebele elite were now being given new positions of power or civil service jobs in the region (and they in turn had started to mobilize new sets of alliances and loyalties, primarily on ethnic lines). In the early 2000s, then, the ANC government began to be attentive at local level to the electoral power of the Ndebele majority (James 2007:105-29). Such attentiveness was one factor impeding any possibility of interfering with the patterns of brokerage described below.

Planned redress: the 1990s and 2000s

My research investigated how historical patterns of racially-based relocation were being overturned by state policy and planning. First, farms in Mpumalanga Province (squares on map in Figure 1) - both those formerly owned by African title-holders and occupied by them and their tenants, and those occupied by African tenants on white farms – became the object of

restitution claims by their former occupants.² In making policy to govern this process, a law was passed to regulate the holding of ‘communal property’, stipulating the transfer of ownership of farms to their former owners conceptualized as ‘communities’. In some cases it transferred responsibility for development, social services, and the adjudication of disputes to elected committees, thus abrogating liability for, even effectively outsourcing, these processes.³

At the time of research – and even several years later - restitution was still mostly under way. Claimants, many of them labour migrants working in or near Johannesburg, still had their rural domiciles in the villages of what is now known as Limpopo Province (formerly the homeland of Lebowa, to which they had originally been displaced) while they waited for the outcome of their claims. Indeed, the land reform programme as a whole has tended to have this character: that of a process much planned for, with outcomes eagerly awaited but never achieved. (In only in one case I investigated, that of Doornkop, had restitution been accomplished and had some claimants moved back by the time of my fieldwork.) Meanwhile, tenants and farm-dwelling workers were still being evicted from white farms and seeking for places to live. Many had returned to ‘squat’ illegally on the African-owned land where they had resided before 1974, while others had newly arrived at such places. Former tenants, no longer forced northwards across the border as they had been by the apartheid authorities, were now seeking refuge instead in informal settlements on the land of African titleholders. Both originals and new arrivals, seeking land for cultivation, grazing, and for rent-free residence in close proximity to the town of Middelburg, had come to live at Doornkop. The impact of achieving restitution for one farm was having unplanned ramifications.

In addition to restitution, state policy established other means of land access: *redistribution* and *tenure reform*, intended to secure or safeguard the land rights of those who had never formerly owned property of any kind – such as the tenants in question.⁴ *Redistribution* allowed displaced people to settle on formerly white farms (stars on the map, Figure 1), but it did so in a manner which combined forces of state and market in an uneasy manner. The World Bank’s ‘willing buyer/willing seller’ model was set to be realized in practice via a scheme of government grants for individual families (a Settlement Land Acquisition Grant/SLAG of R16,000 - about £1,600 at the time of research). Purchase of land from ‘sellers’ was possible only if these grants were pooled, which led, in many cases, to the recruiting by elites of new settlers purely on the basis that their grants, once combined, would allow for the acquisition of a suitably-sized farm. Such strategically-mobilised groups, derogatorily described as ‘rent-a-crowds’, often found it was unsustainable to live on the land to whose purchase they had contributed: it would then revert by default to the original initiator. As some of these contradictions were resolved, redistribution, initially designed in the interests of poorer people, began to be oriented towards the provision of land for those with greater resources who could utilize them to continue or to create a commercial farm venture.

Category	Date	Act	Intention
Restitution	1994	Restitution of Land Rights Act	To provide for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 as a result of past racially discriminatory laws or practices. To establish a Commission on Restitution of Land Rights (CRLR) and a Land Claims Court
Restitution/ Redistribution/ Tenure Reform	1996	Communal Property Associations Act (CPA)	To enable groups to acquire, hold and manage property as agreed by members and using a written constitution
Tenure Reform	1996	Land Reform (Labour Tenants) Act	To safeguard the rights of labour tenants who had been remunerated for labour primarily by the right to occupy and use land
	1996	Interim Protection of Informal Land Rights Act (IPILRA)	To protect people with informal rights and interests from eviction in the short term, pending more comprehensive tenure legislation (ie CLRA)
	1997	Extension of Security of Tenure Act (ESTA)	To give farm occupants rights of occupation on private land. Establishes steps to be taken before eviction of such people can occur
	2004	Communal Land Rights Act (CLRA)	To provide for legal security of tenure by transferring communal land to communities and provide for its democratic administration by them

Figure 4: South African land reform legislation

In sum, the policy framework and accompanying legislation explicitly aimed to recognize the existence of separate kinds of persons with different kinds of rights. In so doing, it implicitly separated the types of moral action which accompanied these: historically-based redress, on the one hand, and egalitarian-style justice framed to address present-day inequalities, on the other. The former was less, the latter more, egalitarian in intent. But the distinction between these different aspects and categories of people was blurred. As people aspired to claim land, different constituencies had differential recourse to the *restitutive* and *redistributive* aspects, sometimes pitting them against each other in a series of disputes in which different kinds of moral claims relating to property were made. There were loopholes – allowing aspirant farmers

with no former basis on the land to try to prove dubious connections to it through *restitution*, while others with a genuine sense of entitlement recognized the difficulties of proving this and attempted to benefit from *redistribution* instead. And while the state moved in a more market-oriented direction for land *redistribution* it nonetheless subsidised land *restitution* at a previously unimagined scale, which involved providing expensive land for free to land claimants and, later, barring them from mortgaging or selling the land (see Fay and James 2009).

Further complexity was evident in the way that one arm of the programme was called upon to solve problems caused by the other. In the case of the African-owned farm of Doornkop, a *redistribution* project was designed to solve the tenant/squatter 'problem' which had arisen from the earlier *restitution* episode.

This was the confusing framework, of policy/practice, and of state-/market-driven approaches, with which ordinary people were confronted when they tried to become beneficiaries of land reform. While land access remained a matter of key importance for much of the electorate - getting land back, or land at all, was one of the things they claim to have been promised by Mandela and for which they voted for in South Africa's first elections - the exact mechanism of land access, and hence the precise way in which property is held, has been a matter of dispute. If one model has come to foreground the private ownership of property (albeit by 'communities' and under the governance of committees as legislated by the state), another - increasingly favoured by some of the rank-and-file landless, and often (ironically) using apartheid's former homelands as a model - has idealized land as an inalienable possession which ought not to be privately owned or sold, but which should be owned by a very different kind of 'community': under chiefly custodianship.

Brokers and mediators have found a repertoire in the contested space between these two increasingly divergent models or ideologies of property-ownership. These models do not necessarily correspond to people's own former or existing statuses as either 'owners' or 'tenants' respectively. In settings of rapid transition, policy initiatives and planned social change are productive of new social, cultural and political identities as well as simply acting upon pre-existing ones. Redressive policies of reform promise to equalise inequalities or transcend socio-economic categories, classes or identities, while market-driven approaches appear destined eventually to reconstitute or strengthen these. But such policies and approaches also mediate and transform these inequalities, classes and identities, in the very process of coming into being. Brokers play a key role in this process.

The case studies presented below show how, in postcolonial settings characterized by new forms of inequality, political life continues (or has newly begun) to be structured by forms of personalized dependence. Brokers, even while pursuing their own advantage in what often looks like a parody of 'free market' behaviour and simultaneously attempting to take up new positions in the socio-political order, promise plausible opportunities for their followers. They cobble together a collection of divergent discourses and practices, both for their own profit and to deliver a series of apparently irreconcilable resources to his clients; more equitable outcomes; more reassuringly authoritative styles of leadership; and the 'choice' and opportunity of the market.

'King Mtsweni' the land-seller

On the restored farm Doornkop, titleholder Jack Mtsweni⁵ sought to legitimate his land-brokering deals in the eyes of his clientele by cloaking himself in the mantle of chiefly authority. A descendant of the original Pedi owners (but child of a Zulu father), he had started selling small plots, without the permission of his fellow title-holders and in defiance of the official restitution model of communal ownership,⁶ to Ndebele tenants. Other discourses and positionalities were also invoked: in addition to his titleholder status which had entitled him to be a beneficiary of *restitution*, his ethnically mixed family background, and his intimate acquaintance with the farm's chiefly family (now discredited in the eyes of titleholders but not their tenants), it was his knowledge of the egalitarian spirit of the Constitution of the 'new South Africa' which furnished a touchstone of moral justification.

In accounting for the fact that he had invited Ndebele tenants, such as Jan Masina (Figure 5), onto the farm and sold plots to them, Mtsweni's claims echoed tenants' own endorsement of the model which had formerly operated during apartheid, in the homeland areas. As one tenant said

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

This was a model of ownership which had been established only during the 1930s and 1940s (Murray 1992:132) but had by now become firmly entrenched as the 'customary African' practice.



Figure 5: Squatter leader and one of Mtsweni's customers, Jan Masina (photo Deborah James)

Mtsweni had been assaulted, and a charge had been laid against him, for his land-selling practices, and for the opposition to the practice of private/exclusive land ownership which this implied. His titleholder neighbours, like M O Mohlala, insisted that the new democratic dispensation did not

automatically guarantee all landless a place to settle, and that the rights of title-holders must be respected:

Doornkop is a private land - a bought land. ... They have got this wrong. They are trespassing - this is private property....

But Mtsweni asserted that his land-brokering practices *were* in line with the principles of the new political order; especially inasmuch as they embodied that new order's injunctions against segregation on grounds of race or ethnicity:

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

Endorsing the arrival of these tenants, Mtsweni thus justified his welcoming stance in the name of the egalitarianism of post-1994 South Africa. Despite this apparent dedication to a forward-looking and democratic ideology, however, he was accused by fellow titleholders of pandering to tenants' alleged respect for traditional authority. His appeal as a broker lay in his blending of divergent attributes. Apparently contradictorily, he combined the trappings of custom with a commitment to ethnic non-discrimination.

His assuming of a chiefly persona was done more on the basis of a borrowed authority, however, than in his own right. It was the community's absentee chief, he claimed, who had given him leave to allocate plots on Doornkop. And it was his close association with this chief – not yet returned to the farm but living elsewhere - that had attracted so many farm evictees to flock to the farm in the first place. His chiefly connections, although allegedly lending him authority in the eyes of his clientele among the Ndebele rural landless (typified as adhering to customary ways and as respectful of authority), disqualified him amongst the church-going Pedi titleholders to whose ranks he belonged. In this as in many other 'black spot' forced removals, the compliance of the then chief in the original resettlement had led to her fellow titleholders' rejection of her, and of all chiefs, in principle, as collaborators (James 1983, Mulaudzi 2002). But these connections were said to have enhanced Mtsweni's stature in the eyes of the Ndebele who were his chief clientele.

Mtsweni's own account of his connections with the chiefly family stressed the general appropriateness of chiefly rule over land, as well as emphasising – counter-intuitively – its capacity to transcend ethnic discrimination:

If land is ruled by ordinary people it will not work. It should be under government or under a chief. ... It should be the chief who rules here. ... I have strong connections with him. This place should be under either a chief or government because committees are corrupt.

If Doornkop's restored Pedi titleholders had been predisposed against their 'collaborator' chief, the present-day willingness of the chief to endorse the taking-in of tenants made their antipathy still stronger. Their dislike extended to Mtsweni, whom they likened derisively to an authoritarian leader surrounded by his servile and uncritical followers. All newcomers to the farm, one woman told me, would be heard to ask "where is King Mtsweni?" Most of them think that Mtsweni is responsible for this place.' Discourses of chiefship, in his case, served to obscure what might otherwise have appeared as naked greed. But chiefship was not simply an idiom drawn upon to give him greater authority and hence to lend him credibility as dispenser of land. The disguise and the true identity were hard to distinguish, since at least some of his proceeds *were* given directly to the chiefly family. Both Mtsweni, with his new 'following' of

displaced farm labourers, and the discredited chief who was attempting a revival of leadership from amongst the rural underclass, were endeavouring to build a basis for legitimacy.

The broader context – with the chiefship undergoing a revival in South Africa (and Africa) in general - undoubtedly played a major role here (Oomen 2005; Koelble and Li Puma 2005). But the local appeal of the idea that chiefs could serve their people better than committees (as one man put it ‘I would rather be ruled by one lion than a hundred rats’) gave this national phenomenon some local purchase. Clientelist ties to chiefs was one among a series of parallel routes by which a member of the Ndebele tenantry could secure a place to live, a livelihood, and some political favour.⁷

Titleholders’ views of Mtsweni’s followers’ loyalty to the chiefship may, however, have been biased and partial. At least some of his clientele viewed his land dealing more as a commercial transaction than in terms of the fealties involved in allegiance to a chief. While his unauthorised land-selling had led to charges of fraud being laid against Mtsweni in the Middelburg police station by his fellow-title-holders in the Doornkop CPA Committee, he now had more to fear from his customer/clients than from his co-owners or from the authorities. Once his practice had been exposed as illegal, they felt they were entitled to a refund of the money they had paid him. But the rumour was spreading that he had spent the money. His clients, many of whom who had borrowed at excessive rates of interest to pay him in the first place and were still making repayments, claimed that if he was unable to pay them back they would ‘have to kill him’.

Despite his bravado, and his impassioned defence of landless people’s rights and their right not to be oppressed, Mtsweni seemed to be running scared. At the height of the squatter invasion, when he was receiving amounts which started at around R150 (about £1.50) but later peaked at R1,300 (£130), he was benefiting considerably from his following, not only because of their payments for land but also from their presence as a captive commercial clientele. According to squatter leader Jan Masina, ‘he had a big shop when the squatters were still flooding in’. As a result of title-holder antipathy to his land-selling practices, and various vigilante tactics used by some of them to discourage the tenants from settling, the influx had since reduced to a trickle, and his shop was ‘going downhill’. Being worried about the accusations levelled and the charges laid against him, he had become more circumspect about his land-selling practices, as three of his fellow titleholders told me:

He will refuse to sign the receipt, claiming that there is something wrong with his eyes. He gets it signed by someone else – a relative. Some squatters pay in instalments. Mtsweni gives a receipt for the first amount, but avoids giving them one for the second or for any subsequent instalments. Or he just uses an exercise book. After two weeks, he says ‘give me the slip, I need to fix it’. Then he never gives it back.

What would finally spell the end of this attempt at brokering land deals was the intervention of the state. Doornkop’s squatter problem could not be allowed to continue; this invasion violated the sanctity of property, as Mr Mohlala’s statement makes clear. Local officials from the Department of Land Affairs had, for some time, been designing a ‘solution’ to this ‘problem’. But this had already yielded grounds for the further development of brokerage - in which aspirations for land access were combining with the recruitment of a potential political following; and which paralleled, even if it did not directly connect with, the rise of Ndebele political power and influence in the region overall.

Amos Mathibela, the bureaucratic squatter

The Department of Land Affairs bought a farm next to Doornkop to serve as the squatters' new home. Plans were made to have the farm managed, and run along 'business' lines, by a committee elected from the squatter community: the Siyathuthuka Trust.⁸ Here was an opportunity to put into practice the redistributive aspect of land reform. But it soon became clear that there was a need for communication between state officials and the proposed 'beneficiaries' of the project. A spokesman – Amos Mathibela - emerged from among the squatters. His followers voted him in as chair of the new Trust.

Amos combined the role of informal leader with that of intermediary and translator for the government's consultant who had been charged with researching beneficiary needs and arranging for the development of the new farm. He had the flair of an aspirant leader as well as occupying a marginal and indeterminate status. His charisma was evident in the fact that, despite only recently having finished school, he had since his early teens been acting as a self-styled 'social worker' helping to resolve conflicts between local families in the Ndebele community, as well as having developed a keen awareness of political and social matters through his attendance at Middelburg's town council meetings. He had also become the helpmate and second-in-command to a local Ndebele notable, JB Mahlangu, who was an office-holder in the office of the provincial premier.

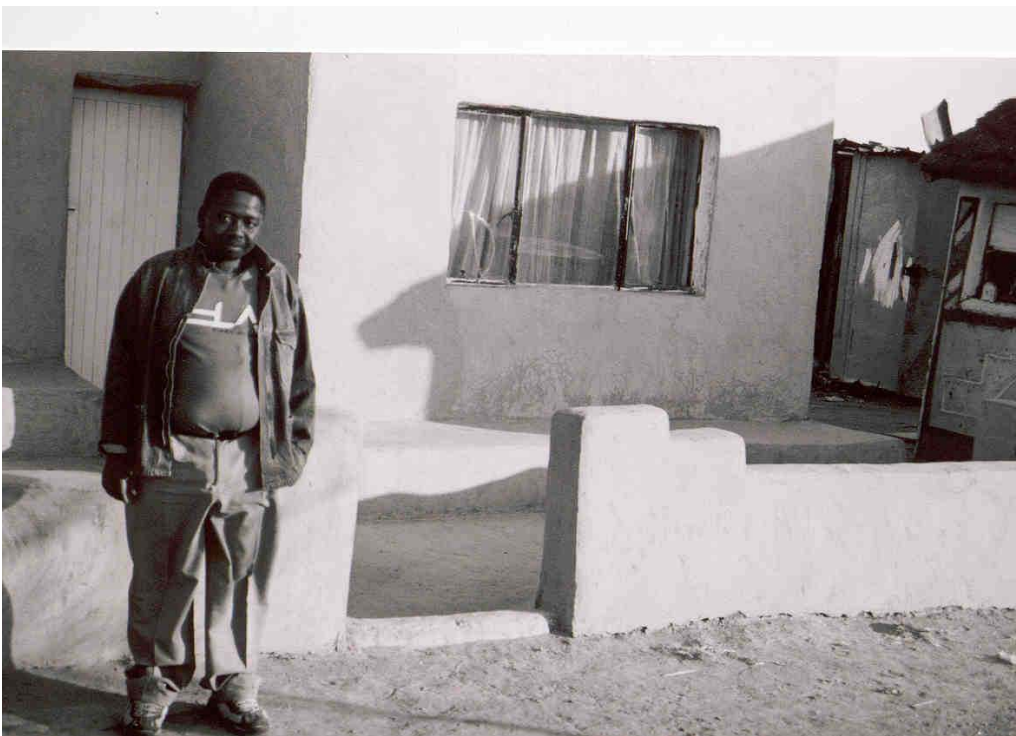


Figure 6: Amos Mathibela in front of his parents' house (photo Deborah James)

It was the need to solve Doornkop's 'squatter problem' that had drawn Amos into negotiations. His role in arranging meetings, and in translating and facilitating the ubiquitous 'workshops' beloved of those in the development field, had won him the trust of the white consultant running the project for the local Department of Land Affairs and part-time employment in the service of this consultant. His knowledge about the bureaucratic requirements of the state's land reform programme were considerable:

I was helping former settlers on Doornkop to obtain an alternative piece of land.

After the informal settlers at Doornkop heard about my work, they came to me and asked me to help them. Nobody was there to help them so I became involved with them early this year. ...

The squatters have to be moved from Doornkop, but they do not want to move, as they do not understand what is happening. They are not educated, they do not know the law. This is why they need to be workshopped.

But the workshops were delayed: due to have been held in December of 2002, they were cancelled because of Christmas celebrations. There were also delays in buying the new farm, drafting a 'business plan', and putting the land into the hands of the squatter 'Trust', Siyathuthuka. During these delays, the attitudes of some squatters – particularly those who felt strongly about the money they had paid to Mtsweni - hardened. They decided they did not want to move. Amos' attitude to them was quite uncompromising however: they should be evicted. He blamed their intransigence on the fact that they were ignorant, and advocated a tough law-and-order style approach

No one there knows what is wrong and what is right: this is because no one has taken a firm stand on matters of law.

But this uncompromising response to the 'squatter problem' sounds puzzling if we bear in mind that Amos was, at least by some definitions, one of their number. Indeed, he had been elected, by a majority of them, as the chairman of the Trust to which the new farm would belong. Although his position as Trust chairman implied his self-identification with this social category, the reality was more complex. He had bought a stand from Mtsweni like the other squatters, but was using his shack there as a shop rather than a dwelling-place, meanwhile residing with his parents in their brick-built house on a nearby smallholding where they were employed by a white Afrikaans plot-holder. (In this sense he differed from others in the regional tenantry. Neither he nor his family had – yet - been evicted and left homeless).

Amos was now feeling the negative effects on his credibility of the state's failure to deliver on its promise to house the squatters on their new land. Squatter mistrust of their chairman was based on state delays in buying and providing houses on their new farm, and these in turn were linked to a wider rethinking of the redistribution programme and its eventual abandonment. Mistrust was also based on a close scrutiny of the reputations of family members. Amos' father Hendrik had already tried to position himself as a leading beneficiary of land reform in a different, more grass-roots and less state-led, redistribution land purchase. But Hendrik had so far been disappointed, was criticized for a similar inability to make progress and had been taken as an exemplar of the family's broader failure to deliver to its clients.

Here, a point made by Scott, writing about clientelist ties in Malaysia, is useful: patron and client, he notes, are connected by multiplex (and hence flexible) ties (1972). Amos was not *just* a member of the regional Ndebele tenantry. Although for some purposes he was just that – a member of the landless eager to take up leadership of a land redistribution project - he had also embraced the bureaucratic language of the government, its commitment to a rational solution centred on the purchase and legal ownership of private property via the 'willing buyer, willing seller' model. In a sense, he was the most immediate and available representative of state policy to be found in the local setting, and of its embrace of market-driven land acquisition.

It was the fact that he had found a position working as translator/mediator for the government which had given him a unique insight into - and indeed a genuine positionality, combined with a

flexible identity vis-à-vis - its mode of operation. In the new democratic dispensation, there was a commitment to show the electorate that their demands were being taken seriously and, as far as possible, that the necessary services were being provided. The 'participatory workshops' beloved of the NGO sector had now become an intrinsic part of the way the state operated at local level. It was not difficult to imagine a time in the near future when Amos, based on his proven skills at 'workshopping', would hold down a full-time government job. In the meantime, he had begun to investigate the possibility of studying law, so the chances of his becoming an even better-paid professional before that date looked promising.

Yet Amos also had the flexibility to withdraw from too precise an identification with the state and with its market-driven ideology, as had begun to happen when the process was shown not to be working. Both Amos and his father Hendrik were aiming to access land; not simply for the sake of 'farming' (the official government line), but equally for the sake of recruiting a political following. Here there was a peculiar circularity. Both needed people, in the eyes of the state and its programme, to legitimate their respective bids to acquire land (see Wotshela 2001). That is, both needed people in order to 'prove' to this overly bureaucratic regime with its commitment to egalitarianism, but its contradictory kowtowing to the demands of the market in the last instance, that they had enough people on board to merit a 'redistribution project'. Redistribution at this point still involved landless people receiving government 'settlement grants' and pooling these to enable farm purchase. Once the two men, father and son, were successful in acquiring land, they could then consolidate their command of people. But they needed the people to get the land. Hendrik, the father, had already failed to do so. His failure was because of the zeal of state planners policing the system: they decided that the price for which the white farmer wanted to sell the land was excessive. In this sense, the demands of the market – and hence the possibilities for unbridled brokerage - *were* being curbed in the interests of fairness. But it was more likely that Amos, the son, would succeed. He, unlike his father who admitted his complete bafflement in the face of the particular demands embodied in the land reform programme and the 'workshopping' that accompanied it, had successfully mastered both the language and the attendant practices of both 'state' and 'market', as well as having a firm-footed knowledge of the Ndebele tenantry with its contradictory love of grassroots democracy delivered through the protective embrace of an authoritarian chiefship. He combined these divergent attributes rather than merely 'mediating' between them. His very persona was, in the words of Latour (2000), a zone or site of 'translation'.

Brokers compared

A close examination of these two figures reveals some important differences. The former, Mtsweni, was a member of the titleholder group who ought by rights to have been more 'middle class' in status, but neither his origins nor his restored land had assured him a position on the ladder of upward mobility. The division between title-holders and tenants was not inexorable, and title-holding African communities had long been split between blue-collar labour migrants and educated teachers or members of the civil service, with many finer gradations of status and wealth between the two. It was from amongst the ranks of the poorer ones, with fewest alternatives for rural or urban livelihoods, that Mtsweni had emerged. Closer socio-economically to his clients than to his own counterparts, he was also most likely to come into conflict with these clients. His attempts at 'land selling' and his self-styled chiefly persona were in clear defiance of the rules governing communal property, which laid down strict rules for restituted properties, stipulating that they be governed in line with principles of participatory democracy – that is, 'by committee'. In the process of this defiance, he exposed his dependents to multiple uncertainties, given that the land was not, in fact, strictly his to let or sell.

The latter, Amos Mathibela, belonged – albeit ambiguously - to a much lower status ethnic/class group. Although its members had benefited from opportunities for some forms of entrepreneurial activity in the past (building, taxi driving, etc.), they had not, before 1994, had access to political power, but this had newly become possible. Amos himself had no political ambitions – yet – but his patron-mentor, JB Mahlangu, was likely later to help him advance. Amos's actions, while respectful of the redistributive and egalitarian spirit of the new constitution, were also mindful of the sacrosanct nature of property: both that which the squatters were currently illicitly occupying (for which reason he insisted - even though he was one of them - they ought by rights to relocate) and that which, under his leadership, they might later secure, in line with a state-approved trajectory of legitimately redistributed ownership subjected to a valid 'business plan'.

Where one of these figures seemed to have an intuitive understanding of the aspirations of 'the people', the other seemed more attuned to the mode of operation of 'the state', including its foregrounding of 'market' principles. Where one was deploying a home-grown solution drawing on the appeal of traditional authority, the other operated according to rationalized and bureaucratic practices and principles. In both cases, both the initial trust placed in these figures to deliver land to their followers, and the later disillusionment, showed that straightforward, unmediated access to the rights of the citizen were proving elusive. Those in the lower income deciles – such as these displaced members of the tenantry - were indeed failing to represent themselves politically or to unite in defence of such rights (Seekings and Natrass 2005). Instead, they were attaching themselves to entrepreneur/brokers who embodied a complex mixture of styles: combining earlier models of political and economic dependency with newer visions of autonomous self-sufficiency which promised to help them succeed in becoming the 'buyers' of land.

In South Africa, where rates of inequality have increased since the advent of democracy, it is increasingly unlikely that inequities of ownership will be effectively redressed through impersonal mechanisms of redistributive justice. People's resorting to dependence on intermediary figures to deliver alternative, informal modes of land access must be understood in light of this fact. But there are 'limits to negotiability' in such land-holding (Peters 2002). Disputes, of the kind that erupted in the wake of Mtsweni's land selling or that threatened to disrupt Amos's plans by making his followers begin to distrust him, have been left to be self-solved by the newly-titled owner/members of Communal Property Associations. The state, despite its hands-on and overly directive involvement in the transitional planning of land reform, has been reluctant to intervene in the affairs of these property-holding bodies once land has been transferred.⁹ This may leave governance, here as elsewhere in South Africa, to be mediated by ethnic frameworks and the rule of chiefs, real or self-styled. Another possibility, hinted at here by the CPA membership's legal action against Mtsweni and by Amos's appeal to the law, is that recourse to civil law will be the medium in which governance and politics are played out (J and JL Comaroff 2006).¹⁰

In such a setting, allegiance to chiefs, other big men, or brokers provides the basis for some political and economic gain. The gains are marginal (the land is unproductive, the spoils are scarcely worth the taking), but the promise of accelerated social mobility, if not its realization, is a vivid one. Although people like Amos Mathibela with his entrepreneurial and leadership skills are outnumbered by the multitude of their real or prospective followers with fewer prospects of upward mobility, the promise was there: one to be realized (or thought to be achieved) via connections to chiefs or to a range of elites or proto-elites in this fluid setting. The

forms of representation which Seekings and Natrass say are lacking for 'the underclass' (ibid.) thus do exist, but are structured by a revived clientelism which, in some cases, bears traces of ethnic identification.

Brokering thus enables a synthesis between divergent and apparently irreconcilable positions. A complex interaction exists between three key modes of identification: the hierarchy and promise of relative security offered by chiefly patronage; the egalitarianism and redistributiveness of 'rights talk' and of the new democratic order; and the 'choice' of the market underpinned by individualism. The latter encompassed both the promise of re-securing the ownership of previously-owned property (the spirit of *restitution*) and the opportunity of gaining access to new property for those who had never held it (the spirit of *redistribution*). Seemingly contradictory impulses were merging and being 'translated' into one another. New forms of identification were emerging, which in turn promised to materialize into prospects – however elusive and remote - for socio-economic advancement.

Conclusion

The co-existence of apparently unlike moral qualities has been a matter of some puzzlement to political anthropologists: how can centralized authority and hierarchy on the one hand be reconciled with consensual, egalitarian or choice-based frameworks on the other? Some portrayals allowed for the coexistence of both within an overarching frame. In Leach's analysis (1954), the variation in political styles was generated by individuals' power-hungry opportunism on the one hand, constrained and challenged by the structurally shaped expectations of their followers/in-laws on the other. As anthropologists increasingly concerned themselves with the inequalities brought by colonial and capitalist forces, choice and consensus were dismissed as ideological constructs masking the true sources of inequality (Asad 1972). An emphasis on the structural determinants of power, and an accompanying antipathy to methodological individualism, became the dominant tendency in Marxist frameworks of the 1970s. This led to the virtual disappearance in anthropology of the broker, with his opportunism and morally offensive proclivity to take advantage of vertical hierarchical divisions rather than organising politically in the interests of group action (Alavi 1973), but other scholars have been less judgemental about the moral ambiguities and contradictions involved. I argue that it is precisely these contradictions which should lead us to acknowledge and reconsider the re-emergence of this picaresque figure.

I have here reconsidered the role of the broker, not simply as a figure who stands between powerless people and the externally imposed power of the modern state or the irresistible force of the market, but – partly opportunistically and partly in response to his constituents' demands - as one who activates the continuing interplay between apparently irreconcilable discourses and practices. My argument draws on studies of popular culture, where brokerage was celebrated for its creativity and inventiveness (Barber 1987), and those of scholars in development studies, which celebrate its capacity to translate across divergent frameworks (Mosse and Lewis 2006).

Am I, then, simply reverting to the argument of the methodological individualists, by pointing to the broker's choice, creative skill, or ability to manipulate situations to his own ends, irrespective of structural constraints? If so, does this represent a repudiation of the claim that brokers merely operate in a narrow band of flexibility - given that late capitalism has brought a new and distinctive political order into being, with its modern and apparently immutable forms of statecraft (Mitchell 1990)? In either case, are both brokers and followers - who try to

reanimate ideas of 'moral economy' by appealing to and reconstructing personalized relationships - failing accurately to perceive the fixity of 'state effects' (Mitchell 1999) and/or failing to acknowledge the power of the market which increasingly underpins or is merged with such effects (Ferguson and Gupta 2002), or are they attempting genuinely to counter this by reconfiguring society in line with an earlier social order (Scott 1976)?

I prefer not to side with one side or other in this long-standing debate. Instead, under the peculiar conditions which merge aspects of classic 'neoliberalism' with those of an interventionist and welfarist state, while attempting to force individuals to take responsibility for their own wellbeing (see Rajak 2008), I argue that brokers are both product and producers of a new kind of society. They re-emerge in a setting where the state intervenes, partly to create conditions where the market will have primacy (Ferguson and Gupta 2002) but also to ameliorate the resulting inequities through redistributive practices (Seekings and Nattrass 2005). The return of the broker is partly, but not only, a response to these conditions. It serves to create and perpetuate such conditions, and indeed embodies the contradictions which ensue.

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References

¹ Farms owned by black title-holders were seized by the state and their owners and African tenants loaded into government trucks and unceremoniously driven to villages in homeland 'dumping grounds' (Surplus Peoples Project 1983). According to the Surplus Peoples Project, 600,000 were moved from 'black spots' and 2 million from white farmland, but these figures disguise the occurrence of resettlements which were apparently more 'voluntary' in nature yet nonetheless involved duress. Around 3.5 million were relocated from white South Africa to these 'homelands' between 1960 and 1980 (Adams 2002).

² The patterns discussed here did not apply equally in all provinces. About 70% of Limpopo Province province was under claim at the time of publication. Such a scale makes resolving land issues almost impossible, since these affect relations between displaced tenants and black communities already residing on African land in the former homelands. This movement from white farms accelerated the impoverishment of the people already living on such land. Such conflicts are not considered in the present paper.

³ The CPA (Communal Property Association) Bill was drafted and approved by Parliament in 1995, and the CPA Act passed in 1996. It stipulates that each CPA must have a constitution, a system of governance such that individual members elect a committee, a means of transferring property upon the death of individual members, and the like. Activists point to the resulting lack of clarity on the nature of rights and responsibilities, on how disputes between communal owners are to be resolved, and on exactly who is entitled to make decisions about land use (James 2007:154-76).

⁴ The policy of tenure reform has given rise to much debate. It affected the land-allocating powers of chiefs, with whose powers the ANC became increasingly reluctant to interfere. As a result, legislation was much delayed. When it was eventually passed, CLaRA (the Communal Land Rights Act) was challenged in the constitutional court. Delays created even greater uncertainty for communal area residents, thus potentially increasing the power of brokers. Tenure reform is not discussed here since it does not concern the current paper.

⁵ Some names have been changed.

⁶ See footnote 4.

⁷ For the link between local elaborations of the chiefship and its national resurgence, see McNeill (2007:43-82); James (2007:202-5.)

⁸ In restitution cases initiated early in the 1990s, the CPA, as an embodiment of the strong communal ethic involved in 'getting land back', was preferred and advocated by state and NGO officers alike, but when it was realised that CPA ownership often led to a paralysis of decision-making, a Trust-style legal entity was preferred on the grounds that it would facilitate decisive action.

⁹ The government's failure to protect the rights of such property-owners may in part be explained by its unwillingness to be seen as an evicter of squatters and therefore as having similarities to the apartheid regime: particularly if doing so would alienate the political support of the landless (mostly Ndebele-speaking) majority.

¹⁰ Something of this kind occurred in other land reform cases in SA, particularly in the court challenge to the Communal Land Rights Act of 2004 brought by several communities which had received land under land reform.